

# Planning and Environment Committee

## Report

The 20th Meeting of the Planning and Environment Committee  
November 18, 2019

**PRESENT:** Councillors A. Hopkins (Chair), J. Helmer, M. Cassidy, P. Squire, S. Turner, Mayor E. Holder

**ALSO PRESENT:** J. Adema, M. Elmadhoon, M. Feldberg, J.M. Fleming, K. Gonyou, H. Lysynski, T. Macbeth, L. Maitland, H. McNeely, B. O'Hagan, C. Parker, M. Pease, L. Pompillii, C. Saunders, C. Smith, J. Taylor, M. Tomazincic, M. Vivian and P. Yeoman

The meeting was called to order at 4:01 PM

### 1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### 2. Consent

Moved by: S. Turner

Seconded by: J. Helmer

That Items 2.1 to 2.3, inclusive, BE APPROVED.

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

**Motion Passed (6 to 0)**

#### 2.1 Review of Delegated Authority for Heritage Alteration Permits

Moved by: S. Turner

Seconded by: J. Helmer

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the revised "Delegated Authority for Heritage Alteration Permits By-law," appended to the staff report dated November 18, 2019 BE INTRODUCED at the Municipal Council meeting to be held on November 26, 2019 to amend By-law C.P.-1502-129 being "A by-law to delegate certain authority of Municipal Council to consent to or grant permits for alterations to heritage designated properties", to clarify the process for Heritage Alteration Permits. (2019-R01)

**Motion Passed**

#### 2.2 Application - 3260 Singleton Avenue (H-9119)

Moved by: S. Turner

Seconded by: J. Helmer

That, on the recommendation of the Director, Development Services, based on the application by Sifton Properties Limited, relating to the property located at 3260 Singleton Avenue, the proposed by-law appended to the staff report dated November 18, 2019 BE INTRODUCED

at the Municipal Council meeting to be held on November 26, 2019 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential Special Provision R5/R6/R7/R8 (h-54\*h-71\*h-100\*h-105\*h-136\*R5-7(8)\*R6-5(48)\*R7(20)D75H13\*R8-4(32) Zone TO a Residential Special Provision R5/R6/R7/R8 (R5-7(8)\*R6-5(48)\*R7(20)D75H13\*R8-4(32) Zone to remove the holding provisions. (2019-D09)

**Motion Passed**

2.3 Application - 660 Sunningdale Road East - Applewood Subdivision Phase 2 - Special Provisions 39T-09501-2

Moved by: S. Turner  
Seconded by: J. Helmer

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Extra Realty Limited, for the subdivision of land over Part Lot 13, Concession 6, situated on the north side of Sunningdale Road East, west of Adelaide Street North, municipally known as 660 Sunningdale Road East:

- a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Extra Realty Limited, for the Applewood Subdivision, Phase 2 (39T-09501) appended to the staff report dated November 18, 2019 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 November 18, 2019 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 November 18, 2019 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. (2019-D09)

**Motion Passed**

**3. Scheduled Items**

3.1 Public Participation Meeting - Allowing "Farm Gate Sales" on Lands within the Urban Growth Boundary (Z-9060)

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

That, on the recommendation of the Managing Director, City Planning and City Planner, the following actions be taken with respect to the City-wide zoning by-law amendment initiated by the City of London:

- a) the proposed by-law appended to the staff report dated November 18, 2019 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on November 26, 2019 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to add a new "Farm Gate Sales" definition in Section 2 Definitions and amend Section 49.2 1) of the Urban Reserve (UR) Zone to allow Farm Gate Sales as a permitted use in the Urban Reserve (UR1) Zone; and,
- b) the Civic Administration BE DIRECTED to initiate a zoning by-law amendment to permit the sales of produce grown on a residential property

(direct food sales) on more occasions than the current limitation of up to two times per year;

it being noted that the Planning and Environment Committee reviewed and received the following communications with respect to these matters:

a communication dated October 21, 2019 from A. Williams, 595 Sherene Terrace; and,

a communication dated November 4, 2019 from P. Shand, Chairperson, Middlesex London Food Policy Council;

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

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

- the recommended amendment to Zoning By-law Z.-1 is consistent with the Provincial Policy Statement (2014);
- the recommended amendment to Zoning By-law Z.1 conforms to the 1989 Official Plan, including the policies of the Urban Reserve land use designation and to The London Plan, including the policies of the Food Systems chapter and the Future Growth Place Type, and provides for appropriate uses on these sites; and,
- the recommended amendment to Zoning By-law Z.-1 will allow the sales of agricultural products from farms located within the Urban Growth Boundary. (2019-D09)

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

Nays: (1): E. Holder

**Motion Passed (5 to 1)**

Additional Votes:

Moved by: M. Cassidy

Seconded by: S. Turner

Motion to open the public participation meeting.

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

**Motion Passed (6 to 0)**

Moved by: S. Turner

Seconded by: M. Cassidy

Motion to close the public participation meeting.

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

**Motion Passed (6 to 0)**

3.2 Public Participation Meeting - Application - 2498, 2500, 2510 Main Street (Z-9105)

Moved by: J. Helmer  
Seconded by: E. Holder

That, on the recommendation of the Director, Development Services, based on the application by 9398562 Canada Inc., relating to the properties located at 2498, 2500, 2510 Main Street, the proposed by-law appended to the staff report dated November 18, 2019 BE INTRODUCED at the Municipal Council meeting to be held on November 26, 2019 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject properties FROM a Business District Commercial (BDC) Zone TO a Business District Commercial Special Provision (BDC (\*)\*H10\*D60) Zone;

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

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

- the requested amendment is consistent with the policies of the 2014 Provincial Policy Statement that encourage efficient development and land use patterns, the identification of appropriate locations for mixed use intensification and re-development, and facilitate compact forms of development;
- the requested amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Business District Commercial policies as it directs the Commercial/Office uses along the Main Street frontage and townhouse uses to the rear yard;
- the requested amendment conforms to the in-force policies of The London Plan, including but not limited to Main Street Place Type policies as it is a coordinated and comprehensive application for intensification; and,
- the requested amendment is consistent with The London Plan, Main Street Place Type policies as it will permit intensification in a mix used form and discourages intensification in a low density residential form. (2019-D09)

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

**Motion Passed (6 to 0)**

Additional Votes:

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

Motion to open the public participation meeting.

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

**Motion Passed (6 to 0)**

Moved by: E. Holder  
Seconded by: M. Cassidy

Motion to close the public participation meeting.

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

**Motion Passed (6 to 0)**

3.3 Public Participation Meeting - Application - 666-670 Wonderland Road North (Z-9093)

Moved by: J. Helmer  
Seconded by: S. Turner

That, on the recommendation of the Director, Development Services, based on the application by JFK Holdings, relating to the property located at 666-670 Wonderland Road North, the proposed by law appended to the staff report dated November 18, 2019 BE INTRODUCED at the Municipal Council meeting to be held on November 26, 2019 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Highway Service Commercial Special Provision/Restricted Service Commercial Special Provision (HS(3)/RSC2(1)) Zone TO a Highway Service Commercial Special Provision/Restricted Service Commercial Special Provision (HS(3)/RSC2(\_\_)) Zone;

it being noted that no individuals spoke at the public participation meeting associated with this matter; - OR - it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters;

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

- the recommended amendment is consistent with the Provincial Policy Statement, 2014;
- the recommended amendment conforms to the in-force policies of the (1989) Official Plan, including but not limited to the Auto-Oriented Commercial Corridor designation; and,
- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Transit Village Place Type. (2019-D09)

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

**Motion Passed (6 to 0)**

Additional Votes:

Moved by: J. Helmer  
Seconded by: S. Turner

Motion to open the public participation meeting.

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

**Motion Passed (6 to 0)**

Moved by: S. Turner  
Seconded by: M. Cassidy

Motion to close the public participation meeting.

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

**Motion Passed (6 to 0)**

### 3.4 Public Participation Meeting - Bird Friendly Development

Moved by: J. Helmer

Seconded by: M. Cassidy

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to bird-friendly development and instituting a limited light period for the City of London:

a) the proposed by-law appended to the staff report dated November 18, 2019 BE INTRODUCED at the Municipal Council meeting to be held on November 26, 2019 to amend By-law C.P.-1455-541, as amended, entitled the "Site Plan Control Area By-law" to add the following to Schedule 1:

i) Section 2

A) 2.1 Objectives – a new objective for bird-friendly design of a development site.

ii) Section 8

A) Section '8.1 Objectives - a new objective to read: "All lighting should be limited to, and directed towards, the area requiring illumination so as to reduce skyglow and light pollution and thereby promote bird-friendly development."; and,

B) Section '8.2 Yard Lighting' – adding a new requirement for full cut-off and have zero up light lighting;

b) the Civic Administration BE DIRECTED to further public consultation and provide for consideration future proposed Site Plan Control By-law Amendments to address other possible bird-friendly design criteria, including the possible use of visual markers on glass treated high-rise buildings for Council consideration; and,

c) the Civic Administration BE DIRECTED to undertake a public awareness campaign on creating visual markers, treating glass, and muting the reflection of glass on buildings to ensure buildings are less dangerous for birds, and the promotion of a limited lit period coinciding with bird migrations in spring (approx. March to June) and fall (approx. August to November) migratory seasons, respectively;

it being noted that no individuals spoke at the public participation meeting associated with this matter; - OR - 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. (2019-D11)

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

**Motion Passed (6 to 0)**

Additional Votes:

Moved by: S. Turner

Seconded by: E. Holder

Motion to open the public participation meeting.

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

Absent: (1): P. Squire

**Motion Passed (5 to 0)**

Moved by: S. Turner  
Seconded by: M. Cassidy

Motion to close the public participation meeting.

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

**Motion Passed (6 to 0)**

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

##### 4.1 11th Report of the Advisory Committee on the Environment

Moved by: M. Cassidy  
Seconded by: P. Squire

That the following actions be taken with respect to the 11th Report of the Advisory Committee on the Environment, from its meeting held on November 6, 2019:

a) the following actions be taken with respect to Gas Tax Distribution:

i) the '8.0 - Recommendations' section of the Cycling Master Plan Review Working Group Report of the Cycling Advisory Committee, dated October 16, 2019, BE ADDED to the December 2019 agenda of the Advisory Committee on the Environment (ACE) for discussion;

ii) a representative from Financial Planning and Policy BE INVITED to attend the ACE meeting in January 2020 to give a brief outline of the City of London budget process and the new business cases that are being brought forward; and,

iii) the attached presentation, from A. Dunbar, Manager, Financial Planning and Policy, with respect to Gas Tax Distribution, BE RECEIVED for information;

b) the following actions be taken with respect to the Advisory Committee on the Environment (ACE) Terms of Reference:

i) the City Clerk BE REQUESTED to fill the existing vacancies in the ACE membership in order to allow the ACE to fulfill its full potential given the short term of two years to make solid recommendations to the Municipal Council; and,

clause b) ii) BE REFERRED back to the Advisory Committee on the Environment for further consideration; it being noted that part b) ii) reads as follows:

"ii) the City Clerk BE REQUESTED to remove the non-voting membership positions for the Institute of Catastrophic Research (Western University) and the Biodrome (Western University) and to replace them with a Representative from Western University, with no department specified."; and,

c) clauses 1.1, 3.1 to 3.7, inclusive, 4.1, 5.1, 5.2 and 5.4 BE RECEIVED for information.

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

**Motion Passed (6 to 0)**

Additional Votes:

Moved by: S. Turner  
Seconded by: E. Holder

Motion to refer clause b) ii) back to the Advisory Committee on the Environment for further consideration; it being noted that clause b) ii) reads as follows:

"ii) the City Clerk BE REQUESTED to remove the non-voting membership positions for the Institute of Catastrophic Research (Western University) and the Biodrome (Western University) and to replace them with a Representative from Western University, with no department specified."

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

**Motion Passed (6 to 0)**

4.2 Draft Affordable Housing Community Improvement Plan and Key Considerations for Program Guidelines (O-9099)

Moved by: M. Cassidy  
Seconded by: E. Holder

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the draft Affordable Housing Community Improvement Plan (CIP):

a) the draft Affordable Housing Community Improvement Plan BE CIRCULATED to stakeholders including market housing developers, non-profit housing developers, housing agencies and the general public for additional consultation; and,

b) the above-noted report BE RECEIVED for the purposes of identifying key principles of the draft Affordable Housing Community Improvement Plan and program guidelines;

it being noted that a public participation meeting of the Planning and Environment Committee will be scheduled in January, 2020 to consider the final Affordable Housing Community Improvement Plan and Program Guidelines; and,

it being further noted that the Affordable Housing Community Improvement Plan has been identified within the 2019-2023 Council Strategic Plan and a business case for the incentive programs under the CIP will be submitted for evaluation through the 2020 Multi-Year Budget process;

it being pointed out that the Planning and Environment Committee reviewed and received a communication dated November 14, 2019 from C. Butler, 863 Waterloo Street, with respect to this matter. (2019-S11)

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

**Motion Passed (6 to 0)**

**5. Deferred Matters/Additional Business**

5.1 (ADDED) 11th Report of the London Advisory Committee on Heritage

Moved by: J. Helmer  
Seconded by: S. Turner

That, the following actions be taken with respect to the 11th Report of the London Advisory Committee on Heritage, from its meeting held on November 13, 2019:

a) on the recommendation of the Managing Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking retroactive approval and approval for alterations to property at 562 Dufferin Avenue, within the East Woodfield Heritage Conservation District, BE PERMITTED with the terms and conditions:

- only natural wood with a painted finish be used for the half timbering;
- the new stucco of the half timbering maintain a rough texture, per the existing stucco cladding; 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 appended to the 11th Report of the London Advisory Committee on Heritage from K. Gonyou, Heritage Planner, was received with respect to this matter;

b) on the recommendation of the Managing Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking retroactive approval and approval for alterations to property at 504-506 Maitland Street, within the West Woodfield Heritage Conservation District, BE PERMITTED with the terms and conditions:

- sash (hung) windows be used for the gable windows;
- the cedar shakes proposed for the gable cladding be rectangular and regular in shape and installation;
- all exposed wood, including porch posts and railings/guards, cedar shakes, board and batten, and tongue and groove siding, be painted;
- the Heritage Planner be circulated on the Building Permit application drawings to verify compliance with this Heritage Alteration Permit prior to issuance of the Building Permit; 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 appended to the 11th Report of the London Advisory Committee on Heritage from K. Gonyou, Heritage Planner, was received with respect to this matter;

c) J. Michaud, Landscape Architect, BE ADVISED that the London Advisory Committee on Heritage is satisfied with the current design for the Lorne Avenue Park Project and encourages a Cultural Heritage Interpretive Sign to be implemented into the above-noted project; it being noted that the presentation appended to the 11th Report of the London Advisory Committee on Heritage from J. Michaud, Landscape Architect, with respect to this matter, was received;

d) the Civic Administration BE ADVISED that the London Advisory Committee on Heritage concurs with the findings of the Cultural Heritage Evaluation Reports (CHERs), as appended to the agenda, with respect to the properties located at 327, 331 and 333 Wellington Road; it being noted that the presentation appended to the 11th Report of the London Advisory Committee on Heritage from M. Morris, Major Projects, with respect to this matter, was received;

e) B. Debbert, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage (LACH) is not satisfied with the research, assessment and conclusion of the Heritage Impact Assessment (HIA) for the property located at 197 Ann Street, as it relates to the Notice of Application, dated October 10, 2019, from B. Debbert, Senior Planner, with respect to Official Plan and Zoning By-law Amendments for the properties located at 84-86 St. George Street and 175-197 Ann Street; it being noted that the LACH submits the following comments with respect to the HIA:

- the HIA gives inadequate weight to the historical, associative and contextual values of the landmark brewery located at 197 Ann Street;
- the HIA contains errors and omissions within the historic research of the property and brewing history in London, e.g. incorrect derivation of the brewery name, date of building, reference to Westminster Township and evidence for the fire damage in the 19th Century;
- the properties located at 175, 179, 183 and 197 Ann Street and 84 and 86 St. George Street are recommended to be subject to 9/06 evaluation by the HIA because of strong associations with the Kent Brewery;
- the condition of the building has not been supported by an engineer's report;
- the LACH is opposed to the demolition of the property located at 197 Ann Street based on the current information available; and,
- the LACH encourages incorporating the built heritage resources associated with the historic Kent Brewery into any future developments;

it being noted that the presentation appended to the 11th Report of the London Advisory Committee on Heritage from M. Tovey, with respect to this matter, was received;

f) on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the following actions be taken with respect to the request for designation of the heritage listed property at 36 Pegler Street:

- i) 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 to be of cultural heritage value or interest for the reasons outlined in Appendix E of this report; and,
- ii) should no appeals be received to Municipal Council's notice of intention to designate, a by-law to designate the property at 36 Pegler Street to be of cultural heritage value or interest for the reasons outlined in Appendix E of this report BE INTRODUCED at a future meeting of Municipal Council immediately following the end of the appeal period;

it being noted that should an appeal to Municipal Council's notice of intention to designate be received, the City Clerk will refer the appeal to the Conservation Review Board;

it being further noted that the presentation appended to the 11th Report of the London Advisory Committee on Heritage from K. Gonyou, Heritage Planner, with respect to this matter, was received;

g) the Managing Director, Planning and City Planner BE ADVISED that the London Advisory Committee on Heritage is supportive of the proposed by-law, as appended to the staff report dated November 13, 2019, with respect to a review of Delegated Authority for Heritage Alteration Permits; it being noted that the presentation appended to the 11th Report of the London Advisory Committee on Heritage from K. Gonyou, Heritage Planner, with respect to this matter, was received;

h) L. Mottram, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage is not satisfied by the research and assessment presented in the Heritage Impact Statement (HIS) for the properties located at 1018-1028 Gainsborough Road as it relates to the Public Meeting Notice, dated October 2, 2019, from L. Mottram, Senior Planner, with respect to a Zoning By-law Amendment for the properties located at 1018-1028 Gainsborough Road, as the impacts of the proposed development were not adequately considered by the above-noted HIS;

i) the following actions be taken with respect to the Heritage Planners' Report, submitted by K. Gonyou, L. Dent and M. Greguol, Heritage Planners:

i) the expenditure of up to \$20.00 per person from the 2019 London Advisory Committee on Heritage (LACH) budget BE APPROVED for L.

Fischer and K. Waud to attend the Heritage Matters in Conversation bus tour on November 28, 2019; it being noted that the LACH has sufficient funds in its 2019 budget to cover this expense;

ii) the expenditure of up to \$100.00 from the 2019 LACH Budget BE APPROVED for refreshments at the Stewardship Sub-Committee meeting, hosting the Western University Public History Program presentations; it being noted that the LACH has sufficient funds in its 2019 budget to cover this expense and has done for previous, similar meetings; and,

iii) the above-noted Heritage Planners' Report BE RECEIVED for information; and,

j) clauses 1.1, 2.5, 3.1 to 3.3, inclusive, 3.5, 4.1, 5.4, 5.5 and 5.7, BE RECEIVED for information.

Yeas: (6): A. Hopkins, J. Helmer, M. Cassidy, P. Squire, S. Turner, and E. Holder

**Motion Passed (6 to 0)**

**6. Confidential**

The Planning and Environment Committee convene, In Closed Session, for the purpose of considering the following:

**6.1. Solicitor-Client Privilege/Litigation or Potential Litigation**

A matter pertaining to litigation or potential litigation with respect to appeals to the Ontario Municipal Board, continued as the Land Use Planning Appeals Tribunal, arising out of the London Plan; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose and for the purpose of providing instructions and directions to external legal counsel, officers and employees of the Corporation with respect to appeals to the Ontario Municipal Board, continued as the Land Use Planning Appeals Tribunal, arising out of the London Plan.

The Planning and Environment Committee convenes, In Closed Session, from 6:18 PM to 7:10 PM.

**6.1 Solicitor-Client Privilege/Litigation or Potential Litigation**

**7. Adjournment**

The meeting adjourned at 7:11 PM.

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee  
**From:** John M. Fleming  
Managing Director, Planning and City Planner  
**Subject:** Review of Delegated Authority for Heritage Alteration Permits  
**Meeting on:** November 18, 2019

### Recommendation

That, on the recommendation of the Managing Director, City Planning and City Planner, with the advice of the Heritage Planner, the revised “Delegated Authority for Heritage Alteration Permits By-law,” attached hereto as Appendix A, **BE INTRODUCED** at the Municipal Council meeting to be held on November 26, 2019 to amend By-law C.P.-1502-129 being “A by-law to delegate certain authority of Municipal Council to consent to or grant permits for alterations to heritage designated properties”, to clarify the process for Heritage Alternation Permits.

### Executive Summary

The implementation of delegated authority for Heritage Alteration Permits has improved the speed at which property owners are able to obtain the necessary approvals for alterations to their heritage designated properties. In the four years since the passage of By-law C.P.-1502-129, Delegated Authority By-law, minor process improvements have been identified to bring the by-law into conformity with successful processes.

### Background

#### 1.0 Introduction

A Heritage Alteration Permit is required to alter any property designated under the *Ontario Heritage Act*. In London, the term “Heritage Alteration Permit” is colloquially understood to refer to the Consent of Municipal Council to alter a property designated under Part IV of the *Ontario Heritage Act*, as well as the Permit of Municipal Council required to alter a property designated under Part V of the *Ontario Heritage Act*. There are nearly 4,000 heritage designated properties in London requiring such approvals. The Heritage Alteration Permit application process helps to ensure that what makes London’s cultural heritage resources significant is protected over time by requiring approvals to make changes to heritage designated properties.

With the growth of heritage designated properties, particularly properties in London’s seven Heritage Conservation Districts, the number of Heritage Alteration Permit applications has grown. In 2015, Municipal Council delegated approval authority for Heritage Alteration Permits to the City Planner. The delegation of Municipal Council’s authority on Heritage Alteration Permits does not include the ability to refuse a Heritage Alteration Permit and also ensures that the London Advisory Committee on Heritage (LACH) is consulted on Heritage Alteration Permit applications that meet a ‘Condition for Referral’ and require Municipal Council’s decision.

Delegated Authority for Heritage Alteration Permits has reduced the review time for Heritage Alteration Permits from approximately seven weeks, when a decision by Municipal Council was required for all Heritage Alteration Permit applications, to around two weeks for a typical Heritage Alteration Permit.

As Delegated Authority for Heritage Alteration Permits has been enacted for four years, it is prudent to review the by-law and provide recommendations to ensure its continued functionality.

### **1.1 Previous Reports Pertinent to this Matter**

June 14, 2010. Resolution from Municipal Council directing the Civic Administration to draft a by-law for the delegation of authority for the approval of minor alterations to heritage designated properties.

November 4, 2014. Report to Planning and Environment Committee. Delegated Authority for Heritage Alteration Permits – Information Report.

March 23, 2015. Report to the Planning and Environment Committee. Delegated Authority for Heritage Alteration Permits.

April 7, 2015. Report to the Planning and Environment Committee. Delegated Authority for Heritage Alteration Permits – Public Participation Meeting.

## **2.0 Ontario Heritage Act**

The *Ontario Heritage Act* enables municipalities to protect properties of significant cultural heritage value and ensure their protection by requiring approvals to make changes to those properties. In London, the Heritage Alteration Permit process serves to fulfill the requirements of Section 33 and Section 42 of the *Ontario Heritage Act*.

Pursuant to Section 33(1) of the *Ontario Heritage Act*, Municipal Council may make decisions in respect to the consent of alterations of property designated under Part IV of the *Ontario Heritage Act*.

Pursuant to Section 42(4) of the *Ontario Heritage Act*, Municipal Council may grant permits for the alteration of property located in a Heritage Conservation District designated under Part V of the *Ontario Heritage Act*.

Further, pursuant to Sections 33(15) and 33(16) and Sections 42(16) and 42(17), Municipal Council may, by by-law, delegated its power to consent to or grant alterations (“Heritage Alteration Permit) to an employee or official of the municipality, following consultation with its municipal heritage committee.

## **3.0 Delegated Authority By-law**

The Delegated Authority By-law, By-law No. C.P.-1502-129, delegates Municipal Council’s decision making abilities to the City Planner for the approval or approval with terms and conditions for Heritage Alteration Permits.

### **3.1 Limits on Delegated Authority**

The Delegated Authority By-law does not include the ability of the City Planner to refuse a Heritage Alteration Permit application. The intent of the Delegated Authority By-law continues to distinguish between “minor alterations” (not meeting the “Conditions for Referral”) where the City Planner may act as approval authority, and “major alterations” (meeting the “Conditions for Referral”) where consultation with the London Advisory Committee on Heritage (LACH) and a decision by Municipal Council is required (see Section 5.1).

### **3.2 Reporting Protocol**

As required by the Delegated Authority By-law, regular reporting of the Heritage Alteration Permit applications reviewed under the scope of the Delegated Authority By-law is reported to the London Advisory Committee on Heritage (LACH) on a monthly basis as part of the Heritage Planners’ Report. The Heritage Planners’ Report is included on the report of the LACH that is presented to the Planning and Environment Committee monthly. The Heritage Planning annual report also records the Heritage Alteration Permits processed under the Delegated Authority By-law.

## 4.0 Heritage Alteration Permits

As the number of heritage designated properties in London grows, so does the number of Heritage Alteration Permits processed annually.

Table 1: Heritage Alteration Permit applications by Year

Year	Number of Heritage Alteration Permit applications requiring a decision by Municipal Council	Number of Heritage Alteration Permit applications processed under the Delegated Authority By-law
2007	7	N/A
2008	11	N/A
2009	22	N/A
2010	29	N/A
2011	30	N/A
2012	32	N/A
2013	32	N/A
2014	35	N/A
2015	23	20
2016	18	42
2017	8	73
2018	13	70
2019*	12	84

\* Year to date

These numbers represent only actual Heritage Alteration Permit applications. They do not include situations where property owners contact the Heritage Planner to inquire *if* a Heritage Alteration Permit application is required. If the proposed work is deemed to be a repair or maintenance of heritage attributes using similar materials, advice has been given that no Heritage Alteration Permit application is needed.

## Analysis

### 5.0 Review of Delegated Authority By-law

#### 5.1 Review of “Conditions for Referral”

The LACH plays an important role in protecting London’s cultural heritage resources. As a volunteer advisory committee to Municipal Council, the volume of Heritage Alteration Permit applications (if not subject to delegated authority) could quickly overwhelm the LACH’s work. Within the Delegated Authority By-law, “Conditions for Referral” were developed to ensure that only Heritage Alteration Permit applications that require consultation with the LACH are sent to the LACH.

The “Conditions for Referral,” as defined in the Delegated Authority By-law are:

- a) A complex application for a Heritage Alteration Permit;
- b) Considerable sensitivity or contention regarding an application for a Heritage Alteration Permit;
- c) An application for a Heritage Alteration Permit which fails to achieve policies or guidelines of a Heritage Conservation District Plan and Guidelines (if applicable);
- d) An application for a Heritage Alteration Permit which fails to achieve policies or guidelines of a Heritage Conservation District Plan and Guidelines (if applicable);
- e) Where refusal of an application for a Heritage Alteration Permit is recommended by the City Planner; and/or,
- f) Where an owner requests consideration of an application for a Heritage Alteration Permit by the LACH.

Over past four years, the “Conditions for Referral” have required consultation with the LACH for seventy-four (74) of three hundred and sixty-three (363) Heritage Alteration Permit applications, representing approximately 20% of the total number of Heritage Alteration Permit applications. Most Heritage Alteration Permit application that comply with the policies and guidelines of the applicable Heritage Conservation District Plan are

able to be approved (or approved with terms and conditions) by the City Planner, reducing the approval timeline from approximately 7 weeks to about 2 weeks.

In most instances, LACH consultation is required where a property owner has initiated alterations to a heritage designated property without obtaining Heritage Alteration Permit approval first. LACH consultation is also required for sensitive or contentious applications, such as the construction of a new building within a Heritage Conservation District.

The “Conditions for Referral” appear to be working as intended, ensuring that the LACH is consulted on Heritage Alteration Permit applications where it matters most.

## **5.2 Looping Recommendation to City Planner from the LACH**

Section 9 of the Delegated Authority By-law states,

*The LACH, upon receiving an application for a Consent or a Heritage Alteration Permit from the City Planner, may make a recommendation regarding the grant of a Consent or a Heritage Alteration Permit to the City Planner. This may:*

- a) Recommend the grant of a Consent or a Heritage Alteration Permit;*
- b) Recommend the grant of a Heritage Alteration Permit with terms and conditions;*
- c) Make a recommendation regarding an application for a Consent or a Heritage Alteration Permit to Municipal Council, via PEC. In this circumstance, Municipal Council shall retain the decision-making authority regarding the application for a Consent or a Heritage Alteration Permit.*

*Thereafter, the City Planner will make a decision with consideration of the recommendation of the LACH, unless LACH makes a recommendation as in (c) above.*

Administratively, this process has proved cumbersome and overly complicated. As the LACH is an advisory committee to Municipal Council, it has no decision making authority with regards to Heritage Alteration Permits, but makes recommendations to Municipal Council to approve, approve with terms and conditions, or refuse Heritage Alteration Permit applications. Any recommendations of the LACH require the decision of Municipal Council to be implemented.

## **6.0 Recommended Revisions to the Delegated Authority By-law**

When a Heritage Alteration Permit application has met any of the “Conditions for Referral” defined within the Delegated Authority By-law, consultation with the LACH is required. When LACH consultation is required, a decision of Municipal Council is required on a Heritage Alteration Permit application as the LACH is only able to make a recommendation. It is not possible for the LACH, as an advisory committee, to make a recommendation to the City Planner. The Delegated Authority By-law should be amended to eliminate the “loop-back” to the City Planner following consultation with the LACH that was included in the original Delegated Authority By-law (By-law No. C.P.-1502-129) as, administratively, this process does not function as initially intended (Appendix A).

## **7.0 Conclusion**

In the four years since the adoption of the Delegated Authority By-law, only 20% of Heritage Alteration Permit applications have required consultation with the LACH; 80% of Heritage Alteration Permits have been approved using delegated authority. This has achieved greater efficiencies and reduced the review timeframes for most Heritage Alteration Permit applications, alleviated pressures on staff and committee time and

resources, and improved customer service while relying on the professional capacity of the Heritage Planners.

Minor adjustments are recommended to ensure that the Delegated Authority By-law reflects the learned-experience of the Civic Administration and provides clear process for Heritage Alteration Permits.

<b>Prepared by:</b>	<b>Kyle Gonyou, CAHP Urban Regeneration</b>
<b>Submitted by:</b>	<b>Gregg Barrett, AICP Manager, Long Range Planning and Sustainability</b>
<b>Recommended by:</b>	<b>John M. Fleming, MCIP, RPP Managing Director, City 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 City Planning.	

November 7, 2019  
kg/GB

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Appendix A Delegated Authority By-law

## Appendix A – Delegated Authority By-law

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

Bill No. \_\_\_\_\_  
2019

By-law No. C.P.-\_\_\_\_

A by-law to amend By-law C.P.-1502-129 being “A by-law to delegate certain authority of Municipal Council to consent to or grant permits for alterations to heritage designated properties”, to clarify the process for Heritage Alteration Permits .

**WHEREAS** section 9 of the *Municipal Act, 2001*, S.O. 2001, c.25, (the “*Municipal Act, 2001*”) as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under that or any other Act;

**AND WHEREAS** subsection 33(1) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended (“the *Ontario Heritage Act*”), the Municipal Council may make decisions in respect to the consent of alterations of property designated under Part IV of the *Ontario Heritage Act*;

**AND WHEREAS** under subsections 33(15) and 33(16) of the *Ontario Heritage Act*, Municipal Council may, by by-law, delegate its power to consent to all alterations or with respect to such classes of alterations as are described in the by-law by the council of a municipality, to an employee or official of the municipality if the council has established a municipal heritage committee and has consulted with the committee prior to delegating the power;

**AND WHEREAS** pursuant to subsection 42(4) of the *Ontario Heritage Act*, Municipal Council may grant permits for the alteration of property located in a Heritage Conservation District designated under Part V of the *Ontario Heritage Act*;

**AND WHEREAS** under subsections 42(16) and 42(17) of the *Ontario Heritage Act*, Municipal Council may, by-law, delegate its power to grant a permit for specific alterations or classes of alterations for a property situated in a Heritage Conservation District if the council has established a municipal heritage committee and consulted with it before the delegation;

**AND WHEREAS** Municipal Council enacted By-law No. C.P.-1502-129 being “A by-law to delegate certain authority of Municipal Council to consent to or grant permits for alterations to heritage designated properties” on April 14, 2015:

**AND WHEREAS** Municipal Council deems it appropriate to amend By-law No. C.P.-1502-123 to clarify the process for Heritage Alteration Permits:

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

1. That By-law C.P.-1502-129 is hereby amended by deleting section 9 of Part II – Delegation of Authority to Consent to or Grant Permits for Alterations to Heritage Designated Properties in its entirety and by replacing it with the following new section 9:

“Part II – DELEGATION OF AUTHORITY TO CONSENT TO OR GRANT PERMITS FOR ALTERATIONS TO HERITAGE DESIGNATED PROPERTIES

9. The LACH, upon receiving an application for a Consent to or grant a Heritage Alteration Permit from the City Planner, may make a recommendation to Municipal Council. In this circumstance, Municipal Council shall retain the decision-making authority regarding the application for a Consent to or a grant a Heritage Alteration Permit.

2. This by-law shall come into force and effect on the date that it is passed.

PASSED in Open Council on November 26, 2019.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – November 26, 2019  
Second Reading – November 26, 2019  
Third Reading – November 26, 2019

## 4.0 Heritage Alteration Permits

As the number of heritage designated properties in London grows, so does the number of Heritage Alteration Permits processed annually.

Table 1: Heritage Alteration Permit applications by Year

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2016	18	42
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\* Year to date

These numbers represent only actual Heritage Alteration Permit applications. They do not include situations where property owners contact the Heritage Planner to inquire *if* a Heritage Alteration Permit application is required. If the proposed work is deemed to be a repair or maintenance of heritage attributes using similar materials, advice has been given that no Heritage Alteration Permit application is needed.

## Analysis

### 5.0 Review of Delegated Authority By-law

#### 5.1 Review of “Conditions for Referral”

The LACH plays an important role in protecting London’s cultural heritage resources. As a volunteer advisory committee to Municipal Council, the volume of Heritage Alteration Permit applications (if not subject to delegated authority) could quickly overwhelm the LACH’s work. Within the Delegated Authority By-law, “Conditions for Referral” were developed to ensure that only Heritage Alteration Permit applications that require consultation with the LACH are sent to the LACH.

The “Conditions for Referral,” as defined in the Delegated Authority By-law are:

- a) A complex application for a Heritage Alteration Permit;
- b) Considerable sensitivity or contention regarding an application for a Heritage Alteration Permit;
- c) An application which fails to achieve acceptable heritage planning process or practice;
- d) An application for a Heritage Alteration Permit which fails to achieve policies or guidelines of a Heritage Conservation District Plan and Guidelines (if applicable);
- e) Where refusal of an application for a Heritage Alteration Permit is recommended by the City Planner; and/or,
- f) Where an owner requests consideration of an application for a Heritage Alteration Permit by the LACH.

Over past four years, the “Conditions for Referral” have required consultation with the LACH for seventy-four (74) of three hundred and sixty-three (363) Heritage Alteration Permit applications, representing approximately 20% of the total number of Heritage Alteration Permit applications. Most Heritage Alteration Permit application that comply with the policies and guidelines of the applicable Heritage Conservation District Plan are

## Report to Planning and Environment Committee

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

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

**Subject:** Holding Provision Removal  
Sifton Properties Limited  
3260 Singleton Ave

**Meeting on:** November 18, 2019

## Recommendation

That, on the recommendation of the Director, Development Services, the following action be taken with respect to the application of Sifton Properties Limited relating to the property located at 3260 Singleton Ave, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on November 26, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a Holding Residential Special Provision R5/R6/R7/R8 ( h-54\*h-71\*h-100\*h-105\*h-136\*R5-7(8)\*R6-5(48)\*R7(20)D75H13\*R8-4(32) Zone **TO** a Residential Special Provision R5/R6/R7/R8 (R5-7(8)\*R6-5(48)\*R7(20)D75H13\*R8-4(32) Zone to remove the holding provisions.

## Executive Summary

### Summary of Request

The applicant has requested the removal of the "h-54", "h-71", "h-100" "h-105" and h-136" holding provisions from 3260 Singleton Ave, which are in place to ensure: there are no land use conflicts between arterial roads and the proposed residential uses, street orientation development, there is adequate water service and appropriate access, that a comprehensive storm drainage and stormwater management report prepared by a consulting engineer is completed to address the stormwater management strategy, and that development in the plan of subdivision does not exceed a maximum interim threshold of 260 residential units.

### Purpose and the Effect of Recommended Action

The purpose and effect is to remove the "h-54", "h-71", "h-100" "h-105" and h-136" holding symbols to facilitate the development of 62 cluster townhouse and semi-detached units, with access from Springmeadow Road.

### Rationale of Recommended Action

The requirements for removing the holding provisions have been met. It is appropriate to remove the holding provisions as they are no longer required.

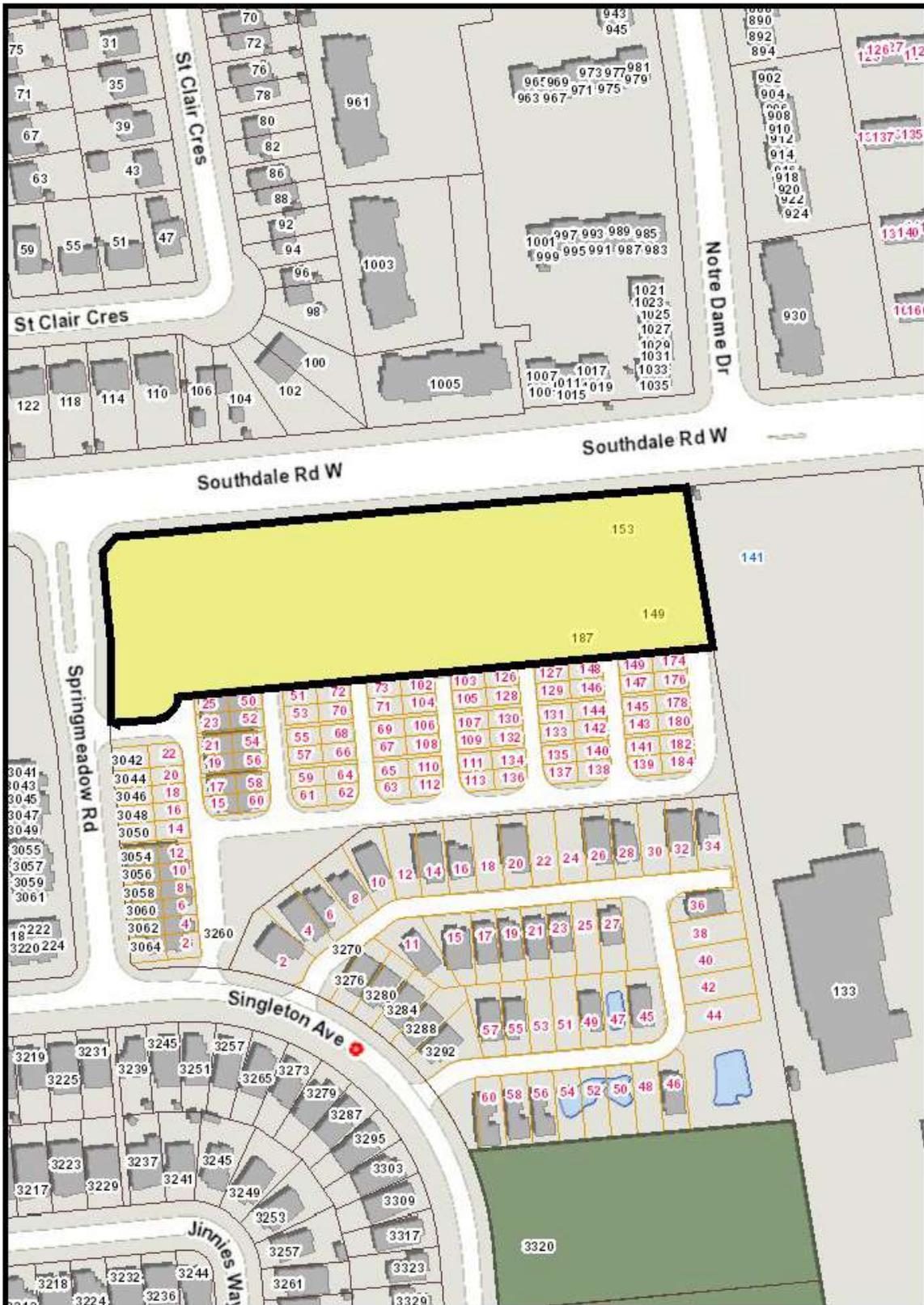
## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject lands are located on the south side of Southdale Road West, east of Springmeadow Road. The site is generally flat and is adjacent to the Holy Trinity Greek Orthodox Church to the east, and low density development and medium density residential development to the south and west. The proposal consists of one multi-family medium density residential block within a draft plan of subdivision (Plan 33M-636). The site is currently vacant and measures approximately 1.53 ha in size. The site has full access to municipal services and represents the final multi-family development block in this area.

1.2 Location Map



**Location Map**

Subject Property: 3260 Singleton Avenue  
 Applicant: SIFTON PROPERTIES LIMITED  
 File Number: 39CD-19513  
 Created By: Rob Carnegie  
 Date: 9/17/2019  
 Scale: 1:2000

**Legend**

- Subject Property
- Parks
- Assessment Parcels
- Buildings
- 123 Address Numbers



**1.3 Current Planning Information (see more detail in Appendix C)**

- The London Plan Place Type –Neighbourhood
- (1989) Official Plan Designation – Multi-Family, Medium Density Residential
- Existing Zoning – h-54\*h-71\*h-100\*h-105\*h-136\*R5-7(8)\*R6-5(48)\*R7(20)D75H13\*R8-4(32)

**1.4 Site Characteristics**

- Current Land Use – Vacant
- Frontage – 72.95 metres
- Depth – Varies
- Area – 1.53 hectares
- Shape – Irregular

**1.5 Surrounding Land Uses**

- North – Southdale Road West/Residential
- East – Private Community Centre
- South – Residential
- West – Residential

**2.1 Development Proposal**

The removal of the holding provisions will permit the issuance of building permits, consistent with accepted site plans for 62 Vacant Land Condominium units in the form of cluster townhouse and semi-detached dwellings. Landscaped areas, internal driveways, services, and visitor parking spaces will be located within a common element to be maintained and managed by one Condominium Corporation.



Figure 1: Conceptual Site Plan

Applications for Site Plan Approval (SP19-074) and Vacant Land Condominium (39CD-19513) have been made. Development related issues are being addressed through conditions in the Development Agreement and approved Site Plan, and the holding provisions are no longer required.

## **3.0 Relevant Background**

### **3.1 Planning History**

The subject lands form part of the approved Bostwick East Area Plan which were adopted by Municipal Council in June of 2005. The subject lands were designated Multi-Family, Medium Density Residential through this process.

Further, the lands are part of the Southwest Area Plan, amended and approved by the OMB on April 29, 2014. The subject lands are within the North Longwoods Residential Area of this plan.

The subject lands are also within the Bierens Subdivision (39T-08508/Z-7621), which was draft approved in October of 2009. Through this process, the site was rezoned to permit cluster housing with multiple holding provisions being applied. The subject parcel at 3260 Singleton Avenue was created through the registration of the subdivision (33M-636) on November 25, 2011.

Site plan approval, and vacant land condominium, along with a minor variance application were submitted in 2019 to accommodate the proposed cluster residential development. The requested variances were approved by the Committee of Adjustment on October 28, 2019 and the site plan application has run in parallel with the Vacant Land Condominium application.

### **3.2 Requested Amendment**

The applicant is requesting the removal of the h-54\*h-71\*h-100\*h-105\*h-136\* holding provisions from the site to allow for the development of 62 cluster dwelling units on the subject lands.

### **3.3 Community Engagement**

No comments were received in response to the Notice of Application.

### **3.4 Policy Context**

*The Planning Act* permits the use of holding provisions to restrict future uses until conditions for removing the holding provision are met. To use this tool, a municipality must have approved Official Plan policies related to its use, a municipal council must pass a zoning by-law with holding provisions, an application must be made to council for an amendment to the by-law to remove the holding symbol, and council must make a decision on the application within 150 days to remove the holding provision(s). The London Plan and the (1989) Official Plan contain policies with respect to holding provisions including the process, and notification and removal procedures.

## **4.0 Key Issues and Considerations**

### **4.1 What is the purpose of the holding provisions and is it appropriate to consider their removal?**

*h-54 Purpose: To ensure there are no land use conflicts between arterial roads and the proposed residential uses, the h-54 shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London*

The applicant submitted a Noise Assessment Report, completed by Stantec Consulting Ltd., dated February 23, 2016. An updated memorandum was provided on July 23, 2019.

The accepted noise mitigation measures (noise barriers and warning clauses) are included in the approved site plans and development agreement, satisfying the

requirements of this holding provision. It is appropriate to remove this holding provision at this time.

*h-71 Purpose: To encourage street orientation development, the Owner shall prepare a building orientation plan which demonstrates how the front façade of the dwelling units can be oriented to all abutting streets (except where a noise barrier has been approved), acceptable to the General Manager of Planning and Development. The recommended building orientation will be incorporated into the approved site plan and executed development agreement prior to the removal of the "h-71" symbol.*

A building orientation plan and architectural design that front onto Southdale Road West and Springmeadow Road which provides for a row of townhouses and semi-detached units that are orientated towards Southdale Road West and Springmeadow Road has been accepted. Urban Design staff have confirmed that they are satisfied with the orientation of the units in the accepted plan. It is appropriate to remove this holding provision at this time

*h-100: Purpose: To ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol. Permitted Interim Uses: Existing Uses*

*Permitted Interim Uses: A maximum of 80 residential units*

Water engineering and Development Services staff have confirmed that the development has incorporated an accepted water servicing strategy, through the development agreement and the holding provision is appropriate to remove.

*h-105 Purpose: To ensure that a comprehensive storm drainage and stormwater management report prepared by a consulting engineer is completed to address the stormwater management strategy for all lands within the subject plan and external lands where a private permanent on-site storm drainage facility is proposed for any block or blocks not serviced by a constructed regional stormwater management facility. The "h-105" symbol shall not be deleted until the report has been accepted to the satisfaction of the General Manager of Planning and Development and City Engineer.*

Through the site plan approval process, Development Engineering has accepted all engineering servicing drawings for the development of this site. The accepted engineering drawings ensure that the stormwater management, individual sanitary, water services and access have been provided to the satisfaction of the City. This satisfies the requirements for removal of the holding provision.

*h-136 Purpose: To ensure that development in draft plan 39T-08508 does not exceed a maximum interim threshold of 263 residential units, the h-136 symbol shall not be deleted until the temporary Bostwick sanitary sewage pumping station and forcemain are decommissioned; and a Traffic Impact Study is prepared, which demonstrates that the transportation infrastructure in Bostwick East is adequate to accommodate forecast traffic volumes. Permitted Interim Uses: Maximum of 263 residential units on the multi-family lands.*

Wastewater and Drainage Engineering and Development Services staff provided confirmation on October 25, 2019, that there is capacity at Bostwick sanitary sewage pumping station and forcemain, and they have no concerns with the removal of the holding provision.

## **5.0 Conclusion**

The requirements for holding provisions on a portion of the subject lands have been addressed through the acceptance of all Site Plan documents and the execution of a Development Agreement. The applicant has also provided the required securities associated the accepted Site Plan and Development Agreement. Removal of these

holding provisions will allow for the issuance of building permits for the 62 unit cluster residential development.

<b>Prepared by:</b>	<b>Alanna Riley, MCIP, RPP Senior Planner, 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	

November 7, 2019

CC: Matt Feldberg, Manager, Development Services (Subdivisions)  
Lou Pompili, Manager, Development Planning  
Ted Koza, Manager, Development Engineering  
Michael Pease, Manager, Development Planning (Site Plan)

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## Appendix A

Bill No. (number to be inserted by Clerk's Office)  
2019

By-law No. Z.-1-19 \_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
remove holding provisions from the  
zoning for lands located at 3260  
Singleton Ave.

WHEREAS Sifton Properties Limited has applied to remove the holding provisions from the zoning for the lands located at 3260 Singleton Ave, as shown on the map attached to this by-law, as set out below;

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

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 3260 Singleton Ave, as shown on the attached map, to remove the holding provisions so that the zoning of the lands as a Residential Special Provision R5/R6/R7/R8 (R5-7(8)\*R6-5(48)\*R7(20)D75H13\*R8-4(32) Zone comes into effect.
2. This by-law shall come into force and effect on the day it is passed.

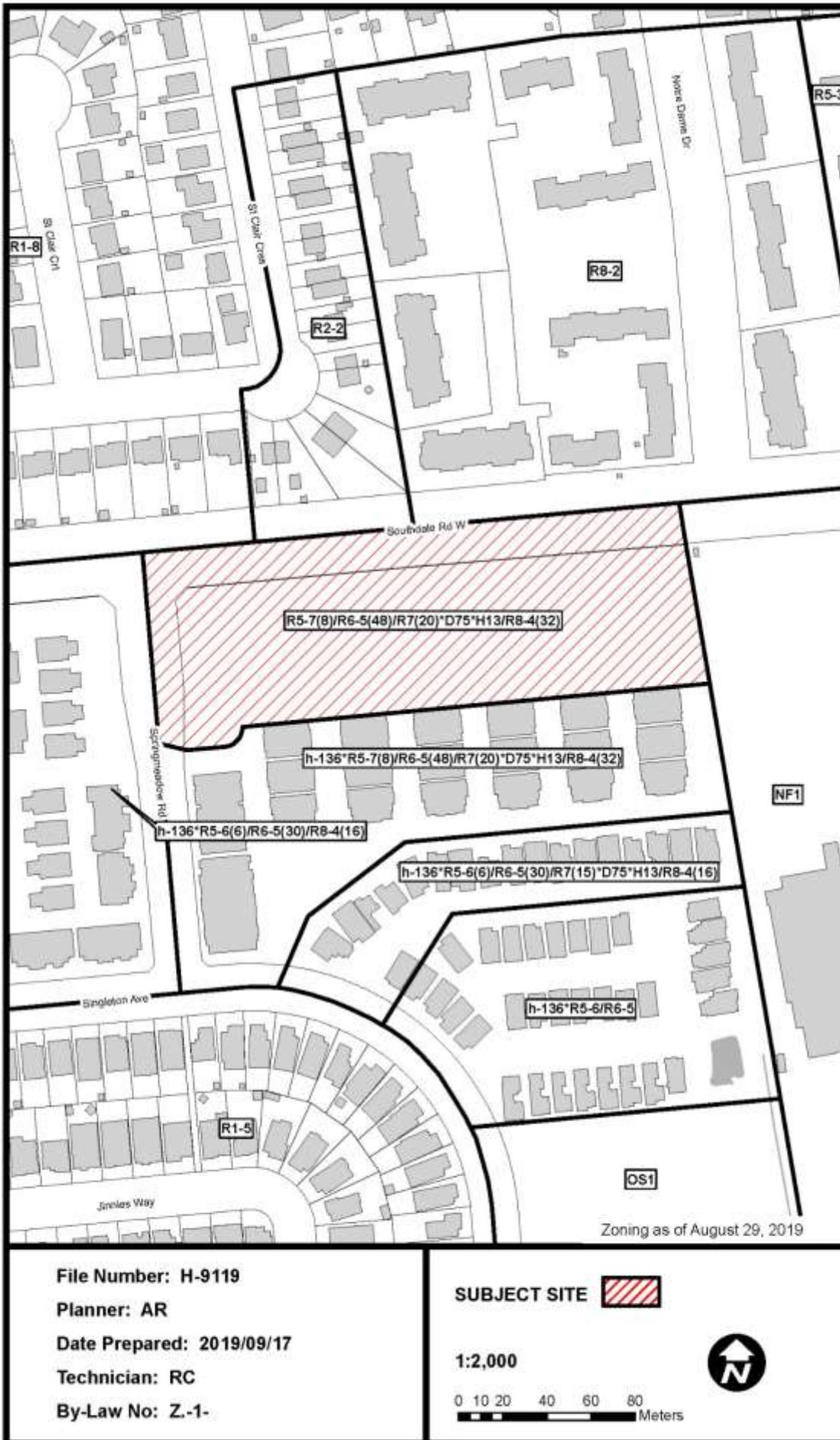
PASSED in Open Council on November 26, 2019.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – November 26, 2019  
Second Reading – November 26, 2019  
Third Reading – November 26, 2019

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



## Report to Planning and Environment Committee

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

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

**Subject:** Application By: Extra Realty Limited  
660 Sunningdale Road East  
Applewood Subdivision Phase 2 - Special Provisions

**Meeting on:** November 18, 2019

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Extra Realty Limited for the subdivision of land over Part Lot 13, Concession 6, situated on the north side of Sunningdale Road East, west of Adelaide Street North, municipally known as 660 Sunningdale Road East;

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Extra Realty Limited for the Applewood Subdivision, Phase 2 (39T-09501) 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.

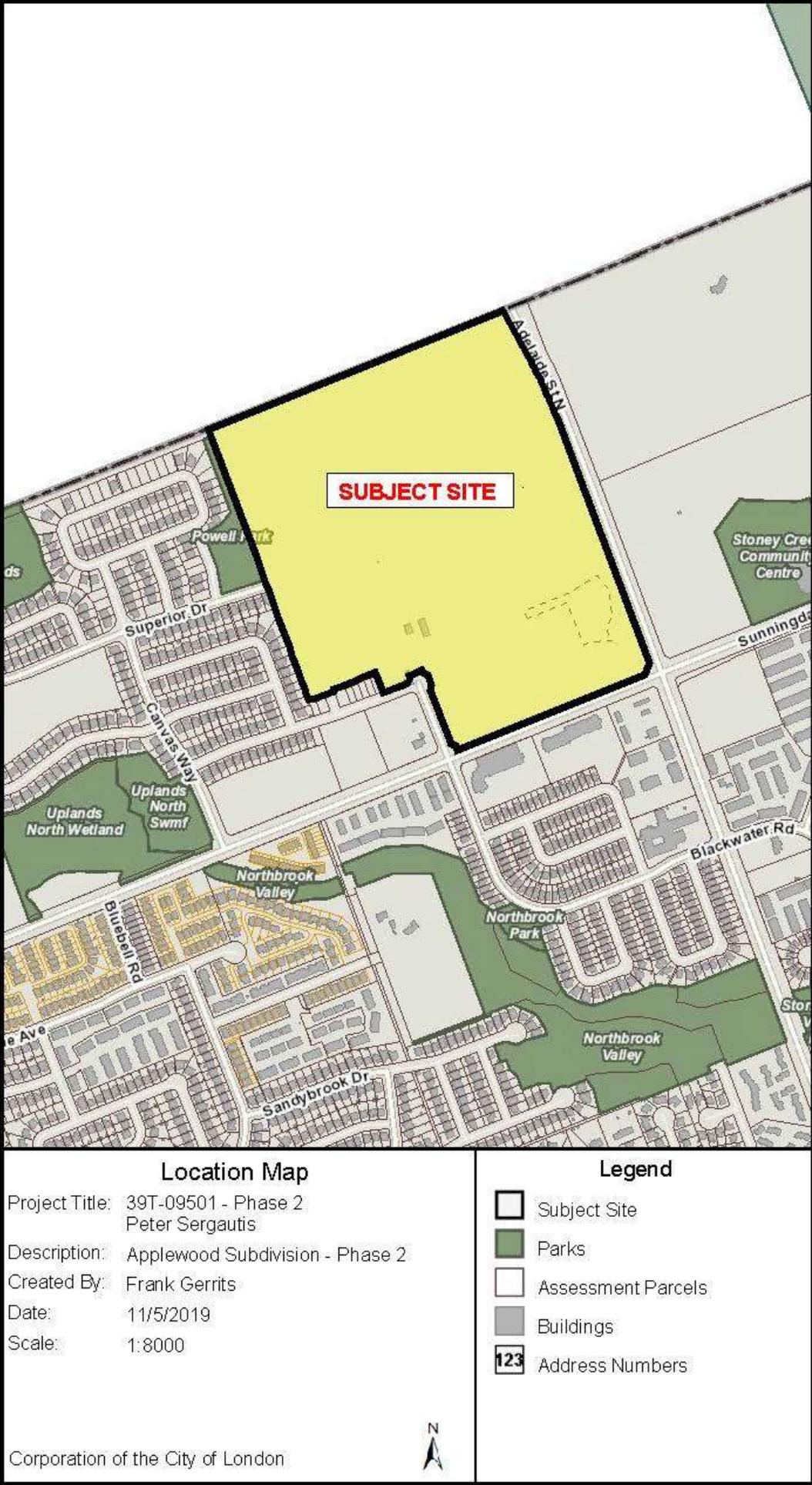
## Analysis

### 1.0 Site at a Glance

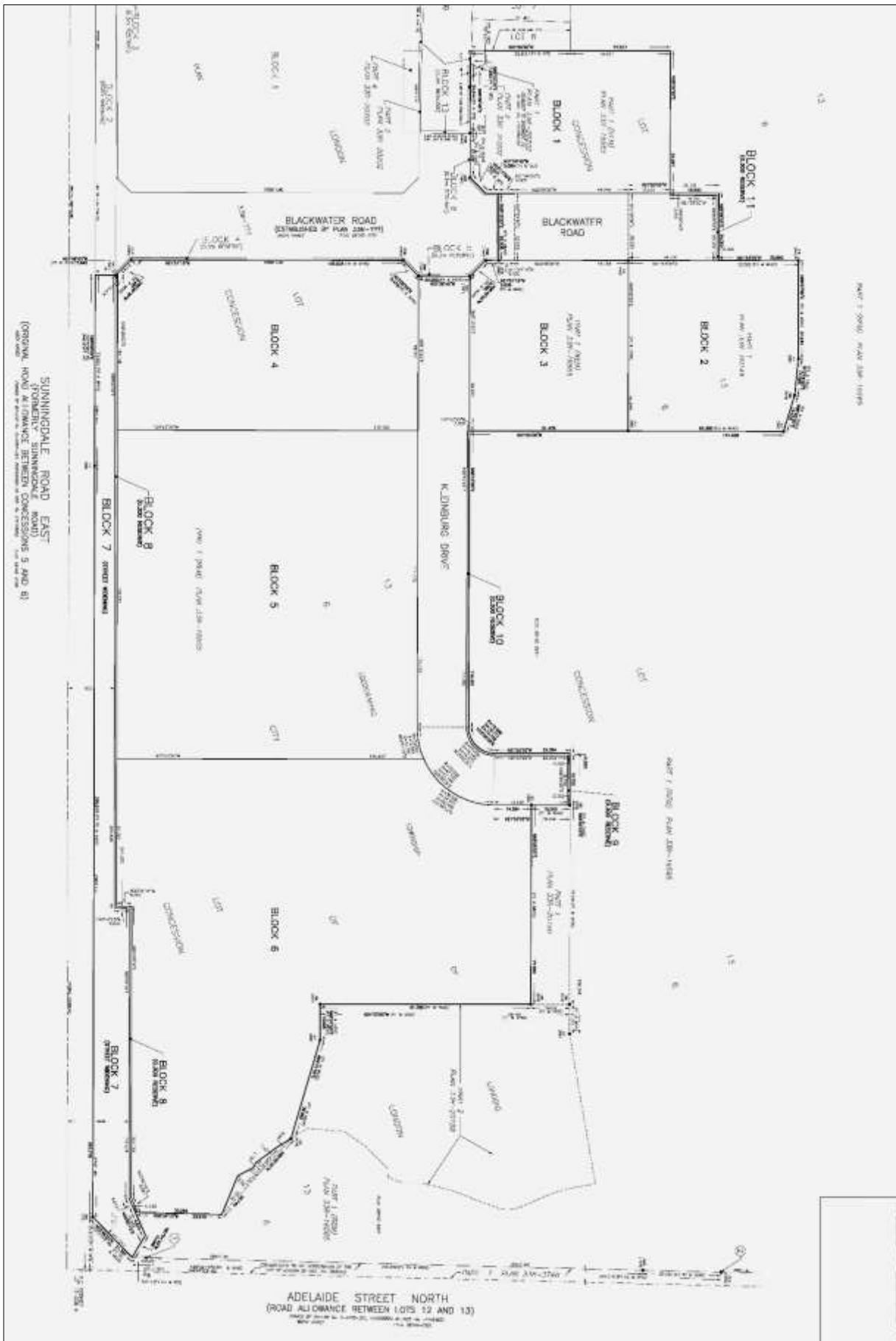
#### 1.1 Property Description

The subject site (Phase 2) consists of approximately 6.54 ha (16.16 acres) land located at the northwest corner of Adelaide Street North and Sunningdale Road East. The overall Draft Approved Plan of Subdivision (39T-09501) consists of approximately 42 hectares (103.8 acres) of land and is located at the northerly limit of the City and borders with the Township of Middlesex Centre. The property slopes generally from north to south with a rolling terrain. The overall subdivision currently contains a 4 hectare (9.9 acres) woodlot (designated as Environmentally Significant Area), a small Provincially Significant Wetland, and existing buildings including a single detached dwelling (located towards the south end of the property, adjacent to the extension of Blackwater Road), and two brick barns designated under the provision of Section 29(3) of the Ontario Heritage Act, R.S.O. 1990, c. O. 18,.

1.2 Location Map 660 Sunningdale Road



1.3 Applewood Subdivision Phase 2 Plan



## 2.0 Description of Proposal

### 2.1 Development Proposal

The draft plan of subdivision was revised in February, 2018 and consists of 39 low density blocks (Blocks 1-39), four (4) medium density residential blocks (Blocks 40-44), two (2) commercial blocks (Blocks 46-47), two (2) commercial/mixed use residential blocks (Blocks 48-49), three (3) open space blocks (Blocks 49-51), eight (8) parkland and walkway blocks (Blocks 52-59), one (1) stormwater management block (Block 60), one (1) road widening block (Block 61), six (6) 0.3 m reserve blocks (Blocks 62-67), all served by one (1) primary collector road (Blackwater Road), one (1) secondary collector road (Street "D"/Superior Drive), and ten (10) new local streets.

The first phase of this subdivision (Phase 1a), which consisted of eight (8) single detached lots and one (1) multi-family, medium density block was registered in August, 2018 as 33M-749.

The second phase (Phase 1b) of this subdivision, which consisted of one (1) commercial/residential mixed use block, was registered in June, 2019 as 33M-764.

The Applicant is registering Phase 2 of this subdivision, which consists of one (1) park block, three (3) commercial/residential mixed use blocks, two (2) medium/ high density residential blocks, and one (1) road widening, all served by the extensions of Kleinburg Drive and Blackwater Road . Block 2 includes two brick barns designated under the provision of Section 29(3) of the Ontario Heritage Act, R.S.O. 1990, c. O. 18

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

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

<b>Prepared by:</b>	<b>Nancy Pasato, MCIP, RPP Senior Planner, 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.	

November 11, 2019

CC: Lou Pompili, Manager, Development Planning  
Ted Koza, Manager, Development Engineering  
Matt Feldberg, Manager, Development Services (Subdivisions)

## Appendix A – Special Provisions

### 15. PROPOSED SCHOOL SITES

**Remove** Subsections 15.3 to 15.8 as there are no school blocks in this Plan.

~~15.3 The Owner shall set aside an area or areas (being Block(s) \_\_\_\_\_) as a site or sites for school purposes to be held subject to the rights and requirements of any School Board having jurisdiction in the area.~~

~~15.4 The School Boards shall have the right, expiring three (3) years from the later of the date on which servicing of the relevant site is completed to the satisfaction of the City or the date on which seventy percent (70%) of the Lots in the subdivision have had building permits issued, to purchase the site and may exercise the right by giving notice to the Owner and the City as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than two (2) years from the date of giving notice.~~

~~15.5 The School Boards may waive the right to purchase by giving notice to the Owner and the City as provided elsewhere in this Agreement.~~

~~15.6 Where all School Boards have waived the right to purchase, the City shall then have the right for a period of two (2) years from the date on which the right to purchase by the School Board has expired or has been waived as the case may be, to purchase the site for municipal purposes and may exercise the right by giving notice to the Owner as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than sixty (60) days from the date of giving notice.~~

~~15.7 The Owner agrees that the school blocks shall be:~~

- ~~(a) graded to a one percent (1%) grade or grades satisfactory to the City, the timing for undertaking the said works shall be established by the City prior to the registration of the Plan; and~~
- ~~(b) top soiled and seeded to the satisfaction of the City, the timing for undertaking the said works to be established prior to assumption of the subdivision by the City.~~

~~15.8 Where the Owner has been required to improve the site by grading, top soil and seeding, the responsibility of the Owner for the maintenance of the site shall cease upon completion by the Owner of its obligations under this Agreement.~~

### 24.1 STANDARD REQUIREMENTS

**Add** the following new Special Provisions:

- #1 Prior to assumption of this subdivision in whole or in part by the City, 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 Blackwater Road outside this Plan, an amount of \$5,000;
  - (ii) for the removal of the temporary turning circle on Kleinburg Drive outside this Plan, an amount of \$5,000;

- (iii) removal of automatic flushing devices/blowoffs at the north limit of Blackwater Road in future, an amount of \$5,000; and
  - (iv) removal of automatic flushing device/blowoff at the north limit of Kleinburg Drive in future, an amount of \$5,000.
- #2 The approved Urban Design Guidelines as set forth in **Schedule "N"** hereto, shall be used for the review of any future site plan, all to the satisfaction of the City.
- #3 The two heritage designated barns will be incorporated into any future commercial development on Block 2 of this Plan. Any changes to or adaptive reuse of the barns will require a heritage alteration permit, to the satisfaction of the City.

## 24.2 CLAIMS

**Remove** Subsection 24.2 (c) and **replace** with the following:

- (c) The Owner may, upon approval of this Agreement and completion of the works, make application to Development Finance for payment of the sum alleged to be owing, and as confirmed by the City Engineer (or designate) and the City Treasurer (or designate). 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 oversized sanitary sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$8,480, excluding HST.

Any funds spent by the Owner that exceed the approved Work Plan estimates shall be at the sole risk of the Owner pending sufficient capital funding included in the City Budget.

## 24.6 EROSION AND SEDIMENT CONTROL

- #5 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct and have operational temporary sediment and erosion control works internal and external to this Plan as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.
- #6 All temporary erosion and sediment control measures, installed in conjunction with this Plan shall be decommissioned and/or removed when warranted, all to the satisfaction of the City Engineer and at no cost to the City.

## 24.7 GRADING REQUIREMENTS

**Add** the following new Special Provisions:

- #7 The Owner shall grade the portions of Blocks 4, 5 and 6 in this Plan, which have a common property line with Sunningdale Road West, to blend with the ultimate profile of Sunningdale Road West, in accordance with the accepted engineering drawings, all to the satisfaction of the City and at no cost to the City.

- #8 The Owner shall grade the boundary of Block 6 to blend in with the abutting future SWM Facility # 2, all to the satisfaction of the City, at no cost to the City.
- #9 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall remove and/or decommission any temporary grading constructed as part of Phase 1 as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.

#### **24.8 STORM WATER MANAGEMENT**

**Add** the following new Special Provisions;

- #10 Prior to the issuance of any Certificate of Conditional Approval, the Stoney Creek SWM Facility # 2, to be built by the City, to serve this Plan must be constructed and operational.
- #11 The Owner shall develop the proposed plan of subdivision in accordance with the Design and Construction of Stormwater Management Facilities, Policies and processes identified in Appendix 'B-1' and 'B-2' Stormwater Management Facility "Just in Time" Design and Construction Process adopted by Council on July 30, 2013 as part of the Development Charges Policy Review: Major Policies Covering Report.
- #12 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall decommission the existing temporary sediment basin and all associated works (eg. headwall, etc.) constructed as part of 33M-749 (Phase 1), all to the satisfaction of the City Engineer. The Owner is responsible for all costs related to the decommissioning and redirection of sewers and overland flow routes. Following the decommissioning of any existing temporary works, the Owner shall make all necessary arrangements to have any easements in this Plan quit claimed, to the satisfaction of the City, at no cost to the City.
- #13 The Owner is responsible for all costs related to the decommissioning of any temporary sediment basin(s) work and any redirection of sewers and overland flow routes.
- #14 The Owner shall co-ordinate the works associated with this Plan of Subdivision with the City's proposed construction of the Stoney Creek SWM Facility # 2, to the east on external lands adjacent to this Plan.
- #15 All temporary storm works and servicing installed within the proposed Plan of Subdivision shall be decommissioned and/or removed when warranted, all to the satisfaction of the City, at no cost to the City.

#### **24.9 SANITARY AND STORM SEWERS**

**Remove** 24.9 (b) and **replace** with the following:

- (b) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Stoney Creek Subwatershed, and connect them to the City's existing storm system in accordance with accepted engineering drawings, to the satisfaction of the City.

**Add** the following new Special Provisions:

- #16 The Owner shall include in all Agreements of Purchase and Sale and/or Lease for Blocks 5 and 6 in this Plan a warning clause advising the purchaser/transferee that the servicing and private drain connections for Blocks 5 and 6 are located within the easement between the Blocks, to the satisfaction of the City.

- #17 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct all servicing and appurtenances (eg. multi-use access pads, culverts, etc.) along Sunningdale Road to east of Adelaide Street North in accordance with accepted engineering drawings, all to the satisfaction of the City Engineer.
- #18 The Owner shall remove existing infrastructure, including but not limited to, Curb Inlet Catch Basins (CICBs), Ditch Inlet Catch Basins (DICBs), curbs, etc. on Sunningdale Road and relocate/restore/construct associated works as per the accepted engineering drawings, all to the specifications and satisfaction of the City.
- #19 The Owner shall provide a maintenance access for all sanitary and storm sewer manholes which will be located in easements on private property or ensure the manholes will be located within a paved area in a location acceptable to the City Engineer to facilitate maintenance of the sanitary and storm sewer system, which will allow access, all to the satisfaction of the City Engineer.
- #20 The Owner shall include in any Agreement of Purchase and Sale and/or Lease for the transfer of each of the Blocks 1, 2, 4, 5 and 6, in this Plan, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Blocks 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.

#### 24.10 WATER SERVICING

**Remove** Subsection 24.10 (e) and **replace** with the following:

- (e) 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 complete the following for the provision of water service to this draft Plan of Subdivision, as per the accepted engineering drawings, to the specifications of the City Engineer:
  - i) construct watermains to serve this Plan and connect them to the existing municipal system, namely, the existing 200 mm diameter watermain on Kleinburg Drive and the existing 300 mm diameter watermain on Blackwater Road;
  - ii) Block 5 and Block 6 of the subject plan shall not exceed a combined total of 80 individual water services or an apartment complex containing 300 dwelling units until the watermain on Kleinburg Drive becomes a looped system;
  - iii) deliver confirmation that the watermain system on Kleinburg Drive has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units or 300 dwelling units in an apartment complex.

**Add** the following new Special Provisions:

- #21 Future development of Blocks 1, 2, 4, 5 and 6 within this Plan of Subdivision shall be in keeping with the established fire flows, through the subdivision water servicing design study, in order to ensure adequate fire protection is available, as per the accepted engineering drawings, to the satisfaction of the City.

- #22 If the Owner requests the City to assume Blackwater Road and Kleinburg Drive, with the automatic flushing device still in operation, all as shown on the accepted Engineering Drawings, prior to its extension to the Blackwater Road and Kleinburg Drive, 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 automatic flushing device and properly abandoning the discharge pipe from the automatic flushing device to the storm/sanitary sewer system at the north limits of Blackwater Road and Kleinburg Drive and restoring adjacent lands, all to the specifications of the City. The estimated cost for doing the above-noted work on these streets is \$5,000 per automatic flushing device, for a total amount of \$10,000, for which amount sufficient security is to be provided in accordance with **Condition 24.1 (\_\_\_) (iii) and (iv)**. 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.

#### 24.11 ROADWORKS

**Remove** Subsection 24.11 (p) and **replace** with the following:

- (p) 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 register against the title of all Lots and Blocks abutting the traffic calming circle(s) in this Plan, and shall include in the Agreement of Purchase and Sale or Lease for the transfer of each of the said Lots and Blocks, a covenant by the purchaser or transferee stating the said owner 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 any Agreement of Purchase and Sale and/or Lease for the transfer of each of the said Lots and Blocks, on Blackwater Road and Kleinburg Drive in this Plan, a covenant by the purchaser or transferee stating the said owner shall locate the driveways to the said Blocks away from the traffic calming measures on the said streets, including speeds cushions, to be installed as traffic control devices, to the satisfaction of the City Engineer.

**Remove** Subsection 24.11 (q) and **replace** with the following:

- (q) 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 Sunningdale Road via Blackwater Road.

**Add** the following new Special Provisions:

- #23 The Owner shall construct temporary turning circles at the north limits of Blackwater Road and Kleinburg Drive, to the satisfaction of the City Engineer and at no cost to the City.

If the Owner requests the City to assume Blackwater Road and Kleinburg Drive, all as shown on this Plan of Subdivision, prior to its extensions to the north, 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 circles at the north limits of Blackwater Road and Kleinburg Drive and completing the curb and gutter, asphalt pavement, Granular 'A', Granular 'B', sodding of the boulevard, 1.5metre (5 foot) 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 these streets is \$10,000 (\$5,000 per temporary turning circle) for which amount sufficient security is to be provided in accordance with Condition 24.1 (\_\_\_\_) (i) and (ii). 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.

- #24 Barricades are to be maintained at north limits of Kleinburg Drive and Blackwater Road until lands develop to the north or as otherwise directed by the City. When lands develop to the north 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.

- #25 Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Kleinburg Drive adjacent to the speed cushion location that indicate Future Speed Cushion Location, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.

- #26 Prior to assumption or when required by the City Engineer, the Owner shall install two speed cushions on Kleinburg Drive, including permanent signage and pavement marking in a location, to the satisfaction of the City Engineer.

- #27 Prior to assumption, the Owner shall implement the Blackwater Road Streetscape Plan on Blackwater Road in accordance with the accepted engineering drawings, to the satisfaction of the City.

- #28 The Owner shall make minor boulevard improvements on Sunningdale Road 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.

- #29 The Owner shall comply with all City requirements with respect to timing of construction on Sunningdale Road, including but not limited to, temporary restoration works, accommodating maintenance activities, maintenance of detour routes, etc., all to the satisfaction of the City Engineer.

- #30 The Owner acknowledges that the City, in accordance with the City's current Growth Management Implementation Strategy (GMIS) may be reconstructing Sunningdale Road in 2025. The Owner shall co-operate with the City, as necessary, to complete the project, including providing access to their lands and easements as necessary.

- #31 The Owner shall maintain a temporary/emergency access, constructed by others, from the north limit of Kleinburg Drive to Adelaide Street North and provide the necessary easements, all to the specifications of the City and at no cost to the City.

#32 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall complete all restoration works on Sunningdale Road, including but not limited to asphalt, curbs, traffic signals, boulevards, shoulders, etc.), to the satisfaction of the City.

**24.12 PARKS**

#33 Within one (1) year of registration of this Plan, the Owner shall install all servicing within Block 3 as per the approved engineering plans and grade 0.2m (8") below final grade with sub structural soil, to the satisfaction of the City.

### **SCHEDULE "C"**

This is Schedule "C" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019, between The Corporation of the City of London and Extra Realty Limited to which it is attached and forms a part.

#### **SPECIAL WORKS AND SERVICES**

##### **Roadways**

- Blackwater Road shall have a minimum road pavement width (excluding gutters) of 11.0 metres with a minimum road allowance of 26.0 metres.
  
- Kleinburg Drive shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres.

##### **Sidewalks**

A 1.5 metre sidewalk shall be constructed on both sides of Blackwater Road and Kleinburg Drive.

##### **Pedestrian Walkways**

There are no pedestrian walkways in this Plan.

**SCHEDULE "D"**

This is Schedule "D" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019, between The Corporation of the City of London and Extra Realty 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 8, 9, 10 and 11
Road Widening (Dedicated on face of plan):	Block 7
Walkways:	NIL
5% Parkland Dedication:	Block 3
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL

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

School Site:	NIL
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**LANDS TO BE HELD IN TRUST BY THE CITY:**

Temporary access to lands north of this Plan:	NIL
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**SCHEDULE "E"**

This is Schedule "E" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019, between The Corporation of the City of London and Extra Realty 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:	\$ 484,488
BALANCE PORTION:	<u>\$2,745,429</u>
TOTAL SECURITY REQUIRED	\$3,229,917

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 and policy adopted by the City Council on April 4, 2017 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 \_\_\_\_\_, 2019, between The Corporation of the City of London and Extra Realty 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 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) Between Blocks 5 and 6 for storm and sanitary servicing as per the accepted engineering drawings
  - (ii) Across south limit of Block 6 abutting Sunningdale Road for servicing as per the accepted engineering drawings
  
- (b) Multi-purpose easements shall be deeded to the City in conjunction with this Plan, over lands external to this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:
  - (i) From north limit of Kleinburg Drive to Adelaide Street North as per accepted engineering drawings for emergency access and municipal servicing
  - (ii) From north limit of Block 2 easterly to Kleinburg Drive over swale as per the accepted engineering drawings
  
- (c) Temporary turning circle easements shall be deeded to the City in conjunction with this Plan over lands outside this Plan at the north limits of Blackwater Road and Kleinburg Drive.

**Road Easements:**

There are no road easement required in this Plan.

**Appendix B – Related Estimated Costs and Revenues**

**Estimated Costs and Revenues**

<b>Estimated DC Claim Costs</b>	<b>Estimated Cost</b> (excludes HST)
Claims for Owner led construction from CSRF	
- Wastewater Internal Oversizing Subsidy (DC19WW1001)	\$8,480
Total	\$8,480
<b>Estimated DC Revenues</b> <b>(August 4, 2019 to December 31, 2019 Rates)</b>	<b>Estimated Revenue</b>
CSRF TOTAL	\$4,237,647

- 1 Estimated DC Claim Costs are for Owner led construction projects and do not include City led projects required to accommodate growth.
- 2 Estimated DC Revenues are calculated using current DC rates. The City employs a “citywide” approach to cost recovery for all eligible growth services, therefore the Estimated DC Claim Costs and Revenues in the table above are not directly comparable.
- 3 The Oversizing Subsidy costs are based on estimates from the accepted engineering drawings and the current DC By-law. Final claim payments will be approved based on constructed quantities in conjunction with the DC By-law.

Reviewed by:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Matt Feldberg  
Manager, Development Services  
(Subdivisions)

Approved by:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Paul Yeoman  
Director, Development Finance

**Appendix C – Source of Financing**

#19158  
 November 18, 2019  
 (39T-09501-2)

RE: Subdivision Special Provisions  
 Applewood Subdivision Phase 2 - Special Provisions  
 Extra Realty Limited  
 (Work Order 2479827)  
 Capital Budget Project ES514519 - Wastewater Internal Oversizing Subsidy

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

Finance & Corporate Services confirms that these works can 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>ESTIMATED EXPENDITURES</u>	<u>Approved Budget</u>	<u>This Submission</u>	<u>Balance for Future Work</u>
Construction	\$352,663	\$8,629	\$344,034
<b>NET ESTIMATED EXPENDITURES</b>	<b>\$352,663</b>	<b>\$8,629 1)</b>	<b>\$344,034</b>
<b>SOURCE OF FINANCING</b>			
Drawdown from City Services - Wastewater (Development Charges) 2)	\$352,663	\$8,629	\$344,034
<b>TOTAL FINANCING</b>	<b>\$352,663</b>	<b>\$8,629</b>	<b>\$344,034</b>

1) **Financial Note**

Contract Price	\$8,480
Add: HST @13%	1,102
Total Contract Price Including Taxes	9,582
Less: HST Rebate	953
Net Contract Price	<u>\$8,629</u>

2) Development charges have been utilized in accordance with the underlying legislation and the Development Charges Background Study completed in 2019.

## Report to Planning and Environment Committee

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

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

**Subject:** Application by: City of London  
Allowing “Farm Gate Sales” on Lands within the Urban  
Growth Boundary

**Public Participation Meeting on: November 18, 2019**

## Recommendation

That, on the recommendation of the Managing Director, City Planning and City Planner, the following actions be taken with respect to the City-wide zoning by-law amendment initiated by the City of London:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on November 26, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to add a new “Farm Gate Sales” definition in Section 2 Definitions and amend Section 49.2 1) of the Urban Reserve (UR) Zone to allow Farm Gate Sales as a permitted use in the Urban Reserve (UR1) Zone; and,
- (b) Staff **BE DIRECTED** to initiate a zoning by-law amendment to permit the sales of produce grown on a residential property (direct food sales) on more occasions than the current limitation of up to two times per year.

## Executive Summary

### Purpose and Effect of Recommended Action

The proposed zoning by-law amendment would both define Farm Gate Sales, and permit the sales of locally grown food from farms on lands zoned Urban Reserve (UR1) located within the Urban Growth Boundary. This will implement actions identified in the Urban Agriculture Strategy, adopted by Council in November 2017, to make locally grown food more readily available to the general public.

### Rationale of Recommended Action

1. The recommended amendment to Zoning By-law Z.-1 is consistent with the Provincial Policy Statement (2014).
2. The recommended amendment to Zoning By-law Z.1 conforms to the 1989 Official Plan, including the policies of the Urban Reserve land use designation and to The London Plan, including the policies of the Food Systems chapter and the Future Growth Place Type, and provides for appropriate uses on these sites.
3. The recommended amendment to Zoning By-law Z.-1 will allow the sales of agricultural products from farms located within the Urban Growth Boundary.

## Analysis

### 1.0 Relevant Background

The Urban Agriculture Strategy was adopted by Council in November 2017. The Strategy identified five broad categories: growing, processing, distribution, food loss and recovery and education and connection as the basis of the Strategy. Under each category, community-identified priorities were described, and a series of actions were identified for these priorities. For each action, roles were identified for each of the partners (community and City).

The distribution of food is organized under three priorities identified by the community, and includes Farmers' Markets, Local Food Procurement and Direct Food Sales. This zoning by-law amendment specifically addresses two actions within the "distribution" category of the Strategy under the Farmers' Markets and Direct Food Sales priorities.

Farmers' Markets provide opportunities where small-scale local growers and regional farmers can sell food and increase the accessibility of nutritious, fresh, healthy food for residents. The Urban Agriculture Strategy identified 12 farmers' markets in London. These are located on properties where retail sales are permitted, and include venues such as Covent Garden Market, Masonville Mall and Western Fair. One of the actions identified under Farmers' Market is *"Access the current zoning and by-law requirements for markets and the potential for allowing temporary food and other pop-up markets at locations such as community gardens, etc."*

Another related action is under the priority of Direct Food Sales. This refers to opportunities for small-scale urban farmers to sell their produce directly to the public. The specific action is *"Investigate bylaw issues related to food sales on private property and community gardens."*

In Zoning By-law Z-1, Household Sales (or Garage Sales) are permitted in association with any dwelling unit for two days per year, not to exceed two days in duration. In discussions with By-law Enforcement, it was determined that no changes to the by-law would be required to allow the sales of produce grown on the property because what can be sold at a Household Sale is not defined, in other words, direct sales of food is permitted up to two times a year. There is concern, however, that the limitation of only two sales per year would not be consistent with the broader initiative to support direct food sales on private property, as the wide variety of what could be grown and sold from a private garden could likely span more than two occurrences a season. It is recommended that staff initiate an amendment to the zoning by-law that would allow the direct sales of food from a property on more than the current limitation of two sales events per year.

The Urban Agriculture Steering Committee is currently preparing a "How-to-Guide" for urban agriculture, and this guide could inform residents of the current opportunity to sell food produced on their property two times per year, and note that this limitation is being reviewed by staff.

Another opportunity identified in the actions relates to the sale of produce from community gardens. In reviewing this opportunity, it was determined that the sales of produce from community gardens would be inconsistent with the community garden principles and guidelines. Guideline #1802 states that it is prohibited to *"sell produce or flowers from the garden; however they may be traded or exchanged with other Gardeners."* It is intended that there can be informal sharing of food between growers for individual use and consumption. These garden plots are individually used and are intended for personal use, not retail or commercial use.

An additional opportunity to allow the sales of produce on a temporary basis that was identified was in city-owned parks. Part 4.1 of the Parks and Recreation Area By-law PR-2 describes "Activities prohibited-subject to approval". Among those activities, it is

prohibited to “*sell refreshments or other merchandise to the public;*” without approval. Approval can be granted from the Managing Director – Parks and Recreation, or a designate, taking into account a number of factors. Each request is considered on a case-by-case basis. As the temporary sales of agricultural products could be permitted in city parks subject to approval, no amendments to the by-law would be required. It is recommended that the process to seek approval for temporary sales in parks be included in the “How-to-Guide” described above.

## 2.0 Farm Gate Sales

There are currently over 30 farms in the Middlesex/London area that sell directly to consumers. In London, this occurs in agricultural areas that are both zoned and designated to permit agriculture, and are defined in Zoning By-law Z-1 as “Farm Markets”. This is a permitted use in the Agriculture (AG) Zone, specifically the AG1 and AG2 zone variations. Within the London Urban Growth boundary there are no lands zoned Agriculture (AG) to permit agriculture. A new defined use that would allow farm market uses on lands that are not zoned to permit agriculture is proposed. As there are no agriculturally zoned lands within the Urban Growth boundary of London, and to support the implementation of the Urban Agriculture Strategy, it is necessary to identify “urban” zones where farm market type uses would be permitted and would not require a zoning by-law amendment to permit the use. The current zoning by-law amendment fee is \$11,000, which is cost prohibitive for small scale growers and food distributing organizations.

### New Definition

Farm Markets and Farm Food and Products Market are both defined terms in Zoning By-law Z-1, and allow a scale and a range of goods available for sale greater than what is envisioned for a similar use within the urban are of the City. As previously noted, these uses are only permitted in the Agriculture AG1 and AG2 zones.

The definitions for both uses are:

"FARM MARKET" means the use of land, buildings or structures for the purpose of selling fruit and vegetables to the general public. The fruit and vegetables sold in a farm market must be grown exclusively by the operator on the property owned by the operator of the said farm market. For the purposes of this definition it does not include a Farm Food and Products Market.

"FARM FOOD AND PRODUCTS MARKET" means a retail store located on a farm, where farm food, fruits and vegetables, meat and dairy products, and handicraft products are sold, a portion of which are produced and/or processed on the farm. The market may include the processing of farm food, a portion of which are produced on the farm, into finished food products. An eat-in restaurant, ancillary to the permitted market use may also be permitted to a maximum 15% of the gross floor area on the site.

The current “Farm Market” use requires that the operator on the property sell the goods produced on that farm, and could be interpreted to mean the owner. Conversations with the Urban Agriculture Steering Committee indicated that the lands may not be owned by the persons selling the agricultural products; they may be leased or given permission by the owner to grow and sell on the property. The recommended definition is intended to allow small scale retail sales on lands that do not need to be owned by the operator, and to distinguish this use from the larger-scale use permitted in agriculture zones.

The recommended new Farm Gate Sales use is defined as:

“Farm Gate Sales” means the use of land, buildings or structures for the purpose of selling agricultural products grown on the property to the general public. This small-scale farm market may or may not have structures in which to sell the products. For the purposes of this definition, Farm Gate Sales does not include a Farm Market or a Farm Food and Products Market.

### **Zones to Permit Farm Gate Sales**

As previously noted, Farm Markets are already a permitted use in Agricultural (AG) Zones, but there are no properties zoned Agriculture (AG) within the Urban Growth boundary and none within the developed urban area of London. The Urban Reserve (UR) Zone, a zone which permits existing uses plus some low impact uses, could also permit these uses. The Urban Reserve (UR) Zone is applied to lands within the Urban Growth Boundary.

The Urban Reserve (UR) zone is generally used as a “holding zone” in advance of the redevelopment of a parcel. Agriculture and associated retail sales are appropriate interim uses for these types of lands, as there are no significant structures associated with the use, and farming makes use of the land as an alternative to leaving it vacant. Many of the lands zoned Urban Reserve are actively farmed, and the addition of the Farm Gate Sales use would provide the same opportunity for these lands as exist in agricultural lands outside the Urban Growth Boundary. The recommended amendment is to add Farm Gate Sales as a permitted use to the Urban Reserve (UR1) Zone.

### **21 Norlan Avenue**

This site is located within the Urban Growth Boundary, and is currently the location of Urban Roots, an active urban agriculture operation. This site has been identified by the Urban Agriculture Steering Committee as an example of type of use supported and contemplated by the Urban Agriculture Strategy. The lands are currently zoned Open Space (OS1), which does not permit farm gate sales. As the recommendation of this report is to permit farm gate sales as a permitted use in the Urban Reserve (UR) Zone, this amendment would not allow farm gate sales as a permitted use at this location.

The operation is not within or close to a residential area, and is surrounded by a hydro corridor, park land and floodplain lands. In order to permit agricultural sales at this location, a zoning by-law amendment would be required. In order to permit the farm gate sales use on these lands, a city-initiated zoning by-law amendment will be brought forward for consideration at a future public participation meeting before the Planning and Environment Committee.

Staff and the Urban Agriculture Steering Committee have not identified any other existing urban agriculture uses within the Urban Growth Boundary.

## **3.0 Conclusion**

The recommended amendments are appropriate and implement actions identified in the Urban Agriculture Strategy to make locally grown fresh food readily available to the general public.

<b>Prepared by:</b>	<b>W.J. Charles Parker, MA Senior Planner – Planning Policy</b>
<b>Submitted by:</b>	<b>Gregg Barrett, AICP Manager, Long Range Planning and Sustainability</b>
<b>Recommended by:</b>	<b>John M. Fleming, MCIP, RPP Managing Director, City Planning and City Planner</b>
<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</b>	

November 11, 2019

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Appendix A

Bill No.(number to be inserted by Clerk's Office)  
2019

By-law No. Z.-1-19\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to add a new definition of Farm Gate Sales and add Farm Gate Sales as a permitted use in the Urban Reserve (UR) Zone.

WHEREAS the City of London has applied to make amendments to Zoning By-law Z-1 as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Section 2 (Definitions) of Zoning By-law Z-1 is amended by adding the following new definition;

“Farm Gate Sales” means the use of land, buildings or structures for the purpose of selling agricultural products grown on the property to the general public. This small-scale farm market may or may not have structures in which to sell the products. For the purposes of this definition, Farm Gate Sales does not include a Farm Market or a Farm Food and Products Market.

- 2) Section 49.2 1) of the Urban Reserve (UR) Zone is amended by adding the following additional permitted use to the current range of permitted uses;

) UR1

\_ ) Farm Gate Sales

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

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on November 26, 2019.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – November 26, 2019  
Second Reading – November 26, 2019  
Third Reading – November 26, 2019

## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 16, 2019 and posted on the City website on May 14, 2019.

As part of the public review process we met with the Urban Agriculture Working Committee on December 7, 2018, February 15, 2019 and September 17, 2019. That Committee was established to implement the Urban Agriculture Strategy at a “grass roots” level.

Other than comments from the Committee no other replies were received.

### **Nature of Liaison: Allow Farm Gate Retail Sales on Lands Not Zoned Agricultural.**

The purpose and effect of this zoning change is to possibly add a new definition and/or add new permitted uses to various zones to allow the retail sale of urban agriculture products on non-agricultural lands. This is one of the initiatives identified in the Urban Agriculture Strategy adopted by Council in November 2017.

**Responses:** Two respondents requested further information.

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.1 PUBLIC PARTICIPATION MEETING – Allowing “Farm Gate Sales” on Lands within the Urban Growth Boundary (Z-9060)

- *Mayor E. Holder asking a couple of questions if he can; asking staff what is the big driver, what is really compelling this initiative to go forward, we obviously have retailers out there, farmers who retail through Covent Garden Market, through various chains and through their own distribution systems, what is driving this initiative here at this time.); Mr. C. Parker, Senior Planner, indicating that one of the objectives of the Urban Agriculture Strategy is to make food more accessible to people so right now they would have to grow their food, take it to a market somewhere else in the city and sell it there but the Strategy actually says make it more accessible to people, have it in more of a neighbourhood type of function where you can sell food in the neighbourhood and actually grown on the property so it is just to make it more accessible to people; (Mayor E. Holder indicating that he is not sure what making more accessible means, he is not trying to suggest this is a bad idea, but he is trying to understand how is food not more accessible, there is various, except for Downtown, where we do not have a retail location, how is food not accessible throughout the city with the various retail locations that they have, his sense is that you mean something more than just that because he is a little bit confused by that comment that food is somehow not accessible, is there something beyond that that you are saying, can you help clarify that for his understanding, please.); Mr. J.M. Fleming, Managing Director, Planning and City Planner, stating that an Urban Agriculture Strategy was brought to Council and Council approved the Strategy, it was a fairly extensive public consultation process and what people expressed is that they wanted to grow food in their neighbourhoods and wanted the opportunity to be able to sell it in their neighbourhoods as well; there is a series, out of that Urban Agriculture Strategy, there were a series of initiatives or actions that they indicated that they would follow and that schedule of things was approved by Council so this is one of those things as Mr. C. Parker, Senior Planner, pointed out, they have a Steering Committee which is made up of members of the community who are very heavily involved in this urban agriculture drive and they are also helping them move things forward in priority and this is one of the priority items; they also have, as Mr. C. Parker, Senior Planner, pointed out a really good example of an urban farm that is inside the urban growth boundary on urban reserve lands and there is an obstacle right now, that is really what this is, is removing a barrier which is currently the Zoning By-law where somebody cannot sell food that they are growing on their urban farm in the urban growth boundary; finally, because there are a number of initiatives here, one of them is being able to sell food that you grow in your garden, they also know that food is a great community binder so it is not just about community access to food in the way that a supermarket is, but people in the neighbourhood growing food and being able to sell it legally on their driveway as part of a community type of event is something that they did not want to get in the way of and removing those barriers; (Councillor A. Hopkins reminding the Planning and Environment Committee that these are technical questions for now.); (Mayor E. Holder indicating he will keep it technical because it seems like they are looking at one situation in particular and trying to formulate a whole policy around that which respectfully he gathers has certainly been dealt with to some degree but a couple of questions; one is to do with consumer safety, he would say to the Committee that as a family who has a bakery and a retail outlet and the Middlesex-London Health Unit certainly pays a lot of attention to all retail establishments from a health and safety concern standpoint, to what extent would staff be concerned about how issues around health and safety of the products that are being sold be dealt with since this is what we are trying to deal with now.); Mr. C. Parker, Senior Planner, responding that on the Urban Agriculture Working Committee they have a member of the Middlesex-London District Health Unit on that Committee to advise them of any health concerns; (Councillor A. Hopkins interrupting, she is not sure where the question is going but she just wants to remind the Committee that there is a Committee member here that may have to, depending on where this conversation goes, recuse himself, does she have that right, Councillor Turner.); (Councillor S. Turner responding that he is an employee of the Middlesex-London Health Unit and food inspection is within his portfolio and in past he has recused in certain circumstances, in this circumstance, since the item in the agenda has not mentioned the Middlesex-London Health Unit he has not declared a pecuniary interest, he will continue to watch the conversation if there is a pecuniary interest; the definition of pecuniary means that it might financially benefit or be disadvantaged as a result of discussion and he does not think that they are in that situation right now but he would just ask that we treat that sensitively if*

we could.); Mr. J.M. Fleming, Managing Director, Planning and City Planner, pointing out that this is not processed food, this is actual product that is grown on the property so there is a distinction there; (Mayor E. Holder indicating that he is not sure what the distinction is between food that is sold at Covent Garden Market which comes out of whatever process that that is and that is not processed food, that comes out of the ground.); (Councillor A. Hopkins reminding the Mayor that they are at technical questions right now, the technical question is.); (Mayor E. Holder trying to stay on that but he is finding that when staff brings back to a different issue he is trying to respond to the issue that they have brought up, he would rather stay with the technical points hence why he was asking if one Inspector, does staff feel that is sufficient for the health and safety of Londoners to deal with this consumer product will exclude the Health Unit or any other process but is there sufficient inspection and he would ask what the technical liability would be since they have given permission for this to happen if someone was to get sick or lodge a complaint as a result of food that was purchased in the driveway of some urban dweller, he would like to get a sense of that, please, from a liability standpoint; (Councillor A. Hopkins the first question being is there sufficient inspection, is one Inspector enough, and then the liability if something happens.); Mr. J.M. Fleming, Managing Director, Planning and City Planner, responding that what Mr. C. Parker, Senior Planner, was saying not that there is an Inspector that was to be inspecting what is going on with respect to this initiative, it was just somebody that was on the Steering Committee that can provide intelligence to the group with respect to health and safety issues; there are farm gate sales throughout the city in many different forms already and as Mr. C. Parker, Senior Planner, said it is not uncommon to see those by the side of the road in the agricultural area; part of this initiative is simply to allow for it within the urban reserve designation where currently there is a barrier and you cannot; with respect to the smaller pieces, his understanding is, you will see, at certain places throughout the city there are Hawkers and Peddlers, he believes is the licensing term, where people sell fruits and vegetables and flowers and those sorts of things and with the same sort of he would suggest health and safety type of issues that would go along with what we are proposing here so his sense, from what he has heard from the work that his team is doing there are no issues from a health and safety perspective of selling this kind of produce, as he said it is not processed food where, for example, if they are preparing food and making relishes and those sorts of things and there is a whole series of health and safety type of issues that do require attention that are separate from selling in this way; (Mayor E. Holder, that response does not give me as much confidence because certainly with Hawkers and Peddlers licenses to use that term, you know where they are because they have actually applied for a license although, from time to time, he can tell you from flowers and other products, flowers are not consumable, just so you know we at least know where they are supposed to be where as if you want to follow up where is if someone chooses to sell produce at the end of their driveway we do not necessarily know when those happen unless by inspection and he is not confident that we have or want to get that kind of reinforcement of inspection but a separate question may be and you will tell me if this is a technical question but he knows when he thinks of Trails End and he thinks of the Western Fair District Farmers Market and he thinks of Covent Garden those people for their purpose not only of licenses but they pay taxes as well, is that the intent of this as well, that is there any thought that these people would pay any form of tax on this or is this just independent of all of that process.); (Councillor A. Hopkins reiterating that the technical question is are taxes applied to the sales.); (Mayor E. Holder, you are very articulate Madam Chair and he thinks she said it better than me.); Mr. J.M. Fleming responding that they would leave that to either if we are talking about provincial tax, for example, to those that apply it and similarly, with respect to municipal taxes, if we are talking about real estate values that would be done through the typical assessment; (Councillor A. Hopkins so this amendment does not apply to any taxes.); (Mayor E. Holder, final comment relating to this and then he thinks he has got it.); (Councillor A. Hopkins, if I may, just keep it to technical questions for now we can always have follow up with comments later.); (Mayor E. Holder, fair enough; he asked the question earlier with respect to consumer safety and the health and safety concerns that are put upon retailers that are not put upon these individuals and his concern from a technical standpoint is that that is not being observed in this case.).

- (Councillor P. Squire, thinks this is a technical question so what he thought he heard in the presentation was that if someone is in a residential area, growing tomatoes and stuff in their backyard, that there is some limit to them only being able to sell twice a year from that residential property; then he heard from Mr. J.M. Fleming, Managing Director, Planning and City Planner, what he thought was something different which is we do not want to stop people in residential areas from having an event or selling produce from their house so what he wants to know is, the phone calls that he receives about this and surrounding this technical question, he did get complaints from people who are saying look people are having farm sales on their driveway every weekend, every Saturday they are selling produce on their driveway; if all that produce comes from their own garden in their house can they do that every weekend.); Mr. J.M. Fleming, going to attempt to answer it and he does not think he is doing Mr. C. Parker, Senior Planner, any favors but he is going to try anyway; so the report identifies three different areas, one is farm gate sales and what is being discussed there is or large scale type of sale of produce which you will see in the agricultural area fairly regularly but is not allowed in the urban reserve zone so he is not talking about necessarily residential areas, he is talking about urban reserve so that is sort of the first item there, that is the urban farm where there is a regular sale of the produce from the farm on the site of the farm in the urban reserve zone; the second is in parks, neighborhood parks, so this is opening up the opportunity for more sale of produce that is grown by neighbours in their park spaces again, this is something that is seen as the Urban Agriculture Strategy suggested there is a great opportunity for food to be a social binder and something bringing people together, for people to be growing produce in their yards and come together in the neighbourhood park and sell it to their neighbours, it is seen as a very positive thing from a community perspective and then the third is with respect to people selling food on their driveway a little bit like your garage sale and right now there are already provisions in place that allow you to have a couple of garage sales a year and what they are saying is that may be too onerous in terms of selling food and so they are trying to eliminate that regulation by saying if you are selling food that you grew in your own yard, you can do that on your driveway without encumbrance in terms of the Zoning By-law views and with respect to all of the other health regulations that would be, those are regulations that we are not dealing with from a planning point of view, they would be as they are right now through the appropriate channels that regulate health and safety of food.); (Councillor P. Squire, just to clarify, is that one of the amendments that is coming before us today, to change it from you can only sell from your driveway twice a year your tomatoes in your backyard or whatever that might, he likes tomatoes so he keeps mentioning them or is that something we are going to look at possibly in the future because he is not sure people realize if it is coming right here today he is not sure people realize that.); Mr. J.M. Fleming, Managing Director, Planning and City Planner, indicating that it is not today, Mr. C. Parker, Senior Planner, was indicating there are a couple of amendments that are coming, one is very soon which is the farm gate sales, the larger one he thinks that was the next cycle of the Planning and Environment Committee and the question as you said of changing the regulations around selling food on your driveway, for example, that is something that is not here today and there is a process that they are looking for direction to get that going and we will have our normal process and engage the public on that before we come forward with that; (Councillor P. Squire, thank you; that makes it quite clear for him.)
- Carter McCrindle, 181 McMaster Drive - stating that his question was everyone seemed to be really concerned about with we do health and safety inspections if we are going to start selling this more; advising that he is a little uninformed so he is wondering if we do health and safety inspections already on the current sales like two times a year when you sell tomatoes from your own home in your own garden; (Councillor A. Hopkins we will follow up with the answer to your question but you can continue with your comments.); you just want to know like how he feels about this; (Councillor A. Hopkins please, yes.); he does not know, it seems like a pretty good idea; feels like it gives a good chance to farmers to make more money, they can sell

more products if they are going to be putting their livelihood in to you know producing all these things every day they might as well be able to sell them more often in an easier way to people right away; that is really all he has to say on the matter; appreciates the chance.

- Jeremy Horrell, Board Member, Urban Roots London - the not-for-profit farm that currently is in the City of London and so what he encourages you to think about is when you look at farm gate sales he heard a lot about markets, markets are a place you can go to buy local food, what about experiencing your food and he thinks that there is a connection that the community has lost often with experiencing their food and having an urban farm and having farm gate sales as an opportunity for people to come congregate, gather around food and experience that connection to the land, to other people, and to affordable food is really important.

- Jeff Lucas, 85 Wilson Avenue, Blackfriars - advising that he grew up in London and has been away for forty years and he moved back about four years ago when he retired; he got really excited when the Urban Agriculture Conference was put on and, from that, the round table talks through the Urban Agriculture Strategy; he has been involved with farming and gardening for as long as he knows, his grandparents had farms; he has been involved in a lot of community gardens and started them and farm garden programs at different schools that his children went to; when he came back here he got involved with Urban Agriculture and we have a group of us that are trying to start a group of Friends of Urban Agriculture London that came out of that Conference and they have been meeting for the last two or three years; he put forward his name to be on the Urban Agriculture Steering Committee and he thinks they have done a lot of good work in the short time that they have been there and gone through a few planners so he thinks it is the important to this and to back up Jeremy's comments that, you know, we think we know where our food is coming from if we buy it even in the market or store and he just came a little bit late but he heard the health and safety concerns and if you look at all the problems that we have had, we have processed food whether it is even fresh greens and packaged meat or whatever, he means it is just that people have to take personal responsibility he thinks and not rely so much on inspection right and he knows there is a cost to the that so he is not too worried about that; he always sources out a farm or wherever he buys and he has always belonged to, if he has not grown his own food and he has to supplement it, it is called CSA, Community Shared Agriculture, where he buys a share and he helps support the farmer and/or gardener with the upfront cost and since she he came back he was at Blackfriars for a couple of years in an allotment garden but he belongs to community gardens which he finds again we share, that has been talked about, it just creates a whole different dynamic, whether you have a pot luck or you are helping people grow their food or learning how to grow different things and he thinks that is really important here and you know we talk lots in these Conferences about food deserts or whatever and he knows many gardeners that donate some of their food whether it is to the Food Bank or some of the food boxes that go out so he just thinks it is very important to keep this going and to spread that; his last comment is that he joined a group that we are starting an initiative, it will be the first self-managed community garden which would take the burden of the city because you know there is approximate twenty community gardens now and they can only start maybe one a year because the soil testing and all the upfront cost and then getting the soil prepared so we took on the project in West Lions beside the food forest that has been there a couple years and they are just getting the soil ready but it is exciting that you know, again, from the ground and to help show people what can be done and again to take some of the financial burden off the City and we still do all the things, you have to start with good soil to get good food and he just hopes that people can, because we need to supplement because it takes money every year to run a garden whether it is to seed or to mulch or whatever have you so it is important he thinks that they are allowed to do that and you know if there has to be some sort of inspection or some oversight they are totally open to that but the process to get bogged down just because of health and safety; he knows a lot more people get sick from food that has been inspected than from food that has not been inspected.

- Jessica Cordis, Deveron Crescent in Pond Mills – advising that in the last two years she has really become interested in urban agriculture and in my first dive into urban agriculture in London she found in 2017 that the Strategy had come out so since then she has been following this issue pretty closely; in the past two years growing her own garden she has been able to provide almost all of my own vegetables over the course of the Summer and into the Fall even eating a lot of preserved and frozen foods so kind of echoing what some of these other folks have said about the connection to the food that comes from urban agriculture practices; she thinks it is really key to understand that we are talking about more than just growing and selling food, we are also talking about building skills, building resiliency and let us not leave climate change out of the conversation because she thinks that a strong urban agriculture strategy and a strong local food system is absolutely critical to addressing climate change to mitigating its impact by enhancing our soil, by improving biodiversity and further, there is tons of benefits and the social side, building community, the social connections, the job skills that come from these types of grassroots projects that we have seen like the Urban Roots and the Wood Street Food Forest to name a couple in the city; she is really looking forward to seeing what comes about with that garage sale type of sales because she has far too much produce on her hands and it would be nice as an urban farmer to be able to sell a little bit of that, make a small profit; she does not think many folks in the city are looking to have urban agriculture become like a main source of income but she thinks it is a nice way to connect people enter a small income on the side.

**From:** Adam Williams

**Sent:** Monday, October 21, 2019 3:09 PM

**To:** Lehman, Steve <[slehman@london.ca](mailto:slehman@london.ca)>; Lysynski, Heather <[hlysynsk@London.ca](mailto:hlysynsk@London.ca)>

**Subject:** [EXTERNAL] Comments Regarding Agenda Item for Tonight's Public Meeting

To:

Ms. Heather Lysyinski  
Committee Clerk  
Planning and Environment Committee

And

Mr. Steve Lehman  
Councillor Ward 8

Re: Agenda Item For Tonight's Meeting Relating to the Sale or Distribution of Farm Food on Lands Not Zoned Agricultural

Dear Ms. Lysynski and Mr. Lehman,

As a resident in Ward 8, I am writing to express my support of a proposal of the Urban Agricultural Strategy adopted by Council in 2017, File Z-9060. I understand that this proposal will be discussed tonight, however I am unable to attend due to childcare commitments. I would appreciate if these comments would be considered during the discussion in my absence.

It is my understanding that regarding farm food distribution on lands not zoned agricultural, "The purpose and effect of this zoning change is to possibly **ADD** a new definition and/or **ADD** new permitted uses to various zones to allow the retail sale of urban agriculture products on non-agricultural lands. "

I am a member of an organic agricultural co-operative called HOPE Triple Cord CSA, which is based near Aylmer, and currently distributes food in London. I understand that this practice is not protected by law and that the co-operative is therefore vulnerable to being prohibited from delivering food in London.

My family purchases a share in the farm at the beginning of the season, and in return we receive a box of harvested food each week throughout the growing season. This is a highly beneficial undertaking that should be protected by bylaw for the following reasons:

- It supports the most environmentally sustainable form of food production: organic production that is consumed locally
- It supports a regional enterprise (in the case, and Amish co-operative farm enterprise)
- It is consistent with London's efforts to establish itself as a regional food hub
- It provides an easy source of the healthiest and freshest food available to my family

- It allows my family to be able to afford to purchase organic produce at a very reasonable price

The program works by allowing the farm to deliver the food to a residence in London, to which members such as myself drive (and carpool) to retrieve the food. It is one of the simplest, healthiest and most sustainable ways to purchase food.

I was surprised to learn that this practice is not supported by law in the City of London, and I am pleased that it is now being considered. I urge you to promote the protection of this practice in City bylaw to help ensure the continued supply of fresh, local, and affordable food within the City of London.

Sincerely,

Adam Williams  
595 Sherene Terrace  
London, ON N6H 3J9



**Middlesex London Food Policy Council**

Paul Shand, Chairperson  
London, ON

November 4, 2019

**By E-mail:** [cparker@london.ca](mailto:cparker@london.ca)

**City of London**

City Planning Department  
Attn: Chuck Parker  
206 Dundas Street  
London ON N6A 1G7

Dear Mr. Parker:

**Re: Zoning By-Law Amendment, File Z-9060**

Please accept this letter of support for the proposed by-law amendment known as File Z-9060. Please also provide this letter of support to the City of London Council.

The Middlesex London Food Policy Council (MLFPC) envisions a community that sustains a healthy, safe, equitable and ecologically responsible food system for the nourishment of all our residents. We work to improve food systems, to stimulate economic development, increase environmental sustainability and promote social justice within Middlesex County and the City of London.

The MLFPC are volunteers from throughout the food system, including members representing: local government; local Indigenous groups; rural and urban farmers; education and research institutions; food service, distribution and processing; and youth. The London Food Bank and the Middlesex London Health Unit provide coordination and trustee support through ex-officio members.

The Middlesex-London Food Policy Council supports the proposed by-law amendment known as file Z-9060. As part of our mandate to improve local food systems, we will advocate for regulatory changes that encourage our community to engage in activities like urban agriculture, which can be part of healthy and vibrant local food systems. The proposed amendments outlined in File Z-9060 appear to be supportive of urban agriculture activity in London and could serve to increase access to local produce. We look forward to continued action by the City of London to promote urban agriculture and to generally support local food systems, to stimulate economic development, increase environmental sustainability and promote social justice within the City of London.

Sincerely,

A handwritten signature in black ink that reads 'Paul Shand'.

Paul Shand, Chairperson

**Middlesex London Food Policy Council**

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

[info@mlpc.ca](mailto:info@mlpc.ca)

## Report to Planning and Environment Committee

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

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

**Subject:** 9398562 Canada Inc.  
2498, 2500, 2510 Main Street

**Public Participation Meeting on: November 18, 2019 at 4:00 PM**

## Recommendation

That, on the recommendation of the Director, Development Services, with respect to the application of 9398562 Canada Inc. relating to the property located at 2498, 2500, 2510 Main Street, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on November 26, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Business District Commercial (BDC) Zone, **TO** a Business District Commercial Special Provision (BDC (\*)H10\*D60) Zone.

## Executive Summary

### Summary of Request

The requested amendment is to rezone the lands from a Business District Commercial (BDC) Zone to a Business District Commercial Special Provision (BDC (\*)H10\*D60) Zone to permit a mix of retail, restaurant, neighbourhood facility, office and residential uses located along pedestrian-oriented business district with a special provision to include townhouse units with a maximum height of 3 storeys (10m), a maximum mixed use density of 60 units per hectare, and a minimum of 61 parking spaces for all uses on the property.

### Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to permit one (1) two-storey retail/office building and two (2) three-storey townhouse buildings consisting eight (8) dwelling units in each building for a total of sixteen (16) dwelling units

### Rationale of Recommended Action

1. The requested amendment is consistent with the policies of the 2014 *Provincial Policy Statement* that encourage efficient development and land use patterns, the identification of appropriate locations for mixed use intensification and re-development, and facilitate compact forms of development.
2. The requested amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Business District Commercial policies as it directs the Commercial/Office uses along the Main Street frontage and townhouse uses to the rear yard.
3. The requested amendment conforms to the in-force policies of The London Plan, including but not limited to Main Street Place Type policies as it is a coordinated and comprehensive application for intensification.
4. The requested amendment is consistent with The London Plan, Main Street Place Type policies as it will permit intensification in a mix used form and discourages intensification in a low density residential form.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject lands are located on the south side of Main Street, east of Colonel Talbot Road.

Current Planning Information (see more detail in Appendix C)

- Official Plan Designation – Main Street Commercial Corridor
- The London Plan Place Type – Main Street
- Southwest Area Plan- Main Street- Lambeth North
- Existing Zoning –Business District Commercial (BDC)

#### 1.2 Site Characteristics

- Current Land Use – 3 single detached dwellings
- Frontage – 51 metres
- Depth – 105 metres
- Area – 4.8 hectares
- Shape – rectangular

#### 1.3 Surrounding Land Uses

- North – Commercial
- West – Commercial
- East – Commercial
- South –Single detached dwellings

#### 1.4 Location Map



Figure 1- Location Map

## 2.0 Description of Proposal

### 2.1 Development Proposal

The proposed concept plan for the site illustrates one (1), two-storey retail/office building and two (2), three-storey townhouse buildings consisting of eight (8) dwelling units in each building for a total of sixteen (16) dwelling units.

The proposed site concept plan (included in Figure 2) and preliminary building concept and elevations incorporate the following elements:

- Mixed use commercial and office building located along Main Street.
- Townhouse uses are located in the rear yard.
- The parking is situated in the rear yard,

## 3.0 Relevant Background

### 3.1 Proposed Site Concept Plan

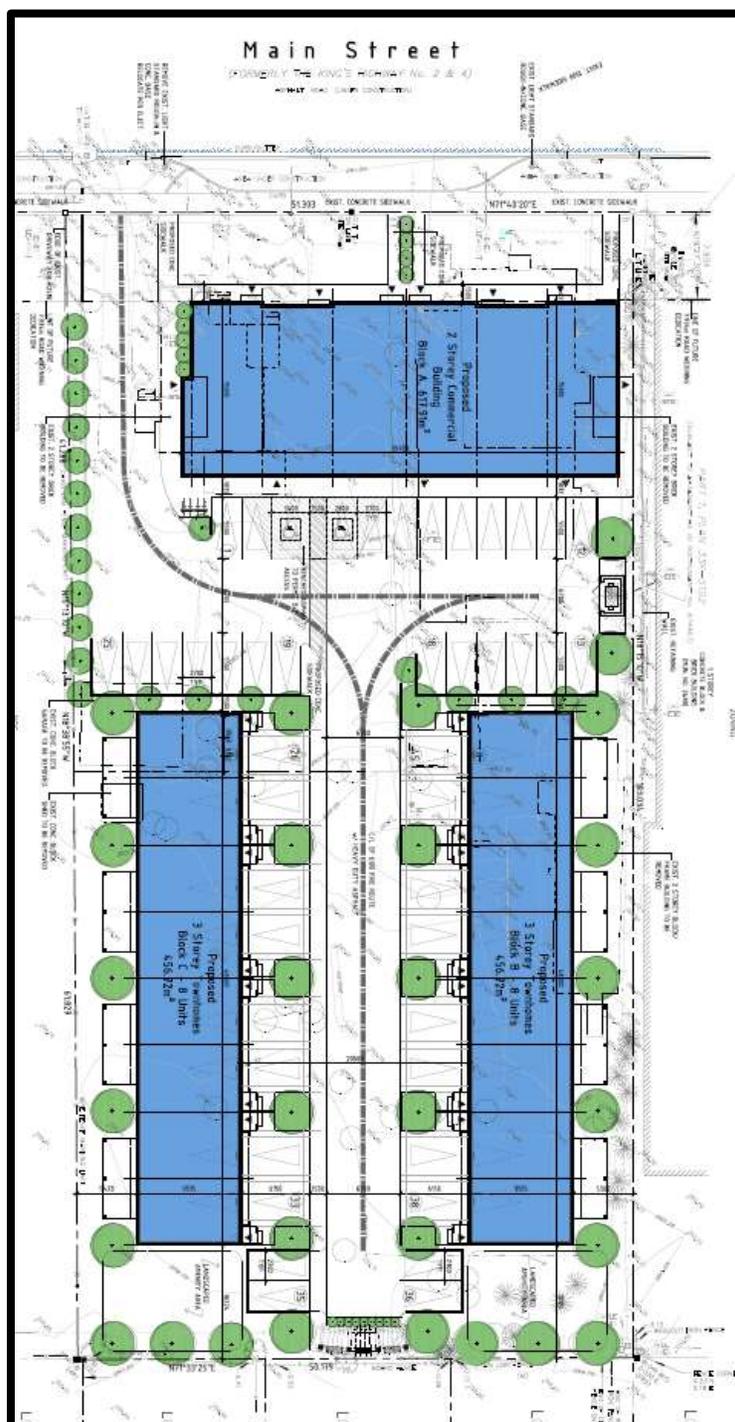


Figure 2- Proposed Site Plan

### Proposed Elevations

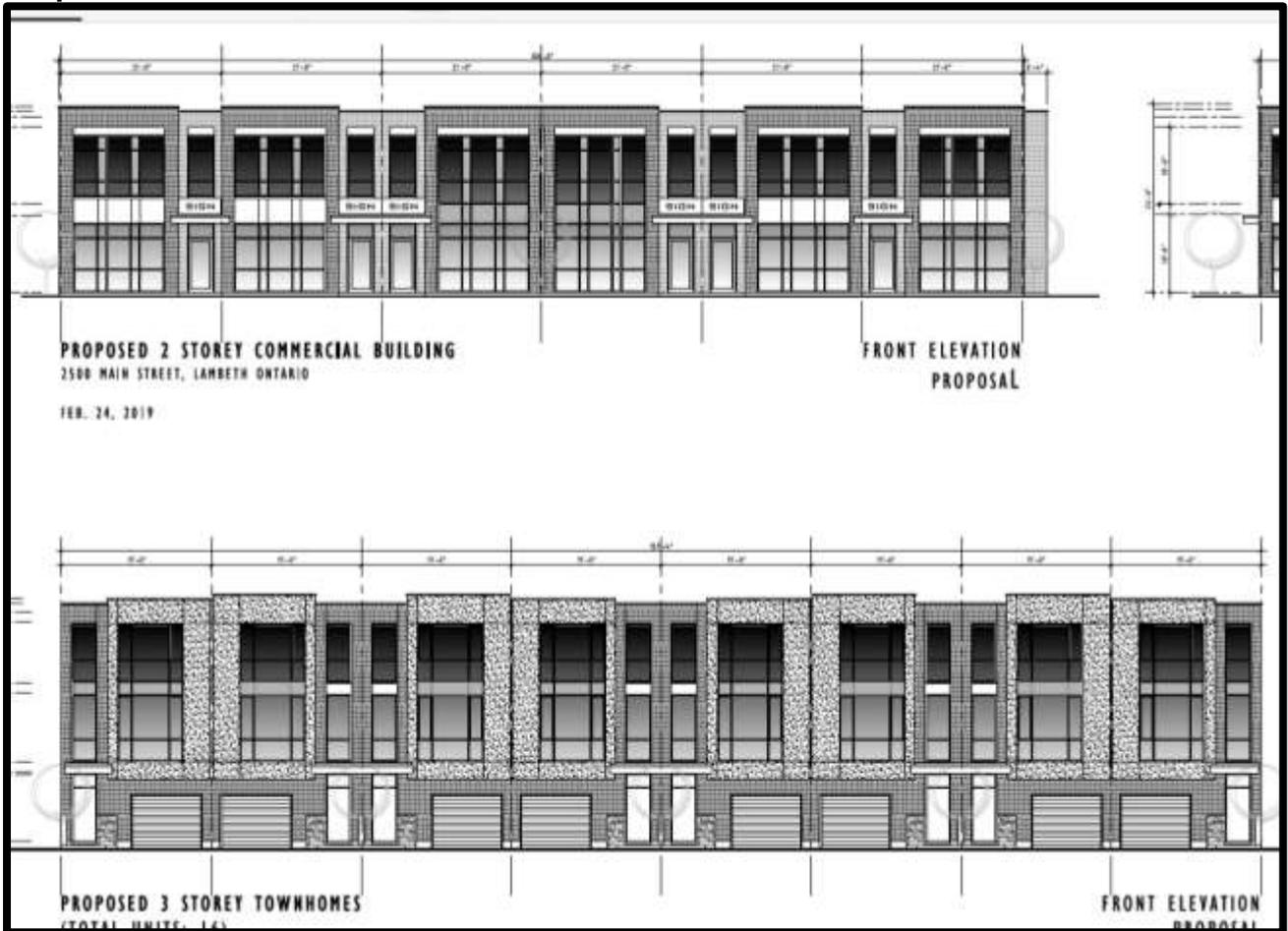


Figure 3- Office Commercial and Townhouse frontages

### Rendering – Commercial/Office Building Frontage on Main Street



Figure 4- Commercial/Office frontage

### Rendering- Townhouse Building in Rear of Property



Figure 5- townhouse frontage

### 3.2 Requested Amendment

The Applicant has requested to amend Zoning By-law Z.-1 from a Business District Commercial (BDC) Zone **TO** a Business District Commercial Special Provision (BDC (\*)H10\*D60) Zone to permit a mix of retail, restaurant, neighbourhood facility, office and residential uses located along the pedestrian-oriented Main Street in the business district with a special provisions to include townhouse units with a maximum height of 3 storeys (10m) a maximum mixed use density of 60 units per hectare, and a minimum of 61 parking spaces for all uses on the property.

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

One written response was received by the public.

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

#### **Provincial Policy Statement, 2014**

The *Provincial Policy Statement, 2014* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is more than a set of individual policies. It is intended to be read in its entirety and the relevant policies are to be applied to each situation.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification, redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

1.3.1. Planning authorities shall promote economic development and competitiveness by encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities.

The PPS supports infill, intensification, and a mixed use development. The City of London has fulfilled the guidelines of the PPS by identifying and encouraging opportunities for

mixed use intensification in appropriate forms and in appropriate locations. The proposed intensification at this location meets the intent of the policies of the PPs.

### **Southwest Area Plan**

Development in the Lambeth Village Core shall be designed in a form that is to be compact, pedestrian oriented and transit friendly. Mixed-use development will be encouraged.

This designation is intended to allow for the continuation of the existing “mainstreet” development pattern, while allowing for a transition from the Main Street to the internal portions of the community. Mixed- use buildings will be encouraged while stand-alone residential uses will be permitted. (20.5.8.1.i))

### **The London Plan**

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). The London Plan policies and maps under appeal to the Local Planning Appeals Tribunal (Appeal PL170100) are not in force and effect and are indicated with an asterisk throughout this report. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

### Visions, Key Directions

58\_7 Practice and promote sustainable forms of development

62\_3 Think “big picture” and long-term when making planning decisions – consider the implications of a short-term and/ or site-specific planning decision within the context of this broader view.

62\_9 Ensure new development is a good fit within the context of an existing neighbourhood.

131\_ Main Streets are some of London’s most cherished historical business areas and the focal points of new neighbourhoods that contain a mix of residential and commercial uses that are established to serve surrounding neighbourhoods. These Main Streets will support measured infill and intensification. Historic Main Streets will be protected from development that may undermine the character and cultural heritage value of these corridors. Urban regeneration efforts will be directed to historic Main Streets as appropriate to sustain and enhance them.

An excerpt from The London Plan \*Map 1 – Place Types is found at Appendix D.

### **1989 Official Plan**

Section 1.2 of the Official Plan contains Council's objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses. While the objectives and policies in the 1989 Official Plan primarily relate to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

The Official Plan provides for the redevelopment of vacant, underutilized or dilapidated properties within Main Street Commercial Corridors for one or more of a broad range of permitted uses at a scale which is compatible with adjacent development. The policies encourage development which maintains the scale, setback and character of the existing uses. Additionally, the policies encourage common parking areas instead of individual access points and individual parking areas and encourage mixed-use development to achieve higher densities and to reinforce the objectives of achieving a diverse mix of land uses.

Section 4.4.1.2 of the City of London Official Plan (89) states the urban design objectives for Main Street Commercial Corridors are;

- i) Encourage the rehabilitation and renewal of Main Street Commercial Corridors and the enhancement of any distinctive functional or visual characteristics;
- ii) Provide for and enhance the pedestrian nature of the Main Street Commercial Corridor;
- iii) Enhance the street edge by providing for high quality façade design, accessible and walkable sidewalks, street furniture and proper lighting;
- iv) Design development to support public transit;
- v) Create high quality public places;
- vi) Maintain and create a strong organizing structure.

More information and detail on applicable planning policy is available in Appendix B of this report.

## **4.0 Key Issues and Considerations**

### **4.1 Use**

The applicant is proposing to construct a 1,235m<sup>2</sup> two storey commercial and office building and two, eight (8) unit three storey residential townhouse buildings. The proposed uses meet the intent of the following policies.

#### Provincial Policy Statement

Healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs. (Section 1.1.1)

#### London Plan

58\_7 Practice and promote sustainable forms of development

908\_ The following uses may be permitted in the Main Street Place Type:

1. A broad range of residential, retail, service and office uses may be permitted within the Main Street Place Type.
2. Mixed-use buildings will be encouraged.
3. Retail and service uses will be encouraged at grade, with residential and non-service office uses directed to the rear of buildings and to upper floors.

#### 1989 Official Plan

Section 4.4.1.4 of the 1989 Official Plan permits the following uses in Main Street Commercial Corridors include small-scale retail uses; service and repair establishments, food stores; convenience commercial uses; personal and business services; pharmacies; restaurants; financial institutions; small-scale offices; small-scale entertainment uses; galleries; studios; community facilities such as libraries and day care centres, correctional and supervised residences; residential uses (including secondary uses) and units created through the conversion of existing buildings, or through the development of mixed-use buildings.

#### Southwest Area Plan

Permitted uses within the Main Street Lambeth North designation, shall permit those uses in the Main Street Commercial Corridor designation of the Official Plan, and the residential uses permitted in the Multi-Family, Medium Density Residential designation of the Official Plan. (20.5.8.1 ii)

The recommended zoning by-law amendment will allow for commercial and office uses in the proposed building fronting onto Main Street. The residential uses will be restricted to the rear portion of the lot. The proposed mixed-use development promotes an

appropriate range and mix of uses that allows for sustainable development of the site. The recommended zoning by-law amendment would allow for uses consistent with the Provincial Policy Statement, The London Plan, the Official Plan and the Southwest Area Plan.

#### **4.2 Intensity**

The applicant is proposing a 1,235m<sup>2</sup> commercial and office building and two, eight (8) unit townhouse buildings. The lot size is approximately 0.5 ha in size. The development of the commercial/office building and 16 townhouse dwellings results in an overall density of 60 units per hectare. The lands are currently zoned Business District Commercial (BDC) which allows for a maximum density of 75 units per hectare. The proposed intensity meet the intent of the following policies.

##### London Plan

910\_ The following intensity policies will apply within the Main Street Place Type:

1. Buildings in Main Street Place Types will be designed to fit in scale and character with the surrounding streetscape, while allowing for appropriate infill and redevelopment.
2. Buildings in the Main Street Place Types that are in new neighbourhoods will fit in with the planned vision, scale, and character of the area.
3. Large floor plate commercial buildings will not be permitted.
4. Buildings will be a minimum of either two storeys or eight metres in height and will not exceed four storeys in height. Type 2 Bonus Zoning beyond this limit, up to six storeys, may be permitted in conformity with the Our Tools policies of this Plan.

##### 1989 Official Plan

Section 4.4.1.7. Redevelopment or infilling of commercial uses within a Main Street Commercial Corridor designation shall form a continuous, pedestrian oriented shopping area and shall maintain a setback and storefront orientation that is consistent with adjacent uses.

The height and scale of office buildings in a Main Street Commercial Corridor designation shall be limited through regulations in the Zoning By-law to a size which is compatible with surrounding land uses. Residential densities within mixed-use buildings in a Main Street Commercial Corridor designation should be consistent with densities allowed in the Multi-Family, High Density and Medium Density Residential designations according to the provisions of Section 3.4.3 of this Plan.

##### Southwest Area Plan

New residential development shall not exceed a maximum density of 75 units per hectare. Building heights shall not exceed three storeys and shall be sensitive to the scale of development in the surrounding neighbourhood (20.5.8.1 iv).

The recommended zoning by-law amendment would allow for the development of a two-storey commercial/office building with a height of 7.5m fronting Main Street and two, three-storey townhouses with a height of 10m in the rear yard. The proposed buildings meet all the Business District Commercial (BDC) zoning requirements for setbacks, lot coverage, open space and height at a density of 60 units per hectare.

The proposed mixed-use development is anticipating that 61 parking spaces will be provided whereas 90 spaces would be required by zoning. The proposed commercial/office building is located along Main Street which will create a pedestrian oriented development. On-street parking exists on Main Street. The proposed residential uses will have 2 parking spaces per unit (one in the garage and one on the driveway) which is consistent with the requirements of the Zoning By-law. All parking is provided in the rear of the commercial/office building. The proposed parking is sufficient for the use and encourages pedestrian use.

The recommended zoning by-law amendment would allow for heights, density and lot and open space coverage that is consistent with The London Plan, the Official Plan and the Southwest Area Plan.

#### **4.3 Form**

The applicant is proposing a two storey office building fronting on to Main Street. Two, eight unit townhouse buildings are proposed to be located in the rear yard of the property. The proposed form meet the intent of the following policies.

##### London Plan

58\_ 5 Manage growth in ways that support green and active forms of mobility.

911\_Buildings should be located at or along the front property line in order to create a street wall that sets the context for a comfortable pedestrian environment. Exceptions may be made where guidelines suggest an alternative form of development along a specific main street.

Surface parking will be located to the rear or interior side yard of a building. Parking facilities will not be located between the building and the street

##### 1989 Official Plan

Section 4.4.1.7 iv) of the 1989 Official Plan states that Main Street Commercial Corridors are pedestrian-oriented and the Zoning By-law may allow new structures to be developed with zero front and side yards to promote a pedestrian streetscape.

##### Southwest Area Plan

The Village Core Neighbourhood is to be a walkable urban mixed-use “mainstreet” with a pedestrian scale. Structures along Main Street and Colonel Talbot Road will be street oriented and of a low to mid-rise height. Public rights-of-way in the Village Core Area will be of a traditional village character, primarily designed to support walking and street oriented retail. Boulevards will consist primarily of hard surface treatment and provide opportunities for landscaping, such as street trees and furniture, to create a vibrant village main street context. (20.8.5 ii))

The recommended zoning by-law amendment would permit a mixed use development with a commercial/office building fronting Main Street and residential townhouses in the rear of the property.

The proposed commercial/office building promotes a walkable mainstreet at a pedestrian scale that supports green and active mobility. The proposed townhouses located in the rear provide a residential form that transition from the commercial/office use to the single detached neighbourhood to the south. The proposed maximum height of 10m and density of 60 units per hectare for the site permits a form of development that meets the intent of the Main Street Place Type, Main Street Commercial Corridor policies, and provides for an appropriate transition into the abutting neighbourhood.

The recommended zoning by-law amendment would allow for a form of mixed use development that is consistent with The London Plan, the Official Plan and the Southwest Area Plan.

#### **4.4 Public Response**

One written comment was received by the public concerning a three story height along Main Street, impact to the traffic on Main Street and construction impact on Main Street.

##### Height

The proposed maximum height for all buildings on the property will be 10 metres maximum. The commercial/office building will be 2 storeys in height and the townhouse units are proposed to be three storeys in height to a maximum of 10 metres. The

proposed 10 metre maximum height will permit buildings that are consistent with the abutting uses.

#### Traffic

The property is located on Main Street is classified as a Main Street in the London Plan. Main Street has approximately 14,000 vehicle trips a day. The proposed development will not have any impacts on the existing condition.

#### Construction

All proposed construction will occur on the site. Any impacts that could/may occur will be fully mitigated through the Site Plan Approval process.

### **5.0 Conclusion**

The requested amendment is consistent with the policies of the 2014 *Provincial Policy Statement* that encourages efficient development and land use patterns, the identification of appropriate locations for intensification and redevelopment, and facilitates compact forms of development

The requested amendment is consistent with the Main Street Commercial Corridor policies of The London Plan and the '89 Official Plan which direct intensification to ensure that character and compatibility with the surrounding neighbourhood is maintained.

The requested amendment is consistent with Southwest Area Plan policies pertaining to Lambeth Village Core which encourage mixed use intensification in medium density residential forms, and encourages street-oriented commercial/office uses.

<b>Prepared by:</b>	<b>C. Smith, MCIP, RPP Senior Planner, 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	

CS/

CC: Michael Tomazincic, Manager, Current Planning

## Appendix A

Bill No. (number to be inserted by Clerk's Office)  
2019

By-law No. Z.-1-19\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone  
an area of land located at 2498, 2500, and  
2510 Main Street

WHEREAS 9398562 Canada Inc. has applied to rezone the lands located at 2498, 2500 and 2510 Main Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 2498, 2500 and 2510 Main Street, as shown on the attached map, from a Business District Commercial (BDC) Zone to a Business District Commercial Special Provision (BDC (\*)H10\*D60) Zone.

2) Section Number 25.4 of the Business District Commercial (BDC) Zone is amended by adding the following Special Provision:

\_\_\_) BDC (\*)

a) Additional Permitted Use

i. Townhouses, restricted to the rear yard only.

b) Regulation[s]

i.) Parking 61 Spaces  
for all uses  
(minimum)

3) 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. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on November 26, 2019

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – November 26, 2019  
Second Reading – November 26, 2019  
Third Reading – November 26, 2019

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



<p>File Number: Z-9105 Planner: CS Date Prepared: 2019/10/02 Technician: RC By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:1,250</p> <p>0 5 10 20 30 40 Meters </p> <p></p>
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## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On September 12, 2019, Notice of Application was sent to all property owners with 120 m of the property. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 5, 2019. A “Planning Application” sign was also posted on the site.

**Nature of Liaison:** The purpose and effect of this zoning change is to permit, One (1), two (2) storey retail/office building and Two (2), three (3) storey townhouse buildings consisting of eight (8) dwelling units each for a total of sixteen (16) dwelling units. Possible change to Zoning By-law Z.-1 **FROM** Business District Commercial (BDC) Zone **TO** a Business District Commercial Special Provision (BDC (\*)H10\*D60) Zone to permit a mix of retail, restaurant, neighbourhood facility, office and residential uses located along pedestrian-oriented business districts which includes townhouse units with a maximum height of 3 storeys (10m) a maximum mixed use density of 60 units per hectare, to permit townhouse uses and a minimum of 61 parking spaces for all uses on the property.

### Responses: One

To whom it may concern;

I'm a resident at 2518 Main St in Lambeth, renting an apartment above the Lambeth Animal Hospital. I am also a small business owner, and I often work in Lambeth and walk or drive along Main St. I've reviewed the Notice of Planning Application for 2498, 2500, and 2510 Main St and wish to submit my comments for consideration.

Though I'm generally not opposed to the further development of this land and would welcome the destruction of the structures currently occupying 2498 and 2500 Main St, I have some concerns about the building plans proposed by the landowner. The sheer volume of construction that would need to take place to build these structures - after a year and a half of street construction on Main St that was meant to take six months - is not welcome. I understand the desire to revitalize the neighbourhood and to draw more people to Main St but exactly how long would this take and how disruptive would it be to those of us living next door? I would request that this be taken into consideration when approving any plans for development.

Additionally, I am also concerned that three story buildings are not in keeping with the character of Lambeth/Main St and are not likely to be welcomed - I have found since moving to the area three years ago that there is quite a bit of pride for the town here, and a strong desire to maintain its unique appeal. Larger buildings are likely to face strong opposition from the community. This also makes me wonder how likely people are going to be to rent the spaces that are planned within the buildings, both commercially and in terms of the planned condo rentals. There are already multiple commercial spaces available on Main St and on Col Talbot that are not being rented, and many businesses that have failed since I moved here - again, only three years ago. I question the wisdom of adding more commercial space to an area that is struggling, let alone three floors of it.

Finally - a parking lot with 60 spaces sounds both unnecessary and potentially problematic. As I'm sure you are aware, Main St is extremely busy and often congested at peak hours. Adding a large business space and large parking lot will only add to these issues. More traffic congestion and cars right next door to an animal hospital is also not ideal, in terms of safety. I understand that parking would be required for any buildings that go up but 60 spaces, in addition to the buildings themselves, will be an extremely tight fit.

As previously stated I am not opposed to the further development of this land; with the exception of the house at 2510 Main St, which has recently been cleaned up, the buildings and land itself have been a trash-strewn eyesore attracting rodents and various safety concerns since soon after I moved in three years ago. It would be a nice thing to not have those worries going forward! However I do hope that the concerns outlined here and submitted by other community members will be taken into consideration as we are the ones who will have to live with the final result. Thank you very much for your work on behalf of our city.

Sincerely,

Melissa Harris  
Barks and Recreation London

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### **Agency/Departmental Comments** Engineering

#### ***Transportation:***

- Road widening dedication of 18.0m from centre line required along Main Street
- Provide a Traffic Management Plan for any servicing, access construction, etc. in the City ROW

#### ***Water:***

- Water is available for the subject site via the municipal 600mm PVC watermain on Main Street.

#### ***Wastewater:***

- The municipal sanitary sewer available for the subject lands is the 200mm sanitary sewer on Main Street. As the Commercial Building and the Residential Townhomes are of dissimilar uses the two 150mm sanitary PDC's in front of the subject lands are to be used independently.

#### ***Stormwater:***

- According to T18-11-04, the site at C=0.70 is tributary to the existing municipal 1200mm storm sewer along Main St. Changes in the C value required to accommodate the proposed development will trigger the need for on-site SWM controls which may include LID solutions.
- 

### Heritage

This e-mail is to confirm that I have reviewed the following and find the report's (analysis, conclusions and recommendations) to be sufficient to fulfill the archaeological assessment conditions for the above ZBA and site plan application (Z-9105 & SPC19-069):

- *Stage 1-2 Archaeological Assessment of 2500-2510 Main Street, London, Ontario* (P344-0308-2019), May 2019.

An Ontario Ministry of Tourism, Culture and Sport (MTCS) archaeological assessment compliance letter has also been submitted, dated June 13, 2019 (MTCS File # 0010827).

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### City of London Urban Design

Urban design staff have worked closely with the applicant through the rezoning process to address the majority of the design concerns that have been raised by the community, the Urban Design Peer Review Panel, and City staff. The applicant is commended for

incorporating the following into the design; Providing for a continuous active street wall along the Main Street frontage, with ground floor commercial uses oriented to the street and office spaces above; Providing for appropriate scale/ rhythm/ materials/ fenestration; Incorporating all of the on-site parking internal to the site, away from the street frontages; Providing for an appropriate setbacks of proposed townhouse units from the residential directly south of the site, and locating an on-site amenity area for residents.

The following comments are related to site and building design that would be further refined through the Site Plan process:

- Ensure that the design of the space between the building and the curb implements the vision of an urban main street, by including wide sidewalks, trees in planters, street furniture, etc... the design of this space will be finalized through the site plan process and will be in keeping with the design created through the 2018 Infrastructure Renewal Project along Main Street.
- Explore opportunities to consider enlarging the pedestrian canopies along the Main Street façade of the building and to revisit the location of proposed signage.
- Explore opportunities to provide more prominence to the double bay of windows to act as a feature or signature element along the streetscape.
- Explore alternative designs for the blank wall (side elevation) of the townhouse building visible from Main Street in order to enhance the elevation with upper storey windows, building articulation and/or landscaping features.
- Provide for a direct walkway to the common amenity area.

Explore opportunities to provide secure bike parking in a location that is highly visible, including some spaces along Main Street.

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#### Urban Design Peer Review Panel

RE: Zoning By-law Amendment and Site Plan Applications: 2498, 2500, 2510 Main Street

Presentation & Review, October 16, 2019

The Panel provides the following feedback on the submission to be addressed through the Zoning By-law Amendment application and considered in the Site Plan application:

- The Panel acknowledged a comment made in the applicant's presentation and indicated support for the applicant's intent to pursue a yellow/buff brick colour to better relate to the development and character of buildings along Main Street.
- The Panel supports the vertical rhythm of the building along Main Street.
- The Panel encouraged the applicant to consider enlarging the pedestrian canopies along the Main Street façade of the building and to revisit the location of the signage.
- The Panel supports the differentiation of the centre double bay of windows on the front elevation and encourages the applicant to giving it more prominence as a feature or signature element along the streetscape.
- The Panel expressed concerns with the blank wall side elevation of the townhouse building visible from Main Street and suggested the applicant consider enhancing the elevation with upper storey windows, building articulation and/or a landscaping feature.
- The Panel expressed concerns with the lack of green space/amenity and the usability of the spaces provided. Further consideration is needed about the usability of the rear yard common amenity space having regard for the retention of mature trees in this area.
- The Panel expressed concerns about the semi-public realm between the facing townhouse buildings and encouraged the applicant to bring life and activity to this area to make it more liveable. The Panel suggested several options, including

changing the surface material of the driveway to a pedestrian-friendly tactile option, and reorientation of the balconies from the rear of the buildings to the front facades overlooking this space.

- The Panel suggested design measures to differentiate between the two uses, including signage for the commercial parking spaces, and utilizing different material palette for the commercial building and the residential buildings.
- The Panel encouraged the applicant to consider the usability of the rear yards of the townhouses with rear yard balcony/deck projections and encouraged the applicant to give consideration to space for landscaping and tree planting in these yards.
- The Panel encouraged the applicant to provide a direct walkway to the common amenity area to communicate that the space is a safe place to play and is intended for shared use by all townhouse occupants.
- The Panel encouraged the applicant to provide secure bike parking in a location that is highly visible, including some spaces along Main Street.
- The Panel expressed concerns with the 2.5 metre high fence height shown in the section drawings of the submission and identified that this height should be reduced.

#### Concluding comments:

The Panel generally supports the mix of uses and orientation of the commercial building along Main Street. The Panel supports the siting of commercial uses along Main Street and the frequency of openings and rhythm along this front elevation. Suggestions were provided for consideration at the Site Plan stage in the refinement of the commercial building design. The Panel raised some concerns with the interface and relationship of the townhouse buildings to one another and the commercial building and provided suggestions to create a more liveable environment internal to the Site and better differentiate residential space from commercial space. Further suggestions were provided with respect to landscape design, including consideration of bicycle parking, the use of and access to the common amenity space, as well as the design of the rear yards of the townhouses.

## **Appendix C – Policy Context**

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

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

### **Provincial Policy Statement, 2014**

The proposal must be consistent with the Provincial Policy Statement (PPS) policies and objectives aimed at:

1. Building Strong Healthy Communities;
2. Wise Use and Management of Resources; and,
3. Protecting Public Health and Safety.

The policies of the PPS promote healthy, liveable and safe communities by encouraging efficient development and land use patterns which sustain the financial well-being of the municipality, accommodating an appropriate range and mix of land uses and promoting cost-effective development standards to minimize land consumption and servicing costs.

The policies of the PPS require municipalities to “*identify and promote*” opportunities for intensification and redevelopment, taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

The PPS requires that municipalities promote appropriate development standards which facilitate intensification, redevelopment, and compact form while maintaining appropriate

levels of public health and safety. The Official Plan fulfills this requirement through its intensification policies which outline development standards to facilitate appropriate intensification, redevelopment and compact form by establishing criteria which ensure that the form, intensity, and character of proposals are compatible with the surrounding established neighbourhood (see The London Plan and Official Plan Policies sections below).

### **The London Plan**

The Our Strategy, Our City, City Building and Design, Rapid Transit Corridor Place Type, and Our Tools policies in the London Plan have been reviewed and consideration given to how the proposed Zoning By-law Amendment contributes to achieving those policy objectives, including the following specific policies:

#### 59\_ Direction #5 Build a mixed-use compact city

1. Implement a city structure plan that focuses high-intensity, mixed-use development to strategic locations - along rapid transit corridors and within the Primary Transit Area.

#### 62\_ Direction #8 Make wise planning decision

3. Think “big picture” and long-term when making planning decisions – consider the implications of a short-term and/ or site-specific planning decision within the context of this broader view.

9. Ensure new development is a good fit within the context of an existing neighbourhood.

\* 83\_ As directed by the policies of this Plan, intensification will be permitted only in appropriate locations and in a way that is sensitive to existing neighbourhoods and represents a good fit. Policies within the City Building and Urban Place Type chapters of this Plan, together with the policies in the Our Tools part of this Plan dealing with planning and development applications, will provide more detailed policy guidance for appropriate forms of intensification. A guideline document may be prepared to provide further detailed direction to ensure appropriate forms of intensification.

193\_ In all of the planning and development we do and the initiatives we take as a municipality, we will design for and foster:

- A well-designed built form throughout the city.
- Development that is designed to be a good fit and compatible within its context.

131\_ Main Streets are some of London’s most cherished historical business areas and the focal points of new neighbourhoods that contain a mix of residential and commercial uses that are established to serve surrounding neighbourhoods. These Main Streets will support measured infill and intensification. Historic Main Streets will be protected from development that may undermine the character and cultural heritage value of these corridors. Urban regeneration efforts will be directed to historic Main Streets as appropriate to sustain and enhance them.

284\_ All planning and development proposals will be required to demonstrate how the proposed building is designed to support the planned vision of the place type and establishes character and a sense of place for the surrounding area. This will include matters such as scale, massing, materials, relationship to adjacent buildings, heritage impact and other such form-related considerations. The Our Tools chapter and the Residential Intensification policies in the Neighbourhoods Place Type chapter of this Plan provide further guidance for such proposals.

908\_ The following uses may be permitted in the Main Street Place Type: 1. A broad range of residential, retail, service and office uses may be permitted within the Main Street Place Type. 2. Mixed-use buildings will be encouraged. 3. Retail and service uses will be encouraged at grade, with residential and non-service office uses directed to the rear of buildings and to upper floors.

910\_ The following intensity policies will apply within the Main Street Place Type: 1. Buildings in Main Street Place Types will be designed to fit in scale and character with the surrounding streetscape, while allowing for appropriate infill and redevelopment. 2. Buildings in the Main Street Place Types that are in new neighbourhoods will fit in with the planned vision, scale, and character of the area. 3. Large floor plate commercial buildings will not be permitted. 4. Buildings will be a minimum of either two storeys or eight metres in height and will not exceed four storeys in height. Type 2 Bonus Zoning beyond this limit, up to six storeys, may be permitted in conformity with the Our Tools policies of this Plan. 5. Individual buildings will not contain any more than 2,000m<sup>2</sup> of office space. 6. The Zoning By-law will include regulations to ensure that the intensity of development is appropriate for individual sites.

911\_ The following form policies will apply within the Main Street Place Type: 1. All planning and development applications will conform with the City Design policies of this Plan, any existing heritage conservation district plan, the Ontario Heritage Act, and any other applicable guidelines. 2. All new development will be designed to be well integrated with the character and design of the associated Main Street. 3. Design guidelines may be prepared to provide guidance for development, streetscape improvements, and public works for a specific main street. 4. Buildings should be located at or along the front property line in order to create a street wall that sets the context for a comfortable pedestrian environment. Exceptions may be made where guidelines suggest an alternative form of development along a specific main street. 5. All the planning and design that is undertaken in the Main Street Place Type will place a priority on the pedestrian experience through site layout, building location, and a design that reinforces pedestrian comfort and safety. 6. The public realm should be of a highly urban character and pedestrian and cycling amenities should be integrated into all public works undertaken along main streets. 7. Enhanced street tree planting should be incorporated into new development proposals to provide for a comfortable pedestrian environment. 8. Signage should be integrated with the architecture of the buildings, fixed to the building, and its size and application should be appropriate for the character of the area. 9. Surface parking will be located to the rear or interior side yard of a building. Parking facilities will not be located between the building and the street.

## **The City of London Official Plan OPA 88.**

### **Main Street Commercial Corridor**

- Provide for the redevelopment of vacant, underutilized or dilapidated properties within Main Street Commercial Corridors for one or more of a broad range of permitted uses at a scale which is compatible with adjacent development;
- Encourage development which maintains the scale, setback and character of the existing uses;
- Encourage common parking areas instead of individual access points and individual parking areas; and
- Encourage mixed-use development to achieve higher densities and to reinforce the objectives of achieving a diverse mix of land uses.

#### 4.4.1.2. Urban Design Objectives

- Encourage the rehabilitation and renewal of Main Street Commercial Corridors and the enhancement of any distinctive functional or visual characteristics;
- Provide for and enhance the pedestrian nature of the Main Street Commercial Corridor;
- Enhance the street edge by providing for high quality façade design, accessible and walkable sidewalks, street furniture and proper lighting;
- Design development to support public transit;
- Create high quality public places;
- Maintain and create a strong organizing structure;

### **Southwest Area Plan**

Main Street Lambeth North

- i) Intent This designation is intended to allow for the continuation of the existing “mainstreet” development pattern, while allowing for a transition from Main Street and part of Colonel Talbot Road to the internal portions of the community. Mixed-use buildings will be encouraged, but stand-alone residential uses will be permitted. A street-oriented building form will be required to support the Village Core Neighbourhood. This designation applies to lands that have frontage on Main Street or Colonel Talbot Road within the Neighbourhood. It is not the intent that new “mainstreet” development extend significantly beyond the existing commercial boundaries, regardless of the existing depth of the development lands. Lands designated Low Density Residential and Medium Density Residential on either side of the Main Street Lambeth North and South designations, will be subject to the relevant policies of the Lambeth and North Lambeth Residential Neighbourhoods.
- ii) Permitted Uses Permitted uses within the Main Street Lambeth North designation, shall permit those uses in the Main Street Commercial Corridor designation of the Official Plan, and the residential uses permitted in the Multi-Family, Medium Density Residential designation of the Official Plan, with the exception of single-detached, semi-detached and duplex dwellings.
- iii) Non- residential uses to be established on previously undeveloped sites shall be restricted to the ground floor of a residential mixed-use building. Stand-alone non-residential uses shall not be permitted on previously undeveloped lands. Stand-alone residential uses will be permitted.
- iv) Built Form and Intensity
  - a) New residential development shall not exceed a maximum density of 75 units per hectare. Building heights shall not exceed three storeys and shall be sensitive to the scale of development in the surrounding neighbourhood.
  - b) New residential developments shall have building floorplates that are designed and constructed in a manner that ensures flexibility and adaptability for potential office or commercial use at grade with residential uses located at, or above, grade.
  - c) The built form shall have a setback and roof line consistent with the “village” streetscape character of the Lambeth Village Core.
- v) Transportation
  - a) It is intended that the primary mode of transportation within the Community will be by walking or cycling. Residential parking will not be allowed within the front yard of any buildings within the Main Street designation. A limited amount of residential parking should be provided in the rear yard of mixed-use developments for the associated residential component of these uses. Business parking will be directed to on-street locations.

### **3.7 Planning Impact Analysis**

A Planning Impact Analysis is used to evaluate applications for an Official Plan amendment and/or zone change, to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any adverse impacts on surrounding land uses. The criteria to be evaluated include:

- *Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area*

The proposed land use is a different housing type than the single detached dwellings on Broadway Road, but is compatible. The recommended amendment is proposing a form of mixed use development able to mitigate impacts on adjacent properties (maximum heights and rear yard setback) in manner that is compatible with the surrounding land use.

- *The size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use*

The amendment proposes 60 units per hectare. The Official Plan would permit densities

up to a maximum of 75 units per hectare. The residential uses will have 2 parking spaces per unit and there is on street parking on Main Street to accommodate the commercial/office building. The proposed mixed use development can be accommodated on site.

- *The supply of vacant land or vacant buildings in the area which is designated and/or zoned for the proposed uses*

The lands to the north, east and west are designated Main Street Place Type. The proposed development is in conformity with the abutting uses.

- *The potential traffic generated by the proposed change, considering the most intense land uses that could be permitted by such a change, and the likely impact of this additional traffic on City streets, pedestrian and vehicular safety, and on surrounding properties*

The requested amendment is not anticipated to create any additional impacts on City streets, pedestrian and vehicular Main Street.

- *Impacts of the proposed change on the transportation system including transit*

There are no impacts anticipated on the transportation system.

- *the height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses*

The proposed meets all the proposed requirements for height, setbacks and coverage's as per the Business District Commercial (BDC) Zone. The location of the commercial/office building along Main Street and the townhouse buildings in the rear provide sufficient setbacks from the abutting residential uses to the south.

#### Zoning By-law

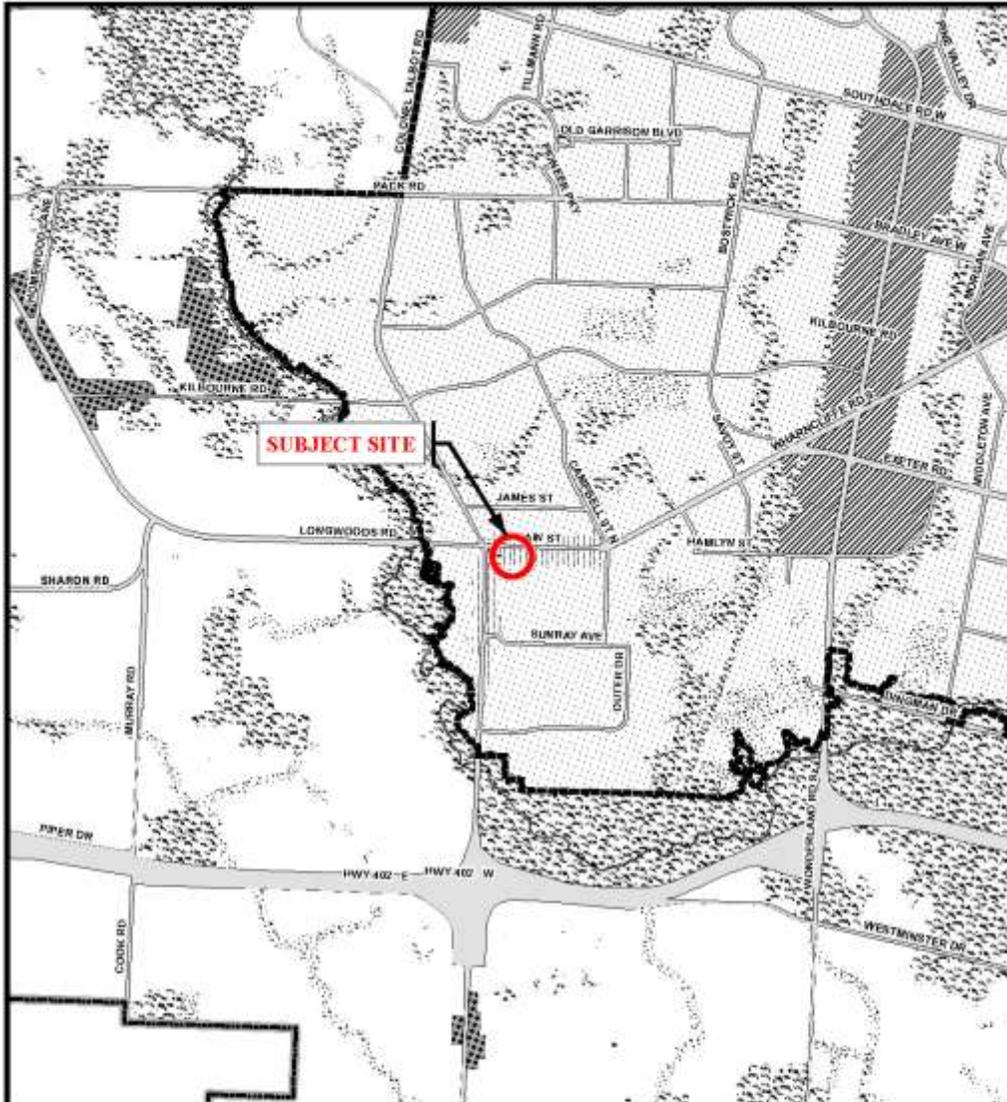
The Zoning By-law is a comprehensive document used to implement the policies of the Official Plan by regulating the use of land, the intensity of the permitted use, and the built form. This is achieved by applying various zones to all lands within the City of London which identify a list of permitted uses and regulations that frame the context within which development can occur. Collectively, the permitted uses and regulations assess the ability of a site to accommodate a development proposal. It is important to note that all three criteria of use, intensity, and form must be considered and deemed to be appropriate prior to the approval of any development proposal.

It is recognized that intensification is possible for this site, and that infill and intensification polices in the Main Street Place Type can be introduced for this development at this location. The proposed Business District Commercial Special Provision BDC (\*) Zone would permit for the specific development proposal as submitted with this application (figure 2) with a maximum height of 10 metres and maximum density of 60 units per hectare. The Business District Commercial Special Provision BDC (\*) will ensure that the development as shown today is entrenched within a development agreement through the public site plan meeting process. The proposed Business District Commercial Special Provision zone ensure that the use intensity and form as shown in the submitted site plan (figure 2) will be built. Any substantive changes to the proposed Business District Commercial Special Provision Zone would require an amendment to the special provisions and therefore would go through a public process (zoning by-law amendment) and re-evaluation of whether the changed proposal is appropriate.

## Appendix C – Relevant Background

### Additional Maps

#### London Plan Designation



**Legend**

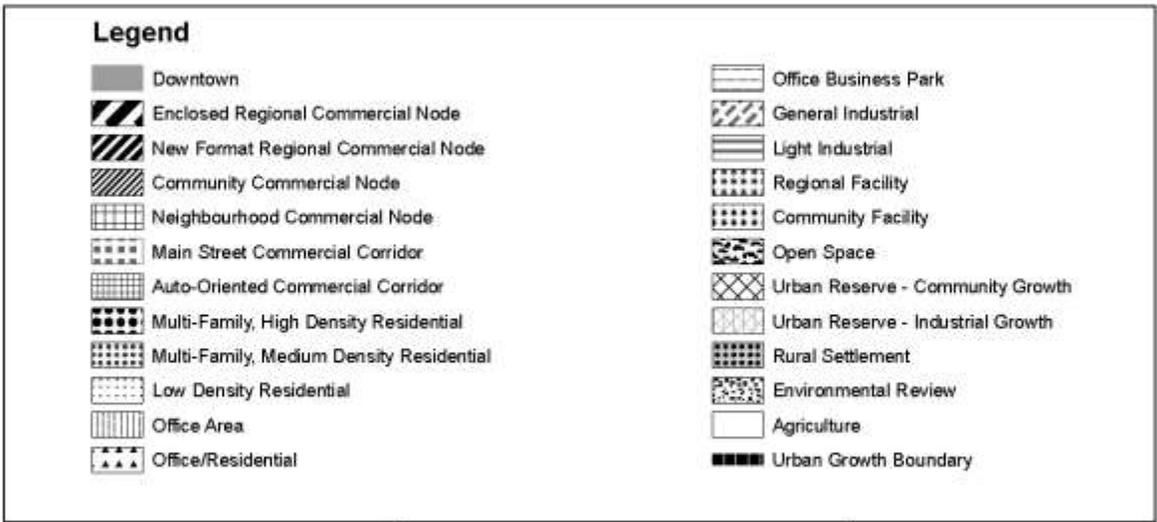
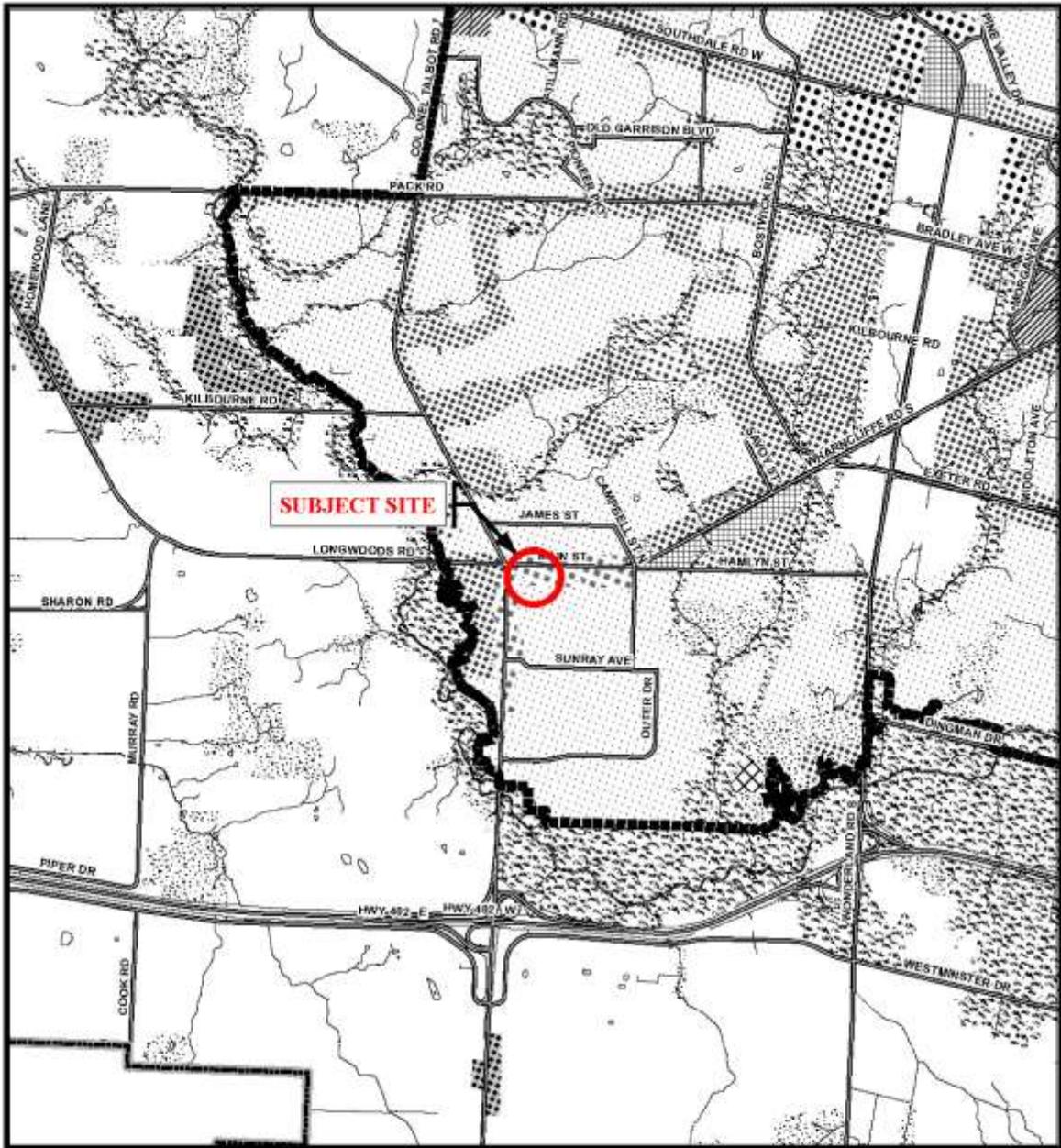
Downtown	Future Community Growth	Environmental Review
Transit Villages	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street	Institutional	
Neighbourhood	Green Space	

This is an excerpt from the Planning Division's working conceptualization of Map 1 - Place Types of the London Plan, with added annotations.

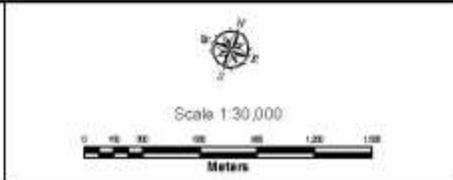
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

<p><b>CITY OF LONDON</b>                  Planning Services /                  Development Services</p> <p><b>LONDON PLAN MAP 1</b>                  - PLACE TYPES -</p> <p><small>PREPARED BY: Planning Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p><b>File Number:</b> Z-9105</p> <p><b>Planner:</b> CS</p> <p><b>Technician:</b> RC</p> <p><b>Date:</b> September 23, 2019</p>
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**Official Plan Designation**



**CITY OF LONDON**  
 Department of  
 Planning and Development  
 OFFICIAL PLAN SCHEDULE A  
 - LAND USE -  
 PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-9105  
 PLANNER: CS  
 TECHNICIAN: RC  
 DATE: 2019/09/23

**Existing Zoning**



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

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

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>R1 - SINGLE DETACHED DWELLINGS</li> <li>R2 - SINGLE AND TWO UNIT DWELLINGS</li> <li>R3 - SINGLE TO FOUR UNIT DWELLINGS</li> <li>R4 - STREET TOWNHOUSE</li> <li>R5 - CLUSTER TOWNHOUSE</li> <li>R6 - CLUSTER HOUSING ALL FORMS</li> <li>R7 - SENIOR'S HOUSING</li> <li>R8 - MEDIUM DENSITY/LOW RISE APTS.</li> <li>R9 - MEDIUM TO HIGH DENSITY APTS.</li> <li>R10 - HIGH DENSITY APARTMENTS</li> <li>R11 - LODGING HOUSE</li> <br/> <li>DA - DOWNTOWN AREA</li> <li>RSA - REGIONAL SHOPPING AREA</li> <li>CSA - COMMUNITY SHOPPING AREA</li> <li>NSA - NEIGHBOURHOOD SHOPPING AREA</li> <li>BDC - BUSINESS DISTRICT COMMERCIAL</li> <li>AC - ARTERIAL COMMERCIAL</li> <li>HS - HIGHWAY SERVICE COMMERCIAL</li> <li>RSC - RESTRICTED SERVICE COMMERCIAL</li> <li>CC - CONVENIENCE COMMERCIAL</li> <li>SS - AUTOMOBILE SERVICE STATION</li> <li>ASA - ASSOCIATED SHOPPING AREA COMMERCIAL</li> <br/> <li>OR - OFFICE/RESIDENTIAL</li> <li>OC - OFFICE CONVERSION</li> <li>RO - RESTRICTED OFFICE</li> <li>OF - OFFICE</li> </ul> | <ul style="list-style-type: none"> <li>RF - REGIONAL FACILITY</li> <li>CF - COMMUNITY FACILITY</li> <li>NF - NEIGHBOURHOOD FACILITY</li> <li>HER - HERITAGE</li> <li>DC - DAY CARE</li> <br/> <li>OS - OPEN SPACE</li> <li>CR - COMMERCIAL RECREATION</li> <li>ER - ENVIRONMENTAL REVIEW</li> <br/> <li>OB - OFFICE BUSINESS PARK</li> <li>LI - LIGHT INDUSTRIAL</li> <li>GI - GENERAL INDUSTRIAL</li> <li>HI - HEAVY INDUSTRIAL</li> <li>EX - RESOURCE EXTRACTIVE</li> <li>UR - URBAN RESERVE</li> <br/> <li>AG - AGRICULTURAL</li> <li>AGC - AGRICULTURAL COMMERCIAL</li> <li>RRC - RURAL SETTLEMENT COMMERCIAL</li> <li>TGS - TEMPORARY GARDEN SUITE</li> <li>RT - RAIL TRANSPORTATION</li> <br/> <li>"N" - HOLDING SYMBOL</li> <li>"D" - DENSITY SYMBOL</li> <li>"H" - HEIGHT SYMBOL</li> <li>"B" - BONUS SYMBOL</li> <li>"T" - TEMPORARY USE SYMBOL</li> </ul> |
|--|---|

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:  
 Z-9105 CS

MAP PREPARED:  
 2019/09/23 RC

1:1,500

0 5 10 20 30 40  
 Meters

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

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.2 PUBLIC PARTICIPATION MEETING – 2498, 2500, 2510 Main Street (Z-9105)

- Ben McCauley, on behalf of the applicant – expressing agreement with staff's recommendation and they have no further comments at this time.

## Report to Planning and Environment Committee

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

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

**Subject:** JFK Holdings  
666-670 Wonderland Road North

**Public Participation Meeting on: November 18, 2019**

## Recommendation

That, on the recommendation of the Director, Development Services with respect to the application of JFK Holdings relating to the property located at 666-670 Wonderland Road North, the proposed by law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting November 26, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Highway Service Commercial Special Provision/Restricted Service Commercial Special Provision (HS(3)/RSC2(1)) Zone, **TO** a Highway Service Commercial Special Provision/Restricted Service Commercial Special Provision (HS(3)/RSC2(\_\_)) Zone.

## Executive Summary

### Summary of Request

The requested amendment will permit a medical/dental office within an existing retail commercial plaza.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to allow for a medical/dental office, in addition to the uses permitted by the existing zoning, and to recognize a parking rate, previously approved through a minor variance application, of 1 space per 11 square metres for all uses on site.

### Rationale of Recommended Action

1. The recommended amendment is consistent with the PPS, 2014;
2. The recommended amendment conforms to the in-force policies of the (1989) Official Plan, including but not limited to the Auto-Oriented Commercial Corridor designation;
3. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Transit Village Place Type.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject lands are located along Wonderland Road North, to the north of the intersection of Wonderland Road North and Oxford Street West. The site is currently used for retail commercial purposes within the existing one-storey commercial plaza with surface parking. The site also contains a second building for the use of a fast-food restaurant, being Tim Hortons, and its associated drive-thru facilities.

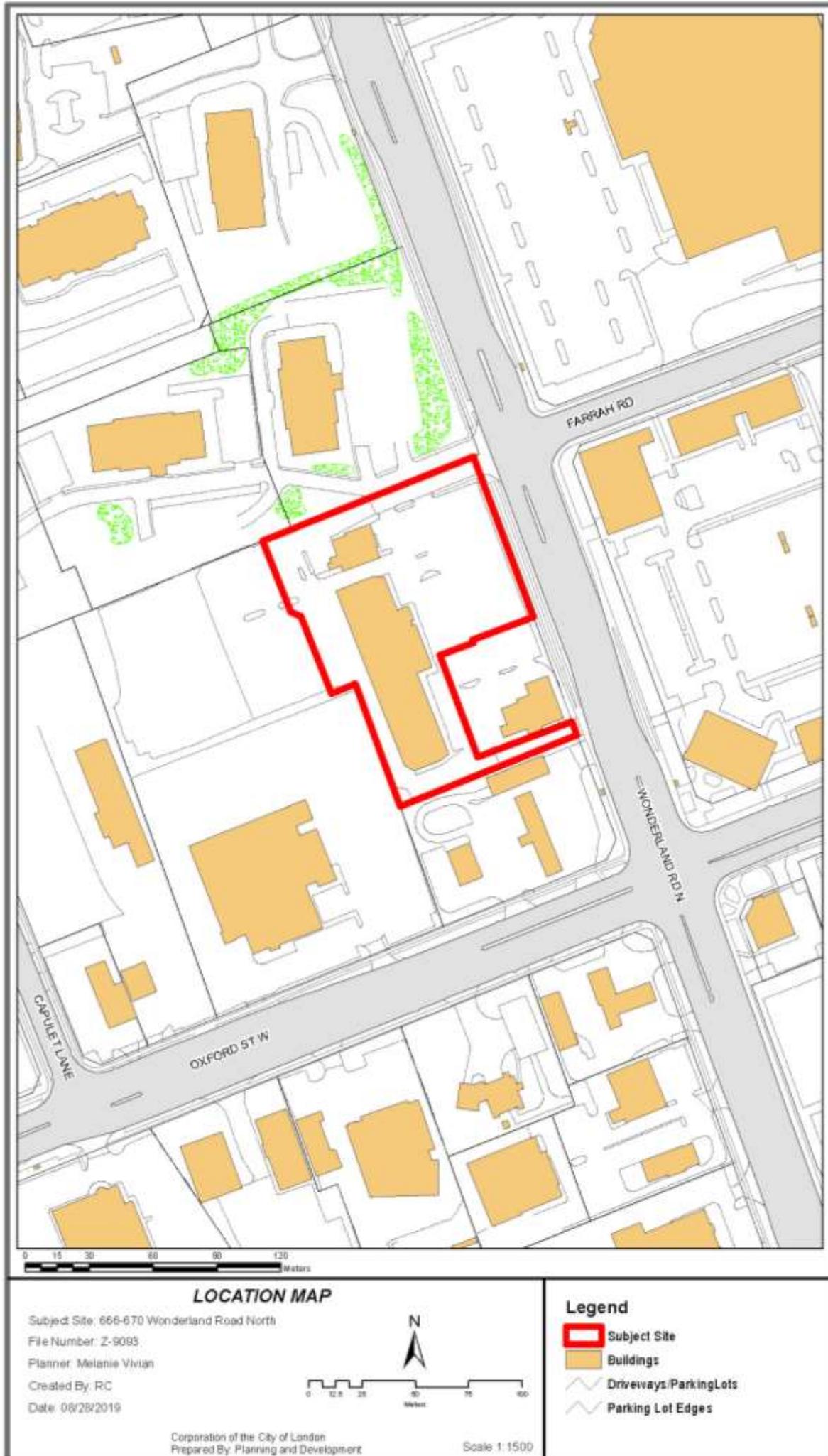


Figure 1: Subject site (front view from Wonderland Road North)



Figure 2: Second building located on the subject site

## 1.2 Location Map



**1.3 Current Planning Information (see more detail in Appendix D)**

- Official Plan Designation – Auto-Oriented Commercial Corridor
- The London Plan Place Type – Transit Village Place Type
- Existing Zoning – Highway Service Commercial Special Provision/Restricted Service Commercial Special Provision (HS(3)/RSC2(1)) Zone

**1.4 Site Characteristics**

- Current Land Use – Retail commercial plaza
- Frontage – 80.5 metres (264.1 feet)
- Depth – 106.5 metres (349.4 feet)
- Area – 1.111 hectares (2.745 acres)
- Shape – Irregular

**1.5 Surrounding Land Uses**

- North – High density residential uses
- East – Auto-oriented uses
- South – Commercial uses
- West – Retail commercial plaza

**2.0 Description of Proposal**

**2.1 Development Proposal**

JFK Holdings has requested to rezone their property at 666-670 Wonderland Road North to permit the use of a medical/dental office within the existing commercial plaza as well as to recognize a parking rate previously approved through a minor variance application of 1 space per 11 square metres for all uses on site. All other permitted uses will remain as part of this application. The proposed medical/dental office is requested to be added to expand the range of uses currently permitted on site for future occupancy within the existing building. No exterior works are proposed as part of this application.



Figure 3: Conceptual site plan for 666-670 Wonderland Road North

## 3.0 Relevant Background

### 3.1 Planning History

In November 2012, a Site Plan Application (SP12-022503) was granted to demolish the existing building, located on the northern portion of the subject lands, for the construction of a Tim Horton's fast-food restaurant, including the drive-thru facilities.

A Minor Variance Application (A.011/07) was granted to maintain an existing plaza of 23,828.8 square metres (25,067 square feet) with 172 parking spaces at a rate of 1 space per 11 square metres in place of the required 218 parking spaces by using the individual parking rates. The minor variance application included the conversion of 99.59 square metres (1,072 square feet) of office space to restaurant use.

### 3.2 Requested Amendment

The applicant is requesting to rezone 666-670 Wonderland Road North from a Highway Service Commercial Special Provision/Restricted Service Commercial Special Provision (HS(3)/RSC2(1)) Zone to a Highway Service Commercial Special Provision/Restricted Service Commercial Special Provision (HS(3)/RSC2(\_\_)) Zone to permit the proposed medical/dental office use in addition to the uses permitted by the existing zoning. The applicant is also proposing an additional special provision to recognize a parking rate previously approved through a minor variance application of 1 space per 11 square metres for all uses on site. The existing Highway Service Commercial Special Provision (HS(3)) Zone will remain unchanged.

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

Staff received no written responses from neighbouring property owners. Comments from external agencies and departmental correspondence expressed no objections to the application.

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

#### ***The Provincial Policy Statement, 2014***

The Provincial Policy Statement (PPS) 2014, provides policy direction on matters of provincial interest relating to land use planning and development. All decisions affecting land use planning matters shall be "consistent with" the policies of the PPS.

Section 1.1 of the PPS, *Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns* encourages healthy, liveable 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 directs planning authorities to promote economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses (1.3.1.b)).

#### ***The London Plan***

*The London Plan* is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). *The London Plan* policies under appeal to the *Local Planning Appeals Tribunal* (Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report. *The London Plan* policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The subject site is located in the Transit Village Place Type of The London Plan, in

accordance with \*Map 1, located along a Rapid Transit Boulevard, in accordance with \*Map 3. The Transit Village Place Type's vision is for high-density, mixed-use neighbourhoods to be occupied by extensive retail and commercial services and will allow for substantial office spaces; resulting in complete communities. Intensity policies of the Transit Village Place Type contemplate buildings to be a minimum of either two (2) storeys or eight (8) metres in height and will not exceed 15-storeys in height (\*813\_1). Furthermore, the form policies of the Place Type provide direction as to the overall site function and design.

The long term intent, in terms of form and intensity, on the subject lands over the life-time of The London Plan is to have retail and commercial service uses located on the ground floor of a multi-storey, mixed-use building. In the near term, the recommended amendment will allow for the existing commercial building to continue being utilized and allow vacant spaces to be re-tenanted, while not affecting the long-term ability of the subject lands to redevelop in accordance with The London Plan once market conditions warrant the redevelopment of the site. The proposed additional permitted use will be permitted only within the existing building. The recommended amendment demonstrates reasonable consideration during this period in time when the City is transitioning from the 1989 Official Plan to The London Plan.

### **1989 Official Plan**

The subject site is designated Auto-Oriented Commercial Corridor designation in the (1989) Official Plan in accordance with Schedule A. The objectives of the Auto-Oriented Commercial Corridor designation is to promote the grouping of service commercial uses into integrated forms of development that have common access points and parking facilities (4.4.2.1.i)). The designation is primarily intended for commercial uses that cater to the needs of the travelling public and include secondary uses which serve employees of adjacent employment areas including restaurants, personal services, medical and dental offices, and a variety of other uses in appropriate locations (4.4.2.4.).

Section 4.5 of the (1989) Official Plan outlines criteria for a Planning Impact Analysis used to evaluate applications for an Official Plan amendment and/or Zoning By-law amendment, to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any adverse impacts on surrounding land uses (4.5.2.). Throughout the review of the submitted application, all criteria were evaluated however, as the building and layout of the site are existing, the most applicable criteria are as follows:

- i) *compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area;*

The proposed use of a medical/dental office at this location is compatible with the surrounding residential and commercial land uses. As no development is proposed in conjunction with the application, no impacts to present and future land uses in the area are expected to occur.

- ii) *the size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed uses;*

As the subject lands and commercial plaza are existing, the proposed medical/dental office use will be added as a permitted use to occupy an existing unit within the commercial plaza when a vacant space is required to be re-tenanted. As such, the site can accommodate the intensity of the proposed use being added to the list of existing permitted uses.

- iii) *the potential traffic generated by the proposed change, considering the most intense land uses that could be permitted by such a change, and the likely impact of this additional traffic on City streets, pedestrian and vehicular safety, and on surrounding properties;*

The applicant is proposing to add a previously approved parking rate of 1 space per 11 square metres for all uses on site as a regulation within the Zoning By-law Z.-1. This rate was approved in 2007 by way of minor variance and did not result in the creation of adverse impacts. As the requested rate is more restrictive than the rate for the proposed medical/dental office, and the site along with its associated building are existing, no additional impacts to traffic on City streets are expected. Additionally, as the subject lands are located along an Arterial Road in the (1989) Official Plan and Rapid Transit Boulevard in The London Plan, the site is highly accessible via public and active transportation methods.

## 4.0 Key Issues and Considerations

### 4.1 Issue and Consideration # 1: Proposed Medical/Dental Office Use

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

The PPS states that planning authorities shall promote economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range economic activities (1.3.1.b)). The PPS also identifies that planning authorities shall promote economic development and competitiveness by providing an appropriate mix and range of employment and institutional uses to meet long-term needs (1.3.1.a)). Lastly, the PPS identifies that planning authorities shall consider the use of existing *infrastructure* and *public service facilities* to be optimized (1.6.3.a)). The applicant's proposal to add a medical/dental office as a permitted use within the existing building further allows for a mix of uses to serve the surrounding area, ensuring the long-term needs are met, while utilizing existing infrastructure.

#### *The London Plan*

The subject lands are located within the Transit Village Place Type where the overall vision of the Place Type contemplates extensive retail and commercial services as well as allowing for substantial office spaces in order to create complete communities (806\_). The Transit Village Place Type permits a broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational and other related uses (811\_1). The proposed use, being a medical/dental office, is permitted within the Place Type providing a new service to the surrounding area and expanding the range of permitted uses on the subject lands. The added use of a medical/dental office at this location also allows residents of the surrounding community to access services within walking distance.

The Transit Village Place Type provides policies regarding intensity of development which is evaluated to ensure that an adequate level of intensity is provided to support the goals of the Place Type including supporting rapid transit, efficiently utilizing infrastructure and services, and ensuring that the limited amount of land within the Place Type is fully utilized (\*813\_2). In this situation, through the utilization of the existing building on the lands, the addition of the medical/dental office expands the range of uses able to occupy the building and assists in supporting the goals of the Place Type.

#### *1989 Official Plan*

The subject lands are designated Auto-Oriented Commercial Corridor in the (1989) Official Plan which is applied to areas along arterial roads that typically consist of a mix of retail, auto and commercial uses, office and remnant residential uses (4.4.2.). Also permitted within the designation are secondary uses which serve employees, or adjacent employment areas, including the use of medical/dental offices (4.4.2.4.). The proponent is proposing to add a medical/dental office as a permitted use to the Restricted Service Commercial Special Provision (RSC2(\_)) Zone; an identified permitted use within the Auto-Oriented Commercial Corridor designation. As the proposed medical/dental office use will be located within an existing plaza and be added

as an additional use to the uses already permitted on the lands, it further encourages intensification in existing commercial areas within the built-up area of the City to meet commercial needs to effectively make better use of existing City infrastructure and strengthen the vitality of these areas (4.2.1.iv)). Additionally, the intent of areas designated Auto-Oriented Commercial Corridor is to promote the orderly distribution and development of commercial uses to satisfy the shopping and service needs of residents and shoppers (4.2.1.i)). As the existing plaza is located in an area surrounded by existing residential development and various forms of commercial development, the addition of a medical/dental office at this location provides an additional service to the surrounding community.

#### **4.2 Issue and Consideration # 2: Parking**

The proponent is requesting the parking rate, previously approved through a Minor Variance Application (A.011/07), of 1 space per 11 square metres be added as a regulation to the zone for all uses on site. As part of the application, no new reduction to parking is being requested as the proposed medical/dental office use parking rate is 1 per 15 square metres; requiring less on-site parking than the requested, and previously approved, 1 space per 11 square metres.

##### *Provincial Policy Statement, 2014*

The PPS states that planning authorities shall promote land use patterns, densities and a mix of uses that minimize the length and number of vehicle trips and support current and future uses of transit and *active transportation* (1.6.7.4.). The PPS also directs planning authorities to support active transportation along with densities and a mix of land uses which are transit-supportive, where transit is planned, exists or may be developed (1.1.3.2.a) 4. & 1.1.3.2.a) 5.). A reduction in parking, as previously approved, further promotes the use of both public and active transportation to the subject lands. As the subject lands are located adjacent to a variety residential development forms, the site is easily accessible without relying on a motorized vehicle. Furthermore, the site is located along a well serviced arterial roadway providing easy access to transit to access the variety of uses at both the subject lands and surrounding uses.

##### *The London Plan*

The role of the Transit Village Place Type is to support a healthy lifestyle and encourage the use of the City's transit system to reduce overall traffic congestion within the city through pedestrian-oriented and cycling-supported development and design (808\_). Furthermore, the vision of the Place Type is to plan for retail and service commercial uses, plaza spaces and attractive outdoor seating areas, accessible to the public, located adjacent to transit stations (810\_7). In this situation, the parking layout and functionality is existing on the subject lands. Within the Transit Village Place Type, the use of transit, cycling and pedestrian forms of travel are encouraged. The existing parking rate of 1 space per 11 square metres has achieved a measure of compatibility on the site and is appropriate at this location as the subject lands are located adjacent to multiple forms of residential development where residents can access the site through active transit measures such as walking or cycling.

The subject lands are also located within the Primary Transit Area where there is a heightened level of pedestrian and cycling infrastructure to service and support active mobility and strong connections within the urban neighbourhoods (\*90\_). As previously mentioned, given that the site is surrounded by multiple forms of residential development, pedestrian access to the site is accommodated through existing sidewalks and cycling lane along Wonderland Road; further promoting the use of active transportation measures to the site.

##### *1989 Official Plan*

The Auto-Oriented Commercial Corridor designation applied to the subject site, is located along an arterial road where high volumes of traffic are present and where

services to the travelling public can be concentrated and supported (4.4.2.5.). The designation encourages a form of development that is oriented towards automobiles and vehicular traffic which serve both a local and broader market area (4.4.2.3.). General urban design principles within the designation include providing convenient, attractive and safe pedestrian and transit access through the consideration of matters such as building location and orientation, pedestrian amenities and site connections to transit (4.4.2.8.vi)). As existing, the site provides pedestrian connections to transit via Wonderland Road North as well as pedestrian movement to and from the site through both the sidewalks along Wonderland Road North and direct access to several abutting apartment buildings.

As the subject lands are located within the Primary Transit Area, in proximity to public transit routes and active transportation routes, maintaining the parking rate is not anticipated to result in any adverse impacts to the surrounding area and site itself. Furthermore, the recommended on-site parking reflects an existing situation where the existing uses have demonstrated their ability to function without generating negative impacts and the proposed new use is not anticipated to result in new adverse impacts.

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

## **5.0 Conclusion**

The recommended amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the in force policies of The London Plan and the (1989) Official Plan. The recommended amendment will provide opportunity for additional services to be introduced to the surrounding community while promoting both active and public transportation to the subject lands.

<b>Prepared by:</b>	<b>Melanie Vivian, Planner I, 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.	

November 7, 2019

cc: Michael Tomazincic, MCIP, RPP, Manager, Current Planning

**Appendix A**

Bill No. (number to be inserted by Clerk's Office)  
2019

By-law No. Z.-1-19 \_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
rezone an area of land located at 666-  
670 Wonderland Road North.

WHEREAS JFK Holdings has applied to rezone an area of land located at 666-670 Wonderland Road North, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 666-670 Wonderland Road North, as shown on the attached map comprising part of Key Map No. A101, from a Highway Service Commercial Special Provision/Restricted Service Commercial Special Provision (HS(3)/RSC2(1)) Zone to a Highway Service Commercial Special Provision/Restricted Service Commercial Special Provision (HS(3)/RSC2(\_\_)) Zone.
- 2) Section Number 28.4 of the Restricted Service Commercial (RSC2) Zone is amended by adding the following Special Provision:

- ) RSC2( ) 660-670 Wonderland Road North
  - a) Permitted Uses, limited to the existing buildings
    - i) Animal hospitals;
    - ii) Bulk beverage stores;
    - iii) Catalogue stores;
    - iv) Dry cleaning and laundry depot;
    - v) Duplicating shops;
    - vi) Hardware stores;
    - vii) Home appliance stores;
    - viii) Home improvement/furnishing stores;
    - ix) Kennels;
    - x) Liquor, beer and wine stores;
    - xi) Medical/dental offices;
    - xii) Repair and rental establishments;
    - xiii) Retail stores;
    - xiv) Service and repair establishments;
    - xv) Studios;
    - xvi) Taxi establishments
  - b) Regulation
    - i) Parking rate for all permitted uses on site (Minimum) 1 space per 11m<sup>2</sup> gross floor area

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

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on November 26, 2019.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – November 26, 2019  
Second Reading – November 26, 2019  
Third Reading – November 26, 2019

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



File Number: Z-9093  
Planner: MV  
Date Prepared: 2019/9/17  
Technician: RC  
By-Law No: Z.-1-

SUBJECT SITE 

1:2,000

0 10 20 40 60 80 Meters



## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On August 7, 2019 Notice of Application was sent to 36 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 8, 2019. A “Planning Application” sign was also posted on the site.

No replies were received from the public.

**Nature of Liaison:** Zoning Amendment to allow a medical/dental office in addition to the uses permitted by the existing zoning and to recognize a parking rate previously approved through a minor variance application of 1 space per 11 square meters for all uses on site.

**Responses:** A summary of the various comments received include the following:

### Agency/Departmental Comments

#### August 16, 2019 – Upper Thames River Conservation Authority

The subject lands are not affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*. The UTRCA has no objections to this application.

#### September 12, 2019 – London Hydro Engineering

The site is presently serviced by London Hydro. Contact the Engineering Dept. if a service upgrade is required to facilitate these changes. Any new and/or relocation of existing infrastructure will be at the applicant’s expense. Above-grade transformation is required. London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of existing service will be at the expense of the owner.

#### September 16, 2019 – Water Engineering

Water engineering has no objection to this application.

## Appendix C – Policy Context

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

#### *Provincial Policy Statement, 2014*

1.1.3.2. a) 4. Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which support *active transportation*.

1.1.3.2. a) 5. Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which are *transit-supportive*, where transit is planned, exists or may be developed.

1.3.1. a) Planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment and institutional uses to meet long-term needs.

1.3.1. b) Planning authorities shall promote economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice for suitable sites for employment uses which support a wide range of

economic activities and ancillary uses, and take into account the needs of existing and future businesses.

1.6.3.a) Before consideration is given to developing new *infrastructure* and *public service facilities*: the use of existing *infrastructure* and *public service facilities* should be optimized

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and *active transportation*.

### *The London Plan*

#### \*90\_ Primary Transit Area

The Primary Transit Area will be the focus of residential intensification and transit investment within London. It includes the Transit Villages and the Rapid Transit Corridors. Intensification will be directed to appropriate place types and locations within the Primary Transit Area and will be developed to be sensitive to, and a good fit within, existing neighbourhoods. The Primary Transit Area will also have heightened level of pedestrian and cycling infrastructure to service and support active mobility and strong connections within these urban neighbourhoods.

#### 806\_ Vision for the Transit Village Place Type

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 station.

#### 808\_ Role within the City Structure

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.

#### 810\_7 How Will We Realize Our Vision?

Plan for retail and service commercial uses, plaza spaces and attractive outdoor seating areas, accessible to the public, located adjacent to transit stations.

#### 811\_1 Permitted Uses

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.

#### \*813\_1 Intensity

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.

#### \*813\_2 Intensity

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.

#### *1989 Official Plan*

##### 4.2.1. Planning Objectives for all Commercial Land Use Designations

It is intended that the development and use of areas designated Enclosed Regional Commercial Node, New Format Regional Commercial Node, Community Commercial Node, Neighbourhood Commercial Node, Main Street Corridor and Auto-oriented Commercial Corridor meeting the following objectives:

- iv) Encourage intensification and redevelopment in existing commercial areas within the built-up area of the City to meet commercial needs, to make better use of existing City infrastructure and to strengthen the vitality of these areas.

##### 4.4.2. Auto-Oriented Commercial Corridor

Areas designated Auto-Oriented Commercial Corridor provide locations for a broad range of commercial uses, that for the most part, are not suited to locations within Commercial Nodes or Main Street Commercial Corridors because of their building form, site area, access or exposure requirements. Generally, permitted uses cater to vehicular traffic and single purpose shopping trips. Depending on the nature of the use, customers are drawn from passing traffic or a wide-ranging market area. Auto-Oriented Commercial Corridors, while providing for a limited amount of retail use, are not intended to accommodate retail activities that are more appropriately located in the Downtown, Commercial Nodes or Main Street Commercial Corridor designations. Policies contained in this Section of the Plan describe the function, permitted uses, location and development form of the designation. One of the key goals of the Plan is to improve the aesthetics of these commercial corridors which are normally located on arterial roads which serve as major entryways into the City. Issues addressed through the Zoning By-law, site plan approval process and urban design guidelines include street edge landscaping, internal access, joint access and multi-use integration and design.

###### 4.4.2.1. Planning Objectives

- i) Promote the grouping of service commercial uses into integrated forms of development that have common access points and parking facilities.

###### 4.4.2.3. Function

The Auto-Oriented Commercial Corridor designation is applied to areas along arterial roads that typically consist of a mix of retail, auto and commercial uses, office and remnant residential uses. The intent of the policies is to promote the clustering of similar service commercial uses having similar functional characteristics and requirements, and to avoid the extension of strip commercial development.

The form of development is oriented towards automobiles and vehicular traffic and serves both a local and broader market.

###### 4.4.2.4. Permitted Uses

Areas designated Auto-Oriented Commercial Corridor are primarily intended for commercial uses that cater to the commercial needs of the traveling public. Types of service commercial uses that generate significant amounts of traffic and draw patrons from a wide area may also be located within these areas. These uses have limited opportunity to locate within Commercial Nodes or Main Street Commercial Corridors by

reason of their building form, site area, location, access or exposure requirements; or have associated nuisance impacts that lessen their suitability for a location near residential areas. Secondary uses which serve employees of adjacent employment areas including eat-in restaurants; financial institutions; personal services; convenience commercial uses; a limited amount and range of retail uses; day care centres; medical and dental offices and clinics; offices associated with wholesale warehouse or construction and trade outlets, and similar support offices may also be permitted in appropriate locations.

#### 4.4.2.5. Location

The Auto-Oriented Commercial Corridor designation will be applied to areas along arterial roads where high traffic volumes are present and where services to the traveling public can be concentrated and supported. The designation shall include lands of suitable depth, size and accessibility to accommodate the permitted uses and shall be on lands separated from existing or planned residential development or other sensitive land uses by physical barriers, intervening land uses or buffer and setback provisions that are sufficient to offset potential nuisance impacts. The designation may also be applied in areas which are situated on arterial or primary collector roads adjacent to or on the perimeter of industrial areas. The creation of small isolated Auto-Oriented Commercial Corridor designations shall be discouraged so that service commercial uses are not unnecessarily dispersed throughout the City. A coordinated approach to the development of these areas shall be encouraged. Proposals to amend the Official Plan to allow the creation of new designations or the major extension of existing designations may be required to include a concept plan for the integration of access points, parking areas, landscaping, setbacks, and other buffering measures on the subject lands and on adjacent properties that may be appropriate for service commercial development.

#### 4.4.2.8. Urban Design

Commercial Corridors should be developed and maintained in accordance with the general urban design principles in Chapter 11 and in accordance with the Commercial Urban Design Guidelines, Specific Commercial Corridors may also provide for specific design guidelines.

Urban design within the Commercial Corridors should:

vi) provide convenient, attractive and safe pedestrian and transit access, considering such matters as building location and orientation, pedestrian amenities and site connections to transit.

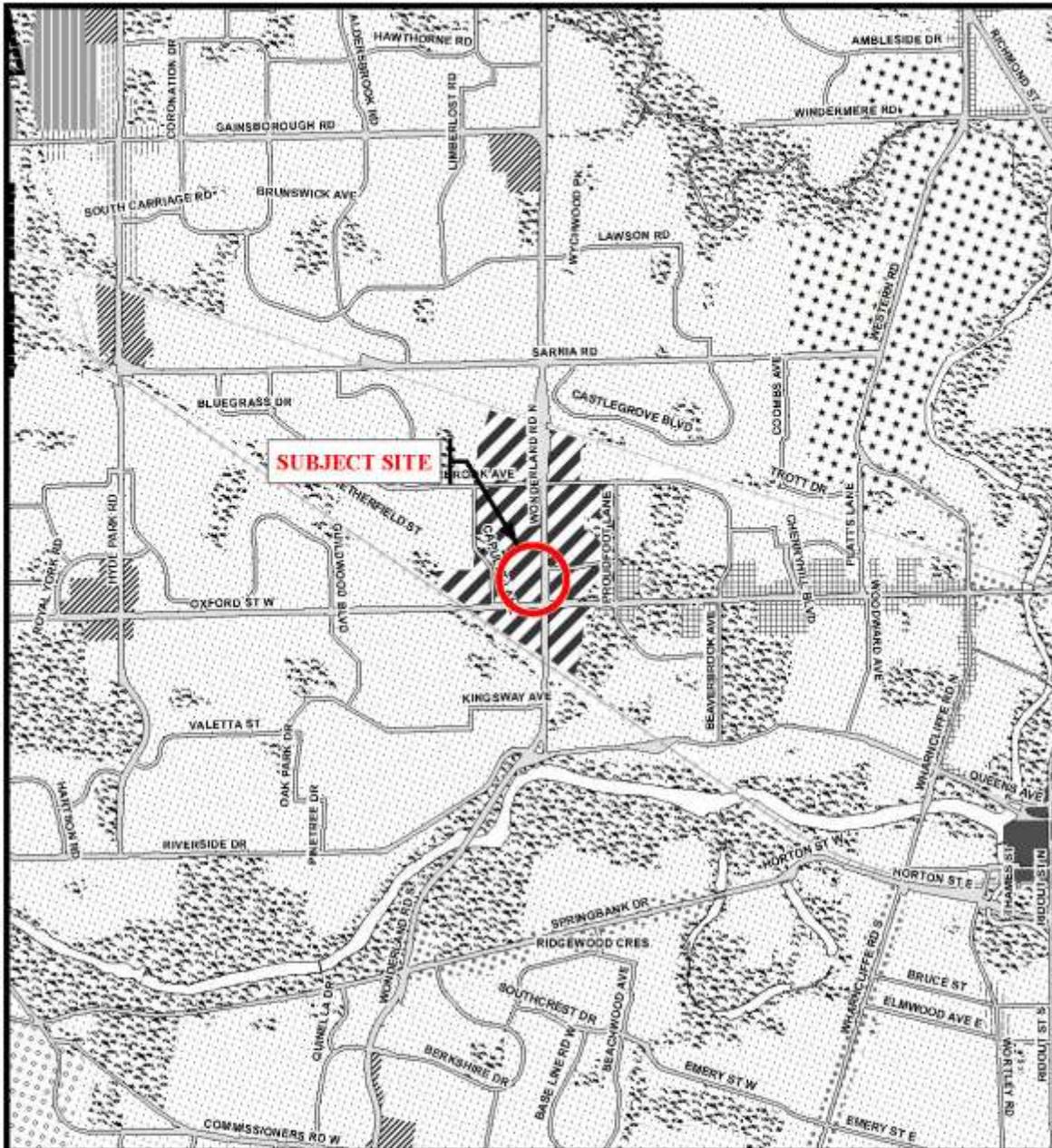
#### 4.5.2. Planning Impact Analysis

Planning Impact Analysis will be undertaken by municipal staff and will provide for participation by the public, in accordance with the provisions for Official Plan amendments and/or zoning by-law amendment applications as specified in Section 19.12. of this Plan.

Proposals for changes in the use of land which require the application of Planning Impact Analysis will be evaluated on the basis of criteria relevant to the proposed change. Other criteria may be considered through the Planning Impact Analysis to assist in the evaluation of the proposed change.

**Appendix D – Relevant Background**

**Additional Maps**



**Legend**

- |                        |                          |   |
|------------------------|--------------------------|---|
| Downtown               | Future Community Growth  | Environmental Review                    |
| Transit Village        | Heavy Industrial         | Farmland                                |
| Shopping Area          | Light Industrial         | Rural Neighbourhood                     |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor         | Commercial Industrial    | Urban Growth Boundary                   |
| Main Street            | Institutional            |   |
| Neighbourhood          | Green Space              |   |

*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

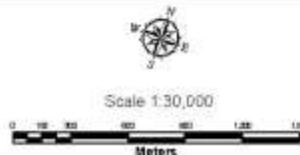
*At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.*

**CITY OF LONDON**

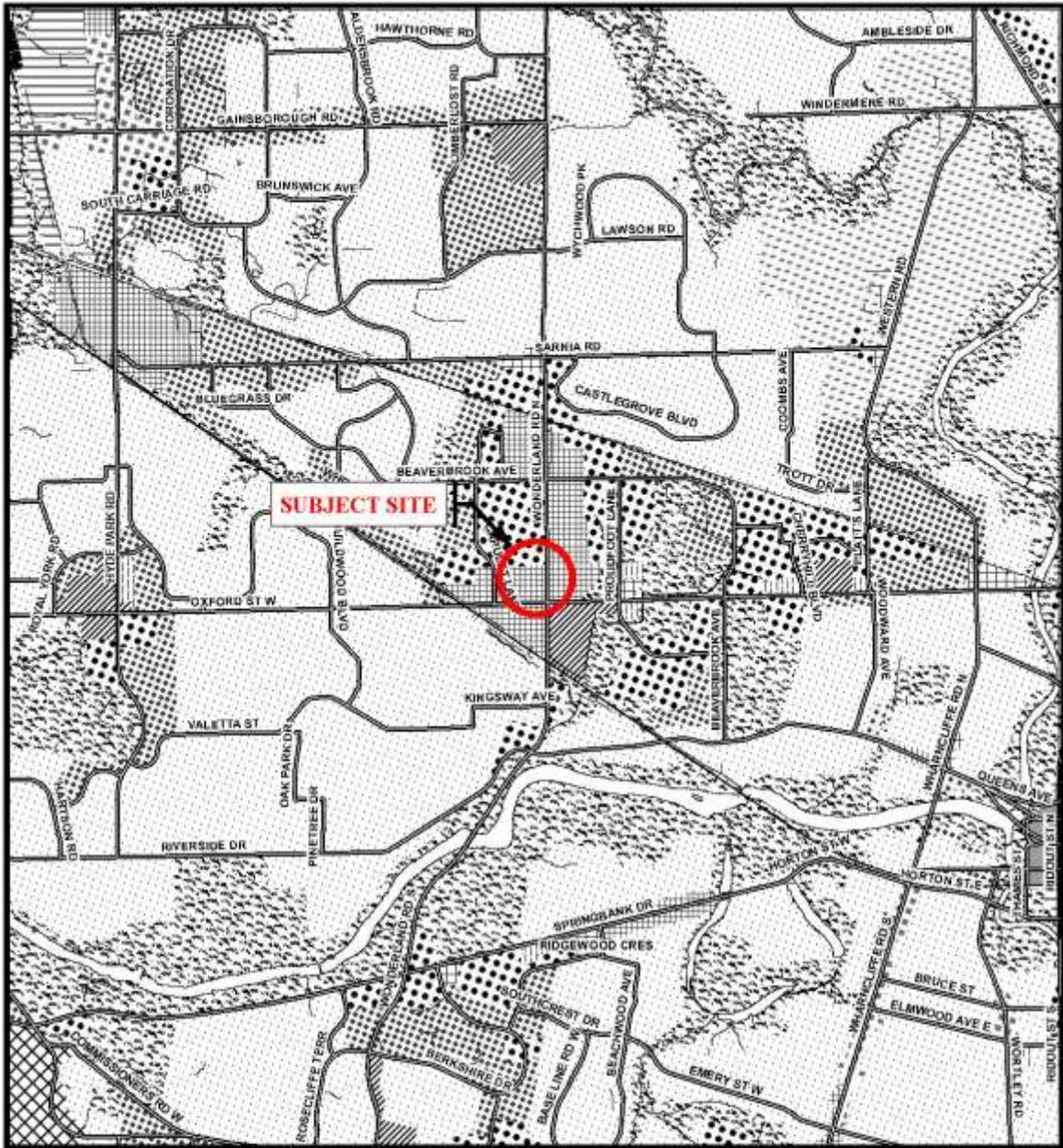
Planning Services /  
 Development Services

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

PREPARED BY: Planning Services

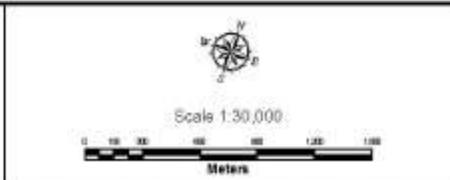


**File Number:** Z-9093  
**Planner:** MV  
**Technician:** RC  
**Date:** September 13, 2019

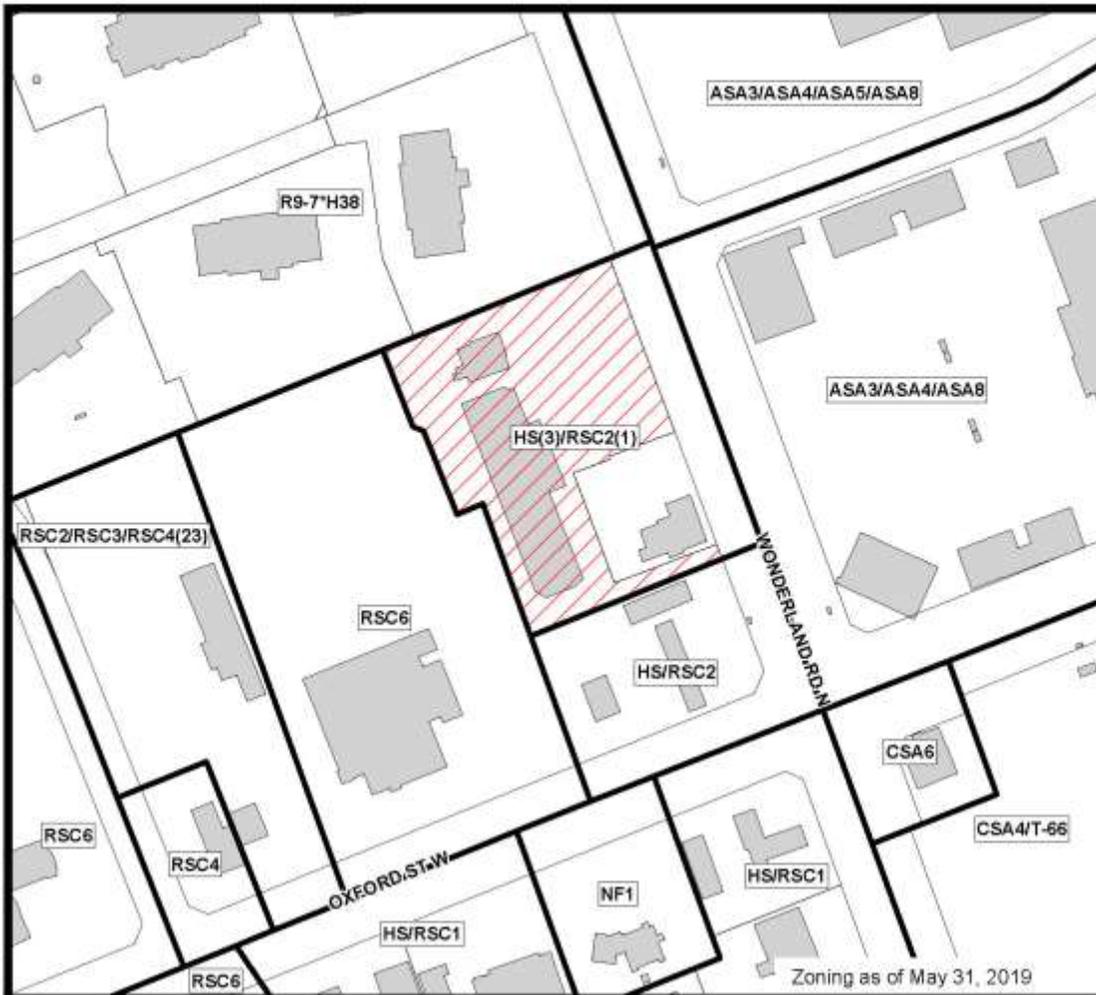


Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low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

**CITY OF LONDON**  
 Department of  
 Planning and Development  
 OFFICIAL PLAN SCHEDULE A  
 - LAND USE -  
 PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-9093  
 PLANNER: MV  
 TECHNICIAN: RC  
 DATE: 2019/09/13



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

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

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>R1 - SINGLE DETACHED DWELLINGS</li> <li>R2 - SINGLE AND TWO UNIT DWELLINGS</li> <li>R3 - SINGLE TO FOUR UNIT DWELLINGS</li> <li>R4 - STREET TOWNHOUSE</li> <li>R5 - CLUSTER TOWNHOUSE</li> <li>R6 - CLUSTER HOUSING ALL FORMS</li> <li>R7 - SENIOR'S HOUSING</li> <li>R8 - MEDIUM DENSITY/LOW RISE APTS.</li> <li>R9 - MEDIUM TO HIGH DENSITY APTS.</li> <li>R10 - HIGH DENSITY APARTMENTS</li> <li>R11 - LODGING HOUSE</li> <br/> <li>DA - DOWNTOWN AREA</li> <li>RSA - REGIONAL SHOPPING AREA</li> <li>CSA - COMMUNITY SHOPPING AREA</li> <li>NSA - NEIGHBOURHOOD SHOPPING AREA</li> <li>BDC - BUSINESS DISTRICT COMMERCIAL</li> <li>AC - ARTERIAL COMMERCIAL</li> <li>HS - HIGHWAY SERVICE COMMERCIAL</li> <li>RSC - RESTRICTED SERVICE COMMERCIAL</li> <li>CC - CONVENIENCE COMMERCIAL</li> <li>SS - AUTOMOBILE SERVICE STATION</li> <li>ASA - ASSOCIATED SHOPPING AREA COMMERCIAL</li> <br/> <li>OR - OFFICE/RESIDENTIAL</li> <li>OC - OFFICE CONVERSION</li> <li>RO - RESTRICTED OFFICE</li> <li>OF - OFFICE</li> </ul> | <ul style="list-style-type: none"> <li>RF - REGIONAL FACILITY</li> <li>CF - COMMUNITY FACILITY</li> <li>NF - NEIGHBOURHOOD FACILITY</li> <li>HER - HERITAGE</li> <li>DC - DAY CARE</li> <br/> <li>OS - OPEN SPACE</li> <li>CR - COMMERCIAL RECREATION</li> <li>ER - ENVIRONMENTAL REVIEW</li> <br/> <li>OB - OFFICE BUSINESS PARK</li> <li>LI - LIGHT INDUSTRIAL</li> <li>GI - GENERAL INDUSTRIAL</li> <li>HI - HEAVY INDUSTRIAL</li> <li>EX - RESOURCE EXTRACTIVE</li> <li>UR - URBAN RESERVE</li> <br/> <li>AG - AGRICULTURAL</li> <li>AGC - AGRICULTURAL COMMERCIAL</li> <li>RRC - RURAL SETTLEMENT COMMERCIAL</li> <li>TGS - TEMPORARY GARDEN SUITE</li> <li>RT - RAIL TRANSPORTATION</li> <br/> <li>"H" - HOLDING SYMBOL</li> <li>"D" - DENSITY SYMBOL</li> <li>"H" - HEIGHT SYMBOL</li> <li>"B" - BONUS SYMBOL</li> <li>"T" - TEMPORARY USE SYMBOL</li> </ul> |
|--|---|

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:

Z-9093

MV

MAP PREPARED:

2019/09/13

RC

1:2,500

0 15 30 60 90 120 Meters

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

**Additional Reports**

A.011/07 - 666-670 Wonderland Road North, January 29, 2007, granted by the Committee of Adjustment to maintain an existing plaza with 172 parking spaces at a rate of 1 space per 11m<sup>2</sup>.

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.3 PUBLIC PARTICIPATION MEETING – 666-670 Wonderland Road North (Z-9093)

- Katelyn Crowley, Zelinka Priamo Limited, on behalf of the applicant – expressing support for staff's recommendation; expressing appreciation to Ms. M. Vivian, Planner I, for the staff report and her work on the file.

## 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:** Bird-Friendly Development  
**Meeting on:** November 18, 2019

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to bird-friendly development and instituting a limited light period for the City of London:

- A. The proposed by-law attached hereto as Appendix “A” **BE INTRODUCED** at the Municipal Council meeting to be held on November 26, 2019 to amend By-law C.P.-1455-541, as amended, entitled the “Site Plan Control Area By-law” to add the following to Schedule 1:
- (a) Section 2
    - i) 2.1 Objectives – a new objective for bird-friendly design of a development site.
  - (b) Section 8
    - i) Section ‘8.1 Objectives - a new objective to read: “All lighting should be limited to, and directed towards, the area requiring illumination so as to reduce skyglow and light pollution and thereby promote bird-friendly development.”
    - ii) Section ‘8.2 Yard Lighting’ – adding a new requirement for full cut-off and have zero up light lighting
- B. The Civic Administration **BE DIRECTED** to further public consultation and provide for consideration future proposed Site Plan Control By-law Amendments to address other possible bird-friendly design criteria, including the possible use of visual markers on glass treated high-rise buildings for Council consideration.
- C. The Civic Administration **BE DIRECTED** to undertake a public awareness campaign on creating visual markers, treating glass, and muting the reflection of glass on buildings to ensure buildings are less dangerous for birds, and the promotion of a limited lit period coinciding with bird migrations in spring (approx. March to June) and fall (approx. August to November) migratory seasons, respectively.

## Executive Summary

### Summary of Request

This report provides an amendment to the Site Plan Control By-law Design Guidelines to include bird-friendly design criteria for high rise buildings.

### The Purpose and the Effect of Recommended Action

The purpose and effect is to incorporate lighting design that will reduce the impact of London’s built environment on the migratory and resident bird populations, have further dialogue with the environmental advisory groups and development industry representatives regarding the possibility of incorporating bird-friendly design on high-rise buildings with glass treatment, and continue to work with the City’s Corporate Communications regarding a public awareness campaign on bird-friendly design and a limited lit period during the spring and fall migratory seasons.

## Rationale of Recommended Action

1. The requested amendment has regard to a policy of The London Plan that promotes efforts to incorporate bird-friendly design of buildings and materials that minimize bird strikes on high-rise buildings.
2. The public has been consulted on the requirement for lighting design that will reduce the impact of London's built environment on the migratory and resident bird populations. There were no issues raised by the public specific to incorporating lighting requirements in the Site Plan Control By-law.
3. Further public consultation is proposed to be undertaken regarding the possible use of incorporating visual markers on glass treated high rise buildings.

## Background and Analysis

### 1.0 Background

#### 1.1 Council Resolution

On January 30, 2019 Municipal Council resolved that:

- (a) *the staff report dated January 21, 2019 entitled "Bird-Friendly Development" BE RECEIVED for information;*
- (b) *the Civic Administration BE DIRECTED to circulate the draft by-law appended to the staff report dated January 21, 2019 for review and comment on potential changes to the Site Plan Control By-law with respect to bird-friendly development; and,*
- (c) *The Civic Administration BE DIRECTED to report back on the possibility of instituting a limited lit period of high-rise buildings during an identified migratory bird season including any possible mechanism(s) for enforcement. (2019-T01) (2.2/3/PEC)*

This report is in response to the council directive to circulate the draft by-law for review and comments on a potential Site Plan Control By-law amendment to address bird-friendly Development guidelines. The purpose of this report is to present the findings and discussions on the proposed changes to the Site Plan Control By-law and revised amendment.

#### 1.2 Bird-Friendly Design

Bird-friendly design is an opportunity for the City of London to expand on its environmental and ecological commitments and ensure that the built environment is minimizing its impact on local fauna. Bird-friendly design is intended to achieve an approach to lighting and glass façade design which reduces the light pollution that interrupts birds' natural movement patterns and impacts bird strike probable situations, respectively.

#### 1.3 External Circulation

Operational practices by Development Services staff included discussions with the development industry, as well as members of the public. Members of the public were concerned with the effect of skyglow and design causing bird collisions, calling for stricter measures in eliminating unnecessary lighting, addressing health concerns, and ensuring that buildings were designed to minimize impact (see Appendix B - Responses to External Circulation).

The development industry communicated that they are supportive of Council's direction to ensure that future buildings meet a reasonable bird-friendly standard for our community. They requested that a standardized set of design criteria be identified in the Site Plan Control By-law changes to ensure that if guidelines were met, the Site Plan

process would remain a time-sensitive process (see Appendix B – Responses to External Circulation).

Both the development industry and public concerns raised were in combination with the information provided by Advisory Committees. In response to the comments received, Staff is striking a working group to determine a best practices approach to bird-friendly requirements beyond improved lighting design. The working group will be considering the use of visual markers in the design of high-rise buildings with glass treatment, for example.

## 2.0 Existing Policy and Regulatory Framework

### 2.1 The London Plan Policy

Policies are already in place that provide direction to reduce light pollution and prevent bird strikes. Within The London Plan, Key Direction No. 4 to Become One of the Greenest City's in Canada includes Policy 58\_6 reads: "*Reduce our human impact on the environment*". Further, the City Design chapter directs building design and materials be chosen to reduce the potential for bird strikes. Specifically, Policy \*304 reads: "*Efforts should be made to design buildings and use materials that minimize bird strikes on high-rise buildings.*" This policy supports efforts to ensure bird-friendly development through the site plan process. The Green and Healthy City chapter of The London Plan promotes dark skies through Policy 745 which reads: "*We will support initiatives to reduce glare, light trespass, and skyglow to promote energy conservation, reduce impacts on wildlife, and support healthy neighbourhoods.*" The above policy references provide the policy support for initiatives to reduce, or prevent light pollution and address bird strikes through the site design and development process.

### 2.2 Site Plan Design Manual

Lighting, a primary concern in bird-friendly design, is currently addressed through the site plan process. Although portions of the Site Plan Design Manual speak to various aspects of lighting for pedestrian safety, transit access and fire routes, Section 8 speaks specifically to the provision of facilities for lighting, including floodlighting. Section 8 "Facilities for Lighting, Including Floodlighting," of the Site Plan Design Manual is available in its entirety in Appendix A.

Section 8 identifies the objectives for lighting facilities — specifically, objective (U) directs that illumination of a site be designed to "reduce or eliminate the potential of any adverse effect of artificial light such as: glare, light trespass, light clutter, energy waste." Section 8 continues, directing that:

*The type, location, height, intensity and direction of lighting shall ensure that glare or light is not cast onto adjacent residential properties or natural areas adversely affecting living environment, or onto adjacent public streets which would pose a vehicular safety hazard. Moreover, energy conservation measures must be considered to ensure that the site is not illuminated more than it need be. In some cases, the extent of lighting may be required to be reduced after normal business hours.*

This regulation provides the framework for requiring lighting design that does not result in adverse impacts from lighting including spillage and wastage. There is an opportunity to further identify bird-friendly development as an objective in this portion of the Site Plan Design Manual.

Section 8 of the Site Plan Design Manual also provides specific requirements for lighting. Section 8.2 (b) Height, limits the maximum height of all yard lighting fixtures to 15m (50 ft.) for non-residential uses and 6m (20 ft.) for multi-family residential uses. Limiting the height of fixtures is part of ensuring that lighting provided is directed solely to those locations where it is required, thereby preventing light pollution. As applicable, the Site Plan Design Manual 8.2 (d) allows staff to require a Light Study where "a qualified engineer will prepare and provide a report demonstrating how the lighting is

*contained on the site and that the selection/style of light will not create glare and/or broadcast light onto adjacent properties or roadways, by the adjustment of refractors and/or the placement of Shields.”* To ensure bird-friendly development, this tool can be used for larger developments which have the potential for significant light pollution.

Section 8.3 of the Site Plan Design Manual provides a definition for “Fascia Lighting and Floodlighting of Building” that allow staff to provide direction on its applicability and prevent or control its use as necessary to reduce light pollution and prevent bird strikes. As an example, it would be anticipated that fascia lighting and floodlighting would not be supportable for glass buildings where the glare produces light pollution and creates conditions which amplify the probability of bird strikes. The diagrams associated with Section 8, available in Appendix A, provide exemplars of proper lighting design, which re-iterate and clarify that lighting should not illuminate adjacent properties and that the lighting system should be designed to broadcast light downward so as to reduce glare and light pollution.

It is worthy of note that the provision of lighting, including orientation and intensity, is controlled in the final development agreement required to allow for development. The standard lighting facilities clause of the template development agreement reads:

*16. Lighting Facilities: All lighting of the site shall be oriented and its intensity controlled so as to prevent glare on adjacent roadways and residential properties to the satisfaction of the Managing Director.*

Enforcement of this clause, including modifications where necessary to address identified light pollution impacts, will ensure that the policy goals related to dark skies and bird strikes are met in any finalized and approved development. The existing standard language already speaks to orientation and intensities that provide safety for pedestrians without resulting in glare or other light pollution through improper lighting facilities design.

### **3.0 Implementing a Bird-Friendly Approach**

#### **3.1 Site Plan Control Bylaw Proposed Amendments**

The ability of the Site Plan approval process to implement bird-friendly design criteria makes it the favourable tool for meeting the City’s environmental commitments. The proposed amendments to the Site Plan Control By-law set out the objectives of bird-friendly design generally and bird-friendly lighting specifically. The specific regulations for lighting relate to the elimination of skyglow through the use of full cut-off/zero up light lighting.

#### **3.2 Circulation in the Site Plan Process**

The circulation of site plan applications provides the mechanism to ensure that developments meet all applicable regulatory and policy requirements. Development Services staff presently lack the specific training to ensure buildings can be considered ‘bird-friendly’ but can rely on other professional staff and advisory groups to provide the ecological expertise to identify bird-friendly development. The site plan circulation process will ensure site-specific approaches required to reduce bird strikes and light pollution are provided to the site plan staff to implement bird-friendly development standards comprehensively across all applications. The final criteria for the circulation process in terms of who is circulated on which applications will be refined along with the standards under review/development by the working group. The circulation approach taken will reflect the expertise necessary on a given file to ensure bird-friendly standards are met. In the interim the lighting standards proposed can be reviewed through the existing photometric requirements by Site Plan staff.

### **3.3 Effectiveness of Visual Markers and Glass Alterations**

Glass design is one of the main factors in increasing or reducing bird collisions in cities. The reflective or transparent nature of glass creates dangerous flying visuals for birds, who struggle from differentiating the windows from the natural space around them. By determining and enforcing proper glass design standards, the windows can be designed to prevent bird-building collisions. It is these standards in which site plan development has the opportunity to ensure that London's built environment continues to promote a healthy ecological system.

A number of visual markers have been identified as potential glass design elements that can reduce bird strikes. Potential glass design elements include:

- UV Glass
- Patterned or 'fritted' glass
- Film Products and Decals
- Decorative Grilles and Louvres
- Fenestration Patterns

Regulations in other jurisdictions have implemented standards around these various markers; however, through consultation with ecological experts on bird collisions, it has become clear that some of the visual markers may be less effective or even potentially ineffective.

In order to ensure that the regulations ultimately approved are able to achieve bird-friendly glass design, staff have struck a working group. The working group consists of members with ecological backgrounds specializing in bird strikes, the development industry, including local architects, and staff. The aim is to return with regulations that are enforceable by staff, implementable by the industry, and ecologically sound in accordance with the most recent research.

### **3.4 Migratory Bird Season**

In response to Council's direction on the possibility of instituting a limited lit period of high-rise buildings during an identified migratory bird season, the City's Ecologist has advised that there is no distinct season for bird migration in the London area. A review of bird migration would require a detailed investigation on a species by species basis. However, it is proposed that the City of London apply the City of Toronto's model for the migratory spring and fall seasons (March to June and August to November), with minor adjustments to recognize the geographic separation distance between London to Toronto. Bird-Friendly lighting can be addressed as a year-round goal, however the information campaign for existing buildings will target the approximated migratory season.

### **3.5 Awareness Campaign – Existing Buildings not Subject to Site Plan**

Development Services has engaged with the City's Communications group to establish a Corporate-wide awareness campaign that includes the creation of an information brochure and website. This will allow for Bird-Friendly and dark-sky education to go beyond the scope of this bylaw and address existing buildings that are not subject to Site Plan Control, and incorporate other departments in public engagement initiatives within the City. The approximate migration timeframe of March to the beginning of June and mid-August to the beginning of November, is to be used as a period to launch and focus the awareness campaign.

A "soft launch" of the awareness campaign is targeted for the Lifestyle Home Show of London Homebuilders' Association from January 31 to February 2, 2020 and will continue up to Earth Day events scheduled on Wednesday, April 22, 2020. Bird-friendly initiatives as part of the City of London's Earth Day is important as it demonstrates environmental awareness and promotion of harmony between built form and birds.

## 4.0 Additional Considerations

On July 30, 2019 Council passed the implementation of program guidelines for a Downtown Façade Uplighting Grant Program. This incentive program is contained within the existing Façade Improvement Loan program provided by the City of London through the Downtown Community Improvement Plan. The purpose of this grant is to create excitement and vibrancy in the downtown through the use of innovative lighting techniques to illuminate building façade details, which will add vibrancy during the evening hours and winter months. Development Services will work with City Planning to ensure that lighting is limited to the architectural features of buildings and is designed to shield any light from projecting into the sky, through the use of angled lighting or shields.

## 5.0 Conclusion

Policy support exists within The London Plan to promote dark skies and reduce bird strikes through effective lighting design standards. The scenario-based site plan circulation process (identified in this report) can be used to ensure that professional staff and advisory committee comments on bird-friendly design are implemented through the site development process.

Bird-friendly development can be achieved through the recommended amendments to the Site Plan Control By-law. The recommended changes will ensure that standards are applied that promote bird-friendly development on all sites. This is in accordance with existing objectives which seeks the elimination of unnecessary and/or adverse lighting indicated in this report.

Further public consultation regarding other possible design considerations for high-rise buildings will be explored, and a public education awareness campaign will be undertaken in advance of the spring 2020 migratory season.

Special acknowledgements are due to Marcello Vecchio, Integrate Land Use Technologist for his vital contribution in preparing this report.

<b>Prepared by:</b>	<b>Leif Maitland, Site Development Planner</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.	

MV/LM

Cc: Environment and Ecological Planning Advisory Committee (EEPAC)  
Advisory Committee on the Environment (ACE)  
Animal Welfare Advisory Committee (AWAC)  
Michael Wallace, London Development Institute  
Lois Langdon, London Home Builders' Association  
Walter Derhak, London Society of Architects  
Dana Wachter, Communications Specialist, Corporate Communications  
Gregg Barrett, Manager, Long Range Planning and Sustainability, City Planning

## Appendix A – Amendment to the Site Plan Control By-law

Bill No.  
2019

By-law No. C.P.-1455( )-\_\_\_\_

A by-law to amend By-law C.P.-1455-541, as amended, entitled “Site Plan Control Area Bylaw”.

WHEREAS Section 41(3) of the *Planning Act*, R.S.O. 1990, provides that, where in an Official Plan an area is shown or described as a proposed site plan control area, the council of the local municipality may designate a site plan control area;

AND WHEREAS Section 41(7) of the *Planning Act*, R.S.O. 1990 provides that a municipality may require the owner of land to provide to the satisfaction of and at no expense to the municipality facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon;

AND WHEREAS Municipal Council of The Corporation of the City of London passed Bylaw C.P.-1455-541 on June 26, 2006 being a by-law to designate a Site Plan Control Area and to delegate Council’s power under Section 41 of the *Planning Act*, R.S.O. 1990 c. P.13;

AND WHEREAS it is deemed expedient to amend the said By-law;

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

1. By-law C.P.-1455-541, as amended, is hereby further amended as follows:

i) Section 2 of Schedule 1 to By-law No. C.P.-1455-541 is amended by adding to 2.1 Objectives - a new objective to read:

d) To provide bird-friendly design of a site for:

(i) conservation of resident and migratory bird species

(ii) reduced mortality from bird-building collisions

(iii) reduced negative impacts on natural heritage

iii) Section 8 is amended by adding to ‘8.1 Objectives- a new sentence at the end of the concluding paragraph to read:

“All lighting should be limited to, and directed towards, the area requiring illumination so as to reduce skyglow and light pollution and thereby promote bird-friendly development.”

iv) Section 8 is amended by adding to ‘8.2 Yard Lighting’ as a new requirement to read:

(e) Elimination of Skyglow – So as to reduce skyglow, light pollution and related bird fatalities, all light fixtures to be provided are to be full cut-off and have zero up light.

PASSED in Open Council on November 26, 2019

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading - November 26, 2019  
Second Reading - November 26, 2019  
Third Reading – November 26, 2019

## Appendix B – Responses to External Circulation

On Apr 7, 2019, at 8:39 AM, Beth Osuch wrote:

7 April 2019

Dear London Community Leaders,

I would like to bring to your attention the recent article (url below) in the lay press that has immediate relevance to London and the surrounding areas.

<https://www.nationalgeographic.com/science/2019/04/nights-are-getting-brighter-earth-paying-the-price-light-pollution-dark-skies/>

As someone living in Middlesex Centre, between Hyde Park and Ilderton on Eight Mile Road I have noticed that, as London has expanded rapidly in the last 5-7 years, there has been an increasingly bright blue glow over the city at night. The causes are obvious as lights over empty parking lots stay on all night, long after the close of business hours. The traffic circle at Sunningdale and Wonderland Roads is visible in the night sky from kilometers away. These are just 2 small instances of excessive lighting from the expansion of the city. While I used to be able to go out of my house at night and enjoy the stars, there is now a constant glow of the city that obstructs the night sky and appears as if there is a continuous sunrise to the south. As mentioned in the article, there is growing evidence that this is disruptive both to humans and to the wildlife around us.

The awareness of this problem and the evident solutions place London in an exciting and important position to help lead the way in creating a more human- and wildlife-friendly community. I would like to see the lighting of old – and certainly any new developments in London – equipped with the softer, yellower lighting options that are referred to in this article. I would like to see unnecessary lighting, such in as empty parking lots of closed businesses, reduced or eliminated. This is an opportunity for London to demonstrate a genuine interest in the long-term health and wellbeing of all the inhabitants of our communities and surrounding regions, human and otherwise. It would create an example to our children of simple and cost-effective ways to improve the environment and minimize the negative consequences of our technological advances. With these simple steps London could be a shining example (pun intended) of environmental awareness and improvement. With growing recognition of the environmental challenges caused by human advances I would like to see London take a lead in reducing these harms and set a high standard for our communities.

Thank you for your kind attention to this matter.

Sincerely,  
Elizabeth Osuch



LONDON DEVELOPMENT  
INSTITUTE

April 16, 2019

Leif Maitland  
Development Services  
City of London

File: Bird-Friendly Development

Dear Leif

Thank you for accepting London Development Institute's (LDI) comments regarding the proposed amendments to the Site Plan Control By-law and the Site Plan Design Manual relating to future bird-friendly development within the City of London.

In general, LDI is supportive. We recognize Council's desire to have future building development meet a reasonable bird-friendly standard for our community.

We do have a few comments and suggestions that LDI believes can improve the recommended changes to the proposed changes to the By-law.

The circulation of Site Plan applications during the approval process, we believe, can be improved. These changes will support City staff and Council Advisory Committees in their performance of their important role and allow for a timely and effective approval process.

It is our suggestion that clear bird-friendly design requirements be included in the Site Plan Design Manual for standards and designs. It is only reasonable, that if the application meets these standards, that the application does not need to be circulated to any of the applicable Advisory Committees of Council.

If the application does NOT meet the standard in the Site Plan Design Manual the submission could be circulated to the appropriate committee. We do not believe it is fair and reasonable that a Site Plan submission, that meets the standards, be delayed up to 30 days due to Advisory Committee circulation requirements.

We want Council's Advisory committees to be engaged in substantive issues and reviewing a design that has already been approved does not add value to the volunteer time of the citizens on the Advisory Committee.

In addition, we believe that the same criteria for circulation should also apply to the City Ecologist. The Ecologist currently reviews all Site Plan applications that impact Natural Heritage areas and we understand this will continue with the addition of bird-friendly design included in the Site Plan Design Manual.

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LONDON DEVELOPMENT  
INSTITUTE

LDI does believe that if bird-friendly glass and lighting are standardized within the Site Plan Design Manual, it would be redundant to have the Ecologist circulated on the application for buildings over 6 storeys. If the standard is met in a non-Natural Heritage area there is no need to use up valuable staff time reviewing Site Plan applications that have already incorporated the Council approved standards.

Finally, the issue of reflective material for non-residential use is mentioned several times within the report as to trigger the circulation of a Site Plan submission for approval to both Advisory Committees and the City Ecologist. A definition and/or guidelines of reflective material needs to be added to the Site Plan Design Manual which would allow a Site Plan submission to proceed without the need for circulation if the reflective material being proposed meets the definition or criteria.

One additional item, LDI is assuming that the current four street light standards that do not require photometric review will meet the new bird-friendly standard.

Thank you for your consideration

A handwritten signature in blue ink, appearing to read 'Mike Wallace', is written over a light blue background.

Mike Wallace  
Executive Director  
London Development Institute

CC Mayor Holder and Council

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**From:** Brendon Samuels  
**Sent:** Thursday, April 18, 2019 9:01 AM  
**To:** McNeely, Heather  
**Subject:** Comments on bird-friendly development

Dear Ms McNeely,

I am a graduate student at Western University who studies bird-window collisions. I have also recently submitted an application to join the Environmental and Ecological Planning Advisory Committee for the city of London. It was suggested that I should contact you directly to provide feedback on the bird-friendly development report that was recently circulated and opened for comments.

First off, let me just start by saying I am so thrilled that London is stepping up to do something about this issue. I have received tremendous support from the community with respect to my own research on bird-window collisions, and so I am confident that this bird-friendly development will serve the public's best interests.

I recognize that most of the report is targeted towards reducing the impacts of artificial lighting at night. In fact many collisions do happen at night, and so mitigating the effects of artificial light is important, but it is thought that even more collisions happen during the daytime. For this reason most of my comments are in regards to the reports' mention of daytime collisions.

The following items are recommendations for improving the wording of the report:

- On page 1, recommendation c) mentions "*any possible mechanism(s) for enforcement*". While I do think thought should be paid to enforcing this bylaw, I also think that it is simple to institute incentives for building operators to voluntarily partake in the program. For example, the city could provide a "bird-friendly" endorsement in the form of a certificate or window sticker to buildings that maintain compliance, which could be displayed on the premises. This way the building operators can feel positive about advertising that they are doing their part to prevent harm to wildlife.
- Section 1.2 mentions "*Birds strike windows and die from the impact or from the subsequent fall while attempting to fly towards perceived vegetation reflected in a glass window pane or to the perceived vegetated space on the other side of clear glass.*" Although this statement is partly true, it does not encompass all of the possible contexts in which window collisions may occur and is therefore misleading. For example, window collisions may also happen in winter months when there is little to no vegetation outside; collisions may happen in places which lack vegetation entirely, and daytime collisions may occur several stories up where sky, rather than vegetation, is reflected by glass. I suggest modifying the wording here to clarify that proximity of highly reflective glass to vegetation / greenspace may increase the risk of bird-window collisions rather than stating this in absolute terms.
- In section 3.2 it says "*Site Development Planning staff presently lack the specific training to ensure buildings can be considered 'Bird-Friendly' but can rely on other professional staff and advisory groups to provide the ecological expertise to direct bird-friendly development.*" If you or any of the committees or advisory groups would like more information on what bird-friendly criteria to use in reviewing future development proposals I can put you in touch with representatives from FLAP (Fatal Light Awareness Program) based in Toronto who offer a consulting service on identifying risk factors for window collisions. Many of these are outlined in the standards provided on their website.
- Section 3.2 further mentions "*proposed non-residential development utilizing reflective material.*" I would be curious to learn what the specific criteria are for defining a material as "reflective" in this case. Perhaps more technical information about the specific types of glass is needed.
- Section 3.7 states: "*Developments with primarily glass facades will expect that comments received at the site plan approval stage will direct the applicant to provide glass treatments that prevent bird strikes.*" I think this wording is vague in several respects. What is considered "primarily" glass facades? For instance, a building could have large, high-risk windows but be primarily constituted of brick. I think this should be defined in terms of total surface coverage of the building's exterior that is comprised of reflective glass. Secondly, what glass treatments would be recommended here? This should be more explicit, since there are a variety of commercially available glass treatments that have been shown to be largely ineffective. This does not make clear the specific requirements for treating glass properly to reduce collisions, such as applying the treatment to the exterior of the window, or covering the appropriate proportion of the surface, or how many stories/floors of the development will need to be treated.

- Lastly, although it may fall outside the scope of this document, I would hope that in the future London will consider recommending that existing glass facades that pose risks to wild birds (separate from new development) be retrofitted with glass treatments. There are already a lot of problematic glass buildings in London that can and should be addressed.

Please contact me if you have any questions about these comments.

Thank you,

Brendon Samuels

PhD Student, Biology

The Advanced Facility for Avian Research

The University of Western Ontario

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.4 PUBLIC PARTICIPATION MEETING – Bird Friendly Development

- *Mayor E. Holder indicating that he was not going to comment but just a couple of things that came to mind, he did not see it here and perhaps it was just him but how many birds in London do we lose per year as a result of lighting challenges.);* Mr. L. Maitland, Site Development Planner, indicating that he does not have an exact number, the number that was quoted to them at the last meeting of the Environmental and Ecological Planning Advisory Committee was in the hundreds of millions within North America; obviously that is not specific to London but it is eight or nine figures; *(Mayor E. Holder saying that is not credible, he is not sure how you measure that and he just wondered for them to, he knows they are just trying to fine tune the aspects of this but he is wondering, he thinks it is a noble effort and it is not just for the birds but he would tell you that he is just trying to understand what the impact in London is and there has been no measurable study he guesses is what he is asking through the Chair.);* Mr. P. Yeoman, Director, Development Services, responding that the Advisory Committees, as Mr. L. Maitland, Site Development Planner, has mentioned are the ones that brought this forward, there is a member of one of the Advisory Committees who is actually doing his PhD research in this area; he has not actually completed and fleshed out the full study yet for the City but they are working on it actively; to the Mayor's question, no, they do not have a full London number for this; *(Mayor E. Holder suggesting that this is anticipatory in terms of the challenge that might occur as it relates to the safety of birds and migrations and the light, is that correct.);* Mr. P. Yeoman, Director, Development Services, responding that yes, they think that will be impactful and helpful but they do not actually have a quantifiable measure related to the policy that is before the Committee.
- Brendon Samuels, student at Western University that was just mentioned; he is doing his PhD at Western and his Doctoral research is about bird/window collisions specifically - *(See attached presentation.)*
- Mike Wallace, Executive Director, London Development Institute – indicating that it is great to follow Brendon and he talked about cats and lower buildings; expressing appreciation to staff for their approach to their Industry, he knows it was brought here in January of last year in terms of the by-law you are seeing in front of you and over the last number of months, the Spring and Summer, they have had a number of meetings and they had discussions about what they would like to see and from their perspective, their Industry is ok with the changes in terms of what is being proposed here in terms of lighting and actually supporting of it, the one thing that they would ask is that once they get familiar with what the issues are and understand and staff at City Hall understand what works and what does not and what is needed, and if an application comes in and it meets that criteria that it does not have to be circulated over and over again; if they meet what the City's requirements are, it should not need to be circulated; every time something gets circulated somewhere else it costs time and effort and money and makes your affordability issue go up every single time so they are happy with what is being proposed, they are more than interested in the Working Group; he sits beside Brendon most often at Environmental and Ecological Planning Advisory Committee meetings and he has tried to absorb some intelligence from him but it does not really happen that way but the Council has some very good experts right here in the community volunteering their time to give them the information that they need to make the appropriate recommendations to Council on this bird issue; happy to be working on the Working Group that is coming forward, that you have to call us tomorrow morning about.

## Comments on Report to Planning and Environment Committee on Bird-Friendly Development Monday November 18 2019

My name is Brendon Samuels. I am a graduate student at Western University where I do research on bird-window collisions. I attended the PEC public meeting and provided some of my comments. However, given the 5 minute limit, I was unable to cover all of my comments, so I have listed them below for the committee's review.

Secondary sources which support my points below can be made available upon request in the form of an annotated bibliography.

### General comments

- The proposed amendments to the Site Plan Control Area By-law for bird-friendly development are recommended. Comparable requirements for lighting have already been adopted in other municipalities in Ontario, in other parts of Canada and in the United States. I point this out because the birds being protected do not belong to London and will traverse many municipalities. Society has a shared responsibility to protect birds from harm in our own backyard, and bird-friendly action undertaken by London can achieve that.
- However, the wording of the By-law should be consistent with current ecological research, and there are some items covered where the wording should be updated.
- In my opinion the background information provided is missing certain critical details. I've sorted my suggestions for missing details below, first with general information, second the artificial light at night piece and third the glass treatment piece to be discussed by a working group moving forward.
- I agree with the London Development Institute's comment (see their attached letter) that "clear bird-friendly design requirements be included in the Site Plan Design Manual for standards and designs". I would like to add that these requirements should reflect current ecological data, especially previous scientific studies on related topics such as the efficacy of collision deterrent markers, films, etc. and best practices for reducing artificial light at night.
- According to current scientific studies within Canada, less than 1% of bird-window collisions occur at high rises buildings. Most are at low-rise buildings and homes. High rise buildings are not the main source of the collisions issue.
- The majority of bird-window collisions are thought to occur during the day, starting in early morning and lasting through mid-day. This means that artificial light at night is not the primary factor underlying collisions with glass for most collisions.
- Page 5, section 3.4 Migratory Bird Season: *"the City's Ecologist has advised that there is no distinct season for bird migration in the London area. A review of bird migration would require a detailed investigation on a species by species basis."* There are two statements here that are patently false. There are two seasons for bird migration in London, spring and fall, and the onset of these periods is established (although no particular dates can be marked as the exact starts and ends). Also, there is already detailed data available on bird migration timing through various programs run by Bird

Studies Canada, from nearby bird banding stations in SW Ontario, and through citizen science databases (e.g. eBird). In fact birdwatchers visit from all over the world in spring and fall to witness the legendary migration here in SW Ontario.

- *“However, it is proposed that the City of London apply the City of Toronto’s model for the migratory spring and fall seasons...”* Toronto’s by-law and development guidelines for bird friendliness are some of the most progressive of their kind in the world. I recommend following their lead.
- The City of London will be hosting the annual meeting of American Ornithological Society in 2021. This is one of the largest meetings of bird experts. It would be great to have bird-friendly initiatives in place before then.

### **Comments on Lighting Piece**

- Artificial Light at Night (ALAN) is detrimental not only for birds but for entire ecological systems including other animals such as bats, insects and mammals, as well as for human health. According to recent scientific studies, ALAN negatively impacts birds in multiple ways: collisions with buildings is one, but ALAN also alters birds’ timing of migration and breeding. The timing of behaviours like calling and singing at dawn and dusk may be affected.
- In section 2.2 Site Plan Design Manual, paragraph 5: *“Section 8.2 (b) Height, limits the maximum height of all yard lighting fixtures to 15m (50 ft.) for non-residential uses and 6 m (20 ft.) for multi-family residential uses”*. Could you clarify where these criteria for fixture height come from? Currently best practices (e.g. Toronto’s by-law) recommend treating glass up to the anticipated height of the nearby tree canopy. For much of the deciduous forest in London trees may reach up to the 4<sup>th</sup> floor (i.e. approximately 40 feet in height).
- Section 2.2 Site Plan Design Manual, paragraph 5: *“the Site Plan Design Manual 8.2 (d) allows staff to require a Light Study where a qualified engineer will prepare and provide a report demonstrating how the lighting is contained on the site and that the selection/style of light will not create glare and/or broadcast light onto adjacent properties or roadways”*. Similarly, two paragraphs later, *“16. Lighting Facilities: All lighting of the site shall be oriented and its intensity controlled so as to prevent glare on adjacent roadways and residential properties to the satisfaction of the Managing Director.”*
- Can you clarify whether Light Studies factor in light spillage into nearby natural areas? (unsure if these are encompassed by “properties” mentioned here). Also, is this simply looking at light spillage only at immediately adjacent properties?

### **Comments on Glass Treatments Piece**

- 3.1 Site Plan Control Bylaw Proposed Amendments: *“The proposed amendments to the Site Plan control By-law set out the objectives of bird-friendly design generally and bird-friendly lighting specifically”* – is this by design, for the ultimate version of the By-law

amendments, or for describing current progress? The bird-friendly design criteria should not be “general” – as indicated by the Development Institute more specificity is needed.

- *“Development Services staff presently lack the specific training to ensure buildings can be considered “bird-friendly- but can rely on other professional staff and advisory groups to provide the ecological expertise to identify bird-friendly development”* Does this training exist? Who has it? Who should have it? Potentially training could be replaced with a comprehensive document outlining standards and best practices.
- 3.3 Effectiveness of Visual Markers and Glass Alterations. I will save the majority of my comments for discussions held by the working group. However, I want to indicate a couple things here: 1) the efficacy of glass treatments depends not just on the treatment itself but how it is used – should be applied to the exterior of the glass to break up reflections, not the interior; 2) treatments should be applied to cover edge-to-edge of the window leaving no major gaps; 3) some of the “potential glass design elements” listed have not been backed by empirical scientific studies, including UV glass. “Fritted” glass has practical considerations that may influence its efficacy such as the specific layer of the glass within a window that is modified.

### 3.5 Awareness Campaign – Existing Buildings not Subject to Site Plan

- I hope that similar to the lighting and window treatment pieces, this campaign will be designed and coordinated upon consultation with ecological experts.
- One thing to note is that windows cannot be retrofitted for reducing bird-window collisions in cold temperatures (due to requirements of adhering the materials to the glass). For this reason, consider adjusting the timing of the campaigns to afford people time to pursue mitigative actions ahead of migration in fall.

4.0 Additional Considerations *“...Council passed the implementation of program guidelines for Downtown Façade Uplighting Grant Program.” This incentive program is contained within the existing façade Improvement Loan program provided by the City of London through the Downtown Community Improvement Plan”*.

It would be ideal if a similar incentive program could be set up for retrofitting existing glass windows with treatments/products/deterrents that can reduce the risk of bird collisions. Currently the cost of fixing dangerous windows on existing structures is entirely paid by consumers/property owner. Retrofits are typically more expensive than new installations because they often require a more complicated installation involving equipment rentals and hiring a contractor.

Regarding the letter from the London Development Institute

*“We do not believe it is fair and reasonable that a Site Plan submission, that meets the standards, be delayed up to 30 days due to Advisory Committee circulation requirements.” “... if bird-friendly glass and lighting are standardized within the Site Plan Design Manual, it would be redundant to have the Ecologist circulated on the application for buildings over 6 stories”*

I disagree with the above comments because the collision risk at any particular site might vary based on a number of factors (e.g. nearby vegetation and bird habitat, type of glass used,

structural configuration of the building, geographic location of the site, presence of plants indoors, the angle and direction of the glass facades, parallel glass panes presenting a corridor). The standards/guidelines provided to the Development Institute should be as explicit and specific as possible, but it is unlikely the documents will be able to prescribe assessments and recommendations for every single possible scenario in which glass is used in construction. For this reason, redundancy in the Site Plan review process by committees and the Ecologist will be able to provide additional recommendations before developers proceed with construction. If development proceeds and the glass that is used ends up killing birds, despite compliance with the documents, it is 4-5 times more expensive to retrofit existing glass than to treat the glass at the onset.

# Advisory Committee on the Environment

## Report

10th Meeting of the Advisory Committee on the Environment  
November 6, 2019  
Committee Room #4

Attendance                   PRESENT: M. Bloxam (Chair), J. Howell, K. May, M. Ross, M.D. Ross, R. Sirois, K. Soliman, D. Szoller, A. Thompson and A. Tipping and J. Bunn (Committee Secretary)

ALSO PRESENT: Councillor M. van Holst; S. Arnos, S. Cheng, A. Dunbar, J. Grinstead

The meeting was called to order at 12:16 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 Gas Tax Distribution

That the following actions be taken with respect to Gas Tax Distribution:

a) the '8.0 - Recommendations' section of the Cycling Master Plan Review Working Group Report of the Cycling Advisory Committee, dated October 16, 2019, BE ADDED to the December 2019 agenda of the Advisory Committee on the Environment (ACE) for discussion;

b) a representative from Financial Planning and Policy BE INVITED to attend the ACE meeting in January 2020 to give a brief outline of the City of London budget process and the new business cases that are being brought forward; and,

c) the attached presentation, from A. Dunbar, Manager, Financial Planning and Policy, with respect to Gas Tax Distribution, BE RECEIVED.

### 3. Consent

#### 3.1 9th Report of the Advisory Committee on the Environment

That it BE NOTED that the 9th Report of the Advisory Committee on the Environment, from its meeting held on October 2, 2019, was received.

#### 3.2 10th Report of the Trees and Forests Advisory Committee

That it BE NOTED that the 10th Report of the Trees and Forests Advisory Committee, from its meeting held on October 23, 2019, was received.

#### 3.3 10th Report of the Transportation Advisory Committee

That it BE NOTED that the 10th Report of the Transportation Advisory Committee, from its meeting held on October 22, 2019, was received.

3.4 11th Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the 11th Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on October 17, 2019, was received.

3.5 Municipal Council Resolution - 8th Report of the Advisory Committee on the Environment

That it BE NOTED that the Municipal Council resolution, from its meeting held on October 4, 2019, with respect to the 8th Report of the Advisory Committee on the Environment, was received.

3.6 Public Meeting Notice - Zoning By-law Amendment - City-Wide - Allowing "Farm Gate" Sales on Lands Not Zoned Agriculture

That it BE NOTED that the Public Meeting Notice, dated October 30, 2019, from C. Parker, Senior Planner, with respect to a Zoning By-law Amendment related to allowing farm gate sales on lands not zoned agriculture, was received.

3.7 (ADDED) Municipal Council Resolution - 9th Report of the Advisory Committee on the Environment

That it BE NOTED that the Municipal Council resolution, from its meeting held on October 29, 2019, with respect to the 9th Report of the Advisory Committee on the Environment, was received.

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

4.1 Energy Sub-Committee Update

That it BE NOTED that a verbal update from M. Bloxam, with respect to the Energy Sub-Committee, was received.

**5. Items for Discussion**

5.1 Green Municipal Fund

That it BE NOTED that the communication from K. May, as appended to the agenda, with respect to the Green Municipal Fund, was received.

5.2 Green in the City Series Update

That it BE NOTED that the communication from S. Ratz, as appended to the agenda, with respect to an update on the involvement of the Advisory Committee on the Environment with the Green in the City Series, was received.

5.3 ACE Terms of Reference

That the following actions be taken with respect to the Advisory Committee on the Environment (ACE) Terms of Reference:

- a) the City Clerk BE REQUESTED to fill the existing vacancies in the ACE membership in order to allow the ACE to fulfill its full potential given the short term of two years to make solid recommendations to the Municipal Council; and,

b) the City Clerk BE REQUESTED to remove the non-voting membership positions for the Institute of Catastrophic Research (Western University) and the Biodrome (Western University) and to replace them with a Representative from Western University, with no department specified.

5.4 ACE 2019 Budget

That it BE NOTED that the Advisory Committee on the Environment (ACE) held a general discussion with respect to the 2019 ACE Budget.

**6. Adjournment**

The meeting adjourned at 2:13 PM.



# Gas Tax Funding

## Programs & Expenditures

Advisory Committee on the Environment  
November 6, 2019

[london.ca](http://london.ca)



## Agenda

1. Provincial Gas Tax vs Federal Gas Tax
2. Provincial Gas Tax Funding
3. Federal Gas Tax:
  - a. Agreement
  - b. Allocations
  - c. Sample Projects
  - d. Addressing Climate Change
  - e. Monitoring
4. Questions



## Provincial Gas Tax vs Federal Gas Tax

- **Provincial Gas Tax**
  - Dedicated Gas Tax Funds for Public Transportation Program
  - Only used by London Transit for capital and operating funding
  - Approx. \$10.3 million per year
  
- **Federal Gas Tax**
  - Municipal Funding Agreement between Federal Government and municipalities
  - Used by municipalities for capital funding
  - Approx. \$23.3 million per year



## Provincial Gas Tax

- October 22, 2004 - the Province of Ontario announced Dedicated Gas Tax Funds for Public Transportation Program
- Funding represents 2.0 cents/litre
- Dedicated gas tax funds are to be used for the following purposes:
  - Public transportation capital
  - Public transportation operating
  - Capital expenditures for the replacement of vehicles
  - Capital expenditures that provide improvements
  - Major refurbishment on any fully accessible vehicle
- January 2017 - the Province announced that the municipal share was to increase from the current 2.0 cents/litre to 2.5 cents in 2019-20; 3.0 cents in 2020-21; and 4.0 cents in 2021-22
- April 11, 2019 - the commitment to increase funding was removed in Provincial budget



## Provincial Gas Tax

- Used annually for operating (approx. 60%) and capital (approx. 40%) expenditures within the guidelines and requirements of the program
  - Operating - to support a share of the annual operating costs, both conventional and specialized services
  - Capital – replacement buses, expansion buses, facility upgrades, IT projects
- Reported annually to the Ontario Ministry of Transportation through the form “*Dedicated Gas Tax Funds for Public Transportation 20xx Reporting Form*”

Provincial Gas Tax - City of London (\$ millions)				
2014 – 2015	2015 – 2016	2016 – 2017	2017 – 2018	2018 – 2019
\$9.4	\$9.7	\$9.4	\$10.0	\$10.3



## Federal Gas Tax - Agreement

- The transfer of Federal Gas Tax revenues for cities and communities was introduced in 2005.
- Federal Gas Tax is the only permanent, stable and predictable source of funding for municipalities from the Federal government.
- As of April 1, 2014, Federal Gas Tax was extended to 2023.
- AMO (Association of Municipalities of Ontario) administers the Federal Gas Tax in Ontario on behalf of the Government of Canada.
- AMO collects annual reporting, outcomes reporting and ensures projects are prioritized based on an Asset Management framework.
- Projects are chosen by local governments according to local priorities.



## Federal Gas Tax – Agreement

Municipal infrastructure projects must fall within the following 16 categories:

Productivity and Economic Growth	Clean Environment	Strong Cities and Communities
Local roads and bridges (incl. active transportation)	Drinking water	Sport & recreation
Highways	Wastewater	Culture & tourism
Short-sea shipping	Solid waste	Disaster mitigation
Short-line rail	Community energy systems	Capacity building
Regional & local airports	Brownfield redevelopment	
Broadband connectivity		
Public transit		



## Federal Gas Tax - Allocations

- Federal Gas Tax is to be used, where possible, for more significant capital projects that meet the following criteria:
  - Provides recognizable community benefit
  - Identified as high priority in the City's Asset Management Plan
  - Larger, more visible and impactful
  - Reflect Council's Strategic Priorities
- The City's Asset Management Plan is used to guide infrastructure planning and investment decisions for gas tax funds
- Federal Gas Tax is not allocated to Growth projects because of the impact on development charges funding

Federal Gas Tax City of London	2016	2017	2018	2019	2020	2021	2022	2023
\$ millions	\$22.3	\$22.3	\$23.3	\$23.3	\$23.3	\$24.3	\$24.3	\$25.4



## Federal Gas Tax - Allocations

### FEDERAL GAS TAX ALLOCATION (\$000's) 2016 -2023

	2016	2017	2018	2019	2020	2021	2022	2023
Waste Water Rehabilitation	\$4,500	\$4,500	\$4,500	\$4,500	\$4,500	\$4,500	\$4,500	\$4,500
Water Rehabilitation	\$1,414	\$1,414	\$1,425	\$1,425	\$1,425	\$1,425	\$1,425	\$1,425
Road Rehabilitation	\$7,800	\$7,800	\$8,850	\$9,162	\$9,062	\$9,121	\$9,121	\$9,379
Bridge Rehabilitation	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,500	\$2,500	\$2,800
Transit	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$2,000	\$2,000	\$2,000
Solid Waste	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500	\$4,000
Bicycle Lanes & Thames Valley Parkway	\$700	\$700	\$700	\$700	\$800	\$800	\$800	\$800
Energy Efficient Facilities and Infrastructure	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500
Brownfield Rehabilitation	\$350	\$350	\$350	\$0	\$0	\$0	\$0	\$0
	\$22,264	\$22,264	\$23,325	\$23,287	\$23,287	\$24,346	\$24,346	\$25,404



## Federal Gas Tax - Allocations

- In March 2019, in Budget 2019, the Federal government released a one-time doubling of the Federal Gas Tax
- The amount was \$23.3 million for the City of London
- This one-time funding was allocated to:
  - Greenway Organic Rankine Cycle Equipment Installation (\$4.5 million)
  - The remaining funding will be allocated during the 2020-2023 Multi-year Budget process



## Federal Gas Tax – Sample Projects

### Sample Projects by Category

Wastewater	Sewer Replacement Program	Burbrook Lateral Storm Sewer
Water	Watermain Rehabilitation	
Roads	Road Rehabilitation (Main, Local and Rural)	
Bridges	Bridges Major Upgrades	
Transit	Bus Purchase Replacement	
Solid Waste	W12A Projects	Landfill Gas Collection
	New & Emerging Solid Waste	Long Term Disposal Capacity
Bike Lanes/TVP	Maintain Thames Valley Parkway	Active Transportation
		Bike Share Program
Energy Efficiencies	Facility Energy Management	



## Federal Gas Tax – Addressing Climate Change

- The following allocations of Federal Gas Tax contribute to a reduction in greenhouse gases:
  - Roads and bridges rehabilitation - improves traffic flow
  - Facility energy management – reduce energy usage
  - Bus replacements – better energy efficiency in new models
  - W12A projects – landfill gas collection and introduction of new technologies to reduce the impact of solid waste
- The following allocations of Federal Gas Tax address local climate impacts:
  - Sewer replacements – assist with flooding issues
  - Watermain rehabilitation – reduces lost water



## Federal Gas Tax - Monitoring

- Council approves the source of financing in the Capital Budget that includes the allocation of Federal Gas Tax
- Administration submits a “Municipal Annual Expenditure Report” to AMO annually which is used to update the following website:



### Federal Gas Tax Fund

<http://www.amo.on.ca/AMO-Content/Gas-Tax/Canada-s-Gas-Tax-Fund>

- Administration also submits “Project Outcomes” to AMO annually which are reflected on the following website, including a map showing locations of gas tax projects



### Gas Tax at Work

<http://www.gastaxatwork.ca/>



## Questions and Discussion

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** John M. Fleming  
Managing Director, Planning and City Planner  
**Subject:** Draft Affordable Housing Community Improvement Plan and  
Key Considerations for Program Guidelines  
**Meeting on:** November 18, 2019

## Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions **BE TAKEN** with respect to the draft Affordable Housing Community Improvement Plan (CIP):

- (a) That the draft Affordable Housing Community Improvement Plan **BE CIRCULATED** to stakeholders including market housing developers, non-profit housing developers, housing agencies and the general public for additional consultation.
- (b) That this report **BE RECEIVED** for the purposes of identifying key principles of the draft Affordable Housing Community Improvement Plan and program guidelines.

**IT BEING NOTED** that a public participation meeting of the Planning and Environment Committee will be scheduled in January of 2020 to consider the final Affordable Housing Community Improvement Plan and Program Guidelines.

**IT BEING FURTHER NOTED** that the Affordable Housing Community Improvement Plan has been identified within the 2019-2023 Council Strategic Plan and a business case for the incentive programs under the CIP will be submitted for evaluation through the 2020 Multi-Year Budget process.

## Executive Summary

In June 2019, Council directed that a range of new tools, such as policies, incentives, and regulations, be prepared in order to address the need for affordable housing within the City. These tools were identified in the draft "Affordable Housing Development Toolkit". The Toolkit is a means to implement the Housing Stability Plan (HSP) and the Homelessness Prevention and Housing policies of *The London Plan*. One tool identified in the toolkit is a Community Improvement Plan that would provide financial incentives to encourage the development of new affordable housing.

Since June 2019, Staff have consulted with stakeholders and the public on the list of tools within the Toolkit, as well as the key considerations for introduction of an Affordable Housing Community Improvement Plan (CIP). A draft Affordable Housing CIP has been prepared, and Staff are seeking Council direction on the draft CIP, including the proposed incentive programs, in order to conduct a second round of consultations and finalize the CIP and associated incentive program guidelines early next year. Funding for incentive programs will be evaluated in the 2020 Multi-Year Budget process. A final Toolkit will also be brought forward as a separate report to Council.

## Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. The Affordable Housing CIP initiative supports the City's commitment to reducing and mitigating climate change by providing tools that will encourage land use intensification and 'inward and upward' residential growth at appropriate locations. It will support more intense and efficient use

of existing urban lands and infrastructure and the regeneration of existing neighbourhoods, will align with transportation planning to support public transit and active transportation options, and will serve to preserve farmland.

## Background

### 1.0 Affordable Housing Development Toolkit

At the June 17, 2019, meeting of Planning and Environment Committee, a report was received which identified a range of planning tools that could encourage the development of new affordable housing units and help implement the City's Housing Stability Plan and the 'Homelessness Prevention and Housing' policies of *The London Plan*. The "Affordable Housing Development Toolkit" identified a number of City policies, regulations, and practices that are in effect, as well as a number of new initiatives to be considered within the City's work plan.

Through the June 17, 2019, report, Staff were directed to prepare and develop the new tools and to undertake public and stakeholder consultations. One of the tools, the "Affordable Housing Community Improvement Plan (CIP)", was identified as a priority. As such, a coordinated set of consultations has been conducted in order to gather feedback on the Toolkit and the Affordable Housing CIP at the same time.

The Affordable Housing CIP is identified as a priority tool within the Toolkit, in part because of the requirements of "co-investment" under the National Housing Strategy. In order to be eligible for Federal Canada Mortgage and Housing Corporation funding for affordable housing (termed "co-investment"), the City is required to be a financial partner and provide investment in affordable housing. Such municipal investment may include programs (like incentives) offered under a CIP that are specifically targeted to affordable housing. The Affordable Housing CIP therefore allows affordable housing developers to access affordable housing funding from other levels of government.

This report is an update on the Affordable Housing Community Improvement Plan project and the consultations to date, noting that a separate report will be brought forward with the final list of tools to be included within the broader Affordable Housing Development Toolkit.

### 2.0 Affordable Housing Community Improvement Plan (CIP)

#### 2.1 What is a Community Improvement Plan?

A Community Improvement Plan (CIP) is a tool that allows a municipality to take actions to support improvements and redevelopment within a specifically defined project area. Section 28 of the *Planning Act* gives municipalities the ability to prepare CIPs. Through a CIP, municipalities can:

- Identify changes needed to land use planning policies, zoning, and/or other bylaws, policies, and practices;
- Direct funds for improvements to public infrastructure and public space;
- Acquire land, rehabilitate buildings or clear land, and sell land for community improvement;
- Provide or direct funds for the provision of affordable housing;
- Improve energy efficiency;
- Provide grants and loans to owners and tenants for specific actions; and
- Establish a vision, goals, and objectives to provide focus and direction for continuous community improvement.

Many of the above actions are not otherwise permitted by municipalities unless they have approved a Community Improvement Plan. Section 106 of the *Municipal Act* prohibits municipalities from directly or indirectly assisting private businesses unless they are identified within an adopted Community Improvement Plan.

## 2.2 Purpose of this CIP

The purpose of the Affordable Housing CIP is to:

- Define “affordable housing” needs based on household incomes and define “affordable housing” for the purpose of the CIP and its proposed programs, noting various tools under the “Toolkit” may define “affordable” differently or address different housing options;
- Establish CIP objectives to address the provision of affordable housing and other city-building objectives;
- Identify opportunities to develop incentives and/or programs to support the development of affordable housing; and
- Identify monitoring measures to assist with future housing monitoring reports and to identify successes of any programs offered under this CIP.

## 2.3 What is Not Addressed in the Affordable Housing CIP

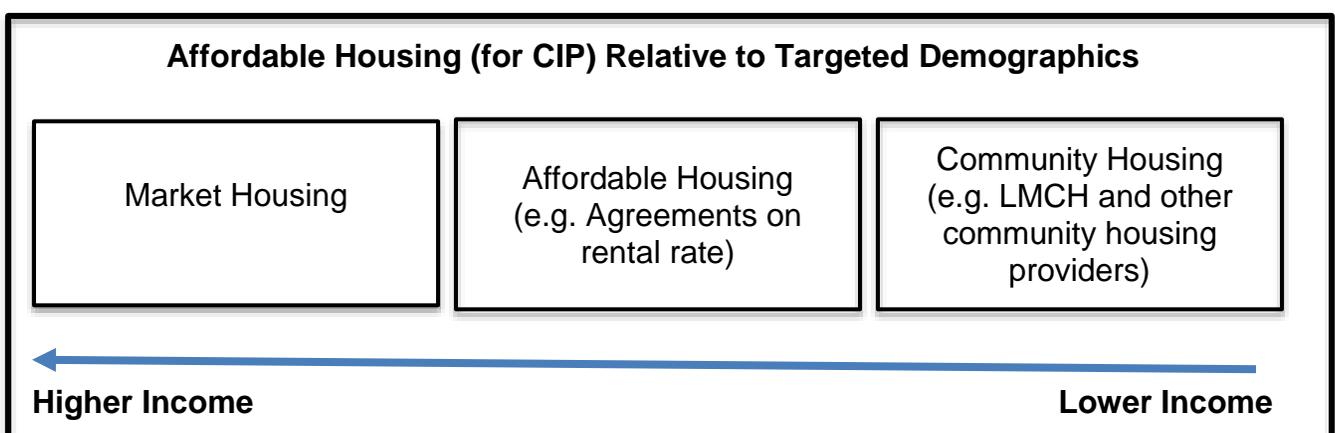
A team of City and Agency Staff, including from Housing Services, Homeless Prevention, City Planning, Development Services, the Housing Development Corporation (HDC), and London Middlesex Community Housing (LMCH) have been working in a coordinated effort to advance programs and supports for the entire range of housing options.

The Affordable Housing CIP is only one piece in a larger coordinated toolkit and policy framework that will address affordable housing and homelessness. As such, the scope of the Affordable Housing CIP addresses only certain aspects of housing affordability. This Community Improvement Plan does not directly address housing for those experiencing homelessness, which is included in the upcoming Housing Stability Plan.

The Affordable Housing CIP also does not directly plan for or fund the regeneration of existing LMCH housing or other community housing providers’ regeneration activities. The LMCH Regeneration Plan addresses this along with the need for community housing funding.

Other forthcoming initiatives outside of the Affordable Housing CIP but under the Affordable Housing Development Toolkit will support Community Housing in a variety of ways. This will include Official Plan Amendments to introduce a policy framework for LMCH regeneration sites and/or new LMCH developments.

At a high level, the graphic below shows Affordable Housing (for the purposes of the CIP) relative to other types of housing and target demographics.



## 2.4 Assessing Need and Defining Affordable Housing

As demonstrated in the draft Affordable Housing Community Improvement Plan (see Schedule 1 to Appendix ‘B’), there is a need for Affordable Housing in London.

The Canada Mortgage and Housing Corporation (CMHC) defines “affordable” housing as housing that costs less than 30% of the pre-tax income of low to moderate income households. Below is a table showing the City’s median incomes by household type, and what that median income can afford to pay each month in rent and/or ownership costs.

### Median Incomes by Household Type

	Household Type			
	Renter Households	Owner Households	One-Person Households (Rent and Own)	All Households (Rent and Own)
Median Annual Pre-Tax Income	\$ 37,700	\$ 90,700	\$ 34,426	\$ 62,011
30% of Median Annual Pre-Tax Income	\$ 11,310	\$ 27,210	\$ 10,327	\$ 18,603
Maximum Monthly “Affordable”	\$ 943	\$ 2,268	\$ 860	\$ 1,550

Sources: Statistics Canada 2016 Census and 2018 Ministry of Municipal Affairs and Housing (MMAH))

The above table shows that owner households have relatively higher incomes and that renter and single-person households are in relatively greater need of affordable housing.

The greater need for affordable housing for renters is also demonstrated by the percentage of renter versus owner households who are in “core housing need”. “Core housing need” is defined as when housing does not meet one or more of the following standards:

- **“Adequate Housing”** is housing not requiring any major repairs (as reported by the residents);
- **“Affordable Housing”** is a shelter cost (i.e. rent, mortgage, condominium fees, property tax, utilities) that is less than 30% of the household’s pre-tax income; and
- **“Suitable Housing”** has enough bedrooms for the size and make-up of the household.

The following table shows the City of London’s Core Housing Need based on household tenure type.

Core Housing Need by Household Tenure Type

	Number of households in core need	Percentage of households in core need
Renter Households	19,050	29.7 %
Owner Households	5,920	5.1 %
All Households total	24,965	13.8 %

Source: 2018 MMAH

Comparing incomes to housing costs then identifies Londoners' ability to pay for market-rate housing. Based on the CMHC 2018 London Rental Market Survey, an "Actual Asking Market Rent" has been identified for different sizes of units. The "actual average" rents for different unit sizes are as follows:

- Bachelor/Studio: \$ 859
- One Bedroom: \$ 1,021
- Two Bedroom: \$ 1,370
- Three Bedroom: \$ 1,787
- Four plus Bedroom:\$ 2,171

When compared to renter household incomes, the above market rents are shown to be unaffordable to many, including:

- More than 40% of renter households cannot afford the average Bachelor; and
- More than 50% of renter households cannot afford the average 1 Bedroom;

**2.5 Goals and Objectives**

Based on the need for affordable housing, as shown above, the goals of the Affordable Housing CIP are to:

- Reduce financial barriers to developing affordable housing units;
- Promote and encourage the creation of new affordable rental units (below Average Market Rent);
- Support implementation of *The London Plan*, including the Homeless Prevention and Housing section of the Plan;
- Support the policy framework of the Housing Stability Plan by addressing needs in different housing forms and housing options;
- Support the work of community housing providers, including LMCH;
- Promote and encourage the creation and maintenance of mixed-income, complete communities;
- Support opportunities for infill and intensification from small to large scale (i.e. from secondary suites to high-rise apartment forms);
- Assist in the regeneration of aging neighbourhoods and underutilized lands;
- Promote housing retention and promote aging in place;
- Encourage environmental, social, and financial sustainability for the City and its citizens through strategic City investments in affordable housing initiatives;

Objectives are specific and can measure the accomplishment of a goal. The following objectives are identified as means to achieve these goals:

- Encourage creation of more affordable housing units/provide relief from biggest financial barriers to construction of affordable units (e.g. through incentives);
- Enable creation of more mixed-income communities;
- Assist in regeneration of community housing by creating more affordable housing supply;

- Land sales (for affordable housing) and land acquisitions (e.g. surplus sites);
- Creating units to support the goals of the Housing Stability Plan and *The London Plan* (at various scales of intensification and affordability).

## 2.6 Monitoring

Monitoring and evaluation of the Community Improvement Plan and programs offered will be ongoing and based upon the program goals and objectives. Monitoring of the programs will occur in parallel to housing monitoring reports that review income levels and housing needs over time. Monitoring will be annual for matters such as program participation (e.g. how many new units created under the program, at what level of affordability, and value of incentives and construction), as well as longer-term monitoring to coordinate with multi-year budget cycles and the release of Canada Census data (e.g. household demographics and incomes). Monitoring can also include a “sunset clause”, which describes the success measures or criteria to be used to evaluate when the program should end or be adjusted.

## 2.7 Project Area

Community improvement provisions of the *Planning Act* require that municipalities describe a “Community Improvement Project Area” where the Community Improvement Plan will apply. The Community Improvement Project Area will be city-wide; however, eligibility for incentive programs within this Project Area will include additional conditions. Properties within the Project Area will be required to have an Urban Place Type under *The London Plan* that permits residential land uses to be eligible for any potential incentive programs. Eligibility for incentive programs will also be based upon any specific requirements identified in the forthcoming Program Guidelines.

The draft “Community Improvement Project Area” is shown in Schedule 1 to Appendix ‘A’ of this report.

## 2.8 Key Considerations for Continued Consultations

As part of initial stakeholder consultations, Staff sought input regarding what works well with existing CIP programs and what limitations exist that may be preventing more affordable units being developed. Through these consultations it was identified that the “up-front” costs and “up-front” financing of development are the largest costs to developing affordable housing and any relief available to lower or off-set such costs would be beneficial. Up-front costs include such things as:

- Land acquisition;
- Real estate transactions (e.g. legal fees);
- Construction costs;
- Development Charges (for capital cost recovery associated with services for new growth); and
- Other City fees (e.g. cash-in-lieu of parkland, building fees).

Recent changes through the *More Homes, More Choice Act, 2019*, have also sought to address some of the concern regarding the up-front costs of development and the municipal Development Charges (DCs) in particular. Through the Act, changes to City practices are required to take effect no later than January 1, 2021. Previously, Development Charges were collected for any costs that municipalities identified as related to new growth, except for a list of exempted activities. Now, under the *More Homes, More Choice Act*, DCs can only be collected for a prescribed list of “hard services” such as road and servicing infrastructure. “Soft services” are to be collected through a new Community Benefit Charge (CBC).

The timing of City collection of DCs has also changed. Previously the Development Charges were collected by the City before development occurred, at the time of building permit issuance. Now, under the Act, Development Charges will be collected at the time the building is occupied. Additionally, the new Provincial legislation has prescribed that the collection of DCs is staged in annual installments for some types of

development, rather than paid to the City in one lump sum. The installment payments for DCs (related to housing) are as follows: twenty-one (21) annual installments for non-profit housing developments; and six (6) annual installments for any purpose-built rental housing (which is not in the non-profit category).

Secondary dwelling unit policies have also changed. Secondary dwelling units are exempt from Development Charges and the *More Homes, More Choice Act* now identifies that a secondary dwelling unit may be permitted in the main building (e.g. a basement), and in an ancillary structure (e.g. a converted garage); whereas only one secondary unit in the main building or one in an ancillary structure was permitted.

The reduced DC, the change in timing of first payment, and the deferrals through installments are types of measures that would previously have required an incentive program adopted under a Community Improvement Plan to implement.

In order to recognize the concern regarding up-front costs, and within the context of the recent changes in Provincial legislation, two incentive programs have been proposed under the Affordable Housing CIP. Staff have begun consultations regarding these two programs along with consulting on the toolkit and Community Improvement Plan.

### **2.8.1 CIP Program #1: Affordable Housing Loan Program**

The first program proposed is an affordable housing loan program to encourage the creation of new affordable housing units and to off-set the up-front costs of affordable housing development. Key principles for the Affordable Housing Loan Program include:

- Eligible works are development or redevelopment that creates new affordable housing units;
- A minimum of five (5) affordable units must be created;
- Through an agreement, the units must be rented at less than Average Market Rent (AMR) for a minimum affordability period of twenty (20) years;
- The value of the incentive (loan program) will vary based on the following three criteria:
  - Level of affordability of the units relative to AMR;
  - Whether the applicant pays City property taxes; and
  - Alignment with geographic location targets.
- The loans will only apply to the Affordable Housing units (if within a building that contains Affordable and Market units);
- Buildings must be mix of Affordable and Market if more than 10 units in the building;
- No more than two-thirds of the building can be affordable units;
- Loans are interest free;
- Loans are issued at the time of building permit (noting DCs now to be collected at building occupancy);
- Loans are to be paid back over a ten-year schedule;
- A lien will be applied on title of a participating property for the value of the loan;
- Timing of first repayment will be determined through continued public consultation.
- Loans may be stacked with programs of other CIPs (e.g. upgrade to building code)

The loans are intended to off-set the up-front cost of DCs. The loan value will vary depending on three variables, as noted above. The loans vary to recognize the following:

1. Level of affordability of the units relative to Average Market Rent (AMR):
  - There are three levels of affordability:
    - i. Less than 80% of AMR;
    - ii. 80 to 89% of AMR; and
    - iii. 90 to 99% of AMR.

2. Whether the applicant pays City property tax:
  - i. Recognition that by paying City property tax there will be a higher carrying cost while going through the planning and development process.
3. Alignment with geographic location targets:
  - i. Creating greater encouragement for affordable housing in coordination with areas of planned high intensity growth and development as well as employment nodes, services and higher order transit.
    - Alignment with the growth and policy framework of *The London Plan* and the City Structure Plan.
    - Recognition that surplus lands, such as closed school sites, provide a unique opportunity for affordable housing development within established neighbourhoods across the city.
  - ii. Alignment with the planned Rapid Transit network
    - Recognizing transportation costs are a significant household cost.
    - Aligning affordable housing with locations for higher-order transit so that households can access employment and services by transit or active transportation alternatives.
    - Reducing fuel consumption and assisting with response to the climate emergency.

The three loan value categories are as follows:

- “High” loan category (\$ 20,000)
- “Medium” loan category (\$ 15,000)
- “Low” loan category (\$ 10,000)

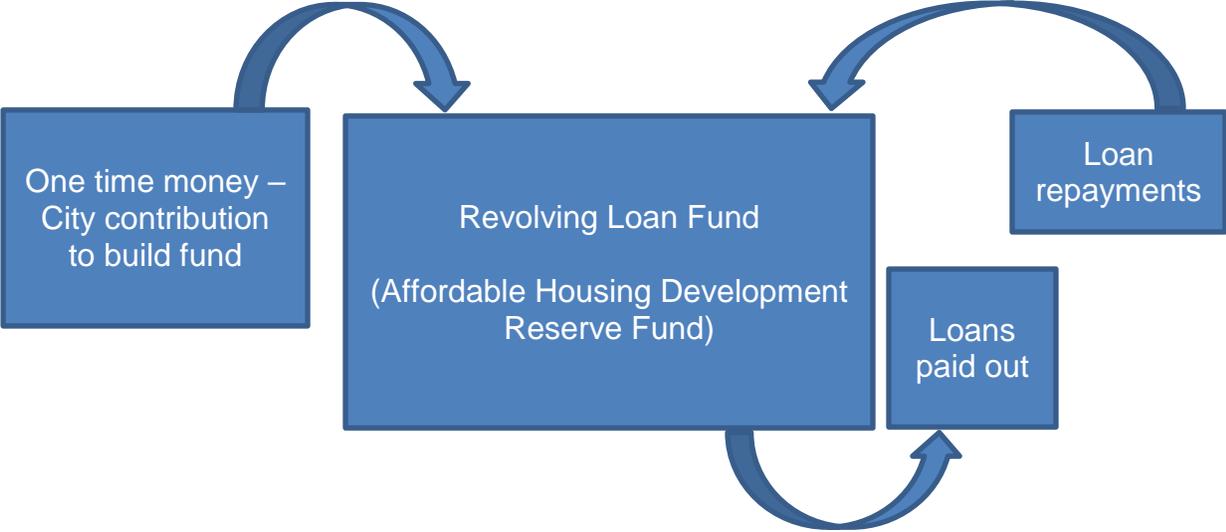
The Affordable Housing Loan Program is shown in the table below:

	<b>Do <u>Not</u> Pay Municipal Property Taxes</b>			<b><u>Do</u> Pay Municipal Property Taxes</b>		
	Downtown, Transit Villages, Rapid Transit Corridor	Sites within Primary Transit Area or any Closed School Site	Other Sites	Downtown, Transit Villages, Rapid Transit Corridor	Sites within Primary Transit Area or any Closed School Site	Other Sites
< 80% AMR	HIGH	HIGH	MEDIUM	HIGH	HIGH	MEDIUM
80-89% AMR	HIGH	MEDIUM	LOW	HIGH	HIGH	MEDIUM
90-99% AMR	MEDIUM	MEDIUM	LOW	HIGH	MEDIUM	LOW

A business case is being prepared for the Affordable Housing CIP incentive programs and will be included within the multi-year budget. The loans are proposed to be supported through the establishment of an Affordable Housing Development Reserve Fund and revolving loans. The loans will be funded annually on a first-come, first-served

basis and the availability of funds within the Affordable Housing Development Reserve Fund. There will be ongoing monitoring and management of the reserve fund. The following graphic is intended to show the revolving loan fund of the Affordable Housing Development Reserve Fund:

Revolving Loan Fund



**2.8.2 CIP Program #2: Secondary Dwelling Unit Loan Program**

The Secondary Dwelling Unit Loan Program is proposed in order to address the affordability of home ownership and to also create more rental housing supply.

The Secondary Dwelling Unit Loan Program is proposed as follows:

**New Secondary Unit Within an Existing Residence  
 (Existing on the date the by-law is passed)**

Value of Loan	<ul style="list-style-type: none"> <li>• Up to \$ 20,000, based on the value of the works.</li> <li>• Interest free.</li> <li>• 25% forgivable (to be confirmed through continued consultations)</li> <li>• 10 year payback schedule (to be confirmed through continued consultations)</li> </ul>
Conditions	<ul style="list-style-type: none"> <li>• Owner-occupancy required;</li> <li>• Loan issued when works completed;</li> <li>• No short-term rentals (e.g. “Airbnb”);</li> <li>• Rental license required (RRUL);</li> </ul>

The Secondary Dwelling Unit Loan Program will be included within the same business case as the other incentive program under the Affordable Housing CIP. The Secondary Dwelling Unit Loan Program is proposed to be capped at \$ 250,000 per year.

**2.9 Consultations Are Continuing**

Initial stakeholder consultations were held over summer 2019. Staff have also regularly met with Agency partners to ensure a coordinated approach to addressing affordability over all housing options. Public consultation meetings were held on September 26 and October 2, 2019.

Through these consultations Staff have sought feedback on the draft objectives and monitoring measures of the Affordable Housing CIP, the draft incentive programs, and the range of tools within the broader Affordable Housing Development Toolkit.

As part of the consultations, Staff have sought feedback on the following key considerations in order to develop the program guidelines:

- Are the geographic locational targets for the Affordable Housing Loan program appropriate?
- Are the levels of affordability (relative to Average Market Rent) achievable?
- Should a portion of the loan be 'forgivable'?
- Is the minimum number of 5 affordable units sufficient or should it be raised?
- What should the maximum building size be (in number of units) before a mix of affordable and market units is required?
- Will the same program address the needs of non-profit and for-profit developers of affordable housing units?

Feedback was also sought regarding the Secondary Dwelling Unit Loan Program, including the following considerations:

- Are the value of the loans for existing and new buildings appropriate?
- Is the timing of the issuance of loans appropriate?
- Should there be an owner-occupancy requirement within existing buildings?
- Should there be a 25% forgivable portion?
- Should a rental license be required throughout the affordability period?
- Should there be a prohibition on short-term rentals?
- Should the City monitor the rental rates of the new units created?

The following feedback has been received to date through stakeholder and public consultation meetings and through public responses:

- Concern that identifying categories for the Affordable Housing Loan program will complicate the program and may reduce participation;
- Concern that the Affordable Housing Loan Program's geographic targets will address the majority of the central urban area served by transit, but that there are significant commercial and service employment areas and main streets that are still outside of the "Primary Transit Area"
  - e.g. Smart Centres and Power Centres (Hyde Park and Fanshawe; Argyle Mall; Wonderland Road Enterprise Corridor); and Main Streets (Byron Village; Lambeth Main Street).
- Concern that a minimum of 3 units created may be too small a building. Under the *Residential Tenancies Act* a landlord has fewer obligations to tenants in buildings of less than 5 units.
- Also based on the *Residential Tenancies Act* and level of tenant protections, the CIP program should ensure that the new affordable units are self-contained without shared facilities (such as kitchens).
- Concern expressed that the Loan program's criteria do not include a criterion based on the size of unit, therefore affordable units may only be bachelors or 1-bedrooms and the draft program may not address affordable housing for families that require larger units;
- Concern that the Secondary Dwelling Unit program has an owner-occupancy component; however, non-profits may be interested in acquiring houses for the purposes of providing affordable rental units but would not be permitted to avail of the program if it required owner-occupancy.
- Concern that the draft programs identify a rent price relative to average market rent, but do not address "who" is living in the units or groups with specific needs (e.g. senior citizens population, ability to age in place, and universal design to adapt existing dwellings).

- Concern with financial management and costs of incentive programs, including: cost of staff resources to administer; cash-flow liabilities if programs not capped in budget; sunset program based on vacancy rate; loans should be self-financing, with repayments going back into reserve for the program; and that applicants to these new incentive programs should not be eligible under other CIP incentive programs as well (e.g. under Downtown or Old East Village CIPs)
- Concern that the secondary suite program cap of \$ 250,000 per year is too low and should be raised.

Noting that consultations are on-going, the following are responses to the comments and concerns raised above:

- The categories of loan were identified in order to both address concerns regarding up-front costs of developing affordable units and to also align with the growth, intensification, and rapid transit supportive development objectives of the City Structure Plan of the Council-approved *London Plan*. Options are to (1) maintain the proposed categories or (2) change and expand the geographic targets or (3) eliminate categories. Based on the stated objectives, Staff are recommending the geographic targets and categories remain. However, this is to be confirmed through ongoing consultations.
- Staff will also review and report back on the opportunity for increased incentives for larger unit sizes and ensuring a mix of sizes of affordable units. This will be done as part of continued monitoring of incentive program participation.
- Staff will review the minimum number of affordable units required. Units created will be required to be self-contained.
- Staff will report back on non-profits acquiring single detached homes and creating secondary suites for the purpose of creating affordable housing.
- The incentive programs intend to encourage the creation of new affordable housing supply and improving the affordability of home ownership through encouraging the creation of secondary suites. Certain populations and demographics may require housing with additional supports; however, these programs are intended to address the supply of affordable housing that may be provided by the market. Other tools within the Toolkit and actions of other agencies will address populations requiring supportive housing or other population-specific needs.
- The cost of programs, including cash-flow for loan programs and staff resources to administer this and other CIP programs, will be part of upcoming multi-year budget discussions. The proposed budget caps on the Loan and Secondary Suite programs are subject to the on-going public consultations as well.

### **3.0 Confirmation of Key Principles**

This report is submitted to identify the key principles for the Affordable Housing Community Improvement Plan and incentive programs. This report is an opportunity for Council and the public to provide feedback so that Staff can consider modifications before a final CIP is brought forward in January 2020. Key considerations include:

- That varying loan levels for the Affordable Housing Development Loan Program be developed, and that the categories be based on: the level of affordability of the units created; the geographical location of units created; and whether or not the applicant pays City property taxes;
- That eligibility in the Affordable Housing Development Loan Program requires a minimum of five (5) affordable units created;

- That the Secondary Dwelling Unit Loan program requires owner-occupancy for units created within existing buildings; and
- That the Secondary Dwelling Unit Loan program prohibits short-term rentals, such as Airbnb.

While incentives are proposed across the city for new Affordable Housing units, the draft Loan program proposes an increased level of incentive in areas that align with growth objectives of the City, including for infill and intensification in proximity to the planned rapid transit system. This will encourage the creation of affordable housing in rapid transit-supportive developments which also have the potential to lower households' related transportation costs and reduce the need for personal automobile commuting to employment areas and services. As such, the geographic target locations of the Loan program intend to be a part of the City's response to the Climate Change Emergency by supporting infill and intensification that is coordinated with locations for public transit and active transportation options.

Based on initial consultations, some stakeholders have identified that the geographic location targets are not inclusive of certain main streets and "Power Centre" commercial areas (e.g. Byron Village, Lambeth Main Street, Fanshawe/Hyde Park, Wonderland Road South). The concern expressed is that the geographic targets should be expanded so that more of an incentive is offered in proximity to these commercial retail areas (i.e. so that people are able to live in affordable housing near those places of employment), as well as close to rapid transit which can provide access to employment throughout the city.

Providing a higher category of incentive for affordable housing in areas that also address city-building objectives will help to address various challenges the City is facing. This includes the primary need for Affordable Housing, but also to address climate change mitigation and environmentally-sustainable transportation options, to reduce household costs and other economic costs of car dependency and traffic congestion, and to improve public health through active transportation options. As such, Staff recommend that the geographic target locations be maintained in the draft Affordable Housing Loan Program, and that the locations are to be confirmed through the ongoing stakeholder and public consultation processes.

Staff also recommend that the owner-occupancy requirement for the Secondary Dwelling Unit Loan Program (for the existing buildings category) be confirmed through the ongoing consultation processes.

#### **4.0 Next Steps**

Following consultations, a public participation meeting will be held before the Planning and Environment Committee in January 2020 to designate the Community Improvement Plan Project Area and to adopt the Affordable Housing Community Improvement Plan and the Incentive Program Guidelines.

City Planning has been working with a coordinated Staff and agency team, including Finance and the Housing Development Corporation. A business case for the Affordable Housing CIP incentive programs will be part of the forthcoming 2020 multi-year budget. Funding of the loans is proposed to be through revolving loans established through an Affordable Housing Development Reserve Fund and initial one-time money to build the reserve fund.

<b>Prepared by:</b>	<b>Travis Macbeth, MCIP, RPP Planning Policy</b>
<b>Submitted by:</b>	<b>Gregg Barrett, AICP Manager, Long Range Planning and Sustainability</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	

November 6, 2019  
TM/tm

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**DRAFT BY-LAW TO DESIGNATE PROJECT AREA**

Bill No. (number to be inserted by Clerk's Office)  
2019

By-law No. C.P. **XXXX**  
A by-law to designate the Affordable  
Housing Community Improvement  
Project Area.

WHEREAS by subsection 28(2) of the Planning Act, the Council of a municipal corporation may, by by-law, designate the whole or any part of an area as a community improvement project area;

AND WHEREAS *The London Plan*, 2016, the Official Plan for the City of London, contains provisions relating to community improvement within the City of London;

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

1. The Affordable Housing Community Improvement Project Area, as contained in Schedule 1, attached hereto and forming part of this by-law, is designated.
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.

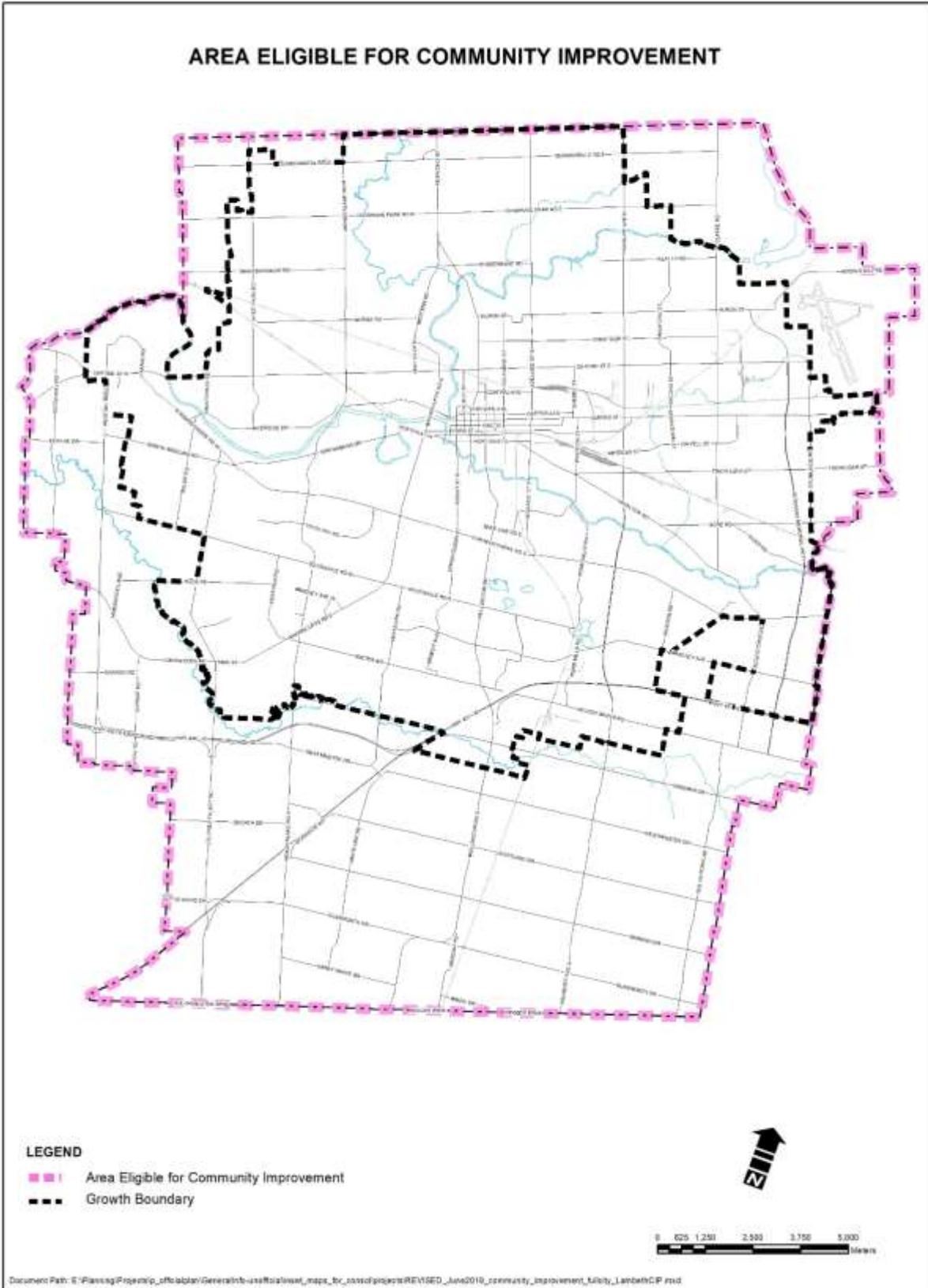
PASSED in Open Council on **(Insert Council Meeting Date)**.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – **(Insert Council Meeting Date)**  
Second Reading – **(Insert Council Meeting Date)**  
Third Reading – **(Insert Council Meeting Date)**

# Schedule 1 – Draft Affordable Housing Community Improvement Project Area



## Appendix B – Draft By-law: Adoption of the CIP

### DRAFT BY-LAW FOR ADOPTION OF CIP

Bill No. (number to be inserted by Clerk's Office)  
2019

By-law No. C.P. **XXXX**  
A by-law to adopt the Affordable Housing  
Community Improvement Plan.

WHEREAS subsection 28(4) of the *Planning Act* enables the Council of a municipal corporation to adopt a community improvement plan for a community improvement project area;

AND WHEREAS the Council of The Corporation of the City of London has, by by-law, designated a community improvement project area identified as the Affordable Housing Community Improvement Project Area;

AND WHEREAS the Affordable Housing Community Improvement Project Area is in conformity with *The London Plan, 2016*, the Official Plan for the City of London;

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

1. The Affordable Housing Community Improvement Plan, attached hereto, is hereby adopted as the Community Improvement Plan for the area defined therein;
2. This by-law shall come into effect on the day it is passed

PASSED in Open Council on **(Insert Council Meeting Date)**.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – **(Insert Council Meeting Date)**  
Second Reading – **(Insert Council Meeting Date)**  
Third Reading – **(Insert Council Meeting Date)**

### **Affordable Housing Community Improvement Plan**

#### **Index**

1. Introduction
2. Housing and Income Profile
3. Community Improvement Project Area
4. Goals and Objectives
5. Programs Under the Community Improvement Plan
6. Monitoring and Evaluation
7. Appendices
  - a. Appendix A: Legislative Framework
  - b. Appendix B: Policy Review

#### **Section 1: Introduction**

##### **What is a Community Improvement Plan?**

A Community Improvement Plan (CIP) is a tool that allows a municipality to take actions to support improvements and redevelopment within a specifically defined project area. Section 28 of the *Planning Act* gives municipalities the ability to prepare CIPs. Through a CIP, municipalities can:

- Identify changes needed to land use planning policies, zoning, and/or other bylaws, policies, and practices;
- Direct funds for improvements to public infrastructure and public space;
- Acquire land, rehabilitate buildings or clear land, and sell land for community improvement;
- Provide or direct funds for the provision of affordable housing;
- Improve energy efficiency;
- Provide grants and loans to owners and tenants for specific actions; and
- Establish a vision, goals, and objectives to provide focus and direction for continuous community improvement.

##### **Purpose of this Community Improvement Plan**

Development of the Affordable Housing CIP was directed by Council in June 2019, in coordination with other related affordable housing initiatives, including a broader “Affordable Housing Development Toolkit” and the Housing Stability Plan. The purpose of this CIP is to:

- Define affordable housing needs based on household incomes and define “affordable housing” for the purposes of the CIP and its proposed programs;
- Establish CIP objectives to address the provision of affordable housing and other city-building objectives;
- Identify opportunities to develop incentives and/or programs to support the development of affordable housing; and
- Identify monitoring measures to assist with future housing monitoring reports and to identify successes of any programs offered under this CIP.

##### **How This CIP Was Prepared**

The following tasks were completed to build a foundation for preparation of the CIP:

- Review of relevant Provincial and City policy documents;
- Review of existing CIPs in London and other Ontario municipalities;
- Analyze housing and household data;

- Consultation with the development industry, non-profits, City agency stakeholders, and the public to identify opportunities to develop affordable housing units;

### **Study Area**

When a CIP is being prepared, a “Study Area” is established to focus the project scope and establish the community which is being considered for potential “improvement” through the various means identified under section 28 of the *Planning Act*, as noted above. From the Study Area, a Project Area is then identified as the specific area requiring improvement. The Project Area is included in the CIP which is adopted by Council. Provincial regulations state that the Project Area is based on an area that, in the opinion of Council, is desirable for improvement based on age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings, or for any other environmental, social, or community economic development reason, including affordable housing.

For the Affordable Housing CIP, the Study Area is identified below in Figure 1, and includes the entire municipality of the City of London.

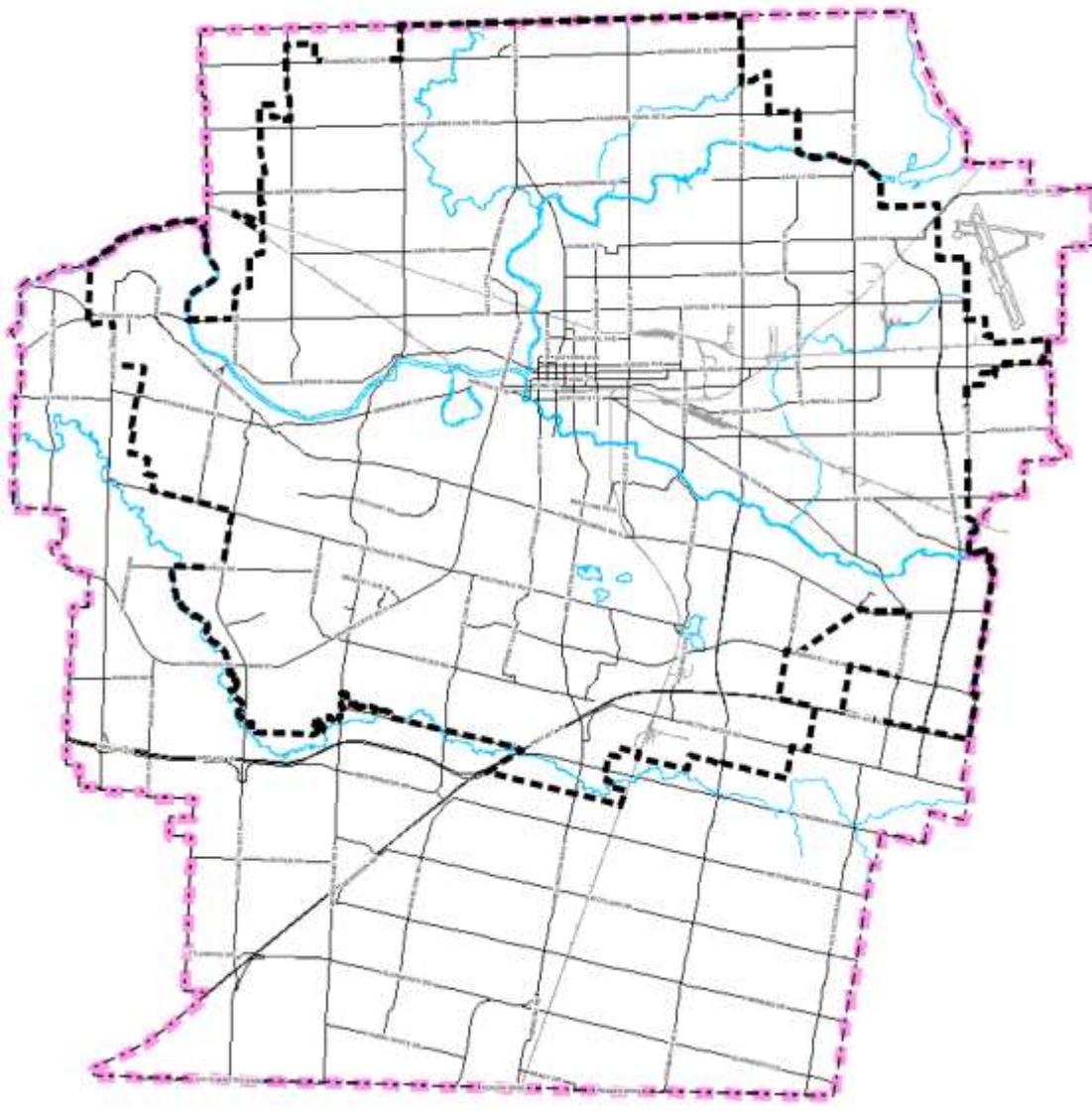


Figure 1: Study Area for the Affordable Housing CIP

## **Project Area**

A more specific area within the Study Area where the CIP is applicable is then designated as the area of community improvement. This is known as the “Community Improvement Project Area”. The Project Area may be based on geographic boundaries as well as conditions such as applicable land uses within that geography. At the conclusion of a CIP review, the project area is established through Council’s passing of a by-law to designate the area of community improvement.

The Community Improvement Project Area is proposed to be city-wide.

## **Program Areas and Eligibility**

Within the Project Area, there may be one or several new programs established, such as grant or loan incentive programs to encourage certain actions by landowners. Between various City CIPs there may be similar or overlapping incentives that relate to a specific property. Each financial incentive program has its own Municipal Council-approved program guidelines. The program guidelines explain program requirements and how the programs operate. Each program is available within a “program area”, which may or may not be the entire extent of the CIP’s “Project Area”. In addition to eligibility based on location within the “program area”, the programs may also have additional eligibility requirements, such as the use, intensity or form of development or other criteria. Applicants are to consult the specific program guidelines and confirm eligibility requirements with the City prior to undertaking any works.

## **Section 2: Housing and Income Profile**

### **A. Defining Affordable Housing.**

“Affordable Housing” can be defined in one of three ways:

1. Income-based definition: Affordable housing is housing that costs less than 30% of the pre-tax income for low-to-moderate income households. This Canada Mortgage and Housing Corporation (CMHC) definition is also known as the “shelter cost to income ratio”.
  - For renter households, this includes rent and any payments for electricity, fuel, water and other municipal services.
  - For owner households, this includes mortgage payments (principal and interest), property taxes, and any condominium fees, along with electricity, fuel, water and other municipal services.
2. Market cost based: affordable housing is housing that costs less than or equal to the “average market rent” or “average market price” of a city, and includes publicly-run Community Housing (such as London Middlesex Community Housing), and other housing options that are less than or equal to the average market rates.
3. Income security based: Affordable housing is based on the ability to pay market rents without the “income security” aspect of city-run housing programs. In this definition the term affordable housing may be used to define housing that costs less than or equal to the “average market rent” or “average market price” but does not include municipally-run Community Housing (formerly known as “social housing”) or other community housing programs. Under this definition, “affordable” means the range of housing for households that earn too much to qualify for “income security” programs, but who do not earn enough to be able to pay market rates without paying more than 30% of their pre-tax income.

“Affordable housing” for the purposes of this CIP is based on the third definition. For the CIP “affordable housing” is the range of housing targeted to be developed by the market and not-for-profits, and is defined as housing that costs less than or equal to “average market” rent or price, but does not include the “income security” aspect of housing associated with City programs. This definition is applied because the objective is the encouragement of more units built to be rented “at or below” average market rent, and the associated CIP programs are based on the market providing these units, generally. The intention is also to address the gap between municipal housing program eligibility and the income required to pay market rents.

Programs proposed under this CIP may further refine the definition of “affordable” based on the objectives of the specific program, and the definition of affordable along with other criteria will be included in the Program Guidelines.

### **B. Defining Core Housing Need**

There are three (3) tests of whether a household is meeting their housing needs. The three standards are: “adequacy”, “affordability”, and “suitability”. A household is considered to be in “core housing need” if its housing situation does not meet one or more of the three standards of need, and the household would have to pay more than 30% of its pre-tax income to reach the median rent for alternative housing that would meet those three needs. The standards of need are defined as follows:

- “**Adequate**” housing is housing not requiring any major repairs (as reported by the residents);
- “**Affordable**” housing is a shelter cost (i.e. rent, mortgage, condominium fees, property tax, utilities) that is less than 30% of the household’s pre-tax income; and
- “**Suitable**” housing has enough bedrooms for the size and make-up of the household.

### **C. Determining Affordable Housing Need in London**

The housing need in London is based upon household incomes and how well those incomes match the costs of the housing supply that meets households’ needs. As such, the “need” is defined by incomes, housing costs, and the number of units available. Income information can be divided into categories such as Renter Household Income and Owner Household Income.

Housing costs are based on the “average market rent” and “average market price” as well as the “actual asking” rent and price for units that are available. The “actual asking” price recognizes that the province of Ontario has rent increase guidelines, which are the maximum percentage a landlord can increase a tenant household’s rent each year without the approval of the Landlord and Tenant Board. “Actual asking” prices are more reflective of the housing marketplace, because they reflect that market units occupied by long-term tenants may potentially bring the average price down (because of the Guidelines’ maximum increases) and therefore the vacant units which are available may be at a higher price than the “average market rent”.

Vacancy rate of housing stock is also an important consideration when defining London’s housing needs. The vacancy rate helps demonstrate the existing available supply of housing, with low vacancy rates demonstrating less opportunity for households to move to alternative accommodation to meet their housing needs.

The following key income and housing data illustrate the housing need in London:

1. Affordability based on Median Household Incomes

Median Household Income	For All Households	For 1-person Households	For 2-plus person households
Annual median income	\$ 62,011	\$ 34,426	\$ 80,366
Annual Affordable (30% pre-tax)	\$ 18,603	\$ 10,327	\$ 24,109
Monthly Affordable (30% pre-tax)	\$ 1,550	\$ 860	\$ 2,009

Table 1: Median Income by Household Type (Source: Statistics Canada, 2016)

2. Affordability for Income Deciles (or Tenths of Population) by Tenure Type (Owner or Renter Households)

Table 2 and Table 3 below show the difference in ability to pay by tenure type. This illustrates the “income” based definition of affordable housing in London, where pre-tax income defines affordability. It includes households both within and outside of ‘income security’ programs. The table shows:

- Annual incomes by income group (shown in “deciles”);
- What “affordable” is annually (equal to 30% of yearly pre-tax income); and
- What annual “affordability” is equal to in monthly rent or ownership costs.

Owner Households Income Group	1 <sup>st</sup> decile	2nd	3rd	4th	5th	6th	7th	8th	9th
Owner Household Annual Income	\$34,500	\$49,500	\$62,800	\$76,600	\$90,700	\$105,700	\$124,100	\$150,100	\$193,900
30% of income, pre-tax (annual)	\$10,350	\$14,850	\$18,840	\$22,980	\$27,210	\$31,710	\$37,230	\$45,030	\$58,170
Affordable Monthly	\$863	\$1,238	\$1,570	\$1,915	\$2,268	\$2,643	\$3,103	\$3,753	\$4,848

Table 2: Owner Household Income (Source: 2018 MMAH)

Renter Households Income Group	1 <sup>st</sup> decile	2nd	3rd	4th	5th	6th	7th	8th	9th
Renter Household Annual Income	\$12,000	\$18,400	\$24,100	\$30,600	\$37,700	\$45,600	\$55,300	\$68,200	\$89,300
30% of income, pre-tax (annual)	\$3,600	\$5,520	\$7,230	\$9,180	\$11,310	\$13,680	\$16,590	\$20,460	\$26,790
Affordable Monthly	\$300	\$460	\$603	\$765	\$943	\$1,140	\$1,383	\$1,705	\$2,233

Table 3: Renter Household Income (Source: 2018 MMAH)

3. Rents: Average Market Rent and Average Asking Market Rent (for Available Units)

Average Market Rent is shown to demonstrate the costs associated with market rentals (the second definition of “affordable housing” being average market rent or less). The average market rent is calculated by the CMHC annually. The Housing Service Manager for City of London and Middlesex County has updated this rental average to reflect the 2019 “Asking” Average Market Rent by unit type. These rates are shown in Table 4, below.

Unit Type	Rental Range, as determined by 2018 CMHC Rental Survey	2018 CMHC Rental Market Survey	2019 London-Middlesex (CMA) Actual Average Market Rent
Bachelor / Studio	\$ 590 - \$ 1,185	\$ 854	\$ 859
One Bedroom	\$ 450 - \$2,000	\$ 983	\$ 1,021
Two Bedroom	\$ 520 - \$ 3,495	\$ 1,333	\$ 1,370
Three Bedroom	\$ 950 - \$ 3,090	\$ 1,636	\$ 1,787
Four + Bedroom	\$ 1,199 - \$ 4,000	\$ 2,283	\$ 2,171

Table 4: Average Asking Market Rents. (Source: CMHC 2018 data and London-Middlesex Service Manager)

4. Ability to Pay: Rents versus Incomes

Table 5 below shows Londoners’ ability to pay the “actual average market rents”. The table compares income deciles (tenths of the population) and 30% of their pre-tax monthly income against the monthly Actual Average Market Rents noted above.

Table 5 demonstrates that:

- More than 40% of renter households cannot afford the average monthly rent of a market bachelor unit;
- More than 50% of renter households cannot afford the average monthly rent of a market one-bedroom unit;

Recognizing that the lowest income households may avail of income security programs such as rent-gear-to-income or community housing, the table is illustrative that many thousand Renter Households are still within an affordability gap between the City’s “income security” initiatives and the costs of market rent (i.e. the definition of “affordable housing” used for this CIP).

	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
	\$300	\$460	\$603	\$765	\$943	\$1,140	\$1,383	\$1,705	\$2,233	
Bachelor/Studio					\$859					
One Bedroom						\$1,021				
Two Bedroom							\$1,370			
Three Bedroom									\$1,787	
Four + Bedroom									\$2,171	

Table 5: Ability to Pay: Rent versus Income

## 5. Vacancy Rate

- Rental Vacancy Rates have also been declining, from 4.8% vacancy in 2009 to more recently between **1.9%** and **2.1%** overall.

Vacancy Rate by bedroom Type:

Year	All Bedrooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
2013	3.4%	4.9%	2.5%	3.7%	6.6%
2014	2.8%	4.6%	2.3%	3.1%	4.2%
2015	3.0%	3.0%	2.3%	3.4%	4.9%
2016	2.2%	2.4%	1.6%	2.5%	3.7%
2017	1.9%	3.6%	1.7%	1.9%	1.8%
2018	2.1%	2.8%	2.0%	2.1%	2.3%

Table 6: Vacancy Rate by Unit Size (Source: MMAH 2018)

## 6. Ownership costs for new homes

- Single-Detached housing ownership is also increasing in price in the city for new homes:

Year	Median Price	Average Price
2016	\$ 427,500	\$ 455,346
2017	\$ 500,000	\$ 536,395
2018	\$ 600,000	\$ 629,224

Table 7: New home costs (Source: CMHC "Housing Now", 2019)

## 7. Ownership costs for average homes

- Average costs of home ownership are also increasing overall (primarily re-sale homes):

Year	Average Price
2015	\$ 265,831
2016	\$ 283,778
2017	\$ 339,283
2018	\$ 380,139
2019 (to August)	\$ 415,808

Table 8: Average ownership cost (Source: LSTAR Market Updates)

## 8. Core Housing Need Overall

The overall core housing need in the City is **13.8%** of households; however, based on income levels and rising housing costs, Core Housing Need is higher than average for several household types, including Renter households and One-person households (regardless of tenure).

	Percentage of Households in Core Housing Need	Number of Households in Core Housing Need
<b>Household Group</b>		
Renter Households	29.7%	19,050
Owner Households	5.1%	5,920
Overall Households	13.8%	24,965
<b>Household Size</b>		
One-person Households	23.8%	12,670
Households of two or more persons	9.6%	12,300

Table 9: Core Housing Need (Source: Statistics Canada)

This housing and income information is intended to be illustrative of the housing need in the City of London, and will be updated periodically as part of on-going Community Improvement Plan monitoring and housing monitoring reports and programs.

### **Section 3: Community Improvement Project Area**

The following map (Figure 2) shows the Community Improvement Project Area. Properties within this area are eligible under the Community Improvement Plan. Properties within the Project Area are required to have an Urban Place Type under *The London Plan* that permits residential land uses to be eligible for any potential incentive programs. Eligibility for incentive programs will also be based upon any specific requirements identified in the Program Guidelines.

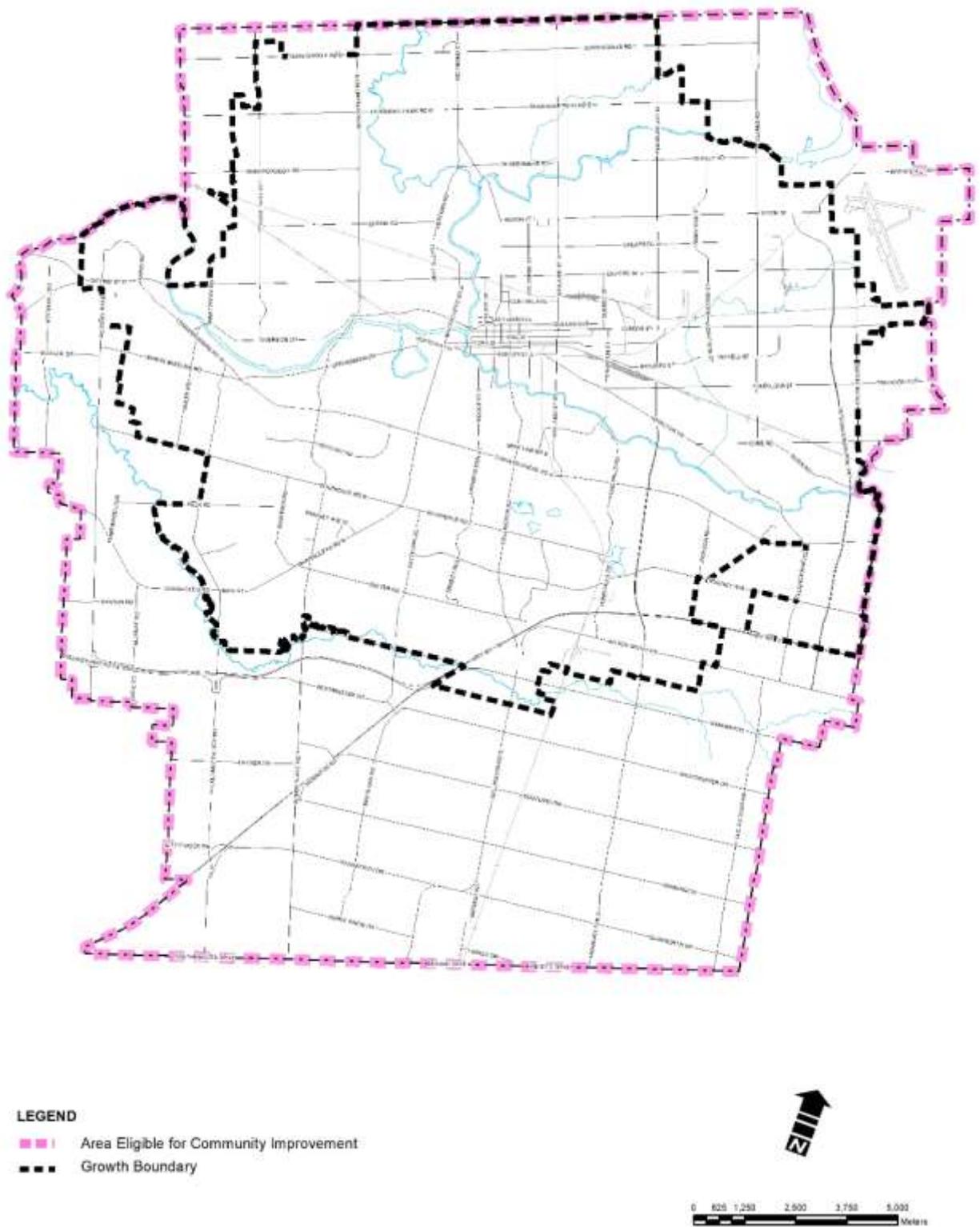


Figure 2: Community Improvement Project Area

#### **Section 4: Goals, Objectives and Monitoring**

Based on the Staff review and findings of the consultation, the goals of the Affordable Housing Community Improvement Plan are to:

- Reduce financial barriers to developing affordable housing units;
- Promote and encourage the creation of new affordable rental units (below Average Market Rent);
- Support implementation of *The London Plan*, including the Homeless Prevention and Housing section of the Plan;
- Support the policy framework of the Housing Stability Plan by addressing needs in different housing forms and housing options;
- Support the work of community housing providers, including LMCH;
- Promote and encourage the creation and maintenance of mixed-income, complete communities;
- Support opportunities for infill and intensification from small to large scale (i.e. from secondary suites to high-rise apartment forms);
- Assist in the regeneration of aging neighbourhoods and underutilized lands;
- Promote housing retention and promote aging in place; and
- Encourage environmental, social, and financial sustainability for the City and its citizens through strategic City investments in affordable housing initiatives.

Objectives are specific and can measure the accomplishment of a goal. The following objectives are identified as means to achieve the goals based on ongoing monitoring and measurement of the CIP:

- Provide incentives to encourage the creation of more affordable housing units and provide relief from biggest financial barriers to construction of affordable housing;
- Enable the creation of mixed-income buildings and communities (affordable and market);
- Assist in regeneration of community housing by creating more affordable housing supply;
- Evaluate land sales and surplus sites (e.g. closed school sites) for potential acquisition to deliver affordable housing;
- Create affordable units to support the goals of the Housing Stability Plan and The London Plan;
- Create affordable units at various levels of affordability and levels of intensification ('inward and upward' growth).

Monitoring of the CIP will be based on the following sets of measures and indicators, used to evaluate the level of success of meeting the goals and objectives:

Objective	City Lead	Monitoring/Measurements
Provide incentives to encourage creation of affordable housing units and provide relief from financial barriers to development of affordable housing	City Planning;	<ul style="list-style-type: none"> <li>• Number of Affordable projects and number of units created that use the CIP programs (annual);</li> <li>• Number of new Secondary Suites created through program;</li> <li>• Vacancy rates;</li> <li>• Levels of affordability (% of A.M.R.)</li> <li>• Average Market Rents vs. Incomes (Census)</li> </ul>
Enable creation of more mixed-income buildings and communities	City Planning; HDC London	<ul style="list-style-type: none"> <li>• Number of Affordable projects and mixed-income/mixed-tenure projects created (annual)</li> </ul>
Assist in regeneration of community housing by creating more affordable housing supply	LMCH	<ul style="list-style-type: none"> <li>• Number of Community Housing households that leave Community Housing for new “Affordable” units;</li> <li>• Number of units made available to new Community Housing residents off of wait list</li> </ul>
Evaluate land sales and surplus lands for potential acquisition and development of affordable housing	HDC London; City Planning	<ul style="list-style-type: none"> <li>• Closed school sites evaluated for potential acquisition;</li> <li>• Property/Properties acquired for municipal needs (including affordable housing);</li> <li>• Number of units created;</li> <li>• Lands acquired and sold by City for affordable units</li> </ul>
Creating units to support the goals of the Housing Stability Plan and <i>The London Plan</i> (at various scales of intensification/affordable)	Housing; City Planning; LMCH; HDC London	<ul style="list-style-type: none"> <li>• Infill and Intensification projects;</li> <li>• New Secondary Suites;</li> <li>• <i>London Plan</i> monitoring/audit;</li> <li>• Number of affordable units using energy efficiency (environmental sustainability) and with accessible design (addressing supportive housing and different populations);</li> <li>• Levels of affordability;</li> </ul>

Table 10: CIP Objectives, City or Agency Lead, and Monitoring Measures

### **Section 5: Programs under the Community Improvement Plan**

An important part of supporting community improvement for affordable housing is engaging the private sector and others who develop residential units. One method of achieving this is by providing financial incentive programs to stimulate private investment in constructing new units and fixing up existing properties and buildings for affordable housing units.

Community Improvement Plans enable municipalities to establish financial incentive programs to target different community needs. In accordance with the *Planning Act* and the City’s Official Plan (*The London Plan*), the City may offer grants or loans to property owners and tenants to help cover eligible costs and advance community improvement goals. Once a CIP is adopted and approved, City Council is able to fund, activate and implement financial incentive programs. It is important to note that programs are subject to the availability of funding, and Municipal Council can choose to implement, suspend, or discontinue an incentive program. The Affordable Housing CIP is an enabling document, which means that Municipal Council is under no obligation to activate and implement any part of a CIP including the financial incentive programs.

Recognizing the above community objectives for affordable housing, the incentive programs proposed are:

1. Affordable Housing Development Loan Program

Description:

Providing financial assistance to off-set the up-front costs associated with the development of new affordable housing units. The focus of the program is to encourage private and non-profit housing developers to create new affordable housing units across the city and address other related city-building and strategic objectives.

Funding and Eligibility:

The funding will be in the form of loan program, repayable to the City over a specified number of years, in accordance with the program guidelines.

Duration:

Subject to Municipal Council's direction.

2. Affordable Secondary Dwelling Unit Loan Program

Description:

Providing financial assistance to off-set costs associated with creating new secondary dwelling units that are affordable rentals.

Funding:

The funding will be in the form of a partially forgivable loan program, in accordance with the funding and eligibility requirements of the program guidelines.

Duration:

Subject to Municipal Council's direction.

These programs are subject to funding through the City budget and the requirements of each program's guidelines. Council considers funding incentive programs, alongside other priorities, through its Strategic Plan exercise and the four-year Multi-Year Budget process. Program Guidelines identifying eligibility criteria for the individual incentive programs are found in **Appendix XXXX** to this CIP.

Council may also identify other incentive programs under this CIP that would support the goals and objectives identified in Section 4. This may include, but is not limited to, programs such as grants or loan programs for building permit or planning application fees (e.g. Zoning By-law Amendment application), parkland dedication fee, rehabilitation/tax programs, or façade or building code upgrade programs. The value of any programs prepared under this CIP may be changed by Council to reflect current data as described in Section 2 of this CIP (or in related Housing Monitoring Reports) without amendment to this CIP.

**Section 6: Monitoring and Evaluation**

Monitoring and evaluation of the programs offered under the Affordable Housing Community Improvement Plan will be ongoing. Monitoring of the programs will occur in parallel to housing monitoring reports that review income levels and housing needs over time. Monitoring will also ensure program compliance for each project, subject to the program guidelines.

Program Monitoring will include the following objectives and targets, measurements (to indicate the success of the programs), and frequency of reporting.

## Program Monitoring

Objective	Indicators (to monitor and measure)	Reporting Frequency
Encourage creation of more affordable housing units/provide relief from biggest financial barriers to construction of affordable units (e.g. through incentives)	Number of Affordable projects and number of units created that use the CIP programs; Vacancy rates; Levels of affordability (% of A.M.R.) Average Market Rents vs. Incomes.	Align Reporting with Multi-Year Budget; Five-year reporting through Census
Creation of mixed-income communities	Number of Affordable projects and mixed-income/mixed-tenure projects created (annual)	Annual reporting
Enable creation of more mixed-income communities	Number of Affordable projects and mixed-income/mixed-tenure projects created (annual)	Annual reporting
Assist in regeneration of public housing stock by making available units for new residents into community housing	Number of units created that use the CIP programs (annual); Number of community housing households who move to Affordable Housing; Number of new community housing households.	LMCH reporting
Evaluate land sales (for affordable housing) and potential acquisitions (of surplus sites)	Property/Properties acquired for affordable housing projects; Number of units created; Lands acquired and sold by City for affordable units	Annual reporting
Creating units to support the goals of the Housing Stability Plan and <i>The London Plan</i> (at various scales of intensification/affordable)	Infill and Intensification projects; New Secondary Suites; <i>London Plan</i> monitoring; Number of affordable units using energy efficiency and with accessible design; Levels of affordability; Unit sizes vs household sizes	Annual reporting

### Affordable Housing CIP Evaluation and Monitoring Report

Housing Monitoring Reports will be prepared regularly by Civic Administration. CIP monitoring reports on the number of applications received and processed for this CIP will be prepared at least every four years, to align with Council's Strategic Planning and multi-year-budget cycle. There is significant need for affordable housing in the City. If monitoring finds programs have been successful, a 'sunset date' may be introduced in future or monitoring may result in specifying unit targets or changes to program guidelines based on changing demographics or other changing housing needs. Based on experience administering other CIPs in London, the time span for monitoring is long enough to:

- Accumulate sufficient information on the uptake and monitoring of the CIP incentive programs;
- Start, build, and assess impacts of individual projects;
- Incorporate projects into staff work plans; and
- Align with the four-year budgeting cycle.

Based on monitoring of housing market trends and affordability, the following actions may occur to ensure the CIP remains responsive to London's affordable housing needs:

1. Amendment to the Affordable Housing Community Improvement Plan
  - Changes to any of the content of the CIP, including goals, objectives, and boundaries of project areas or clarifications of the financial incentive programs must follow the process described in the *Planning Act*. Consequential amendments to *The London Plan* and/or Zoning By-law may be required.
2. Adjustments to the Financial Incentive Programs
  - Changes to the terms, conditions, processes, and requirements associated with the financial incentive programs may be made through Council direction without the need for an Official Plan Amendment that amends the Affordable Housing CIP. The addition of a new incentive program would require an amendment to this Plan.
3. Adjustments to Funding
  - Council has the authority to approve funding for financial incentive programs specified in London's Community Improvement Plans and may approve budgets necessary to carry out other CIP actions. Funding will be timed to occur as part of multi-year budgets and any amendments made in consultation with the City Treasurer to the approved four-year budgets.

## **Section 7: APPENDICES**

### **Appendix A: Legislation Framework (for Community Improvement Plans)**

This section provides a summary of the legislative authority for preparing and adopting the Affordable Housing Community Improvement Plan (CIP).

#### **Municipal Act, 2001**

Section 106 (1) and (2) of the *Municipal Act, 2001* prohibits municipalities from directly or indirectly assisting any manufacturing business or other industrial or commercial enterprise through the granting of bonuses. This prohibition is generally known as the "bonusing rule". Prohibited actions include:

- giving or lending any property of the municipality, including money;
- guaranteeing borrowing;
- leasing or selling any municipal property at below fair market value; and,
- giving a total or partial exemption from any levy, charge or fee.

However, Section 106 (3) of the *Municipal Act, 2001* provides an exception to this "bonusing rule" for municipalities exercising powers under Subsection 28(6), (7) or (7.2) of the *Planning Act* or under Section 365.1 of the *Municipal Act, 2001*. This legislation

states that Municipalities are allowed to prepare and adopt Community Improvement Plans (CIPs) if they have the appropriate provisions in their Official Plan.

Subject to Section 106 of the *Municipal Act*, 2001, Section 107 of the *Municipal Act*, 2001 describes the powers of a municipality to make a grant, including the power to make a grant by way of a loan or guaranteeing a loan. In addition to the power to make a grant or loan, the municipality also has the powers to:

- sell or lease land for nominal consideration or to make a grant of land;
- provide for the use by any person of land owned or occupied by the municipality upon such terms as may be fixed by council; and,
- sell, lease or otherwise dispose of at a nominal price, or make a grant of, any personal property of the municipality or to provide for the use of the personal property on such terms as may be fixed by council.

Section 365.1 of the *Municipal Act*, 2001 operates within the framework of Section 28 of the *Planning Act*. A municipality with an approved community improvement plan in place that contains provisions specifying tax assistance for environmental remediation costs will be permitted to provide said tax assistance for municipal property taxes.

Municipalities may also apply to the Province to provide matching education property tax assistance through the Province's Brownfields Financial Tax Incentive Program (BFTIP).

### Planning Act

The *Planning Act* sets out the framework and ground rules for land use planning in Ontario, and describes how land uses may be controlled and who may control them. Section 28 of the *Planning Act* provides for the establishment of Community Improvement Project Areas where the municipality's Official Plan contains provisions relating to community improvement and the Community Improvement Project Area is designated by a by-law pursuant to Section 28 of the *Planning Act*.

Section 28(1) of the *Planning Act*, defines a Community Improvement Project Area to mean "a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason. There are a variety of reasons that areas can be designated as an area in need of community improvement. Criteria for designation includes physical deterioration, faulty arrangement, unsuitability of buildings, and other social or community economic development reasons, including affordable housing.

Section 28(1) of the *Planning Act*, also defines "community improvement" to mean "the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a Community Improvement Project Area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary".

Once a Community Improvement Plan (CIP) has come into effect, the municipality may:

- i) acquire, hold, clear, grade or otherwise prepare land for community improvement (Section 28(3) of the *Planning Act*);
- ii) construct, repair, rehabilitate or improve buildings on land acquired or held by it in conformity with the community improvement plan (Section 28 (6));
- iii) sell, lease, or otherwise dispose of any land and buildings acquired or held by it in conformity with the community improvement plan (Section 28 (6)); and,

- iv) make grants or loans, in conformity with the community improvement plan, to registered owners, assessed owners and tenants of land and buildings within the Community Improvement Project Area, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or any part of the eligible costs of the Community Improvement Plan (Section 28 (7)).

#### Eligible Costs - Section 28(7.1)

The *Planning Act* specifies that eligible costs for the purposes of carrying out a municipality's Community Improvement Plan may include costs related to:

- environmental site assessment;
- environmental remediation; and,
- development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities.

#### Maximum Amount - Section 28(7.3)

Section 28(7.3) restricts the maximum amounts for grants and loans made under the *Planning Act* from exceeding the eligible costs defined in the CIP. Specifically, the *Planning Act* directs that the "total of the grants and loans made in respect of particular lands and buildings under subsections (7) and (7.2) and the tax assistance as defined in section 365.1 of the *Municipal Act*, 2001 or section 333 of the *City of Toronto Act*, 2006, as the case may be, that is provided in respect of the lands and buildings shall not exceed the eligible cost of the Community Improvement Plan with respect to those lands and buildings".

#### Registration of Agreement - Section 28 (11)

The *Planning Act* allows the City of London to register an Agreement concerning a grant or loan made under subsection (7) or an Agreement entered into under subsection (10) against the land to which it applies. The municipality shall be entitled to enforce the provisions thereof against any party to the Agreement and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, against any and all subsequent owners or tenants of the land.

#### Tariff of Fees – Section 69

The *Planning Act* allows the City of London reduce or waive the amount of a fee in respect of a planning application where it feels payment is unreasonable. Municipalities can use this tool to waive all matter of planning application fees to promote community improvement without the use of a CIP. Alternately, a municipality can collect fees and then provide a rebate of fees in the form of a grant through a CIP.

#### Ontario Heritage Act

The purpose of the *Ontario Heritage Act* is to give municipalities and the provincial government powers to conserve, protect and preserve heritage buildings and archaeological sites in Ontario. While the Heritage Property Tax Relief Program under Section 365.2 (1) of the *Municipal Act*, 2001 is designed to assist property owners in maintaining and conserving heritage properties, Section 39 (1) of the *Ontario Heritage Act* allows the Council of a municipality to make grants or loans (up-front or tax-increment basis) to owners of designated heritage properties to pay for all or part of the cost of alteration of such designated property on such terms and conditions as the Council may prescribe. In order to provide these grants and loans, the municipality must pass a By-law providing for the grant or loan. Grants and loans for heritage restoration and improvement can also be provided under a CIP.

One of the key administrative advantages of Section 39 of the *Ontario Heritage Act* is that it requires only the passing of a By-law by the local Council rather than the formal public meeting process under Section 17 of the *Planning Act* required for a CIP. One of the disadvantages of the *Ontario Heritage Act* is that unlike the *Planning Act*, it does not allow municipalities to make grants or loans to assignees who wish to undertake heritage improvements (e.g. tenants).

A second advantage of the *Ontario Heritage Act* is that the interpretation of Section 39 (1) suggests that grants and loans are not restricted to heritage features. Section 39 (1) of the *Ontario Heritage Act* refers to "...paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the council may prescribe." Consultations with provincial Staff and legal experts have confirmed that this section of the Act does not restrict grants and loans to heritage features.

Section 39 (1) of the *Ontario Heritage Act* can also be used to provide grants and loans for the undertaking of professional design studies as these can be considered "part of the cost of alteration". A design study is certainly an important precursor to, and key component of any alterations to major heritage features. Section 39 (2) of the *Ontario Heritage Act* allows the Council of a municipality to add the amount of any loan (including interest) to the tax roll and collect said loan in the same way that taxes are collected, for a period of up to 5 years. This section of the Act also allows the municipality to register the loan as a lien or charge against the land.

#### Development Charges Act

Section 5 of the *Development Charges Act* allows a municipality to exempt types of development from a Development Charge, but any resulting shortfall cannot be made up through higher Development Charges for other types of development. This allows upper and lower tier municipalities to offer partial or total exemption from municipal Development Charges (also known as a reduction of Development Charges) in order to promote community improvement. Because this financial incentive is normally offered before construction, it is very attractive to developers and is a very powerful community improvement tool.

Through Bill 108, the *Development Charges Act* will also be changed so that municipalities may only collect Development Charges for a prescribed list of services, such as roads, servicing and infrastructure. Other "soft services" such as parks and community facilities have been removed from Development Charges and added to new "Community Benefit Charges" under the *Planning Act*. The payment of Development Charges has also changed from the time of building permit issuance to the time of building occupation. The City's collection of Development Charges is also now deferred through installment payments. Non-profit developers of housing will pay their Development Charges over 21 annual installments, and other purpose-built rental buildings (which are not in the non-profit category) will pay the Development Charges over 6 annual installments.

## Appendix B: Policy Review

### **Policy Framework**

#### 1989 Official Plan

Chapter 14 establishes that the City can designate community improvement project areas and prepare associated Community Improvement Plans (CIPs) to address identified community needs and improvement goals in these areas. Some of the community improvement goals that can be addressed by a CIP include: supporting private property (re)investment and maintenance; addressing compatibility of land uses; supporting the creation of Affordable Housing; and, supporting the retention of heritage properties/areas. The 1989 Official Plan also outlines criteria for designating community improvement project areas and potential initiatives which Council may use to implement specific CIP recommendations, like federal and provincial government programs and financial incentive programs (grants and loans).

#### The London Plan

Consistent with the 1989 Official Plan, *The London Plan* establishes that community improvement project areas can be designated anywhere in the municipal boundary, and that Council may adopt an associated Community Improvement Plan (CIP) for the area to support and achieve community improvement goals. Goals for community improvement are consistent with the focus and goals for Affordable Housing, Intensification, and Urban Regeneration and include: stimulating (re)investment and redevelopment; inspiring appropriate infill; creating and maintaining affordable housing; coordinating planning efforts; improving physical infrastructure; supporting community economic development; preserving neighbourhood and cultural heritage value; and, establishing an improved neighbourhood. *The London Plan* also identifies that CIPs can provide City Council with the tools to achieve these goals which can include grants, loans and other incentives intended to support community improvement.

#### CIPs in London

At present, the City Council has adopted eight (8) CIPs. The CIPs are intended to stimulate targeted reinvestment, encourage select infill and intensification opportunities, coordinate planning efforts, preserve neighbourhood and heritage character, enhance industrial and other business opportunities, and aid in the cleanup of contaminated sites. The geographically-based CIPs include: the Airport, Downtown, Hamilton Road, Old East Village and SoHo CIPs; the criteria-based CIPs include the Brownfield, Heritage and Industrial CIPs.

## Appendix C – Public Engagement

**Public liaison:** Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 15, 2019 and circulated to City Planning’s official circulation list, including prescribed agencies as well as stakeholder groups, and advisory committees. A webpage was also added to the “Community Improvement Plans” section of the City of London website.

Notice of Community Information Meetings was published in *The Londoner* on September 19, 2019, and circulated through the circulation list and to interested parties, as well as published on the City’s website.

Meetings with development stakeholder groups were also held in July and August of 2019.

### Responses to Public Liaison Letter and Publication in “The Londoner”

Telephone	Written
Robert Sexsmith	Mike Brcko Revera Inc. 600 – 5015 Spectrum Way Mississauga, ON, L4W 0E4
	Chris Butler 863 Waterloo Street

## Appendix D – Sources

*Planning Act*, R.S.O. 1990, c P.13

*Municipal Act*, 2001, SO 2001, c. 25

*Ontario Heritage Act*, R.S.O. 1990, c. O.18

*Development Charges Act*, 1997, S.O. 1997

Bill 108, *More Homes, More Choice Act, 2019*. Royal Assent June 6, 2019.

City of London. *Official Plan*, 1989.

City of London. *The London Plan*, 2016.

Statistics Canada. Canada Census 2016, City of London.

Ministry of Municipal Affairs and Housing (MMAH). 2018 Custom Data Run for City of London, based on 2016 Canada Census.

Canada Mortgage and Housing Corporation (CMHC). “Housing Now: Absorbed Single-Detached Units by Price Range, First Quarter 2018 and First Quarter 2019”. 2019.

London-St. Thomas Association of Realtors (LSTAR), Market Updates.

## Appendix E – Relevant Background

### Additional Reports

June 17, 2019. “Affordable Housing Development: Planning Toolkit Update”, Planning and Environment Committee.

June 17, 2019. “Homeless Prevention and Housing Plan 5 Year Review and Update – Process”, Community and Protective Services Committee.

March 18, 2019. “Update on Response to Provincial Consultation on ‘Increasing Housing Supply in Ontario’”, Planning and Environment Committee.

**From:** Chris Butler

**Sent:** Thursday, November 14, 2019 3:03 PM

**To:** PEC <[pec@london.ca](mailto:pec@london.ca)>

**Cc:** Saunders, Cathy <[csaunder@london.ca](mailto:csaunder@london.ca)>

**Subject:** [EXTERNAL] Planning & Environment Committee - Nov 18 - Added Agenda Submission

Please add this communication to the upcoming PEC Nov 18 for Agenda Item 4.2 - Draft Affordable Housing CIP Program Guidelines ( added Agenda ). Note > This taxpayer is fully supportive of expanding our Affordable Housing Toolkit and has already provided some limited public comment to T MacBeth - Planner on this file but was expecting a bit more maturity on this submission to Council.

Chair Hopkins , Mayor Holder & Council ; please consider the following input for discussion & possible motion to amend the Draft Program Guidelines for this CIP prior to full acceptance.

1. Even a draft program coming before Council should have at minimum a draft budget , in this case the planned annual loan liabilities, the start up \$\$ capital required to be set aside in the Special Initiatives Reserve Fund and the program annual administrative costs . To suggest that the next Public meeting on this program would be January 2020 after the scheduled December 2019 Public four year rolling Budget Meeting provides zero visibility on the this new CIP's costs and that's just wrong. Ask for submission on this prior to the Public Budget MTG's please ; and have Travis share this with all public participants ASAP for concurrency.
2. At this point in the Draft Program Design Criteria there is nothing definitive in this report that suggests that the CIP Reserve Fund recommended to support this CIP would have a \$\$ CAP or CAP on annual distributions. That should not be up for further public input and I would invite a Council motion to amend now as part of the design criteria . Taxpayers already have numerous " UNCAPPED " CIP funds under the Special Initiatives Reserve Funds umbrella which are growing like energizer bunnies and Councilor Turner has already motioned to have this brought forward by staff in December for review and potential limitations. Let's not make the same mistake twice. WE don't need to firm up the exact CAP tonight, just that there will be one.
3. Item 2.8.1 in this report Recommends that Council accept as design criteria the layering/ stacking of various incentives from different Affordable Housing and existing CIP's to effectively super charge the Incentive Package . I reach out for a hardy debate on that criteria by Council at his meeting to respect taxpayers going forward

>>>> Example > Are you going to provide developers with Free Land Purchased from a School Board by taxpayers plus grant / waive the the DC fees under the current CIP's - paid for by taxpayers over 10 years & provide loans for each affordable unit paid for by taxpayers to fill up the reserve fund ?? I believe there should be limits here .

4. I find the secondary suite recommendations very hard to understand @ respect to does this or does this not limit development to rental contract only ? There is a huge demand for secondary suites for families to house family member seniors for aging @ respect and in place that may not include an actual rental agreement and I encourage that .

I'll continue to support the Public Input process offered up by Travis and team going forward ; and support Council on any timely motions on the above issues tonight.

THXS - Chris Butler >> 863 WAterloo St - LDN

# London Advisory Committee on Heritage Report

The 11th Meeting of the London Advisory Committee on Heritage  
November 13, 2019  
Committee Rooms #1 and #2

Attendance                   PRESENT: M. Whalley (Acting Chair), S. Bergman, M. Bloxam,  
J. Dent, L. Fischer, T. Jenkins, S. Jory, E. Rath, M. Rice and K.  
Waud and J. Bunn (Committee Clerk)

ABSENT:   D. Dudek, S. Gibson, J. Manness and J. Monk

ALSO PRESENT: L. Dent, D. FitzGerald, K. Gonyou, M.  
Greguol, M. Morris and A. Rammeloo

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

## 1. Call to Order

### 1.1 Disclosures of Pecuniary Interest

S. Bergman discloses a pecuniary interest in Item 3.3 of the 11th Report of the London Advisory Committee on Heritage, having to do with a Public Meeting Notice - Revised Application - Official Plan and Zoning By-law Amendment for the properties located at 2555-2591 Bradley Avenue, by indicating that her employer is involved in this matter.

L. Jones discloses a pecuniary interest in Item 3.3 of the 11th Report of the London Advisory Committee on Heritage, having to do with a Public Meeting Notice - Revised Application - Official Plan and Zoning By-law Amendment for the properties located at 2555-2591 Bradley Avenue, by indicating that her employer is involved in this matter.

## 2. Scheduled Items

### 2.1 Heritage Alteration Permit Application by V. Anastasiadis at 562 Dufferin Avenue, East Woodfield Conservation District

That, on the recommendation of the Managing Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking retroactive approval and approval for alterations to property at 562 Dufferin Avenue, within the East Woodfield Heritage Conservation District, BE PERMITTED with the terms and conditions:

- only natural wood with a painted finish be used for the half timbering;
- the new stucco of the half timbering maintain a rough texture, per the existing stucco cladding; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

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

2.2 Heritage Alteration Permit Application by S. Granger at 504-506 Maitland Street, West Woodfield Conservation District

That, on the recommendation of the Managing Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking retroactive approval and approval for alterations to property at 504-506 Maitland Street, within the West Woodfield Heritage Conservation District, BE PERMITTED with the terms and conditions:

- sash (hung) windows be used for the gable windows;
- the cedar shakes proposed for the gable cladding be rectangular and regular in shape and installation;
- all exposed wood, including porch posts and railings/guards, cedar shakes, board and batten, and tongue and groove siding, be painted;
- the Heritage Planner be circulated on the Building Permit application drawings to verify compliance with this Heritage Alteration Permit prior to issuance of the Building Permit; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

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

2.3 Lorne Avenue Park Project

That J. Michaud, Landscape Architect, BE ADVISED that the London Advisory Committee on Heritage is satisfied with the current design for the Lorne Avenue Park Project and encourages a Cultural Heritage Interpretive Sign to be implemented into the above-noted project; it being noted that the attached presentation from J. Michaud, Landscape Architect, with respect to this matter, was received.

2.4 Cultural Heritage Evaluation Reports (CHERs) for the properties located at 327, 331 and 333 Wellington Road

That the Civic Administration BE ADVISED that the London Advisory Committee on Heritage concurs with the findings of the Cultural Heritage Evaluation Reports (CHERs), as appended to the agenda, with respect to the properties located at 327, 331 and 333 Wellington Road; it being noted that the attached presentation from M. Morris, Major Projects, with respect to this matter, was received.

2.5 Draft City-Wide Urban Design Guidelines

That the Draft City-Wide Urban Design Guidelines document, as appended to the agenda, BE REFERRED to the Stewardship Sub-Committee for review and a report back to the London Advisory Committee on Heritage; it being noted that the attached presentation from A. Lockwood, Urban Designer, with respect to this matter, was received.

### 3. Consent

3.1 10th Report of the London Advisory Committee on Heritage

That it BE NOTED that the 10th Report of the London Advisory Committee on Heritage, from its meeting held on October 9, 2019, was received.

3.2 Municipal Council Resolution - 10th Report of the London Advisory Committee on Heritage

That it BE NOTED that the Municipal Council resolution, from its meeting held on October 29, 2019, with respect to the 10th Report of the London Advisory Committee on Heritage, was received.

3.3 Public Meeting Notice - Revised Application - Official Plan and Zoning By-law Amendment - 2555-2591 Bradley Avenue

That it BE NOTED that the Public Meeting Notice, dated October 16, 2019, from A. Riley, Senior Planner, with respect to a revised application for an Official Plan and Zoning By-law Amendment related to the properties located at 2555-2591 Bradley Avenue, was received.

3.4 Notice of Planning Application - Official Plan and Zoning By-law Amendments - 84-86 St. George Street and 175-197 Ann Street

That B. Debbert, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage (LACH) is not satisfied with the research, assessment and conclusion of the Heritage Impact Assessment (HIA) for the property located at 197 Ann Street, as it relates to the Notice of Application, dated October 10, 2019, from B. Debbert, Senior Planner, with respect to Official Plan and Zoning By-law Amendments for the properties located at 84-86 St. George Street and 175-197 Ann Street; it being noted that the LACH submits the following comments with respect to the HIA:

- the HIA gives inadequate weight to the historical, associative and contextual values of the landmark brewery located at 197 Ann Street;
- the HIA contains errors and omissions within the historic research of the property and brewing history in London, e.g. incorrect derivation of the brewery name, date of building, reference to Westminster Township and evidence for the fire damage in the 19th Century;
- the properties located at 175, 179, 183 and 197 Ann Street and 84 and 86 St. George Street are recommended to be subject to 9/06 evaluation by the HIA because of strong associations with the Kent Brewery;
- the condition of the building has not been supported by an engineer's report;
- the LACH is opposed to the demolition of the property located at 197 Ann Street based on the current information available; and,
- the LACH encourages incorporating the built heritage resources associated with the historic Kent Brewery into any future developments;

it being noted that the attached presentation from M. Tovey, with respect to this matter, was received.

3.5 Notice of Planning Application - Official Plan and Zoning By-law Amendments - 464-466 Dufferin Avenue and 499 Maitland Street

That it BE NOTED that the Notice of Planning Application, dated November 6, 2019, from M. Vivian, Planner I, with respect to Official Plan and Zoning By-law Amendments related to the properties located at 464-466 Dufferin Avenue and 499 Maitland Street, was received.

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

##### **4.1 Stewardship Sub-Committee Report**

That it BE NOTED that the Stewardship Sub-Committee Report, from its meeting held on October 30, 2019, was received.

#### **5. Items for Discussion**

##### **5.1 Request for Designation of 36 Pegler Street under Part IV of the Ontario Heritage Act by A. Johnson**

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the following actions be taken with respect to the request for designation of the heritage listed property at 36 Pegler Street:

a) 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 to be of cultural heritage value or interest for the reasons outlined in Appendix E of this report; and,

b) should no appeals be received to Municipal Council's notice of intention to designate, a by-law to designate the property at 36 Pegler Street to be of cultural heritage value or interest for the reasons outlined in Appendix E of this report BE INTRODUCED at a future meeting of Municipal Council immediately following the end of the appeal period;

it being noted that should an appeal to Municipal Council's notice of intention to designate be received, the City Clerk will refer the appeal to the Conservation Review Board;

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

##### **5.2 Review of Delegated Authority for Heritage Alteration Permits**

That the Managing Director, Planning and City Planner BE ADVISED that the London Advisory Committee on Heritage is supportive of the proposed by-law, as appended to the staff report dated November 13, 2019, with respect to a review of Delegated Authority for Heritage Alteration Permits; it being noted that the attached presentation from K. Gonyou, Heritage Planner, with respect to this matter, was received.

##### **5.3 Zoning By-law Amendment - 1018-1028 Gainsborough Road**

That L. Mottram, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage is not satisfied by the research and assessment presented in the Heritage Impact Statement (HIS) for the properties located at 1018-1028 Gainsborough Road as it relates to the Public Meeting Notice, dated October 2, 2019, from L. Mottram, Senior Planner, with respect to a Zoning By-law Amendment for the properties located at 1018-1028 Gainsborough Road, as the impacts of the proposed development were not adequately considered by the above-noted HIS.

##### **5.4 Heritage Impact Assessment - 556 Wellington Street**

That a Working Group BE CREATED to review the Heritage Impact Assessment, dated May 13, 2019, from Golder Associates Ltd., with respect to the property located at 556 Wellington Street and report back to the London Advisory Committee on Heritage; it being noted the members

of the Working Group are M. Whalley, S. Jory, M. Bloxam and S. Bergman.

5.5 Update on the Bid for the Ontario Heritage Conference in London

That it BE NOTED that a verbal update from T. Jenkins with respect to an update on the bid to bring a future Ontario Heritage Conference to London, was received.

5.6 Heritage Planners' Report

That the following actions be taken with respect to the Heritage Planners' Report, submitted by K. Gonyou, L. Dent and M. Greguol, Heritage Planners:

a) the expenditure of up to \$20.00 per person from the 2019 London Advisory Committee on Heritage (LACH) budget BE APPROVED for L. Fischer and K. Waud to attend the Heritage Matters in Conversation bus tour on November 28, 2019; it being noted that the LACH has sufficient funds in its 2019 budget to cover this expense;

b) the expenditure of up to \$100.00 from the 2019 LACH Budget BE APPROVED for refreshments at the Stewardship Sub-Committee meeting, hosting the Western University Public History Program presentations; it being noted that the LACH has sufficient funds in its 2019 budget to cover this expense and has done for previous, similar meetings; and,

c) the attached, above-noted Heritage Planners' Report BE RECEIVED.

5.7 (ADDED) Historical Designation of Property - 247 Halls Mill Road

That the communication from K. Jones and D.A. Park, as appended to the Added Agenda, with respect to a request for historical designation of the property located at 247 Halls Mill Road, BE REFERRED to the Stewardship Sub-Committee for consideration.

**6. Adjournment**

The meeting adjourned at 9:30 PM.

## Heritage Alteration Permit 562 Dufferin Avenue, East Woodfield HCD HAP19-080-L

London Advisory Committee on Heritage  
Wednesday November 13, 2019  
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 **562 Dufferin Avenue**



- Built c. 1915
- "Prairie Style"
- East Woodfield HCD (1993)
- HAP18-063-D for rear addition

 **HAP18-063-D**

**Architectural Drawings**      **Under Construction**



 **Windows**

**2018**                      **2019**





### Heritage Alteration Permit application

- Retroactive approval for the replacement of the former windows with new vinyl windows with faux grilles;
- Alter the existing stucco cladding on the second storey to re-face the existing stucco with new stucco and add half-timbering detail in a Tudor Revival style; and,
- Remove the existing vinyl siding on the west oriel (bay) window and east oriel window/window box and apply half timbering to match the second storey exterior cladding.



### East Woodfield HCD Plan

**Section 1.3 (Part II) – Principles:**

- Replacement of architectural features must match the material being replaced in composition, design, texture, colour, size, and level of craftwork.
- Historical, physical or pictorial and documentary evidence shall guide the repair or replacement of missing architectural features of an individual heritage building. Guesswork or use of architectural elements borrowed from other buildings should be avoided.



### East Woodfield HCD Plan

**Section 3.6 (Part II) – Decorative Wood Detailing:**

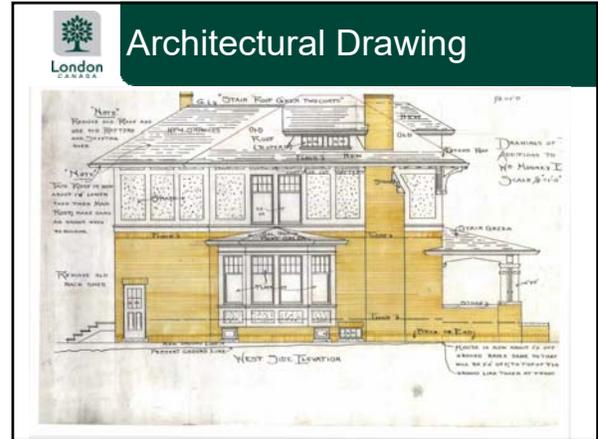
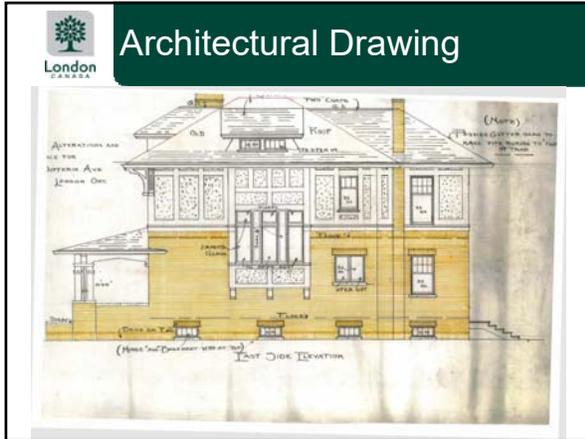
- *The reconstruction of elements based on historic photographs should be drawn first before the replication of the element is commissioned. Working or shop drawings are useful when prepared. Conjectural restorations should be avoided.*



### East Woodfield HCD Plan

**Section 3.7 (Part II) – Windows and Doors:**

- *Replacement wood windows or doors should be contemplated in kind. Aluminum, coated metal or vinyl units are not recommended as replacements. A replacement window or door should match the original in style, shape, placement and be based on the use of historic photographs when available to meet the above criteria.*



### Recommendation

That, on the recommendation of the Managing Director, City Planning & City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval and approval for alterations to property at 562 Dufferin Avenue, within the East Woodfield Heritage Conservation District, **BE PERMITTED** with the terms and conditions:

- Only natural wood with a painted finish be used for the half timbering;
- The new stucco of the half timbering maintain a rough texture, per the existing stucco cladding; and,
- The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.






## Heritage Alteration Permit 504-506 Maitland Street, West Woodfield HCD HAP19-081-L

London Advisory Committee on Heritage  
Wednesday November 13, 2019

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## 504-506 Maitland Street



- Built c. 1884
- Semi-detached
- West Woodfield HCD (2008)
- C-Rated Property



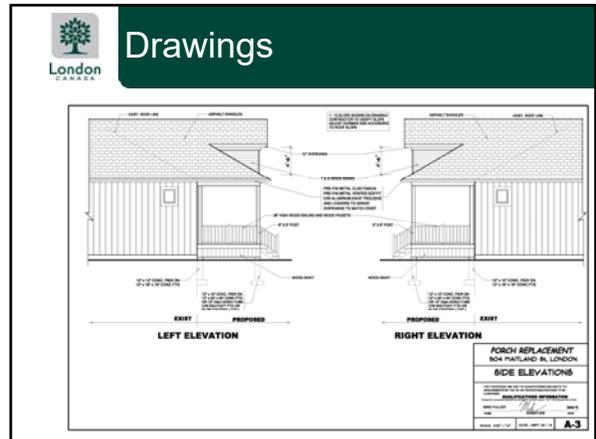
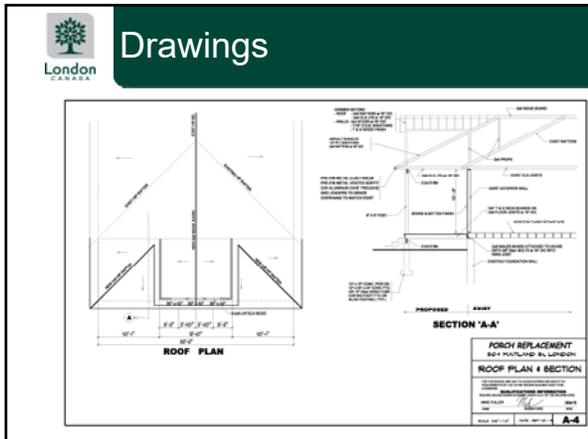
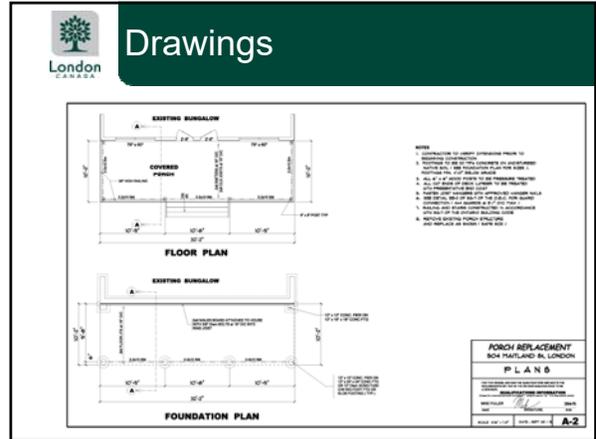
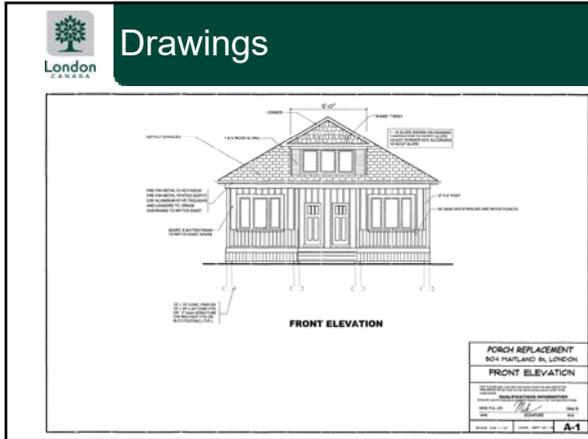
## Heritage Alteration Permit

- Retroactive approval for removal of the former exterior cladding and the application of wood board and batten;
- Retroactive approval for the replacement of the former wood windows with vinyl windows in the existing openings;
- Cladding of the front elevation with wood board and batten;
- Removal and reconstruction of the porch across the front of the existing dwellings, with the following details (see drawings in Appendix C):
  - Constructed of wood;
  - Four posts across the front façade (opposed to the existing three post design);
  - New steps;
  - 36" high railing/guard with a top and bottom rail and square spindles set between;
  - A wood board skirt;
  - Tongue and groove porch decking;
  - Aluminum soffit, fascia, and eaves;
  - Alteration of the roof line to extend the hipped roof over the reconstructed porch to accommodate a new dormer;
- Construction of a new dormer, with the following details (see drawings in Appendix C):
  - Approximately 12' in width and approximately 4'6" to the eaves, centred on the front (west) elevation of the existing semi-detached building;
  - A gable roof, matching the pitch and slope of the existing hipped roof;
  - A triplet (three windows) window;
  - Tongue and groove siding;
  - Asphalt shingles to match the existing roof.



## West Woodfield HCD Plan

- Section 3.1 (Goals): "avoid the destruction and/or inappropriate alteration of the existing building stock, materials and details..."
- Section 8.2.1 (Principles)
- Section 10.3.4 (Dormers)
- Section 10.4.5 (Wood Details)
- Section 10.5 (Porches)
- Section 10.6 (Windows and Doors)



 **Windows**



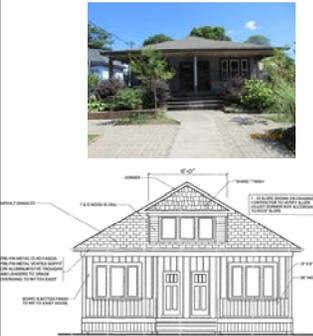
- Section 10.6 (Windows and Doors), *West Woodfield HCD Plan*
- Discourages replacement in vinyl or aluminum
- Replacement should mimic style, size, and proportion

 **Exterior Cladding**



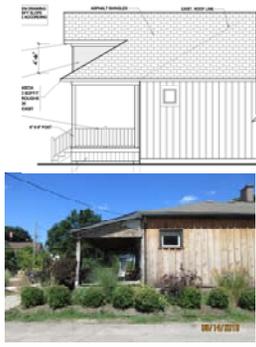
- Section 10.4.5 (Exterior), *West Woodfield HCD Plan*
- Section 10.9.1 (Paint and Wood), *West Woodfield HCD Plan*
- Few examples of board and batten

 **Porch**

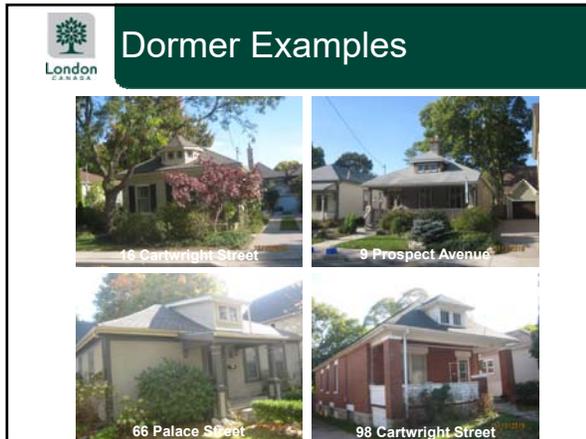


- Section 10.5 (Porch), *West Woodfield HCD Plan*
- Discourage removal or alteration of size, shape, and design
- Research appropriateness, restore to original
- Wood

 **Dormer**



- Section 10.3.4 (Dormers), *West Woodfield HCD Plan*
- Notes dormers in *West Woodfield HCD*, but no specific guidelines for new dormers



**Recommendation**

That, on the recommendation of the Managing Director, City Planning & City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval and approval for alterations to property at 504-506 Maitland Street, within the West Woodfield Heritage Conservation District, **BE PERMITTED** with the terms and conditions:

- a) Sash (hung) windows be used for the gable windows;
- b) The cedar shakes proposed for the gable cladding be rectangular and regular in shape and installation;
- c) All exposed wood, including porch posts and railings/guards, cedar shakes, board and batten, and tongue and groove siding, be painted;
- d) The Heritage Planner be circulated on the Building Permit application drawings to verify compliance with this Heritage Alteration Permit prior to issuance of the Building Permit; and,
- e) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.





## Project History



# Artifacts



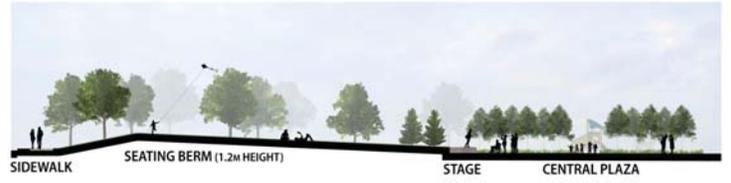
[london.ca](http://london.ca)



"One summer night, in the midst of a violent thunderstorm, aroused by a piercing, shattering bolt of lightning, it shuddered, clanged, and spoke no more..."

Principal W.D.E Matthews, 1955





Section @ Berm

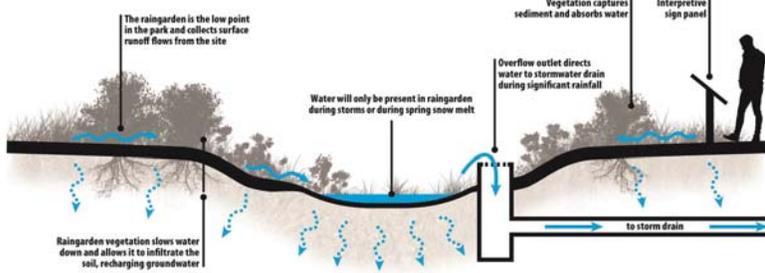


Central Plaza



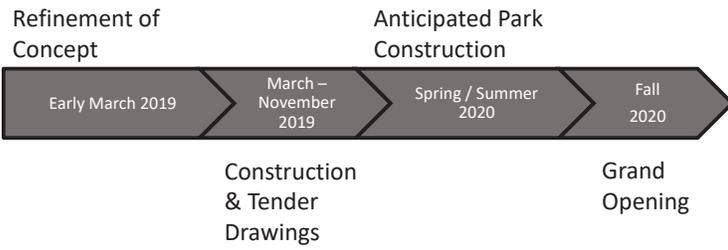
Front Porches on English Street

# Rain Garden





## Next Steps





## London Rapid Transit Update



LONDON ADVISORY COMMITTEE ON HERITAGE  
Michelle Morris, P.Eng.  
Major Projects  
November 13, 2019

[london.ca](http://london.ca)



## Previous Work

- Transit Project Assessment Process (TPAP) completed in June 2019
- Cultural Heritage Screening Report (CHSR) completed as part of TPAP



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## Agenda

1. Previously completed work
2. Next steps
3. Questions on:
  - 327 Wellington Road
  - 331 Wellington Road
  - 333 Wellington Road

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## Previous Work

### Cultural Heritage Screening Report (CHSR):

- Found 749 properties do not require further cultural heritage study
- Recommended completion of CHERs for 51 properties prior to completion of TPAP (completed in 2019)
- Recommended completion of CHERs for 12 properties following TPAP (current assignment)
- Recommended completion of Heritage Impact Assessments (HIAs) for 42 properties following completion of TPAP (coming soon)

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## Previous Work

- CHSR recommended completion of CHERs for twelve properties which were “...identified as having potential cultural heritage value or interest and may be directly or indirectly impacted...following the completion of TPAP.”  
– London Bus Rapid Transit, Environmental Project Report (EPR)
- Nine of 12 properties prioritized at this time.

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## Next Steps

- Phase 2  
90 Wellington Road  
92 Wellington Road  
120 Wellington Road
- Phase 3  
1033 Dundas Street  
100 Kellogg Lane  
72 Wellington Street
- Revise CHERs based on LACH comments and provide update to the Ministry

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## Previous Work

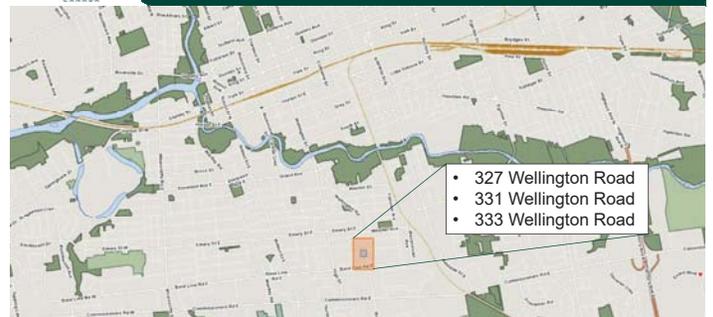
### Presentations to LACH throughout TPAP:

- Heritage Workshop: November 7, 2017
- Project Update: February 14, 2018
- Project Update: October 10, 2018
- Project Update: November 14, 2018
- Project Update: February 13, 2019

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## Phase 1: Individual CHERs





- 327 Wellington Road**
- Constructed Circa 1935-37
  - Single-storey
  - Vernacular style with Craftsman influences
  - Hipped roof with central dormer
  - Concrete sills and lintels
  - Front porch with shallow sloped roof supported by two square brick columns



- 331 Wellington Road**
- Constructed Circa 1937-38
  - Single storey
  - Vernacular style with Craftsman influences
  - Hipped roof with central dormer
  - Wood windows with concrete sills and lintels
  - Front porch with shallow sloped roof supported by two square brick pillars



**O. Reg. 9/06 Evaluation – 327 Wellington Road**

Criteria	Meets Criteria (Y/N)	Rationale
Design or Physical Value	No	The subject property is a simple, vernacular house. Comparative analysis suggests that it is of a relatively common design for the period in which it was constructed. The property does not display a high degree of craftsmanship or artistic merit, nor does it demonstrate an unusual degree of technical or scientific achievement.
Historic or Associative Value	No	There is no information to suggest that any of the property owners or residents were of particular significance to the community, nor does the building yield any information towards the understanding of the community or its culture. No information was found regarding the designer or builder, as a result no significant associations were determined.
Contextual Value	No	The subject property is a modest house located in an area of mixed commercial and residential structures of varying age and design. It is not considered to be a landmark, nor does it maintain or support the character of the area. It is not physically, visually or historically linked to its surroundings.



**O. Reg. 9/06 Evaluation – 331 Wellington Road**

Criteria	Meets Criteria (Y/N)	Rationale
Design or Physical Value	No	The subject property is a simple, vernacular house. Comparative analysis suggests that it is of a relatively common design for the period in which it was constructed. The property does not display a high degree of craftsmanship or artistic merit, nor does it demonstrate an unusual degree of technical or scientific achievement.
Historic or Associative Value	No	There is no information to suggest that any of the property owners or residents were of particular significance to the community, nor does the building yield any information towards the understanding of the community or its culture. No information was found regarding the designer or builder, as a result no significant associations were determined.
Contextual Value	No	The subject property is a modest house located in an area of mixed commercial and residential structures of varying age and design. It is not considered to be a landmark, nor does it maintain or support the character of the area. It is not physically, visually or historically linked to its surroundings.



- 333 Wellington Road**
- Constructed Circa 1935
  - One-and-a-half storey
  - Vernacular style with English Cottage style influences
  - Hipped-gable roof
  - Original windows
  - Soldier course of bricks above front window
  - Two-storey addition at rear of house



## Questions?

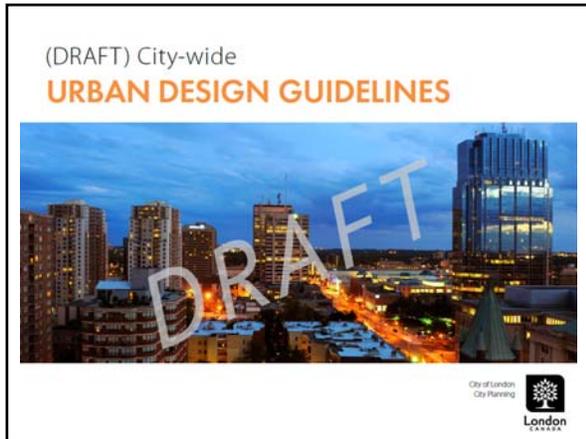
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## O. Reg. 9/06 Evaluation – 333 Wellington Road

Criteria	Meets Criteria (Y/N)	Rationale
Design or Physical Value	No	The subject property is a simple, vernacular house. Comparative analysis suggests that it is of a relatively common design for the period in which it was constructed. The property does not display a high degree of craftsmanship or artistic merit, nor does it demonstrate an unusual degree of technical or scientific achievement.
Historic or Associative Value	No	There is no information to suggest that any of the property owners or residents were of particular significance to the community, nor does the building yield any information towards the understanding of the community or its culture. No information was found regarding the designer or builder, as a result no significant associations were determined.
Contextual Value	No	The subject property is a modest house located in an area of mixed commercial and residential structures of varying age and design. It is not considered to be a landmark, nor does it maintain or support the character of the area. It is not physically, visually or historically linked to its surroundings.

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**What are Urban Design Guidelines?**

- Provide more detail but more flexibility in the interpretation and implementation of The London Plan policies
- Include written and visual information to assist with the implementation of the City Design policies of The London Plan
- An additional tool to assist staff, the development community, streetscape and public space designers, and the public in designing and shaping the built form of the City.
- This document does not reconsider the policies of The London Plan, the Zoning By-law, the Site Plan Control By-law, Engineering Standards, of the Complete Streets Manual

**Policy Framework**

**HERITAGE CONSERVATION DISTRICTS**

Heritage Conservation Districts are designated pursuant to Part V of the Ontario Heritage Act to recognize and protect areas of the City that are identified as having significant cultural heritage value or interest. To help manage change in these areas, Heritage Conservation District Plans have specific policies and guidelines to ensure that what makes these areas of significant cultural heritage value or interest are conserved. Heritage Conservation Districts are also identified in The London Plan, policy 601. Heritage Alteration Permit approval may be required to make changes to a heritage designated property. Properties may be individually designated pursuant to Part IV of the Ontario Heritage Act. Heritage Alteration Permit approval may be required to make changes to a heritage designated property.

**Structure of the Guidelines**

- The guidelines build on the City Design policies by offering more detail on how the policies may be implemented in different contexts. They are flexible in their interpretation, and provide creative and innovative design solutions to meet the intent of The London Plan.
- The Guidelines are grouped into sub-categories based on common themes within the City Design policies:
  - Character
  - Street Network
  - Streetscape
  - Public Space
  - Site Layout
  - Buildings

**Example:**

**TRANSITION**

Different intensities of development and built form can exist together if there is an effort to provide an appropriate transition between the two forms.

1. Transition development down in height and density towards lower intensity Place Types, within the Place Type boundary. This can be achieved by:
  - i. stepping down building heights within a single development block, or
  - ii. stepping down building heights across a number of properties.
2. Consider the use of a 45-degree angular plane to minimize shadow impacts on adjacent development.
3. Increase building setbacks as development transitions away from the most intense, urban places, to provide more landscaping in the public realm.
4. Locate parking areas and open space on site to provide separation and a buffer between new and existing buildings of different intensities.
5. Continue the rhythm of low-rise buildings into the lower levels of mid- and high-rise buildings.

1. Stepping down of building heights within a single block across a number of properties

2. Consider use of 45 degree angular plane to minimize the shadow impact

3. Increase setbacks, avoiding from setbacks in the public realm

4. Building parking area and open space to provide separation and a buffer

5. Continue the rhythm of low-rise mid-rise and high-rise buildings

10m setback of building foot

**Example:**

**ACTIVE FACADES AND PEDESTRIAN ORIENTATION**

Design buildings to provide a comfortable environment for pedestrians within the public right-of-way and within the site.

1. The building base to the bottom 1 to 3 stories of the building and should have a positive interface with the public realm. The base interface is intended to apply to all scales of buildings including low-rise attached units, commercial buildings, and mid- and high-rise buildings.
2. Interior residential and commercial units should be expressed on the exterior of the base through materials and articulation to create a human scale rhythm. This will generally appear as row houses for residential units, and individual store fronts for commercial buildings.
3. Address intersections and corner properties and establish an edge by stepping buildings to the corner and providing a height element, material change, or special architectural features.
4. Break up long building facades through articulation and/or material change. Materials should generally wrap around exterior corners and change on interior corners.
5. Blank walls should be avoided where non-active facades cannot be avoided, they should be located away from street-facing facades and minimized where possible. Material changes, building articulation, display windows and creative lighting may be used to make blank walls appear less imposing, but are not a replacement for active ground floor uses.

**Next Steps**

- **Circulate** the draft City-Wide Urban Design Guidelines with comments requested by December 13<sup>th</sup>, 2019.
- **Get Involved** webpage for the general public to review/provide comments
- Drop in **community information meeting** for the public and stakeholders
- Upon refinement, Staff will bring forward a **final report** to the Planning and Environment Committee with the revised final City-Wide Urban design Guidelines (Q1 2020). This will include a public participation meeting as well as implementing an Official amendment to adopt the document as a guideline under The London Plan.

(DRAFT) City-wide  
**URBAN DESIGN GUIDELINES**

City of London  
City Planning

197 Ann Street (Kent Brewery building)  
 Kent Brewery established 1859 (Phillips, p. 73).  
 Owned by John Hamilton from 1861 (p. 76) until  
 his death in 1887 (p. 153). Owned by his son  
 Joseph Hamilton from 1887 (p. 153) until brewery  
 closed in 1917 (Museum London, p. 14).



197 Ann St.

183 Ann Street & 179 Ann Street  
 Residences owned (Caldwell, p. 13) and/or lived in (London  
 City Directories) by brewers  
 John Hamilton (b. [1824]–d. 1887) and  
 Joseph Hamilton (b. 1869–d. 1947).



183 Ann St.

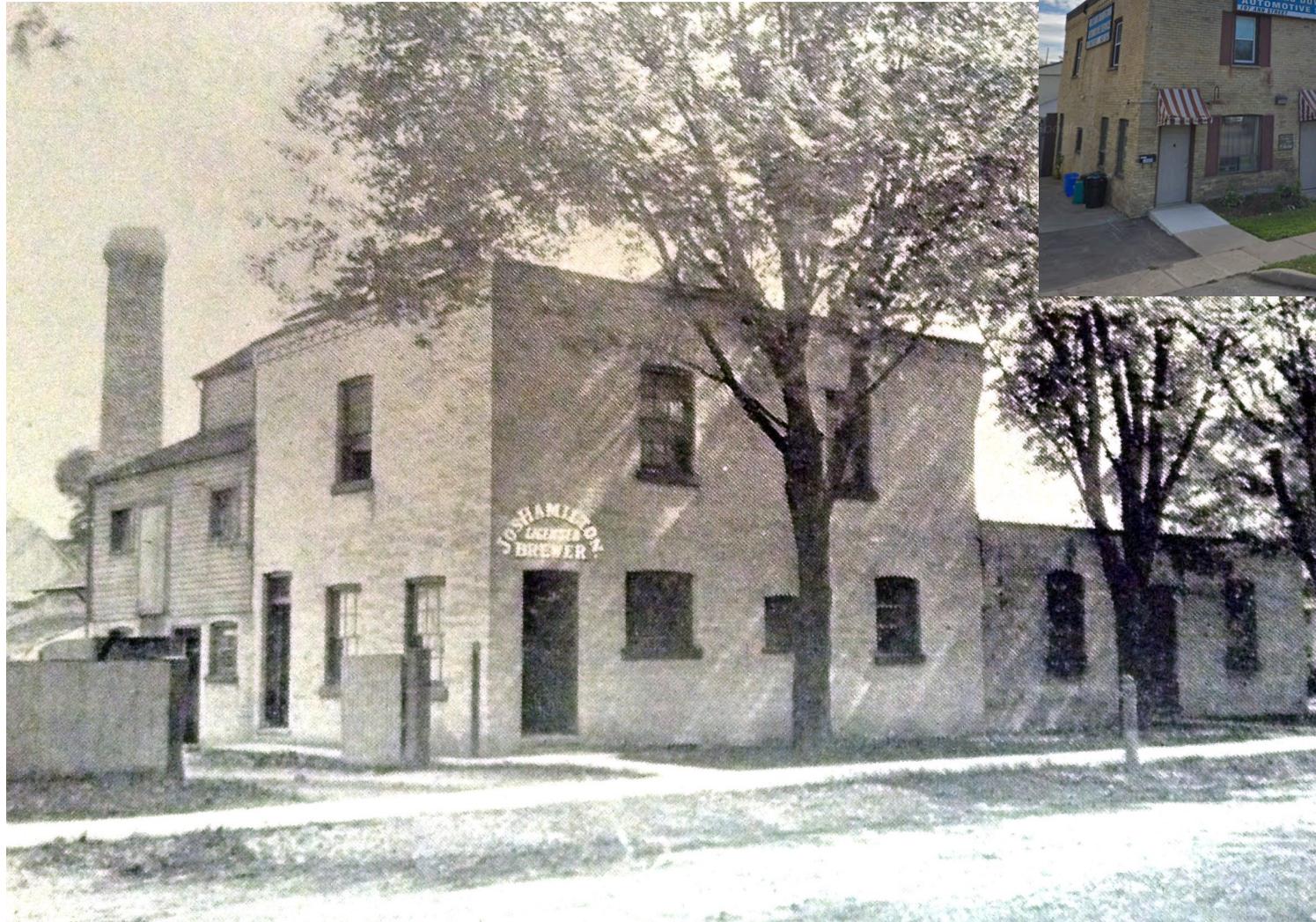


179 Ann St.



Aerial view of Kent Brewery district on Ann Street (looking south)

Kent Brewery, c. 1905



Kent Brewery, 2018

#### Works Cited

- Brock, D. J., McEwen, C. B., & London and Middlesex Historical Society (Ont.). (2011). *Fragments from the Forks: London, Ontario's legacy*. London, Ont: London & Middlesex Historical Society.
- Caldwell, H. (2017, December 5). 197 Ann Street: Evaluation of Cultural Heritage Value or Interest. *Public History Heritage Designation Reports*. AFC 338, London Neighbourhood and Building Resource Collection. Western University, Western Archives.
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- London City Directories 1856-2013. Ivey Family London Room.
- Museum London (London, Ont.),. (2006). *A new London, 1914: Selections from the Orr Photographic Collection*.
- Phillips, G. C. (2000). *On tap: The odyssey of beer and brewing in Victorian London-Middlesex*. Sarnia, Ont: Cheshire Cat Press.

## Request for Designation 36 Pegler Street

London Advisory Committee on Heritage  
Wednesday November 13, 2019

[london.ca](http://london.ca)

 **36 Pegler Street**

 **36 Pegler Street**

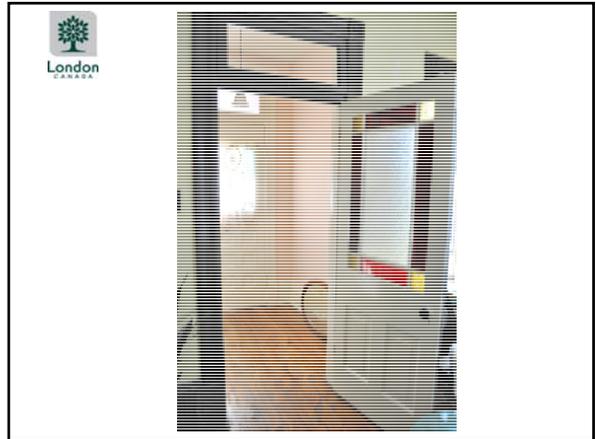
- Same historic property as White Ox Inn (demolished 1982), Pegler family
- Purchased in 1897 by William Warren
- Built between August 12, 1897 – May 12, 1898
- Occupied by Warren family until 1922, sold by Warren family in 1974



 **Architectural Details**

Queen Anne Revival with East Lake influences

- Irregular silhouettes
- Decoration and details
- Floral motifs
- Perforated, carved, embossed wood details
- Stained glass
- Queen Anne style windows



## Ontario Regulation 9/06

A property may be designated under Section 29 of the *Ontario Heritage Act* if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

- 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.

## Physical or Design Values

Cultural Heritage Value	Criteria	Evaluation	Meets Criteria?
The property has design value or physical value because it:	Is a rare, unique, representative or early example of a style, type, expression, material, or construction method	The property at 36 Pegler Street is a representative example of the Queen Anne Revival architectural style, with expression of influences from the East Lake school, in East London. The Queen Anne Revival architectural style is demonstrated in the form, massing, and detailing of the home at 36 Pegler Street. While the Queen Anne Revival architectural style is common in London, the execution of the detailing of the building, particularly its demonstrated expression of influence from the East Lake school, distinguishes the property at 36 Pegler Street from other examples of the Queen Anne Revival architectural style.	✔
	Displays a high degree of craftsmanship or artistic merit	A concentration of decorative elements applied to the home at 36 Pegler Street demonstrates the high degree of craftsmanship and artistic merit, particularly as it executes the Queen Anne Revival architectural style, with expression of influences from the East Lake school. In particular, the applied wooden details of the gable, the network of the porch, and the stained glass windows (particularly the front window) demonstrate a high degree of craftsmanship and artistic merits with excellent integrity. The property at 36 Pegler Street also demonstrates a higher degree of applied detail than found on comparable properties of the same vintage.	✔
	Demonstrates a high degree of technical or scientific achievement	The property at 36 Pegler Street is believed to demonstrate the most up-to-date building models and practices of the mid-1890s in London, however it is not believed to demonstrate a high degree of technical or scientific achievement.	✘

## Historical or Associative Values

Cultural Heritage Value	Criteria	Evaluation	Meets Criteria?
The property has historical value or associative value because it:	Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community	The property is not known to have direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to the community.	✘
	Yields, or has the potential to yield, information that contributes to an understanding of a community or culture	The property at 36 Pegler Street has the potential to yield information related to an understanding of the history and evolution of East London and the Hamilton Road area as it relates to Victorian period development that characterizes the area's development.	✔
	Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	The Hamilton Road area is underrepresented in number of heritage listed and designated properties within the City of London. The property at 36 Pegler Street is not known to demonstrate or directly reflect the work or ideas of an architect, artist, builder, designer, or theorist.	✘

## Contextual Values

Cultural Heritage Value	Criteria	Evaluation	Meets Criteria?
The property has contextual value because it:	Is important in defining, maintaining, or supporting the character of an area	The property at 36 Pegler Street maintains the character of Pegler Street, particularly as a relic of the historic residential character of the east side of Pegler Street near Hamilton Road. When Pegler Street was first developed, residential dwellings occupied both sides of the street. This has transitioned, over time, with the property at 36 Pegler Street located between a gas station (487 Hamilton Road) and former bakery/industrial property (22 Pegler Street). The property at 36 Pegler Street is important in maintaining the historic residential character of Pegler Street.	✔
	Is physically, functionally, visually, or historically linked to its surroundings	The property at 36 Pegler Street is historically linked to the nearby properties at 23 Pegler Street (built 1908) and 35 Pegler Street (built 1908), as the buildings located on these properties were constructed for children of Charles Warren who lived at 36 Pegler Street prior to their construction.	✔
	Is a landmark	The property at 36 Pegler Street is not believed to be a landmark.	✘

**Contextual Values**

23 Pegler Street      35 Pegler Street

**Comparative Analysis**

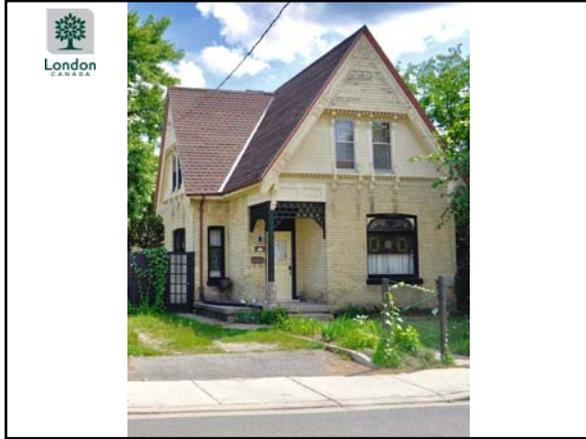
**Heritage Attributes**

**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 designation of the heritage listed property at 36 Pegler Street, that the following actions **BE TAKEN**:

- 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 to be of cultural heritage value or interest for the reasons outlined in Appendix E of this report; and,
- Should no appeals be received to Municipal Council's notice of intention to designate, a by-law to designate the property at 36 Pegler Street to be of cultural heritage value or interest for the reasons outlined in Appendix E of this report **BE INTRODUCED** at a future meeting of Municipal Council immediately following the end of the appeal period.

**IT BEING NOTED** that should an appeal to Municipal Council's notice of intention to designate be received, the City Clerk will refer the appeal to the Conservation Review Board.






## Review of Delegated Authority for Heritage Alteration Permits

London Advisory Committee on Heritage  
Wednesday November 13, 2019

london.ca



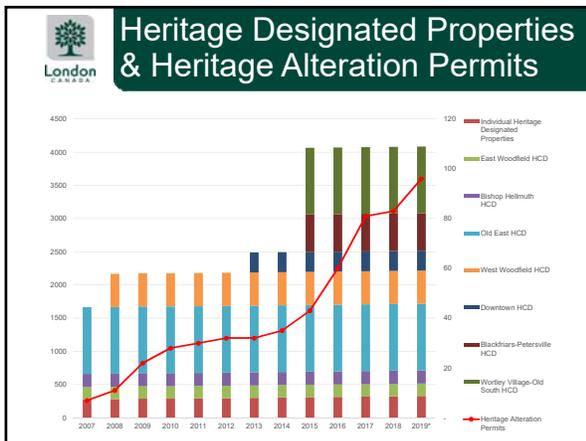
## Heritage Alteration Permits

**Individually Designated Property**

- Section 33, *Ontario Heritage Act*
- “Likely to affect” any heritage attribute
- “Consent”
- Maximum 90-day review timeline

**Heritage Conservation District Property**

- Section 42, *Ontario Heritage Act*
- Classes of Alteration in HCD Plan
- “Permit”
- Maximum 90-day review timeline




## Delegated Authority

**Ontario Heritage Act**

- Section 33(15) and 33(16)
- Section 42(16) and 42 (17)

**By-law No. C.P.-1502-129 (2015)**

- Approval and Approval with Terms and Conditions on Heritage Alteration Permits Delegated – City Planner
- Refusal or Conditions for Referral – Municipal Council



## “Conditions for Referral”

- A complex application for a Heritage Alteration Permit;
- Considerable sensitivity or contention regarding an application for a Heritage Alteration Permit;
- An application which fails to achieve acceptable heritage planning process or practice;
- An application for a Heritage Alteration Permit which fails to achieve policies or guidelines of a Heritage Conservation District Plan and Guidelines (if applicable);
- Where refusal of an application for a Heritage Alteration Permit is recommended by the City Planner; and/or,
- Where an owner requests consideration of an application for a Heritage Alteration Permit by the LACH.



## Proposed Changes

Section 9 of the Delegated Authority By-law states,  
*The LACH, upon receiving an application for a Consent or a Heritage Alteration Permit from the City Planner, may make a recommendation regarding the grant of a Consent or a Heritage Alteration Permit to the City Planner. This may:*

- Recommend the grant of a Consent or a Heritage Alteration Permit;*
- Recommend the grant of a Heritage Alteration Permit with terms and conditions;*
- Make a recommendation regarding an application for a Consent or a Heritage Alteration Permit to Municipal Council, via PEC. In this circumstance, Municipal Council shall retain the decision-making authority regarding the application for a Consent or a Heritage Alteration Permit.*

*Thereafter, the City Planner will make a decision with consideration of the recommendation of the LACH, unless LACH makes a recommendation as in (c) above.*



## Proposed Changes

**Recommended** Section 9 of the Delegated Authority By-law,  
*The LACH, upon receiving an application for a Consent to or grant a Heritage Alteration Permit from the City Planner, may make a recommendation to Municipal Council. In this circumstance, Municipal Council shall retain the decision-making authority regarding the application for a Consent to or grant a Heritage Alteration Permit.*



## Outcomes of Delegated Authority

- 80% of HAP applications
  - Major HAP applications still require LACH consultation
- Reliant of professional staff
- Compliance with legislated timelines
- Reduce approval timeline
  - 7 weeks to 2 weeks



## Recommendation

That, on the recommendation of the Managing Director, City Planning and City Planner, with the advice of the Heritage Planner, the revised "Delegated Authority for Heritage Alteration Permits By-law," attached hereto as Appendix A, **BE INTRODUCED** at the Municipal Council meeting to be held on November 26, 2019 to amend By-law C.P.-1502-129 being "A by-law to delegate certain authority of Municipal Council to consent to or grant permits for alterations to heritage designated properties", to clarify the process for Heritage Alteration Permits.

## Heritage Planners' Report to LACH: November 13, 2019

1. Heritage Alteration Permits processed under Delegated Authority By-law:
  - a) 255 Dufferin Avenue (Downtown HCD): signage (upper)
  - b) 343 Richmond Street (Downtown HCD): awning
  - c) 783 Hellmuth Avenue (Bishop Hellmuth HCD): rear addition
  - d) 256 Wortley Road (Wortley Village-Old South HCD): porch
  - e) 473 Princess Avenue (East Woodfield HCD) (2): doorway alteration, awning
  - f) 104 Askin Street (Wortley Village-Old South HCD): doorway alteration
  - g) 77 Byron Avenue East (Wortley Village-Old South HCD): porch
  - h) 115 Wilson Avenue (Blackfriars/Petersville HCD): window opening size
  - i) 719 Princess Avenue (Old East HCD): railing height
  - j) 145 Wortley Road (Wortley Village-Old South HCD): signage
  - k) 131 King Street (Downtown HCD): infill development (rev)
  - l) 195 Dundas Street (Downtown HCD): infill development
  
2. Western University Public History Program – Property Research Presentations to the Stewardship Sub-Committee on Tuesday November 26, 2019 at 6:30pm in Committee Room 4, City Hall (300 Dufferin Avenue)

### Upcoming Heritage Events

- Heritage Matters in Conversation, Thursday November 28, 2019 (see attached)
- Rotary Club of London South – Historic London Building in Pewter Christmas Ornaments – Blackfriars Bridge and the Normal School
- Victoria Christmas at Eldon House, December 1, 2019 – January 1, 2020.  
<https://eldonhouse.ca/product/victorian-christmas/>. More Holiday events at Eldon House!
- Heritage London Foundation's Victorian Christmas Lunch on December 10 and December 11, 2019. More information: <http://heritagelondonfoundation.ca/event/victorian-christmas-lunch/>



Join the Ontario Heritage Trust and special guests on Thursday, November 28, 2019 for an evening event featuring a keynote address by Joe Berridge and a panel discussion on the intersection of community, culture, place, and economy.

An afternoon bus tour will also be offered and will celebrate and share innovative conservation achievements in London and broaden thinking about possibilities for our treasured heritage places.

## **Heritage Matters in Conversation**

### **Afternoon Bus Tour:**

3:00 p.m. - 5:00 p.m.

Tickets: \$10

**Meeting point and departure from Delta London Armouries Hotel, 325 Dundas Street, London**

Participants will visit 4 innovative adaptive reuse and community revitalization projects around the City of London, and take inspiration from the creative use of these heritage places. The bus tour is organized by the London Region branch of the Architectural Conservancy of Ontario. Only 40 spots are available for the bus tour so get your tickets soon!

### **Keynote and Panel Discussion Details:**

**The Factory, 100 Kellogg Lane, London, ON**

6:00 p.m. (doors open)

Program: 6:30 p.m. - 10:00 p.m.

Tickets: \$20, Students \$15

**Keynote Speaker:** Joe Berridge, Urban Strategies; Adjunct Professor in Geography and Planning at the University of Toronto; Author of *Perfect City*

**Moderator:** Glyn Bowerman, Spacing Radio

**Panel Discussion:** Panelists will provide different and innovative perspectives about how and why heritage places are not only integral to economic revitalization, but also to the identity of communities. Panelists are:

- **Morag Kloeze:** Brew Master, Mudtown Station Brewery and Restaurant, Owen Sound
- **Alissa Golden:** Heritage Project Specialist, City of Hamilton
- **Steve Cordes:** Executive Director, Youth Opportunities Unlimited (YOU), London
- **Doran Ritchie:** Infrastructure and Resources Manager, Saugeen Ojibway Nation

Followed by a **Networking Social** with local sector and industry leaders about the unique ways heritage places are activated and celebrated; free refreshments and cash bar.

Free parking at the venue. The building is accessible.

<https://www.eventbrite.com/e/heritage-matters-in-conversation-rethink-revitalize-renew-tickets-74859174807>

Presenting Sponsor: **Urban Strategies Inc.**



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<https://scottwebb.me/the-factory-london-ontario/>