

# Planning and Environment Committee Report

12th Meeting of the Planning and Environment Committee  
July 16, 2018

PRESENT: Councillors S. Turner (Chair), A. Hopkins, M. Cassidy, J. Helmer, T. Park  
ABSENT: Mayor M. Brown  
ALSO PRESENT: ALSO PRESENT: Councillor M. van Holst; I. Abushehada, G. Bailey, G. Barrett, M. Corby, M. Elmadhoon, M. Feldberg, J.M. Fleming, K. Gonyou, P. Kokkoros, A. Macpherson, S. Meksula, B. O'Hagan, P. Kokkoros, G. Kotsifas, H. Lysynski, H. McNeely, D. O'Brien, M. Pease, L. Pompilii, D. Popadic, M. Ribera, C. Saunders, J. Smolarek, M. Sundercock, M. Tomazincic, R. Turk, S. Wise and P. Yeoman

The meeting was called to order at 4:00 PM

## 1. Disclosures of Pecuniary Interest

That it BE NOTED that Councillor T. Park disclosed a pecuniary interest in clause 4.1 of this Report, having to do with the property located at 391 South Street, by indicating that her family owns property in the area.

## 2. Consent

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

That Items 2.1, 2.3, 2.5, 2.8 to 2.10, inclusive, BE APPROVED.

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

Absent: (1): Mayor M. Brown

**Motion Passed (5 to 0)**

### 2.1 3rd Report of the Agricultural Advisory Committee

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

That the 3rd Report of the Agricultural Advisory Committee, from its meeting held on June 20, 2018 BE RECEIVED.

**Motion Passed**

### 2.3 8th Report of the Advisory Committee on the Environment

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

That the 8th Report of the Advisory Committee on the Environment, from its meeting held on July 4, 2018 BE RECEIVED.

**Motion Passed**

2.5 Strategic Plan Progress Variance Report

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

That, on the recommendation of the City Manager, with the concurrence of the Managing Director, Planning and City Planner, the staff report dated July 16, 2018, entitled "Strategic Plan Progress Variance" BE RECEIVED for information. (2018-C08)

**Motion Passed**

2.8 Riverbend South Subdivision - Phase 2 - Special Provisions (39T-16502)

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

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Sifton Properties Limited, for the subdivision of land over Part of Lots 49 and 50, Concession 'B', (Geographic Township of Westminster), City of London, County of Middlesex, situated on the east side of Westdel Bourne, south of Oxford Street West, municipally known as 1420 Westdel Bourne:

- a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Sifton Properties Limited, for the Riverbend South Subdivision, Phase 2 (39T-16502) appended to the staff report dated July 16, 2018, as Appendix "A", BE APPROVED;
- b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues appended to the staff report dated July 16, 2018 as Appendix "B";
- c) the financing for this project BE APPROVED as set out in the Source of Financing Report appended to the staff report dated July 16, 2018 as Appendix "C"; and,
- d) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfil its conditions. (2018-D12)

**Motion Passed**

2.9 Danforth (London) Ltd v. The Corporation of the City of London - Decision of the Ontario Superior Court of Justice Dated July 5, 2018

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

That, on the recommendation of Corporation Counsel, the staff report dated July 16, 2018 entitled "Danforth (London) Ltd. v. The Corporation of the City of London - Decision of the Ontario Superior Court of Justice - dated July 5, 2018" BE RECEIVED for information. (2018-L02)

**Motion Passed**

2.10 Building Division Monthly Report for May 2018

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

That the Building Division Monthly Report for the month of May, 2018 BE RECEIVED for information. (2018-F-21)

**Motion Passed**

2.2 6th Report of the Trees and Forests Advisory Committee

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

That, the following actions be taken with respect to the 6th Report of the Trees and Forests Advisory Committee, from its meeting held on June 27, 2018:

- a) the following actions be taken with respect to the Tree Protection By-law Amendments and Implementation Update Report, dated June 18, 2018 as presented to the Planning and Environment Committee:
  - i) it BE NOTED that the presentation appended to the 6th Report of the Trees and Forests Advisory Committee from S. Rowland, Urban Forestry Planner, with respect to the Tree Protection By-Law Amendments and Implementation Update Report, was received; and,
  - ii) a Working Group BE ESTABLISHED, consisting of J. Spence, A. Morrison, A. Melitus, M. Szabo, S. Teichert and M. Hooydonk, to review the above noted report, and to report back at the July meeting of the Trees and Forests Advisory Committee with input on the proposed amendments;
- b) clauses 1.1, 3.1, 3.2, 4.1, 5.1 and 5.2 BE RECEIVED; and,
- c) the Civic Administration BE DIRECTED to incorporate a shade policy into the Parks and Recreation Master Plan.

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

Absent: (1): Mayor M. Brown

**Motion Passed (5 to 0)**

Additional Votes:

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

Motion to approve "the Civic Administration BE DIRECTED to incorporate a shade policy into the Parks and Recreation Master Plan."

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

Absent: (1): Mayor M. Brown

**Motion Passed (5 to 0)**

2.4 Application - 6188 Colonel Talbot Road (B.047/17)

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

That, on the recommendation of the Director, Development Services, in response to the letter of appeal to the Land Planning Appeal Tribunal from Mainline Planning Services Inc. c/o Joseph Plutino, dated May 18, 2018 relating to the Provisional Decision of Consent Application B.047/17 concerning the property located at 6188 Colonel Talbot Road, the following actions be taken:

- a) the Land Planning Appeal Tribunal BE ADVISED that the Municipal Council supports the Consent Decision appended to the staff report dated July 16, 2018 as Appendix A; and,
- b) the City Solicitor BE DIRECTED to provide legal and planning representation at the Local Planning Appeal Tribunal Hearing in support of the position of the Consent Authority. (2018-L01)

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

Absent: (1): Mayor M. Brown

**Motion Passed (5 to 0)**

## 2.6 Environmental Impact Study Compliance

Moved by: M. Cassidy

Seconded by: T. Park

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to how conditions set out in Environmental Impact Statements are met:

- a) the staff report dated July 18, 2018, entitled "Environmental Impact Study (EIS) Compliance (Deferred Matters Item)" BE RECEIVED for information; and,
- b) this item BE REMOVED from the Planning and Environment Committee Deferred Matters list (Item #7 of the May 28, 2018 PEC report). (2018-D03)

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

Absent: (1): Mayor M. Brown

**Motion Passed (5 to 0)**

## 2.7 Capital Works Claim - 33M-654 Riverbend Meadows - Phase 3

Moved by: A. Hopkins

Seconded by: T. Park

That, the following actions be taken with respect to the request for additional payment of the Capital Works Budget claim under 33M-654 Riverbend Meadows Phase 3:

- a) the request for additional payment of the Capital Works Budget claim under 33M-654 Riverbend Meadows Phase 3 BE POSTPONED to the August 13, 2018 Planning and Environment Committee meeting; and,
- b) C. Linton BE GRANTED delegation status at the August 13, 2018 Planning and Environment Committee meeting relating to this matter. (2018-T04/F05)

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

Absent: (1): Mayor M. Brown

**Motion Passed (5 to 0)**

## 3. Scheduled Items

3.1 Delegation - S. Levin, Chair, Environmental and Ecological Planning Advisory Committee - 7th Report of the Environmental and Ecological Planning Advisory Committee

Moved by: A. Hopkins

Seconded by: M. Cassidy

That, the following actions be taken with respect to the 7th Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on June 21, 2018:

a) the Working Group comments appended to the 7th Report of the Environmental and Ecological Planning Advisory Committee with respect to the William Street Storm Sewer Outfall Environmental Impact Statement BE FORWARDED to P. Yanchuk, Engineer in Training, for review and consideration;

b) B. Huston, Project Manager, Dillon Consulting, BE ADVISED that the Environmental and Ecological Planning Advisory Committee (EEPAC) requests to be a participant in the review of the detailed design documents on the Subject Land Status Report for the Southdale Road West Environmental Assessment Study; it being noted that the EEPAC reviewed and received the following with respect to this matter:

- a Notice of Public Information Centre #2 from B. Huston, Project Manager, Dillon Consulting Limited and T. Koza, Transportation Design Engineer;

- slides from the public information centre held on May 31, 2018; and,

- a communication dated June 6, 2018, from B. Huston, Project Manager, Dillon Consulting Limited;

c) P. Adams, Environmental Planner or A. Spargo, Project Manager, AECOM Canada, BE REQUESTED to attend a future meeting of the Environmental and Ecological Planning Advisory Committee (EEPAC) to present the Environmental Impact Study for the Broughdale dyke, when it is ready to be reviewed by the EEPAC; it being noted that the EEPAC reviewed and received the Notice of Public Information Centre with respect to this matter;

d) further to the presentation to the Environmental and Ecological Planning Advisory Committee (EEPAC) with respect to the Parks and Recreation Master Plan update, the Civic Administration BE ADVISED that the EEPAC would like guidance as to how to assist staff to achieve the objective to, "improve awareness and understanding about the importance of the City's natural heritage system, the city's urban forest and their broader role within Carolinian Canada" as noted in the Master Plan; it being noted that this is in alignment with the EEPAC mandate;

e) the issues appended to the 7th Report of the Environmental and Ecological Planning Advisory Committee identified in the review of the Hydrogeological Desktop study for Sunningdale Court BE REFERRED to the Civic Administration for review and consideration;

f) the revised Working Group comments appended to the 7th Report of the Environmental and Ecological Planning Advisory Committee with respect to the properties located at 3612 and 3630 Colonel Talbot Road and 6621 Pack Road BE FORWARDED to N. Pasato, Senior Planner, for review and consideration; it being noted that the Environmental and Ecological Planning Advisory Committee will provide hydrogeological comments at its next meeting;

g) clauses 1.1, 3.1 to 3.3, 5.3, 5.7, 5.8 and 6.1 BE RECEIVED; and,

h) the Managing Director, Environmental and Engineering Services & City Engineer BE REQUESTED to report on the outstanding items that

are not addressed during the Environmental Assessment response be followed up through the detailed design phase in its report to the Civic Works Committee.

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

Absent: (1): Mayor M. Brown

### **Motion Passed (5 to 0)**

#### 3.2 Public Participation Meeting - Expansion of Downtown Community Improvement Plan Project Area - Revised By-laws (O-8788)

Moved by: T. Park

Seconded by: M. Cassidy

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the expansion of the existing Downtown Community Improvement Plan:

a) the proposed by-law appended to the staff report dated July 16, 2018 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on July 24, 2018 to repeal By-law C.P. – 1356(a)-535 entitled "A by-law to amend By-law No. C.P.-1356-246, being a by-law to designate the Downtown Community Improvement project area" and to amend By-law C.P.-1356-234, being a by-law entitled "A By-law designating the Downtown Community Improvement Area" to identify the additional lands eligible for improvement subject to the policies in the Downtown Community Improvement Plan;

b) the proposed by-law appended to the staff report dated July 16, 2018 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on July 24, 2018 to repeal By-law C.P.- 1357(a)-536 entitled "A by-law to amend By-law C.P.-1357-249, being, A by-law to establish the Downtown Community Improvement Plan project area" and amend By-law C.P.- 1357- 249, entitled "A by-law to adopt the Downtown Community Improvement Plan" to include lands on Richmond Street as part of the Downtown Community Improvement Plan pursuant to Section 28 of the *Planning Act* and as provided for under Section 14.2.2 ii) (a) of the Official Plan;

c) the Downtown Community Improvement Plan amendment noted in b) above BE SUBMITTED to the Province for review under Section 28 (5) of the *Planning Act*;

it being noted that the map schedules in the Façade Improvement Loan Program and Upgrade to Building Code Loan Program will be modified consistent with the Downtown Community Improvement Area boundary as amended above;

it being noted that no individuals spoke at the public participation meeting associated with this matter;

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

- Policy Statement which recognizes the vitality of settlement areas which are critical to the long-term economic prosperity of our communities. This amendment helps to ensure appropriate development standards will be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety;

- the recommended amendment is consistent with Section 28 of the *Planning Act* which permits a Municipal Council to pass a by-law for

the preparation of, or amendments to, a Community Improvement Plan for a community improvement area; and,

- the recommended amendment is consistent with Section 14 of the Official Plan. (2018-D09/D19)

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

Absent: (1): Mayor M. Brown

**Motion Passed (5 to 0)**

Additional Votes:

Moved by: A. Hopkins

Seconded by: T. Park

Motion to open the public participation meeting.

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

Absent: (1): Mayor M. Brown

**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

Absent: (1): Mayor M. Brown

**Motion Passed (5 to 0)**

### 3.3 Public Participation Meeting- Application - 661-675 Wharncliffe Road South (OZ-8898)

Moved by: A. Hopkins

Seconded by: T. Park

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of 552062 Ontario Ltd, relating to the property located at 661-675 Wharncliffe Road South:

- a) the proposed by-law appended to the staff report dated July 16, 2018 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on July 24, 2018 to amend the Official Plan to add a special policy to permit the open storage of vehicles;
- b) the proposed by-law appended to the staff report dated July 16, 2018 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on July 24, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan as amended in part a) above), to change the zoning of the subject property FROM a holding Residential R5/R9(h-5\*R5-7/R9-7\*H48) Zone TO a holding Residential R5/R9/Restricted Service Commercial Special Provision (h-\_\_\*R5-7/R9-7\*H48/RSC1(\_\_)) Zone;
- c) the Site Plan Approval Authority BE REQUESTED to consider the following design issues through the site plan process:

- i) addressing stormwater management at west boundary (rear) of site to mitigate standing water and existing pooling;
- ii) providing a 1.8m (6ft) wooden, board on board fence along the west boundary (rear) of the site;
- iii) providing enhanced landscaping along the west boundary (rear) of the site for the screening and buffering of adjacent residential properties; and,
- iv) directing any lighting used on site away from nearby residential areas;

it being noted that the Planning and Environment Committee reviewed and received a communication from A.M. Spriet, Andrew Investments, with respect to this matter;

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 which facilitates an expansion of an existing employment use;
- the recommended amendment conforms to the Official Plan through a site specific special policy to allow for the open storage use;
- the recommended amendment conforms to the policies of the Urban Corridor Place Type and the Transitional Segment policies of The London Plan; and,
- the required setback between the abutting residential zones ensures a sufficient buffer between proposed open storage and the existing neighbourhood. (2018-D04)

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

Absent: (1): Mayor M. Brown

**Motion Passed (5 to 0)**

Additional Votes:

Moved by: A. Hopkins

Seconded by: M. Cassidy

Motion to open the public participation meeting.

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

Absent: (1): Mayor M. Brown

**Motion Passed (5 to 0)**

Moved by: A. Hopkins

Seconded by: M. Cassidy

Motion to close the public participation meeting.

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

Absent: (1): Mayor M. Brown

**Motion Passed (5 to 0)**

3.4 Public Participation Meeting - Application - Demolition Request for Heritage Listed Property located at 172 Central Avenue

Moved by: T. Park

Seconded by: M. Cassidy

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 172 Central Avenue, 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 172 Central Avenue to be of cultural heritage value or interest for the reasons outlined in the staff report dated July 16, 2018 as Appendix D;

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

- communications dated July 2, 2018 and July 10, 2018, from J. Grainger, President, London Region Branch, Architectural Conservancy Ontario;
- a communication dated July 6, 2018, from P. Whitlow, Co-Executive Director, Museum Director, Woodland Cultural Centre;
- a communication dated July 10, 2018, from F. Leslie Thompson, President, Architectural Conservancy of Ontario;
- a communication from M. Rice, President, London Middlesex Historical Society;
- a communication dated July 11, 2018, from A. Hill, Chief, Six Nations of the Grand River;
- a communication dated July 9, 2018, from T. Peace, Assistant Professor, Department of History;
- a communication from C. Ross, 166 John Street;
- a communication dated July 10, 2018, from D. Hallam, 2 -166 John Street;
- a communication dated July 10, 2018, from E. Di Trolio, 14 St. George Street and A.M. Valastro, 1 – 133 John Street, on behalf of the North Talbot Neighbourhood Association;
- a communication dated July 10, 2018, from Chief R.D. Maracle, Mohawks of the Bay of Quinte;
- a communication dated July 11, 2018, from S. Nielson, Global Chief Administration Officer, Foresters Financial;

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-P10d/R01)

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

Absent: (1): Mayor M. Brown

**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

Absent: (1): Mayor M. Brown

**Motion Passed (5 to 0)**

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

Motion to close the public participation meeting.

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

Absent: (1): Mayor M. Brown

**Motion Passed (5 to 0)**

3.5 Public Participation Meeting - Application - 230 North Centre Road (OZ-8874)

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

That, the following actions be taken with respect to the application of The Tricar Group, relating to the property located at 230 North Centre Road:

- a) the comments received from the public during the public engagement process appended to the staff report dated July 16, 2018 as Appendix "A" BE RECEIVED;
- b) Planning staff BE DIRECTED to make the necessary arrangements to hold a future public participation meeting regarding the above-noted application in accordance with the *Planning Act, R.S.O 1990, c.P. 13*;
- c) Planning staff BE DIRECTED to continue to work with the applicant and the community to move towards a design that would result in reduced shadow or overlook, reduce massing, etc.;

it being noted that planning staff will continue to process the application and will consider the public, agencies, and other feedback received during the review of the subject application as part of the staff evaluation of the subject application;

it being noted that the Planning and Environment Committee reviewed and received a communication dated July 2, 2018, from M. Whalley, 39-250 North Centre Road, 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-D09)

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

Absent: (1): Mayor M. Brown

**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

Absent: (1): Mayor M. Brown

**Motion Passed (5 to 0)**

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

Motion to close the public participation meeting.

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

Absent: (1): Mayor M. Brown

**Motion Passed (5 to 0)**

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

##### **4.1 Medallion Realty Holdings - Application for Brownfield Incentives - 391 South Street**

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

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Medallion Realty Holdings ("Medallion"), relating to the property located at 391 South Street:

a) a total expenditure of up to a maximum of \$4,328,520 in municipal brownfield financial incentives **BE APPROVED AND BE ALLOCATED** at the Municipal Council meeting to be held on July 24, 2018 under the following two programs in the Community Improvement Plan (CIP) for Brownfield Incentives:

i) providing a rebate equivalent to 50% of the Development Charges that are required to be paid by Medallion Realty Holdings on the project; and,

ii) providing a tax increment equivalent grants on the municipal component of property taxes for up to three years post development.

it being noted that no grants will be provided until the work is completed and receipts are obtained showing the actual cost of the remediation work;

b) the Civic Administration **BE DIRECTED** to process the brownfield incentive application to provide for eligibility for tax increment equivalent grants for up to three years for the development project under the Brownfields CIP and up to the full 10 year term of the Tax Increment Grant Program of the Heritage CIP for the conservation of the Colborne Building on the subject property;

c) the Civic Administration **BE AUTHORIZED** to process the brownfield incentive application prior to Medallion Realty Holdings obtaining ownership of the subject property;

d) the applicant **BE REQUIRED** to enter into an agreement with the City of London outlining the relevant terms and conditions for the

incentives that have been approved by Municipal Council under the Brownfield CIP;

it being noted that the agreement between the City of London and Medallion Realty Holdings will be transferable and binding on any subsequent property owner(s);

e) the applicant BE REQUESTED to dispose of any resulting contaminated material at the W12A site to the greatest extent possible; and,

f) that B. Blackwell, Senior Project Manager, Stantec, BE GRANTED delegation status at the July 16, 2018 Planning and Environment Committee with respect to this matter.

Yeas: (4): S. Turner, A. Hopkins, M. Cassidy, and J. Helmer

Absent: (2): T. Park, and Mayor M. Brown

**Motion Passed (4 to 0)**

Moved by: J. Helmer

Seconded by: A. Hopkins

Motion to grant delegation status to B. Blackwell, Senior Project Manager, Stantec, with respect to this matter.

Yeas: (4): S. Turner, A. Hopkins, M. Cassidy, and J. Helmer

Absent: (2): T. Park, and Mayor M. Brown

**Motion Passed (4 to 0)**

4.2 Request for Delegation Status - D. R. Taylor, Versa Bank - Airport Area Community Improvement Plan

Moved by: A. Hopkins

Seconded by: T. Park

That delegation status BE GRANTED to D.R. Taylor, President & CEO, VersaBank, or his designate, at a future meeting of the Planning and Environment Committee when the Managing Director, Planning and City Planner, reports back on this matter; it being noted that the Planning and Environment Committee reviewed and received a communication dated July 4, 2018, from .R. Taylor, President & CEO, VersaBank, with respect to this matter. (2018-F11A)

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

Absent: (1): Mayor M. Brown

**Motion Passed (5 to 0)**

4.3 L. Kirkness, Kirkness Consulting - Development Application Procedure - 2156 Highbury Avenue North

Moved by: M. Cassidy

Seconded by: T. Park

That L. Kirkness, Kirkness Consulting, BE GRANTED delegation status with respect to the request to accept the application by Chinmaya Mission (Canada), relating to the property located at 2156 Highbury Avenue at the August 13, 2018 Planning and Environment Committee meeting.

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

Absent: (1): Mayor M. Brown

**Motion Passed (5 to 0)**

#### 4.4 Bonusing and Affordable Housing

Moved by: S. Turner

Seconded by: J. Helmer

That, the following actions be taken with respect to the communication dated July 9, 2018, from Councillor S. Turner, relating to bonusing and affordable housing:

a) the Civic Administration BE REQUESTED to prepare a background report identifying the full suite of tools available to promote the development of affordable housing in London and providing recommendations regarding options for implementing and coordinating these tools to be most effective; it being noted that tools to be considered may include such things as Bonus Zoning under Section 37 of the *Planning Act*, Community Improvement Plans, Inclusionary Zoning, use of surplus property for affordable housing development, etc.; and,

b) the Civic Administration BE DIRECTED to consult with the development community, relevant organizations, Advisory Committees and agencies, and the broader public to develop a draft Inclusionary Zoning by-law for consideration by the Municipal Council, consistent with the requirements of Ontario Regulation 232/18 and the affordable housing policies of the London Plan, including, but not limited to, policies 517, 518, 519 and 520.

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

Absent: (1): Mayor M. Brown

**Motion Passed (5 to 0)**

### 5. Deferred Matters/Additional Business

#### 5.1 (ADDED) Delegation - D. Dudek, Chair, London Advisory Committee on Heritage - 8th Report of the London Advisory Committee on Heritage

Moved by: T. Park

Seconded by: M. Cassidy

That, the following actions be taken with respect to the 8th Report of the London Advisory Committee on Heritage, from its meeting held on July 11, 2018:

a) 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 172 Central Avenue, 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 172 Central Avenue to be of cultural heritage value or interest for the reasons outlined in the Statement of Cultural Heritage Value or Interest appended to the 8th Report of the London Advisory Committee on Heritage;

it being noted that the presentations and submissions from K. Gonyou, Heritage Planner, G. Mitsis, P. Mitsis and M. Hamilton were received with respect to this matter;

it being further noted that a verbal delegation from A.M. Valastro and the communications, dated July 2, 2018 and July 10, 2018, from J. Grainger, Architectural Conservancy Ontario - London Region Branch, were received with respect to this matter;

b) S. Wise, Planner II, BE ADVISED that the London Advisory Committee on Heritage is satisfied with the research, assessment and conclusions of the Heritage Impact Assessment for the Colborne Building located at 391 Colborne Street and is also satisfied that the proposed development is appropriate to conserve the cultural heritage value of the Colborne Building, with the following recommendations:

- the open space should maintain vistas of adjacent cultural heritage resources, namely, the War Memorial Children's Hospital; and,
- the lower podium heights of the proposed new building should match the height of the eaves of the Colborne Building;

it being noted that the Colborne Building is being preserved in-situ and is appropriately setback from new buildings on the property;

it being further noted that a verbal delegation from E. van der Maarel, A+LiNK Architecture Inc., was received with respect to this matter;

c) 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 add a rear dormer to the building located at 104 Wharncliffe Road North, within the Blackfriars-Petersville Heritage Conservation District, BE PERMITTED with the following terms and conditions:

- 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 8th Report of the London Advisory Committee on Heritage, with respect to this matter, was received;

d) the property located at 1903 Avalon Street BE ADDED to the Inventory of Heritage Resources (the Register) based on the Statement of Significance appended to the 8th Report of the London Advisory Committee on Heritage;

it being noted that the Stewardship Sub-Committee report from its meeting held on June 27, 2018, was received;

e) M. Knieriem, Planner II, BE ADVISED that the London Advisory Committee on Heritage (LACH) is not satisfied with the research, assessment and conclusions of the Heritage Impact Statement for the properties located at 745 and 747 Waterloo Street but the LACH is not opposed to the proposed zoning amendment;

it being noted that the Notice of Planning Application, dated July 4, 2018, from M. Knieriem, Planner II, with respect to this matter, was received; and,

f) clauses 1.1, 2.3, 3.1 to 3.8, 5.1, 6.1, 6.2 and 6.4 BE RECEIVED.

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

Absent: (1): Mayor M. Brown

**Motion Passed (5 to 0)**

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

Motion to move Item 5.1 to after Item 3.1

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

Absent: (1): Mayor M. Brown

**Motion Passed (5 to 0)**

**6. Adjournment**

The meeting adjourned at 9:07 PM.

# **Agricultural Advisory Committee**

## **Report**

3rd Meeting of Agricultural Advisory Committee  
June 20, 2018  
Committee Room #3

Attendance                      PRESENT: L. McKenna (Acting Chair), P. Conlin, H. Fletcher,  
L. Hollingsworth and A. Lawrence and J. Bunn (Secretary).

ABSENT: S. Franke, M. McAlpine and S. Twynstra

ALSO PRESENT: L. Mottram

The meeting was called to order at 7:00 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 London and Middlesex Food Policy Council

That it BE NOTED that the attached presentation from T. Heeman, London and Middlesex Food Policy Council, with respect to the goals of the Middlesex Food Policy Council, was received.

### **3. Consent**

#### 3.1 2nd Report of the Agricultural Advisory Committee

That it BE NOTED that the 2nd Report of the Agricultural Advisory Committee, from its meeting held on March 21, 2018, was received.

#### 3.2 5th, 6th and 7th Reports of the Advisory Committee on the Environment

That it BE NOTED that the 5th, 6th and 7th Reports of the Advisory Committee on the Environment, from its meetings held on April 4, 2018, May 2, 2018 and June 6, 2018, respectively, were received.

#### 3.3 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.

#### 3.4 Municipal Council Resolution - 2nd Report of the Agriculture Advisory Committee

That it BE NOTED that the Municipal Council resolution, from its meeting held on April 10, 2018, with respect to the 2nd Report of the Agricultural Advisory Committee, was received.

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

None.

**5. Items for Discussion**

None.

**6. Deferred Matters/Additional Business**

None.

**7. Adjournment**

The meeting adjourned at 7:41 PM.

# Middlesex London Food Policy Council

Email: [info@mlfpc.ca](mailto:info@mlfpc.ca)

Website: [www.mlfpc.ca](http://www.mlfpc.ca)

Twitter: @MLFPC

Facebook: @MiddlesexLondonFPC

Instagram: @MiddlesexLondonFPC

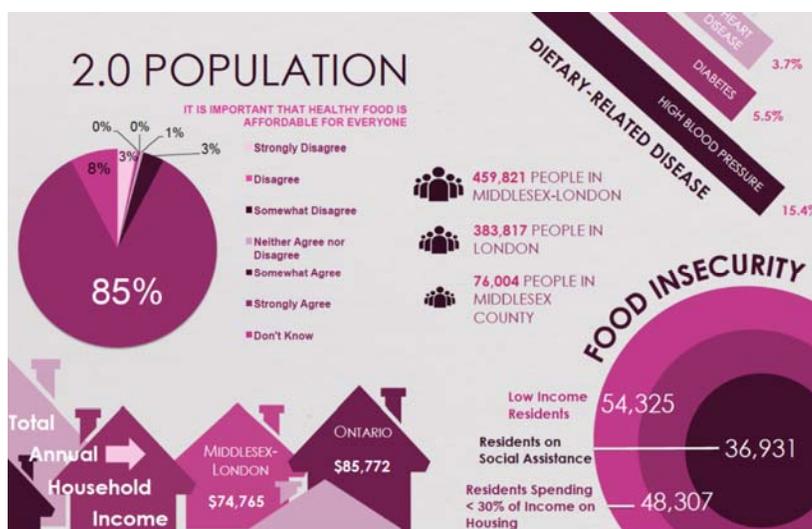


## Goal

To facilitate and support a safe, healthy and accessible local food system that is socially, economically, and environmentally sustainable.



## Food Assessment Report 2016 Research - our starting point



## Food Assessment Report 2016 Nutritious Food Basket: Middlesex London Affordability

Table 8: Monthly Income and Cost of Living Scenarios in Middlesex-London (Source: Middlesex-London Health Unit, 2015)

	Single Man on Ontario Works	Single Man on ODSP	Single Woman Over 70 (Old Age Security/ Guaranteed Income Security)	Family of 4 Ontario Works	Family of 4 Minimum Wage Earner	Family of 4 Median Income (after tax)
Income (Including Benefits & Credits)	\$740	\$1193	\$1544	\$2196	\$2882	\$6952
Estimated Rent*	\$616	\$788	\$788	\$1175	\$1175	\$1175
Food (Nutritious Food Basket)	\$290.09	\$290.09	\$210.02	\$860.67	\$860.67	\$860.67
What is Left**	-\$166.09	114.91	\$545.98	\$160.33	\$846.33	\$4916.33

\* Rental estimates are from *Canadian Mortgage and Housing Corporation Rental Market Statistics, Spring 2015*. Utility costs may or may not be included in the rental estimates.

\*\* People still need funds for utilities, phone, transportation, cleaning supplies, personal care items, clothing, gifts, entertainment, internet, school supplies, medical and dental costs and other costs.



## Food Assessment Report 2016 Food Waste Management



## Highlights 2018

### 4 public events in early 2018:

- ▶ Barriers to local food procurement for institutions
- ▶ Beyond Waste Food Recovery and Redistribution Forum
- ▶ Food Literacy Action Group networking event
- ▶ Inaugural Annual General Meeting, including presentation of Food Champion Awards

## Strategic Plan 2018-2021

Priority 1	Building Council Strength
Priority 2	Defining shared language and metrics
Priority 3	Developing information repository
Priority 4	Building pathways to affect food policy changes



## Questions?

Please direct your inquiries and requests to attend council meeting as a presenter or as interested community member to [info@mlfpc.ca](mailto:info@mlfpc.ca)



# **Trees and Forests Advisory Committee**

## **Report**

6th Meeting of the Trees and Forests Advisory Committee  
June 27, 2018  
Committee Room #3

Attendance                   PRESENT: R. Mannella (Chair), J. Kogelheide, A. Meilutis, A. Morrison, N. St. Amour, M. Szabo, S. Teichert, R. Walker and P. Shack (Secretary)

ABSENT: C. Haindl, T. Khan, C. Linton and G. Mitchell

ALSO PRESENT: A. Beaton, J. Ramsay S. Rowland and J. Spence

The meeting was called to order at 12:15 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 Shade Policy and Naturalization Policy within the Parks & Recreation Master Plan

That it BE NOTED the attached presentation from A. Cantell, Reforest London, with respect to the Shade Policy and Naturalization Policy within the Parks & Recreation Master Plan, was received.

#### 2.2 Tree Protection By-Law Amendments and Implementation Update Report.

That the following actions be taken with respect to the Tree Protection By-Law Amendments and Implementation Update Report, dated June 18, 2018 as presented to the Planning and Environment Committee:

a) it BE NOTED that the attached presentation from S. Rowland, Urban Forestry Planner, with respect to the Tree Protection By-Law Amendments and Implementation Update Report, was received; and,

b) a Working Group BE ESTABLISHED, consisting of J. Spence, A. Morrison, A. Melitus, M. Szabo, S. Teichert and M. Hooydonk, to review the above noted report, and to report back at the July meeting of the Trees and Forests Advisory Committee with input on the proposed amendments.

### **3. Consent**

#### 3.1 5th Report of the Trees and Forests Advisory Committee

That it BE NOTED that the 5th Report of the Trees and Forests Advisory Committee, from its meeting held on May 23, 2018, was received.

#### 3.2 Municipal Council Resolution - New Trees and Forests Advisory Committee Members

That it BE NOTED that the Municipal Council Resolution, from its meeting held on June 12, 2018, with respect to the new Trees and Forests Advisory Committee Members, was received.

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

4.1 Parks & Recreation Master Plan Working Group

That it BE NOTED that the attached presentation from A. Morrison, with respect to the Parks & Recreation Master Plan Working Group update, was received;

it being noted that the working group requested this matter be added to the next agenda for follow-up.

**5. Items for Discussion**

5.1 Planting Areas Update

That it BE NOTED that the update from J. Ramsay, Forestry Technologist, with respect to the Planting Areas, was received.

5.2 Summer Meeting Schedule

That it BE NOTED that the Trees and Forests Advisory Committee will meet over the summer on July 25, 2018 and August 22, 2018.

**6. Deferred Matters/Additional Business**

None.

**7. Adjournment**

The meeting adjourned at 1:40 PM.

# PARKS & RECREATION MASTER PLAN

Tree and Forest Related Topics

Amber Cantell  
ReForest London

June 27, 2018

## Shade Policy

- Shade policies are used in many cities around the world (including Toronto) as a way of ensuring that the use of recreational spaces does not lead to excess UV radiation exposure
- Make play safer and recreational spaces more attractive/pleasant to use
  - London already very hot in summer, and with climate change, expected to get a lot hotter

## Shade Policy

- Shade policies include not only trees, but also often manmade options such as shade sails
- Often developed in partnership with local Health Unit
- TFAC received a presentation from students from the Environment and Health Promotion Program at Western University in Fall, 2016



## Shade Policy

- TFAC submitted the following recommendation to PEC at their Dec. 12, 2016 meeting:  
 "That Civic Administration BE REQUESTED to consider a minimum shade standard for parks, especially defined recreational spaces within parks, such as playgrounds and around sports fields, to ensure that upcoming planting efforts maximize the public health benefit of trees and the shade they produce for youth and other park users;"
- This motion was unanimously passed by the councillors
- If no progress has been made yet, we'd propose that the Parks & Recreation Master Plan might be a good "home" for a shade policy

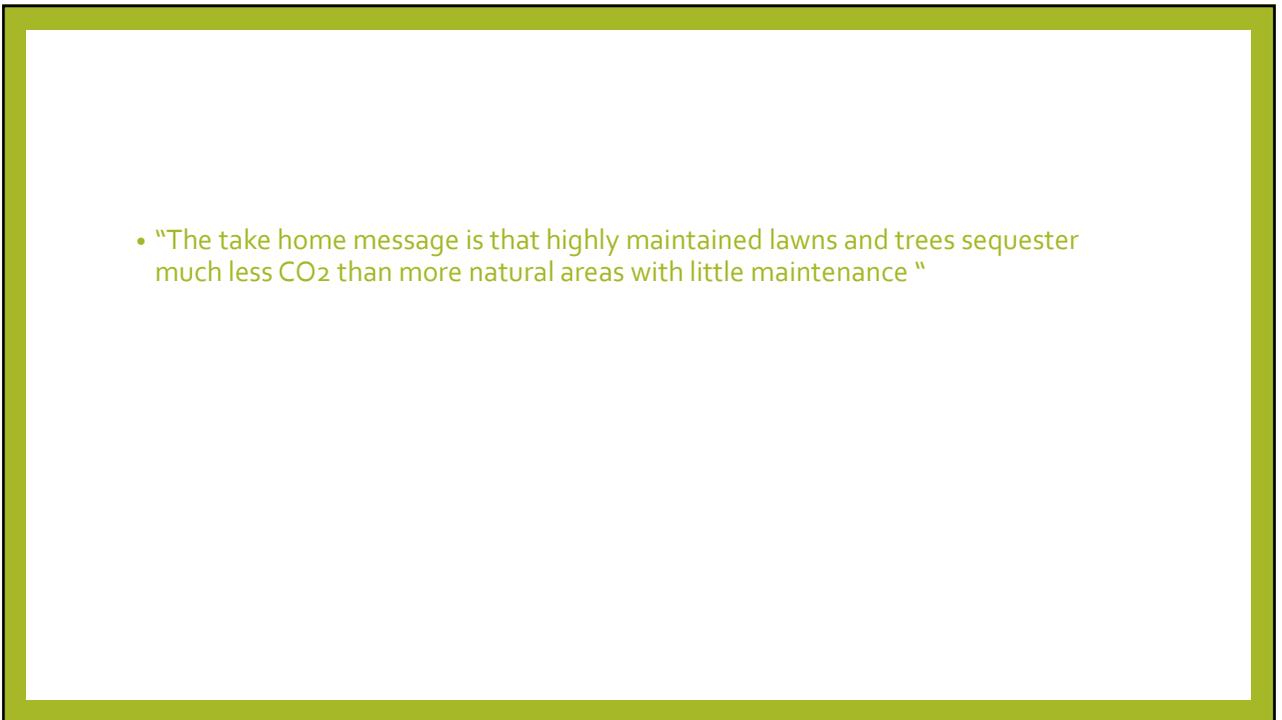
## Naturalization Policy

- Consultants working on Parks & Recreation Master Plan have communicated that environmental issues are to be addressed in other policies, such as the Natural Heritage Strategy and ESA policies
  - But those only deal with existing natural heritage where there is generally low need and desire to plant
- Parks Planning & Design had staff working on a naturalization policy prior to 2011 (believed to be 2009 – 2010?), but was never finalized
- A Naturalization Policy could:
  - Help establish and identify suitable spaces for naturalizing
  - Define education and outreach program for naturalization initiatives
  - Provide a process for “what to do” in instances of NIMBYism

- That the Parks & Recreation Master Plan explicitly recognize the importance park spaces play in our local environment, and that park spaces should be designed in such a way as to enhance the environmental benefits they offer
- That the creation of a Shade Policy be included as a task item under the Parks & Recreation Master Plan
- That the creation of a Naturalization Policy be included as a task item under the Parks & Recreation Master Plan



- "The take home message is that highly maintained lawns and trees sequester much less CO<sub>2</sub> than more natural areas with little maintenance "





London  
CANADA

## Tree Protection By-law C.P.-1515-228



Trees & Forests Advisory Committee  
June 27, 2018



London  
CANADA

## Overview

### **We Are “The Forest City”**

#### **Urban Forest Strategy (2014) – “Protect More”**

- Distinctive Trees (UGB) 50cm+
- Tree Protection Areas - mapped, City-wide, all trees regardless of size

#### **What We Have Learned**

- Public outreach and engagement; consulted with those that went through the permitting process
- Challenges with administration of By-law and building things as we needed them





## How Did We Listen?

### Tree Care Professionals & Industry Consultants

- February 2018
- “Global café” meeting at Civic Gardens
- 20+ attendees, 16 different companies
- Round table discussions
- Q & A

### Residents & Home-owners

- Online survey  
+ comments to staff

### Other

- Developers one-on-one conversation
- London Development Institute (LDI) meeting
- London Planners Lunch



## What We Heard

### Generally, the By-law is a good thing

- More trees being pruned instead of removed
- \$100 fee is okay (some exceptions) for Distinctive Tree
- Understood the value of trees; some recommended that trees of smaller size should be protected
- Satisfied people - tended to be quiet or did not feel the need to attend meetings

*“I appreciate the value of this program.*

*The City is losing too much of its forest cover and we must act to protect the little that remains”.*

*“When I called the dept. someone came to inspect the tree and advised that the tree needed to come down for safety reasons.*

*The permit was expedited. It's a good by-law and we were happy to comply”.*

*“Process went smoothly. City staff were great to work with”.*



## What We Heard

### But.....

- Public generally unaware it applied to their tree
- Fee for trees in woodlands (TPAs) \$1,000 is too steep
- Reported uptick in healthy tree removal <50cm DT size threshold
- “Fly by night” tree care company operators
- Process takes too long and is unclear
  - Cemeteries and golf courses need to be able to submit one-tree, or few-tree, applications
  - Need electronic submission - online payment system, fillable forms



## Challenges with Administration

### Taking longer than expected

- Enforcement challenges, delays in Urban Forest Strategy implementation and project work
- Fee taking, keeping, returning
- No fillable forms – manual entry, multiple places
- Secure Urban Forestry data storage system
- Preparation & Attending appeals; court hearings
- Direction from Hearing Officer’s decisions
- Slipping from ~2 weeks to ~6 weeks (down 1 staff)



## What We Propose to Do

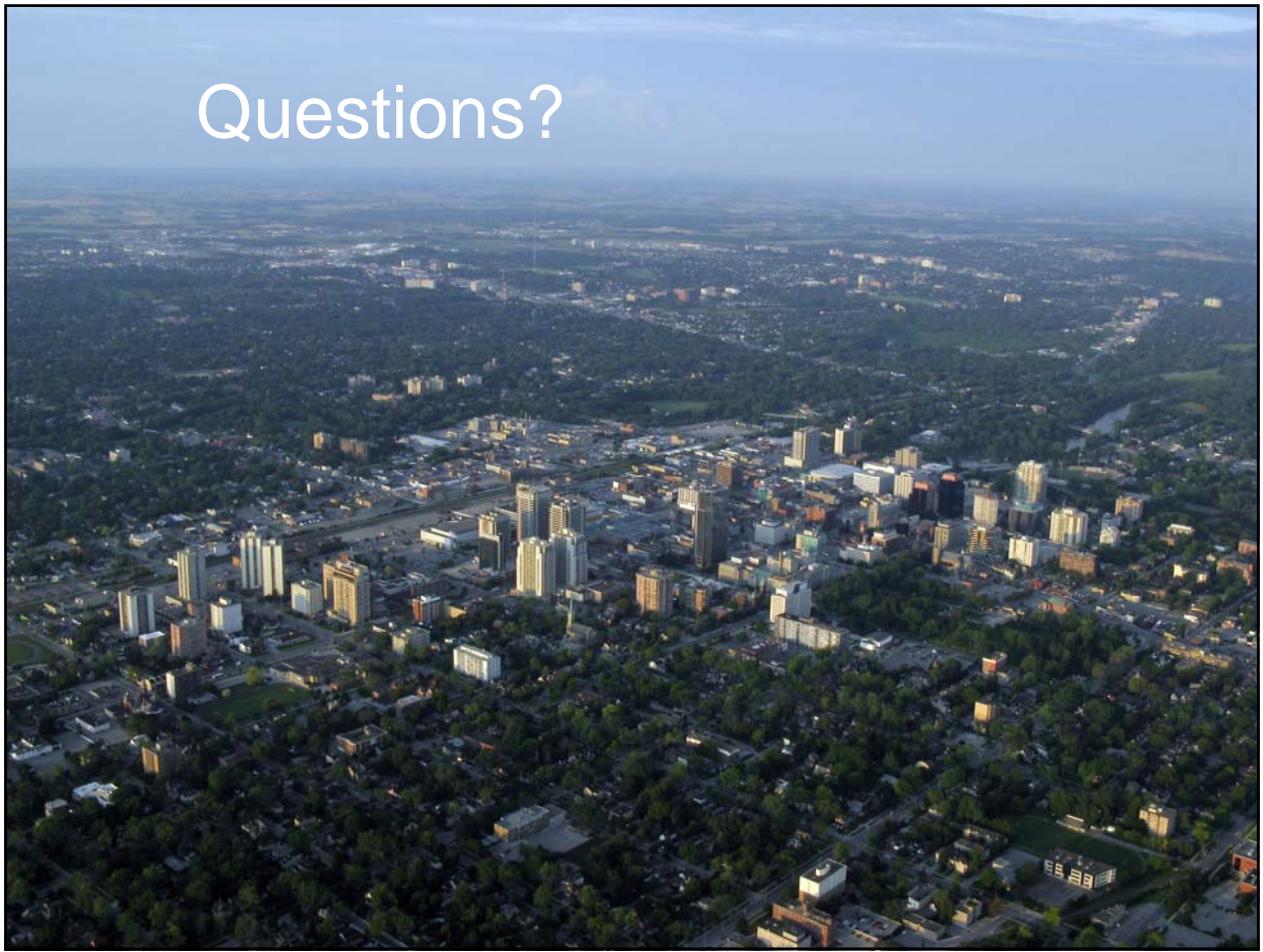
### **Create Simplified Process & Clear Guidance**

- “DDT” – Dead Distinctive Tree permit (no fee; no replanting)
- Application requirements vs additional information
- When a permit shall issue - swimming pool installation, building permits
- Replanting requirements
- No 5+ year plan for cemeteries & golf course
- \$100 flat permit fee (some exception); add \$100 fee to Appeal
- Only Landowner, or agent, may apply for a Permit
- Requesting fillable forms, online payment (2019)



## Next Steps

- Trees & Forests Advisory Committee
- Receive and consider public comments – until August 2018
- Present new Tree Protection By-law September 24, 2018 (public participation meeting)
- Existing By-law remains in force and effect for now
- Repeal and replace by year end 2018



## Preliminary review of the Parks and Recreation Master Plan

A working group (WG) was formed to review the Parks & Recreation Master plan (P&RMP) in the light of presentation made on P&RMP-update before the the TFAC dated May 23.

P&RMP is a comprehensive document developed over the years so it was not possible to have complete review in one session of WG meeting however deliberations were made on the presentation's contents against the backdrop of P&RMP. Nevertheless WG will keep working on P&RMP review, a little bit more detailed/formal document on proposed recommendations may be shared in July 24th meeting for TFAC's approval and onward communication to staff.

The intent of the May 23rd presentation on P&RMP-update was to seek the input from TFAC on following points:

- a. Community Survey ( [getinvolved.london.ca](http://getinvolved.london.ca))
  - b. Share information with staff about groups/organizations which may be invited to stakeholder sessions.
  - c. TFAC's written response to the questions
  - d. TFAC's comments on P&RMP 2009 and its interim update (Jan 2017)
- **Guiding Questions:**
    1. Most pressing issues and priorities for TFAC
    2. How Parks, recreation and Sport services continue to support TFAC.
    3. How TFAC, City and others work together to meet future needs.
    4. Initiatives those are being contemplated, planned or are implemented that could tie into priorities for parks, recreations and sport services and facilities.

WG has considered and discussed each point in details, the crux of discussion have been summarized as follow:

### a) Community Survey:

Community survey launched by city staff is a well designed comprehensive survey contains 23 carefully crafted questions. Efforts made through survey is not only to obtain opinion from Londoners about their satisfaction on Parks & recreation related facilities available in city but also citizens are encouraged and provided with opportunity so they may propose any new facility/service they feel currently not available but would like to see be made available by the City.

Keeping in view the implementation of P&RMP during next decade, it is very important that special efforts may be made by city and advisory committees to maximize the

participation by Londoners of all active/effective age groups in the survey so that their input & suggestions may be incorporated in Jan 2019 P&RMP-update. Thanks to social media, we are all connected and virtually online with each other all the times. It is far easy to reach into masses in present days as compared with recent past when electronic and print media were the main players for information dissemination. Everyone with a smart phone equipped with social and mass interaction apps like, Facebook, WhatsApp, Youtube, etc is potentially roaming around with a broadcast/telecast gateway station in his/her hand.

### **Recommendations:**

- Social media may greatly increase the participation of Londoners in the survey. Effective use of social media may be applied to disseminate information about the survey and persuade Londoners to participate and provide their input. A Facebook page showing this 'Survey' as an important virtual event in London, may be developed & deployed by the TFAC. This Facebook page may be shared among circles of friends in London as well as with other Advisory committees so their members may also share within their circles to persuade Londoners to participate in survey.
- Electronic kiosks and Printed version of survey may be made available at designated stalls at :
  - Special events places (e.g Victoria park)
  - Crowded places like covent garden market etc
  - Shopping malls, plaza's
  - Community centres and recreation facilities
  - Public Libraries
  - Worshipping places etc so visitors may have opportunity to participate if they have missed other communication mediums.
- The Survey was supposed to be in multiple languages to extent its better understandability and reach to all ethnic communities in London. If possible other languages modules may be developed and deployed asap.
- Presently survey will remain open till July 23, if possible its date may be extended to end of July.

### **b) Share information with staff about groups/organizations which may be invited to stakeholder sessions.**

Stakeholder sessions were held on May 28, 30 and June 4. Though date has been passed for these sessions but TFAC may still identify interested groups/ organizations and communicate their contacts to staff so they may be contacted during additional public engagement period in late 2018.

### **c) TFAC's written response to the questions**

Response to the questions have been provided under *Guide Questions* section below.

### **e) TFAC's comments on P&RMP 2009 and its interim update (Jan 2017)**

WG is still reviewing the P&RMP 2009 and its interim update (Jan 2017). A more detailed document will be shared in July 24th TFAC meeting however, during WG meeting, in a preliminary review session, it has been felt that the inventory of athletic and community facilities presently available is somewhat narrow. According to 2016 census, 56% of population falls in age group of 35-69yrs age group, 11% falls in 10-19yrs and 22% falls in 20-34yrs age group. In order to promote healthy physical activities specially among these age groups a wider variety of sports and recreational facilities are in demand by our community.

### **Recommendations:**

- A good example about narrow inventory of athletic and community facilities would be trampoline parks as three private businesses opened up in London this past year.
- Rock Climbing facilities are also quite popular and could be offered at a city facility.
- Cricket was once the most popular sport in Canada until the early 20th Century before it was overtaken by hockey. Due to its popularity at that time it was declared the national sport by Sir John A. Macdonald, the first Prime Minister of Canada. Cricket, today, is a popular minority sport in Canada but it is growing very fast, presently there are well over 40,000 cricketers across the nation. There used to be only one Cricket club in London, but during last 5 years due to increasing popularity of Cricket, 5-6 more clubs have emerged. To cater for space requirement for these groups City added a cricket Pitch at North London Athletic fields during 2014 but due to increasing numbers of new clubs players need more facilities both in indoor and outdoor settings.

## **Guiding Questions**

### **1. Issues and Priorities**

- Green spaces and recreation facilities often accompany each other. Trees will always be a part of the equation. Ensuring that trees continue to populate our recreational areas, where they can be enjoyed by everyone. Planting should consider realistic operational needs of recreational facilities. Maintenance operations, parking, etc.

- Making sure that the trees of London are well taken care of, as they represent the city's namesake, and that more trees continue to be planted on streets, private land, and shared recreational areas, while keeping as many of the older ones as possible.
- Future trimming and maintenance work could be held in priority to ensure safety to families and patrons.
- Ensuring that London's citizens value their legacy by actively engaging them in helping to maintain the trees on public and private lands, and planting more.

## **2. Recreation Services and Facilities Support**

- Parks and Recreation facilities are a good opportunity for community awareness related to tree issues. Utilize signage and extra space in the facilities to offer information to residents about related planting, naturalization, ongoing efforts of reforest London, etc.
- By including tree plantings and tree maintenance feature in all parks and recreational areas, and engaging public participation in planting activities.
- Let tree related communities can use these facilities to have events (reforest London tree giveaway).
- By encouraging engagement in outdoor recreational spaces through sporting activities and other events throughout the year (including activities that involve the trees themselves such as zip lining, tree climbing, etc.)
- Setting out more picnic tables in parks across the city to encourage use by citizens and tourists.
- Increase the number of dog parks throughout the city so that more people can access one within their area (there is a real community feel in these parks where people like to gather and chat with other dog owners); maintain the trees and shrubs in these parks to keep the parklike aesthetic.”

### **3. How can TFAC, City and other work together.**

- Awareness of trees, tree health, planting, benefits, etc. need to be communicated to the public and these facilities are great opportunities to do so.
- Widely promoting opportunities for public engagement/feedback, open dialogue, etc., in city planning – and then listening to that input.
- By including environmental groups, businesses, tree related communities and , Advisory committees like ACE, EEPAC, AAC in discussions and plans for London's future urban forest

### **3. Initiatives.**

- Continue to plant more trees in public spaces, but also encourage the public, through wide-scale advertising, to help care for the trees planted in each neighbourhood park (helping to water, etc.) to reduce the number of trees lost to weather conditions. (The hope being that in doing so, residents would feel more invested in ensuring the trees in their parks do well.)

**Marge Szabo**

**Alex . Morrison**

**Tariq Khan**



# Preliminary review of the Parks and Recreation Master Plan Update

WG : Alex, Marg, Khan



May 23rd presentation on P&RMP



**Play Your Way!** 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)



**Play Your Way!** 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?




May 23rd presentation on P&RMP



### Community Survey



- 23 carefully crafted questions.
- Opinion from Public on Facilities & Service delivery.
- What new facility/service needed to be added.

Keeping in view the implementation of P&RMP during next decade, it is very important to maximize the participation of Londoners from all active/effective age groups in the survey.



May 23rd presentation on P&RMP



### Recommendations



- Social Media

A Facebook page showing 'Survey' as an important virtual event in London, may be developed by the TFAC. This Facebook page may be shared among circles of friends in London as well as with other Advisory committees so their members may also share within their circles to persuade Londoners to participate.

- Electronic Kiosks & temporary booths
  - Special events places (e.g Victoria park)
  - Crowded places like covent garden market etc
  - Shopping malls, plaza's
  - Community centres, Public Libraries



May 23rd presentation on P&RMP



### Stakeholders sessions

- Groups/Organizations info sharing with City



Stakeholder sessions were held on May 28, 30 and June 4. Though date has been passed for these sessions but TFAC may still identify interested groups/ organizations and communicate their contacts to staff so they may be contacted during additional public engagement period in late 2018.



Preliminary review of the Parks and Recreation Master Plan Update

May 23rd presentation on P&RMP



### P&RMP interim update

- WG is still reviewing P&RMP.....



It has been felt that the inventory of athletic and community facilities presently available is somewhat narrow. A wider variety of sports and recreational facilities are in demand by our community.

- Facilities may be added into P&RMP
  - Trampoline parks -3new business opened.
  - Rock Climbing facilities.
  - Zip lining & Tree climbing.
  - Cricket facilities (Indoor & Outdoor).



Preliminary review of the Parks and Recreation Master Plan Update



### Guiding Questions



- Issues and Priorities

- Ensuring that trees continue to populate.
- Making sure that the trees of London are well taken care of, as they represent the city's namesake.
- More trees continue to be planted on streets, private land, and shared recreational areas.
- Keeping as many of the older ones as possible.
- Future trimming and maintenance work.
- Ensuring that London's citizens value their legacy by actively engaging them.



### Guiding Questions



- Recreation Services and Facilities Support

- Parks and Recreation facilities are a good opportunity for community awareness related to tree issues.
- Inclusion of tree plantings and tree maintenance feature in all parks and recreational areas.
- Let tree related communities can use these facilities to have events.
- Encouraging engagement in outdoor recreational spaces through sporting activities.
- Setting out more picnic tables in parks.
- Increase the number of dog parks.





### Guiding Questions



- How can TFAC, City and other work together
  - Awareness of trees, tree health, planting, benefits, etc.
  - Widely promoting opportunities for public engagement/ feedback, open dialogue, etc., in city planning – and then listening to that input.
  - By including environmental groups, businesses, tree related communities and , Advisory committees like ACE, EEPAC, AAC in discussions and plans for London’s future urban forest.



### Guiding Questions



- Initiatives
  - Continue to plant more trees in public spaces, but also encourage the public, through wide-scale advertising, to help care for the trees planted in each neighbourhood park (helping to water, etc.) to reduce the number of trees lost to weather conditions.



Thanks



# Advisory Committee on the Environment

## Report

The 8th Meeting of the Advisory Committee on Environment  
July 4, 2018  
Committee Room #4

Attendance                   PRESENT: S. Ratz (Chair), M. Bhavra, K. Birchall, M. Bloxam,  
S. Brooks, S. Hall, M. Hodge, J. Howell, N. St. Amour, T.  
Stoiber, D. Szoller and A. Tipping and P. Shack (Acting  
Secretary)

ABSENT: L. Langdon and G. Sass

ALSO PRESENT: A. Beaton and B. Westlake-Power

The meeting was called to order at 12:15 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 Practices Related to the Watering of Trees

That it BE NOTED that the attached presentation, from A. Beaton  
Manager, Forestry Operations, with respect to the Practices Related to the  
Watering of Trees, was received.

### 3. Consent

#### 3.1 7th Report of the Advisory Committee on the Environment

That it BE NOTED that the 7th Report of the Advisory Committee on the  
Environment, from its meeting held on June 6, 2018, was received.

#### 3.2 5th Report of the Trees and Forests Advisory Committee

That it BE NOTED that the 5th Report of the Trees and Forests Advisory  
Committee, from its meeting held on May 23, 2018, was received.

#### 3.3 Municipal Council Resolution-Environmental Programs Annual Overview Update

That it BE NOTED that the Municipal Council Resolution, Environmental  
Programs Annual Overview Update, was received.

#### 3.4 Municipal Council Resolution-Appointment to the Advisory Committee on the Environment

That it BE NOTED that the Municipal Council Resolution, from its meeting  
held on June 12, 2018, with respect to the appointment of Manmohan  
Bhavra to the Advisory Committee on the Environment, was received.

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

None

**5. Items for Discussion**

5.1 Waste Management Feedback

That it BE NOTED that the attached revised Waste Management feedback document, with respect to the Environmental Programs Annual Overview Update, was received with adjustments to be BE FORWARDED to J. Stanford, Director, Environmental Fleet and Solid Waste for review.

5.2 ACE Presentations/Events/Meeting List

That it BE NOTED that the Advisory Committee on the Environment Presentations Events and Meeting List document, dated June 26, 2018 and submitted by S. Ratz, was received.

5.3 Potential Advisory Committee Review - D. Szoller

That it BE NOTED that the Advisory Committee on the Environment held a general discussion, with respect to the potential Advisory Committee Review;

it being noted that the committee heard from B. Westlake-Power, Deputy City Clerk that there is a comprehensive review of the Advisory Committees, at the direction of council taking place in the fall.

5.4 ACE 2018 Work Plan - Review

That it BE NOTED that the Advisory Committee on the Environment 2018 Work Plan was received.

**6. Deferred Matters/Additional Business**

6.1 (ADDED)Toilets are Not Garbage Cans Sticker Initiative

That it BE NOTED that the Advisory Committee on Environment heard a verbal update from S. Ratz with respect to Toilets are Not Garbage Cans sticker initiative.

6.2 (ADDED)Green in the City Speaker Series

That it BE NOTED that the attached document from S. Ratz, with the respect to the Green in the City Speaker, was received.

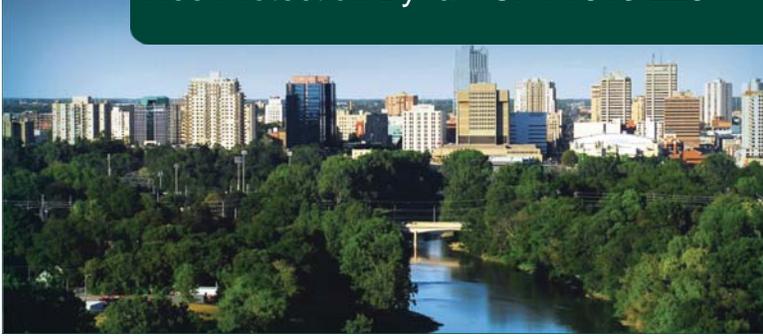
**7. Adjournment**

The meeting adjourned at 1:50 PM.



London  
CANADA

## Tree Protection By-law C.P.-1515-228



Trees & Forests Advisory Committee  
June 27, 2018



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## Overview

### We Are “The Forest City”

#### Urban Forest Strategy (2014) – “Protect More”

- Distinctive Trees (UGB) 50cm+
- Tree Protection Areas - mapped, City-wide, all trees regardless of size

#### What We Have Learned

- Public outreach and engagement; consulted with those that went through the permitting process
- Challenges with administration of By-law and building things as we needed them



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## How Did We Listen?

### Tree Care Professionals & Industry Consultants

- February 2018
- “Global café” meeting at Civic Gardens
- 20+ attendees, 16 different companies
- Round table discussions
- Q & A

### Residents & Home-owners

- Online survey
- + comments to staff

### Other

- Developers one-on-one conversation
- London Development Institute (LDI) meeting
- London Planners Lunch



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## What We Heard

### Generally, the By-law is a good thing

- More trees being pruned instead of removed
- \$100 fee is okay (some exceptions) for Distinctive Tree
- Understood the value of trees; some recommended that trees of smaller size should be protected
- Satisfied people - tended to be quiet or did not feel the need to attend meetings

*“I appreciate the value of this program.  
The City is losing too much of its forest cover and we must act to protect the little that remains”.*

*“When I called the dept. someone came to inspect the tree and advised that the tree needed to come down for safety reasons.  
The permit was expedited. It’s a good by-law and we were happy to comply”.*

*“Process went smoothly. City staff were great to work with”.*



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## What We Heard

### But.....

- Public generally unaware it applied to their tree
- Fee for trees in woodlands (TPAs) \$1,000 is too steep
- Reported uptick in healthy tree removal <50cm DT size threshold
- “Fly by night” tree care company operators
- Process takes too long and is unclear
  - Cemeteries and golf courses need to be able to submit one-tree, or few-tree, applications
  - Need electronic submission - online payment system, fillable forms



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## Challenges with Administration

### Taking longer than expected

- Enforcement challenges, delays in Urban Forest Strategy implementation and project work
- Fee taking, keeping, returning
- No fillable forms – manual entry, multiple places
- Secure Urban Forestry data storage system
- Preparation & Attending appeals; court hearings
- Direction from Hearing Officer’s decisions
- Slipping from ~2 weeks to ~6 weeks (down 1 staff)



## What We Propose to Do

### Create Simplified Process & Clear Guidance

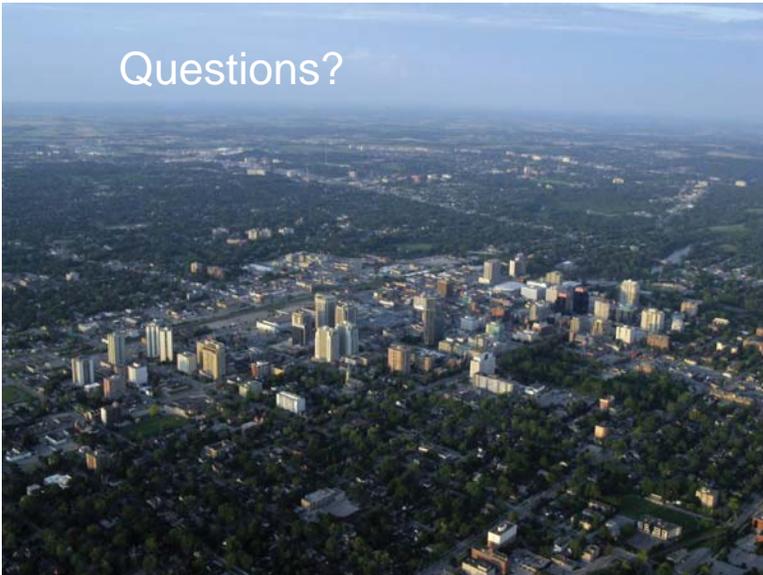
- “DDT” – Dead Distinctive Tree permit (no fee; no replanting)
- Application requirements vs additional information
- When a permit shall issue - swimming pool installation, building permits
- Replanting requirements
- No 5+ year plan for cemeteries & golf course
- \$100 flat permit fee (some exception); add \$100 fee to Appeal
- Only Landowner, or agent, may apply for a Permit
- Requesting fillable forms, online payment (2019)



## Next Steps

- Trees & Forests Advisory Committee
- Receive and consider public comments – until August 2018
- Present new Tree Protection By-law September 24, 2018 (public participation meeting)
- Existing By-law remains in force and effect for now
- Repeal and replace by year end 2018

Questions?



# Waste Management Feedback

June 26, 2018

## For consideration at the July 4, 2018 meeting of ACE

Following review and receipt of the presentation “Markham Diversion Strategy – Mission Green” at the June 6, 2018 meeting of ACE, and further discussion amongst ACE members, this report summarizes key items we will be watching for in the expected Waste Diversion Action Plan.

### Proposed Motion

Option A - That the Civic Administration BE REQUESTED to

- review this report and refer it to the Civic Works Committee for further review where ACE would request a delegation
- as possible, specifically address these items when preparing the Waste Diversion Action Plan
- a staff representative attend a future ACE meeting to discuss these items with the committee

Option B – That the report be received.

### Key Items

*(numbering is for reference only, and does not necessarily reflect priority)*

1. A strong focus on the first R- Reduce – not only in terms of individuals, but for businesses, organizations and schools. To have other departments including planning consider waste generation in all projects including residential and commercial development. For example, how will these future developments impact waste generation and processing?
2. A recognition that the decision to create waste is not made when individuals or businesses decide to throw something out. That largely the decision to create waste, is when a purchase is made, and the item(s) are acquired.
3. Consider the potential impact of Climate Change on waste quantities. For example, the possibility that severe weather events could cause significant damage, and increase waste amounts.
4. The ability to ensure consistent programming regardless of the residential situation - house, condo or apartment/ or business /organization setting such as restaurants, community centres, schools, offices, manufacturing facilities etc.

5. Ensure there is a specific program where municipal facilities and staff are required to meet, and hopefully exceed, diversion objectives including specific actions such as:
  - Removal of individual garbage cans from work areas & provide one central garbage can per work area to increase awareness of garbage generation and potentially recognize cost savings on janitorial costs.
  - Acquiring composting equipment for the City Hall cafeteria which would allow for on-site composting of organics.
6. Will the program be designed in a way that strongly encourages participation by residents? Including, but not limited to:
  - Bi-weekly collection of garbage vs weekly green bin/recycling pick ups
  - Use of clear plastic bags to discourage the hiding of recyclables, hazardous waste and other items in the garbage.
  - Large, bright Oops stickers to be used on containers which are not sorted properly to reinforce education, enforcement and compliance.
  - A full and clear communications and marketing plan to support the launch and first 2 years of any new waste diversion program.
7. Specifically address pet waste and diaper waste. There are concerns that these items are not appropriate for processing systems designed for organic waste. Review and consider programs to encourage more environmentally friendly options versus disposable diapers and non-biodegradable cat litter.
8. Beyond pet waste and diaper waste, how green bin contamination will be dealt with.
9. Identify the organic waste processing options for City of London organic waste.
10. Review and encourage backyard composting and vermicomposting. Look for ways to make it even more convenient to purchase composters, and obtain brown materials and other helpful ingredients.
11. Incorporation of feedback measures to identify citizen concerns with proposed actions. I.e. Specifically identify top 10 motivators and top 10 concerns with the new program. Allow time and resources to trouble shoot these issues, and ensure communication materials specifically address concerns / celebrate the motivations.
12. How garbage pick up staff will be trained regarding the new program.
13. Expansion of depots for speciality recycling and possibly hazardous waste materials – possibly at existing municipal facilities such as arenas/community centres to make drop off easier and/or the possibility of working with community groups to facilitate special collection days.

14. Review of fibre recycling and furniture/tool/ building material recycling programs in the city.
  - Consider having drop off areas at community centres/arenas.
  - Liaise with charities and businesses providing these services in the city. Identify how the City can work with them to continue to increase capacity and awareness of these programs.
  - Introduce a program where useable items (furniture, bikes etc.) in good condition would no longer be picked up via regular garbage pick up but stickered with information promoting charity pick up.
  - Review whether all fibre recycling boxes should be city branded to increase credibility and use of such programs.
15. Consider the establishment of Spring & Fall “Free Days” where citizens can put items that others can have for free at the curb. Although individuals sometimes do this on their own, having an organized & promoted event would increase participation and encourage others to pick up items.
16. Review of current policies and enforcement resources in relation to illegal dumping. As well, consider incorporation of measures that would document and track illegal dumping before and after implementation of any new programs.
17. Remove all single use plastics from municipal facilities. I.e. drinks in plastic bottles.
18. Specifically identify how the existing FOG (Fats, Oils and Greases) program and cups as well as the “Toilets are not Garbage Cans” program will be integrated into Waste Diversion efforts. For example, will FOG collection points be expanded? If not, and FOG cups are meant to initiate FOG collection but not necessarily be relied upon going forward, the messaging on the cups could be reviewed and adjusted.
19. Will waste studies similar to the Food Waste review be undertaken to better understand and pinpoint waste issues specific to London.
20. How would residents be further educated, perhaps in partnership with community groups, on composting, reducing food waste and other topics.

## **Green in the City Speaker Series**

*Overview as of July 4, 2018*

*By Susan Ratz, ACE*

### Organizers

- Advisory Committee for the Environment – City of London
- London Public Library
- City of London

### All sessions

6:30pm – Doors open

7:00 – 8:00 pm Presentations

Location – Stevenson & Hunt Room – Central Library

### **Tuesday, November 6<sup>th</sup> - Creating Health & Resilience with Soil**

Presenter - Ruth Knight, Organic Soil Consultant & Agronomist, Co-Leader of Transition Erin Soil Health Coalition

Local Perspective/Update by Gabor Sass + potentially City of London staff representative

### **Tuesday, November 13<sup>th</sup> – Bee-coming Pollinator Friendly – In Gardens & Across the City**

Presenter – Victoria MacPhail – Pollination Guelph

Local Perspective/Update by Gabor Sass + potentially City of London staff representative

### **Tuesday, November 20<sup>th</sup> – Down the Drain (tentative title)**

Presenters:

Jordan Hawkswell - Zero Waste Forest City – Plastics in our Oceans & Great Lakes

Tom Cull – Thames River Rally – Local river pollution.

Barry Orr – City of London – Challenges with non-flushables.

### **Tuesday, November 27<sup>th</sup> – Food Waste**

Presenter – being finalized

City of London perspective - Jay Stanford

### **Tuesday, December 4<sup>th</sup> – Climate Change / Community Energy Action Plan**

Presenter – being finalized

City of London perspective - Jay Stanford

## Report to Planning and Environment Committee

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

**From:** George Kotsifas, Managing Director, Development and Compliance Services and Chief Building Official

**Subject:** Application By: Mainline Planning Services Inc. c/o Joseph Plutino for 6188 Colonel Talbot Road  
Appeal to the Land Planning Appeal Tribunal  
Provisional Consent Decision

**Meeting on:** Monday, July 16, 2018

## Recommendation

That, on the recommendation of the Director, Development Services, in response to the letter of appeal to the Land Planning Appeal Tribunal from Mainline Planning Services Inc. c/o Joseph Plutino, dated May 18, 2018 relating to the Provisional Decision of Consent Application B.047/17 concerning the property located at 6188 Colonel Talbot Road, the following actions **BE TAKEN**:

- a) the Land Planning Appeal Tribunal **BE ADVISED** that Municipal Council supports the Consent Decision attached in Appendix B; and
- b) the City Solicitor **BE DIRECTED** to provide legal and planning representation at the Local Planning Appeal Tribunal Hearing in support of the position of the Consent Authority.

## Executive Summary

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to uphold the decision of the Consent Authority to conditionally approve the proposed severance to create a stand agricultural parcel for the Maitake Mushroom farm operation.

### Previous Reports Pertinent To This Matter

**Z – 8795** - 6188 Colonel Talbot Road — Report to Planning and Environment Committee (October 23, 2017). City Staff submitted a planning report recommending refusal of the requested application to amend the Zoning By-law to facilitate a severance to create a 4.04 ha parcel and a 14.29 ha parcel within an Agricultural land use designation/place type .

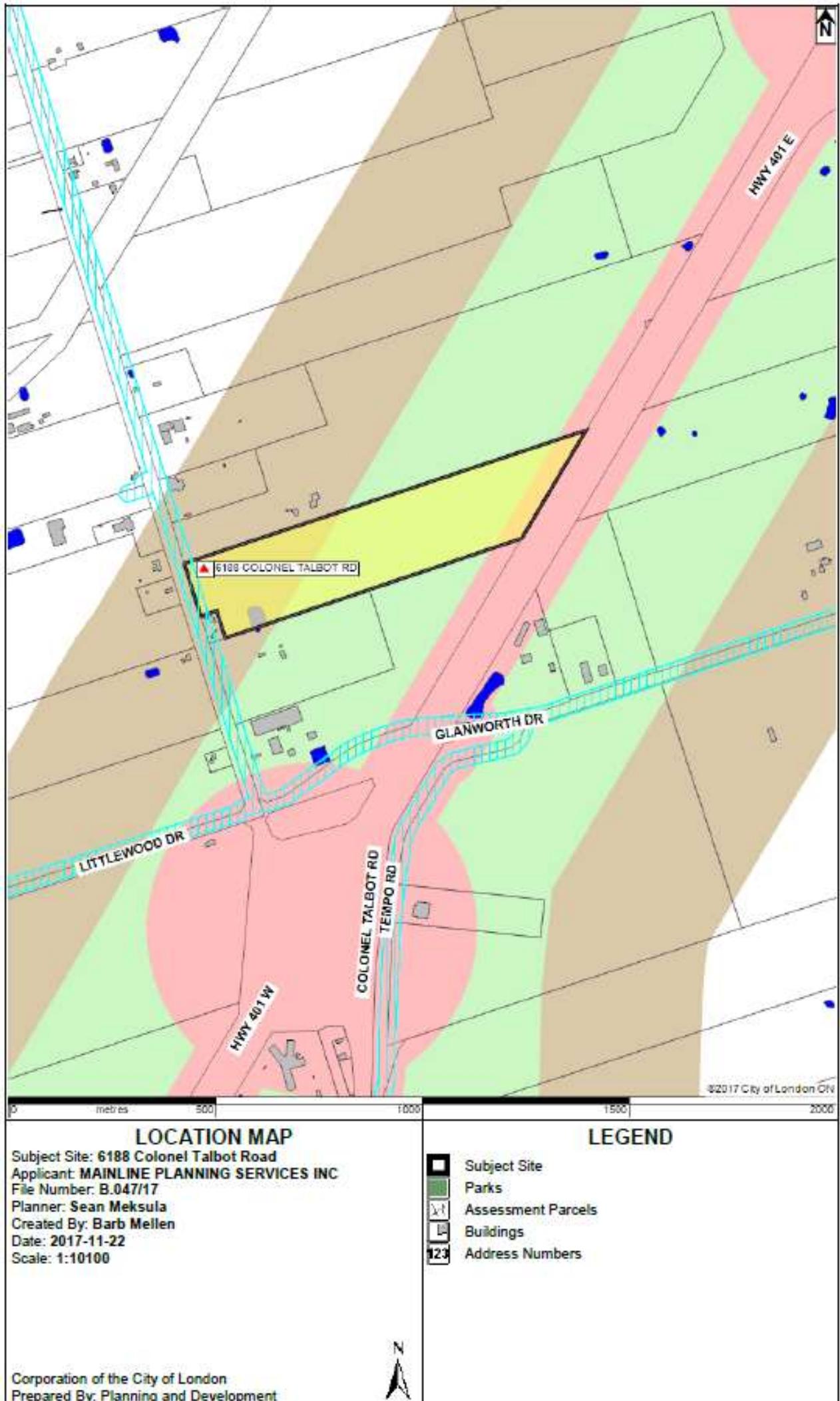
**Z – 8795** - 6188 Colonel Talbot Road (On October 16, 2017 Municipal Council directed staff to report back to PEC with a solution to facilitate the applicant's previous request) City Staff submitted a planning report to Planning and Environment Committee (November 6, 2017) that included a Zoning By-law amendment to facilitate a future severance of a 4.04 ha agricultural parcel. The amendment also required that the property owner, through the consent process, to merge the proposed 14.29 ha parcel with another parcel to meet the 40ha minimum lot area required within an Agricultural land use designation/place type.

## Background and Analysis

In November 2017, Mainline Planning Services Inc., c/o Joseph Plutino, submitted an application for consent on behalf of 2533430 Ontario Inc. for lands located at 6188 Colonel Talbot Road. The application would permit the severance of agricultural land from a property with an Agricultural designation for Maitake Mushroom Farm. Notice of the application was published in *The Londoner* on November 30, 2017 and circulated to internal and external agencies for comment. On November 29, 2017 a mail circulation to all residents within a 60m radius was sent out. On May 3, 2018, based on the

recommendation by Development Services (see Appendix 'A') the Consent Authority granted provisional approval of the application for consent subject to the applicant satisfying nine conditions prior to obtaining final approval (see Appendix 'B').

**Figure 1: Location Map**





The applicant previously applied for and was granted a Zoning By-law Amendment (Z-8795) to permit a reduced lot frontage of 100 m and reduced lot area for the retained parcel (Maitake Mushroom Farms) and a reduced lot frontage only of 36 m for the conveyed parcel.

In granting provision consent (B.047/17) the Consent Authority included a condition that the applicant be required to ensure that the lands comply with the provisions of the Zoning By-law as amended (Z-8795). As such, the proposed conveyed parcel is required to either be conveyed to an abutting property or rezoned to permit a reduced lot area within an Agricultural land use/place type. No public comment was received as part of the consent application.

The subject lands are located in a prime agricultural area, which requires protection for long-term use as per Section 2.3 of the Provincial Policy Statement (PPS). The permitted uses outlined in the PPS for prime agricultural areas are agricultural uses, agriculture-related uses and on-farm diversified uses. The Maitake Mushroom farm is considered an on-farm diversified use which is compatible with, and does not hinder, surrounding agricultural operations. The conveyance of the surplus lands to an adjacent use would increase the size of the agricultural parcel and further facilitate normal farm practices for the conveyed parcel which are promoted and protected in accordance with provincial standards.

During the course of the review of the consent application a request for an archeological investigation was submitted by Planning Services and was included as part of conditions for granting consent. This is consistent with the h-18 holding provision which is included with the Zone of the subject property requiring the completion of an archaeological study prior to development occurring, including the granting of Consent.

## **Appeal**

On May 18, 2018, an appeal (see Appendix 'C') was submitted by Mainline Planning Services Inc. c/o Joseph Plutino, in opposition to the Notice of Provisional Decision of Consent approved by the Consent Authority. There are two parts to the appeal:

- 1) The appellant states that condition 6 below is onerous as the entire property remains an existing farm operation.

*6. The proponent shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport. No demolition, construction, or grading or other soil disturbance shall take place on the subject property prior to the City's Planning Services receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.*

- 2) The appellant states that condition 7 below is onerous and unreasonable as it requires the sale of lands to an adjacent property owner.

*7. At the time of consent the severed and retained lands shall comply with the minimum requirements of the Z.-1 Zoning By-law. The applicant may be required to obtain further Planning Act approvals to accommodate this requirement. The above shall be satisfied by applicant, and at no cost to the City.*

With regards to the first part of the appeal, Staff submit that this consent application is within an area identified as having cultural heritage and has been identified as an area with potential archaeology significance. The h-18 holding provision was applied to the entire property through the Zoning By-law Amendment (Z-8795) which was passed on November 14, 2017 and is in force and effect. However, as part of that application (Z-8795), the applicant completed a Stage 1-2 Archaeological investigation and provided a

letter from the Ministry of Tourism, Culture and Sport. The letter states that a Stage 3 archaeological assessment should be conducted to precisely define the nature and extent of the site. The results of the Stage 3 assessment will be used to evaluate the significance of the site and to develop a series of recommendations concerning any further mitigative options that may be necessary. The City's Heritage Planner has not received the Stage 1-2 Archeological report for review and has acknowledged that further archaeological assessment of the site is required. A Consent Condition was included to ensure that appropriate archeological assessments are completed.

With regards to the second part of the applicants appeal, Staff provide that the Zoning By-law that was recently amended (Z-8795) to permit a reduced lot frontage and lot area for the proposed Maitake Mushroom Farm operation (retained parcel) and a reduced lot frontage only for the proposed severed parcel (14+hectares) is in force and effect. The approved Zone did not include a regulation for a reduced lot area for the proposed severed parcel. To facilitate the Consent and demonstrate compliance with the Zone, the applicant would either have to merge the proposed severed parcel with an adjoining parcel and/or seek additional *Planning Act* Approvals. As a result, the Consent Authority included a condition for granting consent that *at the time of consent the severed and retained lands shall comply with the minimum requirements of the Z.-1 Zoning By-law. The applicant may be required to obtain further Planning Act approvals to accommodate this requirement. The above shall be satisfied by applicant, and at no cost to the City.*

A date for the Land Planning Appeal Tribunal hearing for the appeal has not yet been determined.

## CONCLUSION

The proposed severance has been evaluated under the *Planning Act*, Provincial Policy Statement, Official Plan, The London Plan and Zoning By-law and represents sound planning and appropriate development. The provisional consent decision was granted on May 3, 2018 by the London Consent Authority and should be upheld at the Land Planning Appeal Tribunal hearing. The purpose of this report is to request that Municipal Council provide the Consent Authority with legal and planning support for the hearing regarding the matters under appeal.

<b>Prepared by:</b>	<b>Sean Meksula, MCIP RPP Planner II, Development Services</b>
<b>Reviewed by:</b>	<b>Lou Pompili, MPA RPP Manager Development Services</b>
<b>Recommended 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: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.



Appendix A

THE CORPORATION OF THE CITY OF LONDON

Date: **April 6, 2018**

To: **J.M. Fleming  
London Consent Authority**

From: **Paul Yeoman  
Development Services – S. Meksula**

Subject: **Development Planning - Consents**

**B.047/17 6188 Colonel Talbot Road (Severance) REVISED II**

<b>OFFICIAL PLAN DESIGNATION:</b>
• Agriculture
<b>PLACE TYPE:</b>
• Farmland
<b>EXISTING ZONING:</b>
• h-18*AG2(24) and h-18*AG2(25)

**PURPOSE AND EFFECT**

	<b>Area</b>	<b>Frontage</b>	<b>Depth</b>	<b>Use</b>
<b>Severed Lot</b>	4.04ha	100m	404m	Existing Maitake Mushroom Farm
<b>Retained Lot</b>	14.29ha	36m	1,028m	Existing Agricultural Uses

The purpose and effect of this severance will permit the severance of surplus land from an agricultural property. The severance will result in the retention of an existing agricultural use (Maitake Mushroom farm) at 6188 Colonel Talbot Road and the conveyance of a severed parcel for the purposes of a farm consolidation with an abutting agricultural parcel.

**PROPOSED CONSENT**

The applicant, Mainline Planning Services Inc. c/o Joseph Plutino for 6188 Colonel Talbot Road, is requesting to sever and convey 14.29ha (35.3acres) to an abutting parcel, to meet the 40ha (100 acre) minimum lot area requirement and to retain 4.04ha (10 acres) for an existing agricultural use (Maitake Mushroom farm).

**RECOMMENDATION**

Development Services are recommending that the Consent Authority **approve** the requested severance.

**RATIONALE**

1. The consent is consistent with PPS 2014.
2. The severance is consistent with the Official Plan, and the London Plan.
3. With the final approval of Z-8795, the severance is consistent with the regulations of the Zoning By-law.
4. The consent will not impact the ability of the surrounding lands to be developed in their intended manner.
5. The consent will not permit an increase in the number of agricultural lots but facilitates the creation of a new agricultural parcel by way of consolidation that meets the minimum lot area requirement, and is consistent with the goal to support a pattern of agricultural land holdings that increases the viability of farm operations and avoids the fragmentation of land ownership.

## **INTRODUCTION**

Notice of Application for Consent was mailed to area residents on November 29, 2017 and Notice of Application for Consent was published in the "The Londoner" on November 30, 2017. The applicant is proposing the severance of the subject lands to create one parcel for the existing Maitake Mushroom farm and the conveyance of the surplus farm land to an abutting parcel to meet the 40ha (100 acre) minimum lot area requirement, for the purpose of existing agricultural uses. The applicant applied for a Zoning By-law Amendment (Z-8795) to permit a reduced lot frontage of 100m for retained parcel and a lot frontage of 36m for the conveyed parcel. The applicant shall be required to ensure that the lands comply with provisions of the Zoning By-law and the conditions of the Zoning By-law amendment are satisfied at the time of consent.

## **PLANNING ACT**

In considering this application, Development Services staff had regard for the health, safety, convenience, accessibility for persons with disabilities and welfare of present and future inhabitants of the municipality and to Section 51 (24) of the *Planning Act*.

It is the opinion of Development Services staff that the attached conditions are reasonable having regard for the nature of the development proposed and are in accordance with Section 51 (25) of the *Planning Act*.

## **PROVINCIAL POLICY STATEMENT**

The consent has been reviewed in conjunction with the 2014 Provincial Policy Statement.

***Building Strong Communities:*** This consent application is outside the Urban Growth Boundary, and within an Agricultural designation that encourages the consolidation of farm parcels through consent.

***Wise Use and Management of Resources:*** The lands are located in a prime agricultural area which shall be protected for long-term use for agriculture as per Section 2.3 of the PPS. The permitted uses in the PPS for prime agricultural areas and activities are agricultural uses, agriculture-related uses and on-farm diversified uses. The Maitake Mushroom farm is a related on-farm diversified use which is compatible with, and shall not hinder, surrounding agricultural operations. The conveyance of the surplus agricultural lands to an adjacent use agricultural use increases the size and intensifies agricultural uses and normal farm practices which are promoted and protected in accordance with provincial standards.

This consent application is also within an area of identified cultural heritage and has been identified as an area with potential archaeology significance which shall be addressed through a condition of consent. The h-18 holding provision was applied to the entire property through the Zoning By-law Amendment (Z-8795) which was passed on November 14, 2017 and is in force and effect. However, as part of this application (Z-8795) the applicant completed a Stage 1-2 Archeological investigation and provided a letter from the Ministry of Tourism, Culture and Sport. The letter states that a Stage 3 archaeological assessment should be conducted to precisely define the nature and extent of the site. The results of the Stage 3 assessment will be used to evaluate the significance of the site and to develop a series of recommendations concerning any further mitigative options that may be necessary. The City's Heritage Planner has not received the Stage 1-2 Archeological report for review and has acknowledged that further archaeological assessment of the site is required. A Consent Condition has been included to ensure that appropriate archeological assessments are completed.

**Protecting Public Health and Safety:** There are no known Natural Hazards or Human-Made Hazards issues associated with this consent application.

In the opinion of the Development and Compliance Services the proposal is consistent with the PPS.

## **OFFICIAL PLAN**

These lands are designated Agriculture (AG) designation on Schedule "A", which is intended primarily for the cultivation of land and the raising of livestock. A full range of farming types shall be permitted including, but not limited to, general farming, livestock farming, cash crop farming, market gardening, specialty crops, nurseries, forestry, aquaculture and agricultural research. The severed lands are currently occupied by the Maitake Mushroom farm operation on what would be a 4.04 hectare parcel. The retained parcel, with a lot area of 14.29 hectares shall be required to comply with provisions of the Zoning By-law and the conditions of the Zoning By-law Amendment (Z-8795) at the time of consent.

Section 9.2.14.2 of the City of London Official Plan states that a consent to sever land in the agricultural designation may only be granted under the following circumstances i) consent for farming operation in accordance with 9.2.14.3 ii) consent for mortgage purposes in accordance with 9.2.14.4 iii) lot corrections in accordance with 9.2.14.5 iv) surplus farm dwellings in accordance with 9.2.14.6 and v) agricultural commercial and industrial uses in accordance with 9.2.14.7. The AG2 agriculture zone requires minimum lot size for both the severed and retained parcel of 40ha (98.8ac). As per Section 9.2.14.3 iii) the size of both the severed and retained parcels shall conform to the provisions of the Zoning By-law. Should the severed or retained parcel not conform to the minimum lot area requirements of the Zoning By-law, an amendment to the By-law will be required. In this situation the applicant applied for and has received the Zoning By-law Amendment (Z-8795) for the retained parcel.

The application conforms to the existing (1989) Official Plan and the London Plan. The subject lands are designated Agricultural. Pursuant to Section 9.2.1 of the Official Plan, the minimum area required for a severance in an Agricultural designation is 40 ha. The areas of the severed and retained parcel are 4.04ha (10 acres) for the existing Maitake Mushroom farm use and 14.29ha (35.3 acres) respectively for agricultural use which will have been rezoned to permit the use (Z-8795; Z.-1-172625). The 14.29ha (35.3 acres) shall be conveyed to an abutting agricultural lot when consolidated the new lot an area of 40 hectares (99 acres) or greater, which exceeds the area required for a severance in an Agricultural designation. The lands being severed are being conveyed to an adjoining parcel and the Maitake Mushroom farm parcel is being kept to a minimum size to comply with the Zoning By-law amendment.

## **Chapter 19 - Implementation**

Policies of the Official Plan that are directly relevant to the consideration of this consent application include the following:

**19.7.1.i(a) Requires that any lot(s) to be created conforms with the provisions of the Official Plan, Zoning By-law and any applicable area study or guideline document.**

*The proposed severed and retained lands conform to both the Official Plan, London Plan and Zoning By-law, as the approved Zoning By-law amendment (Z-8795) is now in force and effect. The applicant shall be required to ensure that the lands comply with provisions of the Zoning By-law and the conditions of the Zoning By-law amendment (Z-8795) are satisfied at the time of consent.*

**19.7.1.i(b) Requires that the matters which, according to the Planning Act, are to be regarded in the review of a draft plan of subdivision have been taken into account;**

*The matters of Section 51(24) have been considered as part of the evaluation for consent.*

**19.7.1.i(c) Requires that the size and shape of any lots to be created would be appropriate for the intended use, and would generally conform to adjacent development and to any development agreements registered against the title of the subject land.**

*The proposed severance is in accordance with the size requirements to support permitted uses within the AG. This severance produces parcels that are generally in accordance with adjacent development.*

**19.7.1.i(d) that the creation of any lot(s) would have the effect of infilling an existing developed area where the pattern of land use has been established, and would not have the effect of extending a developed area;**

*The proposed severance would not be out of character with the surrounding uses, and would not have the effect of extending a developed area.*

**19.7.1.i(e) Requires that the proposed lot(s) would front on, or have access to, an existing public road and would not involve the opening or extension of a public road.**

*The proposed lot and the retained lot will have access to a Colonel Talbot Road.*

**19.7.1.i(f) Requires that the proposed lot(s) would not unduly reduce the accessibility of abutting lands suitable for development;**

*The proposed severance should not affect the accessibility of abutting lands, as the abutting lands are currently agricultural lands which are not suitable at this time for development.*

**19.7.1.i(g) That access to the proposed lot(s) would not create traffic problems or hazards and that Official Plan policies regarding road access would be complied with.**

*The proposed severance will not result in any traffic problems.*

**19.7.i(h) That adequate municipal services and utilities would be available.**

*The subject lands are on private services.*

**19.7.i(i) For a consent application pertaining to lands within the Agriculture or Urban Reserve designations, that the lot to be created would conform to policy 9.2.14.;**

*The proposal conforms to section 9.2.14 of the agricultural consent policies.*

**Section 19.7.1 (i) (j) requires for a consent application pertaining to natural features designated as "Open Space" or "Environmental Review" the potential impacts resulting from fragmentation of natural features corridors and linkages will be taken into consideration.**

*The subject lands do not include lands designated "Open Space" or "Environmental Review".*

**Section 19.7.1 (i) (k) requires that potential impacts on components of the Natural Heritage System will be addressed in accordance with the provisions of Section 15.5.**

*The subject lands do not include any lands within the Natural Heritage System.*

**19.7.1.ii(a) the proposed development is consistent with the surrounding area in terms of pattern and size;**

*The proposed lot is generally consistent with the surrounding development.*

**19.7.1.ii(b) the proposed development does not represent an extension to an area for existing development on individual services; and**

*The proposed conveyance does not represent an extension to an existing developed area.*

**19.7.1.ii(c) the proposed development would not create a precedent for future similar applications on adjacent or nearby lots.**

*The proposed severance is in keeping with the intent of lands zoned Agricultural (AG2). The proposed severance would not create a precedent for similar applications based on Agricultural (AG2) Zone as it would permit a form of development consistent with the provisions of the zone.*

### **9.3.6 – Minimum Distance Separation Requirements**

Any proposed rezoning or consent within an Agricultural designation that would reduce the distance between the built-up area and an existing livestock operation will be reviewed for its effects on the livestock operation in accordance with the Minimum Distance Separation (MDS) requirements. If the proposed rezoning or consent will result in a development that imposes operating constraints on the livestock operation, the rezoning or consent shall not be permitted.

Staff performed an aerial analysis of the subject lands and their surrounding area. There were no significant livestock facilities identified within a 1km radius of the subject lands

## **THE LONDON PLAN**

The London Plan was adopted by City Council on June 23, 2016. As a result, *Planning Act* applications within the City of London shall have regard for the Plan.

The subject lands are designated as a '*Farmland*' Place Type. Agricultural uses, agricultural-related commercial and industrial uses and on-farm diversified uses will be permitted.

Similar to the Official Plan, policies are present in the London Plan which provide guidance for and promoted sustainable farm practices on *Farmlands*, and criteria in the consideration of consent proposal. Based on staff analysis, the provisions of the Plan have been substantially addressed in the previous section of this report.

## **ZONING**

At the time of application, the proposed severance was not consistent with the requirements under the Agricultural (AG2) Zone. As a result, the applicant applied for a Zoning By-law Amendment to amend the regulations that would have the effect of permitting a retained parcel with a minimum lot area of 4 ha and a lot frontage of 100m and a severed parcel with a minimum lot frontage of 36m to be created through the consent process (Z-8795). The subject severance is conditional upon the Zoning By-law Amendment coming into full force and effect which occurred on November 14, 2017 as By-law No. Z.-1-1 72625 as follows:

### **Severed Land - 6188 Colonel Talbot Road**

Holding Agricultural Special Provision (h-18\*AG2(24)) 6188 Colonel Talbot Road

#### a) Regulations

- i) Lot Area (Minimum) 4 hectares (10 acres)
- ii) Lot Frontage (Minimum) 100 metres (328 feet)

### **Retained Land - 6188 Colonel Talbot Road**

Holding Agricultural Special Provision (h-18\*AG2(25))

#### a) Regulations

- i) Lot Frontage (Minimum) 36 metres (118 feet)

Since the Zoning By-law Amendment is in full force and effect as per By-law No. Z.-1-1 72625, ensuring the consent conforms to the regulations of the Zoning By-Law. The applicant shall be required to ensure that the lands comply with provisions of the Zoning By-law and the conditions of the Zoning By-law amendment (Z-8795) are satisfied at the time of consent.

## **CONDITIONS**

Based on the above, Development Services has **no objection** to the proposed consent application provided that the following conditions are satisfied prior to the certification of any documents:

1. That, pursuant to Section 53(41) of the Planning Act, if the applicant has not within a period of one year after notice was given of a decision to grant a provisional consent fulfilled all of the following conditions, the application shall be deemed to be refused.
2. That a certificate fee shall be paid at the London Consent Authority's office in the amount current at the time of the issuance of the Consent Authority's Certificate.
3. For the purposes of satisfying any of the conditions of provisional approval herein contained, the Owner shall file with Development Services Staff (6th floor, City Hall), at a minimum of 3 working days in advance of final consent approval, a complete submission consisting of all required clearances, fees, draft transfer(s) and final plans, and to advise in writing how each of the conditions of provisional approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Consent Authority, such submission will be returned to the Owner without detailed review by the City.

4. That the Owner shall submit 2 white prints of a reference plan of survey, showing the subject land which conforms with the application submitted and which shows the dimensions and areas of each part shown on the plan. That approval of the draft reference plan shall be obtained from the Consent Authority, and; 2 prints of the resultant deposited reference plan shall be received.
5. That prior to issuance of certificate of consent, the Owner shall pay in full all financial obligations/encumbrances owing to the City on the said lands, including property taxes and local improvement charges.
6. The proponent shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport. No demolition, construction, or grading or other soil disturbance shall take place on the subject property prior to the City's Planning Services receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.
7. At the time of consent the severed and retained lands shall comply with the minimum requirements of the Z.-1 Zoning By-law. The applicant may be required to obtain further Planning Act approvals to accommodate this requirement. The above shall be satisfied by applicant, and at no cost to the City.
8. The Owner transfer at no cost to the City sufficient lands free of encumbrances, to widen Colonel Talbot Road to a maximum width of 18.0m in perpendicular width from the centerline of Colonel Talbot Road along the Colonel Talbot Road frontage of the subject lands as determined by the City's Chief Surveyor. The reference plan describing the widening to be transferred must be pre-approved by the City's Chief Surveyor.
9. The Consent Certificate shall lapse after 6 months of issuance if the transaction has not been completed.

**NOTES TO CONSENT:**

- I. Draft addressing shall be assigned, at the time of consent, by Development Services.
- II. No municipal watermain, storm and sanitary sewers available along Colonel Talbot Road.
- III. Property is located within the MTO control zone, MTO permits may be required.

<b>PREPARED BY:</b>	<b>REVIEWED BY:</b>
<b>SEAN MEKSULA MCIP RPP PLANNER II, DEVELOPMENT SERVICES</b>	<b>CRAIG SMITH MCIP RPP SENIOR PLANNER, DEVELOPMENT SERVICES</b>
<b>REVIEWED BY:</b>	<b>SUBMITTED BY:</b>
<b>LOU POMPILII MPA RPP MANAGER, DEVELOPMENT PLANNING</b>	<b>PAUL YEOMAN RPP, PLE DIRECTOR, DEVELOPMENT SERVICES</b>

**GENERAL NOTE:**

THESE DRAWINGS ARE COPYRIGHT AND THE PROPERTY OF MAINLINE PLANNING SERVICES INC. THE DRAWINGS MAY NOT BE USED FOR CONSTRUCTION WITHOUT THE PERMISSION OF MAINLINE PLANNING SERVICES INC. AND UNLESS SEALED AND SIGNED BY THE ARCHITECT/ENGINEER. REPRODUCTION OF THESE DRAWINGS WITHOUT THE CONSENT OF MAINLINE PLANNING SERVICES INC. IS STRICTLY PROHIBITED.

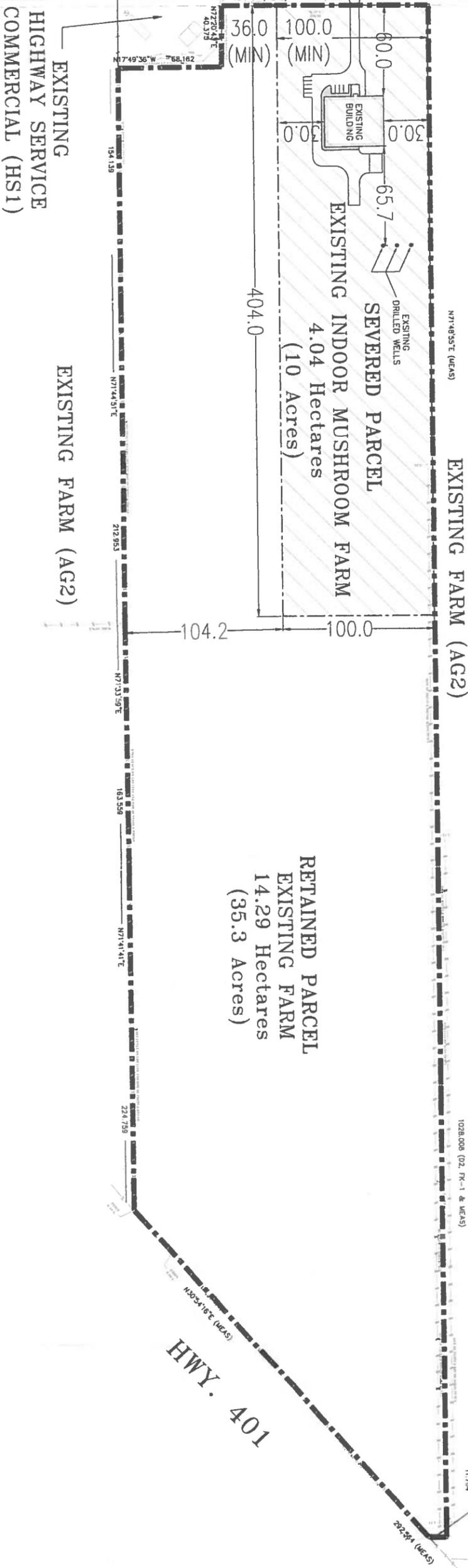
DO NOT SCALE THESE DRAWINGS. ANY ERROR OR DISCREPANCY IS TO BE REPORTED IMMEDIATELY TO: MAINLINE PLANNING SERVICES INC.

**LEGAL DESCRIPTION**

PLAN OF SURVEY  
OF PART OF  
LOT 57, CONCESSION EAST OF THE  
NORTH BRANCH OF THE TALBOT ROAD  
(GEOGRAPHIC TOWNSHIP OF WESTMINSTER)  
IN THE  
CITY OF LONDON  
COUNTY OF MIDDLESEX

6188 Colonel Talbot Road: Agricultural 2 (AG2) Zone Variation Standards			
City of London Zoning Bylaw Z-1 (S.45)			
AG 2 Zone Provisions	Requirement	Original Parcel	Severed Parcel
Lot Area (ha)	40	18.3	4.04
Lot Frontage (m)	300	136.34	100.01
Front & Exterior Side Yard (m) MINIMUM	30	Front Yard: 60 Exterior Yard: N/A	Front Yard: 60 Exterior Yard: N/A
Rear Yard Depth (m) MINIMUM	30	900	309.6
Interior Side Yard Depth (m) MINIMUM	30	30	30
Residential Height (m) MAXIMUM	12	No Res. Buildings	No Res. Buildings
All Other Building Height (m) MAXIMUM	15	5.5	5.5
Coverage (% MAXIMUM)	10	0.7	3.2
			14.29
			36.33
			No Existing Structures

**COLONEL TALBOT ROAD**



- LEGEND**
- SEVERED PARCEL (4.0 Ha)
  - RETAINED PARCEL (14.3 Ha)



**LAND USE SCHEDULE**  
TOTAL SITE AREA: 143,338 sqm (1,000 ACRE)  
TOTAL BUILDING AREA: 1,178.5 sqm (0.8 AC)

**NOTE:** THE PROPERTY INFORMATION TAKEN FROM A PLAN OF SURVEY BY HOUSTAD & HENNING LIMITED, ONTARIO LAND SURVEYOR, 649 COLBORNE STREET, LONDON, ONTARIO, N6A 3Z2 CAN BE VIEWED AT: www.ols.gov.on.ca

NO.	DATE	DESCRIPTION	BY
1	11-18	ISSUED FOR MUNICIPAL APPROVAL	J.P.P.
REVISIONS			

**mainline**  
planning services inc.

PH (905) 893-0046 FAX (888) 370-9474  
P.O. BOX 319, KLEINBURG, ONTARIO, L0J 1G0

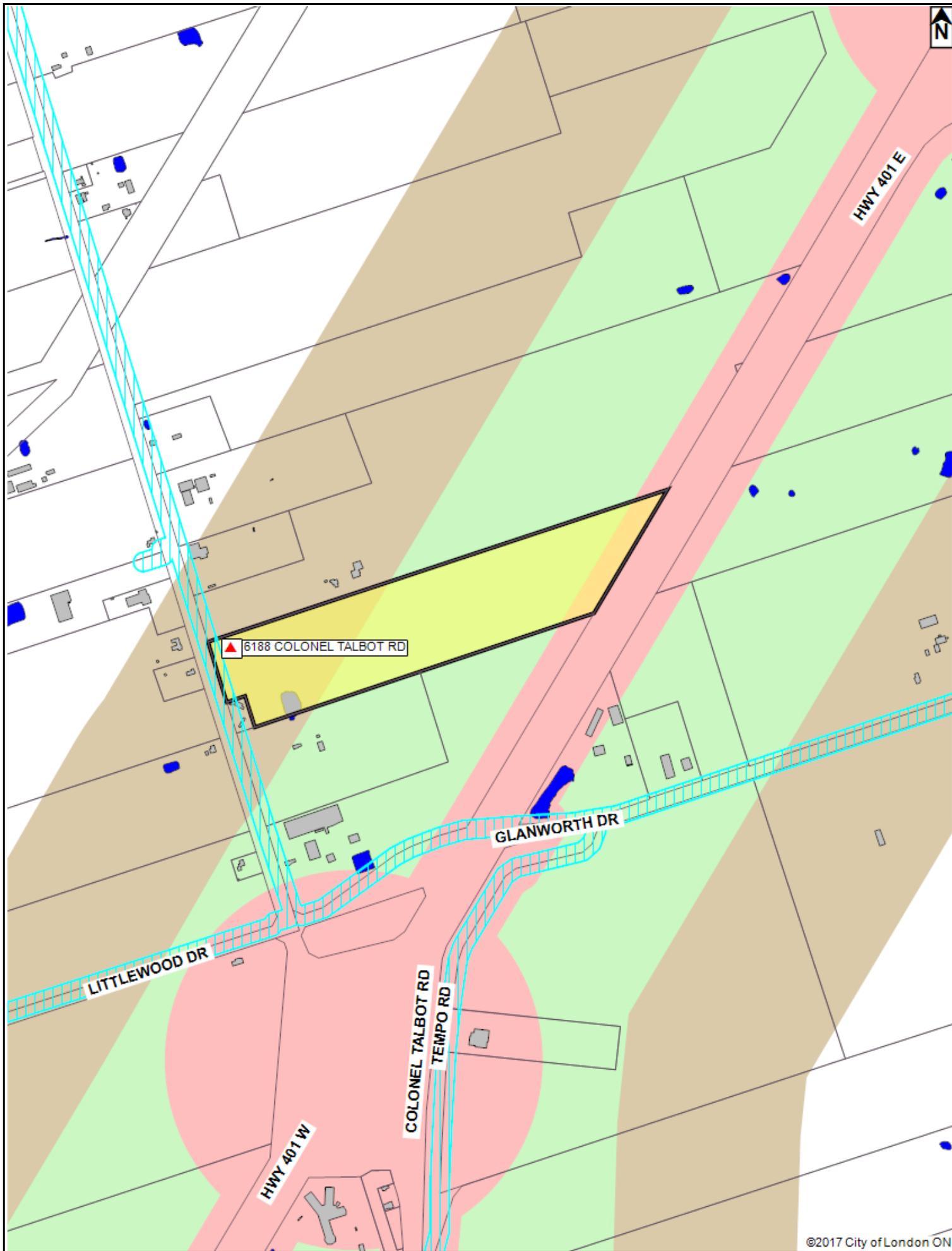
**DRAWING TITLE**  
SITE PLAN FOR  
ZONING BY-LAW AMENDMENT

**PROJECT**  
LONDON VALLEY III

**DEVELOPER/OWNER**  
6188 COLONEL TALBOT ROAD  
LONDON VALLEY III INC.

**DRAWN** K.R.  
**CHECKED** J.P.P.  
**DATE** 03-17

**SCALE** 1 = 1,250  
**JOB NO.** LV3  
**DWG. NO.** -



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**LOCATION MAP**

Subject Site: 6188 Colonel Talbot Road  
 Applicant: **MAINLINE PLANNING SERVICES INC**  
 File Number: **B.047/17**  
 Planner: **Sean Meksula**  
 Created By: **Barb Mellen**  
 Date: **2017-11-22**  
 Scale: **1:10100**

**LEGEND**

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers



Applicant: Mainline Planning Services Inc. c/o Joseph Plutino Date of Decision: May 3, 2018  
File No: 047/17 Date of Notice: May 3, 2018  
Municipality: City of London Last Date of Appeal: May 23, 2018  
Subject Lands: 6188 Colonel Talbot Road Lapsing Date: May 3, 2019



London  
CANADA

## NOTICE OF PROVISIONAL CONSENT DECISION

### Section 53 of the Planning Act

TAKE NOTICE that the City of London Consent Authority, **GRANTED** applicant Mainline Planning Services Inc. c/o Joseph Plutino for 6188 Colonel Talbot Road consent to sever 4.04ha (10 acres) for an existing agricultural use (Maitake Mushroom farm) and retain 14.29ha (35.3acres) for the purpose of existing agricultural uses, file No. B.47/17 on the **3<sup>rd</sup> day of May, 2018**, under Section 53 of the *Planning Act*, R.S.O., 1990, c.P.13, as amended, subject to **CONDITIONS** which must be satisfied before any certificates of consent are issued. A copy of the Provisional Decision is attached. It being noted that no public comment was received as part of this application.

AND TAKE NOTICE that any person or public body may appeal this decision or any of the conditions imposed by the Consent Authority to the Local Planning Appeal Tribunal by filing a notice of appeal with the City of London Consent Approval Authority, Development Services, 300 Dufferin Avenue, London, ON N6A 4L9, **NOT LATER THAN THE 23<sup>rd</sup> day of May, 2018**. The notice of appeal must set out the reasons for the appeal and must be accompanied by the \$300.00 fee prescribed by the Local Planning Appeal Tribunal Act, in the form of a **certified cheque or money** order made payable to the Minister of Finance and must be accompanied by an **Appellant Form (A1)** found on <http://elto.gov.on.ca/tribunals/lpat/forms/appellant-applicant-forms/> or from the office of the London Consent Authority. If you have any questions regarding the appeal process, please contact the ELTO Citizen Liaison Office toll free at 1-866-448-2248, by email at [elto.clo@ontario.ca](mailto:elto.clo@ontario.ca) or in person at 655 Bay Street, Suite 1500, Toronto, ON.

The land to which this application applies is not the subject of an application under the *Planning Act*.

Only individuals, corporations or public bodies may appeal decisions in respect for consent to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

You will be entitled to receive notice of any changes to the conditions of the Provisional Consent if you have either made a written request to be notified of the decision of the London Consent Authority or you made a written request to the London Consent Authority to be notified of changes to the conditions for the provisional consent.

Please note that all conditions of the Provisional Consent must be fulfilled within one year from May 3<sup>rd</sup>, 2018 prior to the issuance of any Certificate by the London Consent Authority failing which this consent shall be deemed to be refused. It is the responsibility of the applicant to satisfy all the conditions. **PLEASE ALLOW THREE WORKING DAYS FOR THE CERTIFICATE TO BE ISSUED.** There is an issuance of certification charge of \$100.00 for the first certificate and \$200.00 for each additional lot/document.

Additional information on this consent decision is available from Development Services, 6th floor, City Hall or by telephoning 519-930-3500 during business hours/weekdays from 8:30 a.m. to 4:30 p.m.

Dated at the City of London this 3<sup>rd</sup> day of May, 2018

J. M. Fleming  
City Planner  
City of London Consent Authority  
300 Dufferin Avenue, London, ON N6A 4L9

**Applicant: Mainline Planning Services Inc. c/o Joseph Plutino** **Date of Decision: May 3, 2018**  
**File No: 047/17** **Date of Notice: May 3, 2018**  
**Municipality: City of London** **Last Date of Appeal: May 23, 2018**  
**Subject Lands: 6188 Colonel Talbot Road** **Lapsing Date: May 3, 2019**

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**OWNER:**

2533430 Ontario Inc.  
3380 Service Road  
Burlington ON, L7N 3J5

**AGENT:**

Mainline Planning Services Inc.  
c/o Joseph Plutino  
P.O. Box 319  
Kleinburg ON, L0J 1C0

**THE CORPORATION OF THE CITY OF LONDON'S CONSENT AUTHORITY PROVISIONAL DECISION FOR CONSENT, FILE NUMBER B.047/17 IS AS FOLLOWS:**

The City of London Consent Authority on Decision date 3<sup>rd</sup> day of May, 2018 **GRANTED** Provisional Approval to the applicant, Mainline Planning Services Inc. c/o Joseph Plutino for 6188 Colonel Talbot Road consent to sever 4.04ha (10 acres) for an existing agricultural use (Maitake Mushroom farm) and retain 14.29ha (35.3acres) for the purpose of existing agricultural uses, subject to **CONDITIONS** which must be satisfied before any Certificates of Official are issued.

**NO. CONDITIONS**

1. That, pursuant to Section 53(41) of the Planning Act, if the applicant has not within a period of one year after notice was given of a decision to grant a provisional consent fulfilled all of the following conditions, the application shall be deemed to be refused.
2. That a certificate fee shall be paid at the London Consent Authority's office in the amount current at the time of the issuance of the Consent Authority's Certificate.
3. For the purposes of satisfying any of the conditions of provisional approval herein contained, the Owner shall file with Development Services Staff (6th floor, City Hall), at a minimum of 3 working days in advance of final consent approval, a complete submission consisting of all required clearances, fees, draft transfer(s) and final plans, and to advise in writing how each of the conditions of provisional approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Consent Authority, such submission will be returned to the Owner without detailed review by the City.
4. That the Owner shall submit 2 white prints of a reference plan of survey, showing the subject land which conforms with the application submitted and which shows the dimensions and areas of each part shown on the plan. That approval of the draft reference plan shall be obtained from the Consent Authority, and; 2 prints of the resultant deposited reference plan shall be received.
5. That prior to issuance of certificate of consent, the Owner shall pay in full all financial obligations/encumbrances owing to the City on the said lands, including property taxes and local improvement charges.
6. The proponent shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport. No demolition, construction, or grading or other soil disturbance shall take place on the subject property prior to the City's Planning Services receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.
7. At the time of consent the severed and retained lands shall comply with the minimum requirements of the Z.-1 Zoning By-law. The applicant may be required to obtain further Planning Act approvals to accommodate this requirement. The above shall be satisfied by applicant, and at no cost to the City.
8. The Owner transfer at no cost to the City sufficient lands free of encumbrances, to widen Colonel Talbot Road to a maximum width of 18.0m in perpendicular width from the centerline of Colonel Talbot Road along the Colonel Talbot Road frontage of the subject lands as determined by the City's Chief Surveyor. The reference plan describing the widening to be transferred must be pre-approved by the City's Chief Surveyor.
9. The Consent Certificate shall lapse after 6 months of issuance if the transaction has not been completed.

**Applicant: Mainline Planning Services Inc. c/o Joseph Plutino** **Date of Decision: May 3, 2018**  
**File No: 047/17** **Date of Notice: May 3, 2018**  
**Municipality: City of London** **Last Date of Appeal: May 23, 2018**  
**Subject Lands: 6188 Colonel Talbot Road** **Lapsing Date: May 3, 2019**

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**NOTES TO CONSENT:**

- I. Draft addressing shall be assigned, at the time of consent, by Development Services.
- II. No municipal watermain, storm and sanitary sewers available along Colonel Talbot Road.
- III. Property is located within the MTO control zone, MTO permits may be required.

**APPEALS TO THE LOCAL PLANNING APPEAL TRIBUNAL CONSENTS**  
**SECTION 53. PLANNING ACT, R.S.O.1990, c.P.13 (as amended)**

The following extracts from Section 53 of the Planning Act outline the appeal process for appealing consents:

**Appeal**

53 (19) (19) Any person or public body may, not later than 20 days after the giving of notice under subsection (17) is completed, appeal the decision or any condition imposed by the council or the Minister or appeal both the decision and any condition to the Tribunal by filing with the clerk of the municipality or the Minister a notice of appeal setting out the reasons for the appeal, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (6); 2017, c. 23, Sched. 5, ss. 80, 81.

**Note:** The fee for an appeal is \$300.00 and \$25.00 for a related appeal and should be in the form of a **certified cheque or money order** made payable to the Minister of Finance of Ontario.

**Appeal**

53 (27) (27) Any person or public body may, not later than 20 days after the giving of notice under subsection (24) is completed, appeal any of the changed conditions imposed by the council or the Minister by filing with the clerk of the municipality or the Minister a notice of appeal setting out the reasons for the appeal, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (10); 2017, c. 23, Sched. 5, s. 81.

**Record**

53

(28) If the clerk or the Minister, as the case may be, receives a notice of appeal under subsection (19) or (27), the clerk or the Minister shall ensure that,

- (a) a record is compiled which includes the information and material prescribed; and
- (b) the record, the notice of appeal and the fee are forwarded to the Tribunal within 15 days after the last day for filing a notice of appeal under subsection (19) or (27). 1994, c. 23, s. 32; 2017, c. 23, Sched. 5, s. 100 (4).

**Hearing**

53 (30) On an appeal, the Tribunal shall hold a hearing, of which notice shall be given to such persons or public bodies and in such manner as the Tribunal may determine. 2017, c. 23, Sched. 5, s. 100 (6).

**Dismissal without hearing**

53

(31) Despite the *Statutory Powers Procedure Act* and subsection (30), the Tribunal may dismiss an appeal without holding a hearing, on its own initiative or on the motion of any party, if,

- (a) it is of the opinion that,
  - (i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could give or refuse to give the provisional consent or could determine the question as to the condition appealed to it,
  - (ii) the appeal is not made in good faith or is frivolous or vexatious,
  - (iii) the appeal is made only for the purpose of delay, or
  - (iv) the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process;
- (b) the appellant did not make oral submissions at a public meeting or did not make written submissions to the council or the Minister before a provisional consent was given or refused and, in the opinion of the Tribunal, the appellant does not provide a reasonable explanation for having failed to make a submission;

- (c) the appellant has not provided written reasons for the appeal;
- (d) the appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017*; or
- (e) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2017, c. 23, Sched. 5, s. 100 (6).

### **Representation**

(32) Before dismissing an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under clause (31) (e). 2000, c. 26, Sched. K, s. 5 (7); 2017, c. 23, Sched. 5, s. 80.

### **Dismissal**

(32.1) The Tribunal may dismiss an appeal after holding a hearing or without holding a hearing on the motion under subsection (31), as it considers appropriate. 2017, c. 23, Sched. 5, s. 100 (6).

### **Decision final**

(33) If all appeals under subsection (19) or (27) are dismissed or withdrawn, the Tribunal shall notify the council or the Minister and, subject to subsection (23), the decision of the council or the Minister to give or refuse to give a provisional consent is final. 1994, c. 23, s. 32; 2017, c. 23, Sched. 5, s. 80.

### **Powers**

(34) On an appeal under subsection (14) or (19), the Tribunal may make any decision that the council or the Minister, as the case may be, could have made on the original application and on an appeal of the conditions under subsection (27), the Tribunal shall determine the question as to the condition or conditions appealed to it. 2017, c. 23, Sched. 5, s. 100 (6).

### **Amended application**

(35) On an appeal, the Tribunal may make a decision on an application which has been amended from the original application if, at any time before issuing its order, written notice is given to the persons and public bodies prescribed under subsection (10) and to any person or public body conferred with under subsection (11) on the original application. 2017, c. 23, Sched. 5, s. 100 (6).



Environment and Land Tribunals Ontario  
**Local Planning Appeal Tribunal**  
655 Bay Street, Suite 1500  
Toronto ON M5G 1E5  
Telephone: 416-212-6349  
Toll Free: 1-866-448-2248  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca)

## Appellant Form (A1)

### Instructions for preparing and submitting the Appellant Form (A1)

- **Important: Do not send your appeal directly to the Local Planning Appeal Tribunal (LPAT).** Submit your completed appeal form(s) and filing fee(s) by the filing deadline to either the Municipality or the Approval Authority/School Board, as applicable. The notice of decision provided by the Municipality/Approval Authority / School Board will tell you where to send the form and appeal fee.
- The Municipality/Approval Authority/School Board will forward your appeal(s) and fee(s) to the LPAT.
- We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible at:  
Toll free: 1-866-448-2248; or  
TTY: 1-800-855-1155 via Bell relay
- E-mail is the primary form of communication used by the LPAT. Providing an e-mail address ensures prompt delivery/receipt of documents and information. Please ensure to include your e-mail address in the space provided on the appeal form.
- A filing fee of \$300 is required for each type of appeal you are filing.  
Example: An appeal of an official plan and a zoning by-law would be \$300 + \$300 for a total fee of \$600.
- To view the Fee Schedule, visit the LPAT's website [<http://elto.gov.on.ca/lpat/fee-chart/>].
- The filing fee **must** be paid by certified cheque or money order, in Canadian funds, payable to the **Minister of Finance**. Do not send cash.
- **Mediation:** The *Planning Act* sets out that the Tribunal shall consider the use of mediation in appropriate circumstances. The Tribunal may also use mediation for matters under other legislation.
  - Mediation is a voluntary activity. A party or parties in a matter may request mediation or the Tribunal on its own initiative may propose mediation. Any decision about whether mediation is pursued will be determined through a mediation assessment. The assessment will consider the issues defining the matter, the respective interests of the parties engaged in the matter, and any other relevant information.
  - Information about the mediation assessment process will be provided at the time the idea of mediation is introduced to the parties. In anticipation of giving consideration to mediation, parties are encouraged to reflect on their interests.
- If you are represented by a lawyer the filing fee may be paid by a solicitor's general or trust account cheque.
- Professional representation is not required but please advise the LPAT if you retain a representative after the submission of this form.
- **Provide both an electronic copy (.pdf) and hard copy of all document submissions.**
- The *Planning Act*, *Development Charges Act*, *Education Act*, *Local Planning Appeal Tribunal Act*, and others, are available on the LPAT website [<http://elto.gov.on.ca/lpat/legislation-and-rules/>].
- Fields marked with an asterisk (\*) are mandatory.



Environment and Land Tribunals Ontario  
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 Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca)

## Appellant Form (A1)

Receipt Number (LPAT Office Use Only)

LPAT Case Number (LPAT Office Use Only)

Date Stamp Appeal Received by Municipality/Approval Authority

**To file an appeal, select one or more below \***

- Appeal of Planning Act matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances, proceed to Section 1A
- Second appeal of a Planning Act matter for Official Plans and amendments, Zoning By-Laws and amendments, proceed to Section 1B. NOTE: Bill 139, Building Better Communities and Conserving Watersheds Act, 2017, allows appeals to the Tribunal of some Planning Act matters previously determined by LPAT.
- Appeals of other matters, including Development Charges, Education Act, Aggregate Resources Act, Municipal Act and Ontario Heritage, proceed to Section 1C

**1 A. Appeal Type (Please check all applicable boxes) \***

Subject of Appeal	Type of Appeal	Reference (Section)
<b>Planning Act Matters</b>		
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
	<input type="checkbox"/> Approval Authority failed to make a decision on the plan within 210 days, or within 300 days if Approval Authority extended the appeal up to 90 days	17(40)
	<input type="checkbox"/> Council failed to adopt the requested amendment within 210 days	22(7)
	<input type="checkbox"/> Council refuses to adopt the requested amendment	
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 150 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision within 210 days where the application is associated with an Official Plan Amendment	
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control Zoning By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law within 60 days (Minister only)	38(4)
	<input type="checkbox"/> Appeal the passing of an extension of an Interim Control By-law within 60 days	38(4.1)

Subject of Appeal	Type of Appeal	Reference (Section)
Site Plan	<input type="checkbox"/> Application for a site plan – council failed to make a decision within 30 days	41(12)
	<input type="checkbox"/> Appeal requirements imposed by the municipality or upper tier municipality	41(12.01)
Minor Variance	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision that approved or refused the application	53(19)
	<input checked="" type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)
Plan of Subdivision	<input type="checkbox"/> Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved a plan of subdivision	
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did not approve a plan of subdivision	
	<input type="checkbox"/> Appeal a lapsing provision imposed by an Approval Authority	51(39)
	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)
	<input type="checkbox"/> Appeal changed conditions	51(48)

## 2. Location Information

Address and/or Legal Description of property subject to the appeal \*

Municipal Address: 6188 Colonel Talbot Road

Legal Description: Lot 57, East of the North Branch, Geographic Township of Westminster

Municipality \*

London

Upper Tier (Example: county, district, region)

## 3. Appellant/Objector Information

**Note:** You must notify the LPAT of any change of address or telephone number in writing. Please quote your LPAT Case/File Number(s) after they have been assigned.

Last Name

Shields

First Name

Tim

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

2533430 Ontario Inc.

Email Address

shields@trans-globalpart.com

Daytime Telephone Number \*

905-602-7463

ext.

Alternate Telephone Number

### Mailing Address

Unit Number

Street Number \*

Street Name \*

See Representative

PO Box

319

City/Town \*

Kleinburg

Province \*

Ontario

Country \*

Canada

Postal Code \*

L0J 10C

#### 4. Representative Information

I hereby authorize the named company and/or individual(s) to represent me

Last Name  
Plutino

First Name  
Joseph

Company Name  
Mainline Planning Services Inc

Professional Title  
Principal/Senior Planner

Email Address  
jplutino@mainlineplanning.com

Daytime Telephone Number  
905-893-0046

ext.

Alternate Telephone Number

#### Mailing Address

Unit Number

Street Number

Street Name

PO Box  
319

City/Town  
Kleinburg

Province  
Ontario

Country  
Canada

Postal Code  
L0J 1C0

**Note:** If you are representing the appellant and are not licensed under the *Law Society Act*, please confirm that you have written authorization, as required by the LPAT's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

#### 5. Subject Information

Municipal Reference Number(s) \*  
B.047/17

#### For all other appeal types

Outline the nature of the appeal and the reasons for the appeal

The appellant is appealing conditions 6 & 7. Condition 6 is onerous as the entire property remains an existing farm operation. Furthermore there is a holding provision on the zoning by-law and requiring an archaeological study prior to development. Condition 7 is onerous and "unreasonable" as it requires the sale of lands to an adjacent property owner.

#### 6. Related Matters

Are there other appeals not yet filed with the Municipality?

Yes  No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

Yes  No ▼

if yes, please provide LPAT Case Number(s) and/or Municipal File Number(s)  
A.146/15

#### 7. Case Information

#### For all other appeal types :

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.).  
Land Use Planner

## 8. Required Fee

Total Fee Submitted \* \$ 300

Payment Method \*  Certified cheque  Money Order  Lawyer's general or trust account cheque

## 9. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Tim Shields		2018/05/17

Personal information or documentation requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the *Local Planning Appeal Tribunal Act*. After an appeal is filed, all information relating to this appeal may become available to the public.

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING OF JULY 16, 2018</b>
<b>FROM:</b>	<b>MARTIN HAYWARD CITY MANAGER</b>
<b>SUBJECT</b>	<b>STRATEGIC PLAN PROGRESS VARIANCE</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the City Manager, with the concurrence of the Managing Director of Planning and City Planner, the following report on the Strategic Plan Progress Variance **BE RECEIVED** for information.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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- Strategic Priorities and Policy Committee, Strategic Plan: Semi-Annual Progress Report, May 7, 2018
- Planning and Environment Committee, Strategic Plan Progress Variance, February 20, 2018
- Strategic Priorities and Policy Committee, Strategic Plan: Semi-Annual Progress Report And 2017 Report To The Community, November 22, 2017
- Planning and Environment Committee, Strategic Plan Progress Variance, July 31, 2017
- Strategic Priorities and Policy Committee, Strategic Plan: Semi-Annual Progress Report, May 29, 2017
- Planning and Environment Committee, Strategic Plan Progress Variance, February 6, 2017

<b>BACKGROUND</b>
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On March 10, 2015, City Council approved the *2015-2019 Strategic Plan* for the City of London, establishing a vision, mission, areas of focus and numerous strategies for this term of Council. In December 2015, Council directed administration to prepare Semi-Annual Progress Reports (every May and November). The Progress Reports identify a status for each milestone: complete, on target, caution, or below plan.

On November 23, 2016, Council resolved that, on the recommendation of the City Manager, the following action be taken with respect to Council's 2015-2019 Strategic Plan:

*c) the Civic Administration BE DIRECTED to refer strategic plan milestones that are "caution" or "below plan" to meetings of the appropriate Standing Committee, following the tabling of the May and November update reports on the Strategic Plan;*

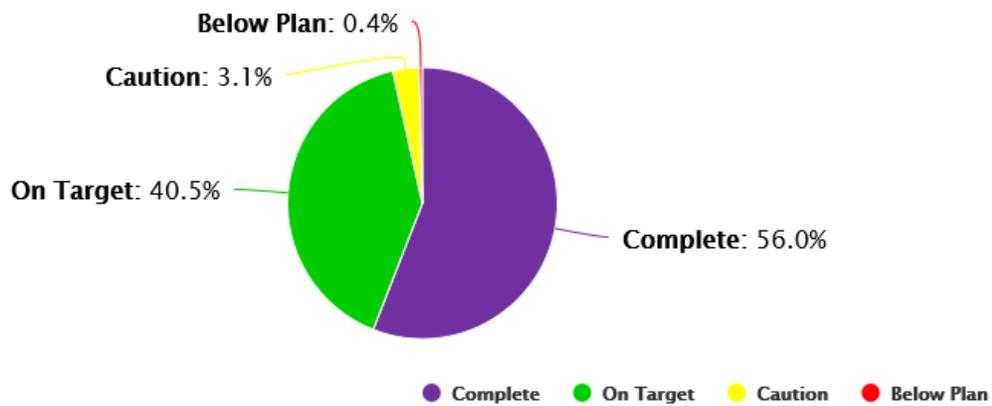
Council re-confirmed this direction at the May 7, 2018 Strategic Priorities and Policy Committee meeting.

## DISCUSSION

This report outlines the milestones corresponding to the Planning and Environment Committee that, as of May 2018, were identified as caution or below plan. This report covers 2 milestones that were flagged as caution.

### Overall Strategic Plan Progress

As of May 7, 2018, 573 milestones were complete, 415 milestones were on target, 32 milestones were caution and 4 milestones were below plan in the entire Strategic Plan. As indicated in the chart below, 56.0% of milestones are complete, 40.5% are on target, 3.1% of milestones are caution and 0.4% of milestones are below plan.



### Variance Explanations

■ Building a Sustainable City - Caution

Milestone	What	Why	Implications
<b>What are we doing?</b> Create a more attractive city through urban design			
<b>How are we doing it?</b> City Wide Urban Design Manual (Planning)			
Complete final document  <b>End Date:</b> <b>12/31/17</b>	Release of the final draft of the Urban Design Manual for public review and comment has been delayed. A Consultant has been retained to assist in the development of the UD Guideline document.	Draft document has been sent for additional internal review prior to release for public consultation.	There are no consolidated Guidelines adopted by Council to assist in the review of planning and development applications.



## Report to Planning and Environment Committee

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

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

**Subject:** Environmental Impact Study (EIS) Compliance  
(Deferred Matters Item)

**Meeting on:** July 16, 2018

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken:

- (a) the report regarding Environmental Impact Study (EIS) compliance for subdivisions BE RECEIVED for information; and,
- (b) this item BE REMOVED from the Planning and Environment Committee Deferred Matters list (Item #7 of the May 28, 2018 PEC report).

## Background and Analysis

### 1.0 Background

#### 1.1 Council Resolution

On January 26, 2016, Council resolved the following:

*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.*

The purpose of this report is to provide additional information regarding Council's request, to outline actions being taken on this matter, and to highlight further work that Civic Administration is pursuing.

#### 1.2 Additional Background

Environmental Impact Studies (EIS) are required for proposed development occurring adjacent to natural heritage areas. Through scientific analysis, studies determine the features, systems and species that have important ecological functions and the enhancements and protections that are required. From an EIS, the limits of development are established as well as appropriate buffers/mitigative measures from the significant natural heritage areas.

In most circumstances, EIS reports include recommendations for post-development monitoring to assess the implementation and efficacy of the findings of the EIS and impacts on the applicable features, systems and species. The monitoring results are used by the City to determine if corrective actions are required to better protect the subject environmental lands.

Monitoring conditions are included in subdivision agreements based on the recommendations contained in the EIS.

## **2.0 Key Issues and Considerations**

In response to Council's direction, Staff have reviewed current processes, initiated a review of active subdivisions and determined an approach for further improvement. EIS compliance involves multiple areas of the City: Environmental Planning, Development Planning, and Agreement Compliance. The sections below provide a summary of issues, work-to-date and next steps.

### **2.1 Improved EIS Compliance Process**

Operationalizing EIS monitoring clauses involves Senior Planners, Development Inspection Technologists and Ecologist Planners. Each individual has an important role to play in the "chain" to ensure that monitoring reports are received, reviewed and actioned accordingly.

The following process is being implemented for EIS compliance matters:

- Senior Planners will review the EIS to determine if a monitoring clause(s) is required (draft plan approval or subdivision agreement) and ensure inclusion of clause;
- Senior Planners will prepare milestone dates for annual monitoring requirements and provide the list to the Compliance team;
- Development Inspection Technologists will send out reminders for annual monitoring to landowners and receive the monitoring reports for distribution;
- Ecologist Planners will review the monitoring reports, conduct site inspections (if deemed to be required) and provide comments/deficiencies/sign-off to the Compliance team; and,
- Development Inspection Technologists will communicate the outcomes of City review to landowners and any required actions/remediation.

Additional communication and training regarding this improved process will be completed in the coming months.

### **2.2 Review of Active Subdivisions**

Both Development Services and Environmental and Parks Planning have recognized that there has been inconsistent receipt and corresponding review of monitoring reports. Further, tracking databases are not in place to confirm the status of monitoring requirements for active subdivisions.

Staff has initiated an inventory and assessment for EIS monitoring conditions for one hundred and fifty (150) active subdivisions at varying stages to identify the monitoring requirements, confirm reports received to date and engage landowners with outstanding requirements. Although some of this information is readily available, much of the analysis is labour intensive; as a result, the review will not be completed until the early fall. Any identified gaps will be actioned and older subdivisions will be prioritized first due to the length of elapsed time from pre- to post-development conditions and recognizing that the subdivisions will be nearing assumption.

### **2.3 Compliance and Enforcement**

Compliance and enforcement matters relate to conditions for development, security and by-laws.

Conditions: As mentioned above, subdivision agreements presently provide EIS monitoring clauses where needed. As part of the subdivision continuous improvement initiatives, Staff is examining draft plan conditions and subdivision agreement clauses. It has been recognized that draft plan conditions and agreement clauses would benefit from improved language on expectations, requirements and timing associated with EIS monitoring. Once the language has been finalized it will be implemented for all new conditions and clauses.

Security: Historically, the City has not required security from developers associated with EIS monitoring. Security is generally received in the form of cash or letters of credit that can be drawn upon by the City in the event that a developer is in default of the requirements of their subdivision. In a default circumstance, the City can undertake actions required to remedy the matter with the available funds. As EIS compliance matters are not secured, in a default circumstance (e.g., monitoring has demonstrated ecological failure), the City would be required to compel the developer to action through the courts or to take action on behalf of the developer and gain reimbursement as a result of litigation. Staff is investigating options available for EIS security and implementation.

By-laws: Another means of addressing EIS compliance is through the creation of dedicated by-laws and associated enforcement. The City presently has limited by-law options associated with natural heritage matters. By-laws can provide a means to protect features and functions of recognized environmental areas, and to levy fines associated with non-compliance. By-law options (and need) are still in preliminary stages of review and consideration will be given to enhancement of existing by-laws (e.g., Site Alteration By-law and Tree Protection By-law) as well as the drafting of a new by-law.

It should also be noted that enforcement of natural heritage matters extends beyond the City – the Upper Thames River Conservation Authority and other Provincial and Federal agencies have the ability (if they choose) for enforcement related to impacts to natural heritage features. City staff regularly liaise with these agencies and departments to address comments and concerns.

## **2.4 City-wide Monitoring Contract**

As described above, EIS monitoring requirements are the responsibility of developers. Consultants are retained by these individuals to assess outcomes for individual subdivisions. Some municipalities have opted to have a single city-wide monitoring contract with a consultant that reviews all applicable subdivisions on behalf of the City and developers. A city-wide contract approach provides benefits by conducting monitoring consistently (the same consultant and the same methodology), at regularized intervals, and opportunities for benchmarking with other similar subdivisions. The City of Kitchener has adopted a city-wide monitoring contract approach and funds the reviews through their Development Charges Study. Single, city-wide EIS monitoring would also be consistent with the City's program for stormwater management facility monitoring prior to assumption (for former developer-constructed facilities). Staff is reviewing this matter as part of the 2019 Development Charges Background Study.

## **2.5 Post-Development “Audits”**

There are two types of post-development “auditing” of EIS compliance: site inspection and systematic long-term review.

Site inspections: Presently, Environmental and Parks Planning staff perform limited site inspections for post-development effects on natural heritage lands and species proactively (e.g., a particularly sensitive feature is known and was the subject of significant consideration during the development process, or random inspection when adjacent/on-site for other matters) and reactively (e.g., a call-in about significant development-related erosion impacting natural heritage lands). Given that the City only has two Ecologist Planners on staff, it is challenging to undertake site inspections on a regular basis as these same individuals are reviewing current development applications and advancing numerous environmental planning projects. Staff is exploring the need for additional Environmental Planning resources and associated business cases.

Long-term review: Staff has recognized the benefit of completing systematic long-term reviews of post-development impacts on natural heritage areas. The City's environmental policies were substantially changed in 2009 with Official Plan Amendment 438. These revised policies have subsequently informed the content and recommendations of Environmental Impact Studies completed for new development. In

the coming years, a sizeable number of subdivisions that were planned based on the revised policies will have been occupied and built-out for a period of time such that a study could be undertaken to assess the efficacy of EIS recommendations and the City's environmental policies. This information would be a beneficial "feedback loop" to considering future development requirements. The completion of a long-term study will continue to be explored by Staff.

### 3.0 Conclusion

Staff has established a multi-pronged approach to improving EIS compliance. Over the coming months, further actions will be taken related to the review of active subdivisions, development conditions, security and other enforcement alternatives. Staff will also continue to investigate enhanced post-development auditing, recognizing the longer-term nature of this matter due to resource constraints.

Discussions with stakeholders regarding the matters contained in this report will also occur.

Acknowledgements: This report was prepared with the assistance and input of staff from Environmental and Parks Planning and Development Services.

<p><b>Prepared and Recommended by:</b></p>	<p><b>Paul Yeoman, RPP, PLE Director, Development Services</b></p>
<p><b>Submitted by:</b></p>	<p><b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b></p>
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.</p>	

July 9, 2018  
PY/PY

Cc: Andrew Macpherson, Manager, Environmental and Parks Planning  
Heather McNeely, Manager, Development Services (Site Plans)  
Matt Feldberg, Manager, Development Services (Subdivisions)

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>GEORGE KOTSIFAS, P.Eng. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>CAPITAL WORKS CLAIM – 33M-654 RIVERBEND MEADOWS PH 3 MEETING ON JULY 16, 2018</b>

**RECOMMENDATION**

That, on the recommendation of the Director, Development Services, the request for additional payment of the Capital Works Budget claim under 33M-654 Riverbend Meadows Phase 3 **BE DISMISSED** as the original claim amount has been paid out in accordance with the Subdivision Agreement provisions.

**PREVIOUS REPORTS PERTINENT TO THIS MATTER**

N/A

**BACKGROUND**

On May 22, 2018, Municipal Council resolved the following:

*That the request from C. Linton, Developro Land Services Inc., for delegation status relating to Riverbend Meadows Phase 3, BE REFERRED to the Managing Director, Development and Compliance Services and Chief Building Official to review and to determine the appropriate process to be undertaken. (2018-T04) (4.5/9/PEC)*

A complaint letter (attached) was also received from Developro Land Services Inc. on behalf of Pemic Land Corp, the developer of Riverbend Meadows Subdivision Phase 3 (33M-654). The letter requested additional payment of a Capital Works Budget claim of approximately \$16,000 for the replacement of a private driveway related to a sidewalk construction project. It is noted that the letter incorrectly references the Urban Works Reserve Fund (UWRF) rather than the Transportation Capital Works Budget as the source for the original claim. As further discussed below, the developer's contractor replaced the entire driveway in order to meet the City's design standards for a maximum of 4% cross fall grade requirements within new subdivisions. The developer claims that these costs were not contemplated in the original construction estimate which was carried forward under the Subdivision Agreement.

**ANALYSIS**

Under the Riverbend Meadows Phase 3 Subdivision Agreement, the developer was required to construct sidewalks fronting eight existing homes on Logans Trail and Logans Run which would be claimable under the Transportation Capital Works Budget. The agreement stipulates that the claim be limited to the maximum amount of \$25,600 excluding HST, which was based on the developer's Professional Engineer's estimate for construction of the works.

Following review of the submitted claim, Pemic Land Corp was paid \$25,600 excluding HST under the Capital Works Budget on January 19, 2017. The reimbursed claim included all costs incurred by the developer for sidewalk construction, engineering fees and a share of the public

portion of the driveway replacement within the right-of-way up to the maximum allowable amount.

The additional funding that is being requested is for the private portion of the driveway. Generally in order to accommodate new sidewalk construction, the existing driveway would be saw cut to allow for the new sidewalk. If required, in order to meet the maximum 4% cross fall grade requirements, the public portion of the driveway within the road allowance may be replaced at the City's cost. As per section 9.4.3 of the City of London's Design Specifications & Requirement Manual, the private portion of the driveway surfaces can have a maximum grade up to 10%. Therefore, replacing the private portion of the driveway to meet 4% cross fall is not a requirement of the City and shall be the developer's cost. Replacing the entire driveway is not consistent with City- led projects and replacement of the private portion of the driveway would be at the homeowner's expense. The City works with the homeowner on a case by case basis to reach an agreement, however it is understood that replacement of the private portion of driveway is not a City expense.

It is noted in Developro's letter that a City-led sidewalk replacement project on Bradley Ave exceeded the 4% cross fall grade requirements. The reason this standard does not apply in this situation is because this was a lifecycle sidewalk replacement project and the design standards specifically reference the 4% cross fall requirement applies to new subdivisions or developments. The City attempts to correct any cross fall grade deficiencies through their lifecycle replacement programs, however in older areas it can be impractical to do so, as opposed to new subdivisions where the grades are generally more level.

The additional funding requested by the developer is recommended to be declined based on the following:

1. It is understood that the driveway was in place prior to registration of the Subdivision Agreement; therefore it is reasonable to assume that any requirements to meet the City's design standards should have been known and included in the Engineer's estimate.
2. The 4% cross fall requirement is not applicable to the private portion of the driveway, hence replacement of the private portion of the driveway was never contemplated nor requested by City staff.
3. The additional funding request is for works completed on private property and in accordance with City's practices, these costs would not be funded through the Capital Works Budget.
4. The Capital Works Budget claim has been paid out in accordance with the Subdivision Agreement up to the maximum allowable amount.

## **CONCLUSION**

The complaint letter submitted by Developro Land Services Inc. on behalf of Pemic Land Corp, regarding the request for additional payment related to the construction of the private driveway was reviewed and discussed with Developro Land Services Inc. It is Staff's opinion that the Transportation Capital Works Budget claim has been paid out in accordance with the Subdivision Agreement and that request for additional payment to Pemic Land Corp be dismissed.

<b>PREPARED BY:</b>	<b>CONCURRED IN BY:</b>
<b>JASON SENESE, CGA, CPA, MBA MANAGER, DEVELOPMENT FINANCE</b>	<b>RAFIQUE TURK, M.Eng., P.Eng. MANAGER, DEVELOPMENT ENGINEERING, DEVELOPMENT SERVICES</b>
<b>RECOMMENDED BY:</b>	<b>SUBMITTED BY:</b>
<b>PAUL YEOMAN, RPP, PLE DIRECTOR, DEVELOPMENT SERVICES</b>	<b>GEORGE KOTSIFAS, P.Eng. MANAGING DIRECTOR, DELVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>

Attachment: April 20, 2018 letter titled *Riverbend Meadows Phase 3, 33M-654* from Developro Land Services Inc.

Cc.: Kelly Scherr, Managing Director, Environmental & Engineering Services & City Engineer  
Anna Lisa Barbon, Managing Director, Corporate Services and City Treasurer and Chief Financial Officer  
Craig Linton, Developro Land Services Inc.

# DEVELOPRO LAND SERVICES INC

April 20, 2018

The City of London  
300 Dufferin Avenue  
London, ON  
N6A 4L9

ATTENTION: Ms. Heather Lysynski, City Clerks Office

VIA EMAIL ONLY

Dear Ms. Lysynski

**Re: Riverbend Meadows Phase 3, 33M-654, UWRF Claim**

This letter is to formally request delegation status at the next possible Planning and Environment Committee (PEC) meeting to discuss a claim made by Pemic Land Corp to the UWRF.

This subdivision required a sidewalk to be installed in front of eight existing homes, and was to be claimable to the UWRF. A preliminary estimate was prepared by our consulting engineer (AECOM). This estimate was used to formulate the subdivision agreement which stipulated the maximum UWRF claim to be \$25,600, excluding HST.

When it came time to construct the sidewalk, we were informed by Development Services that the sidewalk running through a stamped concrete driveway located at 1520 Logans Trail could not be installed by simply sawcutting the driveway and pouring a sidewalk to match the existing grade because the cross fall measured on the existing driveway slightly exceeded 4%.

This required the entire driveway to be removed, as it is impossible to match the existing concrete colour. This was a significant extra cost that was never contemplated during the original estimate. Development Services has denied the claim to recover the extra costs, which amounted to approximately \$16,000.

At the same time as I was told our UWRF claim would be rejected, I noted that sidewalk installed by the City of London at the south west corner of Bradley Avenue and Ernest Avenue did not meet this same standard. When I raised this issue with Development Services, my comments were dismissed, and was told this issue was "closed".

I respectfully request that PEC grant delegation status for myself to address this issue, as I believe it has been an unfair consideration of this extra expense.

**DEVELOPRO**  
**LAND SERVICES** INC

Sincerely,

A handwritten signature in black ink, appearing to read 'CL', written in a cursive style.

Craig Linton  
Developro Land Services Inc.



AECOM  
410 – 250 York Street, Citi Plaza  
London, ON, Canada N6A 6K2  
www.aecom.com

519 673 0510 tel  
519 673 5975 fax

August 11, 2016

Mr. Matt Feldberg, C.E.T.  
Manager, Development Finance  
The Corporation of the City of London  
Finance and Corporate Services/Development Finance  
300 Dufferin Ave.  
London, ON N6A 4L9

Dear Mr. Feldberg:

**Project No: 60263364**

**Regarding: Riverbend Meadows Subdivision Phase 3 (33M-654)  
Pemic Land Corp.  
UWRF Claim Submission – External Sidewalks**

On behalf of our client:

**Pemic Land Corp.**  
100 Wellington Road South, Suite 301  
London, ON  
N6B 2K6  
**GST Number: 87775 1107 RT0001**

this letter and attached supporting documentation is a request for claim to the Community Services Reserve Fund (CSRF) for the below-noted approved claimable items associated with the Riverbend Meadows Subdivision Phase 3 (33M-654) development project. A claim in the amount of **\$47,827.09** (including engineering and HST) is being submitted for the works completed on this project.

The work was completed as part of the Riverbend Meadows Subdivision Phase 3 development located in the Riverbend community in northwest London. In accordance with the approved subdivision agreement, the following items have been identified as claimable to the CSRF:

28 b) for the cost of construction of a sidewalk on the proposed Logans Trail and Logans Way to Logans Run in Plan 33M-549. The claim will be limited to this maximum amount of \$25,600 excluding applicable taxes.

In accordance with the Subdivision Agreement and approved engineering drawings, the required sidewalk was installed. In addition, due to the existing conditions of an existing stamped concrete driveway, and the City not accepting of a sidewalk with a 5% crossfall, the driveway at Mun. No. 1520 Logans Trail had to be removed and replaced. As such, added costs were incurred and are submitted for acceptance as claimable.

In accordance with the attached Claimable Works Checklist, all required supporting documentation has been provided.

Please note that the paid AECOM invoices related to the claimable items have not been attached. The above-noted claimable items relate to the installation of sidewalks and driveway, therefore detailed design and construction administration was limited. As such, we are recommending using a calculation of 4% for engineering fees in lieu of a typical 15% calculation. AECOM did not prepare individual invoices to the client related specifically to the claimable works, therefore it would be extremely difficult to properly identify the hours expended on the completed work. AECOM can confirm that all invoices related to the claimable items have been paid in a timely manner.

We trust the above and attached is sufficient for review and approvals as soon as possible. Should you have any questions or require any additional information, please do not hesitate to contact the undersigned.

Sincerely,  
**AECOM Canada Ltd.**



Peter McAllister, P.Eng., P.M.P.  
Senior Project Manager  
[Peter.McAllister@aecom.com](mailto:Peter.McAllister@aecom.com)

PAM:jd  
Encl.

cc. C. Linton, Pemic Land Corp.

## Report to Planning and Environment Committee

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

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

**Subject:** Application By: Sifton Properties Limited  
1420 Westdel Bourne  
Riverbend South Subdivision – Phase 2  
39T-16502 - Special Provisions

**Meeting on:** July 16, 2018

## Recommendation

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Sifton Properties Limited for the subdivision of land over Part of Lots 49 and 50, Concession 'B', (Geographic Township of Westminster), City of London, County of Middlesex, situated on the east side of Westdel Bourne, south of Oxford Street West, municipally known as 1420 Westdel Bourne:

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Sifton Properties Limited for the Riverbend South Subdivision, Phase 2 (39T-16502) attached as Appendix "A", **BE APPROVED**;
- (b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix "B";
- (c) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached as Appendix "C"; and,
- (d) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfil its conditions.

## Analysis

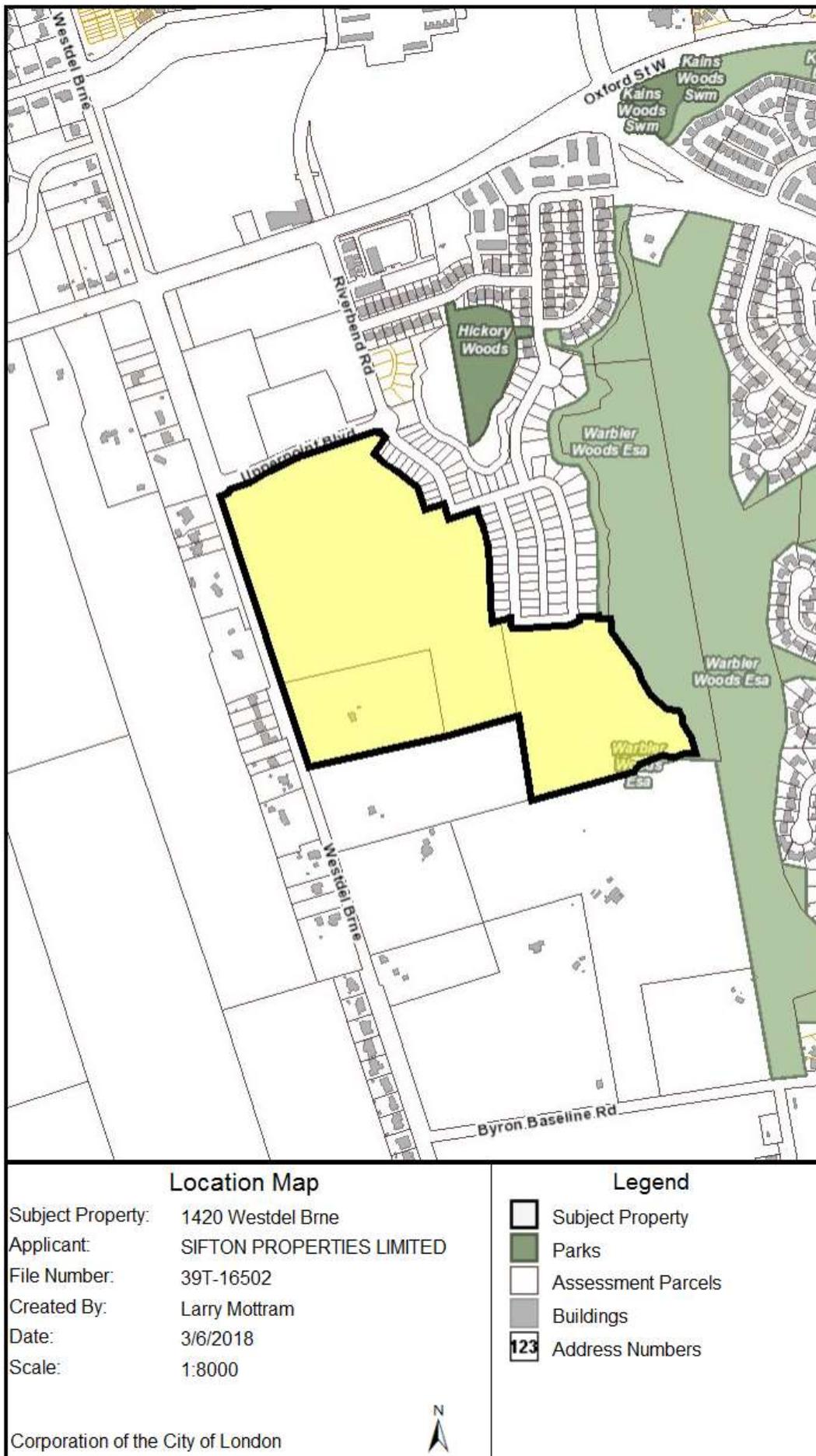
### 1.0 Site at a Glance

#### 1.1 Property Description

The subject lands are within the Riverbend South Secondary Plan representing Phase 2 of the Sifton Properties Limited subdivision development (also referred to as Warbler Woods Phase II). The lands are located on the east side of Westdel Bourne, south of Oxford Street West; known municipally as 1420 Westdel Bourne and portions of 1826 and 1854 Oxford Street West, having an area of approximately 28 hectares (68 acres). The draft plan of subdivision consists of fourteen (14) single detached residential blocks, four (4) medium density residential blocks, one (1) high density residential block, one (1) school block, three (3) park blocks, one (1) open space block, one (1) walkway block, one (1) road widening block, two (2) reserve blocks, two (2) Neighbourhood Connector roads, and seven (7) Neighbourhood Streets. A public meeting to consider the draft plan was held on November 14, 2016. Draft plan approval was issued by the Approval Authority on December 22, 2016.

Development Services 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.

## 1.2 Location Map Phase 2 Riverbend South





<b>Prepared by:</b>	<b>Larry Mottram Senior Planner, Development Services</b>
<b>Recommended and Reviewed by:</b>	<b>Lou Pompili, MCIP RPP Manager, Development Planning (Subdivision)</b>
<b>Reviewed by:</b>	<b>Matt Feldberg Manager, Development Services (Subdivision)</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services	

July 9, 2018

Cc: Paul Yeoman, Director, Development Services and Approval Authority

LM/FG

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## Appendix A – Special Provisions

### 5. STANDARD OF WORK

**Remove** Subsection 5.7 and **replace** with the following:

- 5.7 The Owner shall provide minimum side yard setbacks as specified by the City for buildings which are adjacent to rear yard catch basin leads which are not covered by an easement on Lots in this Plan.

The Owner shall register against the title of Lots 116, 117, 126 and 127 of this Plan, which incorporate rear yard catchbasins, other affected Lots shown on the accepted plans and drawings, and shall include this information in the Agreement of Purchase and Sale or Lease for the transfer of each of the affected Lots, a covenant by the purchaser or transferee to observe and comply with the minimum building setbacks and associated underside of footing (U.S.F.) elevations, by not constructing any structure within the setback areas, and not disturbing the catchbasin and catchbasin lead located in the setback areas. This protects these catchbasins and catchbasin leads from damage or adverse effects during and after construction. The minimum building setbacks from these works and associated underside of footing (U.S.F.) elevations have been established as indicated on the subdivision lot grading plan, attached hereto as **Schedule "I"** and on the servicing drawings accepted by the City Engineer.

**Add** the following new Special Provisions:

- #1 The City may require the works and services required under this Agreement to be done by a contractor whose competence is approved jointly by the City Engineer and the Owner, all to the satisfaction of the City Engineer.
- #2 The Owner shall maintain works and services in this Plan in a good state of repair from installation to assumption, to the satisfaction of the City, at no cost to the City.

### 16. PROPOSED SCHOOL SITES

**Remove** Subsection 16.3 and **replace** with the following:

- 16.3 The Owner shall set aside Block 129 as a site for school purposes to be held subject to the rights and requirements of any School Board having jurisdiction in the area.

### 24. IDENTIFICATION SIGNS / SITE SIGNAGE

**Remove** Subsection 24.1 in its entirety and **replace** with the following:

24.1 The Owner shall:

- a) erect, or cause to be erected, at his entire expense, subdivision identification signs in accordance with the City's standard "Specifications for Subdivision Identification Signs", as they apply to this subdivision. The Owner shall be responsible for obtaining the information from the City;
- b) maintain signs all erected pursuant to 24.1(a) above, at all times in a condition satisfactory to the City and will not be removed until 95% of all the subdivision housing units have been built and occupied, or assumption, all at the discretion of the City.
- c) notwithstanding any other provisions of this Agreement, refrain from making any application for building permits, which includes a permit restricting occupancy, until such time as the Owner has complied with subsections (a)

and (b) of this clause;

- d) prior to the issuance of a Certificate of Conditional Approval, erect a sign at each street entrance to the subdivision informing the public that the subdivision is un-assumed by the City. The sign shall be erected and shall be maintained until assumption, all to the satisfaction of the City, at no cost to the City. The Owner shall be responsible for the maintenance and replacement of the signs, at no cost to the City. The sign shall read:

This subdivision is currently not assumed by the City. Responsibility for the maintenance remains with Sifton Properties Limited. All City of London by-laws still apply;

- e) prior to the issuance of any Certificate of Conditional Approval, erect signs on dead-end streets, where applicable, with a notification that the street is to be a through street in future. The Owner shall be responsible for the maintenance and replacement of the signs, at no cost to the City.
- f) Within two (2) months of curb installation or as otherwise directed by the City, , erect at all street intersections and other locations as required by the City, permanent signs designating street names, parking restrictions and other information as required by the City. Installation and maintenance shall be the responsibility of the Owner, and at no expense to the City. All signs shall be of a design approved by the City.
- g) within two (2) years of registration of this Plan or otherwise directed by the City, install all permanent regulatory and non-regulatory traffic signage in accordance with the accepted engineering drawings. Regulatory signage that requires a City by-law (ie. Stop and Yield), shall be installed by the City on the permanent street name posts.

## 25.1 STANDARD REQUIREMENTS

~~Remove Subsection 25.1 (h) and replace with the following:~~

- ~~(h) Within one (1) year of registration of the Plan, or as otherwise agreed to by the City, the Owner shall construct a chain link fence without gates, adjacent to the walkway (Block 139) in accordance with City Standard No. SR-7.0.~~

**Add** the following new Special Provisions:

- #3 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall install walkway lighting along the multi-use trail along Westdel Bourne on Block 142 of this Plan, as per the accepted engineering drawings, all to the satisfaction of the City Engineer.
- #4 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall install street lighting on Westdel Bourne along the entire frontage of this Plan, as per the accepted engineering drawings, all to the satisfaction of the City Engineering.
- #5 Prior to the issuance of any Certificate of Conditional Approval, the Owner's Professional Engineer shall certify that any remedial or other works as recommended in the accepted hydro-geological and geotechnical report are implemented by the Owner, to the satisfaction of the City, at no cost to the City Engineer.
- #6 The Owner shall comply with any requirements of all affected agencies (eg. Hydro One Networks Incorporated, Ministry of Natural Resources, Upper Thames River Conservation Authority, Ministry of the Environment and Climate Change, etc.), all to the satisfaction of the City.

- #7 No construction or installation of any services (eg. clearing of servicing of land) involved with this Plan prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision (eg. Hydro One Networks Incorporated, Ministry of the Environment Certificates, City/Ministry/Government permits: Permit of Approved Works, water connection, water taking, crown land, navigable waterways, approval: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of the Environment and Climate Change, City, etc.)
- #8 The Owner shall hold Block 141 of this Plan, out of development until servicing and access is available on adjacent lands to the south in the future, to the satisfaction of the City.
- #9 The Owner shall include in the Agreement of Purchase and Sale for the transfer of the Block 141, a warning clause as follows:
- i) The purchaser or transferee shall not service Block 141 until adjacent lands to the south develop in the future, to the satisfaction of the City.
- #10 The Owner shall make all necessary arrangements with any required owner(s) to have any existing easement(s) in this Plan quit claimed to the satisfaction of the City and at no cost to the City. The Owner shall protect any existing private services in the said easement(s) until such time as they are removed and replaced with appropriate municipal and/or private services at no cost to the City.
- Following the removal of any existing private services from the said easement and the appropriate municipal services and/or private services are installed and operational, the Owner shall make all necessary arrangements to have any section(s) of easement(s) in this Plan, quit claimed to the satisfaction of the City, at no cost to the City.
- #11 The Owner shall satisfy all conditions associated with the approvals to divide Block 141 pursuant to the Part Lot Control section or other sections of the Planning Act, R.S.O. 1980.
- The Owner shall, at the time a decision is made on the type of housing units to be constructed on Block 141 or parts thereof in this subdivision, have its professional engineer submit to the City for review and approval revised servicing drawings, including lot grading plans, showing the final lot layout and details of private sewer and water services, and other related works, as required by the City.
- The Owner shall adhere to all current lot grading and servicing standards of the City, as specified by the City, for all servicing plans approved for this subdivision.
- The Owner shall have its professional engineer submit an initial conceptual lot grading plan to the City for review and approval, showing the grading scheme for this subdivision. This initial conceptual lot grading plan is to be attached to this Agreement as **Schedule 'I'** and is to be revised as required by and to the specifications of the City for all relotting or division of lots and blocks in this Plan.
- #12 Prior to assumption of this Plan by the City, in whole or in part, and as a condition of such assumption, the Owner shall pay to the City Treasurer the following amounts as set out or as calculated by the City, or portions thereof as the City may from time to time determine:
- (i) for the removal of the temporary turning circle on Upper West Avenue inside this Plan, an amount of \$20,000;

- (ii) for the removal of the temporary turning circle on Upper Point Avenue inside this Plan, an amount of \$20,000;
  - (iii) removal of automatic blow-offs, an estimated amount of \$14,000;
  - (iv) removal of all temporary works, an estimated amount of \$2,975; and
  - (v) watermain extension on Upperpoint Avenue, an estimated amount of \$14,000.
- #13 The Owner shall submit confirmation that they have complied with any requirements of Union Gas Limited with regards to buffers/setbacks from the high pressure gas pipeline easement over lands located along the east side of Westdel Bourne, to the satisfaction of the City. The Owner shall not excavate, drill, install, erect, or permit to be excavated, drilled, installed or erected in, on, over or through the said lands any pit, well foundation, pavement, building or other structure or installation without first obtaining prior written approval from Union Gas Limited.
- #14 The Owner agrees to register on title and include in all Purchase and Sale Agreements the requirement that the homes to be designed and constructed on all corner lots in this Plan (including lots with side frontages to parks and/or open spaces), are to have design features, such as but not limited to porches, windows, articulation and other architectural elements that provide for a street oriented design. Additionally, the owner agrees to include that limited chain link or decorative fencing may be provided along no more than 50% of the side yard abutting the road/park/open space.

## 25.2 CLAIMS

**Remove** Subsection 25.2 (b) and **replace** with the following:

- (b) If the Owner alleges an entitlement to any reimbursement or payment from a development charge Reserve Fund as a result of the terms hereof, the Owner may, upon approval of this Agreement and completion of the works, make application to the Director – Development Finance for payment of the sum alleged to be owing, and as confirmed by the City Engineer (or designate) and the Director – Development Finance and the payment will be made pursuant to any policy established by Council to govern the administration of the said development charge Reserve Fund.

The anticipated reimbursements from the development charge Reserve Funds are:

- (i) for the construction of eligible watermains in conjunction with this Plan, subsidized at an estimated cost of which is \$94,140;
- (ii) for the construction of internal widening of Upperpoint Gate, the estimated cost of which is \$5,541 as per the accepted work plan;
- (iii) for the engineering cost for the internal widening of Upperpoint Gate, the estimated cost of which is \$818 as per the accepted work plan;
- (iv) for the installation of street and pathway lighting on Westdel Bourne, the estimated cost of which is \$236,000, as per the accepted work plan;
- (v) for the engineering costs for the installation of street and pathway lighting on Westdel Bourne, the estimate cost of which is \$35,400, as per the accepted work plan;

- (vi) for the construction of Future Open Space Parks, the estimated cost of which is \$73,277 as per the accepted work plan;
- (vii) for the engineering costs for the construction of Future Open Space Park, the estimated cost of which is \$10,991 as per the accepted work plan;
- (viii) for the construction of the Riverbend South Warbler Woods ESA, the estimated cost of which is \$8,250 as per the accepted work plan;
- (ix) for the engineering costs for the construction of the Riverbend South Warbler Woods ESA, the estimated cost of which is \$1,238 as per the accepted work plan;
- (x) for the construction of a sidewalk equivalent on Westdel Bourne, the estimated cost of which is \$100,000, as per the accepted work plan;
- (xi) for the engineering costs for the construction of a sidewalk equivalent on Westdel Bourne, the estimated cost of which is \$15,000, as per the accepted work plan; and
- (xii) for the engineering costs for channelization on Westdel Bourne, the estimated cost of which is \$8,690, as per the accepted work plan;

This may be removed as work plans would be approved.

The estimated amounts herein will be adjusted in accordance with contract prices in the year in which the work is carried out.

Claims approvals shall generally not materially exceed approved and committed funding in the capital budget for the estimated claims listed in this Agreement.

Any funds spent by the Owner pending future budget approval (as in the case of insufficient capital budget described above), shall be at the sole risk of the Owner pending Council approval of sufficient capital funds to pay the entire claim.

**Add** the following new Special Provisions:

- #15 Where the proposed development calls for the construction of works, and where the Owner is of the opinion that such works are eligible to be funded in whole or in part from development charges as defined in the DC By-law, and further, where such works are not oversized pipe works (sanitary, storm or water – the reimbursement of which is provided for in subsidy tables in the DC By-law), then the Owner shall submit through their consulting engineer an engineering work plan for the proposed works satisfactory to the City Engineer (or designate) and City Treasurer (or designate). The Owner acknowledges that:
  - i) no work subject to a work plan shall be reimbursable until both the City Engineer (or designate) and City Treasurer (or designate) have reviewed and approved the proposed work plan; and
  - ii) in light of the funding source and the City's responsibility to administer development charge funds collected, the City retains the right to request proposals for the work from an alternative consulting engineer.
- #16 The Owner shall provide full-time supervision by its Professional Engineer for all claimable works to be constructed in accordance with current City policies. Upon completion of these claimable works, a Certificate of Completion of Works is to be supplied to the City, pursuant to the General Provisions and **Schedule 'G'** of this Agreement.
- #17 The Owner shall ensure that the City is formally invited to all construction

site/progress meetings related to the claimable works associated with this Plan, including but not limited to providing a minimum of two weeks notice of meetings and copies of all agenda and minutes as appropriate, all to the satisfaction of the City.

- #18 The Owner shall review and seek approval from the City for any proposed use of construction contingency that relate to claimable works outlined in the work plan prior to authorizing work.

## **25.6 EROSION AND SEDIMENT CONTROL**

**Add** the following new Special Provisions:

- #19 Prior to the issuance of any Certificate of Conditional approval, the Owner shall construct and have operational temporary sediment and erosion control works on Blocks 132, 133, 134 and 135 as per the accepted engineering drawings, to the satisfaction of the City and at no cost to the City.
- #20 All temporary erosion and sediment control measures, including sediment basins, installed in conjunction with this Plan shall be decommissioned and/or removed upon when warranted or upon placement of Granular 'B' as per accepted engineering drawings, all to the satisfaction of the City Engineer and at no cost to the City.

## **25.7 GRADING REQUIREMENTS**

**Add** the following new Special Provisions:

- #21 The Owner shall restore all disturbed areas to as new condition with hydroseed or 100 mm topsoil, to the satisfaction of the City, at no cost to the City.
- #22 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct a temporary V-channel swale along Westdel Bourne as per the accepted engineering drawings, to the satisfaction of the City Engineer.
- #23 The Owner shall grade the portions of Blocks 132 to 135 inclusive, which have a common property line with Westdel Bourne, to blend with the ultimate profile of Westdel Bourne, in accordance with the accepted engineering drawings, at no cost to the City.
- #24 The Owner shall include in all Agreements of Purchase and Sale for the transfer of Lots 116, 126 and 127 in this Plan, as an overland flow route is located on the Lots, a covenant by the purchaser or transferee to observe and comply with the following:
- i) The purchaser or transferee shall not alter or adversely affect the overland flow route on Lots 116, 126 and 127 in this Plan as shown on the accepted lot grading and engineering drawings for this subdivision.

The Owner further acknowledges that no landscaping, vehicular access, parking access, works or other features shall interfere with the above-noted overland flow route, grading or drainage.

- #25 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall remove and relocate any existing earth stockpile, all to the satisfaction of the City and at no cost to the City.

## **25.8 STORMWATER MANAGEMENT**

**Remove** Subsection 25.7 (a) and **replace** with the following:

- (a) The Owner shall have its Professional Engineer supervise the construction of the stormwater servicing works, including any temporary works, in compliance with the drawings accepted by the City Engineer, and according to the recommendations and requirements of the following, all to the satisfaction of the City Engineer:
- i) The SWM criteria and environmental targets for the Downstream Thames Subwatershed Study and any addendums/amendments;
  - ii) The Municipal Class Environmental Study Report – Schedule C – Storm/Drainage and Stormwater Management, Transportation and Sanitary Trunk Servicing Works for Tributary ‘C’, Downstream Thames Subwatershed (AECOM, Dec. 2013) and any addendums/amendments;
  - iii) The Functional Design of the Tributary ‘C’ Storm Drainage and Stormwater Management Servicing Works Downstream Thames River Subwatershed Report (Matrix Solutions Inc. August 2015) and any addendums/amendments;
  - iv) The City’s Design Requirements for Permanent Private Stormwater Systems approved by City Council and effective as of January 1, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.;
  - v) The Stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process;
  - vi) The City’s Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
  - vii) The City of London Environmental and Engineering Services Department Design Specifications and Requirements Manual, as revised;
  - viii) The Ministry of the Environment and Climate Change (MOECC) SWM Practices Planning and Design Manual (2003); and
  - ix) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.

**Add** the following new Special Provisions:

- #26 Prior to the issuance of any Certificate of Conditional Approval for any Lots and blocks in this Plan or as otherwise approved by the City Engineer, all storm/drainage and SWM related works to serve this Plan including the Regional Tributary ‘C’ SWM Facilities ‘G’, ‘A’ and ‘F’ and interim ‘A’ serving this Plan must be constructed and operational in accordance with the Municipal Class Environmental Study Report – Schedule ‘C’ – Storm/Drainage and Stormwater Management, Transportation and Sanitary Servicing works for Tributary ‘C’, Downstream Thames Subwatershed (AECOM, Dec. 2013), the approved design criteria and the accepted engineering drawings, all to the satisfaction of the City.
- #27 The Owner shall include in all Agreements of Purchase and Sale and/or Lease for Lots 14 to 22, both inclusive, in this Plan, a covenant by the purchaser or transferee to observe and comply with the following:
- The purchaser or transferee shall construct the roof water leaders on Lots 14 to 22, both inclusive, as shown on the accepted lot grading and engineering drawings for this subdivision.

- #28 The Owner shall include in all Agreements of Purchase and Sale and/or Lease for Lots 14 to 22, both inclusive, a covenant by the purchaser or transferee to observe and comply with the following:

The purchaser or transferee shall not alter the roof water leaders on Lots 14 to 22, both inclusive, as shown on the accepted lot grading and engineering drawings for this subdivision. The maintenance of the roof water leaders are the responsibility of the owner of the said Lots.

- #29 Prior to assumption of this Plan by the City, the Owner shall operate, monitor and maintain the stormwater works associated with this Plan. The Owner shall ensure that any removal and disposal of sediment is to an approved site in accordance with the Ministry of the Environment and the Ministry of Natural Resources.
- #30 The Owner's Professional Engineer shall identify winter maintenance operations protocol (ie. No salting of roads, etc.) for all proposed road infrastructures within this Plan that have the potential to impact the Tributary 'C' environmentally sensitive area(s), all to the specifications and satisfaction of the City Engineer.

## 25.9 SANITARY AND STORM SEWERS

**Remove** Subsection 25.8 (c) and **replace** with the following:

- (c) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Downstream Thames Subwatershed, and connect them to the City's existing storm sewer system being the 750 mm diameter storm sewer on Upperpoint Avenue, the 1050 mm diameter storm sewer on Westdel Bourne, the 375 mm diameter storm sewer on Riverbend Road, the 300 mm diameter storm sewer on Upper West Avenue, the 375 mm diameter storm sewer on Boardwalk Way and the 300 mm diameter storm sewer on Trailsway Avenue.

The storm sewers required in conjunction with this Plan shall be sized to accommodate all upstream lands to the specifications of the City Engineer and at no cost to the City unless otherwise specified herein.

**Remove** Subsection 25.8 (j) as this is not applicable.

- ~~(j) The Owner shall register on title of Block \_\_\_\_\_ in this Plan and include in the Purchase and Sale Agreement, a covenant that the owner of Block \_\_\_\_\_ in this Plan shall be responsible for installing a sanitary private drain connection, at the owner's expense, from the said block to the proposed municipal sanitary sewer to the (North, South, East, West) \_\_\_\_\_ of this Block in City owned lands \_\_\_\_\_ described \_\_\_\_\_, or an alternative sanitary outlet, to the satisfaction of the City Engineer, at no cost to the City, should the said block not be developed in conjunction with or serviced through other lands to the east of this block intended to be jointly developed as a school.~~

**Remove** Subsection 25.8 (o) and **replace** with this following:

- (o) The Owner shall construct the sanitary sewers to service the Lots and Blocks in this Plan and connect them to the City's existing sanitary sewage system being the 250 mm diameter sanitary sewer on Upperpoint Avenue, the 250 mm diameter sanitary sewer on Westdel Bourne, the 200 mm diameter sanitary sewer on Riverbend Road, the 200 mm diameter sanitary sewer on Upper West Avenue and the 200 mm diameter sanitary sewer on Trailsway Avenue.

The sanitary sewers required in conjunction with this Plan shall be sized to accommodate all upstream lands to the specifications of the City Engineer and at no cost to the City unless otherwise specified herein.

**Add** the following new Special Provisions:

- #31 The Owner shall construct a sanitary and storm sewer within the Westdel Bourne road widening block, Block 142, as per the accepted engineering drawings, to the satisfaction of the City.
- #32 The Owner shall remove the existing 800 mm diameter CSP on Westdel Bourne at Upperpoint Gate and replace as per the accepted engineering drawings, to the satisfaction of the City.
- #33 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall decommission, remove and dispose of the existing septic system and weeping bed on Block 135 to the satisfaction of the geotechnical engineer and the City, at no cost to the City.
- #34 The Owner shall construct a storm sewer and associated appurtenances on Park Blocks 130 and 136 as per the accepted engineering drawings, to the satisfaction of the City.
- #35 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make adjustments to the existing storm manhole R26 at the intersection of Trailsway and Boardwalk Way, as per the accepted engineering drawings, to the satisfaction of the City.
- #36 The Owner shall include in the Agreement of Purchase and Sale for the transfer of the Block 129 of this Plan, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Block may be required to construct sewage sampling manholes, built to City standards in accordance with the City's Waste Discharge By-law No. WM-2, as amended, regulating the discharge of sewage into public sewage systems. If required, the sewage sampling manholes shall be installed on both storm and sanitary private drain connections, and shall be located wholly on private property, as close as possible to the street line, or as approved otherwise by the City Engineer.
- #37 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct make adjustments to any existing works and services on Riverbend Road, Upper West Avenue, Boardwalk Way, Trailsway Avenue, Upperpoint Boulevard and Westdel Bourne in Plan 33M-711, adjacent to this Plan, if necessary, to accommodate the proposed works and services on these streets (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, al to the satisfaction of the City Engineer, at no cost to the City.

## **25.10 WATER SERVICING**

**Remove** Subsection 25.9 (c) and **replace** with the following:

- (c) The Owner shall construct the watermains to service the Lots and Blocks in this Plan and connect them to the City's existing water supply system, being the 300 mm diameter watermain on Upperpoint Boulevard, the 300 mm diameter watermain on Upperpoint Gate, the 300 mm diameter watermain on Upperpoint Avenue, the 300 mm diameter watermain on Boardwalk Way, the 200 mm diameter watermain on Riverbend Road, the 200 mm diameter watermain on Upper West Avenue, to the specifications of the City Engineer.

The Owner shall provide looping of the water main system, as required by and to the satisfaction of the City Engineer.

**Remove** Subsection 25.9 (d) and **replace** with the following:

- (d) Prior to the issuance of any Certificates of Conditional Approval, the Owner shall install and commission the accepted water quality measures required to maintain water quality within the water distribution system during build-out, all to the satisfaction of the City Engineer, at no cost to the City. The measures which are necessary to meet water quality requirements, including their respective flow settings, etc. shall be shown clearly on the engineering drawings.

**Remove** Subsection 25.9 (h) and **replace** with the following:

- (h) Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the City Engineer, the Owner shall deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units.

**Add** the following new Special Provisions:

#38 The Owner shall ensure implemented water quality measures shall remain in place until there is sufficient occupancy demand to maintain water quality within the Plan of Subdivision without their use. The Owner is responsible for the following:

- i) to meter and pay the billed costs associated with any automatic flushing devices including water discharged from any device at the time of their installation until removal;
- ii) any incidental and/or ongoing maintenance, periodic adjustments, repairs, replacement of broken, defective or ineffective product(s), poor workmanship, etc., of the automatic flushing devices;
- iii) payment for maintenance costs for these devices incurred by the City on an ongoing basis until removal;
- iv) all works and the costs of removing the devices when no longer required; and
- v) ensure the automatic flushing devices are connected to an approved outlet.

#39 The Owner shall ensure the limits of any request for Conditional Approval shall conform to the staging plan as set-out in the accepted engineering drawings and shall include the implementation of the interim water quality measures. In the event the requested Conditional Approval limits differ from the staging as set out in the accepted water servicing report, and the watermains are not installed to the stage limits, the Owner would be required to submit revised plan and hydraulic modeling as necessary to address water quality.

#40 Prior to connection of the constructed water distribution system to the City's Municipal water distribution system, the Owner shall ensure that watermains are commissioned in accordance with the requirements of the City of London's Standard Contract Documents and all water quality measures are in place.

#41 In the event the 300 mm diameter watermain installed along Upperpoint Gate, Upperpoint Avenue and Boardwalk Way as part of Plan 39T-14505 is not in a location free of conflict and deemed acceptable by the City in relation to proposed roadways, the Owner shall remove the watermain and relocate it to standard location, at no cost to the City, to the satisfaction of the City Engineer.

#42 The Owner shall include in all Agreements of Purchase and Sale, and/or Lease of any proposed development Blocks 129, 131, 132, 133, 134, 135 and 141 in this Plan, a warning clause advising the purchaser/transferee that if it is determined by the Ministry of Environment and Climate Change (MOECC) that the water servicing for the Block is a regulated drinking water system, then the Owner or Condominium

Corporation may be required to meet the regulations under the Safe Drinking Water Act and the associated regulation O.Reg. 170/03.

If deemed a regulated system, the City of London may be ordered by the Ministry of the Environment and Climate Change (MOECC) to operate this system in the future. The system may be required to be designed and constructed to City standards.

#43 The following warning clause shall be included in all Agreements of Purchase and Sale or Lease of all Lots and Blocks in this Plan:

“The water system, servicing all to the Lots and Blocks within this Plan, has been designed so as to provide service from a high level water supply system, which is backed up from the low level water supply system. From time to time properties in this area may experience lower water pressure when water supply from the high level system is not available, and servicing is provided from the low level water supply system.”

#44 The Owner shall include in all Purchase and Sale Agreements the requirements that the buildings to be designed and constructed on all Lots/Blocks in this Plan, are to have check valves installed and included in the building permit application for the Lots/Blocks.

#45 The Owner shall include in all Purchase and Sale Agreements the requirement that the homes to be designed and constructed on Blocks 131 and 132 in this Plan are to have pressure reducing valves installed and included in the building permit applications for the Blocks.

#46 The available fire flows for the development Blocks within this Plan of Subdivision have been established through the subdivision water servicing design study as identified on the subdivision Water Distribution Plan. Future development of these Blocks shall be in keeping with the established fire flows in order to ensure adequate fire protection is available.

## **25.10 HYDROGEOLOGICAL WORKS**

**Add** the following new Special Provision:

#47 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall provide a monitoring program for the target wetland water balance to the City over a 5 year period, to the specifications and satisfaction of the City. Should any remedial work be required, the Owner shall complete these works, to the satisfaction of the City, at no cost to the City.

## **25.11 ROADWORKS**

**Remove** Subsection 25.11 (b) and **replace** with the following:

- (b) The Owner shall construct or install all of the following required works to the specifications of the City and in accordance with the plans accepted by the City:
  - (i) a fully serviced road connection where Upperpoint Gate in this Plan joins with Westdel Bourne, including all underground services and all related works as per the accepted engineering drawings;
  - (ii) a fully serviced road connection where Upperpoint Avenue in this Plan joins with Upperpoint Boulevard in Plan 33M-711, including all underground services and all related works as per the accepted engineering drawings;

- (iii) a fully serviced road connection where Riverbend Road in this Plan joins with Riverbend Road in Plan 33M-711, including all underground services and all related works as per the accepted engineering drawings;
- (iv) a fully serviced road connection where Boardwalk Way in this Plan joins with Boardwalk Way in Plan 33M-711, including all underground services and all related works as per the accepted engineering drawings;
- (v) a fully serviced road connection where Trailway Avenue in this Plan joins with Trailway Avenue in Plan 33M-711, including all underground services and all related works as per the accepted engineering drawings;
- (vi) a fully serviced road connection where Upper West Avenue in this Plan joins with Upper West Avenue in Plan 33M-711, including all underground services and all related works as per the accepted engineering drawings;
- (vii) street lighting and pathway lighting along multi-use trail Block 142 and on Westdel Bourne;
- (viii) a sidewalk equivalent across the frontage of this Plan on the boulevard of Westdel Bourne;

The Owner shall complete all work on the said street(s) in accordance with current City standards, procedures and policies, and restore the road(s), and ensure that adequate precautions are taken to maintain vehicular and pedestrian traffic and existing water and sewer services at all times during construction, except as approved otherwise by the City Engineer. The Owner shall provide full-time supervision by its Professional Engineer for all works to be constructed on Westdel Bourne, Upperpoint Boulevard, Riverbend Road, Boardwalk Way, Trailway Avenue, Upper West Avenue, in accordance with current City policies. Upon completion of these works, a Certificate of Completion of Works is to be supplied to the City, pursuant to the General Provisions and **Schedule 'G'** of this Agreement.

The Owner shall complete the works specified above on a schedule acceptable to the City or as otherwise specified herein. Where the Owner is required to close any City of London road section the Owner shall have available for submission to the City a Traffic Protection Plan acceptable to the City Engineer (or his/her designate), a schedule of construction for the proposed works on the above-noted street(s) and a detail of the proposed timing and duration of the said works in accordance with the Ministry of Labour and Ministry of Transportation requirements within the Ontario Traffic Manual Book 7. Further, the Owner shall obtain a Permit for Approved Works from the City prior to commencing any construction on City land or right-of-way.

Where required by the City Engineer, the Owner shall establish and maintain a Traffic Management Plan (TMP) intended to harmonize a construction project's physical requirements with the operational requirements of the City, the transportation needs of the travelling public and access concerns of area property owners in conformity with City guidelines and to the satisfaction of the City Engineer for any construction activity that will occur on existing public roadways needed to provide services for this Plan of Subdivision. The Owner's contractor(s) shall undertake the work within the prescribed operational constraints of the TMP.

**Remove** Subsection 25.11 (i) and **replace** with the following:

- (i) Within one (1) year of registration of this Plan, the Owner shall:
  - (i) install street lights on each street shown on the plan of subdivision at locations suitable to the City and in accordance with the specifications and

standards set forth by the London Hydro for the City of London for street lighting on City roadways as per the accepted engineering drawings;

- (ii) install walkway lighting on Block 139 as necessary on the walkway blocks in this Plan in accordance with City requirements, all to the specifications of the City; and
- (iii) all street lighting and walkway lighting shall match the style of street light poles and luminaires already existing or approved along the developed portion of the streets adjacent to this Plan, all to the satisfaction of the City Engineer.

All at no cost to the City and in accordance with the accepted drawings and City standards.

**Remove** Subsection 25.11 (n) and **replace** with the following:

- (n) Within one (1) year of registration of this Plan or as otherwise agreed to by the City, concrete sidewalks shall be constructed on all pedestrian walkways shown in this Plan in accordance with accepted design drawings and shall extend to the travelled portion of the streets connected by the walkway. Concrete drainage swales and chain link fence shall be provided in accordance with accepted design drawings along both sides of such walkways for their entire length. Alternative concrete sidewalks with a flat cross-section, without swales, may be substituted upon approval of the City. Ornamental obstacle posts shall be provided in all walkways as required by the City.

**Revise** 25.11 (q) as shown below:

- (q) Where traffic calming measures are required within this Plan:
  - (i) The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional Approval in this Plan.
  - ~~(ii) The Owner shall notify the purchasers of all lots abutting the traffic calming circle(s) in this Plan that there may be some restrictions for driveway access due to diverter islands built on the road.~~
  - ~~(iii) Where a traffic calming circle is located, the Owner shall install the traffic calming circle as a traffic control device, including the diverter islands, or provide temporary measures, to the satisfaction of the City prior to the issuance of a Certificate of Conditional Approval for that section of road.~~
  - (iv) The Owner shall include in all Agreements of Purchase and Sale or Lease for the transfer of Lots and Blocks on Upperpoint Avenue, Upperpoint Gate, Trailway Avenue, Upper West Avenue, Riverbend Road and Boardwalk Way in this Plan, a covenant by the purchaser or transferee stating the said owner shall locate the driveways to the said Lots and Blocks away from the traffic calming measures on the said streets, including ~~traffic calming circles~~, raised intersections, raised pedestrian crosswalks, ~~splitter islands~~ and speeds cushions, to be installed as traffic control devices, to the satisfaction of the City Engineer.

**Remove** Subsection 25.11 (r) and **replace** with the following:

- (r) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Westdel Bourne via Upperpoint Gate.

**Add** the following new Special Provisions:

- #48 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall install intersection lighting on Westdel Bourne at Upperpoint Gate, as per the accepted engineering drawings, all to the satisfaction of the City.
- #49 The Owner shall convey Future Development Block 140 to the City for future use as access and servicing for external lands, at no cost to the City. Should the adjacent lands develop for residential use and Future Development Block 140 is required for a private access, Block 140 shall be sold at fair market value, as determined by the City acting reasonably to the owners of the adjacent lands for access purposes, and the City shall pay the net proceeds of that sale (minus any City costs) to the adjacent owner within 30 days of such sale. If this Block is not needed upon development or redevelopment of the lands to the south of this block, the City agrees that the Block shall be returned to the Owner for a nominal fee, plus the cost of any associated legal fees for document preparation, for use as a building lot.
- #50 The Owner shall construct a temporary turning circle at the west limit of Upper West Avenue, to the satisfaction of the City Engineer and at no cost to the City.

If the Owner requests the City to assume Upper West Avenue, as shown on this Plan, prior to its extension to the west, the Owner shall pay to the City at the time of the assumption of this subdivision by the City the amount estimated by the City at the time, to be the cost of removing the temporary turning circle at the west limit of Upper West Avenue and completing the curb and gutter, asphalt pavement, Granular 'A', Granular 'B', sodding of the boulevard, 1.5metre concrete sidewalks on both sides, and restoring adjacent lands, including the relocation of any driveways, all to the specifications of the City. The estimated cost, including legal fees for releasing easements and/or transferring blocks, and doing the above-noted work on this street is \$20,000 for which amount sufficient security is to be provided in accordance with 28(a). The Owner shall provide the cash to the City at the request of the City prior to assumption of the subdivision if needed by the City.

When the lands abutting this Plan of Subdivision develop and the temporary turning circle is removed, the City will quit claim the easements which were used for temporary turning circle purposes which are no longer required at no cost to the City.

- #51 The Owner shall construct a temporary turning circle at the south limit of Upperpoint Avenue, to the satisfaction of the City Engineer and at no cost to the City.

If the Owner requests the City to assume Upperpoint Avenue, as shown on this Plan, prior to its extension to the south, the Owner shall pay to the City at the time of the assumption of this subdivision by the City the amount estimated by the City at the time, to be the cost of removing the temporary turning circle at the south limit of Upperpoint Avenue and completing the curb and gutter, asphalt pavement, Granular 'A', Granular 'B', sodding of the boulevard, 1.5metre concrete sidewalks on both sides, and restoring adjacent lands, including the relocation of any driveways, all to the specifications of the City. The estimated cost, including legal fees for releasing easements and/or transferring blocks, and doing the above-noted work on this street is \$20,000 for which amount sufficient security is to be provided in accordance with 28(a). The Owner shall provide the cash to the City at the request of the City prior to assumption of the subdivision if needed by the City.

When the lands abutting this Plan of Subdivision develop and the temporary turning circle is removed, the City will quit claim the easements which were used

for temporary turning circle purposes which are no longer required at no cost to the City.

#52 The Owner shall construct Upperpoint Avenue and Upperpoint Gate to secondary collector road standards on a right-of-way width of 20 metres as identified in the Riverbend South Secondary Plan, as per the accepted engineering drawings, to the satisfaction of the City.

#53 The Owner shall align the centrelines of streets in this Plan with streets in Plan 33M-711 to the north of this Plan, as per the accepted engineering drawings and to the satisfaction of the City.

#54 Barricades are to be maintained at the limits of all streets in this Plan until assumption of this Plan of Subdivision or as otherwise directed by the City. At the time of assumption of this Plan or as otherwise directed by the City, the Owner shall remove the barricades and any temporary turning circles, restore the boulevards and complete the construction of the roadworks within the limits of both temporary turning circles, to the specifications of the City, all at no cost to the City.

The Owner shall advise all purchasers of land within this subdivision that any traffic to and from this subdivision will not be permitted to pass the barricade(s) until the removal of the barricade(s) is authorized by the City.

#55 Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained adjacent to the location of the future walkway that indicates Future Walkway Location, as identified on the accepted engineering drawings, and the Owner shall construct the walkway to a minimum granular base, to the satisfaction of the City Engineer.

#56 Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Upperpoint Avenue, Upperpoint Gate, Trailsway Avenue, Fountain Grass Drive, Riverbend Road and Boardwalk Way adjacent to the raised intersection that indicate Future Raised Intersection Location, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.

#57 Prior to assumption or when required by the City Engineer, the Owner shall install the raised intersection on Upperpoint Avenue, Upperpoint Gate, Trailsway Avenue, Fountain Grass Drive, Riverbend Road and Boardwalk Way, including permanent signage and pavement marking in a location, to the satisfaction of the City Engineer.

#58 The Owner shall be required to make minor boulevard improvements on Westdel Bourne adjacent to this Plan, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.

#59 The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.

#60 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct a maintenance access over Block 142 connecting to Westdel Bourne as per the accepted engineering drawings, to the satisfaction of the City Engineer.

#61 The Owner shall provide sufficient security for the future removal of a portion of the temporary maintenance access connecting to Westdel Bourne and all restoration costs associated with the removal, to the satisfaction of the City.

#62 The Owner shall maintain the sewers and maintenance access within Block 142 in this Plan as required herein until the said sewers and maintenance access are assumed by the City, all to the satisfaction of the City Engineer and at no cost to the City.

## 25.12 PARKS

- #63 Within one (1) year of registration of the Plan, the Owner shall construct 3.0 metre wide pathways on Blocks 130, 136, 138 and 139, to the satisfaction of the City.
- #64 Within one (1) year of registration of this Plan, the Owner shall construct 1.5m high chain link fencing without gates in accordance with current City park standards (SPO 4.8) or approved alternate, along the property limit interface of all existing and proposed private lots adjacent to existing and/or future Park, Open Space and Walkway Blocks. Fencing shall be completed to the satisfaction of the Manager of Environmental and Parks Planning.
- #65 The Owner shall prepare and deliver to all homeowners an education package which explains the stewardship of natural areas, the value of existing tree cover and the protection and utilization of the grading and drainage pattern on these lots. The educational package shall be prepared to the satisfaction of Manager of Environmental and Parks Planning.
- #66 The Owner shall not grade into any open space areas. Where Lots or Blocks abut an open space area, all grading of the developing lots or blocks at the interface with the open space areas are to match grades to maintain existing slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the Manager of Environmental and Parks Planning.
- #67 Prior to construction, site alteration or installation of services, robust silt fencing/erosion control measures must be installed and certified with site inspection reports submitted to the Environmental and Parks Planning Division monthly during development activity along the edge of the woodlots.
- #68 Prior to the construction of the park blocks, the Owner shall demonstrate to the City a professional landscape architect is hired to coordinate all aspects of park and open space work, including preparation of a work plan, preparation of tenders and contract documents, project scheduling and contract administration/site supervision.
- #69 During construction within all park and open space blocks, the Owner's landscape architect shall coordinate site meetings with staff from the City's Environmental & Parks Planning Section as needed. As a minimum, site meetings shall occur at the following critical stages of park development:
- At the completion of rough grading and prior to importing topsoil and fine grading.
  - At the completion of fine grading and prior to seeding.
  - At the completion of granular base prep for asphalt pathways and prior to paving.
- #70 For all park and open space blocks, the Owner's landscape architect shall provide a letter of certification confirming as built conditions match approved plans, specifications and contract documents. Any changes to park and open space plans must be approved by the City of London prior to work progressing on site.
- #71 Within six (6) months of substantial completion for all park and open space blocks, the Owner's landscape architect shall compile and submit as built drawings for all park and open space infrastructure/site amenities and landscape restoration.
- #72 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall install the maintenance access/recreational pathway within Block 142, as per

approved engineering plans, at no cost to the City and to the satisfaction of the City.

## SCHEDULE "C"

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

### **SPECIAL WORKS AND SERVICES**

#### Roadways

- Riverbend Road, Fountain Grass Drive, Upperpoint Gate and Upperpoint Avenue shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres.
- Upper West Avenue, Trailsway Avenue, Boardwalk Way, Trailsway Drive shall have a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 19 metres.
- Upperpoint Gate from Westdel Bourne to 45 metres east of Westdel Bourne shall have a minimum road pavement width (excluding gutters) of 11.0 metres with a minimum road allowance of 25.5 metres. The widened road on Upperpoint Gate shall be equally aligned from the centreline of the road and tapered back to the 8.0 metre road pavement width (excluding gutters) and 20.0 metre road allowance for this street, with 30 metre tapers on both street lines.

#### Sidewalks

A 1.5 metre sidewalk shall be constructed on **both** sides of the following:

- Fountain Grass Drive
- Upperpoint Avenue
- Upperpoint Gate

A 2.4 metre sidewalk shall be constructed on the following:

- east boulevard of Upperpoint Avenue fronting Block 129
- north boulevard of Boardwalk Way fronting Block 129

A 1.5 metre sidewalk shall be constructed on **one** side of the following:

- Riverbend Road – east boulevard
- Upper West Avenue – east and south boulevards
- Trailsway Avenue – west boulevard
- Boardwalk Way – north boulevard, east of Riverbend Road
- Trailsway Drive- north boulevard
- Boardwalk Way –south boulevard - between Riverbend Road and Upperpoint Avenue

#### Pedestrian Walkways

City of London standard 3.0m wide pedestrian walkway shall be constructed on Block 139 of this Plan.

## **SCHEDULE "D"**

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

Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external lands as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all lands within this Plan to the City.

### **LANDS TO BE CONVEYED TO THE CITY OF LONDON:**

0.3 metre (one foot) reserves:	Blocks 143, 144, 145, 146, 147, 148, 149 and 150
Road Widening (Dedicated on face of plan):	Block 142
Walkways:	Block 139
5% Parkland Dedication:	Blocks 130, 136 and 138
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL

### **LANDS TO BE SET ASIDE FOR SCHOOL SITE:**

School Site:	Block 129
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### **LANDS TO BE HELD IN TRUST BY THE CITY:**

Future Development Block	Block 140
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**SCHEDULE "E"**

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

The Owner shall supply the total value of security to the City is as follows:

CASH PORTION:	\$ 917,038
BALANCE PORTION:	<u>\$5,196,550</u>
TOTAL SECURITY REQUIRED	\$6,113,588

The Cash Portion shall be deposited with the City Treasurer prior to the execution of this Agreement.

The Balance Portion shall be deposited with the City Treasurer prior to the City issuing any Certificate of Conditional Approval or the first building permit for any of the lots and blocks in this Plan of subdivision.

The Owner shall supply the security to the City in accordance with the City's By-Law No. CPOL-13-114 A-~~7146-255~~ and policy adopted by the City Council on April 4, 2017 ~~July 27, 2014~~ and any amendments.

In accordance with Section 9 - Initial Construction of Services and Building Permits, the City may limit the issuance of building permits until the security requirements have been satisfied.

The above-noted security includes a statutory holdback calculated in accordance with the Provincial legislation, namely the CONSTRUCTION LIEN ACT, R.S.O. 1990.

## SCHEDULE "F"

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

Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external easements as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all easements within this Plan to the City.

### Multi-Purpose Easements:

- (a) Multi-purpose easements for works and/or servicing shall be deeded to the City in conjunction with this Plan, within this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:
  - (i) For temporary works eg. DICB's
  
- (b) Temporary turning circle easements shall be deeded to the City in conjunction with this Plan over the following:
  - (i) part of Block 141 within this Plan
  - (ii) parts of Lots 20, 21, 22, 53, 54 and 55 within this Plan

## Appendix B – Related Estimated Costs and Revenues

Warbler Woods Phase 2 - Sifton Properties  
Agreement  
39T-16502

### Related Estimated Costs and Revenues

Estimated DC Funded Servicing Costs <sup>(Note 1)</sup>	Estimated Cost (excludes HST)
<b>Claims for developer led construction from CSRF</b>	
- Watermain - internal oversizing subsidy (DC14-WD01001)	\$94,140
- Internal widening of Upperpoint Gate (DC14-RS00063)	\$5,541
- Internal widening of Upperpoint Gate Engineering (DC14-RS00063)	\$818
- Street lighting on Westdel Bourne construction (DC14-RS00070)	\$236,000
- Street lighting on Westdel Bourne engineering (DC14-RS00070)	\$35,400
- Future Open Space Parks construction (DC14-PR00086)	\$73,277
- Future Open Space Parks engineering (DC14-PR00086)	\$10,991
- Riverbend South Warbler Woods ESA construction (DC14-PR00108)	\$8,250
- Riverbend South Warbler Woods ESA engineering (DC14-PR00108)	\$1,238
- Sidewalk equivalent on Westdel Bourne construction (DC14-RS00069)	\$100,000
- Sidewalk equivalent on Westdel Bourne engineering (DC14-RS00069)	\$15,000
<b>Claims for City led construction from CSRF</b>	
- Westdel Bourne Channelization engineering fees (DC14-RS00067)	\$8,690
<b>TOTAL</b>	<b>\$589,344</b>
Estimated Total DC Revenues <sup>(Note 2)</sup> (2018 Rates)	Estimated Revenue
CSRF	\$13,243,209
UWRF	\$1,162,447
<b>TOTAL</b>	<b>\$14,405,656</b>

1. Estimated Costs are based on approximations provided by the applicant and include engineering, construction and contingency costs without HST. Final claims will be determined based on actual costs incurred in conjunction with the terms of the final subdivision agreement and the applicable By-law.
2. Estimated Revenues are calculated using 2018 DC rates and may take many years to recover. The revenue estimates includes DC cost recovery for "soft services" (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.
3. The revenues and costs in the table above are not directly comparable. The City employs a "citywide" approach to recovery of costs of growth – any conclusions based on the summary of Estimated Costs and Revenues (above table) should be used cautiously.

Reviewed by:

July 3/2018  
Date

  
M. Feldberg  
Manager, Development Services  
(Subdivisions)

Reviewed by:

July 3, 2018  
Date

  
P. Yeoman  
Director, Development Finance

## Appendix C – Source of Financing

**RE: Subdivision Special Provisions - Warbler Woods Phase 2**

**Sifton Properties**

**Capital Budget Project No. EW3818 - Watermain Internal Oversizing (Subledger 2436371)**

**Capital Budget Project No. TS1371 - Road Class Oversizing City Share (Subledger 2436372)**

**Capital Budget Project No. TS1654 - Minor Roadworks - Misc. Works Streetlights (Subledger 2436373)**

**Capital Budget Project No. PD204317 - New Major Open Space Network (Subledger 243674)**

**Capital Budget Project No. PD225317 - New Environmentally Significant Areas (Subledger 2436375)**

**Capital Budget Project No. TS1653 - Minor Roadworks-Sidewalks (Subledger 2437958)**

**Capital Budget Project No. TS1651 - Minor Roadworks-Channelization (Subledger 2436376)**

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

Finance & Corporate Services confirms that a portion of these works cannot be accommodated within the Capital Works Budget, and that subject to the adoption of the recommendations of the Managing Director, Development and Compliance and Chief Building Official, the detailed source of financing is:

	<u>Approved Budget</u>	<u>Additional Funding</u>	<u>Revised Budget</u>	<u>Committed To Date</u>	<u>This Submission</u>	<u>Balance for Future Work</u>
<b>ESTIMATED EXPENDITURES</b>						
<b>EW3818 - Watermain Internal Oversizing</b>						
Construction	\$639,514	\$95,797	\$735,311	\$639,514	\$95,797	\$0
<b>TS1371-Road Class Oversizing City Share</b>						
Engineering	\$32,063		\$32,063	\$12,154	\$832	\$19,077
Construction	467,937		467,937	85,775	5,638	376,524
	500,000	0	500,000	97,929	6,469	395,602
<b>TS1654 - Minor Roadworks-Streetlights</b>						
Engineering	\$141,385	\$36,023	\$177,408	\$141,385	\$36,023	\$0
Construction	1,349,609	240,154	1,589,763	1,349,609	240,154	0
	1,490,994	276,177	1,767,171	1,490,994	276,177	0
<b>PD204317 New Major Open Space Network</b>						
Engineering	\$110,000	\$6,647	\$116,647	\$105,461	\$11,186	\$0
Construction	805,000	(6,647)	798,353	543,093	74,567	180,693
	915,000	0	915,000	648,554	85,753	180,693
<b>PD225317 - New Environmentally Significant Areas</b>						
Engineering	\$4,579	\$1,260	\$5,839	\$4,579	\$1,260	\$0
Construction	75,421	(1,260)	74,162	30,528	8,396	35,238
	80,000	0	80,000	35,107	9,656	35,238
<b>TS1653 - Minor Roadworks - Sidewalks</b>						
Engineering	\$37,365	\$15,264	\$52,629	\$37,365	\$15,264	\$0
Construction	624,658	101,760	726,418	624,658	101,760	0
	662,023	117,024	779,047	662,023	117,024	0
<b>TS1651 - Minor Roadworks-Channelization</b>						
Engineering	\$386,743	\$4,005	\$390,748	\$381,905	\$8,843	\$0
Construction	2,904,471	(4,005)	2,900,466	2,752,189	0	148,277
	3,291,214	0	3,291,214	3,134,094	8,843	148,277
<b>NET ESTIMATED EXPENDITURES</b>	<b>\$7,578,745</b>	<b>\$488,998</b>	<b>\$8,067,743</b>	<b>\$6,708,215</b>	<b>\$599,718</b> 1)	<b>\$759,810</b>
<b>SOURCE OF FINANCING</b>						
<b>EW3818-Watermain Internal Oversizing</b>						
Drawdown from Industrial Oversizing Water R.F.	\$1,700		\$1,700	\$1,479	\$221	\$0
Drawdown from City Services - Water Reserve Fund (Development Charges) 2 & 3)	637,814	95,797	733,611	638,035	95,576	0
	639,514	95,797	735,311	639,514	95,797	0
<b>TS1371-Road Class Oversizing City Share</b>						
Capital Levy	\$4,400		\$4,400	\$862	\$57	\$3,481
Drawdown from Industrial Oversizing R.F.	10,400		10,400	2,037	135	8,229
Drawdown from City Services - Roads Reserve Fund (Development Charges) 2)	485,200		485,200	95,030	6,278	383,892
	500,000	0	500,000	97,929	6,469	395,602
<b>TS1654 - Minor Roadworks-Streetlights</b>						
Drawdown from City Services - Roads Reserve Fund (Development Charges) 2 & 3)	\$1,490,994	\$276,177	\$1,767,171	\$1,490,994	\$276,177	\$0
	1,490,994	276,177	1,767,171	1,490,994	276,177	0
<b>PD204317 New Major Open Space Network</b>						
Debtenture By-law No. W.-5613-34	\$387,600		\$387,600	\$274,732	\$36,325	\$76,543
Drawdown from City Services - Parks & Rec Reserve Fund (Development Charges) 2)	527,400		527,400	373,822	49,427	104,151
	915,000	0	915,000	648,554	85,753	180,693
<b>PD225317 - New Environmentally Significant Areas</b>						
Capital Levy	\$38,800		\$38,800	\$17,027	\$4,683	\$17,090
Drawdown from City Services - Parks & Rec Reserve Fund (Development Charges) 2)	41,200		41,200	18,080	4,973	18,147
	80,000	0	80,000	35,107	9,656	35,238
<b>TS1653 - Minor Roadworks - Sidewalks</b>						
Drawdown from City Services - Roads Reserve Fund (Development Charges) 2 & 3)	\$662,023	\$117,024	\$779,047	\$662,023	\$117,024	\$0
	662,023	117,024	779,047	662,023	117,024	0
<b>TS1651 - Minor Roadworks-Channelization</b>						
Capital Levy	\$28,419		\$28,419	\$27,062	\$76	\$1,280
Drawdown from City Services - Roads Reserve Fund (Development Charges) 2)	3,262,795		3,262,795	3,107,032	8,767	146,997
	3,291,214	0	3,291,214	3,134,094	8,843	148,277
<b>TOTAL FINANCING</b>	<b>\$7,578,745</b>	<b>\$488,998</b>	<b>\$8,067,743</b>	<b>\$6,708,215</b>	<b>\$599,718</b>	<b>\$759,810</b>

**RE: Subdivision Special Provisions - Warbler Woods Phase 2  
Sifton Properties**

- Capital Budget Project No. EW3818 - Watermain Internal Oversizing (Subledger 2436371)
- Capital Budget Project No. TS1371 - Road Class Oversizing City Share (Subledger 2436372)
- Capital Budget Project No. TS1654 - Minor Roadworks - Misc. Works Streetlights (Subledger 2436373)
- Capital Budget Project No. PD204317 - New Major Open Space Network (Subledger 243674)
- Capital Budget Project No. PD225317 - New Environmentally Significant Areas (Subledger 2436375)
- Capital Budget Project No. TS1653 - Minor Roadworks-Sidewalks (Subledger 2437958)
- Capital Budget Project No. TS1651 - Minor Roadworks-Channelization (Subledger 2436376)

1) <b><u>Financial Note - Construction</u></b>	<b><u>EW3818</u></b>	<b><u>TS1371</u></b>	<b><u>TS1654</u></b>	<b><u>PD204317</u></b>	<b><u>PD225317</u></b>	<b><u>TS1653</u></b>
Contract Price	\$94,140	\$5,541	\$236,000	\$73,277	\$8,250	\$100,000
Add: HST @13%	12,238	720	30,680	9,526	1,073	13,000
Total Contract Price Including Taxes	106,378	6,261	266,680	82,803	9,323	113,000
Less: HST Rebate	10,581	623	26,526	8,236	927	11,240
Net Contract Price	<u>\$95,797</u>	<u>\$5,638</u>	<u>\$240,154</u>	<u>\$74,567</u>	<u>\$8,396</u>	<u>\$101,760</u>
<b><u>Financial Note - Engineering</u></b>		<b><u>TS1371</u></b>	<b><u>TS1654</u></b>	<b><u>PD204317</u></b>	<b><u>PD225317</u></b>	<b><u>TS1653</u></b>
Contract Price		\$818	\$35,400	\$10,992	\$1,238	\$15,000
Add: HST @13%		106	4,602	1,429	161	1,950
Total Contract Price Including Taxes		924	40,002	12,421	1,399	16,950
Less: HST Rebate		92	3,979	1,235	139	1,686
Net Contract Price		<u>\$832</u>	<u>\$36,023</u>	<u>\$11,186</u>	<u>\$1,260</u>	<u>\$15,264</u>
<b>Total by Project</b>		<u><b>\$95,797</b></u>	<u><b>\$6,469</b></u>	<u><b>\$276,177</b></u>	<u><b>\$85,753</b></u>	<u><b>\$9,656</b></u>
<b><u>Financial Note - Engineering (Cont'd)</u></b>	<b><u>TS1651</u></b>					
Contract Price	\$8,690					
Add: HST @13%	1,130					
Total Contract Price Including Taxes	9,820					
Less: HST Rebate	977					
Net Contract Price	<u>\$8,843</u>					
	<b><u>Total</u></b>					
Contract Price	\$589,344					
Add: HST @13%	76,615					
Total Contract Price Including Taxes	665,959					
Less: HST Rebate	66,241					
Net Contract Price	<u>\$599,718</u>					
<b>Total - Construction and Engineering</b>		<u><b>\$599,718</b></u>				

- 2) Development charges have been utilized in accordance with the underlying legislation and the Development Charges Background Studies completed in 2014.
- 3) The additional funding requirement of \$95,797 for Project EW3818 is available as a drawdown from the City Services - Water Levies Reserve Fund. The additional funding requirement of \$276,177 for Project TS1654 and \$117,024 for Project TS1653 is available as a drawdown from City Services - Roads Levies Reserve Fund. Committed to date includes claims for DC eligible works from approved development agreements that may take many years to come forward.

The 2014 DC Study identified a 20 year program for watermain internal oversizing (DC14-WD01001/EW3818), minor roadworks - streetlights (DC14-RS00070/TS1654) and minor roadworks - sidewalks (DC14-RS00069/TS1653) with total projected growth needs of \$1,000,000, \$2,413,282 and \$1,590,300 respectively. The total funding is allocated to the capital budget proportionately by year across the 20 year period. The total commitments for projects EW3818 and TS1654 exceed the funding for the 20 year program and therefore an additional drawdown from City Services Reserve Funds is required. The total commitment for TS1653 exceeds the accumulated capital budget and therefore the funding will be brought forward from future years allocations from the DC reserve fund, matching when claims are more likely to occur. These DC funded programs are presented to Council in the annual DC Monitoring Report. Adjustments can also be made by Council through the annual GMIS process and the multi-year budget updates. If total growth exceeds the estimates, the growth needs can be adjusted through the DC Bylaw update which is required every five years by the DC Act.

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Ana Lisa Barbon  
Managing Director, Corporate Services and  
City Treasurer, Chief Financial Officer

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON JULY 16, 2018</b>
	<b>GEOFFREY BELCH CORPORATION COUNSEL</b>
<b>SUBJECT:</b>	<b>DANFORTH (LONDON) LTD v. THE CORPORATION OF THE CITY OF LONDON - DECISION OF THE ONTARIO SUPERIOR COURT OF JUSTICE DATED JULY 5, 2018</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of Corporation Counsel, this report **BE RECEIVED** for information.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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None.

<b>BACKGROUND</b>
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Danforth (London) Ltd, herein “Danforth” is the owner of 195 Dundas Street in the City of London, which sits on the southeast corner of King Street and Clarence Street. The plaintiff, through a related company, made an Application for a Zoning Bylaw Amendment to permit development on the property in the form of: a 35 storey, 316 unit apartment building; 132 storey, 286 unit apartment building; and 119 storey, 96 unit apartment building.

As part of the planning application process that followed in 2015, City staff sought road allowance dedications for a possible future rapid transit hub to accommodate the proposed rapid transit route along King Street that was under consideration at that time. As a result, Danforth did not proceed with its rezoning application and withdrew its application in October 2015 before the matter could be considered by Council.

On May 16, 2017, Council adopted the “couplet routing” through the downtown core for its bus rapid transit system. This moved the hub location to the east and away from the Danforth lands.

**The Legal Action by Danforth**

The Corporation of the City of London was served with a Statement of Claim on February 14, 2017 by the plaintiff, Danforth. The plaintiff later served an amended Statement of Claim.

Danforth alleged in its claim that had the City made its routing decision earlier, their development would have proceeded in 2015. As such, Danforth alleged that the City was negligent or, alternatively, failed to act fairly in the exercise of its discretionary authority relating to planning and transit. Danforth’s claim sought \$53 million in damages.

The City Solicitor’s Office received instructions from the City’s insurer to defend the action and to proceed with a motion for summary judgment. The crux of the City’s position was twofold. Firstly, the Applicant withdrew its application before a decision could be made by Council. As a result, the City did not exercise its core planning powers and could not be said to have acted negligently. Secondly, the City’s rapid transit initiative and the extensive decisions that such development entails involve the exercise of policy decision-making rather than operational decision-making. The *Municipal Act* provides that no action shall be brought against a municipality for the good faith exercise of such discretionary power.

The City’s motion for summary judgment was argued before the Honourable Justice Grace on April 9, 2018. On July 5, 2018, the Honourable Justice Grace granted summary judgment in favour of the City and dismissed the action in its entirety. A copy of the decision is attached to this report as Schedule “A”.

The City Solicitor's Office recognizes the substantial assistance from staff in the Planning and Engineering Departments, and in particular, Sonia Wise, Edward Soldo and John Fleming for their considerable contributions. The result of the motion has been communicated to the City's insurer.

<b>PREPARED BY:</b>	<b>PREPARED BY:</b>
<b>DANILO POPADIC SOLICITOR</b>	<b>GEOFFREY P. BELCH CORPORATION COUNSEL</b>

Attach. Schedule "A" - Decision

- c.c. Barry Card
- Martin Hayward
- John Fleming
- Kelly Scherr

**ONTARIO**

**SUPERIOR COURT OF JUSTICE**

**BETWEEN:** )  
 )  
DANFORTH (LONDON) LTD. )  
 ) *F. Scott Turton*, for the plaintiff/responding  
Plaintiff ) party  
 )  
– and – )  
 )  
THE CORPORATION OF THE CITY OF ) *Geoffrey P. Belch and Danilo Popadic*, for  
LONDON ) the defendant/moving party  
 )  
Defendant )  
 )  
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 )  
 )  
 )  
 ) **HEARD:** April 9, 2018

2018 ONSC 4203 (CanLII)

**GRACE J.**

**A. Overview**

[1] Danforth (London) Ltd. (“Danforth”) acquired a vacant parcel of land in the downtown core of London, Ontario in the latter part of 2014 for the purposes of development. In early 2015, Danforth communicated its proposal to the municipality through the planner it had retained. Soon afterward a related company made application for an amendment to a City of London zoning by-law. During the process that followed, staff employed by the Corporation of the City of London (“City”) asked for allowances that would accommodate a proposed rapid transit (“RT”) route that was then under consideration. Unwilling to proceed on that basis, the related company withdrew its application in October, 2015. Danforth’s lands continue to be undeveloped.

- [2] On May 16, 2017, the City’s municipal council passed a resolution approving a plan that contemplates a different path for the proposed RT system. Danforth claims that the development it proposed in 2015 would have proceeded had the City made its routing decision earlier. It alleges the City was negligent or alternatively, failed to act fairly and in good faith insofar as the plaintiff is concerned in the exercise of its discretionary authority relating to planning and transit. Danforth’s amended claim seeks \$53 million in damages.
- [3] In this motion, the City posed four questions and based on the answers it seeks, asks the court to grant summary judgment dismissing the action. In essence, the City maintains that a trial is not required for the court to conclude that Danforth has no claim either in negligence or based on the unfair or bad faith exercise of a discretionary statutory power. For the reasons that follow, I agree that this action does not involve a genuine issue requiring a trial.

**B. The Background**

- [4] Most of the background is well documented and undisputed.
- [5] Municipally described as 195 Dundas Street, the land involved in this proceeding is an irregularly shaped .655 hectare parcel (the “Lands”). Dundas Street is at the northern end. The Lands are also bounded by King Street to the south and Clarence Street to the east. The site once accommodated a shopping centre known as the London Mews. That structure was demolished. The Lands have been used as a commercial parking lot since 1999.
- [6] Danforth paid \$8.45 million for the parcel when it was acquired on October 27, 2014. Ayerswood Development Corp. (“Ayerswood”) is a related company. Anthony Graat is a principal of both companies. He has been in the land development business for more than fifty years.

- [7] A rapid transit system has been the subject of discussion and study in the City of London for years. Danforth's materials mention reports and studies delivered to the City by third parties in November, 2010, June, 2011, January, 2012 and May, 2013.<sup>1</sup>
- [8] In June, 2014, the City retained a planning and design firm, IBI Group ("IBI"), to conduct a Rapid Transit Environmental Assessment.
- [9] On January 8, 2015 a local planning firm, Zelinka Priamo Ltd. ("Zelinka"), submitted a written proposal to the City on behalf of Ayerswood. A mixed use development on the Lands was contemplated consisting of three residential towers, one commercial/office building and one level of underground parking. Zelinka recognized that a zoning by-law amendment would be required because the 638 residential units it proposed exceeded the 350 units per hectare allowed at the time.
- [10] A pre-application consultation meeting was held on January 27, 2015. Rapid transit was one of the issues the parties discussed. The record of the meeting prepared by City staff contained the following excerpt concerning that subject:

Transportation has reviewed the pre-application for [the Lands] and has the following comments:

- A transportation impact assessment will be required as part of a complete application. The proponent's traffic engineer to contact us regarding scope & requirements of the [traffic impact assessment] prior to undertaking the study.
- The zoning by-law indicates a road allowance on Clarence St measured 11.6 m from the centre line of the street. This would result in a 1.542 m dedication for this site. Clarence St was identified in the Transportation Master Plan for rapid transit. There is an [environmental assessment] underway to determine the exact route through the downtown and this land may be required for the future [rapid transit]

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<sup>1</sup> AECOM was identified as the author of the reports dated November, 2010 and May, 2013. The second report was entitled "A New Mobility Transportation Master Plan for London". Stantec was identified as the author of the June, 2011 Downtown London BRT Routing Options report. The author of the "Transit Priority for Bus Rapid Transit Implementation" report delivered in January, 2012 was not identified.

- Drop off/pick-up areas for moving vehicles etc. will need to be addressed as part of the application.

[11] Three public information meetings were held in 2015 concerning the proposed rapid transit system. The first was conducted on February 4. A notice was published in advance inviting participation. In part members of the community were advised that:

The Rapid Transit Corridors Study will be conducted in accordance with the requirements of the Municipal Class Environmental Assessment Process...The first stage of the study will prepare a Master Plan for Rapid Transit...The second stage will involve the completion of a Schedule 'C' [environmental assessment] for the preferred initial corridor or corridors.

[12] Ayerswood submitted an application for a zoning by-law amendment on April 30, 2015. Aspects of the initial proposal had changed. Notably, the height of the residential buildings had increased. The applicant sought an amendment of the zoning by-law to allow a greater unit density per hectare and an increase in the permitted building height.

[13] Additional information was requested by a member of the City's planning department in a May 19, 2015 e-mail. The City regarded Ayerswood's application as incomplete until provided.

[14] The second public information meeting concerning rapid transit was held on May 28, 2015. The City "presented the preliminary recommended RT network which included options through the downtown shown as under consideration by IBI Group".<sup>2</sup>

[15] The following day Zelinka provided the City with the information its planning department had requested. On June 15, 2015, the City advised Zelinka by letter that the developer's application had been accepted as complete and that the file had been assigned to its employee John Fleming.<sup>3</sup>

[16] Notice of Ayerswood's application was published in a local newspaper on June 25, 2015. Particulars of the proposed development were set forth as was an explanation of the

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<sup>2</sup> This excerpt is drawn from para. 23 of the affidavit of Edward Soldo, the City's Director of Roads and Transportation, sworn January 12, 2018.

<sup>3</sup> The application was regarded as complete on June 11, 2015.

nature of the zoning amendments being sought. The public was invited to comment on the application and was advised that the “appropriateness of the requested Zoning By-Law amendment will be considered at a future meeting of the Planning & Environment Committee”. Once scheduled, notice of that meeting was also promised.

- [17] On June 29, 2015, Mr. Fleming requested IBI’s input concerning Ayerswood’s application. After asking several questions concerning what he described as the “King/Clarence Development Proposal”, Mr. Fleming wrote:

As you know, [the location of the Lands] is the hub of it all for our RT system, and the time is now with respect to this application and our ability to do something supportive of a great RT station at this primary hub.

- [18] IBI delivered a memorandum to the City on July 3, 2015. IBI indicated that the intersection of King and Clarence Street had been identified for further study and explained:

The [environmental assessment] commenced in fall 2014 and has progressed to the point where preliminary preferred routings have been identified.

...

The King and Clarence station is a priority for assessment given it will be the signature downtown station, and it is also located adjacent to a proposed new development on the north-west corner of King and Clarence.

- [19] The potential importance of the Lands to the development of rapid transit in London caused City staff to increase the requested street dedication from 1.542 metres along Clarence Street to 5 metres along both Clarence and King Streets.<sup>4</sup>

- [20] Discussions between the City and developer occurred thereafter. It is fair to say that the latter found the demands of the City’s planning department unacceptable.

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<sup>4</sup> In his affidavit sworn December 13, 2017, Anthony Graat deposed that the request was made during a July 14, 2015 meeting. The date was July 30, 2017 [*sic*] according to para. 12 of Sonia Wise’s January 10, 2018 affidavit. July 30, 2015 appears to be the correct date.

[21] The issue was unresolved when, on September 15, 2015, Zelinka advised that it would not be attending a meeting that had been scheduled for the following day with the Urban Design Peer Review Panel (“UDPRP”). Its e-mail explained:

With the discussions regarding road dedication ongoing between ourselves and the City...we would like to put presenting to the UDPRP on hold until a resolution is reached and revised drawings prepared.

[22] Later that afternoon, the planner confirmed that the application for a zoning by-law amendment was on hold and that the statutory<sup>5</sup> 120 day period for its consideration by the City council would be suspended.

[23] In fact, the process did not proceed any further. The following month Ayerswood’s planner withdrew the application and asked the City to close its file. In its October 23, 2015 letter Zelinka outlined the reasons for the developer’s decision:

The City’s transit initiative...materially affects the viability of our client’s project as presented. The prospect of a gratis taking at the scale proposed and the resulting impacts on the density and design of our client’s project, together with continued staff pursuit of challenging urban design elements that would require major changes to our design and density on their own, has led our clients to determine that proceeding with the project at this time is no longer viable. As you know, efforts to pursue an interim solution to permit initial phases not directly impacted by the proposed taking were met with staff resistance as well.

Ayerswood...has high-density projects in other jurisdictions which will now become the focus of their short-term investment plans.

[24] At the time of withdrawal the third public meeting concerning RT had not yet been held.

### **C. The Action and Subsequent Events**

[25] This action was commenced on February 22, 2017. Danforth sought \$53 million in damages on two bases: (i) negligence; and (ii) a failure to act fairly and in good faith in the exercise of a discretionary authority regarding planning and transit.

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<sup>5</sup> *Planning Act*, R.S.O. 1990, c. P.13, s. 34(11).

[26] At that time Danforth alleged that:

The...proposal for a transit hub at King and Clarence Streets is just that – a proposal. There is no funding in place for a transit plan that will cost hundreds of millions of dollars. The ability to construct the new transit lines is beyond the financial capability of the City and is dependent on funding from (at least) the Province, for which funding there is no Provincial government commitment. Thus, the City is exercising its discretionary planning powers to render the plaintiff's property virtually unusable for the purposes embodied in the Official Plan and is doing so on the basis of a transit plan that is unfunded and may never be built. To exercise a discretionary power on this basis breaches the standard of care the City owes to the plaintiff. It also is a failure to treat the plaintiff fairly and to exercise a discretionary power fairly and in good faith.

[27] Two subsequent events caused Danforth to seek leave to amend its statement of claim. First, a fourth public meeting was held on February 23, 2017.<sup>6</sup> According to Mr. Graat the City then learned that the public opposed utilization of King Street for both eastbound and westbound RT. Second, on May 16, 2017 City Council passed a resolution that approved a modified downtown route known as the King Street/Queens Avenue couplet. That alternative contemplates the use of King Street for eastbound RT only. Queens Avenue would be used for westbound RT. Rapid transit will not run along Clarence Street. According to the revised plan, buses would use the south side of King Street rather than the north side where the Lands are located. The approved route decreases the importance of the intersection of King and Clarence Streets. As a result, the City no longer intends to use that junction as a rapid transit hub.

[28] Those developments caused Danforth to obtain leave to amend its statement of claim. In paragraphs 19 and 29 of the amended pleading the plaintiff alleges:

Had the City made those 16 May 2017 routing decisions by July 2015, then there would have been no insistence on the 5 metre dedications, the plaintiff would have proceeded with its [zoning by-law application] and the construction of the plaintiff's project at King and Clarence would have proceeded.

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<sup>6</sup> Earlier I mentioned those held on February 4 and May 28, 2015. The second meeting also continued on May 30, 2015. A third meeting was held on December 2, 2015.

...

The City's insistence on the five metre dedications from the plaintiff was based on a [bus rapid transit] route that none of the expert consultants recommended and that failed to consider the interests of the property owners and businesses in the affected stretch of King Street...The City's insistence on the King/Clarence dedicated [bus rapid transit] lanes and hub was not based on a careful and good faith exercise of its discretionary statutory powers regarding transit routing, but rather was an ill-advised, arbitrary decision taken without any, or...adequate, regard for the...plaintiff...As such, the City failed to act fairly, failed to exercise its discretionary power in good faith, acted negligently, and cannot protect itself from liability for its failings by relying on section 450 of the *Municipal Act, 2001*.<sup>7</sup>

**D. The City's Motion for Summary Judgment**

[29] While rule 21 of the *Rules of Civil Procedure* was also mentioned in the City's notice of motion, rule 20(2) (a) is the only one it relies upon. That subrule provides:

The court shall grant summary judgment if,

(a) the court is satisfied there is no genuine issue requiring a trial with respect to a claim or defence...

[30] The City argues that there is no genuine issue requiring a trial. It submits that Danforth's claim in negligence should not move forward because no duty of care was owed. Furthermore, the moving party maintains that Danforth cannot complain about the exercise of a discretionary power because Ayerswood withdrew its application for a zoning by-law amendment before any decision was made by City council.

[31] The City also maintains that a trial is not required to address Danforth's argument that the withdrawal resulted from City staff's insistence on a road allowance that would have crippled the proposed development. The defendant submits that Ayerswood could have compelled consideration of its application by the municipal council at any time pursuant to the *Planning Act*, R.S.O. 1990, c. P.13, s. 34(11). If dissatisfied with council's

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<sup>7</sup> These paragraphs were repeated almost verbatim in paras. 16 and 27 of the affidavit of Anthony Graat affirmed December 13, 2017.

decision, the applicant could have pursued a statutory right of appeal to the Ontario Municipal Board.<sup>8</sup>

**E. The Applicable Legal Principles**

[32] The applicable principles are well developed. Summary judgment must be granted if three preconditions are met. As Karakatsanis J. explained in *Hryniak v. Mauldin*, [2014] 1 S.C.R. 87 at para. 49 (“*Hryniak*”), there will be no genuine issue requiring a trial if:

...the process (1) allows the judge to make the necessary findings of fact, (2) allows the judge to apply the law to the facts, and (3) is a proportionate, more expeditious and less expensive means to achieve a just result.

[33] Establishing that the motion judge is in a position to make findings of fact and to apply the law with conviction is critical to the moving party’s success. If the motion material is sufficient to allow a fair and just determination of the issues raised without a trial, summary judgment should be granted. If not, the motion should, of course, be dismissed: *Fontenelle v. Canada (Attorney General)*, 2018 ONCA 475 at para. 25. I return to *Hryniak*. At para. 50, Karakatsanis J. added:

When a summary judgment motion allows the judge to find the necessary facts and resolve the dispute, proceeding to trial would generally not be proportionate, timely or cost effective. Similarly, a process that does not give a judge confidence in her conclusions can never be the proportionate way to resolve the dispute... [T]he standard for fairness is not whether the procedure is exhaustive as a trial, but whether it gives the judge confidence that she can find the necessary facts and apply the relevant legal principles so as to resolve the dispute.

**F. Analysis and Decision**

[34] As mentioned, the City posed four questions in its notice of motion. Danforth argues the court should confine its analysis to them. I disagree. The City’s fundamental position in the notice of motion is that Danforth’s allegations of negligence and/or misuse of discretionary powers do not constitute genuine issues requiring a trial. Danforth

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<sup>8</sup> *Planning Act, supra* s. 34(11)

addressed that argument in the factual and legal material it assembled and in the oral submissions its counsel made.

- [35] The role of a municipal government is central to the City’s argument. Inherent legislative power is enjoyed by Parliament and provincial legislatures but not by municipalities.<sup>9</sup> The decision making power of a local level of government is limited. In *Catalyst Paper Corp. v. North Cowichan (District)*, [2012] 1 S.C.R. 5 (“*Catalyst*”), McLachlin C.J. wrote at para. 11:

Municipalities do not have direct powers under the Constitution. They possess only those powers that provincial legislatures delegate to them. This means that they must act within the legislative constraints the province has imposed on them.

- [36] The court is sometimes asked to set aside a by-law passed by a municipality on one of two grounds: first, on the basis of an allegation that the requirements of procedural fairness have not been met and second, on the ground that a decision or by-law does not comply “with the rationale and purview of the statutory scheme under which it is adopted.”<sup>10</sup> When required to conduct a review of the second type, the court’s approach is deferential. A by-law enacted in good faith<sup>11</sup> will be upheld if it falls within a range of reasonable outcomes. As the Chief Justice explained in *Catalyst* at paras. 19, 20 and 25:

Municipal councillors passing by-laws fulfill a task that affects their community as a whole and is legislative rather than adjudicative in nature. By-laws are not quasi-judicial decisions. Rather, they involve an array of social, economic and other non-legal considerations...In this context, reasonableness means courts must respect the responsibility of elected representatives to serve the people who elected them and to whom they are ultimately accountable.

The decided cases support the view...that historically, courts have refused to overturn municipal by-laws unless they were found to be “aberrant”, “overwhelming”, or if no “reasonable body” could have adopted them.

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<sup>9</sup> *Catalyst Paper Corp. v. North Cowichan (District)*, [2012] 1 S.C.R. 5 at para. 15.

<sup>10</sup> *Ibid.* at para. 15.

<sup>11</sup> *Grosvenor v. East Luther Grand Valley (Township)* (2007), 84 O.R. (3d) 346 (C.A.) at para. 41; *Entreprises Sibeca Inc. v. Frelighsburg (Municipality)*, [2004] 3 S.C.R. 304 at paras. 23 and 24.

...

Reasonableness limits municipal councils in the sense that the substance of their by-laws must conform to the rationale of the statutory regime set up by the legislature. The range of reasonable outcomes is thus circumscribed by the purview of the legislative scheme that empowers a municipality to pass a by-law.

[37] Sometimes those affected by a municipality's decision do not seek to set it aside. Rather the person alleged to have been aggrieved asks the court to award damages. This is such a case.

[38] *Welbridge Holdings Ltd. v. Winnipeg (Greater)*, [1971] S.C.R. 957 (“*Welbridge*”) was too. In *Welbridge* a developer sued the municipality in negligence following the revocation of a building permit the City of Winnipeg had issued. The municipality had failed to comply with its own procedures concerning notice prior to enacting an amending zoning by-law. When the amending by-law was declared invalid by the court, the foundation for the issuance of the building permit disappeared.

[39] *Welbridge Holdings Ltd.* submitted that the City of Winnipeg owed it a duty of care to satisfy its internal procedural requirements. The action was dismissed. Writing on behalf of the court, Laskin J. said at p. 967:

A rezoning application merely invokes the defendant's legislative authority and does not bring the applicant in respect of his particular interest into any private nexus with the defendant, whose concern is a public one in respect of the matter brought before it. The applicant in such case can reasonably expect honesty from the defendant but not a wider duty.

[40] The procedural requirements had been characterized as “quasi-judicial” in the proceeding that resulted in the successful challenge of the amended zoning by-law. However, that did not advance the plaintiff's case in *Welbridge* because those prerequisites “were relevant...to the legislative exercise in which the [municipality] was engaged.”<sup>12</sup>

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<sup>12</sup> *Welbridge Holdings Ltd. v. Winnipeg (Greater)*, [1971] S.C.R. 957 at p. 969.

- [41] That is not to say that a municipality will always be immune from civil liability. The protection applies to certain categories of behaviour but not all of them. Writing for the majority of the Supreme Court of Canada in *Just v. British Columbia*, [1989] 2 S.C.R. 1228, Cory J. noted:

The functions of government and government agencies have multiplied enormously in this century. Often government agencies were and continue to be best suited entities and indeed the only organizations which could protect the public in the diverse and difficult situations arising in so many fields. They may encompass such matters as the manufacture and distribution of food and drug products, energy production, environmental protection, transportation and tourism, fire prevention and building developments. The increasing complexities of life involve agencies of government in almost every aspect of daily life. Over the passage of time the increased government activities gave rise to incidents that would have led to tortious liability if they had occurred between private citizens...However, the Crown is not a person and must be free to govern and make true policy decisions without becoming subject to tort liability...On the other hand, complete Crown immunity should not be restored by having every government decision designated as one of “policy”. Thus the dilemma giving rise to the continuing judicial struggle to differentiate between “policy” and “operation”...

- [42] Factors relevant to the characterization of a municipality’s decision were articulated in *Brown v. British Columbia (Minister of Transportation and Highways)*, [1994] 1 S.C.R. 420 at 441:

True policy decisions involve social, political and economic factors...The operational area is concerned with the practical implementation of the formulated policies, it mainly covers the performance or carrying out of a policy...

- [43] Similarly, in *R. v. Imperial Tobacco Canada Ltd.*, [2011] 3 S.C.R. 45, McLachlin C.J. concluded:

...that “core policy” government decisions protected from suit are decisions as to a course or principle of action that are based on public policy considerations, such as economic, social and political factors, provided they are neither irrational nor taken in bad faith.

- [44] A 2001 decision of the Supreme Court of Canada establishes the framework for the analysis and illustrates its application. The facts of *Cooper v. Hobart*, [2001] 3 S.C.R. 537 (“*Cooper*”) can be briefly summarized.
- [45] Eron Mortgage Corporation (“Eron”) was a mortgage broker. It carried on business in British Columbia. That province’s Registrar of Mortgage Brokers, Robert Hobart, suspended Eron’s licence and froze the company’s assets. It was alleged that Eron had used some of the \$222 million received from investors for unauthorized purposes. Investors stood to lose \$180 million based on the estimated value of Eron’s assets. One of the investors, Mary Francis Cooper, sued Mr. Hobart. She maintained losses suffered by investors would have been reduced, or even eliminated, had Eron’s licence been suspended earlier. Ms. Cooper alleged that the statutory regulator was negligent for failing to take that step.
- [46] In determining whether Hobart owed investors a private law duty of care, the Supreme Court of Canada applied the two-stage process contemplated by *Anns v. Merton London Borough Council*, [1978] A.C. 728 (“*Anns*”). Writing for a unanimous court, McLachlin C.J. and Major J. outlined the required approach at para. 30:

...the *Anns* analysis is best understood as follows. At the first stage of the *Anns* test, two questions arise: (1) was the harm that occurred the reasonably foreseeable consequence of the defendant’s act? and (2) are there reasons, notwithstanding the proximity between the parties established in the first part of this test, that tort liability should not be recognized here?

- [47] Answering the first question necessitates consideration of two things: reasonable foreseeability and proximity. A *prima facie* duty of care exists if the relationship between the claimant and the alleged wrongdoer is sufficiently close and direct. As the Court explained in *Cooper* at para. 34:

Defining the relationship may involve looking at expectations, representations, reliance, and the property or other interests involved. Essentially, these are the factors that allow us to evaluate the closeness of the relationship between the plaintiff and the defendant and to determine

whether it is just and fair having regard to that relationship to impose a duty of care in law upon the defendant.

- [48] The second stage of the *Anns* analysis is concerned “with the effect of recognizing a duty of care on other legal obligations, the legal system and society more generally.”<sup>13</sup> That is the point at which the distinction between policy and operational decisions is to be made. I return to *Cooper*. At para. 38 the Court said:

It is at this second stage...that the distinction between government policy and execution of policy fails to be considered. It is established that government actors are not liable in negligence for policy decisions, but only operational decisions. The basis of this immunity is that policy is the prerogative of the elected Legislature. It is inappropriate for courts to impose liability for the consequences of a particular policy decision. On the other hand, a government actor may be liable in negligence for the manner in which it executes or carries out the policy.

- [49] The plaintiff’s case in *Cooper* failed at the first stage. In finding that the statutory regulator did not owe investors a duty of care the Supreme Court of Canada made these observations at paras. 50 and 51:

Even though to some degree the provisions of the *Act* serve to protect the interests of investors, the overall scheme of the *Act* mandates that the Registrar’s duty of care is not owed to investors exclusively but to the public as a whole.

...The statute cannot be construed to impose a duty of care on the Registrar specific to investments with mortgage brokers. Such a duty would no doubt come at the expense of other important interests, of efficiency and finally at the expense of public confidence in the system as a whole.

- [50] That brings me to this case. In its amended pleading Danforth alleges that the City could and should have made its RT routing decision in 2015, rather than 2017. Had it done so, Danforth maintains, the developer would have obtained the zoning by-law amendment it sought and developed the Lands.

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<sup>13</sup> *Cooper v. Hobart*, [2001] 3 S.C.R. 537 at para. 37.

[51] The estimated cost of the BRT option approved by the City council is about \$500 million.<sup>14</sup> Its features include 22.5 km of dedicated median transit lanes running throughout the municipality, 36 rapid transit stations and 28 articulated buses. The project is a mammoth one that affects the entire population. As evidenced by the process it adopted, the City's decision involved many factors. Bus rapid transit and its routes were, in my view, a "core policy" decision that were based on a wide range of public policy considerations: among them social, environmental, economic, geographical, political and technical. The relationship between Danforth on the one hand and the City on the other was not sufficiently close to justify the imposition of a duty of care. That conclusion flows clearly from the evidentiary record.

[52] Even had I concluded otherwise, Danforth's action would have foundered at the second stage of the *Ann's* test. A decision to allow or refuse an application for a zoning by-law amendment is not operational: *Birch Builders Ltd. v. Esquimalt (Township)*, [1992] B.C.J. No. 814 (C.A.).<sup>15</sup> Danforth sought to distinguish this case by focusing on the City's actions in relation to BRT. At para. 16 of its factum the developer argued:

The plaintiff does not quarrel that under the *Municipal Act* the City is given jurisdiction to make policy decisions regarding planning and transportation. Liability in the case at bar is based on the operational conduct relating to that policy. Put another way, the failure to consult with parties directly affected, was the operational misconduct. The routing decision, which is the policy decision, was not made until council's decision in May 2017. That ultimate policy decision is not complained of by the plaintiff. Rather it was the manner in which the City acted leading up to that policy decision that damaged the plaintiff – a damage that was foreseeable.

[53] As can be seen, Danforth acknowledged that the City's decision concerning the route the BRT is to follow is one of policy rather than operation. Danforth's attempt to characterize the pre-approval process as operational is legally untenable. The course of action the City followed was essential to and an inextricable part of the development of

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<sup>14</sup> According to a memo from Kelly Scherr, Managing Director, Environmental & Engineering Services and City Engineer to the Strategic Priorities and Policy Committee in advance of a May 15, 2017 meeting, City council approved the Full Bus Rapid Transit Network Alternative in May, 2016.

<sup>15</sup> For an example of an operational decision see *Ingles v. Tutkaluk Construction Ltd.*, [2000] 1 S.C.R. 298.

the RT plan the municipality approved.<sup>16</sup> It, too, is a matter of policy, not operation.<sup>17</sup> Consequently, the City did not owe Danforth a private law duty of care.

[54] In reaching that conclusion I have not forgotten *JEC Enterprises Inc. v. Calgary (City)*, 2015 ABQB 555 (“*JEC*”). In *JEC*, the plaintiff sought damages when the municipality failed to give a by-law re-designating its land third and final reading. Although the municipality successfully applied to have portions of the claim struck, the claim in negligence was permitted to proceed to trial. At para. 36 Strekaf J. explained:

This is a substantial claim. There are disputed facts on relevant matters and a more fulsome record would be needed to determine whether any of the acts underlying JEC’s complaints constitute operational acts, as opposed to legislative or policy acts, which could give rise to a duty of care in the circumstances. That issue should not be determined in a piecemeal fashion at this stage of the proceeding but should be left to be determined by the trial judge in light of the evidence adduced at trial.

[55] This case is distinguishable. A significant and comprehensive record was compiled. Cross-examinations were conducted. The parties recognized their obligation on a motion for summary judgment to “lead trump”: *Corchis v. KPMG Peat Marwick Thorne*, [2002] O.J. No. 1437 (C.A.) at para. 6; *Ramdial v. Davis (Litigation guardian of)*, 2015 ONCA 726 at para. 28. The court is entitled to assume that the record assembled for the purposes of such a motion contains all of the evidence that would be available at trial: *Sweda v. Egg Farmers of Ontario*, 2014 ONSC 1200 at para. 27, affirmed 2014 ONCA 878.<sup>18</sup>

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<sup>16</sup> *Welbridge Holdings Ltd. v. Winnipeg (Greater)*, *supra* at p. 969.

<sup>17</sup> *1022049 Alberta Ltd. v. Medicine Hat (City)*, [2013] A.J. No. 188 (Q.B.) at para. 14. Section 61 of the *Planning Act*, R.S.O. 1990, c. P.13 is also instructive. It provides:

Where, in passing a by-law under this Act, a council is required by this Act, by the provisions of an official plan or otherwise by law, to afford any person an opportunity to make representation in respect of the subject-matter of the by-law, the council shall afford such person a fair opportunity to make representation but throughout the course of passing the by-law the council shall be deemed to be performing a legislative and not a judicial function.

<sup>18</sup> These principles are so well established that they have recently been described as “trite law”: *Da Silva v. Gomes*, 2018 ONCA 610 at para. 18.

[56] As contemplated by *Hryniak* the court is confident that it is able to make the necessary findings of fact and to apply the law to the facts as found. I am satisfied Danforth's claim in negligence does not raise a genuine issue requiring a trial. No private law duty of care was owed by the City to Danforth in relation to the BRT project, nor in relation to the application for a zoning by-law amendment.

[57] Further, Danforth's claim fails at this stage of the analysis for another reason. Danforth was only one member of a huge constituency affected by the RT decision. A multitude of interests and considerations were at play. Allowing an action of this kind to proceed could expose the municipality to indeterminate liability. As McLachlin C.J. wrote in *Alberta v. Elder Advocates of Alberta Society*, [2011] 2 S.C.R. 261 at para. 74:

Where the defendant is a public body, inferring a private duty of care from statutory duties may be difficult and must respect the particular constitutional role of those institutions...Related to this concern is the fear of virtually unlimited exposure of the government to private claims, which may tax public resources and chill government intervention.<sup>19</sup>

[58] Danforth grounds its claim on a second cause of action. It also alleged that the City misused discretionary powers it held in respect of planning and transportation. Specifically, the plaintiff claims that the City failed to exercise those powers fairly and in good faith. The developer's pleading recognizes the limited circumstances in which liability can attach. In *Entreprises Sibeca Inc. v. Frelighsburg (Municipality)*, [2004] 3 S.C.R. 304, Deschamps J. said, at para. 23:

In public law, a municipality may not...be held liable for the exercise of its regulatory power if it acts in good faith or if the exercise of this power cannot be characterized as irrational.

[59] However, that passage must be read with care in the private law context. I return to *Alberta v. Elder Advocates of Alberta Society*, *supra* at para. 78:

The law does not recognize a stand-alone action for bad faith... [T]he bad faith exercise of discretion by a government authority is properly a ground

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<sup>19</sup> To the same effect see *Cooper v. Hobart*, *supra* at para. 52-55.

for judicial review of administrative action. In tort, it is an element of misfeasance in public office and, in employment law, relevant to the manner of dismissal. The simple fact of bad faith is not independently actionable.

[60] In my view, the alternative claim suffers the same fate as the one grounded in negligence. It does not raise a genuine issue requiring a trial. This aspect of Danforth's claim fails at a fundamental level. The plaintiff attributes bad faith and unfairness to a decision that was never made.

[61] The application for a zoning by-law amendment was withdrawn before the outcome was known. As mentioned earlier, the application was regarded as complete on June 11, 2015. The 120 day period contemplated by s. 34(11) of the *Planning Act* expired on or about October 11, 2015. However, the statutory timeframe was suspended when the application was put on hold by Zelinka on September 15, 2015. That continued to be its status when withdrawn the following month. The City's council was never asked to make a determination.

[62] Danforth withdrew the application because it was dissatisfied with the pre-decision process. During the cross-examination of Danforth's officer, Anthony Graat, the following question was asked and answered:

Q. ...What changed between Mr. Kulchyki's email of September 15<sup>th</sup> and this...direction to the City on October 23<sup>rd</sup> to formally withdraw the application?

A. It was just bogged down into...so many issues, that it...was just...getting too much for us to spend any more time on it at that time. We were busy maybe doing a few other things. That this is going to be Never Never Land as far as we were concerned.<sup>20</sup>

[63] City staff had not finalized the preparatory work necessary for council's consideration. Danforth anticipated an adverse result. However, no determination had yet been made.

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<sup>20</sup> The excerpt is drawn from page 52, Q. 353.

[64] Even if the earlier request by City staff for a five metre road allowance along Clarence and King Streets could be construed as a “decision” by the City, there is no evidence to support the allegation same was made other than fairly and in good faith. For better or worse it was then contemplated that the intersection would play a pivotal role in the RT project. Adoption by the City council of a different route almost two years later does not cast a dark light on the conduct of City staff and the consultant retained by the municipality in 2015. Additional steps had been taken. More information was in hand. Hindsight is easy to wield. It would be folly to use it to ground otherwise unsupported allegations of bad faith and unfairness.

[65] If Danforth is correct that the City exercised a discretionary power or function, based on the evidence compiled s. 450 of the *Municipal Act, 2001*, S.O. 2001, c. 25 is a full answer. The section provides as follows:

No proceeding based on negligence in connection with the exercise or non-exercise of a discretionary power or the performance or non-performance of a discretionary function, if the action or inaction results from a policy decision of a municipality...made in good faith exercise of the discretion, shall be commenced against...a municipality...

#### **D. Conclusion and Costs**

[66] For the reasons given the court is satisfied there is no genuine issue requiring a trial with respect to any portion of Danforth’s claim. The City did not owe Danforth a duty of care in relation to either the BRT plan its council approved in May, 2017 or the application for a zoning by-law amendment Ayerswood’s planner withdrew in October, 2015.

[67] Furthermore, the withdrawal of the application meant that the City did not exercise a discretionary power or function in relation to the Lands in 2015. Even if the earlier request by City staff for a five metre road dedication constituted a decision, there is no evidence to suggest same was made in bad faith or unfairly. The City is not precluded from relying on the statutory protection the *Municipal Act* affords.

[68] The motion for summary judgment is granted. The action is dismissed.<sup>21</sup>

[69] Each party may serve and file cost submissions of five pages or less. Those of the City are due by the close of business on July 27 and those of Danforth by the close of business on August 17, 2018. If vacation schedules make those timelines impossible, counsel are permitted to vary the timetable by written agreement or during a brief 8 a.m. teleconference to be arranged through the Trial Coordinator in London.

"Justice A.D. Grace"  
Grace J.

**Released:** July 5, 2018

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<sup>21</sup> As mentioned, the City posed four questions in para. (c) of its notice of motion. A trial is not needed to answer them. The court's answers are as follows: (i) No, the City did not exercise a discretionary authority or power in relation to the Lands; (ii) No, Danforth does not have a claim in negligence. The City did not owe Danforth a duty of care; (iii) No, Danforth does not have a cause of action based on a failure by the City to act fairly and in good faith towards Danforth in the exercise of the City's discretionary authority regarding planning and transit. I have already concluded the City did not exercise that authority because Ayerswood's application was withdrawn. Further, there is no evidence the City acted other than fairly and in good faith; and (iv) As stated, the City did not owe Danforth a duty of care in relation to the rapid transit initiative or the application for a zoning by-law amendment.

**CITATION:** Danforth (London) Ltd. v. London (City), 2018 ONSC 4203  
**COURT FILE NO.:** 422/17  
**DATE:** 20180705

**ONTARIO**

**SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

DANFORTH (LONDON) LTD.

Plaintiff

**– and –**

THE CORPORATION OF THE CITY OF  
LONDON

Defendant

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**REASONS FOR JUDGMENT**

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Grace J.

**Released: July 5, 2018**



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:** June 25, 2018

**RE:** **Monthly Report for May 2018**

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

### **Permit Issuance**

By the end of May, 1,832 permits had been issued with a construction value of approximately \$466 million, representing 1,180 new dwelling units. Compared to last year, this represents a 0.4% decrease in the number of permits, an 8.3% increase in the construction value and a 2.9% increase in the number of dwelling units.

To the end of May, the number of single and semi-detached dwellings issued were 323, which was a 30.8% decrease over last year.

At the end of May, there were 559 applications in process, representing approximately \$431 million in construction value and an additional 746 dwelling units, compared with 701 applications having a construction value of \$345 million and an additional 846 dwelling units for the same period last year.

The rate of incoming applications for the month of May averaged out to 23.3 applications a day for a total of 513 in 22 working days. There were 50 permit applications to build 50 new single detached dwellings, 8 townhouse applications to build 8 units, of which 8 were cluster single dwelling units.

There were 542 permits issued in May totalling \$85.7 million including 220 new dwelling units.

### **Inspections**

#### **BUILDING**

*Building Inspectors* received 2,427 inspection requests and conducted 3,743 building related inspections. No inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 12 inspectors, an average of 304 inspections were conducted this month per inspector.

Based on the 2,427 requested inspections for the month, 93% were achieved within the provincially mandated 48 hour time allowance.

#### **PLUMBING**

*Plumbing Inspectors* received 1,313 inspection requests and conducted 1,845 plumbing related inspections. Zero inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 7 inspectors, an average of 264 inspections were conducted this month per inspector.

Based on the 1,313 requested inspections for the month, 98% 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:ld  
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 May 2018

CLASSIFICATION	May 2018		to the end of May 2018		May 2017		to the end of May 2017	
	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF PERMITS	CONSTRUCTION VALUE
SINGLE DETACHED DWELLINGS	61	25,322,884	323	133,063,130	323	0	467	188,331,564
SEMI DETACHED DWELLINGS	0	0	0	0	0	0	0	0
TOWNHOUSES	35	27,764,400	99	69,297,194	280	0	92	79,529,346
DUPLEX, TRIPLEX, QUAD, APT BLDG	1	246,400	5	124,642,720	534	0	3	51,556,680
RES-ALTER & ADDITIONS	246	8,494,526	705	25,606,076	43	0	705	52,102,116
COMMERCIAL -ERECT	5	7,086,888	12	35,948,088	0	0	4	1,426,350
COMMERCIAL - ADDITION	3	5,335,000	8	6,875,718	0	0	6	13,677,260
COMMERCIAL - OTHER	53	6,414,300	194	27,860,017	0	0	142	26,020,123
INDUSTRIAL - ERECT	0	0	2	8,500,000	0	0	0	0
INDUSTRIAL - ADDITION	0	0	2	840,000	0	0	7	4,349,585
INDUSTRIAL - OTHER	7	1,034,600	28	4,619,848	0	0	27	1,608,100
INSTITUTIONAL - ERECT	0	0	0	0	0	0	0	0
INSTITUTIONAL - ADDITION	0	0	3	5,850,000	0	0	0	0
INSTITUTIONAL - OTHER	32	3,372,300	102	21,597,600	0	0	43	9,797,500
AGRICULTURE	0	0	1	50,000	0	0	1	200,000
SWIMMING POOL FENCES	30	647,550	68	1,365,159	0	0	78	1,471,083
ADMINISTRATIVE	9	17,000	47	178,500	0	0	58	279,625
DEMOLITION	19	0	38	0	18	0	51	0
SIGNS/CANOPY - CITY PROPERTY	3	0	6	0	0	0	15	0
SIGNS/CANOPY - PRIVATE PROPERTY	38	0	189	0	0	0	141	0
<b>TOTALS</b>	<b>542</b>	<b>85,735,848</b>	<b>1,832</b>	<b>466,294,050</b>	<b>1,180</b>	<b>612</b>	<b>1,840</b>	<b>430,349,333</b>

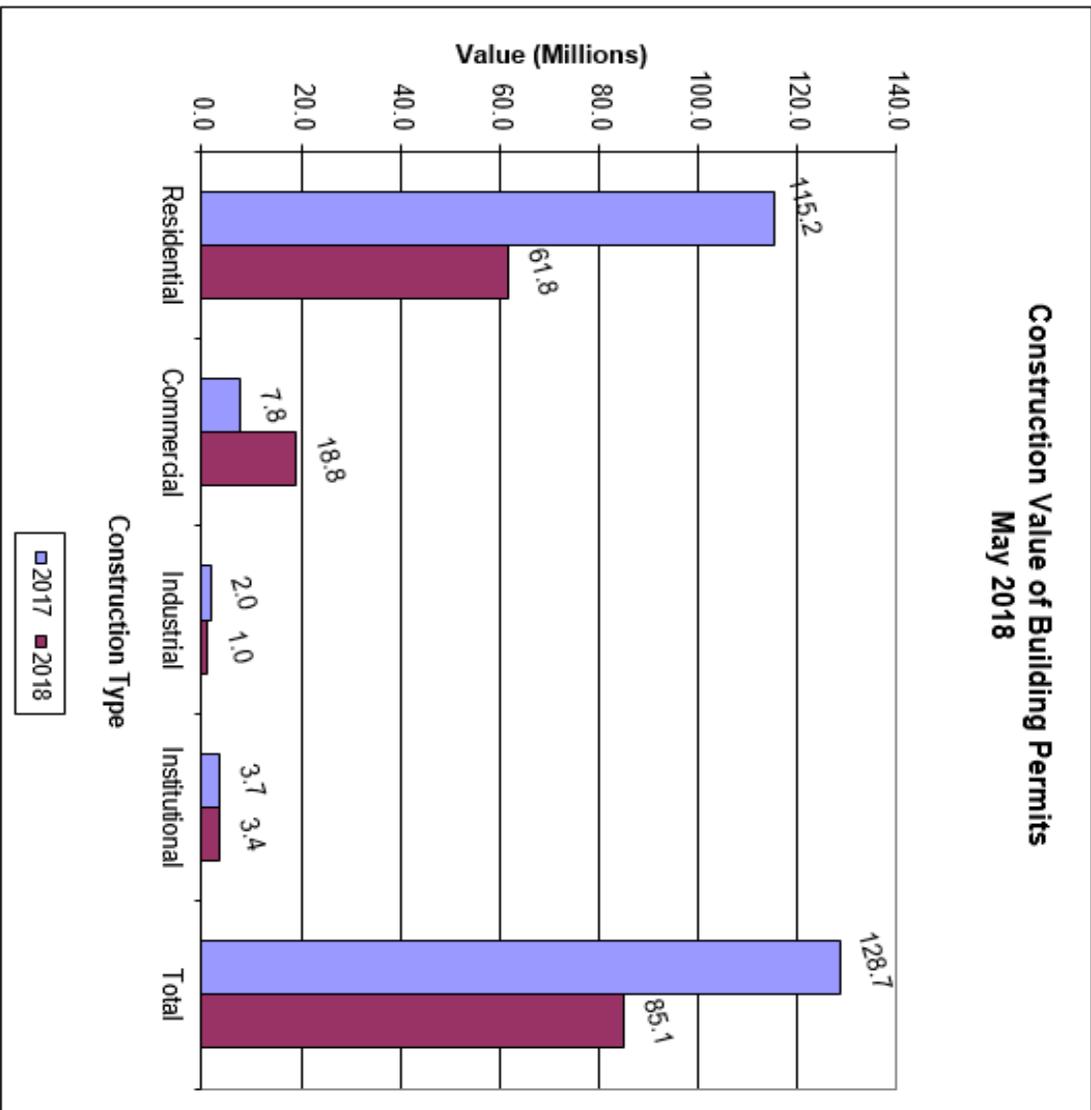
Note: 1) Administrative permits include Tents, Change of Use and Transfer of Ownership, Partial Occupancy.

2) Mobile Signs are no longer reported.

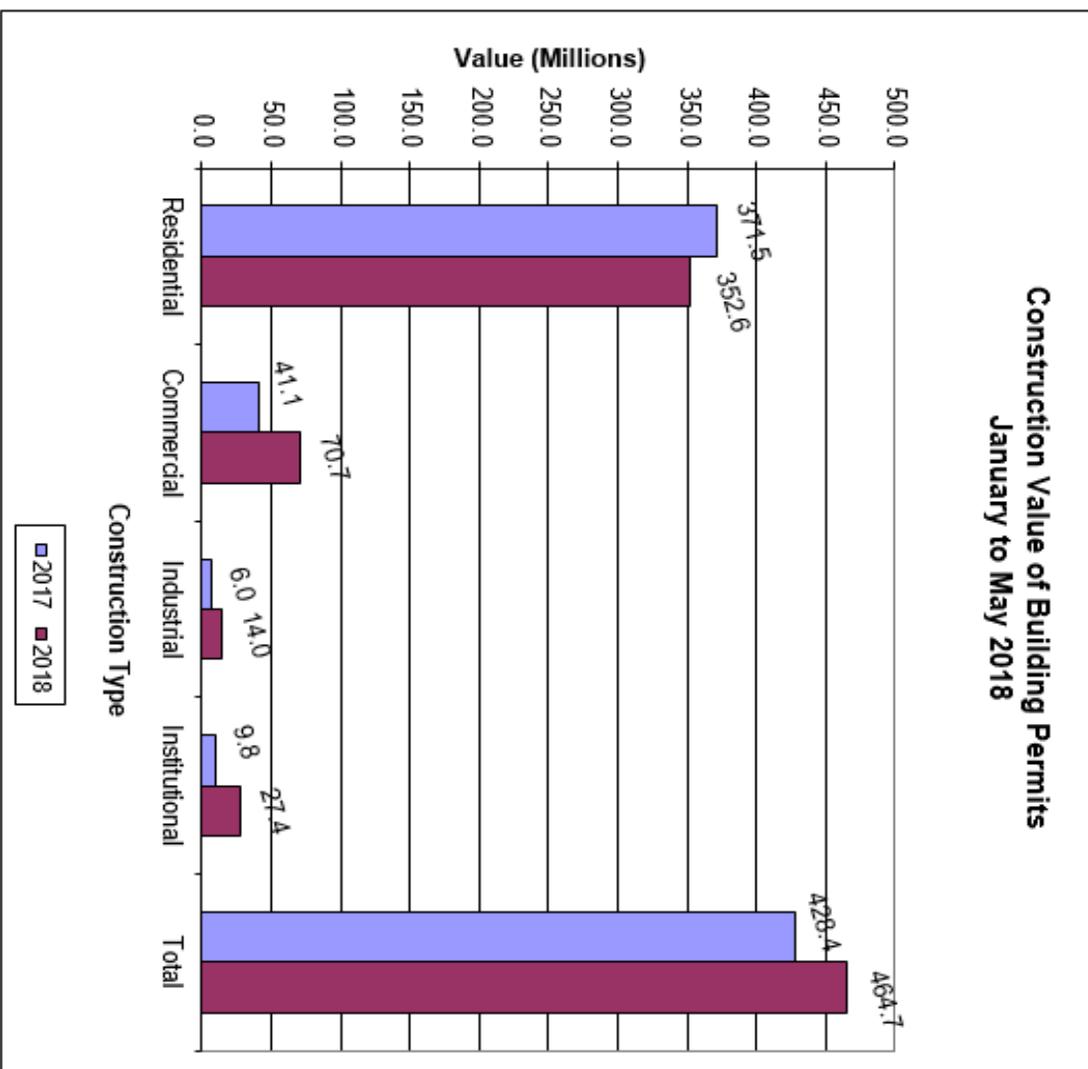
3) Construction Values have been rounded up.

June 20, 2018

**Construction Value of Building Permits  
May 2018**



**Construction Value of Building Permits  
January to May 2018**



**City of London - Building Division  
Principal Permits Issued From May 01, 2018 to May 31, 2018**

Owner	Project Location	Proposed Work	No. Of Units	Constr Value
1803299 Ontario Inc	100 Kellogg Lane	Alter-Distilleries-Interior Alter For New Micro Brewery. Frt Fpo Sh	0	150,000
Michelin Tires (Canada) Ltd Attn: General Counsel	1025 Green Valley Rd	Alter-Warehousing-Warehouse Alter Roof Drainage System And Connect T	0	125,000
703209 Ontario Inc	1035 Whamcliffe Rd S	Add-Automobile Sales & Service-Addition To Showroom And Renovation. Frt Fpo Con	0	5,000,000
North London Medical Centre North London Medical Centre	1055 Fanshawe Park Rd W	Alter-Medical Offices-Cm- Interior Alteration For Tenant Fit Up, Medical	0	950,000
Rembrandt Inc Rembrandt Developments (London) Inc.	1061 Eagletrace Dr 196	Erect-Townhouse - Cluster Sdd-Erect New Townhouse Cluster Sdd, 1 Storey, 2 Car G	1	299,200
Thrive Real Estate Development	1061 Richmond St	Alter-Apartment Building-Ra - Alter To Convert Church To A 9-Unit Apartment	9	200,000
Thames Valley District School Board Thames Valley District School Board	1095 Pond View Rd	Alter-Schools Secondary, High, Jr. High-Is - Interior Alterations And Alterations For Acce	0	170,000
White Oaks Mall CVO Bentall Kennedy White Oaks Mall Holdings Ltd	1105 Wellington Rd	Alter-Retail Store-Cm - Interior Alter To Retail Store Unit (Telus)	0	250,000
Boardwalk Reit Properties	112 Arbour Glen Cres	Alter-Apartment Building-Balcony Concrete Repair And Railing Replacement Fo	0	504,100
Boardwalk Reit Properties	114 Arbour Glen Cres 101	Alter-Apartment Building-Balcony Concrete Repair & Railing Replacement For	0	504,100
London City	1141 Hamilton Rd	Install-Water Filtration-Install - Replace Existing Duct Work And Cut Two O	0	730,000
University Of Western Ontario-Board Of Governors	1151 Richmond St	Alter-University-Alter Interior Spencer Engineering Building Struct	0	1,000,000
	1170 Wellington Rd	Erect-Restaurant -Cm - Erect Restaurant Keg Shell Only - Misc. Meta	0	4,000,000
Fusion Homes Fusion Homes	1220 Riverbend Rd E	Erect-Townhouse - Condo-Erect 5 Unit Townhouse Condo Bk E: Unfinished Bas	5	912,000
	124 Dundas St	Add-Office/Retail/Apt Complex-Apt - Add To Building For Future Tenants On Floors	0	320,000
Wastell Developments Inc	1259 Michael Cir A	Erect-Townhouse - Condo-Erect - Townhouse Block - 4 Units - Dpn'S 1261, 12	4	637,000
Wastell Developments Inc	1259 Michael Cir B	Erect-Townhouse - Condo-Erect - Townhouse Block - 4 Units - Dpn'S 1269, 12	4	697,200
Wastell Developments Inc. Wastell Developments Inc.	1259 Michael Cir C	Erect-Townhouse - Condo-Erect 4 Unit Townhouse - 1277, 1279, 1281, 1283	4	488,600
Wastell Developments Inc	1259 Michael Cir D	Erect-Townhouse - Condo-Rt- Townhouse Block - 4 Units - Dpn'S 1285, 1287,	4	693,000
Wastell Developments Inc. Wastell Developments Inc.	1259 Michael Cir E	Erect-Townhouse - Condo-Erect 4 Units, 1293, 1295, 1297 And 1299	4	488,600
Wastell Developments Inc. Wastell Developments Inc.	1259 Michael Cir F	Erect-Townhouse - Condo-Erect 4 Unit Townhouse - 1301, 1303, 1305, 1307	4	488,600
Wastell Developments Inc. Wastell Developments Inc.	1259 Michael Cir G	Erect-Townhouse - Condo-Erect 6 Unit Townhouse - 1309, 1311, 1313, 1315, 1	6	666,000
Wastell Developments Inc. Wastell Developments Inc.	1259 Michael Cir H	Erect-Townhouse - Condo-Erect 4 Unit Townhouse 1321, 1323, 1325, 1327	4	488,600
Wastell Developments Inc. Wastell Developments Inc.	1328 Michael Cir A	Erect-Townhouse - Condo-Erect 6 Unit Townhouse - 1314, 1312, 1310, 1308, 1	6	686,000
London City	1328 Michael Cir A	Install-Street Townhouse - Condo-Install Foundation For Townhome Block A	0	495,000
Wastell Developments Inc	1328 Michael Cir B	Install-Street Townhouse - Condo-Install Foundation For Townhome Block B	0	495,000
London City	1345 Cheapside St	Install-Arenas-Comm - Install New Storm Sewer And Catch Basins	0	600,000
Thames Valley District School Board Thames Valley District School Board	1379 Lola St	Alter-Schools Elementary, Kindergarten-Alter - Interior Alters For Ramp And Universal Was	0	300,000
	1448 Adelaide St N	Install-Hairdressing Shop-Construct Parking Lot Including Site Drainage	0	117,000
Millistone Homes Inc.	1464 Byron Baseline Rd	Erect-Townhouse - Cluster Sdd-Erect - 2 Storey, 2 Car Garage, 4 Bedroom, Unfinis	1	500,000
1433506 Ontario Inc C/O Kerry Erle	1589 Fanshawe Park Rd E	Alter-Offices-Alter To Repair Flood Damage	0	165,000
n 1700 Hp Inc	1700 Hyde Park Rd	Erect-Retail Plaza-Erect Retail Building On Existing Foundation Shel	0	1,200,000
1307939 Ontario Limited	176 Dundas St	Alter-Auditoria-Cm - Interior Alteration At London Music Hall Site	0	500,000
Century Mews Inc.	194 Dundas St	Alter-Offices-Comm. - Add To And Alter For Office Use *****A Mil	0	1,000,000
Limited	2040 Shore Rd Q	Erect-Townhouse - Condo-Erect New Townhouse Block Q, Dpns, 94, 96, 98, 100,	5	933,340

Permits\_Issued\_Greater\_100000\_Construction value

**City of London - Building Division  
Principal Permits Issued From May 01, 2018 to May 31, 2018**

<b>Owner</b>	<b>Project Location</b>	<b>Proposed Work</b>	<b>No. Of Units</b>	<b>Constr Value</b>
Centurion Apartment Properties Inc	205 Oxford St E	Install-Apartment Building-Ra - Fire Alarm Replacement And Audibility Upgrade	0	270,000
Ironstone Company Inc.	2070 Meadowgate Blvd C	Erect-Townhouse - Condo-Erect - Townhouse Block C - 8 Units, 19, 21, 23, 2	8	1,850,000
Ironstone Company Inc.	2070 Meadowgate Blvd D	Erect-Townhouse - Condo-Erect - Townhouse Block D - 6 Units - 35, 37, 39,	6	1,394,400
Ironstone Company Inc.	2070 Meadowgate Blvd E	Erect-Townhouse - Condo-Erect - Townhouse Block E - 6 Units - 47, 49, 51,	6	1,369,000
Legacy Of Upper Richmond Village Inc	2290 Torrey Pines Way 15	Erect-Townhouse - Cluster Sdd-Erect - Townhouse Cluster - 1 Storey, 4 Bedroom, F	1	286,000
Legacy Of Upper Richmond Village Inc	2290 Torrey Pines Way 20	Erect-Townhouse - Cluster Sdd-Erect 1 Storey, 2 Car Garage, 4 Bedroom, Partially	1	333,200
Legacy Of Upper Richmond Village Inc	2290 Torrey Pines Way 9	Erect-Townhouse - Cluster Sdd-Erect - New Cluster Sfd - 1 Storey, 2 Car Garage,	1	334,000
2615650 Ontario Inc	2350 Dundas St	Erect-Automobile Service Station-Erect Store And Gas Station	0	668,888
Town & Country (2005) Inc.	2373 Callingham Dr F	Erect-Townhouse - Condo-Townhouse - Erect 4-Unit Townhouse Block Soils Re	4	1,596,560
Auburn Inc. Auburn Developments Inc.	2491 Tokala Trail A	Erect-Townhouse - Condo-Erect 4 Unit Townhouse Condo Bldg A - Units 2485,	4	1,093,800
London District School Board London District Catholic School Board	255 Vancouver St	Alter-Schools Elementary, Kindergarten-Interior Alteration For Universal Washroom	0	150,000
Station Park Station Park (London) Inc	256 Pall Mall St	Alter-Financial Institution-Cm- Interior Alteration For National Bank Financia	0	308,000
Magnificent (1865512 Ont Inc) Magnificent Homes (1865512 Ont Inc)	2615 Sheffield Blvd	Erect-Townhouse - Cluster Sdd-Erect New Cluster Sdd, 2 Storey, 2 Car Garage, 4 B	1	351,000
Foxwood Developments London Inc Foxwood Developments London Inc	2910 Tokala Trail I	Erect-Townhouse - Condo-Erect New 3 Units Townhouse Bldg I (Dpn 38,40,42)	3	590,800
2585306 Inc. 2585306 Ontario Inc.	3260 Singleton Ave A	Erect-Townhouse - Condo-Erect 12 Units Townhouse Block A, 3 Storey, 1 Car	12	2,900,000
1016747 Ontario Limited	3270 Singleton Ave 12	Erect-Townhouse - Cluster Sdd-Erect - Townhouse Cluster - 2 Storey, 2 Car Garage	1	293,400
1016747 Ontario Limited C/O Carl Dinardo	3270 Singleton Ave 18	Erect-Townhouse - Cluster Sdd-Erect - Townhouse Cluster - 2 Storey, 2 Car Garag	1	293,400
Sunlight Homes 828421 Ontario Inc.	3270 Singleton Ave 25	Erect-Townhouse - Cluster Sdd-Erect 2 Storey, 2 Car Garage, 3 Bedrooms, Unfinish	1	324,000
828421 Ontario Inc.	3270 Singleton Ave 47	Erect-Townhouse - Cluster Sdd-Erect - Cluster Sfd - 2 Storey, 1 Car Garage, 3 Be	1	266,400
828421 Ontario Inc.	3270 Singleton Ave 51	Erect-Townhouse - Cluster Sdd-Erect - Cluster Sfd - 2 Storey, 1 Car Garage, 3 Be	1	306,000
828421 Ontario Inc.	3270 Singleton Ave 54	Erect-Townhouse - Cluster Sdd-Erect - New Cluster Sdd - Sfd, 2 Storey, 2 Car Gar	1	307,800
York (London) Inc York Developments (London) Inc	3325 Wonderland Rd S	Alter-Retail Store-Cm - Interior Alter For Ashley HomeStore, Fpo Ftr	0	950,000
London Health Association	339 Windemere Rd	Alter-Hospitals-Instl--Alter Medication Room #A1-132a On First Fl	0	200,000
London District School Board London District Catholic School Board	347 Lyle St	Alter-Schools Secondary, High, Jr. High-Is-Alter To Repair Lintels Windows And Foundation.	0	130,000
Middlesex Condominium Corporation No. 83	440 Central Ave	Alter-Apartment - Condo-Cm-Parking Garage Restoration	0	450,000
Global Integrated Solutions LP	451 Talbot St	Alter-Federal Buildings-Is - Interior Alteration On Parking Level 1	0	250,000
151516 Canada Inc C/O Rio Can Management Inc	509 Commissioners Rd W	Alter-Beauty Parlours-Interior Alteration To Provide Personal Services -	0	500,000
St Joseph's Health Care London (Parkwood)	550 Wellington Rd	Alter-Hospitals-Alter - Is - Interior Alteration To Parkwood Instl	0	150,000
2440339 Ontario Inc.	581 Richmond St	Alter-Apartment Building-Ra- Interior Alter To Apartment To Create 6 Units	0	150,000
2615623 Ontario Inc.	582 Highbury Ave N E/S	Erect-Duplex-Duplex - Erect Over/Under Duplex	2	246,400
Homestead Holdings Ltd. Homestead Land Holdings Ltd	595 Wonderland Rd N	Erect-Medical Offices-Erect New Medical Clinic	0	750,000
Homestead Holdings Ltd. Homestead Land Holdings Ltd	680 Wonderland Rd N	Install-Apartment Building-Install New Guardrails And Repour Balconies	0	250,000
Homestead Land Holdings Limited	746 Fanshawe Park Rd E	Install-Apartment Building-Install New Guardrails And Repair Balconies Ffr	0	185,000
75 Bessemer Holdings Limited C/O Sterling Karamar Mgmt	75 Bessemer Rd	Install-Retail Store And Warehouse-Cm- Roof Top Unit Installation	0	247,000

Permits\_Issued\_Greater\_100000\_Construction value

**City of London - Building Division  
Principal Permits Issued From May 01, 2018 to May 31, 2018**

Owner	Project Location	Proposed Work	No. Of Units	Constr Value
London Health Sciences Centre	800 Commissioners Rd E	Alter-Hospitals-Is- Water Main Upgrader To The Main Bldg. Frr Fpo	0	619,300
905 Samia Inc.	905 Samia Rd L	Erect-Townhouse - Condo-Erect New 4 Units Townhouse, Block L, Units 60- 6	4	1,030,400
905 Samia Inc.	905 Samia Rd N	Erect-Townhouse - Condo-Erect New 6 Units Townhouse, Block N, Units 68- 7	6	1,422,400
905 Samia Inc.	905 Samia Rd P	Erect-Townhouse - Condo-Erect New 6 Units Townhouse, Block P, Units 78-80	6	1,412,600
905 Samia Inc.	905 Samia Rd Q	Erect-Townhouse - Condo-Erect New 6 Units Townhouse, Block Q, Units 81-83	6	1,412,600

Total Permits 74      Units 138      Value 52,415,688

*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**

Medicine Professional Corp.
Century News Inc.
2615650 Ontario Inc
2615623 Ontario Inc.
Wlr Capital Inc.
1 1700 Hp Inc

*Commercial permits regardless of construction value.*

# Environmental and Ecological Planning Advisory Committee

## Report

7th Meeting of the Environmental and Ecological Planning Advisory Committee  
June 21, 2018  
Committee Rooms #1 and #2

Attendance                   PRESENT: S. Levin (Chair), E. Arellano, C. Dyck, P. Ferguson, S. Hall, B. Krichker, K. Moser, N. St. Amour, S. Sivakumar, C. Therrien, R. Trudeau and I. Whiteside and H. Lysynski (Secretary)

ALSO PRESENT: C. Creighton and A. Macpherson

REGRETS: A. Boyer, E. Dusenge, C. Evans, C. Kushnir and S. Madhavji

The meeting was called to order at 5:05 PM

### 1. Call to Order

#### 1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### 2. Scheduled Items

None.

### 3. Consent

#### 3.1 6th Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the 6th Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on May 17, 2018, was received.

#### 3.2 5th Report of the Trees and Forests Advisory Committee

That it BE NOTED that the 5th Report of the Trees and Forests Advisory Committee, from its meeting held on May 23, 2018, was received.

#### 3.3 Municipal Council Resolution - 5th Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the Municipal Council resolution adopted at its meeting held on May 8, 2018, with respect to the 5th Report of the Environmental and Ecological Planning Advisory Committee, was received.

### 4. Sub-Committees and Working Groups

#### 4.1 William Street Storm Sewer Outfall (EIS)

That, the attached Working Group comments with respect to the William Street Storm Sewer Outfall Environmental Impact Statement BE FORWARDED to P. Yanchuk, Engineer in Training, for review and consideration.

## 5. Items for Discussion

### 5.1 Southdale Road West Environmental Assessment Study - Notice of Public Information Centre #2

That B. Huston, Project Manager, Dillon Consulting, BE ADVISED that the Environmental and Ecological Planning Advisory Committee (EEPAC) requests to be a participant in the review of the detailed design documents on the Subject Land Status Report for the Southdale Road West Environmental Assessment Study; it being noted that the EEPAC reviewed and received the following with respect to this matter:

- a Notice of Public Information Centre #2 from B. Huston, Project Manager, Dillon Consulting Limited and T. Koza, Transportation Design Engineer;
- slides from the public information centre held on May 31, 2018; and,
- the attached communication dated June 6, 2018, from B. Huston, Project Manager, Dillon Consulting Limited.

### 5.2 Broughdale Dyke Environmental Assessment

That P. Adams, Environmental Planner or A. Spargo, Project Manager, AECOM Canada, BE REQUESTED to attend a future meeting of the Environmental and Ecological Planning Advisory Committee (EEPAC) to present the Environmental Impact Study for the Broughdale dyke, when it is ready to be reviewed by the EEPAC; it being noted that the EEPAC reviewed and received the Notice of Public Information Centre with respect to this matter.

### 5.3 City of London - Long Term Storage - Municipal Class Environmental Assessment

That it BE NOTED that the City of London Long Term Water Storage Municipal Class Environmental Assessment Notice of Project Commencement and Public Information Centre #1, was received.

### 5.4 Parks and Recreation Master Plan Update - Discussion

That, further to the presentation to the Environmental and Ecological Planning Advisory Committee (EEPAC) with respect to the Parks and Recreation Master Plan update, the Civic Administration BE ADVISED that the EEPAC would like guidance as to how to assist staff to achieve the objective to, "improve awareness and understanding about the importance of the City's natural heritage system, the city's urban forest and their broader role within Carolinian Canada" as noted in the Master Plan; it being noted that this is in alignment with the EEPAC mandate.

### 5.5 Hydrogeological Desktop Study - Sunningdale Court

That the attached issues identified in the review of the Hydrogeological Desktop study for Sunningdale Court BE REFERRED to the Civic Administration for review and consideration.

5.6 Detailed Design Stage - 3612 and 3630 Colonel Talbot Road and 6621 Pack Road

That the attached, revised, Working Group comments with respect to the properties located at 3612 and 3630 Colonel Talbot Road and 6621 Pack Road BE FORWARDED to N. Pasato, Senior Planner, for review and consideration; it being noted that the Environmental and Ecological Planning Advisory Committee will provide hydrogeological comments at its next meeting.

5.7 Draft London Rapid Transit Environmental Impact Study - General Response to Comments from Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the communication dated June 7, 2018, from J. Ramsay, Project Director, Rapid Transit, with respect to the response to the Environmental and Ecological Planning Advisory Committee Working Group comments, relating to the draft London Rapid Transit Environmental Impact Study, were received.

5.8 Summer Meeting Schedule

That it BE NOTED that the Environmental and Ecological Planning Advisory Committee will meet on July 19 and August 16, 2018.

**6. Deferred Matters/Additional Business**

6.1 (ADDED) ESA Management Committee Meeting Minutes

That it BE NOTED that the ESA Management Committee Meeting minutes from its meeting held on April 25, 2018, were received.

**7. Adjournment**

The meeting adjourned at 6:45 PM.

## **EIS (Draft) WILLIAM STREET STORM SEWER OUTFALL IMPROVEMENTS**

Dillon Consulting, April 2018, received by EEPAC at its May 2018 meeting

Reviewers: S. Levin, Dr. K. Moser, C. Therrien

### **INVASIVE SPECIES**

It is interesting to note that Dillon points out on page 9 the “coverage of several other non-native and/or invasive species typically associated with areas of cultural disturbance, such as trails and pathways. “

EEPAC is concerned that despite being in the study area, and despite the opportunity noted by Dillon on page 28, the area north of the channel works will not have an invasive species management plan (according to wastewater staff at the May EEPAC meeting). Given the pervasive buckthorn in this area, EEPAC is concerned that restoration works on the south side of the channel (currently Shallow Water Aquatic) will fail over time.

As well, phragmites is beginning to establish itself in this area. It is critical to deal with this within the project scope.

**RECOMMENDATION 1: The proposed Invasive Species Management Plan mentioned on page 28 of the EIS include a buckthorn herbiciding program within the project budget for the city lands north of the channel within the study area.**

**RECOMMENDATION 2: The proposed Invasive Species Management Plan include eradication of phragmites.**

**RECOMMENDATION 3: The project budget include sufficient funds for monitoring of at least 5 years of the success of the site restoration and invasive species removal and control programs.**

**RECOMMENDATION 4: EEPAC receive the Plan for review and annually, receive a report on the progress of the implementation of the Invasive Species Management Plan.**

EEPAC has yet to see any invasive species management plans despite many have been included as “to be developed and implemented” in many an EIS. Given this is a City project, there is an opportunity for EEPAC to provide its expertise in this matter as one of the current members of EEPAC is a PhD in plant biology and has extensive experience with management of some invasive species.

### **AQUATIC HABITAT**

EEPAC supports the upgrading of the culvert under the TVP to four culverts of a larger size. This will greatly benefit fish. However, it is unclear why there is no recommendation to clear the blockage of Huron Creek that exists 550-560 m from the outfall (see page 15). Although it is outside the study area, there is no clear reason why

the blockage should remain. Removing it would result in a positive impact rather than “none” as shown in the Impact Assessment on page 23.

**RECOMMENDATION 5: The culvert that is 90% by debris be cleared as this will remove a barrier to fish passage and regular inspections take place to ensure the culvert remains clear.**

EEPAC is concerned that it appears that no water quality measurements have been taken of the Thames downstream of photo site 10. Measurements of water quality at high flows and low flows pre-construction and post-construction would demonstrate either no change or improvement particularly given the spiny soft shell turtle habitat downstream. This EIS focuses on the area directly affected, but will undoubtedly impact areas downstream of the input to the Thames. This needs to be considered as Huron Creek does not stop where the study area stops.

**RECOMMENDATION 6: The project include monitoring of water quality in the Thames pre and post construction for a period including three years from the conclusion of the separation of the combined sewer.**

#### MIGRATORY BIRDS

It is unclear to EEPAC why migratory bird surveys were not done. Orioles and rose breasted grosbeak nest in the area, and a variety of aquatic birds such as blue herons, American bittern, Green herons and Bald Eagles have been observed in the area.

**RECOMMENDATION 7: EEPAC would appreciate a response from a City Ecologist on this matter.**

#### BEAVERS

**If beavers return to the area, will the City implement its current protocol for beavers?** Dead beavers were noted in the area by an EEPAC member in the early spring of 2017 at or near photo site 9.

#### AMPHIBIAN SURVEYS

It is unclear why only one amphibian survey spot selected. This is inconsistent with the Marsh Monitoring Protocol. There are many frogs in the area - you can hear them and see tadpoles.

#### MAP 5 DESIGNATION

EEPAC continues to believe that the entire area west of Adelaide as studied by Dillon and by Duggan should be included in Map 5 as ESA.

June 6, 2018



Confidential

Sent via email

Corporation of the City of London  
Environmental and Engineering Services  
300 Dufferin Avenue, 8<sup>th</sup> Floor  
London, Ontario  
N6A 4L9

Attention: Mr. Sam Shannon, CET  
Project Manager

***Response to EEPAC Comments for Southdale Road West, Class Environmental Assessment Study – Subject Lands Status Report and Environmental Impact Study***

Dear Mr. Shannon:

It is our understanding that the Southdale Road West, Class Environmental Assessment (EA) Study – Subject Lands Status Report and Environmental Impact Study (SLSR/EIS) was provided to the City of London's (the City) Environmental and Ecological Planning Advisory Committee (EEPAC) for review and comment. A document was provided to the City from EEPAC dated May 9, 2018, listing several themed comments and accompanying recommendations. Dillon Consulting Limited (Dillon) has reviewed these comments and prepared the following responses.

## **Comments Provided**

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### **Theme #1 – Bat Habitat (Recommendations #1 and #2)**

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As indicated under Section 5.5 of the SLSR/EIS, the entire woodland area to the north and south of the Southdale Road West right-of-way (ROW) was not assessed for cavity/snag density due to lack of access. On this basis, the feature is being treated as significant bat maternity colony habitat. In order to confirm significance, the City would require access to the woodland both north and south of Southdale Road West to undertake cavity/snag density surveys, which would be required to be undertaken during the leaf-off period (i.e., November to April) and not during the month of June when cavities could be obscured by leaf cover. Even if the density of cavity/snag trees is below the >10 trees/ha threshold for significance, woodland habitat still may be considered habitat for Species at Risk (SAR) bat species.

As indicated under Section 7.1.1 of the SLSR/EIS, Tree Cavity Assessments are to be performed on trees during the leaf-off period (e.g., fall and early spring) to confirm if suitable cavities for bats are present. Tree Cavity Assessments follow the criteria for

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**519.438.6192**  
Fax  
519.672.8209

**Dillon Consulting  
Limited**



cavities as outlined in the MNRF documents, *Bat and Bat Habitat: Guidelines for Wind Power Projects*, (OMNR, 2011) and the *Bat and Bat Habitat Surveys of Treed Habitat Protocol*, (MNR 2014). Trees will be identified for removal during the Detailed Design stage. If potential cavities for bats are confirmed, consultation with the MNRF would be undertaken to outline the City's approach to mitigating removal of potential bat habitat (e.g., timing windows, installation of bat boxes). Through consultation, the MNRF may require acoustic surveys to confirm use by bats during the appropriate season (June) prior to removal of trees.

In our experience and based on recent MNRF regional guidance to the district offices, if tree removal can take place during the non-active season for bats, further surveys (e.g., cavity/snag and/or acoustic) may not be required. This approach can be confirmed with the local district office as part of continuing agency consultation during Detailed Design.

### **Theme #2 – Western Tributary and Culvert under Southdale Road (Recommendations #3 and #4)**

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A key recommendation from the current EA is to undertake a separate study of this tributary, to assess the current erosion issues in the tributary and make appropriate recommendations. Subject to the recommendations of this future study, it is recommended that the existing culvert size be maintained, to avoid changing the existing hydraulic conditions and flow characteristics downstream of Southdale Road. There is a small culvert downstream, outside of the Study Area, which also appeared to pose a barrier to fish migration. During Detailed Design, options will be considered for fish passage improvements including the lowering of water velocities to provide a net positive effect compared to existing conditions. Options for fish passage prepared as part of the Detailed Design stage will be reviewed with the Upper Thames River Conservation Authority (UTRCA) and applicable landowners.

### **Theme #3 – Wetland Management – Avoid, Minimize, Mitigate, Compensate (Offset) (Recommendations #5 - #8)**

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Consideration for long-term mitigation of the wetland features will be considered as part of Detailed Design. Further baseline information would require access onto the private property where the majority of the two feature's area is contained. Currently, the ecological land classification information does provide baseline information such as vegetation and abundance.



Further consultation with landowners is to be undertaken during Detailed Design which is to include considerations for enhancement of the valley corridor that leads from the eastern tributary outlet under Southdale Road West to Dingman Creek. If it is confirmed that avoidance of the wetland features is not possible through detailed design, the UTRCA will be consulted as a permit may be required from the UTRCA.

#### **Theme #4 – Enhancing Wildlife Movement across Southdale Road (Recommendations #9 and #10)**

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Inclusion of a crossing structure in the design is to be explored and refined during Detailed Design. Crossing options may include a structure suitable for small to medium terrestrial wildlife located east or west from the drainage culvert. As outlined in the London Plan, the project Study Area is located on the City of London Urban Growth Boundary. The goal of the London Plan is to create a more compact city that is less reliant on transportation and encourages citizens to reduce reliance on cars. Because of this focus, and the lands south of the Study Area being outside of Urban Growth Boundary, there is no need to explore further widening or protection of land for transportation use at this time. Acquisition of property beyond the scope of the road improvement works is not included in the scope of this project. The improvements have been designed to meet the street classification design features laid out on Table 6 of the London Plan.

#### **Theme #5 – Tree Removal and Compensation (Recommendations #11 - #13)**

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It should be noted that the area of potential impact, as presented in the SLSR/EIS, is based on preliminary design of the preferred option. As the project enters the Detailed Design stage, there may be opportunities to reduce the amount of vegetation removal required. The inventory of trees undertaken as part of the SLSR/EIS is to be used to inform the Detailed Design of the road improvements with a focus on reducing the number of trees to be removed.

Compensation plans are included as part of Detailed Design for when the exact number of trees to be removed is known. Areas for potential naturalization have been identified on Map 5 of the London Plan in proximity to the woodland areas and would be the focus for compensation/restoration plantings. Local landowners adjacent to the woodland areas have also expressed interest in having plantings occur on their properties. Further consultation with landowners is to occur during Detailed Design. Also note, the Net Effects table, presented in the SLSR/EIS, indicates an overall Low Net Effect due to the loss of trees and vegetation which is to be mitigated through a greater number of trees planted to compensate for this impact.



**Theme #6 – Provincially Significant Bird Species (Recommendation #14)**

Removal of <30 ha of Eastern Meadowlark habitat is permitted under *Endangered Species Act*, 2007 as long as proper authorization is received from the MNRF in the form of registration confirmation. As part of this registration, compensation habitat is to be established prior to habitat removal. Consultation with landowners is an on-going process. The area of habitat potentially removed accounts for 0.5 ha in the form of thin linear areas adjacent to the Southdale Road West ROW. Removal of this small area of habitat would not be expected to detract Eastern Meadowlark from continuing to use the habitat.

**Theme #7 – An Aggressive Invasive Species Strategy (Recommendation #15)**

As the majority of European Common Reed is located on private property, control of this invasive species would require further consultation and cooperation with the landowner which is currently outside of the scope of a Class EA and subsequent SLSR/EIS. An Invasive Species Management Plan is to be prepared as part of the Detailed Design which will focus on pre-construction treatments to avoid further spread of the species.

We appreciate the comments and recommendations provided by EEPAC, which further inform the potential impacts and mitigation measures recommended for the project.

Sincerely,

**DILLON CONSULTING LIMITED**

Brandon Fox, BES  
for Brian Huston, P.Eng.  
Project Manager

JWH:tfk

Our file: 16-4360

## **Hydrogeological Desktop Study – Sunningdale Court (Corlon Properties Inc.)**

Dated February 8, 2018 and received at EEPAC April 27, 2018

Reviewer: I. Whiteside and B. Krichker

The main issues identified in this report were as follows:

1. Quantification of flows to Medway Creek during a Major and Minor Storm event.
2. Long term efficacy of LID measures used to increase infiltration/ reduce overland flow to Medway Creek.

### **Theme #1 – Flows to Medway Creek**

The water balance presented in the report calculates that the run-off to Medway Creek (including run-off via the Wonderland Tributary, which drains directly into Medway Creek) will increase by ~25% if LID measures are implemented (from the existing 39,522 m<sup>3</sup>/yr to 49,355 m<sup>3</sup>/yr), and by 208% (to 82,257 m<sup>3</sup>/yr). While the report highlights that the overall flow volumes are small relative to Medway Creeks overall (less than 0.01% with LID measures implemented), the increase in percentage terms is substantial. That said, our chief concern is that the report presents these as annual average increases in run-off, but does not indicate what will happen during major and minor flows; run-off from the subdivision will mostly occur during storm events, and the report does not evaluate the impact of elevated storm water run-off on Medway Creek as a result of these storm events. Our concern is that this increase in run-off could have an adverse impact on the creek via increased erosion (resulting in increased sediment flow) and water quality (flows above a certain level will bypass the oil-grit separator).

Recommendation:

Evaluate the impact from increase in surface water flow from the site to Medway Creek/ Wonderland Tributary during major and minor flow events. If the evaluation fails to demonstrate that overall water quality in Medway Creek will be improved or at minimum maintained to pre-development conditions, additional mitigation measures should be considered.

### **Theme #2 – Long Term Efficacy of LID Measures**

The water balance management strategy is also predicated on the successful implementation of LID measures that are reliant on the eventual home owner of the site maintaining them. Given the low permeability of the underlying soils, these LID measures are critical to stormwater retention and thus, reducing peak flows to Medway Creek. Our concern is that the eventual homeowner may lack the desire or skill in maintain the LID measures (e.g. rain barrels, downspouts directed to swales, etc), and as such, run-off to Medway Creek (and the Woodland Tributary) may increase over time as the efficacy of the LID measures wane.

Recommendation:

Evaluate the use of LID measures on public property that can more easily be maintained in the longer term to ensure that their function is maintained.

## EEPAC COMMENTS

Colonel Talbot Property, 3612 and 3630 Colonel Talbot, 6621 Pack Road

Environmental Impact Study by Natural Resource Solutions Inc. dated (May 2018), received by EEPAC at its May, 2018 meeting

Reviewers: S. Levin, S. Sivakumar, R. Trudeau

Submitted: June 21, 2018

### **BACKGROUND**

This will be the third set of comments submitted by EEPAC, reviewing the plans for the Colonel Talbot/Pack Road development. In previous reports, concerns about existing wetlands, significant woodlands, bats and barn swallows were expressed. In this EIS, NRSI and Stantec have provided general details about a Wetland Compensation Plan (WCP). Wetland compensation has been supported in principle by agency staff (UTRCA, City of London) for the 3 wetland units proposed for removal within the subject lands. The following EEPAC comments are intended to help shape the nature of the wetland compensation plan.

### **Theme #1: Employ the Precautionary Principle**

The following research should be considered when formulating and implementing the Wetland Compensation Plan.

- Very little is known about restoring inland freshwater wetlands, such as ponds, forested wetlands, bogs or fens (Kentula).
- The precautionary 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).
- 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).
- 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).
- 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).
- Nowhere 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).
- 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).

**Recommendation #1: Develop a WCP that assumes low or no impact is impossible and therefore the WCP should be enhanced with extraordinary features. (e.g. doubling wetland area, lengthy monitoring period, quantitative data collection)**

**Theme #2: Ensuring the survival of a relocated Significant Wildlife Habitat.**

Provincial Policy Statement (PPS 2014)

Development and site alteration is not permitted within significant wildlife habitat *“unless it has been demonstrated that there will be no negative impacts on the natural features or ecological functions”*. Similarly, the PPS (2014) states that development is not permitted within adjacent lands to significant wildlife habitat *“unless ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.”*

The WCP will be designed to limit the negative impact of the SWH relocation but what about future development on adjacent lands. For example, planners should account for known impacts in neighbouring developments and the cumulative amount of disturbed/converted habitat relative to the amount of undisturbed habitat (OMNR 2011). A water balance study needs to be undertaken to ensure that there will be no measurable change in the water table level or in surface water quality or quantity. Vegetation on adjacent land should never be removed if it is immediately adjacent to crayfish habitat, as this is important forage. Surface water runoff needs to be directed away from potential crayfish burrows to avoid sedimentation that adversely affects the crayfish’s ability to dig burrows. Maintenance of drainage ditches (e.g., clearing of ditches) should be scheduled for periods when the crayfish are less likely to be present (e.g., early spring, when adults are often found in streams, lakes, and rivers) (Crocker and Barr 1968). (SWHMiST 2014)

**Recommendation #2: Adjacent landowner awareness about the presence of burrowing crayfish and the importance of maintaining their habitat is an important conservation strategy and should be included in the WCP.**

### **Theme #3: 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 goal of the provincial wetland strategy aiming for a net gain of wetland area. However, The London Plan goes on to say “compensatory 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 “replacement ratios greater than the one-for-one land area [are] required to mitigate the impacts of the proposed works” (The London Plan, 1402).

**Recommendation #3: Considering the limited success of wetland offsetting, selecting 4x as the multiplier would create a medium-sized wetland of 4 hectares. Larger wetlands do better than small isolated ones. Create a medium sized wetland of 4 hectares including the buffer.**

### **Theme #4: A Wetland Compensation Plan That Ensures Success.**

#### No One-Size-Fits-All

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).

#### Baseline Data

To create equivalency, measurable performance standards (baseline data) must be established followed by a detailed method of tracking, reporting and recordkeeping. Baseline data should consist of both qualitative and quantitative observations.

To provide a useful bank of baseline data, consider the following:

- Counting the actual number of crayfish chimneys will establish a baseline value for future comparison
- Three Western Chorus Frogs were documented in the general area and that is a baseline value that can be used by future monitors.
- The Great Lakes Marsh Monitoring Program should be used to collect baseline data on birds, amphibians and turtles. In the monitoring period, population trends, abundance and occupancy of different species can be compared.

- The Vascular Plant Species List (Appendix V) is for the entire study area. Specific Habitat Surveys as outlined in the Great Lakes Marsh Monitoring Program should be conducted for the 3 existing wetland features. The relocated wetland should closely resemble the wetlands lost, minus the invasive species. *Page 5, wildlife salvage, bullet 3 of the WCP does appear to suggest this.*
- As stated in the EIS, Tables 5 and 6 (page32-33) provide a characterization of water quality and quantity for the wetland feature, to be used as baseline data.
- **Use the Biological Monitoring and Assessment Program (BioMAP) to establish baseline conditions.**

**Recommendation #4: Establish measurable baseline data that can be compared to data collected in the multi-year monitoring program.**

#### Site Selection

EEPAC prefers that the WCP recommend that the relocated wetland be built within the subject lands and adjacent to the off-site area labeled FOD where a large wetland exists. Appendix IX, Map 1 designates two areas within the subject area that might be suitable. However, both are situated on the high point of the property, outside the fluvial terrace and groundwater connections are not indicated. They are situated close to tributaries. The more northern area is relatively adjacent to FOD.

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, the “relocated” or offset wetland, should not then itself become the subject of another development project and be relocated again.

**Recommendation #5: Multi-season data on ground water must be collected and the water balance calculated prior to a final site selection for the relocation.**

**Recommendation #6: Relocate the wetland as close to the FOD area as possible. This area is located on a fluvial terrace and appears to contain a healthy wetland.**

**Recommendation #7: The “relocated” or offset wetland should not itself become the subject of another development project and be relocated again.**

#### Wildlife Salvage

A review of the Stantec ‘wildlife salvage’ at the 905 Sarnia Road project (2016) raised one significant question. What is a suitable time period between the construction of the compensation pond and the transfer of wildlife?

WCP-TOR, Sequencing and Phasing #3: “Relocation of salvaged wildlife into newly constructed wetland compensation area, with some vegetation established.”

Transferred amphibians lay their eggs among emergent and submergent plants. Tadpoles will feed on these same plants. Emergent plants are rooted in the marsh bottom and leaves and stems extend out of the water. Submergent vegetation is composed both rooted and non-rooted submergent plants and

rooted floating-leaved plants and non-rooted floating plants. Whether seeded or transferred, these plants will need time to become established.

Terrestrial crayfish scour the marsh bottom for edible organic matter. Sufficient time must be allotted for organic material to accumulate in the bottom of the newly constructed wetland.

**Recommendation #8: Wildlife salvage and transfer should not occur until emergents and submergents are well-established in the compensation wetland.**

#### Ecological Monitoring

Given that significant time lags occur before an offset project can be determined a success, the time scale must be seriously debated. 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, deteriorating population trends) and to ensure greater probability of success. In the absence of sufficient monitoring and adaptive management, designing wetlands to be self-sustaining and self-managing will better guarantee that they succeed.

**Recommendation #9: Obtain an irreversible commitment from the proponent to conduct assessment followed by monitoring enforcement, remedial measures and reporting for the relocated wetland for at least 5 years. Assessment intervals should be decided based on weather and ecological need (fall/spring/summer).**

#### **References**

Kentula, M. E., Kusler, J. A. 1989. *Wetland Creation and Restoration: The Status of the Science*. Prepared for: United States Environmental Protection Agency.

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McKenney, B.A., Kiesecker, J.M. 2010. *Policy Development for Biodiversity Offsets: A review of Offset Frameworks*. *Environmental Management* 45.

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Poulton, M. A., Bell, A. 2017. *Navigating the Swamp: Lessons on Wetland Offsetting for Ontario*. Ontario Nature.

Suding, K.A., 2011. *Toward an Era of Restoration in Ecology: Successes, Failures and Opportunities Ahead*. Annual Review of Ecology, Evolution and Systematics Volume 42:465-487

## Report to Planning and Environment Committee

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

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

**Subject:** EXPANSION OF DOWNTOWN COMMUNITY IMPROVEMENT  
PLAN PROJECT AREA  
REVISED BY-LAWS  
The Corporation of the City of London

**Public Participation Meeting on: July 16, 2018**

## Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the expansion of the existing Downtown Community Improvement Plan:

- a) the attached proposed by-law (Appendix "A") **BE INTRODUCED** at the Municipal Council meeting to be held on July 24, 2018 to repeal By-law C.P. – 1356(a)-535 entitled "A by-law to amend By-law No. C.P.-1356-246, being a by-law to designate the Downtown Community Improvement project area" and to amend By-law C.P.-1356-234, being a by-law entitled "A By-law designating the Downtown Community Improvement Area" to identify the additional lands eligible for improvement subject to the policies in the Downtown Community Improvement Plan;
- b) the attached proposed by-law (Appendix "B") **BE INTRODUCED** at the Municipal Council meeting to be held on July 24, 2018 to repeal By-law C.P.- 1357(a)-536 entitled "A by-law to amend By-law C.P.-1357-249, being, A by-law to establish the Downtown Community Improvement Plan project area" and amend By-law C.P.-1357- 249, entitled "A by-law to adopt the Downtown Community Improvement Plan" to include lands on Richmond Street as part of the Downtown Community Improvement Plan pursuant to Section 28 of the *Planning Act* and as provided for under Section 14.2.2 ii) (a) of the Official Plan;
- c) the Downtown Community Improvement Plan amendment noted in b) above **BE SUBMITTED** to the Province for review under Section 28 (5) of the *Planning Act*;

it being noted that the map schedules in the Façade Improvement Loan Program and Upgrade to Building Code Loan Program will be modified consistent with the Downtown Community Improvement Area boundary as amended above.

### PREVIOUS REPORTS PERTINENT TO THIS MATTER

- November 6, 2017 PEC – O-8788 – Expansion of Downtown CIP Public Meeting
- August 22, 2016 PEC - Information Report on Public Engagement process for the Evaluation of Community Improvement Plan Incentives
- February 1, 2016 PEC - Evaluation of Community Improvement Plan Incentives
- May 19, 2015 PEC - Development Charges Grant Program for Downtown and Old East Village CIP Areas
- April 7, 2015 PEC - Evaluation of Community Improvement Plan Incentives

- March 23, 2015 PEC - Fibre Optic Connection Grant Pilot Program for Downtown London
- March 2, 2015 PEC - Development Charges Grant Program for Downtown and Old East Village CIP Areas
- February 2, 2015 PEC - Development Charges Grant Program for Downtown and Old East Village CIP Areas
- August 26, 2013 Strategic Priorities & Policy Committee – Strategic Change in Delivery of Development Charge Exemptions and Incentives Policies.

#### PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of the recommended Official Plan amendment is to amend the boundary of the Downtown Community Improvement Plan (CIP) to include “the Richmond Row area” so that the City may provide financial incentive programs to properties within an expanded CIP Area. This action would implement Council’s recent citywide review of financial incentives to support community improvement to provide Façade Improvement Loans and Upgrade to Building Code Loans in the Richmond Row area effective January 1, 2018.

#### RATIONALE

1. The recommended amendment is consistent with the 2014 Provincial Policy Statement which recognizes the vitality of settlement areas which are critical to the long-term economic prosperity of our communities. This amendment helps to ensure appropriate development standards will be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.
2. The recommended amendment is consistent with Section 28 of the Planning Act which permits a Municipal Council to pass a bylaw for the preparation of, or amendments to, a Community Improvement Plan for a community improvement area.
3. The recommended amendment is consistent with Section 14 of the Official Plan.

#### BACKGROUND

On November 14, 2017 Municipal Council resolved:

*That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application by The Corporation of the City of London relating to the expansion of the existing Downtown Community Improvement Plan project area:*

- a) *the attached, revised, proposed by-law amendment (Appendix "A") BE INTRODUCED at the Municipal Council meeting to be held on November 14, 2017 to amend By-law C.P.– 1356-246, being a by-law designating the Downtown Community Improvement Plan Area, passed on November 20, 1995, to identify the additional lands eligible for improvement subject to the policies in the Downtown Community Improvement Plan;*
- b) *the attached, revised, proposed by-law amendment (Appendix "B") BE IINTRODUCED at the Municipal Council meeting to be held on November 14, 2017 to amend By-law C.P. 1357-249, being a by-law establishing a Downtown Community Improvement Plan, passed on December 4, 1995,*

*to delete a sentence in Section II of the Downtown Community Improvement Plan and replace Figure 1 in the Plan;*

- c) *the Downtown Community Improvement Plan amendments appended to the staff report dated November 6, 2017 BE SUBMITTED to the Province for review under Section 28 (5) of the Planning Act;*
- d) *the proposed by-law amendment appended to the staff report dated November 6, 2017 as Appendix "C" BE INTRODUCED at the Municipal Council meeting to be held on November 14, 2017 to amend the Official Plan to delete Section 14.2.2 ii) (a) and replace with a new Section and amend Figure 14-1 that will recognize the expansion of the Downtown Community Improvement Plan project area; and,*
- e) *the proposed by-law amendment appended to the staff report dated November 6, 2017 as Appendix "D" BE INTRODUCED at a future Municipal Council meeting to amend the London Plan Map 8 (Community Improvement Project Areas) in Appendix 1 (Maps) to change the boundary of the Downtown CIP; and that three readings be withheld until such time as The London Plan comes into full force and effect;*

*it being noted that the map schedules in the Façade Improvement Loan Program and Upgrade to Building Code Loan Program will be modified consistent with the amended boundary through a future by-law amendment at a later date in conjunction with other changes to the Downtown Community Improvement Plan;*

Subsequent to the Council resolution it was discovered that there were incorrect references to the *Planning Act* in the by-laws submitted in November 2017. In addition there were incorrect references to previous by-law numbers and titles. The purpose of this report is to bring forward corrected By-laws for Council's consideration.

The corrected by-laws are attached.

## 5.0 Conclusion

The attached corrected by-laws refer to the proper Sections of the *Planning Act*, the proper by-laws and titles.

<b>Prepared by:</b>	<b>W.J. Charles Parker, MA Senior Planner – Urban Regeneration</b>
<b>Submitted by:</b>	<b>Gregg Barrett, AICP Manager, Long Range Planning and Research</b>
<b>Recommended by:</b>	<b>John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner</b>

**Appendix A**

**Appendix "A"**

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

By-law No. C.P.-1356 ( )

A by-law to repeal By-law C.P.-1356(a)-535 entitled "A by-law to amend By-law No. C.P.-1356-246, being a by-law to designate the Downtown Improvement Plan project area" and to amend By-law C.P.-1356-234, entitled "A By-law designating the Downtown Community Improvement Area".

**WHEREAS** subsection 28(2) of the *Planning Act*, enables the Council of a municipal corporation to designate a community improvement project area;

**AND WHEREAS** the Council of The Corporation of the City of London has by By-law No. C.P – 1356-234 designated the Downtown Community Improvement Area, passed on November 20, 1995;

**AND WHEREAS** the proposed Downtown Community Improvement Area as amended in the attached Appendix "A" is in conformity with the Official Plan;

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

1. By-law C.P. – 1356(a)- 535 be repealed.
2. Appendix "A" of By-law C.P.-1356-234 is hereby deleted and replaced with a new Appendix "A" attached as Appendix "A" to this By-law.
3. This by-law shall come into force and effect in accordance with subsection 28(5) of the *Planning Act*, R.S.O. 1990, C.P.13.

PASSED in Open Council on July 24, 2018.

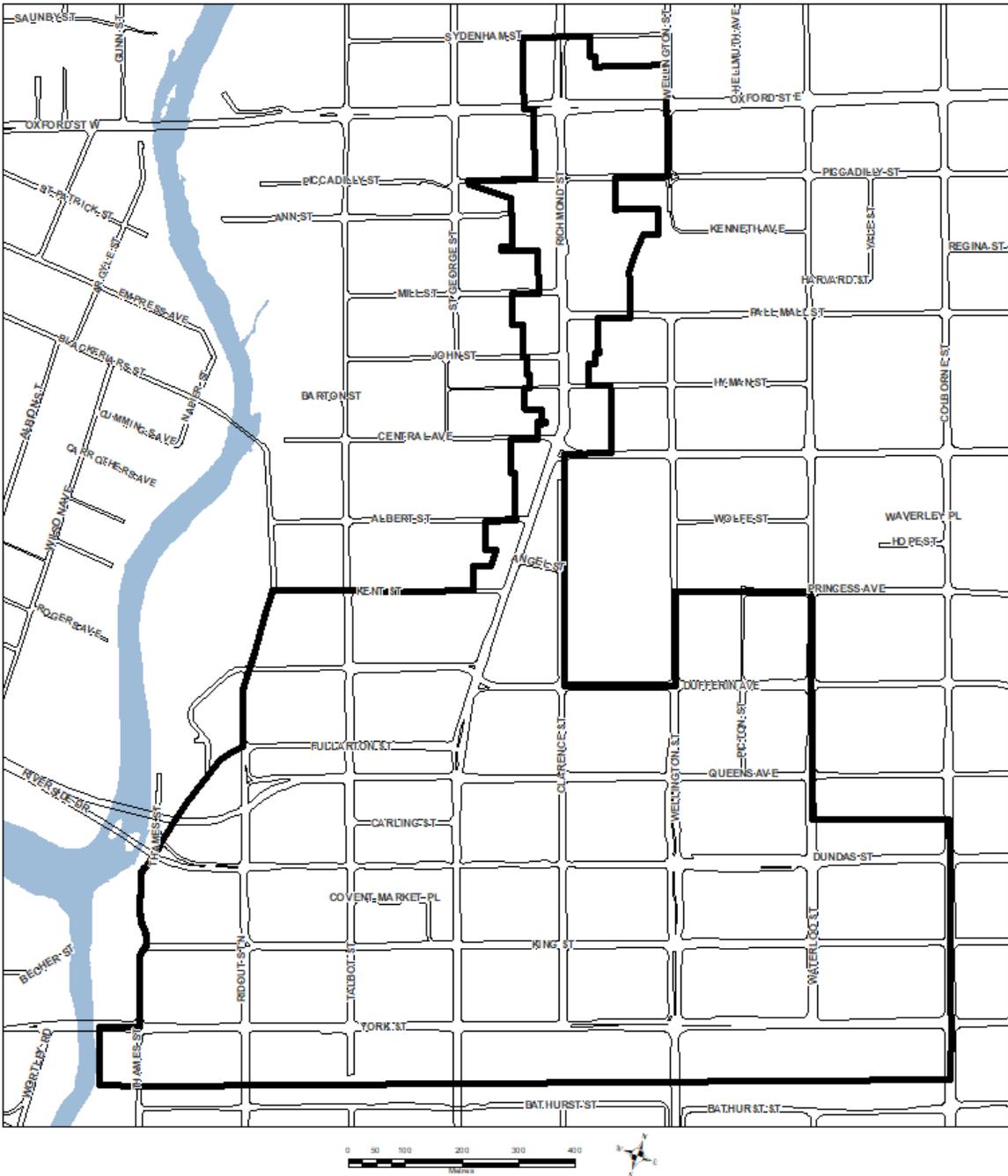
Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – July 24, 2018  
Second Reading – July 24, 2018  
Third Reading – July 24, 2018

Figure 1

THE DOWNTOWN COMMUNITY IMPROVEMENT AREA



Appendix "B"

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

By-law No. C.P.-1357 ( )

A by-law to repeal By-law C.P.- 1357(a)-536 entitled "A by-law to amend By-law No. C.P.-1357-249, being, A by-law to establish the Downtown Community Improvement Plan project area" and amend By-law C.P.-1357-249, entitled a "By-law to adopt the Downtown Community Improvement Plan".

**WHEREAS** subsection 28(4) of the *Planning Act*, enables the Council of a municipal corporation to adopt community improvement plans within designated areas;

**AND WHEREAS** the Council of The Corporation of the City of London has by By-law No. C.P – 1356-249 adopted the Downtown Community Improvement Plan, passed on December 4, 1995;

**AND WHEREAS** subsection 28(5) of the *Planning Act*, enables the Council of a municipal corporation to amend adopted community improvement plans;

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

1. By-law C.P. – 1357(a) 536 be repealed.
2. Figure 1, The Downtown Community Improvement Area, to the Downtown Community Improvement Plan for the City of London is deleted and replaced with a new Figure 1 attached as Appendix "A" to this by-law to add lands along Richmond Row north of the existing boundary in the City of London.
3. Section II, Area of Application, of the Downtown Community Improvement Plan for the City of London is amended by deleting the second sentence of the first paragraph which states "*This is the area designated "Downtown Area" on Schedule "A" of the Official Plan for the City of London*".
4. This by-law shall come into force and effect in accordance with subsection 28(5) of the *Planning Act, R.S.O. 1990, C.P.13*.

PASSED in Open Council on July 24, 2018.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – July 24, 2018  
Second Reading – July 24, 2018  
Third Reading – July 24, 2018

**AMENDMENT NO.**

**to the**

**DOWNTOWN COMMUNITY IMPROVEMENT PLAN FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To delete a sentence in Section II of the Downtown Community Improvement Plan for the City of London that will recognize the expansion of the Downtown Community Improvement Plan project area; and,
2. To delete and replace Figure 1 (The Downtown Community Improvement Area) that will recognize the expansion of the Downtown Community Improvement Plan project area;

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to lands located within the boundaries of the Downtown Official Plan designation and the Downtown Business Improvement Area in the City of London.

C. BASIS OF THE AMENDMENT

The recommended expanded Downtown Community Improvement Plan (CIP) project area is intended to change the boundary of the Downtown Community Improvement Plan (CIP) project area, which was previously approved by Council on December 4, 1995, to include properties within the boundary of the Downtown Business Improvement Area (BIA) which was revised by Council on December 18, 2014, in order to offer incentives over a broader area along Richmond Street.

The recommended amendment satisfies the goals, objectives and intent of the Downtown London Community Improvement Plan Council approved in 1995.

D. THE AMENDMENT

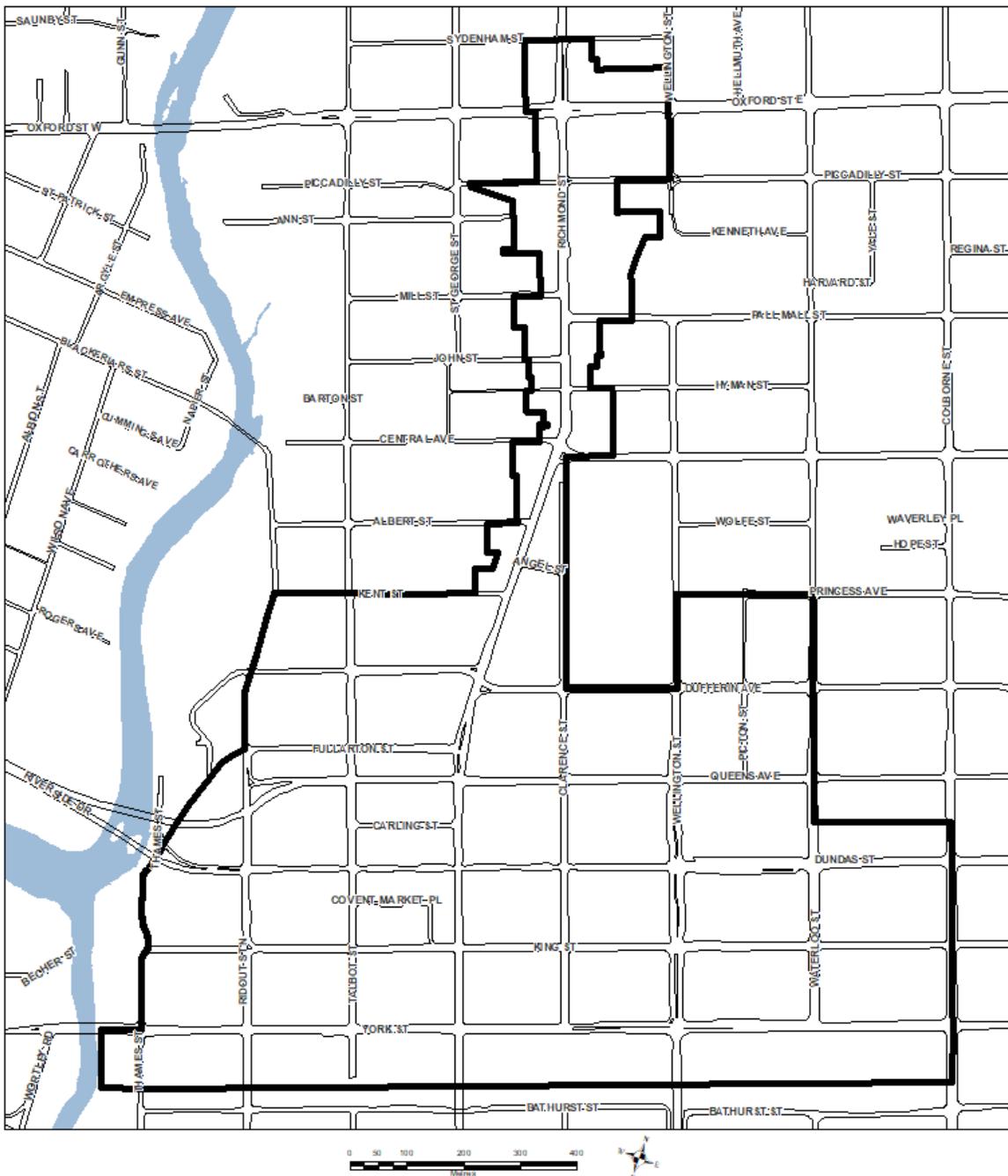
The Downtown London Community Improvement Plan for the City of London is hereby amended as follows:

1. Figure 1, The Downtown Community Improvement Area, to the Downtown Community Improvement Plan for the City of London Planning Area is deleted and replaced by a new Figure 1 amended by adding lands along Richmond Row north of the existing boundary in the City of London, as indicated on "Schedule 1" attached hereto.
2. Section II , Area of Application, of the Downtown Community Improvement Plan for the City of London is amended by deleting the second sentence which states:

1. *"This is the area designated "Downtown Area" on Schedule "A" of the Official Plan for the City of London."*

Figure 1

THE DOWNTOWN COMMUNITY IMPROVEMENT AREA



## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** John M. Fleming  
Managing Director, Planning and City Planner  
**Subject:** 552062 Ontario Ltd  
661-675 Wharncliffe Road South  
**Public Participation Meeting on: July 16, 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 552062 Ontario Ltd relating to the property located at 661-675 Wharncliffe Road South:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on July 24, 2018 to amend the Official Plan to add a special policy to permit the open storage of vehicles;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on July 24, 2018 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the subject property **FROM** a holding Residential R5/R9(h-5\*R5-7/R9-7\*H48) Zone, **TO** a holding Residential R5/R9/Restricted Service Commercial Special Provision (h-\_\_\*R5-7/R9-7\*H48/RSC1(\_)) Zone;
- (c) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
  - i) Address stormwater management at west boundary (rear) of site to mitigate standing water and existing pooling
  - ii) Provide a 1.8m (6ft) wooden, board on board fence along the west boundary (rear) of the site
  - iii) Provide enhanced landscaping along the west boundary (rear) of the site for the screening and buffering of adjacent residential properties
  - iv) Direct any lighting used on site away from nearby residential areas

## Executive Summary

### Summary of Request

Request to extend the vehicle parking associated with the car dealership to the rear (west) of the site.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended amendment will allow for the open (outdoor) storage of vehicles in association with the existing car dealership at the rear of the site.

### Rationale of Recommended Action

- 1) The recommended amendment is consistent with the Provincial Policy Statement 2014 which facilitates an expansion of an existing employment use;
- 2) The recommended amendment conforms to the Official Plan through a site specific special policy to allow for the open storage use;
- 3) The recommended amendment conforms to the policies of the Urban Corridor Place Type and the Transitional Segment policies of The London Plan;
- 4) The required setback between the abutting residential zones ensures a sufficient buffer between proposed open storage and the existing neighbourhood.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site is municipally addressed as 661-675 Wharncliffe Road South which is currently being used as an automobile sales and service establishment (Subaru Dealership) along the east (front) portion. The lots along Wharncliffe Road South in this location are very deep; and abut residential uses to the west and north, and the Wharncliffe Road commercial corridor to the east. The vacant space located at the west (rear) of the site behind the dealership building is the portion of the subject site for the Official Plan and Zoning by-law Amendment Application.

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

- Official Plan Designation – AOCC & MFHDR
- The London Plan Place Type – Urban Corridor
- Existing Zoning – RSC1/RSC2/RSC3/RSC4;h-5\*R5-7/R9-7\*H48

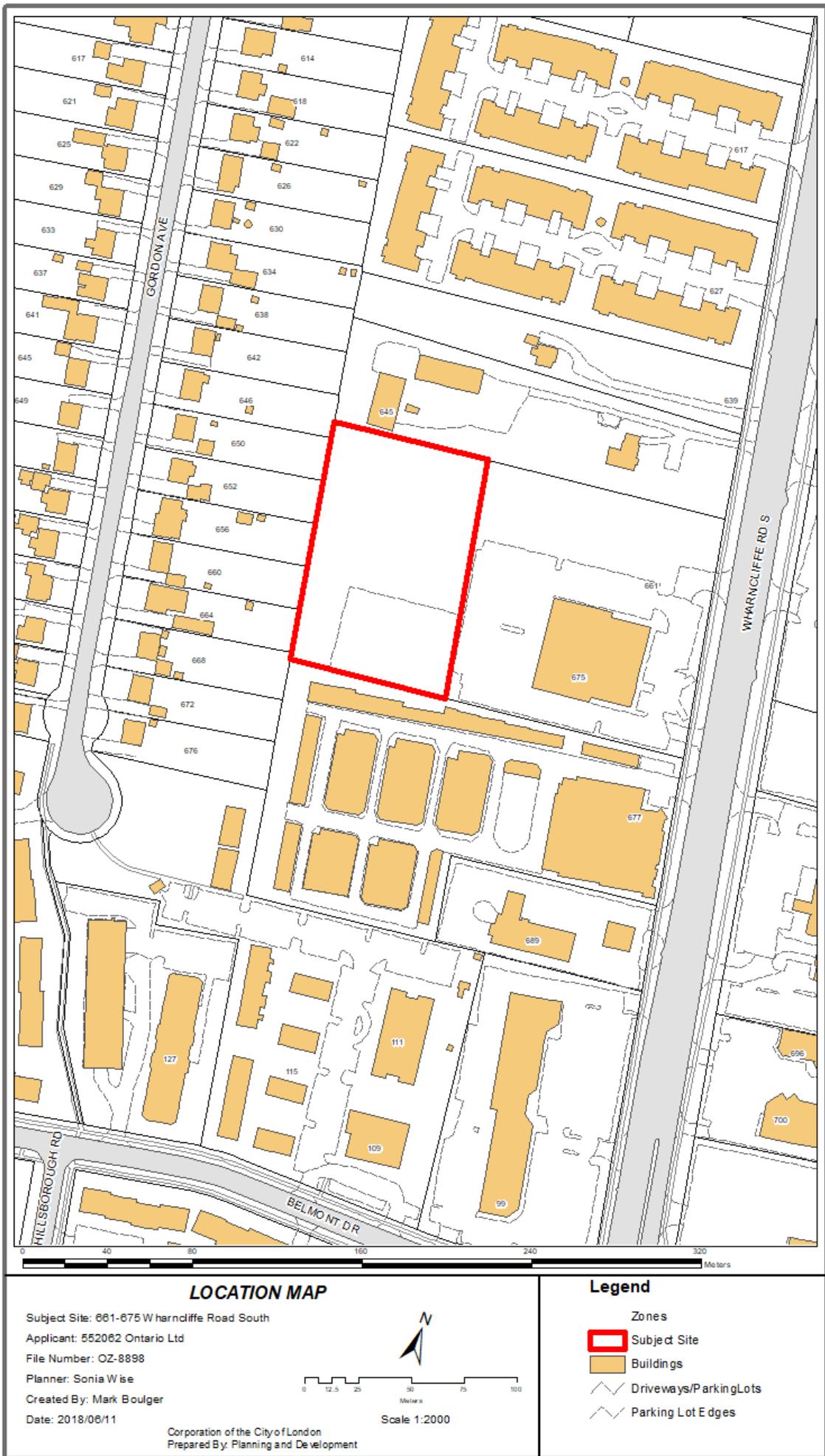
#### 1.3 Site Characteristics

- Current Land Use – Automobile sales and service establishment
- Frontage – 140m (459 ft)
- Depth – 190m (295 ft)
- Area – 2.156ha (5.3 ac)
- Shape – Rectangular

#### 1.4 Surrounding Land Uses

- North – Mixed Residential uses
- East – Commercial Corridor
- South – Personal Storage Facility
- West – Low Density Residential

1.6 LOCATION MAP



## 2.0 Description of Proposal

### 2.1 Development Proposal

The proposal is to allow for additional open (outdoor) storage of vehicles associated with the existing dealership on-site. An unloading space for large transport vehicles (car-carriers) is proposed to the north of the existing building including a turnaround bulb (see figure 1). The new open storage location for the vehicles is proposed to be located west and north of the existing lot and building. No new building is proposed through this application.

## 3.0 Relevant Background

### 3.1 Planning History

#### Z-6981/OZ-7116

In 2006, the subject site was within the Restricted Service Commercial Designation, and zoned holding Residential R9 (h-5\*R9-7\*H48). Through application Z-6981/OZ-7116, the westerly (rear) portion site was re-designated from the Restricted Service Commercial designation to the current Multi-Family, High Density Residential designation. The intention was to preserve lands on the west side of Wharncliffe Road South for residential uses. The front (easterly) portion of the site was also re-zoned from the holding Residential R9 (h-5\*R9-7\*H48) Zone to the existing Restricted Service Commercial (RSC1/RSC2/RSC3/RSC4) Zone.

### 3.2 Requested Amendment

#### Official Plan Amendment: Chapter 10 Site Specific Policy

The request amendment is for a specific policy to allow for the open storage of vehicles without re-designating the lands. Policies for Specific Areas may be applied where the application of existing policies would not accurately reflect the intent of Council with respect to the future use of the land. The London Plan contains the long-term intent for the future development of the lands as a mixed-use corridor, and a specific policy is an appropriate approach to allow the requested use on a site specific basis while maintaining the planned function for this site. The adoption of policies for Specific Areas may be considered where one or more of the following conditions apply:

- 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.*

The proposed open storage of vehicles is related to the existing Subaru dealership and is a site specific amendment. There is a self-storage facility to the south, commercial uses to the east, and residential uses to the west and north. The site specific amendment would only allow the limited use of the property for vehicle open storage but not the full range of uses contemplated in the commercial designations. The AOCC designation could be extended to the entire property which would also permit the requested use, though the maintenance of the residential permissions of the site is more consistent with the long-term intent to develop the Urban Corridor as a mixed-use residential and commercial area. The AOCC policies have been considered as they relate to managing the commercial and residential interface through the use of buffering, screening and setbacks.

- 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.*

The underlying Multi-Family, High Density Residential designation is appropriate to maintain to facilitate a mixed-use corridor, which was recently adopted by Council as the long-term intended use of the site. The site specific use of the property will not result in any new buildings, and will be easily converted to other uses in the future.

- 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*

The proposed amendment will restrict the range of permitted uses to one specific use for the open (outdoor) storage of vehicles. The proposed specific policy will allow vehicle parking on site which will have a limited impact on the nearby area, and allows for the orderly expansion of the existing dealership. Any future change or additional uses would require consideration through a subsequent amendment.

### **Zoning Amendment**

The requested amendment is to allow for the open storage of vehicles through a special provision and extension of the Restricted Service Commercial (RSC1) to the rear. The amendment is specific to the requested use of open storage for vehicles, and will not allow for any new construction or other commercial uses.

### **3.3 Community Engagement (see more detail in Appendix C)**

On April 25, 2018, notice of application was circulated to the neighbours.

A total of 5 responses were received, including the following summarized comments:

- concern for stormwater management and water pooling at rear of property
- impacts of noise and lighting associated with the operation of the dealership
- improved fencing is required between residential properties and the commercial uses on site for screening and security
- better property maintenance (ie- regular grass cutting) should occur
- support for the on-site vehicle unloading space

### **3.4 Policy Context (see more detail in Appendix D)**

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

The Provincial Policy Statement (PPS) 2014, provides policy direction on matters of provincial interest related to land use planning and development. 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.

#### **Official Plan**

A portion of the subject site is located within the Auto-Oriented Commercial Corridor (AOCC) designation which is applied to commercial areas along arterial roads. The AOCC designation allows for service commercial uses that generate significant amounts of traffic and draw patrons from a wide area. The AOCC designated lands are not proposed to change.

A portion of the site is within the Multi-Family, High Density Residential (MFHDR) Designation located at the rear of the site, which predominantly allows for high-rise, high intensity forms of housing. The MFHDR portion of the site is the subject of this amendment application, and is proposed to be retained for future development.

#### **The London Plan**

The London Plan promotes a strong and vibrant business environment that offers a wide range of economic opportunities (55). The subject site is located within the Urban Corridors Place Type in The London Plan which is intended to support mid-rise residential and mixed-use development (828). Urban corridors vary from segment to segment (depending upon their context), and the degree to which they are transitioning from one form to another (829). The site is located within the Wharncliffe Road South Transitional Segment which extends along Wharncliffe Road South - from Commissioners Road to Southdale Road, and contemplates large-scale retail & service uses in this location (853.3).

## **4.0 Key Issues and Considerations**

### **4.1 Use**

#### **Provincial Policy Statement**

The PPS promotes economic development and competitiveness by providing for an appropriate mix and range of employment uses, and providing opportunities for a diversified economic base (1.3). The proposed amendment will allow for the expansion and more functional operation of the existing business on the premises. The PPS also encourages municipalities to provide opportunities for economic development and community investment-readiness, which is consistent with the enhanced viability of the automobile sales and service establishment (1.7).

#### **Official Plan**

The Auto-oriented Commercial Corridor (AOCC) designated portion of the site allows for service commercial uses that generate significant amounts of traffic and draw patrons from a wide area (4.4.2.4). This area is currently being used as an automobile sales and service establishment (the Subaru dealership) and is not proposed to change.

The proposed amendment and subject portion of the site applies to the western (rear) half of the site which is in the Multi-Family, High Density Residential Designation. This designation is primarily intended to accommodate high-rise and high-intensity forms of residential apartments up to 150 units per hectare outside of Central London. Some small-scale secondary uses that are often accessory to, and integrated with residential areas are also permitted. These secondary uses can include personal service establishments and small-scale offices, but do not include large commercial uses such as the automobile sales and service establishment. The additional use of the open storage of vehicles associated with the dealership requires consideration through a site specific special policy on the MFHDR portion.

#### **The London Plan**

Within the Urban Corridor Place Type, a range of residential, retail, service, office, cultural, recreational, mixed-use and institutional uses may be permitted (837.1 & 2). Normally, large floor plate, single use buildings will be discouraged in the general Corridor policies; though the Wharncliffe Road South Transitional Segment specifically allows for the consideration of "large-scale retail and services uses" in this location (837.3 & 856).

Segment-specific policies are used to provide more specific development guidance for certain areas of the corridors (830.3). The Transitional segment policies are meant to guide development and allow proposals that do not generally fulfil the long-term vision of the Urban Corridor Place Type on a transitional basis, without precluding the future redevelopment into more compact and transit-oriented mixed-use corridors (855). The existing Subaru dealership is considered to be a large-scale retail and service use, and the proposed extension of this use through associated open storage of vehicles conforms to the intent of the segment specific policies.

## 4.2 Intensity and Form

Within the Urban Corridor Place Type, built form is intended between a minimum of 2 storeys or 8m, and a maximum standard height of 6 storeys, with the potential to bonus up to 8 storeys (table 9). The proposed amendment will allow for additional use of the site for the open storage of vehicles at the rear, but does not have an associated built form or allowances for new commercial buildings. Within the Urban Corridors Place Type, buildings should be sited close to the front lot line, and be of sufficient height to create a strong street wall and to create separation distance between new development and properties that are adjacent to the rear lot line (841.2). If the intention for the site changes in the future, an additional zoning amendment will be required to allow for the construction of commercial building(s), which would be encouraged to locate along Wharncliffe Road and away from abutting residential uses. Commercial buildings in the Transitional Segment may exceed 6,000m<sup>2</sup> in size, where appropriate (857.1).

Lots within the Urban Corridors will be of sufficient size and configuration to accommodate the proposed development and to help mitigate planning impacts on adjacent uses (840.4). The site is large enough to accommodate the additional open storage of vehicles while still providing adequate space to mitigate any impacts. The location of the open storage of vehicles behind and beside the Subaru dealership conforms to the policies that direct surface parking areas to be located at the rear and interior side yard (841.12).

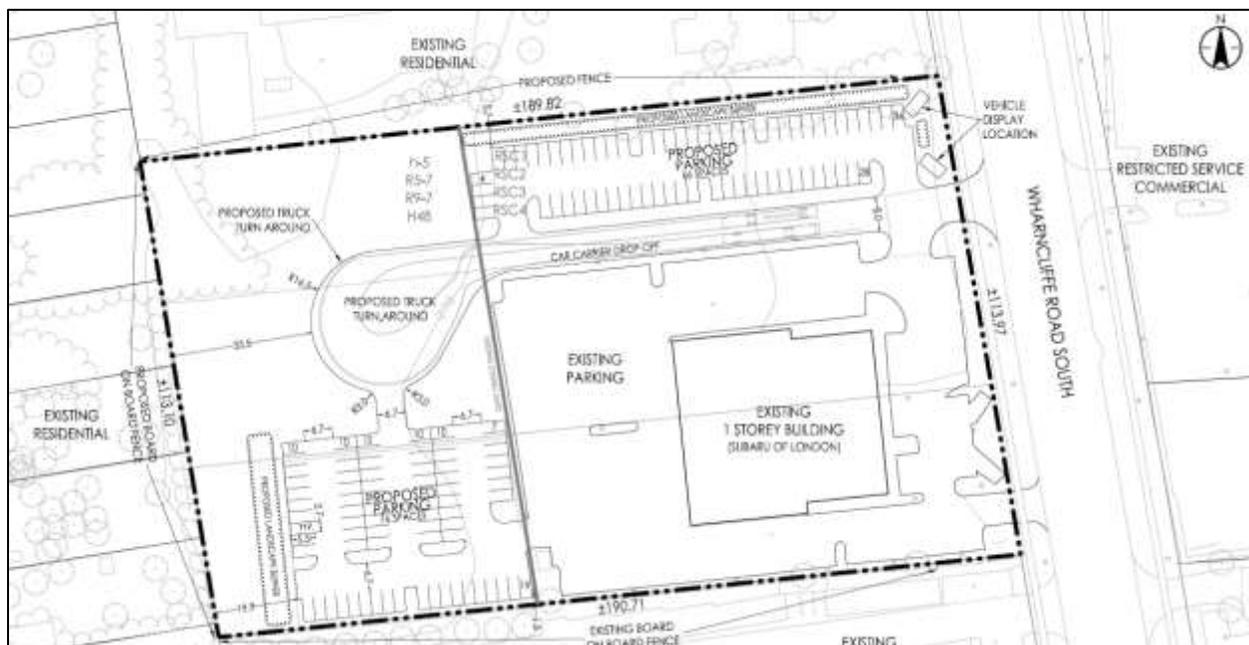


Figure 1: Conceptual Site Plan

## 4.3 Privacy, Buffering and Screening

The proposed use of land abuts residential uses to the west and potential impacts such as privacy associated with the residential/commercial interface needs to be addressed. Within the Auto-Oriented Commercial Corridor and the Urban Corridor Place Type, the policies identify that appropriate buffering through rear yard setbacks, landscaping, privacy screening and other appropriate measures is required to ensure adjacent new development is sensitive and compatible with residential areas (4.4.2.6.4 & 840.1). Such buffering and mitigation shall be applied through the Zoning By-law and Site Plan Approvals Process. Through the community consultation, compatibility concerns such as better stormwater management, fencing, lighting, noise, and landscaping were raised.

Direction will be provided to the site plan approval authority to install a 1.8m (6ft) wood, board on board fence along the west property boundary to address privacy and security concerns. Landscaping along the rear property boundary between the fence and vehicle open storage will also be required to provide buffering and screening. Lighting will be managed at the time of site plan as per the Site Plan Approval By-law which has standards for directional lighting to minimize impacts on neighbouring land uses. The

open storage of vehicles should not result in additional noise through normal use and only periodic noise associated with the delivery, movement and ignition of vehicles is expected. Stormwater management will be addressed through the Site Plan review, including consideration for inclusion of landscape islands with trees in the parking areas to provide canopy cover and stormwater benefits (282).

#### 4.4 Zoning

The general purpose of the Restricted Service Commercial zone is to implement the Auto-Oriented Commercial Corridor designation. The Zone provides for and regulates a range of moderate intensity commercial uses, and trade service uses, which may require significant amounts of land for outdoor storage or interior building space and a location on major streets. The recommended Zoning By-law amendment will only permit one use on the subject portion of the site which is the open storage of vehicles. The by-law will also contain a special provision that requires a greater setback of 18 metres from abutting residential uses, as the London Plan requires that appropriate adequate setback distances should be provided between the Corridor and adjacent neighbourhood areas to carefully manage the interface between our corridors and the adjacent lands within less intense neighbourhoods (830.6 & 841.13). This distance provides additional space where no vehicles could be located and where landscaping can be provided to provide buffering and screening to abutting residential dwellings.

An h-5 holding provision currently applies to the subject site which requires public site plan approval prior to development. A new h-\_\_\_ holding provision is proposed to ensure that public site plan approval remains in place prior to any new residential development of the site, while also allowing for the standard site plan approval to occur for the proposed open storage of the vehicles.

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

## 5.0 Conclusion

The recommended amendment is consistent with the PPS, and conforms to the Official Plan and The London Plan. The recommendation provides for an appropriate use on the subject site for the orderly expansion of the automobile sales and service establishment. The retention of the residential designation and zoning permissions will facilitate the long-term, future intent of the corridor as a mixed-use area. The subject site is of an adequate size to mitigate impacts on the abutting residential neighbourhood which are addressed through site plan considerations and zoning by-law regulations.

<b>Prepared By:</b>	<b>Sonia Wise, MCIP, RPP Planner II, Current Planning</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>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

July 5, 2018

/sw

\\FILE2\users-z\pdp\Shared\implemen\DEVELOPMENT APPS\2018 Applications 8865 to\8898OZ - 661-675 Wharcliffe Rd S (SW)\PEC Report\PEC-Report-661-675-Wharcliffe.docx

## Appendix A

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

By-law No. C.P.-1284-  
A by-law to amend the Official Plan for  
the City of London, 1989 relating to 661-  
675 Wharncliffe Road South.

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

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on July 24, 2018.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – July 24, 2018  
Second Reading – July 24, 2018  
Third Reading – July 24, 2018

**AMENDMENT NO.**  
**to the**  
**OFFICIAL PLAN FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a policy in Section 10 of the Official Plan for the City of London to allow for the open storage (vehicles) use.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 661-675 Wharncliffe Road South in the City of London.

C. BASIS OF THE AMENDMENT

The site specific amendment would only allow the limited use of the property for vehicle open storage, while retaining the underlying Multi-Family, High Density Residential Designation to facilitate the long-term intent to develop the Urban Corridor as a mixed-use residential and commercial area.

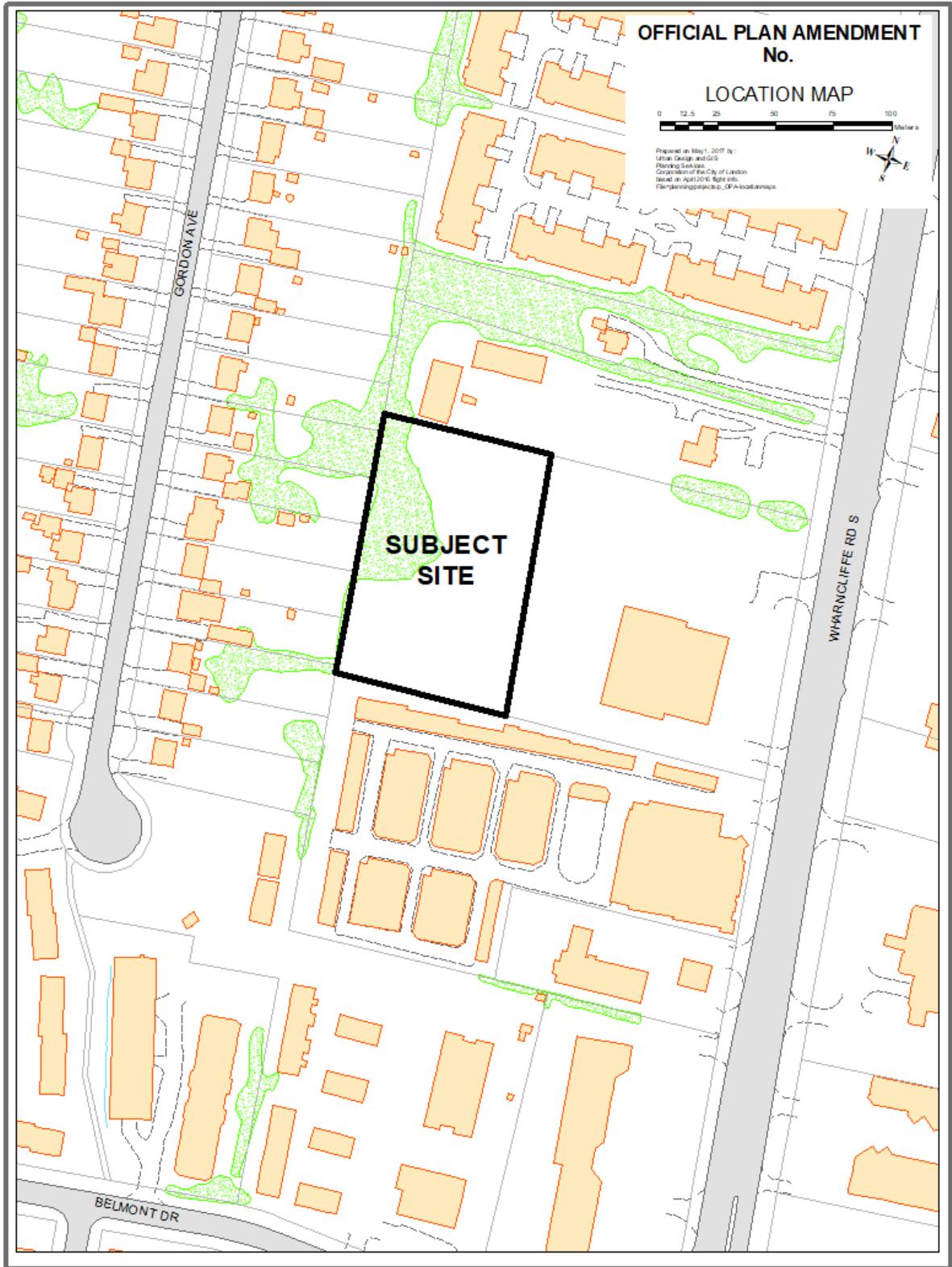
D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

1. Section 10 of the Official Plan for the City of London is amended by adding the following:

661-675 Wharncliffe Road South

In the Multi-Family, High Density Residential Designation at 661-675 Wharncliffe Road South, in addition to the uses permitted in the Multi-Family, High Density Residential Designation, the open storage of vehicles may be permitted in association with an automobile sales and service facility.



## Appendix B

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 661-  
675 Wharncliffe Road South .

WHEREAS 552062 Ontario Ltd has applied to rezone an area of land located at 661-675 Wharncliffe Road South, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

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

1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 661-675 Wharncliffe Road South as shown on the attached map comprising part of Key Map No. A.111, from a holding Residential R5/R9 (h-5\*R5-7/R9-7\*H48) Zone to a holding Residential R5/R9/Restricted Service Commercial Special Provision (h-\_\_\*R5-7/R9-7\*H48/RSC1(\_)) Zone.

2) Section Number 3.8 of the Holding "h" Zone is amended by adding the following Holding Provision:

3.8) h-(\_)

Purpose: To ensure that residential development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-\_" symbol.

Permitted Interim Uses: Non-residential uses

3) Section Number 28.4 of the Restricted Service Commercial (RSC1(\_)) Zone is amended by adding the following Special Provision:

RSC1( ) 661-675 Wharncliffe Road South

a) Regulations

i) Permitted Use:

Open storage (vehicles) in association with an automobile sales and service establishment

ii) The minimum rear (west) yard setback for open storage (vehicles) abutting a residential zone shall be 18m (59 feet).

iii) Lot coverage for open storage (vehicles) 80%  
(maximum)

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.

**OZ-8898**  
**Sonia Wise**

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.

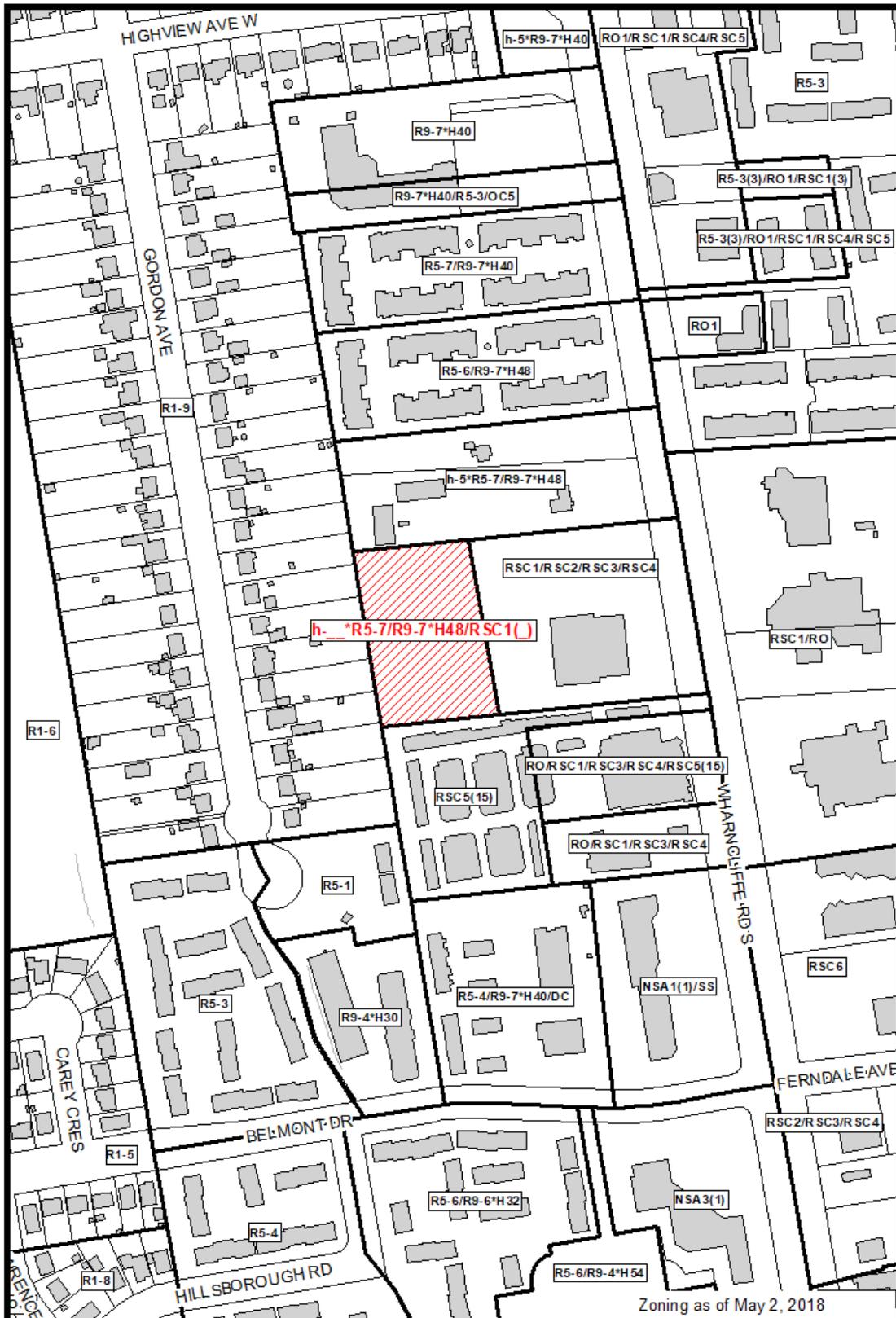
PASSED in Open Council on July 24, 2018.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – July 24, 2018  
Second Reading – July 24, 2018  
Third Reading – July 24, 2018

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



File Number: OZ-8898  
Planner: SW  
Date Prepared: 2018/06/11  
Technician: MB  
By-Law No: Z.-1-

SUBJECT SITE 

1:3,000

0 15 30 60 90 120  
Meters



## Appendix C – Public Engagement

### Community Engagement

**Public liaison:** On April 25, 2018, Notice of Application was sent to 183 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.

5 replies were received

**Nature of Liaison:** Requested amendment to add a special policy to the Official Plan to permit the outdoor open storage of vehicles associated with the automobile sales and service establishment, and to change the zoning from a holding Residential R5/R9 (h-5\*R5-7/R9-7\*H48) Zone to a holding Residential R5/R9/Restricted Service Commercial Special Provision (h-5\*R5-7/R9-7\*H48/RSC1(\_)) Zone.

**Responses:** A summary of the various comments received include the following:

**Concern for:**

- concern for stormwater management and water pooling at rear of property
- impacts of noise and lighting associated with the operation of the dealership
- improved fencing is required between residential properties and the commercial uses on site for screening and security
- better property maintenance (ie- regular grass cutting) should occur
- support for the on-site vehicle unloading space

### Responses to Public Liaison Letter and Publication in “The Londoner”

Telephone	Written
Maria Wojcicki 660 Gordon Avenue	Maria Wojcicki 660 Gordon Avenue
Frank Cuzzocrea 656 Gordon Avenue	Ryan Chappell 642 Gordon Avenue
Ali Basher 652 Gordon Avenue	Sara Rowland

**From:** Maria Wojcicki [mailto: [REDACTED]]  
**Sent:** Saturday, May 12, 2018 10:26 PM  
**To:** Wise, Sonia <swise@london.ca>  
**Cc:** Maria Wojcicki < [REDACTED] >  
**Subject:** File: OZ-8898

Dear Sonia We spoke this week about expanding outdoor car storage with existing car dealership, I OPPOSE IT because people run through my back yard to GORDON AVE" I do have a fence I would like to have a 6-8 ft FENCE Few years ago we were promised a wooden fence but it not happen It must be tall wood fence The back of our property is not kept clean the grass is cut once in the summer there is a pond with millions of mosquitos all summer .I would be very thankful for that Yours truly Maria Wojcicki of 660 Gordon Ave

**From:** Rowland, Sara [mailto: [REDACTED]]  
**Sent:** Friday, April 27, 2018 9:58 AM  
**To:** Wise, Sonia <swise@london.ca>

**Subject:** FW: Notice of Application - 661-675 Wharncliffe Rd. S. (Ward 10) - OZ-8898 - Sonia Wise, Planner

Hi Sonia,

I have just one request, however this application proceeds. Please could you work to ensure that dedicated on site space is provided for off-loading cars from car transport trucks (those double-decker trailers that you see new cars on). I have complained to the police - not about this dealership *per se* but about the entire Wharncliffe corridor of car dealerships from Commissioners down to Legendary Drive - because too often I have seen them flout the (No Stopping At Any Time) signs/symbols to off load cars either in the centre turn left/right lane OR in the right lane of the carriageway. This causes horrendous tailbacks in peak times, and is especially awkward for emergency services when traffic backs up - but it shouldn't happen at all, at any time.

Thank you!

**From:** Ryan Chappell [mailto: ]

**Sent:** Wednesday, May 23, 2018 7:33 AM

**To:** Wise, Sonia <swise@london.ca>

**Subject:** File: OZ-8898 for 661-675 Wharncliffe Rd S.

Re: Sonia Wise

Hello my name is Ryan Chappell who resides at 642 Gordon Avenue and my property backs onto the property to the North of Subaru and Subaru with the proposed property addition will come up to the South East corner to my property.

Now, I have a clear site of the dealership thru the thin existing tree line and the concerns I have are concerns to which are already present now and will most likely increase being that much closer.

I fully understand the need for expansion for growth and especially parking with a business that deals with vehicles. I also work at a automotive dealership on Wharncliffe Rd, so most of the noise and traits associated with the business I do not mind. Just want to ensure that the business stay neighbourly and ensures that all thoughts to how it will affect the residences are considered.

Now, the two main reasons I purchased the property on Gordon Ave was because of it's lot size & how quiet it was considering it backed onto Wharncliffe Rd and still could barely hear the traffic.

The mentioned concerns associated with the dealership are minor but are noticeable.

1) have heard the radio playing thru outside PA speakers past business hours to which you can clearly hear while sitting on back patio.

2) vehicles being off loaded from car hauler late at night which was around 11pm-12am

3) the brightness of the lights thru treeline

Now the questions and possible concerns going forward would be:

-with the increase in lot size for parking & truck turn around obviously are going to have more LED high bay lights on tall light standards and would like assurance that my back yard isn't going to be lit up with the additional lighting and that the outdoor sound system is shut off at end of business hours or just outside hours of operation

-is the frequency of car haulers going to increase and shipment times to be at all hours of the night/morning since the noise of cars driving off steel ramps echos.

-are business hours going to change in future to incorporate a night shift to which techs may utilize the panic alarm to locate a vehicle on lot to which sounds the vehicle horn? This was a problem for a friend of mine who backs onto the Kia dealership and techs were sourcing vehicles this way past 12am.

-What is the height of the board on board wooden perimeter fence since did not note within planning explanation? Fence obviously being used for security, cosmetics but don't believe it aids a large amount in noise reduction.

-Are the landscape buffers being used for sound dissipation? If so only see illustrated in a couple spots near proposed parking only not near rest of the rear of property to corner and as stated before the treeline may appear thick but are a lot of dead trees within tree area.

Thank you for reviewing my thoughts and concerns.

Sincerely

Ryan Chappell

## Agency/Departmental Comments

### April 30, 2018: UTRCA excerpt

No objections

### May 1, 2018: Transportation

No comment

### May 22, 2018: London Hydro excerpt

London Hydro has no objection to this proposal

### May 23, 2018: Development Services Engineering

The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned Zoning By-Law amendment application:

WADE Division:

The sanitary sewer available for the subject lands is the 450mm trunk sanitary sewer on the west side of Wharncliffe Road South.

SWM Division:

SWED staff have no additional comments to those provided during the pre-application consultation (see attached e-mail).

### ***Attached e-mail:***

The Stormwater Engineering Division staff have no objection to this pre-application.

Please feel free to inform the applicant about the following general SWM issues/requirements to be considered/addressed by the applicant's consultant engineer when preparing the storm servicing strategy for this land during the development application stage:

- The site is service by the 1350mm municipal storm sewer on Wharncliffe Road South at a  $C=0.65$  (refer to as-constructed drawing 10523). Changes in the "C" value required to accommodate the proposed redevelopment will trigger the need for hydraulic calculations (storm sewer capacity analysis) to demonstrate the capacity of the existing storm sewer system is not exceeded and that on-site SWM controls will be design to the satisfaction of the City Engineer.
- The subject lands are located in the Dingman Creek Subwatershed. The applicant shall be required to provide a Storm/Drainage Servicing Report/Brief demonstrating that the proper SWM practices will be applied to comply with the SWM criteria and environmental targets identified in the Dingman Creek Subwatershed Study that may include but not be limited to, water balance, quantity/quality control, erosion, stream morphology, etc.
- The design and construction of SWM servicing works for the subject land shall be in accordance with:
  - The SWM criteria and targets for the Dingman Creek Subwatershed,
  - Any Municipal Class Environmental Assessment in the area,
  - The City Design Requirements for on-site SWM controls which may include but not be limited to quantity/quality and erosion controls, and

- The City's Waste Discharge and Drainage By-Laws; the Ministry of the Environment Planning & Design Manual; as well as all applicable Acts, Policies, Guidelines, Standards and Requirements of all approval agencies.
- The design of the SWM servicing work shall include but not be limited to such aspects as on-site SWM controls design, possible implementation of SWM Best Management Practices (e.g. Low impact Development "LID" features), grading and drainage design (minor, and major flows), storm drainage conveyance from external areas (including any associated easements), hydrological conditions, etc.
- Considering the nature of the proposed development, the owner may be required to have a consulting Professional Engineer confirming that water quality has been or will be addressed to the standards of the Ministry of the Environment and to the satisfaction of the City Engineer. Applicable options could include, but not be limited to the use of oil/grit separators, catchbasin hoods, bioswales, etc.
- The Owner and their Consulting Professional Engineer shall ensure the storm/drainage conveyance from existing external drainage areas through the subject lands are preserved, all to the satisfaction of the City Engineer.
- The Owner shall ensure that increased and accelerated Stormwater runoff from this site shall not cause damage to downstream lands, properties or structures beyond the limits of this site.
- Additional comments may be provided upon future review of the site.

The above comments, among other engineering and transportation issues, will be addressed in greater detail when/if these lands come in for site plan approval.

## Appendix D – 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, 2014**

- 1.3 Employment
- 1.7 Long-term Economic Prosperity

### **Official Plan**

Chapter 3 – Multi-Family, High Density Residential

3.4.1 Permitted Uses

Chapter 4 – Auto-Oriented Commercial Corridor

4.4.2.4 Permitted Uses

4.4.2.6 Form

4.4.2.6.4 Buffering

4.5 Planning Impact Analysis

### **The London Plan**

55 Plan strategically for a prosperous city

282 Stormwater management and Landscape islands

Urban Corridors Place Type

828 Vision

829 Role within the City Structure

830 How to realize the Vision

837 Permitted Uses

840 Intensity

841 Form

853 Transitional Policies

855 Segment Goals

856 Permitted Uses

857 Intensity

### **Z.-1 Zoning By-law**

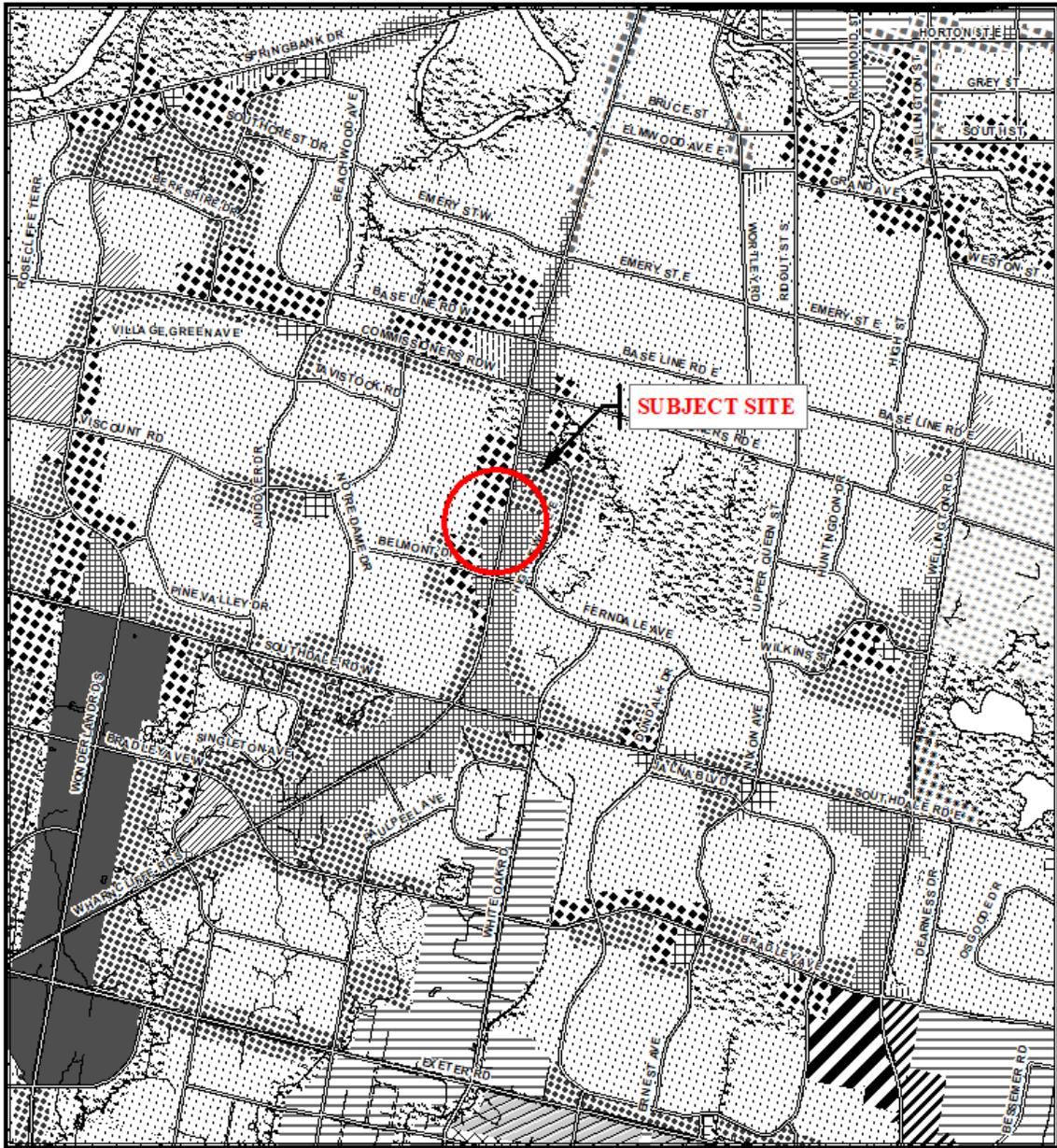
Chapter 3 Zones and Symbols

Chapter 4 General Provisions

Chapter 28 Restricted Service Commercial Zone

**Appendix E – Relevant Background**

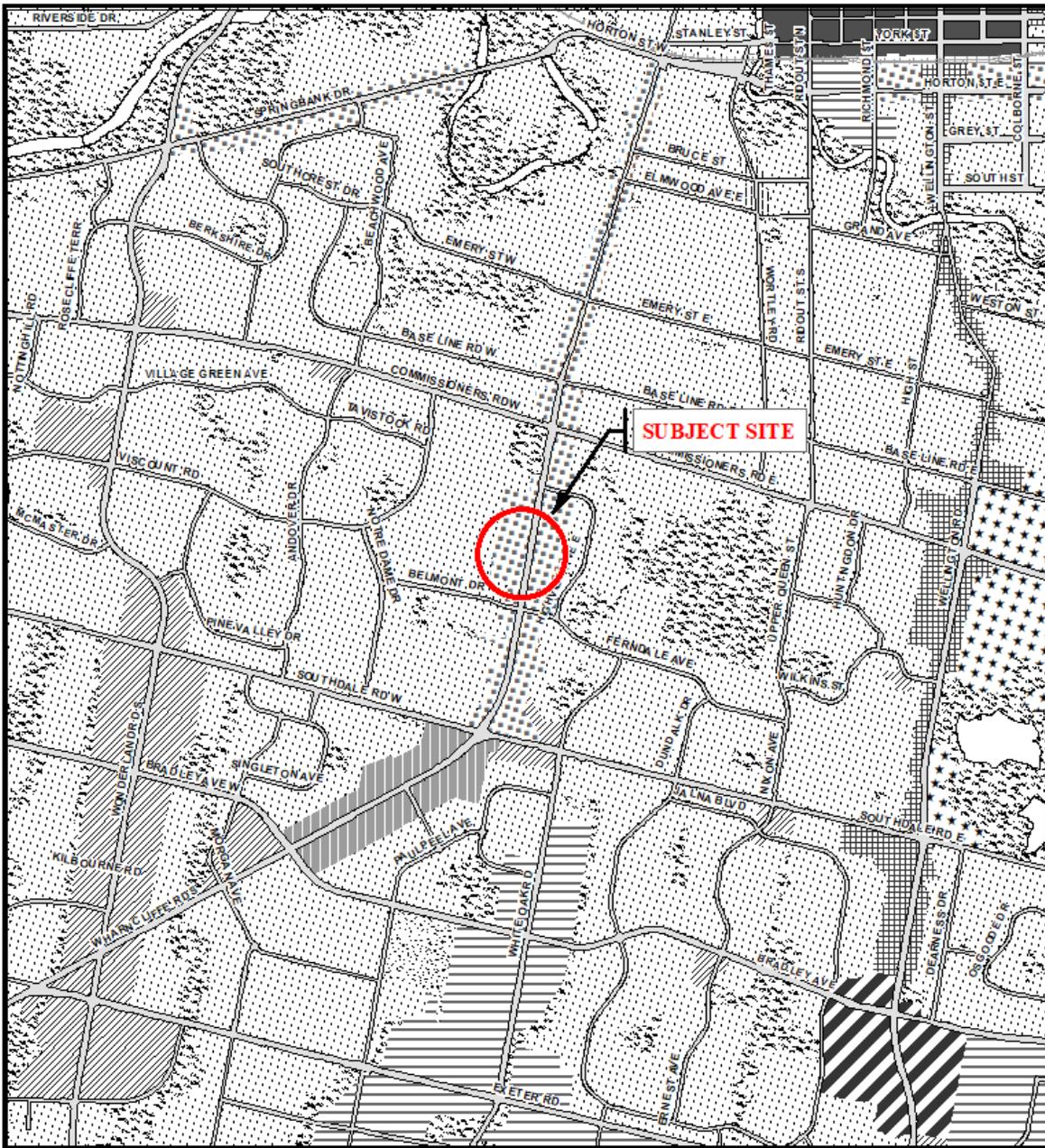




Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
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>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: OZ-8898</p>
		<p>PLANNER: SW</p> <p>TECHNICIAN: MB</p> <p>DATE: 2018/06/11</p>



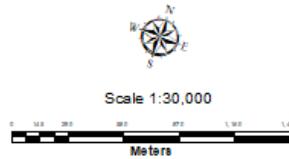
**Legend**

- |                        |                          |   |
|------------------------|--------------------------|---|
| 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              |   |

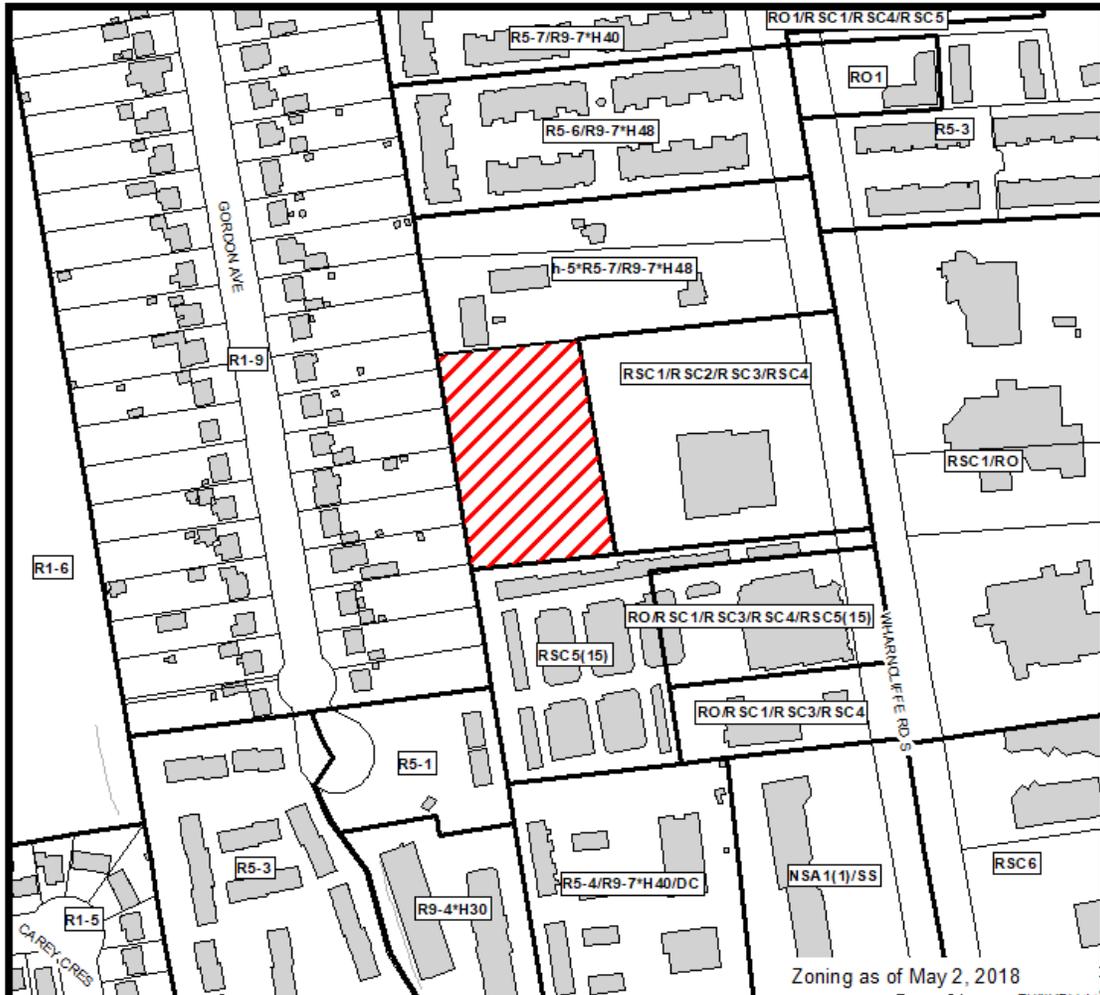
*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

*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.*

**CITY OF LONDON**  
Planning Services /  
Development Services  
  
**LONDON PLAN MAP 1**  
**- PLACE TYPES -**  
  
PREPARED BY: Planning Services



**File Number:** OZ-8898  
**Planner:** SW  
**Technician:** MB  
**Date:** June 11, 2018



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-5\*R5-7/R9-7\*H48**

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

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:  
OZ-8898 SW

MAP PREPARED:  
2018/06/11 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**

Z-6981/OZ-7116: Official Plan and Zoning By-law Amendment from the Restricted Service Commercial designation to the current Multi-Family, High Density Residential designation, and from the holding Residential R9 (h-5\*R9-7\*H48) Zone to the existing Restricted Service Commercial (RSC1/RSC2/RSC3/RSC4) Zone.

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.3 PUBLIC PARTICIPATION MEETING – Application – 661-675 Wharnccliffe Road South (OZ-8898)

- *(Councillor A. Hopkins asking staff when you say vehicles, does that mean just cars only.); Ms. S.Wise, Planner II, responding that yes, that does mean just cars in this instance.*

# ANDREW

INVESTMENTS

151 YORK STREET, LONDON, ONTARIO, CANADA N6A 1A8

BUS. (519) 672-4631

Sonia Wise, Planner II  
[swise@london.ca](mailto:swise@london.ca)  
Planning Services  
City of London  
206 Dundas Street  
London, ON N6A 1G7

Re: 661-675 Wharncliffe Road South  
Public Meeting Notice

Dear Ms. Wise:

This property was originally purchased from me with the condition that they maintain the outlet for the existing drainage system for the undeveloped lands to the north which I own, 645 and 639 Wharncliffe Road South.

I have no objection to the proposed changes if they maintain the existing drainage outlets until the property develops in the future when a new comprehensive drainage system will be required for my property.

Yours truly,

ANDREW INVESTMENTS



A.M. Spriet, P.Eng, OAA

AMS:bv

## 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 172  
Central Avenue by G., P., & C. Mitsis

**Public Participation Meeting on:** Monday July 16, 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 172 Central Avenue, 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 172 Central Avenue to be of cultural heritage value or interest for the reasons outlined in Appendix D of this report.

## Executive Summary

### Summary of Request

A demolition request for the heritage listed property located at 172 Central Avenue 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

Staff completed an evaluation of the property at 172 Central Avenue using the criteria of O. Reg. 9/06 and found that the property has significant cultural heritage value or interest and merits designation under the *Ontario Heritage Act*.

## Analysis

### 1.0 Background

#### 1.1 Property Location

The property at 172 Central Avenue is located on the north side of Central Avenue between St. George Street and Richmond Street (Appendix A).

#### 1.2 Cultural Heritage Status

The property has been included on the *Inventory of Heritage Resources* since 1987. The *Inventory of Heritage Resources* was adopted as the Register pursuant to Section 27 of the *Ontario Heritage Act* in 2007. The property at 172 Central Avenue is identified as a Priority 1 resource, and also identifies the Italianate style of the building built circa 1883. The property is considered to have potential cultural heritage value or interest.

#### 1.3 Description

The building located at 172 Central Avenue is a two storey brick house with an elevated brick and stone foundation (Appendix B). The building has an ell shaped footprint; wide across the front (south) façade at Central Avenue with a rear wing at the west end of the property. The building is capped by a shallow pitched hip roof. The building has two buff brick chimneys (which appear to have been rebuilt) which flank the east and west slopes of the roof. Paired and single brackets emphasize the deepness of the eaves.

The building has a symmetrical façade. It is comprised of three bays, with the central bay slightly projecting. This is emphasized by a gable peak in the roof, with a round louvered opening, or oculus, in the attic storey. On the main floor, the entry door is located in the central bay. The door itself appears to have been replaced, but is still a wood door with lights in the upper third. A fluted wood entablature has been applied to the exterior of the front entry, which is not believed to be original. Two-over-two wood windows are located in the bays flanking the entry door, as well as in the upper storey. Window openings are emphasized by the radiating brick voussoirs which form the segmented arch of the opening. Most windows feature louvered wooden shutters, affixed to the façade, which maintain the segmented arch shape of their openings. Brickwork detailing is also found on the painted brick masonry in the four-course string course, a projecting course for the frieze band, quoins corners of the building, and at the basement level.

The building has grand proportions. The basement is approximately eight feet in height, which is unusual for historic buildings. The main storey has ceilings nearly 12 feet in height, with 14 feet ceilings in the upper storey. This is very unusual for a private home.

Because of the building's elevated basement, the main entry is accessed via a pair of staircases which lend a formal approach to the main door. These wooden steps feature a metal railing, which is not original, but contributes to the formal sense of approach to the main entry door.

The building is set on the middle of the property, with a semi-circular driveway accessed by two entrances off of Central Avenue. The driveway is gravel, and the island which is created by the driveway is landscaped. The building was formerly flanked by garages to each side, which were removed in late autumn 2017.

All that remains of the interior is a small portion of the robust egg-and-dart plaster moulding and two marble fireplaces. The remainder of the building has been gutted to expose its structure.

The building has an unusual structure. Previous reports on this building indicated it had a triple wythe brick structure, which would have been typical for its 1880s construction. However, a structural review by Santarelli Engineering Services (report, dated May 25, 2018) identified a very unusual structural type for this building. The structure was described as:

*The existing 2 storey century home consists of rubble foundations, 2 wythes of clay bricks at the perimeter and with interior wood floor framing. The brick wythes are separated by a 2" cavity with the interior wood framing bearing on the interior wythe of brick.*

*The existing floors are framed using a mixture of conventional wood framing with timber joists at the rear and non-conventional cantilevered timber joists at the front. The connections are predominantly friction fit.*

*At the time of the review, the supporting structure including floor joists, roof rafters and load bearing walls were exposed. Sample penetrations were made in the existing brick for review (Santarelli Engineering Services, Structural Review Private Residence at 172 Central Avenue, report dated May 25, 2018).*

This structure type is unusual. Additionally, individual timber members have evidence of fire damage or charring.

#### **1.4 Property History**

Euro-Canadian history of the subject property begins with John Kent, who purchased a 200-acre plot in 1824 (Lot 2, east of the Wharnccliffe Highway, or Lot 15, Concession I of the former London Township). This included the land from Carling Street to John Street, between Richmond Street and across the Thames River to the Wharnccliffe Highway (Armstrong 1990). John Street and Kent Street are named for John Kent (Priddis 1909);

Lichfield (Litchfield) Street was originally named for John Kent's Staffordshire home (London Public Library). Lichfield Street was renamed Central Avenue in about 1898.

The subject property was included in the 1840 annexation, or "new survey," of the City of London. Maps from the 1840s show no surveyed lots or roads open north of Market Street (now Albert Street). By the 1850s, more of the Kent Farm was being subdivided for development in anticipation of the arrival of the railroad, and a portion including the subject property was sold to D. B. Strathy. Registered Plan 118(W) was registered in 1856. However, it was unlikely it inspired much development as London plunged into a deep recession in 1857 that continued into the 1860s (Armstrong 1986, 83-85).

Information from the City Directory indicates that the lots remains vacant, with most development occurring in the surrounding area during the 1870s-1880s. The subject property at 172 Central Avenue was is recorded in the streets directory of the City Directory (1881-1882) as "vacant;" however, the business directory records its occupant, Dr. Oronhyatekha (see Section 1.4.1). A building is also recorded on the property in the 1881, revised 1888 *Fire Insurance Plan* (see Appendix C, Figure 3). With this information, the construction of the building is dated as circa 1882.

The building located at 172 Central Avenue has charred timbers used in its construction. This charring is not found in specific areas of the building, but spread throughout. This suggests that the timbers weren't burnt in their present installation, but as a previous structure (see Appendix B, Image 7). In February 1879, the Carling & Co. Brewery burnt (Brock 2011, 110). It is believed that timbers salvaged from the damaged Carling Brewery were reused in the construction of the building at 172 Central Avenue.

The subject property was subsequently included in Registered Plan 238 (W) for C. W. Kent Estate and Others in 1891. This Registered Plan renumbered the lots, and created the lot fabric seen in the landscape today.

The subject property was featured in the *London Free Press* in the article, "Escape March of Progress: Pioneer Homes Stand Firm" (June 30, 1962) (see Appendix B, Image 1). The then property owners, Mr. & Mrs. F. Boulton, were noted for their efforts to hire an English craftsman to restore the original ornate ceiling building.

The property is also associated with Tony Urquhart (b.1934), who lived at 172 Central Avenue from 1968 until 1972. Tony Urquhart was the first Artist-in-Residence at the University of Western Ontario (now Western University). He is the co-founder of the Canadian Artist Representation/Frontes des Artistes Canadiens, and is known for his distinctive "box" style of paintings and sculptures as one of Canada's pioneering abstractionists. He was inducted into the Order of Canada in 1995.

#### **1.4.1 Dr. Oronhyatekha**

*Dr. Oronhyatekha: Security, Justice, and Equality* (2016), the recently published book by Keith Jamieson and Michelle A. Hamilton, comprehensively articulates Dr. Oronhyatekha's legacy. This book formed the basis of historical research on Dr. Oronhyatekha.

Oronhyatekha ("Burning Sky" or "Burning Cloud" in Mohawk), or Peter Martin, was a significant figure in Canadian Indigenous history. He rose to prominence in medicine, sport, politics, business, fraternalism, and social reform. He was one of the first Indigenous medical doctors to achieve accreditation and to practice in Canada, and the first Indigenous person to attend Oxford University.

Born in 1841 on the Six Nations Reserve near Brantford, Ontario, Oronhyatekha was sent to the Mohawk Institute where he trained as a shoemaker. He attended the Wesleyan Academy in Massachusetts and Kenyon College in Ohio before returning to teach at Tyendinaga on the Bay of Quinte (his mother's home community).

He was selected by the Six Nations of the Grand River Council to give the welcoming address to the Prince of Wales during his visit in 1860. Through this opportunity,

Oronhyatekha gained an introduction to Dr. Henry Acland, personal physician to the Prince of Wales on his tour of Canada and the United States, who recommended he study medicine at Oxford University. Oronhyatekha pursued his education at Oxford University but he did not stay in England long and completed his studies at the University of Toronto, where he earned his medical degree in 1866 – the second Indigenous Canadian to become a practicing doctor.

As a qualified doctor, Dr. Oronhyatekha opened practices at Frankford, Stratford, Tyendinaga, Buffalo, London, and Toronto. Dr. Oronhyatekha was appointed as the doctor to the people of the Oneida Nation of the Thames in either 1875 or 1876 (Jamieson and Hamilton 2016, 128). He also opened a medical practice in London (first at 390 Richmond Street, later moving to the Masonic Hall at 371 Richmond Street), advertising himself as a specialist in cancer treatment, and diseases of the nerves, throat, and lungs (Jamieson and Hamilton 2016, 128).

Dr. Oronhyatekha lived at 264 Oxford Street East in 1876-1877 (City Directory), and 573 Dundas Street in 1880-1881 (City Directory), before moving into the newly constructed house at 172 Central Avenue as recorded in the 1881-1882 City Directory.

During his time in London, Dr. Oronhyatekha belonged to a number of fraternal and social organizations. In 1876, he was invited to join the International Order of Foresters (IOF) by Chief Ranger Robert Cordes. Membership was restricted to white adult males, however special dispensation was given to allow Dr. Oronhyatekha, a Mohawk, to join the International Order of Foresters (Jamieson and Hamilton 2016, 153). Dr. Oronhyatekha, speaking on his motivation to join the IOF, “They told me that an Indian could not be a member... That was enough for me; I had to get in” (Jamieson and Hamilton 2016, 180).

These associations included: International Order of Good Templars, the Loyal Orange Association, the Masons, and the Independent Order of Foresters. In 1878, he joined the Dufferin Court of the Independent Order of Foresters (Ancient Order of Foresters). And in 1879 he was elected by the membership as High Chief Ranger of the Ontario High Court and the first Supreme Chief Ranger in 1881 (Jamieson and Hamilton 2016, 160; Taillon 2002).

In 1889, when the Independent Order of Foresters head offices relocated from London to Toronto, Dr. Oronhyatekha closed his medical practice, resigned his position as medical attendant to the Oneida Nation of the Thames, and moved to Toronto (Jamieson and Hamilton 2016, 160). Dr. Oronhyatekha wrote that the IOF reluctantly decided to leave London, which he identified as the “cradle of Independent Forestry in Canada,” and “so many tried and true Foresters” who had stood by the organization in its early turmoil (Jamieson and Hamilton 2016, 227).

From its origins in London, Dr. Oronhyatekha continued to grow the International Order of Foresters. The organization started with 369 members, and at the time of his death in 1907, the International Order of Foresters had nearly 250,000 worldwide members (Jamieson and Hamilton 2016, 189). The success of the International Order of Foresters is often attributed to its “fraternal plus insurance” program, which included life and disability insurance, a pension, sick benefits, and a sum to pay for funerals (Jamieson and Hamilton 2016, 200). His impact is summarized as,

*By 1900, many fraternal societies had let their insurance plans lapse, but the IOF continuously improved its policies and expanded its membership base to make it the most successful fraternal insurance in Canada. Starting with a debt of \$4,000 in 1881, by Dr. Oronhyatekha’s death in 1907, the IOF had accumulated over 10 million dollars in funds. Like other fraternal organizations with insurance plans that survived the nineteenth century, the IOF became more like commercial insurance companies by maintained its fraternal rituals (Jamieson and Hamilton 2016, 200).*

Dr. Oronhyatekha believed in the equality of men and women, and advocated for the admission of women as full members in the International Order of Foresters – a proposal that was initially defeated but women were eventually allowed to join the International Order of Foresters by the 1890s (Jamieson and Hamilton 2016, 206). Jamieson and Hamilton write, “despite the IOF membership’s acceptance – even celebration – of Dr. Oronhyaetkha’s native ancestry, applicants with ethnic or racial backgrounds other than White generally fared less well. Although clauses banning non-whites from joining was not reinstated during the 1881 reorganization, there was little discussion of race in IOF documents” (208). The legacy of Dr. Oronhyatekha is used in the promotion of Foresters Financial, and highlighted in promotional materials (*London Free Press* 1949, *Macleans* 1951).

Dr. Oronhyatekha’s importance in London was not forgotten either. He participated in the Old Boys Reunions, including an advertisement in the 1900 Old Boys Reunion (see Appendix C, Figure 8). Well after his death in 1907, Dr. Oronhyatekha is remembered in a 1935 article in the *London Free Press* by Myrtle E. Home stating,

*During his stay in London he took a prominent position in medical circles. He was outstandingly successful in the treatment of nervous diseases and of the throat and lungs. To his natural ability as a medical practitioner he brought a mind well stored with medical learning and with an experience which many envied. He kept himself, at all times, well posted with the progress made by science, in his work and thus built up for himself a reputation which will live through the years.*

Dr. Oronhyatekha is described in the plaque erected in his honour in the Allan Gardens by Heritage Toronto,

*As one of the great builders of the fraternal movement in North America, Dr. Oronhyaetkha was widely accepted as a distinguished leader in Canada. His success in Victorian society was founded on the Mohawk values in which he believed, including the principles of reciprocity between people and the institutions they create. While inhabiting two worlds, he remained true to his Mohawk principles, heritage and language.*

The Historic Sites and Monuments Board of Canada designated Dr. Oronhyaetkha as a Person of National Historic Significance in 2001. A plaque was erected at his gravesite in Tyendinaga in 2002. In addition to this national-level recognition:

- 4,000 people attended his funeral at Massey Hall in 1907;
- Oronhyatekha Historical Collection donated to the Royal Ontario Museum (then part of the University of Toronto) in 1911 (only select items accepted);
- Dr. Oronhyatekha celebrated as part of milestone anniversaries of the International Order of Foresters (e.g. 1949);
- Plaque erected by the Ontario Archaeological and Historic Sites Board (subsequently the Ontario Heritage Foundation, now the Ontario Heritage Trust) at his gravesite in Tyendinaga in 1957;
- Induction in the Canadian Indian Hall of Fame in 1966;
- Oronhyaetkha Challenge Cup revived by the Prince Edward Yacht Club and Mohawk Chiefs at Tyendinaga in 1976;
- Plaque erected to Dr. Oronhyatekha in Allan Gardens, Toronto by the Toronto Historical Board (now Heritage Toronto) in 1995;
- The Royal Ontario Museum and the Woodland Cultural Centre curated an exhibition called *Mohawk Ideals, Victorian Values* which featured his museum collection in 2002;
- Home at 209 Carlton Street in Toronto is included as part of Cabbagetown Northwest Heritage Conservation District (2008);
- Inducted to the Loyal American Hall of Fame in 2007 by the Bay of Quinte Branch of the United Empire Loyalists Association of Canada;
- Dr. O Laneway in Cabbagetown, Toronto; and,
- His biography included in the Dictionary of Canadian Biography (Volume XIII) (see Appendix C).

### 1.5 Italianate Architectural Style

Architectural historians have mused on the design of Dr. Oronhyatekha's house at 172 Central Avenue.

In *The History of the County of Middlesex* (1889), Goodspeed identifies "very fine residences in London worth seeing" including Dr. Oronhyaetkha's on Litchfield Street (229) (see Appendix C, Figure 7).

In *The Historic Heart of London* by John Lutman (1977), he noted the property at 172 Central Avenue,

*Other domestic structures of note are at 172 Central Avenue and 93-95 Maple Street. The Central residence is of historical significance to Canada's Indians. It was first built and occupied by Oronhyatekha, the great Indian doctor, in ca. 1883. He was born in Brant County on the Six Nations Reserve in 1841. He graduated from the University of Toronto and studied medicine at Oxford University, and practiced in London, Ontario from 1875 to 1889. In 1881 he was elected the Supreme Chief Ranger of the Independent Order of Foresters and later moved to Toronto. A domestic structure in the Classical style, it has been remodelled by its present occupant, Anthony Urquhart, a local artist (pp.32-33, see Appendix C, Figure 9).*

The building was featured in the Architectural Conservancy Ontario – London Region's annual Geranium Heritage House Tour in 1988 – "Talbot Tour II." Many of the home's unique qualities are emphasized in the description for 172 Central Avenue included in the tour booklet:

*The Italianate house at 172 Central has an usually interesting history and design. It may have been relatively new when it was recorded on the insurance map of 1881. Its first known resident was Oronhyatekha, a Mohawk Indian from the Six-Nation Reserve, who after study at a variety of schools including Toronto and Oxford Universities, practices medicine in several Canadian towns. He lived in London from 1874 to the late 1880s, gaining recognition as an especially skilled and learned physician.*

*From the outside, the house might seem to resemble several others built in London during the 1870s and early 1880s. Its symmetrical two-storey façade has three bays, with segmental arches over the windows and the centre complexes of doors and sidelights. There are brick quoins at the corners of the main block and also at the corners of the projecting frontispiece. Inside, however, one discovers the house to have a character very much its own. It is unique in several respects:*

- 1) In plan. Most house of this design are two rooms deep with a main stairway rising parallel to a long centre hall. Here, the main block is only one room deep, and the stairway turns to run along the back wall. This arrangement originally allowed three upstairs bedrooms along the front of the house.*
- 2) In interior architectural fittings. A number of characteristics contribute to the elegance of the central hall and the two rooms that open off of it. All have very generous proportions, their height (11 ½') is emphasized by the extraordinarily high doors leading into what were probably, in their first use, a parlour and a dining-room respectively. (The present doors are the original ones, though they have been cut in half). The egg-and-dart design of the cornice is not typical of houses of this period, but its unusually large size and robust qualities suggest that it may be original. The bulbous qualities of the "eggs" in the mouldings is echoed by the spherical projections in the mantel of the west room. Subsequent fittings have enhanced the building's original elegance they include the valance boxes and, most likely, the downstairs newel post (compare the original newel post and spindles on the second floor). The back wing, which probably housed a kitchen and summer kitchen in 1881, has been made into a dining room and more modern kitchen. Note the unusually low doors here. The present owner, Mr. G. Robyn, has conscientiously copied the moulding of the valance boxes in extending their line across the rest of the room.*

- 3) *In construction. The stone foundation of the house is three feet thick. The brick walls are three layers thick. The beams supporting the stairwell measure 6"x6". The roof rafters comprise three trunks split in half. When Mr. Robyn cut a new door through a bedroom wall, he discovered that even interior partitions were composed of vertical 3" x 12" or 3" x 14" planks of hemlock! The house clearly has substance as well as style (see Appendix C, Figure 10).*

Leighton (2016) describes the Dr. Oronhyatekha's house at 172 Central Avenue as, *After several moves, he designed a handsome structure befitting his community status on the north side of Litchfield Street, now the section of Central Avenue west of Richmond Street, where it still stands. Its interior dimensions were described by one architect as "Brobdingnagian." Designed to accommodate Oronhyatekha's robust frame, its eleven-foot ceilings and nine-foot doors fitted his height and bulk: he was well over six feet tall and weighed more than 250 pounds.*

Italianate houses are typically characterized in deference to Gothic or Victorian archetypes, stoic simplicity contrasting to exuberance. The Italianate style emphasized traditional Georgian balance and square shapes, but richer in ornamentation like quoins and brackets. John Blumenson attributes the Ontario vernacular version of the Italianate style to a "synthetic eclecticism" that was introduced by *The Canada Farm Journal* in 1865 (Blumenson 1990, 58). Combinations of architectural details were easily added or removed from standard types, lending applicability to rural or urban locales. "It satisfies the desire to be modern or up-to-date with Italianate features, but not lavishly so" (Blumenson 1990, 59).

Being "up-to-date" would have been a priority for Dr. Oronhyatekha to reflect his position as Supreme Chief Ranger of the International Order of Foresters in his new home.

## **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). Owner consent is not required for designation under the *Ontario Heritage Act*.

### 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 sand 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 property at 172 Central Avenue 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 1 properties are:

*Priority 1 buildings are London’s most important heritage structures and all merit designation under Part IV of the Ontario Heritage Act. They are worthy of protection through whatever incentives may be provided in terms of zoning, bonusing, or financial advantages and may be designated without owner’s consent. This group includes not only landmark buildings and buildings in pristine condition, but also lesser well-known structures with major architectural and/or historical significance and important structures that have been obscured by alterations which are reversible (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

### 3.1 Site Visit

The property owners invited the Heritage Planner to a site visit, including interior access, to the property to observe the existing conditions of the structure. The site visit occurred on May 1, 2018. The Heritage Planner was accompanied by two of the property owners and a representative of the structural engineer.

### 3.2 Demolition Request

The property owners submitted their written notice of intention to demolish or remove the building located at 172 Central Avenue which was received June 15, 2018. Municipal Council must respond to the demolition request for a heritage listed property within 60 days, or the request is deemed permitted. 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 (PEC).

The 60 day period for the demolition request for the property at 172 Central Avenue will expire on August 14, 2018.

A “Structural Review Private Residence at 172 Central Avenue” report prepared by Santarelli Engineering Services (dated May 25, 2018), was submitted to the Building Division by the property owner. The report was forwarded by the Building Division to the Heritage Planner.

## 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).

#### 4.2 Evaluation

Table 1: Evaluation of the property at 172 Central Avenue using the criteria of O. Reg. 9/06.

Criteria of O. Reg. 9/06	Yes/No
Is a rare, unique, representative or early example of a style, type, expression, material or construction method	Yes
Displays a high degree of craftsmanship or artistic merit	No
Demonstrates a high degree of technical or scientific achievement	No
Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community	Yes
Yields, or has the potential to yield, information that contributes to an understanding of a community or culture	Yes
Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	No
Is important in defining, maintaining or supporting the character of an area	Yes
Is physically, functionally, visually or historically linked to its surroundings	No
Is a landmark	No

##### 4.2.1 Physical/Design Values

The property at 172 Central Avenue includes a house which is a representative example of the Italianate style in London. Popular in the 1870s-1880s, the Italianate style was at the height of its popularity when the house at 172 Central Avenue was constructed in about 1882.

The house has a symmetrical two-storey façade with three bays, where the central bay slightly projecting, which is typical of the Italianate style. However, the remaining design qualities of the house are unusual. It is narrow with its broadest façade facing Central Avenue to make the home appear larger and grander. The two storey house is very tall, emphasizing the verticality of the Italianate style in the elevated basement and formal approach up to the main entry door, nearly twelve foot ceilings on the main floor, and fourteen foot ceilings on the second storey. These design characteristics are often attributed to Dr. Oronhyatekha's robust stature.

The house demonstrates a high degree of integrity with respect to the Italianate style and its vertical emphasis in the design treatment of the façade, as it retains a number of original features, including: symmetrical façade, wooden two-over-two windows, paired and single brackets at the eaves, brick quoins, brick string course, brick voussoirs, brick frieze, shallow hipped roof, and slightly projecting central bay with gable and round louvered opening.

The property is not considered to have a degree of craftsmanship or artistic merit greater than another property that could be considered representative of the Italianate style. It contains a sufficient degree of craftsmanship to be considered a representative example of the Italianate style.

The property demonstrates a degree of technical achievement through the unconventional structural and construction methods used. However, it is not clear if these were intentional design features which represent a technical achievement, or the inverse.

#### **4.2.2 Historical/Associative Values**

Dr. Oronhyatekha (1841-1907) is a person of National Historic Significance with direct historical associations to the property at 172 Central Avenue. He and his family lived in the house at 172 Central Avenue in its first occupancy in about 1882 until 1889. Dr. Oronhyatekha is often attributed as having a hand in the design of the house at 172 Central Avenue, as demonstrated in its tall ceilings, robust detailing, and prominent street-facing presentation to emphasize the prestige of the address. London is important in an understanding of Dr. Oronhyatekha's significance as he was living in London when he first joined the International Order of Foresters as well as when he became its Supreme Chief Ranger. Dr. Oronhyatekha cited London as the "cradle" of the International Order of Foresters. Dr. Oronhyatekha was remembered by Londoners well after his departure from London and death in 1907.

The house at 172 Central Avenue is associated with the International Order of Foresters as the home of its first Supreme Chief Ranger, Dr. Oronhyateka. The fashionable Italianate style of the house reflects the grandness and stature of a community leader, like Dr. Oronhyateka.

The property is also associated with Tony Urquhart (b.1934), who lived at 172 Central Avenue from 1968 until 1972. Tony Urquhart was the first Artist-in-Residence at the University of Western Ontario. He is the co-founder of the Canadian Artist Representation/Frontes des Artistes Canadiens, and is known for his distinctive "box" style of paintings and sculptures as one of Canada's pioneering abstractionists. He was inducted into the Order of Canada in 1995.

The property at 172 Central Avenue has the potential to yield information on an understanding of Mohawk ideals and Victorian values as reflected in the home of Dr. Oronhyatekha.

#### **4.2.3 Contextual Values**

The property at 172 Central Avenue is important in defining the character of the North Talbot area. The North Talbot area is characterized by homes primarily in the 1870s and 1880s which reflect popular architectural styles of the time. The prominent design values of the house allow it to define this character.

The property is physically, functionally, visually, and historically linked to its surroundings in the same manner that a historic building would be, but not considered to be in a significant manner.

The property is not considered to be a landmark.

#### **4.4 Comparative Analysis**

The Italianate architectural style is popular, particularly within London's East and West Woodfield Heritage Conservation Districts. The property at 172 Central Avenue demonstrates a high degree of integrity as it retains many original attributes of its Italianate style. Additionally, the property has direct historical associations that further emphasize its significant cultural heritage value.

#### **4.3 Building Condition**

A "Structural Review Private Residence at 172 Central Avenue" report prepared by Santarelli Engineering Services (dated May 25, 2018), was submitted to the Building Division by the property owner. The report was forwarded by the Building Division to the Heritage Planner.

The Building Division provided the following:

*The report outlines the current condition of the building based on a visual inspection, it is noted that the inspection was limited in scope due to areas that were not visible; some intrusive investigation was performed however. The building is in poor shape; this is based on the age of the building, the original method of construction used and improper structural changes that were made in previous years.*

*The report mentions areas of the structure that require immediate attention. There are signs of deterioration to the load-bearing brick, structural wood members, concrete and mortar, but there appears to be little or no interior deterioration from external weather conditions. Repairs to buildings in this condition are possible.*

*The repairs would include shoring up the walls and floors to maintain the structural integrity of the interior framing of the building. Exterior bracing to the brick may also be required due to a 2" separation between the interior and exterior wythes of brick. There are two levels of repair open to the owner; the minimum repair option would most likely not facilitate re-occupancy of the building due to the shoring material that would need to stay in place on the inside. The other would be a more detailed restoration involving repair and replacement of structural members. Both possibilities would alleviate the unsafe conditions that are currently present and both would require a Building Permit.*

#### **4.4 Consultation**

Pursuant to the Council Policy Manual for demolition of a heritage listed property, notification of the demolition request was sent to 129 property owners within 120m of the subject property on June 27, 2018, as well as community groups including the Architectural Conservancy Ontario – London Region, the London & Middlesex Historical Society, the Urban League, and the North Talbot Community Association. Notice was also published in *The Londoner* on June 28, 2018.

#### **4.5 Heritage Community Improvement Plan**

The Heritage Community Improvement Plan (Heritage CIP) offers two grant programs to address some of the financial impacts of heritage preservation by offering incentives that promote building rehabilitation in conjunction with new development. The Tax Increment Grant provides the registered owner a refund on the increase in the municipal portion of the property tax ensuing from a reassessment as a result of a development or rehabilitation project related to an intensification or change of use which incorporates a designated heritage property. The second incentive is a Development Charges Equivalent Grant which is issued when a designated heritage property is preserved and rehabilitated in conjunction with a development project relating to an intensification or change of use.

A property must be designated under the *Ontario Heritage Act* to be able to access the grant programs of the Heritage CIP.

Financial support would help to see this significant built heritage resource retained. Unfortunately, the programs of the Heritage CIP (tax increment grant and development charges rebate) have limited applicability for 172 Central Avenue.

### **5.0 Conclusion**

Our cultural heritage resources are non-renewable. Once demolished, 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 172 Central Avenue found that the property meets the criteria for designation under Section 29 of the *Ontario Heritage Act* (see Statement of Cultural Heritage Value or Interest in Appendix D).

To ensure the conservation of this significant built heritage resource, the property at 172 Central Avenue 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>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services.	

July 4, 2018  
KG/

- Appendix A Property Location
- Appendix B Images
- Appendix C Historical Information
- Appendix D Statement of Cultural Heritage Value of Interest
- Appendix E Heritage Attributes

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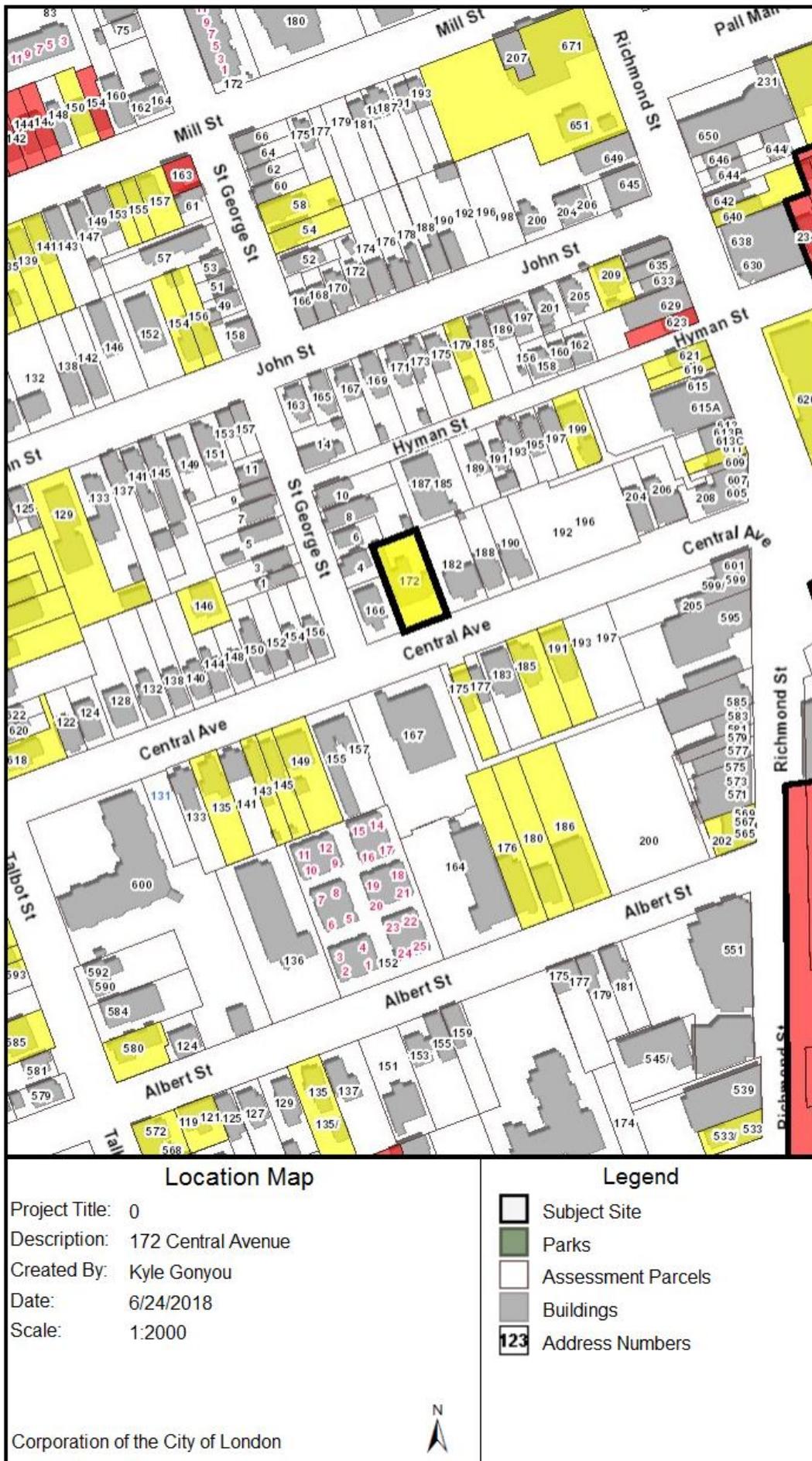
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**Appendix A – Property Location**



Note: Heritage listed properties are shaded yellow and heritage designated properties are shaded red.

Appendix B – Images



*Image 1: Photograph of the property at 172 Central Avenue that was included in the London Free Press article "Escape March of Progress: Pioneer Homes Stand Firm" (June 30, 1962).*



*Image 2: Photograph of the property at 172 Central Avenue in 1977 by John Piccur.*



*Image 3: Photograph of the property at 172 Central Avenue in 2002.*



*Image 4: Photograph of the property at 172 Central Avenue on March 20, 2017.*



*Image 5: Photograph of the main façade of the building located at 172 Central Avenue on May 1, 2018.*



*Image 6: Perspective view looking northwest, showing the main (south) and east facades of the building located at 172 Central Avenue and its relationship to Central Avenue on May 1, 2018. Note the garage structure visible in Image 4 has been removed.*



*Image 7: Photograph of the interior of the building at 172 Central Avenue; lath and plaster has been removed to reveal the structure of the building. Note the inconsistent charring of the timber members, which suggests that the wood was charred before its assemblage in this building (May 1, 2018).*



*Image 8: Detail of the small portion of the egg-and-dart plaster moulding which remains on the interior of the building located at 172 Central Avenue (May 1, 2018).*





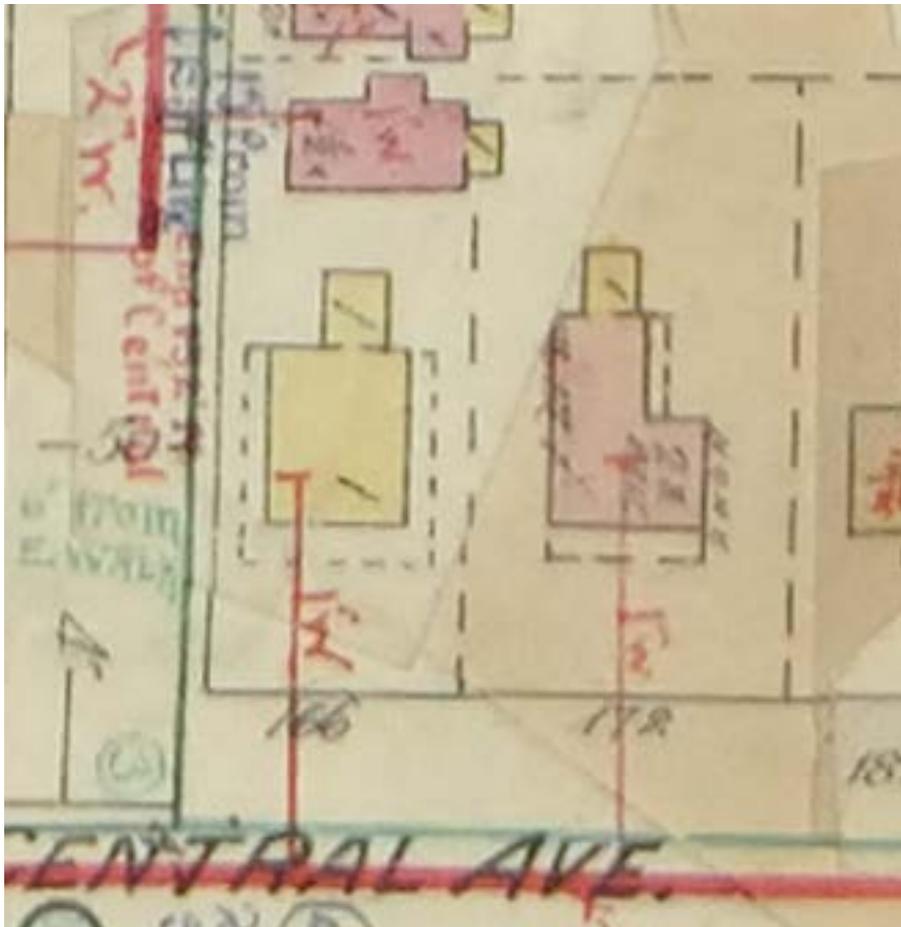


Figure 4: Detail of Sheet 29 of the 1892, revised 1907 Fire Insurance Plan showing the property at 172 Central Avenue. Courtesy Western Archives.

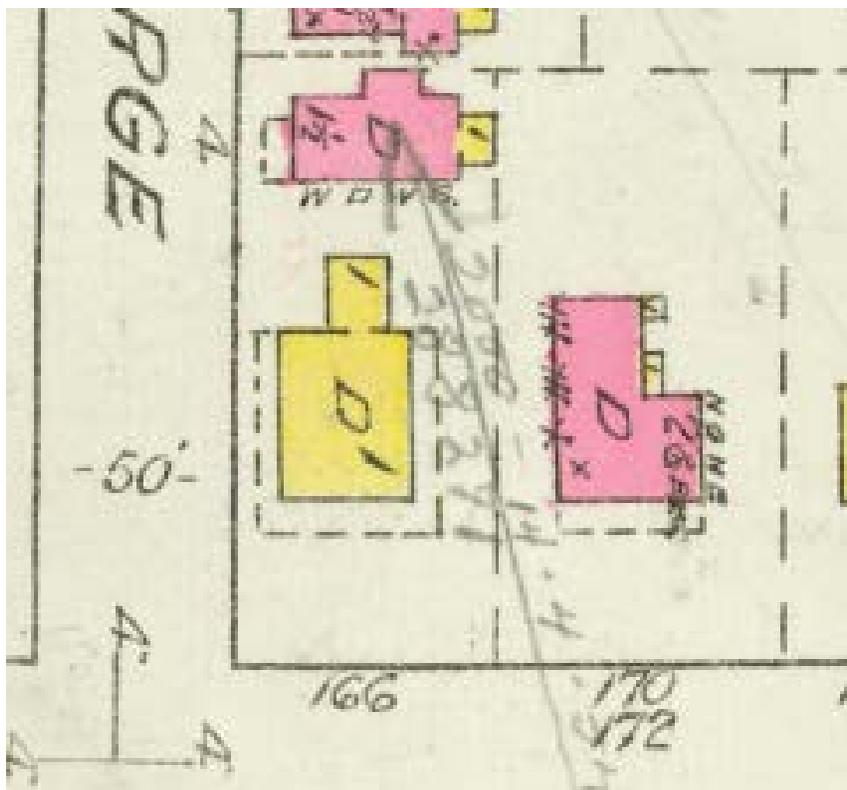


Figure 5: Detail of Sheet 29 of the 1912, revised 1915 Fire Insurance Plan showing the property at 172 Central Avenue. Courtesy Western Archives.

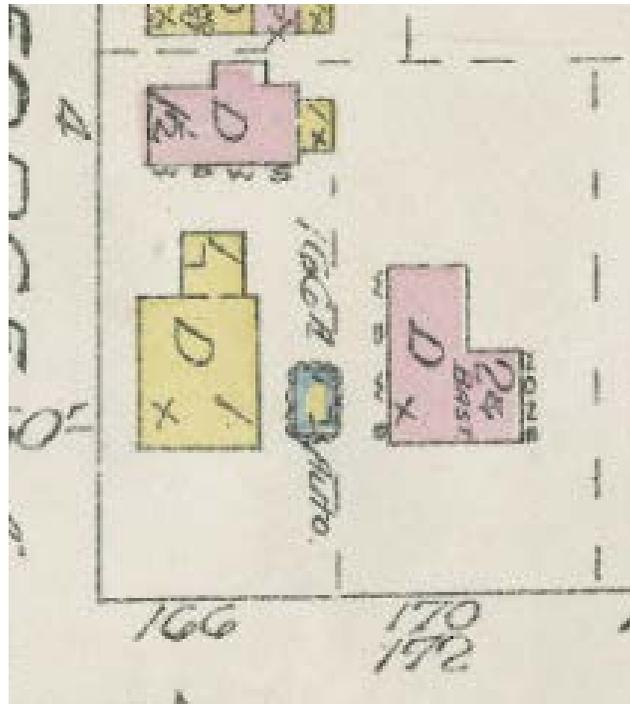


Figure 6: Detail of Sheet 29 of the 1912, revised 1922 Fire Insurance Plan showing the property at 172 Central Avenue. Courtesy Western Archives.

Alfred Robinson, Walter Bartlett, W. J. Edge, Colonel Aymer.

There are many other very fine residences in London worth seeing, but it is hardly possible to give a full list. Among the principal are those of Colonel Peters, on Maple street; Dr. Brown, on Kent; Josiah Blackburn, W. R. Meredith, Mr. McKinnon, James Magee and R. Bayly, on Albert street; John McNee, J. D. Anderson, Mrs. Moore, Wm. E. Saunders, James Reid, Robert Reid, jr., and George McNab, on Central avenue; S. Macdonald, Dr. Oronhyatekha, Chas. Kent and Joseph Jeffrey, on Lichfield street; Bishop Baldwin and Geo. Robinson, on St. James street; Mrs. E. W. Hyman, on Sydenham; St. John Hyttenrauch, J. D. Sharman and Isaac Danks, on Richmond street; Wm. Percy and Samuel Flory, on Grosvenor street; Henry Becher and John Puddicombe, Huron College and Principal Fowell's residence, on George street; Chief Williams, on Colborne street; Nathaniel Reid, on Waterloo street; Alex. Johnston, on Colborne street; the Sacred Heart Convent, on Dundas street; Samuel Glass and M. Masuret, on Wellington street; George Taylor, on Adelaide street; Samuel Crawford, V. Cronyn. Rev. J. H. Robinson, Wm. Bowman, Murray Anderson, Ben Higgins, and John B. Murphy, on Dundas street; James D. Smith, W. F. Bullen, Rev. J. B. Richardson, Rowland Dennis and Donald Morrison, on William street; Thomas Muir, David Smith, C. D. Barr, Mrs. Russell Hardy and John Christie, on Waterloo; Sheriff Glass, Ed. Meredith, L. K. Cameron and J. D. McIlwain, on Colborne street; Chas. F. Colwell, Joshua Garrett, Mrs. Macbeth, Thos. Green, M. D. Fraser and A. W. Fraser, on Princess avenue; John Coote, on Oxford street.

Figure 7: Dr. Oronhyatekha's house on Litchfield Street (now 172 Central Avenue) is noted as one of the "very fine residences in London worth seeing" by Goodspeed in *The History of the County of Middlesex* (1889).



Figure 8: Dr. Oronhyatekha promoted himself as “a London Old Boy” in the 1900 London Old Boys’ Reunion. While this may have been a marketing measure to promote membership in the International Order of Foresters as a fraternal benefit society, it nonetheless demonstrates Dr. Oronhyatekha’s affinity to London.

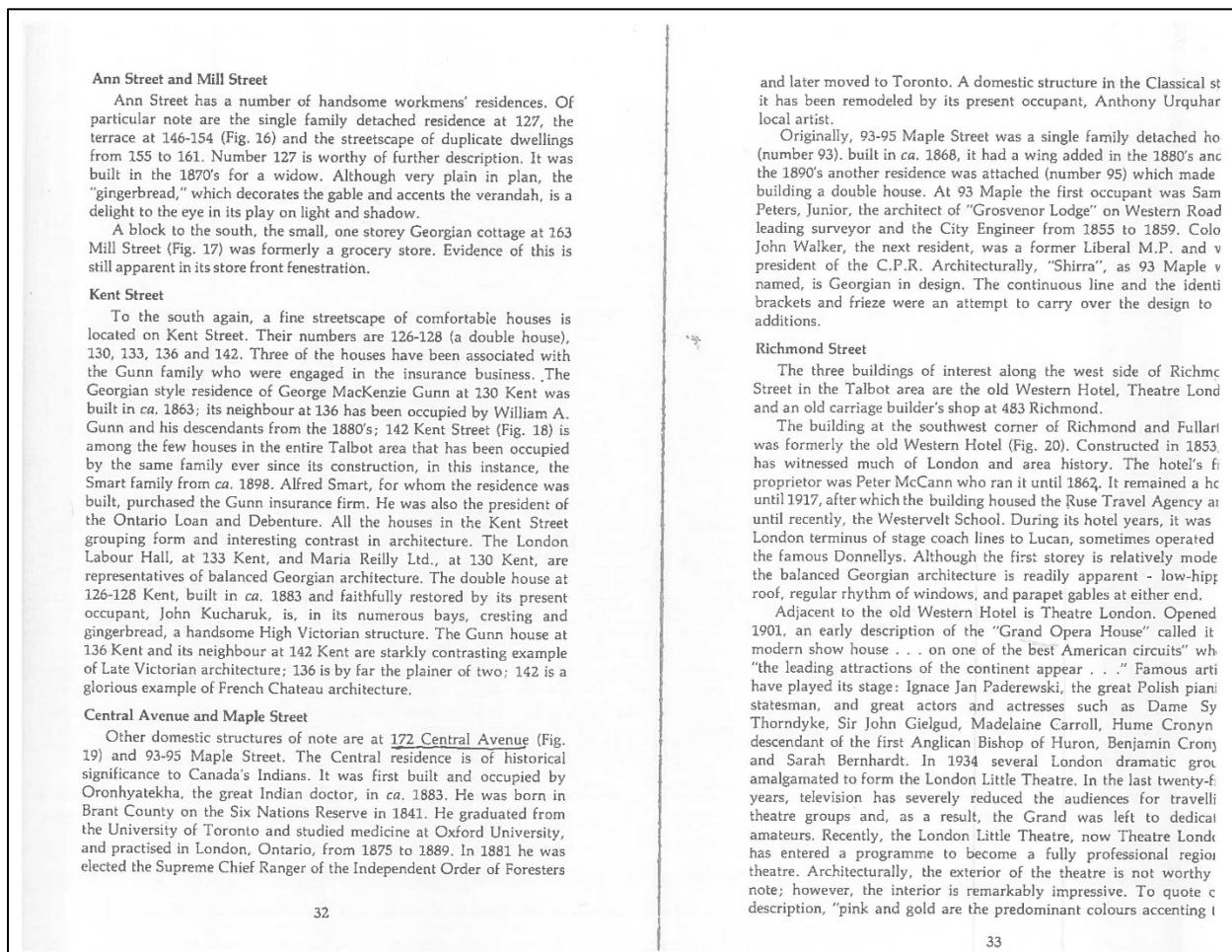
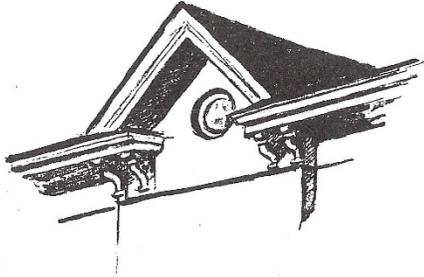


Figure 9: Excerpt from *The Historic Heart of London (1977)* by John Lutman on the property at 172 Central Avenue (pp. 32-33).

CONTINUE SOUTH ON ST. GEORGE STREET WHICH JOGS SLIGHTLY AT JOHN STREET. AT HYMAN STREET TURN LEFT AND PROCEED TO RICHMOND STREET.

**623 Richmond Street** is another combined home and grocery store. It was built between 1902 and 1906 by the firm of John Moore and Fred Henry. A dining room, a kitchen and a pantry occupied the lower floor behind the store. Upstairs were four bedrooms, a bathroom, and a sitting room. It was built for Mrs. O'Donnell whose son ran the grocery until 1957.

PROCEED SOUTH ON RICHMOND TO CENTRAL AND TURN RIGHT. PROCEED TO 172 CENTRAL AVENUE.



### 172 Central

The Italianate house at **172 Central** has an unusually interesting history and design. It may have been relatively new when it was recorded on the insurance map of 1881. Its first known resident was Oronhyatekha, a Mohawk Indian from the Six-Nation Reserve, who after study at a variety of schools including Toronto and Oxford Universities, practised medicine in several Canadian towns. He lived in London from 1874 to the late 1880s, gaining recognition as an especially skilled and learned physician.

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From the front, the house might seem to resemble several others built in London during the 1870s and early 1880s. Its symmetrical two-storey façade has three bays, with segmental arches over the windows and the centre complexes of door and sidelights. There are brick quoins at the corners of the main block and also at the corners of the projecting frontispiece. Inside, however, one discovers the house to have a character very much its own. It is unique in several respects.

1) In plan. Most houses of this design are two rooms deep, with a main stairway rising parallel to a long centre hall. Here, the main block is only one room deep, and the stairway turns to run along the back wall. This arrangement originally allowed three upstairs bedrooms along the front of the house.

2) In interior architectural fittings. A number of characteristics contribute to the elegance of the central hall and the two rooms that open off of it. All have very generous proportions, their height (11 1/2') is emphasized by the extraordinarily high doors leading into what were probably, in their first use, a parlour and a dining-room respectively. (The present doors are the original ones, though they have been cut in half.) The egg-and-dart design of the cornice is not typical of houses of this period, but its unusually large size and robust quality suggest that it may be original. There are handsome marble mantels in both rooms. The bulbous quality of the "eggs" in the moulding is echoed by the spherical projections in the mantel of the west room.

Subsequent fittings have enhanced the building's original elegance they include the valence boxes and, most likely, the downstairs newel post (compare the original newel post and spindles on the second floor). The back wing, which probably housed a kitchen and summer kitchen in 1881, has been made into a dining room and more modern kitchen. Note the unusually low doors here. The present owner, Mr. G. Robyn, has conscientiously copied the moulding of the valence boxes in extending their line along the rest of the room.

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3) In construction. The stone foundation of the house is three feet thick. The brick walls are three layers thick. The beams supporting the stairwell measure 6" x 6". The roof rafters comprise three trunks split in half. When Mr. Robyn cut a new door through a bedroom wall, he discovered that even interior partitions were composed of vertical 3" x 12" or 3" x 14" planks of hemlock! The house clearly has substance as well as style.

PROCEED WEST ON CENTRAL AVENUE TO TALBOT STREET AND THEN SOUTH ON TALBOT STREET TO ALBERT. TURN LEFT ON ALBERT AND PROCEED TO 121 ALBERT.

### 11. 121 Albert Street

Both sides of this small hip-roofed double cottage have seen a long list of working class inhabitants including a groom, a cigarmaker, a painter, an engraver, and a dress-maker. Directory listings for the address begin around 1878, though it may have been constructed as early as 1862. The entranceway to 121 is lit by sidelights and a transom which are likely original, as is the plaster medallion on the ceiling. The doorway at the other end of the entrance hall has been converted to shelving and a new route through the living room has been established. Doors to two bedrooms (one is now a closet) lead from the dining room which adjoins the living room. A narrow flight of stairs runs from the back corner of the dining room towards the front of the house up the the wall which divides the two sides. To the rear of the dining room are two separate brick additions now in use as a kitchen and a bathroom. A great deal of rehabilitation has been done by the present tenants over the past eight years including recovering and re-hanging most of the building's doors.

PLEASE EXIT THROUGH THE KITCHEN'S SIDE DOOR AND FOLLOW THE PATH ALONG THE BUILDING BACK TO ALBERT STREET. THIS CONCLUDES GERANIUM WALK XV. REFRESHMENTS WILL BE AVAILABLE AT THE CHRISTIAN REFORMED CHURCH (513 TALBOT) UNTIL 5:00 PM.

IN ADDITION TO NANCY TAUSKY AND LYNNE DISTEFANO'S VICTORIAN ARCHITECTURE IN SOUTHWESTERN ONTARIO, JOHN LUTMAN'S BOOK THE HISTORIC HEART OF LONDON (SOON TO BE REISSUED) HAS BEEN RELIED ON HEAVILY IN THE PREPARATION OF THE BOOKLET.

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- NOTES -

Figure 10: Pages from the Architectural Conservancy Ontario – London Region's annual Geranium Heritage House Tour (1988) – Talbot Tour II – on the building at 172 Central Avenue.

Table 2: City Directory information related to the property at 172 Central Avenue

Year	Resident	Occupation	Note
1875	Vacant Lots		
1881-1882	Oronhyatekha	Physician	Office: 390 ½ Richmond Street Home: 513 Dundas (alphabetical) Home: Litchfield (business)
1883	Oronhyatekha	M. D., physician and surgeon	Office: 390 ½ Richmond Street Home: 172 Litchfield Street
1884	Oronhyatekha	Physician	Office: 373 Richmond Street Home: 172 Litchfield Street
1886	Oronhyatekha	Physician	Office: Masonic Temple Home: 172 Litchfield Street
1887	Oronhyatekha	Physician	Office: Masonic Temple Home: 172 Litchfield Street
1888-1906	Archibald McPherson	A. McPherson & Co. Dry Goods; insurance agent	Business: 136 Dundas Street; 413 Richmond Street Home: 172 Litchfield Street
1907	Ezra E. Smith	Accountant; Manager, Hunt Brothers	
1908-1916	Thomas Wilson	Tailor	Worked at Wilson and Slater
1917-1921	Mrs. A. Wilson	Widow	
1922	Jas. Halliday	Gardener	
1923	Mrs. Emma Halliday		
1924-1944	A. Charles Wilson	Travelling Salesman; drummer	
1945	Harriet Cooper		
1946-1955	Leslie A. Race	Salesman, Soldier	
1956-1957	Stewart McCallum	Carpenter	
1958-1966	F. Murray & M. Anne Boulton	Regional manager of Investment Corps., realtor	
1967	Vacant		
1968-1973	Anthony & Jane Urquhart	Artist	Instructor at University of Western Ontario
1974-	G. Robyn		

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

### Legal Description

Lot 23, Plan 238(W), London

### Description of Property

The property located at 172 Central Avenue is located on the north side of Central Avenue (formerly Lichfield Street, Litchfield Street) between Richmond Street and St. George Street. A two storey brick building with an elevated basement is located on the property.

### Statement of Cultural Heritage Value or Interest

The property at 172 Central Avenue is of cultural heritage value or interest because of its physical or design values, historical or associative values, and its contextual values.

The property at 172 Central Avenue includes a house which is a representative example of the Italianate style in London. Popular in the 1870s-1880s, the Italianate style was at the height of its popularity when the house at 172 Central Avenue was constructed in about 1882.

The house has a symmetrical two-storey façade with three bays, where the central bay slightly projecting, which is typical of the Italianate style. However, the remaining design qualities of the house are unusual. It is narrow with its broadest façade facing Central Avenue to make the home appear larger and grander. The two storey house is very tall, emphasizing the verticality of the Italianate style in the elevated basement and formal approach up to the main entry door, nearly twelve foot ceilings on the main floor, and fourteen foot ceilings on the second storey. These design characteristics are often attributed to Dr. Oronhyatekha's robust stature.

The house demonstrates a high degree of integrity with respect to the Italianate style and its vertical emphasis in the design treatment of the façade, as it retains a number of original features, including: symmetrical façade, wooden two-over-two windows, paired and single brackets at the eaves, brick quoins, brick string course, brick voussoirs, brick frieze, shallow hipped roof, and slightly projecting central bay with gable and round louvered opening.

Dr. Oronhyatekha (1841-1907) is a person of National Historic Significance with direct historical associations to the property at 172 Central Avenue. He and his family lived in the house at 172 Central Avenue in its first occupancy in about 1882 until 1889. Dr. Oronhyatekha is often attributed as having a hand in the design of the house at 172 Central Avenue, as demonstrated in its tall ceilings, robust detailing, and prominent street-facing presentation to emphasize the prestige of the address. London is important in an understanding of Dr. Oronhyatekha's significance as he was living in London when he first joined the International Order of Foresters as well as when he became its Supreme Chief Ranger. Dr. Oronhyatekha cited London as the "cradle" of the International Order of Foresters. Dr. Oronhyatekha was remembered by Londoners well after his departure from London and death in 1907.

The house at 172 Central Avenue is associated with the International Order of Foresters as the home of its first Supreme Chief Ranger, Dr. Oronhyateka. The fashionable Italianate style of the house reflects the grandness and stature of a community leader, like Dr. Oronhyateka.

The property is also associated with Tony Urquhart (b.1934), who lived at 172 Central Avenue from 1968 until 1972. Tony Urquhart was the first Artist-in-Residence at the University of Western Ontario. He is the co-founder of the Canadian Artist Representation/Frontes des Artistes Canadiens, and is known for his distinctive "box" style of paintings and sculptures as one of Canada's pioneering abstractionists. He was inducted into the Order of Canada in 1995.

The property at 172 Central Avenue has the potential to yield information on an understanding of Mohawk ideals and Victorian values as reflected in the home of Dr. Oronhyatekha.

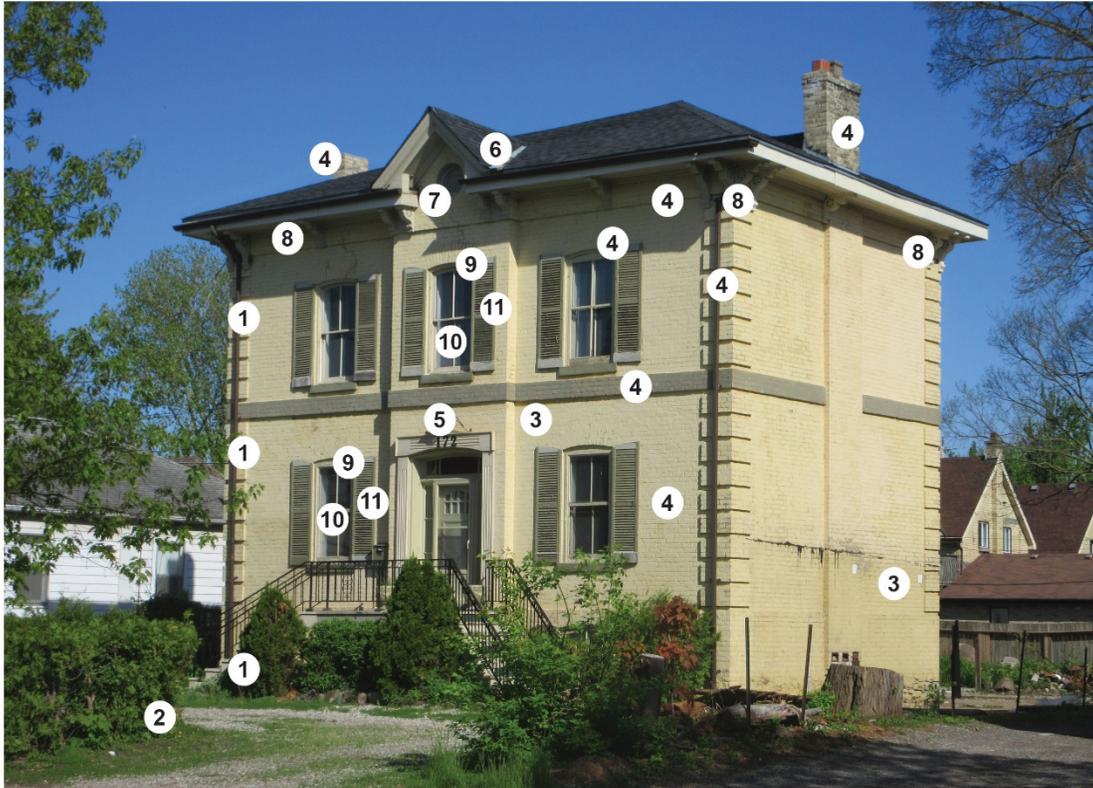
The property at 172 Central Avenue is important in defining the character of the North Talbot area. The North Talbot area is characterized by homes primarily in the 1870s and 1880s which reflect popular architectural styles of the time. The prominent design values of the house allow it to define this character.

### **Heritage Attributes**

The heritage attributes which support or contribute to the cultural heritage value or interest of the property at 172 Central Avenue include:

- Form, scale, and massing of the two storey brick building with elevated basement;
- Setback of the building from Central Avenue;
- Orientation of the building with its broadest façade towards Central Avenue;
- Brick exterior cladding (now painted) and brick detailing, including string course, frieze, quoins, voussoirs, and two chimneys;
- Symmetrical, three-bay façade with middle bay slightly projecting;
- Shallow pitched hipped roof with gable roof emphasizing the slightly projecting middle bay of the building;
- Louvered round window in the front gable;
- Paired and single wood brackets at the eaves;
- Segmented arch window openings with radiating brick voussoirs;
- Wooden two-over-two windows; and,
- Wood shutters on the front façade.

Appendix E – Heritage Attributes



1. Form, scale, and massing of a two storey brick building with elevated basement



2. Setback of the building from Central Avenue



3. Orientation of the building with its broadest facade towards Central Avenue



4. Brick exterior cladding (now painted) and brick detailing



5. Symmetrical, three-bay facade with middle bay slightly projecting



6. Shallow pitched hipped roof with gable roof emphasizing middle bay



7. Louvered round opening in the front gable



8. Paired and single wood brackets at the eaves



9. Segmented arch window openings with radiating brick voussoirs



10. Wooden two-over-two wood windows



11. Wood shutters on the front facade

Note: Not every heritage attribute indicated above; image is considered indicative of heritage attributes

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.4 PUBLIC PARTICIPATION MEETING – Demolition Request for Heritage Listed Property – 172 Central Avenue

- Gus Mitsis, part-owner, 172 Central Avenue – advising that he is a Real Estate Investor and has lived in London for fifty years; indicating that, for the past twenty years, he has been active in the core by buying, preserving and maintaining properties, none of which he has demolished; stating that his partners and him have a strong appreciation for local history, architecture and take pride in ownership of their properties; advising that the existing building at 172 Central Avenue is a two and a half storey residential building constructed in 1882 in the Italianate style; indicating that the existing building has been modified and is not entirely in its original form; stating that original front and east porches, documented in the 1907 fire insurance plan have been removed, the entire brick has been painted, the two chimneys are not symmetrical and have been rebuilt to different heights and shapes, the front door, presently on the home, is not original and the wood shutters are replicas with no hardware evident from period style shutters, the front staircase and railings are not original and some of the windows have been replaced with aluminum and vinyl replacement windows; advising that the property is not located in a Heritage Conservation District but is listed on the Heritage Building Inventory; however, not designated; advising that the project that they are proposing for 172 Central Avenue is a multi-unit residential building that has six units; advising that the building will exhibit a replica of the existing Italianate façade and will be two and a half storeys in height; pointing out that architectural elements such as existing decorative soffit brackets, coin corners, circle gable vents, wood shutters, arched windows and formal staircase will be incorporated in the new design and the stately presence of the building will be retained by keeping the same ceiling heights; most importantly a plaque honouring Dr. Oronhyatekha will be erected near the city sidewalk; noting that this plaque will celebrate and inform the public of Dr. Oronhyatekha's life and his admirable achievements and will also have a website address for an in-depth biography on him; indicating that the current conditions of 172 Central Avenue are that the building is constructed using charred timbers, logs and planks salvaged from the Carling Brewery fire in 1879; advising that this was verified by the Heritage Planner during his visit; due to the unconventional methods of construction, the use of salvage materials and many alterations over the years, the building structure has been compromised as stated in the Engineering report; the structural integrity of the building is compromised including, but not limited to, wood, floor joists, wood studs, wood lintels, single brick masonry support for floor joists and beams and roof and ceiling joists; essentially, to retain the existing building, a new building has to be built inside the existing building and in order to achieve this, the exterior of the building has to be shored, both internally and externally so that perimeter walls will not move; stating that this plan raises serious structural safety concerns and does not prevent future issues with the exterior cladding; based on the exterior of the structure and restoration cost estimates retained, demolition and reconstruction is the practical and cost effective solution; over the years, there have been structures in the City of London that were initially intended to be historical preservations but later became replications of the originals, two of the high profile projects that come to mind are the Talbot Streetscape and the Sir Adam Beck estate; these projects demonstrate that while preservation is the preferred method of retaining heritage buildings, replication can also be effective; in both these scenarios, condition, life span and feasibility were the main contributing factors in the replication of these structures; noting that the same contributing factors exist with this structure and are the reasons why they are asking for demolition and reconstruction; given the opportunity to replicate the façade into the new building will allow them to preserve the spirit of the Italianate style and the character of the streetscape; advising that this building has the least amount of detail of any of the Italianate styles, there are no detailed lintels, sills, freeze boards or brick patterns and for those reasons this façade can be replicated with very little difficulty; concluding that the project that they are proposing falls within the scope of the London Plan and the Provincial Policy Statement, it emphasizes infill development which reduces growth costs, is part of a walkable community, is accessible to public transit, helps revitalize the neighbourhood and supports local businesses; stating that multi-unit buildings, whether large or small in scale, benefit the district and the City of London; this project will address the growing demand for residences in the heart of the city and will offer a vibrant, diverse, safe and attractive alternative form of living; advising that their proposal will allow the new 172 Central Avenue and Dr. Oronhyatekha's legacy to stand

out and to stand tall for the next one hundred thirty-six years; respectfully asking the Planning and Environment Committee to recommend in favour of demolition and support for the redevelopment of 172 Central Avenue.

- Peter Mitsis, co-owner, 172 Central Avenue – clearing the air because a lot of social media has been floating around and stating that they are supposedly building a high rise residential development; advising that they are not, it is a six unit walk up style building; indicating that he had the honour and privilege to give the Chief of the Oneida Reserve, her name is Jessica Hill, on Saturday she called him and insisted that she have a tour of the home because she had ancestral ties to the house; advising that her Great-Great-Grandmother, Nellie Martin, Helen Nelly-Martin, who was married to John Smoke, she was Dr. Oronhyatekha's Father's Sister; reading the e-mail because they received it late last night "I am a distant relative of Dr. Oronhyatekha, he was a Nephew of my Great-Great-Grandmother. He was a doctor to the community of the Oneida Nation of the Thames of which I am a member and currently newly elected Chief. I think it would be fitting if he was memorialized by the restoration of the building at 172 Central Avenue in some form. I have been on the inside of the building and understand that it is currently not fit for habitation and not designated as heritage site although it could have and should have been many years ago. Since it is not designated, I think that the ideas of the Mitsis brothers to restore the front of the building to be an original replica of the current building and erect a memorial sign in the front of the home recognizing Dr. Oronhyatekha and his admirable achievements including a website that explains his life would be suffice as recognition. Secondly it would be fitting to memorialize Dr. Oronhyatekha and his years and service to the community doctor to Oneida Nation on the Thames who had family ties to my Father's maternal family. Should the Mitsis brothers be successful in their bid to rebuild and restore the front of the new building to look exactly like the original building, the details of this proposed memorial to Dr. Oronhyatekha-Martin in our community could be discussed at a later date."; Dr. Oronhyatekha was a remarkable individual and made great accomplishments; we all recognize that and we are not taking anything away from the First Nations people, he wants to make that clear; expressing disappointment to himself, his family and to the Chief of the Oneida that the City, based on a knee jerk reaction, after their submission of demolition, all of a sudden ran to the books and dug up all this history when this history was available and he should have been recognized many, many years ago but was not; it is pretty sad to see that all of a sudden he has become important but he was never important twenty, thirty or forty years ago when the history books have all sorts of details with respect to his accomplishments; advising that the focus here is not whether the public will stop and question whether the bricks and mortar are the original to the house but rather what his legacy is and was; this is about recognition and most importantly education; their project to replicate will not take any significant design or legacy from Dr. Oronhyatekha; stating that they are a small family business, they have a remarkable track record with neighbours and tenants; advising that this property was purchased as an investment and therefore has to be feasible just like any municipal project; this is not publicly funded and according to the Heritage Planner, there are no applicable funds for this property; if there are any grants or funds available through the First Nations people, he would encourage any dialogue; they would sit down and discuss that; concluding that he strongly believes that their proposal to replicate the façade as it stands today and erecting plaques and memorials and donation of building materials to the First Nations people for healing and meditation rooms should clearly demonstrate their commitment and appreciation and to our character towards his legacy and towards historical attributes of the structure.
- Jennifer Grainger, President, Architectural Conservancy of Ontario, London Branch – advising that she is not going to go over the history and the architectural details of the building again because Mr. K. Gonyou, Heritage Planner, has already done that quite well but she would like to point out that they do believe that this home is a significant historical and architectural gem despite the fact that its interior, at the moment, has been allowed to deteriorate; indicating that at the Architectural Conservancy of Ontario, they are not in favour of tearing down our heritage and replacing it with replicas; they are not in favour of façades such as we see downtown hanging on the Bud Centre or what happened to the Adam Beck house; instead they would encourage the City to ask the Mitsis family to please find a way to incorporate the entire house into the development; stating that, in one of her letters to the Planning and Environment Committee, she mentioned that the Architectural Conservancy of Ontario has been endeavouring to find a second engineering opinion on the home's condition; unfortunately, they have not as yet been able to find a Structural Engineer; advising that she is not certain what the time

frame is on this at this point, but at any rate what she said in her letter was that they would ask the Planning and Environment Committee to please defer making a decision until they could get another opinion on this structure; however, what they really would like the Planning and Environment Committee to do is to turn down the demolition request this afternoon and to please ask the family to find a way to save the building in its entirety.

- Patricia Cullimore, 156 Central Avenue – advising that her property is near the subject building; indicating that her home is one hundred eighteen years old so it is also a period building and it still bears the original street signs; noting that she has resided at this address for over thirty-five years; expressing support for the demolition of the building at 172 Central Avenue provided the newly constructed building preserves the character of the residential homes in their neighbourhood; stating that she has known the owner of 172 Central Avenue, the applicant for the demolition, for twenty years as he owns the property next door to her at 154 Central Avenue; advising that he has been a responsible landlord, which, in their neighbourhood, is a rare thing; indicating that he renovated his properties at 154 and 143 Central Avenue going to great lengths to preserve the period facades with respect to decorative woodwork on the gables, gingerbread trim, railings and skirting; advising that it was she who first suggested that he approach the owners of 172 Central Avenue when she learned that they were interested in selling; knowing the original intention of the applicant was to renovate the house and turn it into apartments and, with that intention, he spent several months last Fall and Winter gutting the house; it was only after the interior had been shelled out that structural weaknesses such as charred joists supporting first and second floors, which had been repurposed from a building previously exposed to fire were discovered which brings us here today; a key reason this demolition is so contentious is the historical relevance of 172 Central Avenue; as she mentioned earlier, she has resided at 156 Central Avenue for over thirty-five years; indicating that there is no heritage plaque on the house and the heritage designation for their neighbourhood is still being decided which begs the question that how long does it take to get a heritage designation; the house is over one hundred twenty years old; wondering why are we only having this discussion now on the eve of a potential demolition; to be consistent with Mayor Matt Brown's position to reinvigorate the core, we need feet on the street, which in other words means people living downtown and as it is quite obvious that the house at 172 Central Avenue is unoccupied, it has attracted an unprecedented number of homeless individuals to their neighbourhood, some of whom are armed with knives, who trespass on their properties, tear through their trash and discard their used syringes; encouraging the City to be expedient in their decision making so that the progress of 172 Central Avenue can occur.
- Stacia Loft, Tyendinaga Mohawk Territory – bringing greetings on behalf of Chief R. Donald Maracle and Tyendinaga Mohawk Council; thinking of important and influential Indigenous people there is a long list of deserving individuals, Dr. Oronhyatekha is one of them; Oronhyatekha, or Peter Martin Junior was born in 1841 to Peter Martin of Six Nations and Lydia Loft of Tyendinaga; born into prominent and influential families from both communities, he was destined to be a forward thinking individual and a person active in supporting and advocating for his people; during his early years Oronhyatekha was educated at the Mohawk Institute for 1851 to 1854; he departed from the Institute as a bright and ambitious young man; shortly after his time there Oronhyatekha was influenced by adults in his life who showed him that further education was necessary for him to be successful; he went on to attend Oxford University and eventually graduated from the University of Toronto as a Medical Doctor; becoming licensed in May of 1867; it is important to keep in mind the environment in which Oronhyatekha obtained such an education; he faced many obstacles including racism and unjust treatment under legislation at the time where the *Indian Act* restricted many of them from participating in or benefitting from things like higher education or even Council meetings such as this; after becoming licensed, Dr. Oronhyatekha did serve the community of Tyendinaga for a period of time as the attending physician; around this time he met and married Eleanor Ellen Hill and had six children, only two of whom survived to adulthood; his son William Ackland Heywood went on to become a physician just like his father and his daughter, Catherine Evangeline Karakwineh "Benna", was involved in the orphanage on Fosters Island which is just adjacent to the Tyendinaga Mohawk Territory on the Bay of Quinte; Dr. Oronhyatekha went on to achieve other great accomplishments in the areas of business and politics; in 1872 he was elected Chairman of the Grand General Indian Council of Ontario an organization formed of Anishinaabe/Haudenosaunee communities

in Ontario; he was active and voiced in the Council's positions on the injustices against his Indigenous brothers and sisters; in the late 1800's, Dr. Oronhyatekha was busy in London and Toronto, having a home at 172 Central Avenue right here in London; his efforts focused him on the Independent Order of Foresters (IOF) and bringing that fraternal group into a better business position for longevity; he used his sense of business savvy and opportunities that were put before him to grow the Foresters into over two hundred and fifty thousand members across the world; as the first non-white member of the IOF, this is a remarkable accomplishment; during his time with the IOF, Dr. Oronhyatekha had the opportunity to meet King George V and Queen Mary and created friendships and networks with many influential people including both Sir John A. MacDonald and Teddy Roosevelt; possibly hosting a number of these influential friends and acquaintances in his home in London at 172 Central Avenue; in 2005, Dr. Oronhyatekha was bestowed the honour of Canadian Figure of National Historical Significance and a plaque was erected at Christ Church in His Majesty's Chapel, his final resting place in Tyendinaga; when he died in 1907, his body was returned to Tyendinaga in a great procession and it is said that over ten thousand people lined the streets for his funeral; Dr. Oronhyatekha was a man of great connections between the Indigenous and Non-Indigenous society; he bridged many gaps between these two worlds and ordinally defended his culture and supported his Mohawk language and devoted himself to the strengthening of his people; it is with this information that she, on behalf of Chief R. Donald Maracle and the Mohawks of the Bay of Quinte strongly oppose the demolition of Dr. Oronhyatekha's historic home at 172 Central Avenue and ask that you, as the Committee, take steps to maintain his home and its historical designation.

- Gerald Killen – expressing surprise to find himself speaking to this issue as he came to support the no Tricar tower; stating that there is a fire in his belly being reignited and he was surprised to see his good old friend John Lutman over there; expressing surprise that he is not up almost dangling over the boards here; advising that he is not going to repeat anything that anybody else has said, he is going to bring a bit of context; outlining that he was an Ontario historian for forty years, and he still is, at King's University College, he has been President of the Ontario Historical Society, President of the Champlain Society and for half a dozen years sat on the Ontario Conservation Review Board; noting that he was the Chair of the Ontario Conservation Review Board for years; advising that he toured the Province and there are many, many reasons for designating or de-designating as well, buildings of architectural and historical significance; bringing this piece of context to this discussion; indicating that he has not seen a better proposal and background study in support of designating a building than this one and he would be very, very saddened to see the Planning and Environment Committee not designate this building, it is not going to prevent demolition in the long term perhaps but it gives people time to deal with the issue of what to do with this enormously significant building.
- Anna Maria Valastro, 1 – 133 John Street – indicating that her house is one hundred forty-two years old; advising that all of these houses that are very old will have structural problems and none of them would be to code; fifty years ago, the house that she lives in, she can barely remember this, but the house sank and it had to be excavated all the way down to the footings, the foundation had to be restructured; you can see it if you go into the house now; thinking that this is an issue of the wrong person buying the wrong house; there is really nothing wrong with this house, it is repairable; advising that she does not think that there has ever been an intention to restore the house because the budget; no one really goes into these projects with a restoration budget and she does not think that this house should be punished for being one hundred thirty-six years old; thinking that the consequences, we lose out on so much because it does not fit what the original developers idea was; this house can be resold and the right person can come along and buy it, make a lot of money on it, keep its integrity; we are looking for something that is going to enhance the heritage of this neighbourhood; this neighbourhood is rich in heritage and we have lost so much in the last few years, we have lost all of the cottages on Piccadilly Street that housed railroad workers and when we lost those houses we lost Carling Creek which was opened in the 1980's, it was an open creek, we lost the Monastery, Locust Mount went up in flames, Talbot School from the 1800's, they did not want to appropriate that building and that got destroyed, there was a demolition at 167 John Street, Peter Cuddy's house is idle, the original plans have been abandoned for that house and this neighbourhood is rich not just in architecture but who built this neighbourhood and who lived there and it is important to have an

understanding of the history of this neighbourhood; indicating that their neighbourhood is ravaged by investment property owners, some of them are really good and some of them just are using up the buildings; realizing people are saying high praises of the new property owners but she just wants to tell you really quickly that back in November, 2017, just by sheer coincidence, she found a listing for 172 Central Avenue on the student housing listings at Western and these apartments were coming available as of May, 2018, they were two – five bedroom units with a couple others which are not permissible in the Near Campus Neighbourhood that went onto By-law Enforcement; feeling that it is just not the right owner for this particular house and there is really nothing wrong with this house and a lot of people in their neighbourhood want it celebrated and if that means another owner so be it; advising that she does not believe that you should squeeze someone's idea into a house that cannot accommodate those ideas.

- John Lutman, Author, "The Historic Heart of London" – advising that, in 1975, with his Research Assistant, they conducted the first heritage surveys of the City of London; beginning in London West and then over to Talbot Street area and then Woodfield; advising that in the Talbot Street area, 172 Central Avenue stood out for its architectural significance; noting that a building does not have to be super ornate to be historically or architecturally significant and certainly the research that John and he undertook is still available in the Heritage Planner's Office and certainly with "The Historic Heart of London", the research which formed the basis of this book informed the historical and architectural community in London about this building, not that it had not been known before but the information became available; advising that he is not going to repeat all of the arguments that have been given previously but the building is not unknown, it is a historic building in terms of its history and architecture and to retain that building in its original form, not as a reproduction, as we see in the Beck estate and in the Talbot Streetscape he thinks would be very wrong indeed.
- Alan R. Patton, - providing a history lesson; stating that these gentlemen spoke about the Talbot streetscape on the block between Talbot Street and King Street where the Budweiser Centre is now and there was a strong citizen effort, this was some years ago, to save the Talbot streetscape and he was retained by the Talbot Street Coalition to save it; advising that the entire block was owned by Cambridge Leaseholds, a major developer in town, for those of you that do not have a memory of that or your memory has faded, you will remember that it was going to be probably the single largest urban redevelopment outside of the City of Toronto, certainly in Southwestern Ontario; but there was a group of heritage people who insisted that the Talbot streetscape be retained in its entirety and he was happy to be their lawyer and he fought and he fought and he fought and, at the end of the day, Cambridge Leaseholds President, Lauren Braithwaite, said personally and in a letter, that he is fed up with London, she will not invest another penny here and he left; indicating that nobody would buy the block so who buys it, the City of London; what do they do with it, they build a new development, a hockey rink; what do they do, they replicate a very small portion of the Talbot façade on a corner of the building with a layer of yellow brick probably not to the full depth and put a silly little plaque on it; advising that this gentleman is doing better than that, cities change, they build up, they get torn down; half of downtown London has been that way; certainly Toronto has as well; that is what cities do and urban regeneration is important and this area needs that.
- Keith Jameson, Six Nations of the Grand River Territory near Brantford – indicating that he recently published a book co-authored between himself and Michelle Hamilton, a Professor at Western University; stating that it took him twenty years to work this gentleman's life through, when he brought her on it took another five and they were done; however it is published and available now; reiterating that he spent that much time on him and he also worked with the Royal Ontario Museum and the Woodland Cultural Centre to build what was the first full collection donated to the formation of the Royal Ontario Museum; advising that, twenty years ago, that collection had never seen the light of day; it had been hidden in vaults, dispersed all over the place, all over Toronto and he was brought on to find all of these pieces through the Museum and in other locations around the Province and out of the Province; advising that he got to travel to Oxford University in England to visit his room there and it is designated, his room at Oxford University, in his dorm, there is a plaque there, there are photos and there are various documents associated with him and some that he wrote; indicating that it is an immortalized story, a very real story, a very contemporary story; while it was well known relative to the communities themselves, associated with Dr. Oronhyatekha, they

knew who he was and they maintained his memory; it is simply the systems around us and the institutions around us who chose not to tell it; advising that now we have an opportunity and that is what he thinks we have here, an opportunity to use something that people can see and they can touch and that they can somehow experience and it is something that works exceptionally well in the sense that the current ideas, in most Provinces now, and it is starting to get to the communities and municipalities, is the notion of acknowledgement of his people, the First Nations people across Canada, Indigenous people, that they exist and that they have contributed extensively to the formation and the development of the country and he thinks that is what it does, it gives the Committee an opportunity as a City and as a municipality to participate in moving that story; believing that people really want to do something; they ought not to be marginalized anymore and this gives the Committee the opportunity to do precisely that to trend that back so that they are part of the country and he thinks that is what Dr. Oronhyatekha represents; indicating that it presents a tremendous inspiration to everyone but particularly Mohawk people to bring their kids forward and to say things were rough and they have been very tough but they do not have to be; you need not be put down by that, it gives them a sense that if you try hard enough, it does not matter what the odds are, you will get through it and he thinks we are grasping that; advising that this has occurred recently in a number of different places around a number of different things; encouraging the Committee to consider the impact, as a focal point and as an opportunity with the preservation of that facility, with that building; appreciating any consideration that the Committee might give that opportunity.

- Michelle Hamilton, Associate Professor of History, Western University – advising that she will not repeat the accomplishments of Dr. Oronhyatekha as she thinks those are well known; indicating that there are two things she would really like to say; one is to building on what the previous speaker has just said in a more formal way and that is the Truth and Reconciliation Commission of Canada has recently called upon every public agency and every Canadian of whatever background you might be to recognize the accomplishments and the fact that Indigenous people were here before settlers were and certainly Dr. Oronhyatekha is the perfect person to use as an example of that; stating that he served both Indigenous and Non-Indigenous patients wherever he went as a doctor and he was accepted by many in a racial tolerance which was unusual at the time; advising that her second point is that Mr. K. Gonyou, Heritage Planner, did a good job suggesting where else he has been commemorated but she would like to say that all of the buildings associated with Dr. Oronhyatekha, whether they were business buildings or his personal homes have been knocked down; stating that the only one left is here in London; indicating that the building in Toronto was simply a rental property, he rented it from a physician friend of his and he rented the main floor and lived there for part of his life; in essence, 172 Central Avenue is the only building left associated with him in North America.
- Sean O'Connell - advising that he did not expect to be speaking today; indicating that he normally sits here and observes things; everything that is going on at City Hall; stating that he has traveled all over the world and when he has traveled, he has always looked for those little hidden gems and hearing the presentation and seeing that building, that is a hidden gem, that is something that most Londoners probably did not realize existed and is something that we should be proud of and better utilize for our tourism industry or just for the simple fact of the historical significance of the building; expressing happiness for having learned about this because it is one of those places that you would just like to go see just to see what it is like and if we can pour a little bit of money into it to conserve it and make sure that it is there, he thinks that we should do that.
- Janet Hunten, 253 Huron Street – advising that the cultural importance is supreme but also the architectural importance of this building; indicating that the Talbot neighbourhood is next on the list for Heritage Conservation District and this is very much a landmark building in that neighbourhood and an integral part of it; looking forward to that; we must remember that a replica is never the same as an original as we have heard discussed today.



Architectural Conservancy Ontario – London Region Branch  
Grosvenor Lodge  
1017 Western Road  
London, ON N6G 1G5

Monday, July 2, 2018

Members of Planning & Environment Committee (PEC) via email:

Councillor Stephen Turner (Chair)  
Councillor Anna Hopkins  
Councillor Jesse Helmer  
Councillor Maureen Cassidy  
Councillor Tanya Park

Members of the London Advisory Committee on Heritage (LACH)  
through the LACH Committee Secretary

**Re: Demolition Request for 172 Central Avenue**

Dear Councillors:

I write to oppose the demolition request for 172 Central Avenue. This listed property, a Priority 1 on London's Inventory of Heritage Resources, is of significant historical and architectural value for the following reasons:

1. The first known occupant of this house was Dr. Oronhyatekha, a Mohawk from the Six Nations who practised medicine in London. "Dr. O.", who lived in London from 1874 to 1889, was respected as a skilled and learned physician. He was the first known indigenous Oxford scholar and second individual of indigenous descent to become a physician in Canada. In 1878, while living in London, he applied to become a member of the Independent Order of Foresters, a fraternal and financial institution. By 1881 he had become Supreme Chief Ranger of Foresters (IOF), the organization's international leader, and held the position for 26 years.

Dr. O. played a pivotal role in the growth and financial stabilization of the IOF during his tenure, enforcing rigorous medical underwriting procedures and expanding product offerings. Between 1881 and 1907, the organization grew from fewer than 500 members to more than 250,000.

Dr. O. was designated a Person of National Historic Significance by Parks Canada in the early 2000s. A 2016 biography, *Dr. Oronhyatekha: Security, Justice, and Equality*, by Keith Jamieson and Western University Professor Michelle Hamilton, has increased the profile of this accomplished member of Ontario's indigenous community.

In 1889, Dr. Oronhyatekha moved to Toronto where IOF had relocated. In Toronto Dr. O. has been honoured with a Toronto Historical Board plaque dedicated in 1995. The house he rented at 209 Carlton is listed in the Cabbagetown Heritage Inventory and a nearby street has been named Doctor O. Lane. It seems a shame for Dr. O. to be so honoured in Toronto while his London home is at risk of being demolished! Furthermore, all other buildings associated with Dr. O. are believed to be gone, including those at Six Nations and Tyendinaga. Approval of this demolition request could be construed as a statement that the City of London does not value and does not wish to commemorate the significant contributions of this indigenous resident of our community.



2. This solid Italianate-style home built ca. 1881 makes a strong heritage statement due to its as a modified Italianate design with typical symmetry, height and mass, projecting eaves, pronounced brackets, and a small central gable reminiscent of Ontario cottages. The buff brickwork has a contrasting course at first storey height and is augmented with brick quoins at all corners. The home's powerful structure features a three-foot thick stone foundation, walls three bricks thick, and sturdy roof rafters formed from three trunks split in half.

Most homes with this three-bay Italianate design are two rooms deep with the main stairway parallel to the wall in a long centre hallway. The main block of this unusual plan is only one room deep with a stairway turning to run along the back wall. This allows for three upstairs bedrooms all at the front. The home is relatively unaltered with high ceilings and doors and probably its original mantles.

3. This home is a significant historical and architectural gem within the Talbot North district which is next in line for consideration as a Heritage Conservation District. The history and stateliness of 182 Central contributes to the collective character of the area and to the cultural mosaic of London. This is a building and a story of national significance. It must be preserved.

Jennifer Grainger  
President, London Region Branch  
Architectural Conservancy Ontario

Copies: Heather Lysynski, PEC Committee Secretary – [hlysynsk@london.ca](mailto:hlysynsk@london.ca)  
Jerri Bunn, LACH Committee Secretary – [jbunn@london.ca](mailto:jbunn@london.ca)



Architectural Conservancy Ontario – London Region Branch  
Grosvenor Lodge  
1017 Western Road  
London, ON N6G 1G5

Tuesday, July 10, 2018

Members of Planning & Environment Committee (PEC) via email:

Councillor Stephen Turner (Chair)  
Councillor Anna Hopkins  
Councillor Jesse Helmer  
Councillor Maureen Cassidy  
Councillor Tanya Park

Members of the London Advisory Committee on Heritage (LACH)  
through the LACH Committee Secretary

**Re: Demolition Request for 172 Central Avenue**

Dear Councillors:

Further to my letter of July 2, I wish to inform PEC members that ACO London has begun the process of obtaining a second engineering opinion regarding the structural condition of 172 Central Avenue. We have done this through our provincial body's Preservation Works programme, requesting a visit by a structural engineer to the property to comment or peer review the report undertaken by Santarelli Engineering Services.

Preservation Works relies on volunteer professionals to undertake its projects. The advice offered is preliminary in nature and based on visual observation only. ACO Provincial will be endeavouring to find an engineer in the London area experienced in working with heritage properties to undertake such a review. Professional opinions vary on the course of action to be taken when a building is experiencing structural issues and a second opinion about 172 Central may offer a different approach to the proposed demolition.

This process may take a week or two and we will also need to obtain permission for the PreservationWorks expert to access the building and view the Santarelli report. ACO London therefore respectfully asks PEC to delay decision regarding demolition of 172 Central Avenue until a second opinion on its condition can be received.

Jennifer Grainger  
President, London Region Branch, Architectural Conservancy Ontario

Copies: Heather Lysynski, PEC Committee Secretary – [hlysynsk@london.ca](mailto:hlysynsk@london.ca)  
Jerri Bunn, LACH Committee Secretary – [jbunn@london.ca](mailto:jbunn@london.ca)



WOODLAND  
CULTURAL CENTRE

6 July 2018

*Via Email*

Heather Lysynski  
Committee Secretary  
For inclusion on the  
Planning & Environment Committee Agenda on July 16, 2018.

**RE: 172 Central Avenue, London Ontario**

We have recently become aware of the proposed demotion of 172 Central Avenue. We understand this to be the former residence of a member of Six Nations of the Grand River and person of national significance, Dr. Oronhyatekha.

We write to express our objection to this action as it is associated within a designated heritage district with intrinsic characteristics that reflect the prominent life and lifestyle of Dr. O.

Considering the lack of information on Indigenous content within the school system and the general public, preserving the home has the potential to be a teachable moment.

Rather than work toward demolition, our desire is to seek out a resolution of designation of 172 Central Avenue in association with Mohawk leader and trail-blazer, Dr. Oronhyatekha.

To quote Dr. O, "*there are a thousand Peter Martins (his baptized name) but there is only one Oronhyatekha*". As such, there is only one 172 Central Avenue that reflect his Victorian values and Mohawk ideals.

Kind regards,

Paula Whitlow  
Co-Executive Director  
Museum Director

[pwhitlow@woodlandculturalcentre.ca](mailto:pwhitlow@woodlandculturalcentre.ca)

cc. Tanya Park, Ward Councillor

184 MOHAWK ST. BRANTFORD, ON. N3S 2X2  
WOODLANDCULTURALCENTRE.CA  
519-759-2650

July 10, 2018

Councillor Stephen Turner (Chair)  
Planning and Environment Committee  
City of London  
300 Dufferin Avenue  
London Ontario



**Re: 172 Central Avenue – Opposition to Demolish a Heritage Property**

Dear Councillors:

As President of the Architectural Conservancy of Ontario Inc. (ACO) I wish to express our opposition to the recent application for demolition of the heritage home at 172 Central Avenue, London. We share the views of our London Region Branch of ACO.

In her letter of July 2, 2018, Jennifer Grainger, President of the London Region Branch of ACO explained the heritage significance of this property. It was the home of Dr. Oronhyatekha, the second indigenous physician in Canada (having graduated from the University of Toronto medical school in 1866) and the first known indigenous Oxford scholar. He was of Mohawk ancestry, born in the Six Nations of the Grand River and buried in Tyendinaga. In addition to his success as a physician and other humanitarian endeavours, he led the Independent Order of Foresters fraternal insurance organization (now Foresters Financial) for 26 years. He was designated a Person of National Historic Significance by Parks Canada in the early 2000s.

It is ACO understands that his London home is the only remaining structure significantly related to his life that is still standing. Even if the house did not have significant architectural merit (which it does), we believe that it should be preserved due to its association with this very impressive, nationally important figure.

We are currently working with our London Region branch to arrange for an independent ACO *PreservationWorks!* assessment of the building by a qualified engineer. *PreservationWorks!* is an ACO program that provides expert advice on conservation and heritage projects across Ontario. The assessment would be, of course, subject to the current owner of the building providing the independent expert with access to the interior and exterior of the building. The London branch has already requested such access (through the City's Heritage Planner), and we encourage you to facilitate this to the extent possible.

403-10 Adelaide Street East Toronto, ON M5C 1J3  
T 416.367.8075 TF 1.877.264.8937 F 416.367.8630 E [manager@arconserv.ca](mailto:manager@arconserv.ca)

[www.arconserv.ca](http://www.arconserv.ca)

**The past. Our present. Your future.**



At this stage, it would be appropriate in our opinion to defer a decision on the demolition application until after the *PreservationWorks!* expert has the opportunity to assess the building and review the existing engineering report.

Yours truly,

A handwritten signature in black ink, reading "F. Leslie Thompson". The signature is written in a cursive, flowing style.

F. Leslie Thompson  
MFA MBA FCSI ICD.D CMC HRCCC  
President  
Architectural Conservancy of Ontario Inc.

cc

Members of the Planning and Environment Committee

Councillor Maureen Cassidy  
Councillor Jesse Helmer  
Councillor Ana Hopkins  
Councillor Tanya Park  
Heather Lysynski, PEC Committee Secretary

Members of the London Advisory Committee on Heritage

Jerri Bunn, LACH Committee Secretary

Jennifer Grainger, President, London Region Branch of the Architectural Conservancy of Ontario  
Kelly McKeating, London Region Branch of the Architectural Conservancy of Ontario

**From:** On Behalf Of Mike Rice  
**Sent:** Friday, July 06, 2018 1:50 PM  
**To:** Lysynski, Heather <[hlysynsk@London.ca](mailto:hlysynsk@London.ca)>  
**Cc:** Bunn, Jerri-Joanne <[jbunn@London.ca](mailto:jbunn@London.ca)>  
**Subject:** 172 Central Ave.

To whom it may concern,

On behalf of the London Middlesex Historical Society we request that you do NOT issue a demolition certificate for 172 Central Ave.. This residence has significant architectural details, and was the home of Dr. Oronhyatekha a local doctor who later went on to be head of the Odd Fellows fraternal organization. To allow this demolition will change the context of history, and in our opinion will change the character of the neighbourhood. We ask you to choose wisely. Yours truly, Mike Rice president London Middlesex Historical Society



www.sixnations.ca

**Administration**

519-445-2201  
(f) 519-445-4208

July 11<sup>th</sup>, 2018.

**Economic Development**

(519) 753-1950  
(f) 758-0768

Ms. Heather Lysnyski  
Committee Secretary  
Planning and Environment Committee  
City of London, Ontario

**Health Services**

445-2418  
(f) 445-0368

**Housing**

445-2235  
(f) 445-2778

Re: Agenda Item for July 16<sup>th</sup>, 2018  
House at 172 Central Avenue  
London, Ontario

**Human Resources**

445-2223  
(f) 445-2266

The Mohawks of the Bay of Quinte and the Six Nations of the Grand River urge the City of London to preserve the house located at 172 Central Avenue as a heritage building. We urge the City to strongly consider the historic importance of this house which was built by Dr. Oronhyatekha (Peter Martin) in 1882 and where he resided until 1889.

**Lands/Membership**

445-4613  
(f) 445-2778

Dr. Oronhyatekha is a person of national historic significance who became the Supreme Chief Ranger (CEO) of the Independent Order of Foresters in 1881. This is a position which he held for 26 years, and as such, resided in London, Ontario, while he built the organization into an international entity. His significant duties finally called him to reside in Toronto and he moved there in 1889. (See Link - <http://www.mbg-tmt.org/assets/Nation%20Building/DrObrochure.pdf>).

**Lands & Resources**

519-753-0665  
(f) 519-753-3449

Dr. Oronhyatekha was a Physician and was the first Indigenous Person to attain such training and certification, having studied at Oxford in England. He was born on the Six Nations Reserve and was baptized Peter Martin. He later married Ellen Hill (Deyoronseh) from the Mohawks of the Bay of Quinte at Tyendinaga Reserve.

**Parks & Recreation**

445-4311  
(f) 445-4401

In addition to being highly regarded in international circles for his accomplishments, Dr. Oronhyatekha's legacy is cherished by both the Mohawks of the Bay of Quinte and the Six Nations of the Grand River.

**Public Works**

445-4242  
(f) 445-4763

It would be in order to suggest that the City of London should likewise be proud to have had this important citizen who, while he resided in your City, was the architect of a significant international organization named The Foresters. His stately home is a testament to his accomplishments and you should take the utmost care to preserve this historic building.

**Social Services**

445-0232  
(f) 445-1783

**Welfare**

445-2084  
(f) 445-0133

Should you have any questions or require a meeting to further discuss this issue, we would be pleased to accommodate you.

Thank you very much for your kind consideration.

Yours truly,



Ava Hill  
Chief  
Six Nations of the Grand River

Cc: Chief Don Maracle, Mohawks of the Bay of Quinte  
Cc: Paula Whitlow, Woodland Cultural Centre



WOODLAND  
CULTURAL CENTRE

6 July 2018

*Via Email*

Heather Lysynski  
Committee Secretary  
For inclusion on the  
Planning & Environment Committee Agenda on July 16, 2018.

**RE: 172 Central Avenue, London Ontario**

We have recently become aware of the proposed demotion of 172 Central Avenue. We understand this to be the former residence of a member of Six Nations of the Grand River and person of national significance, Dr. Oronhyatekha.

We write to express our objection to this action as it is associated within a designated heritage district with intrinsic characteristics that reflect the prominent life and lifestyle of Dr. O.

Considering the lack of information on Indigenous content within the school system and the general public, preserving the home has the potential to be a teachable moment.

Rather than work toward demolition, our desire is to seek out a resolution of designation of 172 Central Avenue in association with Mohawk leader and trail-blazer, Dr. Oronhyatekha.

To quote Dr. O, *"there are a thousand Peter Martins (his baptized name) but there is only one Oronhyatekha"*. As such, there is only one 172 Central Avenue that reflect his Victorian values and Mohawk ideals.

Kind regards,

Paula Whitlow  
Co-Executive Director  
Museum Director

[pwhitlow@woodlandculturalcentre.ca](mailto:pwhitlow@woodlandculturalcentre.ca)

cc. Tanya Park, Ward Councillor

184 MOHAWK ST. BRANTFORD, ON. N3S 2X2  
WOODLANDCULTURALCENTRE.CA  
519-759-2650



**Huron**  
AT WESTERN

**Re: Proposed Demolition of 172 Central Avenue**

9 July 2018

Dear members of the Planning and Environment Committee,

Because I cannot attend your meeting next Monday, I am writing to express both professional and personal concerns about the proposed demolition of 172 Central Avenue, the nineteenth-century home of Mohawk physician Dr. Oronhyateka (Peter Martin), a person of national historical significance. As a historian of Canada's early history, specifically nineteenth-century Indigenous intellectuals, I am concerned that this demolition will further erode the physical traces of this culture. As a citizen of London, I worry about the loss of much of this city's early heritage. Though traces of the city's early downtown development remain, much of this built heritage no longer exists. If we are to reinvigorate our city's core, the protection of its built heritage must be a central priority.

The site at 172 Central Avenue is historically significant for three reasons. First, it marks a site of important local history. It was from here that Dr. Oronhyateka conducted work with the Grand General Indian Council of Ontario, a political body that sought to influence government policies related to Indigenous peoples at a time when First Peoples had little power. It was also from here that Oronhyateka began his work with the Independent Order of Foresters, a fraternal organization that achieved global influence much because of his efforts. Michelle Hamilton and Keith Jamieson well document this in their recent book *Dr. Oronhyateka: Security, Justice and Equality*.

From a broader perspective, over the past five-to-ten years historians have demonstrated that Indigenous professionals like Oronhyateka are important for understanding the nineteenth-century history of the Great Lakes region. Though many people point to Oronhyateka's schooling as unique, this emerging literature points to the broader context in which it occurred. Recently, I published a synthesis of recent historical work on this subject in *History Compass* (<https://doi.org/10.1111/hic3.12445>). I encourage you to consult this essay before making your decision. 172 Central provides important insight into the intellectual cultures I describe here.

Finally, as Canadians reflect on the truths uncovered through our Truth and Reconciliation Commission, we have been called to change our behaviour as it relates to Indigenous histories and cultures. Several of the TRC's Calls-to-Action call for you to weigh seriously this decision (i.e. 43, 57, 77, and 79ii) and – I would suggest – in favour of the arguments put forth by local First Nations, especially Six Nations of the Grand River.

Thank you for taking this letter into consideration as you deliberate the fate of this building.

Thomas Peace  
Assistant Professor  
Department of History

166 John Street,  
London, Ontario, N6A 1P1  
July 10, 2018

**Re: the demolition request for 172 Central Avenue**

I am not in the habit of writing letters to council members or letters to the editor, but I have been roused by the thought that an architectural gem in my neighbourhood—172 Central Avenue—is being considered for demolition.

I live at 166 John Street and have admired this house on 172 Central for many years. The house is both imposing and stately, but it is built on a human scale that fits in elegantly with the rest of the brick houses on the block. Italianate in style, it has a very pleasing symmetry that charms the eye. I have lived in the neighbourhood for over 40 years and have walked past the house frequently. Especially in the last 12 years, when I have had a dog that requires many daily walks, I pass the house every day and have had many chances to admire the features that make this house special: the inviting circular driveway with the tree in the centre; the deeply overhanging eaves with the carved brackets; the attractive brickwork quoins at the corners; the symmetry of the windows on the front face; and the nifty gable right in the centre of the house.

In the past year, alas, I have noticed the house has been empty and it was with considerable dismay that I learned about the demolition request. My strong hope is that Council will decline this request and instead preserve 172 Central as an important element in the neighbourhood. As Stewart Brand puts it in his book, *How Buildings Learn: What Happens after they're Built*, almost any building that is one hundred years old or more becomes attractive. The house at 172 Central started off as a most attractive building and its appeal has only increased since the 1880s, when it was first built. It has a charm and quality that can never be recovered, once the building is destroyed.

I was unaware, until recently, that 172 Central Avenue also has considerable historical significance as the home of an important person, as described in Joe Belanger's Dec 4, 2016 story in the *London Free Press* ("It took a 20-year journey to publish the story of an inspiring Mohawk doctor and leader" <https://lfpres.com/2016/12/04/it-took-a-20-year-journey-to-publish-the-story-of-an-inspiring-mohawk-doctor-and-leader/wcm/5c27a7b8-7052-4636-7aad-0e6aa2584606> ). Its first owner and occupant, Dr. Oronhyatekha, was a Mohawk of the Six Nations who qualified as a physician and surgeon in 1867—among the very first doctors of First Nations heritage to qualify in Canada—and opened a practice in downtown London. In demolishing the house, London would also be erasing some of the history that links early London to the Six Nations community.

For cultural, historical, and architectural reasons, the house at 172 Central should be preserved as a heritage building in North Talbot, not torn down.

Sincerely,

Catherine Ross



2-166 John Street,  
London, Ontario, N6A 1P1  
July 10, 2018

**Re: the demolition request for 172 Central Avenue**

I live at 166 John Street and have admired the house at 172 Central since long before living at my current address. I first became aware of this house as the residence of Gino and Marie Lorcini. Gino being a noted Canadian artist and Marie a harpist of international renown.

<https://www.artprice.com/artist/62652/gino-lorcini/biography>

<https://www.thecanadianencyclopedia.ca/en/article/marie-iosch-lorcini-emc/>

I have lived in the neighbourhood for more than 40 years and have walked past the house pretty much every day. I have always admired the stately symmetry of this house with its inviting circular driveway and its double iron staircase leading to the central entranceway. Other special features that distinguish this house are the deeply overhanging eaves supported by carved brackets, the attractive brickwork, the symmetry of the windows, and the central gable.

I didn't realize, until recently, that 172 Central Avenue was first lived in by Dr. Oronhyatekha, a Mohawk of the Six Nations who was among the first doctors of First Nations heritage to qualify in Canada as a medical doctor. In demolishing the house, London would be erasing some of the history that links early London to the Six Nations community and not incidentally to an outstanding individual thoroughly deserving of recognition and commemoration. Recently a book has been published by Dundurn Press that tells the story of Dr. Oronhyatekha and his significant contributions to medicine and culture in London.

I was alarmed to hear that you could be considering demolishing this architectural jewel. My hope is that you will choose instead to preserve the house at 172 Central, which is a cornerstone for the whole block of brick houses along this stretch of Central Avenue. Tear this one house down and the rest will eventually be lost, little by little, and a significant piece of London history and architecture will be lost.

In a nutshell, for cultural, historical, and architectural reasons, the house at 172 Central should be preserved as a heritage building, not torn down — as has regrettably been the fate of much of our collective built heritage.

Sincerely,

David Hallam



North Talbot Neighbourhood Assoc.

Re: Heritage Designation of 172 Central Ave.

July 10, 2018

Dear Members of Council,

We support the staff recommendation to designate 172 Central Ave. as a heritage property. Many of us in the North Talbot area live in homes that were built in the mid and late 19<sup>th</sup> century and understand the challenges and expense of maintaining a house that is older than 100 years. We are encouraged by the engineer's report that states the structure of the house at 172 Central, while in poor condition, is repairable and that if designated as a heritage property, the new owners can take advantage of provincial grant programs designed to alleviate the costs of restoring historical homes.

We will not reiterate the historical value of 172 Central Ave, as this has been well articulated in the staff report and by historians, but do wish to add that 172 Central Ave. stands as a witness not only to the history of our neighbourhood, but how Ontario came to be and celebrates those individuals and artisans that played a leading role in shaping our community today. Witnesses of the distant past can only be preserved in structures and artifacts and old living trees.

These witnesses to the past make our shared history real and ground many of us in our identity. Even for those individuals that place little value on heritage, they cannot escape the influence of our history on contemporary society. However, once a building is demolished, the history is often forgotten.

Sincerely,

Eugene Di Trolio  
14 St George St London ON N6A 2Z3

AnnaMaria Valastro  
133 John Street, Unit 1 London Ontario N6A 1N7



# MOHAWKS OF THE BAY OF QUINTE

## KENHTEKE KANYEN'KEHÁ:KA

COMMUNITY SERVICES

24 Meadow Drive, Tyendinaga Mohawk Territory, ON K0K 1X0  
Phone 613-396-3424 Fax 613-396-3627

July 10, 2018

Chair and Members, Planning and Environment Committee  
300 Dufferin Avenue  
London, Ontario  
N6B 1Z2

Via Email: [PEC@london.ca](mailto:PEC@london.ca)

Re: Request for Demolition - 172 Central Avenue, London, Ontario

Dear Chair and Members,

It has come to our attention that a request has been put forward to demolish the house located at 172 Central Avenue in London, Ontario. As this house is protected by the Ontario Heritage Act, this request will be considered, and a decision made, by Municipal Council.

I am writing to express our deep opposition to the demolition of this home as it once belonged to Dr. Oronhyatekha, a man of great importance to our community, and Indigenous people in Canada. He had family ties to both Six Nations of the Grand River and to the Mohawks of the Bay of Quinte (MBQ). His mother was Lydia Loft of the MBQ and his father was Peter Martin of Six Nations.

Dr. Oronhyatekha had a great many accomplishments during his life; in medicine, sports, politics, business and in writing. He was one of the first Indigenous physicians in Canada and particularly served our own community for a period of time. He also set up a practice in the Oneida community while he was living in London, at the very house that is under the threat of being demolished. He was a Wimbledon rifle champion participating on both the Canadian team and the Ontario team.

Dr. Oronhyatekha was the first Indigenous person to attend Oxford University, and graduated from the University of Toronto, where he received his degree in Medicine. He was also the first non-white member of the Independent Order of Foresters, a company he successfully transformed financially, and eventually

became its Supreme Chief Ranger. Some of this work being done while he resided in London in the 1880's.

You may not be aware that Dr. Oronhyatekha is a Canadian Figure of National Historic Significance. This great honour was bestowed in 2005 with a plaque installed at Christ Church, Her Majesty's Chapel Royal of the Mohawks here in Tyendinaga, his burial place.

Dr. Oronhyatekha was a bridge between the Indigenous and non-Indigenous worlds and an incessant supporter of the Mohawk language. There is a wealth of information both published and not, surrounding his diligent work and remarkable accomplishments during his lifetime. It would be a shame to see this beautiful home so rich in history demolished.

I respectfully ask you to carefully consider this request to not demolish the home of Dr. Oronhyatekha and to keep our opposition in mind when coming to a decision in this matter.

Sincerely,



Chief R. Donald Maracle  
Mohawks of the Bay of Quinte

cc. Tyendinaga Mohawk Council  
The Honourable Sylvia Jones, Minister of Tourism, Culture & Sport  
The Honourable Melanie Joly, Minister of Canadian Heritage  
College of Physicians & Surgeons Ontario  
The Honourable Doug Ford, Premier of Ontario  
Chief Ava Hill, Six Nations of the Grand River  
Keith Jamieson  
Iroquois Caucus

*July 11, 2018*

Members of Planning & Environment Committee (PEC) of the City of London:

Councillor Stephen Turner (Chair)  
Councillor Maureen Cassidy  
Councillor Jesse Helmer

Councillor Anna Hopkins  
Councillor Tanya Park

Members of the London Advisory Committee on Heritage (LACH), via Committee Secretary

Copied: Heather Lysynski, PEC Committee Secretary and Jerri Bunn, LACH Committee Secretary

**Re: Demolition Request for 172 Central Avenue**

Dear Councillors,

I write to inform you of the historical significance of 172 Central Avenue in consideration of the request before you for the demolition of the listed property. The property holds a rich history as the home of Dr. Oronhyatekha while he lived in London from 1874 to 1889. Dr.

Oronhyatekha was the first known indigenous Oxford scholar in Canada and pioneer of the Independent Order of Foresters (IOF), an international Fraternal Benefit Society. In addition to providing life insurance and financial services, the IOF offers valuable benefits to members and the communities in which they live in, including community volunteer grants, academic scholarship programs and emergency financial assistance.

Dr. Oronhyatekha was the organization's international leader for 26 years. He played a fundamental role in the financial growth and development of the IOF during his tenure, leading the organization to distribute more than \$20 million in social benefits and insurance payments.

Dr. Oronhyatekha was responsible for several milestones in the North American life insurance landscape, including championing the rights of women, children and minorities. He promoted and initialized the admittance of women as full members of IOF. Housing and education for orphans of deceased or struggling Foresters members, was an important fraternal benefit Dr. Oronhyatekha sponsored throughout his life. For growing the IOF into a successful fraternal organization which provided aid to many in need, Dr. Oronhyatekha was designated a Person of National Historic Significance by Parks Canada in 2001.

The home of Dr. Oronhyatekha is the only remaining structure related to his life that is still standing and should be preserved as a valuable monument to Canada's fraternal legacy.

Thank you for your consideration,



Suanne Nielsen  
Global Chief Administration Officer, Foresters Financial

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** John M. Fleming  
Managing Director, Planning and City Planner  
**Subject:** The Tricar Group  
230 North Centre Road  
**Public Participation Meeting on:** July 16, 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 The Tricar Group relating to the property located at 230 North Centre Road:

- (a) The comments received from the public during the public engagement process attached as Appendix "A" to the staff report dated July 16, 2018, **BE RECEIVED**
- (b) Planning staff **BE DIRECTED** to make the necessary arrangements to hold a future public participation meeting regarding the above-noted application in accordance with the *Planning Act*, R.S.O 1990, c.P. 13.

**IT BEING NOTED** that staff will continue to process the application and will consider the public, agency, and other feedback received during the review of the subject application as part of the staff evaluation of the subject application.

## Executive Summary

### Summary of Request

The requested amendment is to permit a site-specific bonus zone to allow for a 22-storey apartment building which will include 218 residential units within the tower portion of the building, 7 podium units along North Centre Road and 5 podium units along Richmond Street (230 units total).

### Purpose and the Effect

The purpose and effect of the recommended action is to:

- i) Present the requested amendment in conjunction with the statutory public meeting;
- ii) Preserve appeal rights of the public and ensure Municipal Council has had the opportunity to review the Official Plan and Zoning By-law Amendment request prior to the expiration of the 210 day timeframe legislated for a combined Official Plan and Zoning By-law Amendment;
- iii) Introduce the proposed development and identify matters raised to-date through the technical review and public consultation;
- iv) Identify a new proposal submitted by the applicant that is currently going through a public review process; and
- v) Bring forward a recommendation report for consideration by the Planning and Environment Committee at a future public participation meeting once the review of the revised proposal is complete.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site is located on the northeast corner of the Richmond Street and North Centre Road intersection. The site is approximately 1.16 ha in size and is currently undeveloped. The subject site was previously part of a large block of land created through a plan of subdivision in 1997. The eastern portion of this block developed for a continuum-of-care facility (Richmond Woods Retirement Village) while the western portion (the subject site) remained vacant. The site was formally created through a consent application (2016) which severed the subject site from the Richmond Woods Retirement Village development. The lands directly south are designated and used for Office uses while the remainder of the lands on the south side of North Centre Road are designated as High Density Residential through the 1989 Official Plan and have been developed as townhouses. To the north is a large estate lot owned by Western University that underwent a rezoning in 2014 for a mix of medium density residential type uses. The zoning was approved on April 15, 2014. To the west of the site are lands that were also designated for High Density Residential uses that developed as two storey townhouses.

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

- Official Plan Designation – Multi-Family, Medium Density Residential
- The London Plan Place Type – Transit Village
- Existing Zoning – Holding Residential R5/R7/R8 (h-5\*R5-7/R7\*D75\*H12/R8-4\*H12) Zone

#### 1.3 Site Characteristics

- Current Land Use – Vacant
- Frontage – 80 metres
- Depth – 105 metres
- Area – 1.16 ha
- Shape – Rectangular

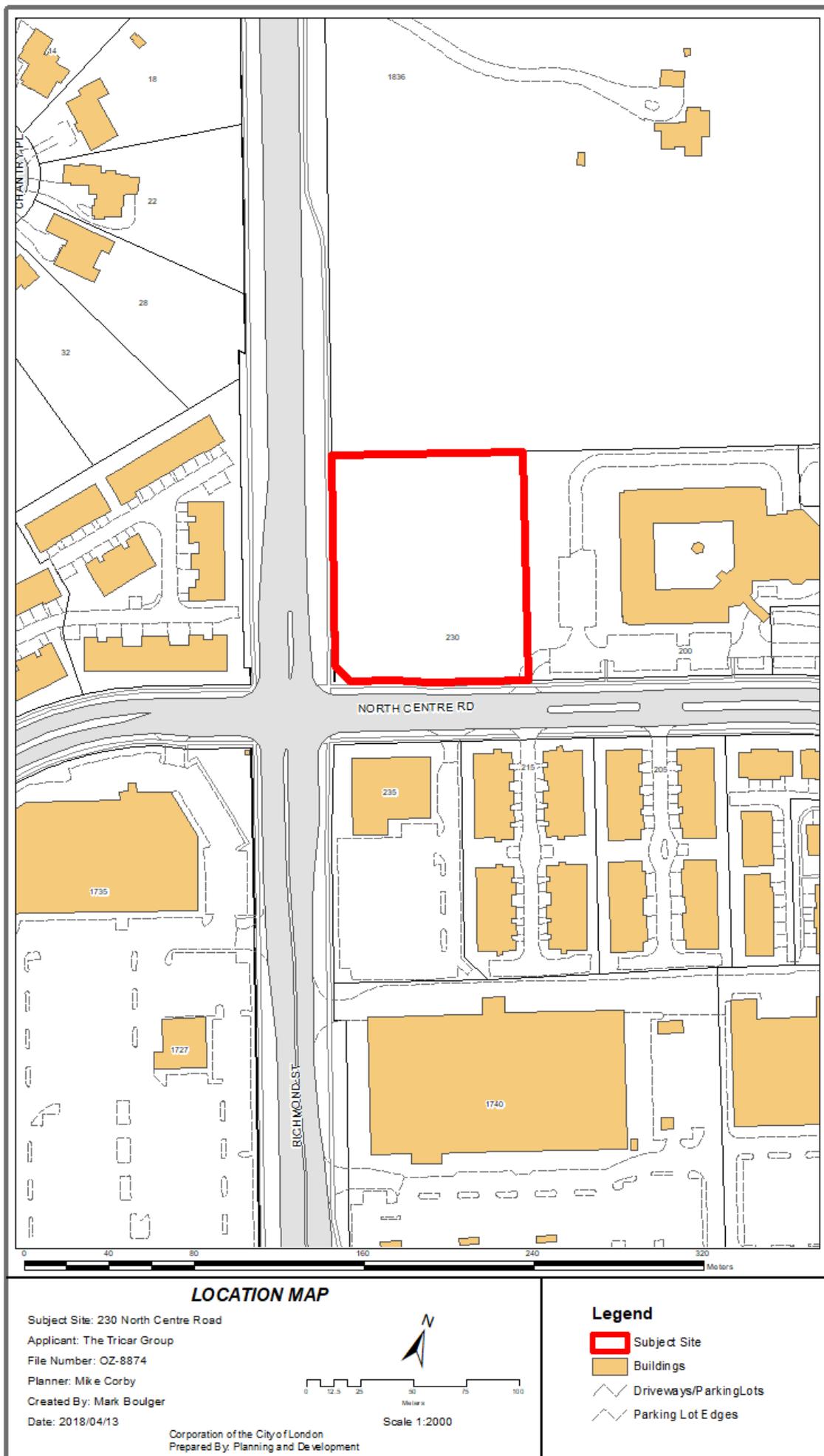
#### 1.4 Surrounding Land Uses

- North – Large Estate Lot
- East – Continuum of Care Facilities
- South – Office/Commercial/Residential
- West – Residential/Commercial

#### 1.5 Intensification (identify proposed number of units)

- The proposed development will represent intensification within the Built-area Boundary
- The proposed development will represent intensification within the Primary Transit Area

1.5 Location Map

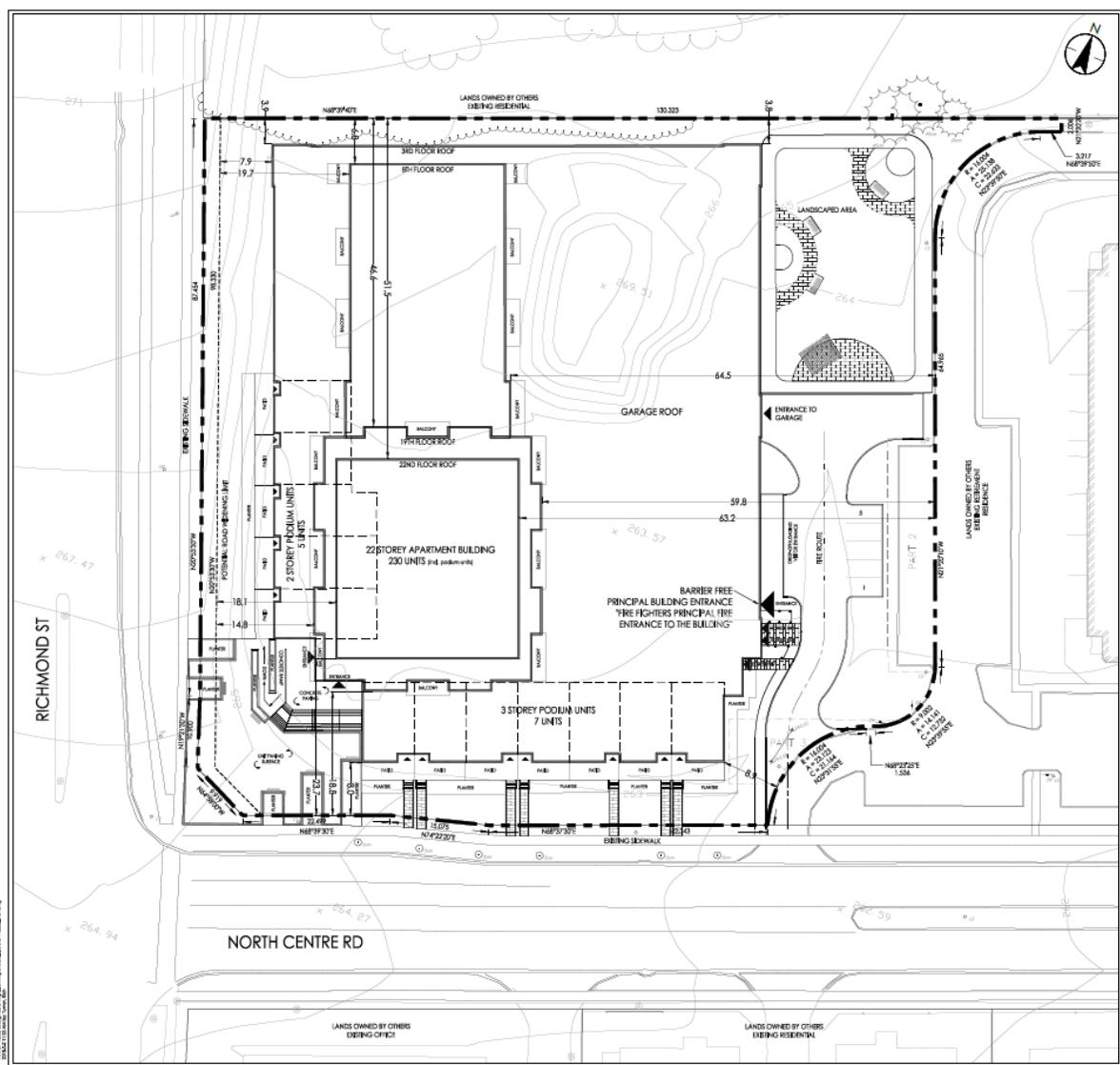


## 2.0 Description of Proposal

### 2.1 Development Proposal

The proposal is for a 22-storey apartment building at a maximum height of 73.2m (240ft), with a total of 230 residential units constructed on a 2-3 storey podium. The proposal provides podium units fronting North Centre Road and Richmond Street to respond to the pedestrian interface at the street. The total residential density of the proposed development is 199 units per hectare (UPH).

Figure 1: Conceptual Site Plan



A total of 335 parking spaces for the development have been accommodated through one level of underground parking and two levels of podium parking located internal to the building and screened by the townhouse units along Richmond Street and North Centre Road. 5 parking spaces are available at grade. Vehicular access is provided through a joint access at the easterly edge of the property along North Centre Road.



Figure 2: Conceptual Rendering: view from the southwest



Figure 3: Conceptual Rendering: view of from the southwest

## 2.2 Submitted Studies

The application was accepted as completed on February 9, 2018. The following information was submitted with the application:

- Planning Justification Report
- Tree Preservation Plan
- Sanitary Servicing Design Brief
- Storm Servicing Brief
- Water Servicing Brief
- Conceptual Site Plan
- Urban Design Brief
- Zoning Referral Record

### 2.3 Requested Amendment

The requested amendment is for an Official Plan amendment from a Multi-Family, Medium Density Residential designation to a Multi-Family, High Density Residential designation as well as a Zoning By-law amendment from a Holding Residential R5/R7/R8 (h-5\*R5-7/R7\*D75\*H12/R8-4\*H12) Zone, to a Residential R9 Bonus (R9-7\*B(\_)) Zone to an R9-7 zone and a site specific bonus zone to allow for the proposed apartment building. The bonus zone is requested to permit the following:

- Maximum Density of 199 UPH;
- Maximum height of 72.5m; and,
- Maximum lot coverage of 57.1%.
- Reduction in exterior and rear yard setbacks

### 2.4 Revised Amendment (to be considered at a future Public Meeting)

On June 14, 2018 Tricar presented revised design drawings in an effort to address some of the concerns raised by the public. The result is an 18 storey building with the tower portion of the development moved from the southwest corner to the northwest corner of the site. The townhouses have been extended north along the podium portion of the building which fronts Richmond Street and an 8-storey wing is being proposed along the northerly limit. The development will provide a total of 230 units and maximum height of 61m.



Figure 4: View looking northeast from intersection



Figure 4: View looking northwest from North Centre Road

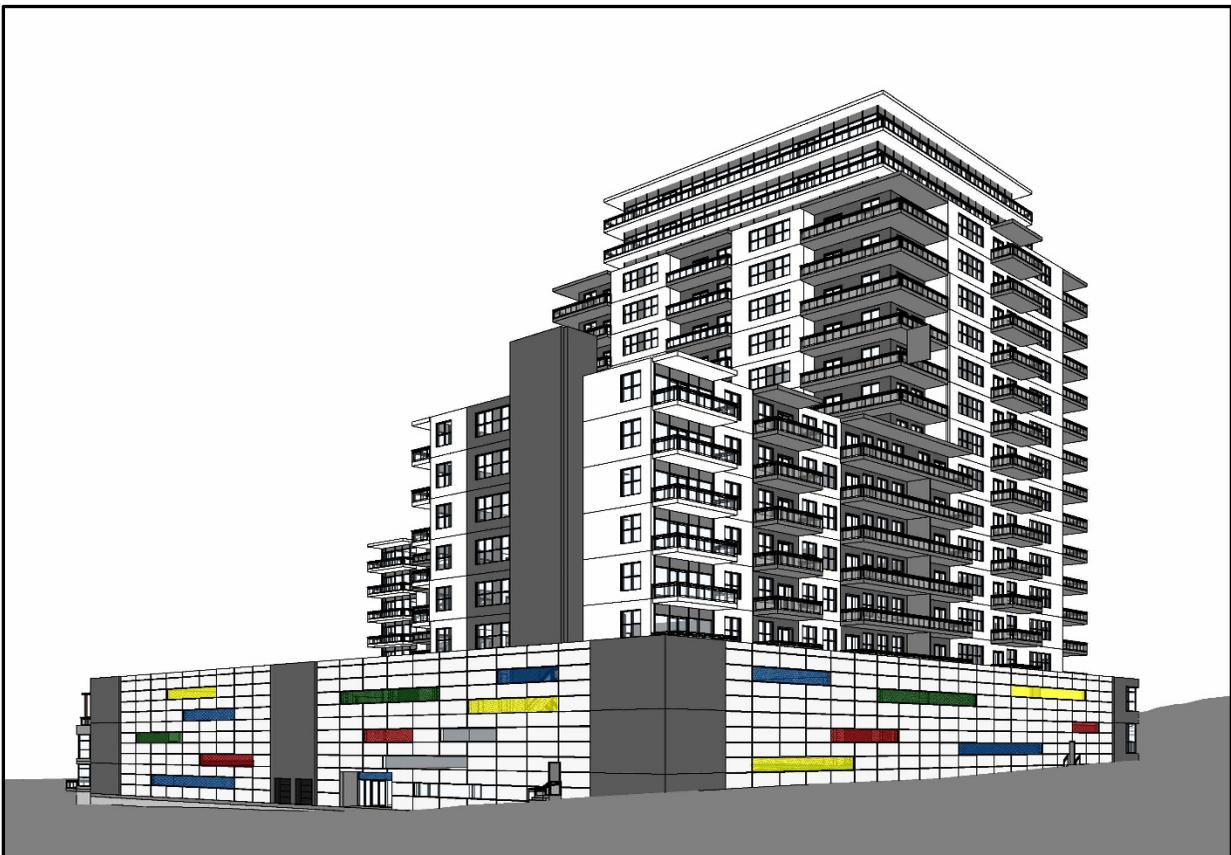
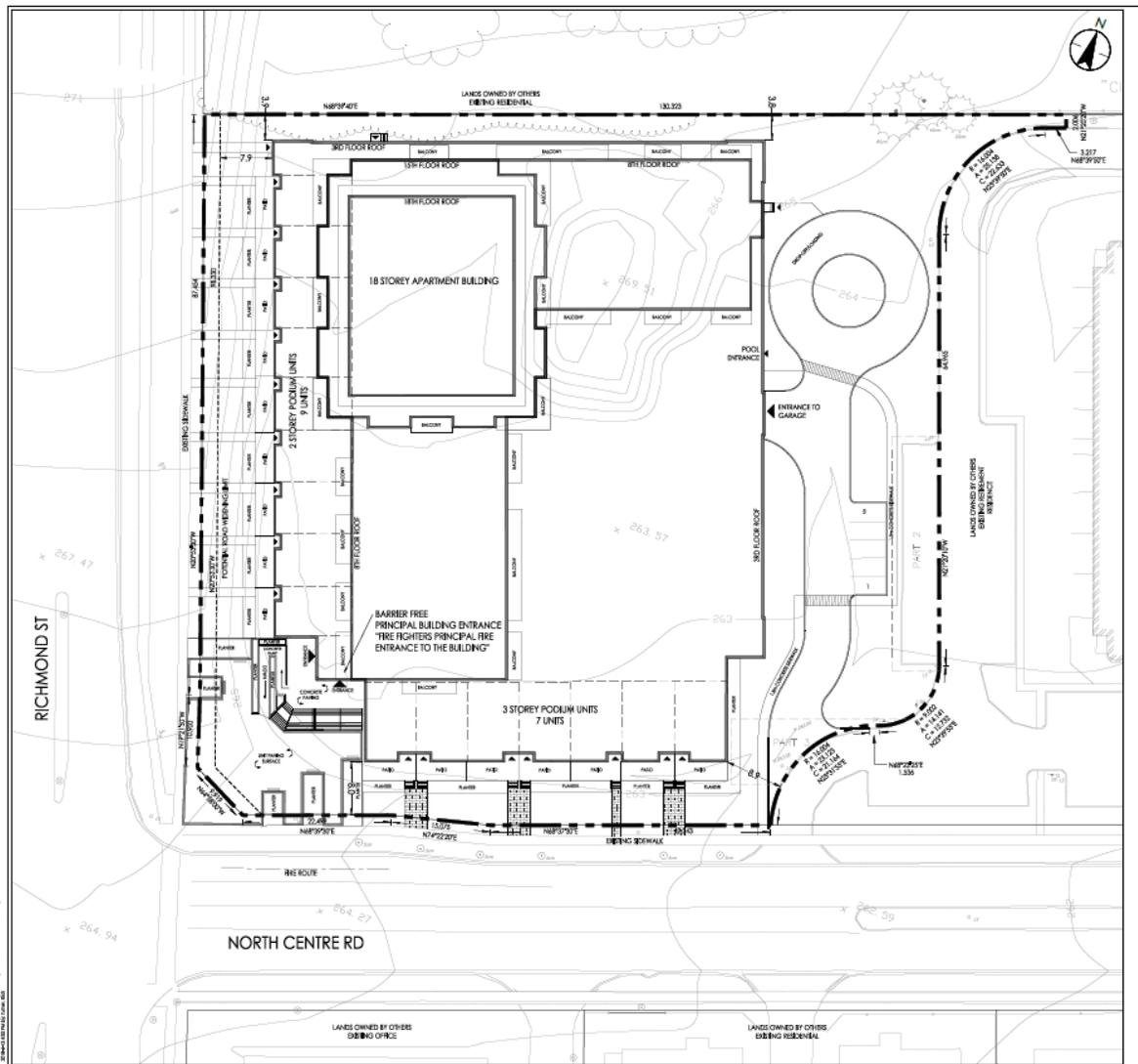


Figure 4: View looking southwest



### Conceptual Site Plan

The site layout is similar to the previous proposal with 5 parking spaces at grade however a turning circle has been provided on the northeast corner for drop-off and loading purposes. This proposal was presented at a Community Information Meeting on July 3<sup>rd</sup>, 2018 but as of the date of this report, the application has not been formally amended to consider this new proposal.

## 3.0 Relevant Background

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

There were 54 responses received during the community consultation period, with an additional 14 submitted at the Community Information Meeting, which was held on March 21, 2018, where approximately 64 people attended. The most commonly received comments include:

Concerns for:

- the proposed height of the building
- the impact of the shadows and loss of sunlight cast by the buildings
- loss of privacy
- proposed scale too large, not in keeping with character of the area.
- limited surface parking
- lack of infrastructure to support the increase in density
- potential increases in traffic along North Centre Road
- safety concerns created for the seniors home and traffic accessing North Centre
- construction traffic/noise and dust

- impacts of construction regarding noise, dust, vibration, and service interruptions
- potential impacts on natural area to the northeast

### 3.2 Policy Context

The subject site is currently located in a Multi Family, Medium Density Residential (“MFMDR”) Designation which runs along the north part of North Centre Road to the east. The south side of North Centre Road has a Multi-Family, High Density (“MFHDR”) Designation running along North Centre Road to the east with another High Density Designation located on the west side of Richmond Street along the north side of North Centre Road running west. Through this application the applicant is seeking to change the MFMDR designation on the subject site to the MFHDR designation similar to what exists in the area. The London Plan identifies the subject site and surrounding area as a Transit Village Place Type which provides a broad range of uses and heights.

#### Provincial Policy Statement, 2014

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. Appropriate land use patterns within settlement areas are established by providing appropriate densities and mix of land uses that efficiently use land and resources along with the surrounding infrastructure, public service facilities and are also transit-supportive (1.1.3.2).

The policies of the PPS require municipalities to identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock [1.1.3.3] while promoting appropriate development standards which facilitate intensification, redevelopment and compact form [1.1.3.4] and promoting active transportation limiting the need for a vehicle to carry out daily activities [1.1.3.2, 1.6.7.4].

The PPS also promotes an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents (1.4 Housing). It directs planning authorities to permit and facilitate all forms of housing required to meet the social, health and wellbeing requirements of current and future residents, and direct the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs. It encourages densities for new housing which efficiently use land, resources, and the surrounding infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed.

In accordance with section 3 of the Planning Act, all planning decisions ‘shall be consistent with’ the PPS.

#### Official Plan

The proposed application is to change the current Official Plan designation to Multi Family, High Density Residential. *“The Multi-Family, High Density Residential designation is intended to accommodate large-scale, multiple-unit forms of residential development. The preferred locations for this designation are lands adjacent to major employment centres, shopping areas, major public open space, transportation routes, and where high density development will not adversely affect surrounding land uses. This type of development provides for an efficient use of land, energy and community*

*services and facilities, and contributes to a broad range of choice in housing location, tenure and cost throughout the municipality”*

The following are policy excerpts from the Official Plan that are relevant to this development application:

#### 3.1.4 Multi-Family, High Density Residential Objectives

- i) Support the development of multi-family, high density residential uses at locations which enhance the character and amenity of a residential area and where arterial streets, public transit, shopping facilities, public open space, and recreational facilities are easily accessible; and where there are adequate municipal services to accommodate the development.*
- ii) Provide opportunities for the development of multi-family, high density residential buildings at locations adjacent to major public open space areas where compatibility with adjacent land uses can be achieved.*
- iii) Promote, in the design of multi-family, high density residential developments, sensitivity to the scale and character of adjacent land uses and to desirable natural features on, or in close proximity to, the site.*

#### 3.4.1. Permitted Uses

*The primary permitted uses in the Multi-Family, High Density Residential designation shall include low-rise and high-rise apartment buildings; apartment hotels; multiple-attached dwellings; emergency care facilities; nursing home; rest homes; homes for the aged; and rooming and boarding houses. Zoning on individual sites would not normally allow for the full range of permitted uses.*

#### 3.4.2. Locations

*In addition to areas predominantly composed of existing or planned high density residential development, the preferred locations for the Multi-Family, High Density Residential designation shall include areas near the periphery of the Downtown that are appropriate for redevelopment; lands in **close proximity to Enclosed Regional Commercial Nodes** or New Format Regional Commercial Nodes or Community Commercial Nodes, Regional Facilities or designated Open Space areas; and, lands abutting or **having easy access to an arterial** or primary collector road. Other locations which have highly desirable site features and where surrounding land uses are not adversely affected may also be considered for high density residential development. Consideration will be given to the following criteria in designating lands for Multi-Family, High Density Residential use: (Section 3.4.2. amended by OPA 438 Dec. 17/09)*

##### *Compatibility*

- i) Development of the site or area for high density residential uses shall take into account surrounding land uses in terms of height, scale and setback and shall not adversely impact the amenities and character of the surrounding area.*

##### *Municipal Services*

- ii) Adequate municipal services can be provided to meet the needs of potential development.*

##### *Traffic*

- iii) Traffic to and from the location should not have a significant impact on stable low density residential areas.*

#### *Buffering*

- iv) The site or area is of suitable shape and size to accommodate high density housing and provide for adequate buffering measures to protect any adjacent low density residential uses.*

#### *Proximity to Transit and Service Facilities*

- v) Public transit service, convenience shopping facilities and public open space should be available within a convenient walking distance.*

#### 3.4.3. Scale of Development

*Net residential densities in the Multi-Family, High Density Residential designation will vary by location and will be directed by the policies in this Plan. Excluding provisions for bonusing, net residential densities will normally be less than 350 units per hectare (140 units per acre) in the Downtown Area, 250 units per hectare (100 units per acre) in Central London (the area bounded by Oxford Street on the north, the Thames River on the south and west and Adelaide Street on the east), and 150 units per hectare (60 units per acre) outside of Central London.*

#### Density Bonusing

- iv) Council, under the provisions of policy 19.4.4. and the Zoning By-law, may allow an increase in the density above the limit otherwise permitted by the Zoning By-law in return for the provision of certain public facilities, amenities or design features. The maximum cumulative bonus that may be permitted without a zoning by-law amendment (as-of-right) on any site shall not exceed 25% of the density otherwise permitted by the Zoning Bylaw. Bonusing on individual sites may exceed 25% of the density otherwise permitted, where Council approves site specific bonus regulations in the Zoning By-law. In these instances, the owner of the subject land shall enter into an agreement with the City, to be registered against the title to the land.*

The bonusing provisions set out in the Official Plan are as follows:

*19.4.4. Bonus Zoning Under the provisions of the Planning Act, a municipality may include in its Zoning By-law, regulations that permit increases to the height and density limits applicable to a proposed development in return for the provision of such facilities, services, or matters, as are set out in the By-law. This practice, commonly referred to as bonus zoning, is considered to be an appropriate means of assisting in the implementation of this Plan.*

#### Principle

- i) The facilities, services or matters that would be provided in consideration of a height or density bonus should be reasonable, in terms of their cost/benefit implications, for both the City and the developer and must result in a benefit to the general public and/or an enhancement of the design or amenities of a development to the extent that a greater density or height is warranted. Also, the height and density bonuses received should not result in a scale of development that is incompatible with adjacent uses or exceeds the capacity of available municipal services.*

#### 19.4.4 Objectives

- ii) "Bonus Zoning is provided to encourage development features which result in a public benefit which cannot be obtained through the normal development process. Bonus zoning will be used to support the City's urban design principles, as contained in Chapter 11 and other policies of the Plan, and may include one or more of the following objectives:*

- (a) to support the provision of the development of affordable housing as provided for by 12.2.2.
- (b) to support the provision of common open space that is functional for active or passive recreational use;
- (c) to support the provision of underground parking;
- (d) to encourage aesthetically attractive residential developments through the enhanced provision of landscaped open space;
- (e) to support the provision of, and improved access to, public open space, supplementary to any parkland dedication requirements;
- (f) to support the provision of employment-related day care facilities;
- (g) to support the preservation of structures and/or districts identified as being of cultural heritage value or interest by the City of London,
- (h) to support innovative and environmentally sensitive development which incorporates notable design features, promotes energy conservation, waste and water recycling and use of public transit;
- (i) to support the preservation of natural areas and/or features; and
- (j) to support the provision of design features that provide for universal accessibility in new construction and/or redevelopment.”

## **London Plan**

The subject site is located within the Transit Village Place Type. Transit Villages are intended to provide a broad range of uses and some of the most intense forms of development in the City.

### **GENERAL FRAMEWORK:**

1. *The Downtown and Transit Villages allow for the broadest range of uses and the most intense forms of development in the City, within highly-urban, transit-oriented environments. The Downtown will be the highest-order centre in our city, allowing for greater height than the Transit Villages; it will be unique as the centre of commerce, culture, and entertainment in London.*

### **OUR VISION FOR THE TRANSIT VILLAGE PLACE TYPE**

806\_ *Our Transit Villages will be exceptionally designed, high-density mixed-use urban neighbourhoods connected by rapid transit to the Downtown and each other. They will be occupied by extensive retail and commercial services and will allow for substantial office spaces, resulting in complete communities. Adding to their interest and vitality, Transit Villages will offer entertainment and recreational services as well as public parkettes, plazas and sitting areas. All of this will be tied together with an exceptionally designed, pedestrian-oriented form of development that connects to the centrally located transit*

### **ROLE WITHIN THE CITY STRUCTURE**

807\_ *Second only to the Downtown in terms of the mix of uses and intensity of development that is permitted, Transit Villages are major mixed-use destinations with centrally located rapid transit stations. These stations will form focal points to the Transit*

*Village neighbourhood. Transit Villages are connected by rapid transit corridors to the Downtown and allow opportunities for access to this rapid transit from all directions.*

*808\_ They are intended to support the rapid transit system, by providing a higher density of people living, working, and shopping in close proximity to high-quality transit service. Through pedestrian oriented and cycling-supported development and design, Transit Villages support a healthy lifestyle and encourage the use of the City's transit system to reduce overall traffic congestion within the city.*

*809\_ The Transit Villages identified in this Plan are located in existing built-up areas. However, all of these locations have opportunities for significant infill, redevelopment, and an overall more efficient use of the land. A more compact, efficient built form is essential to support our transit system and create an environment that places the pedestrian and transit user first.*

### Permitted Uses

*811\_ The following uses may be permitted within the Transit Village Place Type:*

- 1. A broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational, and other related uses may be permitted in the Transit Village Place Type.*

### Intensity

*813\_ The following intensity policies apply within the Transit Village Place Type:*

- 1. Buildings within the Transit Village Place Type will be a minimum of either two storeys or eight metres in height and will not exceed 15 storeys in height. Type 2 Bonus Zoning beyond this limit, up to 22 storeys, may be permitted in conformity with the Our Tools policies of this Plan.*
- 2. Planning and development applications within the Transit Village Place Type will be evaluated to ensure that they provide for an adequate level of intensity to support the goals of the Place Type, including supporting rapid transit, efficiently utilizing infrastructure and services, ensuring that the limited amount of land within this place type is fully utilized, and promoting mixed-use forms of development.*
- 3. Permitted building heights will step down from the core of the Transit Village to any adjacent Neighbourhoods Place Types.*

### Form

*814\_ The following form policies apply within the Transit Village Place Type:*

- 1. All planning and development applications will conform with the City Design policies of this Plan.*
- 2. High-quality architectural design will be encouraged within Transit Villages.*
- 3. Buildings and the public realm will be designed to be pedestrian, cycling and transit-supportive through building orientation, location of entrances, clearly marked pedestrian pathways, widened sidewalks, cycling infrastructure, and general site layout that reinforces pedestrian safety and easy navigation.*
- 4. Convenient pedestrian access to transit stations will be a primary design principle within Transit Villages.*

7. *The base of all buildings will be designed to establish and support a high-quality pedestrian environment.*
9. *Massing and architecture within the Transit Village should provide for articulated façades and rooflines, accented main entry points, and generous use of glazing and other façade treatments along sidewalk areas such as weather protection features to support a quality pedestrian environment.*
10. *Creative and distinctive forms of building design are encouraged within the Transit Villages.*
11. *Surface parking areas should be located in the rear and interior sideyard. Underground parking and structured parking integrated within the building design is encouraged.*
13. *Planning and development applications will be required to demonstrate how the proposed development can be coordinated with existing, planned and potential development on surrounding lands within the Transit Village Place Type.*

#### Bonusing Provisions Policy 1652

*“Under Type 2 Bonus Zoning, additional height or density may be permitted in favour of facilities, services, or matters such as:*

- 1) *Exceptional site and building design.*
- 2) *Cultural heritage resources designation and conservation.*
- 3) *Dedication of public open space.*
- 4) *Provision of off-site community amenities, such as parks, plazas, civic spaces, or community facilities.*
- 5) *Community garden facilities that are available to the broader neighbourhood.*
- 6) *Public art.*
- 7) *Cultural facilities accessible to the public.*
- 8) *Sustainable forms of development in pursuit of the Green and Healthy City policies of this Plan.*
- 9) *Contribution to the development of transit amenities, features and facilities.*
- 10) *Large quantities of secure bicycle parking, and cycling infrastructure such as lockers and change rooms accessible to the general public.*
- 11) *The provision of commuter parking facilities on site, available to the general public.*
- 12) *Affordable housing.*
- 13) *Day care facilities, including child care facilities and family centres within nearby schools.*
- 14) *Car parking, car sharing and bicycle sharing facilities all accessible to the general public.*
- 15) *Extraordinary tree planting, which may include large caliper tree stock, a greater number of trees planted than required, or the planting of rare tree species as appropriate.*
- 16) *Measures that enhance the Natural Heritage System, such as renaturalization, buffers from natural heritage features that are substantively greater than required, or restoration of natural heritage features and functions.*

17) *Other facilities, services, or matters that provide substantive public benefit.*”

## 4.0 Matters to be Considered

A complete analysis of the application is underway and includes a review of the following matters, which have been identified to date:

### Provincial Policy Statement (PPS)

- Consideration for consistency with policies related to promoting appropriate intensification, efficient use of land, infrastructure and services that support transit.

### Official Plan

- Does the subject site meet the relevant locational criteria to be designated for MFHDR uses?
- Conformity to policies related to the appropriateness of the level of proposed intensification with respect to the bonusable provisions.
- Impacts on adjacent properties.
- Compatibility with the surrounding area.

### London Plan

- Conformity to policies related to the appropriateness of the level of proposed intensification with respect to the bonusable provisions.

### Technical Review

- Appropriate and desirable design of the proposed apartment.
- All engineering comments have been addressed or will be dealt with at site plan approval stage.
- Identifying matters that could be directed to the site plan approval stage.

### Zoning

- Suitability of the requested bonus zone and regulation amendments in relation to the proposed development.

## 5.0 Conclusion

Planning staff will review the comments received with respect to the proposed Official Plan and Zoning By-law amendment and will report back to Council with a recommendation based on the current application or a potential revised application for and Official Plan and Zoning By-law Amendment. A future public participation meeting will be scheduled when the review is complete and a recommendation is available.

<b>Prepared by:</b>	<b>Mike Corby, MCIP RPP</b> <b>Senior Planner, Current Planning</b>
<b>Submitted by:</b>	<b>Michael Tomazincic, MCIP RPP</b> <b>Manager, Current Planning</b>
<b>Recommended by:</b>	<b>John M. Fleming, MCIP RPP</b> <b>Managing Director, Planning and City Planner</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

July 5, 2018

/mc

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## Appendix A – Public Engagement

**Public liaison:** On February 21, 2018 Notice of Application was sent to 94 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on February 22, 2018. A “Planning Application” sign was also posted on the site.

54 replies were received

**Nature of Liaison:** Change Official Plan land use designation from Multi-Family, Medium Density Residential to Multi-Family, High Density Residential.

Change Zoning By-law Z.-1 from a Holding Residential R5/R7/R8 (h-5\*R5-7/R7\*D75\*H12/R8-4\*H12) Zone which permits cluster townhouse dwellings, cluster stacked townhouse dwellings, senior citizen apartment buildings, handicapped persons apartment buildings, nursing homes, retirement lodges, continuum-of-care facilities, emergency care establishments, apartment buildings, lodging house class 2, stacked townhousing to a Residential R9 Bonus (R9-7\*B(\_)) Zone which permits apartment buildings, lodging house class 2, senior citizens apartments, handicapped persons apartments and continuum-of-care facilities. The bonus zone would permit a residential density of 199uph and maximum height of 73.2 metres in return for eligible facilities, services and matters outlined in Section 19.4.4 of the Official Plan. Other provisions such as interior/exterior side yard setbacks and lot coverage may also be considered through the re-zoning process as part of the bonus zone.

**Responses:** A summary of the various comments received include the following:

### Concern for:

#### *Views and Shadowing:*

Shadows cast from building will affect the abutting senior’s residents specifically the outdoor amenity area (courtyard) and will negatively impact the amenity areas of residential uses in the area.

Views will be obstructed due to the height of the building.

#### *Building Design:*

The proposed massing and scale of the development is too large and imposing in relationship to the surrounding land uses.

Insufficient setbacks being provided.

#### *Height*

The proposed height is too drastic compared to what is currently in the area.

No apartments exists at this height outside of the downtown.

This is a predominately low rise housing area.

Loss of privacy due to size of the building.

#### *Transportation*

Concerned about the increase in traffic that the development will create.

Safety concerns for the senior’s next door and those living in the area trying to access North Centre Road.

Limited surface parking provided will increase on street parking which creates additional safety concerns.

Spill over parking will occur into Richmond Woods Retirement Village parking lot and the office across the street.

There is insufficient public transit currently available to accommodate the proposed increase in population.

*Construction*

Impacts of construction, noise, dust, vibration, increased construction traffic (large trucks).

*Servicing*

Overload on infrastructure (roads, stormwater flows)

The area can't support the influx of residents, limited public parks/open spaces/no capacity at schools to accommodate the increase in population.

*Other*

Property values will decrease.

Impacts on high ground water table which could result in flooding and have a negative impact on the Arva Moraine Wetland.

Residents were under the understanding the area would develop as a low rise development in keeping with existing MFMDR and based on previous decision at Richmond Woods to restrict the height.

**Responses to Public Liaison Letter and Publication in “The Londoner”**

Telephone	Written
Doreen Jaques 6-205 North Centre Road	Jennifer Reed 205 North Centre Road
Helen Jasinski 1-215 North Centre Road	Maggie Whalley Unit 39, 250 North Centre Rd
Bev Simpson 17-205 North Centre Road	Tony Furlong 205-1 North Centre
Tina Huiting 19-215 North Centre Road	Randy Warden 14-205 North Centre Road
Wright Rasmuson 200 North Centre Road	Donna Kotsopoulos 54-250 North Centre Road
Fred & Rosanna Seep 4-205 North Centre Road	Ross Sturdy 9-205 North Centre Rd.
Alasdair Rose 2002-180 North Centre Road	Ata Had 215 north centre rd
Michelle Stanesco 9-145 North Centre Road	CLAUS WAGSTAFFE-KIRCHHOF 16-145 North Centre Road
Suzan Bani 40-185 North centre Road	Alena Robin 52-250 North Centre Road
Dorren Holman 32-145 North Centre Road	Linda Cote 56-145 North Centre Road
Jan Janick 305-200 North Centre Road	Paul Digby 16-1890 Richmond Street
Nabila Haider 25-145 North Centre Road	Victoria Digby 16-1890 Richmond Street
John Wojcik 152 Chantry Pl	Erin McLeod 235 North Centre Road
Peter White	Patty Dowling 42-145 North Centre Rd
Jacque Murphy	Cynthia MacKinnon 203 -235 North Centre Rd
Ruth Liley 34-145 North Centre	Robin Whimster 55-230 North Centre Road
	Carolyn de Groot 235 North Centre Road
	John and Brenda Sandles 16-205 North Centre Road
	Roland Carson 30-145 North Centre Road
	Gloria Csullog-Poulin 235 North Centre Road
	Dr. Liliane Le Saux Suite 300 - 235 North Centre Rd
	Carla Garagozzo 44-1890 Richmond St
	Gregory Davis 16-215 North Centre Road
	Rob Croft 38-145 North Centre Rd
	Dave Stollar/Donna Morrison 145 North Centre Rd, unit 31
	Suthan Srigunapalan 185 north Centre road
	Carolyn Snelgrove
	Jessie Chesnut 145 North Centre Rd

	Catarina Fernandes/Darren Trudeau 22 Debbie Lane
	Beulah & Mort Bond Unit 12,145 North Centre Road
	Sarah Coughlin 10-215 North Centre Rd
	Chao Zhang 32 Chantry Place
	RICHARD MCCULLOUGH 48 - 250 North Centre Rd
	Wilma Lambert 1890 Richmond Street, Unit 47
	Muriel Parsons 3012 180 North Centre Rd.
	Susan Gliksman 22-1890 Richmond St
	Marlene Thompson
	MSCC #582, Foxborough Chase 1890 Richmond St.  Jack Hardy, President Susan Gliksman, Director Gerry Killan, Director Gary Plomske, Director Richard Voegelin, Director

**File: OZ-8874**  
**Planner: Mike Corby**

From: Jennifer Reed  
Sent: Saturday, February 24, 2018 9:39 PM  
To: Corby, Mike  
Cc: Cassidy, Maureen  
Subject: OZ-8874

Hi,

I live at 205 North Centre Road, and I am absolutely against the proposed changes by The Tricar Group for 230 North Centre Road.

The land use designation from Multi-Family, Medium Density Residential to Multi-Family, High Density Residential will make the corner of North Centre Road and Richmond Street a traffic nightmare. A 22-storey residential apartment building on that corner with all of their vehicles will not be a welcome addition to the neighbourhood. I strongly urge you to reconsider this amendment to the City's Official Plan and Zoning By-law.

Thanks,  
Jennifer

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**From:** Maggie Whalley  
**Sent:** Thursday, March 1, 2018 2:56 PM  
**To:** Corby, Mike; Cassidy, Maureen  
**Subject:** 230 North Centre Rd OZ8874  
Dear Mr Corby and Councillor Cassidy:

I am very much opposed to the proposed tower block on the site of 230 North Centre Rd.

The re-zoning would create the space for a highly inappropriate too high apartment - casting shadows and looming over the present lower-rise buildings which flank it on the north, east and west sides.

This is a residential area for older folk - how sad for those in Richmond Woods to be cast in to shadow so blatantly.

And it just doesn't 'fit'. 10 storeys would be as much as we would want to see here. I live across the road at 250 North Centre Rd and we would be adversely impacted too.

Thank you for your attention.

Yours sincerely,  
Maggie Whalley  
Unit 39  
250 North Centre Rd  
London N6G 5A4

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From: Tony Furlong

Sent: Monday, March 5, 2018 9:45 PM  
To: Corby, Mike  
Subject: OZ-8874

This is a letter of my concerns for the proposed building on North Centre Road. This is not the case of "not in my back yard". Tony Furlong

OZ-8874  
Attn: Mike Corby  
City of London Planner

Regarding amendment to the City planning and zoning By-Law Z-1

As an owner of a condo very close to the proposed building site, I have several issues with this pending highrise. Time in planning is seldom wasted. Take the time and look at what you are proposing.

Take a look at the corner of Richmond and North Centre Road during morning rush hour. Adding another 230 units would make congestion an even larger problem. North Centre Road has become a bypass road for congested Fanshawe Park Road traffic.

Residents here have problems just getting onto North Centre Road during normal hours. Present bus route at Fanshawe and Richmond are at capacity now, how will LTC address this influx of passengers. Please don't say BRT.

Past zone ruling disallowed Richmond Woods Retirement Villa from building higher than five storey's; what makes Tricar so special ?

I would love to see a building at the proposed site, but lets keep at ten storey's Max. Anything larger would be an eyesore and create problems.

Tony Furlong  
205-1 North Centre  
London Ontario  
N5X4E2

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**From:** Randy Warden  
**Sent:** Wednesday, March 7, 2018 10:43 AM  
**To:** Corby, Mike <mcorby@London.ca>  
**Cc:** Cassidy, Maureen <mcassidy@london.ca>; 'Tony Furlong'; Nancy Warden  
**Subject:** Application OZ-8874  
**Importance:** High

Good morning Mr. Corby,

My wife and I have received notice of application (OZ-8874) to amend the official plan and zoning bylaw for 230 North Centre Road. The application affects property less than a couple hundred feet from the front door of my residence.

I wish to be kept aware of all public meetings and/or potential amendments or change to the aforementioned application.

Hello Councillor Cassidy,

Respectfully, I request to be kept informed when the subject property / application is addressed by either planning committee or Council.

At first blush, please know my neighbours and I are startled that the applicant seeks a twenty-two storey tower. When Nancy and I moved into our condominium in 1999, this same property was destined to become residential townhouses.

I have two requests of you:

- 1) To assist my neighbours and I consider our response, would you please advise me the number of – and location – for any existing tower within the city of London that is twenty-two floors or greater?

**File: OZ-8874**  
**Planner: Mike Corby**

- 2) What is the City's emergency response plan for a tower of this height?  
Specifically, how would London's fire department address a large scale fire on one (or all) of the top floors?

Thank you,

Randy Warden  
14-205 North Centre Road  
London N5X 4E2

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**From:** Donna Kotsopoulos  
**Sent:** Monday, March 5, 2018 6:57 PM  
**To:** Corby, Mike <mcorby@London.ca>  
**Subject:** 230 North Centre Road, OZ-8874

Dear Mr. Corby,

I am writing to strongly OPPOSE the amendment to the zoning of the above mentioned plot of land. We OPPOSE the change from medium density residential to multi-family, high density residential.

When we purchased our condo at 250 North Centre, we were told clearly that the land directly opposing our yard (facing Richmond) would only be low rise units (similar to the nursing home), medium residential. The proposed change to high density planning seems reckless, to be frank. The traffic at this corner, at an intersection where there are high levels of seniors and other vulnerable populations, is simply inappropriate. We are deeply concerned that this will also impact the value of our home with the high rise fully blocking our entire western exposure - 22 stories is just unbelievable. It will also create further challenges with the already congested traffic at this intersection immediately preceding a short stretch to Richmond and Fanshawe Park Road.

Please continue to include me on all future correspondence.

Respectfully,

Donna Kotsopoulos, PhD  
54-250 North Centre Road

**From:** Donna Kotsopoulos  
**Sent:** Thursday, March 8, 2018 11:30 AM  
**To:** Corby, Mike <mcorby@London.ca>  
**Subject:** Re: 230 North Centre Road, OZ-8874  
Hi Mike,

Thanks for this information. I can't see how a decision to put such high density housing at this intersection makes sense from a traffic perspective. It's right on the corner. The congestion this will create will be significant - right up to Fanshawe Park road which is already a problem. A plan with a substantial set back may have been tolerable but this is a building built right into the corner. I can't understand it.

Thanks again,

d.

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**From:** Ross Sturdy  
**Sent:** Thursday, March 8, 2018 1:58 PM  
**To:** Corby, Mike <mcorby@London.ca>

**File: OZ-8874**  
**Planner: Mike Corby**

**Cc:** Cassidy, Maureen <mcassidy@london.ca>  
**Subject:** Application OZ-8874

Good Morning,

My wife and I are writing this e-mail as a result of the notice we received regarding the application to amend the official plan & zoning by-law for 230 North Centre Rd.

Two years ago we bought a condo across the street from the vacant property (230 North Centre Rd.) after checking that the City Official Plan had it listed as medium density. We also checked on the previous decision the city made on Richmond Woods Retirement Village that limited the developer from building anything higher than five storeys. Needless to say this zoning amendment comes as a real shock. It also comes as a concern that one Developer would be turned down but another Developer could be approved!

I know that the city council is really pushing hard for the BRT, but this zone change decision should not have any bearing on the BRT. The decision should be decided on it's own merit, not that it is at the North End of the BRT where high density would be good to increase riders.

I have attached a list of concerns to this e-mail to be considered when reviewing the approval of a 22 storey high density apartment building.

Below is a quick review which shows this new building would be totally outside the Urban Design.

- a) a high density 22 storey building completely out of place to the surrounding region.
- b) 10 storeys higher than any other building in the area.
- c) built on the corner of two very busy roads with apartment access about 100m from the busy intersection.
- d) building right beside a 130 suite senior retirement home. This will be disturbing to the residents. Not only the construction noise but the noise from daily garbage collection and the daily confusion created by extra traffic of 230 apartment units.

Thank you for the information you gave over the telephone and the Notice Of Application To Amend The Official Plan & Zoning By-Law.

Regards,

Shirley and Ross Sturdy  
9-205 North Centre Rd.  
London, ON.  
N5X4E2

**OZ-8874**

**Att:** Mike Corby  
City of London Planner  
**cc:** Councillor M Cassidy  
March 6, 2018.

Mike Corby,

The following are some issues I would like to point out for your review on the Zone change:

1. Clarification Required:

I'm confused as to the application for change. On the sign outside the property and on Tricar website they advertise "Luxury Condos" but on their Zoning Application they state it as a Residential Apartment Building. I don't feel they should advertise as Luxury Condos and apply for a Zoning change for a 230 unit Residential Apartment Building. Can you please clarify?

2. Traffic:

The road section of North Centre Rd between Fanshawe Park Rd. to Richmond St. has become a very busy street as cars use it as a shortcut to avoid the lights at Richmond St and Fanshawe Park Rd. Many of the Condo owners in our complex complain how hard it is getting to turn out onto North Centre Rd as there is so much traffic, all going fast both ways. Now to add cars from 230 new apartments entering onto North Centre Rd it will become very dangerous, especially with the apartment building entrance being only 100m from Richmond St.

3. Parking:

From my experience most apartment buildings have a minimum number of visitors parking, and then in the winter, snow is pushed into these spots which reduce the visitor parking. When visitors can't find a spot on the grounds they will park on North Centre Rd which is already dangerous. Almost every day I see emergency vehicles at Richmond Woods Retirement Village and feel that with a lot of street parking it will restrict their entrance. Fire trucks would probably have issues.

4. Urban Design:

A 22 storey building will be completely out of place to the surrounding buildings. Here are the four tallest buildings close to Richmond St. in the area north of the Thames River.

300 North Centre Rd.	12 Floors
1985 Richmond St.	12 Floors
240 Village Walk Blvd. Masonville area.	14 Floors New by Tricar, not in lower
260 Village Walk Blvd. Masonville area.	14 Floors New by Tricar, not in lower

Proposed: 230 North Centre Rd. 22 Floors – 10 storeys higher than the other apartment building at North Centre Rd. Ten storeys higher will also make it possible for renters on the fifteenth floor and above to look down into the yards of the million dollar homes on Chantry Place.

5. Past Zone Ruling By City Of London

I have been advised by condo owners in our complex that when Sifton wanted to build Richmond Woods Retirement Village they had proposed a taller building, but the city would not approve and restricted them to five floors. Is it really fair practice to restrict one builder to 5 floors but give permission to another builder for 22 floors?

6. Richmond Woods Retirement Village

This 3 storey retirement home is right besides the proposed 22 storey building. It would be very insensitive to put a High Density building right beside a senior citizens retirement home. The new building will cut off their light and view plus add confusion to their daily lives. I can only imagine the noise during construction and the noise of the garbage pickup every morning. I see these people out with their walkers going up the sidewalk to get exercise or trying to get to Loblaw's. They will have to cross the apartment building entrance and someone will get hit for sure. I also wonder what the city plans

will be if an emergency happens in the new apartment and the 130 suites have to be evacuated?

7. Parks

This proposed building will probably be filled with families that will require parks for their children to play in. The following are the parks close to 230 North Centre Rd.

Plane Tree Park (across busy Richmond St, up a steep hill) 1.0km.

Camden Crescent Park (across Fanshawe Park) 2.0 km.

Virginia Park (walk down busy Fanshawe Park) 2.4km.

A new park closer to this site would have to be built. Children can't just play on the sidewalk of a busy road.

8. Schools

If the apartments are filled with families, their children will be in the region for the following schools. Do they have capacity for a large influx of students?

Thames Valley School Board

Jack Chambers Elementary 2.4km

A B Lucas Secondary 4.0km

London Catholic School Board

St. Catherine of Siena Catholic Elementary 1.1km

Mother Teresa Secondary 4.8km

I read a front page article in the March 3, 2018. Toronto Star which described the problems that have been created with High Density Buildings in the Toronto area school system. It would be interesting for you to review.

In conclusion, I do not have an issue and agree that an apartment or Luxury condo complex should be built which falls under the rules of Medium Density.

Thanks

Ross & Shirley Sturdy  
9-205 North Centre Rd.  
London, ON.  
N5X4E2

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From: Ata Had  
Sent: Wednesday, March 14, 2018 12:28 PM  
To: Corby, Mike <mcorby@London.ca>  
Subject: 22-storey apartment

Hello Mike,  
I received the notice about a 22-storey apartment.  
I am not happy and I don't like it.  
I live in 215 north centre rd.  
Please let me know if you need more information.  
The reference project #OZ-8864.

Thanks  
Ata

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**From:** CLAUS WAGSTAFFE-KIRCHHOF  
**Sent:** Thursday, March 15, 2018 2:42 PM  
**To:** Corby, Mike <mcorby@London.ca>  
**Subject:** OZ-8874 Notice Of Application -- City's Official Plan And Zoning By-Law Z-1

Hi Mr. Mike Corby,

We Are Concerned About This Massive Real Estate Development -- For 230 Units -- With Possibly 700 Individuals (Mostly UWO Students -- From China -- All Driving BMW Cars) -- Several Years Of Dirt On Our Dinner Plates -- And After That Cars Racing Along North Centre -- All Wildlife Has Already Become Road-Kill -- Next Will Be Folks From The Retirement Complex -- Crossing The Street -- !?!

We Had A Similar Proposal For A 22-Storey Apt. Complex -- Overlooking A Park Area -- Which Was Controversial -- And So Is This Mega Project -- Probably The Same People -- Hiding Behind Another Corporate Name -- !?!

Regards, Claus WAGSTAFFE-KIRCHHOF MBA  
16-145 North Centre Road

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**From:** Alena Robin  
**Sent:** Saturday, March 17, 2018 6:42 PM  
**To:** Corby, Mike <mcorby@London.ca>  
**Subject:** Concerns on amendment to official plan and zoning - 230 North Centre Road

Mike Corby  
The City of London  
Planning Services

Dear Mister,

We are writing to manifest that we are against the amendment of the official plan & zoning by-law that has been notified by the Tricar Group for the 230 North Centre Road location.

We consider that the change of zone goes against the disposition of this part of the city, that is characterized by clusters of townhouse dwellings, senior citizen and handicapped persons apartments buildings, nursing and retirement homes. The change of zone would disrupt the homogeneity of the zone. The construction of a 22-storey residential apartment building would create a lot of tension in a quiet-zone, which is characterized by low-rise constructions. The location of the proposed building would also affect the price of our townhouse, which overlooks at Richmond Street, would block our view and the sunshine we receive, and probably affect how the air flows around the building. It would definitely affect our privacy. The total of 230 units planed will necessarily increase traffic in the area and cause conflict in the zone. This construction was not mentioned when we bought our townhouse and it surely would have affected our decision in choosing this area of London to live in.

We also question the necessity of such a building in this area of London. Many houses have been recently built in a unit on North Centre Road, another residential area is being built in the upper section of Richmond Street and three high-rise residential apartment buildings have been recently built in that same area. Is there really such a high demand for housing in London or are we creating a real estate bubble? Furthermore, we would like to know what is the target market for this high-rise. Will it be for ownership or for rental? What kind of quality of construction will it be? Have there been some recommendations made, of what kinds, and is Tricar going to respect them?

We understand the need to take advantage of this unused land but we would prefer it be use for a park both for the young and the elderly people who live in the area. We also believe the Municipal Council for the City of London has the obligation to protect the quality of life of its inhabitants, and hence conform to the designated Zoning By-Law policies of this area designated as multi-family, medium density residential area. We

**File: OZ-8874**  
**Planner: Mike Corby**

please urge you to protect these policies. We please request that you speak on our behalf and voice our serious concerns on allowing this application to amend the official plan and zoning by-law.

Thank you for your consideration.

Please do not hesitate to contact us should you require further information.

Sincerely,

Alena Robin & Raúl Manuel López Bajonero  
52-250 North Centre Road  
London, N6G 5A4

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**From:** Linda Cote  
**Sent:** Monday, March 19, 2018 11:28 AM  
**To:** Corby, Mike <mcorby@London.ca>; Cassidy, Maureen <mcassidy@london.ca>  
**Subject:** re: OZ08874 230 North Centre Rd

Dear Mike,

Thank you for the opportunity to discuss some of my concerns for the above mentioned project.

Our major concern is the increase of truck traffic on the portion of Fanshawe/North Centre to North Centre/Richmond.

Last year Maureen Cassidy kindly took the initiative to have the City of London install NO TRUCK TRAFFIC and 50 speed limit signs on this section of the road. This portion of North Centre is NOT to be used as a cut-through for truck traffic.

Sadly, since this initiative the truck traffic has increased significantly and I have pictures of trucks from Coke, Pepsi, Farm Boy, Pure Water, even Shell double tanker gas trucks, etc., this past summer. Now if you add the Developers trucks to the mix this adds to our concern for our Seniors who love to walk this section of North Centre and of course the noise, dust and rattling of our houses and lack of enjoyment of our backyards.

Our concern is during the 2 year construction period, how is the safety of this section of North Centre going to be preserved? This morning there has already been 7 huge trucks within a 30 minute period with only one going 50 k.

Since noise reducing fencing is not really an option we would appreciate the City taking a hands on approach to control the Developers truck traffic through this area for the next 2 years. It may be an inconvenience to them to take another route, but we would like to enjoy our back yards and not be exposed to the pollution, dust and truck noise (clanging and banging) and protect our Seniors who we see walking this section every day. Perhaps the Police could be more visible and drivers would start to respect these signs? Also, both cars and trucks go way to fast on the curves of North Centre and end up at 80k when they reach the Richmond Woods Senior residence. Maybe electronic speed signs would help?

Finally, we would ask that the Developer have the road cleaned of all mud and debris on a regular basis on North Centre Road. We love clean cars and don't want to be frustrated every time we are at that corner of North Centre/Richmond.

We would appreciate your assistance with the above mentioned matters.

Best Regards,

Linda & François Côté

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From: Paul Digby  
Sent: Monday, March 19, 2018 11:25 AM  
To: Cassidy, Maureen <[mcassidy@london.ca](mailto:mcassidy@london.ca)>  
Cc: Rafuna, Liridona <[lrafuna@london.ca](mailto:lrafuna@london.ca)>  
Subject: Re: Tricar High Rise

Greetings Maureen

Hope this email finds you healthy and looking forward to some decent weather.

I am a concerned citizen in your ward regarding the proposed 22 story condo on the corner of North Centre and Richmond.

Our condo is located within the Foxborough Chase subdivision and our house backs onto the green space facing the Western property.

Obviously the height of this project (22 stories) will not compliment the area, may intrude upon our privacy and create undue stress upon the environment and traffic patterns in the area.

I would appreciate feedback as your position on this proposal and steps to assist us to have input.

By the way, I was a supporter of you in the last election and continue to value your leadership on the Council.

Kind Regards

Paul Digby  
16-1890 Richmond Street  
Unit 16 London N5X4J1

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**From:** McLeod, Erin  
**Sent:** Monday, March 19, 2018 4:51 PM  
**To:** Corby, Mike <[mcorby@London.ca](mailto:mcorby@London.ca)>  
**Subject:** OZ-8874; 230 North Centre Road

Hi Mike,  
Please consider the following comment for the planning application referenced above. This is a request to consider incorporating a public space in this area. I currently work across the street at 235 North Centre Road. There are no parks or public spaces within walking distance of this area. It would be a great opportunity to incorporate a public/park space where those who live and work in the area could gather and enjoy the outdoors.

**Erin McLeod**

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From: Patty Dowling  
Sent: Tuesday, March 20, 2018 9:34 AM  
To: Corby, Mike <[mcorby@London.ca](mailto:mcorby@London.ca)>  
Subject: Project reference #OZ-8874

Good morning Mike,

**File: OZ-8874**  
**Planner: Mike Corby**

I am writing to appeal the project #OZ-8874 which is a 22 story condo complex on North Centre Rd., London.

North Centre Rd is already very busy with traffic, school busses etc. I live at 145 North Centre Rd. And find this whole corner has increased in traffic as drivers come down North Centre Rd. to avoid the traffic on Fanshawe Rd. at Masonville area. There are a lot of elderly people that walk down the street from the Nursing home as well.

I don't feel a building that tall should be allowed on that corner.

It looks like to me with the sign to say Condos are coming soon that the decision is already made? Am I right on that?

Regards, Patty Dowling  
#42-145 North Centre Rd., London, Ontario N5X 4C7

Patty Dowling

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**From:** Kumon-London Northeast-Cynthia MacKinnon  
**Sent:** Tuesday, March 20, 2018 11:30 AM  
**To:** Corby, Mike <mcorby@London.ca>; Cassidy, Maureen <mcassidy@london.ca>  
**Subject:** Concerns about the plans for 230 North Centre Rd

Hello ,

I am a professional working at 235 North Centre Rd, which is directly across the street from the corner assigned as 230 North Centre Rd. I have heard that there is a proposal for a high density (22 stories) residence at that address. I am having difficulty imagining that such a high density unit will support enough visitor parking for itself and I am concerned about the implications for North Centre Rd and for our parking lot.

I would also like to support a request that was sent -to ask you to envision a greener, community supportive use for this space. Many families reside in the medium density units on North Centre Rd and yet there is no green space within walking distance. I feel it is not right to increase density without infrastructure to support current density.

Thank you for accepting feedback at this time.

Cynthia MacKinnon  
Suite 203 -235 North Centre Rd

**From:** Kumon-London Northeast-Cynthia MacKinnon  
**Sent:** Tuesday, March 20, 2018 2:13 PM  
**To:** Corby, Mike <mcorby@London.ca>  
**Subject:** Re: Concerns about the plans for 230 North Centre Rd

Thank you for this reply.

I am glad to hear of the parking provisions.

Perhaps another thing for the city to consider, if not able to purchase the land, would be bussing coming up to the area to support all these people ?

At least that might reduce some cars , and provide a means for any less able bodied North centre Rd residents to get to a park. (Those who cant walk as far as Masonville's bus depot is what I am getting at.)

Please excuse me if I am not current in my info... but I don't think any city busses run to/on North centre Rd at this time.

Cynthia MacKinnon

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**From:** Robin Whimster  
**Sent:** Monday, March 19, 2018 12:28 PM  
**To:** Corby, Mike <mcorby@London.ca>; Cassidy, Maureen <mcassidy@london.ca>; Morgan, Josh <joshmorgan@london.ca>  
**Subject:** File OZ-8874, Zoning Application, 230 North Centre Road

Dear Mr, Corby, Ms. Cassidy, & Mr. Morgan,

I am writing with concerns about the proposed application by Tricar for a zoning change at 230 North Centre Road, File OZ-8874.

I am particularly concerned to observe that work has already started to clear the site, although there is no indication that the zoning change has been approved.

I have downloaded and reviewed the Urban Design Brief, presented to the Urban Design Peer Review Panel on February 21, 2018. It is very slick, but does not take into account the people already living in this area.

I live on the north west corner of Richmond & North Centre Road, unit 55. I was Treasurer of our Condominium for 17 years. Although I am no longer on the Board, I still consider the impact of this development on other units as well as my own.

In summary, my concerns are:

- The proposed development is excessive in size and height, and is out of scale for the neighbourhood and prevailing terrain;
- It will have a negative effect on the neighbours - the people who already live here.

#### Size, Height, & Purpose

There are two other high rise buildings nearby:

- 300 North Centre Road, 13 storeys. Although this is registered as a condominium, MCC 478, all units are owned by Tricar, and it is operated as a rental building. The impact of this building is mitigated by the steep hill behind it.
- 1985 Richmond Street, 12 storeys. This is also registered as a condominium, MSCC 726. If you look online, there are apartments for rent, but no sales offerings. The impact of this building is mitigated by the setback & open space around it.

The site at 230 North Centre is much more exposed, and the building should be no taller than either of these other buildings.

I am familiar with the podium design, having family living in 1 Rean Drive in North York, which has 3-storey townhouses fronting the street. Rather than mitigating the impact of the 28-storey high rise condominium behind, it intensifies the mass of the building from a street perspective. A decent set-back is better.

Is 230 North Centre destined to follow the rental pattern of use of the two nearby high rises? In which case, who are the target market? Is it destined to follow the example of MSCC 823 at Jacksway, a 4-storey development? MSCC 823 is operated as a condominium, but with a few owners owning a large proportion of the units, and a heavy student tenancy? I was around when Jacksway was built, and it was renowned for significant quality deficiencies, particularly insulation and sound proofing. What level of quality will 230 North Centre actually be built to, as opposed to as promoted? I hope the City insists on quality building technology for its new buildings.

#### Impact on Neighbours

**File: OZ-8874**  
**Planner: Mike Corby**

The other residences around here are mostly townhouses - 1 or 2 storey - with a mix of ages but weighted towards retirement or pre-retirement ages. The potential impact on the neighbours are as follows:

- It will steal the light from several of the units in our condominium. Although the Shadow Study is interesting, it only shows the shadow cast by the sun. It does not account for a large building blocking out a portion of the sky;
- Another concern is the reflection of sunlight in the afternoon and evening. This may be welcome if diffused, or problematic if glaring;
- We also worry about the potential negative impact on our property values;
- In addition, there will be additional traffic to contend with. This area already has a high volume of vehicle traffic concentrated at particular times of day. It will change the quality of our life, for good or ill.
- If it becomes a centre for student population, will it become another Broughdale Avenue or Fleming Drive, with their associated problems, noise, and disregard for the neighbourhood? The proximity of the BRT hub would support such an unwelcome development.

There was an undertaking by the City that future development on this site would remain medium density, when the Retirement Residence and the associated apartment building were approved. A 22 storey building is not medium density. Although I will attend the Public Meeting on March 21, 2018, I will have to leave early for another commitment. I would like to receive all follow-up material. In particular, please send me:

- the recommendations of the Urban Design Peer Review Panel;
- the recommendations of City staff;
- whether Tricar intends to follow the recommendations;
- whether the City has already approved the development, seeing that work is already in progress;
- the conditions to be imposed by the City on this development.

Thank you for your attention.  
Robin Whimster  
250 North Centre Road  
Unit 55  
London, ON, N6G 5A4

**From:** Robin Whimster  
**Sent:** Tuesday, March 20, 2018 8:36 PM  
**To:** Corby, Mike <mcorby@London.ca>  
**Subject:** Re: File OZ-8874, Zoning Application, 230 North Centre Road

Hi Mike,

First, let me thank you for your reply, which is much longer and more detailed than I ever expected. My sincere thanks.

As you present it, the issue is whether the building conforms to the Plan. I get that approach. However, it makes me wonder how we can protect the neighbourhood and our people from the impact of a building that seems to us to be far too high. I don't know, and so included our concerns in my e-mail. Most people I have talked to would accept a lower building in the 10-13 storey height range, even if it was without enthusiasm.

I work with condos, and most of them have restrictive clauses about occupancy and leasing, to preserve the intended lifestyle. However, the Declarant, usually the developer, has control over the original documents. Of course, if the units remain in the developer's hands unsold, as in 300 North Centre, the subject is moot.

**File: OZ-8874**  
**Planner: Mike Corby**

I look forward to the next steps. I will follow whatever comes next, and whatever information can be made available. If there other avenues to pursue, I would be happy to hear of them.

My thanks for your response, and I hope to meet you at some stage.

Sincerely,  
Robin

**From:** Robin Whimster  
**Sent:** Thursday, March 22, 2018 11:04 PM  
**To:** Corby, Mike <mcorby@London.ca>; Cassidy, Maureen <mcassidy@london.ca>; Morgan, Josh <joshmorgan@london.ca>  
**Cc:** Alena Robin Margaret Whalley >; Colleen & Donna  
**Subject:** File OZ-8874, Zoning Application, 230 North Centre Road  
Dear Mr. Corby, Ms. Cassidy, & Mr. Morgan,

From discussions yesterday at the Tricar Open House, and afterwards, one thought has struck me, & I want to share it.

The comment was made at the Open House that the City is trying to create "mini-downtowns" in the Transit Villages surrounding the BRT end nodes. This aims to impose a downtown lifestyle on people living in these areas. I, for one, chose to live in this area because I do not want to live downtown, and do not want to live a downtown lifestyle. Does that mean I have to move? This is not said in anger, but in reflection on the reaction to this particular proposal. The comment about the "mini-downtowns" was the catalyst.

I think you will find that this sentiment is fueling much of the upset, anger, and resistance to this particular proposal that was so evident at the Open House yesterday.

That said, thank you, Mike, for the time you spent talking to us about the process and timing. And thank you, Maureen, for your responses to our outpourings. Mike, I look forward to receiving the comments from The Urban Design Peer Review Panel.

And thank you all for your contributions to our City.

Sincerely,  
Robin Whimster  
55 - 250 North Centre Road

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**From:** Suthan Srigunapalan  
**Sent:** Friday, March 23, 2018 6:26 AM  
**To:** Corby, Mike <mcorby@London.ca>  
**Subject:** Zoning by laws

I am a resident of 185 north Centre road and I am against the proposition to make 230 north Centre road a high density zone Suthan

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**From:** de Groot, Carolyn  
**Sent:** Tuesday, March 20, 2018 10:22 AM  
**To:** Corby, Mike <mcorby@London.ca>  
**Cc:** McLeod, Erin  
**Subject:** OZ-8874; 230 North Centre Road  
Hi Mike,  
Please consider the following comment for the planning application of OZ-8874, 230 North Centre Road.

**File: OZ-8874**  
**Planner: Mike Corby**

This is a request to consider incorporating a public space in this area. I currently work across the street at 235 North Centre Road. There are no parks or public spaces within walking distance of this area. There are a lot of residences that live in this area and people who work in this area who would benefit from a natural environment to escape in. There are huge health and mental benefits to parks and natural spaces that people can relax, read or exercise. This is a great opportunity to incorporate a public/park space where people in the area could gather and enjoy the outdoors.  
Regards,

**Carolyn de Groot, P.Eng**

235 North Centre Road, Suite 200, N5X 4E7

**From:** de Groot, Carolyn

**Sent:** Wednesday, March 21, 2018 9:50 AM

**To:** Corby, Mike <mcorby@London.ca>

**Subject:** RE: OZ-8874; 230 North Centre Road

Hi Mike

I notice that the City of London has been allowing these huge high rise residential buildings to be built with no drop off lane in front such as the Luxe London or the building being built at the corner of Talbot and Dufferin. In front of the Luxe London there are often one or more cars stopped on Richmond. My fiancé drove through there once and just missed the accident that happened in front of him.

I am concerned for the traffic flow, and that no deliveries or cars are just pulled off in front of this extensively large residential building like the Luxe London. That people from this building will use our parking lot that is already full for quick stops. Please consider this as London continues to build residential buildings, to include drop off loops like 500 Talbot or 549 Blackfriar that also has visitor parking.

I am concerned that there is no park land in this Masonville area set up for the existing residential people who live here.

People will not feel welcomed to use the seating area of a large 22 story building, therefore this is not really public land.

Cheers,  
Carolyn

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**Sent:** Wednesday, March 21, 2018 3:42 PM

**To:** Corby, Mike <mcorby@London.ca>

**Subject:** Project OZ-8874

Dear Mr Corby,

We are against the change of Zoning for North Centre Road. No plans for sewers, road infrastructure and transit. Wow There is already there is no thought of all the people living there.

The traffic is already getting heavy that all the people now cut through from Fanshawe Park Road to avoid going through the lights at Richmond Street .

Thank you John and Brenda Sandles  
16-205 North Centre Road,

Please do not change Zoning bylaws

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**File: OZ-8874**  
**Planner: Mike Corby**

**From:** Rcarson  
**Sent:** Thursday, March 22, 2018 7:24 AM  
**To:** Corby, Mike <mcorby@London.ca>  
**Subject:** project OZ-8874

Hi

My name is Roland Carson and I live at 145 North Centre Road Unit 30. Like you my wife and I oppose this project for all the reasons you've raised. I was one of the first people to move in here in 1999. And I did so because of the forest across from us. Since then I have witness the clearing of that beautiful forest to build gym, retirement homes and houses. I have also witness the increase in traffic particularly during the holidays all around us. I am a believer that putting such a building in that area will cause unnecessary stress on all the home owners around here. Noise, traffic, crime etc. I am therefore giving you my support to oppose this project.

Thanks

**Roland Carson**  
**Chief Operating Officer**  
**WEWI Telecommunication Inc**  
**505-111 Waterloo Street**  
**London, Ontario**

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**From:** Gloria Csullog-Poulin  
**Sent:** Thursday, March 22, 2018 9:41 AM  
**To:** Corby, Mike <mcorby@London.ca>; Cassidy, Maureen <mcassidy@london.ca>  
**Subject:** OZ-8874, 230 North Centre Road.

**Please consider the following comment for the planning application of OZ-8874, 230 North Centre Road.**

I work across the street from this planned development at 235 North Centre Road and I live in the immediate area (on Debbie Lane). One of things I most enjoy about working and living in this area is, with the wetland buffer and the only low-rise buildings, there is a very "natural" feel to the area which I (and my colleagues and neighbours) find very aesthetically pleasing and, personally, I also find beneficial to my mental health / stress levels. I am very distressed by the thought of a 22 story monstrosity (with a very modern / unnatural design) being erected across the street. The thought of what it will do for traffic congestion in this already busy intersection (Richmond and Fanshawe) also makes me distressed.

While, though not my ideal, I could live with another 4-5 story building across the street - perhaps additional affordable senior living as it is a huge and growing need - an environmental engineer who works in our building also raised the point that there are no parks within walking distance of this area. This is also an excellent point and idea for the use of this space.

Though I am watching the ground being ripped up and listening to the associated noise as I type, (and thinking the wild deer and turkey I used to see are likely not ever coming back) I understand there is still a ray of hope to have an alternate use of the land considered and as a tax-paying resident of the area I for one would like to see this 22 story luxury condominium scratched and have either low-rise or park development only.

Best Regards,  
Gloria Csullog-Poulin

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**From:** Dr. LeSaux Family Dentistry  
**Sent:** Wednesday, March 21, 2018 4:45 PM

**File: OZ-8874**  
**Planner: Mike Corby**

**To:** Cassidy, Maureen <[mcassidy@london.ca](mailto:mcassidy@london.ca)>; Cassidy, Maureen <[mcassidy@london.ca](mailto:mcassidy@london.ca)>

**Subject:** Tricar development

Dear Mr. Corby and Ms. Cassidy,

I understand a very tall (22 story) building will be across from my workplace in the next year.

I would like you to please consider the inclusion of a **public walking path** and a **substantial green space** along with this very large building. I disagree with the height of it and would like a substantially small building instead.

Sincerely,  
Dr. Liliane Le Saux



**Dr. Liliane Le Saux Dentistry Prof.  
Corp**  
Suite 300 - 235 North Centre Rd.,  
LONDON, ON N5X 4E7

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**From:** Carla Garagozzo  
**Sent:** Thursday, March 22, 2018 11:02 AM  
**To:** Corby, Mike <[mcorby@London.ca](mailto:mcorby@London.ca)>  
**Subject:** Re: 230 North Centre Road - contact info

Hi Mike

Can you please make sure I am included in the contact list, so that I get notified when the meeting with the city, to discuss the re zoning of Richmond and north centre rd., will take place.....

Thank you

Sent from my iPhone

Ciao, Carla Garagozzo  
44-1890 Richmond St  
London, Ont.  
N5X 4J2

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**From:** Gregory Davis  
**Sent:** Thursday, March 22, 2018 5:42 PM  
**To:** Corby, Mike <[mcorby@London.ca](mailto:mcorby@London.ca)>  
**Subject:** OZ-8874

Dear Mr. Corby,

Please find enclosed my comments objecting to the approval of OZ-8874.

Thanks, Gregory Davis

**File: OZ-8874**  
**Planner: Mike Corby**

**Gregory Davis**

2317 Rupert Drive, San Jose, CA 95124-2605  
USA

Planning Services  
The City of London  
Attn: Mr. Mike Corby  
P.O. Box 5035  
London ON N6A 4L9  
CANADA

**Subject: OZ-8874, 230 North Centre Road,  
Application to Amend the Official Plan & Zoning Bylaw**

Dear Sir or Madam:

I object to the proposed rezoning of the subject property.

Much of the applicant's material focuses on the location as being situated on a gateway to the City of London. I agree. My first reaction was how such a tall, high density structure would ruin the iconic view of the city skyline and trees as you approach from the north. The applicant portrays the proposed building as a monument and symbol of prosperity. I view it as a visual "hitching post" that would scar the image of the city.

As a property owner at 215 North Centre Road, I object to such a tall and dense structure to my immediate north. The four buildings in this condominium property would become a gulch, bounded by the tall Loblaws building to the south, multistory commercial building to the west and this tower to the north.

When I purchased this property for my mother, the surrounding land was prominently posted with the zoning and permitted uses. I object to the change in zoning that I relied upon, and fear the rezoning would significantly devalue my property.

There are a number of additional problems that would arise from the proposed development

- The significant slope to the north of the property will result in drainage problems, as all the water will be directed to a concrete-scape rather than to the natural drainage of the area.
- The local schools were planned with the zoning and the City Plan in mind. Rezoning to high density at this late date will have a deleterious affect on the schools.

- High density projects such as these are subject to deterioration and become focal points for crime.
- There will not be enough parking, especially visitor parking, which will lead to congestion and illegal parking on North Centre drive and possibly surrounding commercial areas.
- The high traffic density to and from the proposed building will represent a significant hazard to the neighbouring senior residence and seniors in private residences in the area.
- The noise from such a high density use will be disruptive to the neighbouring senior residence.
- There will be problems caused by the lack of space for snow storage from ploughing, leading to street hazards in the area.
- The development will result in the removal of many trees, further damaging the lustre of the Forest City.
- The traffic at the intersection of North Centre Rd and Richmond St. is already a source of congestion. It will become a serious problem with the additional traffic to and from a high density development. The traffic lights at Fanshawe Road would need to be coordinated with those at North Centre, but that would likely only reduce the problem slightly.
- The estate to the north of the property may change ownership in the future. A rezoning of the current subject property would be a cogent argument for rezoning of the adjacent property, exacerbating all the problems above.

I urge the Municipal Council to reject the rezoning application and preserve the current zoning so that the subject property may be used as currently planned. Such use would eliminate all the above concerns and pending problems.

Sincerely,



P. Gregory Davis,

Property owner: 16-215 North Centre Rd.

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**From:** rob croft  
**Sent:** Thursday, March 22, 2018 8:37 PM  
**To:** Corby, Mike <mcorby@London.ca>  
**Cc:** Cassidy, Maureen <mcassidy@london.ca>  
**Subject:** OZ-8874

Hi Mr Corby,

Please see attached pdf (2 pages) regarding the this application.

Thanks,  
Rob Croft  
38-145 North Centre Rd  
London N5X4C7

March 21, 2018

Mike Corby  
The City of London, Planning Services  
PO Box 5035  
London N6A4L9

Re: OZ-8874 230 North Centre Rd, London

Dear Mr. Corby,

As a resident on North Centre Road I would like to express concern over the application of The Tricar Group to amend the Official Plan to permit a 22 storey apartment. Some of the rationale for the rezoning used in the Urban Design Brief is flawed.

The development will “contribute to the visual transition between low density land uses to the north and the proposed development” (1.4 Spatial Analysis). The transition from low rise residential to 22 storeys is shocking and the scale of the building is not in keeping with the existing developed area. This building is more suited to the downtown area, not Masonville.

In 2.1 Design Response to City Documents, the brief states “Development of the site will not result in the obstruction of open views of natural features or landmarks”. This is not an accurate statement. When walking or driving south on Richmond from Sunningdale Rd the glorious view of London including all downtown will be marred by this behemoth forever. Certainly, a 22 storey building does not create a “gateway” to the city, rather it is a visual block as mentioned above. Also, the 13 storey building at the NW corner of North Centre Rd is not “opposite” and will not create balance as it is almost half the height and not directly in the sightlines.

Another concern is the shadow study which concludes that “no single part of a property is impacted for any significant length of time”. Some residences nearby show hours of shadow, especially the senior’s complex. Light affects mood and lack of daily sun affects each individual differently.

“Providing a development that allows for higher densities near public transit” (2.0 Design Principles and Design Responses). The design brief shows a high quality building that will attract buyers in middle to upper income brackets. In smaller cities like London, public transportation is not the preferred mode of transportation for this demographic. While City Hall must be commended on approving The Rapid Transit Master Plan, this one building will sadly not have a great impact on ridership. Traffic noise, pollution and increased congestion will result on North Centre Rd and the various intersections of Richmond and Fanshawe Park Rd. Keep in mind there will be increased traffic from other future developments like the proposal at 1643-1649 Richmond St.

Another concern is adding 500-1000 people in such close proximity to the Arva Moraine Wetlands Complex, adding stress to the flora and fauna that occupies this area as well as disturbance to the groundwater system. Mr. Corby, I would like to know if a Hydrogeological Study has been done on this site.

Approving this application could also set a precedent and put pressure on the lands north of the site to be developed. These lands act as a buffer to the PSW/ESA. This could also put the historic Gibbons Lodge in jeopardy.

The scale of this proposal could also have an impact on property values in the surrounding area.

It should be noted that a 15 storey apartment building was rejected by City Council at 200 North Centre Rd, and a 5 and 3 storey senior’s apartment was approved instead, much more in keeping with the general area. In the same manner, I ask that you and the City Council do not allow this amendment to pass.

Sincerely,

Rob Croft

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**File: OZ-8874**  
**Planner: Mike Corby**

From: Dave Stollar  
Sent: Thursday, March 22, 2018 8:55 PM  
To: Corby, Mike <mcorby@London.ca>  
Subject: Project # OZ-8874

Hello Mike,

Just a quick note about this project. My wife and I are very concerned with the added traffic onto North Centre road as well as the height of the proposed building would seem to be out of line with the skyline in this area. I would suggest that it is probably 6 stories too high. We own a condo unit at 145 North Centre Rd, unit 31. We would be glad to attend any meetings called to discuss this zoning change.

Dave Stollar  
Donna Morrison

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From: Suthan Sriganapalan  
Sent: Friday, March 23, 2018 6:26 AM  
To: Corby, Mike <mcorby@London.ca>  
Subject: Zoning by laws

I am a resident of 185 north Centre road and I am against the proposition to make 230 north Centre road a high density zone

Suthan

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From: Carolyn Snelgrove  
Sent: Thursday, March 22, 2018 10:10 AM  
To: Cassidy, Maureen <[mcassidy@london.ca](mailto:mcassidy@london.ca)>  
Cc: [mc@london.ca](mailto:mc@london.ca)  
Subject: 230 North Centre Road

Hi Maureen

Unsightly- I feel that 22 floors is far too tall for this area. All other apartment Building I believe are 12 stories or less. I think at 22 stories that it will stick out like a sore thumb.

Problems with a building that high - shadow will cover the court yard of Richmond Woods from March to September just at the time for the warmth of the sun and vitamin D that the seniors need. The time when people gather just before dinner.

- traffic. Is this area not a medium density area?
- will allow apartment dwellers to peer into MANY backyards.

Please forward this email to ALL COUNCIL MEMBERS.

Thank You  
Carolyn Snelgrove  
Foxborough Chase

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From: Jessie C  
Sent: Friday, March 23, 2018 10:50 AM  
To: Cassidy, Maureen <[mcassidy@london.ca](mailto:mcassidy@london.ca)>  
Subject: Apt bldg NorthCentreRd

Good morning Maureen.

**File: OZ-8874**  
**Planner: Mike Corby**

I am not in agreement of RioCan's 22 storey apt bldg they are planning for North Centre & Richmond. This is wrong. Traffic would be incredulous. That height will take away from many pleasures and infringe on people's well-being & their properties who live in the surrounding area. I am one of these persons.

That height in our area is unfathomable. All about money. Something needs to change here. I know you can help.

Sincerely,

Jessie Chesnut  
145 North Centre Rd, London

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**From:** Catarina Fernandes  
**Sent:** Friday, March 23, 2018 5:31 PM  
**To:** Corby, Mike <mcorby@London.ca>; Cassidy, Maureen <mcassidy@london.ca>  
**Subject:** Re: OZ-8874, 230 North Centre Road.  
**Please consider the following comment for the planning application of OZ-8874, 230 North Centre Road.**

Hello,

As concerned residents, we support our neighbours in a request to reconsider the zoning of this area and consider, rather, a smaller 4-5 story building. I think it would be morally and socially responsible to consider affordable senior living as it is a huge and growing need in our area.

Thank you for your time and consideration with this matter.

Catarina Fernandes  
Darren Trudeau  
22 Debbie Lane  
London, ON  
N5X 3H2

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**From:** Beulah & Mort Bond  
**Sent:** Friday, March 23, 2018 9:26 PM  
**To:** Corby, Mike <mcorby@London.ca>  
**Subject:** Project Reference #: OZ-8874

Hi Mike: We hope this statement will provide some support for your cause.  
Good Luck!

Beulah and Mort Bond

**Application to Amend the Official Plan and Zoning Bylaw**  
**230 North Centre Road**  
**Project Reference #: OZ-8874**

The Occupants of Unit 12,145 North Centre Road, oppose the changing of the current zoning and designation of the above address to a new zoning designation of "High Density Residential" in order to allow a developer to construct a twenty-two (22) storey apartment building.

Currently it appears that the developer has assumed that construction of the building has been approved by the City of London and is now actively moving in a site trailer and commencing to move earth.

**File: OZ-8874**  
**Planner: Mike Corby**

As property owners close to the proposed construction, we are of course concerned with regard to the effects that this very tall structure will have on the surrounding properties that were built and bought under the original Official Plan and Zoning Bylaw.

This raises some obvious concerns such property values, traffic pattern changes, neighborhood safety, vandalism, crime rates, and of course changing the quite neighborhood atmosphere to a fast pace transient area.

The City of London has been indecisive on several previous occasions and has allowed zoning changes to occur, (e.g. allowed building height restrictions to increase from the original bylaw designation). The City of London also allowed the development of a large senior development and when local homeowners expressed concerns with regard to increased traffic and accidents on North Centre Road they indicated that the affect would be minimal. Now we have large volumes of traffic (coming from Richmond Street North) using North Centre Road to avoid the accident prone Richmond/Fanshawe intersection, which has increased the accidents at North Centre Road/FanshawePark intersection.

This proposed amendment brings forward another concern as expressed above. The affects of the construction of this structure, with the increase of people, the development of businesses and the increase in the number of vehicles, on the existing street. How do you handle the traffic congestion? Does it require turning lanes, signal lights at the new entrance after the exit from Richmond Street (very short distance)???

This particular site was originally part of a gully that drained a wetland area and was filled with earth fill hauled in from many locations and was not compacted. This may not be a suitable site for such a huge structure, considering the site history.

**WE DO NOT WANT OUR ZONING BYLAWS TO CHANGE TO "HIGH DENSITY RESIDENTIAL"**

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**From:** sarah coughlin  
**Sent:** Friday, March 23, 2018 9:56 PM  
**To:** Corby, Mike <mcorby@London.ca>  
**Subject:** Project #OZ-8864

Good Evening,

My name is Sarah Coughlin and I live at 215 North Centre Rd in the City of London. I wish to email you my concerns regarding the rezoning to high density in my neighbourhood, in particular across the street from my home. I use to live at 270 North Centre Rd and at that time the Masonville Manor was being zoned, passed, and built. I voiced my concerns then and similar to now. I moved from 270 North Centre Rd to my current location of 215 North Centre Rd with the hopes of being safe against larger, taller, busier building being built next to my home, and now the day has come that I am writing my cocnerns to you

My understanding is that there is a 22 storey building being erected across from my home. My concerns are that this is a very large structure for the area is it not? The height alone is overshadowing coming in a 22 storeys! The retirement home on the left of the proposed building is barely 5 storeys and there are no other taller structures that that height anywhere on the weat side of north centre rd. This is a massive structure for one storey houses in the neighbourhood, beside, and across from the giagantic structure. Perahps a 10 storey would be more realistic? The height I am sure interferes with the home located behind this new structure on Richmond street also as my understanding years ago was the retirement home of Masonville Manor moved to its current location as the owner had issues at the time about larger buildings being selected in the middle of our neighbourhood without similar tall buildings in close proximity.

My concerns with rezoning to a high density area:

1. Additional street traffic (smaller children and speed and number of cars on North Centre Rd)
2. Noise, light and odour pollution (Currently a lot of noise and light from Loblaws)
3. It may decrease property value of my home
4. Safety concerns with increased population in a small space (crime and nuisance)
5. School overcrowding issues

Is there any plans to update our sewer, bus or road infrastructure to accommodate this drastic increase in population?

Is there any concerns about student rentals, sublets, Air B&B rentals and other fluidity of rental dwellers and change overs that are more rampant in larger tall buildings similar to Toronto?

Thank you for your time,  
Concerned Neighbour  
Sarah Coughlin  
10-215 North Centre Rd  
London, Ontario

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**From:** Chao Zhang  
**Sent:** Friday, March 23, 2018 3:36 PM  
**To:** Corby, Mike <mcorby@London.ca>  
**Subject:** RE: 230 North Centre Road - contact info

Dear Mike,

It was nice to talk to you during the open house two days ago. As you know, I am very much against the proposal to build a 22 story building at 230 North Centre Road since it will have a negative effect for people living in this area. I am not sure whether you could even get 10% support from the local residents. But, I am 100% sure this project will go ahead based on the past experience. However, I still want to voice my opinions, not only for this project, but also for the practice used in London city development.

You may or may not be aware of the fact that the Chantry Place Residents fought the construction of the high rise on the crest of the hill on Richmond - participating in all of the steps outlined in the Ward 5 Councillor's note and beyond to an OMB hearing. But, we were unsuccessful - even though, in that case, the City also opposed the development. As a result, Tricar took the dispute to the OMB and we participated in that process. However, obtaining funding to be able to retain a lawyer and planning expert was not easy for us. At the end, **money talks**. Since Tricar has the resources and we do not. So, they won. This is a very sad story since this means those powerful companies can get whatever they want just because they have the money to do so and they will make more money for doing so. The fight between the local residents and the companies, like Tricar, just like a fight between a 5-year old and 18-year old. There is no chance for the 5-year old to win unless somebody is there to protect the 5-year old. The city is the only one can protect the local residents. The city should consider the opinions of the people living in this area and not let the developers to do whatever they want to do since their objective is just the profit, so they do not care about the effect of their actions on the local residents. However, do our opinions matter, maybe not. Otherwise, Tricar could not win last time. If our opinions do not matter, why the city spend time and manpower to ask for the opinions from the local residents?

We moved to this area because this is a low density area. Now, they will build this 22 story building to make this area to a high density area. This is absolutely not fair for people living in this area.

**File: OZ-8874**  
**Planner: Mike Corby**

This 22 story building will cause an invasion of privacy and loss of sight lines for the residents near it. We paid high price for our property because of the view and privacy. Now, we will loss both.

The city should not allow high-rises in low density areas. So, some people can live in a low density area since a lot of people prefer a low density area. Now, high-rises are everywhere in London. It is very difficult to find a low density area. The city should give people an option to choose.

Thank you very much for your consideration.

Best regards,  
Chao Zhang  
32 Chantry Place

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**From:** RICHARD MCCULLOUGH  
**Sent:** Saturday, March 24, 2018 12:13 AM  
**To:** Corby, Mike <mcorby@London.ca>  
**Subject:** 230 North Centre Rd. / OZ-8874

Hello Mr. Corby,

My name is Richard McCullough and my wife Pat and I live at 48 - 250 North Centre Rd. in London. We received a letter from you advising about an application to amend the Official Plan and Zoning By-Law. This is in reference to the property located at 230 North Centre Road. The file number is OZ-8874.

An information meeting was held on March 21st and I had a opportunity to attend. The information session was helpful but very concerning. I did not previously understand the scope of the full project and how it ties into the BRT plans for the city. Thus I am sending this email as I have some questions and concerns I wanted to share here.

We have concerns about the height of the building. It is out of character for the Fanshawe and Richmond corner. Are there any buildings 340 metres high or 22 floors high north of Oxford St. in London? How many residential buildings are there in London that are of an equal height?

The property is currently zoned medium density. Why is high density proposed ... to justify BRT? We have lived here twenty years. If the building of the high rise was completed first, do you think there would have been a plan to build condo townhomes at the foot of the highrise. (and yes we are in the shadow of the proposed building in the morning)

We understand additional properties may be the sites of future proposed high rises. Namely the northwest corner of Fanshawe and Richmond which is currently occupied by commercial ventures like Best Buy, Staples etc. and north of Fanshawe east of Richmond on the PetSmart and Indigo businesses sites.

The concept of a Transit Village, which our property is a part of, is new to us. We have seen nothing regarding this concept until the information meeting on March 21st. We respectfully are opposed to the building of the proposed highrise at 230 North Centre and any additional buildings that are highrises at what are currently commercial locations.

Sincerely,  
Pat and Richard McCullough

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**File: OZ-8874**  
**Planner: Mike Corby**

**From:** Wilma Lambert  
**Sent:** Sunday, March 25, 2018 12:50 PM  
**To:** Corby, Mike <mcorby@London.ca>  
**Subject:** Richmond and North Centre Road 22-storey apartment building

Hello,

I am one of those concerned about such a building being erected on this site.

While this building constitutes desirable "infill" and "intensification", it is neither "compatible" nor "sensitive" to the surrounding neighbourhood.

It would be by far the tallest building in the area, overshadowing by far all other construction, including existing apartment buildings.

The shadow patterns on display at the open house show shadow affecting Richmond Woods Retirement Home, even the open air courtyard, from March to September. I would appreciate knowing who on the planning committee is willing to declare that good planning involves depriving a vulnerable population of senior citizens of some much appreciated sun and fresh air during what are far from their "golden" years?

Traffic is another major concern. I live just north of the location under discussion. It is already difficult at certain times to exit left onto Richmond from Foxborough Chase as well as from the roads just north and south of the property. With the increased traffic it will become well-nigh impossible to make such manoeuvres. I trust that, even should the city approve a much smaller, let's say 10-storey building, it is also planning a traffic light between North Centre Road and Sunningdale Road.

I am only half joking when I say that the city will also need to put up one of its special "SENIORS" signs in the area since I often observe residents of Richmond Woods walking, some with the assistance of their walkers, to the shopping areas (how wonderful is that?).

You may share my views with others on the planning committee. Also I wish to be contacted for updates, information and meetings.

Sincerely,

Wilma Lambert, 1890 Richmond Street, Unit 47.

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**From:** Muriel Parsons  
**Sent:** Monday, March 26, 2018 2:01 PM  
**To:** Corby, Mike <mcorby@London.ca>  
**Subject:** Apartment on Corner of Richmond & North Centre Rd.  
Mike, I am emailing you in regards to the 22 storey building on Richmond and North Centre Rd. that is to be built in the near future. I live at Richmond Woods in the apartments:

Muriel Parsons  
3012 180 North Centre Rd.  
London, ON.  
N5X 0G7

There are quite a few people in the apartments who are concerned about the increased traffic flow from the density of the project. We are fairly independent in the apartments but those who live in the Retirement Community at 200 North Centre Rd. are likely just as concerned but they are not as able to express it. They often go out for walks and will no doubt become caught up in the increased activity from the

- 1) building of the apartment; and
- 2) increased traffic flow once the building is erected. It is a recipe for disaster.

I hope you can persuade the Planning Committee **NOT** to give the project a green light so that we can go about our daily business without the danger and increased noise level that the building will entail.

Thank you,  
Muriel Parsons

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April 04, 2018 230 North Centre Drive – 22 Storey Tricar Development

V. Digby, resident

### **Oppose The Rezoning of 230 North Centre Drive**

Here is what I am concerned about and what I want to share with the Planning Dept:

1. Let me first say this is not about NIMBY or opposing development and intensification. I for one am supportive of compatible development and caring-community intensification. I think I speak for many who ask if this design and the request for rezoning by Tricar is an appropriate response? Does it integrate the new development into the existing neighbourhood in a compatible manner?
2. Residents living within 120 metres of proposed building were notified of the rezoning application sometime February 2018; the timeline is compliant to the minimum standard requirement as set by provincial standards. However, to those living beyond the 120 metre radius, there was no notification, inclusion nor consultation . . .which was disturbing. We deserved to know more about this issue long before the open house meeting held March 21<sup>st</sup> 5-7pm by Tricar. . . .which was not a true public open house to solicit input. Rather, it was an opportunity for the developer to market/solicit to prospective tenants. The irony here is that people could end up living in the shadow of a development tower they knew nothing about. The City should have taken greater efforts to keep the collective 'us' in the loop, informed and included us as to the direct impact it would have on our lives.
3. Developing a massive high-rise high-density complex into the middle of a well-established neighbourhood and changing the zoning to accommodate a vision is in direct conflict with the New London Plan. In particular policies that speak to the "Approach for Planning Neighbourhoods – Use, Intensity and Form". . . basically your guides for the future of London. These policies require protection of neighbourhood character and avoiding current and future land use conflicts. They require a 'good fit' with the context of existing neighbourhoods. What is being proposed through this rezoning application is not the same as building a high-rise in open farmland areas (like Sunningdale West, High Park North or the Southside of Southdale Rd.) In those areas, not only are there less established neighbourhoods, there is more open land. Shadows, traffic congestion, privacy loss aren't an issue. There has to be more sensitivity to current resident concerns and a significant compromise to the design because there are already several hundred households established in the neighbourhood.
4. The OMB has said on a number of occasions that the provincial mandate for intensification is not a license to abandon sound planning principles or to diminish appropriate land use planning standards in search of more density. Further, economic viability is not an adequate planning reason to abandon good urban design. The Tricar application and the rezoning

request may be viable but it is not in keeping with the neighbourhood . . . changes sought will contribute to an overbuilding on the site; which is out of neighbourhood character. Based on official email responses on this issue, I have been told there are no apartments north of Oxford that are 22 storey's high. I've already mentioned that there are high-density apartments/condo's along and/or near Sunningdale out in farmer's fields. .. but even they are only 12/13 storey's tall.

5. Concern for the Richmond Woods senior's health and safety is paramount; so is their inclusion in this matter. Did the City notify Sifton . . . or did each resident of that complex get officially notified? How much say were they given? When the office was approached about the proposed development, we received a curt and cold reception, "This is a corporate complex. . . it would not be appropriate to say anything about this." They are the gate keepers for their residents protection and care – but is there a bias there? Are they keeping residents from having an opposing point of view? There needs to be a voice given to those that aren't in a position to be informed, are not accessible or are unable to adequately articulate their concerns to the City because of their current living situation and/or health condition. The multi-use seniors complex accommodates a range of individuals with the assisted living facility being immediately next door to the proposed Tricar development. The lack of consideration in the Tricar brief to any of their needs for special cross walks, safety boulevards, speed bumps on the street, safe walkways in their shared entrance, etc. is not in keeping with good planning.
6. The sensitivity of the environment in and around the entire eastern side of North Centre Drive can't be ignored and needs to be revisited in terms of any harm to vegetation or loss of habitat for the many animals that live within the Western University land that abuts said property to the North. Also, the 33 shadow scenarios presented in the Tricar brief as Appendix E (p. 46-51) shows the reach of impact the tower will have throughout the year. The height, density and style of the proposed Tricar complex will impact sunlight to seniors and residents in area. Further, it removes airspace for those dozens of falcons/owls/eagles (not to mention all the other flying animals) living on the Western property and in the environmentally sensitive area to the north.
7. High water table concerns around 145/185/205/215 North Centre Drive as well as Richmond Summit condo's spill over into the wetlands area behind the Sifton seniors complex. These areas suffer from constant concerns around ground level fields/streams and basement/yard flooding of homes. If a 22-storey complex is built, the depth of the footings alone would cause concern around water displacement. Where will that water that was once allowed to reside there go? Will it flood basements? Will it constantly flood and damage the habitat of the deer/turkey/fox/turtles/frogs that live in the wetlands area?
8. The loss of privacy for those living in the established residential areas nearby is a concern. Only the privacy of new residents living in the proposed tower is being considered by the developer and everyone else's privacy is being dismissed. A 22 storey high-rise building will be intrusive to those living in Richmond Woods seniors complex; also to those in 250 & 270 North Centre Drive/Richmond Summit condo's; those properties in Chantry Place facing Richmond as well as resident at 145/185/205/215 North Centre Drive condo's on the south side. Because this is a new development within an already well established neighbourhood, the onus should be on the developer to be even more sensitive when integrating into the neighbourhood.

9. Traffic congestion in an already overwhelmed area will only get worse. Under the new proposed rezoning plan, the corner of Richmond and Fanshawe Park Road will renew its old reputation as 'Calamity Corners'. If density is allowed to increase by allowing the likes of 22 storey high-density high-rise developments north of Fanshawe Park Road, then we can predict significant increases in accidents involving seniors, pedestrians and students . . . all those who walk to Michaels, Loblaws, Masonville Place, the bus loop and/or shop at other commercial properties in the area. What are the infrastructure plans to prepare for this influx – roads widened? Extra sidewalks installed? The creation of safer crossing zones?
  
10. Several years ago, the neighbours in Chantry Place spent approx. \$50,000 going to the OMB to fight Tricar from building their multi-story white tower on the westside of North Centre Drive – and lost. Last year, the Stoneybrook Heights/Uplands Residents Association collected 503 signatures on 3 petitions, had a team of 4 residents (including an ex- Sr. City Planner) to prepare a 41 page powerpoint slide presentation & spent approx. \$60,000 going to the OMB to fight the redevelopment of the old Poole property along the north side of Fanshawe Park Road – and lost. I could go on . . .but based on what I have learned . . . well documented evidence of facts, lots of money, signed petitions by hundreds of residents, etc. won't make a significant difference to an application. Therefore, if the committee does decide to allow a 22-storey complex, what is the developer prepared to offer the residents in the near-by community in return? Nowhere in their brief do they offer any enhancements, suggestions or benefits to the neighbourhood.

In summary, I recommend the committee refuse the proposed rezoning request by Tricar and reject all amendment changes based on the incompatibility of the proposal. But if not, what do we get in return?

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From: Susan Gliksman  
Sent: Thursday, April 12, 2018 3:06 PM  
To: Tomazincic, Michael <mtomazin@London.ca>; Corby, Mike <mcorby@London.ca>  
Subject: 230 North Centre Road Building Proposal.docx

22-1890 Richmond St.  
London, N5X 4J1  
April 11, 2018

To: Maureen Cassidy ([mcassidy@london.ca](mailto:mcassidy@london.ca)) and London City Council  
Concerns re: **Proposed development at 230 North Centre Road**  
Having reviewed the Tricar/Stantec proposal, I have a very different view of the benefits of putting a high density luxury residential building in the Masonville corridor. My husband and I have been residents of London for 47 years, having raised our family here and having lived in various parts of the city through these years. We have witnessed the growth and development of this city.  
The project consists of a 22 storey apartment building with a total of 230 units including seven 3-storey podium units on North Centre Road, and five 2-storey units on Richmond St. The site is almost completely covered by structure, requires decreased setbacks from the streets, road widening, and increased height and density. Also, access to the building requires an easement from the seniors' home at 200 North Centre Road.  
Although the project claims it is in line with the city's intensification target (i.e., infill) it offers no basis for the claim of meeting social, health and wellbeing requirements of future and current residents. As a multi family building, it does not provide adequate outdoor space for children/families to play or gather. School accommodation at the

elementary and secondary level may also be an issue as many children are currently bused out of the area.

Considerations:

1. The site is currently not developed but the property has been cleared, utilities have been flagged, and a trailer has been set on the site. A large sign advertising luxury units to come is now on the corner of Richmond and North Centre Road.

The site is zoned for multi-family medium density development as are the lands immediately to the north. After public input in 2014, maximum buffers were recommended between any future development at the university property and the natural wetlands in order to protect the area. The university development plan also emphasized **retaining the necessary topography and design in order to protect and enhance unobstructed views of the Downtown skyline.**

2. The open space and trails that run from Richmond St. to Sunningdale are accessed on the south side directly from Richmond St. It is a heavily wooded area and likely not appropriate as a play area for children.
3. The proposed building does not complement surrounding residential neighbourhoods consisting of townhomes, single family homes, a seniors' low rise 3 and 5 storey apartment buildings and attached townhomes. At 22 storeys, it is taller than the TD Centre downtown at the corner of Dundas & Wellington. It's twice as tall as the other apartments in this area. Tricar argues that their 22 storey building balances off the 12 storey highrise at 300 North Centre Road. Tricar's complex is grossly out of scale if architectural balance is the objective
4. The 12 storey rental apartment building at 300 North Centre Road has more outdoor parking spaces than the proposed building which lists 5. On any given day, there are many cars parked
  - outside on the street in front of **300 North Centre Road** for short durations. This is quite likely to happen with the new project. Some or all of the 5 outdoor parking spaces in the proposed building are likely to be designated as handicapped, leaving residents and visitors to park underground or on the street. It may also create parking problems for commercial/office properties close by that have parking lots, and the seniors' building next door. For a luxury building, the lack of outdoor parking spaces seems questionable. The 335 underground parking spaces in the proposed building contradicts the builder's emphasis on pedestrian and bicycle traffic for the building's residents.
  - Other examples include:
    - **1235 Richmond St.** - This building has varied heights from 18 to 19 stories, has 9 or 10 outdoor ground level parking spaces in addition to a bi level parking garage with approximately 165 parking spaces. - from Google Earth
    - **Sunningdale (West of Richmond)** has two 12 storey luxury condo high rise buildings. One is finished, the second still under construction. In addition to underground parking, the occupied building has 48 outdoor parking spaces.

The company's proposal suggests that this high density building perfectly fits the city's transit hub plan. Apparently, people will be keen to use public transit or bicycles. Does anyone really think that occupants of luxury, high-cost units fit the demographic for users of public transit or bicycles instead of cars? These are the people who drive fairly nice autos to get most places. Bicycles are likely for recreational purposes only.

5. Outward appearance of the proposed building is much like a mammoth concrete structure strikingly similar to a new research building project at Western. The decreased setback from roadways is simply not sufficient. The setbacks

proposed at the 3<sup>rd</sup>, 8<sup>th</sup>, and 19<sup>th</sup> floors does not compensate for what is a streetscape with patios and planters at ground level that are less than 10-12 feet from a city sidewalk. The building is far more suitable for a larger site with more greenspace around it.

6. Will water drainage from the property become an issue for the neighbouring properties? Can the city's infrastructure handle the additional stormwater? Will the wetlands and their wildlife be impacted by new construction for water drainage or water supply?
7. What will be the impact of widening Richmond St. and North Centre Road? Will the bicycle path be removed on Richmond St.? What are the safety considerations for the high volume of traffic generated by the number of new residents?
8. What is the developer offering by way of enhancements for the public?
9. Why do we need a 22 storey building on such a small parcel of land? This is not Toronto! Such a building needs to have a smaller footprint on a larger property. The alternative is to have a smaller building, one that does not impact/obstruct the view of the city for existing or future property owners.

I strongly urge city planners and city councillors to reject this proposal in its present format and urge them to vote in favour of compatible development that enhances the neighbourhood.

Respectfully,  
Susan Gliksman

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From: Susan Gliksman  
Sent: Friday, April 20, 2018 2:57 PM  
To: City of London, Mayor <mayor@london.ca>; van Holst, Michael <mvanholst@london.ca>; Armstrong, Bill <BArmstro@london.ca>; Salih, Mo Mohamed <msalih@london.ca>; Helmer, Jesse <jhelmer@london.ca>; Cassidy, Maureen <mcassidy@london.ca>; Squire, Phil <psquire@london.ca>; Morgan, Josh <joshmorgan@london.ca>; Hubert, Paul <phubert@london.ca>; Hopkins, Anna <ahopkins@london.ca>; Ridley, Virginia <vridley@london.ca>; Turner, Stephen <sturner@london.ca>; Usher, Harold <husher@london.ca>; Park, Tanya <tpark@london.ca>; Zaifman, Jared <jzaifman@london.ca>; Tomazincic, Michael <mtomazin@London.ca>; Corby, Mike <mcorby@London.ca>  
Subject: Proposed Tricar Development @230 North Centre Road

Please accept the attached letter with regards to the proposed Tricar development in the Masonville area.

MSCC #582  
Foxborough Chase  
1890 Richmond St.  
2018 April 20

To: Ward 5 Councillor, Maureen Cassidy, and members of City Council,  
Mike Corby, City Planner and Michael Tomazincic, Senior Planner

Subject: Proposed Tricar Development @ 230 North Centre Road  
This letter is being written on behalf of the concerned residents of 48 homes at Foxborough Chase. Back in 2014, we listened to the re-zoning proposal for the university property known as Gibbons Lodge. There was great concern shown by Western for the ecological and environmental impact of future development of the property. Maximum buffers were recommended between residential areas and the protected wetlands. One of the priorities for the university was the preservation of the

topography and design in order to protect and enhance unobstructed views of the Downtown skyline from the property and any future development on the property. In contrast, Tricar is planning to build a 22 storey building with 230 units at the northeast corner of Richmond St. and North Centre Road. One resident referred to it as a "super high density development" way over the maximum of 150 units. It requires bonusing on the height, # of units, smaller setbacks from the streets and property lines. It will overshadow the one storey condo units across the street to the south and the seniors' complex located to the east of the property. In addition, the condo units to the west and Richmond St. itself would also experience a lot of shadowing. Not only will shadows affect the outdoor experience of area residents but it may create hazardous road ice conditions in the winter.

Traffic will increase on North Centre Road with the addition of over 330 new residents. This is already a road that is used by many drivers who want to avoid the intersection at Richmond and Fanshawe, an intersection that is already being studied for lane expansions in 2020. Drivers also take the westerly portion of North Centre Road to avoid the main intersection. This is a safety issue for residents especially seniors who live in the majority of the residential developments on both sides of Richmond St. on North Centre Road. School buses pick up/drop off children on this street north of Fanshawe. The Tricar building will likely add more children to the school bus route. What safety measures will there be for the public?

Considerations:

1. HEIGHT - The Tricar site is currently zoned for multi family medium density development as is the university property to the North. The Tricar high density building claims it follow provincial and local development policies (The London Plan). At 22 stories, it is twice as tall as any apartment building in the area. Architectural balance is not achieved as the only apartment building in the immediate area at 300 North Centre Road is 12 storeys. The senior complex to the east has 3 storey and 5 storey buildings and 1 storey townhomes. There is no reasonable transition in height from the proposed 22 storey building to the 1 storey homes across the street. The proposed building is simply not compatible with the surrounding area.

2. PARKING - The proposed building covers 70-80% of the 1.1 hectares. It has 5 ground level parking spaces and 335 spaces underground. Compare this to 300 North Centre Road that has more than 10 ground level parking spaces with the rest underground. On any day, you can see many cars parked for short durations on the street in front of the building. Conceivably, this will happen on North Centre Road. Visitors and residents @230 North Centre Road may also end up parking at the corner office building or the seniors' home next door. This will likely be unacceptable to these and other property owners.

There are:

- at least 10 outdoor parking spaces at 1235 Richmond St. (an 18-19 storey building) - 48 spaces (some reserved) at the completed condo building on Sunningdale Rd. just west of Richmond
- 24 outdoor parking spaces plus 2 handicapped spaces in front of the 12 storey apartment building at 1985 Richmond St.

Does anyone believe that the residents of a luxury, high cost condo unit fit the demographic for users of public transit? Yes, they may walk to the grocery store or mall or nearby commercial establishments but they are still going to drive their nice cars to get to most places in the city.

3. LANDSCAPE - The proposed setbacks at the 3rd, 8th, and 19th floors do not compensate for a streetscape on the south and west sides with private patios and planters at ground level that are 10-12 feet from a city sidewalk. The building is far more suited for a larger site with more green space around it. The terrace on top of the garage and a small green space on the northeast corner of the site is grossly

inadequate for families with children. The closest playground is on Sunningdale Rd. East of Richmond.

4. WATER UPTAKE/DRAINAGE - Will water drainage from the property become an issue for the neighbouring properties? Can the city's infrastructure handle the additional stormwater? Will existing wells, the wetlands and their wildlife, and the aquifer be impacted by new construction for water drainage or water uptake? Properties in the Uplands area are still on wells not city water. 1890 Richmond St. has a well that is used to water the landscape. Several homes on the southeast corner of Richmond and North Centre Rd. recently had their basements flooded.

5. DEVELOPMENT IN THE MASONVILLE AREA - From Wonderland to Adelaide, from Fanshawe to Sunningdale, there are 13 high rise apartment buildings either recently completed or currently under construction. There are many more buildings that have been approved for the area ranging from 4 to 7 storeys and up to 15 storeys.

London is not Toronto! We do not need to emulate a city full of high rise buildings. This proposed building looks very attractive but it is far too tall for the location and covers too much of the land. It will impact or obstruct the view of the city skyline for existing and future residents. It will cast shadows on neighbours and affect their enjoyment of their homes. We do not oppose the infill development but strongly oppose a building that is not compatible with the neighbourhood.

We strongly urge city planners and city councillors to reject this proposal in its present format and urge you to vote in favour of compatible development that enhances the neighbourhood.

Respectfully,

The Board of Directors for MSCC #582  
Jack Hardy, President  
Susan Gliksman, Director  
Gerry Killan, Director  
Gary Plomske, Director  
Richard Voegelin, Director

The residents at 1890 Richmond St.

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Email from Steven Ries with attached letter from Jan Janik, Wednesday, May 16, 2018  
10:25 AM

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## Z. Jan Janik

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305 - 200 North Centre Road, London, ON N5X 0B1 |

April 26, 2018

To Whom It May Concern:

**RE: Planning Application OZ-8874**

By way of introduction, I am a resident of Richmond Woods, a retirement residence owned by Sifton Properties and located at 200 North Centre Road, London, Ontario. My apartment unit is located on the third floor, faces north into the exterior courtyard of Richmond Woods and does not have direct access to the exterior. This exterior courtyard like the building itself is aligned with north London's street grid which as it is not a cardinal grid means that I receive north-west sunlight in my apartment in the late afternoon. This sunlight particularly in the spring is of great value to my quality of life.

In addition to being of the utmost importance to the residents of apartments facing north into the courtyard, the Richmond Woods courtyard is of immense value to the residents of our retirement community as it offers a sheltered exterior space in the spring that is blessed (due to its ample size) with glorious sunlight.

The Tricar Group has submitted an application to revise London's Official Plan and amend the Zoning Bylaw to support the construction of a high rise residential building at 230 North Centre Road immediately to the west of Richmond Woods at the northeast corner of the intersection of Richmond Street and North Centre Road.

I understand that the shadow study that was attached to their application will directly and negatively impact Richmond Woods exterior courtyard by placing it in shadow in the late afternoon during the spring and fall equinox.

**As I and other residents of Richmond Woods rely on this sunlight, I am asking that City staff and politicians require the Tricar Group to amend their application by reducing the height of their proposed high rise tower sufficiently to eliminate the shadowing of the Richmond Woods courtyard at any time of the year.**

Postscript: I am aware that the Planning Act does not provide for the registration of objections from renters but only property owners. The Owner of our facility - Sifton Properties has indicated via Richmond Woods management that residents should advocate on their own behalf.

Sincerely,



Z. Jan Janik

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From: Marlene Thompson  
Sent: June 10, 2018 6:05 PM  
To: City of London, Mayor; Cassidy, Maureen; Squire, Phil; Morgan, Josh; Salih, Mo Mohamed; van Holst, Michael;  
Armstrong, Bill; Helmer, Jesse; Hubert, Paul; Hopkins, Anna; Ridley, Virginia; Turner, Stephen; Usher, Harold; Park, Tanya; Zaifman, Jared  
Subject: Issues with Rezoning of 230 North Centre Road (File: OZ-8874)

NO to the Tricar tower!

Richmond is already too busy. There are children trying to cross Richmond to go to school. It needs to be more pedestrian friendly. Put in a light at Richmond and Plane

tree road. There is too much traffic and too many cars. We want to create community living not a huge metropolis. Bike lanes and sidewalks up and down Richmond right to Arva would be beneficial.

If they need more housing keep it low. There is no need for a huge tower. Low level one story condos would be a better use of space. A tall, high rise would decrease privacy, ruin the view of the city and create too much congestion.

Thank you for your time.

Marlene Thompson

### **Agency/Departmental Comments**

#### **Water Engineering - March 1, 2018**

Water Engineering Comments for 230 North Centre Road:

Water is available from the 300mm dia PVC watermain on North Centre Road.

The Water analysis in the submitted water service briefing indicates a connection to a 1200mm on North Centre Road. This should be a 300mm watermain.

#### **Development Services Engineering – March 26, 2018**

##### General

The following items are to be considered during the site plan approval stage:

- As per special provision 27 q) (33M-405), the site will require a noise barrier wall along Richmond Street. Any change in the proposed use of noise attenuation measures may require a revised noise report to support the revisions.

##### Transportation

No comments for the re-zoning application.

The following items are to be considered during the site plan approval stage:

- Road widening dedication of 24.0m from centre line required on Richmond Street
- Use existing access as a Joint access with adjacent property to the east
- Detailed comments regarding access design and location will be made during the site plan process

##### Stormwater Engineering

Comments for the re-zoning application.

- The proposal is to accommodate the extension of the municipal storm sewer and easement within the site boundaries as per the registered subdivision agreement (Plan 33M-405) special provision 27 au), the Development Agreement and Consent Agreement for the site.
- The applicant's consultant shall reference City as-constructed drawings #19903 when determining the proper alignment for the municipal servicing easement required on the subject lands.

- No structures are to be built on the future municipal easement.

The following items are to be considered during the site plan approval stage:

- As part of the N.W.1 Retirement Residence it was located a ponding area over the municipal 230 North Centre Road to attenuate storm runoff. How will this ponding area be accommodated in the development of 230 North Centre Road.
- The Owner's consulting engineering to address how the quantity controls for the adjacent Old Age Retirement Home, which are currently located on the proposed site, are to be dealt with.
- The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site and safely conveys up to the 250 year storm event, all to be designed by a Professional Engineer for review.
- If the number of parking spaces exceed 30 the owner is to be required to have a consulting Professional Engineer addressing water quality to the standards of the Ministry of the Environment and to the satisfaction of the City Engineer.
- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site and that will be in accordance with City of London and MOECC standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Functional Storm/Drainage Servicing Brief.
- Consultant to confirm if an MOECC ECA is required.

#### Wastewater and Drainage Engineering

Comments for the re-zoning application.

- The proposal is to accommodate the extension of the municipal sanitary sewer and easement within the site boundaries as per the registered subdivision agreement (Plan 33M-405) special provision 27 ay), the Development Agreement and Consent Agreement for the site.
- The applicant's consultant shall reference City as-constructed drawings #19904 and #19905 when determining the proper alignment for the municipal servicing easement required on the subject lands.
- No structures are to be built on the future municipal easement.

#### **Development Services – June 5, 2018**

We have reviewed the preliminary servicing plan for the storm sewer along Richmond, and have no further comments related to the re-zoning.

We have compiled a list of comments for your use at the future site plan application stage. Please note that additional detailed review comments will be provided at that time.

- Based on the topography, the sewer inverts can be raised up significantly. Take advantage of the City's maximum invert elevation difference of 0.89m.
- Municipal easement required along Richmond (just over the portion of excavation limits within the subject site). Avoid placing any structures or important features within the easement limits.
- Municipal servicing easement over portion of sewer along North Centre Road within the private property.
- MOECC ECA
- UCC sign off

- The location of proposed MH 6 may be subject to change due to its proximity to the sidewalk.

Also, the proposed sanitary sewer alignment is consistent with the previously accepted drawings for this site.

**London Hydro – March 19, 2018**

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

**UTRCA – March 19, 2018 Excerpt**

No objections.

## Urban Design Peer Review Panel – March 1, 2018

The Panel provides the following feedback on the submission to be addressed through the Official Plan and Zoning Bylaw amendments underway:

1. Cohesive Building Design. The Panel recommends that the building elevation design be refined to create greater continuity of architectural expression among the building elements. Examples include the following:
  - The design details shown on the garage and podium elements could be repeated elsewhere on the building to connect the podium to the mid-rise and tower portions of the project.
  - Mid-rise portion of the tower, relative to the top, could have further articulation, similar to the detail shown at the tower and podium. The design of the 8-storey piece could further visually overlap with the tower to reduce the visual appearance of the tower width.
  - The design of the penthouse relative to the top of the tower could be repeated at the mid-rise portion, in a smaller gesture or smaller scale.
  - Remove blank façade on the northwest corner of the podium that is prominent from the street by integrating other architectural elements of the building into this part of the elevation.
2. Townhouses.
  - The Panel supports the inclusion of street oriented townhouses into the project and recommends extending them along the Richmond Street frontage to create a stronger street presence.
3. Driveway organization
  - The curvilinear design of the access driveway as it relates to the existing driveway is awkward. Consideration should be given to straighten it.
4. Amenity areas.
  - The Panel supports the public amenity area at the corner of Richmond and North Centre Road. In this location the pedestrian access to the building should be redesigned to give priority to accessibility to the front entrance through the reorientation of the access ramp (e.g. provide central access rather than to the side). Consider treatment of accessibility features (e.g., ramps) as central to the landscape concept.
  - The private outdoor amenity area at grade in the northeast corner of the Site is somewhat isolated and would benefit from greater natural surveillance. The Panel encourages the applicant to improve natural surveillance over this space (e.g. by relocating an internal amenity space, such as the pool or fitness facility to frame the space with transparent windows as the applicant suggested at the meeting). The proponent could also reconsider the design of this area to offer an improved drop-off/rear entry experience if amenity areas are planned in other locations on site.
  - The Panel supports the applicant's intent to provide rooftop amenity on the parking structure as discussed at the meeting.
  - Consideration of the programming and function of the outdoor amenity areas will be required and should inform the landscape design of these spaces.

### Concluding comments:

The Panel supports the overall design concept with the integration of the design recommendations noted above and commends the applicant for their thoughtful approach to the design at this early stage of development.

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. Subject to the comments and recommendations above, the proposed development represents an appropriate solution for the site.

Sincerely on behalf of the UDPRP,

## **Appendix B – Policy Context**

The following policy and regulatory documents are being 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, 2014

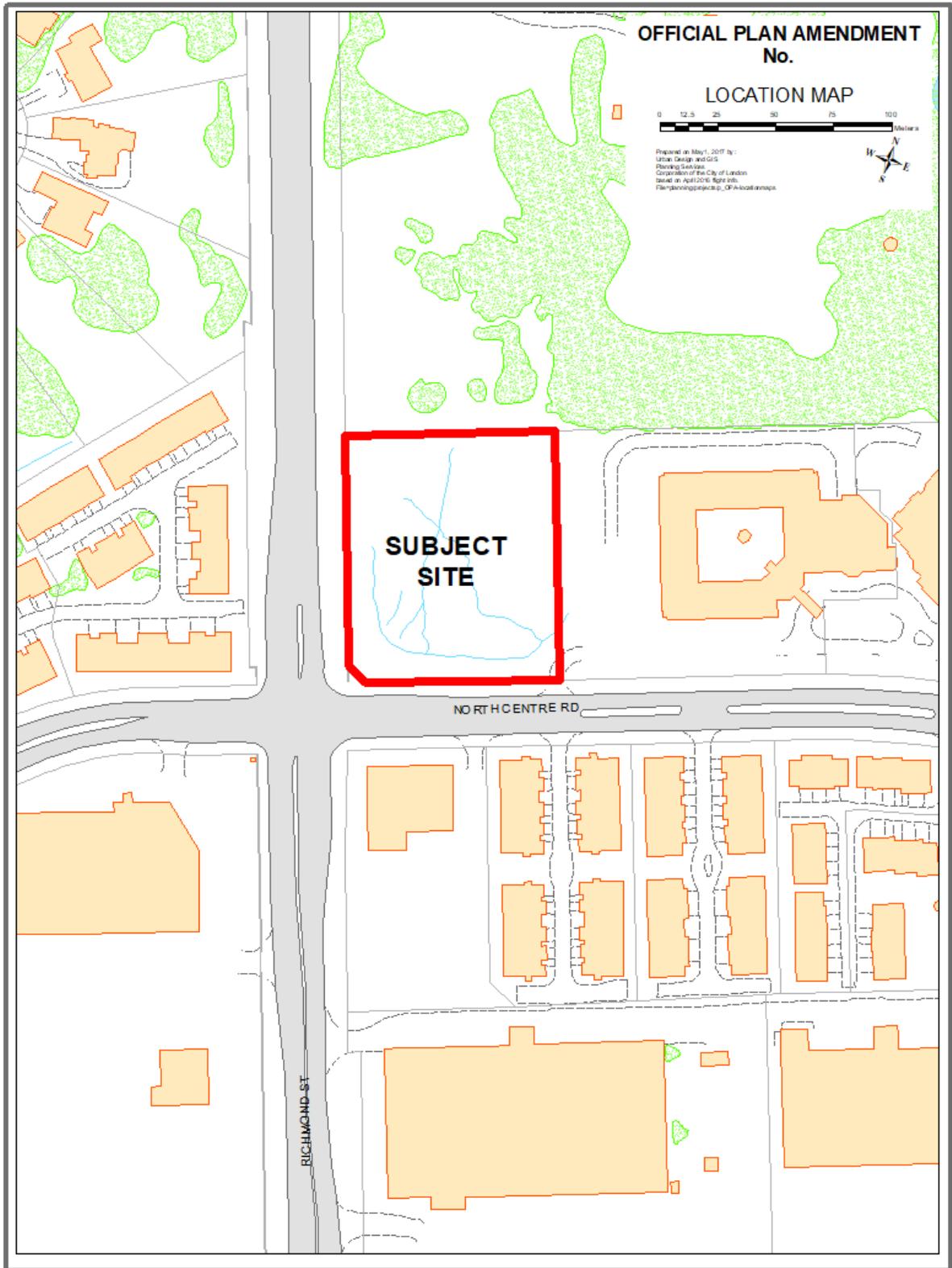
City of London Official Plan

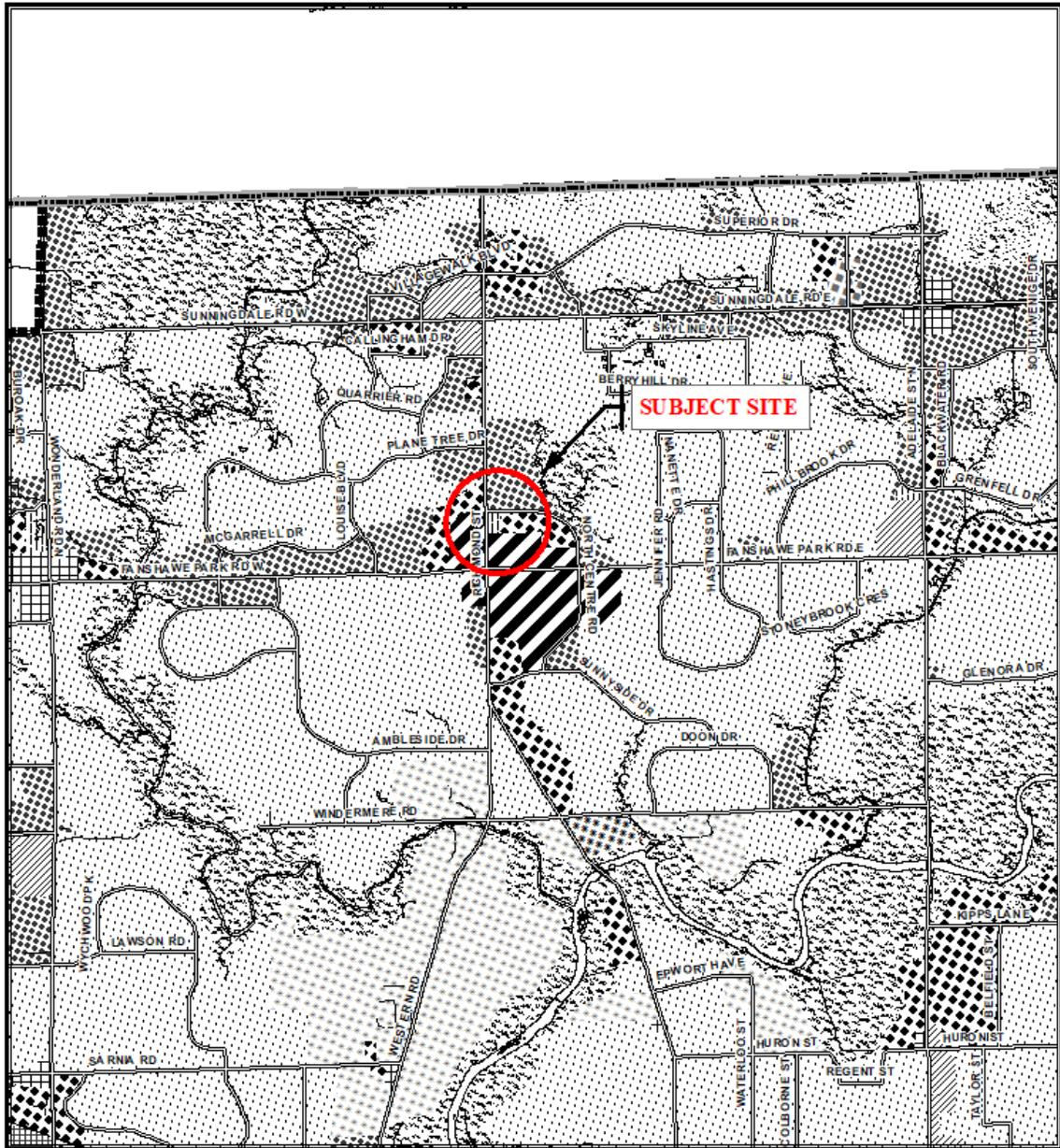
Z.-1 Zoning By-law

Site Plan Control Area By-law

**Appendix C – Additional Information**

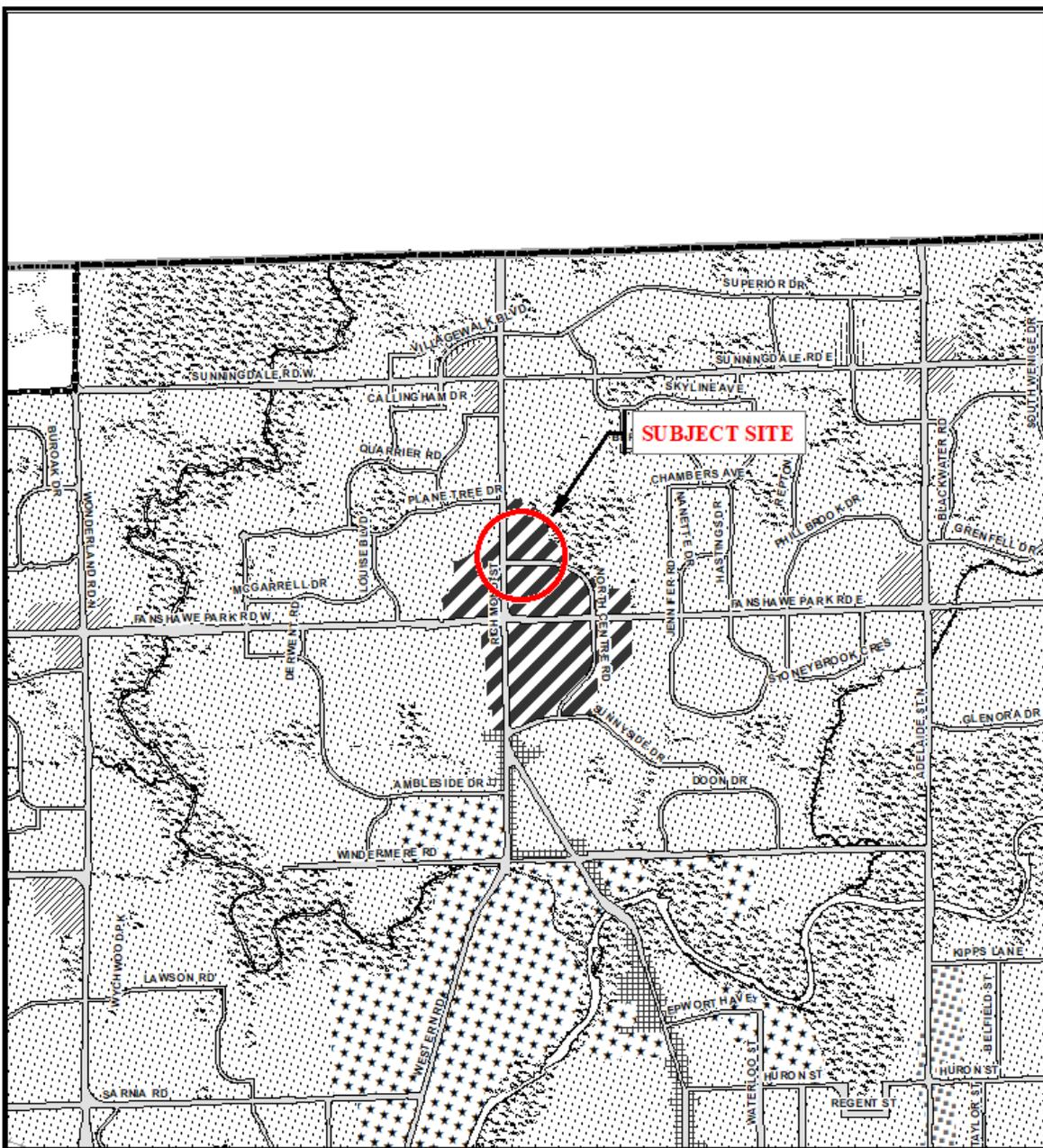
**Additional Maps**





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>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: OZ-8874                  PLANNER: MC                  TECHNICIAN: MB                  DATE: 2018/04/13</p>
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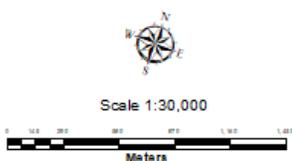
**Legend**

- |                        |                          |   |
|------------------------|--------------------------|---|
| 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:** OZ-8874  
**Planner:** MC  
**Technician:** MB  
**Date:** April 13, 2018



## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.5 PUBLIC PARTICIPATION MEETING – Application – 230 North Centre Road (OZ-8874)

- C. Hendrikson, Stantec Consulting – indicating that he is speaking on behalf of the Tricar Group with respect to their proposed application for a high rise development at the northeast corner of North Centre Road at Richmond Street; noting that the site is located within a four hundred metre radius or a five minute walk from the Masonville commercial node and that it is well connected to existing transit service, located within close proximity of the northern most Rapid Transit station, as identified in the Council approved SHIFT Rapid Transit Initiative Master Plan, and is located within the transit village on the Council approved London Plan; stating that this makes this a desirable and compatible use for the high-density apartment land-use proposed; stating that Tricar has put significant effort into community consultation on this project; noting that the first public information centre was held in March, which presented the initial 230 unit, 22 storey development proposal; indicating that comments from the public were received and concerns were raised regarding the building height, shadow impacts to the east and southeast, and the overall site density; stating that Tricar reached out to the Ward Councillor and had additional meetings with Councillor Cassidy and members of the community to discuss design changes that would better address community concerns; indicating that a revised building design was developed, which resulted in the tower shifting from the southwest corner of the site to the northwest corner, a reduction in units to 215 and a building height change from 22 to 18 storeys, which; noting that the height reduction and the tower location change made significant improvements to the shadow impacts to the east and southeast, or eliminated them entirely; stating that the resulting reduction in units helps address the density concerns that have been raised and a second Public Information Centre was held just recently on July 4<sup>th</sup> for the public to review this revised proposal; indicating that he will go through some of the design changes in order to highlight a few things; stating that the tower moved from the southeast corner, at 22 storeys to the northwest corner of the site and down to 18 storeys with the addition of an 8 storey wing along the north side of the building which helps frame an amenity area on the podium roof deck for the residents of the building; stating that the initial proposal contained some podium units along the Richmond Street frontage, which, in the revised proposal have been extended across the entire frontage to help frame the Richmond Street right-of-way a little better; stating that the high-quality entrance forecourt is being proposed to help frame the intersection of Richmond Street and North Centre Road and a consolidated site-access and alignment with an existing access on North Centre Road has been proposed to help limit vehicle conflict; stating that coming from the north, it is believed that this building will help create a strong gateway into the city's north end; noting that a few of the other design highlights associated with this are that it is a compact development to create density in an area of the city most suitable for it; indicating that it is an efficient use of infrastructure; noting that the exceptional site and building design associated with the proposal, with substantial underground and close parking, which includes parking for both visitors and for building residents; noting that Tricar engages with sustainable forms of development, both during construction and with the ultimate building design, which leads to a sustainable operation of the building in the long-term; noting that this proposal will also have a significant increase in London's tax base; indicating that they look forward to continuing to work with planning and design staff on this proposal. (See attached presentation.)
- J. Chestnut, 145 North Centre Road – stating that she is very disappointed that she needs to stand in front of her Council regarding Tricar's request for an amendment to the Official Plan from 1989 and also for Tricar's request regarding the rezoning application, two separate issues; indicating that it is the Official Plan of 1989 that makes the land at 230 North Centre Road legally binding for medium density due to transitional elevation with the Arva ravine behind; indicating that the City seems to be crossing between the Official Plan and the London Plan, with BRT tied to the latter; stating that any Council member who voted for BRT can say no to this proposal; noting that the second issue, connected to amending the Official Plan of 1989, is Tricar's request to rezone 230 North Centre Road from medium-density to high-density, a 22 storey, now 18 storey, with 230 units, which could translate into 460 people, easily and may take up the entire field that is there now; indicating that frontage along 230 North Centre Road has a walk-in of 170 steps, a lot of building compacted into this area; stating that pictures of the Tricar tower building remind her of how the country-folk feel about the huge turbine towers out in the country fields, except this tower is in their backyard; noting that you can think of the Tricar tower building at Ridout Street and King Street, that is what you can imagine at 230 North Centre Road, or in your own backyard, very limited space, much shadowing

on Richmond Street and across and into the local homeowners and in and around North Centre Road; indicating that she decided to take a walk to check out the Richmond Woods Seniors Residence that Sifton built and there is a lesson there, an idyllic oasis for seniors that spans over five hundred steps, none of which cast shadows; noting that there is plenty of parking for staff and family visitors and people doing business; indicating that this vibrant community will be hit by auto and foot-traffic as people cut through their property which is a dangerous combination; indicating that on North Centre Road there will be vehicle chaos; stating that she was checking out Richmond Woods three driveways into their complex and the last entrance, closest to Richmond Street is the service entrance and for resident-leased parking and it is at this same entrance that Tricar has plans for their one and only entrance and exit; asking why, from this alone, would the Planning Department have allowed this Notice of Application to go ahead; indicating that for visitors, firefighters and all other vehicles, the principle entrance to the building is off this only in-out laneway going halfway back the building, ending at the entrance to the tenant garage with five visitor parking spots along the way; stating that Tricar is trying to jam in and up so much without giving thought to the surrounding Masonville area; stating that it is interesting to note that on Tricar's website it states "fostering relationships within communities where we build" but this statement is only words; noting that another issue is tied into all of this, that of density and bonusing; indicating that it looks like Tricar has business projects and design plans based on bonusing, and not just here in London; indicating that is definitely more money in their pocket at all the surrounding communities expense; noting that Ottawa and other large cities do not allow bonusing, so why does London; stating that this is an issue that matters; stating that awhile back, a Councillor commented on a presentation, asking why the City of London feels it has no leverage to make developers compliant in good planning; noting that the Ontario Municipal Board stated that the provincial mandate for intensification was not a licence to abandon sound planning principles, nor to diminish appropriate land use planning standards in search of more density; noting that the reasoning is solid and applicable here; asking the Committee to say no to amending the Official Plan of 1989, to Tricar's request to amend 230 North Centre Road from medium-density to high, to Tricar's use of Richmond Woods service entrance, to the issue of density and bonusing and say no to the traffic chaos Tricar will create on North Centre Road and on the Masonville area; noting that visibly the community will change dramatically unless City Council says no; stating that enough is enough.

- M. Senescu, 145 North Centre Road – indicating that she is against the 230 North Centre Road high-density rezoning application; noting that she has lived in London for the past eight years; stating that once she had saved enough money she decided to purchase her first home; noting that she had previously lived in the downtown core of London and she knew she wanted to buy a house in a less urbanized area; indicating that two years later, due to the housing market, she finally bought her one storey bungalow on North Centre Road in 2017; stating that she chose this area because it was mainly zoned for medium density, was a well-established, quiet neighbourhood and close to wetlands, which is an area she knew would never be developed; stating that when she was finally notified about Tricar's proposal in February of 2018 she was disappointed to discover that the City would even consider a high-density proposal of 18 or 22 storeys when her home, a few metres away, is only a one storey bungalow; indicating that the proposal does not fit the existing development already present in the area; stating that she is also angry at the current incentives in place, to developers, to propose out-of-place, high-density developments in her neighbourhood because it is a proposed transit village; indicating that this is unacceptable and not compatible development; noting that had she known this information prior, she would have reconsidered the purchase of her home; stating that she does not want to live in London's proposed second downtown core; indicating that her second bone of contention with the proposal is the misinformation of her neighbourhoods zoning; noting that when she first contacted the senior planner on this project, back in March, she mentioned that the majority of her area, on North Centre Road, was misquoted as high-density but the actual zoning of her neighbourhood, based on the City of London's zoning website, indicates that 185, 205, 215, 250 and 270 North Centre Road all have R5-4 and R6-5 zoning designations and both of these zonings are medium density residential, as stated in the by-law passed through the Ontario Municipal Board; stating that a number of inaccurate reports lump all of North Centre Road together, Schedule A of the 2016 of the London Plan and page 60 in the July 5 reporting to the Planning and Environment Committee says that all of North Centre Road is zoned high-density, this is not true; indicating that this clerical error regarding North Centre Road's zoning has been feeding inaccurate information to the public and has been used to persuade the public that rezoning 230 North Centre Road is not a big deal but it is a big deal; stating that this needs to be rectified and clarified to the public; noting that the majority of her area is medium-density, not high-density; indicating that she was also shocked to learn that one

of the reasons that Tricar is able to propose a 22 storey building is because the City has sanctioned her area to potentially become a transit area hub and these hubs are allowed outrageously tall buildings, however Table 8 on page 187 of the London Plan, the 2016 version, describes minimum and maximum heights allowed for transit villages; noting that on the minimum requirement, the neighbourhoods are required to have at least two storey buildings or eight metre tall buildings and all along North Centre Road there are hundreds of one storey bungalows that do not fit this requirement; stating that her bungalow only measures 5.3 metres tall; asking how high-density zoning can be considered, based on this transit village description, when the majority of the community does not fit that description; also noting that on page 198 of the London Plan it states that transit villages have “transition height and intensity between surrounding neighbourhoods”; stating that she knows there are one storey bungalows within 33 metres of the proposed development site; noting that a 22 storey building, high-density development next to a one storey bungalow is not transitional intensification and does not provide any buffer to ensure developmental compatibility for her community; stating that she is also concerned with the ability for any zoning application to be taken into consideration when they are based on sections of the 2016 London Plan; noting that when she contacted City Councillors about zoning issues, Mr. Turner informed her that all sections of the London Plan are currently under appeal; stating that she has a large issue with proposals being considered when the London Plan is not finalized; indicating that the City should not be making decisions based on hypotheticals; noting that she believes that the London Plan needs to be solidified before rezoning applications can be taken into consideration, especially for transit village areas, as they have abnormal bonusing opportunities; indicating that if City Councillors accept this bad rezoning proposal, only to have the London Plan appealed, then her community will be left with a building that will cause many issues for her area, issues that are detailed in the community website [notricartower.com](http://notricartower.com) and she encourages everyone to read it; stating that she is all for compatible, medium-density development but she is highly against the high-density development of 230 North Centre Road; indicating that she also noticed that her e-mail and a few of her neighbours e-mailed comments, regarding this proposal, were not included in the July 5 reporting to the Planning and Environment Committee and she respectfully requests that the Committee minutes reflect all relevant comments and correspondence and include these e-mails.

- R. Croft, 145 North Centre Road – asking the Committee to retain the medium density zoning; indicating that his comments reflect the upcoming revised proposal that Tricar will apply for as well; stating that Council must not look at 230 North Centre Road as just another piece of land; indicating that protection of our natural environment is a huge concern; noting that the property is ten metres outside of Gibbons provincially significant wetlands ESA, but still within the buffer zone; stating that we do not fully know how the underground streams are connected to the wetland; indicating that the water table on the surrounding area is high and the soil is unstable and these are known issues; stating that according to an engineer at Stantec, such a large building that is proposed, deep footings or casings will have to be built for the site; indicating that it is possible that a large amount of water will be drained from this area, pre and post-development and may affect the wetlands; noting that the scale of this development will cover almost a whole hectare, with the impermeable surface affecting the natural balance of water run-off and allow for practically no green space; stating that the preservation of London’s heritage is important and the property next door contains Gibbons Lodge, a priority one property in the City’s heritage resources; noting that a modern skyscraper would be out of place, destroying the view of downtown from the Lodge, as well as for the residents of the north, east and west of Richmond; stating that 230 North Centre Road deserves the same sensitivity to scale and design as the lands across from the Masonville transit hub; stating that in the London Plan, on page 203, special attention is paid to Richmond Street, old Masonville, as the centre of the transit hub; noting that restrictions have been placed on the soon to be developed properties across from the hub at 1607 to 1653 Richmond Street; stating that page 204 recommends mitigation of impacts on surrounding, established low-density residential neighbourhoods by lowering the maximum height of townhouse dwellings and restricting the above-grade height of basements through the use of zoning regulations; also pointing out that in addition, item ten suggests limiting the number of townhouse dwellings to four per block to break up the visual massing; stating that this same transitional sensitivity should be taken into account for the development at 230 North Centre Road, with respect to the many single and two storey homes right across the street to the south and west, as well as the seniors’ residence next door; stating that in conclusion, 230 North Centre Road is right next door to a provincially significant wetland ESA and a heritage site and is surrounded by an existing neighbourhood of varying medium-densities, primarily single storey townhouse condos, established twenty years ago; requesting that we keep medium density, noting that intensification can still take place in 75 to 100 units per hectare;

stating that Tricar will be able to build something really special that integrates seamlessly with the natural and built surroundings.

- A. Derose, North Centre Road – stating that he would like to think the Richmond Woods delegation for coming to the participation meeting; indicating that they are seniors that have come, with their canes and walkers, to listen and to oppose this high-density site at 230 North Centre Road; noting that he and his wife have lived in Richmond Woods for three years and twenty years in a condo at 250 North Centre Road and this is a love to live neighbourhood; stating that they are against this high-density rezoning as it will change the character of this well-established area forever; indicating that this application is not sensitive or compatible in this neighbourhood; stating that they are grounded by Masonville Mall, one of the most successful malls in Canada, supported by surrounding low and medium density; stating that high density is not required; asking if 200 North Centre Road, Richmond Street retirement home, lose ten to fifteen parking spots on the east side of the proposed 230 site plan; indicating that these parking spots are part of the required designated parking at Richmond Woods; indicating that he challenges everyone to stand across from a 18 to 22 storey high-rise and experience its size; indicating that his “love to live here” neighbourhood has been progressive and successive with low to medium density and high density is not needed; stating that the transit village zone is a separate item and should not be considered as part of this high density zoning amendment; stating that the transit village is directly connected to a major project and this major project does have some question marks and monies still need to be agreed on; noting that this is overdevelopment.
- R. Warden, 205 North Centre Road – stating that he lives about 170 feet from the subject property and he and his wife have lived there for about 19 years, since the community was founded and they have seen the subject property begin as planned townhouses to the plan before the Committee; noting that he is familiar with the London Plan and he believes that Tricar’s application conflicts with the intent; indicating that the London Plan speaks to transitional elevations and that the subject tower is overly excessive in height, non-conforming with the existing community and specifically less than one hundred feet from the nearest single storey residence and this is wrong; stating that the London Plan speaks to the shadow impacts across neighbourhoods; indicating that in the shadow studies, the evening sun will be robbed of a residential neighbourhood through the summer months; indicating that west of the property, a similar effect through the winter months; stating that the quality of life of this entire community is adversely affected; indicating that acceptance of the Tricar application is not an evolution of a development, but rather a shock and awe betrayal of the London Plan; noting that he has had occasion to go door-to-door throughout this community and solicit feedback, and to date he has met nine people that support this initiative and hundreds that are adversely opposed; stating that he does not support Tricar’s application to amend medium density to high density; requesting that the Committee say no to the application.
- Area Resident – indicating that she is speaking about just one thing that concerns her from her own perspective; however, it will affect other seniors as well as herself; indicating that, if Tricar’s proposal is allowed by Council to build a large high-rise beside Richmond Woods Senior Retirement Home it will affect it in a negative way; advising that she was so disappointed and dismayed when she became aware of Tricar’s plan to build a high-rise; pointing out that she had arrived at Richmond Woods just one and a half years ago; noting that she had been living previously in a retirement home where it was very difficult to arrange to get outside which she really wanted to do; noting that she was not prepared to live the rest of her life in that kind of a situation so she decided to move; outlining that Tricar wants to have the area rezoned to high density; identifying that, if this happens she will not be able to use the patio which was a big part of her decision; noting that she was fortunate to obtain a residence here at Richmond Woods with her own patio; stating that, as things stand now, she has pots of flowers to enjoy with some easy chairs to sit and read; noting that she knows other residents do as well; indicating that the privacy of the condos on the west side of the building threatens these condos with the high-rise looming down in them, the noise, the dirt and the dust is not pleasant to think about; advising that she had thought her problem was solved when she went to Richmond Woods; indicating that she will not be able to use her patio the way she had planned even though she pays extra every month; believing the balconies will likely have the same fate; advising that residents like herself want to be able to enjoy the outdoors which is important to our well-being; indicating that the change to high density for Tricar will affect many residents at Richmond Woods; asking the Council to please consider what is going to happen if the high rise will have on the residents as well as our neighbours in the regular community;

stating that even Tricar's amended plan does not change the problem of the high rises; advising that we would be happy if the zoning stayed at medium density.

- John Gagnick, 200 North Centre Road, Richmond Wood Retirement Residence – indicating that this is very close to the proposed development at 230 North Centre Road; advising that many of us selected Richmond Wood Residence as a home because of its three story building height located in an existing Medium Density Residential quiet neighbourhood; expressing surprise and concern when we learned that there is an application by Tricar to permit a 22 storey residential apartment building, now changed to eighteen storeys; requiring a change in the Zoning By-law; explaining briefly, surprise because the proposed tower would be located in a very restricted area between Richmond Street and Richmond Woods property limit on North Centre Road with its main entry on to North Centre Road; expressing concern because how it would affect our quality of life at the senior home and change the neighbourhood; advising that the size of the tower would put our home in the shadows including the courtyard; stating that his apartment unit is on the 3rd floor and faces north into the courtyard and he receives sunlight in late afternoon; stating that, this sunlight, particularly in the Spring, is of my great value to my quality of life; in addition to being utmost importance to the residence facing north into the courtyard; the Courtyard is service blessed with glorious sunshine and is of immense value to our community; stating that the size of the tower will impact negatively this quality of life particularly around the Spring and Autumn equinox, but this is based on the twenty-two storey design; however, the residents of our home are affected most by the tower size and its shadowing are those facing the east side of the tower volume and its extension further north; as you read there are a number of problems; however he would like to ask you to keep in mind that the quality of life is very important for the residents in the senior home of Richmond Woods and I would also like to add that a number of us live here and are on our last leg of life's journey so please keep it at medium.
- Gloria McGinn-McTeer, Past President, Stoneybrook-Uplands Community Association – see attached presentation.
- Peter White, Western University Representative – indicating that Western University is the land owner of 1836 Richmond Street, known as Gibbons Lodge – stating that, as part of the LPAT process, Western wanted to ensure that we had an opportunity to get our initial comments in place, understanding how the process operates, but do want to make some initial overview comments for you; stating that, as many of you are aware, in 2014 Western worked with the City to ensure that over thirty acres of the Gibbons Lodge property was assigned an environmentally sensitive designation to ensure that we did keep the ESA area intact and through that time period we have continued to make a number of adjustments with the City to ensure that there has been public excess on the property and made a number of enhancements to our property to then allow the public to enjoy the other two-thirds the acres of the property and this has always been one of the intentions with the Gibbons Lodge property is to keep it basically in that respect, again, we are good stewards of our property, good stewards of our buildings and try to again to undertake as much opportunity as we can with a facilities; As some as you will know Gibbons Lodge is used as a hosting area for a number of our signature events, we host anywhere between 75 and 100 events a year at Gibbons Lodge which includes a number of significant visitors both from government, industry and people for instance who are recognized through our Honorary degree program and we offer both a lunch and dinner process that takes place with that; expressing a number of concerns with the project as proposed particularly with the second round of amendments; at this point we significant concerns on the main tower, the fact that from our stand point, again we have asked Stantec to provide more updated information to us, but it does appear that we will have eight to nine storeys of that building overtop of the tree line; the building now moving immediately, the second tower, the eight storey tower, that has been put to the east side of the property again immediately abutting the Gibbons Lodge Forest, from again our measurement will have a significant impact on the site line of the property not so much during the season when the trees are in bloom, but particularly from the October to April time frame there will be a significant detriment to the view coming down the hill at Gibbons Lodge, which again is one of the signature elements of the property; indicating that Western over the past has worked with land owners to ensure that we kept again a medium density property capability on that property and we do, from our stand point, see some significant impact with the Tricar proposal; advising that we will be meeting with Tricar again; we have made arrangements to have an opportunity to meet with applicant and have discussions in regard to the development, but again because

the LPAT we wanted to make sure we did make or comments this evening; we do have concern on the density, we do have concerns on the height and particularly from the height stand pint we do significant concerns on both the privacy and the security stand point; thanking the Committee for allowing us to make these comments and we will be participating in the ongoing process.

- Scott Jackson, 185 North Centre Road – indicating that they have lived there for nineteen years; stating that he has examined the proposed plans and he is very familiar with the site; advising that he strongly objects to the proposal; pointing out that the land in question is designated Medium Density in both the Zoning By law and official Plan; advising that the proposal is not in keeping with the character of the neighbourhood and eighteen storeys is more than three times the number of stories allowed in the current Medium Density Zoning By-law; stating that the scale of the proposed building is completely overpowering and imposing on the surrounding neighbourhood; indicating that Tricar’s attempt to reduce the impact at street level by putting the towers on a podium does not reduce the impact on such a monolific development in the neighbourhood. Further the site is on a hill and the north tower will appear even more imposing and daunting because of the increased change of grade as it goes up the hill. I strongly urge you not to approve the Zoning and Official Plan Amendment put forward by Tricar.
- Richard McCullah, 48-250 North Centre Road – indicating that their complex is comprised of one and two story condominiums and we are located on the northwest corner of North Centre Road and Richmond Street; stating that their particular unit looks out over the property in question; stating that several of his immediate neighbours back on to the brick wall that lines Richmond Street; advising that they have lived in their home for over twenty years; during that time we anticipated someday some sort of building would be constructed on the lot at 230 North Centre Road, we did not anticipate a high rise however; pointing out that the signs posted have always indicated Medium Density dwellings; this is the last parcel of land to be developed on North Centre Road, north of Fanshawe Park Road; stating that their neighbourhood is almost all Low and Medium Density Residential or Low Rise Commercial; to now put a high density high rise in our neighborhood is in stark contrast to the rest of the neighbourhood; a neighborhood that began to be established the early 1990’s; he read, in the past, where in places like Toronto an established neighborhood has a home demolished on the street next a new home goes up a home some refer to as monster home it is totally disproportionate to the neighbourhood; it does not mesh with the surroundings, but rather overwhelms the immediate area; this parcel of land is not that big; it is my opinion the high density which may include high-rise is too intrusive, too overwhelming; he does not believe there are any high-rises to the height proposed for this site that come anywhere near twenty-two floors or eighteen floors that are proposed anywhere north of Oxford Street or even outside of the downtown area; the London Official Plan itself, in Chapter 3.1.4 stipulates consideration be given to sensitivity to the scale and character of adjacent land uses; In chapter 3.2.3.3 and I quote “Understanding of a neighbourhoods character is an effective tool in assessing the appropriateness of a proposed change and the implications the change may have on the character of a neighbourhood.”; in chapter 3.2.3.4 it refers to the compatibility of intensification development and being sensitive to and again I quote ”A good fit within the existing neighbourhood “; changing the zoning to high density which permits high-rises with the additional imposition of bonusing for more floors infringes on the privacy of the surrounding established neighbourhood; the senior’s residence, Richmond Woods, to the east, condo complexes at 145, 185, 205 and 215 North Centre Road to the south and southeast Shauntry Place to the northwest and of course 250 and 270 North Centre to the west, where he lives are all impacted by an imposing structure as would be allowed under this rezoning application; advising that you move the goal line when you change the zoning; indicating that the proposal to change the zoning in an established neighbourhood may be considered something of a betrayal for long term residents like us; we who are present today represent only a portion of the neighbourhood; encouraging the Committee to read the report prepared by Mike Corby submitted to you the Planning and Environment Committee as it will help to better understand how many other residents who may not be here today feel; there are many concerns expressed in this report in pages 21 to 57; asking the Committee to please, please if you have not already read and understand how we feel; advising that he is not against progress, far from it development can enhance the neighbourhood if not on the scale proportionate to the existing neighbourhood; feeling that this could be achieved under the current medium density zoning; concluding my wife and him and

many of our neighbours in our complex are opposed to rezoning the property located at 230 North Centre Road.

- R. Sturdy, 205 North Centre Road – indicating that he and his wife moved to the area three years ago; stating that they were always impressed, as they came into London from the north, with the beautiful view that there is coming down Richmond Hill; noting that it is a magnificent view to come into the city and see that impressive view ahead of you; indicating that he does not know of any other cities around here that have a view like that; stating that if you put up the big Tricar building, that view is going to be gone and it won't be impressive anymore; indicating that he has some points for the Committee to consider; noting that firstly, it is certainly not fair to the senior residents of the retirement home to have an 18 storey, 215 unit, high density, high rise building right beside them; stating that three hundred plus parking spaces could mean over six hundred cars coming in and out during a day which could create a lot of noise confusion; indicating that the entrance to the parking garage is on the same side as the seniors home and actually there is a mutual drive going into both places; stating that the parking garage is right beside the seniors home too, on that side, so the noise from the horns beeping from the cars when someone locks or unlocks their cars would be very disturbing to everyone around there; indicating that the shadow study reveals that no one would lose their sunshine for more than four hours a day which is very high for anyone; stating that the seniors retirement home could lose the sunshine in their court yard up to four hours a day; noting that the study also shows that during the winter months of January and February, the hill on Richmond Street would be in a shadow from sunrise until approximately 11:00 AM in the morning and this could be a real traffic hazard with the sun not being able to melt the ice for the very high traffic hill; indicating that North Centre Road has become very busy as it is used as a short cut to avoid the lights at Richmond Street and Fanshawe Park Road; stating that Tricar has a 12 storey building on the West Side of Richmond Street, on North Centre Road, where traffic is not as busy; noting that if you ever drive past this building you will always see a lot of cars parked on the street and the same thing will happen on the new high-rise, which will make it very dangerous for the seniors to get across the road and many have walkers and canes; requesting that when the Committee is making the decision to please keep in mind what is more important, the quality of the life for our London seniors in the home or the 18 storey, high-density Tricar high-rise.
- S. Glicksman, 1890 Richmond Street – stating that her residence is well outside of the four hundred metre radius of the new building proposed; indicating that it is a condo complex with forty-eight units and she is on the board of directors; noting that they have encouraged the owners of the units to write letters to City Council and to their Ward 5 Councillor, Maureen Cassidy, and she has been fabulous in communicating with them; stating that they also met with Mike Corby and another city planner, a number of weeks ago, to gather more information about the proposal; stating that she went through the London Plan, dated December 2017 and she thinks a number of people have done that as well; indicating that a number of the points she was going to make have been covered by other speakers and she commends them, job well done; stating that Richmond Street North is the gateway to London from all the communities to the north and she is not sure that we want that to convey an image of the city, that 18 storeys just does not do it; noting that the only point she wants to make is one of her final points, that Richmond Street, north of Fanshawe Park Road is not an under-served area unless you believe that high-end luxury condos are needed because we do not have enough of them; indicating that from Wonderland Road to Adelaide Street and from Fanshawe Park Road to Sunningdale Road, there are thirteen high-rise apartment buildings completed or currently under construction; stating that there are many more buildings that have been approved for this area or just beyond it ranging from four to seven storeys and up to fifteen storeys; stating that the proposed building could look very attractive but is far too tall for the site and covers too much of the land; noting that it will impact, or obstruct, the views of the city skyline; noting that she would like to echo something that the representative from Western University said, that when they did the zoning plan for the property at Gibbons Lodge, they ensured that the preservation of the skyline views was number one and so the zoning was kept as medium density and there was respect for buffer zones and so many other things for the wetlands and she thinks that really has to be kept at the forefront; encouraging the Committee to reject this proposal to change the density to high density.
- H. Vesarie, 145 North Centre Road – indicating that he is a newcomer of sixteen years to Canada and to London, Ontario; stating that he is a first time home owner and has

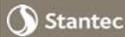
lived at 145 North Centre Road for the past twelve years now; noting that most of the local residents bought their properties nineteen years ago when this area was designated for low-rise, low density residential housing; stating that the residents of North Centre Road feel betrayed if the city planners now support the construction of a high-rise, high density building in the area; indicating that new buildings built in the area should not exceed five floors in height, similar to the seniors apartment buildings two doors down to the east of the proposed Tricar Tower; stating that at the moment, the safety of this neighbourhood allows the residents including seniors, adults, children and even some pets to walk, bike and jog through the neighbourhood and walk to close by amenities; stating that this quality will be hugely effected with a high density zoning; indicating that in the past twelve years he has lived in this area and he has already seen a decline in air quality; noting that the increased air pollution has been the result of more population and similar changes to land use of several parcels of land from woodland to building on North Centre Road; stating that this change has caused people like himself to have increased breathing allergies and problems; indicating that having a new construction site, and the long term results of it, will only make the matter worse; noting that this area is home to many retired and average income families who have lived here for many years and who reside here due to the lower densities, safety, less air and noise pollution and because of the proximity to various amenities; stating that many cannot afford to move out from their condos to an upscale home in the quieter area in the north end; indicating that they have much lower costs, beautiful little homes in a quiet low rise designated area which cannot be affordably replaced in the north end of the city; requesting that the Committee not allow the areas that can have a chance to be used as woodland and greener spaces, to increase the quality of the life of our neighbourhood and the city, change to building or high-rises, high density eyesores.

# 230 North Centre Road

Official Plan and Zoning By-law  
Amendment



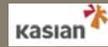
Planning and Environment Committee  
July 16, 2018



# Site Location



Planning and Environment Committee  
July 16, 2018



# Public Consultation

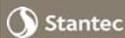


Initial Proposal

Revised Proposal



Planning and Environment Committee  
July 16, 2018



# Other Design Changes & Highlights

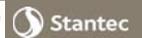


Initial Proposal



Revised Proposal

Planning and Environment Committee  
July 16, 2018



# Other Design Changes & Highlights

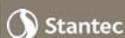


Initial Proposal

Revised Proposal



Planning and Environment Committee  
July 16, 2018



# Other Design Changes & Highlights

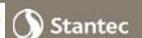


Initial Proposal

Revised Proposal



Planning and Environment Committee  
July 16, 2018



# Other Design Changes & Highlights



Initial Proposal



Revised Proposal

Planning and Environment Committee  
July 16, 2018



# Other Design Changes & Highlights



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Revised Proposal

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# Other Design Changes & Highlights



Initial Proposal



Revised Proposal

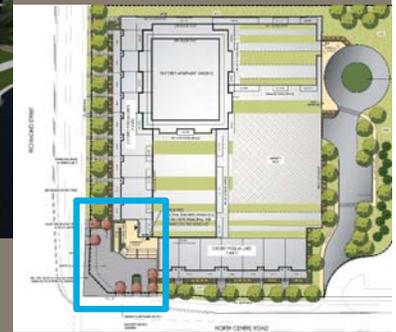
Planning and Environment Committee  
July 16, 2018



# Other Design Changes & Highlights



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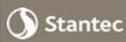
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## Other Design Highlights

- Compact development to create density in areas of the City most suitable for it
- Efficient use of existing infrastructure
- Exceptional site and building design
- Substantial underground and enclosed parking
- Sustainable forms of development during construction and long term with building operation
- Significant increase in London's tax base

Planning and Environment Committee  
August 28, 2017



## Questions?



Presentation to Planning Committee

City of London

July 16, 2018

RE: Tricar Proposal Block 7 UWO/Gibbons Wetlands

Our association has followed development for over 20 years, much of which dealt with the above area. Our association covers the block from Richmond Street and Fanshawe Park Rd. north up to Sunningdale Road across to Adelaide Street down to Fanshawe Park Rd. back along to Richmond.

The OMB decision of 1998 stemming from protecting the Area Moraine Wetland Complex, denoted Block 7 would be zoned as Medium Density. No blocks zoned north of North Centre Road were zoned any higher than medium density. High density was in place south of North Centre Road.

The decision reflected the planning principal of gradual increase in densities i.e. high to medium to low, and vice versa.

The Board stepped density accordingly i.e. high residential density along Fanshawe, directly behind the existing commercial development. Then medium density north of North Centre Road leading to the low density residential neighbourhoods already constructed

The developer of the time who held residential high density property requested a reduction to medium density, as the market reflected little uptake of high density residential in this area at the time. His request was granted and the townhouses proceeded. The end result was a density of low to medium, bordering closer to low density.

To our knowledge, within the Assoc. boundaries, there is nothing built therein which is deeper than a standard residential basement.

All commercial buildings were built slab on grade, due to the high water located throughout the block. This includes Sobeys, Home Depot, Jack Chambers School, and all commercial development directly across from Masonville Place i.e. Loblaws, Chapters etc.

This is due to the high water table located with this parcel of land. In addition, some construction ran into bedrock just below the water table. This block was formed partially by glaciers together with aggregate gravel. This mix allows water to move freely, flowing down through the subject site.

We provide this information as it is important this situation of downzoning is not a problem made by the community. It is a problem created by acquiescence by the city to a developer due to market conditions. Rather than hold, the developer chose to build, profit and move on.

We find ourselves in a similar situation now. Market conditions changed so that high density projects are hot, and a developer who purchased the property is requesting upzoning to take advantage of the market.

However, the City's responsibility is good planning, already put in place by the OMB. It is also the obligation of our elected officials to uphold good planning principles. And we know more about this property than 20 years ago.

There has been a lot of talk about the corner of North Centre Road and Richmond Street recently. If one cannot build high density there, then where can it be accommodated?

High density of this scale and proportion can be accommodated somewhere where the proposal does not affect shadowing almost all its neighbours (and right up to Sunningdale); somewhere where an existing community's well water supply will not be at risk; somewhere where the building is not overwhelming to the neighbourhood; somewhere where construction itself will be problematic simply due to get and hydro technical issues, which are well known.

Of critical importance is the reliance of Uplands residents who still rely on well for their water needs.

In an earlier construction activity, some Uplands residents noted some tainting of their wells. Unfortunately, their wells had not been tested prior to the beginning of construction.

While Tricar made efforts to change their footprint, it remains too intrusive in terms of shadowing, privacy and density. In fact, it is more intrusive on the landscape with various steps, which perhaps detrimentally would affect the high water table even more. If any development is approved, ensure the Uplands wells are tested prior to 1 shovel going into the ground, and that appropriate monitoring by the City is established and closely followed.

Our Assoc. does not support the proposal to increase from medium density to high density for this Block.

We request it be referred back to Planning Staff to follow for geotechnical testing, in particular relating to water and bedrock.

If the proposal proceeds as is, significant dewatering is likely, which in turn lowers the water table and places the Uplands water supply at risk. More land involve more intense dewatering occurs.

In areas such as this is i.e. where a high water table is known, and all previous development was predicated w this in mind e.g. slab on grade, nothing higher than 5 stories etc., it is inconceivable Planning Committee would proceed as outlined.

We also do not support approving applications within this block (as per the Poole residence at 420 Fanshawe) subject to geotechnical studies to follow. This block of land screams geotechnical be provided in conjunction with any application of development.

Gloria McGinn-McTeer, Past President

Stoneybrook Heights/Uplands Residents Association

39 – 250 North Centre Rd

London, On N6G 5A4

July 2<sup>nd</sup>, 2018

PEC Committee:

S. Turner

A Hopkins

J. Helmer

M. Cassidy

T. Park

Dear Chair and Members of PEC:

**Proposed development 230 North Centre Rd**

I am writing with concern about the proposed tower development at the above address. I have some objections to this on the following grounds:

**First and foremost it is much too high.** You must be aware that there is almost NO tower as high as this in the whole city of London. A tower this high belongs only in the Downtown area and not in this quiet residential neighbourhood. Its height is totally incongruous, overbearing and completely out of scale. While we understand that Masonville will become a 'hub' in London's BRT scheme, there are surely (and always) other ways to accommodate this 'hubness' with multi-storey developments of design, flair, creativity that are much more appropriate to this neighbourhood.

**For we are most assuredly a neighbourhood.** While many of us live in condos that are small, close together, and just above ground height, (or, some in blocks that are much lower) we have an enduring sense of neighbourhood and value the peace that most people can enjoy in their residential neighbourhood. This anonymous overlarge tower block will overload an already intensified built area and contribute nothing to neighbourhood building. This is not a sprawling industrial area, nor even a 'commercial shopping mall area' but is a real people place: we have real, valued and settled homes here.

**Some residences will be severely affected.** The Richmond Woods seniors' living complex will be highly impacted by this tower's monstrous height and subsequent shading of their lives. It doesn't seem fair that these people, who do not have such effective voices speaking for them, should have to suffer such an overweening tower design.

**It is incongruous and monstrous.** It just doesn't fit. London seems to get carried away (a desire to become a 'big' city?); we have either residences or huge concrete towers and much less 'in-between'.

These towers are really inimical to neighbourhoods. Echoing concrete constructions that add nothing to the peopling of their surroundings, and contribute only negatively to the growth of communities. Isn't this what it all should be about? Where are the lower rise structures, intensified communities of contrasting styles, design and purpose which enhance the general view and the quality of lives of everyone.

Thank you for your attention.

Yours sincerely,

Maggie Whalley

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** John M. Fleming  
Managing Director, Planning and City Planner  
**Subject:** Medallion Realty Holdings  
Application for Brownfield Incentives – 391 South Street  
**Meeting on:** July 16, 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 Medallion Realty Holdings (“Medallion”) relating to the property located at 391 South Street:

- (a) A total expenditure of up to a maximum of \$4,328,520 in municipal brownfield financial incentives **BE APPROVED AND ALLOCATED** at the Municipal Council meeting on July 24, 2018 under the following two programs in the Community Improvement Plan (CIP) for Brownfield Incentives:
- i) Provide a rebate equivalent to 50% of the Development Charges that are required to be paid by Medallion Realty Holdings on the project;
  - ii) Provide tax increment equivalent grants on the municipal component of property taxes for up to three years post development.

**IT BEING NOTED THAT** no grants will be provided until the work is completed and receipts are obtained showing the actual cost of the remediation work.

- (b) The Civic Administration **BE DIRECTED** to process the brownfield incentive application to provide for eligibility for tax increment equivalent grants for up to three years for the development project under the Brownfields CIP and up to the full 10 year term of the Tax Increment Grant Program of the Heritage CIP for the conservation of the Colborne Building on the subject property;
- (c) The Civic Administration **BE AUTHORIZED** to process the brownfield incentive application prior to Medallion Realty Holdings obtaining ownership of the subject property;
- (d) The applicant **BE REQUIRED** to enter into an agreement with the City of London outlining the relevant terms and conditions for the incentives that have been approved by Municipal Council under the Brownfield CIP.

**IT BEING NOTED THAT** the agreement between the City of London and Medallion Realty Holdings will be transferable and binding on any subsequent property owner(s).

## Executive Summary

### Summary of Request

Medallion is seeking financial incentives through the Brownfield CIP to cover the cost of remediating the property at 391 South Street in order to construct new residential units on the Old Victoria Hospital Lands including the conservation of the existing Colborne Building. Municipal Council approval is required for Brownfield CIP financial incentive programs and this approval is required prior to the start of remedial activities. Medallion will also be submitting a future application for incentives through the Heritage CIP.

## **Purpose and the Effect of Recommended Action**

The purpose and effect of the recommended action is to provide a total expenditure of up to a maximum of \$4,328,520 in municipal brownfield financial incentives through the Development Charges Rebate Program and Tax Increment Equivalent Grant Program.

Further, as Medallion is not yet the property owner, the recommended action is seeking Municipal Council authorization to process the application prior to Medallion obtaining ownership of the subject property.

## **Rationale of Recommended Action**

1. The development represents a significant investment in SoHo and the Old Victoria Hospital Lands including the construction of 620 new residential units on a fully serviced site;
2. The development will help gain access to the Thames River in SoHo;
3. The development supports the vision of the SoHo Community Improvement Plan and the purpose of the Old Victoria Hospital Lands Secondary Plan;
4. The development will eventually generate significant tax revenues over and above the grants that are provided. At full project build out, the municipal portion of the taxes are estimated at \$2.1 million per year;
5. Brownfield incentive applications satisfy the Growing Our Economy Strategic Area of Focus in the *Strategic Plan for the City of London 2015 – 2019* including supporting the Urban Regeneration strategies of using Community Improvement Plans to coordinate City and private investment to meet both local and City-wide priorities, as well as investing more in brownfield remediation.

## **Analysis**

### **1.0 Relevant Background**

#### **1.1 Brownfield Community Improvement Plan**

The Community Improvement Plan (CIP) for Brownfield Incentives was adopted by Municipal Council on February 20, 2006 and approved by the Province, with modifications, on November 21, 2006.

The purpose of the Brownfield Incentives CIP is to remove or reduce the obstacles that hinder brownfield remediation and redevelopment. The financial incentive programs are used to evaluate contaminated properties and encourage the private sector to invest in those properties. There are four incentive programs to encourage the investigation, remediation, and redevelopment of brownfield sites in the City of London. The Contamination Assessment Study Grant Program assists property owners in conducting Phase II Environmental Site Assessments and is capped at \$10,000 per property. Municipal Council approval is not required for the Study Grant Program. The remaining three programs: Property Tax Assistance, Development Charge Rebate, and Tax Increment Equivalent Grants require Municipal Council approval, may be significant in terms of financial assistance, and are considered individually based on the evaluation of a business case from the applicant and the availability of program funding.

#### **1.2 Community Improvement Plan Eligibility Requirements**

Eligibility requirements for each brownfield incentive program are outlined in the CIP. Council may consider providing any one incentive or combination of incentives based on the relevant CIP eligibility requirements and merits of each application; however, under the Brownfield incentive programs the cumulative amount of funding that may be provided through the Property Tax Assistance Program, Tax Increment Equivalent Grant Program, and Development Charge Rebate Program cannot exceed the eligible site remediation costs for the subject property.

In addition to the general requirements in Section 2 of the CIP, specific eligibility requirements apply to the three programs. Each application is evaluated on a case-by-case basis to consider the public and economic benefit of providing one or more incentive(s) to a property.

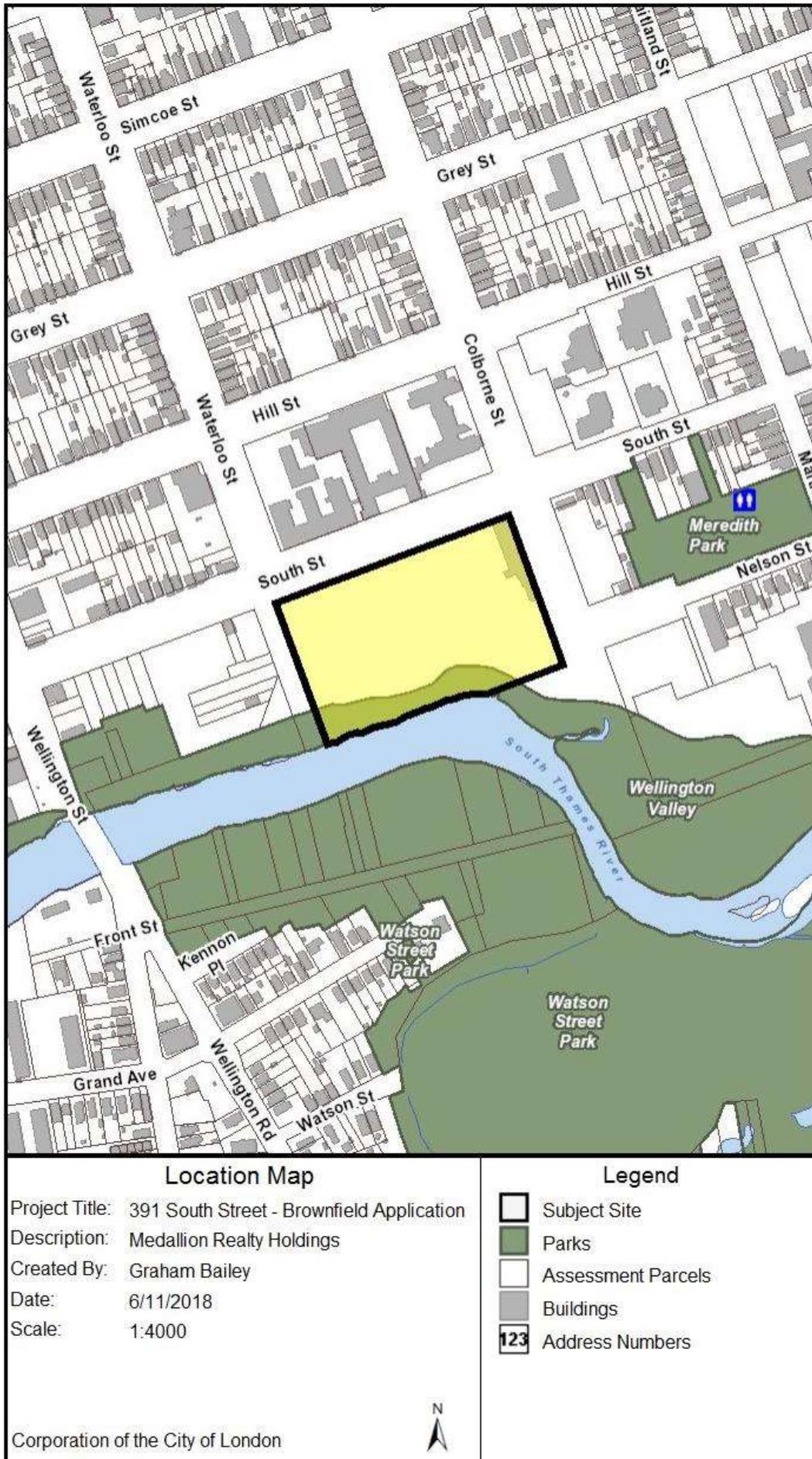
**1.3 391 South Street Development Project – Old Victoria Hospital Lands**

The project comprises a mixed-use development within the Old Victoria Hospital Lands in SoHo. The proposed project includes the retention and adaptive reuse of the existing Colborne Building. The Colborne Building is being considered for a commercial ground floor with residential uses on the upper floors. The project also consists of a residential development with two apartment buildings of 19 and 23 storeys set atop a podium of 3-8 storeys. Additional project details are available in the applicant’s business case (Appendix “A”). It should also be noted that the proposed project in the business case may not be exactly the same as the project that appears on a future Planning and Environment Committee agenda seeking a Zoning By-law Amendment. Any project details available during the Brownfield CIP application process should not be used to pre-determine the decision of a future Zoning By-law Amendment application.

Figure 1 – 391 South Street – Northeast Rendering



1.4 Location Map – Entire 391 South Street Parcel



## 1.5 Location Map –391 South Street – Subject Site



## 1.6 Site Remediation Investigations

Under Provincial Regulation, it is mandatory that a Record of Site Condition (RSC) be filed with the Ontario Ministry of Environment and Climate Change (MOECC) for contaminated properties if a land use change is proposed, to confirm that the site is 'clean' and that the property meets the applicable site condition standards for the intended use.

As part of the decommissioning of the London Health Sciences Centre South Street Campus, remediation of the subject site to remove contaminant levels such that the remaining material met the generic MOECC Table 3 Standards for residential/parkland/institutional (RPI) property use was undertaken. Three separate RSC were filed for the subject site by the City of London in 2011 (#109518 – April 14, 2011, #110712 – May 5, 2011, and #109520 – June 22, 2011). Based on the RSC, the subject site was deemed ready for development.

In July 2011, the MOECC published updated *Soil, Groundwater and Sediment Standards for use under Part XV.1 of the Environmental Protection Act*. This “raised the bar” on environmental clean-up requirements, Province-wide.

Upon being selected as the preferred respondent to the Request for Proposals for the redevelopment of the site, Medallion undertook a due-diligence review of the 2011 RSC and retained WSP Canada Inc. (WSP) to conduct further environmental testing on the subject site.

WSP prepared updated Phase I and Phase II Environmental Site Assessment (ESAs) for Medallion in 2017, which confirmed the presence of several potential contaminants on the site, including: heavy metals, salt, polycyclic aromatic hydrocarbons (PAHs) and polychlorinated biphenyls (PCBs) that exceed the revised generic MOECC Standards as published in July 2011.

One of the requirements of the Brownfield CIP is that an RSC must be submitted to the City and filed with the MOECC prior to commencing the residential development. In this instance, the City is of the opinion that the filing of an additional RSC is not required as the previous RSC filed for the property is still valid if the land use at that property has not changed since its filing. However, revisions to the generic provincial RPI site standards by the MOECC means that some of the soil being removed from the site to facilitate redevelopment is not of sufficient quality to be sold or re-used in a residential/RPI setting and must be disposed of at an MOECC approved facility. This creates a unique situation where the site has an RSC and can be developed without the need for filing an additional RSC, but impacted soil is of insufficient quality to be relocated for re-use and must be disposed of at a cost to the developer and therefore, creating an obstacle to redevelopment.

As a result and as discussed in more detail in Section 2.3, Staff are recommending that the disposal of impacted soil that must be disposed of at a landfill and cannot be sold or re-used on another site in an RPI setting should be considered an eligible brownfield remediation cost for the purposes of receiving Brownfield CIP grants.

### **1.7 Heritage Community Improvement Plan**

The property is located within the Heritage Community Improvement Project Area which, through the Heritage CIP provides incentives city-wide to maintain London's unique identity by preserving our inventory of distinct heritage buildings and encouraging redevelopment and revitalization of properties designated under Part IV of the *Ontario Heritage Act*. The Heritage CIP incentives are available as-of-right to eligible property owners within the area who apply.

The conservation and conversion of the Colborne Building is eligible for the two Heritage CIP incentives: the Tax Increment Grant program and the Development Charge Equivalent Grant program. It is noteworthy that these grants will constitute a financial incentive for the applicant, beyond the Brownfield incentive programs. However, it is important to recognize that these same Heritage incentives are available to all eligible heritage properties within the Heritage CIP Project Area. Also, the combined incentives for all CIP programs will never exceed the total DCs paid or the taxes paid in any given year. The RFP to purchase the property contained a \$2 million cap on the total amount of Heritage CIP incentives available to the successful proponent.

The eligibility for incentives in the Heritage CIP apply to a development or rehabilitation project related to an intensification or a change of use that incorporates the preservation of a correlated designated heritage building. All Heritage CIP applications require a Heritage Alteration Permit. Eligible improvements that can be financed through the Heritage CIP programs include improvements that restore or reconstruct the heritage designated building to modern building standards to meet Building Code requirements, address one or more health and safety issues, and the restoration of exterior and interior heritage designated attributes. No financial incentives in the Heritage CIP will be offered for upgrades that compromise the reasons for designation of the heritage building.

To reiterate, the incentives which are the subject of this report relate to the costly remediation of brownfield conditions on the subject property. The Brownfield incentive programs are intended to help property owners remove contaminants from lands that would otherwise not likely be developed. This program brings contaminated lands "up to the same playing field" as non-contaminated lands. In doing so, the development of these lands is encouraged which has a significant environmental benefit in the public interest, while also leading to intensification that generates business activity and also creates tax revenue that would not otherwise occur. While the Brownfield incentive

programs directly addresses the clean-up of the site, the Heritage incentives apply as they would for any other eligible site in the Heritage Community Improvement Project Area. Without the combination of such incentives, a brownfield site which is also a designated heritage property may not be developed, even with the Heritage incentives.

A Heritage CIP application is expected from Medallion once it is closer to beginning re-purposing on the Colborne Building. Heritage CIP applications are delegated to Planning Services staff for approval.

## **2.0 Consideration of Brownfield Incentives**

### **2.1 Brownfield Community Improvement Plan**

The purpose of the Brownfield CIP is to remove or reduce the obstacles that hinder brownfield remediation and redevelopment in the City of London. The incentive programs in the Brownfield CIP assist property owners with bringing a brownfield site up to the same standard as a greenfield site. In other words, to help “level the playing field”.

Medallion is applying for funding under the Brownfield CIP for financial assistance to ensure site conditions meet the updated MOECC Table 3 Standards for residential property use. Under the Brownfield CIP, incentives can only be provided to compensate property owners for costs that they incur to remediate the property.

Unlike the Heritage CIP, applications for incentives under the Brownfield CIP are not as-of-right but evaluated on a case-by-case basis, to consider the need for remediation, and the public and economic benefit of providing one or more incentives to a property. Incentives under the Brownfield CIP are specifically applied only to eligible site remediation costs as defined in the CIP and the maximum of all grants and tax assistance for eligible brownfield properties cannot exceed the cost of remediating the property. Criteria in the Brownfield CIP provide that approval of the incentive(s) may be recommended where:

- a) The landowner/applicant has not contributed to the site contamination;
- b) There are not outstanding property taxes, municipal orders or by-law infractions on the subject property;
- c) All relevant supporting documentation and reports (for example, ESA’s Remedial Action Plans (RAPs), Risk Assessments (RAs)) have been provided to the City;
- d) Financially supporting the proposal is considered to be both cost-effective for the City and in the public interest;
- e) The incentives are considered necessary to make the remediation and redevelopment on the subject property feasible;
- f) The amount of available and budgeted municipal funding is sufficient to cover the cumulative cost of all incentives that have been approved; and
- g) Municipal Council deems that the costs associated with providing the program incentives are outweighed by the cumulative benefits of providing the incentive(s).

Eligible remediation costs that are identified in the CIP include 100% of the costs associated with building demolitions, site remediation, rehabilitation of any existing structures, and environmental insurance premiums during the remediation phase. The City is not under any obligation to approve Brownfield incentives for a particular property and each application is evaluated on a case-by-case basis.

If the application is endorsed by Municipal Council, the CIP requires an agreement between the City and the property owner, outlining the terms and conditions that apply

to the approved incentive(s). The agreement between the City and the property owner is registered on title and remains in effect until all requirements of the CIP have been satisfied.

In this instance, the City of London is the property owner and is negotiating a purchase and sale agreement with Medallion for the sale of the site. A custom brownfield agreement will be required between the City and Medallion to recognize that ownership has not yet changed hands. As a recommendation to this report, Municipal Council direction is being sought to process the brownfield application prior to Medallion taking ownership. Upon completion of the site remediation work, Medallion must provide the City with documentation to confirm that the required work has been undertaken in a satisfactory manner and paid for. Proof of remediation and payment is also required. If the actual costs of remediation are less than the upper limit of the grant, only those actual costs of remediation will be paid for through the grant.

## **2.2 Business Case (Appendix “A”)**

The business case from Medallion includes a detailed estimate of site remediation costs based on the findings of the Phase II ESA, completed by WSP in 2017. The costs that were identified in the business case as potentially being eligible for incentives under the Brownfield CIP are summarized below:

Table 1 - Medallion - Site Remediation Costs

<b>Site Remediation Associated Works</b>	<b>Estimated Costs</b>
Removal of soil impacted by heavy metals, salt, polycyclic aromatic hydrocarbons, and PCB's to an average depth of 2.6 m and amounts to 48,000 tonnes	\$3,744,000
Boundary soil retention	\$159,120
Groundwater treatment and/or discharge	\$60,000
Review Consultant	\$60,000
Environmental Consultant	\$305,400
<b>Total Estimated Cost</b>	<b>\$4,328,520</b>

The estimated remediation costs in Table 1 are explored in greater detail in Section 2.3.

A request was made for funding from two of the Brownfield incentive programs to cover the remediation costs associated with the project.

Development Charge Rebate Program - Provides a rebate equivalent to up to 50% of the Development Charges for site remediation.

The language used in the Development Charge Rebate Program requirements can be interpreted to imply the applicant is receiving a rebate on DCs that is drawn from the City Services Reserve Fund or the Urban Works Reserve Fund. This is not the case. The rebate is in all practicality a reimbursement of remediation costs from the City's Community Improvement Plan financial incentive funding sources. DCs are used only as a program measuring tool to calculate how much of the remediation costs will be reimbursed through the program.

The following table estimates the DCs related to the proposed mixed-use project based on 620 residential units with 37 studio apartments, 384 one-bedroom apartments, 167 two-bedroom apartments, and 32 three-bedroom apartments. It should be noted that this unit mix is still preliminary, will be confirmed through the site plan approval process, and is only used for estimating the DC Rebate Grant for City budgeting purposes.

**File: Application for Brownfield Incentives – 391 South Street  
Planner: G. Bailey**

Table 2 - Estimated Preliminary Development Charges for Medallion project

	<b>1 bedroom</b>	<b>2 bedroom</b>	<b>Commercial (sq. m)</b>
2018 DC Rate	\$14,162	\$19,110	\$277.41
# of units			
# of sq. m	421	199	279
<b>Estimated DC Amount</b>	<b>\$5,962,202</b>	<b>\$3,802,890</b>	<b>\$77,314</b>
<b>Total DC Amount</b>	<b>\$9,842,406</b>		

Under the Brownfield CIP up to 50% of the total amount (\$9,842,406 x 50% = \$4,921,203) may be rebated to cover eligible remediation costs that are incurred by the property owner. This estimate may not reflect the actual DCs for the project. Final determination of DCs will be made by the Chief Building Official (or designate) at the time of an application for building permit.

However, it should be noted that DC credits for the demolition of the previous hospital buildings on the site had not been taken into account.

Based on the previous demolition, DC credits for the property are estimated to be in the magnitude of \$4,281,606.

Based on the DC payable for the proposed complete site build out of \$9,842,406 minus the DC credit of \$4,281,606 equals a net DC payable of \$5,560,800. Again, this is a rough estimate for grant budgeting purposes and the amount of DC credits and the net DC payable will be determined by the Chief Building Official (or designate).

As a result of the available DC credit, the net DC payable is now estimated at \$5,560,800 with up to 50% of this amount (\$2,780,400) may be rebated to cover eligible remediation costs.

In the case of the Development Charge Rebate Program, the property owner must pay the full amount required under the Development Charges By-Law at the building permit stage. The Building Division will maintain a running total of the available DC credits for the property. Once the credits are exhausted and a phase of the project requires DCs to be paid, Staff can begin to issue the Brownfield DC Rebate grant to Medallion after the DCs have been paid.

Tax Increment Equivalent Grant Program – Under the Brownfield CIP, the property owner is eligible to apply for up to 100% of the post development municipal property tax increment for up to three years, to cover eligible site remediation costs. The amount of the tax increment equivalent grant is equal to the increase between the pre-development and post-development municipal portion of property taxes after rehabilitation and development has taken place. Where improvements have been approved by the City, resulting in an increased assessed value of the property and therefore increased taxes, the City will provide a grant equal to the amount of the municipal property tax increase as a result of the rehabilitation and development for up to a maximum of three years from the date of the increase in assessed value.

It is not possible to precisely estimate the size of the grants that would apply to the Medallion site until the post-development assessment value has been established by the Municipal Property Assessment Corporation (MPAC). However, based on preliminary construction estimates and assumptions about the applicable tax rates, estimated grant values are provided below:

Table 3 - Estimated Tax Increment Equivalent Grant for Medallion Project

<b>Year</b>	<b>Grant</b>
1	\$2,099,395
2	\$2,099,395
3	\$2,099,395
<b>Total:</b>	<b>\$6,298,186</b>

**File: Application for Brownfield Incentives – 391 South Street  
Planner: G. Bailey**

The grant values found in Table 3 above are based on the full build out of the entire project. If one residential tower is built and reassessed before full project build out, the Tax Increment Equivalent Grant may be calculated on that individual tower. It should be noted that based on the estimated remediation cost and estimated DC Rebate grant, the full amount of the grants summarized in Table 3 will not be required.

Again, it is important to reiterate that the combined benefits provided under the Brownfield CIP DC Rebate and Tax Increment Equivalent Grants may not exceed the actual cost of remediating the subject property and/or the final grant value approved by Municipal Council.

Combining the Brownfield CIP Tax Grant Program and Heritage CIP Tax Grant Program

The Brownfield CIP was modelled on the Provincial program for brownfields and uses the same definitions and terminology as the Provincial program. For brownfields, the development period for which incentives are available is defined as:

*Development Period – Means, with respect to the eligible property, the period of time starting on the date the rehabilitation period ends and ending on the earlier of:*

- i) The third anniversary of the passage of the site specific enabling by-law, or a longer period of time as may be specified in the enabling by-law;*
- ii) The date that the tax assistance provided for the eligible property equals the remediation costs; or*
- iii) The date the City confirms that the development on the subject property is suitable for occupancy.*

Under the Brownfield CIP, the start of the grant period (Year 1) is defined as the first full calendar year that taxes are paid after the project is completed (i.e. after the Development Period) and the property is reassessed.

Under the program guidelines for the Tax Increment Grant Program available through the Heritage CIP, the start of the grant period (Year 1) is similarly defined as *Year 1 of the program will be defined as the first full calendar year that taxes are paid after the project is completed (i.e. after the development period) and the property is reassessed.* However, the term “development period” is not defined in the Heritage CIP.

For the Brownfields CIP, the start date (Year 1) and development period are defined as commencing at the end of the rehabilitation period, and running until the amount of incentives equals the value of the rehabilitation, the date of occupancy, or if applicable, three years from the passage of the enabling by-law for the Property Tax Assistance program.

Staff have interpreted the start date (Year 1) for the Heritage CIP to begin after the Brownfield CIP Tax Increment Grants have been paid and running until the amount of incentives equals the value of rehabilitating / restoring the designated heritage property.

Clause b) in the recommendation is staff seeking direction for Year 1 for incentives under both the Brownfield CIP and the Heritage CIP be determined as provided under each of the programs separately, meaning that the Start Date would differ for the two programs. The implications of this are that Medallion would be eligible for incentives under the Brownfields program for up to three years. Medallion would also be eligible for the full ten years under the Heritage Tax Increment Grant Program for the conservation of the Colborne Building up to the value of the eligible heritage construction costs, but would be able to choose the Start Date at a future time different than the Start Date for the Brownfields incentives. For the purposes of calculating the Year 1 value for the incentives, the pre-assessment value would be the same as the value used for the Brownfields incentives.

## **2.3 Evaluation of Medallion Application and Business Case**

### Staff Comments

The Medallion application, business case, and Phase I and II ESAs completed by WSP in 2017 were circulated and reviewed by City staff. Numerous emails and phone calls between staff and the applicant's team to discuss the application and business case also occurred.

Staff's comments and Stantec/WSP/Medallion's responses are in Appendix B.

### The Requirement for a Record of Site Condition (RSC)

Both the Development Charge Rebate Program and the Tax Increment Equivalent Grant Program require an RSC, certifying the site has been remediated to appropriate contaminant levels according to Provincial criteria. The RSC must be submitted to the City and acknowledged by the MOECC prior to commencing any development or redevelopment on the site.

In this instance, the site already has a previously filed RSC that in the City's opinion indicates that the site is fit for redevelopment. However, as previously indicated in this report, impacted material that cannot be moved or used in a residential or RPI setting is a financial obstacle to the redevelopment of the site.

Further, Medallion has indicated that the filing of a new RSC is required in order for it to be eligible for a mortgage on the property as a financial institution will not lend money at favourable terms if the property does not have a current RSC reflecting that the site has been remediated to the up-to-date residential standards.

### Tipping Fees

In the business case, Medallion has indicated a \$35/MT brownfield waste tipping fee. This figure is consistent with the tipping fee previously used for the Rygar Properties and McCormick Villages business cases and applications that were approved by Municipal Council. The rationale for a \$35/MT tipping fee compared to the \$31/MT tipping fee at the City's W12A landfill include:

- The City's W12A landfill is not a large landfill site and cannot guarantee to take all the impacted material. This site can also limit the amount of impacted material accepted per day;
- The possibility of using a private landfill site (e.g. GFL in Dorchester, Ontario), where tipping fees are \$35/MT.

As a result, Staff accepts the \$35/MT tipping fee as appropriate.

Further, once the remediation work is completed, receipts are required from Medallion to determine the actual cost of the remediation work including tipping fees.

Similarly, Medallion has indicated a \$30/MT excavation and trucking fee. This figure is consistent with previous Brownfield CIP application and business cases. Staff accepts the \$30/MT excavation and trucking fee as appropriate.

### Previous Brownfield CIP Applications

Although Brownfield CIP applications are reviewed on a case-by-case basis, a brief review of the previous Brownfield CIP incentive applications helps Staff ensure the applications are evaluated in a fair and transparent manner. The eight previous Brownfield CIP incentive applications that have been approved by Municipal Council are:

- 570 Nelson Street (Nelson Park Inc.) – Approved February 5, 2008 for up to \$200,000. A total grant of \$161,192 was paid on October 17, 2008;

**File: Application for Brownfield Incentives – 391 South Street  
Planner: G. Bailey**

- 704-738 King Street and 380-382 Lyle Street (Medallion Properties Inc.) – Approved February 24, 2009 for up to \$567,095. A total grant of \$361,790 was paid to the applicant on February 23, 2015;
- 726-748 Dundas Street (Terrasan 744 Dundas Street Limited) – Approved October 6, 2009 for up to \$124,341. Due to the applicant's bankruptcy, the grant was never paid;
- 585 Waterloo Street (2386225 Ontario Ltd.) – Approved December 9, 2015 for up to \$275,000. A grant has yet to be paid as the site has not been remediated;
- 27 Centre Street (Escalade Property Corp.) – Approved May 4, 2016 for up to \$169,500. Site remediation has finished and a Record of Site Condition was filed with the Province on April 4, 2017. A grant for \$169,500 was issued to the applicant in April 2017;
- 100 Fullarton Street, 475-501 Talbot Street, and 93-95 Dufferin Avenue (Rygar Properties Inc.) – Approved May 2, 2017 for up to \$2,735,007. 64% of the estimated remediation cost is the disposal of contaminated soil that cannot be sold or reused in an RPI setting. To staff's knowledge site remediation has not begun;
- 1156 Dundas Street (McCormick Villages Inc.) – Approved May 2, 2017 for up to \$2,500,000. Site remediation work began in 2018.
- 32, 36, and 40 York Street (Tricar Properties Limited) – Approved January 31, 2018 for up to \$192,000. Site remediation work began in 2018.

For the previous eight brownfield applications, contaminated soil that was required to be excavated, removed, and disposed of was considered an eligible remediation cost under the Brownfield CIP, even if that soil was located where underground parking, building foundations, and/or basements would be constructed.

#### Refinement of Estimated Remediation Costs

In reviewing the application and business case and recognizing that the requested grant is a significant amount of money, Staff and Medallion discussed options to refine the estimated remediation costs and help assure that everything will be done to ensure the full maximum grant amount is not needed unless absolutely necessary.

- City staff discussed the inclusion of the Boundary Soil Retention (shoring) value included in the business case and its eligibility for the grant programs. Medallion indicated that the shoring needs to be put in place along the north side of the property as the alternative, being an open cut, would result in the removal of more fill material than already proposed. Staff accept this rationale for the inclusion of the boundary soil retention and note that the cost was approved in a previous Brownfield CIP application.
- City staff will discuss internally about economies of scale at the W12A landfill site to explore the potential of a reduced tipping fee to help lower the overall cost of disposing of the soil. Disposing of the soil at W12A will bring in revenue to the City and also help off-set the grant amount that the City will pay out to Medallion. Any proposed change to tipping fees will require a report to Municipal Council seeking approval to modify the Fees & Charges By-law.
- The idea of potentially combining the City led remediation of the Old Victoria Hospital Lands for the promenade south of the subject site with Medallion's remediation of the subject site into a combined remediation effort to achieve economies of scale was also discussed. This idea requires further discussion and the timing would need to align to help determine if it is even feasible.

**File: Application for Brownfield Incentives – 391 South Street  
Planner: G. Bailey**

- WSP Canada Inc. (Medallion’s environmental consultant) has acknowledged that soil testing will be done on-site to help determine if some soil can be treated as daily cover instead of impacted material. Daily cover is subject to a \$9/MT tipping fee at W12A, compared to the \$31/MT tipping fee for impacted material / brownfield waste.
- As identified in the Staff comment section of this report, there are numerous allowances and contingencies built into the business case including:
  - 20% contingency on the removal of soil (\$624,000);
  - 20% contingency on boundary soil retention (\$26,520);
  - Groundwater treatment and/or discharge allowance and 20% contingency (\$60,000);
  - 20% contingency on review consultant costs (\$10,000);
  - 20% contingency on environmental consultant costs (\$50,900);
  - Risk Assessment of heritage building, if required (\$100,000);
  - Record of Site Condition / Preparation of conceptual site model, if required (\$10,000);
  - Hydrogeological Assessment and disposal testing allowance (\$20,000);
  - Groundwater discharge permitting allowance (\$10,000);
  - A total of approximately \$910,000 in contingencies and allowances is including in the grant request. If many of these allowances and/or contingencies are not required then, barring no unforeseen expenses, the actual remediation costs will be lower than the maximum grant request.

Based on the review of the application and business case, as well as the numerous discussions with the applicant, Staff are recommending a total expenditure of up to a maximum of \$4,328,520 in municipal brownfield financial incentives be approved and allocated.

Public and Economic Benefits of remediation and redevelopment

Since the Brownfield incentives involve the expenditure of public funds, Municipal Council should be satisfied that the public and economic benefits associated with the Medallion project will outweigh any costs incurred by the City. Several attributes that have been identified, as follows:

1. Remediation of a site that was previously contaminated;
2. The development will eventually generate significant tax revenues over and above the grants that are provided for it under both the Heritage CIP and Brownfield CIP. It is estimated that the development will generate municipal tax revenue in the area of \$2.1 million per year when it is completed;
3. The development will include an estimated 620 residential units, providing new accommodations in the area and contributing to the ongoing revitalization of SoHo through:
  - a) Increasing SoHo foot traffic;
  - b) Providing additional “eyes on the street” and an increased presence at night;

**File: Application for Brownfield Incentives – 391 South Street  
Planner: G. Bailey**

- c) Helping the success of the proposed SoHo Civic Space across the street from the project;
  - d) Supporting business on the Wellington Street and Horton Street corridor;
  - e) Supporting downtown business development;
  - f) Providing housing options for downtown employees to live and work in the core;
  - g) Promoting SoHo residential neighbourhood development;
  - h) Promoting access to the Thames River;
  - i) Supporting the vision of the SoHo Community Improvement Plan and the purpose of the Old Victoria Hospital Lands Secondary Plan;
  - j) Walking distance to the future BRT on Wellington Street.
4. The proposed development is expected to lead to further improvements of the SoHo area, leading to assessment growth from this core area neighbourhood;
5. The proposal constitutes infill development on a fully serviced site.

**Brownfield CIP Criteria Evaluation**

In evaluating applications, the Brownfield CIP programs note that approval of the incentive(s) may be recommended where:

- a) The landowner/applicant has not contributed to the site contamination;
  - According to the provided business case, Medallion did not contribute to any contamination since purchasing the site. Staff agree that the landowner/applicant has not contributed to the previously contaminated site.
- b) There are no outstanding property taxes, municipal orders or by-law infractions on the subject property;
  - This requirement is normally confirmed prior to issuing a grant. If there are any outstanding property taxes, municipal orders, or by-law infractions on the property, staff asks the applicant to clear the outstanding issue(s) prior to the grant cheque being requested.
- c) All relevant supporting documentation and reports (i.e. ESA's, RAPs, RAs) have been provided to the City;
  - All documents and reports have been provided to the City.
- d) Financially supporting the proposal is considered to be both cost-effective for the City and in the public interest;
  - The magnitude of the incentive request is outweighed by the benefits provided by the project including the increase in taxes and its contribution to the continued revitalization of SoHo.
- e) The incentives are considered necessary to make the remediation and redevelopment of the subject property feasible;
  - Staff are not party to Medallion's financial pro forma for the project and must rely on the submitted business case to help determine if the incentives are necessary to make the project feasible. In this instance, the estimated remediation cost is \$4,328,520, which can be considered

**File: Application for Brownfield Incentives – 391 South Street  
Planner: G. Bailey**

a significant sum of money to spend to primarily dispose of soil that cannot be used in an RPI setting.

- f) The amount of available and budgeted municipal funding is sufficient to cover the cumulative cost of all incentives that have been approved;
  - In reviewing site specific applications for Brownfield incentives it is important to consider the implications that potential expenditures will have on overall program funding. The funding for brownfield remediation under the Brownfield CIP comes from an annual allocation of Federal Gas Tax. A grant of this magnitude would likely not be completely covered by the Federal Gas Tax Reserve Fund; instead part of the grant may have to come from other financial incentive funding sources.
- g) Municipal Council deems that the costs associated with providing the program incentives are outweighed by the cumulative benefits of providing the incentive(s).
  - Municipal Council to decide based on this staff report and its recommendation and the applicant's input including the business case.

Strategic Plan for the City of London 2015-2019

Brownfield incentive applications satisfy the Growing Our Economy Strategic Area of Focus in the *Strategic Plan for the City of London 2015 – 2019*. Within the Growing our Economy Strategic Area of Focus, brownfield remediation supports the Urban Regeneration strategies of using Community Improvement Plans to coordinate City and private investment to meet both local and City-wide priorities, as well as investing more in brownfield remediation.

Summary

Overall, the Medallion project represents a significant investment in SoHo and should be supported financially by incentives that are targeted for site remediation. The municipal component of the 2016 property taxes on the mostly vacant site is estimated at \$23,363 per year. At full project build out, the municipal portion of the taxes are estimated at \$2.1 million per year meaning that the entire estimated grant would be recovered after approximately two years of taxes after the full project build out.

Further, the value of all incentives that are provided under the Brownfield CIP would be capped once it reaches the total eligible cost of remediation incurred by the property owner. For this reason, incentives that are provided under the Brownfield CIP must be allocated and administered separately from those provided under the Heritage CIP. In the business case, Medallion provided a breakdown of estimated remediation costs that would be eligible for incentives under the Brownfield CIP. These costs are based on available information and some assumptions about the environmental standards that are applied under existing Provincial Regulations.

**3.0 Conclusion**

Medallion is proposing a major development in SoHo which includes apartment towers and the conservation of the Colborne Building. This development will provide significant public and economic benefits including the provision of 620 new residential units, contribute to the continued revitalization of SoHo and the generation of significant new tax revenues for the City.

Medallion retained the services of WSP to prepare a revised Phase II Environmental Site Assessment, which provide information on the existing environmental conditions with comparison to the current MOECC criteria. The Medallion application includes a business case with a detailed breakdown of estimated remediation costs and a request for total brownfield funding in the amount of \$4,328,520.

**File: Application for Brownfield Incentives – 391 South Street  
Planner: G. Bailey**

In addition to the incentives that are available under the Heritage CIP, the proposed development merits incentives that are specifically targeted to the cost of site remediation including the removal of soil that cannot be used in an RPI setting. Based on a review of the business case and consideration of available funding under the Brownfield CIP, the following incentives are being recommended to cover eligible site remediation costs associated with the Medallion application up to a maximum amount of \$4,328,520:

- a) Development Charge Rebate Program – a rebate grant to be provided equivalent to 50% of the DCs that would normally apply to the development; and
- b) Tax Increment Equivalent Grant Program – a rebate grant to be provided for up to three years post development (after the assessed value has increased).

Further, staff are recommending that the requested amount of \$4,328,520 in brownfield financial incentives be approved by Municipal Council for the following reasons:

- 1) The Brownfield CIP program requirements make no distinction between the excavation, removal, and disposal of contaminated soil versus a comparable amount of clean soil or the incremental cost difference between removing contaminated soil versus removing an equivalent amount of clean soil;
- 2) The previous eight approved Brownfield CIP applications did not separate out the costs for removing the equivalent amount of clean soil;
- 3) Clean soil is often removed from a site at a marginal cost, no cost, or for a profit to the property owner;
- 4) The \$35/MT tipping fee is a reasonable estimate;
- 5) The actual tipping fees paid for the disposal of the contaminated soil will need to be demonstrated and proof provided to the City before any grants are paid;
- 6) The \$30/MT excavation and trucking fee is a reasonable estimate;
- 7) The actual excavation and trucking fees for removing the contaminated soil needs to demonstrated and proof provided to the City before any grants are paid.
- 8) The City and Medallion will both work to attempt to bring the actual remediation costs lower than the approved grant value by seeking out economies of scale and ensuring on-site testing takes place to help determine if some soil can be treated as daily cover and therefore at a less expensive tipping fee.

Under the provisions of the Brownfield CIP, the overall amount of funding that is provided for all financial incentives is capped when it reaches the value of eligible remediation costs incurred by Medallion. Prior to the issuance of any incentives an agreement will be executed between Medallion and the City outlining the nature of the development proposal and specifying the relevant terms and conditions that apply under the provisions of the Brownfield CIP.

From a business case perspective, the proposed development will bring the following benefits:

- Remediation of a previously contaminated site;
- Generate an estimated \$2.1 million per year in municipal taxes once completed;
- Conserve and re-purpose the Colborne Building;
- Support the ongoing revitalization of the SoHo neighbourhood and the Old Victoria Hospital Lands.

**File: Application for Brownfield Incentives – 391 South Street  
Planner: G. Bailey**

Acknowledgments

This report was reviewed by staff in Finance and Corporate Services and Environmental and Engineering Services.

<b>Prepared by:</b>	<b>Graham Bailey, MCIP, RPP Planner II, Urban Regeneration</b>
<b>Submitted by:</b>	<b>Britt O'Hagan, MCIP, RPP Manager, Urban Regeneration</b>
<b>Recommended by:</b>	<b>John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services.	

July 6, 2018  
GB/gb

Attach.

- C. Alan Dunbar, Financial Planning & Policy  
Jason Davies, Financial Planning & Policy

Y:\Shared\policy\Brownfields\Applications\391 South Street - Medallion - OVH Lands\2018-07-16-Medallion Realty Holdings - 391 South Street - Brownfield PEC Report.docx

**Appendix A – Business Case**

See attached.

## Appendix B – Staff Comments

*In the proposal, the MOECC Table 2 & 3 of the Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act, (Ontario Regulation (O. Reg.) 153/04 (as amended April, 2011)) are used interchangeably. Although similar, there are minor standard threshold differences between the two standards (i.e., potable scenario versus non-potable scenario). Clarification is required regarding which standard is applicable to the Site.*

- **Response:** *As specific approval of the use of Table 3 non-potable groundwater site condition standards was not obtained from the City of London and Middlesex County at the time of the Phase Two ESA, the analytical results were compared to both the Table 2 (potable) and Table 3 (non-potable) Standards. For the purposes of off-site disposal as part of site development, the Table 3 Site Condition Standards for Industrial/Commercial/Community (ICC) land use have been used for comparison as this will dictate the requirement for soil disposal. Comments provided below reflect this comparison.*

*The sampling frequency undertaken as part of the Phase II ESA appears to be too coarse to reliably calculate the cost of remedial works. Seven boreholes were advanced within the approximately 0.94 Ha subject area, which represents one borehole per 6,850 MT of soil removed. The coarseness of available data has led to a very conservative interpretation/estimate for the remedial works as proposed, with contingency built in to each individual line item. Please provide additional rationale for this and how you will better delineate between soils that are subject to a \$35/MT tipping fee and soil that can be tipped for less, for example at W12A as daily cover.*

- **Response:** *For clarity, a table summarizing the results of the comparison of soil analyses to the MOECC Table 3 ICC Standards is attached. The comparison identified the following conditions:*
  - *FILL soils from all (8) eight boreholes were found to exceed the Table 3 ICC Standards for one or more tested parameters;*
  - *Nine (9) of nine (9) samples of FILL (100%) analyzed for Metals and Inorganics exceeded the ICC Site Condition Standards for one or more parameters tested;*
  - *Five (5) of six (6) samples of FILL (83%) analyzed for Polycyclic Aromatic Hydrocarbons (PAHs) exceeded the ICC Site Condition Standards for one or more parameters tested;*
  - *Testing of the NATIVE soils did not indicate impacts above the Table 3 ICC Standards with the exception of elevated pH in two (2) samples.*
- **Response:** *Based on the foregoing, it was interpreted that the Fill soils are impacted and exceed Table 3 ICC Standards and the Native soils generally meet the Table 3 ICC standards. Soils exceeding Table 3 ICC Standards are not acceptable as daily cover at the City of London landfill site nor other non-licensed receiving sites and require disposal as waste.*

*While additional boreholes and sampling can be carried out, the widespread and consistent presence of impacts noted in the Fill soils at all borehole locations and the lack of discernable differences in fill material throughout the boreholes precludes further delineation of impacts and indicates that all Fill soils warrant disposal as waste a licensed receiver.*

*The proposal indicates that an average depth of 2.6 m was inferred for the removal of impacted soils. Is this the average depth/thickness of fill material across the Site? Can Stantec/WSP provide a rationale for this thickness? Is this a “worst-case” thickness depth?*

**File: Application for Brownfield Incentives – 391 South Street  
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- **Response:** *The depth of Fill was based on the depth of fill encountered at each borehole (which ranged from 0.8 to 4.1m) and a sum of the weighted average of the approximate area around each borehole and the associated depth of fill at the borehole.*

*The proposal indicates that a 20% contingency (amounting to \$624,000) was applied to the conservative estimate for the removal of impacted soils. If the proposal is to remove all fill materials from the subject area, how/when would this contingency amount be used?*

- **Response:** *As the depth of fill was variable across the site (ranging from 0.8 to 4.1m as noted above), the actual volume is difficult to accurately assess. It is worth noting that the contingency of 20% is simply an allowance. The actual volume (or weight) can be confirmed through disposal way bills from the disposal site.*

*The proposal outlines a cost associated with the treatment and discharge of groundwater in the amount of \$60,000. The work completed by WSP indicates that shallow boreholes were dry upon termination within the fill layer, and the shallowest static level encountered within the native soils (silt till) was at approximately 8.5 mbgs, well below the proposed excavation depth. Further, groundwater samples collected from the monitoring wells in WSPs Phase II Environmental Site Assessment indicated that all analyzed parameters were below the respective Table 2 and 3 Standards. Can Stantec/WSP provide a rationale for this line item?*

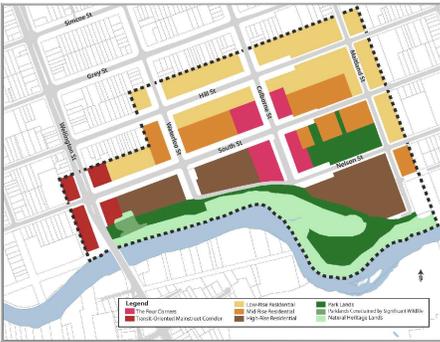
- **Response:** *The costs for treatment and discharge of groundwater were carried as an allowance in the event that groundwater and/or surface water is encountered and requires treatment and/or incurs disposal costs related to sewer disposal. These costs are not related to treatment to meet Table 2 or Table 3 Standards.*

*The proposal outlines a cost associated with a hydrogeological assessment and disposal testing in the amount of \$20,000 and groundwater discharge permitting in the amount of \$10,000. Can Stantec/WSP provide a rationale for this line item?*

- **Response:** *As with the treatment and discharge costs, this item was carried as an allowance to address potential groundwater and surface water disposal issues.*

*Please provide more detail on what exactly is Boundary Soil Retention. Is that the shoring of the site due to the removal of the soil?*

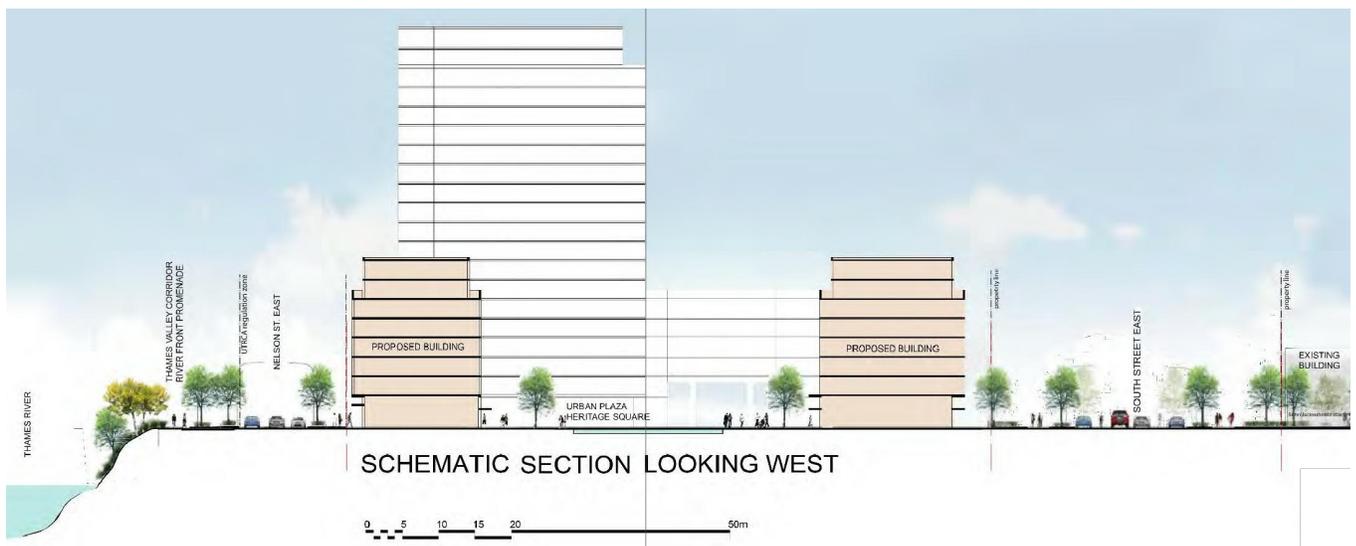
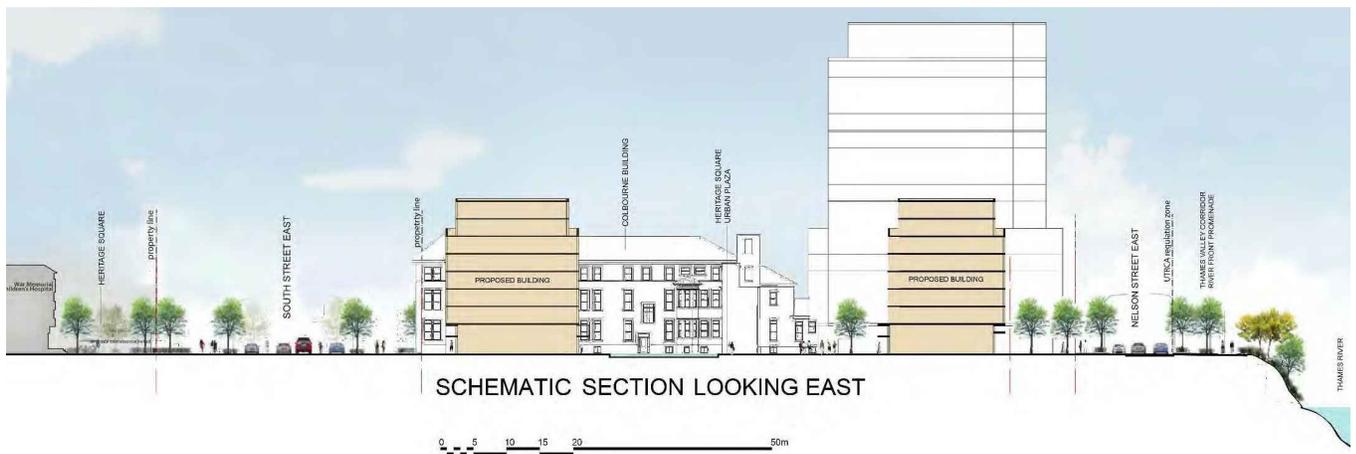
- **Response:** *Yes, this is shoring along the north property limit to facilitate removal of impacted Fill soils up to the property.*



Old Victoria Hospital Lands - Phase 1  
 Brownfield Business Case Report  
 Medallion Realty Holdings  
 March 19, 2018

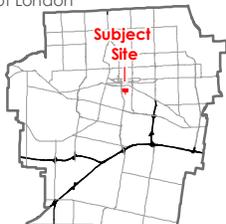


- 1 Curbless driveway/ layby doubles as extension of pedestrian space.
- 2 Bridge over driveway.
- 3 Reflecting pool.
- 4 Urban plaza.
- 5 Four corners.
- 6 Heritage building, restored and converted to residential and retail use.
- 7 Open space extends under pilotis to expand view corridor.
- 8 North-south public space, designed to connect future public square to waterfront open spaces.
- 9 Waterfront promenade.
- 10 Terraced open spaces, stepping down to river.
- 11 Proposed pedestrian bridge.



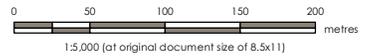


City of London



Legend

 Subject Site



Project Location  
City of London

161413305 REVA  
Prepared by ASB on 2018-03-06

Client/Project  
MEDALION REALTY HOLDINGS  
OLD VICTORIA HOSPITAL LANDS  
LONDON, ON CANADA

Figure No.

1

Title

Phase 1 Location Plan

- 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, 2016.
  3. Data used under license with © The City of London

March 19, 2018  
File: 161413305

The Corporation of the City of London  
Planning and Development Department  
Planning Division  
300 Dufferin Avenue  
London, ON N6A 4L9

**Attention:** James Yanchula, Manager, Urban Regeneration

**Reference: Old Victoria Hospital Lands – Phase 1 Brownfield Business Case**

On behalf of Medallion Realty Holdings Limited (Medallion), please accept this Business Case submission as a request for funding under the City of London's Community Improvement Plan (CIP) for Brownfield Incentives and as a detailed summary of the process and cost of remediation for the above noted property. This Business Case outlines the following:

- The subject site location and description of the proposed development concept;
- The historical planning and development activities, and context for Medallion's proposed development;
- The historical land use, site contamination, and previous remediation of the site;
- Intent of the CIP for Brownfield Incentives;
- The environmental, social, and economic benefits of the proposal; and
- The results of environmental site investigations, remediation requirements, and estimated costs.

## **1.0 Location / Site Description**

The subject site is located on the site of the former London Health Sciences South Street Campus within the SoHo (South of Horton Street) neighbourhood. The site is bounded by South Street on the north, Colborne Street on the east, the Nelson Street extension to the south, and additional development lands to the west. The site is located within the Old Victoria Hospital South Street Secondary Planning Area, and a portion of the site is also located within the Four Corners Character Area as outlined in the Secondary Plan. The site represents an important focal point



March 19, 2018

James Yanchula, Manager, Urban Regeneration

Page 2 of 13

**Reference: Old Victoria Hospital Lands – Phase 1 Brownfield Business Case**

within the Old Victoria Hospital community, pivotal to the realization of the goals and objectives for a vibrant SoHo community.

## **2.0 Project Description**

Medallion Realty Holdings Limited is proposing to build a distinctive mixed use development within the approximately 0.94ha Old Victoria Hospital Lands site, as presented in their response to RFP #16-06.

The proposed project is located within the context of existing SoHo neighbourhood, on the site of the former London Health Sciences Centre South Street Campus. The location of the site promotes intensification, redevelopment, and compact form; encourages densities and a mix of uses which minimizes land consumption and servicing costs; efficiently uses infrastructure and public service facilities; supports active transportation and transit; and conserves and enhances significant cultural heritage resources existing on the site. The project hopes to act as a catalyst for positive change in the SoHo neighbourhood by implementing the vision identified within the Old Victoria Hospital South Street Secondary Plan. The site was also part of the Back to the River Design Competition, which developed a vision for revitalization of a five kilometer stretch of the Thames River, part of the City's ongoing initiative for re-centering the London community along this rich natural and cultural resource. This mixed-use development will significantly contribute to the objectives of this initiative by creating a neighbourhood focal point that supports the winning Back to the River design along the Thames River corridor.

The proposed development includes the adaptive reuse of the historic Colborne Building centrally located at the southwest portion of the intersection of South Street and Colborne Street (the Four Corners). The building will include mixed-use ground floor commercial/retail uses with residential on the upper floors, connected to the surrounding open space areas. The landscape concept surrounding the historic building is built on exceptional urban design principles that emphasize the pedestrian realm and enhance view corridors and connectivity to the Thames River, including the riverside promenade and pedestrian bridge as proposed in the Secondary Plan.

In addition to adaptive reuse of the existing historic building, the proposed development also includes infill and intensification of the lands immediately to the west, consistent with the High Density Residential land use designation within the Secondary Plan. The proposal consists of an eight (8) storey residential building fronting South Street, which provides an appropriate transition between lower densities to the north and higher densities concentrated along Nelson Street, facing the Thames River corridor. Twenty-two (22) storey and eighteen (18) storey residential towers are situated along the Nelson Street extension, and are connected via open space that extends under the buildings' piloti. The twenty-two (22) storey building will be connected to the lower eight (8) storey building via a raised pedestrian walkway situated over the entranceway.

All site parking will be located underground (two levels of underground parking), and a complete streets approach has been adopted within the driveway areas interior to the development to further enhance the pedestrian realm and accessibility through the use of curbless driveways.



March 19, 2018  
James Yanchula, Manager, Urban Regeneration  
Page 3 of 13

**Reference: Old Victoria Hospital Lands – Phase 1 Brownfield Business Case**

A draft Zoning Bylaw Amendment has been prepared to permit the proposed mixed-use development and implement the vision within the Secondary Plan. As detailed in RFP #16-06, Medallion will be undertaking the Zoning Bylaw Amendment.

The proposal contributes to various goals outlined in Secondary Plan, as well as the City of London Official Plan and London Plan, including supporting the development of this under-utilized land close to the downtown core and vital services and infrastructure, which will contribute to an economic environment conducive to the health and vitality of commercial enterprises, and the integration of new development with existing heritage resources.

### **3.0 Background**

As part of the decommissioning of the London Health Sciences Centre South Street Campus, the City of London undertook remediation of the subject site to achieve contaminant levels within Ministry of the Environment and Climate Change (MOECC) Table 3 levels for residential/parkland/institutional property use. Three separate Records of Site Condition (RSC) were filed for the subject site by the City of London in 2011 (#109518 – April 14, 2011; #109520 – June 22, 2011; and #110712 – May 5, 2011). Based on the RSC, the subject site was deemed ready for development.

RFP #16-06 was released by the City in 2016, following the prequalification of respondents through the Request for Expression of Interest process. The RFP process was intended to choose a preferred developer with which the City would negotiate a final agreement for redevelopment of the site. Based on their development proposal submission, Medallion was chosen as the 'preferred respondent.' Page 5 of RFP #16-06 identified that "the Site has been remediated by the London Health Sciences Centre (LHSC), and has been deemed ready for development."

Upon being selected as the 'preferred respondent', Medallion undertook a due-diligence review of the 2011 RCS and retained WSP Canada Inc. to conduct environmental soil testing on the subject site.

Effective July 1, 2011, the MOECC published the updated *Soil, Groundwater and Sediment Standards for use under Part XV.1 of the Environmental Protection Act*. Soil testing from a number of boreholes indicated that the soil contaminant levels exceeded the acceptable MOECC Table 3 levels for residential/parkland/institutional property use within the updated standards. Details of the soil testing and exceedances are provided in the Phase 1 and Phase 2 ESAs contained in Appendix 2.

Therefore, Medallion is submitting a request for consideration of funding under the City of London's Community Improvement Plan (CIP) for Brownfield Incentives to address the remediation works required at the site to ensure site conditions meet the updated MOECC Table 3 levels for residential/parkland/institutional property use prior to development.



**Reference: Old Victoria Hospital Lands – Phase 1 Brownfield Business Case**

#### **4.0 Historical Land Use, Site Contamination and Remediation**

It must be noted at the outset that the applicant for the Brownfield Incentive Program (Medallion) has not undertaken any alterations to the site, and thus has not contributed to the existing site contamination.

Based on the Phase I and Phase II reports completed in 2011, and those prepared by WSP in 2017, a number of land uses and activities associated with the former hospital complex were identified as potential contributions to site contaminations. Historic uses included the hospital's power plant building including three (3) bunker oil fired high pressure boilers and standby diesel generator, later replaced by natural gas boilers; laundry facilities, maintenance shops, spray painting facilities, storage facilities for flammable materials, nuclear medicine facilities, research laboratories, etc. In addition, quality of fill material used throughout the site was unknown.

The findings of WSP's updated Phase II ESA indicated that fill soil samples exceeded the applicable Table 2 and Table 3 SCS for various metals and PAH parameters, EC, SAR, and pH as well as for PHCs in the F3 fraction at BH17-1 and BH17-3. In addition, fill soil from BH17-8 and BH17-3 exceeded the Table 2 and Table 3 SCS for PCBs.

Due to the known and potential impacts as identified through the Phase I and II ESA on the subject site and the projected remediation costs which are based on the Ministry standards, remediation compensation is required in order to make redevelopment of this under-utilized site by Medallion feasible.

A summary of the projected remediation costs developed by Stantec Consulting Ltd. (Stantec) and WSP is provided in Table 1. The remediation cost also includes environmental consultant fees, laboratory and monitoring fees required as part of the cleanup process, and soil retention costs.

#### **5.0 Community Improvement Plan and Brownfield Incentives: Value, Benefits, and Cost**

Community Improvement Plans (CIPs) are a tool provided for within the *Planning Act*, through which municipalities can provide financial support for development activities that effectively use, reuse, and restore lands, buildings, and infrastructure (Ministry of Municipal Affairs and Housing, 2008). The City of London has adopted a CIP for Brownfield Incentives (2006) to reduce the difficulties that encumber brownfield remediation and redevelopment in the City of London.

The redevelopment of brownfield sites represents good planning practice. History of brownfield redevelopments in the City have stimulated the local economy, community vitality, improved environmental conditions, all while utilizing existing infrastructure and maximizing land potential. These developments epitomize the goals and objectives for the City within the London Plan to grow 'inward and upward.' Examples of successful brownfield redevelopments include Budweiser Gardens, Covent Garden Market, Convention Centre and the King Street Towers housing development. These properties were contaminated as a result of former activities, and as such, were under-utilized or abandoned. Their previous brownfield state, environmental condition and



**Reference: Old Victoria Hospital Lands – Phase 1 Brownfield Business Case**

potential liability concerns resulted in lost property tax revenue, inefficient use of existing infrastructure and lost employment opportunities.

Medallion is proposing a \$200M mixed-use development of a brownfield site. Remediation and redevelopment are feasible through a combination of incentives. The proposed development meets the General Eligibility Criteria and Requirements as outlined in Section 2 of the City's CIP for Brownfield Incentives.

The SoHo neighbourhood has unique characteristics that make it one of the most desirable locations for infill and intensification in the City, as outlined in Roadmap SoHo: Regeneration South of Horton Street, a CIP for London's Soho District: it has a long history as a distinct community within the City of London and has ties to the Underground Railroad; it boasts affordable housing, it is located at the fringe of the downtown core; and is situated along the Thames River Valley Corridor with direct access onto the Thames Valley Parkway trail system. Medallion's proposed development will represent a giant leap in realizing the Vision Statement within Roadmap SoHo:

*Our SoHo will be a vibrant and healthy urban neighbourhood that celebrates its rich sense of community and heritage. With its unique links to the Downtown and Thames River, SoHo will be a great place to live, work, shop, and play!*

In addition to bringing a new landmark development to the SoHo neighbourhood, the proposed development will create a new benchmark for exemplary architectural design and good planning practice, and provide a range of benefits to the City and public interest through environmental, economic and social improvements.

**Provincial Policy Statement**

The proposed brownfield redevelopment represents good planning practice and supports provincial interest as set out in the Provincial Policy Statement (2014):

- it promotes cost-effective development standards to minimize land consumption and servicing costs;
- it promotes intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety;
- it uses existing infrastructure and public service facilities;
- it supports long term economic prosperity by promoting the redevelopment of brownfield sites; and
- It protects against adverse effects by remediation of a contaminated site prior to development activities.

**Social, Environmental, and Economic Benefits**

Medallion's project will provide environmental benefits through improvement of performance in energy, transportation, waste, water, and soil remediation. In addition to the reduction in the adverse environmental impacts associated with contaminated sites, the development will seek to provide a dense and well utilized site, using a complete streets approach to promote active



March 19, 2018

James Yanchula, Manager, Urban Regeneration

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**Reference: Old Victoria Hospital Lands – Phase 1 Brownfield Business Case**

transportation connections to the downtown core, major transportation networks, and open space uses. The proposed landscaping concept seamlessly integrates pedestrian connections between the new and existing amenities including the downtown core, and parks improvements along the Thames River Corridor including the riverfront promenade and pedestrian bridge as outlined in the winning Back to the River Design. The overall development concept has been designed with enhanced sensitivity to vistas and view corridors.

The site is adjacent to public transportation routes, pedestrian, and cycling networks and has on-site bicycle storage. Future residents will have many active transportation choices, and the development is served by on-site and adjacent retail, commercial and service commercial uses within the SoHo neighbourhood within walking distance. The active pedestrian connection provides residents ease of access to the downtown core, the Thames River and future community amenities identified through the Back to the River Design Competition, and other vital amenities.

New trees and landscaping features on site will contribute to the urban canopy, and new growth will add to the overall rejuvenation of the urban forest. Drought resistant plant material will be selected to reduce water consumption. The design and construction of the building will take into consideration building material, energy efficient design, efficient water use, energy efficiencies and use of natural light, and locally sourcing materials.

The proposed mixed use development will provide a multitude of value for the residents and business owners/employees utilizing the site, and opportunities for the public. The development will deliver a variation of housing choices in the SoHo area, retail options, employment prospects, and proximity to parks and on-site amenity areas. This promotes live-work-play opportunities for residents within the downtown community.

In addition to the social and environmental gains, this development will provide spin off construction jobs, additional employment opportunities through the design and development of the site, and commercial opportunities for the local economy. Upon completion of the Brownfield CIP incentive program, the development will result in significant tax revenue for the City from the residential and commercial uses.

As discussed throughout this section, the social, environment and economic value anticipated from this landmark development exceeds the initial remediation costs, ensuring a promising investment for the SoHo community, the City, and all its residents. The incentives provided through the CIP brownfield redevelopment programs are crucial to funding the remediation on the site. This proposed brownfield redevelopment satisfies the intent and growth objectives as set out in policies from the Planning Act, Provincial Policy Statement, Roadmap SoHo, The Old Victoria Hospital Lands South Street Secondary Plan, and the London Plan. Medallion's proposed development is a compatible and unique opportunity, ideal for approval of the City's existing incentive programs.



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**Reference: Old Victoria Hospital Lands – Phase 1 Brownfield Business Case**

## **6.0 Site Contamination and Remediation Summary**

As discussed in Section 4.0 Historical Land Use, the City and London Health Sciences Centre had previously undertaken Phase I and II ESAs, remediation work at the site, and had registered RSC for the subject lands indicating that remediation was complete and the site was suitable for redevelopment; however, upon preliminary soil investigations on the site, it was identified by WSP Canada Inc. that contaminant levels throughout the site exceeded the updated MOECC standards.

Updated Phase I and II investigations were undertaken by WSP in 2017.

Due to the known and potential impacts as identified through the Phase I and II ESA on the subject site and the projected remediation costs which are based on the Ministry standards, remediation compensation is required in order to make redevelopment of this under-utilized site by Medallion feasible.

A summary of the projected remediation costs developed by Stantec Consulting Ltd. (Stantec) and WSP is provided in Table 1. The remediation cost also includes environmental consultant fees, laboratory and monitoring fees required as part of the cleanup process, and soil retention costs.



**Reference: Old Victoria Hospital Lands – Phase 1 Brownfield Business Case**

**Table 1 – Summary of Estimated Brownfield Costs  
 Old Victoria Hospital Lands – 391 South Street**

**ITEM 1: HEAVY METAL IMPACTED SOIL**

Item	Description of Work	Methodology	Cost
<p>Based on a review of the WSP Phase two ESA Report dated November, 2017, and in reference to MOECC Table 2 &amp; 3 of the Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act, the following soil samples exceed the Table 2 &amp; 3 regulatory limits for the noted parameters:</p> <p><b>July 2017</b></p> <ul style="list-style-type: none"> <li>• BH17-1 S1: Mercury, Electrical Conductivity, pH</li> <li>• BH17-1 S2A: PHC F3 (C16-C34)</li> <li>• BH17-2 S2A: Indeno (1, 2, 3-cd)pyrene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benz(a)anthracene, Fluoranthene</li> <li>• BH17-3 S1B: Mercury, Electrical Conductivity, pH, Fluoranthene, Benz(a)anthracene</li> <li>• BH17-3 S2A: Polychlorinated Biphenyls F3(C16-C34)</li> <li>• BH17-3 S2B: PHC F3 (C16-C34)</li> <li>• BH17-3 S3B: Electrical Conductivity</li> <li>• BH17-4 S1A: Mercury, Electrical Conductivity, pH, Fluoranthene, Benzo(a)pyrene</li> </ul>	<p>Removal of soil impacted by heavy metals, salt, polycyclic aromatic hydrocarbons, and PCB's to an average depth of 2.6 m, and amounts to 48,000 tonnes based on borehole information.</p>	<p>For estimating purposes, a total site area of 8,800m<sup>2</sup> is assumed. This area does not include the heritage building footprint (Entire Site Area = 9,400m<sup>2</sup>). All the fill material is interpreted to be impacted based on visual and analytical results. The fill material depth varied across the site and an average fill depth of 2.6m was calculated based on the fill depths encountered at the eight boreholes advanced on site. As such, it is estimated that there is a total of 48,000 Tonnes of material to be removed.</p> <p>For estimating purposes an approximate bulk density of 2.1 Tonne per m<sup>3</sup> was assumed.</p> <p>100% of the soil exceeding the MOECC, Table 2 &amp; 3 limit and requiring removal as waste</p> <p>\$35/t tipping fee x 48,000 tonnes</p> <p>\$30/t for excavation and trucking x 48,000 tonnes</p> <p>Includes 20% contingency</p>	<p>Based on methodology and noted assumptions, total estimated cost is:</p> <p><b>\$3,744,000.00</b></p>



**Reference: Old Victoria Hospital Lands – Phase 1 Brownfield Business Case**

<b>Table 1 – Summary of Estimated Brownfield Costs Old Victoria Hospital Lands – 391 South Street</b>			
<ul style="list-style-type: none"> <li>• BH17-5 S1B: Lead, Zinc, Mercury, Mercury, Electrical Conductivity, Sodium Adsorption Ratio, pH</li> <li>• BH17-6 S1A: Lead, Mercury, Electrical Conductivity, pH</li> <li>• BH17-7 S1A: Mercury, Electrical Conductivity, pH, Fluoranthene, Benz(a)anthracene, Benzo(a)pyrene</li> <li>• BH17-7 S1B: Fluoranthene, Benz(a)anthracene, Benzo(a)pyrene</li> <li>• BH17-8 S1A: Electrical Conductivity, pH, Polychlorinated Biphenyls</li> </ul>	<p><b>Boundary Soil Retention:</b> Removal of contaminated soil to an approximate depth of 2.6m at the north property limit requires soil retention based on borehole information. The remaining limits of the site could likely be excavated without soil retention due to lesser concerns of impacts on boulevard services.</p>	<p><b>Boundary Soil Retention:</b> Boundary Soils Retention will only apply to depth of impacted soil, cost below impacted soil will not be charged to Brownfield cost.</p> <p>The total north frontage of the site is approximately 100m. Assuming the heritage building is 15m wide, the remaining frontage would be approximately 85m. The resulting area of soil retention would be 221m<sup>2</sup>.</p> <p>2.6m x 85m = 221m<sup>2</sup></p> <p>Budgetary information obtained from our shoring consultant suggests a typical unit rate of \$600/m<sup>2</sup> for soldier pile and lagging.</p> <p>Includes 20% contingency</p>	<p><b>\$159,120.00</b></p>
	<p><b>Groundwater treatment and/or discharge:</b> The groundwater treatment and/or discharge numbers are currently unknown, and costs noted are an allowance.</p>	<p><b>Groundwater treatment and/or discharge:</b> Soil and groundwater disposal and/or remediation costs vary for many reasons. Unknown conditions may affect the final volumes and correspondingly the remediation costs.</p> <p>Includes 20% contingency</p>	<p><b>\$60,000.00</b></p>



**Reference: Old Victoria Hospital Lands – Phase 1 Brownfield Business Case**

<b>Table 1 – Summary of Estimated Brownfield Costs            Old Victoria Hospital Lands – 391 South Street</b>			
<b>ITEM 2: ENVIRONMENTAL CONSULTANT FEE</b>			
Item	Description of Work	Methodology	Cost
Estimated costs associated with environmental consultant fees and laboratory fees required as part of the Brownfield Remediation work to verify site condition.	Monitoring during excavation, collection of confirmatory samples to verify environmental quality of remaining soils following removal of impacted soils, and that remaining soils may be disposed of as clean material, followed by report preparation documenting the removal of soils.	The following estimates are provided based on costs for Environmental Consultant review and costs incurred for Laboratory Analysis as part of the consultant review and confirmation (disbursements required as part of the review process):  <b>Review Consultant:</b> <ul style="list-style-type: none"> <li>Coordination of Brownfield process for owner and review \$50,000.00</li> <li>Includes a 20% Contingency</li> </ul>	Based on methodology and noted assumptions, total estimated costs are:  <b>\$60,000.00</b>
	Costs include allowance for investigation below the heritage building, conducting risk assessment should the investigation indicate impacts the site condition standards.  The cost does not include any additional costs required to implement the risk management measures recommended (if any) through the heritage risk assessment, as costs cannot be determined at this time. In addition, it does not include additional costs incurred as a result of the implementation of the proposed MOECC	<b>Environmental Consultant:</b> <ul style="list-style-type: none"> <li>Information assembly and cost estimate preparation. \$6,000.00</li> <li>Hydrogeological Assessment and Disposal Testing \$20,000.00</li> <li>Investigation below heritage building \$20,000.00</li> <li>Risk Assessment of heritage building (if required) \$100,000.00</li> <li>Record of Site Condition/Preparation of conceptual site...</li> </ul>	<b>\$305,400.00</b>



**Reference: Old Victoria Hospital Lands – Phase 1 Brownfield Business Case**

<b>Table 1 – Summary of Estimated Brownfield Costs Old Victoria Hospital Lands – 391 South Street</b>			
	<p>regulation regarding management of excess soils with an expected implementation in 2020.</p>	<p>model (if required) \$10,000.00</p> <ul style="list-style-type: none"> <li>• Well decommissioning \$3,500.00</li> <li>• Monitoring during excavation of impacted material \$35,000.00</li> <li>• Confirmatory sampling program including collection of samples and analytical for metals and inorganics, PAHs, PHCs, VOCs, and PCBs. \$15,000.00</li> <li>• Reporting including remedial report, drawings, and submission to the city \$20,000.00</li> <li>• Meetings, discussions, &amp; consultation throughout the process \$15,000.00</li> <li>• Groundwater Discharge Permitting \$10,000.00</li> <li>• Includes a 20% Contingency</li> </ul> <p><b>Contingencies:</b>            All Contingencies based on Cost Estimate Classification System - Estimate Class 3</p>	
<p><b>TOTAL ESTIMATED BROWNFIELD COSTS excluding taxes (Items 1 &amp; 2)</b></p>			<p><b>\$4,328,520.00</b></p>



**Reference: Old Victoria Hospital Lands – Phase 1 Brownfield Business Case**

The remediation costs provided in Table 1 are based upon estimates of soil quantity that may be impacted to levels above MOECC standards as determined through interpolation of the borehole data, and preliminary contractor costs provided or otherwise estimated based on costs from previous projects. However, given that soil conditions may differ between test locations and the potential that the Ministry standards may be further adjusted following stakeholder input through the current guideline review process, final remediation costs may vary. Accordingly, the estimates contained within should be considered budgetary in nature and the final cost will be based on the actual cost of the remediation.

## **7.0 Summary of Application Requests**

As identified in the City's CIP, the total of the grant and rebates cannot exceed the Brownfield site remediation cost which is presently estimated at \$4,328,520.00 (taxes not included).

In accordance with the City's CIP for Brownfield Incentives general eligibility requirements, we confirm the following:

- Medallion has not contributed to the site contamination.
- There are no outstanding taxes, municipal orders or by-law infractions on the subject property.
- A Phase I & Phase II ESA has been provided to the City of London.
- The incentives are considered necessary to make the remediation and redevelopment on the subject property feasible.

## **8.0 Closing**

In summary, the City of London and London Health Sciences Centre undertook site remediation and registered the RSC for the subject lands in 2011. Later that year, the MOECC updated their Soil, Groundwater and Sediment Standards for use under Part XV.1 of the Environmental Protection Act. After being selected as the 'preferred respondent' for their response to RFP #16-06, Medallion has undertaken due-diligence investigations on the subject site, which have determined that the site does not currently meet MOECC Table 3 contaminant levels for residential/parkland/institutional property use. Therefore, Medallion has submitted this Business Case as a request for funding under the City of London's CIP for Brownfield Incentives.

Roadmap Soho: Regeneration South of Horton Street, a CIP for London's Soho District, the Old Victoria Hospital South Street Secondary Plan, and the Request for Expression of Interest and Request for Proposal processes undertaken by the City shows Council's strong commitment to development of the subject lands. Medallion is equally excited for the opportunity to make such a significant contribution to the London community.



March 19, 2018  
James Yanchula, Manager, Urban Regeneration  
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**Reference: Old Victoria Hospital Lands – Phase 1 Brownfield Business Case**

Medallion has proposed to create a new and vibrant infill community within the SoHo neighbourhood which is sensitive to its neighbours, addresses the planning and urban design objectives set out within the Old Victoria Hospital Lands South Street Secondary Plan, and promotes an improved environment by emphasizing attractive design with pedestrian linkages to amenities interior and exterior to the development including the Thames River Valley Corridor.

We believe this development meets the objectives of design and intensification and request your support for the costs required for remediation under the Brownfield program.

We trust this submission meets your acceptance. Should you have any questions regarding our information, please contact the undersigned.

**STANTEC CONSULTING LTD.**

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**WSP CANADA INC.**

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Cc: Mr. Rad Vucicevich, Medallion Realty Holdings Limited

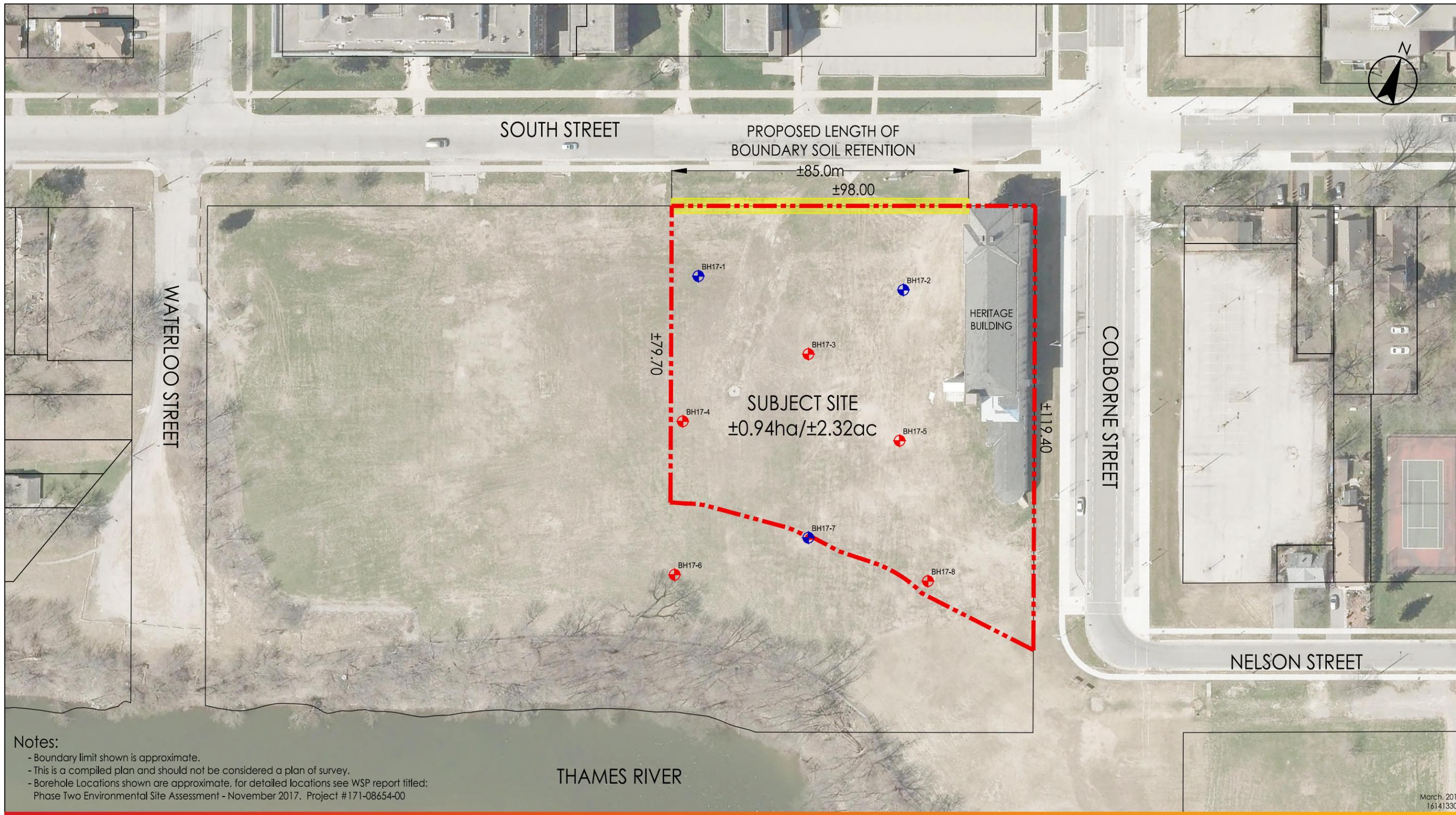
# APPENDIX 1

Figures



Old Victoria Hospital Lands  
Brownfield Business Case Report  
Medallion Realty Holdings  
March 19, 2018

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2018-3-5 10:58 AM by: Brown, Alexander



**Notes:**

- Boundary limit shown is approximate.
- This is a compiled plan and should not be considered a plan of survey.
- Borehole Locations shown are approximate, for detailed locations see WSP report titled: Phase Two Environmental Site Assessment - November 2017. Project #171-08654-00

March 2018  
161413305



600-171 Queens Avenue  
London ON N6A 5J7  
Tel. 519-645-2007  
www.stantec.com

**Legend:**

- - - Approximate Site Location - City of London (RFP # 16-06)
- Location of Boundary Soil Retention (Shoring ~ 85.0m) - WSP February 2018
- ⊕ Location of Borehole & Designation - WSP July 2017
- ⊕ Location of Borehole with Monitoring Well & Designation - WSP July 2017

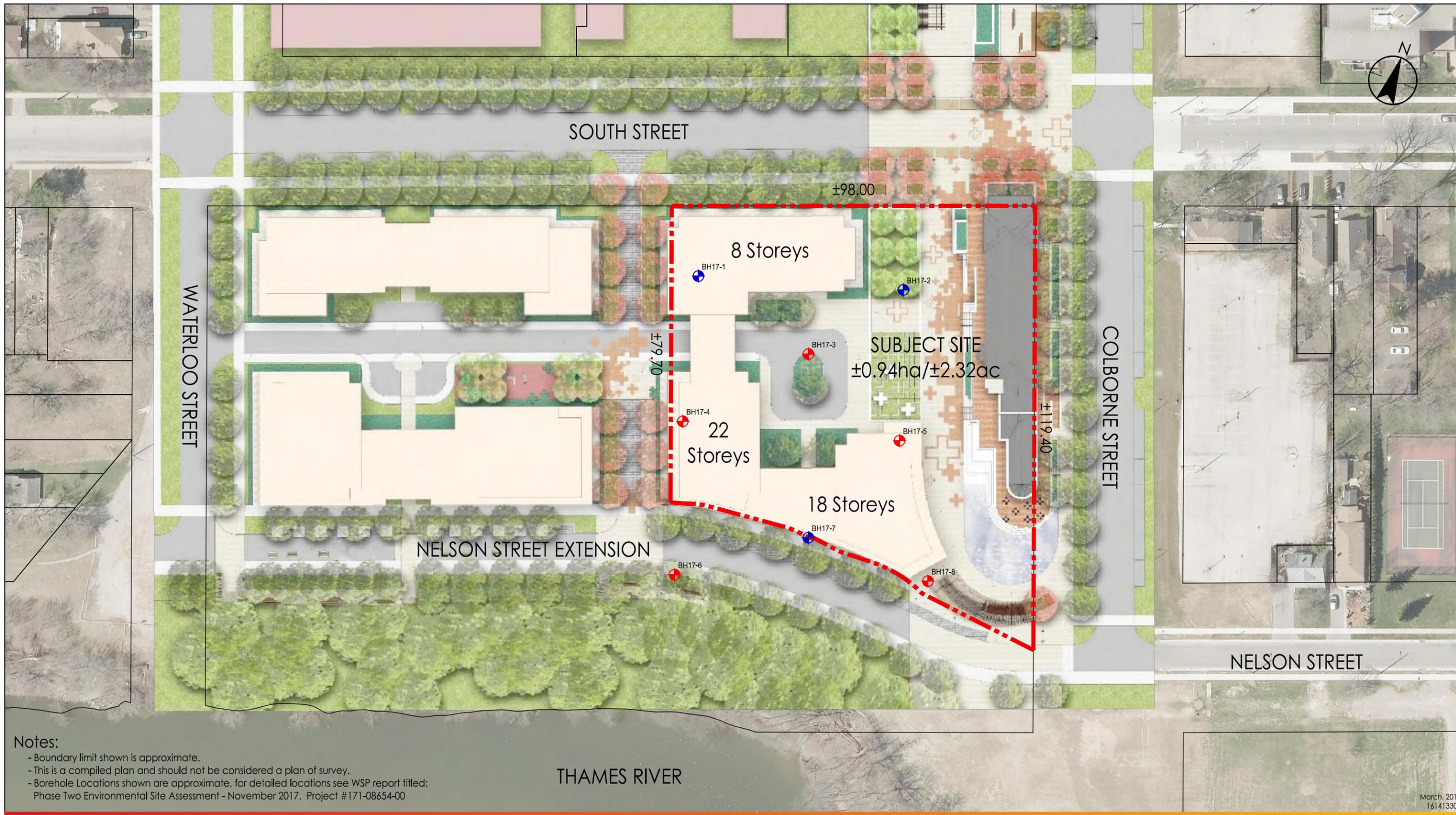


Client/Project  
Medalion Realty Holdings  
Old Victoria Hospital Lands  
London, ON Canada

Figure No.  
1.0

Title  
Approximate Borehole and  
Boundary Soil Retention Locations

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2018-3-5 10:57 AM By: Brown, Alexander



**Notes:**

- Boundary limit shown is approximate.
- This is a compiled plan and should not be considered a plan of survey.
- Borehole Locations shown are approximate, for detailed locations see WSP report titled: Phase Two Environmental Site Assessment - November 2017. Project #171-08654-00

March, 2018  
161413305



600-171 Queens Avenue  
London ON N6A 5J7  
Tel. 519-645-2007  
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**Legend:**

- Approximate Site Location - City of London (RFP # 16-06)
- Location of Borehole & Designation - WSP July 2017
- Location of Borehole with Monitoring Well & Designation - WSP July 2017



Client/Project  
Medalion Realty Holdings  
Old Victoria Hospital Lands  
London, ON Canada

Figure No.

2.0

Title

Approximate Borehole Locations  
On Conceptual Design



MW17-1 S1	T2/T3 RPI	Result
<b>0.6 mBGS</b>		
Mercury	0.27	<b>0.58</b>
Electrical Conductivity	0.7	<b>1.09</b>
Sodium Adsorption Ratio	5	3.77
pH	5 to 9	<b>9.71</b>
MW17-1 S1	T2/T3 RPI	Result
<b>0.6 mBGS</b>		
Acenaphthene	7.9	0.08
Fluoranthene	0.69	0.60
MW17-1 S2A	T2/T3 RPI	Result
<b>1.8 mBGS</b>		
F1 (C6 to C10)	55	<5
F2 (C10 to C16)	98	<10
F3 (C16 to C34)	300	<b>320</b>
F4 (C34 to C50)	2800	280

MW17-2 S2A	T2/T3 RPI	Result
<b>1.9 mBGS</b>		
Naphthalene	0.6	0.17
Acenaphthene	7.9	0.27
Fluorene	0.69	0.22
Phenanthrene	6.2	1.7
Anthracene	0.67	0.40
Fluoranthene	0.69	<b>2.2</b>
Pyrene	78	1.8
Benz(a)anthracene	0.5	<b>0.73</b>
Benzo(b)fluoranthene	0.78	<b>0.99</b>
Benzo(a)pyrene	0.3	<b>0.84</b>
Indeno(1,2,3-cd)pyrene	0.38	<b>0.46</b>

BH17-3 S1B	T2/T3 RPI	Result
<b>0.9 mBGS</b>		
Antimony	7.5	7.1
Mercury	0.27	<b>0.58</b>
Lead	120	91
Electrical Conductivity	0.7	<b>1.09</b>
Sodium Adsorption Ratio	5	0.220
pH	5 to 9	<b>11.7</b>

MW17-2 S1B	T2/T3 RPI	Result
<b>0.8 mBGS</b>		
Polychlorinated Biphenyls	0.35	0.30
MW17-2 S1A	T2/T3 RPI	Result
<b>0.3 mBGS</b>		
F1 (C6 to C10)	55	<5
F2 (C10 to C16)	98	<10
F3 (C16 to C34)	300	170
F4 (C34 to C50)	2800	130

BH17-3 S1B	T2/T3 RPI	Result
<b>4.2 mBGS</b>		
Electrical Conductivity	0.7	<b>0.878</b>
pH	5 to 9	<b>10.3</b>

BH17-3 S1B	T2/T3 RPI	Result
<b>0.9 mBGS</b>		
Acenaphthene	7.9	0.18
Fluorene	0.69	0.14
Phenanthrene	6.2	1.3
Anthracene	0.67	0.37
Fluoranthene	0.69	<b>2.0</b>
Pyrene	78	1.6
Benz(a)anthracene	0.5	<b>0.81</b>

BH17-5 S1B	T2/T3 RPI	Result
<b>1.2 mBGS</b>		
Lead	120	<b>338</b>
Zinc	340	<b>422</b>
Mercury	0.27	<b>0.28</b>
Electrical Conductivity	0.7	<b>2.06</b>
Sodium Adsorption Ratio	5	<b>2.64</b>
pH	5 to 9	<b>11.6</b>

BH17-3 S2A	T2/T3 RPI	Result
<b>1.8 mBGS</b>		
Polychlorinated Biphenyls	0.35	<b>0.4</b>
BH17-3 S2B	T2/T3 RPI	Result
<b>2.7 mBGS</b>		
F1 (C6 to C10)	55	<5
F2 (C10 to C16)	98	13
F3 (C16 to C34)	300	<b>350</b>
F4 (C34 to C50)	2800	200

MW17-7 S1A	T2/T3 RPI	Result
<b>0.6 mBGS</b>		
Mercury	0.27	<b>0.51</b>
Electrical Conductivity	0.7	<b>1.31</b>
pH	5 to 9	<b>11.4</b>

MW17-7 S4A	T2/T3 RPI	Result
<b>0.6 mBGS</b>		
pH	5 to 9	4.8

MW17-7 S1A	T2/T3 RPI	Result
<b>0.6 mBGS</b>		
Acenaphthene	7.9	0.11
Phenanthrene	6.2	0.93
Anthracene	0.67	0.23
Fluoranthene	0.69	<b>1.5</b>
Pyrene	78	1.3
Benz(a)anthracene	0.5	<b>0.56</b>
Benzo(b)fluoranthene	0.78	0.68
Benzo(a)pyrene	0.3	<b>0.57</b>
Indeno(1,2,3-cd)pyrene	0.38	0.32

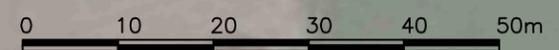
MW17-7 S1B	T2/T3 RPI	Result
<b>0.9 mBGS</b>		
Acenaphthene	7.9	0.22
Fluorene	62	0.19
Phenanthrene	6.2	1.5
Anthracene	0.67	0.37
Fluoranthene	0.69	<b>1.5</b>
Pyrene	78	1.2
Benz(a)anthracene	0.5	<b>0.55</b>
Benzo(b)fluoranthene	0.78	0.76
Benzo(a)pyrene	0.3	<b>0.55</b>
Indeno(1,2,3-cd)pyrene	0.38	0.29

BH17-4 S1A	T2/T3 RPI	Result
<b>0.6 mBGS</b>		
Mercury	0.27	<b>0.67</b>
Electrical Conductivity	0.7	<b>1.25</b>
pH	5 to 9	<b>11.9</b>

BH17-4 S1A	T2/T3 RPI	Result
<b>0.6 mBGS</b>		
Acenaphthene	7.9	0.12
Phenanthrene	6.2	1.0
Anthracene	0.67	0.25
Fluoranthene	0.69	<b>1.3</b>
Pyrene	78	1.1
Benz(a)anthracene	0.5	0.50
Benzo(b)fluoranthene	0.78	0.62
Benzo(a)pyrene	0.3	<b>0.52</b>
Indeno(1,2,3-cd)pyrene	0.38	0.29

BH17-8 S1A	T2/T3 RPI	Result
<b>0.6 mBGS</b>		
Electrical Conductivity	0.7	<b>1.05</b>
pH	5 to 9	<b>11.2</b>
BH17-8 S1A	T2/T3 RPI	Result
<b>0.6 mBGS</b>		
Polychlorinated Biphenyls	0.35	<b>0.9</b>

BH17-6 S1A	T2/T3 RPI	Result
<b>0.6 mBGS</b>		
Lead	120	<b>201</b>
Mercury	0.27	<b>3.93</b>
Electrical Conductivity	0.7	<b>1.01</b>
pH	5 to 9	<b>11.8</b>



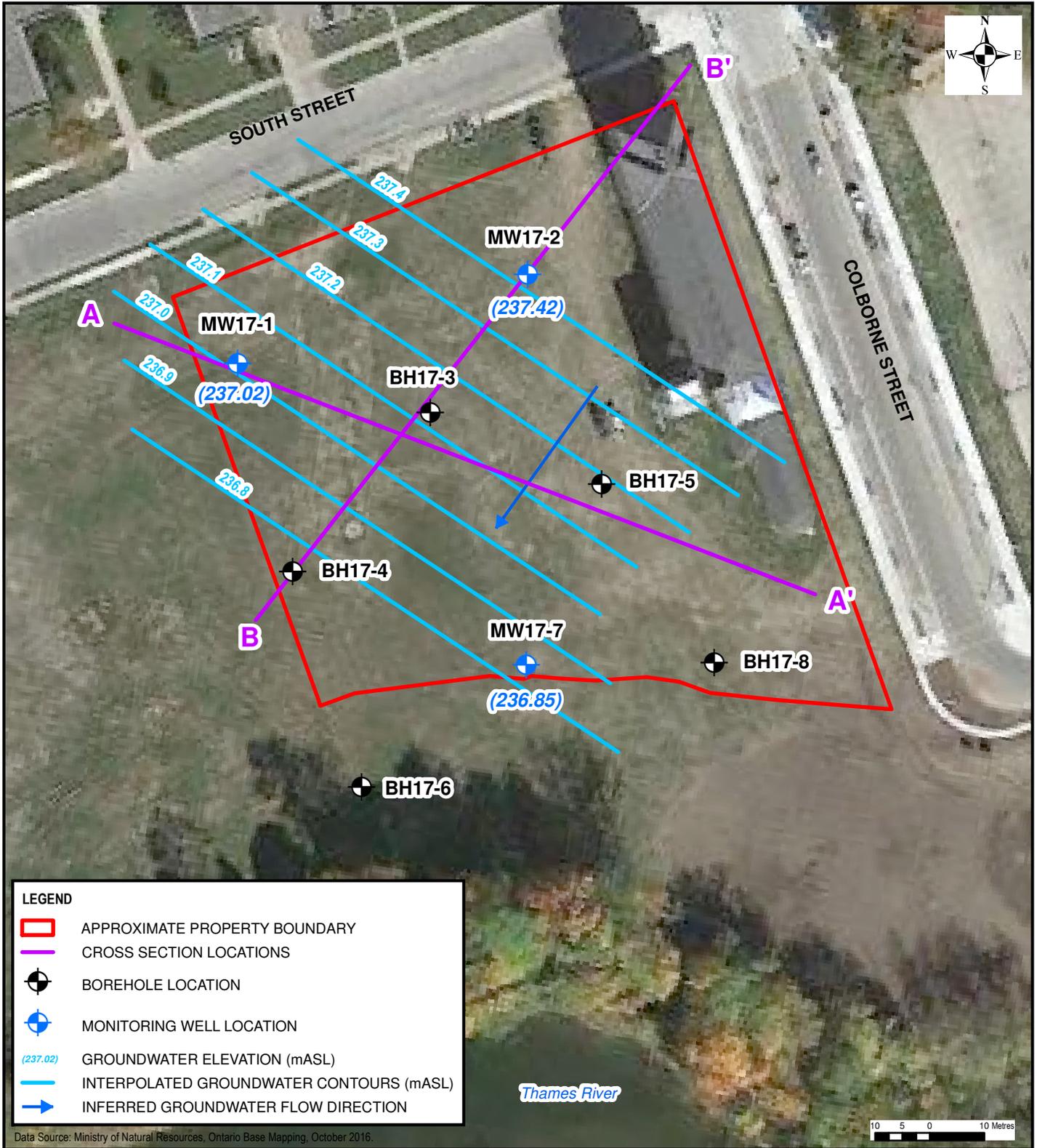
**LEGEND**

- Phase Two Property
- Monitoring Well
- Borehole

51 CONSTELLATION COURT  
TORONTO, ONTARIO CANADA M9W 1K4  
TEL.: 416-798-0065 | FAX: 416-798-0518 | WWW.WSP.COM

CLIENT:	<b>MEDALLION REALTY HOLDINGS LIMITED</b>	PROJECT NO:	171-08654-00	DRAWING NO:	4
TITLE:	<b>CHEMICAL EXCEEDANCES IN SOIL (MOECC TABLE 2/3 RPI)</b>	DRAWN BY:	RA	CHECKED BY:	RO
PROJECT:	<b>PHASE TWO ENVIRONMENTAL SITE ASSESSMENT OLD VICTORIA HOSPITAL, LONDON, ONTARIO</b>	DATE:	July 2017	SCALE:	AS SHOWN
		ORIGINAL SIZE:	Tabloid	REV. #	N/A

T:\Environmental\000 171-00000-00\171-08654-00 Old Vic Hospital\_London\171-08654-00 Drawings\171-08654-00.dwg



**LEGEND**

- ▭ APPROXIMATE PROPERTY BOUNDARY
- CROSS SECTION LOCATIONS
- BOREHOLE LOCATION
- MONITORING WELL LOCATION
- (237.02) GROUNDWATER ELEVATION (mASL)
- INTERPOLATED GROUNDWATER CONTOURS (mASL)
- INFERRED GROUNDWATER FLOW DIRECTION

Data Source: Ministry of Natural Resources, Ontario Base Mapping, October 2016.

<p>180 SHEARSON CRESCENT, UNIT 5 CAMBRIDGE, ONTARIO CANADA N1T 1P4 TEL.: 519-740-0065   FAX: 519-740-0045   WWW.WSP.COM</p>	PROJECT: <b>PHASE TWO ENVIRONMENTAL SITE ASSESSMENT FORMER VICTORIA HOSPITAL 391 SOUTH STREET, LONDON, ONTARIO</b>	SCALE: <b>1:1,000</b>	
	TITLE: <b>GROUNDWATER ELEVATIONS</b>	DRAWN BY: <b>TP</b>	CHECKED BY: <b>-</b>
	CLIENT: <b>MEDALLION REALTY HOLDINGS LIMITED</b>	PROJECT NO: <b>171-08654-00 220</b>	DATE: <b>NOVEMBER 2017</b>
CLIENT: <b>MEDALLION REALTY HOLDINGS LIMITED</b>		FIGURE NO: <b>3</b>	

## APPENDIX 2

Environmental Site Assessments  
Phase I and Phase II  
WSP



Old Victoria Hospital Lands  
Brownfield Business Case Report  
Medallion Realty Holdings  
March 19, 2018

To Planning and Environment Committee,

Please find this e-mail as our request to speak to the Old Vic Lands, Brownfield Business Case Submission on the July 16, 2018 PEC meeting.

Should you have any questions on this matter, please advise.

Regards,

Brian

**Brian Blackwell**

Senior Project Manager

Direct: 519-675-6627

600-171 Queens Avenue  
London ON N6A 5J7 CA



July 4, 2018

Chair and Members  
Planning and Environment Committee  
City of London  
P.O. Box 5035  
300 Dufferin Avenue  
London, Ontario  
N6A 4L9

Sent via email to: Heather Lysynski, Committee Secretary, [pec@london.ca](mailto:pec@london.ca)

Attn: Heather Lysynski, Committee Secretary

We are requesting delegation status at a Planning and Environment Committee meeting. The purpose of this letter is to request an extension to VersaBank's (the "Bank") original Grant Agreement ("OGA") with the City of London under the Tax Increment Grant and the Airport Area Community Improvement Plan.

The OGA, executed in 2012 with tax grants commencing retroactively for the 2008 tax year, is attached for the Committee's reference. The OGA became effective as an office building and hangar was being completed at 1979 Otter Place, on the grounds of the London International Airport. At the time, the Bank had built the facility at Otter Place as a new head office for a wholly owned subsidiary. Due to the continued expansion of its digital businesses and to further contribute to the corporate hub being developed at the airport, the Bank decided to convert the property for its own use and renamed the facility the VersaBank Innovation Centre of Excellence ("VICE"). The decision to renovate and expand VICE was made rather than taking on additional space at the Bank's 140 Fullarton St. (downtown) head offices.

Over the course of 2017 and 2018 VersaBank invested approximately \$1.3 million to completely renovate VICE's 8500 square feet of offices. VersaBank's IT and e-Commerce divisions are now housed at VICE, representing the backbone and pillars behind our digital bank. We have approximately 30 staff now working full time at this new facility.

The Bank is seeking an extension to its tax relief under the Tax Increment Grant and the Airport Area Community Improvement Plan (as initially set out under the OGA) on the basis of the significant investment it has made to the VICE facility, which in part helps to further improve

the new corporate hub that is developing on the grounds surrounding the airport. VersaBank is proud to call London its home, with our head offices in the City of London, and we are further proud to boast of our continued expansion inside the City.

It is our hope you will grant us a 10 year extension to this relief, and we look forward to continue to enjoy and promote our new and expanded offices at our world class Innovation Centre of Excellence.

Should you have any questions or wish to discuss anything, I look forward to hearing from you.

Yours truly,

A handwritten signature in black ink that reads "D. R. Taylor". The signature is written in a cursive style with a large, stylized 'T'.

David R. Taylor  
President & CEO

Encs:

# GRANT AGREEMENT

This agreement consists of five pages

*UPDATED TO VGRANT BANK*

Name of Property Owner(s): Arctic Financial Ltd. Application No.  
 Address of Project: 1979 Otter Place, London, ON N5V OA3  
 Legal Description of Property (Lot and Plan Number):  
 Roll Number(s):  
 Mailing Address of Owner: 140 Fullarton Street Telephone: 519-645-1919  
 (If different from above) Suite 2002, London, ON Fax: 519-645-2060  
 N6A 5P2

*BANK ASSUMED ALL ARCTIC AGREEMENTS*

Heritage Alteration Permit Information: N/A  
 Date Permit Approved (attach copy): N/A  
 Designating By-Law: N/A

**PROJECT INFORMATION (Attach copy of Building Permit)**

Building Permit Number: 06 031244 000 00 ID & 07 008985 000 00 ID  
 Date of Permit: Jan 2, 2007 & May 4, 2007  
 Value of Project (permit): \$630,000 + \$1,400,000 = \$2,030,000

Application Tracking Information (for Staff use only)	Date and Staff Initials
Application Accepted	May 31, 2007
Pre-improved Assessment Value Determined	December 1, 2006 (\$ 0.00)
Commitment Letter Issued	June 26, 2007
Project Completion (applicant's written confirmation)	May 2, 2008
Request to Finance and Administration for Preparation of Schedules	January 20, 2012
Post-improved Assessed Value Determined	January 1, 2009 (\$1,619,000)
Planning Division Receives Grant Schedules from Finance & Admin.	January 25, 2012
Applicant Chooses Grant Schedule	N/A
Date of Lump Sum Payment (\$1,000 or less)	N/A
First Grant Cheque Issued	
Last Grant Cheque Issued - File Closed	

# GRANT AGREEMENT

This agreement consists of five pages

**GRANT CALCULATION:**

Pre-improved assessed value: \$ 0.00 Date: Dec 1, 2006

Post-improved assessed value: \$ 1,619,000.00 Date: Jan 1, 2009

Increase in assessed value after adjustments: \$ 1,619,000.00

Applicable tax (mill) rate (municipal portion): 2.46

Annual tax increment: \$ 39,845.69

*EXPECTED  
MAY OF FOLLOWING  
YEAR*

Year	Year/Level Factor	Schedule 1 - Year 1=First Full Calendar Year After Completion
1	2009/100%	\$39,845.69
2	2010/100%	\$39,845.69
3	2011/100%	\$39,845.69
4	2012/100%	\$39,845.69
5	2013/100%	\$39,845.69
6	2014/100%	\$39,845.69
7	2015/100%	\$39,845.69
8	2016/100%	\$39,845.69
9	2017/100%	\$39,845.69
10	2018/100%	\$39,845.69

*cc # 00445464  
 2012-09-24  
 \$ 119,537.07  
 pd 11/18/13 Yrs 1-3 inclusive  
 #38,280.49 Rec'd 7/7/14  
 1,565.20 8/13/14  
 - MARCH 15  
 MARCH 2/16  
 APR. 4/17*

## GRANT AGREEMENT

*This agreement consists of five pages*

### Conditions:

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

## GRANT AGREEMENT

*This agreement consists of five pages*

10. The amount of the grants provided for a property over the life of this program will not exceed the value of the work done that resulted in the increased level of municipal tax assessment. For this reason the amount of grants may be monitored in relation to the total value of work done and the grants will cease if they equal the value of the work done.
11. The applicant will be responsible for ensuring that they can be contacted by the City for the purpose of delivering grant cheques. If applicants cannot be reached over a protracted period (greater than 2 years), the City will have the option, without notice and at its own discretion, of terminating all future grant payments, thereby eliminating all grant obligations to the applicant.
12. In those instances where the total value of the grant over the full term of the grant period is less than or equal to one thousand dollars (\$1,000), the City may exercise, at its own discretion, the option of issuing a one-time lump sum payment of the total grant amount.
13. Any portion of the property that is sold (including one or more condominium units) during a calendar year, will not be eligible for a grant rebate for that entire year or subsequent years of the grant schedule. The grant schedule included in this agreement will be modified each year, as necessary, to reflect the sale of the property or portions thereof.
14. Any appeals of the property's assessed value that result in a reduction in the assessed value of the property, will cause the entire 10-year grant schedule to be re-calculated recognizing the property's revised assessed value.

# GRANT AGREEMENT

*This agreement consists of five pages*

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

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

D. R. Taylor  
SIGNATURE (TITLE) PRESIDENT + CEO

OCT. 3, 2012  
DATE

CO-SIGNATURE (TITLE)

DATE

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

[Signature]  
SIGNATURE

3 Oct / 12  
DATE

Department of Planning and Development

[Signature]  
SIGNATURE

25 / Oct / 12  
DATE

City Treasurer



**Kirkness Consulting**  
 Urban and Rural Planning INC



1647 Cedar Creek Crescent  
 London, ON. N5X 0C8

[laverne@kirknessconsultinginc.ca](mailto:laverne@kirknessconsultinginc.ca)  
[www.kirknessconsultinginc.ca](http://www.kirknessconsultinginc.ca)

**June 28, 2018**

**Mayor and Members of Council**

City of London  
 300 Dufferin Avenue  
 PO Box 5035  
 London, ON N6A 4L9

**Attention: C. Saunders, City Clerk** ..... email: [csaunder@london.ca](mailto:csaunder@london.ca)

**Re: LETTER OR REQUEST – Development Application Procedure within context of the London Plan for a an Application by Chinmaya Mission (Canada) at 2156 Highbury Avenue North, east side and north of Fanshawe Park Road East, City of London.**

---

**Dear Mayor and City Councilors:**

In early May this year Kirkness Consulting Inc, Urban and Rural Planning, submitted a combined Official Plan Amendment and Zoning Bylaw Amendment application on behalf of a Chinmaya Mission (Canada) – a Hindu based religious and education based organization -- to enable the existing residential building to be converted to a PLACE OF WORSHIP.

We have recently been informed by City staff that they cannot accept application without Council approval within two years of the date of which portions of the City's new Official Plan came into effect (January 27, 2017).

We respectfully are requesting Council at its next meeting provide direction and authorization to Staff to accept the applications for circulation and review.

The Council resolution would read:

*That the Managing Director Development Services and Compliance and Chief Building Official **BE AUTHORIZED** to accept applications by Chinmaya Mission (Canada) - at 2156 Highbury Avenue North, City of London.*

*It **BEING NOTED** these applications may require an amendment to the London Plan and that the application is to be processed through the normal channels and in due course will return to Planning and Environment Committee and Council for consideration. Thank you.*

Respectfully,  
 Kirkness Consulting Inc., Urban and Rural Planning  
 Per:

Laverne Kirkness BES.RPP.MCIP.

cc.: John. Fleming,  
 cc.. Michael Tomazincic  
 cc. Chinmaya Mission (Canada)



Kirkness  
Consulting  
Urban and  
Rural Planning  
INC

1647 Cedar Creek Crescent  
London, ON. N5X 0C8

laverne@kirknessconsultinginc.ca  
www.kirknessconsultinginc.ca

July 10, 2018

**Chair Stephen Turner and PEC Members**

City of London  
300 Dufferin Avenue  
PO Box 5035  
London, ON N6A 4L9

**Attention: Heather Lysynski, Committee Secretary, City Clerk** ..... via email:

**Re: LETTER OR REQUEST TO APPEAR AS A DELEGATION – for the Development Application Procedure within context of the London Plan for a an Application by Chinmaya Mission (Canada) at 2156 Highbury Avenue North, east side and north of Fanshawe Park Road East, City of London.**

---

**Dear Mayor and City Councilors:**

This is to request to appear as a delegation at a scheduled time for the July PEC to describe the need for special permission to proceed with an combined Official Plan Amendment and Zoning Bylaw Amendment application on behalf of a Chinmaya Mission (Canada) – a Hindu based religious and education based organization -- to enable the existing residential building to be converted to a PLACE OF WORSHIP. Thank you. Please refer to my additional letter of explanation dated June 18, 2018 - attached.

Respectfully,

Kirkness Consulting Inc., Urban and Rural Planning

Per:

Laverne Kirkness BES.RPP.MCIP.

cc.: John. Fleming,  
cc.. Michael Tomazincic  
cc. Chinmaya Mission (Canada)



300 Dufferin Avenue  
P.O. Box 5035  
London, ON  
N6A 4L9

July 9, 2018

Chair and Members  
Planning and Environment Committee

Re: Bonusing and Affordable Housing

Dear Colleagues,

As a council, we have taken measures to increase the supply of affordable housing in London. This has included the creation of the Housing Development Corporation, funding affordable housing programs and construction, and embedding a goal in the London Plan that 25% of new housing units be considered affordable. Notwithstanding those measures, rental unit vacancy in London is low, averaging around 1.8%, with most of those units renting at market rates.

The City has several mechanisms available to help accomplish our goals that include the steps mentioned above, as well as potentially using Community Improvement Plans (CIPs), Section 37 bonusing provisions and the new Inclusionary Zoning provisions in the *Planning Act*.

Traditionally, the City has used section 37 the *Planning Act* (bonusing) to achieve high architectural design, underground parking, public art, and heritage preservation in new developments. The opportunity exists to also use bonusing to help achieve our affordable housing goals. The following motion is proposed to request staff to report back with options on how we can strategically use this tool to accelerate the creation of new affordable housing units in London.

“That Civic Administration BE REQUESTED to evaluate and report back to the Planning and Environment Committee by September with potential options for using bonusing to incorporate affordable housing more frequently in development applications, either independently, or in concert with, other mechanisms such as Community Improvement Programs, Inclusionary Zoning, and the Housing Development Corporation.

Respectfully submitted,

Stephen Turner  
Councillor – Ward 11

# London Advisory Committee on Heritage

## Report

The 8th Meeting of the London Advisory Committee on Heritage  
July 11, 2018  
Committee Rooms #1 and #2

Attendance PRESENT: D. Dudek (Chair), S. Adamsson, J. Cushing, H. Elmslie, H. Garrett, S. Gibson, J. Manness, and B. Vazquez and J. Bunn (Secretary)

ABSENT: D. Brock, K. Waud and M. Whalley

ALSO PRESENT: J. Dent, L. Dent, K. Gonyou, K. Gowan and S. Wise

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 H. Garrett disclosed a pecuniary interest in clause 6.3 of this report, having to do with a Notice of Planning Application for the properties located at 745 and 747 Waterloo Street, by indicating that her employer was contacted by the applicant for information.

### 2. Scheduled Items

#### 2.1 Demolition Request for Heritage Listed Property at 172 Central Avenue by G., P., and C. Mitsis

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 172 Central Avenue, 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 172 Central Avenue to be of cultural heritage value or interest for the reasons outlined in the attached Statement of Cultural Heritage Value or Interest;

it being noted that the attached presentations and submissions from K. Gonyou, Heritage Planner, G. Mitsis, P. Mitsis and M. Hamilton were received with respect to this matter;

it being further noted that a verbal delegation from A.M. Valastro and the communications, dated July 2, 2018 and July 10, 2018, from J. Grainger, Architectural Conservancy Ontario - London Region Branch, were received with respect to this matter.

#### 2.2 Heritage Impact Assessment - Colborne Building - 391 South Street

That S. Wise, Planner II, BE ADVISED that the London Advisory Committee on Heritage is satisfied with the research, assessment and conclusions of the Heritage Impact Assessment for the Colborne Building located at 391 Colborne Street and is also satisfied that the proposed development is appropriate to conserve the cultural heritage value of the Colborne Building, with the following recommendations:

- the open space should maintain vistas of adjacent cultural heritage resources, namely, the War Memorial Children's Hospital; and,

- the lower podium heights of the proposed new building should match the height of the eaves of the Colborne Building;
- it being noted that the Colborne Building is being preserved in-situ and is appropriately setback from new buildings on the property;
- it being further noted that a verbal delegation from E. van der Maarel, A+LiNK Architecture Inc., was received with respect to this matter.

2.3 Heritage Interpretive Sign on The Richmond Village

That it BE NOTED that the attached presentation from M. Tovey with respect to the proposed Heritage Interpretive Sign on the Richmond Village, was received.

2.4 Heritage Alteration Permit Application by R. Gilligan - 104 Wharnccliffe Road North - Blackfriars-Petersville Heritage Conservation District

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 add a rear dormer to the building located at 104 Wharnccliffe Road North, within the Blackfriars-Petersville Heritage Conservation District, BE PERMITTED with the following terms and conditions:

- 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, with respect to this matter, was received.

**3. Consent**

3.1 7th Report of the London Advisory Committee on Heritage

That it BE NOTED that the 7th Report of the London Advisory Committee on Heritage, from its meeting held on June 13, 2018, was received.

3.2 Municipal Council Resolution - 7th Report of the London Advisory Committee on Heritage

That it BE NOTED that the Municipal Council resolution, from its meeting held on June 26, 2018, with respect to the 7th Report of the London Advisory Committee on Heritage, was received.

3.3 Municipal Council Resolution - 6th Report of the London Advisory Committee on Heritage

That it BE NOTED that the Municipal Council resolution, from its meeting held on June 12, 2018, with respect to the 6th Report of the London Advisory Committee on Heritage, was received.

3.4 Notice of Public Information Centre - Clarke Road Improvements - Veterans Memorial Parkway Extension to Fanshawe Park Road East - Municipal Class Environmental Assessment

That it BE NOTED that the Notice of Public Information Centre from P. Kavcic, City of London and I. Bartlett, Stantec Consulting Ltd., with respect

to Clarke Road Improvements - Veterans Memorial Parkway extension to Fanshawe Park Road East Municipal Class Environmental Assessment, was received.

3.5 Notice of Public Information Centre - Broughdale Dyke

That it BE NOTED that the Notice of Public Information Centre from P. Adams and A. Spargo, AECOM Canada, with respect to the Broughdale dyke, was received.

3.6 Revised Notice of Application - DNL Group Inc. on behalf of 2178254 Ontario Inc. - 3425 Emily Carr Lane

That it BE NOTED that the Revised Notice of Application dated June 20, 2018, from C. Smith, Senior Planner, with respect to an application by DNL Group Inc. related to the property located at 3425 Emily Carr Lane, was received.

3.7 Victoria Bridge (Ridout Street South) Municipal Class Environmental Assessment - Notice of Completion

That it BE NOTED that the Notice of Completion dated July 3, 2018, from K. Grabowski, City of London and J. Pucchio, AECOM Canada, with respect to the Victoria Bridge (Ridout Street South) Municipal Class Environmental Assessment, was received.

3.8 Proposed Central Storytelling Website

That the communication from S. Adamsson with respect to a proposed central storytelling website BE REFERRED to the Education Sub-Committee review.

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

4.1 Stewardship Sub-Committee Report

That the property located at 1903 Avalon Street BE ADDED to the *Inventory of Heritage Resources* (the Register) based on the attached Statement of Significance;

it being noted that the Stewardship Sub-Committee report from its meeting held on June 27, 2018, was received.

**5. Items for Discussion**

5.1 Heritage Planners' Report

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

**6. Deferred Matters/Additional Business**

6.1 (ADDED) Cultural Heritage Evaluation - Riverside Drive Bridge

That it BE NOTED that the London Advisory Committee on Heritage supports the findings of the Cultural Heritage Evaluation Report, dated April 13, 2018, submitted by Stantec Consulting Ltd., with respect to Riverside Drive Bridge.

6.2 (ADDED) Heritage Building Protection Plan

That the subject of a proposed heritage building protection plan BE REFERRED to the next meeting of the London Advisory Committee on Heritage (LACH) to be considered in conjunction with a review of the 2018 LACH Work Plan.

6.3 (ADDED) Notice of Planning Application - Zoning By-law Amendment - 745 and 747 Waterloo Street

That M. Knieriem, Planner II, BE ADVISED that the London Advisory Committee on Heritage (LACH) is not satisfied with the research, assessment and conclusions of the Heritage Impact Statement for the properties located at 745 and 747 Waterloo Street but the LACH is not opposed to the proposed zoning amendment;

it being noted that the Notice of Planning Application, dated July 4, 2018, from M. Knieriem, Planner II, with respect to this matter, was received.

6.4 (ADDED) Highbury Avenue/Hamilton Road North Intersection Improvements Environmental Assessment Study - Notice of Completion

That it BE NOTED that the Notice of Completion dated July 13, 2018, from B. Huston, Dillon Consulting Limited and M. Elmadhoon, City of London, with respect to the Highbury Avenue/Hamilton Road intersection improvements Environmental Assessment Study, was received.

**7. Adjournment**

The meeting adjourned at 9:06 PM.

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

### Legal Description

Lot 23, Plan 238(W), London

### Description of Property

The property located at 172 Central Avenue is located on the north side of Central Avenue (formerly Lichfield Street, Litchfield Street) between Richmond Street and St. George Street. A two storey brick building with an elevated basement is located on the property.

### Statement of Cultural Heritage Value or Interest

The property at 172 Central Avenue is of cultural heritage value or interest because of its physical or design values, historical or associative values, and its contextual values.

The property at 172 Central Avenue includes a house which is a representative example of the Italianate style in London. Popular in the 1870s-1880s, the Italianate style was at the height of its popularity when the house at 172 Central Avenue was constructed in about 1882.

The house has a symmetrical two-storey façade with three bays, where the central bay slightly projecting, which is typical of the Italianate style. However, the remaining design qualities of the house are unusual. It is narrow with its broadest façade facing Central Avenue to make the home appear larger and grander. The two storey house is very tall, emphasizing the verticality of the Italianate style in the elevated basement and formal approach up to the main entry door, nearly twelve foot ceilings on the main floor, and fourteen foot ceilings on the second storey. These design characteristics are often attributed to Dr. Oronhyatekha's robust stature.

The house demonstrates a high degree of integrity with respect to the Italianate style and its vertical emphasis in the design treatment of the façade, as it retains a number of original features, including: symmetrical façade, wooden two-over-two windows, paired and single brackets at the eaves, brick quoins, brick string course, brick voussoirs, brick frieze, shallow hipped roof, and slightly projecting central bay with gable and round louvered opening.

Dr. Oronhyatekha (1841-1907) is a person of National Historic Significance with direct historical associations to the property at 172 Central Avenue. He and his family lived in the house at 172 Central Avenue in its first occupancy in about 1882 until 1889. Dr. Oronhyatekha is often attributed as having a hand in the design of the house at 172 Central Avenue, as demonstrated in its tall ceilings, robust detailing, and prominent street-facing presentation to emphasize the prestige of the address. London is important in an understanding of Dr. Oronhyatekha's significance as he was living in London when he first joined the International Order of Foresters as well as when he became its Supreme Chief Ranger. Dr. Oronhyatekha cited London as the "cradle" of the International Order of Foresters. Dr. Oronhyatekha was remembered by Londoners well after his departure from London and death in 1907.

The house at 172 Central Avenue is associated with the International Order of Foresters as the home of its first Supreme Chief Ranger, Dr. Oronhyateka. The fashionable Italianate style of the house reflects the grandness and stature of a community leader, like Dr. Oronhyateka.

The property is also associated with Tony Urquhart (b.1934), who lived at 172 Central Avenue from 1968 until 1972. Tony Urquhart was the first Artist-in-Residence at the University of Western Ontario. He is the co-founder of the Canadian Artist Representation/Frontes des Artistes Canadiens, and is known for his distinctive "box" style of paintings and sculptures as one of Canada's pioneering abstractionists. He was inducted into the Order of Canada in 1995.

The property at 172 Central Avenue has the potential to yield information on an understanding of Mohawk ideals and Victorian values as reflected in the home of Dr. Oronhyatekha.

The property at 172 Central Avenue is important in defining the character of the North Talbot area. The North Talbot area is characterized by homes primarily in the 1870s and 1880s which reflect popular architectural styles of the time. The prominent design values of the house allow it to define this character.

### **Heritage Attributes**

The heritage attributes which support or contribute to the cultural heritage value or interest of the property at 172 Central Avenue include:

- Form, scale, and massing of the two storey brick building with elevated basement;
- Setback of the building from Central Avenue;
- Orientation of the building with its broadest façade towards Central Avenue;
- Brick exterior cladding (now painted) and brick detailing, including string course, frieze, quoins, voussoirs, and two chimneys;
- Symmetrical, three-bay façade with middle bay slightly projecting;
- Shallow pitched hipped roof with gable roof emphasizing the slightly projecting middle bay of the building;
- Louvered round window in the front gable;
- Paired and single wood brackets at the eaves;
- Segmented arch window openings with radiating brick voussoirs;
- Wooden two-over-two windows; and,
- Wood shutters on the front façade.



London CANADA



# Demolition Request for Heritage Listed Property 172 Central Avenue

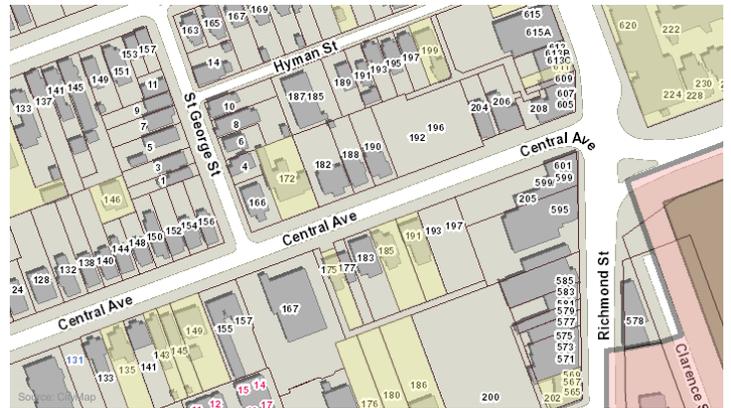
London Advisory Committee on Heritage  
Wednesday July 11, 2018

london.ca



London CANADA

## 172 Central Avenue



London CANADA

## 172 Central Avenue



- Priority 1
- Built in c.1882
- Italianate
- Original occupant: Dr. Oronhyatekha
- Later occupied by Tony Urquhart



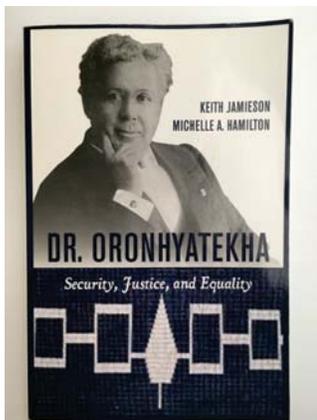
London CANADA

## 172 Central Avenue



London CANADA

## Dr. Oronhyatekha



- Oronhyatekha, Peter Martin (1841-1907)
- Mohawk, born at Six Nations, buried at Tyendinaga
- Mohawk Institute (Residential School) Wesleyan Academy, Kenyon College, Oxford, and University of Toronto educated
- Addressed the Prince of Wales in 1860
- First known Indigenous scholar at Oxford
- Second Indigenous person to be a licensed medical doctor



London CANADA

## Dr. Oronhyatekha in London



Excerpt from London Old Boy's Reunion Souvenir Book (1900)

- 1874/1875: Medical officer to Oneida Nation
- 1876: Joined IOF
- 1879: High Chief Ranger
- 1881: Supreme Chief Ranger
- 1882: 172 Central Avenue
- 1889: IOF relocates to Toronto



# Dr. Oronhyatekha Legacy



- Royal Ontario Museum Collection
- Independent Order of Foresters
- Canadian Indian Hall of Fame
- Ontario Archaeological and Historic Sites Board plaque
- Heritage Toronto plaque
- City of Toronto laneway
- Cabbagetown Northwest HCD, Toronto
- Person of National Historic Significance



# Tony Urquhart

## Tony Urquhart

"Whether old master or contemporary, all of the works of art I most admire seem to have one thing in common -- an 'after image'...something about the painting that lingers in the mind and makes one want to come back to it." (1965)

Tony Urquhart gained recognition early in his career as a pioneer of abstract painting. In the 1960s he distanced himself from the London Group to create his now-famous box sculptures, *Temple I*, inspired by religious art and architecture.

Starting in 1954, he studied at the Albright Art School, at the State University of New York, Buffalo, where he received a Bachelor of Fine Arts Degree in 1958. He also attended the Yale Norfolk Summer School in New Haven. He became the first artist-in-residence at the University of Western Ontario, London, in 1960. He became full professor of Fine Art at the University of Waterloo (Ontario) in 1972, teaching drawing, painting and printmaking. He also served periodically as the head of that department until his retirement in 1995.

Shortly after the late Jack Chambers created CARFAC (Canadian Artists' Representation/Le Front des artistes canadiens), he enlisted Kim Ondaatje and Tony Urquhart in the cause of defending the rights of professional artists. For many years, the three crossed the country, meeting with artists and representatives from galleries and museums to establish a fee structure similar to the one used by actors and musicians. Their legal and financial victories marked an ideological turning point by placing the artist at the heart of cultural policy debates. Neither Ondaatje nor Urquhart had any training in cultural affairs administration - were in fact developing their own artistic careers.

Curator and a member of several juries, he was named to the Order of Canada in 1995. He lives in Stratford, Ontario. He is the winner of 2009 Governor General's Award in Visual and Media Arts, CARFAC Outstanding Contribution Award.

**Name**  
Tony Urquhart

**Nationality**  
Canadian

**Born**  
Canada: Ontario Niagara Falls  
1934-04-09



Photo: Martin Lerman

Retrieved from the National Gallery of Canada website



# Evaluation (O. Reg. 9/06)

## Physical/Design Value:

- Representative example of Italianate style

## Historical Associative Value:

- Direct associations with Dr. Oronhyatekha, IOF
- Direct associations with Tony Urquhart
- Potential to yield information on Mohawk ideals and Victorian values

## Contextual Value:

- Defines character of North Talbot area



# Heritage Attributes



# Structure



- Condition is not a criteria for designation
- Charred timbers
- Two wythes of brick with 2" cavity
- Structural issues
- Building Division: *"Repairs to buildings in this condition are possible"*



# 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 172 Central Avenue, 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 172 Central Avenue to be of cultural heritage value or interest for the reasons outlined in Appendix D of this report.



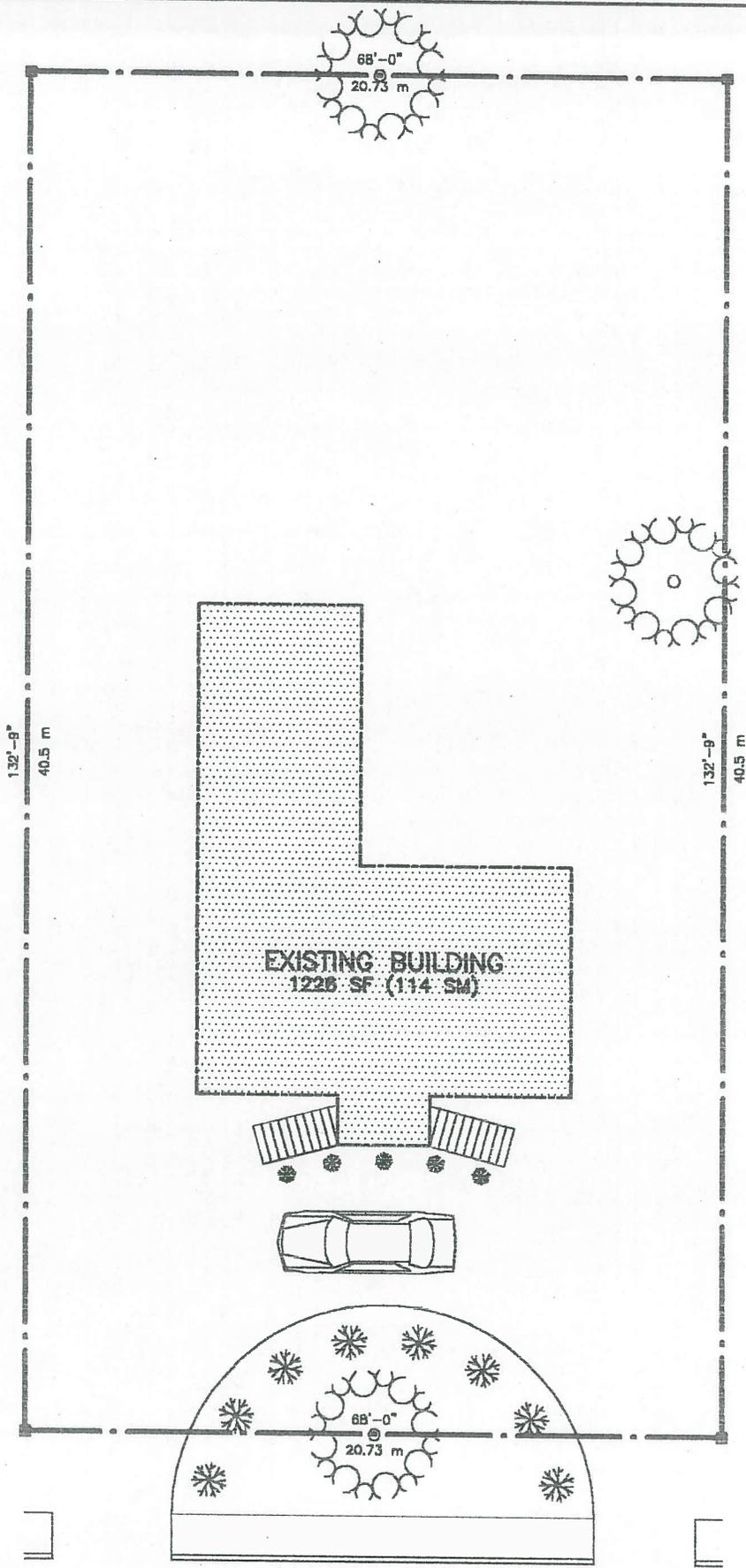
# 172 Central Avenue



**172 Central Ave**  
**Subject Property**  
**Built 1883**  
**“Italianate”**  
**Level 1**

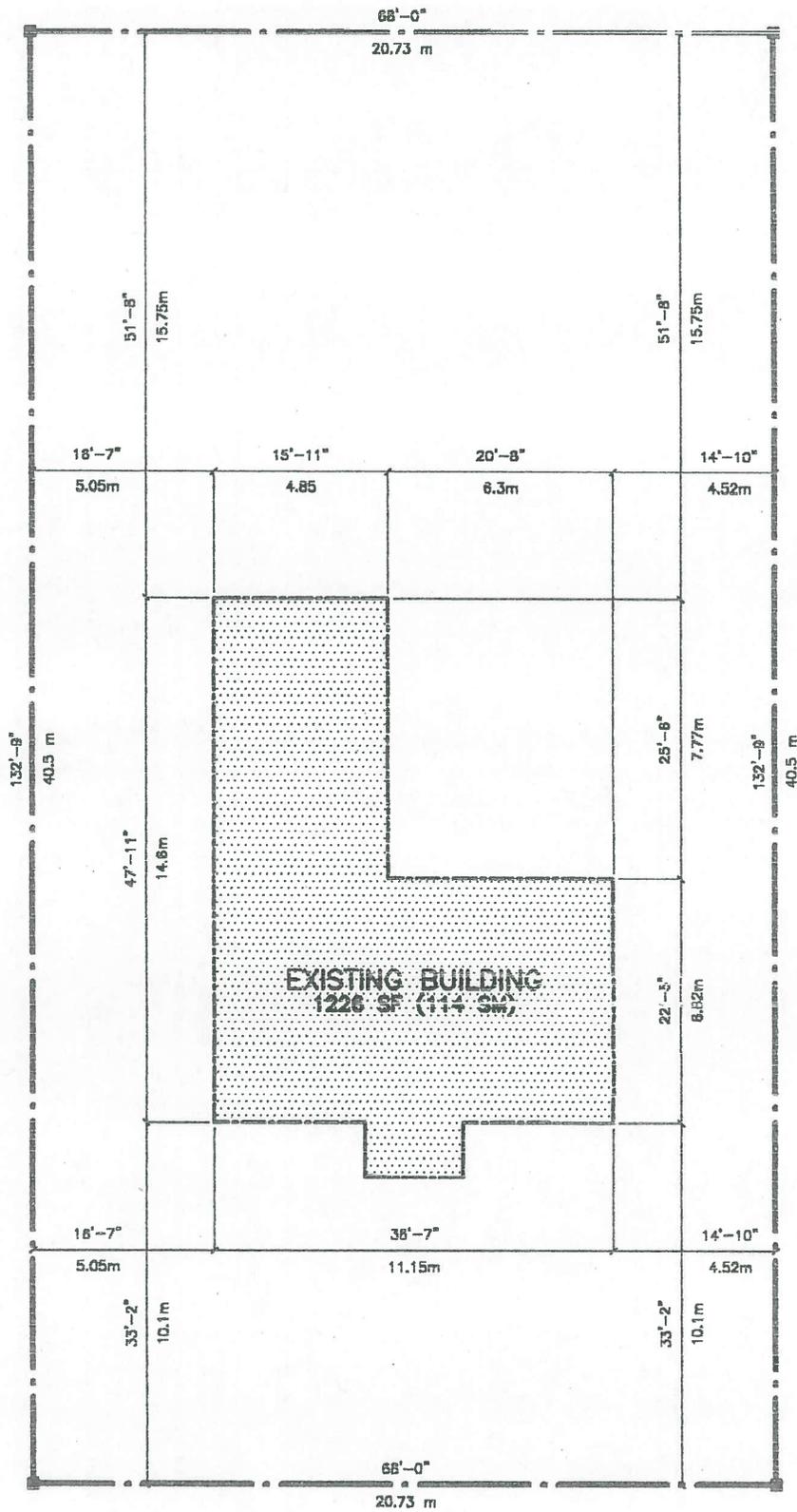






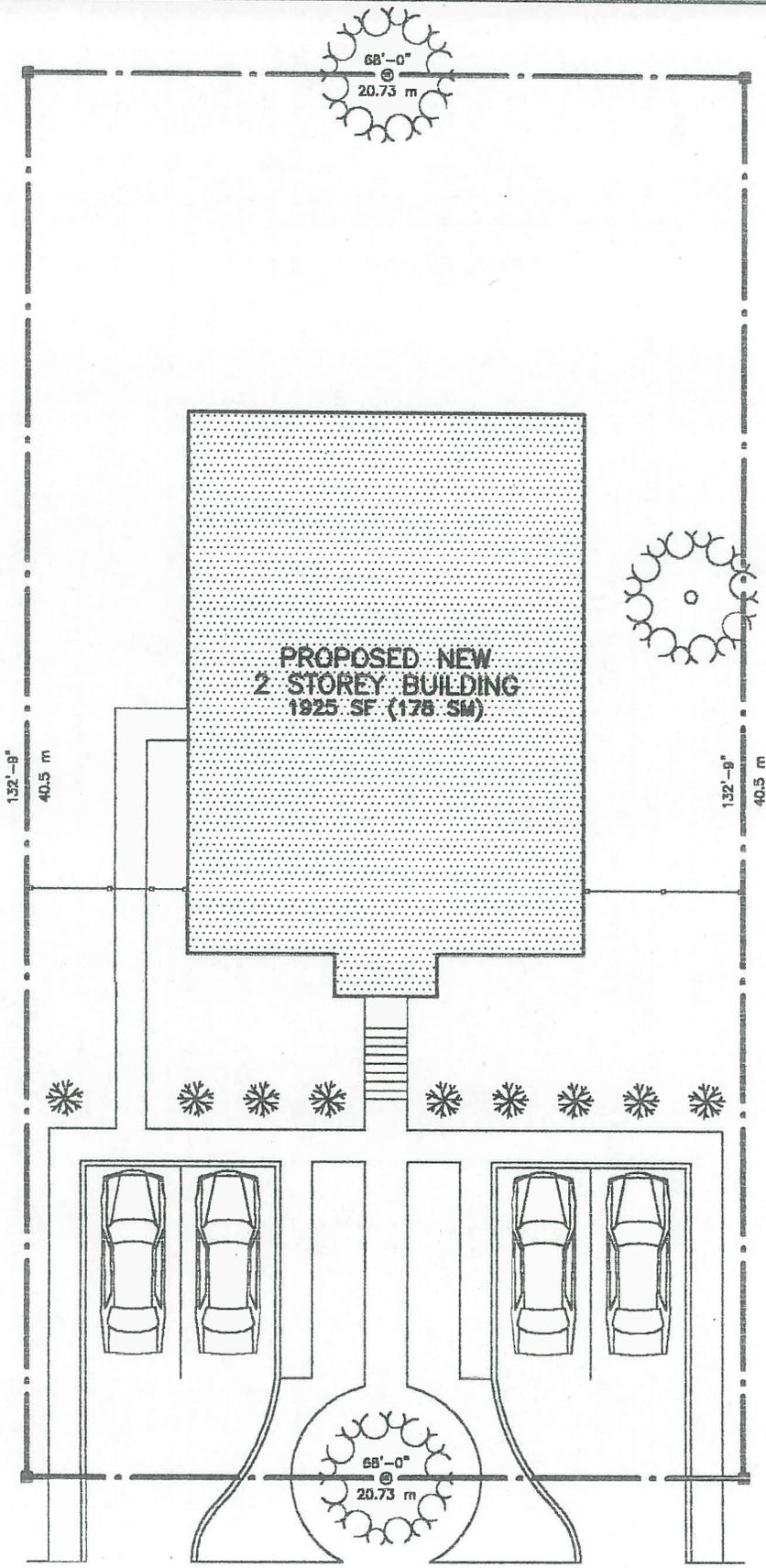
CENTRAL AVE

# EXISTING SITE PLAN



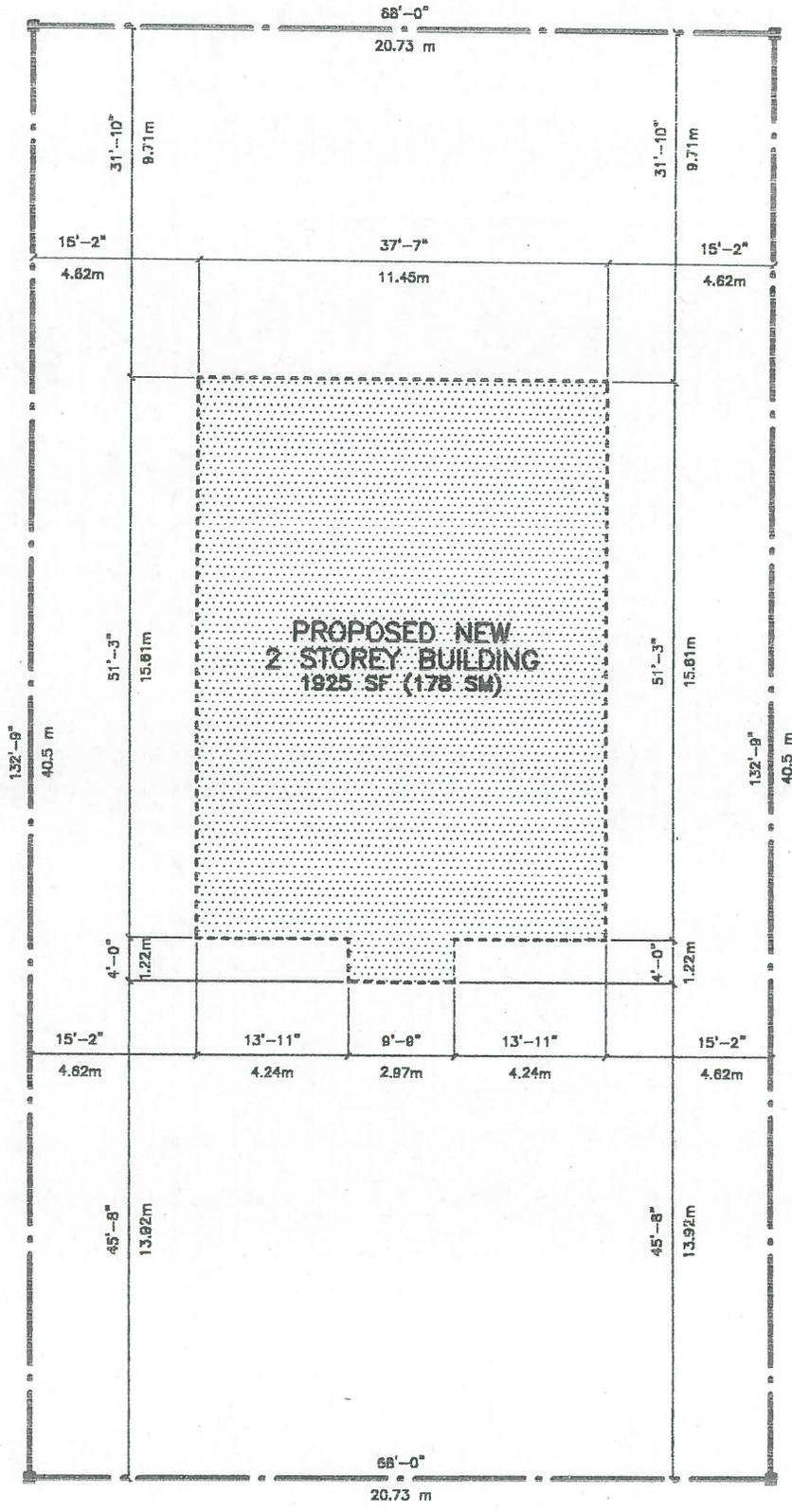
CENTRAL AVE

EXISTING SITE PLAN



CENTRAL AVE

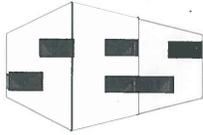
# PROPOSED SITE PLAN



**PROPOSED NEW  
 2 STOREY BUILDING  
 1925 SF (178 SM)**

CENTRAL AVE

PROPOSED SITE PLAN



# Santarelli Engineering Services

50 Samnah Crescent, Ingersoll, Ontario N5C 3J7 Tel: (519) 451-5530 Fax: (519) 425-5001

May 25, 2018

To: Gus Mitsis  
172 Central Avenue,  
London, Ontario,

Re: Structural Review  
Private Residence at 172 Central Avenue  
*Our file No. 18-15-0142*

Dear Sir:

Santarelli Engineering has completed a preliminary review of the existing residence at 172 Central Avenue, London, Ontario. The purpose of our visit was to visually assess the existing building structural

The following report was compiled based on information gathered by visual assessment and limited mechanical testing of wood framing at the time of our review.

## Overview

The existing 2 storey century home consists of rubble foundations, 2 wythes of clay bricks at the perimeter and with interior wood floor framing. The brick wythes are separated by a 2" cavity with the interior wood framing bearing on the interior wythe of brick.

The existing floors are framed using a mixture of conventional wood framing with timber joists at the rear and non-conventional cantilevered timber joists at the front. The connections predominantly friction fit.

At the time of the review, the supporting structure including floor joists, roof rafter and load bearing walls were exposed. Sample penetrations were made in the existing brick for review.

Only portions of the foundation visible from the basement at the time of the review were examined.

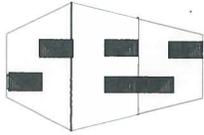
## Site Observations:

### Exterior

**Stair accessing basement;** The concrete retaining walls framing around the exterior basement stairs appeared to be in relatively good condition. The top of the retaining wall was noted to be at grade level. Due to the noted grade, water will flow over the retaining wall and down the stairs into the basement. Overtime, improper drainage and grading will result damage to the wall, stair and building foundation.

**Gas meter;** A gas meter is located adjacent to a basement window while also under the front entrance patio. By today's code requirements, this location is unacceptable and the meter is to be relocated.

**Basement windows;** Throughout the building, basement windows were at grade level. No window wells are installed. Water stains on the foundation walls in the basement and rotting of window frames was



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observed. In this circumstance, window wells are to be provided or adjustments are to be made to the exterior grade.

**Front Entrance;** The exterior stair and patio accessing the front entrance is constructed from conventional wood framing. Wood posts were placed on grade without proper foundations.



Image 1: West side of exterior wall at main entrance.  
(Image shows window at grade; Gas Meter Location, Entrance patio framing.)



Image 2: Basement Stair at Grade  
(West Side of House)

**Exterior Brick:** The exterior brick Wythe appeared to be non-load bearing. Penetrations in the brick at floor joist locations showed the interior structural framing is supported by the interior Wythe of brick only. The two brick walls were tied together using clay bricks headers. The spacing of the headers was not determined at the time of the review.

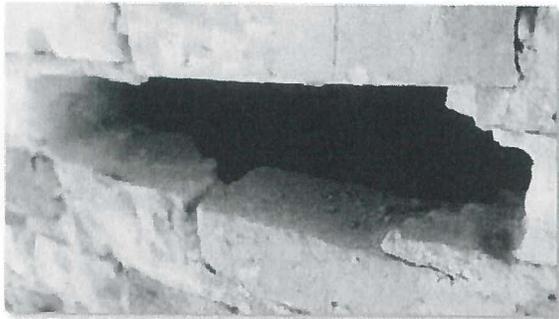
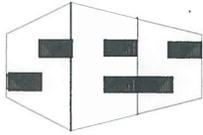


Image 3: Penetration in Exterior Brick Wall



Image 4: Penetration in Exterior Brick Wall at base.

Cracks in the exterior brick were observed at many location including most window and door opening. The cracking was predominantly within the mortar joints however, where windows were stacked between the main floor and second floor, cracks were seen to pass through several bricks. At the rear of the house, cracks in the brick extended from the foundation up to the eave.



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A bow in the exterior brick could be seen along the east wall at the second floor elevation. Cracking in the brick has been highlighted in the images below for clarity.



Image 5: Rear Brick Wall

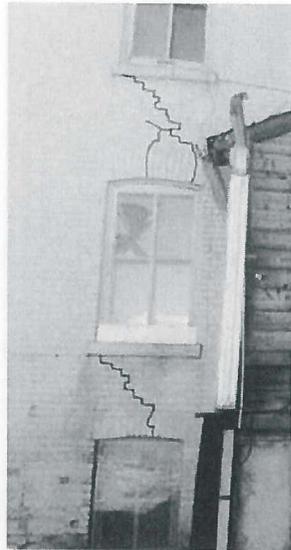


Image 6: Rear Brick Wall

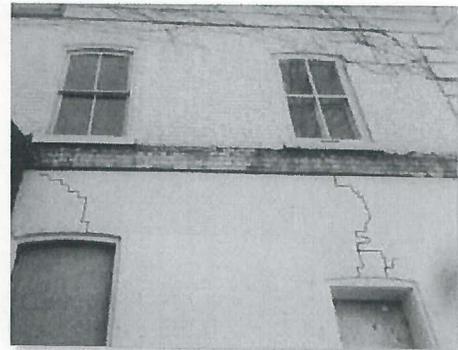


Image 7: Rear Brick wall

**Rear Addition;** At the rear of the residence, a small wood framed addition is installed. Portions of a stud wall supporting the addition, with wood floor joists and wood paneling. Along the north end, the wood framing is exposed to the environment. Rotting and damage to the wood structure was observed including warping of the supporting stud wall.

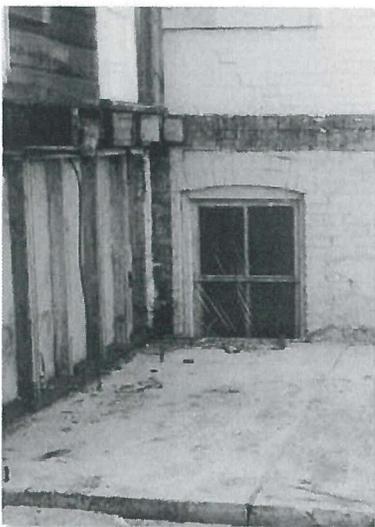
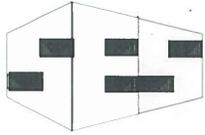


Image 8: Exposed wood framing  
And Window at grade. (At Rear)



Image 9: Exposed wood framing  
(at Rear)



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## Basement

**The existing foundations;** are constructed using rubble and mortar. Portions of the existing basement concrete slab were removed against the foundation wall in order to determine if footings below the wall were present. No footings appeared to be present at these locations.

**Main Floor Framing;** the framing supporting the main floor above consisted of timber joists bearing on perimeter foundation walls and interior load bearing brick walls. Throughout the basement, joists and supporting beams were observed to be cut, charred, cracked and in some location had supporting elements removed, compromising the integrity of the floor system in areas and requiring replacement.

For instance, a beam supporting the floor below the main entrance bears on a single wythe of brick, eccentrically placed. Where this beam spans over an opening in the basement, the beam has been cut short of the bearing point, resulting joists not being supported by the beam, and the beam cantilevering from the single wythe of brick. Load bearing walls supporting the second floor are supported by this beam and wall in the basement.

Near the basement stair, another wood beam was cut resulting in an existing joists being unsupported.



Image 10: Basement Beam near stair cut.  
Floor joist has no support



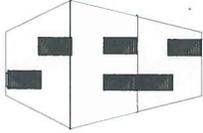
Image 11: Charred beam eccentrically placed  
On single Wythe brick below.



Image 12: Joist near stair cut.  
Floor joist has no support



Image 13: Joist below main entrance cut.  
Floor joist has no support



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**Water:** At the perimeter, water stains on the foundation wall were observed. Window framing at grade has water damage and requires replacement.

## Main Floor

**Floor framing;** The wood framing supporting the second floor consists of two styles of framing. At the rear of the residence, timber joist spanning between exterior brick walls was used. At the front of the house, a non-conventional double cantilever system was used. The components are friction fit, no wood dowels were observed. The bearing walls on the main floor were offset of the brick walls below.

Throughout the second floor framing, several floor joists had longitudinal cracks, in some cases exceeding 1" in width. Joists throughout were seen to be cut, damaged, rotted, charred and in some location with minimal joist depth at bearing points. Spaces between friction joints have developed as the building settles. The current state of the framing requires repair or replacement. Rotting of wood joists were confirmed by drill testing and are not suitable to support the floor loading.

**Stud Framing;** Stud and headers within interior bearing walls at the front of the house were installed on their flats. At some location, headers and top plate were missing. The stud framing was offset of supporting beams and load bearing wall below. Reworking of the stud framing is required with installation of proper headers to support the floor framing above.

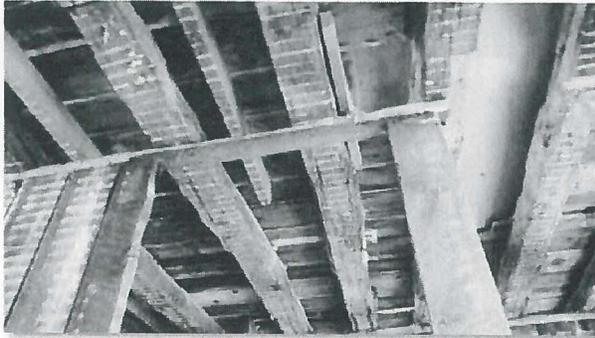


Image 14: Stud and Header framing of load bearing wall  
Near main entrance.



Image 15: Connection of Double Cantilever Joists  
At front of house

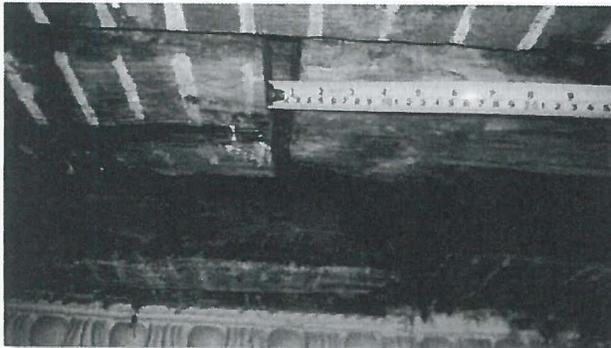
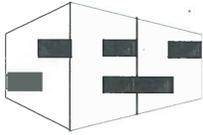


Image 16: Connection of Double Cantilever Joists



Image 17: Cut joist and stud top plate.



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Image 18: Longitudinal Crack in wood joist

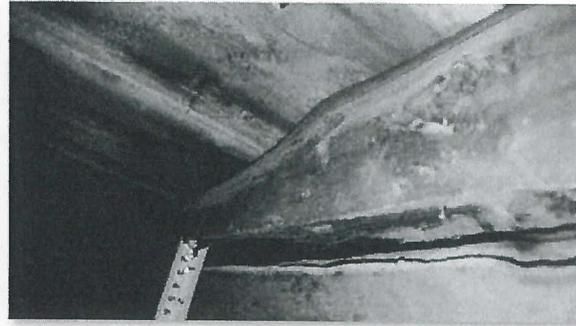


Image 19: Longitudinal Crack in wood joist



Image 20: Cut joist at rear of house.



Image 21: Charred and cut joist at rear of house.



Image 22: Minimal bearing on Brick Wall

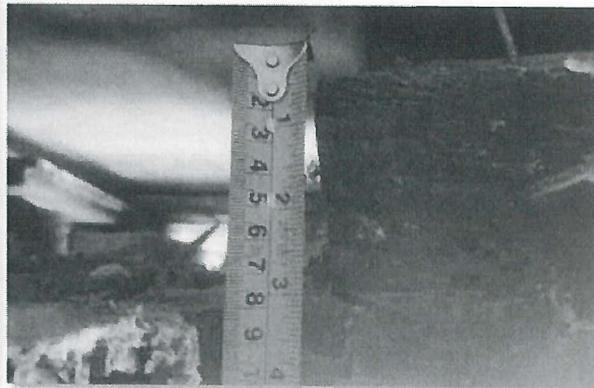


Image 23: Cut beam at rear of house. (Typical of several locations)

**Wood lintels and sill plates.** Wood framing inside the brick walls which include wood lintels and sills have been damaged due to moisture. A random sampling of wood joists, lintels and sills were tested for moisture damage using a specialized drill that records the resistance to penetration of a drill bit and records the results. The results showed that the integrity of the wood framing at the exterior of the building has been reduced. This item is consistent throughout the house. The wood lintels require replacement



# Santarelli Engineering Services

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**Perimeter Brick Wythe.** The existing brick walls consist of two wythe of brick separated and air gap and the floor joist bear solely on the interior wythe. Based on the joist spans and floor loading, the single wythe of brick is overloaded. Cracks and bowing the interior was observed. Additional support of the floor joists is required.



Image 24: Joist framing on brick Wall.  
Joist are cut and charred.

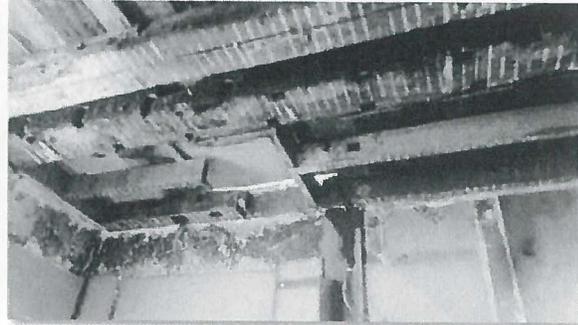


Image 25: Joist framing on brick Wall.  
Joist are cut and charred.



Image 26: Cracked Brick wall at Window



Image 27: Cut floor joists and minimal bearing at brick wall

## Second Floor & Roof Framing.

**The existing roof;** The roof is framed using wood rafters with wood decking. No collar ties were present. Ceiling joists were framed using timber joists. In some areas, ceiling joists could easily be removed.

**Interior Brick Wythe and Window framing;** Brick framing is installed as prescribed previously. Cracking of the plaster and brick wall at the corner of windows was observed. Further investigation determined that wood lintels over windows are damaged due to moisture and a bow in the east brick wall was observed.



# Santarelli Engineering Services

50 Samnah Crescent, Ingersoll, Ontario N5C 3J7 Tel: (519) 451-5530 Fax: (519) 425-5001



Image 28: Cracking at Window



Image 29: Cracking at Window



Image 30: Cracking at Window



Image 31: Typical Ceiling Joist Framing.

Based on the existing framing and issues discovered, reinforcing of existing components will require a case by case review and repair detail at each location. Replacement of the floor framing and other components noted in the report, in many areas, would be more practical and cost effective than repairing the current conditions. If deficiencies are not corrected, the issues noted will continue to deteriorate.

The existing brick walls will required shoring, repair and re-framing likely by installing new interior wood wall framing on new footings in order to support the floor joists. The proposed work will need to be completed in sections. It is our understanding discussions have begun with local building authorities regarding this property and the scope of proposed plans for this building. When a direction on the project is decided, please let us know.

The above-mentioned work/deficiencies may not be limited to the items listed above. The review was based on a visual examination of the exposed areas only. Any additional areas that may require repair exposed or observed during construction/repair is to be brought to Santarelli Engineering's attention for review.

Yours truly,  
Santarelli Engineering Services

Walter Santarelli M.Eng. P.Eng  
President





300 Dufferin Avenue  
P.O Box 5035  
LONDON, ON  
N6A 4L9

**London**  
CANADA

BCIN - 18458

## Unsafe Building – Order to Make Safe

Pursuant to Subsection 15.9-(4) of the *Building Code Act*, 1992

Date Order issued: June 19, 2018

ORDER NUMBER US 1174169
----------------------------

Application/Permit Number: No Permit

### Address to which Order applies:

172 Central Avenue  
LONDON ON N6A 1M7

### Order issued to:

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>Peter Christopher Mitsis<br/>845 Talisman Crescent<br/>LONDON ON N6K 0B7</li> </ol> | <ol style="list-style-type: none"> <li>Constantinos Mitsis<br/>845 Talisman Crescent<br/>LONDON ON N6K 0B7</li> </ol> |
|--|---|

An unsafe condition, as defined in subsection 15.9-(2) of the *Building Code Act*, 1992 is found to exist at the above noted location by reason of the following:

Item	Reasons why the building is unsafe and remedial steps to be taken
The residential building located 172 Central Ave. contains conditions that could be hazardous to the health and safety of persons in the normal use of the building:	
1)	The structural integrity of the building is compromised, including but not limited to the wood floors, wood studs, wood lintels, single brick veneer support of the floor joists, and roof ceiling joists (as listed in the engineers report provided by Santarelli Engineering Services, dated May 25, 2018).
<b>Remedial Action:</b>	
1)	Apply for and obtain a building permit to repair the items outlined above, and in the report provided by Santarelli engineering services dated May 25, 2018
<b>NOTE: Scaled and complete drawings are required in order to obtain any building permit.</b>	

You are hereby ordered, under the terms of the subsection 15.9-(4) of the *Building Code Act*, 1992 to take the remedial steps heretofore required to make the building safe on or before **August 18, 2018**.

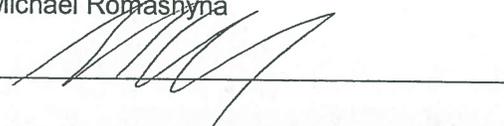
### Caution:

Failure to correct this unsafe condition by the time specified in this Order may result in the issuance of a further Order prohibiting the use or occupancy of the building identified in this Order, and/or legal action which upon conviction by a court of competent jurisdiction, can result in a fine for first offence not to exceed \$50,000 for an individual and \$100,000 for a Corporation or for a subsequent offence maximum penalties of not more than \$100,000 and \$200,000 for an individual or Corporation respectively.

### Order issued by:

Name Michael Romashyna

BCIN 37734

Signature 

Telephone no. (519) 670-0399



## GENERAL CONTRACTOR

22662 KOMOKA RD, KOMOKA, ON N0L 1R0  
[www.melchersconstruction.com](http://www.melchersconstruction.com)

Office: 519-473-4149

Fax: 519-473-8371

Ted Melchers Cell: 519-617-2028  
[Ted@melchersconstruction.com](mailto:Ted@melchersconstruction.com)

Chris Melchers Cell: 519-617-2029  
[Chris@melchersconstruction.com](mailto:Chris@melchersconstruction.com)

Dan Schinkelshoek Cell: 519-661-7811  
[Danschink@melchersconstruction.com](mailto:Danschink@melchersconstruction.com)

June 28, 2018

Peter & Gus Mitsis

RE: 172 Central Ave Site Inspection

I was asked to attend a site meeting at 172 Central Ave to assess the condition of the existing structure and top determine if it was feasible to renovate the structure to bring it up to current code requirements.

I found that the structure was in very poor condition structurally. The interior of the structure was stripped of plaster and finishes so that the structural components were exposed.

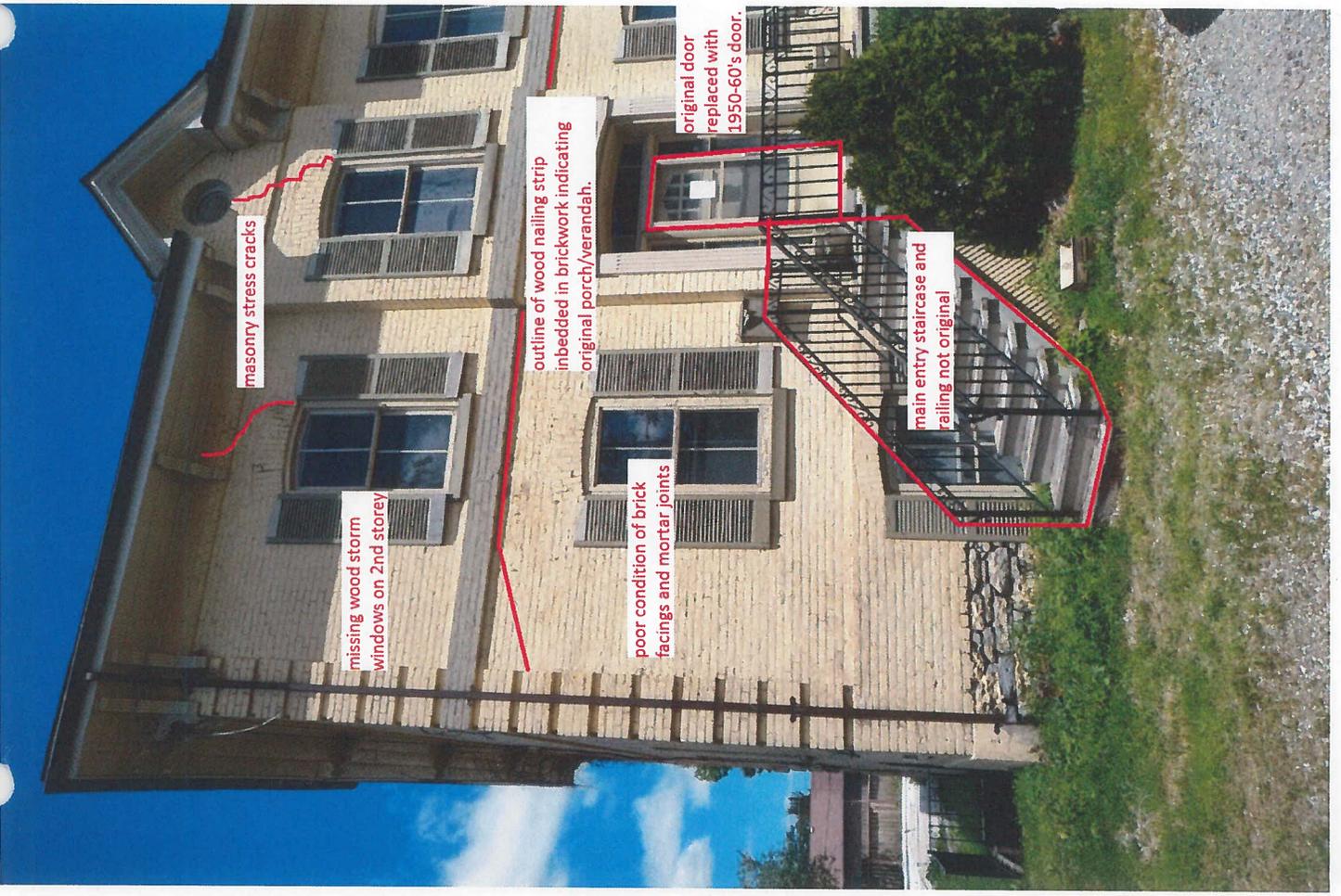
It was my contention that the renovation would be very expensive (\$450 - \$500 /sf) whereas demolition and reconstruction would be much more practical. As a consideration, the exterior façade could be replicated to retain the character of the existing building.

Yours truly,

**MELCHERS CONSTRUCTION LIMITED**

PER:

  
Ted Melchers



masonry stress cracks

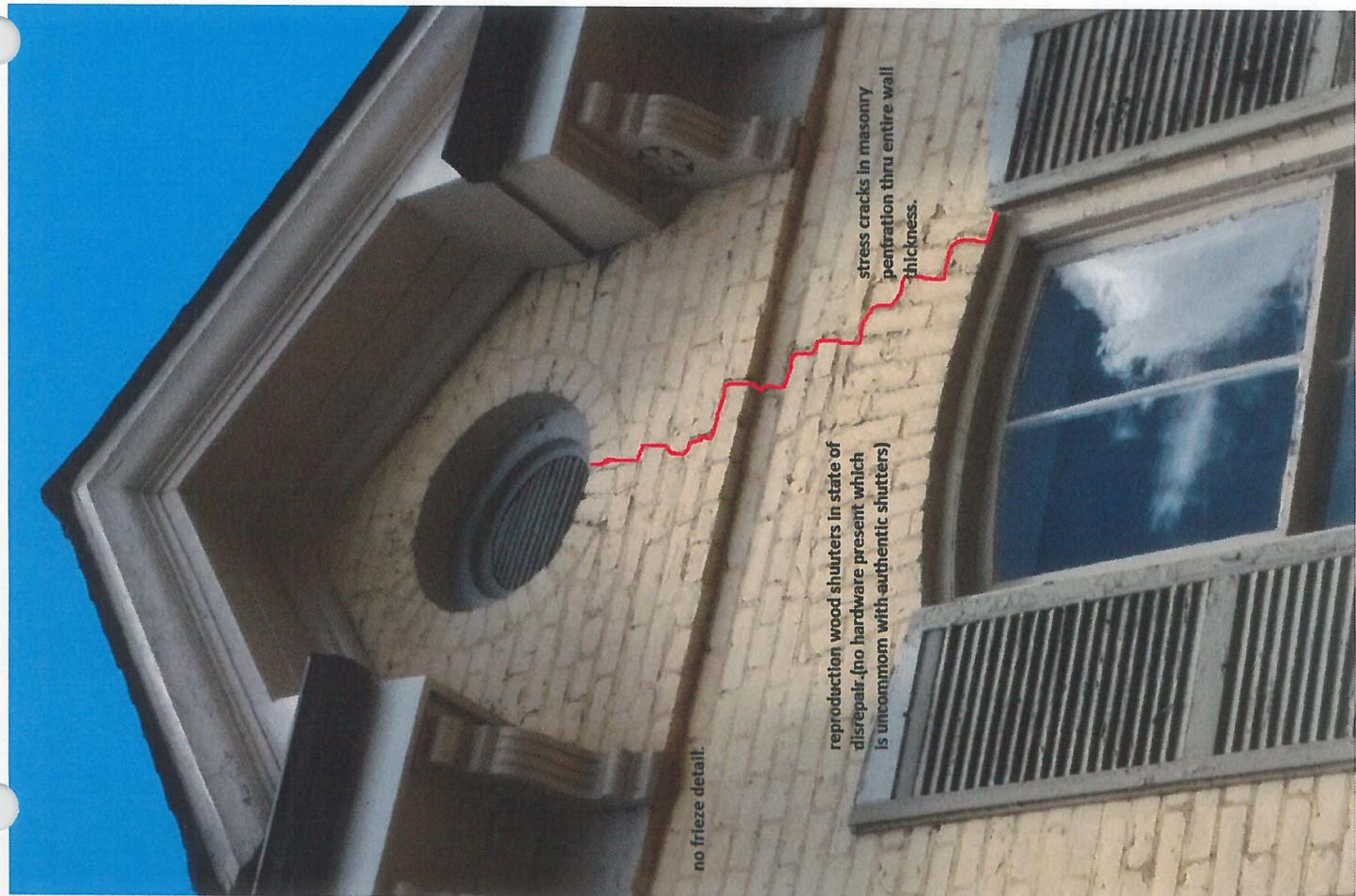
missing wood storm windows on 2nd storey

poor condition of brick facings and mortar joints

outline of wood nailing strip imbedded in brickwork indicating original porch/verandah.

original door replaced with 1950-60's door.

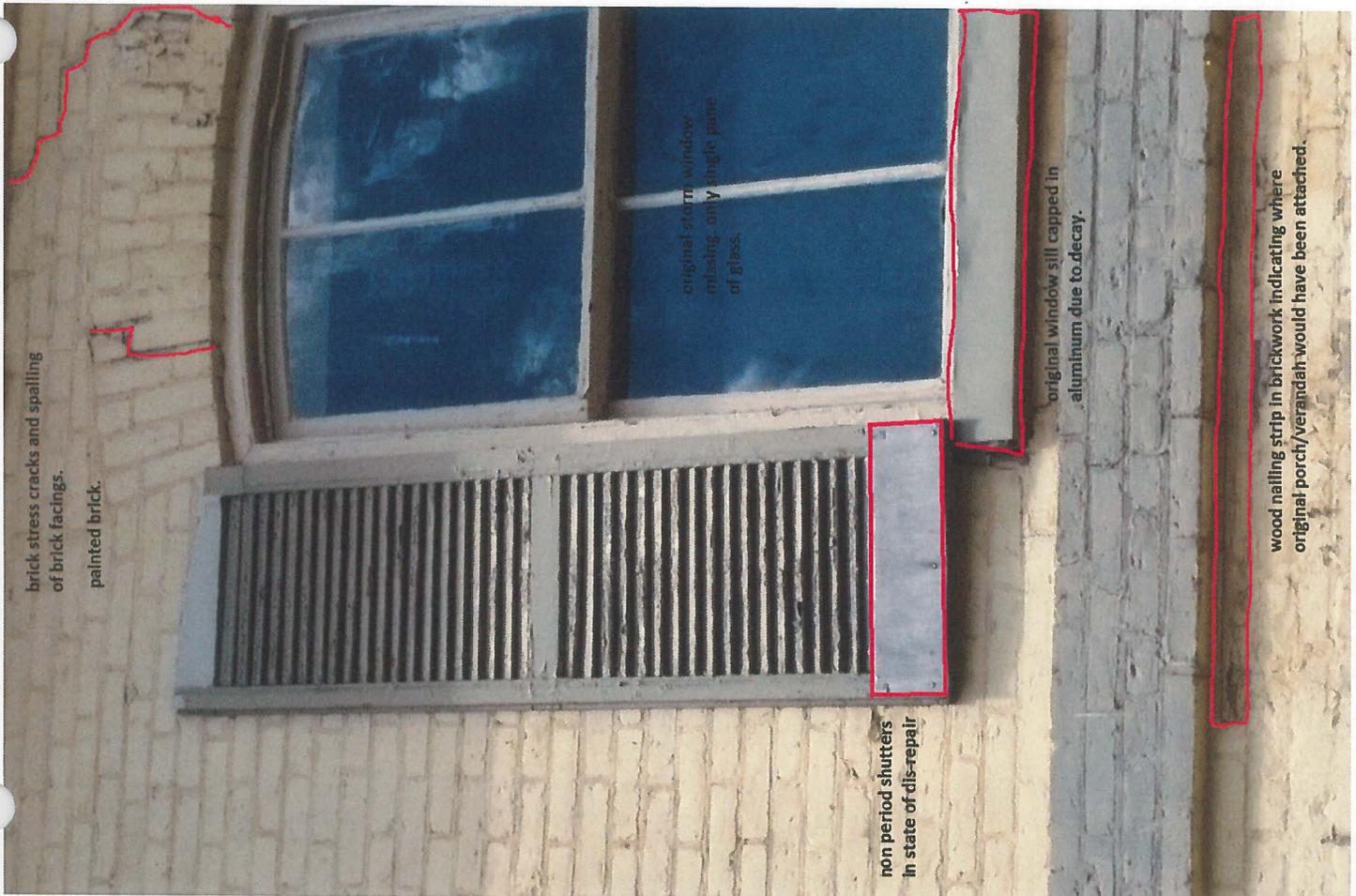
main entry staircase and railing not original



no frieze detail.

reproduction wood shutters in state of disrepair. (no hardware present which is uncommon with authentic shutters)

stress cracks in masonry penetration thru entire wall thickness.



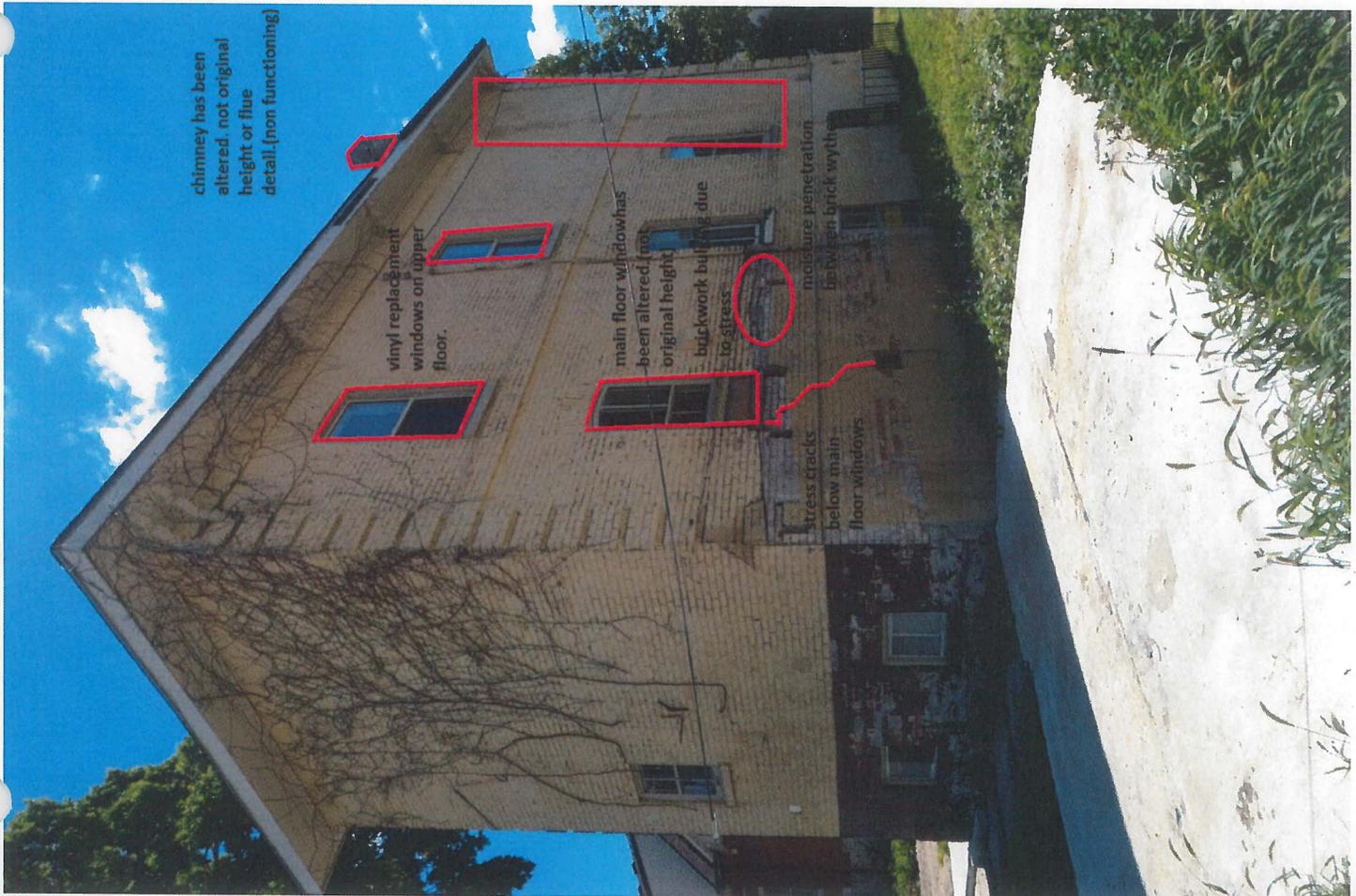
brick stress cracks and spalling  
of brick facings.  
painted brick.

original storm window  
missing only single pane  
of glass.

non period shutters  
in state of dis-repair

original window sill capped in  
aluminum due to decay.

wood nailing strip in brickwork indicating where  
original porch/verandah would have been attached.



chimney has been altered, not original height or flue detail. (non functioning)

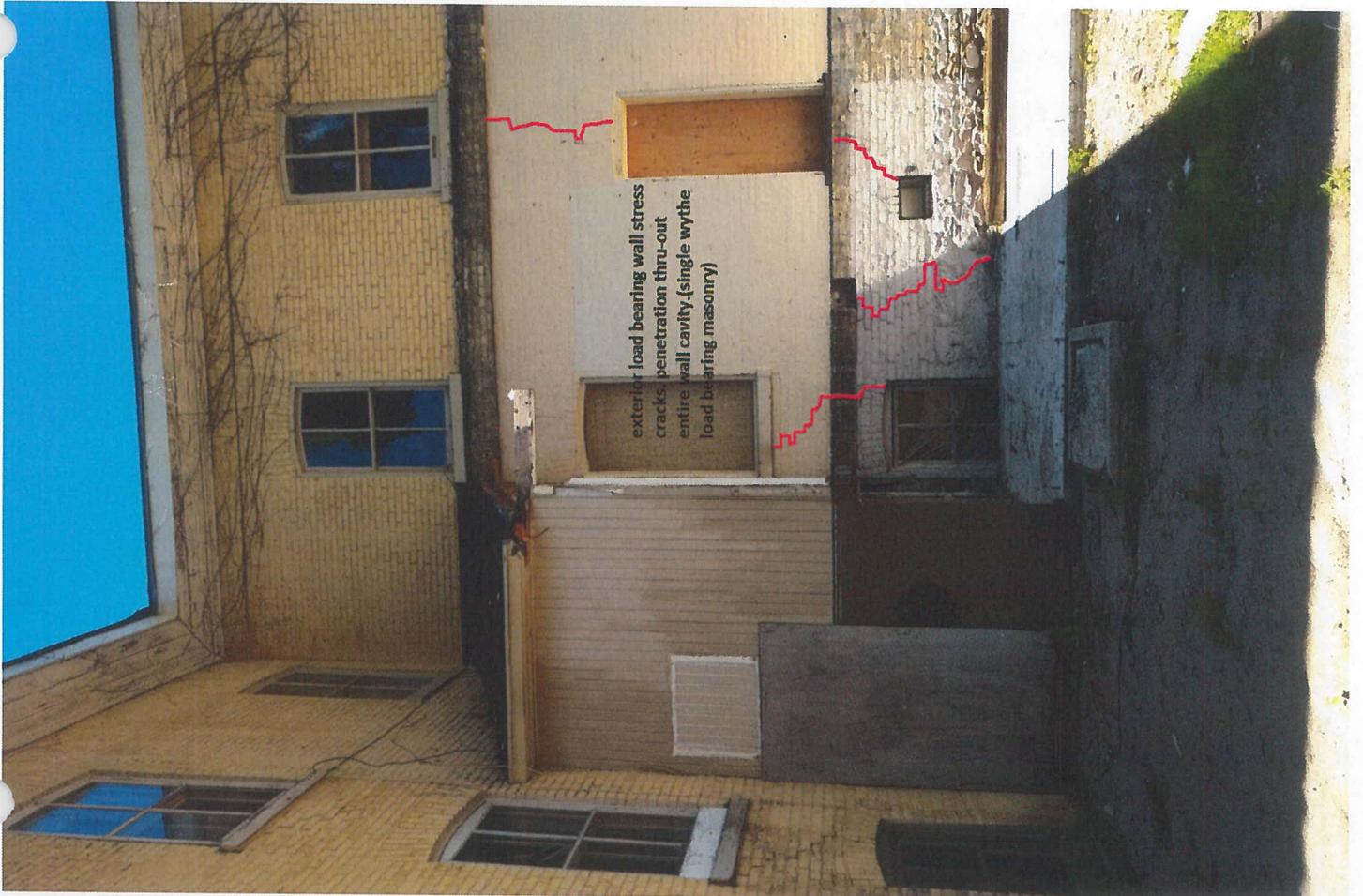
vinyl replacement windows on upper floor.

main floor windows have been altered, not original height

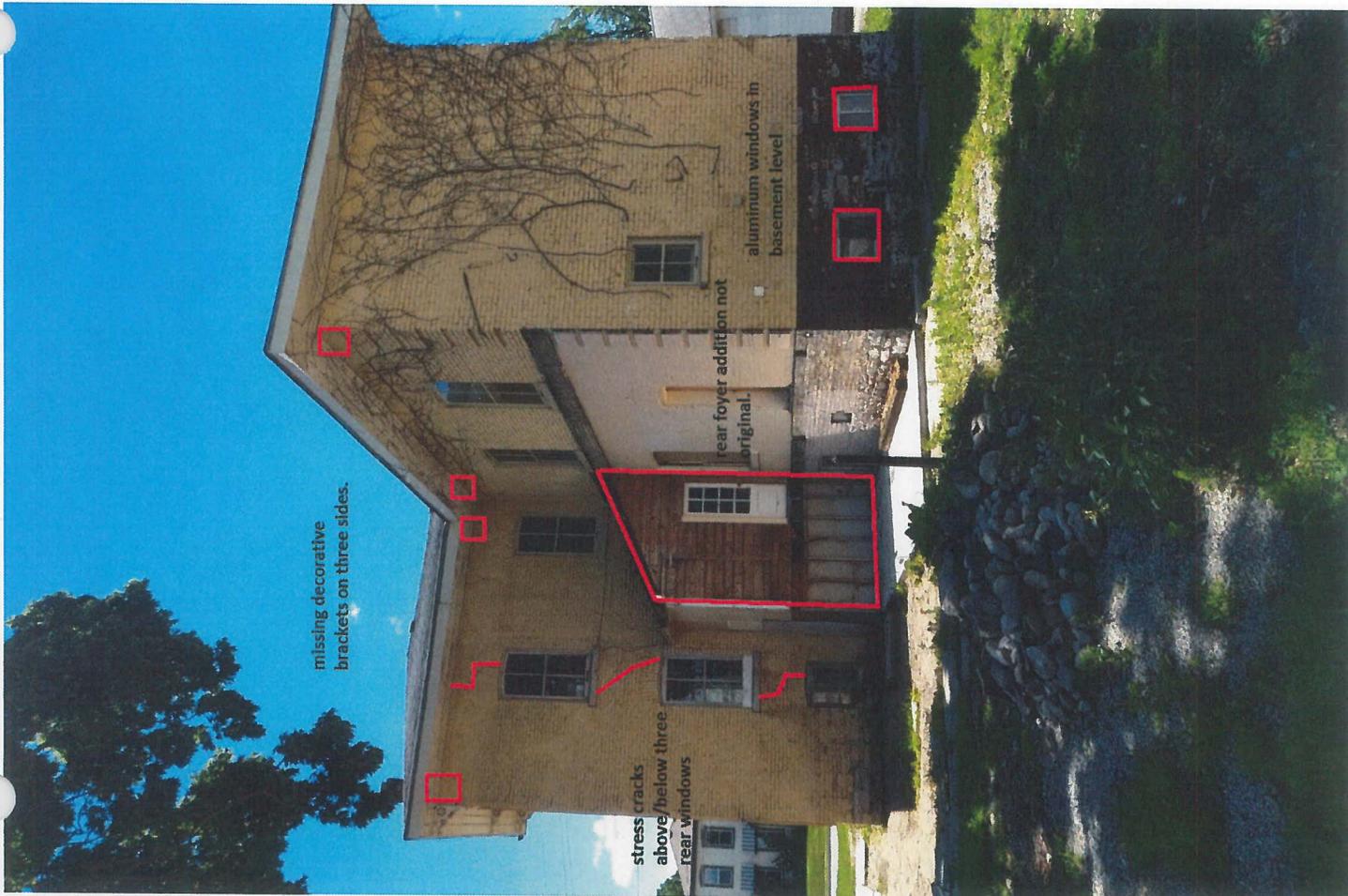
backwork building due to stress

stress cracks below main floor windows

moisture penetration below brick wythe



exterior load bearing wall stress  
cracks penetration thru-out  
entire wall cavity (single wythe  
load bearing masonry)



missing decorative brackets on three sides.

stress cracks above/below three rear windows

rear foyer addition not original.

aluminum windows in basement level



missing decorative bracket.

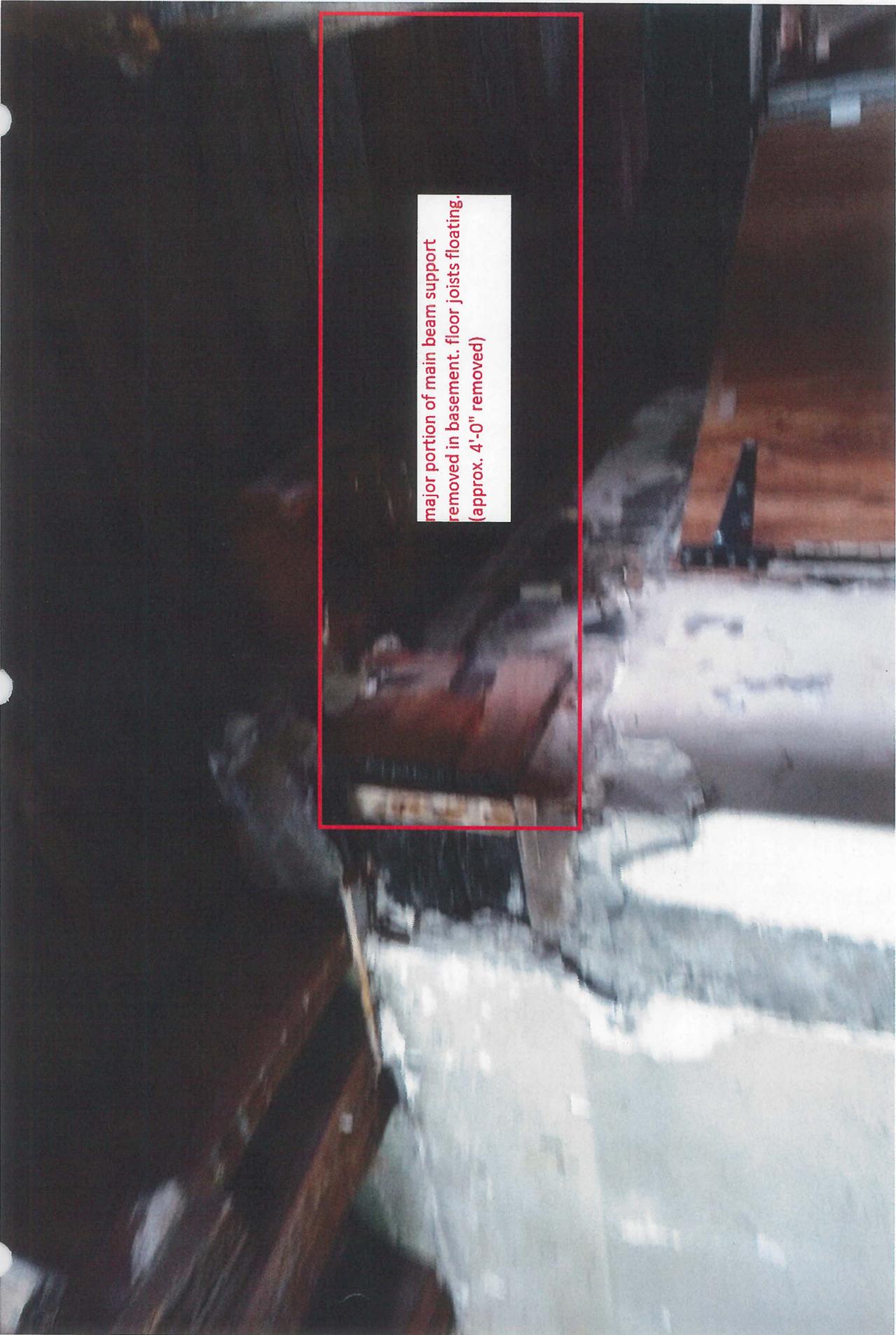
stress crack below/above all three windows

moisture penetration in brickwork indicated by staining.

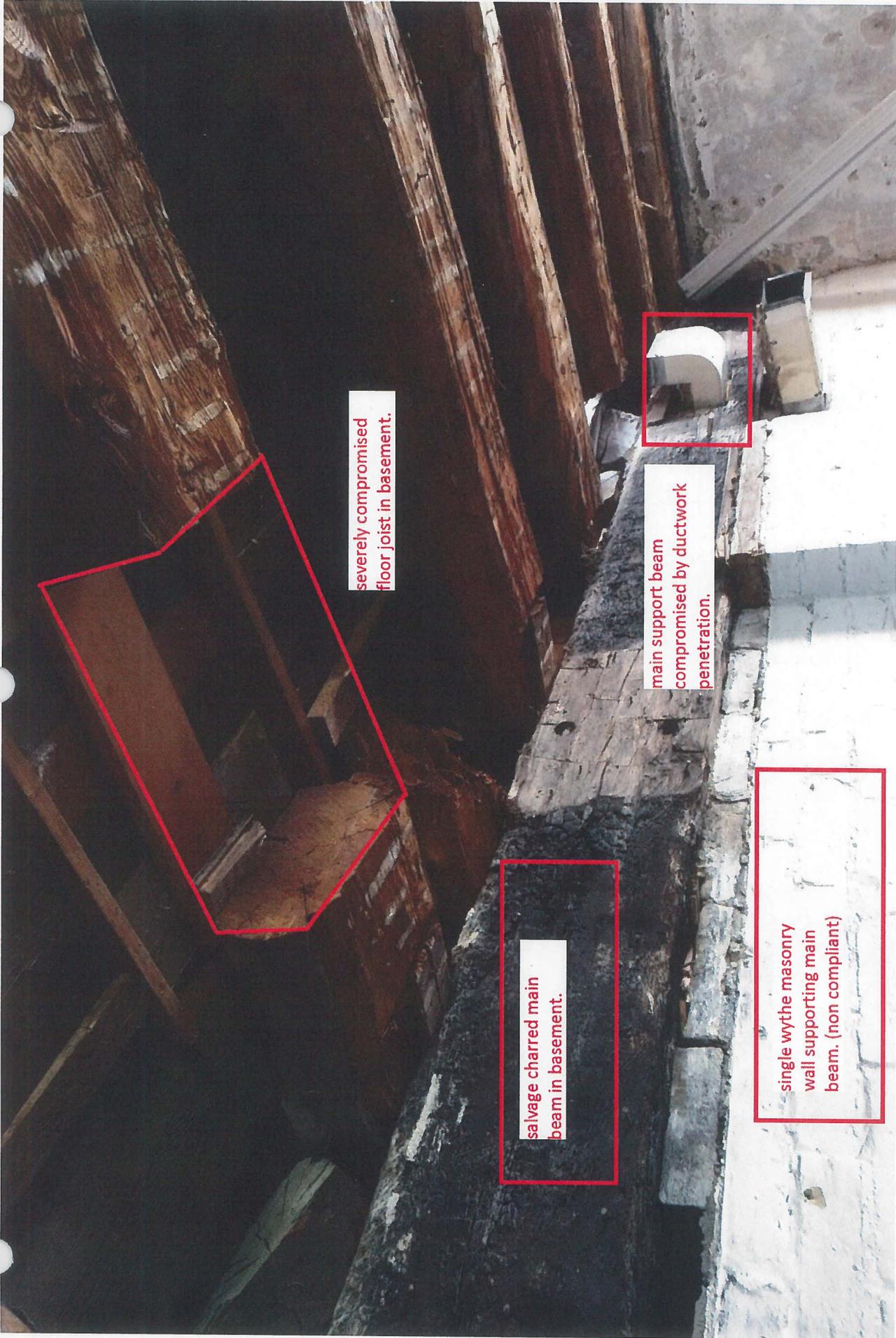
painted brick facings in poor condition.

typical rubble foundation with no footing, not suitable for additional loading.





major portion of main beam support removed in basement. floor joists floating. (approx. 4'-0" removed)



severely compromised floor joist in basement.

main support beam compromised by ductwork penetration.

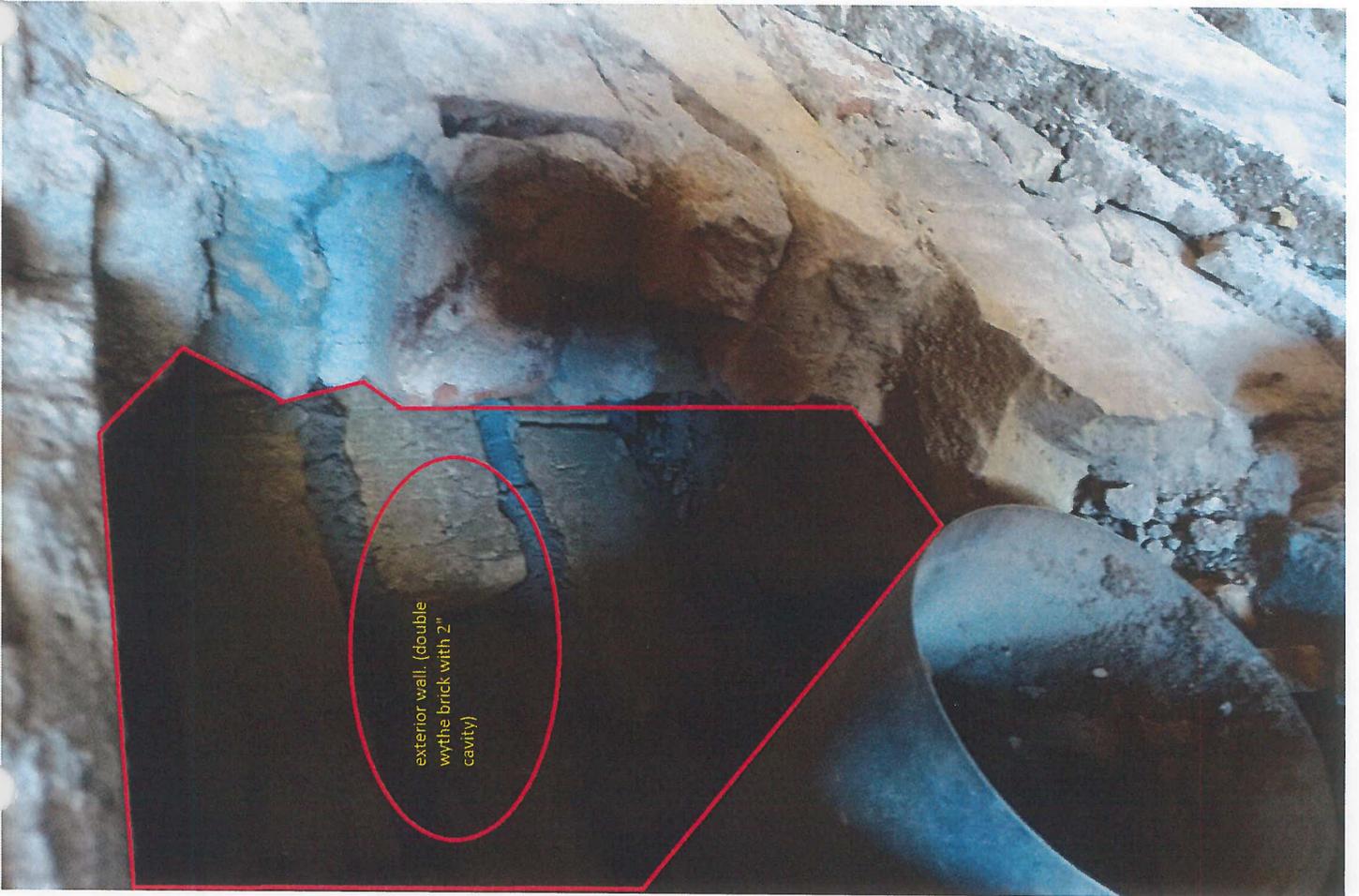
salvage charred main beam in basement.

single wythe masonry wall supporting main beam. (non compliant)

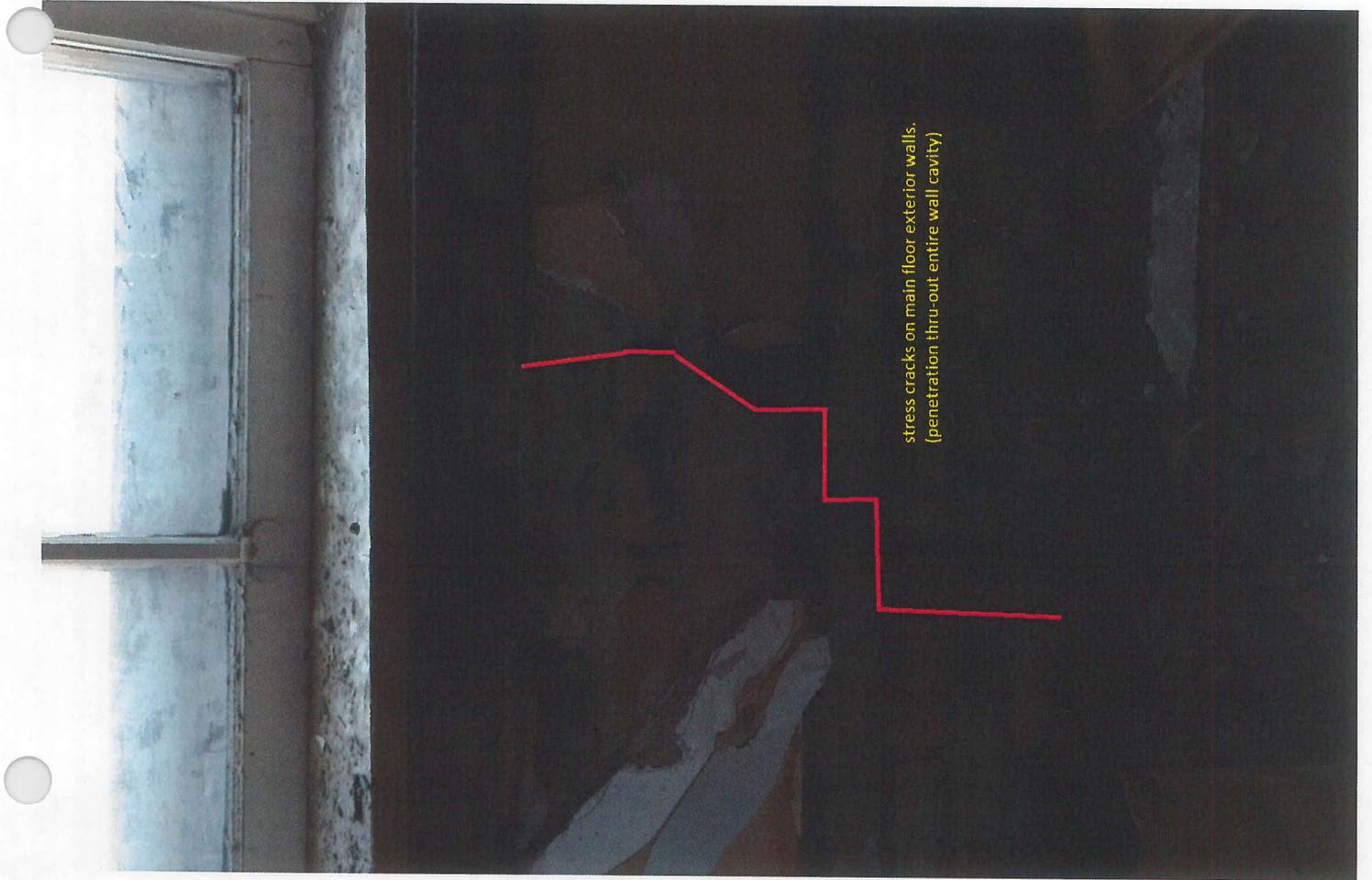


splitting floor joists  
resting on main support  
beam.

salvaged-charred main support beam in basement.



exterior wall. (double  
wythe brick with 2"  
cavity)



stress cracks on main floor exterior walls.  
(penetration thru-out entire wall cavity)

severely split and dry rot floor joists. (throughout many locations of building)





cantilevered floor system separating  
and causing outward thrust on  
exterior load bearing single wythe  
walls.

configuration of load bearing wall  
members not in proper orientation.  
(load bearing strength is  
compromised)



timbers above staircase floating, (original supports have been altered)

headroom height in stairwell 6'-0" (non-compliant.) salvaged staircase not custom built for house.

interior view of rear vestibule. (not original)



shifted and cracked exterior load bearing  
masonry (main floor, single wythe.) penetration  
throughout entire wall cavity.

signs of moisture penetration.

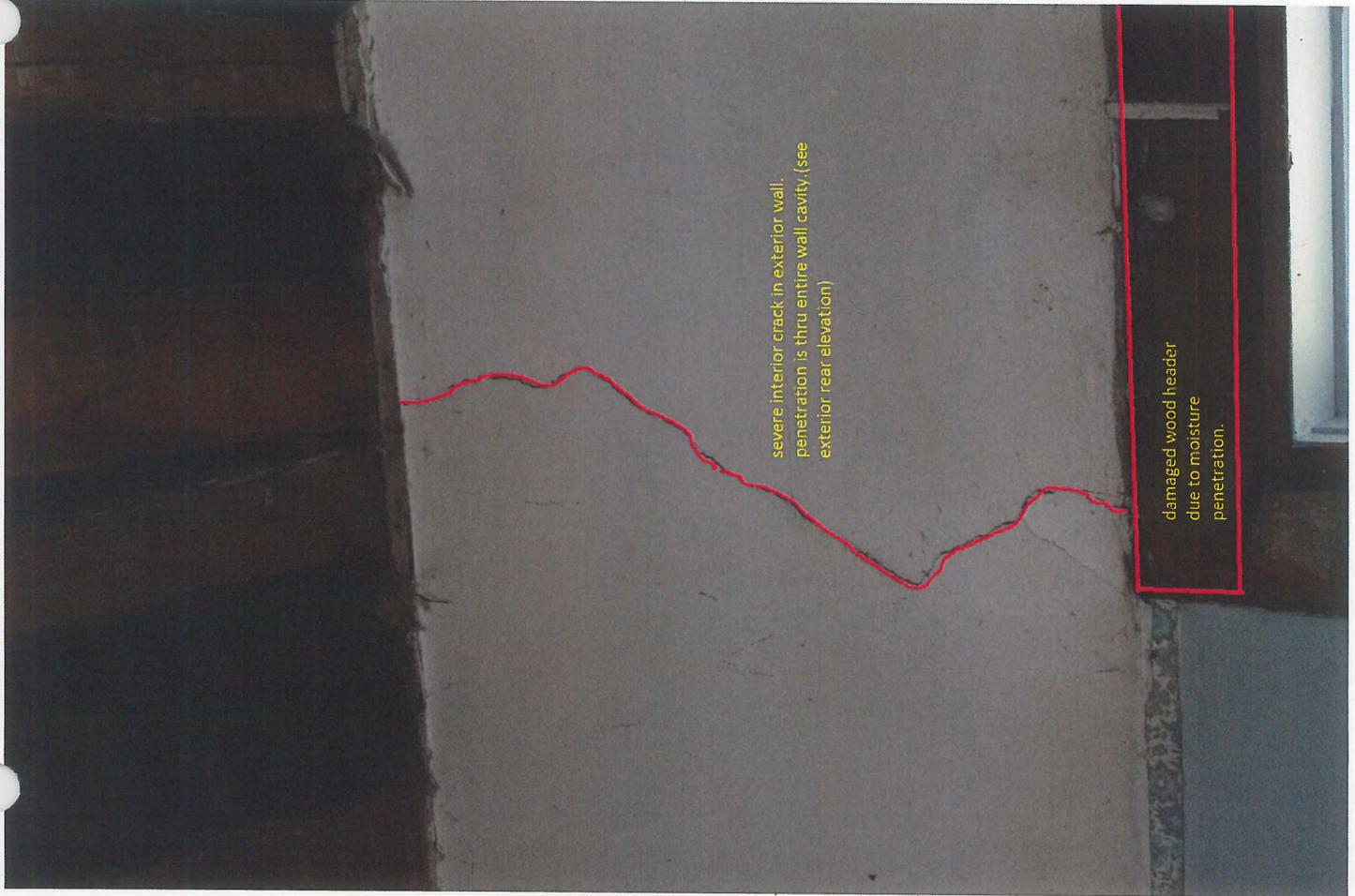
dry rot and decay of floor system. (not certifiable)

salvaged charred timber severely compromised due to notching. (not certifiable)

staining of floor joists indication of decay.

compromised joist due to opening cut in floor.



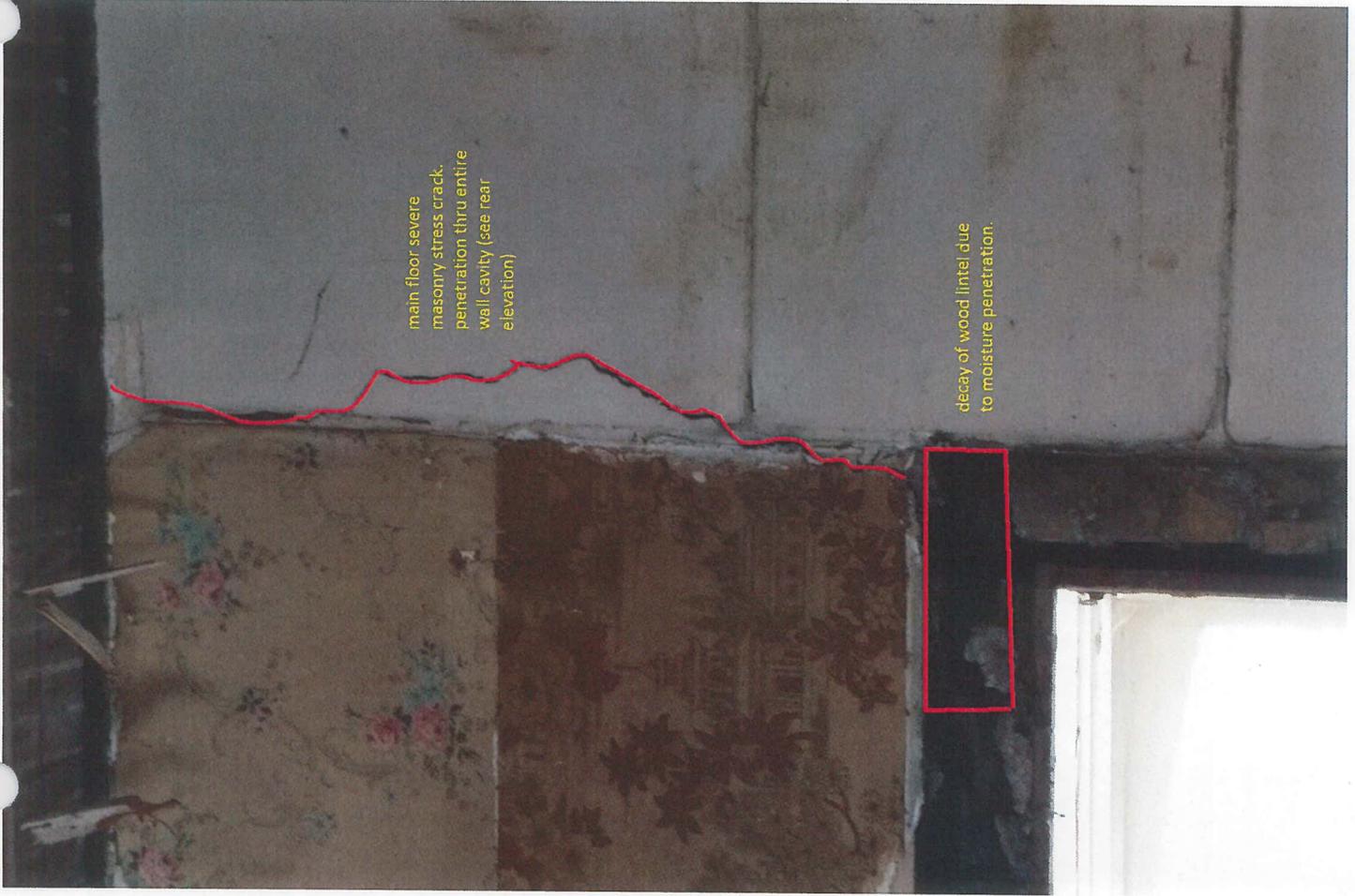


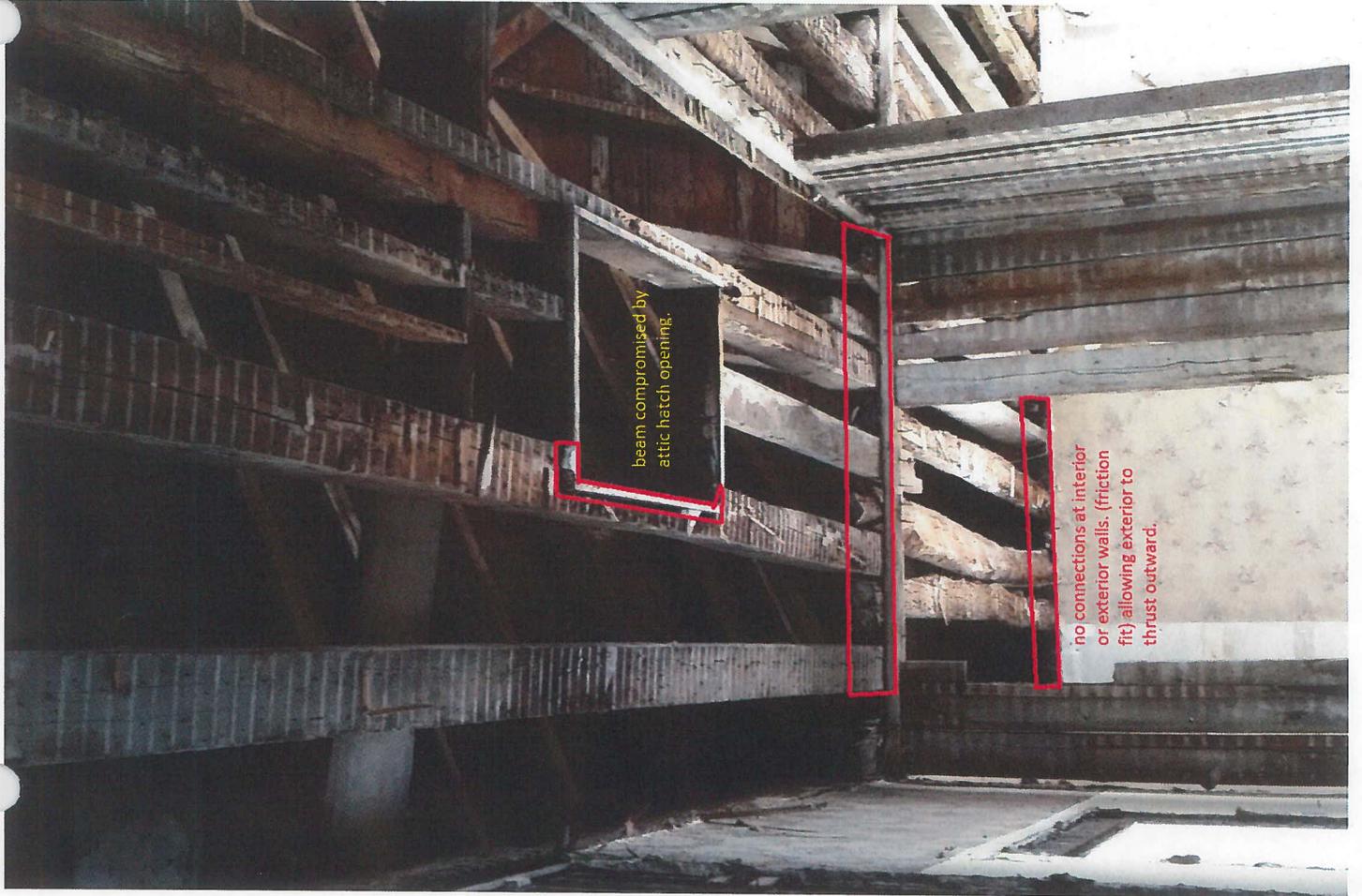
severe interior crack in exterior wall.  
penetration is thru entire wall cavity. (see  
exterior rear elevation)

damaged wood header  
due to moisture  
penetration.

main floor severe  
masonry stress crack,  
penetration thru entire  
wall cavity (see rear  
elevation)

decay of wood lintel due  
to moisture penetration.



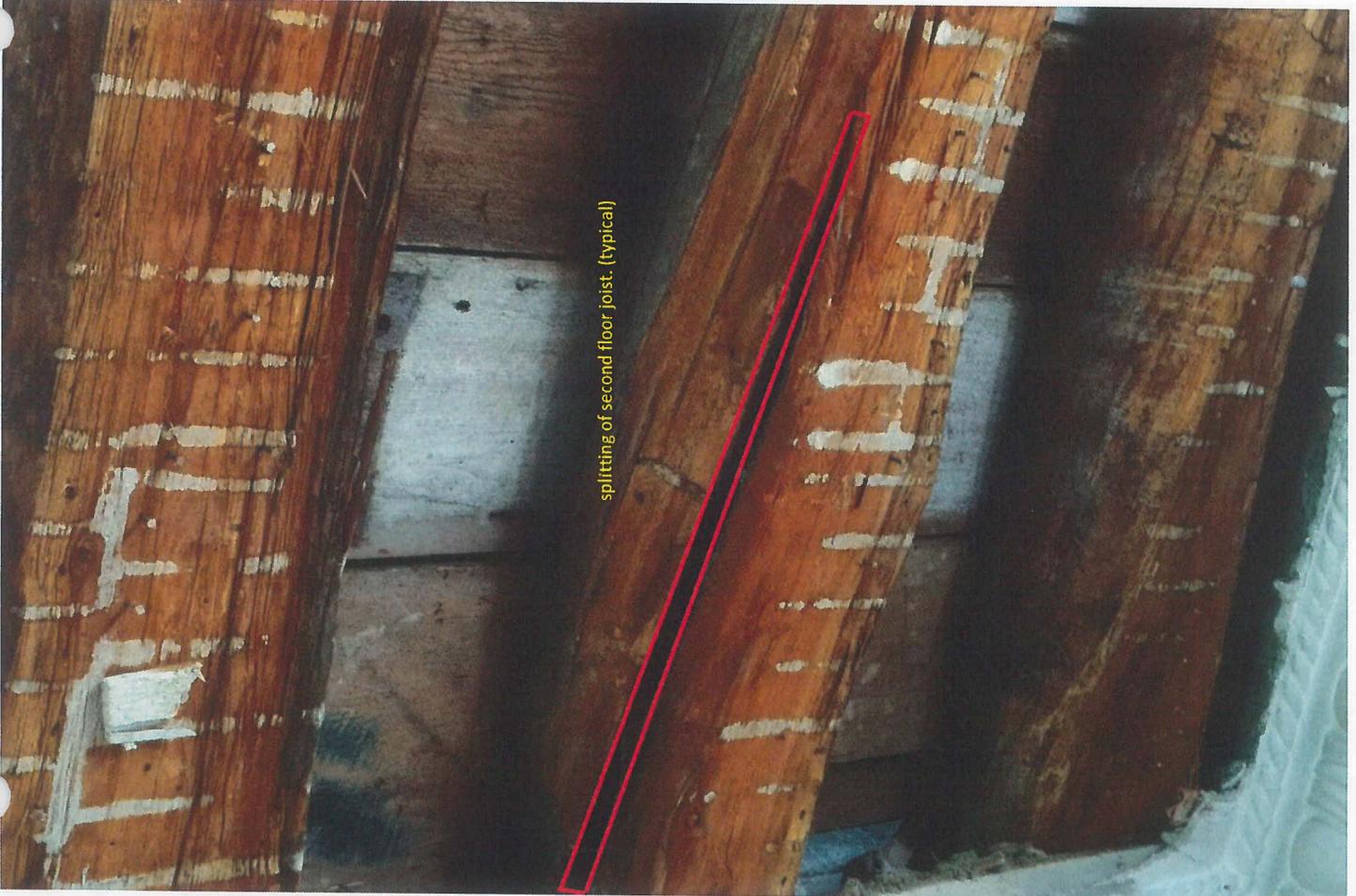


beam compromised by  
attic hatch opening.

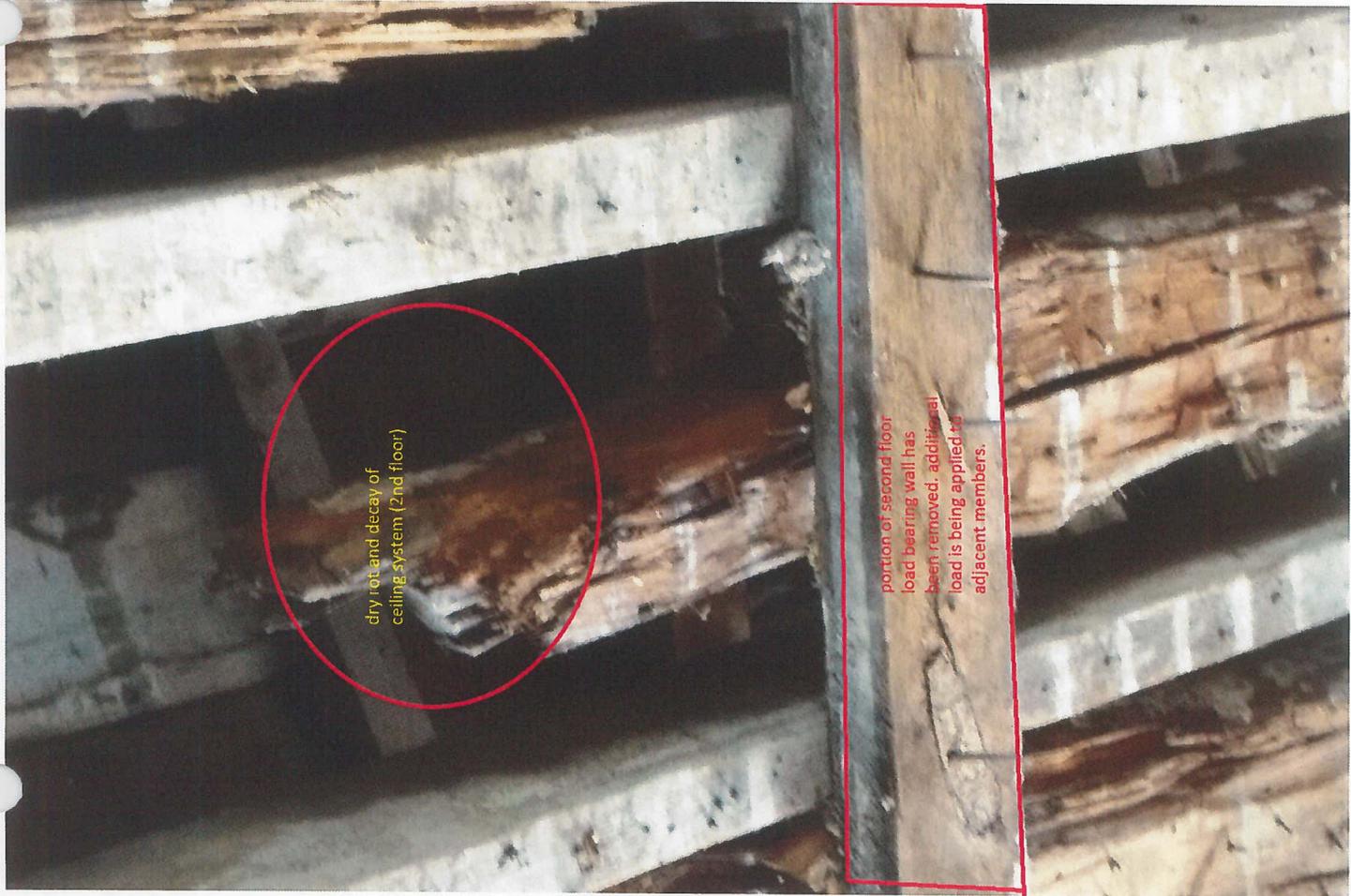
no connections at interior  
or exterior walls. (friction  
fit) allowing exterior to  
thrust outward.



separation of second floor cantilevered floor joists. (resulting in exterior cracked masonry)



splitting of second floor joist. (typical)



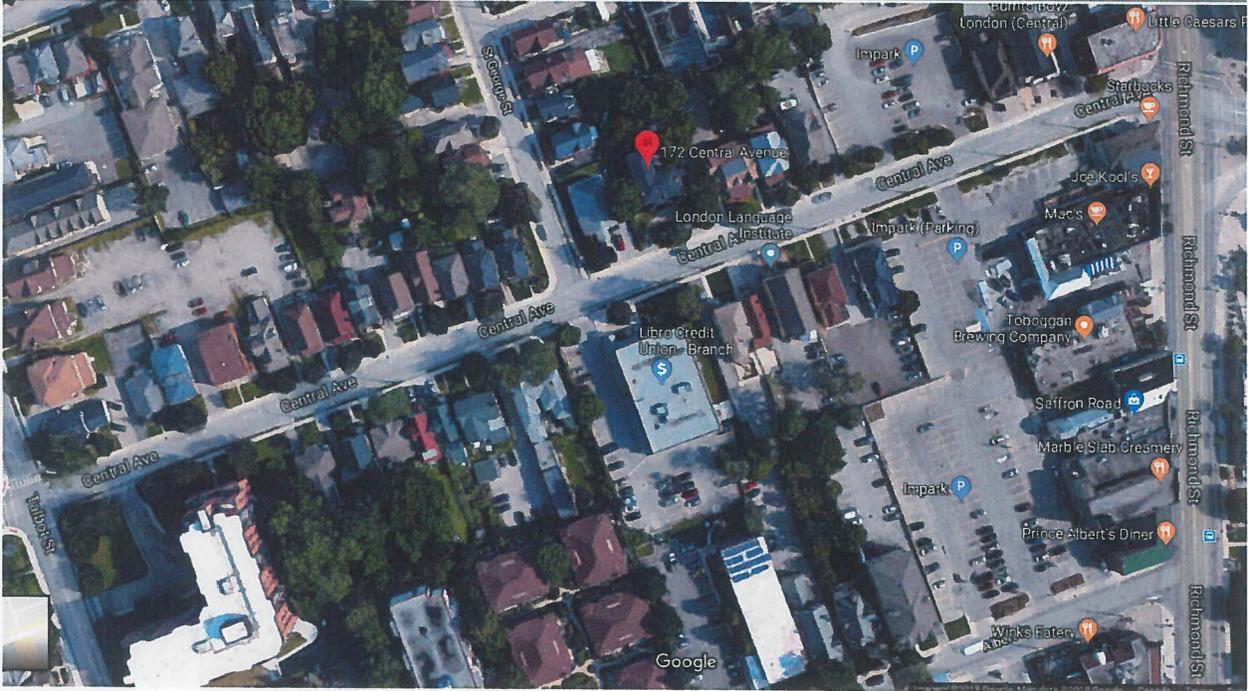
dry rot and decay of ceiling system (2nd floor)

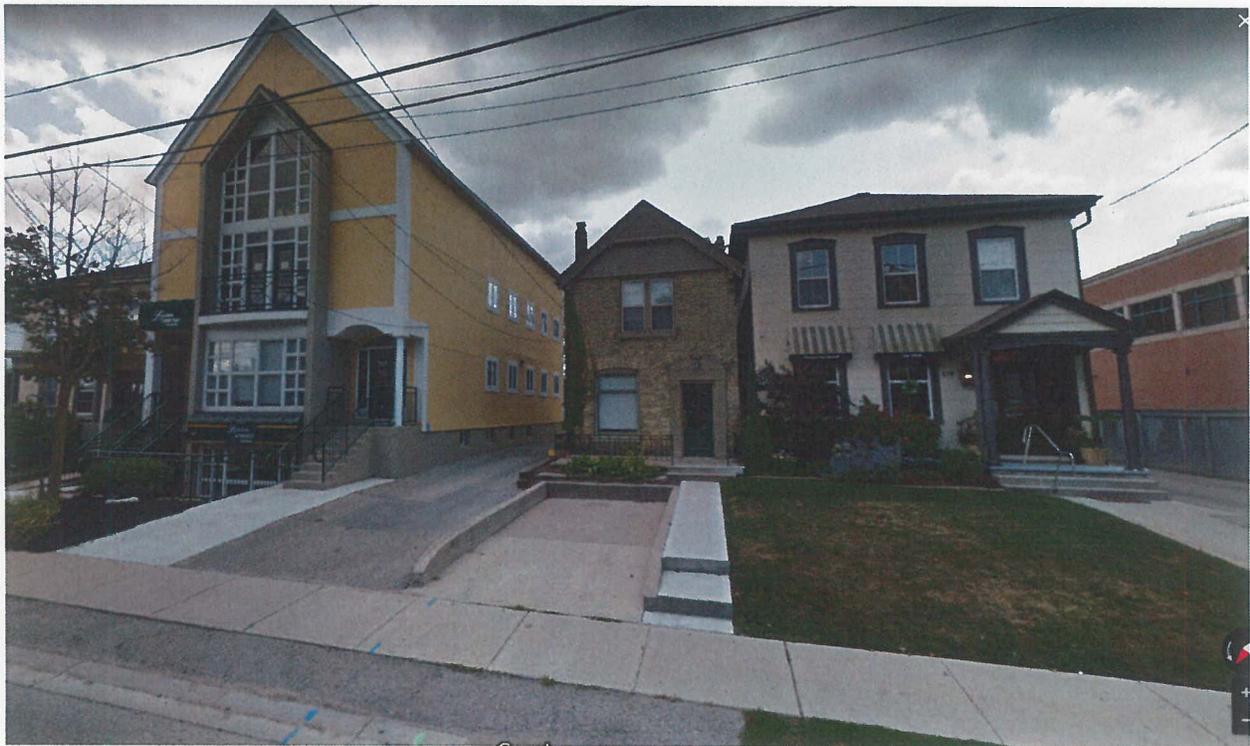
portion of second floor load bearing wall has been removed. additional load is being applied to adjacent members.



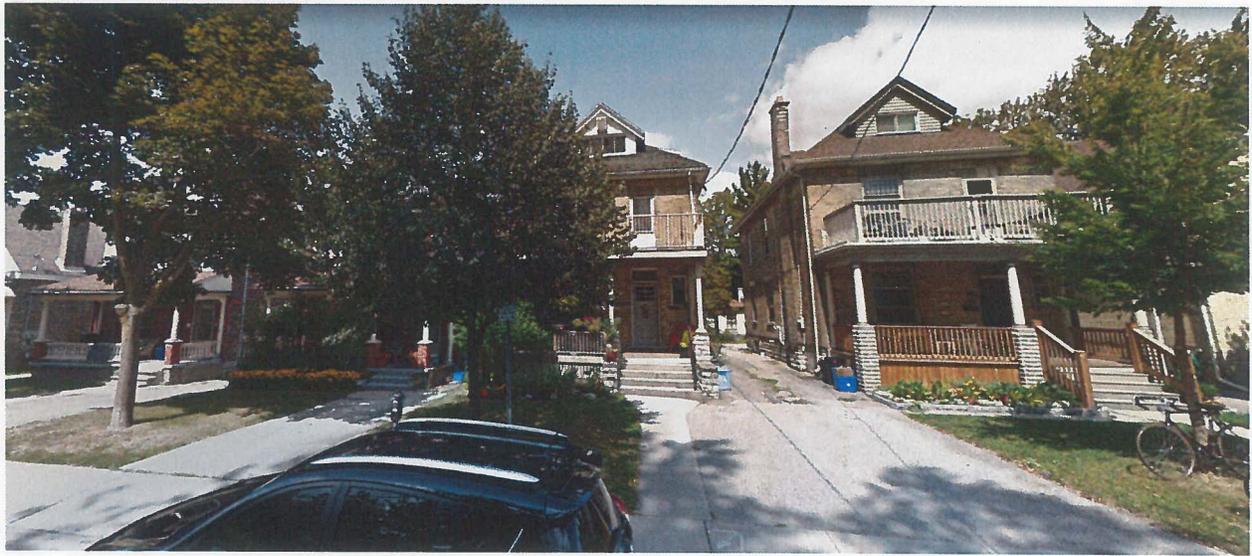
"friction fit" ceiling joists randomly configured with no connection to interior or exterior walls. (2nd floor)

load bearing wall members orientated in wrong direction. (load bearing capacity reduced)











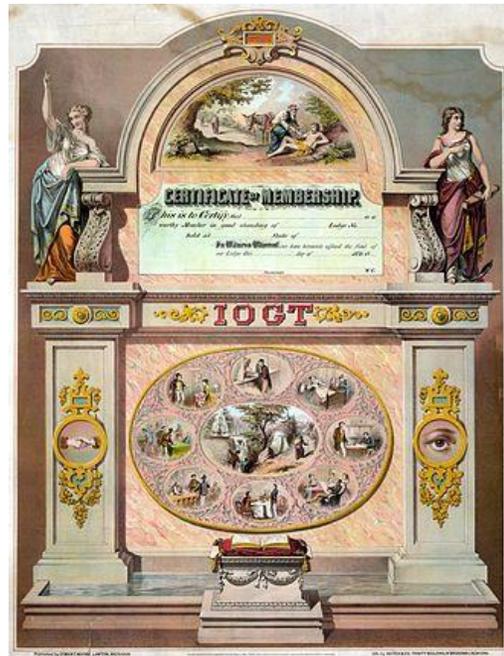


*Dr. Oronhyatekha  
& 172 Central Avenue*



*Oronhyatekha*





**THE**  
**Independent Forester.**

THE OFFICIAL ORGAN OF THE  
**INDEPENDENT ORDER OF FORESTERS**  
TORONTO, ONT., MAR., 1892.

VOL. XII. NO. 9.

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Fraternal and Benefit Society  
IN THE LAND.

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*50 CENTS*

# Why Designation?



- Designated person of National Historic Significance (2005) by Historic Sites & Monuments Board of Canada

London's first Indigenous physician

ORONHYATEKHA, M.D.

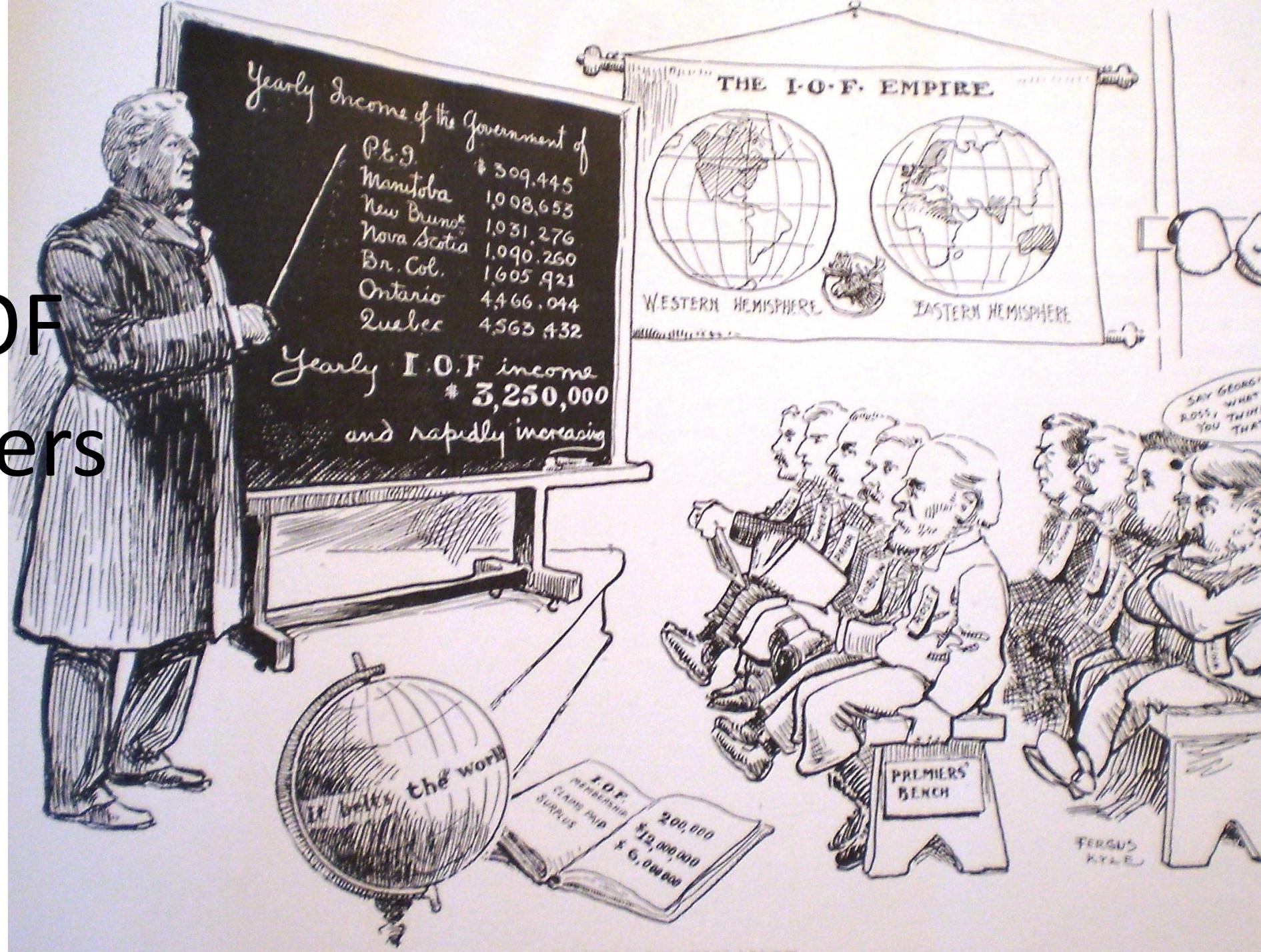
CONSULTATION ROOMS, 390 RICHMOND STREET, } LONDON, ONT.  
OPP. CITY HALL.

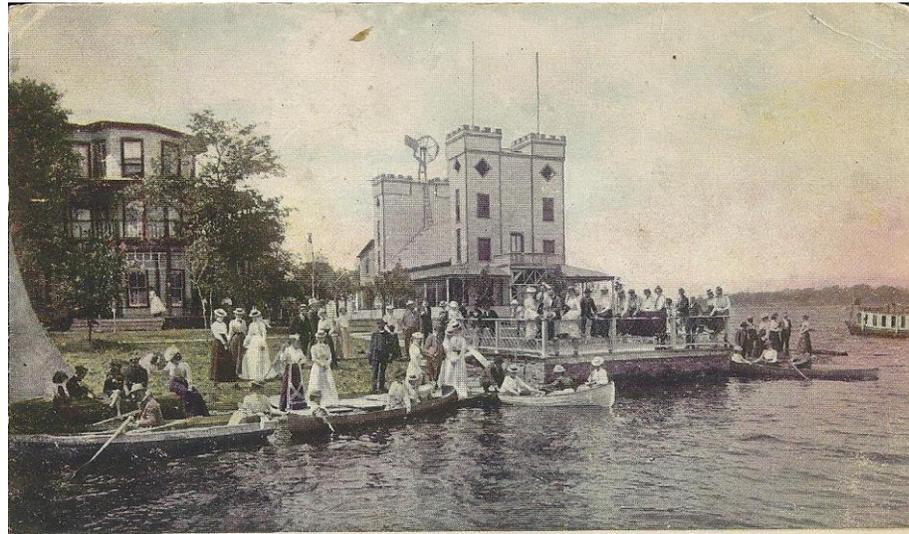
Member of the College of Physicians and Surgeons, O.; studied at Oxford University, England, under Dr. Acland, Regius Professor of Medicine and Physician to H.R.H. the Prince of Wales. Government Consulting Physician to the Indians.

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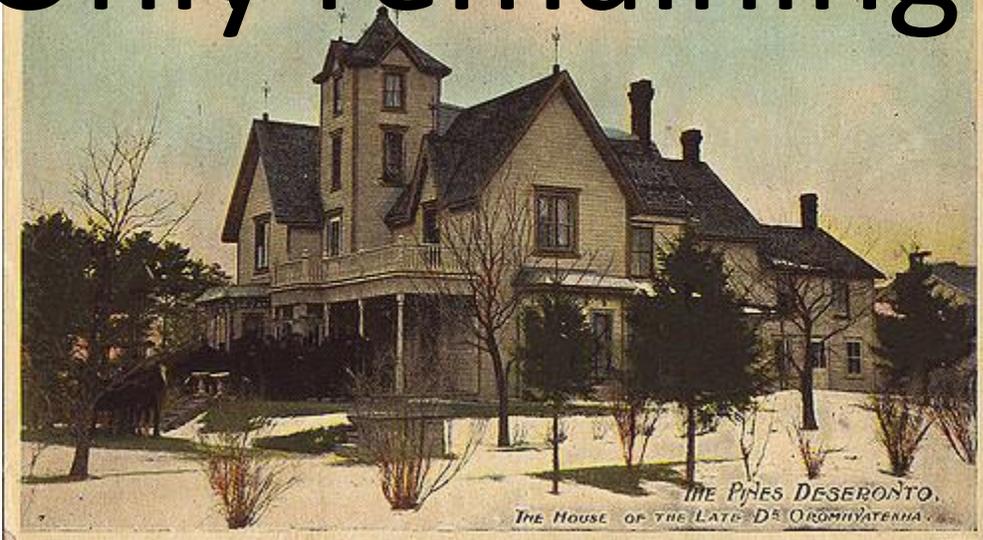


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AT FORESTERS' ISLAND, DESERONTO



• Only remaining built heritage



- Truth & Reconciliation



Truth and  
Reconciliation  
Commission of Canada



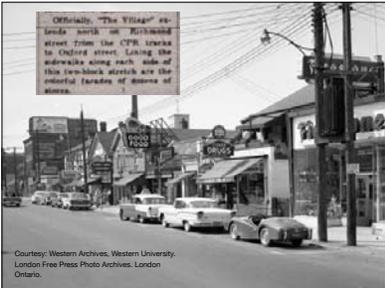
Good evening. My name is Mark Tovey. I am at the Department of History at Western University, working in partnership with the Culture Office. I have been conducting an oral history project in the neighborhoods that surround Oxford and Richmond Streets. I'm here tonight to tell you about a prospective Heritage Interpretive Sign for "The Village", sometimes called "The Richmond Village", the two-block shopping street on Richmond Street between Oxford and the CPR Tracks.



Two years ago I did the research for the Richmond Row Heritage Interpretive Sign. As you can see, heritage interpretive signs include both images and text.



Before it was incorporated into Richmond Row, the shopping area north of the CPR tracks on Richmond Street was known to locals as "The Village". You can see the distinctive Murray-Selby shoe building in the background, and just to the left of it, the perennial Campus Hi-Fi, which in 1959, when this photograph was taken, was called the Campus Food Bar. Many fondly recall The Richmond Bakery



Fisher Drugs, and Stan C. Reade Photo. On Sept 26, 1957, the London Free Press described the location of "The Village" as follows: "Officially, "The Village" extends north on Richmond Street from the CPR tracks to Oxford Street. Lining the sidewalks along each side of this two-block stretch are the colorful facades of dozens of stores."



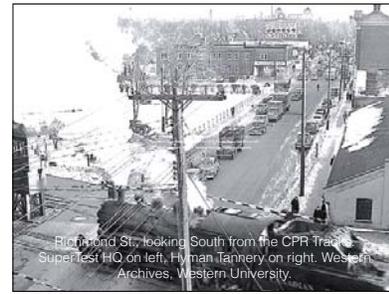
Starting in 1949, a group of retailers in The Village met regularly, calling their group the North London Merchants Association. It was designed to provide "better services and facilities, in more pleasant surroundings, for the shopping public." Topics discussed over coffee included "traffic problems, store hours, Christmas decoration, and district-wide sales."



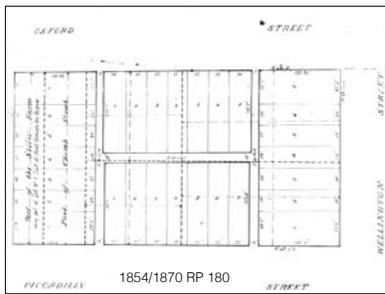
It is easy to see from this photograph from 1948 what might have prompted the moniker, "The Village". The stretch appears self-contained, like the cross-roads of a small town. This is a view looking south along Richmond Street approaching Oxford Street.



The Village has always been an area apart. Initially it was separated from lands to the south by Carling's Creek and Lake Horn.



Later, it would be separated from parts south by the CPR railroad and the industrial lands that built up around the rail line and around Carling's Creek.



The Village is sometimes also known as The Richmond Village because its stores run along Richmond Street. What we now know as Richmond Street was an amalgamation of several streets. The part of Richmond Street where The Village is today was related to a former street that ran just between Oxford and Lake Horn. That street was called Church Street. Church Street was slightly to the east of current-day Richmond Street, as you can see from Registered Plan 180.



Richmond Street was named after the Governor in chief of British North America, the Earl of Richmond, Charles Lennox. Appointed in 1818, Richmond's term was cut short in 1919 by his premature demise. While touring Upper and Lower Canada, Richmond was bitten by a tame (but rabid) fox, and died of the resulting hydrophobia.



The area's commercial history begins in the 1850s, when it was subdivided into long, narrow commercial lots. Although the buildings gradually changed, the plan of subdivision north of Piccadilly Street did not. The narrow shops we see today (and the "dozens of stores" mentioned by the Free Press article), owe their footprint to the plans of subdivision from the 1850s.

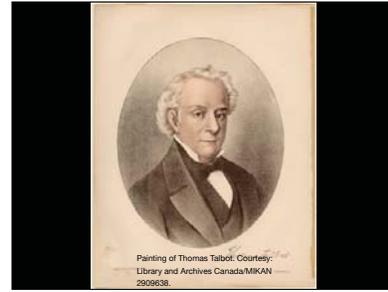


These plans helped establish not just the rhythm of the street but the mom-and-pop character of the area. Small, narrow lots make it easier for local entrepreneurs to start new businesses. Here we can see the interior of Norfolk Lingerie.



Courtesy: Western Archives, Western University, London  
Free Press Photo Archives, 12 April 1967.

And here is Cindy Kydd in her store 'La Jolie Jupe' in 1967, when it was located at 711 Richmond Street. The Murray-Selby Building (left) and the train station (right) can be seen out the window in the background.



Painting of Thomas Talbot. Courtesy: Library and Archives Canada/MIKAN 2909638.

The first event of historical note that happened in The Village was the groundbreaking ceremony for the Great Western Railway, conducted by Col. Thomas Talbot in 1847. The groundbreaking happened in the area just west and north of the corner of Piccadilly and Richmond Street.



However, in spite of having already broken ground on the project, Great Western Railway was persuaded by the City of London to situate their rail line closer to the business district downtown. North London would wait another 40 years for its first passenger train (pictured), run by the Canadian Pacific Railway on May 30th, 1887.



Courtesy: Western Archives, Western University, London  
Free Press Photo Archives, Water Sprinkler Burst at Murray-Selby Shoes London Ontario, 15 August 1954.

The Murray-Selby shoe building, built c. 1908 on the south-east corner of Piccadilly and Richmond, has been re-developed as an office building sporting a glass atrium.



Courtesy: Western Archives, Western University, London  
Free Press Photo Archives, Water Sprinkler Burst at Murray-Selby Shoes London Ontario, 15 August 1954.

The news story associated on this photo on August 15th, 1945 said: "Spectators and fire trucks blocked Richmond Street at the CPR tracks yesterday afternoon when a defective water sprinkler at Murray-Selby Shoes Ltd. burst and sent hundreds of gallons of water out third story windows and down the wall to the street below. Parts of the lower floors also were flooded. Damage was not immediately known".



London Free Press, November 25, 1925. Courtesy: Cindy Hartman

The Davis Taxi Service building opened on the 23rd of November, 1925. It cost \$20,000 to build, and the architect was W.H. Hawkins. The date of construction, 1925, can still be seen at the top of the building. The main floor was used to store cars and to house the Davis Taxi Service; the top floor was used for apartments.



Esso (Supertest) Gas Station c. 1920

SuperTest (a London-based firm) is noted for having developed the full-service model of gas station: one of London, Ontario's gifts to the world. Pictured here is one of SuperTest's distinctive "Tudor-style" stations on the north-east corner of Piccadilly and Richmond (picture left). By the time of this photograph, it was run by Imperial Oil. The old gas station still exists inside the current structure. Rather than being torn down, the space inside was expanded. The two gables of the gas station can still be seen at the top of the building.



The Black Walnut Cafe currently on the site incorporates some of the original windows (pictured right) SuperTest days.



Courtesy: Western Archives, Western University; London Free Press Image Archives, September 24, 1957.

By 1957, The Village was thriving. Shoppers came "from many points in the city" to "enjoy the friendly greetings" that were "so much part of life in The Village."



Courtesy: Western Archives, Western University; London Free Press Photo Archives; London Ontario, 28 July 1959.

Most of the buildings from the early part of the 20th Century remain, however the kinds of stores in The Village have changed. Gas stations, drug stores, and diners have given way to boutiques, cafés, and hair salons.



## The Richmond Village Heritage Interpretive Sign

Mark Tovey, PhD  
Department of History, Western University

In partnership with the Culture Office at the City of London

London Advisory Committee on Heritage  
July 11th, 2018

The Richmond Village Heritage Interpretive Sign is being developed by the Culture Office at the City of London. Our hope in bringing this Heritage Interpretive Sign project to your attention is that the Education sub-committee of LACH would be willing to look at the draft text for the sign when it is ready. Thank you for your attention, and I would be happy to answer any questions.



# Heritage Alteration Permit 104 Wharncliffe Road N.

London Advisory Committee on Heritage  
Wednesday July 11, 2018

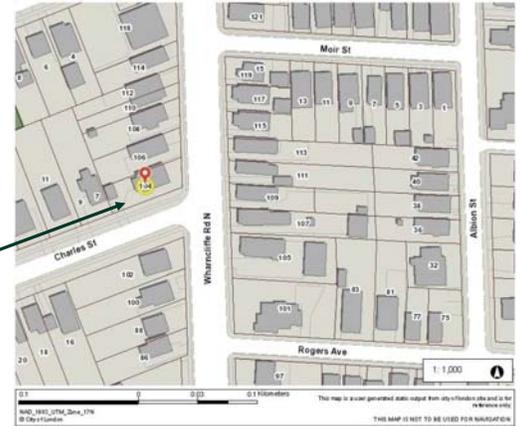
london.ca



## Property Location + Status

- Designated – Part V OHA
- Blackfriars-Petersville HCD

104 Wharncliffe Road N



## Property Description

- 1-storey brick
- constructed c1910
- exhibiting Queen Anne styling
- hipped roof w/front gable
  - patterned shingling
- rusticated concrete block piers
- divided lite transoms capping primary windows



## Heritage Alteration Permit

- Heritage Alteration Permit application met Conditions for Referral to the LACH (By-law No. C.P.-1502-129)
- Addition of dormer at rear w/o obtaining a Heritage Alteration Permit
- Bring into compliance – with the *Ontario Heritage Act* and policies of the *Blackfriars-Petersville Heritage Conservation District Plan + Guidelines*



## Scope of Work

### Addition of rear dormer

- New vinyl window with internal grille bars set between glass panes
- Surface of dormer (gable end) will be installed with patterned wood shingling to match that found on the front gable; wood to be treated and painted
- Addition of crown moulding where shingles meet wood soffit
- All wood to be treated and painted



## Analysis

Application compliant with the policies and guidelines of the Blackfriars-Petersville Heritage Conservation District Plan (Sections 7.4.1, 10.2 and 10.3.1):

- ✓ dormer addition is compatible in scale and overall form with the existing dwelling
- ✓ patterned wood shingling is sympathetic to the design and detailing of the front dormer
- ✓ new dormer window is proportioned and sized appropriately for the dormer
  - ✓ arched form is complementary to the District character (commonly seen in dormers throughout the District)



## 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 add a rear dormer to the building located at 104 Wharncliffe Road North, within the Blackfriars-Petersville Heritage Conservation District, **BE PERMITTED** with the following terms and conditions:

- All exposed wood be painted; and,
- The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

## **Statement of Significance – 1903 Avalon Street**

'Clarke House' on corner of Clarke Rd and Avalon St.

~~House appears to be of some age although difficult to date precisely because of additions and changes.~~

It appears that the house may have originally been one and a half storey and new gable windows were added to the front façade. All other windows are original – wood frames and mullions with wood sills and topped with a modified soldier course. The windows on the upper storey are very similar, except with narrower concrete sills.

The current house is of buff 'London' brick in English bond. Although it is now painted white, evidence of the original brick can be seen above the front door where the more recent wood 'porch' has no ceiling. Porch is supported by (later) rustic stone columns. The front door is most likely a replacement with a fanlight and half sidelights.

The current house is believed to date from pre-confederation.

There are posts on the boulevard fronting on to Clarke Rd that displayed "Clarke House" and name of occupier. The posts are still there but no longer display any names. These open up to a partial avenue of mature trees (at least 100 years old) that lead at a direct right angle from Clarke Rd to the back of the property, implying that the house was once located here – at the west end of the property.

The current house is to the north of this – at right angle to this former ghost driveway.

There have been additions to the rear (now fronting Avalon St) which appears to have been at least partially a 'tail'.

## Heritage Planners' Report to LACH: July 11, 2018

1. Heritage Alteration Permits processed under Delegated Authority By-law:
  - a. 66 Blackfriars Street (Blackfriars-Petersville HCD): new windows
  - b. 242 Dundas Street (Downtown HCD): signage
  - c. 28 Palace Street (East Woodfield HCD): window & siding replacement
  - d. 74 Albion Street (Blackfriars-Petersville HCD): front gable window replacement
  - e. 353 Central Avenue (West Woodfield HCD): porch railing
  - f. 349 Talbot Street (Downtown HCD): signage
  - g. 31 St. Patrick Street (Blackfriars-Petersville HCD): window replacement
  - h. 362 Commissioners Road W (Part IV): replacement of entrance railings
  
2. City of London's newest heritage planner – welcome to Krista Gowan

### Upcoming Heritage Events

- Eldon House – <http://www.eldonhouse.ca/events/>
  - June 26<sup>th</sup> - August 26<sup>th</sup> (1:00 - 3:30pm, Tuesday through Sunday) – Summer Tea Program
- Elsie Perrin Williams Estate – <http://elsieperrinwilliamsestate.ca/events/>
  - August 12<sup>th</sup> (12:30-1:30pm) – Concert on the Lawn
- Museum London – Architectural Walking Tours - Tours of downtown London highlighting historical and architectural landmarks
  - Saturdays, July 7<sup>th</sup> - August 18<sup>th</sup>, 10:30am & 1pm
- Hume Cronyn Memorial Observatory, Western University – Summer Public Nights
  - Saturdays, July 7<sup>th</sup> - 28<sup>th</sup>, 8:30–11:00pm
  - Learn about the astronomy and enjoy stargazing through the telescopes as well as historical displays of the Observatory.
- Fanshawe Pioneer Village – Summer Theatre: The Boy With An "R" In His Hand and Welcome To Bon Echo
  - Wednesday July 11<sup>th</sup> - Thursday July 26<sup>th</sup>