

# Agenda Including Addeds

## Planning and Environment Committee

The 3rd Meeting of the Planning and Environment Committee

January 20, 2020, 4:00 PM

Council Chambers

### Members

Councillors M. Cassidy (Chair), J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, Mayor E. Holder

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To make a request specific to this meeting, please contact [PEC@london.ca](mailto:PEC@london.ca)

The Committee will recess at approximately 6:30 PM for dinner, as required.

	Pages
<b>1. Disclosures of Pecuniary Interest</b>	
<b>2. Consent</b>	
2.1 2nd Report of the Advisory Committee on the Environment	3
2.2 Application - 3493 Colonel Talbot Road (OZ-9049)	21
2.3 Application - 1820 Canvas Way (H-9146)	39
2.4 Application - 1300 Fanshawe Park Road East 39T-04512	48
2.5 Application - Victoria on the River Phase 5 - 2671 to 2695 Kettering Place - Removal of Holding Provision (H-9164)	69
2.6 Application - 3900 Scotland Drive, 3777 Westminster Drive and 5110 White Oak Road (H-9113)	77
2.7 Application - 2675 Asima Drive and 3316 Strawberry Walk (P-9150)	85
2.8 Application - 3080 Bostwick Road - Site 5 (H-9046)	99
2.9 Building Division Monthly Report for November 2019	108
<b>3. Scheduled Items</b>	
3.1 Item not to be heard before 4:00 PM - Delegation - D. Dudek, Chair of London Advisory Committee on Heritage - 2nd Report of the London Advisory Committee on Heritage	116
3.2 Public Participation Meeting - Not to be heard before 4:00 PM - Application - 332 Central Avenue and 601 Waterloo Street (O-9120 and Z-9121)	136
3.3 Public Participation Meeting - Not to be heard before 4:00 PM - Demolition Request for Heritage Listed Property at 247 Halls Mill Road	159
a. J. and O. Santin, 217 Halls Mill Road	200

b.	<i>(ADDED) A. Park</i>	201
c.	<i>(ADDED) L. and C. Morrison, 21-1443 Commissioners Road West</i>	202
d.	<i>(ADDED) D. Park</i>	203
e.	<i>(ADDED) J. Grainger, Architectural Conservancy Ontario</i>	207
f.	<i>(ADDED) T. and S. Long, 133 Brisbin Street</i>	209
g.	<i>(ADDED) E. Washburn, 16-1331 Commissioners Road</i>	210
h.	<i>(ADDED) J. Edwards</i>	211
i.	<i>(ADDED) L. Black, 327 Stephen Street</i>	212
j.	<i>(ADDED) P. Leeson, 33-1443 Commissioners Road West</i>	213
3.4	Public Participation Meeting - Not to be heard before 4:00 PM - Application 435 Callaway Road (Formerly 365 Callaway Road) 39CD-19515	214
3.5	Public Participation Meeting - Not to be heard before 4:00 PM - Affordable Housing Community Improvement Plan (O-9099)	229
a.	<i>(ADDED) C. Butler, 863 Waterloo Street</i>	302
<b>4.</b>	<b>Items for Direction</b>	
4.1	Application - 536 and 542 Windermere Road	303
a.	M. Campbell, Zelinka Priamo Ltd.	311
b.	<i>(ADDED) T. Mara, 127 Orkney Crescent</i>	318
4.2	Councillor M. van Holst - Request for Park Dedication By-law Amendment	319
<b>5.</b>	<b>Deferred Matters/Additional Business</b>	
<b>6.</b>	<b>Adjournment</b>	

# Advisory Committee on the Environment

## Report

The 2nd Meeting of the Advisory Committee on the Environment  
January 8, 2020  
Committee Room #4

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

ABSENT: K. May, M.D. Ross and K. Soliman

ALSO PRESENT: S. Armstrong, T. Arnos, A. Dunbar, J. Stanford

The meeting was called to order at 12:18 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 2020-2023 Multi-Year Budget Overview

That it BE NOTED that the attached presentation from A. Dunbar, Manager, Financial Planning and Policy, with respect to an overview of the 2020-2023 Multi-Year Budget, was received.

### 3. Consent

#### 3.1 1st Report of the Advisory Committee on the Environment

That it BE NOTED that the 1st Report of the Advisory Committee on the Environment, from its meeting held on December 4, 2019, was received.

#### 3.2 11th Report of the Transportation Advisory Committee

That it BE NOTED that the 11th Report of the Transportation Advisory Committee, from its meeting held on November 26, 2019, was received.

#### 3.3 12th Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the 12th Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on November 21, 2019, was received.

#### 3.4 11th Report of the Trees and Forests Advisory Committee

That it BE NOTED that the 11th Report of the Trees and Forests Advisory Committee, from its meeting held on November 27, 2019, was received.

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

##### **4.1 Energy Sub-Committee Report**

That the Energy Sub-Committee report, as appended to the agenda, BE REFERRED back to the Energy Sub-Committee for further review and revisions.

#### **5. Items for Discussion**

##### **5.1 Zero Waste Conference 2019**

That it BE NOTED that the attached presentation from R. Sirois, with respect to an overview of the Zero Waste Conference 2019, was received.

##### **5.2 Climate Action Presentation by D. Saxe at Green in the City Event**

That the Climate Action Presentation by D. Saxe at the Green in the City Event update BE DEFERRED to the February 2020 meeting of the Advisory Committee on the Environment.

##### **5.3 Information Update - London's Premier Zero Waste Festival, June 13, 2020**

That the information update with respect to London's Premier Zero Waste Festival, to be held on June 13, 2020, BE DEFERRED to the February 2020 meeting of the Advisory Committee on the Environment.

##### **5.4 Review and Affirmation of ACE Sub-Committees**

That the discussion related to the Advisory Committee on the Environment (ACE) Sub-Committees, BE DEFERRED to the February 2020 meeting of the ACE.

##### **5.5 ACE 2020 Budget**

That the discussion related to the Advisory Committee on the Environment (ACE) 2020 Budget, BE DEFERRED to the February 2020 meeting of the ACE.

##### **5.6 ACE 2020 Work Plan**

That the discussion related to the Advisory Committee on the Environment (ACE) 2020 Work Plan, BE DEFERRED to the February 2020 meeting of the ACE.

#### **6. Adjournment**

The meeting adjourned at 2:04 PM.



**2020-2023  
MULTI-YEAR  
BUDGET**  
City of London

**Advisory Committee on the  
Environment**  
January 8, 2020



Budget Documents

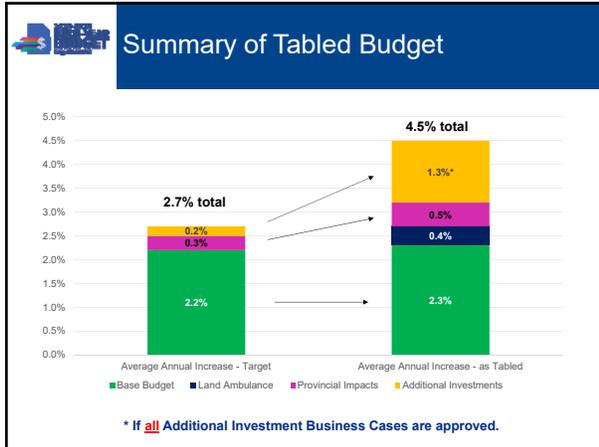


Agenda

- Overview of the Tabled 2020-2023 Multi-Year Budget
- Operating Budget Overview
- Capital Budget Overview
- Additional Investments Overview
- Additional Investments – Environmental Focus
- Water and Wastewater & Treatment Overview
- Key Dates & Upcoming Public Engagement



Overview of Tabled 2020-2023 Multi-Year Budget

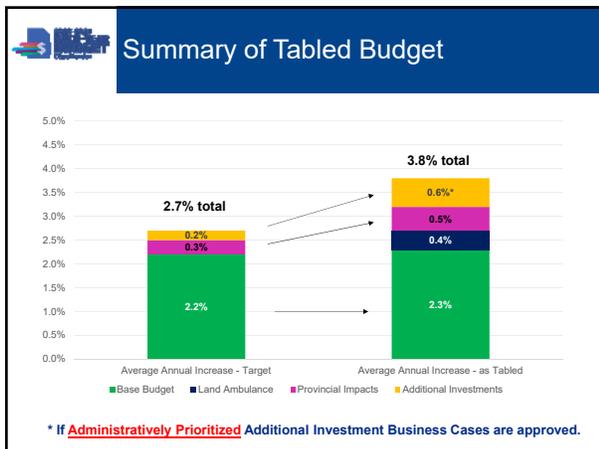


### Average Taxpayer Impact – Including All Additional Investments

**Maintain Existing Service Levels + All Additional Investments**

IMPACT TO RATE PAYERS	2019	2020	2021	2022	2023	2020-2023 AVERAGE
<b>AVERAGE ASSESSED RESIDENTIAL PROPERTY VALUE: 241,000</b>						
<b>Total Potential Increase</b>		6.0%	4.8%	3.6%	3.4%	4.5%
Additional Cost for Base Budget		103	107	78	88	94
Additional Investments:						
Administratively Prioritized		26	20	20	8	19
Additional Investments:						
For Consideration		40	19	15	15	22
<b>Total Additional Impact:</b>		<b>169</b>	<b>146</b>	<b>113</b>	<b>111</b>	<b>135</b>
<b>Total Potential Cost of Municipal Services</b>	<b>2,842</b>	<b>3,011</b>	<b>3,157</b>	<b>3,270</b>	<b>3,381</b>	<b>3,205</b>

Subject to rounding.



### Average Taxpayer Impact – Including Administratively Prioritized Additional Investments

**Maintain Existing Service Levels + Additional Investments Administratively Prioritized**

IMPACT TO RATE PAYERS	2019	2020	2021	2022	2023	2020-2023 AVERAGE
<b>AVERAGE ASSESSED RESIDENTIAL PROPERTY VALUE: 241,000</b>						
<b>Total Potential Increase</b>		4.6%	4.2%	3.2%	3.0%	3.8%
Additional Cost for Base Budget		103	107	78	88	94
Additional Investments:						
Administratively Prioritized		26	20	20	8	19
<b>Total Additional Impact:</b>		<b>129</b>	<b>127</b>	<b>98</b>	<b>96</b>	<b>113</b>
<b>Total Potential Cost of Municipal Services</b>	<b>2,842</b>	<b>2,971</b>	<b>3,098</b>	<b>3,196</b>	<b>3,292</b>	<b>3,139</b>

Subject to rounding.

**Includes Decision Points 1A, 1B, 2 & 4 (Admin. Prioritized)**

### 2020-2023 Multi-Year Budget Decision Points

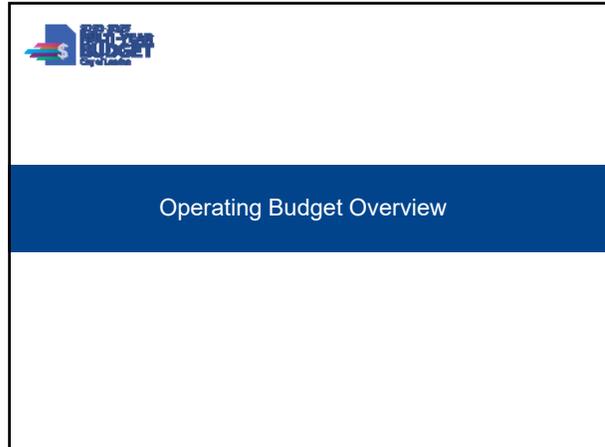
Decision Point	Recommended	For Consideration	Potential 2020-2023 Average Levy Increase
1A: Base Budget excluding Land Ambulance & Provincial Impacts	2.3%	-	2.3%
1B: Land Ambulance	0.4%	-	0.4%
2: Provincial Impacts	0.1%	0.4%	0.5%
<b>Subtotal: Net Base Budget (Maintain Existing Service Levels)</b>	<b>2.8%</b>	<b>0.4%</b>	<b>3.2%</b>

Decision Point	Administratively Prioritized	For Consideration	Potential 2020-2023 Average Levy Increase
3: Potential Net Levy Reductions	-	(0.2%)	(0.2%)
4: Additional Investments	0.6%	0.7%	1.3%

	Recommended / Administratively Prioritized	For Consideration	Potential 2020-2023 Average Levy Increase
<b>Total Tax Levy Increase</b>	<b>3.4%</b>	<b>0.9%</b>	<b>4.3%</b>



### Decision Point 1A: Base Budget Excluding Land Ambulance & Provincial Impacts (pg. 36)

**Decision Point 1A: 2020-2023 Multi-Year Base Budget (\$000's)**  
**\*\*Excludes Land Ambulance & Provincial Budget Impacts\*\***

Service Program	2019 Budget	2020 Budget	2021 Budget	2022 Budget	2023 Budget	2020 - 2023 Net Increase/ (Decrease)	2020 - 2023 Average Annual Net % Increase/ (Decrease)
Culture	25,349	26,134	26,677	27,121	27,591	2,242	2.1%
Economic Prosperity	11,770	11,037	10,628	10,219	9,794	(1,976)	-4.5%
Environmental Services	22,896	24,719	26,403	28,536	29,733	3,846	4.0%
Parks, Recreation & Neighbourhood Services	36,886	37,135	37,200	37,470	37,636	750	0.9%
Planning & Development Services	8,807	9,091	9,187	9,282	9,247	440	1.2%
Protective Services	179,928	185,760	190,282	195,037	199,795	19,867	2.0%
Social & Health Services <sup>1</sup>	51,583	52,508	53,682	54,841	55,848	4,265	2.0%
Transportation Services	72,884	74,223	75,056	77,009	78,128	5,244	1.8%
Corporate, Operational & Council Services	66,076	66,707	67,710	68,800	69,475	3,399	1.3%
Financial Management	113,923	112,345	118,423	123,671	133,323	19,400	4.1%
<b>TOTAL</b>	<b>890,093</b>	<b>899,617</b>	<b>916,338</b>	<b>929,983</b>	<b>946,870</b>	<b>56,477</b>	<b>2.3%</b>
<b>Annual \$ Net Increase/ (Decrease)</b>		<b>9,524</b>	<b>16,721</b>	<b>13,645</b>	<b>16,987</b>		<b>14,119</b>
<b>Annual % Net Increase/ (Decrease)</b>		<b>1.8%</b>	<b>2.8%</b>	<b>2.2%</b>	<b>2.8%</b>		<b>2.3%</b>

Notes:  
 1. Social & Health Services excludes Land Ambulance

### Decision Point 1B: Land Ambulance (pg. 36)

**Decision Point 1B: Land Ambulance (\$000's)**

Service	2019 Budget	2020 Budget	2021 Budget	2022 Budget	2023 Budget	2020 - 2023 Net Increase/ (Decrease)	2020 - 2023 Average Annual Net % Increase/ (Decrease)
Land Ambulance	16,443	20,812	24,461	27,275	29,312	12,869	15.8%
<b>Annual \$ Net Increase/ (Decrease)</b>		<b>4,368</b>	<b>3,649</b>	<b>2,815</b>	<b>2,037</b>		<b>3,217</b>
<b>Annual % Net Increase/ (Decrease)</b>		<b>26.6%</b>	<b>17.5%</b>	<b>11.5%</b>	<b>7.5%</b>		<b>15.8%</b>

Subject to rounding

Represents an average annual tax levy impact of approx. 0.4%

### Decision Point 2A: Recommended Provincial Impacts (pg. 37-38)

**Decision Point 2A: Summary of Provincial Budget Impacts Recommended (\$000's)**

Service Program	2019 Budget	2020 Budget	2021 Budget	2022 Budget	2023 Budget
Parks, Recreation & Neighbourhood Services	-	-	392	404	410
Social & Health Services	-	610	610	610	610
<b>TOTAL</b>	-	<b>610</b>	<b>1,002</b>	<b>1,013</b>	<b>1,019</b>

Subject to rounding.

Represents an average annual tax levy impact of approx. 0.1%

### Decision Point 2B: Provincial Impacts For Consideration (pg. 38-39)

**Decision Point 2B: Summary of Provincial Budget Impacts for Consideration (\$000's)**

Service Program	2019 Budget	2020 Budget	2021 Budget	2022 Budget	2023 Budget
Culture	-	14	14	14	14
Environmental Services	-	147	150	152	154
Parks, Recreation & Neighbourhood Services	-	75	1,705	1,705	1,705
Protective Services	-	639	639	639	639
Social & Health Services	-	1,212	1,488	1,737	1,812
Transportation Services	-	5,482	5,482	5,482	5,482
<b>TOTAL</b>	-	<b>7,568</b>	<b>9,477</b>	<b>9,727</b>	<b>9,805</b>

Subject to rounding.

Represents an average annual tax levy impact of approx. 0.4%

### Operating Budget Overview – Service Program Details

**2020-2023 Multi-Year Budget (\$000's)**

Service Grouping	2019 Net Revised Budget	2020 Expense	2020 Net Budget	2021 Expense	2021 Net Budget	2022 Expense	2022 Net Budget	2023 Expense	2023 Net Budget	2020 - 2023 Net Increase/Decrease	2020 - 2023 Average Annual Net % Increase/Decrease	Average Daily Tax Payer Impact
<b>ENVIRONMENTAL SERVICES</b>												
Kettle Creek Conservation Authority	551	557	574	574	574	591	591	609	609	58	2.5%	\$ 0.01
Lower Thames Valley Conservation Authority	169	170	173	173	177	177	179	179	179	11	1.5%	\$ -
Upper Thames River Conservation Authority	3,720	3,820	3,820	4,150	4,233	4,233	4,318	4,318	4,318	598	3.8%	\$ 0.05
Environmental Action Programs & Support	796	948	920	920	965	928	965	942	942	46	1.4%	\$ 0.02
Waste, Recycling & Composting	17,651	33,443	34,076	34,076	35,020	35,020	35,422	35,422	35,422	18,771	4.3%	\$ 0.26
<b>TOTAL ENVIRONMENTAL SERVICES</b>	<b>22,888</b>	<b>39,041</b>	<b>34,866</b>	<b>40,433</b>	<b>38,853</b>	<b>40,995</b>	<b>38,897</b>	<b>41,498</b>	<b>38,897</b>	<b>4,000</b>	<b>4.2%</b>	<b>\$ 0.34</b>
<b>TOTAL 2020-2023 NET BUDGET</b>										<b>104,993</b>		

Subject to rounding.

Note: Grants and Commissions are reported as the net expenditure to the City with the exception of the London Police Service which contains gross expenditure and non-revenue as a result of shared financial reporting systems.

Provincial impacts are reflected in the figures above, the table below details the Provincial Impacts that are for Consideration.

### Operating Budget Overview – Service Program Details

**Environmental Services - Budget Breakdown of Provincial Impacts**

Service Grouping	2019 Net Revised Budget	2020 Expense	2020 Net Budget	2021 Expense	2021 Net Budget	2022 Expense	2022 Net Budget	2023 Expense	2023 Net Budget	2020 - 2023 Net Increase/Decrease	2020 - 2023 Average Annual Net % Increase/Decrease	Average Daily Tax Payer Impact
Kettle Creek Conservation Authority including Provincial Impacts	551	524	524	541	541	558	558	576	576	25	1.2%	\$ 0.01
For Consideration - Hazard Mitigation Funding Cut	-	33	33	33	33	33	33	33	33	33	3.3%	\$ -
Kettle Creek Conservation Authority Total including Provincial Impacts	<b>551</b>	<b>557</b>	<b>557</b>	<b>574</b>	<b>574</b>	<b>591</b>	<b>591</b>	<b>609</b>	<b>609</b>	<b>58</b>	<b>2.5%</b>	<b>\$ 0.01</b>
Lower Thames Valley Conservation Authority including Provincial Impacts	169	165	165	168	168	172	172	174	174	5	0.9%	\$ -
For Consideration - Hazard Mitigation Funding Cut	-	5	5	5	5	5	5	5	5	5	0.6%	\$ -
Lower Thames Valley Conservation Authority Total including Provincial Impacts	<b>169</b>	<b>170</b>	<b>170</b>	<b>173</b>	<b>173</b>	<b>177</b>	<b>177</b>	<b>179</b>	<b>179</b>	<b>11</b>	<b>1.5%</b>	<b>\$ -</b>
Upper Thames River Conservation Authority including Provincial Impacts	3,720	3,810	3,810	4,038	4,038	4,119	4,119	4,202	4,202	482	3.1%	\$ 0.05
For Consideration - Hazard Mitigation Funding Cut	-	110	110	112	112	114	114	116	116	116	0.7%	\$ -
Upper Thames River Conservation Authority Total including Provincial Impacts	<b>3,720</b>	<b>3,920</b>	<b>3,920</b>	<b>4,150</b>	<b>4,150</b>	<b>4,233</b>	<b>4,233</b>	<b>4,318</b>	<b>4,318</b>	<b>598</b>	<b>3.8%</b>	<b>\$ 0.05</b>

### Operating Budget Overview – Service Program Details

**2020-2023 Multi-Year Budget (\$000's)**

Service Grouping	2019 Net Revised Budget	2020 Expense	2020 Net Budget	2021 Expense	2021 Net Budget	2022 Expense	2022 Net Budget	2023 Expense	2023 Net Budget	2020 - 2023 Net Increase/ (Decrease)	2020 - 2023 Average Annual Net % Increase/ (Decrease)	Average Daily Tax Payer Impact
<b>PARKS, RECREATION &amp; NEIGHBOURHOOD SERVICES</b>												
Neighbourhood & Recreation Services	20,342	99,011	39,660	99,688	35,803	100,348	35,910	101,368	36,020	2,682	2.8%	\$ 0.33
Rural & Urban Forestry	13,543	13,565	13,520	13,041	13,054	13,725	13,662	13,763	13,727	183	0.3%	\$ 0.17
<b>TOTAL PARKS, RECREATION &amp; NEIGHBOURHOOD SERVICES</b>	<b>33,885</b>	<b>112,576</b>	<b>53,180</b>	<b>112,729</b>	<b>48,857</b>	<b>114,073</b>	<b>49,572</b>	<b>115,131</b>	<b>50,747</b>	<b>2,865</b>	<b>1.9%</b>	<b>\$ 0.50</b>
Subject to rounding.												
Notes: Provincial impacts are reflected in the figures above; the table below details the Provincial Impacts that are Recommended and for Consideration.												

### Operating Budget Overview – Service Program Details

**2020-2023 Multi-Year Budget (\$000's)**

Service Grouping	2019 Net Revised Budget	2020 Expense	2020 Net Budget	2021 Expense	2021 Net Budget	2022 Expense	2022 Net Budget	2023 Expense	2023 Net Budget	2020 - 2023 Net Increase/ (Decrease)	2020 - 2023 Average Annual Net % Increase/ (Decrease)	Average Daily Tax Payer Impact
<b>TRANSPORTATION SERVICES</b>												
Parking	(3,592)	3,472	(3,648)	3,992	(3,718)	4,130	(3,844)	4,130	(3,841)	(249)	-1.7%	\$ (0.02)
London Transit Commission <sup>1</sup>	32,831	37,860	37,860	39,367	39,367	40,161	40,161	41,044	41,044	8,213	5.9%	\$ 0.51
Roadways	43,645	52,372	45,483	53,826	45,889	54,030	46,173	54,071	46,407	2,762	1.0%	\$ 0.09
Rapid Transit	90	90	90	90	90	90	90	90	90	0	0.0%	\$ -
<b>TOTAL TRANSPORTATION SERVICES</b>	<b>72,884</b>	<b>93,794</b>	<b>79,794</b>	<b>97,265</b>	<b>81,537</b>	<b>98,401</b>	<b>82,490</b>	<b>99,333</b>	<b>83,589</b>	<b>16,725</b>	<b>3.0%</b>	<b>\$ 1.05</b>
Subject to rounding.												
Notes: 1. Boards and Commissions are reported as the net expenditure to the City with the exception of the London Police Service which contains gross expenditures and non-tax revenue as a result of shared financial reporting systems. Provincial impacts are reflected in the figures above; the table below details the Provincial Impacts that are for Consideration.												

### Operating Budget Overview – Service Program Details

**Transportation Services - Budget Breakdown of Provincial Impacts**

Service Grouping	2019 Net Revised Budget	2020 Expense	2020 Net Budget	2021 Expense	2021 Net Budget	2022 Expense	2022 Net Budget	2023 Expense	2023 Net Budget	2020 - 2023 Net Increase/ (Decrease)	2020 - 2023 Average Annual Net % Increase/ (Decrease)	Average Daily Tax Payer Impact
London Transit Commission (excluding Provincial Impacts)	32,831	32,376	32,376	33,885	33,885	34,679	34,679	35,562	35,562	2,731	2.0%	\$ 0.44
For Consideration - Elimination of planned doubling of provincial gas tax	-	5,482	5,482	5,482	5,482	5,482	5,482	5,482	5,482	5,482	3.9%	\$ 0.07
<b>London Transit Commission Total including Provincial Impacts</b>	<b>32,831</b>	<b>37,860</b>	<b>37,860</b>	<b>39,367</b>	<b>39,367</b>	<b>40,161</b>	<b>40,161</b>	<b>41,044</b>	<b>41,044</b>	<b>8,213</b>	<b>5.9%</b>	<b>\$ 0.51</b>
Subject to rounding.												

### Capital Budget Overview

### Capital Budget by Service Program

**SERVICE PROGRAM OVERVIEW (\$000's)**

**2020 - 2023 CAPITAL BUDGET OVERVIEW (\$000's)**

Service Program	2019 Revised	2020 Proposed	2021 Proposed	2022 Proposed	2023 Proposed	2020-2023 Total	Percentage 2020-2023 Total	2024-2029 Forecast	2020-2029 Total	Percentage 2020-2029 Total
Culture Services	6,794	8,152	1,976	2,016	2,006	14,170	1.2%	15,331	29,501	1.2%
Economic Prosperity	12,625	4,018	8,655	7,420	12,688	32,181	2.8%	38,087	70,268	2.8%
Environmental Services	2,475	41,435	675	2,555	15,625	60,200	5.2%	37,315	97,605	4.0%
Parks, Recreation & Neighbourhood Services	26,501	24,800	22,834	22,171	56,632	128,437	11.1%	113,470	241,906	9.8%
Planning & Development Services	1,745	1,295	2,401	1,784	4,297	9,776	0.8%	3,838	13,614	0.6%
Protective Services	6,122	14,185	20,083	28,263	29,442	91,973	8.0%	110,801	202,774	8.2%
Social & Health Services	5,203	3,548	3,803	3,808	3,808	14,967	1.3%	22,636	37,603	1.5%
Transportation Services	130,679	168,236	143,240	197,894	234,957	744,327	64.6%	893,977	1,638,304	66.3%
Corporate, Operational & Council Services	13,124	13,532	11,171	15,283	16,874	56,861	4.9%	82,180	139,041	5.6%
<b>Total</b>	<b>205,269</b>	<b>279,201</b>	<b>214,837</b>	<b>281,194</b>	<b>377,750</b>	<b>1,152,962</b>		<b>1,317,635</b>	<b>2,470,617</b>	

Subject to rounding.

### Capital Budget by Service Program

**Major & Notable Capital Works in Ten Year Plan 2020-2029 (\$000's)**

Classification	Life-to-Date	2020	2021	2022	2023	2020-2023 Total	2024-2029	2020-2029 Total
<b>Environmental Action Programs</b>								
EV6020 Active Transportation	Life Cycle	300	300	300	300	1,200	1,800	3,000
<b>Garbage Recycling &amp; Composting</b>								
SW6050 New & Emerging Solid Waste	Service Improvement	500	35,500			35,500		35,500
SW6080 Long Term Disposal Capacity	Service Improvement			1,000	15,000	16,000	8,000	24,000
SW6020 Organic Waste Diversion	Growth						20,000	20,000
SW602120 W 12A New Cell Construction	Life Cycle	4,600				4,600		4,600
SW6530 Material Recovery Facility	Life Cycle	60	230	50	450	730	2,835	3,565
SW604020 Landfill Gas Collection	Life Cycle	370	100	370	100	940	2,020	2,960
SW601420 W 12A Ancillary	Life Cycle	300	150	300	150	900	1,650	2,550

### Capital Budget by Service Program

**Major & Notable Capital Works in Ten Year Plan 2020-2029 (\$000's)**

Classification	Life-to-Date	2020	2021	2022	2023	2020-2023 Total	2024-2029	2020-2029 Total	
<b>Parks &amp; Urban Forestry</b>									
JF2047 Urban Forest Strategy	Service Improvement	1,200	1,400	1,600	1,600	5,800	9,600	15,400	
PK204319 New Major Open Space (2019-2023)	Growth	270	2,012	930	551	3,567	7,050	9,901	
PK102320 Maintain District Parks	Life Cycle	850	885	885	950	3,570	5,980	9,550	
RC274920 Park Facilities Mjr Upgrades	Life Cycle	555	846	1,340	1,260	4,001	4,675	8,676	
PK301919 New Urban Parks (2019-2023)	Growth	910	2,456	1,091	618	364	4,529	7,259	
PK212419 New Thames Valley Parkway	Growth	1,406	2,093	1,177	1,177	785	5,232	327	5,559
PK218519 New Pedestrian Bridges and Tunnels (2019-2023)	Growth	2,325	525	500	1,575	4,925	525	5,450	
PK213520 Maintain Thames Valley Parkway	Life Cycle	425	425	425	475	1,750	3,050	4,800	

### Capital Budget by Service Program

**Major & Notable Capital Works in Ten Year Plan 2020-2029 (\$000's)**

Classification	Life-to-Date	2020	2021	2022	2023	2020-2023 Total	2024-2029	2020-2029 Total
<b>London Transit Commission</b>								
MU10420 Bus Purchase Replacement	Life Cycle	9,488	10,081	10,419	10,756	40,744	64,535	105,279
MU1176 Conventional Transit (Growth) PTS	Growth	1,155	2,097	4,065	4,065	3,252	13,477	24,045
MU1450 Highbury Facility Demolition	Service Improvement						7,500	7,500
<b>Roadways</b>								
TS144620/TS301420 Road Networks Improvements	Life Cycle	22,320	24,975	25,444	25,913	98,651	165,383	264,034
TS176320 Bridges Major Upgrades	Life Cycle	5,208	5,275	5,342	5,409	21,233	33,868	55,101
TS406720 Traffic Signals - M/c	Life Cycle	4,199	4,266	4,343	4,370	17,177	29,339	46,516
TS1306 Adelaide Street Grade	Life Cycle	20,350	37,925			37,925		37,925
TS512320 Street Light Maintenance	Life Cycle	2,844	2,977	3,111	3,184	12,116	11,258	33,375
TS1355-1 Wharncliffe Rd - Becher St to Springbank Dr	Growth	16,428	24,969			24,969		24,969
TIMS - Transportation Intelligent Mobility Mgmt System	Growth	2,356	2,356	2,356	2,356	9,425	5,049	14,474
TS1329 Colonel Talbot Rd - 300m South of Southdale Rd to James St	Growth	700		849	11,129	12,678		12,678
TS1202 Victoria Bridge Replacement	Life Cycle	800				10,040		10,840
TS1749 Dundas Street Old East Village Streetscape Improvements - PTS	Service Improvement	8,200				8,200		8,200

### Capital Budget by Service Program

**PROJECT DETAIL RECORD**  
CORPORATION OF THE CITY OF LONDON  
2020 Capital Budget with Forecasts (in \$000's)

Job Number	Project Title	Entity	Service Program	Service Grouping	Service	Service Area	Classification	Project/Program Manager
TS172919	ACTIVE TRANSPORTATION (2019-2021)	City Department	Transportation Services	Roadways	Roadways Planning & Design	Equipment & Training	Growth	D. Giles

**Project Description:** To introduce bicycle lanes to roadways and other cycling facilities in accordance with the City's Cycling Master Plan (London On Bikes); 50% Growth Related (50.2% DC Rate Supported); Growth splits are consistent with the 2019 Development Charge Study.

**Project Justification:** Identified in the Cycling Master Plan and Transportation Master Plan. Facilities added either as independent projects or in conjunction with other City works for cost effectiveness. Program has potential to leverage senior government funding programs.

Year	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2030 Ann	Total
Page	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2030 Ann	Total
Actual Budget														
EXPENDITURE														
DESIGN	500	500	500	500	510	515	515	516	521	524	527	5287	2,314	
CONSTRUCTION	2,174	2,254	2,254	2,254	2,280	891	912	934	957	980	1,003	10,103	20,308	
CITY RELATED EXPENSES														
EXPENDITURE	2,674	2,754	2,754	2,754	2,790	1,406	1,427	1,452	1,478	1,504	1,530	11,410	21,588	
SOURCES OF FINANCING														
RATE SUPPORTED														
FINANCED FROM OPERATIONS	391					502	514	526	539	552	565	5,734	9,329	
DEBT FINANCE	941	1,337	1,337	1,337	1,476	502	514	526	539	552	565	5,734	11,422	
RATE SUPPORTED	1,332	1,337	1,337	1,337	1,476	502	514	526	539	552	565	5,734	11,414	
NON-RATE SUPPORTED														
RESERVE FUND	1,342	1,337	1,337	1,337	1,476	502	514	526	539	552	565	5,734	11,710	
NON-RATE SUPPORTED	1,342	1,337	1,337	1,337	1,476	502	514	526	539	552	565	5,734	11,710	
SOURCES OF FINANCING	2,674	2,674	2,674	2,674	2,846	1,004	1,020	1,036	1,052	1,078	1,104	1,130	11,468	21,588
ACTIVE TRANSPORTATION (2019-2021)														2

### Capital Budget by Service Program

**Major & Notable Capital Works in Ten Year Plan 2020-2029 (\$000's)**

Classification	Life-to-Date	2020-2023				2024-2029		2020-2029	
		2020	2021	2022	2023	Total	2024-2029	Total	
<b>Rapid Transit</b>									
RTNORTH North Connection	Growth	5,036						131,668	131,668
RTSOUTH Wellington Gateway (South)	Growth	11,918	6,248	4,114	11,759	87,978	110,099	14,128	124,227
RTEAST East London Link	Growth	5,213	9,924	16,179	73,814	12,074	111,991	6,609	118,600
RTWEST West Connection	Growth	3,568			9,000	750	9,750	60,400	70,150
RTDOWNTOWN Downtown Loop	Growth	3,719	310	24,587	465	361	25,723	177	25,900

### Additional Investments Overview

### Additional Investments – Potential Tax Levy Impact

Business Cases (\$000's)	2020 Budget	2021 Budget	2022 Budget	2023 Budget	2020-2023 Average % Inc/(Dec)
Administratively Prioritized	5,563	9,805	14,164	15,927	
Tax Levy % Increase	0.9%	0.6%	0.6%	0.2%	0.6%
For Consideration	8,549	12,703	15,812	19,028	
Tax Levy % Increase	1.4%	0.6%	0.4%	0.4%	0.7%
<b>Total Potential \$ Tax Levy Increase</b>	<b>14,112</b>	<b>22,508</b>	<b>29,976</b>	<b>34,955</b>	
<b>Total Potential % Tax Levy Increase</b>	<b>2.3%</b>	<b>1.2%</b>	<b>1.0%</b>	<b>0.6%</b>	<b>1.3%</b>

Subject to rounding.



### Additional Investments – Administratively Prioritized

#	BUSINESS CASES (\$000's)	GROSS INVESTMENT REQUESTED	
		2020-2023	2024-2029
<b>ADDITIONAL INVESTMENTS ADMINISTRATIVELY PRIORITIZED</b>			
1	60% Waste Diversion Action Plan	17,600	39,000
2	Affordable Housing Community Improvement Plan Back to the River: Part A) Forks with outlook	4,772	1,218
3	Part B) One River Environmental Assessment Management Implementation Part C) Soho Environmental Assessment	12,403	-
4A	City of London Infrastructure Gap - Part A	1,250	2,000
5A	Climate Emergency Declaration: Part A - Develop Climate Emergency Action Plan (CEAP)	500	6,000
6	Coordinated Informed Response	3,000	-
7A	Core Area Action Plan - Part A	6,703	10,428
8	Climate Emergency Declaration: Part A - Develop Climate Emergency Action Plan (CEAP)	16,385	15,880
9	Deanses Home Auditorium Expansion	2,456	510
9	Fanshawe College Innovation Village	3,000	-
10A	HDC Funding for Affordable Housing - Part A Information Systems: Part A) Development Application Tracking Software Part B) Human Capital Management System	850	3,000
11	Part A) Development Application Tracking Software Part B) Human Capital Management System	3,900	1,300
12	LMCH Infrastructure Gap	1,230	1,098
13	LMCH Infrastructure Gap	15,518	36,852
14	Master Accommodation Plan	13,000	134,377
14	Operations Master Plan 2020	5,118	14,704
15	Subsidized Transit Program	3,608	6,435
16	T-Block Replacement / New Storage Building	901	102

**Business cases are listed in alphabetical order**



### Additional Investments – For Consideration

#	BUSINESS CASES (\$000's)	GROSS INVESTMENT REQUESTED	
		2020-2023	2024-2029
<b>Decision Point 4B: ADDITIONAL INVESTMENTS FOR CONSIDERATION</b>			
4B	City of London Infrastructure Gap - Part B	17,563	92,940
5B	Climate Emergency Declaration Part B - Implementation of CEAP Immediate Actions	1,296	1,890
7B	Core Area Action Plan - Part B	9,775	14,430
10B	HDC Funding for Affordable Housing - Part B Community Improvement Plan: Part A) Community Building Projects Part B) Land Acquisition	2,800	4,850
17	LMCH - Co-investment with CHMC	160	300
18	LMCH Operating Staffing & Security	400	600
19	London Public Library - Collections	20,259	22,258
20	Regeneration of Public Housing	6,941	14,347
21	Street Light Local Improvement	600	900
22	Water Maintenance Program Support	5,295	15,000
23	Water Maintenance Program Support	466	1,248
24	Water Maintenance Program Support	830	1,401
25	Water Maintenance Program Support	150	-
25	Water Maintenance Program Support	4,220	7,440
<b>TOTAL FOR CONSIDERATION</b>		<b>70,688</b>	<b>177,554</b>
<b>TOTAL BUSINESS CASES</b>		<b>182,930</b>	<b>460,448</b>

**Business cases are listed in alphabetical order**



### Additional Investments – Environmental Focus



### Additional Investments – Environmental Focus

**Administratively Prioritized**

Additional Investment #	1	60% Waste Diversion Action Plan
<b>Strategic Area of Focus</b>		<b>Building a Sustainable City</b>
<b>Total 2020-2023 Investment Requested</b>	<b>\$17,600</b>	<b>Total 2020-2023 Net Budget Requested</b>
<b>Average Tax Levy Impact %</b>	<b>0.25%</b>	<b>Average Tax Payer Impact (Pounds)</b>

On October 2, 2018, Municipal Council approved the 60% Waste Diversion Action Plan containing programs and initiatives to be phased in between 2019 and 2022 to achieve 60% waste diversion. City staff were directed to examine financing options for the Action Plan, it being noted that any additional funding required would be considered alongside other funding requests as part of the 2020-2023 Multi-Year Budget process. Implementing the Action Plan is also a "commitment" made as part of the Terms of Reference for the Environmental Assessment for the W12A Landfill expansion. The proposed actions include new or expanded recycling programs, and the organics management program.

Additional Investment #	3	Back to the River
<b>Strategic Area of Focus</b>		<b>Building a Sustainable City</b>
<b>Total 2020-2023 Investment Requested</b>	<b>\$14,395</b>	<b>Total 2020-2023 Net Budget Requested</b>
<b>Average Tax Levy Impact %</b>	<b>0.07%</b>	<b>Average Tax Payer Impact (Pounds)</b>

This waterfront revitalization project was designed to create a stronger relationship between Londoners and the Thames River. This initiative represents a long term vision with a number of projects identified along the river within the central London area. Two inaugural projects were selected to launch the initiative – one at the Forks and another in Soho.

### Additional Investments – Environmental Focus

**Administratively Prioritized (cont'd)**

Additional Investment #	14	Climate Emergency Declaration - Develop Action Plan
<b>Strategic Area of Focus</b>		<b>Building A Sustainable City</b>
<b>Total 2020-2023 Investment Requested</b>	<b>\$0</b>	<b>Total 2020-2023 Lev Budget Requested</b>
<b>Average Tax Levy Impact %</b>	<b>0.02%</b>	<b>Average Tax Payer Impact (Dollars)</b>

The Climate Emergency Action Plan will identify the strategies to be implemented for London to grow and develop in an environmentally sustainable way. The Climate Emergency Action Plan will focus on the environmental and ecological impacts of how we grow and develop, and establish strategies to be implemented by the City and Londoners to reduce our ecological footprint and environmental impact. The first phase of this program is to retain consultant services to help to prepare the strategy, followed by on-going annual funding to implement the strategy. This is a new program arising from London Plan policies and the community need to develop a Climate Emergency Action Plan to ensure that London grows and develops in a sustainable way.

Additional Investment #	15	Subsidized Transit Program
<b>Strategic Area of Focus</b>		<b>Building A Sustainable City</b>
<b>Total 2020-2023 Investment Requested</b>	<b>\$3,600</b>	<b>Total 2020-2023 Lev Budget Requested</b>
<b>Average Tax Levy Impact %</b>	<b>0.01%</b>	<b>Average Tax Payer Impact (Dollars)</b>

The City of London currently provides five subsidized transit programs in an effort to support Londoners to access affordable transit where they live, work, and go to school. The purpose of this business case is to develop one sustainable and integrated model to support affordable transit so that Londoners can move around the city safely and easily in a manner that meets their needs, that is simple and easy to access, and that reduces the administrative burden for both City and LTC staff.

### Additional Investments – Environmental Focus

**For Council's Consideration**

Additional Investment #	16	Climate Emergency Declaration - Implementation
<b>Strategic Area of Focus</b>		<b>Building A Sustainable City</b>
<b>Total 2020-2023 Investment Requested</b>	<b>\$1,205</b>	<b>Total 2020-2023 Lev Budget Requested</b>
<b>Average Tax Levy Impact %</b>	<b>0.01%</b>	<b>Average Tax Payer Impact (Dollars)</b>

Upon completion of the Climate Emergency Action Plan, funding will be required for the introduction and implementation of various climate sustainability initiatives. Examples could include implementation of a transportation association, establishment and expansion of a bike share program and community focused energy conservation, energy efficiency, and renewable energy programs and projects. There is no current budget to support the implementation of the Climate Emergency Action Plan.

## Water and Wastewater & Treatment Overview

### Water Budget - Overview

**2020-2023 Multi-Year Budget (\$000's)**

Water	2019 Approved Budget	2020 Budget	2021 Budget	2022 Budget	2023 Budget	2020 - 2023 Average Annual % Increase/Decrease
Water Rate Increase	3.0%	2.8%	2.6%	2.6%	2.6%	2.6%
Water Proposed Budget	70,890	84,730	87,480	90,530	93,695	-
Increase Over Prior Year Budget (\$)	2,766	4,843	2,750	3,041	3,166	-
Increase Over Prior Year Budget (%)	2.9%	6.9%	3.2%	3.6%	3.5%	4.1%

Subject to rounding.

**REVENUE BUDGET - WATER FOUR YEAR AVERAGE (2020-2023)**

**EXPENDITURE BUDGET - WATER FOUR YEAR AVERAGE (2020-2023)**

### Water Capital Budget Summary

Water Capital Budget (\$ millions)	2020-2023 Multi-Year Budget	2020-2029 Capital Plan
Lifecycle Renewal	\$163 (81%)	\$378 (79%)
Growth	\$35 (18%)	\$96 (20%)
Service Improvement	\$2 (1%)	\$5 (1%)
<b>Total</b>	<b>\$201</b>	<b>\$479</b>

### Wastewater Budget - Overview

2020-2023 Multi-Year Budget (\$000's)

Wastewater & Treatment	2019 Approved Budget	2020 Budget	2021 Budget	2022 Budget	2023 Budget	2020 - 2023 Average Annual % Increase/ Decrease
Wastewater & Treatment Rate Increase	3.0%	2.8%	2.8%	2.8%	2.8%	2.8%
Wastewater & Treatment Proposed Budget	90,182	103,712	107,003	110,747	114,553	-
Increase Over Prior Year Budget (\$)	2,768	6,530	3,271	3,664	3,806	-
Increase Over Prior Year Budget (%)	2.9%	6.8%	3.3%	3.4%	3.4%	3.9%

Subject to rounding.

#### REVENUE BUDGET - WASTEWATER FOUR YEAR AVERAGE (2020-2023)

#### EXPENDITURES BUDGET - WASTEWATER FOUR YEAR AVERAGE (2020-2023)

### Wastewater Capital Budget Summary

Wastewater & Treatment Capital Budget (\$ millions)	2020-2023 Multi-Year Budget	2020-2029 Capital Plan
Lifecycle Renewal	\$158 (43%)	\$491 (52%)
Growth	\$141 (39%)	\$302 (32%)
Service Improvement	\$66 (18%)	\$144 (15%)
<b>Total</b>	<b>\$365</b>	<b>\$936</b>

### Key Dates & Upcoming Public Engagement



### Key Dates in the Budget Process

What / Where	Date
Tabling of the 2020-2023 Multi-Year Budget	December 17 SPPC at 4:00pm
Report on Potential Net Levy Reductions including Business Cases	January 7 SPPC at 4:00pm
Report on Pre-Tabling Budget Public Engagement Feedback	January 7 SPPC at 4:00pm
Public Participation Meeting	January 23 SPPC at 4:00pm
2020-2023 Multi-Year Budget Review SPPC at 9:30am	January 30 January 31 February 6 February 7 February 13 February 14
Final Approval of the 2020-2023 Multi-Year Budget	March 2 Council at 4:00pm



### Public Engagement Activities

Description	Date
Social Media Continuation	Ongoing through February
Business Case Survey on <i>GetInvolved.London.ca</i>	Launching Dec. 18th
Budget Open House Session Goodwill Industries, 255 Horton St. E.	January 11 10:00am – 12:00pm
Community Meeting with London Environmental Network Goodwill Industries, 255 Horton St. E.	January 13 6:00pm – 8:00pm
Budget Open House Session Goodwill Industries, 255 Horton St. E.	January 15 6:00pm – 8:00pm
Community Meeting with the Urban League Location TBD	January 16 5:30pm – 7:30pm
Public Participation Meeting	January 23 SPPC at 4:00pm
Ward Meetings	As Requested



### Budget Website Overview



**Get Involved**  
We want to hear from you!

**MULTI-YEAR BUDGET**  
City of London



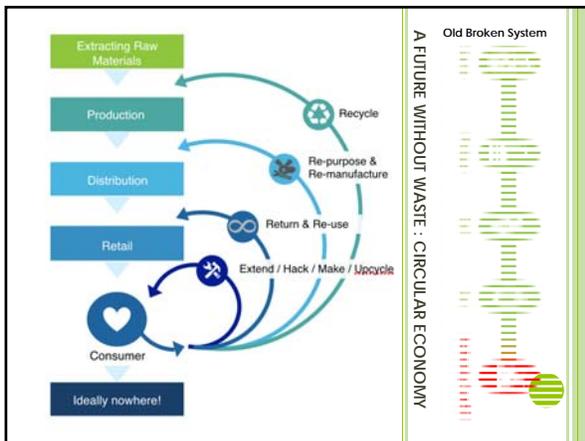
**2020-2023  
MULTI-YEAR  
BUDGET**  
City of London

-  LondonCanada
-  #Cityoflondonont
-  @CityofLdnOnt #LdnBudget
-  budget@london.ca
-  getinvolved.london.ca

## HIGHLIGHTS OF ZWC 2019



9<sup>th</sup> Annual Zero Waste Conference  
Vancouver BC  
October 30-31, 2019



## Looking at the World of Waste Differently



Unbuilders Demolition workers clear debris a house in North Vancouver. JAZZOR PATTY / PRO

**UNBUILDERS**

**PLANET**  
Divert 50 T per house  
Salvage 10 T of lumber

**PEOPLE**  
Create jobs: 6 to 1 (typical demolition)  
Build affordable housing

**PROFIT**  
Lower cost to owner  
\$3.4 B added to economy

1

### LOOKING AT THE WORLD OF WASTE DIFFERENTLY

WISDOM FROM THE PAST  
1st Edition: 1986, 2nd Edition: 1990  
© 2017 by TerraCycle

ASSET

With a little imagination, you can turn waste into an asset. TerraCycle's Zero Waste Centers are the world's largest network of recycling facilities, processing 100% of the waste they receive into a valuable resource.



metrowarecover

### LOOKING AT THE WORLD OF WASTE DIFFERENTLY

TERRACYCLE

COST OF LOGISTICS + COST OF PROCESSING < MATERIAL VALUE = RECYCLABLE



metrowarecover

### CREATING CIRCULAR SOLUTIONS FOR HUNDREDS OF WASTE STREAMS

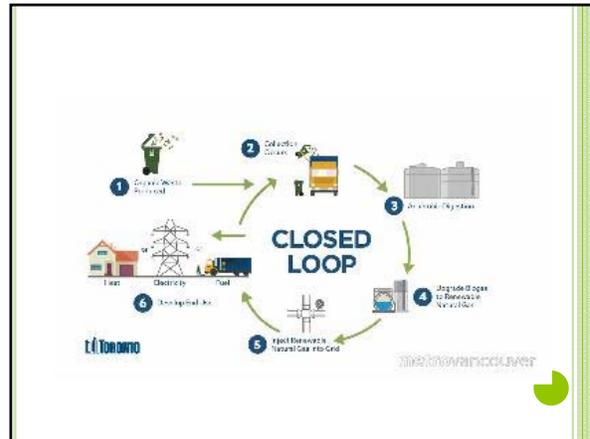
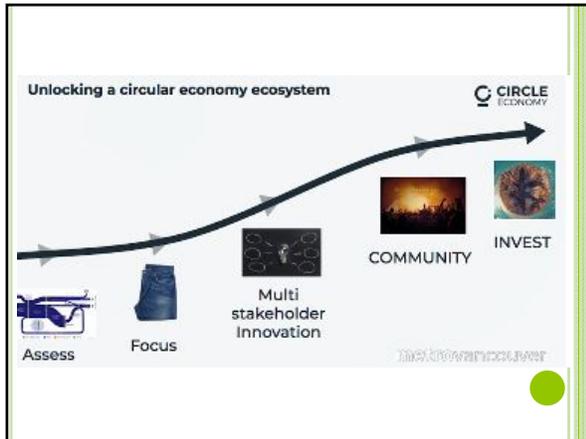
Pampers  
Diaper recycling in Amsterdam



metrowarecover



ANADA



RECOMMENDATIONS	5-year Review of Waste Strategy									
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Food Waste Reduction Strategy										
Textile Collection & Reuse Strategy										
Sharing Library										
Support Reuse Events										
Explore Opportunities for Waste Exchange										
Mobile Drop-Off Depots										
Neighbourhood Drop-Off Depots										
Mandatory Multi-Residential By-Law										
Updates to Current Multi-Residential Development Standards										
Support for Community Composting										
Data Management & Accessibility										
Expand Yellow Tag Program to More Businesses										
City Explores Mandatory Approaches to IC&I Waste Diversion										
Depots and Policies for Home Renovation Waste										
Disposal Bans for Some CRD Materials										
Mixed Waste Processing Facility w/ Organics Recovery										
Utilizing Disposal Capacity at Other Approved Disposal Sites										
City Explores Control Mechanisms - Bans, By-Laws, & Acts										
Unit for Research, Innovation & a Circular Economy										

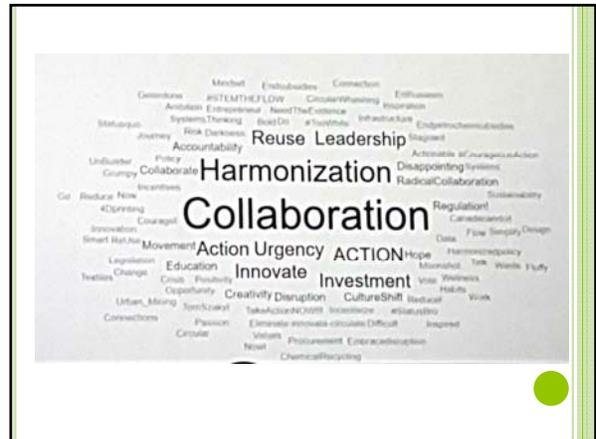
**CANADIAN INNOVATION SHOWCASE**

"We don't need a handful of people practising zero waste perfectly: we need millions of people practising zero waste imperfectly"

Guelph-Wellington, we're home to

- Nearly 223,000 residents
- 1,600+ food businesses and entrepreneurs
- 40+ agri-food research institutes and centres
- A vibrant and engaged local food community

metr foodfuture.ca



### REFERENCES AND LINKS

- [Circular Tayside](#)
- [Circle-economy](#)
- [Circle-Lab](#)
- [Create Memories Not Garbage](#)
- [Grow Green Guide](#)
- [Love Food Hate Waste](#)
- [Metro2040 Dashboard](#)
- [Metro Vancouver Recycles](#)
- [National Zero Waste Council](#)
- [Performance Monitoring Dashboard](#)
- [Rate Our Home](#)
- [Think Thrive About Your Clothes](#)
- [We Love Water](#)
- [Zero Waste Conference](#)

### CONFERENCE TAKE-AWAYS

- THINK BIG – BE BOLD – BE COURAGEOUS
- CHALLENGE THE STATUS QUO
- KEEP PEOPLE AND EQUITY AT THE CENTRE OF DECISIONS
- WE MUST MEASURE WHAT WE VALUE AND WHAT WE WANT TO CHANGE (BENCHMARKING)
- LONDON CAN LEAD: CHOOSE A GOAL WITH EARLY, CLEAR WINS AND TELL THE STORY
- BUILD ON THAT SUCCESS AND MOBILIZE CHANGE
- LONDON CAN USE ITS POWER AS CONVENER TO BRING ALL PARTIES TO THE TABLE

### THANK YOU!



**CONFERENCE LINK:**  
<http://www.zwc.ca/sessions/Pages/default.aspx>

## 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

**Subject:** 2219008 Ontario Ltd (York Developments)  
3493 Colonel Talbot Road

**Meeting on:** January 20, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, in response to the letter of appeal to the Local Planning Appeal Tribunal, received on October 16, 2019 submitted by Glen Dietz relating to the Official Plan and Zoning By-law Amendment (OZ-9049) with respect to the application of 2219008 Ontario Ltd relating to the property located at 3493 Colonel Talbot Road, the Local Planning Appeal Tribunal **BE ADVISED** that the Municipal Council has reviewed its decision relating to this matter and sees no reason to alter it.

## Purpose and Effect

The recommended action would advise the Local Planning Appeal Tribunal that Municipal Council is in agreement with their previous decision on September 17, 2019 to approve the requested amendment to the Official Plan and Zoning By-law to permit service station and convenience commercial uses.

## Background

An application to amend the Official Plan and Zoning By-law was received by the City and deemed complete on April 25, 2019. The Official Plan Amendment was to introduce service station uses to the site and allow for a car wash and gas bar. The Zoning By-law Amendment was to add the Service Station Special Provision (SS2(\_)) Zone to the lands, and add a new special provision to the Convenience Commercial (CC6(\_)) Zone to allow for the service station, car wash and restaurant uses. Special provisions were approved to allow for a reduced setback from the car wash to the residentially zoned lands.

A Public Participation Meeting occurred before the Planning and Environment Committee on September 9, 2019. Council approved the Official Plan and Zoning By-law Amendment on September 17, 2019 by way of the following resolution:

*That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of 2219008 Ontario Ltd, relating to the property located at 3493 Colonel Talbot Road:*

*a) the proposed by-law appended to the staff report dated September 9, 2019 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on September 17, 2019 to amend section 3.6.5, vi), of the 1989 Official Plan, by ADDING the subject site to the list of Locations of Convenience Commercial and Service Station uses, to permit Service Station and Convenience Commercial Uses; and,*

*b) the proposed by-law appended to the staff report dated September 9, 2019 as Appendix "B" BE INTRODUCED at the Municipal Council meeting on September 17, 2019 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan as amended in part a) above), to change the zoning of the subject property FROM a holding Residential R6 Special Provision/Residential R8 Special Provision/Convenience*

*Commercial (h\*h-100\*h-198\*R6-5(46)/R8-4(30)/CC6) Zone TO holding Residential R6 Special Provision/Residential R8 Special Provision/Convenience Commercial Special Provision/Service Station Special Provision (h\*h-100\*h-198\*R6-5(46)/R8-4(30)/CC6(\_)/SS2(\_)) Zone;*

*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 draft plan and zoning amendments are consistent with the Provincial Policy Statement (PPS), 2014, which encourages an appropriate range and mix of uses to meet projected requirements of current and future resident;*
- the recommended amendment conforms to the in-force policies of The London Plan, including but limited to, the Neighbourhoods Place Type, Our City, Our Strategy, and all other applicable London Plan policies;*
- the recommended amendment permits an appropriate range of secondary uses that conform to the in-force policies of the (1989) Official Plan and Southwest Area Secondary Plan, including but not limited to the Multi-Family, Medium Density Residential designation, and the Convenience Commercial and Service Station policies; and,*
- the recommended Zoning By-law Amendment allows development that is compatible with the surrounding land uses and appropriately mitigates impacts. (2019-D09) (3.6/15/PEC)*

An appeal was received on October 16, 2019 from Glen Dietz. A copy of the appeal letter and the reasons for the appeal are attached as appendix 'B' to this report. A date for the Local Planning Appeal Tribunal hearing has not yet been scheduled.

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

OZ-9049 – September 9, 2019: Public Participation Meeting at the Planning and Environment Committee

## Conclusion

As analyzed and opined in the previous staff report, the approved amendment is consistent with the Provincial Policy Statement, and conforms to the policies of The London Plan, the Southwest Area Secondary Plan and the (1989) Official Plan. The approved amendment implements an appropriate use for the site and a compatible development for the surrounding lands. The Zoning By-law regulations adequately address the car wash location and mitigate impacts from any associated noise walls. Development Services staff have reviewed the appeal letter and see no reason to recommend to Council an alteration of its decision relating to this matter.

<b>Prepared by:</b>	<b>Sonia Wise, MCIP, RPP Planner II, Current Planning</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.	

January 13, 2020

cc: Matt Feldberg, Manager, Development Services (Subdivisions)  
cc: Ted Koza, Manager, Development Engineering  
cc: Lou Pompilii, Manager, Development Planning

K:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2019\OZ-9049 - 3493 Colonel Talbot Road (SW)\Appeal\PEC report\3493 Colonel Talbot Rd OZ-9049 Notice of LPAT Appeal.docx

**Appendix A – Location Map**



<p style="text-align: center;"><b>LOCATION MAP</b></p> <p>Subject Site: 3493 Colonel Talbot Road File Number: OZ-9049 Planner: Sonia Wise Created By: RC Date: 08/26/2019</p> <p style="text-align: center;">N 0 12.5 25 50 75 100 Meters</p> <p style="text-align: center;">Corporation of the City of London Prepared By: Planning and Development</p>	<p><b>Legend</b></p> <p> Subject Site</p> <p style="text-align: right;">Scale 1:1500</p>
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## Appendix B

**Glen Dietz** 3559 Loyalist Court, London, Ontario N6P 0A5

2019 10 13

Catharine Saunders  
City Clerk – Corporation of the City of London  
300 Dufferin Ave  
PO Box 5035  
London, Ontario N6A 4L9

### Appeal of Zoning By-law Amendment – Z-1-192783

Ms. Saunders:

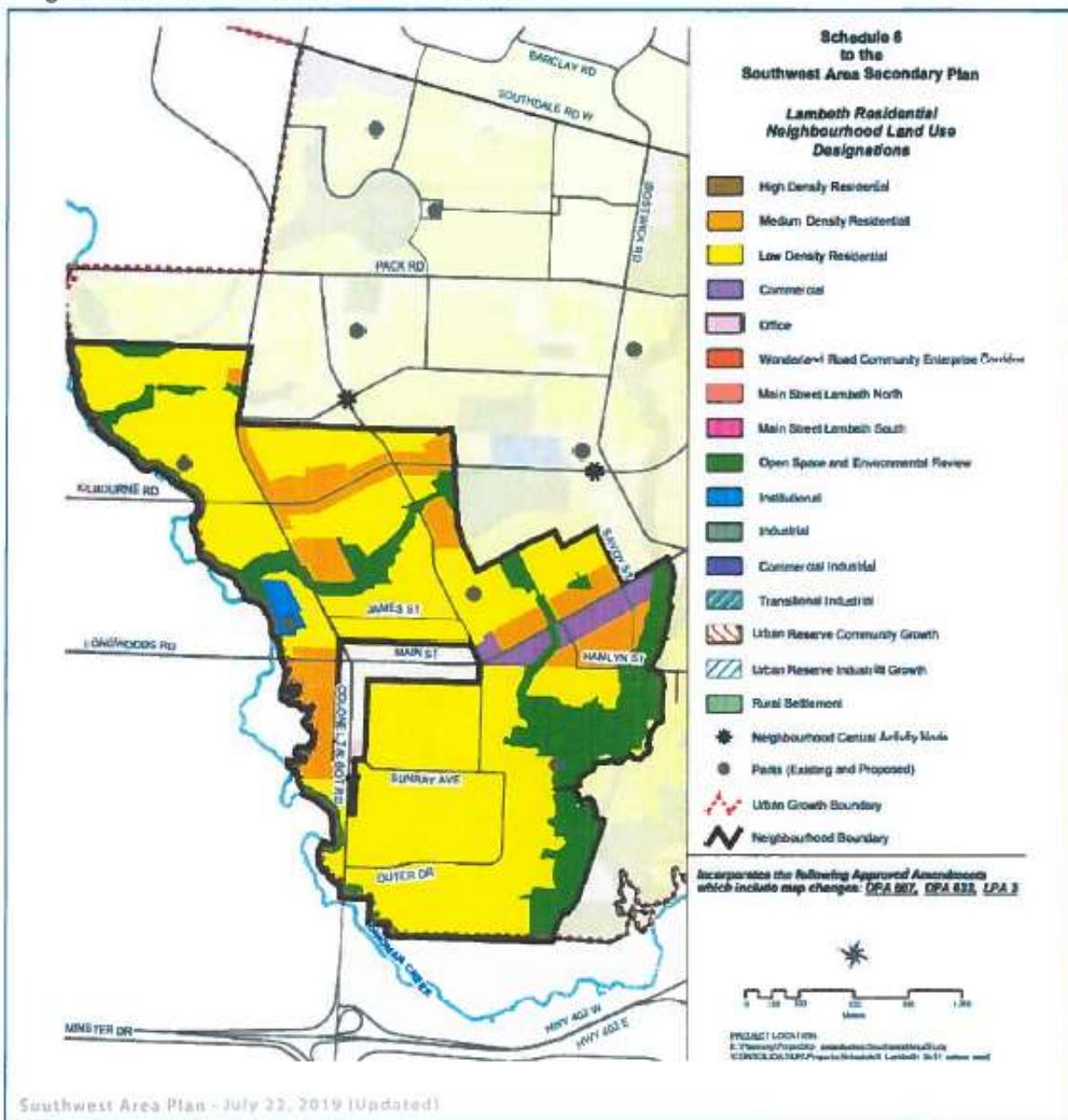
Recently the London City Board of Control passed a zoning bylaw change (Z-2-293783) which allows for a gas bar, car wash, convenience store and a drive through restaurant to be built at 3493 Colonel Talbot Road (corner of Colonel Talbot Road and Pack Road) in London. In spite of the objections four individual raised when the application for the change was announced, and in spite of the feedback I provided during a public meeting held on September 9, 2019 the motion was taken to City Council and passed on September 17, 2019.

I am submitting an appeal to have this decision reconsidered and overturned.

The bases of my appeal are:

1. There continue to be changes in the actual proposal for the plot plan that was presented when to the public was notified of the bylaw change application. During the Public hearing, there was ongoing discussion with the developer about relocating the car wash on the site to deal with noise from the car wash. The proposals that were made move the car wash even closer to existing homes in the area (including my home). The analysis of the application did not address noise concerns for existing homes in the area, and moving the car wash closer to existing homes will magnify the noise pollution that will affect the quality of life for existing and future homes in the area.
2. Although the city planners determined the bylaw amendment is compatible with the zoning restrictions, London's Southwest Area Plan posted on the City of London website (<https://www.london.ca/business/Planning-Development/secondary-plans/Documents/SWAP/REDUCED-2019-08-South-West-Area-Plan-Document-August-1st-Revisions.pdf>) presents a different perspective. The plan for the Colonel Talbot Road corrector shows only residential and medium density housing (see image 1). In fact, on page 58, (20.5.7.1 ii) it clearly states as permitted uses, that: "The primary permitted uses in the Low Density Residential designation of the Official Plan shall apply. **New convenience commercial uses and secondary uses shall not be permitted.**" (*bold text emphasis added*). This restriction is repeated on page 60.

Image 1 – Schedule 6 of London’s Southwest Area Plan



My concern about making an ad hoc amendment to the plan without appropriate consultation with the existing residents along this corridor is that it could be the first step on a slippery slope to altering the future landscape for this community. Part of the corridor (West side of Colonel Talbot Road between Southdale Road and Pack Road) is not addressed in London’s Southwest Area Plan. In addition, we have not heard details about what is planned for the East side of Colonel Talbot Road, south of Pack Road. The official plan includes only provision for low and medium density housing in the documentation that has been mailed to me by from the City.

However, if commercial activity is approved at the corner of Colonel Talbot Road and Pack Road, it will be difficult for stakeholders to object when future proposals are made for similar bylaw amendments. Approval of this bylaw amendment should be deferred until there is more information presented to the public about plans for the entire region.

3. The site plan distributed with the bylaw change application for 3493 Colonel Talbot Road did not address a traffic plan for the roads surrounding the property. When I raised this issue at the public hearing, we learned that there are plans to allow for north bound traffic to cross lanes of southbound traffic to enter the proposed car wash, gas station, convenience store and drive through restaurant. This will create a traffic hazard, interruptions in the traffic flow, and additional noise pollution. In other areas of the city where there is this type of business, there are raised medians installed in the roads to protect oncoming traffic from cars turning into the business. I have included examples of the barriers put in place surrounding similar types of businesses in photos below. If similar safety standards are applied to this location, this may affect the viability of the business that is being proposed for this site, and the developer should be able to take such restrictions into account when they decide if they will move ahead with developing this business.
4. Comparable Sites – I was told by my City Councillor, Anna Hopkins that the Planning Committee has approved the development of gas stations and drive through restaurants close to residential properties, such as on the North West corner of Oxford Street and Westdel Borne Road as a comparable site to what is being proposed for the corner of Colonel Talbot Road and Pack Road. However, the development in this area is much different than what is being proposed for 3493 Colonel Talbot Road.

#### **Oxford Street West at Westdel Borne Road**

- Oxford Street is predominantly a commercial corridor with no residences facing the street (see images 2 and 3). (Colonel Talbot Road has residences facing the street both north and south of the Pack Road intersection).
- The gas station on the corner of Oxford Street and Westdel Borne is only a gas bar with 4 pumps and a U-Haul trailer rental – there is no car wash facility. (See image 4).
- There are 2 restaurants with drive through services on the south side of Oxford Street about 100 meters east of the intersection. These restaurants are isolated from the street by drive ways and a parking lot which allows for more controlled exit and re-entry from Oxford Street. (See image 5).
- There is a median separating the east-bound and west-bound traffic on Oxford Street which prevents vehicles travelling west from crossing over east bound traffic lanes. (See image 2, 3, and 5).
- There are no residences within a close proximity to either the gas station or the drive through restaurants (but there will be new residential construction adjacent to the drive through restaurants separated by a large parking lot and roadways).

Image 2 – Oxford Street – facing west



Image 3 – Oxford Street – facing east



Image 4 – Gas station



Image 5 – Driveways limiting direct access to Oxford Street to drive through restaurants, and median separating west bound traffic from entering the restaurants.



#### Shell Station – Wonderland Road at Viscount Road

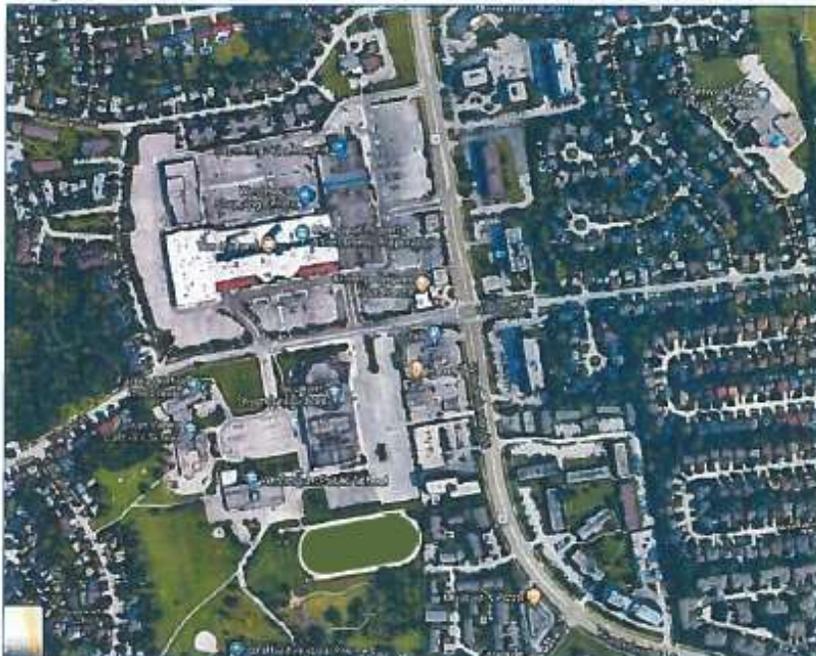
There is a similar facility to what is being proposed located at the corner of Wonderland Road and Viscount Road. However, the gas station, car wash and convenience store are a separate business from the drive through restaurants located adjacent. This property does have access to an entry point for northbound traffic to cross over southbound traffic lanes – but there is a median preventing entry close to the intersection which serves both the gas station and the adjacent restaurants. These businesses are located on a property which has more than twice the frontage as the site plan proposes for Silverleaf's proposal on Colonel Talbot road so the entry is set back a large distance from the intersection so vehicles attempting to turn left at the traffic light do not obstruct traffic flow. This will not be possible at the 3493 Colonel Talbot Road site and as a result, motorists will be in constant danger of collision and there will be constant interruptions in traffic flow if this bylaw amendment is not overturned.

Image 6 – Raised median with turning lane allowing entrance to Shell gas station and drive through restaurants on corner of Wonderland Road and Viscount Road



The Shell gas station and car wash is separated a great distance from an adjacent school and from high rise apartments located on the opposite side of Wonderland Road. It is also located across from a shopping mall and several restaurants located on the north side of Viscount and Wonderland Road. There is no residential housing in close proximity to this facility. In contrast, 3493 Colonel Talbot Road is located in close proximity to both existing and proposed residential properties.

Image 7 – Satellite view of Wonderland Road and Viscount Rd Intersection



After touring the city and conducting extensive Google searches, I could not find any gas station and car wash facilities located anywhere in London that is similar to what is being proposed by Silverleaf Development for 3493 Colonel Talbot Road. There are certainly none in new subdivisions elsewhere in the city. Therefore, I believe there is no prescient for approving the type of facility being proposed so close to a residential community.

I am asking that the decision made by London City Council on September 17<sup>th</sup> be reviewed and overturned. I am also asking that any further considerations for amendments be delayed until a more holistic proposal for the Colonel Talbot Road corridor can be shared with existing residents and other stakeholders, and the public has an opportunity to provide feedback on the plan.

A handwritten signature in blue ink that reads "Glen Dietz". The signature is written in a cursive, flowing style.

Glen Dietz



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

**Appellant Form (A1)**

Receipt Number (LPAT Office Use Only)

Date Stamp Appeal Received by Municipality/Approval Authority



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

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

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

Subject of Appeal	Type of Appeal	Reference (Section)
<b>Planning Act Matters</b>		
<b>Official Plan or Official Plan Amendment</b>	<input type="checkbox"/> Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
	<input type="checkbox"/> Approval Authority failed to make a decision on the plan within 120 days	17(40)
	<input type="checkbox"/> Council failed to adopt the requested amendment within 120 days	22(7)
	<input type="checkbox"/> Council refuses to adopt the requested amendment	
<b>Zoning By-law or Zoning By-law Amendment</b>	<input checked="" type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 90 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision within 120 days where the application is associated with an Official Plan Amendment	
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
<b>Interim Control Zoning By-law</b>	<input type="checkbox"/> Appeal the passing of an Interim Control By-law within 60 days (Minister only)	38(4)
	<input type="checkbox"/> Appeal the passing of an extension of an Interim Control By-law within 60 days	38(4.1)
<b>Site Plan</b>	<input type="checkbox"/> Application for a site plan – council failed to make a decision within 30 days	41(12)

Subject of Appeal	Type of Appeal	Reference (Section)
	<input type="checkbox"/> Appeal requirements imposed by the municipality or upper tier municipality	41(12.01)
<b>Minor Variance</b>	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
<b>Consent/Severance</b>	<input checked="" type="checkbox"/> Appeal a decision that approved or refused the application	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)
<b>Plan of Subdivision</b>	<input type="checkbox"/> Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 120 days	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved a plan of subdivision	51(39)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did not approve a plan of subdivision	
	<input type="checkbox"/> Appeal a lapsing provision imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	51(43)
	<input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	
	<input type="checkbox"/> Appeal changed conditions	51(48)

1 B. Appeal Type (Please check all applicable boxes) Only for appeal(s) of a new decision or non-decision by municipality or Approval Authority following a previous LPAT Decision (i.e., second appeal).

For matters subject to Bill 139 and the associated transition regulation (the second appeal).

Subject of Appeal	Type of Appeal	Reference (Section)
<i>Planning Act Matters</i>		
<b>Official Plan or Official Plan Amendment</b>	<input type="checkbox"/> Appeal of a <b>decision</b> by Approval Authority on an OP or OPA (exempt from approval by Minister or Approval Authority) following a LPAT decision	17(24) and 17(49.6)
	<input type="checkbox"/> Appeal of a <b>decision</b> by Council or Approval Authority on an OP or OPA following a LPAT decision	17(36) and 17(49.6)
	<input type="checkbox"/> Appeal of a <b>refusal</b> within 90 days by Council following a LPAT decision	22(7) and 22(11.0.12)
	<input type="checkbox"/> Appeal of a <b>non-decision</b> within 90 days by Council following a LPAT decision	
<b>Zoning By-law or Zoning By-law Amendment</b>	<input type="checkbox"/> Appeal of a <b>refusal</b> within 90 days by Council following a LPAT decision	34(11) and 34(26.5)
	<input type="checkbox"/> Appeal of a <b>non-decision</b> within 90 days by Council following a LPAT decision	
	<input type="checkbox"/> Appeal of a <b>decision</b> by Council following a LPAT decision	34(19) and 34(26.5)

1 C. Other Appeal Types (Please check all applicable boxes)		
Subject of Appeal	Type of Appeal	Reference (Section)
<b>Development Charges Act Matters</b>		
<b>Development Charge By-law</b>	<input type="checkbox"/> Appeal a Development Charge By-law	14
	<input type="checkbox"/> Appeal an amendment to a Development Charge By-law	19(1)
<b>Development Charge Complaint</b>	<input type="checkbox"/> Appeal municipality's decision regarding a complaint	22(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	22(2)
<b>Front-ending Agreement</b>	<input type="checkbox"/> Objection to a front-ending agreement	47
	<input type="checkbox"/> Objection to an amendment to a front-ending agreement	50
<b>Education Act Matters</b>		
<b>Education Development Charge By-law</b>	<input type="checkbox"/> Appeal an Education Development Charge By-law	257.65
	<input type="checkbox"/> Appeal an amendment to an Education Development Charge By-law	257.74(1)
<b>Education Development Charge Complaint</b>	<input type="checkbox"/> Appeal approval authority's decision regarding a complaint	257.87(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	257.87(2)
<b>Aggregate Resources Act Matters</b>		
<b>Aggregate Removal Licence</b>	<input type="checkbox"/> One or more objections against an application for a 'Class A' aggregate removal licence	11(5)
	<input type="checkbox"/> One or more objections against an application for a 'Class B' aggregate removal licence	
	<input type="checkbox"/> Application for a 'Class A' licence – refused by Minister	11(11)
	<input type="checkbox"/> Application for a 'Class B' licence – refused by Minister	
	<input type="checkbox"/> Changes to conditions to a licence	13(6)
	<input type="checkbox"/> Amendment of site plans	16(8)
	<input type="checkbox"/> Minister proposes to transfer the licence – applicant does not have licensee's consent	18(5)
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer	
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant does not have licensee's consent to transfer	
<input type="checkbox"/> Revocation of licence	20(4)	
<b>Municipal Act Matters</b>		
<b>Ward Boundary By-law</b>	<input type="checkbox"/> Appeal the passing of a by-law to divide the municipality into wards	222(4)
	<input type="checkbox"/> Appeal the passing of a by-law to redivide the municipality into wards	

Subject of Appeal	Type of Appeal	Reference (Section)
	<input type="checkbox"/> Appeal the passing of a by-law to dissolve the existing wards	
<b>Ontario Heritage Act Matters</b>		
<b>Designation of Property</b>	<input type="checkbox"/> Appeal a Notice of intention to designate property	29(11)
	<input type="checkbox"/> Appeal of an amendment to a by-law designating property	30.1(10)
	<input type="checkbox"/> Appeal a Notice of Intention to repeal a designating by-law or part of a designating by-law	31(9)
	<input type="checkbox"/> Appeal a council's decision to approve or refuse the repealing of a designating by-law or part of a designating by-law	32(7)/32(8)
	<input type="checkbox"/> Appeal council's decision to alter a heritage designated property	33(9)
<b>Heritage Conservation District</b>	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation study area	40.1(4)
	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation district	41(4)
<b>Other Act Matters</b>		
Subject of Appeal	Act/Legislation Name	Section Number
<b>2. Location Information</b>		
Address and/or Legal Description of property subject to the appeal 3493 Colonel Talbot Road		
Municipality London, Ontario		
Upper Tier (Example: county, district, region)		
<b>3. Appellant/Objector Information</b>		
<b>Note:</b> You must notify the LPAT of any change of address or telephone number in writing. Please quote your LPAT Case/File Number(s) after they have been assigned.		
Last Name Dietz	First Name Glen	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation) NA (individual citizen)		
Email Address [REDACTED]		
Daytime Telephone Number [REDACTED]	ext.	Alternate Telephone Number [REDACTED]
<b>Mailing Address</b>		
Unit Number	Street Number 3559	Street Name Loyalist Court
		PO Box
City/Town London	Province Ontario	Country Middlesex
		Postal Code N6P 0A5

4. Representative Information				
<input type="checkbox"/> I hereby authorize the named company and/or individual(s) to represent me				
Last Name		First Name		
Company Name				
Professional Title				
Email Address				
Daytime Telephone Number		ext.	Alternate Telephone Number	
5. Appeal Reasons				
Municipal Reference Number(s) <b>Z.-1-192783</b>				
For all appeal types, please outline the nature of the appeal and the reasons for your appeal.				
<ol style="list-style-type: none"> <li>1. Changes made to application made after public consultation</li> <li>2. Approval does not conform to London's Southwest Area Plan</li> <li>3. Full disclosure not provided for public consultation (no traffic plan provided)</li> <li>4. Proposed changes are out of character with community and not consistent with approvals for other residential communities</li> </ol>				
For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you intend on arguing one or more of the following:				
A: A decision of a Council or Approval Authority is:				
<input type="checkbox"/> Inconsistent with the Provincial Policy Statement, issued under subsection 3(1) of the <i>Planning Act</i> <input type="checkbox"/> Fails to conform with or conflicts with a provincial plan <input checked="" type="checkbox"/> Fails to conform with an applicable Official Plan				
<b>And</b>				
B: For a non-decision or decision to refuse by council:				
<input type="checkbox"/> Consistency with the provincial policy statement, issued under subsection 3(1) of the <i>Planning Act</i> <input type="checkbox"/> Conformity with a provincial plan <input type="checkbox"/> Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan				
If you intend on arguing on one or more of the above throughout a proceeding, please explain: <b>Decision does not conform to London's Southwest Area Plan</b>				
3049E (2019/08)				Page 6 of 8

**Oral/written submissions to council**

If applicable, did you make your opinions regarding this matter known to council?

- Oral submissions at a public meeting of council
- Written submissions to council

**6. Related Matters**

Are there other appeals not yet filed with the Municipality?

- Yes
- No

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

- Yes
- No

If yes, please provide LPAT Case Number(s) and/or Municipal File Number(s)

**7. Mediation**

Mediation is a confidential process in which the parties to an appeal talk about their differences and, with the facilitative assistance of an impartial individual, a mediator, negotiate a consensual resolution of the appeal. Unless the Tribunal determines that there is a good reason for not addressing the appeal with mediation, all parties shall presume that their differences will first be addressed through a mediation directed by the Tribunal. As such, parties shall act and prepare accordingly, meaning good faith negotiation and collaboration are a priority and are expected by the Tribunal.

- I have read and understand the above statement.

**8. Witness Information**

Detail the nature and/or expertise of witnesses you will have available.

**For all other appeal types :**

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

**9. Required Fee**

Total Fee Submitted \$ 300

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

10. Declaration

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

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Glen Dietz		2019/10/15

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

## 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: 2584857 Ontario Inc.  
1820 Canvas Way

**Meeting on:** January 20, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, based on the application by 2584857 Ontario Inc. relating to the property located at 1820 Canvas Way, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 28, 2020 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 R5/R6 Special Provision (h\*R5-3(14)/R6-5(21)) Zone **TO** a Residential R5/R6 Special Provision (R5-3(14)/R6-5(21)) Zone.

## Executive Summary

### Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the "h" holding symbols from the zone map to permit the development of 20 townhouse units.

### Rationale of Recommended Action

The conditions for removing the holding provisions have been met, as a development agreement has been executed by the owner, the required security has been submitted and water looping has been completed and confirmed. All issues have been resolved and the holding provision is no longer required.

## 1.0 Site at a Glance

### 1.1 Property Description

The site is addressed as 1820 Canvas Way, and is located at the northeast corner of Sunningdale Road and Canvas Way. There are existing residential uses to the north and south with future residential uses to the east and large stormwater management pond and wetland to the west.

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

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Multi-Family, Medium Density Residential
- Existing Zoning – h\*R5-3(14)/R6-5(21)

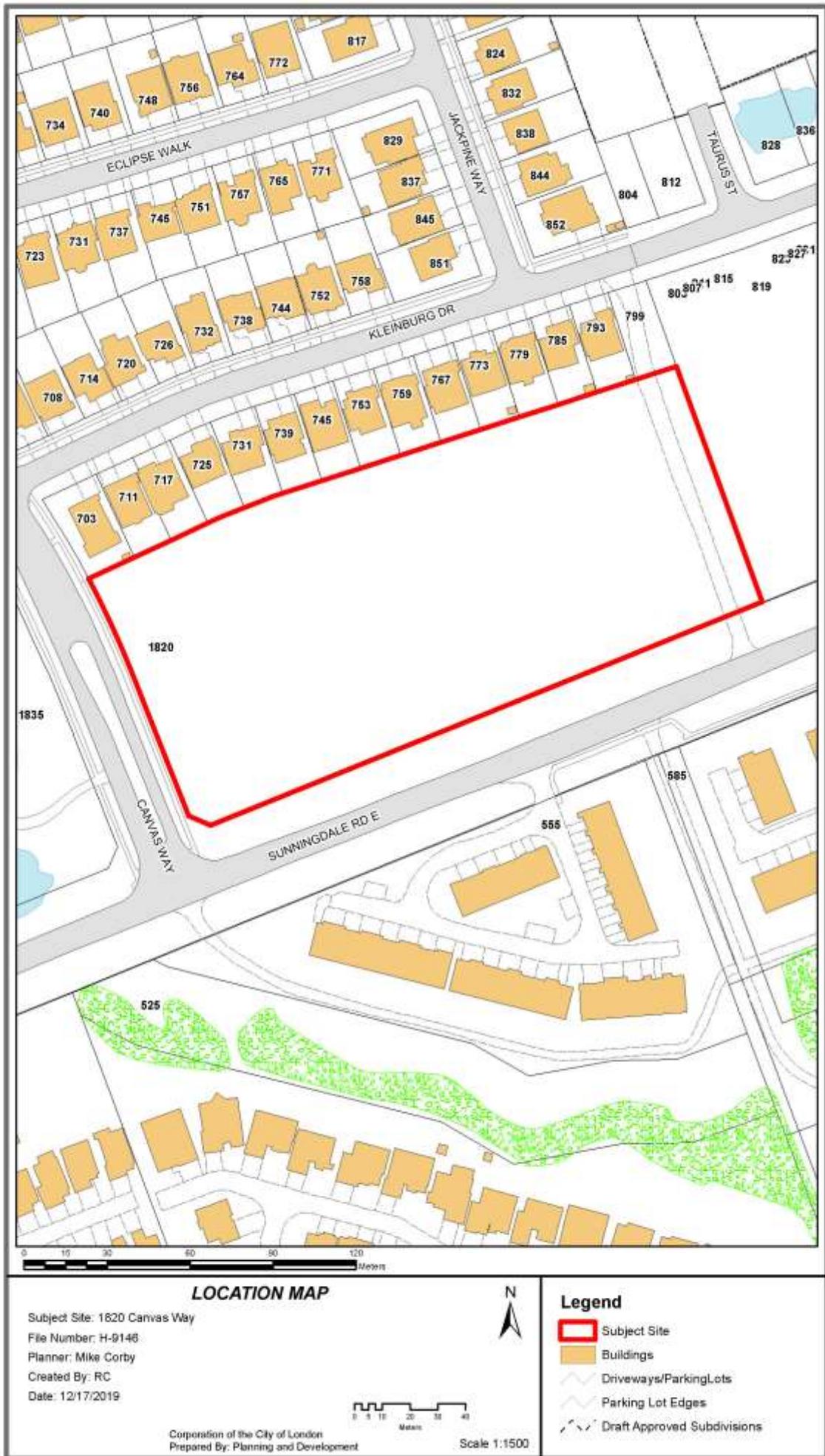
### 1.3 Site Characteristics

- Current Land Use – Cluster Single Detached Dwellings
- Frontage – 93m (304 feet)
- Depth – 220m (722 feet)
- Area – approx. 2.16 ha (5.2 acres)
- Shape – rectangular

### 1.4 Surrounding Land Uses

- North – residential
- East – future residential
- South – residential
- West – stormwater management pond/wetland

1.5 Location Map



## 2.0 Description of Proposal

### 2.1 Development Proposal

The requested amendment will permit the development of a 20 townhouse units.

## 3.0 Relevant Background

### 3.1 Planning History

The subject site is included within the Uplands North Area Plan and was created through the Powell Subdivision (39T-05510/Z-6917). Zoning for these lands was approved on June 26, 2006. Draft plan approval was granted on July 13, 2006 and final approval was issued on May 3, 2012. The subdivision was registered as 33M-643 which included this multi-family block addressed as 1820 Canvas Way.

### 3.2 Requested Amendment

The applicant is requesting the removal of the “h” holding provision from the zoning on the subject lands which requires that the necessary securities be received, the execution of a development agreement and municipal services be available to the site.

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

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, Municipal Council must pass a zoning by-law with holding provisions (“h” symbol), 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, the process, and notification and removal procedures.

## 4.0 Key Issues and Considerations

### 4.1 What is the purpose of the “h” holding provision and is appropriate to consider its removal?

The “h” holding provision states:

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

*Permitted Interim Uses: Model homes are permitted in accordance with Section 4.5(2) of the By-law.”*

The Owner has provided the necessary security and has entered into a development agreement with the City. The site has municipal services and the temporary water main that runs through the easterly townhouse block has been disconnected and municipal water is now looped through Blackwater Road and Kleinburg Drive. This satisfies the requirement for the removal of the “h” holding provision.

<b>5.0 Conclusion</b>
-----------------------

The Applicant has executed a development agreement for this site and provided the necessary security. Development Services has received confirmation that full municipal services, including water looping, have been accepted for this development. Therefore, the required conditions have been met to remove the “h” holding provision. The removal of the holding provision is recommended to Council for approval.

<b>Prepared by:</b>	<b>Mike Corby, MCIP, RPP</b> <b>Senior Planner, Development Services</b>
<b>Recommended by:</b>	<b>Paul Yeoman, RPP, PLE</b> <b>Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG</b> <b>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	

December 18, 2019

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

MC/mc

\\FILE1\users-x\pdda\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2019\H-9146 - 1820 Canvas Way (MC)\Reports\DRAFT 1820 Canvas Way H-9146 MC.docx

**Appendix A**

Bill No. (Number to be inserted by Clerk's Office)  
2020

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

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 1820 Canvas Way.

WHEREAS 2584857 Ontario Inc. has applied to remove the holding provisions from the zoning for the lands located at 1820 Canvas Way, 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 the lands located at 1820 Canvas Way, as shown on the attached map, to remove the "h" holding provisions so that the zoning of the lands as a Residential R5/R6 Special Provision (R5-3(14)/R6-5(21)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on January 28, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

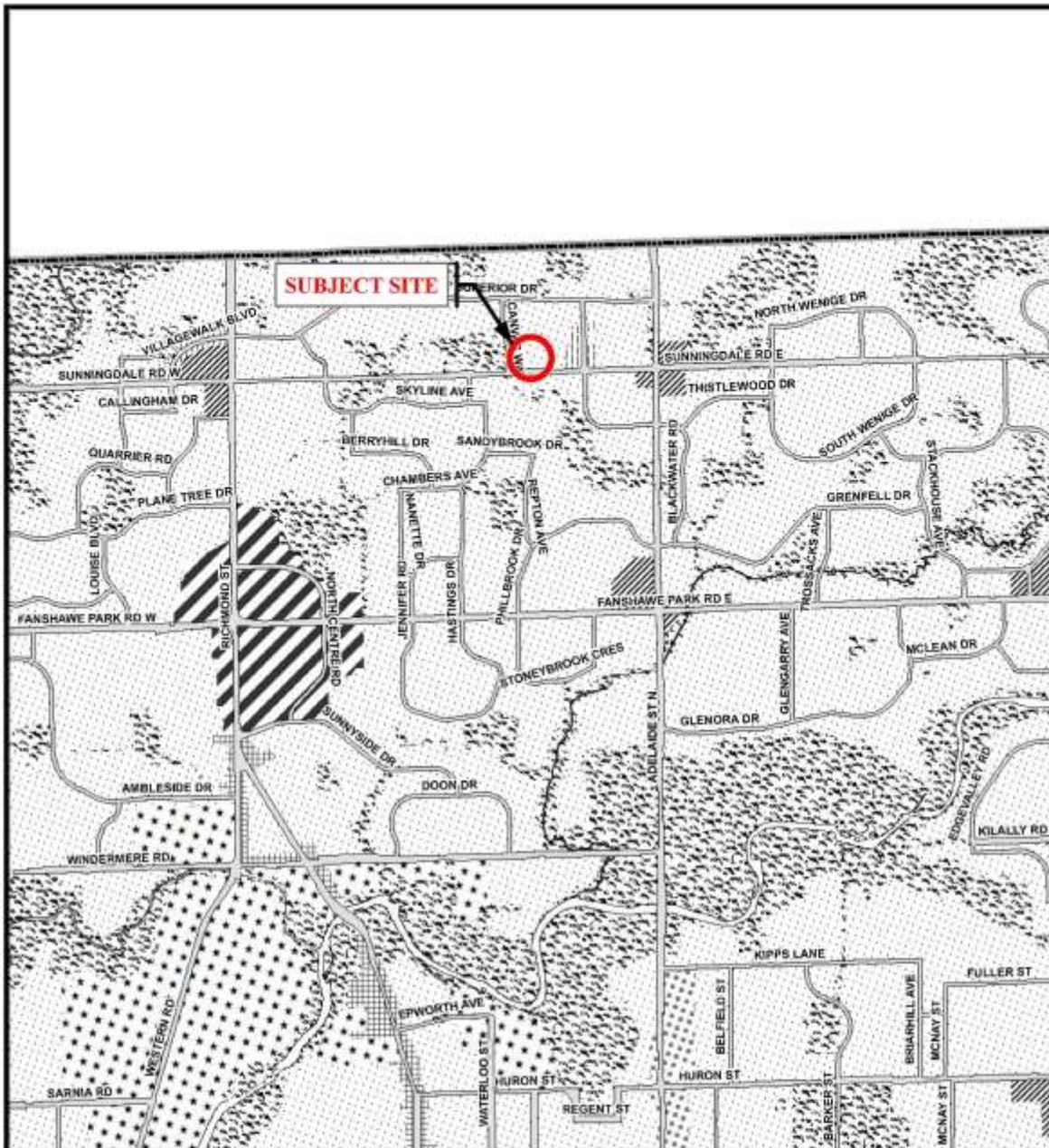
First Reading – January 28, 2020  
Second Reading – January 28, 2020  
Third Reading – January 28, 2020

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



**Appendix B – Relevant Background**

**London Plan Excerpt**



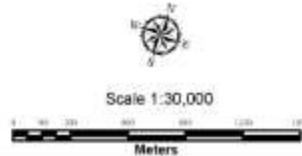
**Legend**

- |                        |                          |   |
|------------------------|--------------------------|---|
| 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.*

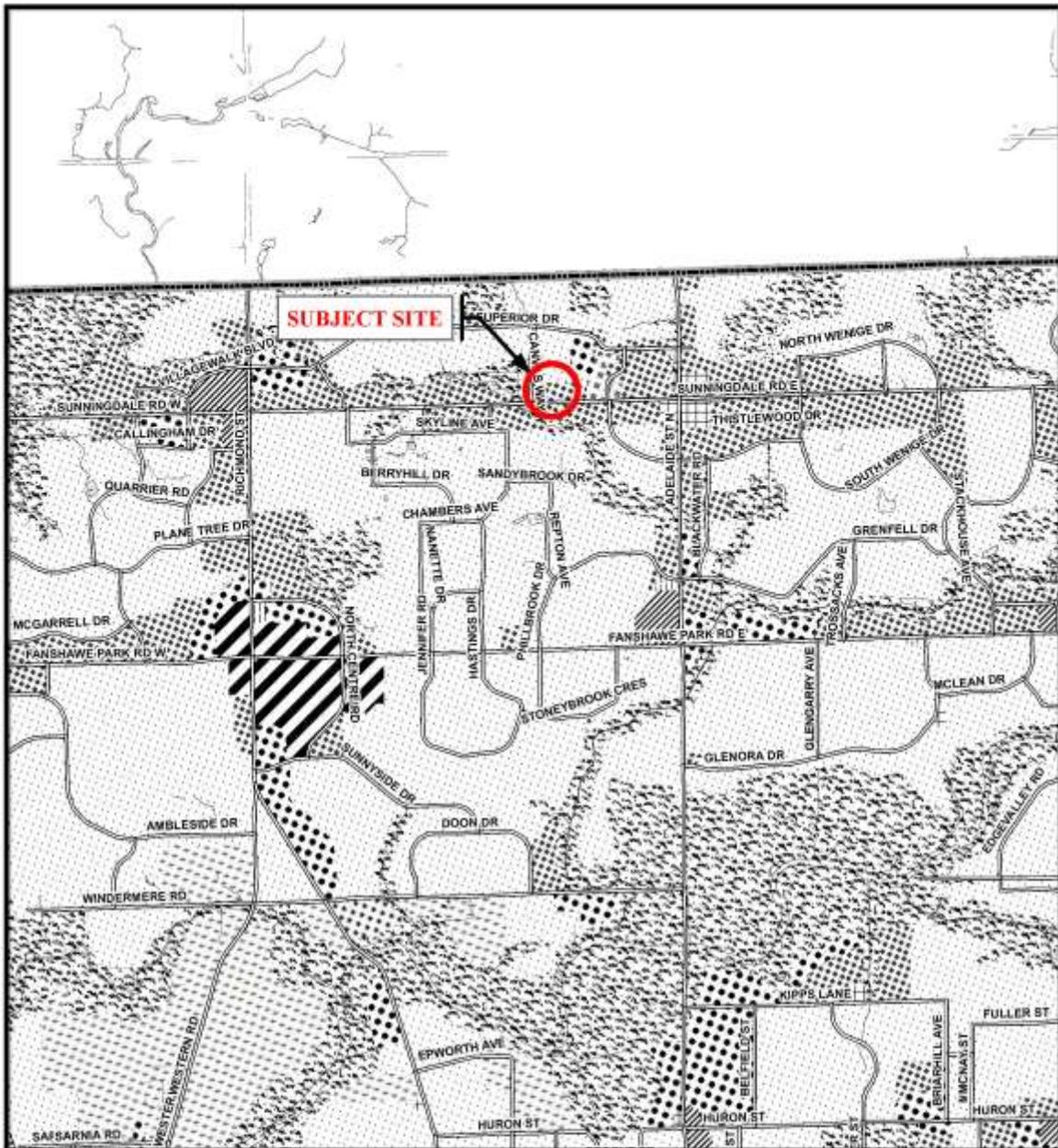
**CITY OF LONDON**  
 Planning Services /  
 Development Services  
**LONDON PLAN MAP 1**  
**- PLACE TYPES -**  
 PREPARED BY Planning Services



**File Number:** H-9146  
**Planner:** MC  
**Technician:** RC  
**Date:** December 17, 2019

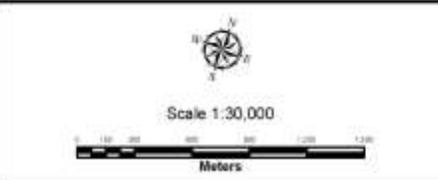
Project Location: E:\Planning\Projects\p\_officialplan\work\conso\00\excerpts\_LondonPlan\mxd\H-9146-Map1-PlaceTypes.mxd

1989 Official Plan Excerpt



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

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



FILE NUMBER: H-9146  
 PLANNER: MC  
 TECHNICIAN: RC  
 DATE: 2019/12/17

PROJECT LOCATION: c:\planning\projects\p\_officialplan\work\conso\00\excerpts\mxd\_templates\scheduleA\_NEW\_b&w\_8x14.mxd

Zoning Excerpt



 **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:  
 H-9146 MC

MAP PREPARED:  
 2019/12/17 RC

1:2,000  
 0 12.5 25 50 75 100 Meters

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

## 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:** Draft Plan of Subdivision - Three Year Extension  
Stoney Creek South Subdivision  
1300 Fanshawe Park Road East

**Meeting on:** January 20, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, with respect to the application of 700531 Ontario Limited relating to the property located at 1300 Fanshawe Park Road East, the Approval Authority **BE ADVISED** that Council supports the request for a three (3) year extension of the draft plan of subdivision approval for the draft plan submitted by 700531 Ontario Limited, prepared by AGM Ltd., certified by Bruce S. Baker, Ontario Land Surveyor (Plan No. 9-L-4901, dated August 30, 2016), as redlined amended, which shows one (1) commercial block, two (2) high density residential blocks, one (1) medium density residential block, two (2) road widening blocks, and two (2) 0.3 m reserves, all served by one (1) new secondary collector road/neighbourhood connector (Blackwell Boulevard) **SUBJECT TO** the revised conditions contained in the attached Schedule "A".

## Executive Summary

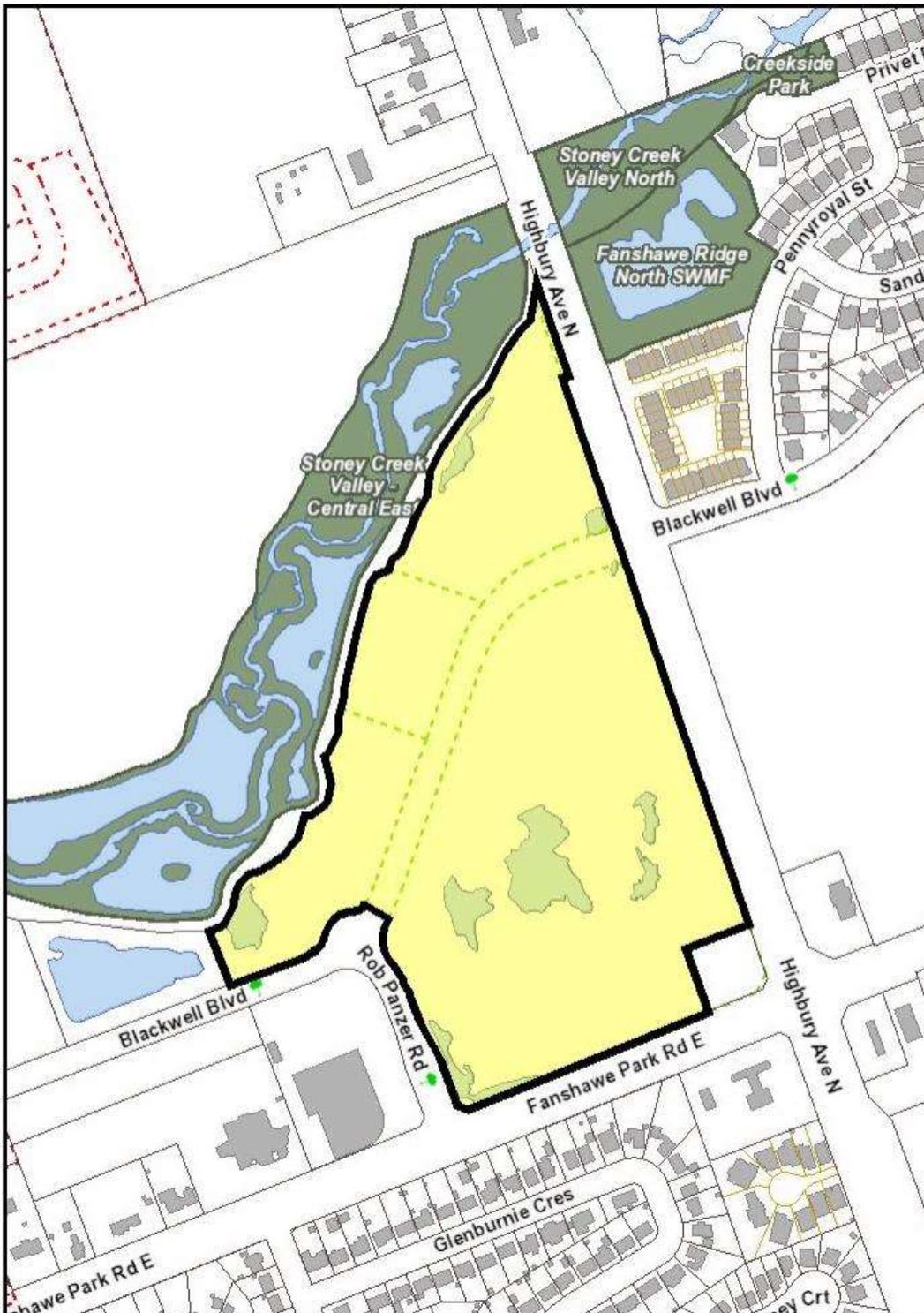
### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to consider a three (3) year extension to Draft Approval for the remaining phase(s) within the residential and commercial draft plan of subdivision 39T-04512.

### Rationale of Recommended Action

1. The requested three (3) year extension of Draft Plan Approval is reasonable, and should allow the applicant sufficient time to satisfy revised conditions of draft approval towards the registration of this plan.
2. The plan of subdivision will provide for future residential and commercial land uses and supports connectivity with adjacent future development lands. Therefore, an extension should be supported provided the conditions of Draft Approval are updated to reflect current City Standards and regulatory requirements.
3. The request for a five (5) year extension is not recommended, as a five (5) year timeframe elongates the process unnecessarily, thus creating potential future conflicts. No extenuating circumstances (i.e. servicing issues/constraints) are present which require a prolonged extension beyond the three (3) year period which is the City's preference for extension considerations.

1.0 Location Map



Location Map		Legend	
Project Title:	39T-04512		Subject Site
Description:	Draft Plan Extension - Stoney Creek South Subdivision		Parks
Created By:	Nancy Pasato		Assessment Parcels
Date:	12/20/2019		Buildings
Scale:	1:4000		Address Numbers

Corporation of the City of London

N  
↑

## 2.0 Relevant Background

### 2.1 Property Description

The submitted plan of subdivision contains 23.1 hectares (57 ac.) of land located at 1300 Fanshawe Park Road East, legally described as Part of Lot 9, Concession 5, (geographic Township of London).

### 2.2 Previous Reports

**June 19, 2006** – Environment and Transportation Committee approves the initiation of the Stoney Creek Sanitary Sewer Extension Municipal Class EA.

**February 27, 2006** - Environment and Transportation Committee approves the initiation of the Storm Drainage and Stormwater Management Works for Stoney Creek Undeveloped Lands Municipal Class EA – Schedule “B”.

**September 25, 2006** – Municipal Council recommended that the City of London Approval Authority grant draft approval to the plan of subdivision and adopted a zoning by-law to permit residential and commercial uses with holding provisions. (our files 39T-04512/Z-6833)

**March 26, 2007** - Municipal Council deferred the request by 700531 Ontario Limited for the Municipal Class EA to be fully funded by the developer without any compensation or implied commitment to future development until such time as further financial information is available through the Urban Works Reserve Fund/Development Charge Implementation Team.

**June 27, 2007** – Municipal Council resolved that further development approvals be allowed for up to 3.1 ha of medium density land within draft approved plan 39T-04512. The remaining lands shall BE WITHHELD until a Phased or Full Stormwater Erosion Implementation Plan for Stoney Creek is approved by Council.

**September 24, 2007** - Environment and Transportation Committee accepts recommendation of the Storm Drainage and Stormwater Management Works for Stoney Creek Undeveloped Lands Municipal Class EA – Schedule “B”.

**November 12, 2007** – Report to the Planning Committee recommending refusal Zoning By-law Amendment application No. Z-7441, submitted by 700531 Ontario Limited for 1300 Fanshawe Park Road East to remove Holding Provisions h- 11 and h-73.

**February 11, 2008**- Report to the Planning Committee advising that the applicant had filed an appeal against the City for neglecting to amend the zoning by-law within 120 days of receipt of an application, that the City Solicitor be directed to provide legal representation at the hearing and that the City recommends the Ontario Municipal Board refuse the request.

**February 21, 2008** – 2008 Budget adopted by City Council, includes provision for funding a Municipal Class EA for Fanshawe Park Road East between Adelaide Street North and Highbury Avenue North.

**April 6, 2009** – Report to Environment and Transportation Committee regarding acceptance of the recommendations of the Municipal Class EA for Fanshawe Park Road East between Adelaide Street North and Highbury Avenue North.

**December 7, 2009** - Information Report to the Planning Committee advising the appeal of Zoning By-law Amendment Application Z-7414 had been resolved.

**March 2010** - 2010 Budget adopted by City Council, included provision for funding Phase I of the Fanshawe Park Road East road improvements (Fanshawe Park Road East/Highbury Avenue North intersection).

**March 22, 2010** – Report to Planning Committee on three year extension for draft plan

of subdivision.

**September 10, 2013** - Report to Planning Committee on three year extension for draft plan of subdivision.

**June 20, 2016** - Report to Planning Committee on special provisions for the subdivision agreement for Phase 1 of the draft plan of subdivision.

**July 18, 2016** - Report to Planning Committee on removal of holding provisions for Phase 1 of the draft plan (H-8600) three year extension for draft plan of subdivision.

**February 6, 2017** - Report to Planning Committee on three year extension for draft plan of subdivision. (39T-04512)

### **2.3 Planning History**

The original submitted plan of subdivision contained 23.1 hectares (57 ac.) of land located at 1300 Fanshawe Park Road East, legally described as Part of Lot 9, Concession 5, (geographic Township of London. It consisted of two (2) commercial blocks, two (2) high density residential blocks, two (2) medium density residential blocks, one (1) stormwater management block, one (1) open space block, one (1) park block, and several reserve and road widening blocks served by two (2) new secondary collector roads. The application for Draft Plan of Subdivision was accepted in December, 2004. The plan was draft approved on October 18, 2006. No appeals to the Draft Plan Approval were received within the time allowed for such appeals.

Subsequent to the granting of draft approval in October of 2006, the City of London acquired the northern portion of the lands (generally Block 9 "Open Space" lands) for stormwater management purposes. Two extensions of draft plan approval were granted for the file in April of 2010, and in October of 2013.

Since the most recent draft plan extension, additional lands were acquired by the City adjacent to the Stoney Creek (May of 2016). Phase 1 of the draft plan (approximately 4.2 ha), consisting of one (1) multi-family block (street townhomes), one (1) commercial block, one (1) park block, one (1) stormwater management block, and five (5) reserve blocks, all served by two new secondary collector roads (Rob Panzer Road, and Blackwell Boulevard), was granted final approval by the Approval Authority on September 12, 2016 and is registered as 33M-701.

### **2.4 Applicant Request**

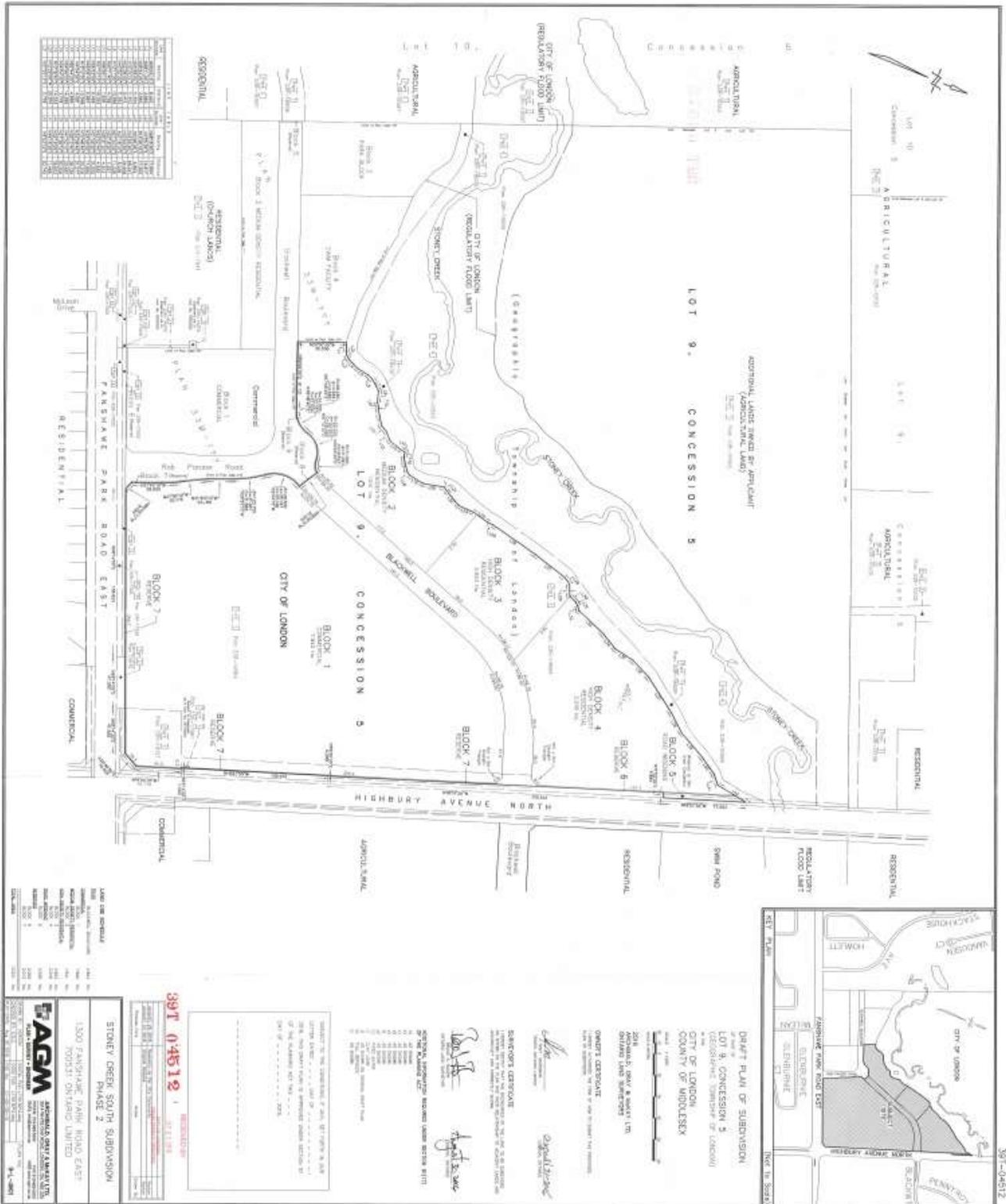
The Applicant has requested a five (5) year draft plan extension for the remainder of the lands. Staff are not supportive of this request. Primarily, policy changes that could affect a subdivision should be reviewed every three (3) years versus every five (5) years. A five (5) year lapse date does not support the timely finalization of outstanding matters required for Final Approval, but rather elongates the process unnecessarily, thus creating potential future conflicts. There are no extenuating circumstances (i.e. servicing issues/constraints) which require a prolonged extension timeframe. A three (3) year extension is therefore recommended.

### **2.5 Redline and Changes**

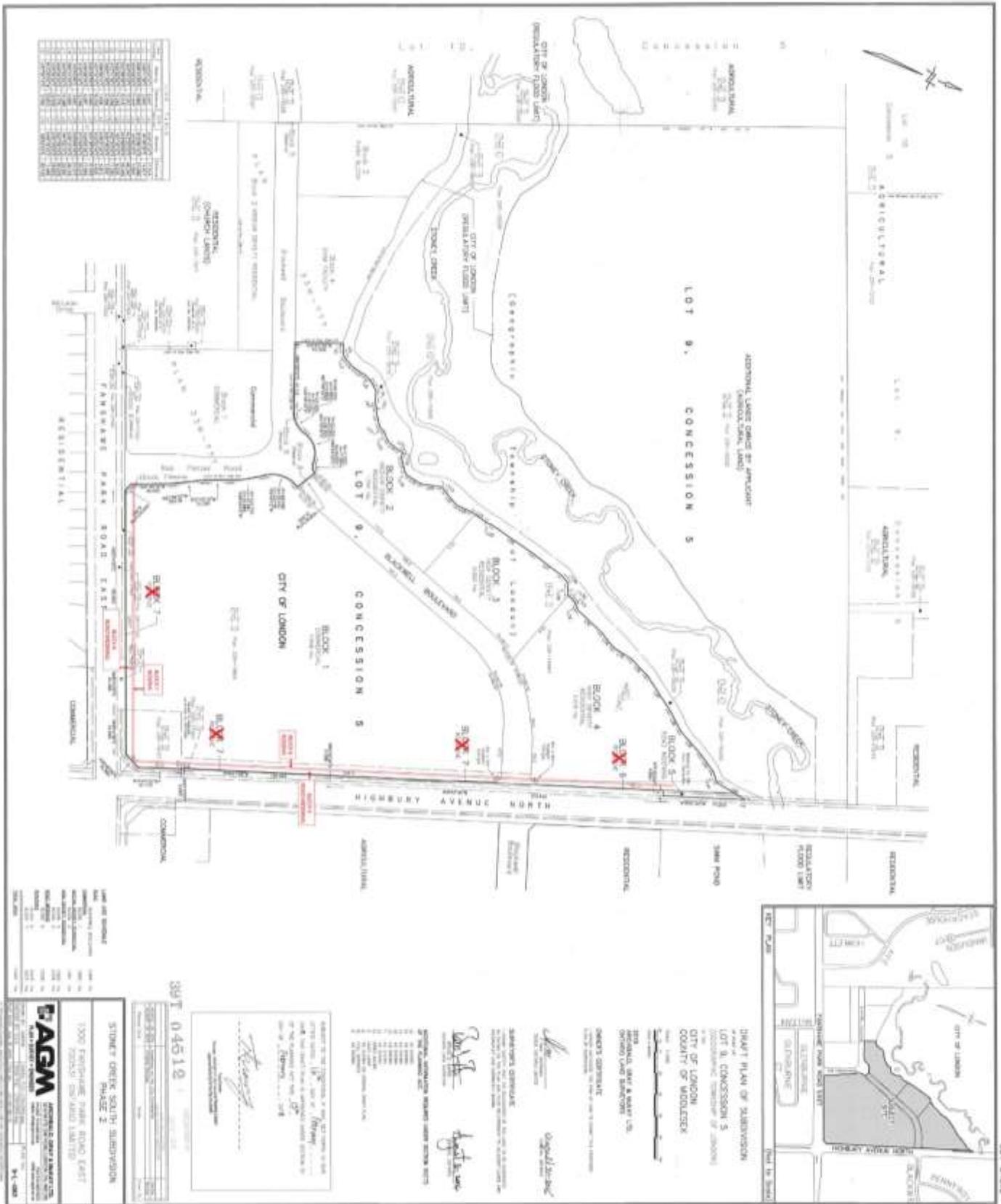
The attached amendments to the conditions of draft approval are required to ensure that these lands are developed to today's standards. The changes to conditions of draft approval are to address engineering and planning issues. The amendments to the conditions of draft approval are shown as **highlights** for revisions, ~~strikeouts~~ for deletions and underlines for additions on the attached Schedule "A".

No changes are proposed to the approved zoning or lotting pattern. The only change is an increased road widening along both Highbury Avenue North and Fanshawe Park Road East (6m), which have been added to the plan and are also included as conditions of draft approval. As a result of these minor changes to the conditions of draft approval, an extension may be granted and there is no requirement for public notice of the changes (in accordance with Section 50 (33) & (47) of the *Planning Act*).

Draft Plan of Subdivision – September, 2016



Redline Draft Plan of Subdivision - January, 2020



## 3.0 Policy Considerations

### 3.1 Policy Context

#### *Provincial Policy Statement*

The draft plan of subdivision is consistent with the Provincial Policy Statement.

**Building Strong Communities** - The proposed subdivision promotes efficient development and land use pattern, accommodates an appropriate range and mix of residential, recreational and open space uses to meet the long term needs, promote cost-effective development standards to minimize land consumption and servicing costs, and ensuring that necessary infrastructure and public service facilities will be available to meet current and projected needs. The range of housing can accommodate affordable to low and moderate income households. The draft plan provides for open space corridors as a space to meet the needs of pedestrians and facilitate pedestrian movement in the area. Infrastructure and public service facilities will be provided to serve the needs of the draft plan. A holding provision has been applied on the subject lands to ensure the orderly development of land including municipal services (water, sanitary and storm). Transportation systems have been incorporated into the draft plan which facilitates the movement of people, and connectivity among nearby arterial roads.

**Wise Use and Management of Resources** - The natural features on the plan will be protected and enhanced through conditions of draft approval. Piped water supply is available for this subdivision.

**Protecting Public Health and Safety** - There are no public health and safety concerns.

#### *(1989) Official Plan*

The lands are designated Community Commercial Node (Block 1), Multi-Family, Medium Density Residential (Block 2), and Multi-Family, High Density Residential (Block 3 and 4) on Schedule A of the (1989) Official Plan. The zoning for all the Blocks reflects the current designations, including zoning provisions related to density and height. Block 3 has a maximum height of 39m (approximately 13 storeys) and Block 4 has a maximum height of 42m (approximately 14 storeys).

#### *London Plan*

The policies of the new London Plan encourage higher intensity residential development to locate along Civic Boulevards\* and other higher order streets. The lands to the north of Blackwell Boulevard (a Neighbourhood Connector\*) are located within the Neighbourhoods Place Type\*, which permits a range of residential uses at a height of 4-6 storeys. The lands south of Blackwell Boulevard are located within the Shopping Area Place Type\*, which permits a range of commercial uses.

The London Plan recognizes the High Density Residential areas that were designated in the previous Official Plan, even where they are not within the targeted place types. Map 2 identifies these lands as High Density Residential Overlay (from 1989 Official Plan) (955\_\*). Blocks 3 and 4 in this draft plan are within the High Density Residential Overlay (Map 2\*). It is important to recognize that Map 2 is an overlay on top of the Urban Place Types identified in Map 1. For these lands, the Place Type represents the long-term vision for each of these areas to the year 2035 (955\_\*). Table 8\* lists the maximum height for lands within the High Density Residential Overlay outside of the Primary Transit Area as 12 storeys.

Many of the London Plan policies are still under appeal and not yet in force and effect. However, it should be noted that any further draft plan extensions in the future will need to demonstrate conformity with the policies of the London Plan, including heights.

## 4.0 Key Issues and Considerations

### 4.1 Issue - Road Widening

As per Transportation Division comments provided through the extension request, an additional 6 m is needed for road widening along both Fanshawe Park Road East and Highbury Avenue North. This change in road dedication reflects the ultimate road network as detailed in the London Plan. Both Fanshawe Park Road East and Highbury Avenue North are designated as Urban Thoroughfares on Map 3 - Street Classifications\*, which require a 45m road allowance. An Urban Thoroughfare will include priority on through movement of vehicles and freight, moves high volumes of traffic (pedestrian, cycle and vehicular), includes high-quality pedestrian realm and a high standard of urban design. The City's Complete Streets Guideline also details the ultimate road width and requirements and supports the London Plan vision.

The current (1989) Official Plan identifies both Fanshawe Park Road East and Highbury Avenue North as arterial roads. Table 18.1 identifies arterial roads as ranging from 26-60m in width. Policy 18.2.2. *“to ensure that the City's long term transportation needs can be met, the City will endeavour to protect proposed roads in the review of Secondary Plans, plans of subdivision, and Official Plan/Zoning By-law amendments. Where the alignment of a proposed road has been determined, the required road allowance shall be reserved for future road development.”*

The ultimate road allowances are reflected in Section 4.21 (Road Allowance Requirements - Specific Roads) of the Zoning By-law Z.-1. Both Highbury and Fanshawe Park Road are listed as 18 m from centreline. However, Section 4.21.1 (Road Allowance Requirements at Intersections) further specifies “the required minimum right-of-way widths shown in the zoning by-law are the minimum requirements for sections of streets. Additional right-of-way on arterial streets of up to 24 m from the centre line of the street will be required within 150 m of an intersection”.

The previous 18m road allowance was a condition of draft approval and shown on the draft approved plan. The Applicant, through an agreement with the City, provided the previous road allowances along both arterial roads ahead of final approval, which allowed the City to construct road improvements along Highbury Avenue in 2010, and along Fanshawe Park Road in 2015.

The Applicant objects to the additional road dedications, as they have indicated that they have provided the road allowances previously required and therefore no additional road dedication should be necessary.

Policy 19.6.3 of the 1989 Official Plan reads:

*“If an applicant has requested an extension to draft plan of subdivision approval the Approval Authority, in considering this request, may apply new conditions or amend existing conditions of draft approval based on new or updated **policies, guidelines and community standards**”* (emphasis added).

The Complete Streets Design Manual (“Complete Streets”) is both a new guideline and community standard, adopted in August, 2018. Policy 378 of the London Plan, the policy which enshrines Complete Streets as an official plan-recognized guideline, is currently under appeal. However, Policy 19.6.3 contemplates that in addition to policies, **guidelines and community standards** will also be considered when extending draft plan approval. Policy 19.6.3 creates a distinct test in the context of a plan of subdivision draft approval extension, wherein guidelines and community standards are considered in determining reasonable conditions. Complete Streets certainly has status as a standalone guideline and/or community standard.

Complete Streets is a transformative tool that will guide the way streets are designed in London. The components of a “complete street” may include walking, cycling, transit, through movement (vehicles and freight), parking, green infrastructure, and utilities.

Some, but not all, of these elements may already exist adjacent to the applicant's lands. Securing the land for future improvements is the only tool available to ensure that room is left for all elements of a complete street.

Staff are recommending the additional road widening to protect for the long term transportation needs along both of these major arterial roads/Urban Thoroughfares. The Transportation Master Plan identifies Fanshawe Park Road as a future six (6) lane road. The requested widening also protects for the required right of way (ROW) width in the London Plan (Urban Thoroughfare) and protects for the future ROW required for the adoption of the Council approved Complete Streets Design Manual.

## **5.0 Conclusion**

Staff are recommending a three (3) year extension to the Draft Approval for this plan of subdivision, subject to the revised conditions as attached. The proposed plan and recommended conditions of Draft Approval will ensure that development proceeds in accordance with Provincial Policy Statement, The London Plan, and the (1989) Official Plan. A three (3) year extension is recommended to allow sufficient time for registration of the lands within this Draft Plan. A five (5) year extension is not recommended, as there is no extenuating circumstances (i.e. servicing issues/constraints) which require a prolonged extension timeframe. A three year (3) extension is therefore recommended.

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

January 13, 2020

/np

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

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## Appendix A

### THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T- 04512 ARE AS FOLLOWS:

\* Denotes Deleted, Revised, or New Condition

NO.	CONDITIONS
1.	This draft approval applies to the draft plan submitted by 700531 Ontario Limited, prepared by AGM Ltd., certified by Bruce Baker, Ontario Land Surveyor, dated August 30, 2016, File No. LT-05-09-10, Plan No. 9-L-4901, as redlined, which shows one (1) commercial block, two (2) high density residential blocks, one (1) medium density residential block, and several reserve and road widening blocks served by one (1) new secondary collector road (Blackwell Boulevard).
2.	<del>This approval of the draft plan applies until February 20, 2020, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.</del> <u>This approval of the draft plan applies for three years, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.</u>
3.	<del>The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways.</del>
4.	<del>Street "B" shall be named Blackwell Boulevard, to the satisfaction of the City.</del>
5.	<del>The Owner shall request that municipal addresses shall be assigned to the satisfaction of the City.</del>
6.	<u>In conjunction with the first submission of engineering drawings, street(s) shall be named and the municipal addressing shall be assigned to the satisfaction of the City.</u>
7.	Prior to final approval, the Owner shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
8.	<del>The Owner shall satisfy all the requirements, financial and otherwise, of the City of London in order to implement the conditions of this draft approval.</del>
9.	<del>The subdivision agreement between the Owner and the City of London shall be registered against the lands to which it applies.</del>  The Owner shall enter into a subdivision agreement with the City, in the City's current approved form (a copy of which can be obtained from Development Services), which includes all works and services required for this plan, and this agreement shall be registered against the lands to which it applies.
10.	<u>Prior to final approval the Owner shall pay in full all financial obligations/encumbrances owing to the City on the said lands, including property taxes and local improvement charges.</u>
11.	<u>Prior to final approval, the Owner shall provide copies of all transfer documentation for all land transfers/dedications and easements being conveyed to the City, for the City's review and approval.</u>

12. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan and all required engineering drawings, to the satisfaction of the City. Any deviations from the City's standards, guidelines or requirements shall be satisfactory to the City.
13. ~~In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications (e.g. 0.3 metre reserve blocks) as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City, at no cost to the City.~~
14. ~~Phasing of this subdivision (if any) shall be to the satisfaction of the City.~~
15. ~~Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage and downstream works must be completed and operational, in accordance with the approved design criteria and accepted drawings, all to the specification and satisfaction of the City.~~
16. ~~Prior to Final Approval, all required connections from this plan to municipal services shall be available.~~
17. ~~The Owner shall implement the requirements of the City of London concerning sedimentation and erosion control measures during all phases of construction. The Owner's professional engineer shall have these requirements established and approved by the City, prior to any work on the site.~~
18. ~~The Owner shall not commence construction or install any services (eg. Clearing or servicing of land) involved with this plan prior to entering into a site alteration agreement or subdivision agreement and obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing; (e.g. MOE certificates; City/Ministry/Agency permits: Approved Works, water connection, water taking, navigable waterways; approvals: UTRCA, MNR, MOE, City; etc; etc.).~~
19. ~~Prior to any work on the site, the Owner shall decommission and permanently cap any abandoned wells located in this Plan, in accordance with current provincial legislation, regulations and standards. In the event that an existing well in this Plan is to be kept in service, the Owner shall protect the well and the underlying aquifer from any development activity.~~
20. ~~The Owner's professional engineer shall provide inspection services during construction for all work to be assumed by the City, and shall supply the City with a Certification of Completion of Works upon completion, in accordance with the plans accepted by the City Engineer.~~
21. ~~For the purpose of satisfying any of the conditions of draft approval herein contained, the Owner shall file, with the City, complete submissions consisting of all required studies, reports, data, information or detailed engineering drawings, all to the satisfaction of the City. The Owner acknowledges that, in the event that a submission does not include the complete information required by the City, such submission will be returned to the Owner without detailed review by the City.~~
22. ~~Prior to Final Approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, and final plans for registration, and to advise the Approval Authority in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner~~

~~acknowledges that, in the event that the final approval package does not include the complete information required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.~~

23. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, final plans, and any required studies, reports, data, information or detailed engineering drawings, and to advise the Approval Authority in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.

## **PARKS and OPEN SPACE**

24. At the time of registration of the plan, an easement shall be given to the City over a portion of Block 4 (approx. 0.021 ha in size) to be used as part of the future pathway. This easement will satisfy parkland dedication for four (4) units. Cash-in-lieu of parkland in accordance with By-law CP-9 shall be required for the 223<sup>rd</sup> dwelling unit or greater in residential ~~Blocks 3, 4, 5, and 6~~ 2, 3, and 4.
25. The Owner shall not grade into any open space area. Where Blocks abut an open space area, all grading of the developing lots or blocks at the interface with the open space areas are to match grades to maintain existing slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the City.

## **SANITARY**

26. In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall, throughout the duration of construction within this plan, undertake measures within this draft plan to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during and after construction, satisfactory to the City, at no cost to the City, including but not limited to the following:
- i) Not allowing any weeping tile connections into the sanitary sewers within this Plan;
  - ii) Permitting the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer.
  - iii) Install Parson Manhole Inserts (or approved alternative satisfactory to the City Engineer) in all sanitary sewer maintenance holes at the time the maintenance hole(s) are installed within the proposed draft plan of subdivision. The Owner shall not remove the inserts until sodding of the boulevard and the top lift of asphalt is complete, all to the satisfaction of the City Engineer.
  - iv) Having his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407; and
  - v) Implementing any additional measures recommended through the accepted Design Studies.
27. Prior to registration of this Plan, the Owner shall obtain consent from the City to reserve capacity at the Adelaide Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City subject to capacity being available, on the condition that registration of the subdivision agreement and the plan of subdivision occur within one (1) year of the date specified in the subdivision agreement.

Failure to register the Plan within the specified time may result in the Owner forfeiting the allotted treatment capacity and, also, the loss of his right to connect into the outlet sanitary sewer, as determined by the City. In the event of the capacity being forfeited, the Owner must reapply to the City to have reserved sewage treatment capacity reassigned to the subdivision.

## **STORM AND STORMWATER MANAGEMENT**

28. The Owner shall construct the storm sewers to serve this plan and connect them to this plan to the storm outlet for the subject lands which is the Stoney Creek via the existing storm sewer, namely, the 750 mm diameter storm sewer on Blackwell Boulevard and Rob Panzer Way.
29. The Owner shall have his consulting professional engineer design and construct the proposed storm/drainage and Stormwater Management servicing works for the subject lands, all to the specifications and satisfaction of the City in accordance to the requirements of the following:
  - i) The SWM criteria and environmental targets for the Stoney Creek Subwatershed Study;
  - ii) The approved Storm/Drainage and SWM Servicing Functional Report for the subject lands;
  - iii) The accepted Municipal Class EA for Storm Drainage and Stormwater Management Servicing Works for the Stoney Creek Undeveloped Lands (2008);
  - iv) The approved Functional Stormwater Management Plan report for the Stoney Creek Regional Flood Control Facility;
  - v) The stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process;
  - vi) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
  - vii) The City of London Environmental and Engineering Services Department Design Specifications and Requirements, as revised;
  - viii) The City's Design Requirements for Permanent Private Stormwater Systems approved by City Council and effective as of January 1, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.;
  - ix) The Ministry of the Environment SWM Practices Planning and Design Manual (2003); and
  - x) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
30. The Owner's shall implement SWM soft measure Best Management Practices (BMP's) within the plan to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this plan and the approval of the City.
31. Prior to the acceptance of engineering drawings, the Owner's consulting engineer shall certify the development has been designed such that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of and/or any approvals given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.
32. In accordance with City standards or as otherwise required by the City, the Owner shall complete the following for the provision of stormwater management

- (SWM) and stormwater services for this draft plan of subdivision:
- i) Make provisions to oversize and deepen the internal storm sewers in this plan to accommodate flows from upstream lands within the drainage area external to this plan;
  - ii) Construct and implement erosion and sediment control measures as accepted in the Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation for these lands and the Owner shall correct any deficiencies of the erosion and sediment control measures forthwith; and
  - iii) Address forthwith any deficiencies of the stormwater works and/or monitoring program.
33. Prior to the issuance of any Certificates of Conditional Approval for any lot in this plan, the Owner shall complete the following:
- i) For lots and blocks in this plan or as otherwise approved by the City Engineer, all storm/drainage and SWM related works to serve this plan must be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City;
  - ii) The SWM Facility to serve this plan must be constructed and operational; and
  - iii) Construct and have operational the major and minor storm flow routes for the subject lands, to the satisfaction of the City.
  - iv) Implement all geotechnical/slope stability recommendations made by the geotechnical report accepted by the City.
34. The Owner shall ensure the post-development discharge flow from the subject site must not exceed the capacity of the stormwater conveyance system. In an event, where the above condition cannot be met, the Owner shall provide SWM on-site controls that comply to the City's Design Specifications and Requirements for Permanent Private Stormwater Systems.
35. The Owner shall ensure that all existing upstream external flows traversing this plan of subdivision, as shown on the accepted engineering drawings for Plan 33M-701, are accommodated within the overall minor and major storm conveyance servicing system(s) design, all to the specifications and satisfaction of the City Engineer.
36. The Owner shall develop a sediment and erosion control plan(s) that will identify all required sediment and erosion control measures for the subject lands in accordance with City of London and Ministry of the Environment, Conservation and Parks standards and requirements, all to the satisfaction of the City. The sediment and erosion control plan(s) shall identify all interim and long term measures that would be required for both registration and construction phasing/staging of the development and any major revisions to these plans after the initial acceptance shall be reviewed/accepted by the City of London for conformance to our standards and Ministry of the Environment, Conservation and Parks requirements. Prior to any work on the site, the Owner's professional engineer shall submit these measures as a component of the Functional Storm/Drainage Servicing Report and is to have these measures established and approved all to the satisfaction of the City Engineer. Further, the Owner's Professional Engineer must confirm that the required sediment and erosion control measures are being maintained and operated as intended during all phases of construction.

## WATER

37. Prior to the issuance of any Certificate 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 services for this draft plan of subdivision:

- i) Construct watermains to serve this Plan and connect them to the existing municipal system, namely, the existing 250 mm diameter watermain on Blackwell Boulevard and the 300 mm diameter watermain on Highbury Avenue.
  - ii) Deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units or commercial equivalent; and
  - iii) The available fireflow and appropriate hydrant colour code (in accordance with the City of London Design Criteria) are to be shown on engineering drawings;  
The fire hydrant colour code markers will be installed by the City of London at the time of Conditional Approval.
38. The Owner shall obtain all necessary approvals from the City Engineer for individual servicing of blocks in this subdivision, prior to the installation of any water services for the blocks.
39. ~~In conjunction with the submission of revised engineering drawings, the Owner shall have his consulting engineer identify fireflows available from each hydrant proposed to be constructed and identify appropriate hydrant colour code markers in accordance with City of London Design Criteria. The fire hydrant colour code markers will be installed by the City of London at the time of Conditional Approval.~~
40. ~~Prior to the issuance of a Certificate of Conditional Approval, the Owner shall install and commission temporary automatic flushing devices and meters at all dead ends and/or other locations as deemed necessary by the hydraulic modelling results to ensure that water quality is maintained during build out of the subdivision. These devices are to remain in place until there is sufficient occupancy use to maintain water quality without their use. The location of the temporary automatic flushing devices as well as their flow settings are to be shown on engineering drawings. The Owner is responsible to meter and pay billed cost of the discharged water from the time of their installation until assumption. Any incidental and/or ongoing maintenance of the automatic flushing devices is/are the responsibility of the Owner.~~  
Prior to the issuance of any Certificates of Conditional Approval the Owner shall install and commission the accepted water quality measures required to maintain water quality within the water distribution system during build-out, all to the satisfaction of the City Engineer, at no cost to the City. The measures which are necessary to meet water quality requirements, including their respective flow settings, etc shall be shown clearly on the engineering drawings.
41. With respect to the proposed Blocks, the Owner shall include in all agreements of purchase and sale, and/or lease of Blocks in this plan, a warning clause advising the purchaser/transferee that should these develop as a Vacant Land Condominium or in a form that may create a regulated drinking water system under O.Reg. 170/03, the Owner shall be responsible for meeting the requirements of the legislation.
- If deemed a regulated system, there is potential the City of London could be ordered to operate this system in the future. As such, the system would be required to be constructed to City standards and requirements.
42. ~~The Owner shall obtain all necessary approvals from the City Engineer for individual servicing of blocks in this subdivision, prior to the installation of any water services for the blocks.~~
43. The Owner shall ensure implemented water quality measures shall remain in place until there is sufficient occupancy demand to maintain water quality within the Plan of Subdivision without their use. The Owner is responsible for the following:

- i) to meter and pay the billed costs associated with any automatic flushing devices including water discharged from any device at the time of their installation until removal;
  - ii) any incidental and/or ongoing maintenance of the automatic flushing devices;
  - iii) payment for maintenance costs for these devices incurred by the City on an ongoing basis until removal;
  - iv) all works and the costs of removing the devices when no longer required; and
  - v) ensure the automatic flushing devices are connected to an approved outlet.
44. The Owner shall ensure the limits of any request for Conditional Approval shall conform to the staging and phasing plan as set out in the accepted water servicing report and shall include the implementation of the interim water quality measures. In the event the requested Conditional Approval limits differ from the staging and phasing as set out in the accepted water servicing report, the Owner would be required to submit revised plans and hydraulic modeling as necessary to address water quality.

## TRANSPORTATION

45. The Owner shall be permitted one limited access vehicular access from Block 1 to Highbury Avenue North and one limited access vehicular access from Block 1 to Fanshawe Park Road East. The location of these access points shall be to the satisfaction of the City.
46. The Owner shall not be permitted any vehicular access from Block 4 to Highbury Avenue North.
47. The Blackwell Boulevard road allowance at Highbury Avenue North shall be a minimum of 28 m for a minimum length of 45 metres. Within this road allowance the Owner shall construct gateway treatments. Beyond this widened road allowance, the road allowance shall be tapered to 21.5 m.
48. The Owner shall construct sidewalks within this plan on both sides of Blackwell Boulevard, to the satisfaction of the City.
49. Any dead ends and open sides of road allowances created by this draft plan, or by phasing of this plan, shall be terminated in 0.3 metre reserves to be conveyed to the City of London until required for the future production of such road allowance.
50. The Owner shall direct all construction traffic to Highbury Avenue North to the satisfaction of the City.
51. The Owner shall dedicate 0.3 m (1') reserves blocks to the City of London at the following locations:
- i) Along the entire frontage of Fanshawe Park Road East; and
  - ii) Along the entire frontage of Highbury Avenue North.
52. In the event any work is undertaken on an existing street, the Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City for any construction activity that will occur on existing public roadways. The Owner shall have it's contractor(s) undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted in conjunction with the subdivision servicing drawings for this plan of subdivision.

53. All through intersection and connections with existing streets and internal to this subdivision shall align with the opposing streets based on the centrelines of the street aligning through their intersections thereby having these streets centred with each other, unless otherwise approved by the City.
54. Within one year of registration of the plan, the Owner shall install street lighting on all streets and walkways within this plan to the satisfaction of the City, at no cost to the City. Where an Owner is required to install street lights in accordance with this draft plan of subdivision and where a street from an abutting developed or developing area is being extended, the Owner shall install street light poles and luminaires, along the street being extended, which match the style of street light already existing or approved along the developed portion of the street, to the satisfaction of the London Hydro for the City of London.
55. The Owner shall be required to make minor boulevard improvements on Fanshawe Park Road East and Highbury Avenue North 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.
56. The Owner shall have the common property line of Fanshawe Park Road East and Highbury Avenue North graded in accordance with the City of London Standard "Subdivision Grading Along Arterial Roads", at no cost to the City.

Further, the grades to be taken as the centreline line grades on Fanshawe Park Road East and Highbury Avenue North are the future ultimate centreline of road grades as determined by the Owner's professional engineer, satisfactory to the City. From these, the Owner's professional engineer is to determine the ultimate elevations along the common property line which will blend with the existing road, all to the satisfaction of the City.

57. The Owner shall ensure access to lots and blocks for the portion adjacent to gateway treatments as shown on the accepted engineering drawings will be restricted to rights-in and rights-out only.
58. The Owner shall make modifications to the curb radii on Highbury Avenue North and all associated works, to the satisfaction of the City, at no cost to the City.
59. At the time of registration of the plan, the Owner shall provide a road widening dedication on Fanshawe Park Road East measured 24.0m from center line to the satisfaction of the City Engineer.
60. At the time of registration of the plan, the Owner shall provide a road widening dedication on Highbury Avenue North measured 24.0m from center line to the satisfaction of the City Engineer.

## OTHER SERVICING ISSUES

61. Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of services or grading situated on private lands outside this plan, and shall provide satisfactory easements over these works, as necessary, all to the specifications and satisfaction of the City, at no cost to the City.
62. ~~In the event that relotting of the plan is undertaken, the Owner shall relocate and construct services to standard location, all to the specifications and satisfaction of the City.~~  
Once construction of any private services, ie: water storm or sanitary, to service the lots and blocks in this plan is completed and any proposed relotting of the plan is undertaken, the Owner shall reconstruct all previously installed services in standard location, in accordance with the approved final lotting and approved

revised servicing drawings all to the specification of the City Engineer and at no cost to the City.

63. The Owner shall connect to all existing services and extend all services to the limits of the draft plan of subdivision, at no cost to the City, all to the specifications and satisfaction of the City.
64. In the event the draft plan develops in phases, upon registration of any phase of this subdivision, the Owner shall provide land and/or easements along the routing of services which are necessary to service upstream lands outside of this draft plan to the limit of the plan.
65. In the event the Owner wishes to further phase this plan of subdivision, the Owner shall submit as part of the revised engineering plan submission a phasing plan identifying all required temporary measures, and identify land and/or easements required for the routing of services which are necessary to service upstream lands outside this draft plan to the limit of the plan to be provided at the time of registration of each phase, all to the specifications and satisfaction of the City. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
66. The Owner shall remove any temporary works when no longer required and restore the land, at no cost to the City, to the specifications and satisfaction of the City.
67. With respect to any services and/or facilities constructed in conjunction with this plan, the Owner shall permit the connection into and use of the subject services and/or facilities by outside owners whose lands are served by the said services and/or facilities, prior to the said services and/or facilities being assumed by the City.

The connection into and use of the subject services by an outside Owner will be conditional upon the outside Owner satisfying any requirements set out by the City, and agreement by the outside Owner to pay a proportional share of the operational maintenance and/or monitoring costs of any affected unassumed services and/or facilities.

68. The Owner shall have its engineer notify existing property owners in writing, regarding the sewer and/or road works proposed to be constructed on existing City streets in conjunction with this subdivision, all in accordance with Council policy for "Guidelines for Notification to Public for Major Construction Projects".
69. The Owner shall advise the City in writing at least two weeks prior to connecting, either directly or indirectly, into any unassumed services constructed by a third party, and to save the City harmless from any damages that may be caused as a result of the connection of the services from this subdivision into any unassumed services.

Prior to connection being made to an unassumed service, the following will apply:

- i) In the event discharge is to unassumed services, the unassumed services must be completed and conditionally accepted by the City; and
- ii) The Owner must provide a video inspection on all affected unassumed sewers;

Any damages caused by the connection to unassumed services shall be the responsibility of the Owner.

70. The Owner shall pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed sewers or SWM facilities (if applicable) to third parties that have constructed the services and/or facilities to which the Owner is connecting. The above-noted proportional share of the cost

shall be based on design flows, to the satisfaction of the City, for sewers or on storage volume in the case of a SWM facility. The Owner's payments to third parties shall:

- i) Commence upon completion of the Owner's service work, connections to the existing unassumed services; and
- ii) Continue until the time of assumption of the affected services by the City.

71. If, during the building or constructing of all buildings or works and services within this subdivision, any deposits of organic materials or refuse are encountered, the Owner shall report these deposits to the City Engineer and Chief Building Official immediately, and if required by the City Engineer and Chief Building Official, the Owner shall, at his own expense, retain a professional engineer competent in the field of methane gas to investigate these deposits and submit a full report on them to the City Engineer and Chief Building Official. Should the report indicate the presence of methane gas then all of the recommendations of the engineer contained in any such report submitted to the City Engineer and Chief Building Official shall be implemented and carried out under the supervision of the professional engineer, to the satisfaction of the City Engineer and Chief Building Official and at the expense of the Owner, before any construction progresses in such an instance. The report shall include provision for an ongoing methane gas monitoring program, if required, subject to the approval of the City Engineer and review for the duration of the approval program.

If a permanent venting system or facility is recommended in the report, the Owner shall register a covenant on the title of each affected lot and block to the effect that the Owner of the subject lots and blocks must have the required system or facility designed, constructed and monitored to the specifications of the City Engineer, and that the Owners must maintain the installed system or facilities in perpetuity at no cost to the City. The report shall also include measures to control the migration of any methane gas to abutting lands outside the Plan.

72. Should any contamination or anything suspected as such, be encountered during construction, the Owner shall report the matter to the City Engineer and the Owner shall hire a geotechnical engineer to provide, in accordance with the Ministry of the Environment "Guidelines for Use at Contaminated Sites in Ontario", "Schedule A – Record of Site Condition", as amended, including "Affidavit of Consultant" which summarizes the site assessment and restoration activities carried out at a contaminated site, in accordance with the requirements of latest Ministry of Environment and Climate Change "Guidelines for Use at Contaminated Sites in Ontario" and file appropriate documents to the Ministry in this regard with copies provided to the City. The City may require a copy of the report should there be City property adjacent to the contamination.

Should any contaminants be encountered within this Plan, the Owner shall implement the recommendations of the geotechnical engineer to remediate, removal and/or disposals of any contaminates within the proposed Streets, Lot and Blocks in this Plan forthwith under the supervision of the geotechnical engineer to the satisfaction of the City at no cost to the City.

In the event no evidence of contamination is encountered on the site, the geotechnical engineer shall provide certification to this effect to the City.

73. If any temporary measures are required to support the interim conditions in conjunction with the phasing, the Owner shall construct temporary measures and provide all necessary land and/or easements, to the specifications and satisfaction of the City, at no cost to the City.
74. The Owner shall decommission any abandoned infrastructure, at no cost to the City, including cutting the water service and capping it at the watermain, all to the specifications and satisfaction of the City.

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

75. In conjunction with the revised engineering drawings, the Owner shall provide to the City for review and acceptance an updated hydrogeological and geotechnical report and/or supplemental letter prepared by a qualified consultant, to determine, including but not limited to, the following:
  - i) Provide recommendations for foundation design should high groundwater be encountered, all to the satisfaction of the City.
76. Prior to the issuance of any Certificate of Conditional Approval, the Owner's professional engineer shall certify that any remedial or other works as recommended in the accepted updated hydro geological and geotechnical report are implemented by the Owner, to the satisfaction of the City, at no cost to the City.
77. Should the current or any future Owner come in with a revised development proposal for these lands, the applicant may be required to complete a design studies submission as per the File Manager process and resubmit engineering drawings, all to the satisfaction of the City.
78. The Owner shall either register against the title of Block 1 in this Plan, or shall include in the agreement of purchase and sale for the transfer of each of the Blocks, 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.
79. The Owner shall submit the required revised engineering drawings to the satisfaction of the City for review and acceptance by the City.
80. The Owner shall construct this plan of subdivision in accordance with the accepted Design Studies for this plan of subdivision, to the satisfaction of the City.
81. The Owner shall make all necessary arrangements with any required owner(s) to have any existing easement(s) in this plan quit claimed to the satisfaction of the City and at no cost to the City. The Owner shall protect any existing private services in the said easement(s) until such time as they are removed and replaced with appropriate municipal and/or private services at no cost to the City.

Following the removal of any existing private services from the said easement and the appropriate municipal services and/or private services are installed and operational, the Owner shall make all necessary arrangement to have any section(s) of easement(s) in this plan quit claimed to the satisfaction of the City, at no cost to the City.
82. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make adjustments to the existing works and services on Blackwell Boulevard, Highbury Avenue North and Fanshawe Park Road East, adjacent to this plan to accommodate the proposed works and services on these streets to accommodate this plan, (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, al to the satisfaction of the City Engineer, at no cost to the City.
83. In conjunction with engineering drawings submission, the Owner shall submit a Development Charge work plan outlining the costs associated with the design

and construction of the DC eligible works. The work plan must be approved by the City Engineer and City Treasurer (as outlined in the most current DC By-law) prior to advancing a report to Planning and Environment Committee recommending approval of the special provisions for the subdivision agreement.

84. In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications (e.g. 0.3 metre reserve blocks) as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City, at no cost to the City.
85. Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage and downstream works must be completed and operational, in accordance with the approved design criteria and accepted drawings, all to the specification and satisfaction of the City.
86. The Owner shall not commence construction or install any services (eg. Clearing or servicing of land) involved with this plan prior to entering into a site alteration agreement or subdivision agreement and obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing; (e.g. MOE certificates; City/Ministry/Agency permits: Approved Works, water connection, water-taking, navigable waterways; approvals: UTRCA, MNR, MOE, City; etc; etc.).
87. Prior to any work on the site, the Owner shall decommission and permanently cap any abandoned wells located in this Plan, in accordance with current provincial legislation, regulations and standards. In the event that an existing well in this Plan is to be kept in service, the Owner shall protect the well and the underlying aquifer from any development activity.
88. The Owner's professional engineer shall provide inspection services during construction for all work to be assumed by the City, and shall supply the City with a Certification of Completion of Works upon completion, in accordance with the plans accepted by the City Engineer.

## 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: Sifton Properties Limited  
Victoria on the River - Phase 5  
2671 to 2695 Kettering Place  
Removal of Holding Provision

**Meeting on:** January 20, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, based on the application by Sifton Properties Limited, relating to lands located at 2671 to 2695 Kettering Place, legally described as Lots 1 to 5 Plan 33M-773, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on January 28, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Holding Residential R1 (h•R1-3) Zone **TO** a Residential R1 (R1-3) Zone to remove the h holding provision.

## Executive Summary

### Purpose and the Effect of Recommended Action

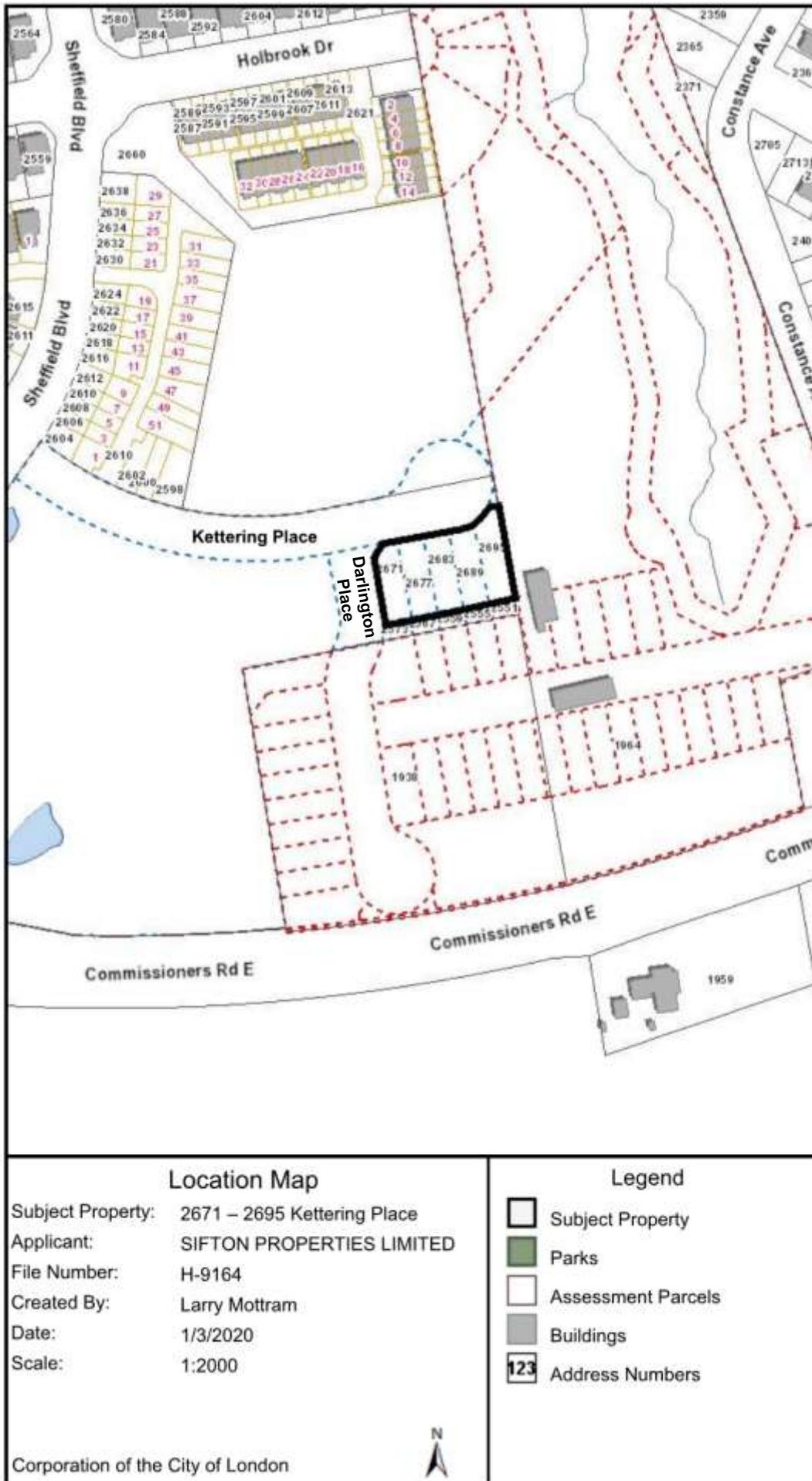
The purpose and effect of this zoning change is to remove the holding "h" symbol to allow development of five (5) single detached dwelling lots permitted under the Residential R1 (R1-3) Zone.

### Rationale of Recommended Action

1. The condition for removing the holding (h) provision has been met and the recommended amendment will allow development of residential uses in compliance with the Zoning By-law.
2. A Subdivision Agreement has been entered into and securities have been posted as required by City Policy and the Subdivision Agreement.

**Analysis**

**1.0 Location Map**



## 2.0 Description of Proposal

Phase 5 of the Victoria on the River subdivision incorporates the extension of Kettering Place, east of Sheffield Boulevard, and the extension of Darlington Place to provide a future public road connection to adjacent lands to the south. This proposal is to remove the holding provision to allow development of five (5) single detached dwelling lots on Kettering Place as permitted under the Residential R1 (R1-3) Zone.

## 3.0 Relevant Background

### 3.1 Planning History

On December 13, 2019 the Approval Authority for the City of London granted Final Approval for the fifth phase of the Victoria on the River subdivision consisting five (5) single detached lots, seven (7) part blocks, one (1) commercial/office/mixed use block, and two (2) 0.3 m reserve blocks, served by two (2) local streets (Kettering Place and Darlington Place). The plan was subsequently registered on December 16, 2019 as Plan 33M-773. There is currently an application in process for approval of draft plan of subdivision by Sifton Properties Limited on adjacent lands immediately to the south and east (File No. 39T-19501). The seven (7) part blocks in this phase are to be incorporated into the final lot and block pattern for the next phase referred to as Victoria on the River - Phase 6.

## 4.0 Key Issues and Considerations

### 4.1 Have the conditions for removal of the holding (h) provision been met?

The purpose of the holding (“h”) provision in the zoning by-law is as follows:

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

*Permitted Interim Uses: Model homes are permitted in accordance with Section 4.5(2) of the By-law.*

The Subdivision Agreement between Sifton Properties Limited and the City of London for this phase of the Victoria on the River subdivision was entered into on August 28, 2019 and registered as Instrument No. ER1278085 on December 17, 2019. Sifton Properties Limited have also posted security as required by City Policy and the Subdivision Agreement. Therefore, the condition has been met for removal of the “h” provision.

**5.0 Conclusion**

In the opinion of Staff, the holding zone requirements have been satisfied and it is appropriate to proceed to lift the holding (“h”) symbol from the zoning map.

<b>Prepared by:</b>	<b>Larry Mottram, MCIP, RPP</b> <b>Senior Planner, Development Planning</b>
<b>Recommended by:</b>	<b>Paul Yeoman, RPP, PLE</b> <b>Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P. Eng.</b> <b>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.	

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

January 13, 2020  
GK/PY/LM/lm

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**Appendix A**

Bill No. (Number to be inserted by Clerk's Office)  
2020

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

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 2671 to 2695 Kettering Place; legally described as Lots 1 to 5 Plan 33M-773.

WHEREAS Sifton Properties Limited has applied to remove the holding provision from the zoning on lands located at 2671 to 2695 Kettering Place, legally described as Lots 1 to 5 Plan 33M-773, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision 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 2671 to 2695 Kettering Place, legally described as Lots 1 to 5 Plan 33M-773, as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Residential R1 (R1-3) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on January 28, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – January 28, 2020  
Second Reading – January 28, 2020  
Third Reading – January 28, 2020

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



File Number: H-9164  
 Planner: LM  
 Date Prepared: 2020/01/06  
 Technician: DM  
 By-Law No: Z-1-

SUBJECT SITE 

1:1,000

0 5 10 20 30 40 Meters 

City of Abbotsford

## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** Notice of the application was published in the *Public Notices and Bidding Opportunities* section of The Londoner on January 16, 2020.

0 replies were received

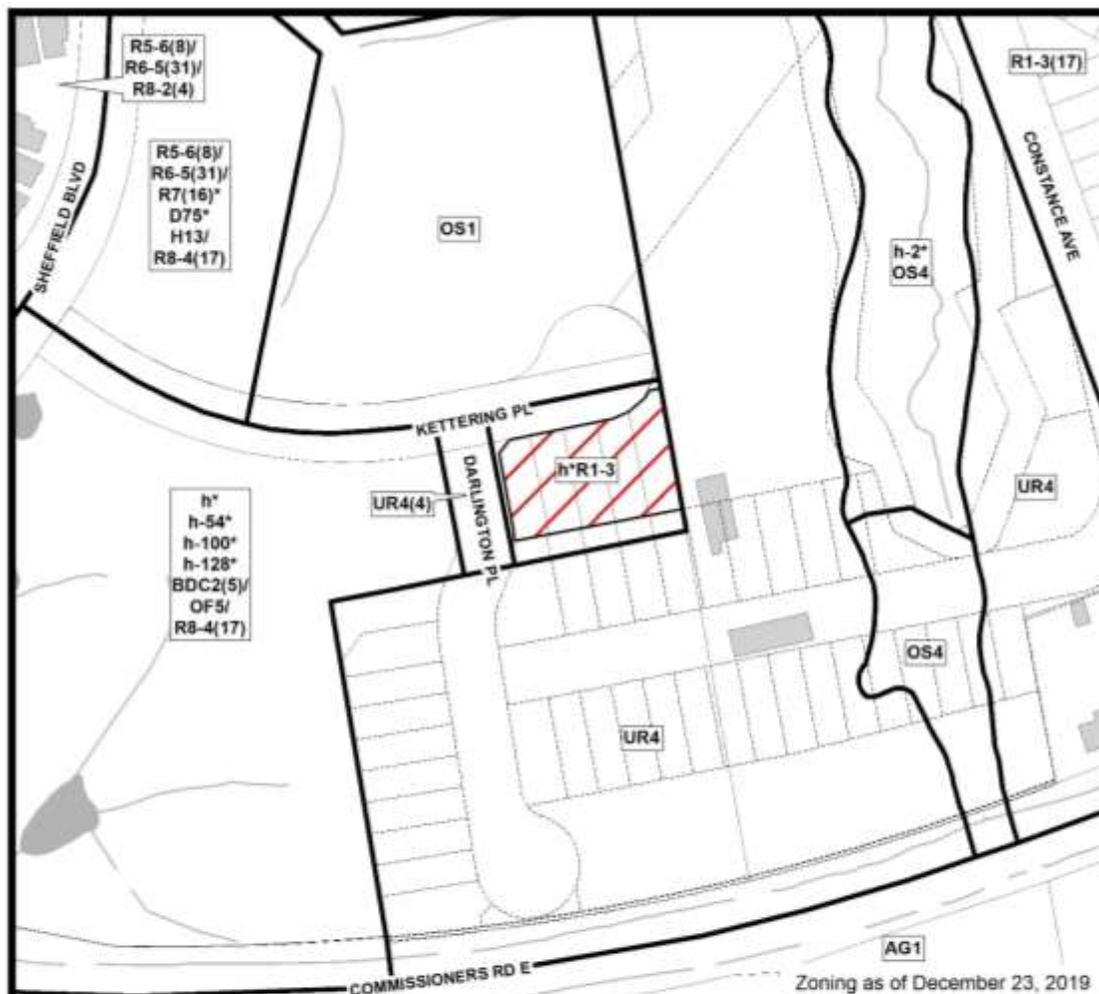
**Nature of Liaison: 2671 – 2695 Kettering Place; located east of Sheffield Boulevard, north of Commissioners Road East; identified as Lots 1 to 5 Plan 33M-773** – City Council intends to consider removing the Holding (“h”) Provision from the zoning of the subject lands to allow development for uses permitted under the Residential R1 (R1-3) Zone. The purpose of the “h” provision is to ensure the orderly development of lands and adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development. Council will consider removing the holding provision as it applies to these lands no earlier than January 28, 2020.

**Agency/Departmental Comments:**

None

**Appendix C – Relevant Background**

**Existing Zoning Map**



Zoning as of December 23, 2019



**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:

H-9164

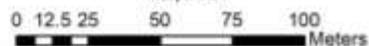
LM

MAP PREPARED:

2020/01/06

DM

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

## 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:** Application by: Orange Rock Developments  
3900 Scotland Drive, 3777 Westminster Drive, and 5110 White  
Oak Road

**Meeting on:** January 20, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following action be taken with respect to the application of Orange Rock Developments relating to the property located at 3900 Scotland Drive, 3777 Westminster Drive, and 5110 White Oak Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 28, 2020 to amend Zoning By-law Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a holding Resource Extraction (h-226\*EX1) Zone **TO** a Resource Extraction (EX1) Zone.

## Executive Summary

### Summary of Request

The applicant has requested the removal of the "h-226" holding provision from 3900 Scotland Drive, 3777 Westminster Drive, and 5110 White Oak Road, which is in place to ensure there are no negative impacts to the road structure and surrounding road network.

### Purpose and the Effect of Recommended Action

The purpose and effect is to remove the "h-226" holding symbol to facilitate the development of an asphalt and concrete batching plant.

### Rationale of Recommended Action

The requirements for removing the holding provision have been met, and the City Engineer has confirmed that no further work is required. It is appropriate to remove the holding provision as it is no longer required.

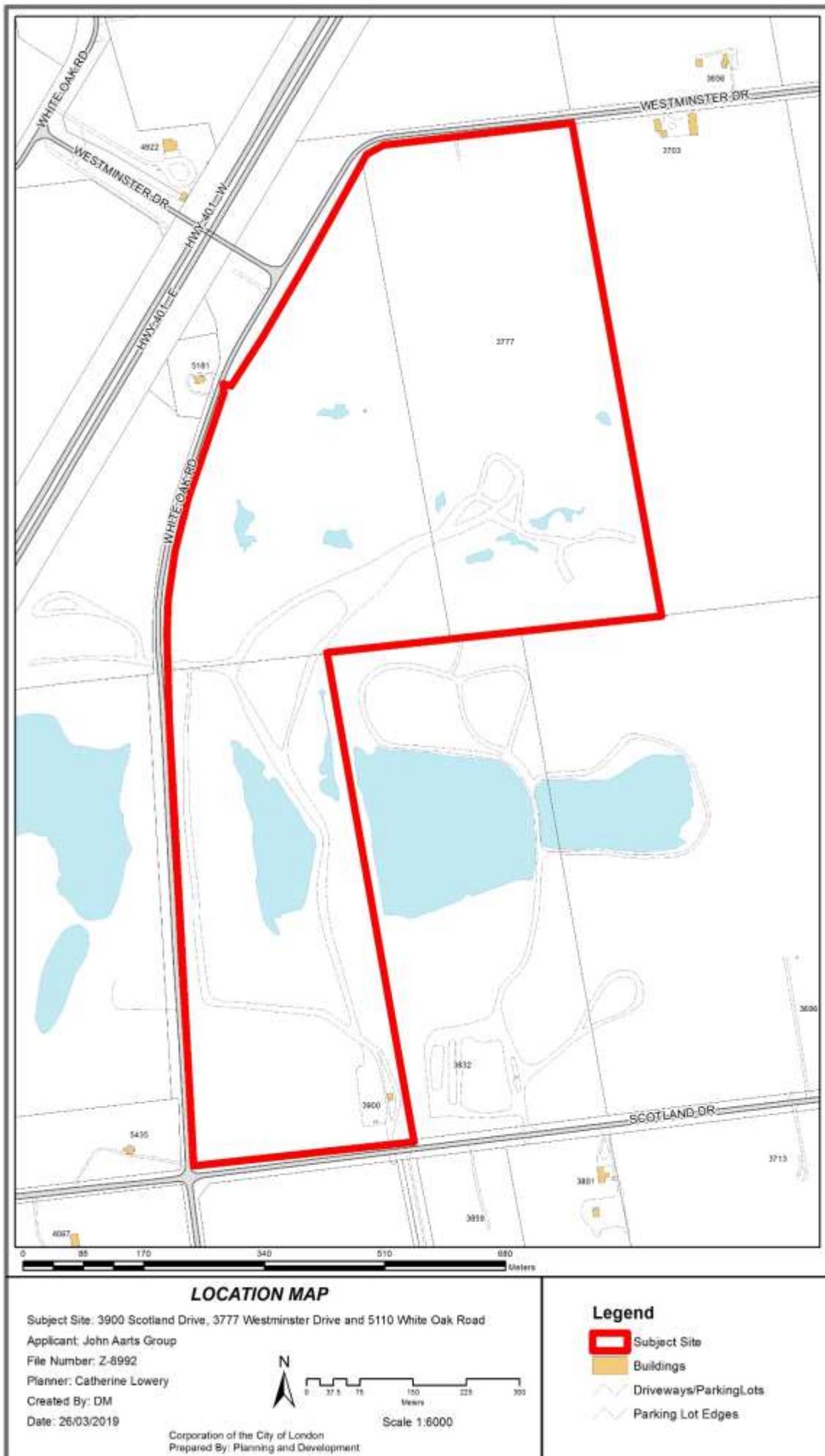
## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site is comprised of three parcels with frontages on Scotland Drive, White Oak Road, and Westminster Drive and a total area of approximately 56.13 hectares (138.71 acres). The site is operated as an active aggregate resource extraction pit licensed by the Ministry of Natural Resources and Forestry (MNR). Agricultural uses, including accessory farm dwellings, exist to the north, east, south, and west of the site. Additional surrounding land uses include aggregate resource extraction to the east and west, as well as White Oak Cemetery to the west. The site is also in proximity to the City of London W12A landfill site, located at Manning Drive and White Oak Road.

1.2 Location Map



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

- Official Plan Designation – Agricultural, Open Space, and Environmental Review
- The London Plan Place Type – Farmland and Green Space
- Existing Zoning –holding Resource Extraction (h-226\*EX1) Zone

### **1.4 Site Characteristics**

- Current Land Use – Aggregate resource extraction
- Frontage – 3900 Scotland Drive: 310 metres (1,017 feet); 3777 Westminster Drive: 290 metres (951 feet), 5110 White Oak Road: 800 metres (2,624 feet)
- Depth – 3900 Scotland Drive: 720 metres (2,362 feet); 3777 Westminster Drive: 700 metres (2,296 feet), 5110 White Oak Road: 400 metres (1,312 feet)
- Area – 56.13 hectares (138.71 acres) total
- Shape – Irregular

### **1.5 Surrounding Land Uses**

- North – Agricultural
- East – Aggregate resource extraction and agricultural (including an accessory farm dwelling)
- South – Agricultural (including an accessory farm dwelling)
- West – Agricultural (including an accessory farm dwelling), aggregate resource extraction, and White Oak Cemetery

## 2.0 Description of Proposal

The site is currently used for aggregate extraction and proposed to include an asphalt and concrete batching plant as well. The majority of the subject site is currently within the holding Resource Extraction (h-226\*EX1) Zone, which permits resource extraction operations, including accessory aggregate reprocessing, asphalt batching plants, and concrete batching plants. Other portions of the site containing natural features are currently zoned Environmental Review (ER) and Open Space (OS4). The subject lands are currently licensed by the Ministry of Natural Resources and Forestry (MNR) under the Aggregates Resources Act for two (2) Class A Licences (No. 2341 and No. 31135). The proposed asphalt and concrete batching plant would be located within the existing licensed area.



Figure 1: Main site entrance off Scotland Drive

## 3.0 Relevant Background

### 3.1 Planning History

An application for Zoning By-law Amendment Z-8992 was made in December of 2018 to permit the use of an asphalt and concrete batching plant through the Extractive Resource (EX1) Zone. During the application review, Transportation staff requested an “h-226” holding provision be applied to the subject site to require a geotechnical report that would evaluate any impacts on the road structure of the surrounding road network, as there are existing load limits in effect on Westminster Drive, White Oak Road, and Scotland Drive, as per schedule 15 of the Traffic and Parking By-law.

On April 29, 2019, a Public Participation Meeting for Zoning By-law Amendment (Z-8992) was held before the Planning and Environment Committee to consider the request for the additional use of an asphalt and concrete batching plant. The Planning and Environment Committee recommended approval of the requested amendment with the holding provision, which was subsequently approved by Municipal Council on May 7, 2019 and is now in force and effect.

### 3.2 Previous Reports and Applications Relevant to this Application

April 29, 2019, Planning and Environment Committee; Public Participation Meeting, John Aarts Group, 3900 Scotland Drive, 3777 Westminster Drive, and 5110 White Oak Road, Z-8992

### 3.3 Requested Amendment

The applicant is requesting the removal of the “h-226” holding provision from the site to allow for the development of the asphalt and concrete batching plant.

### 3.4 Community Engagement

Community comments were received in response to the Notice of Application for Holding Provision Removal requesting more information and expressing general concerns for the overall proposed operation.

### 3.5 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 provision and is it appropriate to consider their removal?

*h-226: Purpose: The removal of the “h-226” shall not occur until such time as the Owner has entered into an agreement with the City of London to ensure that, if determined necessary through the completion of a geotechnical subsurface analysis, appropriate municipal roadway upgrades are completed to accommodate truck traffic from the proposed asphalt and concrete batching plant(s) to the satisfaction of the City Engineer.*

A Geotechnical Investigation and Road Assessment Report was prepared by LDS on September 4, 2019 to support the removal of the holding provision. The report concluded with recommending operational measures to manage load restriction periods, rather than upgrades to adjacent roads. The applicant has advised that trucks associated with the batching plant will generally follow the same traffic patterns as the gravel haulers. The batching plant is anticipated to result in fewer than 12,000 annual loads, which combined with existing gravel sales of approximately 15,900 annual loads, is under the 36,000 annual loads permitted by the Ministry of Natural Resources and Forestry (MNRF) license. Raw materials required to produce the concrete will be available on-site and it is anticipated that a portion of the annual sand and gravel sales will be diverted to the on-site batching plant, which will ultimately result in fewer aggregate trucks leaving the site.

On January 10, 2020, the City Engineer accepted the study along with mitigation measures for the use of municipal roadways which ensures that there are no roadway upgrades needed to accommodate the additional truck traffic. Loaded trucks will be required to traverse internal roads and exit the site from the south access along Scotland Drive which is the only full-load road in the vicinity during half-load season. Such measures will be captured and implemented through conditions of the provincial site plan approval process:

*During the period when municipal half load restrictions are in place, all loaded truck traffic will utilize the entrance onto Scotland Road and will travel East. All other vehicular access other than Scotland Drive will be temporarily modified to prevent traffic that does not meet the road axle weight restrictions during half load season. An internal road will be provided at all times the batch plant is operational to accommodate all vehicular traffic including delivery vehicles. Signs shall also be posted at the White Oaks/Westminster entrances reminding all traffic of the load restrictions. Trucks may utilize the entrance onto White Oak Road when half load restrictions are not in place.*

The provincial site plan approval process will be reviewed, implemented and enforced by the Ministry of Natural Resources and Forestry (MNRF), which has jurisdiction for aggregates and associated operations. In addition to the access, movement and impact of vehicles on the municipal roadways, all other site plan matters will be addressed by the MNRF including such aspects as: permit approvals from the Conservation Authority and Ministry of Transportation, screening, buffering and landscaping, building siting, lighting, and noise mitigation. The responsibilities associated with the enforcement and compliance of the provincial site plan, as well as the collection of, and response to, any complaints that may arise will be those of the MNRF. The City will be providing a submission to the MNRF on matters that are requested to be addressed through the provincial site plan approval.

## 5.0 Conclusion

The Applicant has undertaken the required analysis for the removal of the holding provision. Road upgrades and an associated agreement are not required. The mitigative approach will result in an asphalt and concrete batching plant that has demonstrated no negative impacts on the road structure and surrounding road network. It is appropriate to remove the holding provision to allow the zoning to come into full force and effect.

<b>Prepared by:</b>	<b>Sonia Wise, 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	

January 13, 2020

cc: Heather McNeely, Manager, Development Services (Site Plans)  
cc: Matt Feldberg, Manager, Development Services (Subdivisions)  
cc: Michael Pease, Manager, Development Planning  
cc: Lou Pompilii, Manager, Development Planning

/sw

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**Appendix A**

Bill No. (number to be inserted by Clerk's Office)  
2020

By-law No. Z.-1-20\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to remove the holding provision from the zoning for lands located at 3900 Scotland Drive, 3777 Westminster Drive, and 5110 White Oak Road.

WHEREAS Orange Rock Developments has applied to remove the holding provision from the zoning for the lands located at 3900 Scotland Drive, 3777 Westminster Drive, and 5110 White Oak Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision 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 3900 Scotland Drive, 3777 Westminster Drive, and 5110 White Oak Road, as shown on the attached map, to remove the holding provisions so that the zoning of the lands as a Resource Extraction (EX1) Zone comes into effect.
2. This by-law shall come into force and effect on the day it is passed.

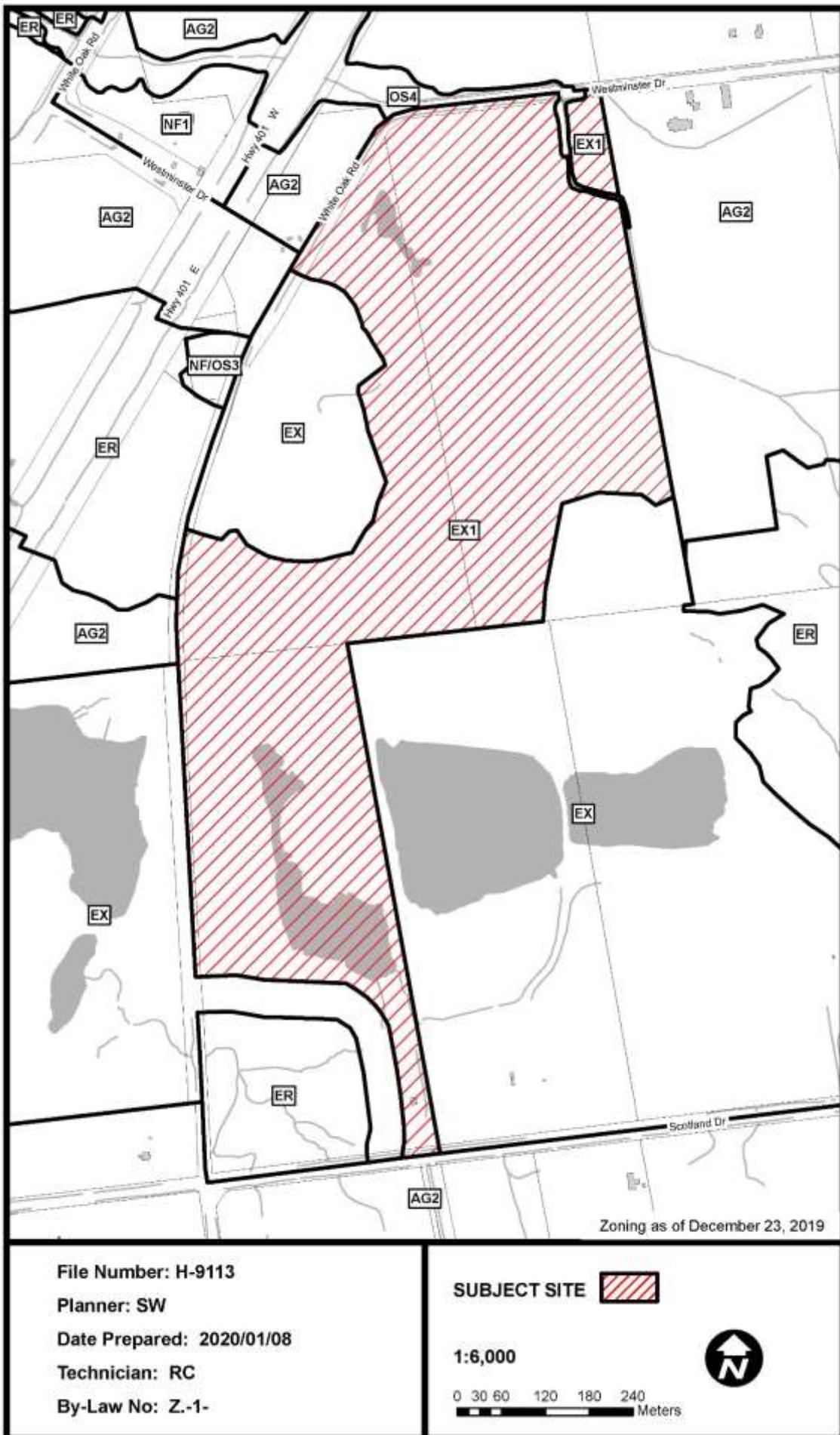
PASSED in Open Council on January 28, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – January 28, 2020  
Second Reading – January 28, 2020  
Third Reading – January 28, 2020

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 and Compliance Services  
and Chief Building Official

**Subject:** Exemption from Part-Lot Control  
Application By: Rockwood Homes  
Address: 2675 Asima Drive and 3316 Strawberry Walk

**Meeting on:** January 20, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Rockwood Homes to exempt Blocks 52 and 54, Plan 33M-699 from Part-Lot Control:

- (a) Pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the attached proposed by-law **BE INTRODUCED** at a future Council meeting, to Blocks 52 and 54, Plan 33M-699 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*, **IT BEING NOTED** that these lands are subject to a registered subdivision agreement and are zoned Residential R4 Special Provision (R4-5(2)) which permits street townhouse dwellings;
- (b) The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Blocks 52 and 54, Plan 33M-699 as noted in clause (a) above:
  - i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
  - ii. The applicant submit a draft reference plan to Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
  - iii. The applicant submits to Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
  - iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
  - v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
  - vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;
  - vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;

- viii. The applicant shall obtain confirmation from Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
- ix. The applicant shall obtain approval from Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
- x. The applicant shall submit to Development Services confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Chief Building Official for lots being developed in any future reference plan;
- xii. The applicant shall provide a draft transfer of the easements to be registered on title; and
- xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

## Executive Summary

### Summary of Request

This report is for review and endorsement by Municipal Council to exempt Blocks 52 and 54, Plan 33M-699 from the Part-Lot Control provisions of the *Planning Act*.

### Purpose and Effect of Recommended Action

Exemption from Part-Lot Control will facilitate the creation of seven (7) street townhouse units, with access provided via Asima Drive, and seven (7) street townhouse units, with access provided via Strawberry Walk.

### Rationale for Recommended Action

The standard conditions for passing the Part-Lot Control By-law are attached and are to be reviewed and endorsed by Municipal Council prior to the final by-law.

## Analysis

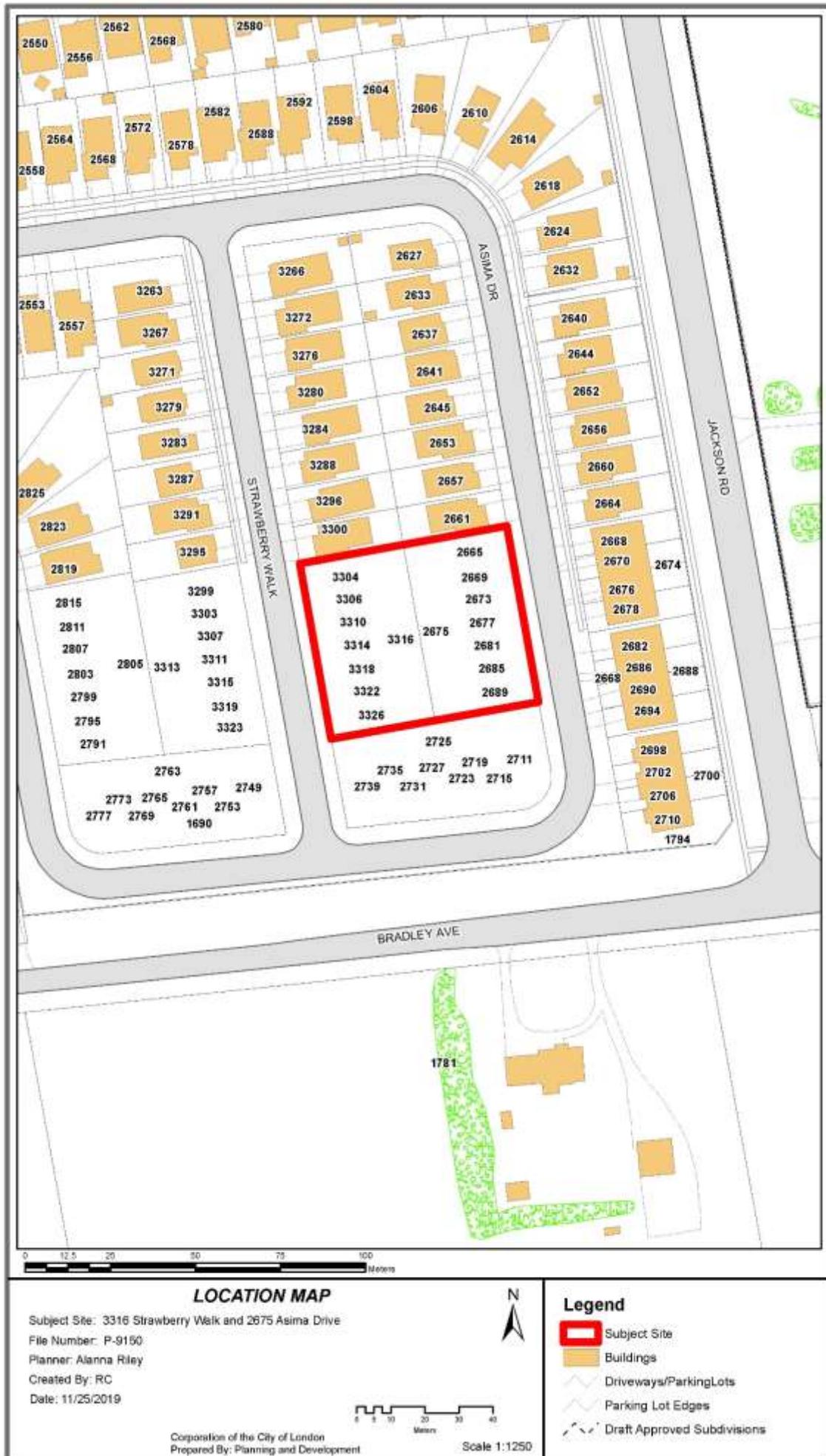
### 1.0 Property Description

The subject site is located off of Asima Drive and Strawberry Walk, which is generally located northwest of Bradley Ave and Jackson Road in the Summerside Community. The site has a mix of low and medium density residential located to the east and west, low density residential to the north, and medium density residential to the south. The site has proximity to Meadowgate Park, and Ecole Secondaire Gabriel-Dumont – First French Language Secondary School.

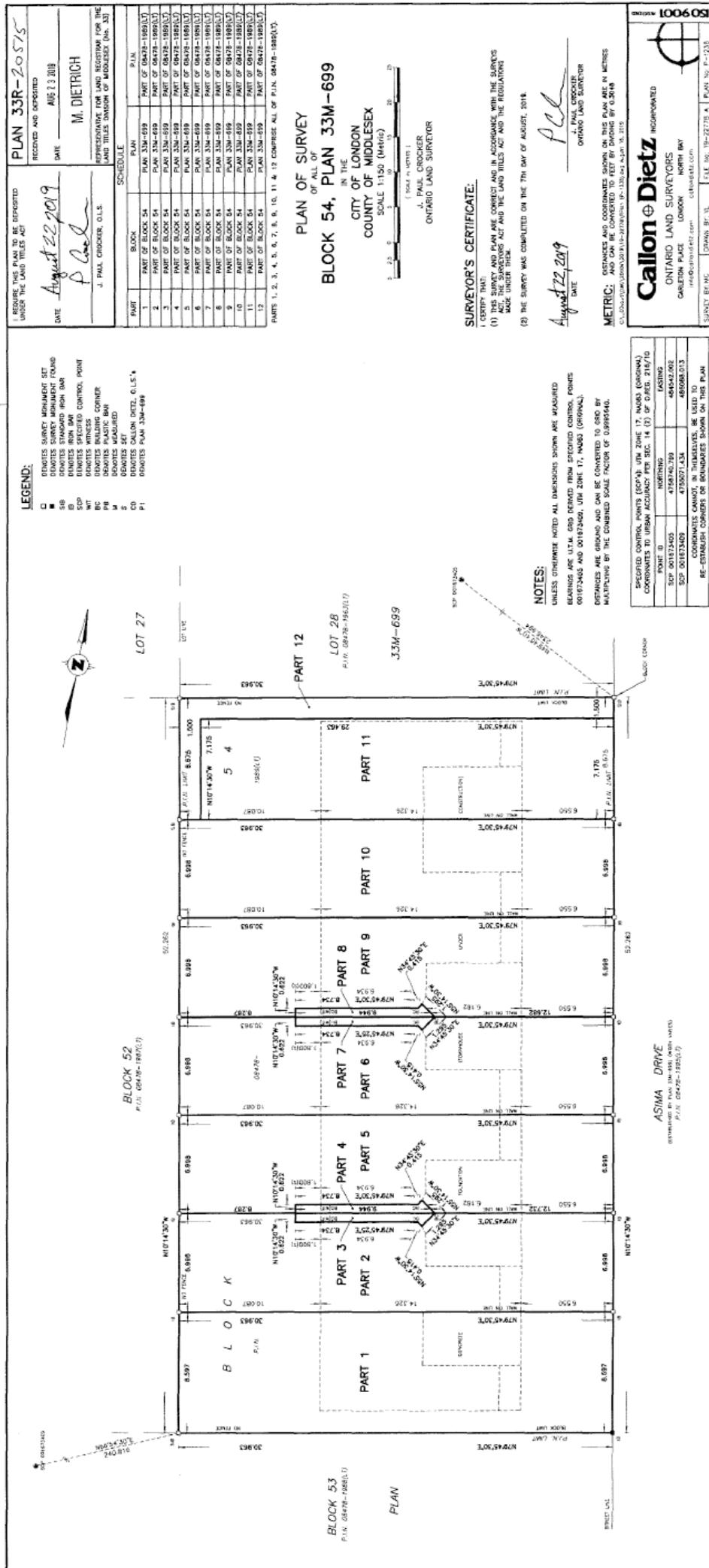
#### 1.1 Current Planning Information

- The London Plan Place Type – Neighbourhoods Place Type
- (1989) Official Plan Designation – Multi-Family, Medium Density Residential
- Existing Zoning – Residential R4 Special Provision (R4-5(2))

1.2 Location Map



1.3 Draft Reference Plans











### 1.6 Site Characteristics

- Current Land Use – vacant
- Frontage – N/A
- Area – Asima Drive 1.6 hectares/Strawberry Walk 1.6 hectares
- Shape – rectangular

### 1.7 Surrounding Land Uses

- North – residential
- East – residential
- South – residential
- West – residential

## 2.0 Description of Proposal

### 2.1 Development Proposal

The Applicant, Rockwood Homes, has requested exemption from part-lot control to create a total of fourteen (14) street townhouse units. The plan of subdivision was registered on July 14, 2016 as 48 single detached dwelling lots and nine (9) multi-family medium density residential blocks, all served by three (3) new local streets (Turner Crescent, Strawberry Walk and Asima Drive). The dwellings will consist of street townhouse units, one or two storeys in height with access off of Asima Drive and Strawberry Walk.

## 3.0 Relevant Background

### 3.1 Planning History

The subject lands were originally included in a 1992 subdivision application submitted by Jackson Land Corp. for lands bounded by Commissioners Road East, Jackson Road, Bradley Avenue, and Highbury Ave South (also referred to as Summerside Subdivision). The Ministry of Municipal Affairs granted draft approval in September of 1993.

In October of 2003, Jackson Land Corp requested revisions to 14.2 ha (35 acres) of lands within the draft approved Summerside subdivision, specifically the lands bounded by Evans Boulevard, Jackson Road, Bradley Avenue and Meadowgate Boulevard. The changes from the 1993 draft plan were of such significance that a new draft plan application was required (File No. 39T-03513). Municipal Council adopted the Official Plan and Zoning By-law Amendments in May of 2004 and at the same time recommended the City of London Approval Authority grant draft plan of subdivision approval to a revised plan subject to conditions.

On October 21, 2005, the City of London Approval Authority granted final approval to the first phase of draft plan 39T-03513. This phase contained 114 single detached dwelling blocks served by the extension of Meadowgate Boulevard and two new local streets being Turner Crescent and Asima Drive. This phase, commonly referred to as Phase 12A, was registered on October 27, 2005 as Plan 33M-533.

In September of 2007, Jackson Land Corp. submitted a new plan consisting of 96 single detached lots and 21 multi-family blocks containing approximately 115 street townhouse dwellings all served by 3 local streets, including portions that would be developed as “window streets” (file 39T-07508).

In 2012, the London Consent Authority granted a consent to Jackson Land Corp. (file B.019/12) to sever the lands within this draft plan from the remaining Summerside Subdivision to create two new parcels (divided east and west of the future southerly extension of Turner Crescent).

The draft plan of subdivision 39T-07508 was approved by the Approval Authority as one (1) phase, consisting of 48 single family detached lots, and nine (9) multi-family medium density blocks, was registered on July 4, 2016 as plan 33M-699.

### 3.2 Community Engagement

There is no legislated Community Engagement component to an Exemption from Part-Lot Control. A notice of the request for exemption from part-lot control and a list of standard draft conditions was circulated to internal departments (such as Engineering and the Building Division) and London Hydro. Development Engineering confirmed that the draft standard conditions are applicable and only one additional condition was required for servicing.

### 3.3 Policy Context

In Ontario, the subdivision of land is governed by the *Planning Act*. Under this legislation, lot creation is permitted through the approval of a plan of subdivision, the granting of a Consent (commonly described as a “severance”) or, for lots within a registered plan of subdivision, through a by-law exemption from part-lot control. Section 50(28) of the *Planning Act*, R.S.O. 1990, c.P13, includes provisions to ensure that part of a lot or block within a registered plan of subdivision cannot be transferred without the approval of the municipality. The part-lot control provisions of the *Planning Act* allows a municipality to pass by-laws to remove part-lot control from all or any part of a registered plan of subdivision. Such a by-law has the effect of allowing the conveyance of a portion of a lot or block. Exemption from part-lot control is appropriate when a number of land transactions are involved and the resulting changes will not affect the nature or character of the subdivision.

Exemption from part-lot control is used to create street townhouse units. Part-Lot Control may be exempted to allow a property owner to legally divide a block within their registered plan of subdivision.

## 4.0 Key Issues and Considerations

Council has adopted a policy to guide consideration of requests for exemption to Part-Lot Control, as follows:

- a) *appropriately zoned lots and blocks of registered plans of subdivision may be exempted from part-lot control for the purpose of establishing individual properties for conveyance or other purposes where municipal services or agreements for extension of services are in place;*

The subject lands are zoned Residential R4 (R4-5(2)) which permits street townhouse units. The applicant will be required to submit a draft reference plan to Development Services for review and approval to ensure the proposed lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the Land Registry Office.

- b) *exemption from part-lot control is used to implement the intended lotting of a portion of a registered plan where the complete division of land was not practical at the time of subdivision approval and registration;*

The subject block was registered and intended to be developed for street townhouse units at the time of the subdivision approval. The division of individual lots at the time of the subdivision was not practical, and is appropriate through part-lot control and successfully attaining site plan approval.

- c) *the nature and character of the subdivision are not to be changed by part-lot control exemption from that which was established by the subdivision plan and zoning by-law;*

This request is consistent with the intended use of the block as established through the plan of subdivision and zoning. The development of the site units is consistent with the development in the area.

- d) the removal of part-lot control is appropriate when a series of land divisions is necessary to allow sale of the constructed buildings and associated part-lots;*

The exemption of part lot control creates fourteen (14) street townhouse units requiring separate and individual land divisions to create the interests in land.

- e) references will be made to the land severance guidelines, guidelines for private streets, and other pertinent policies when considering the appropriateness of exemption; and*

The subject lands are within the Neighbourhoods Place Type in The London Plan and designated Multi-Family, Medium Density Residential in the (1989) Official Plan, which permits street townhouse dwellings. The proposal will facilitate the development of the parcel in accordance with the form of development established at the time of subdivision approval. The proposed lots will not result in any traffic problems and will have access to municipal services and utilities. Access will be provided off of Asima Drive and Strawberry Walk.

- f) the registration costs of by-laws passed at the request of the developer or subdivider, to exempt lands from part-lot control, will be borne by the applicant.*

The applicant is responsible for all costs associated with the Exemption to Part-Lot Control.

The applicant has applied for and received site plan approval (SPA18-062) to construct fourteen (14) street townhouse units on two local streets which are registered on title as a Development Agreement. Securities have also been taken through the site plan process.

The applicant has requested exemption from Part-Lot Control as an alternative to submitting an application through the Consent Authority. The applicant requested exemption from the Part-Lot Control provisions of the *Planning Act* to facilitate the creation of fourteen(14) street townhouse units. The proposed plan has been reviewed with regards to the City's Policy on Exemption from Part-Lot Control, the 1989 Official Plan, The London Plan and the applicable zoning, and has been determined to meet existing policies and the City's Zoning By-law.

#### **4.1 Conditions**

It is recommended that the following conditions be applied and that the By-law for Blocks 52 and 54, Plan 33M-699 be passed at a future meeting of Municipal Council only when the following conditions have been complied with:

- i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
- ii. The applicant submit a draft reference plan to Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
- iii. The applicant submits to Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;

- iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
- v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
- vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;
- vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
- viii. The applicant shall obtain confirmation from Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
- ix. The applicant shall obtain approval from Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
- x. The applicant shall submit to Development Services confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Chief Building Official for lots being developed in any future reference plan;
- xii. The applicant shall provide a draft transfer of the easements to be registered on title; and
- xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

## **5.0 Conclusion**

In accordance with the provisions of the *Planning Act*, Municipal Council may pass by-laws to exempt all, or parts of registered plans of subdivision from part-lot control. The applicant has requested exemption from the Part-Lot Control provisions of the *Planning Act* to facilitate the creation of fourteen (14) street townhouse units, with access off Asima Drive and Strawberry Walk, which is appropriate to allow for the sale of these units to future homeowners. The recommended exemption is considered appropriate and in keeping with the registered phases of the subdivision, subject to the completion of the proposed conditions.

<b>Prepared by:</b>	<b>Alanna Riley, MCIP, RPP</b> <b>Senior Planner, Development Services</b>
<b>Recommended by:</b>	<b>Paul Yeoman, RPP, PLE</b> <b>Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG</b> <b>Managing Director, Development and Compliance</b> <b>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.	

cc: Matt Feldberg, Manager, Development Services (Subdivisions)  
Lou Pompilii, Manager, Development Planning  
Ted Koza, Manager, Development Engineering

January 10, 2020

AR/ar

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2019\P-9150 - 2675 Asima Dr and 3316 Strawberry Walk (AR)\Draft 2675 Asima Drive and 3316 Strawberry Walk P-9150 AR.docx

**Appendix A**

Bill No. *Number inserted by Clerk's Office*  
2020

By-law No. C.P.- *Number inserted by Clerk's Office*

A by-law to exempt from Part-Lot Control, lands located at 2675 Asima Drive and 3316 Strawberry Walk, legally described as Blocks 52 and 54, Plan 33M-699.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Rockwood Homes, it is expedient to exempt lands located at 2675 Asima Drive and 3316 Strawberry Walk, legally described as Blocks 52 and 54, Plan 33M-699, from Part Lot Control;

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

1. Blocks 52 and 54, Plan 33M-699, located at 2675 Asima Drive and 3316 Strawberry Walk, are hereby exempted from Part-Lot Control, pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, for a period not to exceed three (3) years; it being noted that these lands are zoned to permit street townhouse units in conformity with the Residential R4 Special Provision (R4-5(2)) Zone of the City of London Zoning By-law No. Z-1.
2. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading –  
Second Reading –  
Third Reading –

## 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:** Application by: 731675 Ontario Ltd (York Developments)  
3080 Bostwick Road – Site 5

**Meeting on:** January 20, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following action be taken with respect to the application of 731675 Ontario Ltd (York Developments) relating to the property located at 3080 Bostwick Road – Site 5, the proposed by-law attached hereto as Appendix “A” **BE INTRODUCED** at the Municipal Council meeting on January 28, 2020 to amend Zoning By-law Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a Holding Residential R9/Convenience Commercial Special Provision/Restricted Office Special Provision Bonus (h\*h-213\*h-220\*h-221\*h-222\*R9-7/CC4(5)/RO2(32)\*B-57\*H40) Zone **TO** a Residential R9/Convenience Commercial Special Provision/Restricted Office Special Provision Bonus (R9-7/CC4(5)/RO2(32)\*B-57\*H40) Zone.

## Executive Summary

### Summary of Request

The applicant has requested the removal of the “h\*h-213\*h-220\*h-221\*h-222\*” holding provisions from 3080 Bostwick Road – Site 5, which were put in place to ensure: the orderly development of land; that sufficient sanitary servicing capacity is available; that Urban Design Guidelines be prepared and accepted; that the development form be consistent with the Design Guidelines; that development will not have a negative impact on the hydrology, hydrogeology and natural heritage system; and that a development agreement be entered into for the subject lands.

### Purpose and the Effect of Recommended Action

The purpose and effect is to remove the h\*h-213\*h-220\*h-221\*h-222 holding symbols to facilitate the development of a three (3) storey commercial building and a seventeen (17) storey residential apartment building.

### Rationale of Recommended Action

The requirements for removing the holding provisions have been met, and no further work is required. 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 site consists of 1.1 ha of vacant land, which also forms part of a larger parcel of land owned by the applicant (approximately 15 ha) with frontage on Southdale Road West and Bostwick Road. The portion of the site that is the subject of the Official Plan and Zoning By-law amendment is identified as “Site 5” which is located at the northeastern most part of the site, just east of the Bostwick Community Centre. The site

is vacant and located south of an existing medium density neighbourhood, situated on the north side of Southdale Road West.

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

- The London Plan Place Type – Neighbourhoods & High Density Residential Overlay
- (1989) Official Plan Designation – Multi-Family, High Density Residential (MFHDR)
- Southwest Area Plan Designation – Multi-Family, High Density Residential (MFHDR)
- Existing Zoning – Urban Reserve (UR4) Zone

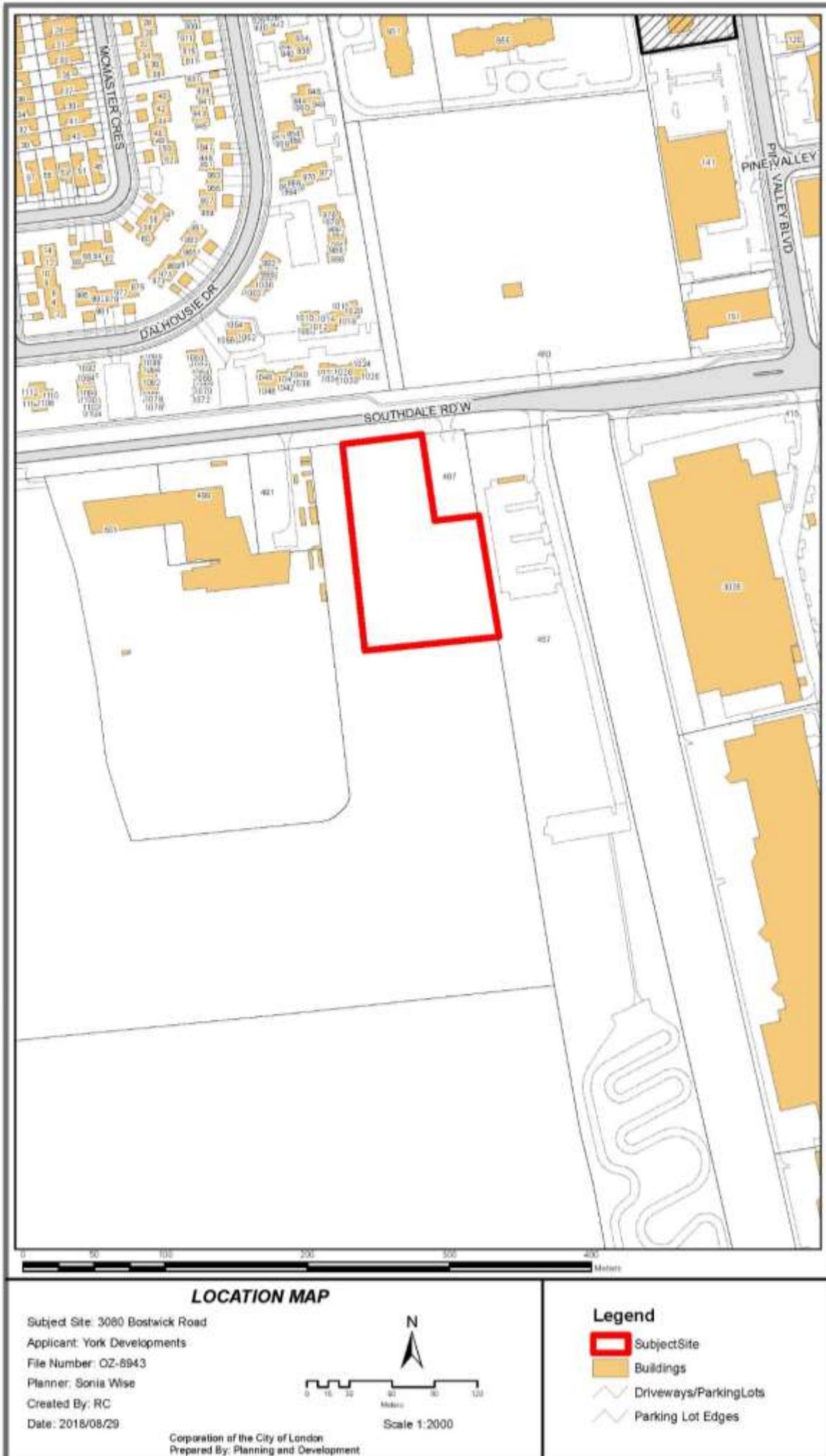
**1.3 Site Characteristics**

- Current Land Use – vacant
- Frontage – 57m (Southdale Road West)
- Depth – 146m
- Area – 1.1ha
- Shape – Irregular

**1.4 Surrounding Land Uses**

- North – Residential
- East – Vacant land
- South – Vacant land
- West – Community Centre

1.5 Location Map



## 2.0 Description of Proposal

### 2.1 Development Proposal

The approved development for Site 5 consists of a three (3) storey, stand-alone commercial and office building, and a seventeen (17) storey (68m) residential apartment building. The three (3) storey building is oriented to Southdale Road West and contains 2,000m<sup>2</sup> of office space and 1,000m<sup>2</sup> of convenience commercial gross floor area. A wide range of convenience commercial uses are permitted, including studios, food stores, restaurants, personal service establishments, clinics, financial institutions and pharmacies.

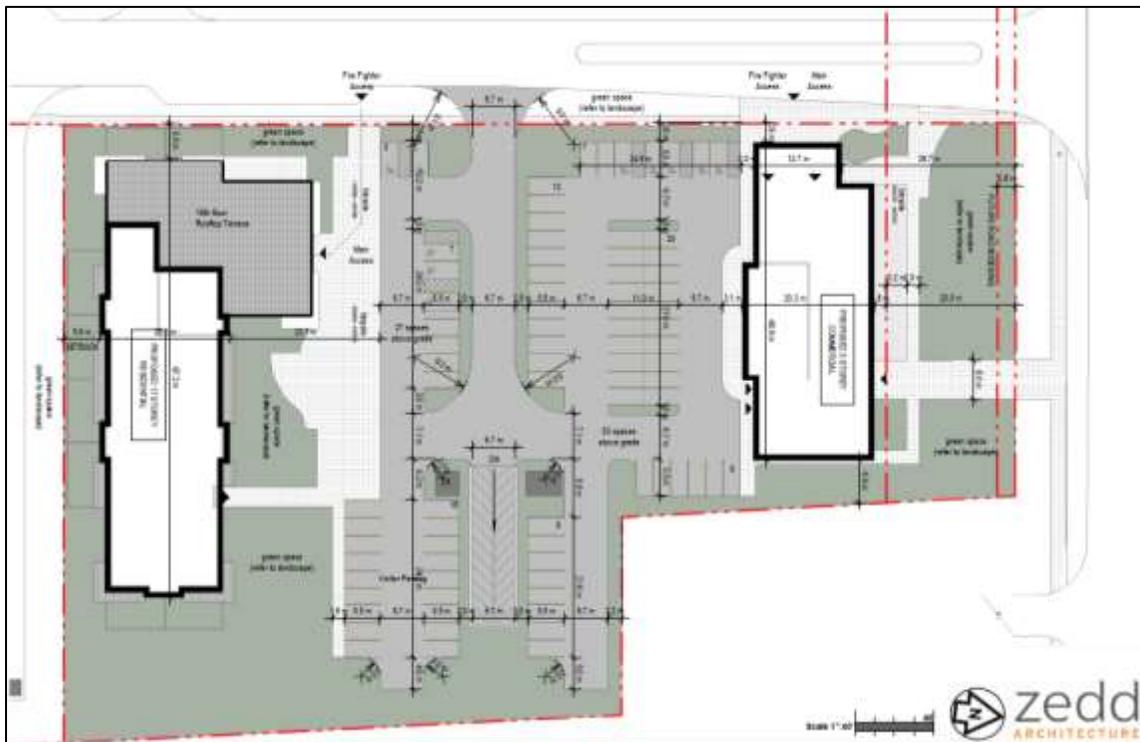


Figure 4: Conceptual Site Plan



Figure 5: Conceptual Rendering

## 3.0 Relevant Background

### 3.1 Planning History

The site is within the Southwest Area Secondary Plan area which came into full force and effect in April of 2014. Through the review of the SWAP, the Multi-Family, High Density Residential designation was approved by Council in October of 2012. In 2014, a portion of the lands at 3080 Bostwick Road were severed and re-zoned (Z-8386) to facilitate development of the Bostwick Community Centre.

### 3.2 Previous Reports and Applications Relevant to this Application

On October 9, 2018 the proposed development was first considered by the Planning and Environment Committee and a Public Participation Meeting was held. An overview of the proposed development was provided as well as a summary of the public and stakeholder comments received. On November 12, 2018, the Planning and Environment Committee held a second Public Participation Meeting and approved the proposed amendment for the subject site, with four holding provisions.

### 3.3 Requested Amendment

The applicant is requesting the removal of the “h”, “h-213”, “h-220” and “h-222” holding provisions from the site to allow for the development of the apartment building and office building.

### 3.4 Community Engagement

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

### 3.5 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

*Purpose: To ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development. Permitted Interim Uses: Model homes are permitted in accordance with Section 4.5(2) of the By-law.*

On January 9, 2020, a signed Development Agreement and security was provided to the City.

#### h-213

*Purpose: To ensure the orderly development of the lands the “h-213” symbol shall not be deleted until a sanitary servicing capacity report has been prepared and confirmation that a municipal sanitary sewer outlet is available to service the site to the satisfaction of the City Engineer.*

On June 10, 2019, Wastewater and Drainage Engineering confirmed there is adequate sanitary capacity for Site 5 and the holding provision can be removed.

#### h-220

*Purpose: To ensure that the built form is guided by a consistent design approach, Urban Design Guidelines shall be prepared for the High Density Residential designated lands*

*within the Bostwick Neighbourhood, and adopted under Section 19.2.2 (Guideline Documents) of the Official Plan; with the input of the Urban Design Peer Review Panel and to the satisfaction of the City of London, to establish an overall design vision based on holistic and comprehensive consideration of all development sites within the master plan lands.*

*Permitted Interim Uses: Existing uses*

Urban Design Guidelines for 3080 Bostwick Road were prepared and adopted by Council on July 30, 2019.

#### h-221

*Purpose: To ensure that new development is designed and approved consistent with the Urban Design Guidelines prepared for the High Density Residential designated lands within the Bostwick Neighbourhood, the site plan, building elevations, and landscape plan will be assessed for compliance with the approved Urban Design Guidelines during the site plan approval review process; and a development agreement entered into to the satisfaction of the City of London prior to the removal of the h-(221) symbol.*

*Permitted Interim Uses: Existing uses*

Urban Design Guidelines for 3080 Bostwick Road were prepared and adopted by Council on July 30, 2019. A Development Agreement has been entered into that implements the guidelines in the site plan and building elevations.

#### h-222

*Purpose: To ensure that development will not have a negative impact on the hydrology and hydrogeology or on the natural heritage system including the abutting wetland and woodland features, an Environmental Impact Study, a Water Balance Study and a Hydrogeological Study and a Stormwater Management Study shall be prepared and accepted to the satisfaction of the UTRCA and the City of London, prior to removal of the "h-(222)" symbol.*

*Permitted Interim Uses: Existing uses*

On May 14, 2019 the Upper Thames River Conservation Authority (UTRCA) evaluated the impacts of the development proposed for Site 5 and is prepared to clear the h-222 holding provision for Site 5. A section 28 permit is also not required for Site 5, and accordingly, the UTRCA has no objections to this application to remove the holding provision. The City confirmed on May 17, 2019 the necessary SWM servicing and drainage requirements and control to service this site will be implemented at the time of Site Plan approval and Development Agreement.

## 5.0 Conclusion

The Applicant has undertaken sufficient works to remove the holding provisions. The resulting development has adequate sanitary capacity, no negative impact on the hydrology and hydrogeology of the natural area, and implemented the urban design guidelines through site plan approval and an executed development agreement. It is appropriate to remove the holding provisions to allow the zoning to come into force.

<b>Prepared by:</b>	<b>Sonia Wise, MCIP, RPP Planner II, 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	

January 13, 2020

/sw

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

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H-9046 SW.docx

**Appendix A**

Bill No. (number to be inserted by Clerk's Office)  
2020

By-law No. Z.-1-20\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
remove the holding provisions from the  
zoning for lands located at 3080  
Bostwick Road – Site 5.

WHEREAS 731675 Ontario Ltd (York Developments) has applied to  
remove the holding provisions from the zoning for the lands located at 3080 Bostwick  
Road – Site 5, 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 3080 Bostwick Road – Site 5, as shown on the attached  
map, to remove the holding provisions so that the zoning of the lands as a Residential  
R9/Convenience Commercial Special Provision/Restricted Office Special Provision  
Bonus (R9-7/CC4(5)/RO2(32)\*B-57\*H40) 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 January 28, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – January 28, 2020  
Second Reading – January 28, 2020  
Third Reading – January 28, 2020

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





London  
CANADA

## Development and Compliance Services Building Division

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

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

**Date:** December 17, 2019

**RE:** **Monthly Report for November 2019**

Attached are the Building Division's monthly report for November 2019 and copies of the Summary of the Inspectors' Workload reports.

### **Permit Issuance**

By the end of November, 4,283 permits had been issued with a construction value of \$1.28 billion, representing 2,225 new dwelling units. Compared to last year, this represents a 2.1% decrease in the number of permits, a 39% increase in the construction value and a 1.9% decrease in the number of dwelling units.

To the end of November, the number of single and semi-detached dwellings issued were 648, which was a 1% increase over last year.

At the end of November, there were 656 applications in process, representing approximately \$508 million in construction value and an additional 922 dwelling units, compared with 633 applications having a construction value of \$540 million and an additional 1,364 dwelling units for the same period last year.

The rate of incoming applications for the month of November averaged out to 12.9 applications a day for a total of 271 in 21 working days. There were 59 permit applications to build 59 new single detached dwellings, 13 townhouse applications to build 59 units, of which 3 were cluster single dwelling units.

There were 352 permits issued in November totalling \$85.9 million including 114 new dwelling units.

### **Inspections**

#### **BUILDING**

*Building Inspectors* received 2,439 inspection requests and conducted 3,564 building related inspections. An additional 9 inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 12 inspectors, an average of 301 inspections were conducted this month per inspector.

Based on the 2,439 requested inspections for the month, 98% were achieved within the provincially mandated 48 hour time allowance.

#### **CODE COMPLIANCE**

*Building Inspectors* received 589 inspection requests and conducted 880 building related inspections. An additional 147 inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 5 inspectors, an average of 178 inspections were conducted this month per inspector.

Based on the 589 requested inspections for the month, 97% were achieved within the provincially mandated 48 hour time allowance.

## **PLUMBING**

*Plumbing Inspectors* received 932 inspection requests and conducted 1,185 plumbing related inspections. An additional 3 inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 6 inspectors, an average of 237 inspections were conducted this month per inspector.

Based on the 932 requested inspections for the month, 99% were achieved within the provincially mandated 48 hour time allowance.

### **NOTE:**

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

AD:cm  
Attach.

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

# CITY OF LONDON

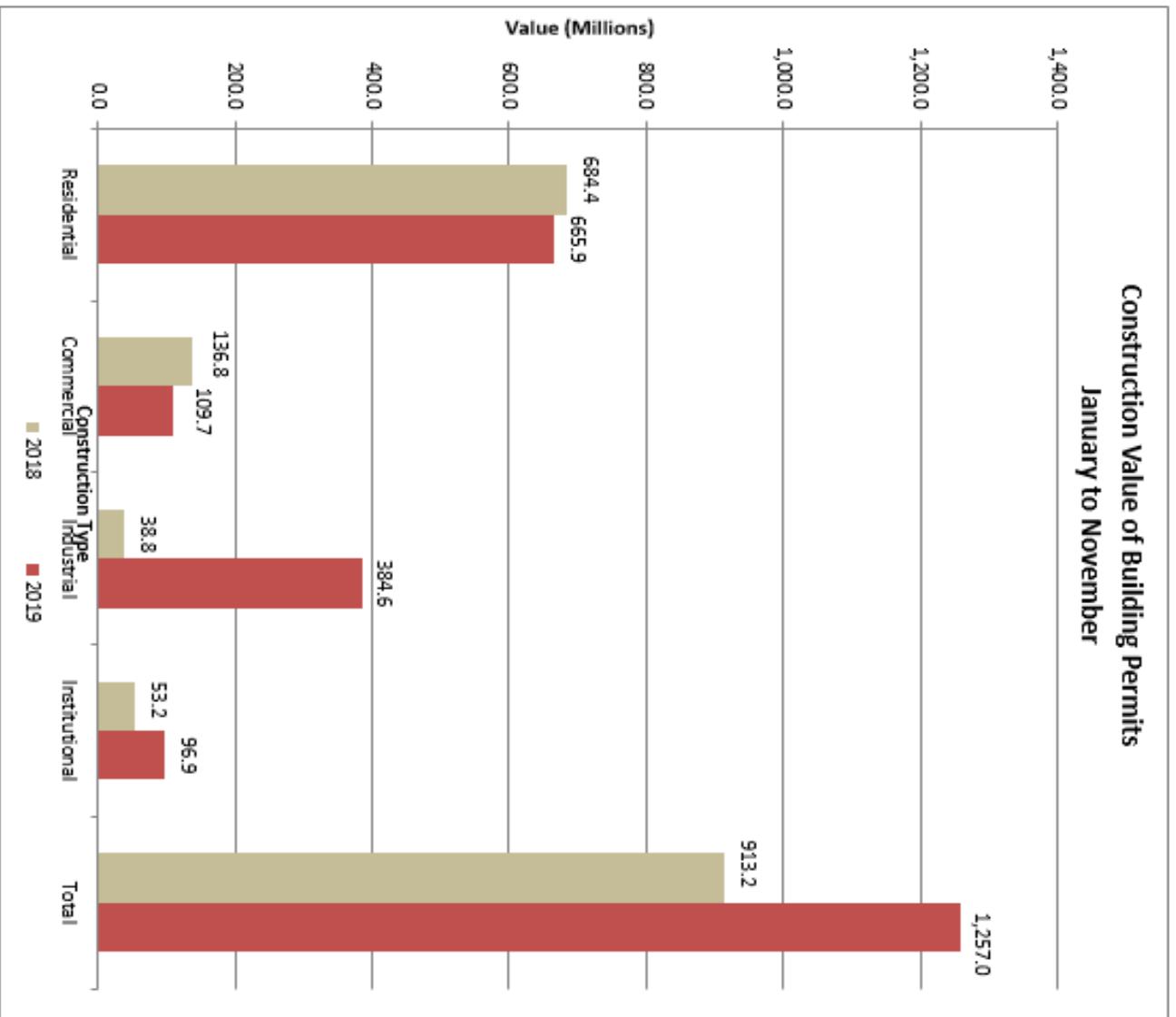
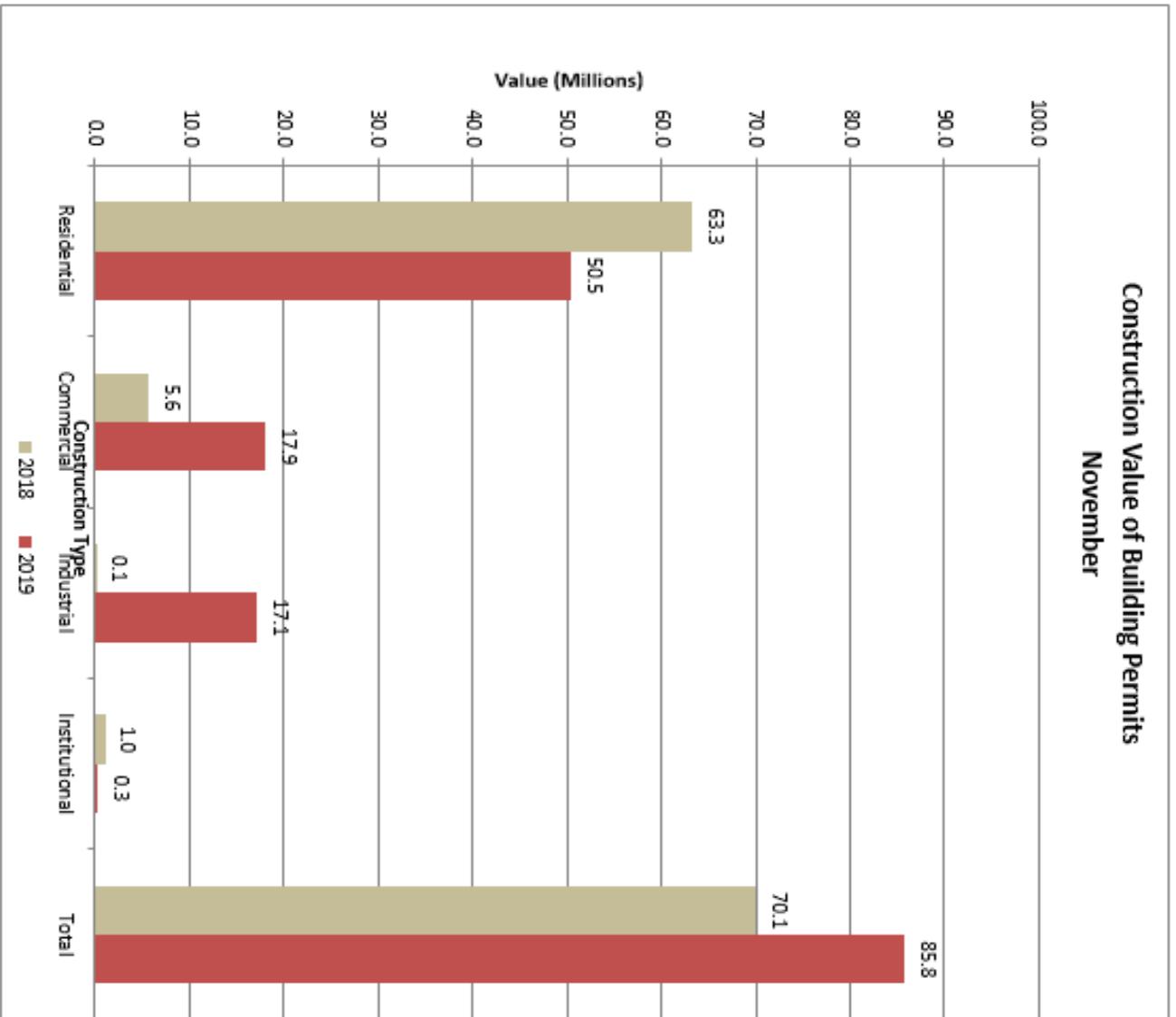
## SUMMARY LISTING OF BUILDING CONSTRUCTION ACTIVITY FOR THE MONTH OF November 2019

CLASSIFICATION	November 2019			to the end of November 2019			November 2018			to the end of November 2018		
	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS
SINGLE FAMILY DWELLINGS	78	37,522,330	78	642	276,099,986	642	44	20,763,680	44	641	271,347,705	641
SEMI DETACHED DWELLINGS	0	0	0	3	884,400	6	0	0	0	0	0	0
TOWNHOUSES	11	8,289,400	32	157	142,482,530	638	11	7,410,654	35	198	151,482,923	622
DUPLEX, TRIPLEX, QUAD,APT BLDG	0	0	0	18	192,486,852	875	1	32,000,000	182	10	203,356,520	922
RES-ALTER & ADDITIONS	137	4,709,125	4	1,722	53,913,822	62	137	3,168,040	10	1,736	58,189,299	84
COMMERCIAL - ERECT	4	10,624,300	0	19	31,606,380	0	2	1,817,100	1	33	60,801,403	1
COMMERCIAL ADDITION	1	290,000	0	16	9,844,000	0	0	0	0	13	10,780,718	0
COMMERCIAL - OTHER	42	7,035,400	0	481	68,205,603	2	21	3,773,700	0	426	65,247,039	0
INDUSTRIAL - ERECT	2	1,624,000	0	14	320,390,000	0	0	0	0	3	9,450,000	0
INDUSTRIAL - ADDITION	3	2,742,000	0	13	44,445,100	0	0	0	0	7	7,330,000	0
INDUSTRIAL - OTHER	11	12,709,700	0	75	19,800,020	0	8	85,750	0	63	22,002,054	0
INSTITUTIONAL - ERECT	0	0	0	2	27,456,800	0	0	0	0	0	0	0
INSTITUTIONAL - ADDITION	0	0	0	9	39,233,800	0	0	0	0	5	14,049,600	0
INSTITUTIONAL - OTHER	6	290,000	0	173	30,180,960	0	16	1,041,000	0	224	39,174,942	0
AGRICULTURAL	0	0	0	6	15,700,000	0	0	0	0	3	210,000	0
SWIMMING POOL FENCES	3	83,000	0	208	4,485,267	0	4	53,000	0	220	4,972,972	0
ADMINISTRATIVE	3	18,000	0	140	367,000	0	7	3,000	0	180	456,850	0
DEMOLITION	12	0	4	90	0	52	9	0	7	82	0	42
SIGNS/CANOPY - CITY PROPERTY	2	0	0	30	0	0	0	0	0	14	0	0
SIGNS/CANOPY - PRIVATE PROPERTY	37	0	0	465	0	0	111	0	0	518	0	0
<b>TOTALS</b>	<b>352</b>	<b>85,937,255</b>	<b>114</b>	<b>4,283</b>	<b>1,277,582,520</b>	<b>2,225</b>	<b>371</b>	<b>70,115,924</b>	<b>272</b>	<b>4,376</b>	<b>918,852,024</b>	<b>2,270</b>

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

2) Mobile Signs are no longer reported.

3) Construction Values have been rounded up.



## City of London - Building Division

### Principal Permits Issued from November 1, 2019 to November 30, 2019

Owner	Project Location	Proposed Work	No. of Units	Construction Value
1803299 ONTARIO INC. 1803299 ONTARIO INC.	1040 Wilton Grove Rd	Alter Warehousing INSTALL DUST COLLECTOR ON EXTERIOR OF BUILDING	0	180,000
2472602 ONTARIO INC	1095 Wilton Grove Rd	Alter Plant for Manufacturing ID- INTERIOR ALTER FOR PRODUCTION FACILITY SHELL ONLY – ENGINEERING STAIRS, LANDINGS, GUARDS AND WALL PANELS WITH THE ATTACHMENT DETAILS DRAWINGS REQUIRED PRIOR TO WORK IN THESE AREAS	0	12,000,000
1803299 ONTARIO INC. 1803299 ONTARIO INC.	1108 Dundas St	Alter Offices CM - ALTER TO CREATE 8 NEW OFFICE SUITES IN EXISTING 3 STOREY OFFICE BUILDING. W/ STRUCT, MECH, FPO FRR/FPO	0	800,000
Hyde Park Investments Inc	1140 Southdale Rd W	Alter Financial Institution ALTER INTERIOR UNIT 1 FOR BANK	0	150,000
The Board of of Western Ontario The Board of Governors The University of Western Ontario	1151 Richmond St	Alter University IS - 3M CENTRE - RENOVATIONS TO SUITES 2225, 2230 & 2235	0	186,000
2670040 ONTARIO INC. (PORSCHE OF LONDON)	1265 Wharcliffe Rd S	Erect-Automobile Sales & Service ERECT PORSCHE DEALERSHIP Foundation permit only	0	5,500,000
2670040 ONTARIO INC. (PORSCHE OF LONDON)	1265 Wharcliffe Rd S	Erect-Automobile Sales & Service ERECT PORSCHE DEALERSHIP Foundation permit only	0	5,500,000
CALLOWAY REIT (LONDON N) INC., CANADIAN PROPERTY HOLDINGS	1280 Fanshawe Park Rd W	Alter Retail Store CM - ALTER INTERIOR TO INSTALL THEFT DETERRENT GATES IN ENTRANCE/EXIT.	0	125,000
1803299 ONTARIO INC. 1803299 ONTARIO INC.	1285 Hubrey Rd			113,500
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1577 Ed Ervasti Lane	Erect-Townhouse - Cluster SDD ERECT NEW TOWNHOUSE CLUSTER SDD, 1 STOREY, 2 CAR GARAGE, 2 BEDROOM, UNFINISHED BASEMENT, DECK INCLUDED, A/C INCLUDED, HOT R-2000 (A5), PLAN 33M-721 (33R-20077 PART 3)	1	402,000
LONDON & MIDDLESEX COMMUNITY HOUSING INC. LONDON & MIDDLESEX COMMUNITY HOUSING INC.	170 Kent St	Alter Apartment Building ALTER FOR EIFS WORK AND SOLAR WALL INSTALLATION	0	250,000
IRONSTONE COMPANY INC. IRONSTONE BUILDING COMPANY INC.	177 Edgevalley Rd H	Erect-Townhouse - Condo ERECT 6 UNIT CONDO BLOCK H. UNIT #2,4,6,205,207, 209	6	1,394,400
IRONSTONE COMPANY INC. IRONSTONE BUILDING COMPANY INC.	177 Edgevalley Rd I	Erect-Townhouse - Condo ERECT 6 UNIT CONDO BLOCK I. UNITS #8, 10, 12, 199, 201, 203	6	1,394,400
IRONSTONE COMPANY INC. IRONSTONE BUILDING COMPANY INC.	177 Edgevalley Rd K	Erect-Townhouse - Condo ERECT 6 UNIT CONDO BLOCK K. #1, 3, 5,22,24,26	6	1,394,400

### City of London - Building Division

#### Principal Permits Issued from November 1, 2019 to November 30, 2019

Owner	Project Location	Proposed Work	No. of Units	Construction Value
2584857 Ontario Inc.	1820 Canvas Way 26	Erect-Townhouse - Cluster SDD ERCT NEW TOWNHOUSE CLUSTER SDD, 2 STOREY, 2 CAR GARAGE, 3 BEDROOMS, UNFINISHED BASEMENT, NO DECK, A/C INCLUDED. SB-12 A1.	1	330,000
2584857 Ontario Inc.	1820 Canvas Way 30	Erect-Townhouse - Cluster SDD ERCT NEW TOWNHOUSE CLUSTER SDD, 2 STOREY, 2 CAR GARAGE, 3 BEDROOMS, UNFINISHED BASEMENT, NO DECK, A/C INCLUDED. SB-12 A1.	1	330,000
Patrick Hazzard 2584857 Ontario Inc	1820 Canvas Way 76	Erect-Townhouse - Cluster SDD ERCT NEW RT-SDD 2 STOREY, 2 CAR GARAGE, 3 BEDROOMS, UNFINISHED BASEMENT, NO DECK, A/C INCLUDED, SB-12 A-1, PLAN No. 33M-643 BLK 104, UNIT 12,	1	302,000
Patrick Hazzard 2584857 Ontario Inc	1820 Canvas Way 82	Erect-Street Townhouse - Condo ERCT NEW RT-SDD 2 STOREY, 2 CAR GARAGE, 3 BEDROOMS, UNFINISHED BASEMENT, NO DECK, A/C INCLUDED, SB-12 A-1, PLAN No. 33M-643 BLK 104 DPN 82	1	301,380
862590 Ontario Limited	1835 Oxford St E	Erect-Retail store and warehouse CM - ERCT 1 STOREY RETAIL AND WAREHOUSE BUILDING	0	1,149,300
2467913 ONTARIO INC. 2467913 ONTARIO INC.	2021 Oxford St E	Add Warehouse ADDING TO EXISTING BUILDING	0	1,700,000
LONDON CITY	2A Grosvenor St	Erect-Non-Residential Accessory Building COMM - ERCT FIELD HOUSE IN GIBBONS PARK FOUNDATION PERMIT FOR CAST-IN-PLACE FOOTINGS ONLY	0	475,000
SOUTHSIDE CONSTRUCTION LTD. SOUTHSIDE CONSTRUCTION LTD.	3030 Colonel Talbot Rd	Alter Financial Institution INTERIOR ALTER OF TD BANK	0	200,000
2290874 Ontario Inc	3260 Singleton Ave			828,000
TKFV HOLDINGS INC. TKFV HOLDINGS INC.	353 Clarence St	Alter Clubs, Non Residential CM - ALTER - CHANGE OF USE TO GYM, WITH MECH "CROSSFIT FITNESS CLUB"	0	125,500
2628448 Ontario Inc	3536 Singleton Ave	Erect-Townhouse - Cluster SDD ERCT NEW BUILD, 2 STOREY, 2 CAR GARAGE, 4 BEDROOMS, UNFINISHED BASEMENT, A/C INCLUDED, NO DECK, SB12-A1. SOILS REPORT REQUIRED.	1	401,700
2628448 Ontario Inc	3544 Singleton Ave	Erect-Townhouse - Cluster SDD ERCT NEW TOWNHOUSE CLUSTER SDD, 2 STORES, 2 CAR GARAGE, 4 BEDROOMS, UNFINISHED BASEMENT, NO DECK, A/C INCLUDED. SB12-A1, COND842. HRV & DWHR REQUIRED.	1	388,520
A L M Buildings Limited	359 Tartan Dr	Add Plant for Manufacturing ONE STOREY ADDITION FOOTING, FOUNDATIONS AND SITE SERVICING ONLY	0	1,032,000

### City of London - Building Division

#### Principal Permits Issued from November 1, 2019 to November 30, 2019

Owner	Project Location	Proposed Work	No. of Units	Construction Value
SKYLINE RETAIL REAL ESTATE HOLDINGS INC. SKYLINE RETAIL REAL ESTATE HOLDINGS INC.	387 Wellington Rd	Alter Restaurant INTERIOR FIT-UP FOR PICKLE BARREL BATHROOMS NO STRUCTURAL WORK. SEPARATE BUILDING PERMIT FOR PATIO REQUIRE.	0	2,300,000
Alma Hurst Holdings Limited C/O Gerald Asa	4380 Wellington Rd S	Alter Retail Store CM - ALTERATION OF FRONT AND SIDE ELEVATION AND INSTALLATION OF INSIDE VESTIBULE GENERAL WORK FOR THE FUTURE TENANT	0	633,000
SOUTHWEST ONTARIO ABORIGINAL HEALTH ACCESS CENTRE	449 Hill St	Erect-Daycare Centres CM - ERECT DAYCARE CENTRE AND INDIGENOUS FAMILY CENTRE. Foundation permit with site services.	0	3,500,000
PACTIV CANADA INC Pactiv Canada Inc	492 Sovereign Crt	Alter Plant for Manufacturing RENOVATION TO MAIN FLOOR LUNCH ROOM AND CHANGE ROOMS	0	185,000
1403341 Ontario Inc	499 McGregor Ave	Alter Automobile Repair Garage COMM - ALTER INTERIOR FOR VEHICLE DETAILING SHOP INCLUDING HVAC, PLUMBING, WASHROOMS, FLOOR DRAINS.	0	150,000
LONDON & MIDDLESEX COMMUNITY HOUSING INC. LONDON & MIDDLESEX COMMUNITY HOUSING INC.	580 Dundas St	Alter Apartment Building ALTER TO REPLACE ROOFTOP MAKEUP AIR UNIT	0	181,200
2440339 ONTARIO LIMITED 2440339 ONTARIO LIMITED	581 Richmond St	Add Restaurant CM - ADD - FOR ONE LEVEL REAR RESTAURANT ADDITION Shell Permit Only -Provide sealed Misc. Metals for the stairs and guards at the building east and west side, roof patio decking shop drawings to the Building Division for review prior to work in these areas. Provide commercial hood fire suppression shop drawing with GRCC.	0	290,000
552062 ONTARIO LIMITED PROBART MOTORS LIMITED 552062 ONTARIO LIMITED, PROBART MOTORS LIMITED	675 Wharmcliffe Rd S			700,000
Rogers Cable Communications C/O Real Estate Dept Rogers Cable Communications C/O Real Estate Dept	800 York St	Alter Offices INTERIOR ALTER OF OFFICE BUILDING. FRR FPO	0	250,000
YANNI YASSER APPLEWOOD DEVELOPMENTS (LONDON) INC	819 Kleinburg Dr F	Erect-Townhouse - Condo TH - ERECT 7 UNIT TOWNHOUSE BLOCK F	7	1,650,600



**City of London - Building Division  
Principal Permits Issued from November 1, 2019 to November 30, 2019**

Owner	Project Location	Proposed Work	No. of Units	Construction Value
ST JOSEPH'S LONDON ST JOSEPH'S HEALTH CARE LONDON	825 Commissioners Rd E	Erect-Power Plants ID- ERECT EMERGENCY POWER SWITCHGEAR BUILDING Foundation Permit Only –Provide sealed shop drawings for pre-engineered building, guards, stairs, access ladder, landings to the Building Division for review prior to work in these areas	0	1,579,000

Total Permits 38      Units 32      Value 43,071,900

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

**Commercial building permits issued - subject to Development Charges under By-law C.P. -1535-144**

OWNER
London City
BUTRYN HOLDINGS INC. BUTRYN HOLDINGS INC.
LONDON CITY
2670040 ONTARIO INC. (PORSCHHE OF LONDON)

*Commercial Permits regardless of construction value*

# London Advisory Committee on Heritage

## Report

The 2nd Meeting of the London Advisory Committee on Heritage  
January 8, 2020  
Committee Rooms #1 and #2

Attendance PRESENT: D. Dudek (Chair), S. Bergman, M. Bloxam, J. Dent, L. Fischer, S. Gibson, T. Jenkins, S. Jory, J. Manness, E. Rath, M. Rice, K. Waud and M. Whalley and J. Bunn (Committee Clerk)

ALSO PRESENT: L. Dent, K. Gonyou, M. Greguol, L. Jones, C. Lowery, M. Stone and S. Wise

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 5.3 of the 2nd Report of the London Advisory Committee on Heritage, having to do with a Notice of Planning Application - Zoning By-law Amendment for the properties located at 725-735 Dundas Street, 389-393 Hewitt Street, a portion of 700 King Street and other properties, by indicating that her employer is involved in this matter.

L. Jones discloses a pecuniary interest in Item 5.3 of the 2nd Report of the London Advisory Committee on Heritage, having to do with a Notice of Planning Application - Zoning By-law Amendment for the properties located at 725-735 Dundas Street, 389-393 Hewitt Street, a portion of 700 King Street and other properties, by indicating that her employer is involved in this matter.

### 2. Scheduled Items

#### 2.1 Accessibility for Ontarians with Disabilities Act Training

That it BE NOTED that the attached presentation from M. Stone, Accessibility Specialist, with respect to Accessibility for Ontarians with Disabilities Act training, was received.

#### 2.2 Demolition Request for Heritage Listed Property at 247 Halls Mill Road by J. McLeod

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 demolition request for the accessory building on the heritage listed property at 247 Halls Mill Road:

- 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 at 247 Halls Mill Road to be of cultural heritage value or interest for the reasons outlined in the revised attached Appendix E of the staff report dated January 8, 2020; and,
- b) should no appeals be received to Municipal Council's notice of intention to designate, a by-law to designate the property at 247 Halls Mill Road to be of cultural heritage value or interest for the reasons outlined in

the above-noted Appendix E, 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 M. Greguol, Heritage Planner, with respect to this matter, was received.

### **3. Consent**

#### **3.1 1st Report of the London Advisory Committee on Heritage**

That it BE NOTED that the 1st Report of the London Advisory Committee on Heritage, from its meeting held on December 11, 2019, was received.

#### **3.2 Letter of Resignation**

That it BE NOTED that the communication from J. Monk, as appended to the agenda, with respect to his resignation from the London Advisory Committee on Heritage, was received.

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

None.

### **5. Items for Discussion**

#### **5.1 Proposed Amendments to the Ontario Heritage Act**

That it BE NOTED that the communication from B. Wells, as appended to the agenda, with respect to proposed amendments to the Ontario Heritage Act, was received.

#### **5.2 Notice of Planning Application - Official Plan and Zoning By-law Amendments - 435-451 Ridout Street North**

That a Working Group BE CREATED to review the Notice of Planning Application, dated December 18, 2019, from C. Lowery, Planner II, with respect to Official Plan and Zoning By-law Amendments related to the properties located at 435-451 Ridout Street North and the Heritage Impact Assessment, dated November 2019, from AECOM, with respect to the properties located at 435-451 Ridout Street North, and report back to the London Advisory Committee on Heritage at a future meeting.

#### **5.3 Notice of Planning Application - Zoning By-law Amendment - 725-735 Dundas Street, 389-393 Hewitt Street, a Portion of 700 King Street and Other Properties**

That S. Wise, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage is satisfied with the research, assessment and conclusion of the Heritage Impact Assessment (HIA) for the properties located at 719-737 Dundas Street, dated September 20, 2019, from Stantec, as it relates to the Notice of Planning Application, dated December 11, 2019, from S. Wise, Senior Planner, with respect to a Zoning By-law Amendment related to the properties located at 725-735 Dundas Street, 389-393 Hewitt Street, a portion of 700 King Street and

other properties; it being noted that the above-noted Notice of Planning Application and HIA were received.

5.4 LACH 2020 Work Plan

That the revised attached 2020 Work Plan for the London Advisory Committee on Heritage BE FORWARDED to the Municipal Council for consideration.

5.5 Heritage Planners' Report

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

**6. Adjournment**

The meeting adjourned at 7:04 PM.

# Accessibility for Ontarians with Disabilities (AODA) Customer Service Training

Melanie Stone  
Accessibility Specialist, HR & Corporate Services

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## AODA

- **Goal:** To help make Ontario accessible for all



Photo Caption: This photo is of a woman in a Canadian Sledge Hockey Team jersey, seated in an ice sledge, holding 2 sledge hockey sticks. She is facing the camera with a serious expression on her face. She is holding the sledge hockey sticks with large hockey gloves.

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## AODA Components

- The AODA (Accessibility for Ontarians with Disabilities Act) and Integrated Accessibility Standards Regulation (IASR)
- Customer Service
- Information & Communication Standard
- Design of Public Spaces
- Transportation
- Employment

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## Thinking about disability

**The AODA uses the Ontario Human Rights definition of disability,** which includes physical disabilities as well as vision, hearing, speech, developmental, learning and mental health disabilities.

**One in 7, to 1 in 5 Ontarians has a disability.**

- **Who are people with disabilities?**
- Disabilities can be visible or non-visible. We can't always tell who has a disability. A disability can be temporary or permanent, and many of us will experience a disability at some point in our lives.
- The Accessibility for Ontarians with Disabilities Act, 2005 uses the same definition of disability as the Ontario Human Rights Code

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## Who is a customer?

- The standards must be followed by:
- the Ontario Government and Legislative Assembly
- all designated public sector organizations, which include municipalities, universities, colleges, hospitals, school boards and public transportation organizations
- private businesses and not-for-profit organizations that have one or more employees in Ontario
- **Who is a customer?**
- A customer can be anyone who is accessing your organization's goods, services or facilities. They may include paying and non-paying members of the public, and individuals your organization might call customers, such as clients, members, patrons or patients.
- Customers can also be other businesses or organizations (also referred to as third parties).

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## Ontario Human Rights Definition of Disability

- Defining disability is a complex, evolving matter. The term "disability" covers a broad range and degree of conditions.
- A disability may have been present at birth, caused by an accident, or developed over time.
- Section 10 of the Code defines "disability" as: (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,

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## Ableism

- (b) a condition of mental impairment or a developmental disability,
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- (d) a mental disorder, or
- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997. "Disability" should be interpreted in broad terms.

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- Discrimination in favour of able bodied people.
- Understanding that the world is built for particular bodies, and workplaces, policies, public spaces, buildings and their contents are often designed in favour of able-bodied people or people without disabilities
- The Supreme Court of Canada — the highest court — has also recognized that there is a social component to disability. It has called this social component "social handicapping." What this means is that society's response to persons with disabilities is often the cause of the "handicap" that persons with disabilities experience.

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## Who is required to take this training?

- The following people must be trained on serving customers with disabilities:
- all employees and **volunteers** (paid and unpaid, full-time, part-time and contract positions)
- **anyone involved in developing your organization's policies (including managers, senior leaders, directors, board members and owners)**
- anyone who provides goods, services or facilities to customers on your organization's behalf (such as external contact centres or facilities management companies)
- Training must be completed as soon as possible after an employee or volunteer joins your organization.
- Training must also be provided when there are any changes to your organization's accessible customer service policies.

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## Customer Service Standard

- Our job is to ensure better accessible structures, programs and services so that we aren't the barrier that prevents people from participation
- The AODA requires commitment to providing quality goods, services and facilities that are accessible to all persons we serve
- We will continue to work with the community and allocate appropriate resources towards the elimination of accessibility barriers in customer service

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## Common Mistakes

- Common mistakes
  - Leaning down inappropriately to talk to someone
  - Speaking loudly and slowly without being asked to
  - Being patronizing (good for you! You're outside doing things!)
  - Having different expectations/making decisions on someone's behalf
  - Speaking to a support person/partner only
  - Assuming someone is a support person and not a partner/family member/spouse
  - Offering unsolicited advice
  - Sharing personal stories of disability
  - Assessing someone's disability and worthiness for an accommodation (bathrooms & parking spots are common)
  - Describing people as their mobility aid "We need to move this wheelchair."
  - Moving a mobility aid without direction or permission
  - Assuming you know what someone with a disability wants/needs

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## Visible and invisible

- There are visible and invisible disabilities. There are temporary and permanent disabilities and there are episodic disabilities.
- Many people have disabilities that involve all three or different intersecting disabilities such as mental health and physical disability.
- For this reason, ask how you can help. Needs change and what works one day may not work the next.

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## Individuals with vision loss

- Vision loss can restrict someone's ability to read documents or signs, locate landmarks or see hazards. Some people may use a guide dog, a white cane, or a support person such as a sighted guide, while others may not.
- **Tips:**
- When you know someone has vision loss, don't assume the person can't see you. Not everyone with vision loss is blind. Many have some or fluctuating vision.
- Identify yourself and speak directly to your customer if they are with a companion.
- Ask if they would like you to read any printed information out loud to them, such as a policy or a bill or schedule of fees. Not everyone can read braille so ask how you can be of assistance.
- When providing directions or instructions, be precise and descriptive (for example, "two steps in front of you" or "a metre to your left"). Don't say "over there" or point in the direction indicated.
- Offer your elbow to guide them if needed. If they accept, lead – don't pull.
- Identify landmarks or other details to orient the person to the surroundings. For example, if you're approaching stairs or an obstacle, say so.
- If you need to leave the customer, let them know by telling them you'll be back or saying goodbye.
- Don't leave your customer in the middle of a room – guide them to a comfortable location.

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## People who are deaf/Deaf or hard of hearing

- People who have hearing loss may identify in different ways. They may identify as deaf/Deaf, oral deaf, deafened, or hard of hearing. These terms are used to describe different levels of hearing or the way a person's hearing was diminished or lost.
- A person with hearing loss might use a hearing aid, an amplification device or hearing ear dog. They may have preferred ways to communicate, for example, through sign language, by lip reading or using a pen and paper.
- Once a customer has self-identified as having hearing loss, make sure you face the customer when talking and that you are in a well-lit area so the person can see you clearly.
- As needed, attract the person's attention before speaking. Try a gentle touch on the shoulder or wave of your hand.
- Maintain eye contact. Use body language, gestures and facial expression to help you communicate.
- If the person uses a hearing aid, reduce background noise or if possible, move to a quieter area.
- Don't assume that the customer knows sign language or reads lips.
- If necessary, ask if another method of communicating would be easier (for example, using a pen and paper).
- When using a sign language interpreter, look and speak directly to the customer, not the sign language interpreter. For example, say "What would you like?" not "Ask her what she'd like."

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## Speech

- Cerebral palsy, stroke, hearing loss or other medical conditions or disabilities may make it difficult for a person to pronounce words or express themselves. Some people who have severe difficulties may use a communication board or other assistive devices.
- **Tips:**
- Don't assume that a person who has difficulty speaking doesn't understand you.
- Speak directly to the customer and not to their companion or support person.
- Whenever possible, ask questions that can be answered "yes" or "no."
- If the person uses a communication device, take a moment to read visible instructions for communicating with them.
- Be patient. Don't interrupt or finish your customer's sentences.
- Confirm what the person has said by summarizing or repeating what you've understood and allow the person to respond – don't pretend if you're not sure.
- If necessary, provide other ways for the customer to contact you, such as email.

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## Learning Disabilities

- The term "learning disabilities" refers to a range of disabilities. One example of a learning disability is dyslexia, which affects how a person takes in or retains information. This disability may become apparent when the person has difficulty reading material or understanding the information you are providing.
- People with learning disabilities just learn in a different way.
- **Tips:**
- Be patient and allow extra time if needed. People with some learning disabilities may take a little longer to process information or to understand and respond.
- Try to provide information in a way that works for your customer. For example, some people with learning disabilities find written words difficult to understand, while others may have problems with numbers and math.
- Be willing to rephrase or explain something again in another way, if needed.

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## Mental Health



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- Did you know that one in five Canadians will experience a mental health disability at some point in their lives?
- Mental health disability is a broad term for many disorders that can range in severity. A person with a mental health disability may experience depression or acute mood swings, anxiety due to phobias or panic disorder, or hallucinations. It may affect a person's ability to think clearly, concentrate or remember things.
- You may not know someone has this disability unless you are told. Stigma and lack of understanding are major barriers for people with mental health disabilities.



### Tips:

- If you sense or know that a customer has a mental health disability, treat people with the same respect and consideration you have for everyone else.
- Be confident, calm and reassuring. Ask the customer for what they need.
- Listen carefully, and work with the customer to meet their needs. For example, acknowledge that you have heard and understood what the person has said or asked.
- Respect your customer's personal space.
- Limit distractions that could affect your customer's ability to focus or concentrate. For example, loud noise, crowded areas and interruptions could cause stress.

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## Developmental or intellectual disability

- Developmental disabilities (such as Down syndrome) or intellectual disabilities can mildly or profoundly limit a person's ability to learn, communicate, do everyday physical activities or live independently. Supports, encouragement and inclusion

### Tips:

- Don't make assumptions about what a person can or cannot do.
- Don't exaggerate your speech or speak in a patronizing way.
- Use plain language.
- Provide one piece of information at a time.
- If you're not sure of what is being said to you, confirm by summarizing or repeating what was said, or politely ask them to repeat it – don't pretend if you're not sure.
- Ask the customer if they would like help reading your material or completing a form, and wait for them to accept the offer of assistance.
- Be patient and allow extra time if needed.

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## What creates disabling conditions?



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- Expectations of fast pace & quick travel
- Ignorance or dismissive attitudes
- Lack of appropriate support technology
- Lack of creativity/problem solving
- Structural inaccessibility (stairs, poor lighting, temperature fluctuations, flashing lights, lack of snow removal, etc...)
- Inequitable funding
- Fear of doing the "wrong" thing so doing nothing at all
- Fear in the workplace
- Distractions and loud noises
- Not providing enough information for someone to request assistance ahead of time.



## Accommodations

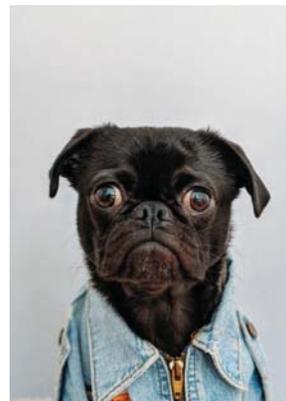
- Support persons for customers with disabilities are common and welcome at all city facilities
- Consent is required if confidential information is going to be discussed
- Support person is free to enter City facilities at no charge
- Speak directly to the customer, not the support person unless you are directed to do so



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## Service animals



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- Customers with disabilities are permitted to:
- Enter all public City facilities with service animals
- Go anywhere customers normally have access unless excluded by law
- Customer is responsible for the care and supervision of their service animal
- Avoid talking to, touching or making eye contact with the working animal
- Employees with disabilities are able to bring their service dogs into any area they are required to work with very few exceptions.

## Service Disruptions

- We are required by law to provide public facing information about all service disruptions.
- If a service/program or building is to be closed or cancelled you should post your service disruption information on your website and other areas easily accessible to patrons.



This photo is an image of a person holding a temporary closure sign. The person's hands are in the photo and their blue shirt is in the background.

[london.ca](http://london.ca)

## If you host an event or interact with members of the public be sure to plan to be as accessible as possible

- If it applies, inform your customer of the accessible features in the immediate area (such as automatic doors, accessible washrooms, elevators or ramps).
- Think ahead and remove any items that may cause a physical barrier, such as boxes left in an aisle.
- If the service counter at your place of business is too high for a person using a wheelchair to see over, step around it to provide service. Use a clipboard handy if filling in forms or providing a signature is required.
- Keep in mind that a person's physical disability may not be visible or obvious. For example, a person may have difficulty standing for long periods of time and may ask to sit while waiting to be served.

[london.ca](http://london.ca)



## Tips

- Ask before you help. People with disabilities often have their own ways of doing things.
- Don't touch or move a person's equipment (for example, wheelchair or walker) without their permission.
- If you have permission to move a person's wheelchair or mobility aid, don't leave them in an awkward, dangerous or difficult position, such as facing a wall or in the path of opening doors or elevators.
- If you need to have a lengthy conversation with someone who uses a wheelchair or scooter, consider sitting so you can make eye contact at the same level if appropriate or invited.

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## We have tools to help!

- Ubi Duo Machines
- T loop systems (portable and fixed)
- Magnifiers
- Felt tip pens and heavy lined paper
- Pen grips
- Signature guides
- Portable listening devices
- And more!

[london.ca](http://london.ca)

## Additional Assistance Available

Visit [www.london.ca/accessibility](http://www.london.ca/accessibility)

- You can also call me! 😊
- Melanie Stone, Accessibility Specialist  
ext. 2425 [mstone@london.ca](mailto:mstone@london.ca) or  
[accessibility@London.ca](mailto:accessibility@London.ca)

[london.ca](http://london.ca)

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

### Legal Description

Part of Lot 115, RCO 563, as in 755312 London

### Description of Property

The property at 247 Halls Mill Road is located on west side of Halls Mill Road, north of Commissioners Road West. The property includes a dwelling located to the southern portion of the property, and an accessory building located to the north of the property.

### Statement of Cultural Heritage Value

The property at 247 Halls Mill Road is of significant cultural heritage value or interest because of its physical/design value, its historical/associative value, and its contextual value.

The property at 247 Halls Mill Road includes a representative example of a Queen Anne Revival style, side hall plan cottage, with a buff brick exterior. The cottage is believed to have been constructed in the 1840s and evolved in the 1890s when a number of its decorative elements were added, making it a representative example of the Queen Anne Revival style applied to a side hall plan cottage in London.

The accessory building on the property is a unique and rare example of a timber frame accessory structure that has been used for various purposes of the course of its existence. Known locally as “the Red Barn”, the structure has been reportedly used as a barn, coach house, and warehouse for the Griffith Bros. woollen mills. The structure has been designed to include a series of stylistic embellishments that elevates the appearance of the structure beyond that of a typical barn. Its chestnut board-and-batten siding, projecting gable, window treatments, and central ventilator all contribute to its being a unique example of a timber frame accessory building.

The concentration of decorative wood detailing on the cottage’s gable and bargeboard elements as well as its decorative verandah posts contribute to the expression of its style as a Queen Anne Revival cottage. As a result, the property displays a high degree of craftsmanship.

The property is directly associated with William Griffith, one of the three Griffith brother who owned and operated the Griffith Bros. woollen mill in Byron between the 1860s and 1890s. The mill was located directly across the road from the property at 247 Halls Mill Road, on the property now known as Halls Mills Park. The cottage on the subject property was the home of William Griffith and the accessory building on the property was reportedly used as a coach house and warehouse for the woollen products produced at the Griffith Bros. mill.

The property at 247 Halls Mill Road has the potential to yield information related to the history of the Halls Mills area. As a property historically associated with the Griffith Bros., and 19<sup>th</sup> century milling in Byron, the property has potential to yield information that contributes to the understanding of the Halls Mills area.

The property at 247 Halls Mill Road is important in defining the character of the Halls Mills area. The Hall’s Mills area is characterized by a geographical context near the Thames River and its topography, along with the collection of early and mid-19<sup>th</sup> century buildings located along Halls Mills Road and Commissioners Road West.

As the property includes an 1840s dwelling and 19<sup>th</sup> century accessory building, the property is a part of the concentration of cultural heritage resources in the Halls Mill area that contribute to its character and have led to its identification as a potential heritage conservation district.

The property is historically linked to the property now known as Halls Mill Park, on the east side of Halls Mill Road. The Halls Mill Park property was the site of the Griffith

Bros. woollen mill which was operated by William Griffith, owner of 247 Halls Mill Road, in partnership with his brothers. As the milling site for their Byron operation, the properties are historically linked.

The property at 247 Halls Mill Road is considered to be a local landmark within the Halls Mills area. Specifically, “the Red Barn” is known locally recognized as a landmark in the area.

### **Heritage Attributes**

Heritage attributes which support and contribute to the cultural heritage value or interest of this property include:

- The siting of the dwelling a grade above road level, on the south side of the property, accessed from steps from the public road allowance;
- Form, scale, and massing of the one-and-a-half storey dwelling and details including;
  - Field stone foundation;
  - Buff brick exterior cladding, with voussoirs above the window and door openings on the facades and quoins on the north and south elevations;
  - Gables located on the north, east, and south facades;
  - Decorated north, east and south gables, and gable dormer on the north side of the house, including wood details:
    - Bargeboard with decorative linear and medallion elements, corbels, and dentils;
    - Scalloped wood shingle imbrication on gables and dormer;
    - “Alisée Pattée” cross motif along the frieze of the gables;
    - Circular feature including “Alisée Pattée” cross design and medallions;
    - Dentil course above the gable windows;
    - Wood corbels at the base of the gable
  - Decorated north and south porches including wood details:
    - Turned posts;
    - Decorative wood spandrels;
    - “Alisée Pattée” cross designs and medallion designs in the peak of the gable on the south porch;
  - Stained glass semi-circular windows on the north and east façades and the transom;
  - South paired wood door;
  - East panelled wood door with glazing;
  - North panelled wood door with glazing;
  - Hipped roof with cross gables;
  - Buff brick chimney on the south elevation of the dwelling;
- Form, scale, and massing of the timber frame accessory building and details including;
  - Red-painted, exterior chestnut board-and-batten cladding;
  - Buff brick and field stone foundation;
  - Gable roof form of the building;
  - Projecting front bay on the east elevation of the structure including gable roof peak above the round headed window, horizontal wood siding, and hipped roof above the main bay door;
  - Door openings, wood doors, and exterior door surrounds;
  - Wood windows including;
    - Six-over-six divided light windows on the east, west, and north sides of the structure;
    - Three-over-three divided light windows on the south side of the structure;
    - Divided light window panel in the gable of the north side of the structure;
    - Exterior window surrounds;
  - Central hipped-roof ventilator located on the ridge of the gable;
- Spatial relationships between the dwelling and the accessory building.



# Demolition Request for Accessory Building on Heritage Listed Property at 247 Halls Mill Road

London Advisory Committee on Heritage  
Wednesday January 8, 2020

london.ca



## 247 Halls Mill Road



## Dwelling



- Queen Anne Revival cottage
- 1 ½ storey
- Hipped roof with cross gables
- Buff brick side hall plan
- Porches located on the north and south elevations
- Various additions to the rear (west) façade



## Accessory Building



- 2 storey timber frame structure
- Mortise and tenon
- Chestnut board-and-batten cladding
- Round headed window
- Projecting gable
- Central ventilator



## From Site to City (1993)



"One of the most impressive coach houses left in London" (Tausky, 1993)







## Property History



- 1819 Crown Grant to Archibald McMillan (120 acres)
- 1827 – 5 acres to Anson Simmons and John Preffer (millers)
- Burleigh Hunt, Cyrenius Hall, Lawrence Lawrason
- John, William, and Eli Griffith
- Griffith Bros. Woollen Mills
- William Griffith, 1870s - 1926



## Request for Designation and Demolition Request

- 2008 – Accessory building was subject of demolition request
- 2009 – Chief Building Official revoked due to non-action
- September 2019 – Complaints from the community about demolition of the accessory building; Building Inspector advised owner that demolition permit would be required
- November 2019 – Request for designation under Part IV of the *Ontario Heritage Act*
- November 2019 – Complaints from the community that owner was continuing to demolish/removal materials from the accessory building
- November 28, 2019 – December 3, 2019 – Property owner consulted with Heritage Planner on required approval process for demolition (60-day review period)
- December 10, 2019 – Roof of the accessory building collapses
- December 13, 2019 – Demolition request submitted by property owner
- 60-day Review period – February 11, 2020



## O.Reg 9/06

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



## Physical or Design Value

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 247 Halls Mill Road includes a representative example of a Queen Anne Revival side hall plan cottage. The cottage is believed to have been constructed in the 1840s and was altered in the 1890s century when a number of its decorative elements were added, making it representative of Queen Anne Revival style architecture.  The accessory building on the property is a unique example of a timber frame accessory structure that has been used for various purposes over the course of its existence. Known locally as "the Red Barn", the structure has been reportedly used as a barn, coach house and warehouse for the Griffith Bros. woolen mills. The structure has been designed to include a series of stylistic embellishments that elevates the appearance of the structure beyond typical barn construction. Its siding, projecting gable, window treatments, and central ventilator all contribute to it being a unique example of a timber frame accessory building. The accessory building can be considered rare within its context in Halls Mills, as well as within London.	✓
	Displays a high degree of craftsmanship or artistic merit	The concentration of decorative wood detailing on the cottage's gable and bargeboard elements as well as its decorative verandah posts contribute to the expression of its style as a Queen Anne Revival cottage. As a result, the property displays a high degree of craftsmanship.	✓
	Demonstrates a high degree of technical or scientific achievement	The property was reportedly used for storage for the Griffith Bros. woolen mill, located across the road. Although the property is associated with early milling activities in the area, the dwelling and accessory building do not demonstrate a high degree of technical or scientific achievement.	✗



## Historical or Associative Value

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 directly associated with William Griffith, one of three Griffith brothers who owned and operated the Griffith Bros. mill. The Griffith Bros. woolen mill was located directly across the road from the property at 247 Halls Mill Road, on the property now known as Halls Mills Park. The Griffith Bros. mill operated between the 1860s and 1890s. The cottage on the property at 247 Halls Mill Road was the home of William Griffith and the accessory building functioned as a coach house and storage warehouse for the woolen products produced by the Griffith Brothers.	✓
	Yields, or has the potential to yield, information that contributes to an understanding of a community or culture	The property at 247 Halls Mill Road has the potential to yield information related to the history of the Halls Mills area. As a property historically associated with the Griffiths Bros. and 19 <sup>th</sup> century milling in Byron, the property has potential to yield information that contributes to the understanding of the history of industry, development and growth of the Halls Mills area and early Byron.	✓
	Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	The property at 247 Halls Mill Road is not known to demonstrate or reflect the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community.	✗



## Contextual Value

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 247 Halls Mill Road is important in defining the character of the Halls Mills area. The Halls Mills area is characterized by a geographical context near the Thames River and its topography, along with the collection of early and mid-19 <sup>th</sup> century buildings located along Halls Mills Road and Commissioners Road West.  As the property includes an 1840s dwelling and 19 <sup>th</sup> century accessory building, the property is a part of the concentration of cultural heritage resources in the Halls Mill area that contribute to its character and have led to its identification as a potential heritage conservation district.	✓
	Is physically, functionally, visually, or historically linked to its surroundings	The property is historically linked to the property now known as Halls Mill Park, on the east side of Halls Mill Road. The Halls Mill Park property was the site of the Griffith Bros. woolen mill which was operated by William Griffith, owner of 247 Halls Mill Road, in partnership with his brothers. As the milling site for their Byron operation, the properties are historically linked.	✓
	Is a landmark	The property at 247 Halls Mill Road is considered to be a local landmark within the Halls Mill area. Specifically, "the Red Barn" is known locally amongst community members as a landmark in the area.	✓



## Consultation

- Mailed notice to property owners within 120m
- *The Londoner*
- City website
- ACO – London Region, London & Middlesex Historical Society, and Urban League
- Public Participation Meeting – January 20, 2020



## Recommendation

- That, on the recommendation of the Managing Director, Planning & City Planning, with the advice of the Heritage Planner, with respect to the demolition request for the accessory building on the heritage listed property at 247 Halls Mill Road, that:
  - 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 at 247 Halls Mill Road to be of cultural heritage value or interest for the reasons outlined in Appendix E of this report.



**LONDON ADVISORY COMMITTEE ON HERITAGE  
2020 WORK PLAN  
(Jan 8, 2020)**

	<b>Project/Initiative</b>	<b>Background</b>	<b>Lead/ Responsible</b>	<b>Proposed Timeline</b>	<b>Proposed Budget (in excess of staff time)</b>	<b>Link to Strategic Plan</b>	<b>Status</b>
1.	<p>-Recurring items as required by the Ontario Heritage Act (consider and advise the PEC (Planning and Environment Committee) and Municipal Council on matters related to HAPs (Heritage Alteration Permits), HIS (Heritage Impact Statement) reviews, HCD (Heritage Conservation District) designations, individual heritage designations, (etc.);</p> <p>-Research and advise the PEC and Municipal Council regarding recommendations for additions to the Register (Inventory of Heritage Resources);</p> <p>-Prioritize and advise the PEC and Municipal Council on top recommendations for heritage designation (final number to be determined by available time – taken from the Register and elsewhere as appropriate);</p> <p>-Consider and advise the PEC on ad hoc recommendations from citizens in regard to individual and Heritage Conservation District designations and listings to the Register (refer to Stewardship for advice);</p> <p>-Perform all other functions as indicated in the LACH Terms of Reference.</p>	<ul style="list-style-type: none"> <li>Section 28 of the Ontario Heritage Act mandates that the City shall establish a municipal heritage committee. Further, Council shall consult with that committee in accordance with the Ontario Heritage Act;</li> <li>Please see the <u>London Advisory Committee on Heritage: Terms of Reference</u> for further details;</li> <li>The LACH supports the research and evaluation activities of the LACH Stewardship Subcommittee, Policy and Planning Subcommittee, Education Subcommittee, Archaeological Subcommittee, and all other LACH Subcommittees which may serve from time to time.</li> </ul>	LACH (main) and subcommittees	As required	None	Strengthening our Community; Building a Sustainable City; Growing our Economy	Ongoing
2.	Ontario Heritage Act enforcement.	<ul style="list-style-type: none"> <li>The LACH will assist in identifying properties that have not obtained necessary approvals, and refer these matters to civic administration. The LACH will assist in monitoring alterations to HCD and heritage designated properties and report deficiencies to civic administration.</li> </ul>	LACH (main)	Ongoing	None	Strengthening our Community; Building a Sustainable City	Ongoing

	<b>Project/Initiative</b>	<b>Background</b>	<b>Lead/ Responsible</b>	<b>Proposed Timeline</b>	<b>Proposed Budget (in excess of staff time)</b>	<b>Link to Strategic Plan</b>	<b>Status</b>
3.	Property insurance updates.	<ul style="list-style-type: none"> <li>The LACH will monitor, assist and advise on matters pertaining to the securing of property insurance for heritage designated properties in the City of London.</li> </ul>	Policy and Planning Sub-Committee	Ongoing.	None	Strengthening our Community; Building a Sustainable City	With Policy and Planning Sub-Committee
4.	New and ongoing heritage matters.	<ul style="list-style-type: none"> <li>Through its connections to various heritage groups, and the community at large, the LACH is aware of emerging and ongoing heritage matters in the City of London. The LACH will monitor and report to City staff and PEC on new and ongoing cultural heritage matters where appropriate. (ex. Bill 108, Ontario Cultural Strategy, Community Economic Roadmap, etc.).</li> </ul>	Planning and Policy Subcommittee; LACH (main)	As required	None	Strengthening our Community; Building a Sustainable City	As required
5.	The Mayor's New Year Honour List recommendation.	<ul style="list-style-type: none"> <li>For a number of years, members of the LACH have been asked to provide advice to Council on the heritage addition to the "Mayor's New Year Honour List". The LACH will continue to serve this function as requested to do so by Council.</li> </ul>	Ad hoc committee of the LACH	Q4 2020	None	Strengthening our Community	Annually
6.	Provide advice to the London Community Foundation on heritage grant distribution.	<ul style="list-style-type: none"> <li>For a number of years, members of the LACH have been asked to provide advice to the London Community Foundation on heritage grant distribution: "The London Endowment for Heritage". The LACH will continue to serve this function as requested to do so by the Foundation.</li> </ul>	Ad hoc committee of the LACH	Q2 2020	None	Strengthening our Community; Building a Sustainable City	Annually
7.	Conference attendance.	<ul style="list-style-type: none"> <li>For a number of years, members of the LACH have attended the Ontario Heritage Conference when available. This conference provides an opportunity for LACH members to meet with other heritage committee members and heritage planning professionals, and to learn about current and ongoing heritage matters in the Province of Ontario (and beyond). Up to four (4) members of the LACH will attend the Ontario Heritage Conference.</li> </ul>	LACH (main)	May 28-30, 2020	\$2000	Strengthening our Community	Annually

	<b>Project/Initiative</b>	<b>Background</b>	<b>Lead/ Responsible</b>	<b>Proposed Timeline</b>	<b>Proposed Budget (in excess of staff time)</b>	<b>Link to Strategic Plan</b>	<b>Status</b>
8.	Public awareness and education (& possible heritage fair/ day/ symposium).	<ul style="list-style-type: none"> <li>The LACH initiates, assists and/or advises on education and outreach programs to inform the citizens of London on heritage matters. This year, the LACH will also consider contributing to the organization of a city wide heritage fair/ day/ symposium (to provide information and outreach including – HAP process, professional advice on repairs and maintenance, current research on heritage matters, insurance advice, real estate matters, and a general exchange of ideas (etc.)). The LACH will coordinate with the efforts of the Historic Sites Committee of the London Public Library.</li> </ul>	Education subcommittee	Ongoing	None	Strengthening our Community	Annually
9.	Public awareness and education collaboration with the London Heritage Council.	<ul style="list-style-type: none"> <li>The LACH will be supported by the London Heritage Council in its role to promote public awareness of and education on the community’s cultural heritage resources. Collaborative initiatives may include LACH-related news updates in the LHC newsletter, LACH involvement in LHC programming and events (i.e. Heritage Fair), outreach support, and/or school-related programming as part of Citizen Culture: Culture-Infused LEARNING (LHC and London Arts Council).</li> </ul>	LACH (main) and Education subcommittee in collaboration with the London Heritage Council	Ongoing	None	Strengthening our Community	Annually
10.	LACH member education/ development.	<ul style="list-style-type: none"> <li>Where possible, the LACH will arrange an information session for LACH members to learn more about the Ontario Heritage Act, and the mandate and function of Heritage Advisory Committees. The LACH will also explore ongoing educational opportunities for LACH members (such as walking tours, meetings with heritage experts/ professionals, meetings with community leaders, etc.).</li> </ul>	LACH (main)	Ongoing	None	Strengthening our Community	Ongoing
11.	City of London Archives.	<ul style="list-style-type: none"> <li>The LACH will continue to discuss and advise on possible locations (and contents) for a City of London Archives.</li> </ul>	LACH (main)	Ongoing	None	Strengthening our Community	Ongoing

	<b>Project/Initiative</b>	<b>Background</b>	<b>Lead/ Responsible</b>	<b>Proposed Timeline</b>	<b>Proposed Budget (in excess of staff time)</b>	<b>Link to Strategic Plan</b>	<b>Status</b>
12.	LACH subcommittee member outreach.	<ul style="list-style-type: none"> <li>The LACH will continue to reach out to heritage and planning professionals/ experts to serve on LACH subcommittees (and advise the LACH on certain matters).</li> </ul>	LACH (main)	Ongoing	None	Strengthening our Community; Building a Sustainable City	Ongoing
13.	Heritage signage and plaque placement/funding.	<ul style="list-style-type: none"> <li>Through its connections to various heritage groups, and the community at large, the LACH is generally aware of potential locations for heritage signage and plaques. The LACH will consult with City Staff and heritage groups in regard to the occasional placement of heritage signage and/or plaques (and assist with funding where deemed appropriate by the committee). These efforts will be considered in the context of the City of London Heritage Interpretative Signage Policy.</li> </ul>	Education subcommittee	Ongoing	\$6000	Strengthening our Community	Ongoing
14.	Work Plan review.	<ul style="list-style-type: none"> <li>The LACH will review items on this Work Plan on an as-needed basis, and will thoroughly review this Work Plan at least once annually.</li> </ul>	LACH (main)	Annually	None	Strengthening our Community; Building a Sustainable City	Ongoing
15.	Transit Projects	<ul style="list-style-type: none"> <li>The LACH will participate in heritage related matters associated with Transit Projects, primarily the Wellington Gateway and East London Link, identifying where further work is or is not required for cultural heritage resources.</li> </ul>	LACH (main) and Stewardship subcommittee	Ongoing	None	Strengthening our Community; Building a Sustainable City	Ongoing
					\$8000		

## Heritage Planners' Report to LACH: January 8, 2020

1. Heritage Alteration Permits processed under Delegated Authority By-law:
  - a) 13-15 York Street (Downtown HCD): Façade alterations
  - b) 340 Richmond Street (Downtown HCD): Medallion replication at parapet
  - c) 38 Blackfriars Street (B/P HCD): Rear/side addition
  - d) 27 Kensington Street (B/P HCD): Rear addition, exterior alterations
  - e) 43 Blackfriars Street (B/P HCD): Repairs from vehicle damage
  - f) 255 Dufferin Avenue (Downtown HCD): signage (2)
  
2. Upcoming consultation regarding *Ontario Heritage Act* Regulations for Bill 108 Implementation

### Upcoming Heritage Events

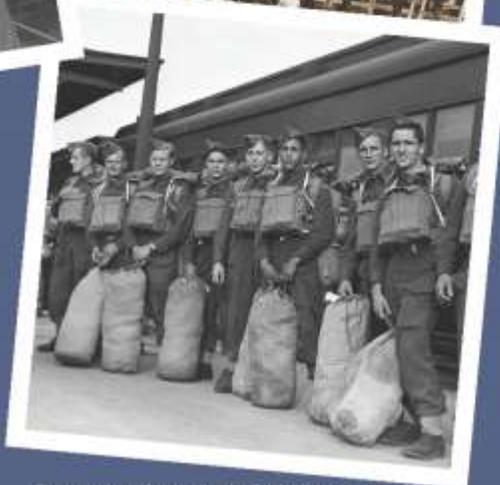
- Lifestyle Home Show – January 31 – February 2, 2020, Western Fair Agriplex.  
<https://lifestylehomeshow.ca/> - **Heritage Home Feature**
- 8<sup>th</sup> Annual Heritage Fair, Saturday February 15, 2020, 9am-3pm, HMCS Prevost (19 Becher Street), [www.londonheritage.ca/heritagefair](http://www.londonheritage.ca/heritagefair)
- Heritage Week 2020 Events
  - “Town and Gown: Western University’s Public History Program 35 Years On”, Thursday February 20, 7:00-8:30pm, Central Library (251 Dundas Street)
  - “125<sup>th</sup> Anniversary of London Public Library”, Saturday, February 22, 2:00-3:30pm, Central Library (251 Dundas Street)
  - Middlesex Centre Heritage Fair, Delaware Community Centre (2652 Gideon Drive, Delaware) on Saturday February 22, 2020 10am-4pm. More information: <http://middlesexcentrearchive.ca/events/>
- Eldon House’s Deadly Auction, Friday February 14, 2020, 7pm. Registration Required. More information: <https://eldonhouse.ca/events/>
- SAVE THE DATE: ACO London Region & Heritage London Foundation Awards Gala – Thursday March 5, 2020 at Museum London

Free Event | All Ages | Free Parking

8th Annual Heritage Fair

# REMEMBERING THEIR SACRIFICE

75 YEARS AFTER THE SECOND WORLD  
WAR & BATTLE OF THE ATLANTIC



**SATURDAY,  
FEBRUARY 15, 2020  
9 AM – 3 PM  
HMCS PREVOST  
19 BECHER STREET  
LONDONHERITAGE.CA**

Photos retrieved from the London Public Library's  
Ivey Family London Room & HMCS PREVOST



## 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:** Mr. Tao Tran and The Corporation of the City of London  
332 Central Avenue and 601 Waterloo Street

**Public Participation Meeting on:** January 20, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Mr. Tao Tran and The Corporation of the City of London relating to the property located at 332 Central Avenue and 601 Waterloo Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 28, 2020 to amend the (1989) Official Plan by **ADDING** a policy to section 10.1.3. – Policies for Specific Areas;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on January 28, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the subject property **FROM** a Residential R3 Special Provision/Office Conversion (R3-2(6)/OC2) Zone, **TO** a Residential R3 Special Provision/Office Conversion Special Provision (R3-2(6)/OC2(\_)) Zone.

## Executive Summary

### Summary of Request

The requested amendment will permit a personal service establishment in the existing building together with at least one dwelling unit.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended Official Plan Amendment is to add a policy to Chapter 10 - Policies for Specific Areas, to the (1989) Official Plan to align with the policies of The London Plan to permit the personal service establishment use within the existing building in the Low Density Residential designation.

The purpose and effect of the recommended Zoning By-law Amendment is to allow for a personal service establishment, together with at least one dwelling unit, to permit a total of five (5) on-site parking spaces, and recognize existing site conditions.

### 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 London Plan, including but not limited to the Neighbourhoods Place Type;
3. The recommended 1989 Official Plan amendment will provide policies to enable the adaptive re-use of the existing building for uses that are consistent with The London Plan and conform to the relevant review criteria for the Near-Campus Neighbourhoods and the Woodfield Neighbourhood; and
4. The recommended amendment is consistent with the West Woodfield Heritage Conservation District.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject property is located at the northwest corner of the intersection of Central Avenue and Waterloo Street in Central London, within the Woodfield Neighbourhood. The subject property has historically been utilized as a converted residential building containing an office use on the main floor with a residential unit above. Parking for the subject property is located at the rear of the property with access off of Waterloo Street. The subject property is designated under Part V of the *Ontario Heritage Act* as it is located within the West Woodfield Heritage Conservation District.



Figure 1: Subject site (view off of Central Avenue).



Figure 2: Subject site (view off of Waterloo Street).

1.2 LOCATION MAP



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

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods Place Type
- Existing Zoning – Residential R3 Special Provision/Office Conversion (R3-2(6)/OC2) Zone

**1.4 Site Characteristics**

- Current Land Use – Residential/Office
- Frontage – 10.6 metres (34.7 feet)
- Depth – 43.8 metres (143.7 feet)
- Area – 465.2 square metres (5007.4 square feet)
- Shape – Rectangular

**1.5 Surrounding Land Uses**

- North – Residential
- East – Residential
- South – Residential/vacant lot/apartment building
- West – Residential

**1.6 Intensification**

- The subject property is located within the Primary Transit Area where the continuation of one residential unit is proposed

**2.0 Description of Proposal**

**2.1 Development Proposal**

Mr. Tao Tran has requested to rezone their property at 332 Central Avenue and 601 Waterloo Street to add the use of a personal service establishment within the existing building. Through the special provision proposed, the existing residential unit will be maintained as the requested personal service establishment use is to be incorporated into the former office area. Additional special provisions include a reduction of on-site parking spaces to recognize a total of five (5) on-site vehicle parking spaces and to recognize existing site conditions with respect to setbacks, landscaped open space and lot coverage. All existing setbacks will be maintained as existing on the date of the passing of the by-law.

As part of the application, the Corporation of the City of London has initiated an Official Plan Amendment to align the (1989) Official Plan, as it applies to the lands, with the policies of The London Plan. The Official Plan amendment is proposed to add a policy to Chapter 10 – Policies for Specific Areas to permit the proposed personal service establishment use within the Low Density Residential designation.

The subject property is located within the West Woodfield Heritage Conservation District and designated under Part V of the *Ontario Heritage Act* in 2008. It being noted that no exterior works are proposed as part of this application

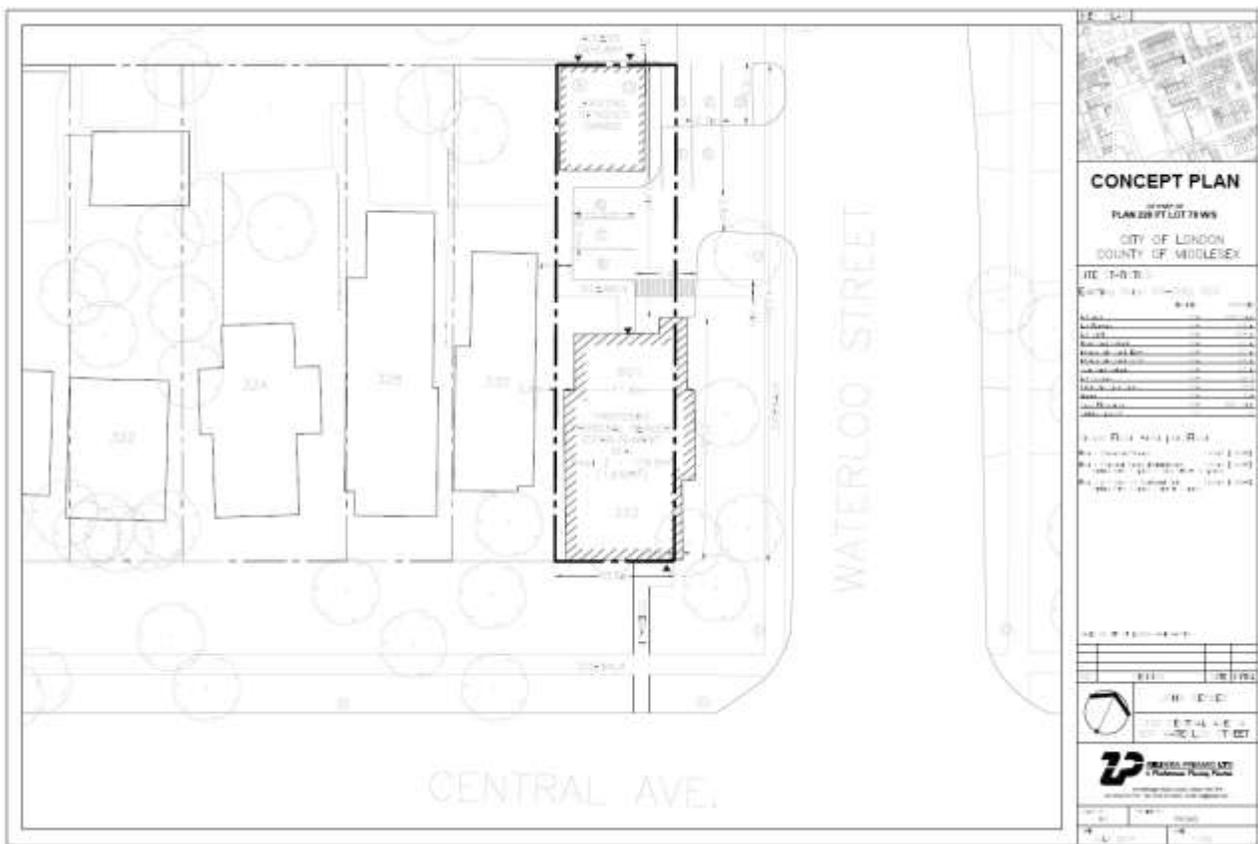


Figure 3: Site concept plan, existing conditions.

### 3.0 Relevant Background

#### 3.1 Planning History

In 2006 Municipal Council directed that a land use review be undertaken for the area bounded by Wellington Street, Pall Mall Street, Waterloo Street, and Princess Avenue. The direction from Council was the result of residential intensification activity within the neighbourhood, and concerns expressed regarding the impacts of intensification. The recent intensification activity at the time raised concerns regarding the appropriateness of the current zoning, as the creation of additional dwelling units through conversions and additions resulted in the creation of more units than what may reasonably be expected to develop within the area. As part of the review, Municipal Council adopted the recommended City-initiated amendments to rezone the previously identified area to regulate floor area ratio, and maximum floor area based on lot sizes. A concurrent Official Plan Amendment was adopted by Municipal Council on July 24, 2006 to include policy in the Woodfield Neighbourhood specific policy area to enable the use of these additional zoning regulations.

In 2008, the West Woodfield Heritage Conservation District was designated under Part V of the *Ontario Heritage Act*. The designation of the West Woodfield Heritage Conservation District effectively designated the existing building on the lands, also under Part V of the *Ontario Heritage Act*. The West Woodfield Heritage Conservation District is bound by Richmond Street to the west, Dufferin Avenue and Queens Avenue to the south, Maitland Street and Peter Street to the east, and Central Avenue and Pall Mall Street to the north. The identified boundary includes approximately 500 properties, primarily residential, but also commercial, retail and office as well as churches and other institutional uses and Victoria Park. The intention of the West Woodfield Heritage Conservation District was to assist in the protecting and conservation of the unique heritage attributes and character of the area.

#### 3.2 Requested Amendment

The Corporation of the City of London has initiated an Official Plan Amendment to add a policy to Chapter 10 – Policies for Specific Areas to permit the personal service establishment use within the Low Density Residential designation. The intent of the

amendment is to align the (1989) Official Plan as it applies to these lands with the policies of The London Plan, the new Official Plan for the City of London.

The applicant is requesting to rezone the subject property from a Residential R3 Special Provision/Office Conversion (R3-2(6)/OC2) Zone to a Residential R3 Special Provision/Office Conversion Special Provision (R3-2(6)/OC2(\_)) Zone to add a personal service establishment together with at least one dwelling unit as a permitted use as well as site-specific regulations for a reduction in parking to permit five (5) on-site parking spaces. Additional special provisions are recommended to be applied to the zone to recognize existing site conditions such as setbacks, lot coverage and landscape open space.

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

Staff received one written response from a member of the public not in support of the subject application and identifying concerns with traffic, addressed in Appendix “B” of this report.

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

#### ***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 (1.3.1.b)). The PPS also directs planning authorities to encourage healthy, liveable and safe communities, sustained by promoting cost-effective development patterns and standards to minimize land consumption and servicing costs (1.1.1.e)). Furthermore, the PPS provides policy direction in terms of the *Wise Use and Management of Resources*, specifically, in this case, being Cultural Heritage and Archaeology where significant built heritage resources and significant cultural heritage landscapes shall be conserved (2.6.1).

#### ***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 property is located within the Neighbourhoods Place Type, in accordance with \*Map 1, located at the intersection of two Neighbourhood Connectors, in accordance with \*Map 3. One of the key elements for the vision of the Neighbourhoods Place Type includes providing easy access to daily goods and services within walking distance to the surrounding community (916\_6). To realize the vision of the Place Type, mixed-use and commercial uses are permitted at appropriate locations within neighbourhoods to meet the daily needs of neighbourhood residents (\*918\_5). In addition to the contemplation of mixed-use and commercial uses at appropriate locations, the Place Type further identifies that mixed-use buildings, as identified in \*Table 10, must include a residential use and may also include appropriately-sized retail, service or office uses on the ground floor (925\_).

### **1989 Official Plan**

The subject property is located within the Low Density Residential designation in the (1989) Official Plan, in accordance with Schedule A. The Low Density Residential designation applies to lands primarily developed or planned for low-rise, low density housing forms including detached, semi-detached, and duplex dwellings (3.2.). The Low Density Residential designation also permits certain secondary uses of a non-residential nature which are integral to, and compatible with, a neighbourhood environment (3.2.).

The subject property is located within the Woodfield Neighbourhood, a Specific Residential Area within the (1989) Official Plan. The Woodfield Neighbourhood is bound by Richmond Street on the west, Dufferin Avenue and Queens Avenue on the south, Adelaide Street on the east and the Canadian Pacific Railway tracks to the north, the Woodfield Neighbourhood is characterized by predominately low density residential development, with a mix of higher density residential and office conversions (3.5.4.).

The subject property is located within the Near-Campus Neighbourhood, a Special Policy Area. Minor revisions were made to these policies in 2016 following a review of the effectiveness of the former Near-Campus policies. There are no specific policies related to applications for existing office conversions and adding uses to the existing office conversions.

### **West Woodfield Heritage Conservation District**

The subject property is located within the West Woodfield Heritage Conservation District which focuses on the preservation of a collective area to retain the key functional and visual attributes that convey, or have a connection, to the history of the area in which they are located in. Overall, the Conservation District's goal is to recognize, protect, enhance and appreciate West Woodfield's cultural heritage resources, including buildings, landscapes and historical connections, and value their contribution to the community by encouraging the retention, conservation and adaptation of the District's heritage buildings and attributes, rather than their demolition and replacement (3.1). Further policies within the West Woodfield Heritage Conservation District include where new uses or intensification is proposed, it requires consideration for adaptive reuse of the existing heritage building stock wherever feasible (4.1.(d)).

## **4.0 Key Issues and Considerations**

### **4.1 Issue and Consideration # 1: Recommended Added Specific Policy Area**

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

The PPS identifies ways of managing and directing land uses to achieve efficient and resilient development and land use patterns through healthy, liveable and safe communities, which are sustained by accommodating an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long-term needs (1.1.1.b)). The PPS also directs planning authorities to promote densities and a mix of land use patterns, within settlement areas which efficiently use land and resources (1.1.3.2.a)1.). Furthermore, the PPS directs planning authorities to 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.a)). The recommended added policy to Chapter 10 – Policies for Specific Areas would allow for the recommended added use of a personal service establishment on the subject property within the Low Density Residential designation of the (1989) Official Plan. As such, the directions provided by the PPS are further supported and implemented by adding the additional use to the lands.

### *The London Plan*

The subject property is located within the Neighbourhoods Place Type at the intersection of two Neighbourhood Connectors. Given the location of the subject property at the intersection of two Neighbourhood Connectors, mixed-use buildings are a permitted use in accordance with \*Table 10. The Neighbourhoods Place Type contemplates mixed-use buildings which are to include appropriately-sized retail, service, or office uses on the ground floor and may be purpose-designed buildings or converted buildings (925\_). The intent of the recommended action of adding a policy to Chapter 10 – Policies for Specific Areas for the subject property is to align the (1989) Official Plan with The London Plan policies which contemplates the recommended uses.

### *1989 Official Plan*

The subject property is designated Low Density Residential which permits single detached, semi-detached and duplex dwellings as the primary permitted uses (3.2.1.). Certain non-residential uses which are integral to, and compatible with, a neighbourhood environment, such as office conversions, may also be recognized as secondary permitted uses (3.2.1.vi)). Since the existing building currently accommodates a converted office on the first storey and a residential unit on the second storey, the existing building is considered to be a mixed-uses building and is contemplated by the policies. Although the recommended amendment does not intend to change the mixed-use status of the building, the requested use is interpreted to be a “personal service establishment” and therefore requires an amendment to the Official Plan.

The intent of the recommended policy to be added to Chapter 10 – Policies for Specific Areas is to bring the (1989) Official Plan in conformity with The London Plan. Chapter 10 - Policies for Specific Areas identifies specific criteria when policies for Specific Areas may be applied where the application of existing policies would not accurately reflect the intent of Council with respect to the future use of the land (10.1.1.). Council may consider policies for specific areas when it is in the interest of Council to maintain the existing land use designation while allowing for a site specific change in land use (10.1.1.ii)).

The recommended addition of a personal service establishment use to the subject property is site-specific and will be applied to the property municipally known as 332 Central Avenue and 601 Waterloo Street. The recommended amendment would maintain the existing Low Density Residential designation of the subject property while allowing for a service-oriented use to replace the existing office use. In the near-term, a special policy would be applied to the site. However, in the longer-term when The London Plan comes into force and effect, the special policy would become redundant as the proposed use would simply conform to the base policy requirements.

To assist in evaluating the appropriateness of policies for specific areas relative to surrounding land uses, a Planning Impact Analysis will be undertaken, in accordance with Policy 10.1.2. 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 the proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area*

The existing non-residential office uses on the subject lands have historically, not caused adverse impacts on near-by residential uses and have achieved a reasonable level of acceptance within the existing neighbourhood. As such, the addition of a personal service establishment use on the subject property is anticipated to operate with similar intensities of an office use.

- 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 use*

The existing parcel has the ability to accommodate the additional use of a personal service establishment as a portion of the building has historically been used for office purposes. The personal service establishment of a hair salon will be operated through appointment only and not increasing the intensity on the subject property.

Based on the above analysis, and all applicable review criteria, the proposed personal service establishment use on the subject property is compatible with the existing neighbourhood.

#### **4.2 Issue and Consideration # 2: Use, Intensity and Form**

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

The PPS states that 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 (1.3.1.c). The PPS also identifies that planning authorities shall promote land use patterns, within settlement areas, to be based on densities and a mix of land uses which are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion (1.1.3.2.a).2). The request to add a personal service establishment as a use to the subject property continues the mixed-use status of the building on the lands, historically used for office purposes on the main floor with a residential unit above. The recommended change of use on the subject property, which is presently serviced, will not require an expansion to services or infrastructure to the subject lands and further promotes a healthy, liveable and safe community by promoting a cost-effective development and minimizes land consumption and servicing costs (1.1.1.e)).

##### *The London Plan and 1989 Official Plan*

Located within the Neighbourhoods Place Type, the implementation of mixed-use and commercial uses are just one key tool in recognizing the vision to have such uses located within neighbourhoods to meet the daily needs of neighbourhood residents (\*918\_5). Due to the subject property's location on the corner of Central Avenue and Waterloo Street, the site is easily accessible to nearby residents of the neighbourhood. As the site has been operating as a mixed-use building with an office use on the main floor and a residential unit above for an extended period of time, the site will continue to operate as such with the introduction of a personal service establishment use, by way of a special provision to the requested zoning. The requested special provision will maintain the existing office permissions on the lands as such uses have already proved to be compatible with the surrounding neighbourhood.

Furthermore, in accordance with \*Table 10, mixed-use buildings are permitted when located at the corner of two Neighbourhood Connectors. Although the (1989) Official Plan does not contemplate personal service establishments within mixed-use buildings in the Low Density Residential designation, convenience commercial, and service station uses, are permitted and are to be located on an arterial or primary collector where it can demonstrate compatibility with surrounding land uses (3.6.5.iii)). The subject property is located at the intersection of a primary collector and secondary collector with frontage along the primary collector, in accordance with Schedule C. As such, the use of a personal service establishment is not contemplated in converted buildings within the policies of the (1989) Official Plan, and an amendment is required as per Section 4.1.

According to The London Plan, mixed-use buildings must include a residential use and may also include appropriately-sized retail, service or office uses on the ground floor and may be purpose-designed buildings or converted buildings (925\_). The existing building on the subject property, as previously mentioned, has historically been mixed-use with an office component on the main floor and a residential unit above. Through the proposed added use of a personal service establishment, the use will be required to operate with at least one residential unit in the existing building. The recommended

personal service establishment is considered as a service use on \*Table 10 which includes neighbourhood-oriented services such as personal services. The intensity policies of the Neighbourhoods Place Type limit the amount of floor area for retail, service and office uses to 200 square metres for buildings at the intersection of two Neighbourhood Connectors (\*935\_2 and \*Table 12). As such, the proposed total gross floor area for the requested personal service establishment use is 179.5 square metres, maintaining the intent that such uses are to be of smaller scale.

The subject property is located in the Near-Campus Neighbourhoods, in accordance with \*Map 7. The vision of the Near-Campus Neighbourhoods is to enhance the neighbourhoods liveability, diversity, vibrancy, culture, sense of place and quality of housing options (\*964\_). Near-Campus Neighbourhoods are intended to be occupied by a balanced mix of long-term and short-term residents (3.5.19.3.ii). As part of the requested amendment, the existing residential unit will be maintained by way of a special provision and no additional residential units are being sought.

#### *West Woodfield Heritage Conservation District*

The West Woodfield Heritage Conservation District Plan seeks to recognize, protect, enhance and appreciate West Woodfield's cultural heritage resources, including buildings, landscapes and historical connections, and value their contribution to the community by encouraging the retention, conservation and adaptation of the District's heritage buildings and attributes (3.1.). It being noted that no external changes are proposed to the existing building.

### **4.3 Issue and Consideration # 3: Parking**

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

The PPS states that planning authorities shall promote land use patterns, densities and 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. and 1.1.3.2.a) 5). Through the requested amendment, a special provision is requested to permit a reduction in parking from the required 12 off-street parking spaces to 5 off-street parking spaces. The requested reduction promotes the use of both active and public transit methods.

#### *The London Plan and 1989 Official Plan*

The Neighbourhoods Place Type policies in relation to form contemplate that on-street parking may address parking requirements where it is demonstrated that there is capacity for such parking which is appropriate and permitted (\*936\_4). Key elements of the vision for the Neighbourhoods Place Type include safe, comfortable, convenient and attractive alternatives for mobility as well as providing easy access to daily goods and services within walking distance (\*916\_5 and \*916\_6). Such policies are similar to those outlined in the (1989) Official Plan where convenience commercial uses should be designed to function at a neighbourhood scale while providing services to surrounding residential areas and the travelling public (3.6.5.i)).

In this situation the on-site parking area is existing. The requested personal service establishment use is proposed to operate on a scheduled appointment basis, with some walk-ins expected but is not projected to be the majority of clients travelling to the subject property. As such, the demand for parking on-site will be minimal with adequate space for the residential dwelling unit and the scheduled appointments. Furthermore, the subject property is located in close proximity to the Downtown core and to Richmond Street which is fully serviced by bus routes, providing public transportation in close proximity to the site. Additionally, the subject property is located in an area where on-street parking is permitted ranging in maximum time allotments of one (1) to two (2) hours. The requested personal service establishment use provides a service to the immediate surrounding area, recognizing opportunities for people travelling to the site to

use alternative travel methods of active transportation.

The subject property is also located within the Primary Transit Area, the focus of residential intensification and transit investment within the City (\*90\_). Primary Transit Area policies direct intensification to the appropriate place types with locations developed to be sensitive to, and a good fit, within existing neighbourhoods (\*90\_). The policies also direct the Primary Transit Area to have a heightened level of pedestrian and cycling infrastructure to service and support active mobility (\*90\_). Based on the above analysis, the reduction in on-site parking to five (5) vehicle parking spaces is consistent with the objectives of the Primary Transit Area policies as the site is accessible through both active and public transportation.

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 align the (1989) Official Plan with The London Plan through an added policy to Chapter 10 – Policies for Specific Areas to add the requested Personal Service Establishment as a permitted use on the subject lands. The recommended amendment will further facilitate the use of an existing building that is complementary to the existing neighbourhood and provides a service to the surrounding community within walking distance.

<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.	

January 13, 2020

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

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## Appendix A

Bill No. (number to be inserted by Clerk's Office)  
2020

By-law No. C.P.-1284-  
A by-law to amend the Official Plan for  
the City of London, 1989 relating to 332  
Central Avenue/601 Waterloo Street.

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

1. Amendment No. # to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. The Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c. P.13*.

PASSED in Open Council on January 28, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – January 28, 2020  
Second Reading – January 28, 2020  
Third Reading – January 28, 2020

**AMENDMENT NO.**  
**to the**  
**OFFICIAL PLAN FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a policy in Section 10 of the Official Plan for the City of London to permit a Personal Service Establishment use within the Low Density Residential designation.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 332 Central Avenue and 601 Waterloo Street in the City of London.

C. BASIS OF THE AMENDMENT

The amendment is consistent with the policies of the Provincial Policy Statement, 2014, in conformity with the in-force policies of The London Plan, and in conformity to the criteria for site-specific policies of the 1989 Official Plan.

D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

1. Section 10 – Policies for Specific Areas of the Official Plan for the City of London is amended by adding the following:

In the Low Density Residential designation at 332 Central Avenue and 601 Waterloo Street, in addition to the uses permitted in the Low Density Residential designation, a personal service establishment may also be permitted on the main floor of the existing building.

SCHEDULE 1



Appendix "B"

Bill No.(number to be inserted by Clerk's Office)  
2020

By-law No. Z.-1-20\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 332 Central Avenue and 601 Waterloo Street.

WHEREAS Mr. Tao Tran has applied to rezone an area of land located at 332 Central Avenue/601 Waterloo Street as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 332 Central Avenue/601 Waterloo Street, as shown on the attached map comprising part of Key Map No. A102, from a Residential R3 Special Provision/Office Conversion (R3-2(6)/OC2) Zone to a Residential R3 Special Provision/Office Conversion Special Provision (R3-2(6)/OC2(\_)) Zone.
- 2) Section Number 17.3 of the Office Conversion (OC2) Zone is amended by adding the following Special Provision:
  - ) OC2( ) 332 Central Avenue and 601 Waterloo Street
    - a) Additional Permitted Use
      - i) Personal service establishments in the existing building, together with at least one dwelling unit
    - b) Regulation[s]
      - i) Parking Spaces (Minimum) 5
      - ii) Landscape Open Space (Minimum) 10%
      - iii) Lot Coverage (Maximum) 56%
      - iv) All existing setbacks will be maintained for 332 Central Avenue and 601 Waterloo Street as existing on the date of the passing of the by-law.

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

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

PASSED in Open Council on January 28, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – January 28, 2020  
Second Reading – January 28, 2020  
Third Reading – January 28, 2020

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



## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On October 2, 2019, Notice of Application was sent to 88 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 3, 2019. A “Planning Application” sign was also posted on the site.

One (1) reply was received from the public.

**Nature of Liaison:** Official Plan Amendment to add a Specific Policy Area to permit the Personal Service Establishment use within the Low Density Residential designation to align the 1989 Official Plan as it applies to these lands, with the policies of The London Plan. Zoning By-law Amendment to add a Personal Service Establishment together with at least one dwelling unit as a permitted use as well as a site specific regulation in parking to permit five (5) on-site parking spaces.

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

#### Concern for:

*The addition of a retail outlet at the subject property along with traffic and limited parking near the subject lands. The member of the public addressed the desire to have the neighbourhood remain residential.*

#### Responses to Public Liaison Letter and Publication in “The Londoner”

Written
Ronald Annis

From: ronald annis  
Sent: Saturday, October 12, 2019 12:37pm  
To: Vivian, Melanie <mvivian@london.ca>  
Subject: [EXTERNAL] Re Your file # 0-9120 & Z-9121 Planning Application 332 Central Ave & 601 Waterloo St.

Good Afternoon,

My name is Ronald Annis and I reside at 602 Waterloo St with my wife Louise and son Michael.

All three of us object strongly to the intrusion of a retail outlet at this location.

We would however have no objection to a low profile office use but not a retail outlet with advertising signs, electric or otherwise.

We already have problems with excessive traffic and limited parking at and near this intersection. Why make it worse!

We would like our neighbourhood to remain historically residential.

Please confirm that you have received this email. Thank you for your attention.

Ronald Annis

Sent from my iPad

## Agency/Departmental Comments

### October 9, 2019 – London Hydro Engineering

This 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 the existing service will be at the expense of the owner.

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

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether these lands are located in a vulnerable area.

The subject lands are not affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*.

As indicated, the subject lands are not regulated and a Section 28 permit will not be required. The UTRCA has no objections to this application.

### October 29, 2019 – Development & Compliance Services – Engineering

Please find below Transportations comment's regarding the Zoning Application for 332 Central & 601 Waterloo St, Z-9121:

- 6.0m x 6.0m Daylight triangle required
- Detailed comment's regarding parking design will be made through the site plan process (if required)

Through further correspondence, given the location of the existing building, there is limited opportunity to achieve the daylight triangle as required in the Zoning By-law, therefore this condition can be waived (November 21, 2019).

### November 7, 2019 – Parks Planning

Parkland dedication is required (CIL) at time of site plan.

## 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*

1.1.1., 1.1.3.2.a)1., 1.1.3.2.a)2., 1.1.3.2.a)4., 1.1.3.2.a)5., 1.3.1.a), 1.3.1.b), 1.3.1.c), 1.6.7.4., 2.6.1.

### *The London Plan*

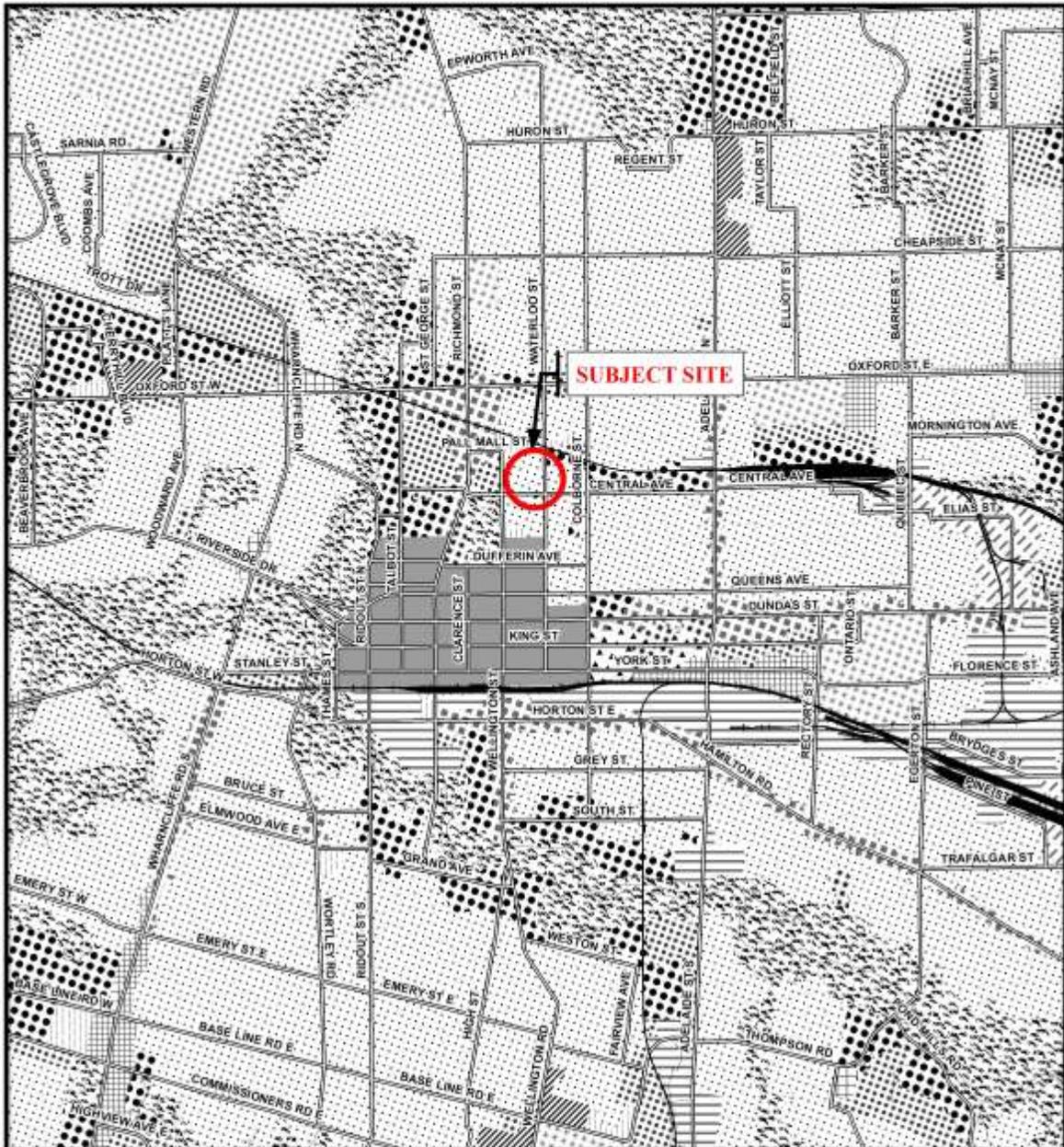
\*90\_, \*916\_6, \*918\_5, 925\_, \*935\_2, \*936\_4, \*964\_

### *1989 Official Plan*

3.2., 3.2.1., 3.5.4., 3.5.19.3.ii), 3.6.5.i), 3.6.5.ii)a), 3.6.5.iii),

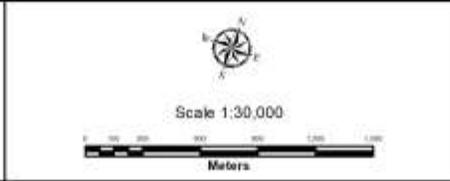
**Appendix D – Relevant Background**

**Additional Maps**



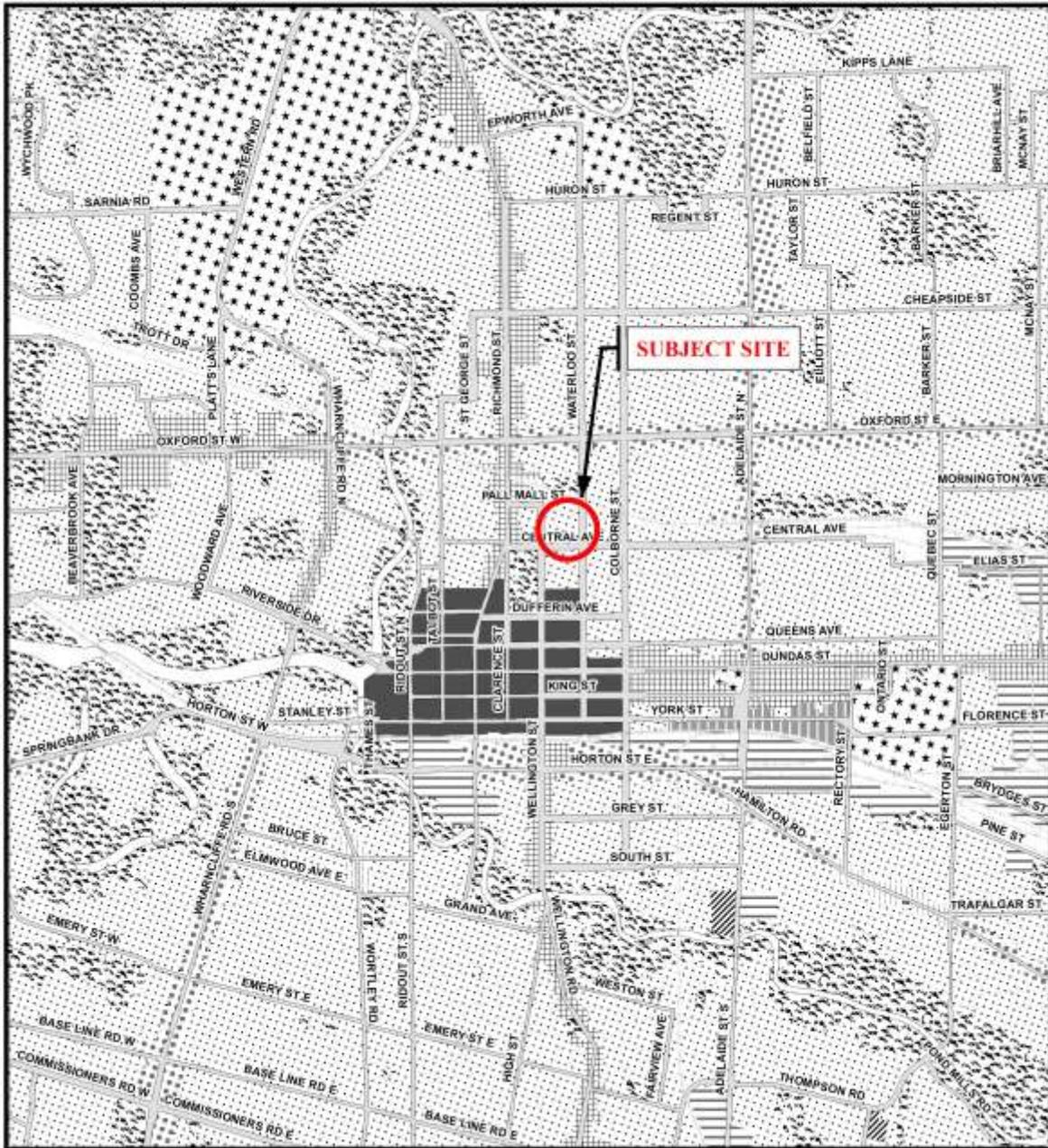
Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low 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  
 - LANDUSE -  
 PREPARED BY: Graphics and Information Services



FILE NUMBER: O-9120 & Z-9121  
 PLANNER: MV  
 TECHNICIAN: DM  
 DATE: 2019/11/12

PROJECT LOCATION: e:\planning\projects\p\_official\plan\work\consolid00\excerpts\mxd\_templates\scheduleA\_NEW\_b&w\_bx14.mxd



**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.*

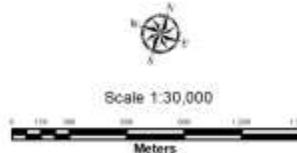
*At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.*

**CITY OF LONDON**

Planning Services /  
 Development Services

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

PREPARED BY: Planning Services



**File Number:** O-9210 & Z-9121

**Planner:** MV

**Technician:** DM

**Date:** November 14, 2019



**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>"I" - 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-9121

MV

MAP PREPARED:

2019/11/13

DM

1:1,500

0 5 10 20 30 40  
 Meters

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

**Additional Reports**

OZ-6898, West Woodfield – Central Avenue Area Zoning Review, Monday July 17, 2006. The recommended amendments are based on a review of the land use and zoning in this Central London residential neighbourhood, and are appropriate to address compatibility issues with respect to residential intensification activity in the area.

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee  
**From:** Gregg Barrett, AICP  
Manager, Long Range Planning and Research, City Planning  
**Subject:** Demolition Request for Heritage Listed Property at 247 Halls  
Mill Road by John McLeod  
**Public Participation Meeting on:** January 20, 2020

## Recommendation

That, on the recommendation of the Managing Director, Planning & City Planning, with the advice of the Heritage Planner, with respect to the demolition request for the accessory building on the heritage listed property at 247 Halls Mill Road, that:

- 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 at 247 Halls Mill Road to be cultural heritage value or interest for the reasons outlined in Appendix E of this report
- b) Should no appeals be received to Municipal Council's notice of intention to designate, a by-law to designate the property at 247 Halls Mill Road 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.

## Executive Summary

A demolition request was received for the accessory building ("the Red Barn") on the heritage listed property at 247 Halls Mill Road. The subject property is listed on the City of London's Register of Cultural Heritage Resources. When a demolition request is received for a building or structure on a heritage listed property, a formal review process is triggered pursuant to the requirements of the *Ontario Heritage Act* and the Council Policy Manual.

As a part of the review, staff evaluated the property including the accessory building and dwelling using the criteria of *Ontario Regulation 9/06, Criteria for Determining Cultural Heritage Value or Interest*. Therefore, the property is a significant cultural heritage resource. The evaluation found that the property met the criteria for designation under the *Ontario Heritage Act*. The dwelling and the accessory building on the property have been identified as heritage attributes and described in the Statement of Cultural Heritage Value prepared for the property (Appendix E).

The property should be designated under Part IV of the *Ontario Heritage Act* to protect the heritage attributes of the property, including the dwelling and "the Red Barn", and to recognize the significant cultural heritage value of the property.

### 1.0 Background

#### 1.1 Property Location

The property at 247 Halls Mill Road is located on the west side of Halls Mill Road, north of Commissioners Road West (Appendix A). The property is located in the former Westminster Township, and the village of Byron, annexed by the City of London in 1961.

#### 1.2 Cultural Heritage Status

The property at 247 Halls Mill Road is a heritage listed property. The property is considered to be of potential cultural heritage value. The listing of the property on the Register of Cultural Heritage Resources came into force and effect on March 26, 2007.

#### 1.3 Description

The buildings on the property (a dwelling and accessory building) are situated on an elevated portion of the property that rises above the existing grade of the road. Steps have been built into the sloping earthen embankment to provide access to the front of the dwelling. Similarly, a curved and sloping gravel driveway provides vehicular access to the property, leading to the accessory building.

The subject property is approximately one acre in size.

The Queen Anne Revival dwelling located at 247 Halls Mill Road is a one-and-a-half storey, hipped roof, with cross gables, buff brick side hall plan cottage (Appendix B). The front entrance is located on the east elevation of the dwelling and consists of a panelled wood door and stained glass transom. Side entrances are located on the north and south elevations. The east elevation includes a projecting front gable which includes a concentration of decorative wood details including carved wood brackets, scalloped shingle imbrication, and decorative detailing within the bargeboard and gable. Comparable applied details are continued on the gable located on the south façade of the dwelling, as well as the north gable and a gable dormer that extends out from the roof line on the north façade of the dwelling. Buff brick quoins are located on the north and south sides of the dwelling, along the west side of the dwelling. The quoins however, are not continued on the east side of the dwelling. The dwelling originally had Queen Anne style wood windows that were located in the front and side gables, however, they have since been replaced with vinyl windows that mimic the light pattern of the former windows. The dwelling previously had a slate roof that was removed between 1999 and 2019.

The dwelling includes two porches on the north and south facades. The north porch includes a shed style roof that is supported by decorative turned posts. The top of the posts include carved wood brackets, and decorative spandrels extend along the entire porch. The porch skirt includes a wood lattice design. Comparatively, the south porch is larger and includes a shed-style roof with a gable built out above the entrance. The south porch includes seven decorative turned posts, and two engaged posts that directly abut the south wall of the dwelling. Carved brackets and wood spandrels are also present on the south porch. The design of the porch skirt on the south porch consists of wooden boards with a pattern of circular holes.

Additions have been made to the rear (west) façade of the house including a single storey addition, and a garage. The majority of the additions have been clad with a buff brick material that is similar in colour to the buff brick of the dwelling.

The accessory building on the property consists of a two storey timber frame structure that has been used for various functions. The building is colloquially identified today as a “barn” structure, however, various published accounts of the property refer to the structure’s historic function as a “coach house” as well as a “warehouse” for the Griffith Bros. woollen mill which was active in the Hall’s Mill area from the 1860s to the 1890s.

The accessory building was constructed utilizing a timber frame construction method with the use of 10" x 10" posts, connected through the use of mortise and tenon joinery, a traditional timber framing technique. The exterior board-and-batten cladding consists of chestnut and is painted red. The composition and detailing of the structure is highlighted and summarized in Nancy Tausky's *Historical Sketches of London From Site to City* (1993).

Tausky writes:

*The elaborate treatment of the barn's centre section makes it the focal point of the long front: the round-headed window is recessed within a projecting gable. Below, a further projection containing the main doors (originally solid) is covered with a hipped roof that echoes the dimensions of the gable above. The ventilator at the ridge of the barn completes the central complex. Some concern for symmetry in the rest of the façade is indicated by the two ground floor windows, which are equidistant from the main door. But other openings, possibly later alterations, have obscured any formal balance that may once have existed. Griffith's interest in style and workmanship is indicated by the fact that, when he made a Queen Anne house out of his 1840s cottage, he imported Georgia pine from the southern United States to use for the interior trim (Tausky 1993, 80).*

#### **1.4 Property History**

The subject property at 247 Halls Mill Road is located on what was historically known as Lot 45, Concession B in the Broken Front in Westminster Township. The original Crown grant for the lot (approximately 120 acres) was given to Archibald McMillan in 1819. By 1827, McMillan began selling off portions of the property and sold 5 ¼ acres to Anson Simons and John Preffer who built a carding and fulling mill in the northeast corner of the lot. The milling operations that Simons and Preffer initiated was the beginning of an extensive 19<sup>th</sup> and early-20<sup>th</sup> century milling history in the Halls Mills area. (Land Registry Records, Burnell, 14).

In 1831, Simons and Preffer sold their milling operation to Burleigh Hunt, who went into partnership with Cyrenius Hall in 1835. One year later, Hall purchased the entirety of the business from Hunt and began expanding his milling operations.

Cyrenius Hall is perhaps the most well-known milling figure associated with the early history of Byron as the namesake of Hall's Mills. He emigrated to Upper Canada around 1810 from New Hampshire, and worked primarily as a merchant in Fort Erie. In the 1830s he moved to Westminster Township where he partnered with Hunt before acquiring the milling operations entirely and a sizeable portion of the lands in the area. Shortly after acquiring the mills in the area, he added a distillery and tannery to the milling complex. Hall and his family members operated most of the milling operations in the area, and under him the area prospered (Burnell, 14-15; Grainger 2002, 288-290). Cyrenius Hall also began selling portions of the lot into the mid-19<sup>th</sup> century, including various portions that were sold to Lawrence Lawrason. A merchant, MLA, and land-speculator, Lawrason held a number of prominent positions in early London, including an appointment as London's first deputy postmaster. He partnered with George Jervis Goodhue in opening a general store, dry goods business, real estate office, and post office in London (Brock, 2003; Armstrong, 1986, 74-107). Like many of London's early merchants, Lawrason became heavily involved in land speculation in the area, explaining his acquisition of property in Hall's Mills (Brock, 2003).

The Halls Mills area was captured in 1846, in *Smith's Gazetteer*. The area was described as having 200 inhabitants as well as a grist mill, a distillery, a carding machine and cloth factory, a tannery, a tavern, a store, a fanning-mill maker, a blacksmith, a wagon maker, a shoemaker, and a tailor (Smith 1846, 218).

The Griffith brothers, for whom the subject property is most notably associated, first began acquiring property in the area in 1861. John Griffith, the eldest of three brothers who partnered in business in the area acquired three acres from Lawrence Lawrason. John, along with his brothers William and Eli, continued to acquire property in the area

throughout the 19<sup>th</sup> century, and by the mid-1860s began a woollen mill operation in Hall's Mills (Tausky, 1993, 80; Armstrong 1986, 74-107; Grainger, 2002, 290-294).

The three Griffith brothers were the sons of Eli Griffith and Alexandria McAdam, early settlers in Westminster Township, in the Byron area. Eli (the father) emigrated from Vermont to Westminster Township along with several other Griffith family members who are considered as some of the earliest Euro-Canadian settlers of the Byron area. Eli and Alexandria, and their nine children settled on Lot 35, Concession B, Westminster. John, William, and Eli, three of their seven sons went into business together operating a woollen mill in Hall's Mill, and a second operation in present-day Springbank Park (Westminster Historical Society, 238-239). William Griffith eventually became the owner of the lands that included the property at 247 Halls Mill Road in 1867. The woollen mill that he operated with his brothers was located across Halls Mills Road (formerly Centre Street) on the City-owned lot that is now known as Halls Mills Park (Land Registry Records).

Census records from the 1870s to the 1890s refer to the three brothers as "Clothiers" and "Woollen Manufacturers", separate from their immediate family who continued to be identified as farmers. Prior to the 1870s, the brothers are noted as living within the residence of their parents, Eli and Alexandria on Lot 35.

The Griffith Bros. woollen mill prospered. By 1868, after a few years in operation, the City and County Directory noted two woollen mills in the Byron area. In the description of Byron, it was further noted that "Griffith Bros. factory is of frame, two stories, 64 x 45 feet, in which water power is used, and about 12 hands are employed in the manufacture of tweeds, fulled clothes and flannels. Their machinery is considered superior to any other in the Province" (City and County Directory, 1868). The 1871-72 Directory includes an advertisement for the "Byron Woollen Mills, Griffith Bros., Proprietors, Manufacturers of tweeds, full clothes, plain and fancy flannels of all kinds" (City and County Directory, 1871-72) (Appendix C).

As noted by Tausky in *From Site to City*, it is unclear on when the accessory building on the subject property was constructed, however, the structure has been identified in various sources as being used as a coach house, a barn, as well as a warehouse/storage facility for the Griffith Bros. woollen mill. The mill was in operation by the Griffiths between the 1860s and 1890s, so it is believed that the structure was constructed within this timeframe.

The Griffiths Bros. mill was closed by the 1890s, and by 1897 an agreement was made between William Griffith and the City of London for the City to purchase the mill property under the *London Water Works Act*, 1873. The purchase of the property would not take place for another ten years, however, the agreement stated that the City was at liberty to lay a 1" pipe from the stream or pond on the property for the purposes of drawing water, and that William Griffith be permitted to draw water for domestic purpose for his cottage, situated northwesterly across the road, at what is now 247 Halls Mill Road. The agreement also noted that the City was at liberty to remove the mill building and all machinery on the premises at any time. In 1900, the mill was disassembled and sold for lumber (Kerr, 1983).

William Griffith owned the property at 247 Halls Mill Road until he passed away in 1926. The Hall's Mills area has developed north and south of the subject property over the last century, but the Queen Anne Revival cottage and the accessory building have remained in situ and continue to be associated with the early milling history of Hall's Mills and Byron.

The Hall's Mills area continues to be associated with the history of Westminster Township and the village of Byron. In *Heritage Places 2.0*, the area is noted as being generally characterized by the collection of early to mid-19<sup>th</sup> century properties along Halls Mill Road and Commissioners Road West. The property at 247 Halls Mill Road is prominently noted in this Guideline Document including photographs of both the accessory building and dwelling, as well as a reference to the property's contribution to

the concentration of cultural heritage resources in the area that are listed on the City of London's *Register of Cultural Heritage Resources (Heritage Places 2.0, 2019, 41.)* The Hall's Mills area is identified within *Heritage Places 2.0* as being a future potential heritage conservation district, worthy of study.

## **2.0 Legislative and Policy Framework**

### **2.1 Provincial Policy Statement**

Section 2.6.1 of the *Provincial Policy Statement (2014)* directs that "significant built heritage resources and significant cultural heritage landscapes shall be conserved." "Significant" is defined in the *Provincial Policy Statement (2014)* as, in regards to cultural heritage and archaeology, "resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, and event, or a people."

### **2.2 Ontario Heritage Act**

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

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

Section 29 of the *Ontario Heritage Act* enables municipalities to designate properties to be of cultural heritage value or interest. Section 29 of the *Ontario Heritage Act* also establishes consultation, notification, and process requirements, as well as a process to appeal the designation of a property. Appeals to the Notice of Intent to Designate a property pursuant to Section 29 of the *Ontario Heritage Act* are referred to the Conservation Review Board (CRB), however the final decision rests with Municipal Council until changes to the *Ontario Heritage Act* arising from Bill 108 come into force and effect.

### **2.3 The London Plan**

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

Policies 575\_ and 576\_ of *The London Plan* also enable City Council to designate areas of the City under Part V of the *Ontario Heritage Act* as Heritage Conservation Districts. These policies include a set of criteria in the evaluation of an area. *Heritage Places 2.0* is a guideline document as a part of the Cultural Heritage Guidelines. The document describes potential heritage conservation districts and assigns a priority to these districts for consideration as heritage conservation districts.

### **2.5 Register of Cultural Heritage Resources**

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

The Register of Cultural Heritage Resources states that further research is required to determine the cultural heritage value or interest of heritage listed properties. The subject property is included on the Register of Cultural Heritage Resources.

### 3.0 Request for Designation

A request for the designation of the property at 247 Halls Mill Road under Part IV of the *Ontario Heritage Act* was received by members of the community in November 2019. At its meeting on November 13, 2019, the LACH referred the Stewardship Sub-Committee for the evaluation of the property using O.Reg. 9/06.

### 4.0 Demolition Request

In 2008, the accessory building on the property at 247 Halls Mill Road was the subject of a demolition request. At the time, Municipal Council's approved the demolition request. In 2009, the Chief Building Official revoked the demolition permit due to non-action. The Solicitor for the City of London had confirmed that a new demolition request for the property would require the demolition process for a heritage listed property to re-start.

In September 2019 the Heritage Planner received complaints from community members about the demolition of the accessory building. A Municipal Law Enforcement Officer investigated, and advised the property owner that a demolition permit would be required for the accessory building on the property. At the time, the property owner indicates that portions of the roof sheathing had blown off, and that he had no intentions of removing the building at that time.

In November 2019, the Heritage Planner received complaints from community members that the property owner was continuing to demolish the structure without the necessary permits. In addition, in November 2019, a request from the community members to designate the property pursuant to the *Ontario Heritage Act* was received (See Section 3.0).

On November 28, 2019, the property owner submitted a Required Clearances for Demolition Permit form to the City Planning office. The Heritage Planner followed up on the same day, informing the property owner of the review process for heritage listed properties. The property owner was informed that written intention to demolish a structure must be received in order to initiate the 60-day review period.

On December 3, 2019, the Heritage Planner visited the property at 247 Halls Mill Road with the property in to view the property and buildings. The property owner provided access to the interior of the accessory building. On December 6, 2019, the Heritage Planner followed up on the property site visit, reminding the property owner of the demolition process for heritage listed properties, and that written intent to demolish a structure or building on a heritage listed property must be received to initiate the process and review period.

On the morning of December 11, 2019, the Heritage Planner was contacted by community members advising that at approximately 7:45pm on December 10, 2019, the roof of the accessory building had collapsed. The community members also indicated that the property owner had continued to remove exterior boards from the structure during the day on December 10, 2019.

The property owner was issued as "Unsafe Building – Order to Make Safe" pursuant to the *Building Code Act* December 13, 2019. Written notice of intention to demolish the accessory building on the property located at 247 Halls Mill Road was submitted by the property owner on December 13, 2019.

Municipal Council must respond to a notice of intention to demolish a heritage listed property within 60 days, or the request is deemed consented. During this 60-day period, the London Advisory Committee on Heritage (LACH) is consulted and, pursuant to Council Policy, a public participation meeting is held at the Planning & Environment Committee (PEC).

The 60-day period for the demolition request for the accessory building on the property at 247 Halls Mill Road expires on February 11, 2020.

## 5.0 Cultural Heritage Evaluation

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

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

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

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

The evaluation of the property using the criteria of *Ontario Heritage Act* Regulation 9/06 can be found below.

### 5.2 Evaluation

The property at 247 Halls Mill Road was evaluated using the criteria of O.Reg. 9/06 (see Section 5.1, above). A summary of the evaluation is included below.

Cultural Heritage Value	Criteria	Evaluation
The property has design value or physical value because it,	Is a rare, unique, representative or early type, expression, material, or construction method	<p>The property at 247 Halls Mill Road includes a representative example of a Queen Anne Revival side hall plan cottage. The cottage is believed to have been constructed in the 1840s and was altered in the 1890s century when a number of its decorative elements were added, making it representative of Queen Anne Revival style architecture.</p> <p>The accessory building on the property is a unique example of a timber frame accessory structure that has been used for various purposes over the course of its existence. Known locally at “the Red Barn”, the structure has been reportedly used as a barn, coach house and warehouse for the Griffith Bros. woollen mills. The structure has been designed to include a series of stylistic embellishments that elevates the appearance of the structure beyond typical barn construction. Its siding, projecting gable, window treatments, and central ventilator all contribute to it being a unique example of a timber frame accessory building. The</p>

		accessory building can be considered rare within its context in Halls Mills, as well as within London.
	Displays a high degree of craftsmanship or artistic merit	The concentration of decorative wood detailing on the cottage's gable and bargeboard elements as well as its decorative verandah posts contribute to the expression of its style as a Queen Anne Revival cottage. As a result, the property displays a high degree of craftsmanship.
	Demonstrates a high degree of technical or scientific achievement	The property was reportedly used for storage for the Griffith Bros. woollen mill, located across the road. Although the property is associated with early milling activities in the area, the dwelling and accessory building do not demonstrate a high degree of technical or scientific achievement.
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 directly associated with William Griffith, one of three Griffith brothers who owned and operated the Griffith Bros. mill. The Griffith Bros. woollen mill was located directly across the road from the property at 247 Halls Mill Road, on the property now known as Halls Mills Park. The Griffith Bros. mill operated between the 1860s and 1890s. The cottage on the property at 247 Halls Mill Road was the home of William Griffith and the accessory building functioned as a coach house and storage warehouse for the woollen products produced by the Griffith Brothers.
	Yields, or has the potential to yield information that contributes to an understanding of a community or culture	The property at 247 Halls Mill Road has the potential to yield information related to the history of the Halls Mills area. As a property historically associated with the Griffiths Bros. and 19 <sup>th</sup> century milling in Byron, the property has potential to yield information that contributes to the understanding of the history of industry, development and growth of the Halls Mills area and early Byron.
	Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	The property at 247 Halls Mill Road is not known to demonstrate or reflect the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community.
The property has contextual value because it,	Is important in defining, maintaining, or supporting the character of an area	The property at 247 Halls Mill Road is important in defining the character of the Halls Mills area. The Hall's Mills area is characterized by a geographical context near the Thames River and its topography, along with the collection of early and mid-19 <sup>th</sup> century buildings located along Halls Mills Road and Commissioners Road West.  As the property includes an 1840s dwelling and 19 <sup>th</sup> century accessory building, the property is a part of the concentration of cultural heritage resources in the Halls Mill area that contribute to its character and have led to its identification as a potential heritage conservation district.
	Is physically, functionally, visually, or	The property is historically linked to the property now known as Halls Mill Park, on the east side of Halls Mill Road. The Halls Mill Park property was

	historically linked to its surroundings	the site of the Griffith Bros. woollen mill which was operated by William Griffith, owner of 247 Halls Mill Road, in partnership with his brothers. As the milling site for their Byron operation, the properties are historically linked.
	Is a landmark	The property at 247 Halls Mill Road is considered to be a local landmark within the Halls Mill area. Specifically, “the Red Barn” is known locally amongst community members as a landmark in the area.

### 5.3 Comparative Analysis

Comparative analyses were undertaken from the perspective of cultural heritage resources within London with other one-and-a-half storey, buff brick, side hall plan cottages with Queen Anne Revival style influences (Appendix D).

The comparative analysis supported the identification of the dwelling at 247 Halls Mill Road as a representative a Queen Anne Revival style, side hall plan cottage.

When compared to other accessory buildings, the identification of accessory building at 247 Halls Mill Road is supported as a unique and rare example of a timber frame accessory building.

### 5.4 Integrity

Integrity is not a measure of originality, but a measure of whether the surviving physical features (heritage attributes) continue to represent or support the cultural heritage value or interest of the property. Likewise, the physical condition of a cultural heritage resource is not a measure of its cultural heritage value. Cultural heritage resources can be found in a deteriorated state, but may still maintain all or part of their cultural heritage value or interest (MTC, 2006).

The dwelling at 247 Halls Mill Road has undergone some alterations, however the majority of the alterations include additions at the rear of the dwelling, and the majority of the surviving physical features, or heritage attributes, have been retained and continue to support the cultural heritage value of the property. This includes the buff brick exterior, the decorative woodwork in the gables, the decorative turned posts of the verandahs, and the surviving stained glass windows on the dwelling.

Although the accessory building on the property at 247 Halls Mill Road has recently deteriorated which has resulted in a change in its physical condition, the building still retains its cultural heritage value. A careful restoration of the structure would retain the structure’s cultural heritage value as a unique example of a timber frame accessory building. Sufficient documents exists to direct the appropriate restoration of the accessory building.

### 5.5 Consultation

Pursuant to the Council Policy for the demolition of heritage listed properties, notification of the demolition request was sent to property owners within 120m of the subject property on December 20, 2019, as well as community groups including the Architectural Conservation Ontario – London Region, London & Middlesex Historical Society, and the Urban League of London. Notice was also published in *The Londoner*.

## 6.0 Conclusion

The evaluation of the property at 247 Halls Mill Road found that the property met the criteria for designation under the *Ontario Heritage Act* (See Statement of Cultural Heritage Value or Interest in Appendix E). Despite changes in conditions to the accessory building on the property, the property’s cultural heritage resources including the dwelling and the accessory building continue to demonstrate the cultural heritage value of the property. The property should be designated under Part IV of the *Ontario Heritage Act* to preserve the loss of this significant cultural heritage resource.

<b>Prepared by:</b>	<b>Michael Greguol Heritage Planner</b>
<b>Submitted and Recommended by:</b>	<b>Gregg Barrett, AICP Manager, Long Range Planning and Research</b>

MG/

Y:\Shared\policy\HERITAGE\REASONS.DES\Halls Mill Road, 247\2020-01-20 PEC Demolition Request 247 Halls Mill Road.docx

Appendix A Property Location

Appendix B Images

Appendix C Historical Documentation and Research Materials

Appendix D Comparative Analysis

Appendix E Statement of Cultural Heritage Value or Interest – 247 Halls Mill Road

### **Sources**

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# Appendix A – Property Location

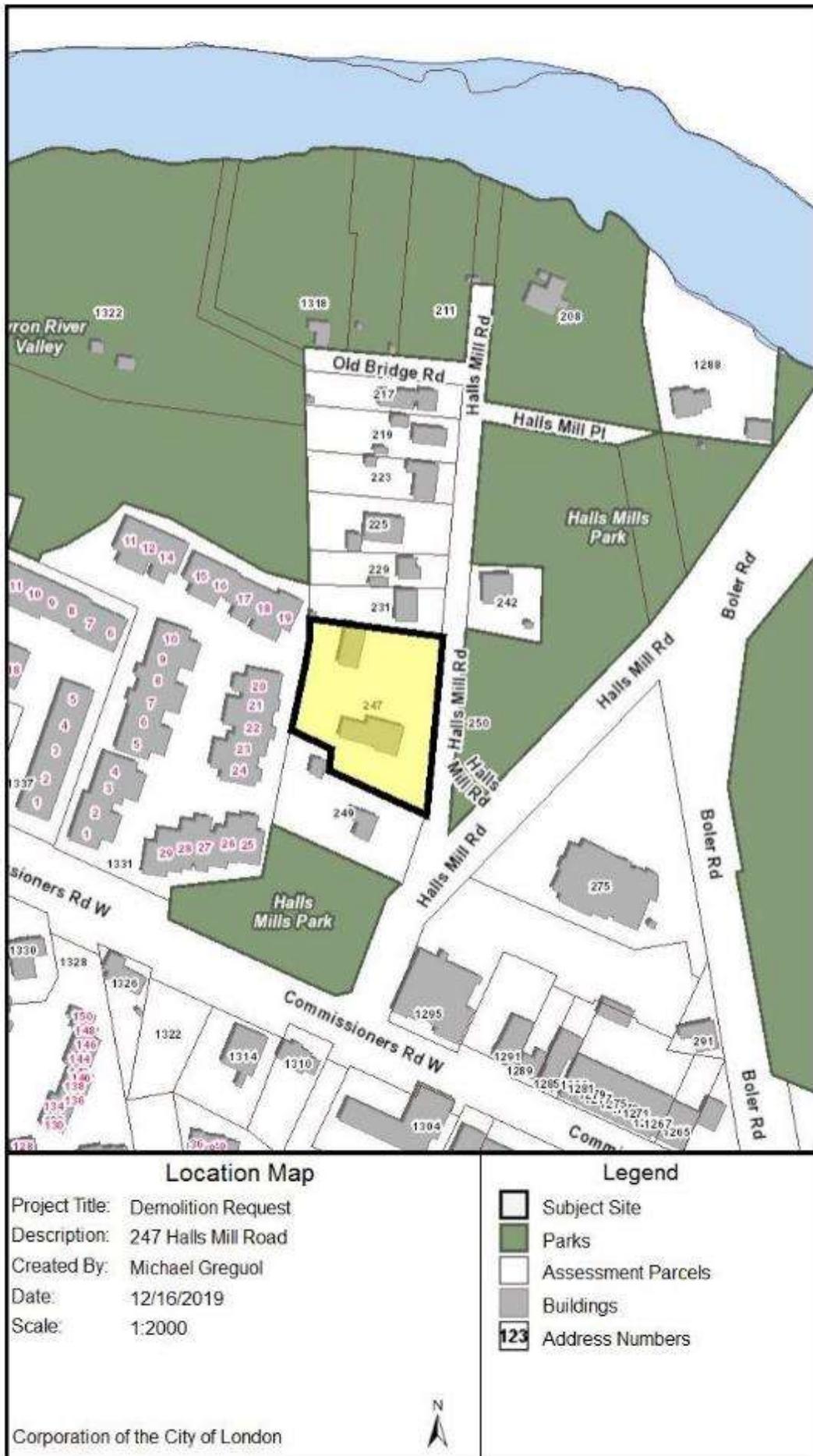
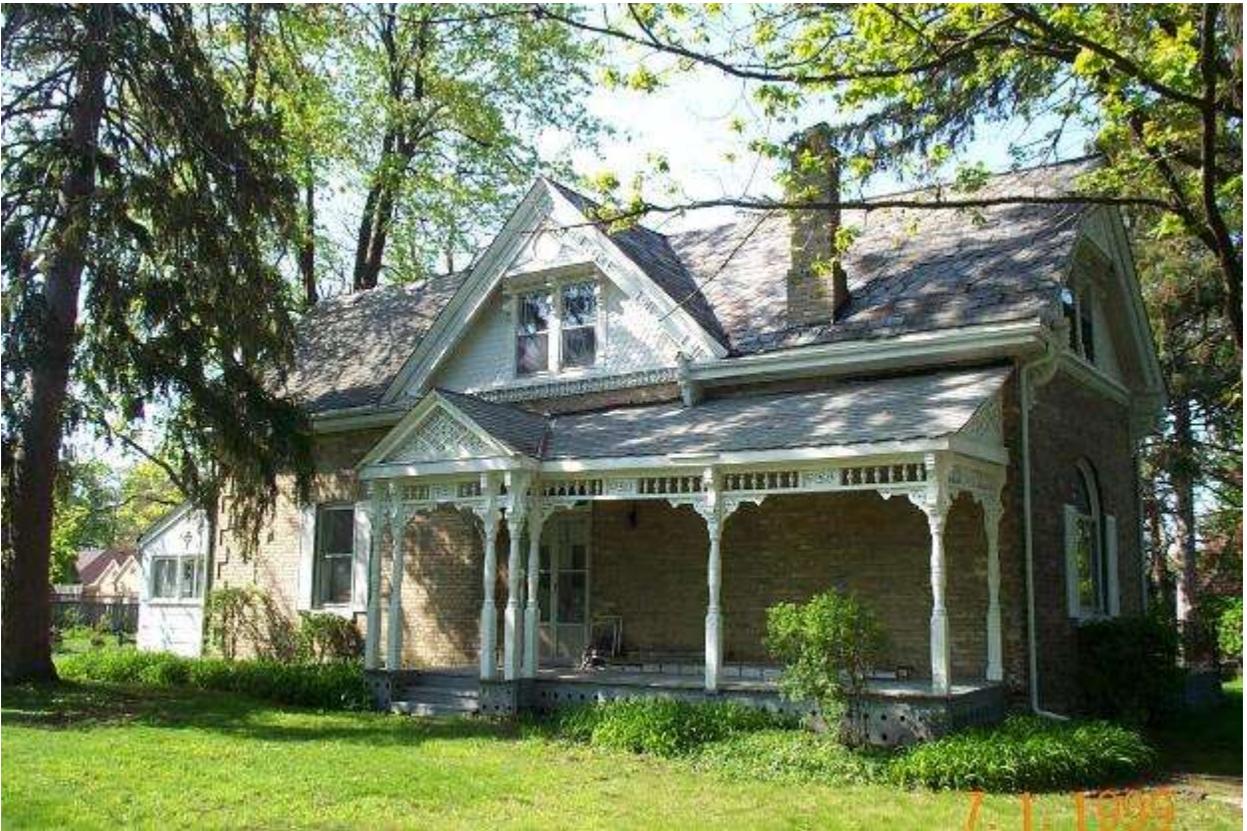


Figure 1: Location of the subject property at 247 Halls Mill Road. The accessory building is located along the north boundary line of the property.

**Appendix B – Images**



*Image 1: Photograph of the north façade of the dwelling at 247 Halls Mill Road, 1999.*



*Image 2: Photograph of the south façade of the dwelling at 247 Halls Mill Road, 1999.*

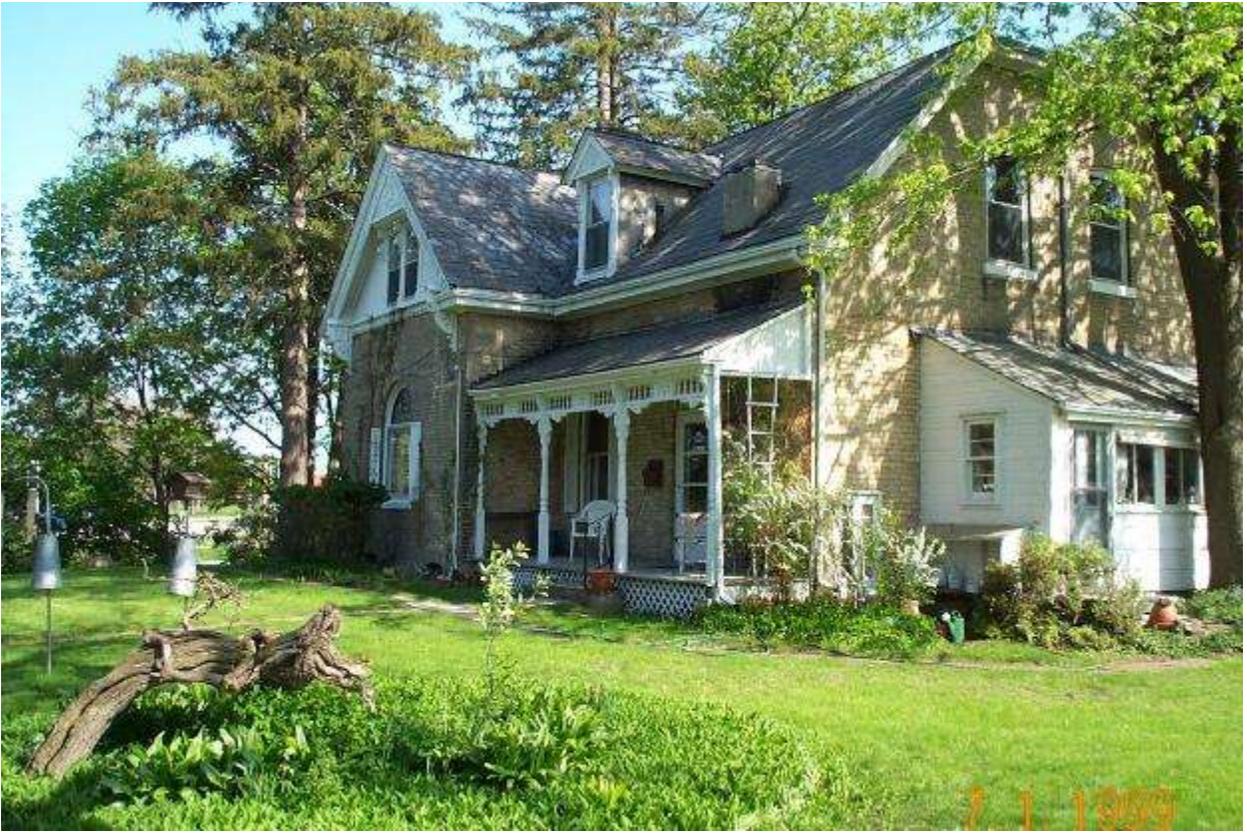


Image 3: Photograph of the north and west facades of the dwelling at 247 Halls Mill Road, 1999.



Image 4: Photograph of the east façade of the dwelling at 247 Halls Mill Road, 1999.

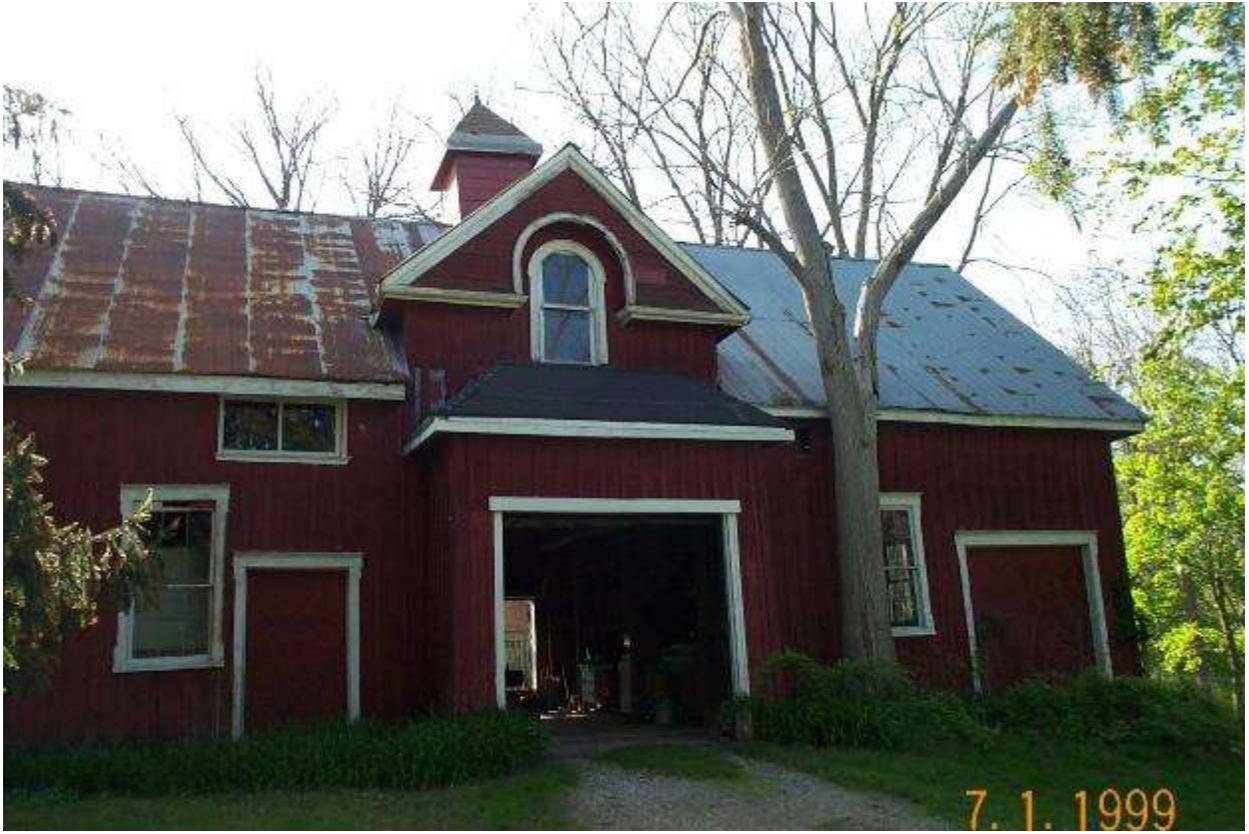


Image 5: Photograph of the east side of the accessory building, 1999.

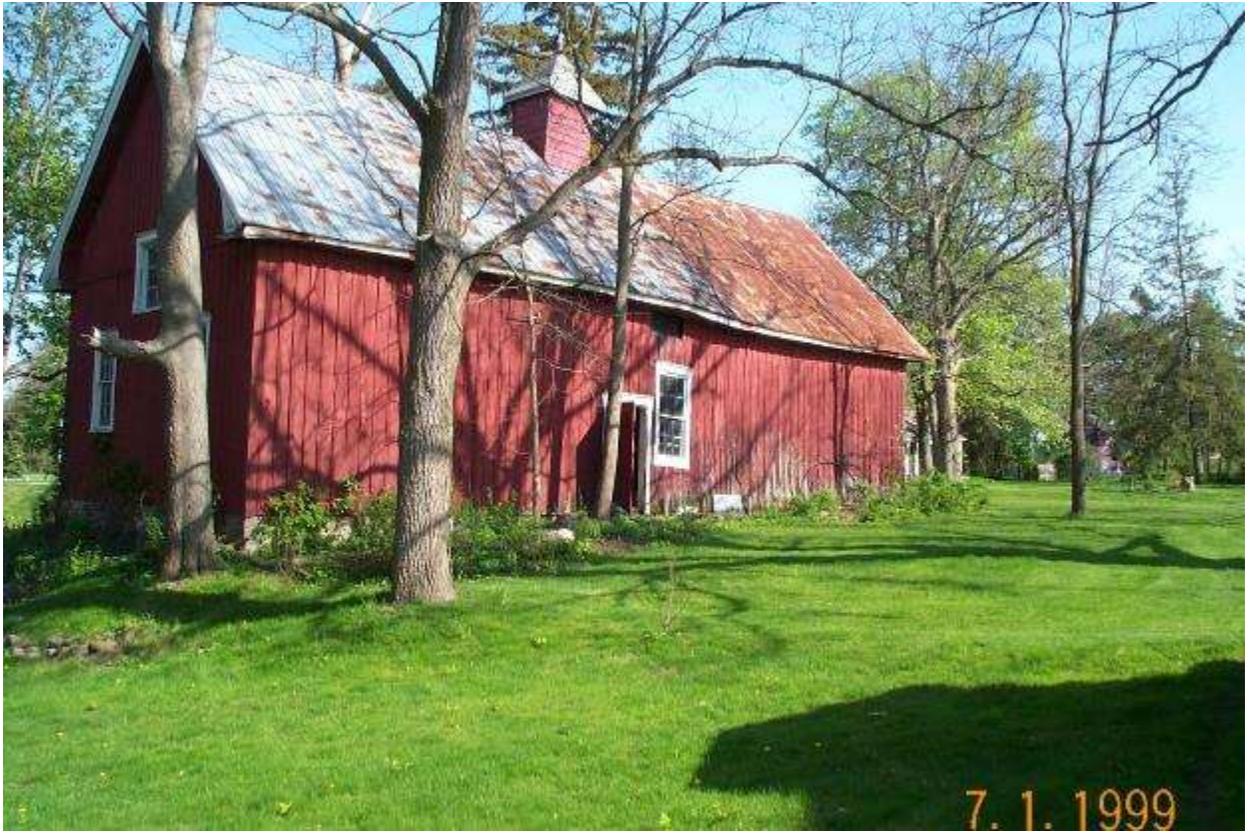
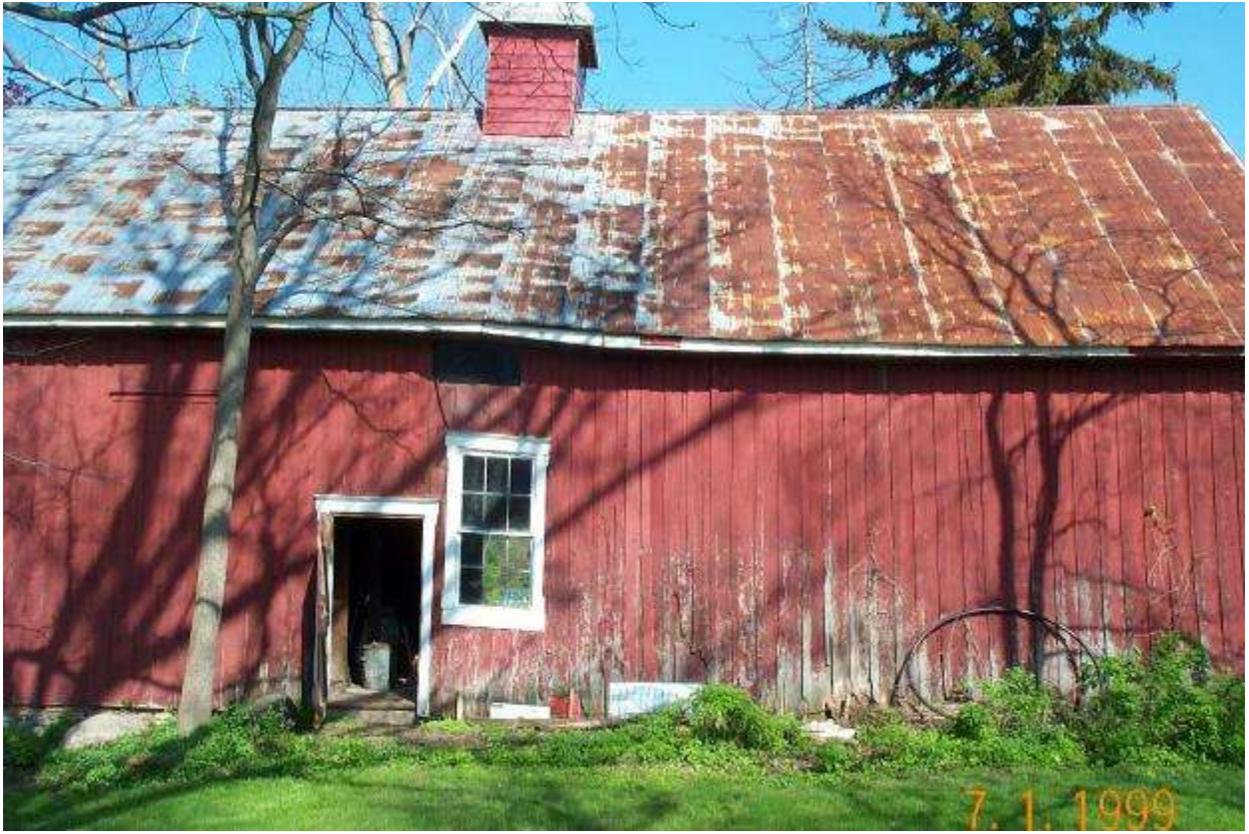


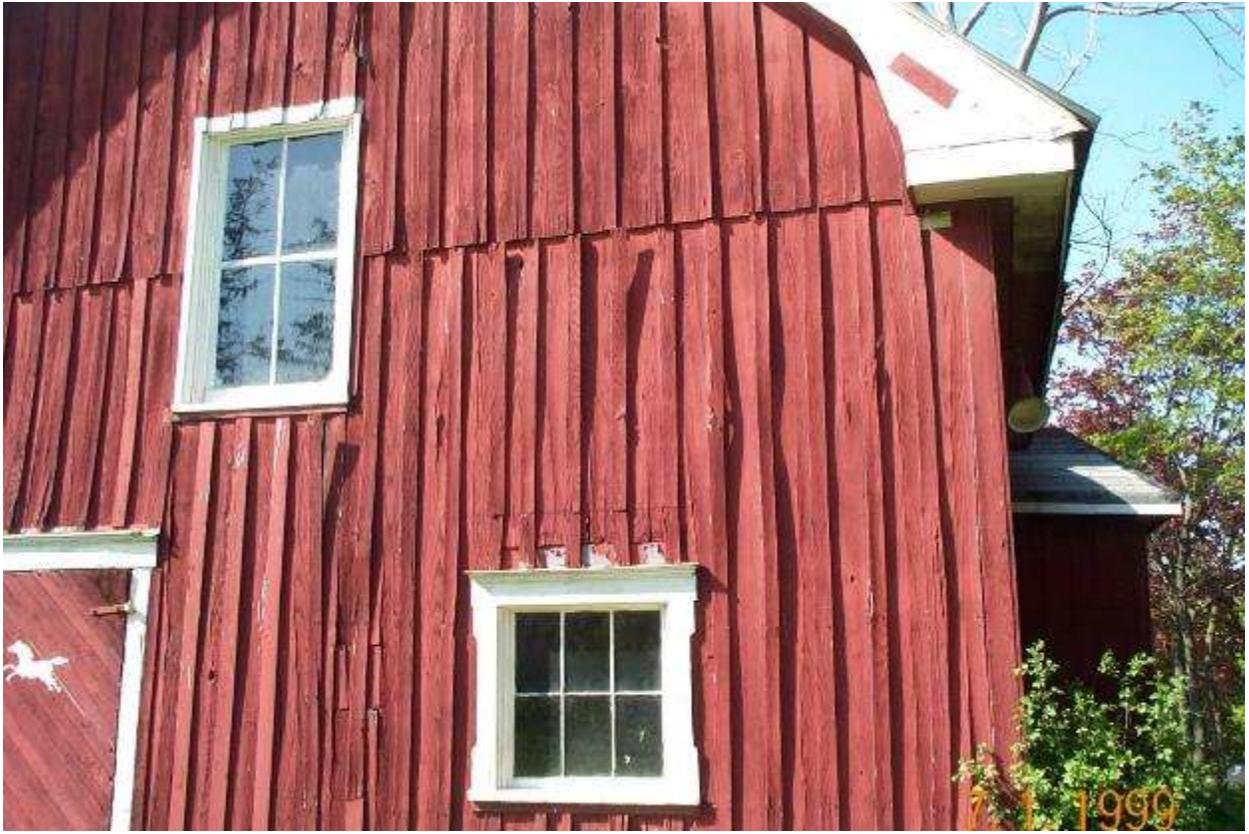
Image 6: Photograph of the west side of the accessory building, 1999.



*Image 7: Photograph of the west side of the accessory building, 1999.*



*Image 8: Interior photograph of the accessory building, showing the interior of the west wall of the building, 1999.*



*Image 9: Photograph of the south side of the accessory building, showing board and batten exterior cladding and window details, 1999.*



*Image 10: Photograph showing the accessory building in September 2019*



*Image 11: Photograph of the accessory building as viewed from Halls Mill Road, September 2019.*



*Image 12: Photograph of the east side of the accessory building, September 2019.*



Image 13: Photograph showing the east façade of the dwelling at 247 Halls Mill Road, December 2019



Image 14: Photograph showing the north façade of the dwelling in December 2019. Note, additions have been constructed onto the rear (west) side of the dwelling.



Image 15: Detail showing decorative woodwork in gable on the east elevation of the dwelling, December 2019.



Image 16: Detail showing window/doorway alterations on the east elevation to 247 Halls Mill Road, December 2019.



*Image 17: Photograph showing the south elevation of the dwelling at 247 Halls Mill Road, showing decorative elements and south porch*



*Image 18: Photograph showing the south elevation of the dwelling at 247 Halls Mill Road, showing rear addition at left, December 2019.*



*Image 19: Photograph showing the accessory building as viewed from Halls Mill Road, December 3, 2019.*



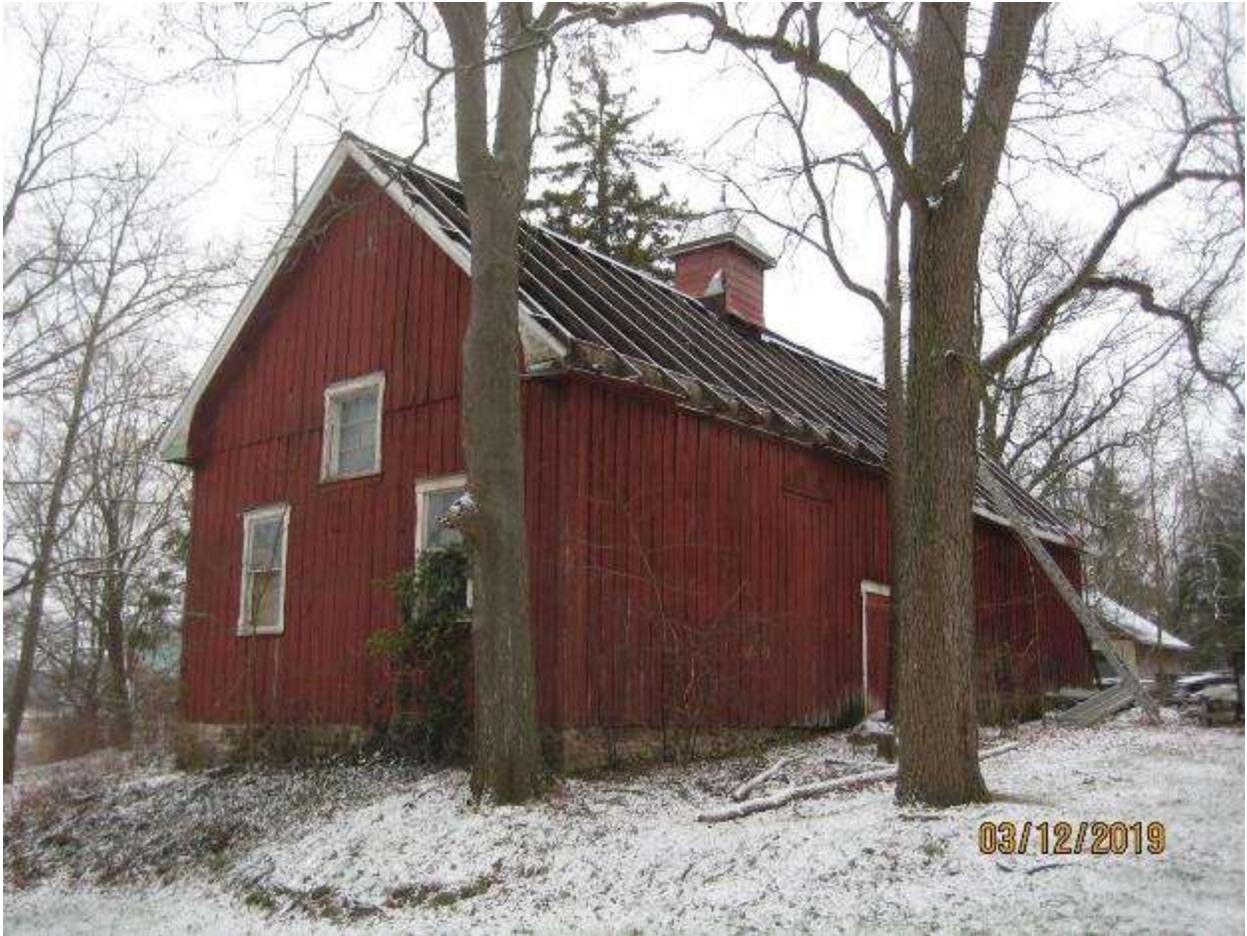
*Image 20: Photograph showing the accessory building as viewed from Halls Mill Road, December 3, 2019.*



Image 21: Photograph of the east side of the accessory building, December 3, 2019.



Image 22: Photograph of the south side of the accessory building. Note the portions of the exterior cladding and roof had been removed by the property owner the in the fall of 2019, December 3, 2019.



*Image 23: Photograph of the west side of the accessory building, showing the removed roof sheathing, December 3, 2019.*



*Image 24: Photograph of the foundation on the west side of the accessory building showing a mix of buff brick and field stone materials, December 3, 2019.*



*Image 25: Detail of the central projecting gable peak, round-headed window, and hipped roof covering the bay entrance to the accessory building. The ventilator can be seen rising above the centre of the peak, December 3, 2019.*



*Image 26: Interior view of the loft in the accessory building, approximately one week prior to its collapse, December 3, 2019.*



*Image 27: Interior detail of the mortise and tenon timber frame construction of the accessory building, December 3, 2019.*



*Image 28: Interior detail of the mortise and tenon timber frame construction and roof rafters on the east side of the accessory building, December 3, 2019.*



*Image 29: Interior detail showing traditional mortise and tenon timber frame connections used throughout the accessory building, December 3, 2019.*



*Image 30: Photograph showing the east side of the accessory building as viewed from Halls Mill Road, showing the collapse of the roof framing, December 11, 2019.*



*Image 31: Photograph showing the east side of the accessory building as viewed from Halls Mill Road, showing the collapse of the roof framing, December 11, 2019*



*Image 32: Photograph showing the east side of the accessory building as viewed from Halls Mill Road, showing the collapse of the roof framing, December 11, 2019.*

**Appendix C – Historical Documentation and Research Materials**

Westminster Lot No 45		Concession B.	
940	Patent Feb 16 <sup>th</sup> 1819	The Crown	Archibald McMillan
941	Apr 15 <sup>th</sup> 1819	John Stewart	John Stewart
1372	Apr 14 <sup>th</sup> 1820	Archibald McMillan	John M. Stewart
1416	Apr 18 <sup>th</sup> 1821	John Stewart et al.	John M. Stewart
1472	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1473	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1474	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1475	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1476	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1477	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1478	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1479	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1480	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1481	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1482	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1483	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1484	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1485	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1486	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1487	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1488	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1489	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1490	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1491	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1492	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1493	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1494	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1495	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1496	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1497	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1498	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1499	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart
1500	Apr 15 <sup>th</sup> 1821	John Stewart	John M. Stewart

Figure 2: Land Registry records for Lot 45, Concession B in Westminster Township. The highlighted entry notes the Crown grant for all lands within the lot to Archibald McMillan in February 1819. Shortly afterwards McMillan began subdividing the lot into various parcels, which came to be used for milling purposes in the early/mid-19<sup>th</sup> century.

Westminster Lot No 45		Concession B.	
2945	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2946	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2947	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2948	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2949	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2950	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2951	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2952	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2953	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2954	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2955	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2956	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2957	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2958	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2959	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2960	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2961	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2962	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2963	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2964	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2965	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2966	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2967	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2968	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2969	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2970	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2971	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2972	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2973	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2974	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2975	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2976	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2977	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2978	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2979	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2980	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2981	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2982	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2983	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2984	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2985	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2986	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2987	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2988	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2989	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2990	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2991	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2992	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2993	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2994	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2995	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2996	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2997	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2998	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
2999	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart
3000	Apr 15 <sup>th</sup> 1821	John Stewart	John Stewart

Figure 3: Land Registry Records for Lot 45, Concession B in Westminster Township. The highlighted entry is a Deed of land between Lawrence Lawrason and John Griffith in 1861, noted in Instrument No. 3539. This is the first land transaction between a member of the Griffith family on Lot 45. Throughout the late-19<sup>th</sup> century John Griffith and his brothers William and Eli would continue to acquire portions of the lot on which they would eventually operate their woollen mill, and William would eventually reside on the a portion of the lot that is now known as 247 Halls Mill Road.

NUMBER	INSTRUMENT	DATE OF INSTRUMENT	DATE OF REGISTRATION	GRANTOR	GRANTEE	AREA	CONVEYANCE	REMARKS
17729	Conveyance	Apr. 24/91	May 7, 1891	William H. Finch	The Trustees of Byron Methodist Church	1200 sq. ft.		Part of lot
17811	Deed	May 27/61	Sep. 12/91	Wm. Jaynes & wife	David Lecky			Part with Judges Order
17812	Deed	June 25/91	Sep. 12/91	David Lecky, etax	Corp'n City of London			Part of lot
17813	Q.C. deed	Aug. 30/91	Sep. 12/91	Elizabeth Lecky	Corp'n City of London			Part of lot
17822	Q.C. deed	Sep. 16/80	Oct. 3, 1891	Alfred Harrington, etax	Ariel Harrington			Part of lot
17823	Deed	Apr. 11/85	Oct. 3, 1891	Carrie & James McLaren	Ariel Harrington			Part of lot
17829	Assign. of Mortgage	Sep. 28/91	Oct. 12/91	A. G. Chisholm	Matthew Hooy			Part of lot
17848	Deed	Oct. 27/91	Nov. 2, 1891	William H. Finch	Charlotte Wilson	5 ac.		Part of lot
17850	Mortgage	Sep. 21/91	Nov. 2, 1891	W.S. Chisholm	Andrew G. Chisholm	a.o.l.	1530 56	Part, except
17862	Deed	Dec. 7, 1891	Dec. 7, 1891	Thomas Turner, etax	City of London	1 ac.		Part of lot
18214	Deed	Apr. 8, 1891	Apr. 8, 1891	Byron Milbourn, etax	John Duval			Part of E part
18231	Deed	Apr. 18/93	Apr. 20/93	Thos. McCormick, etax	Ms. J. Johnston, etax	1/5		Part
18262	Deed	May 30/93	June 22/93	W.S. Chisholm	Corp'n Dep. of Mast'r			Part. Subject 2 P'tags.
18549	Deed	Dec. 25/94	Jan. 18/95	William J. Johnston, etax	John James Frank	1/5		Part of lot
18725	Deed Und. P of Sale	Apr. 6, 1895	Apr. 9, 1895	Agric'l Sav. & Loan Co.	Wm. T. Orman	15		Part of lot
19015	Deed Und. P of Sale	May 14/96	May 23/96	Agric'l Sav. & Loan Co.	Walter & Wm. T. Orman			Pt. as in 19580 except
19016	Deed	May 15/96	May 23/96	Walter & Wm. T. Orman	Harilda M. A. Catherine Orman			Pt. as in 19580, except
19034	Deed	June 18/96	June 23/96	William H. Finch	James E. Griffith, etax Trustees For Order of Gleason Erisson 2197			Part of lot
19291	Deed	Aug. 26/96	May 25/97	John Duval & wife	Hargaret McLaren	1 ac.		Part of lot (lot 69, Plan 563)
19342	Deed	Aug. 2, 1897	Aug. 4, 1897	Samuel Sissons & wife & Robert Sissons & wife	John Wellington Cross	1 1/2 ac.		Part of lot 7 of Centre St. & on river
19415	Deed	Nov. 6, 1897	Nov. 30/97	William Henry Finch	Timothy Adair	12 ac.		Part of 5 pt. of P3 S of Conn. Rd. except 8 5 acs.
19451	Agreement	Dec. 11/97	Dec. 30/97	William Griffith & Mabel Ann Griffith	Water Commissioners A Corp'n City of London	3 ac.		Part of lot. Subject
19664	Deed	Oct. 30/98	Dec. 29/98	Elizabeth Jane Wells	Samuel Thomas Gelders	1 ac.		Part of E 1/2 known as village lot 3 (lot 104, Plan 563)
19710	B & Sale	Apr. 16/98	Dec. 2, 1898	Cornelia Duval, widow John Duval & Admin. of Estate; John A. Duval, etax	George Rudston Garthwaite	2800 60		22 pt. of desc. all claims released
19804	Release	Feb. 30/99	Mar. 6, 1899	John W. Crouse & wife	Corp'n City of London Water Commissioners of City	a.o.l.	150 00	Part
20005	B & Sale	Nov. 11/99	Nov. 11/99	William Truman Orman & wife	Corp'n City of London		200 00	Pt. as desc. (lot 112, Plan 563)
20794	B & Sale	Apr. 7, 1902	Apr. 7, 1902	William H. Finch	Joseph K. Montague		900 00	Part III pt. of E 1/2 lying S of Conn. Rd. as desc. except pt. to Order of Chosen Friends
20877	Will	Dec. 17/81	July 10/02	Ephraim Ellwood "Sarah E. Ellwood & William Hutchinson, Ex'ors."	Hannah E. Ellwood Devises Ephraim Ellwood, Devises Wesley Ellwood, Devises	1 ac.		Pt. S of Main St. Part of lot on which the house stands W of Main St. Part of lot, E of Main St.
21215	B & Sale	Apr. 24/00	Sep. 6, 1903	John Wellington Cross etax	Neil & Angus Galbraith	1 ac.	2800 00	Part of lot (a.o.l.) with Mill, Machinery, barn & mill privileges. (Lots 122 & 123, Plan 563)
21221	Q.C. Deed	Jan. 6, 1901	Sep. 26/03	Catherine C. Summers	Mary Summers		1 00	Part released. W of Centre St. & W. of Conn. Rd.

Figure 4: Land Registry Records for Lot 45, Concession B in Westminster Township. The highlighted entry shows the agreement between William and Mabel Ann Griffith to sell a portion of their property to the City of London in 1897. This was the parcel of land that the Griffith Brothers woollen mill was located on, and is now the property located across the road from 247 Halls Mill Road, known as Halls Mills Park.

Province of Ontario District No. 1 C. S. Millbrook Sub-District of Halton Hills, (Division 1) Page 39  
 Schedule No. 1—Nominal Return of the Living

Name	Sex	Age	Profession	Religion	Marriage	Property	Residence										Total of Occupied Months	
							1	2	3	4	5	6	7	8	9	10		11
John Griffith	M	31	Clothier	Anglican	Married													
William Griffith	M	25	Clothier	Anglican	Married													
Eli Griffith	M	21	Clothier	Anglican	Married													
John Griffith	M	61	Clothier	Anglican	Married													
William Griffith	M	23	Clothier	Anglican	Married													
Louisa Griffith	F	20		Anglican	Married													
George Griffith	M	16		Anglican	Married													
Charles Griffith	M	12		Anglican	Married													
Edward Griffith	M	76		Anglican	Married													
John Griffith	M	57		Anglican	Married													
James Griffith	M	22		Anglican	Married													
Eli Griffith	M	32	Clothier	Anglican	Married													
Mary Griffith	F	26		Anglican	Married													
George Griffith	M	5		Anglican	Married													
Charles Griffith	M	3		Anglican	Married													
William Griffith	M	29	Clothier	Anglican	Married													
Mabel Ann Griffith	F	26		Anglican	Married													
Eli Griffith	M	27	Clothier	Anglican	Married													

Figure 5: Excerpt from the 1871 Census of Upper Canada. The highlighted entries show John, William, and Eli Griffith, all noted as "Clothiers" as a result of their woollen mill in Byron.

## BYRON.

A post village situated on the river Thames, in the township of Westminster, 5½ miles from London and two miles from a station on the Great Western Railway. It contains a Church of England, and the New Connexion Methodists hold services in the School House. There are two Woollen Mills. Messrs. Griffith Bros. factory is of frame, two stories, 64 x 45 feet, in which water power is used, and about 12 hands are employed in the manufacture of tweeds, fulled cloths and flannels. Their machinery is considered superior to any other in the Province. Messrs. Dufton's mill is located in the neighborhood. This firm is also noted for the class of goods turned out. Messrs. J. Sissons & Sons established a hame factory here in 1862. They use both steam and water power, and employ nine hands, turning out a considerable number of hames during the year. A flouring mill was established about thirty years ago. It is now carried on by Mr. Robert Summers, Jr. It contains two run of stones, which are propelled by water power. The capacity is about 200 bushels per day. Tri-weekly mail. Population 200.

Caldwell, Charles, farmer.  
 Caldwell, James, farmer.  
 Church, George, blacksmith.  
**COOMBS, CHARLES**, flour and  
 grist mills.  
 Dufton, E. T., J.P.  
 Dufton, John, (J. & J. Dufton &  
 Co.)  
 Dufton, Joshua, (J. & J. Dufton  
 & Co.)  
**DUFTON, J. & J. & CO.**, woollen  
 mill proprietors.  
 GLOVER, J., prop Byron Hotel.  
**GRIFFITH BROS.**, (John, Wm.  
 and Eli,) woollen mill props.

Harrington, A., general merchant.  
 Hollywood, Anson, farmer.  
 McCallum, Archibald, (J. & J.  
 Dufton & Co.)  
 Martin, Wm., boot and shoe maker.  
 Montague, John, farmer.  
**SADLER, ROBERT**, postmaster  
 and general merchant.  
**SISSONS, JOHN, ROBERT &  
 SAMUEL**, hame manufacturers  
 Stephens, John, farmer.  
**SUMMERS, ROBERT, Jr.**, flour-  
 ing and grist mill proprietor.  
 Wells, Bartholomew, farmer.  
 Wells, J. B., laborer.

Figure 6: Excerpt from the 1868 City and County Directory, showing the description of Byron, including a brief description of the Griffith Bros. woollen mill.

**BYRON WOOLLEN MILLS,**  
**GRIFFITH BROS., Proprietors,**  
 MANUFACTURERS OF  
**TWEEDS, FULL CLOTHS, PLAIN & FANCY FLANNELS**  
 OF ALL KINDS.

Custom Carding, Spinning, Weaving, Dying and Cloth Dressing attended to  
 with dispatch  
 The highest price paid for wool, or taken in exchange for cloth.

**ALL WORK WARRANTED.**

Figure 7: Advertisement for the Griffith Bros. woollen mills as shown in the 1871-71 City and County Directory.

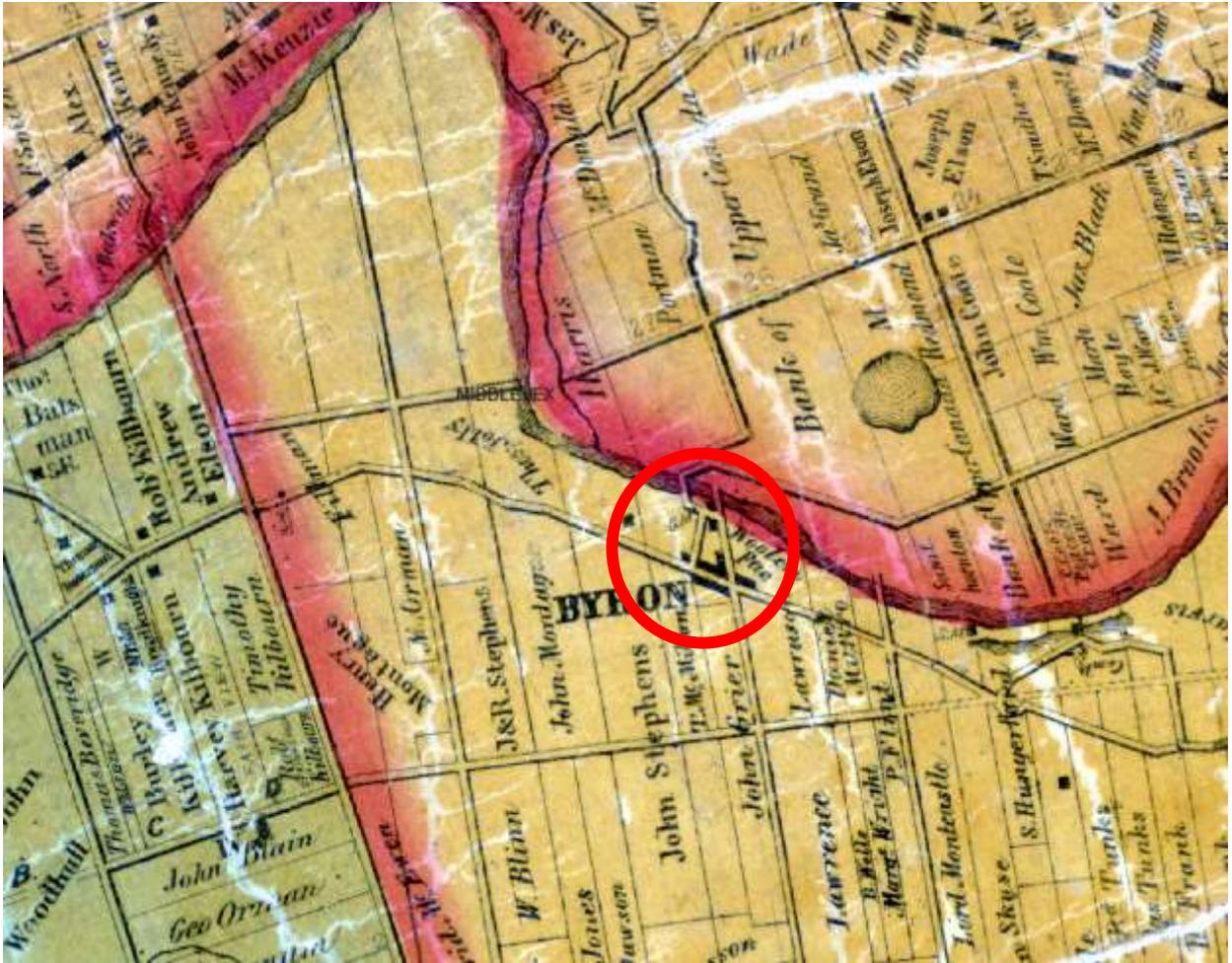


Figure 8: Excerpt from Tremaine's Map of the County of Middlesex (1862). Note, the Byron area is shown as mostly built up and individual property owners are not depicted. "G.M." noted along the Thames River refers to the presence of a gristmill in the area.



Figure 9: Excerpt from the Illustrated Historical Atlas of Middlesex County (1878). Note, the Byron area is shown as mostly built up and individual property owners are not depicted.

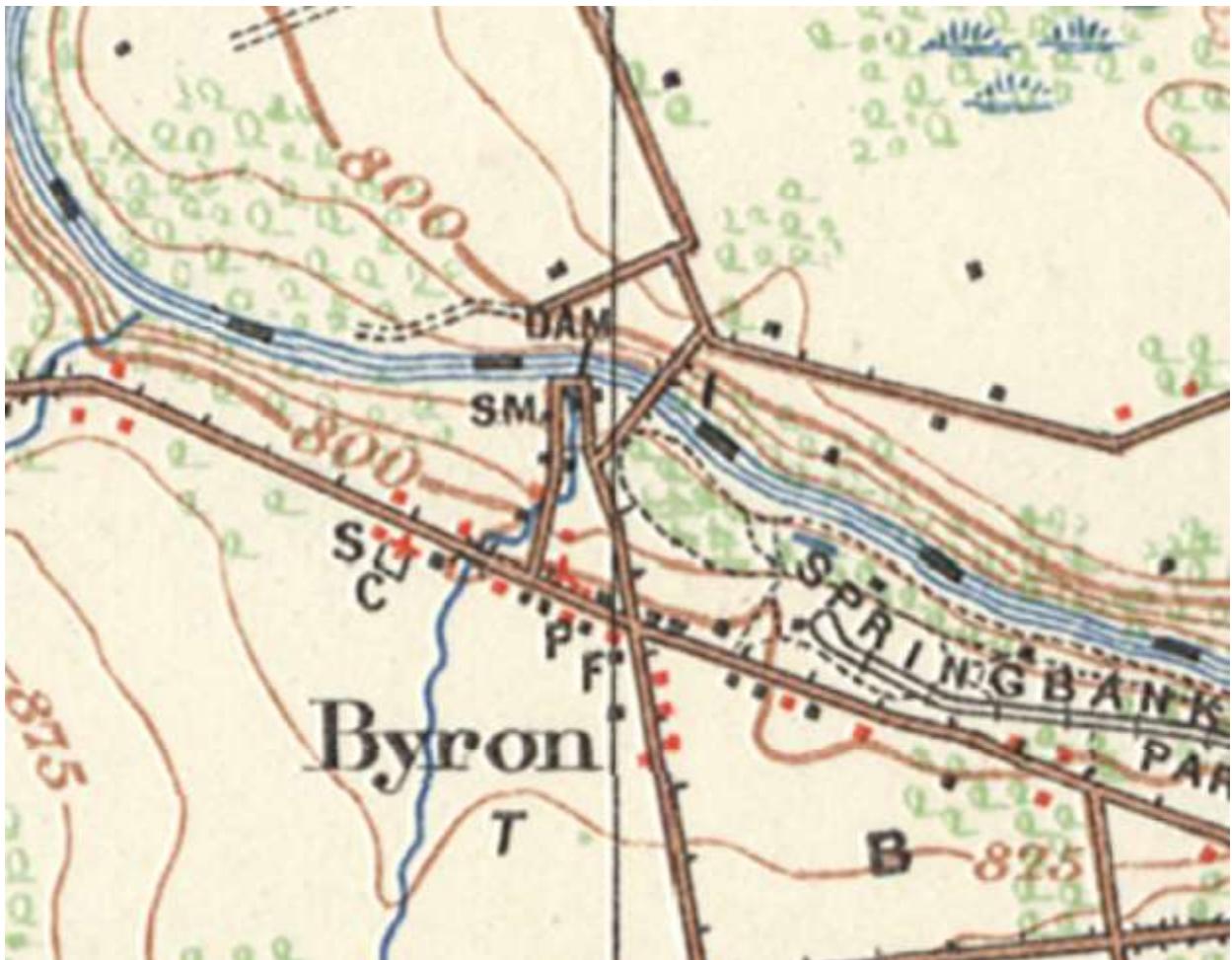


Figure 10: Excerpt from 1913 National Topographic Series map, showing the Byron area (1913). The area is depicted with various wood and masonry buildings. A sawmill (SM) is shown in the Hall's Mill area and a dam is still constructed across the Thames River.

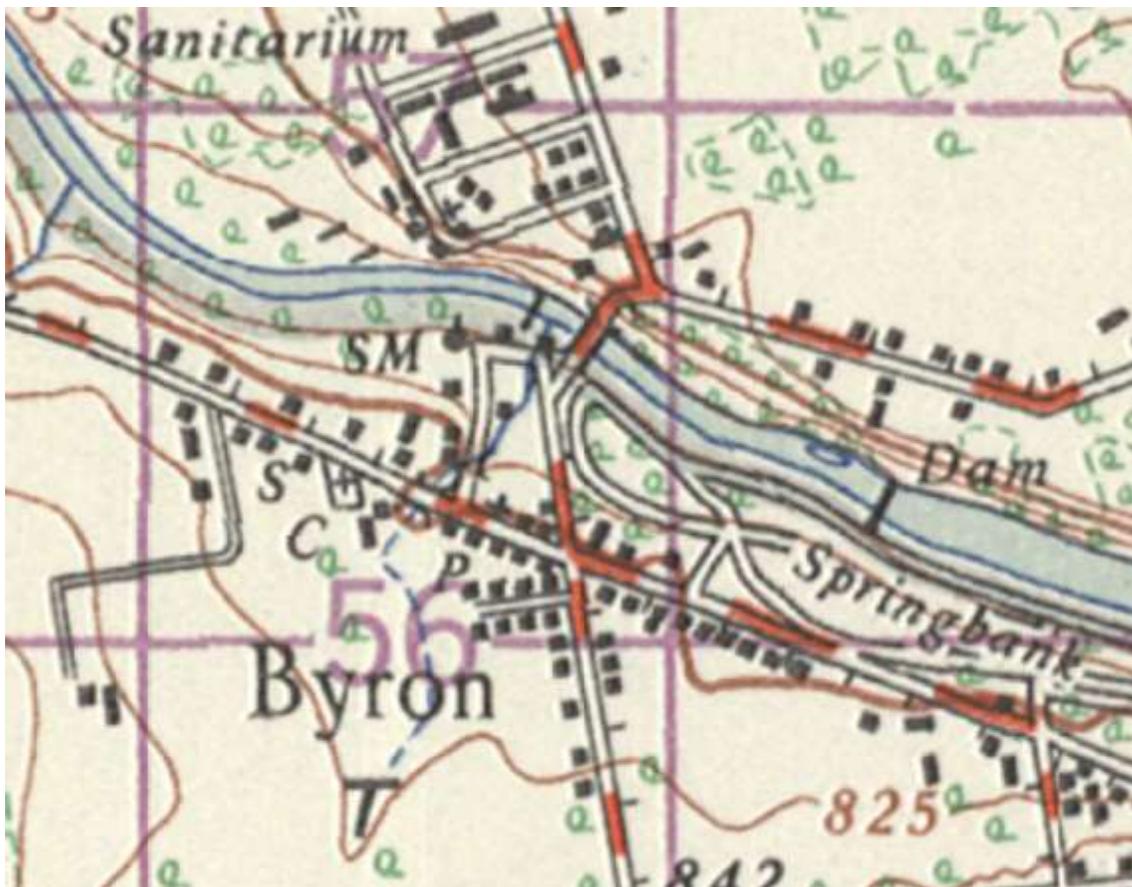


Figure 11: Excerpt from 1948 National Topographic Series map, showing the Byron area (1948). The area is depicted with buildings. A sawmill (SM) is still shown in the Hall's Mill area, however, the dam is no longer present, as it was washed away in the Flood of 1937.

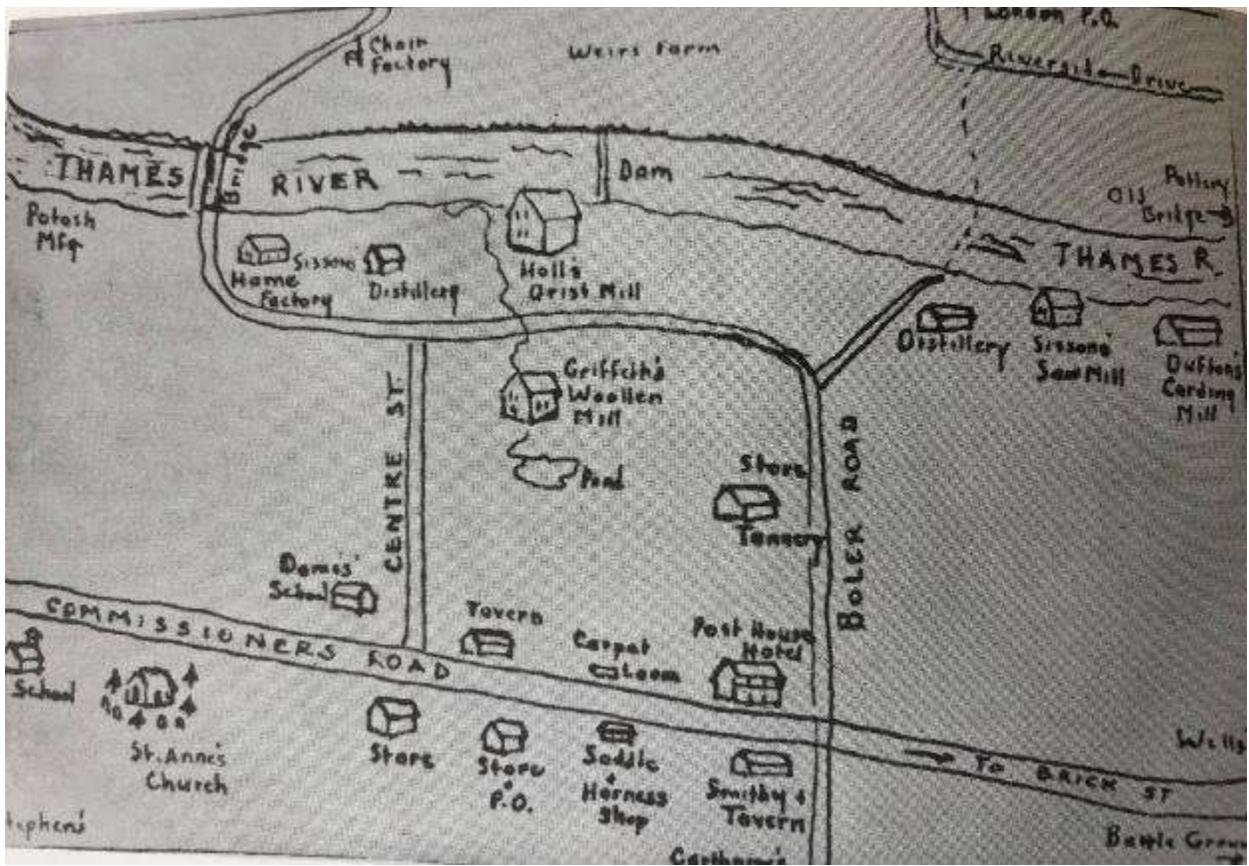


Figure 12: Hand-drawn map depicting various commercial buildings in Hall's Mills/Byron c.1870, as shown in Roy Kerr's 160 Years of Westminster, Halls Mills, Byron.

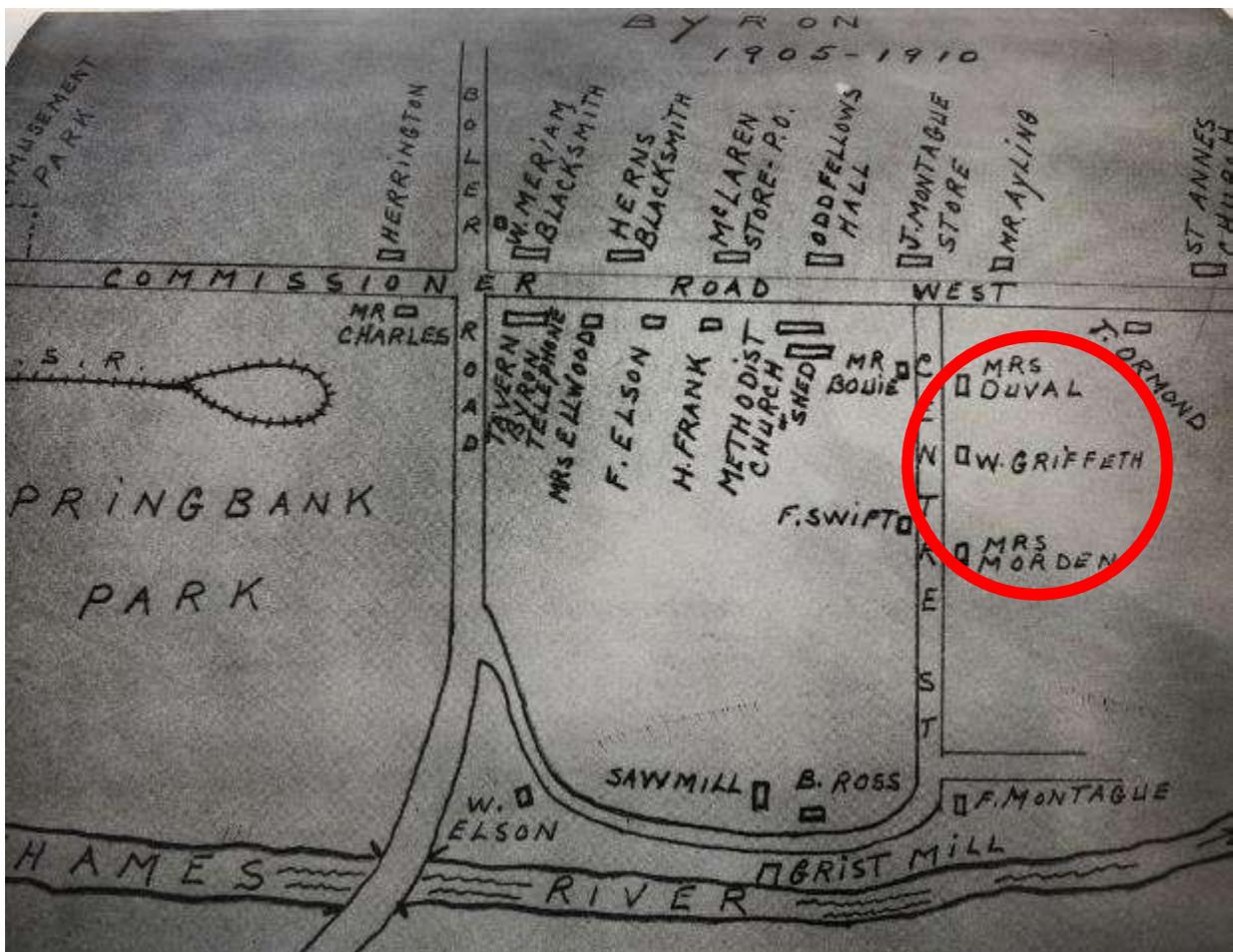


Figure 13: Hand-drawn map depicting various commercial and residential buildings in Hall's Mills/Byron c.1905-1910, as shown in Roy Kerr's 160 Years of Westminster, Hall's Mill, Byron.



Figure 14: Sketch of the accessory building as depicted in Nancy Tausky's book *Historical Sketches of London from Site to City* (1993). Tausky refers to the building as "one of the most impressive coach houses left in London". In comparison, Tausky refers to the coach houses at Buchan House (566 Dundas Street) and Thornwood (393 St. George Street) as other examples in the City.

## Appendix D – Comparative Analysis

Comparative analyses were undertaken from the perspective of cultural heritage resources within London with other one-and-a-half storey, buff brick, side hall plan cottages with Queen Anne Revival style influences.

The following properties were identified as comparison properties (some are pictured below):

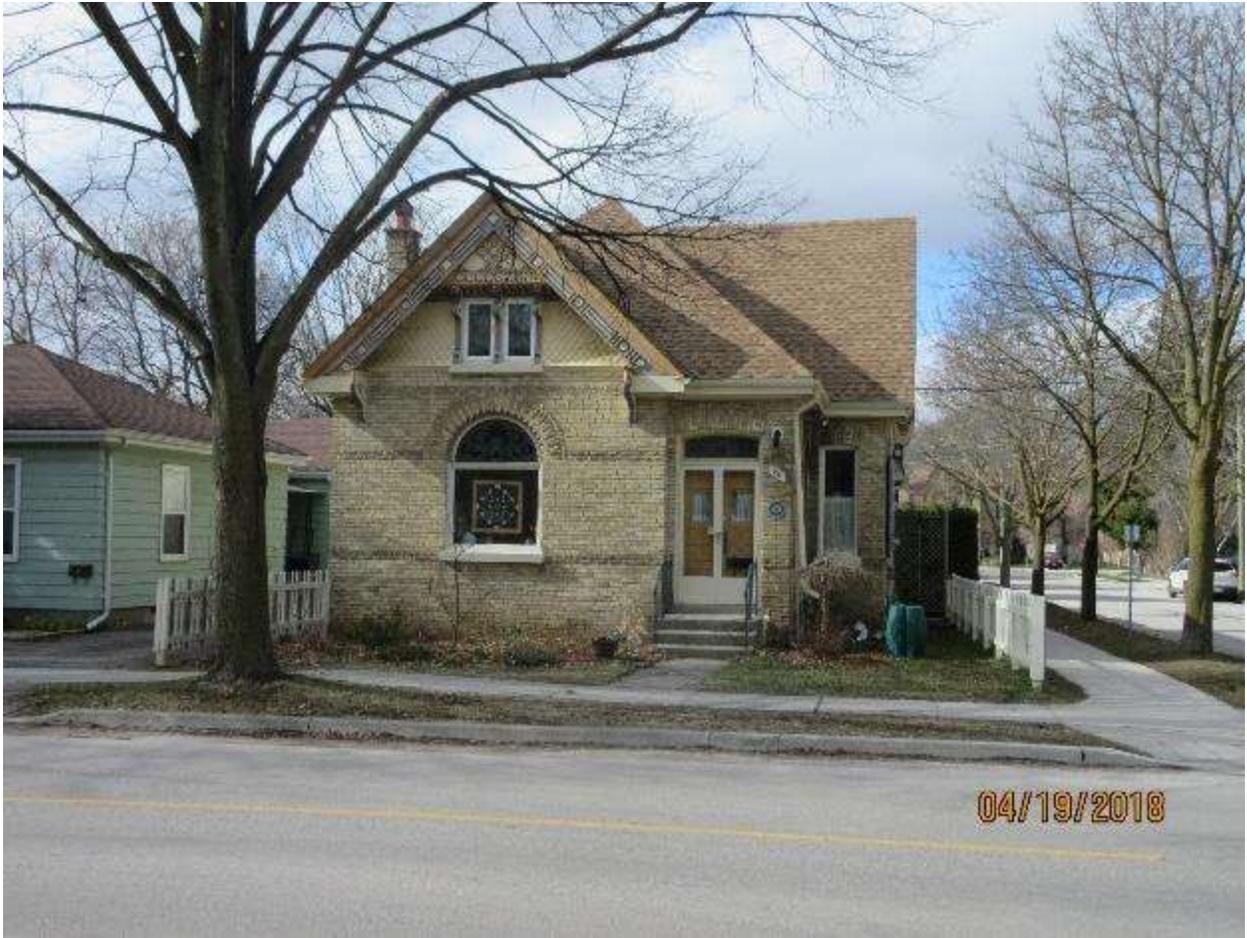
- 77 Byron Avenue East (Wortley Village-Old South Heritage Conservation District);
- 86 Askin Street (Part IV designated, and Wortley Village-Old South Heritage Conservation District);
- 105 Bruce Street (Wortley Village-Old South Heritage Conservation District);
- 933 Dufferin Avenue (Old East Heritage Conservation District);
- 928 Dufferin Avenue (Old East Heritage Conservation District);
- 43 Byron Avenue East (Wortley Village-Old South Heritage Conservation District);
- 71 Byron Avenue East (Wortley Village-Old South Heritage Conservation District);
- 76 Colborne Street (Part IV designated);
- 477 Elizabeth Street (Old East Heritage Conservation District).

When compared to other one-and-a-half storey, buff brick, side hall plan cottages in London, the identification of the dwelling at 247 Halls Mill Road is supported as a representative example of the Queen Anne style of this form.

Comparative analyses were also undertaken from the prospective of cultural heritage resources within London with other “accessory buildings”. The following properties were identified as comparison properties:

- 335 St. George Street [Thornwood Coach House] – (Part IV designated);
- 556 Dundas Street [Buchan House Coach House];
- 660 Sunningdale Road East – (Part IV designated).
- 1017 Western Road [Grosvenor Lodge Carriage House] – Part IV designated).

When compared to other accessory buildings, the identification of accessory building at 247 Halls Mill Road is supported as a unique and rare example of a timber frame accessory building.



*Image 33: Property at 86 Askin Street, Part IV designated and Wortley Village-Old South Heritage Conservation District*



*Image 34: Property at 105 Bruce Street, Wortley Village-Old South Heritage Conservation District*



*Image 35: Property at 933 Dufferin, Old East Heritage Conservation District*



*Image 36: Property at 76 Colborne Street, part IV designated.*



*Image 37: Property at 335 St George Street, part IV designated*



*Image 38: Property at 556 Dundas Street*



*Image 39: Property at 660 Sunningdale Road East, part IV designated*



*Image 40: Property at 1017 Western Road, part IV designated*

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

### Legal Description

Part of Lot 115, RCO 563, as in 755312 London

### Description of Property

The property at 247 Halls Mill Road is located on west side of Halls Mill Road, north of Commissioners Road West. The property includes a dwelling located to the southern portion of the property, and an accessory building located to the north of the property.

### Statement of Cultural Heritage Value

The property at 247 Halls Mill Road is of significant cultural heritage value or interest because of its physical/design value, its historical/associative value, and its contextual value.

The property at 247 Halls Mill Road includes a representative example of a Queen Anne Revival style, side hall plan cottage, with a buff brick exterior. The cottage is believed to have been constructed in the 1840s and evolved in the 1890s when a number of its decorative elements were added, making it a representative example of the Queen Anne Revival style applied to a side hall plan cottage in London.

The accessory building on the property is a unique and rare example of a timber frame accessory structure that has been used for various purposes of the course of its existence. Known locally as “the Red Barn”, the structure has been reportedly used as a barn, coach house, and warehouse for the Griffith Bros. woollen mills. The structure has been designed to include a series of stylistic embellishments that elevates the appearance of the structure beyond that of a typical barn. Its chestnut board-and-batten siding, projecting gable, window treatments, and central ventilator all contribute to its being a unique example of a timber frame accessory building.

The concentration of decorative wood detailing on the cottage’s gable and bargeboard elements as well as its decorative verandah posts contribute to the expression of its style as a Queen Anne Revival cottage. As a result, the property displays a high degree of craftsmanship.

The property is directly associated with William Griffith, one of the three Griffith brother who owned and operated the Griffith Bros. woollen mill in Byron between the 1860s and 1890s. The mill was located directly across the road from the property at 247 Halls Mill Road, on the property now known as Halls Mills Park. The cottage on the subject property was the home of William Griffith and the accessory building on the property was reportedly used as a coach house and warehouse for the woollen products produced at the Griffith Bros. mill.

The property at 247 Halls Mill Road has the potential to yield information related to the history of the Halls Mills area. As a property historically associated with the Griffith Bros., and 19<sup>th</sup> century milling in Byron, the property has potential to yield information that contributes to the understanding of the Halls Mills area.

The property at 247 Halls Mill Road is important in defining the character of the Halls Mills area. The Hall’s Mills area is characterized by a geographical context near the Thames River and its topography, along with the collection of early and mid-19<sup>th</sup> century buildings located along Halls Mills Road and Commissioners Road West.

As the property includes an 1840s dwelling and 19<sup>th</sup> century accessory building, the property is a part of the concentration of cultural heritage resources in the Halls Mill area that contribute to its character and have led to its identification as a potential heritage conservation district.

The property is historically linked to the property now known as Halls Mill Park, on the east side of Halls Mill Road. The Halls Mill Park property was the site of the Griffith

Bros. woollen mill which was operated by William Griffith, owner of 247 Halls Mill Road, in partnership with his brothers. As the milling site for their Byron operation, the properties are historically linked.

The property at 247 Halls Mill Road is considered to be a local landmark within the Halls Mills area. Specifically, “the Red Barn” is known locally recognized as a landmark in the area.

### **Heritage Attributes**

Heritage attributes which support and contribute to the cultural heritage value or interest of this property include:

- The siting of the dwelling a grade above road level, on the south side of the property, accessed from steps from the public road allowance;
- Form, scale, and massing of the one-and-a-half storey dwelling and details including;
  - Field stone foundation;
  - Buff brick exterior cladding, with voussoirs above the window and door openings on the facades and quoins on the north and south elevations;
  - Gables located on the north, east, and south facades;
  - Decorated north, east and south gables, and gable dormer on the north side of the house, including wood details:
    - Bargeboard with decorative linear and medallion elements, corbels, and dentils;
    - Scalloped wood shingle imbrication on gables and dormer;
    - “Alisée Pattée” cross motif along the frieze of the gables;
    - Circular feature including “Alisée Pattée” cross design and medallions;
    - Dentil course above the gable windows;
    - Wood corbels at the base of the gable
  - Decorated north and south porches including wood details:
    - Turned posts;
    - Decorative wood spandrels;
    - “Alisée Pattée” cross designs and medallion designs in the peak of the gable on the south porch;
  - Stained glass semi-circular windows on the north and east façades and the transom;
  - South paired wood door;
  - East panelled wood door with glazing;
  - North panelled wood door with glazing;
  - Hipped roof with cross gables;
  - Buff brick chimney on the south elevation of the dwelling;
- Form, scale, and massing of the timber frame accessory building and details including;
  - Red-painted, exterior chestnut board-and-batten cladding;
  - Buff brick and field stone foundation;
  - Gable roof form of the building;
  - Projecting front bay on the east elevation of the structure including gable roof peak above the round headed window, horizontal wood siding, and hipped roof above the main bay door;
  - Door openings, wood doors, and exterior door surrounds;
  - Wood windows including;
    - Six-over-six divided light windows on the east, west, and north sides of the structure;
    - Three-over-three divided light windows on the south side of the structure;
    - Divided light window panel in the gable of the north side of the structure;
    - Exterior window surrounds;
  - Central hipped-roof ventilator located on the ridge of the gable;
- Spatial relationships between the dwelling and the accessory building.

Chair and Members of the Planning and Environment Committee

We are writing in regard to the property at 247 Halls Mill Road. We are neighbours who live just down the street. We strongly urge council to grant heritage designation to the property. The history of the property is well documented. It has been a shame to see a Byron landmark deliberately demolished to the point of collapse.

It is our understanding that the city ordered the property owner to cease and desist when it found that he was deliberately taking parts off the barn without permission...however he continued anyway until he achieved his goal.

The owner had plans, in the past to develop the property where the barn currently sits. This appears to be a case of demolition by neglect turning into deliberate demolition. If a demolition permit is granted by not giving the property heritage designation, then a very dangerous precedence is being set putting all potential heritage buildings at risk.

This property, both the barn and the house, are just about as important to Byron as Eldon House is to London. We all know how cherished Eldon House is. Please do not allow this to be deliberately taken away.

Sincerely,

Jeff and Otilia Santin  
217 Halls Mill Road

Dear Chair and Members of the Planning and Environment Committee,

I am writing you today to request that the Committee members deny the application for a demolition permit for the Red Barn located at 247 Halls Mill Road. This barn has a great deal of historical significance for the Byron area and should be protected from demolition. The structure was in excellent condition prior to the owner illegally beginning demolition of the barn, and then willfully ignoring several stop work orders. I think it is important for historical structures to be protected from demolition, and allowing the demolition of the barn to continue sets a precedent for owners of historical properties to demolish structures without the approval of your Committee.

I strongly believe that the property at 247 Halls Mill Road should be designated as a Historical Property, as should the rest of the Halls Mill neighbourhood.

Thank you,

Alison Park

To Chair & Members of Planning & Environment Committee, Re 247 Halls Mills Rd The owner of 247 Halls Mills Rd has defied City of London .  
He has worked on destroying , a piece of Byron history ,The Red Barn .  
Since August 2019, he has diligently dismantled this structure.  
Despite the order to cover the roof which he had compromised & the Stop Demolition order , he continued his plan to destroy this building .  
This is Illegal & Willful Destruction.  
This action is precedent setting for the whole City . Any Heritage or Historical building could come under the chainsaw of it's owner.  
Please follow the LACH recommendation & demand that the owner rebuild completely The Red Barn.

To Secretary for PEC,  
Please include this letter on the public agenda for January 20, 2020 meeting .

Byron Residents,  
Larry& Catherine Morrison  
21-1443 Commissioners Rd W  
London

Sent from my iPad

To: Chair and Members, Planning and Environment Committee

Re: 247 Halls Mill Road , request for demolition of the Historic William Griffith Coach House/ barn

Historical structures or landmarks give people a sense of pride and adds character and balance to a city. Unfortunately, London has lost many significant historical properties which were destroyed by purposeful neglect by property owners. The City of London recognizes this need to protect properties valued by the community and in August 2019, listed neighbourhoods to be granted historical designation.

Unfortunately, the property owner at 247 Halls Mill Road took this purposeful neglect one step further with the intentional demolition of the historic William Griffith Coach House/Barn. This impressive, one of a kind structure made from Chestnut trees, was built in the 1800's and has been painted, photographed and written about ( Nancy Tausky, Roy Kerr etc) because of its impressive beauty and uniqueness.



After an article featuring a large photograph of this outstanding historic Red Barn appeared in The London Free Press August 23,2019, discussing the historical designation of the Halls Mill Road neighbourhood, the property owner started removing the roof of the barn on the west side, which was not visible from the street.



By mid September, the entire back of the roof was removed and the building was exposed to the elements so concerned residents contacted the City of London and a building inspector was sent to the site. The owner claimed to be renovating.



By the beginning of November, the property owner was removing the boards from the south side of the barn and again, the city was contacted and a building inspector revisited the site and issued a cease demolition order and, a group of 28 people sent a letter to LACH expressing their concern that the structure was in danger and expressed the need to have the property given an official historical designation. The letter was added to the November 13th meeting.



The property owner continued to remove boards from the building and, on December 10, 2019, after several people witnessed the property owner removing more boards from the barn during most of the day, the building collapsed at approximately 7:50pm.



Unfortunately, the property owner has shown a blatant disregard for the citation issued by the City of London and proceeded to demolish a historical building without a proper permit and knowing that not only was his property listed on the city's historical inventory but soon the entire neighbourhood would be given historical designation.

LACH has determined the property at 247 Halls Mill Road be given historical designation and the barn/coach house be repaired or rebuilt. The decision made by this committee is precedent setting and will have a profound impact on whether historical properties in the future will be saved or, make it easier for historical properties to be destroyed with little or no consequences.

I ask that the Chair and Members of the Planning and Environment Committee recognize that this destruction of significant, historical properties through willful neglect or purposeful demolition must be halted. We have a responsibility to protect places of historical value for future generations. Regulations need to be changed and purposeful destruction has to be stopped.

I agree with the recommendation made by LACH and would like to see this historic barn that stood impressively at the top of a historical street, rebuilt.

Thank you  
Debbie Park  
( owner of a historic property in the Halls Mill neighbourhood)

Architectural Conservancy Ontario – London Region Branch  
Grosvenor Lodge  
1017 Western Road  
London, ON N6G 1G5

January 15, 2020

Members of the Planning & Environment Committee:  
Maureen Cassidy (Chair) – mcassidy@london.ca  
Jesse Helmer – jhelmer@london.ca  
Arielle Kayabaga – akayabaga@london.ca  
Anna Hopkins (Chair) – ahopkins@london.ca  
Stephen Turner – sturner@london.ca

Dear Councillors:

**Re: 247 Halls Mill Road Demolition Request and Heritage Designation Recommendation**

On behalf of the London Region branch of Architectural Conservancy Ontario (ACO London), I am writing to you regarding the accessory building at 247 Halls Mill Road.

The purpose of this letter is to express support for the recommendation of the city’s planning department and LACH that the property at 247 Halls Mill Road be designated under Part IV of the Ontario Heritage Act, and that the demolition request of the property owner be denied. The report of the Heritage Planner sets out, in a comprehensive manner, a description of the property’s cultural heritage value.

We have the following additional suggestions and observations:

- We suggest that the city require the property owner to repair the barn to its pre-September 2019 condition as soon as possible, establish a firm deadline for completion of the repair work, and take whatever action is permitted by law for the city to implement the required repairs (at the property owner’s expense) if the property owner fails to meet the established deadline.
- As a general rule, orders to “make safe” a heritage-designated or heritage-listed structure should not include the option to demolish it. This gives any property owner who is “demolishing by neglect” the exact outcome that they are seeking.
- Consideration should be given to creating a “rapid response” protocol within the by-law enforcement department to deal with threats to designated or listed properties. According to published reports, neighbours made the city aware of pre-demolition activities in September of 2019. It is unclear what actions were taken by the city as a result of those neighbours’ concerns.
- Consideration should be given to providing LACH with an additional budget to retain outside (paid) consultants to prepare Cultural Heritage Evaluation Reports (CHERs) when such reports are required on an urgent basis and cannot be prepared by the volunteer members of the LACH Stewardship Subcommittee within the required time frame.

Thank you for considering our comments.

Yours truly,

**Jennifer Grainger**

President

Architectural Conservancy Ontario – London Region

Copies: Cathy Saunders, City Clerk ([csaunder@london.ca](mailto:csaunder@london.ca))

Heather Lysynski, PEC Committee Secretary ([hlysynsk@london.ca](mailto:hlysynsk@london.ca))

Chair of LACH through Jerri Bunn, LACH Committee Secretary ([jbunn@london.ca](mailto:jbunn@london.ca))

Please accept this forwarded email as another endorsement of of what should be done in this matter.As a former Byron resident from 1949-1967 I have a very active interest in your decision and hope you will find the courage to do what you know is the only correct and responsible thing to do .Your decision now can stop the loss of our heritage.

Ted and Sherri Long  
133 Brisbin St .  
London  
N5Z 2L9

**From:** etta etta  
**Sent:** Tuesday, January 14, 2020 5:33 PM  
**To:** PEC <[pec@london.ca](mailto:pec@london.ca)>  
**Cc:** mgregoul <[mgregoul@london.ca](mailto:mgregoul@london.ca)>; Hopkins, Anna <[ahopkins@london.ca](mailto:ahopkins@london.ca)>  
**Subject:** [EXTERNAL] Bryon Red Barn

To Whom it may concern,

I have been very disappointed in the City of London's approach and response to the Bryon Red Barn situation at 247 Halls Mill Rd.

In the past, it seems that the owner was going with the premise of demolition by neglect. Since the article in the London Free Press in Aug 2019, written by Megan Stacey, this owner has been persistent in physically dismantling this amazing part of Bryon's history. Even as I read the "Request for Demolition" notice I could hear saws and hammers from the barn. The owner of this property has disregarded any and all of the city's directives with regard to this property. I feel this approach and response style is setting a contrary precedent with regards to our city's legacy. If this is the owners action then what is the consequence ?

If this owner gets away with this blatant disrespect of city laws, I fear what comes when the next owner wants something the city is presumably guarding. I want to believe our city is taking guardianship of our heritage seriously, but I must say this situation challenges my confidence in this belief and our city's governing bodies.

E.  
Washburn

Resident

Bryon  
16-1331 Commissioners Rd.

Residents of Byron have found out the owner of 247 Halls Mill Road has requested a demolition permit for the barn and building on this site. We would like to see it designated a historical site and have the barn restored. The owner has been taking it apart bit by bit without a proper permit.

Could you add this to the agenda for the upcoming meeting?

Thank you  
Janet Edwards

To The Chair and Members of the Planning and Environmental Committee,  
I am writing this email in support of the preservation of Byron's Red Barn. My family are long time residents of Byron, as my parents built our home on Stephen Street in 1952 when it was little more than a farmer's lane. We have great appreciation for the heritage and history that this important Byron building and particular property exhibit, as do many neighbours and local members of our community. Unfortunately, there are few historic buildings remaining in the community and the landscape of the Village of Byron has been drastically changed and developed over the past few years. How deplorable that the current owner of 247 Hall Mill Road was able to disregard the stop demolition order, even when the LFP had already published information with regard to the building's possible designation. It is imperative that this historic Byron property be preserved and receive the protection and Heritage designation it most certainly deserves. It is a significant reminder of our community's past.

I wish to be included on the public agenda for the meeting on January 20, 2020 regarding this property.

Thank you, Leah Usaty Black  
327 Stephen Street, Byron

Sent from my iPad

To: Secretary of PCE

Also to: Chair and Members of the Planning and Environment Committee

Hello:

I am writing this note as I am opposed to destroying heritage buildings. This particular one has a lot of significance for Byron folk and SW Ontario as it dates back to the 1800's. I personally feel it is wrong to tear down a structure just because it is on your property. I understand the property owner has done a lot of work to destroy this structure so much so that it collapsed in early Dec. 2019.

I hope you will listen to folk like me who would like heritage sites restored. I would hate to think that if London lets one homeowner get away with demolition, what would be next...places like The London Court House. I certainly hope not.

Yours sincerely,  
Pat Leeson  
# 33 - 1443 Commissioners Rd. West,  
London, Ont. N6K 1E2

## 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:** Draft Plan of Vacant Land Condominium By Wastell Homes  
435 Callaway Road (formerly 365 Callaway Road)

**Public Participation Meeting on:** January 20, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Wastell Homes relating to the property located at 435 Callaway Road (formerly 365 Callaway Road):

- (a) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to the property located at 435 Callaway Road (formerly 365 Callaway Road); and,
- (b) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the Site Plan Approval application relating to the property located at 435 Callaway Road (formerly 365 Callaway Road).

## Executive Summary

### Summary of Request

This is a request by Wastell Homes to consider a proposed Draft Plan of Vacant Land Condominium. The proposed Plan of Condominium is being reviewed concurrently with an application for Site Plan Approval. The plan consists of 94 dwelling units, within 3 storey, multiple townhouses providing access from Callaway Road and a private internal road. The applicant's intent is to register the development as one Condominium Corporation.

### Purpose and the Effect of Recommended Action

The purpose and effect is to report to the Approval Authority any issues or concerns raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject lands are located on the north side of Sunningdale Road West, south of Callaway Road, just west of Meadowlands Way. The site is generally flat with low density development and medium density residential development to the south and east. The proposal consists of one multi-family medium density residential block within a plan of subdivision (Plan 33M-771). The site is currently vacant and approximately 2.6 hectares in size. The site has full access to municipal services and is located in an area which is planned for future growth.

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

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Multi-Family, Medium Density Residential
- Existing Zoning – h-53\*R5-3(19)\*R6-5(53)

**1.3 Site Characteristics**

- Current Land Use – Vacant
- Frontage – 116.7 metres
- Depth – Varies
- Area – 2.6 hectares
- Shape – Irregular

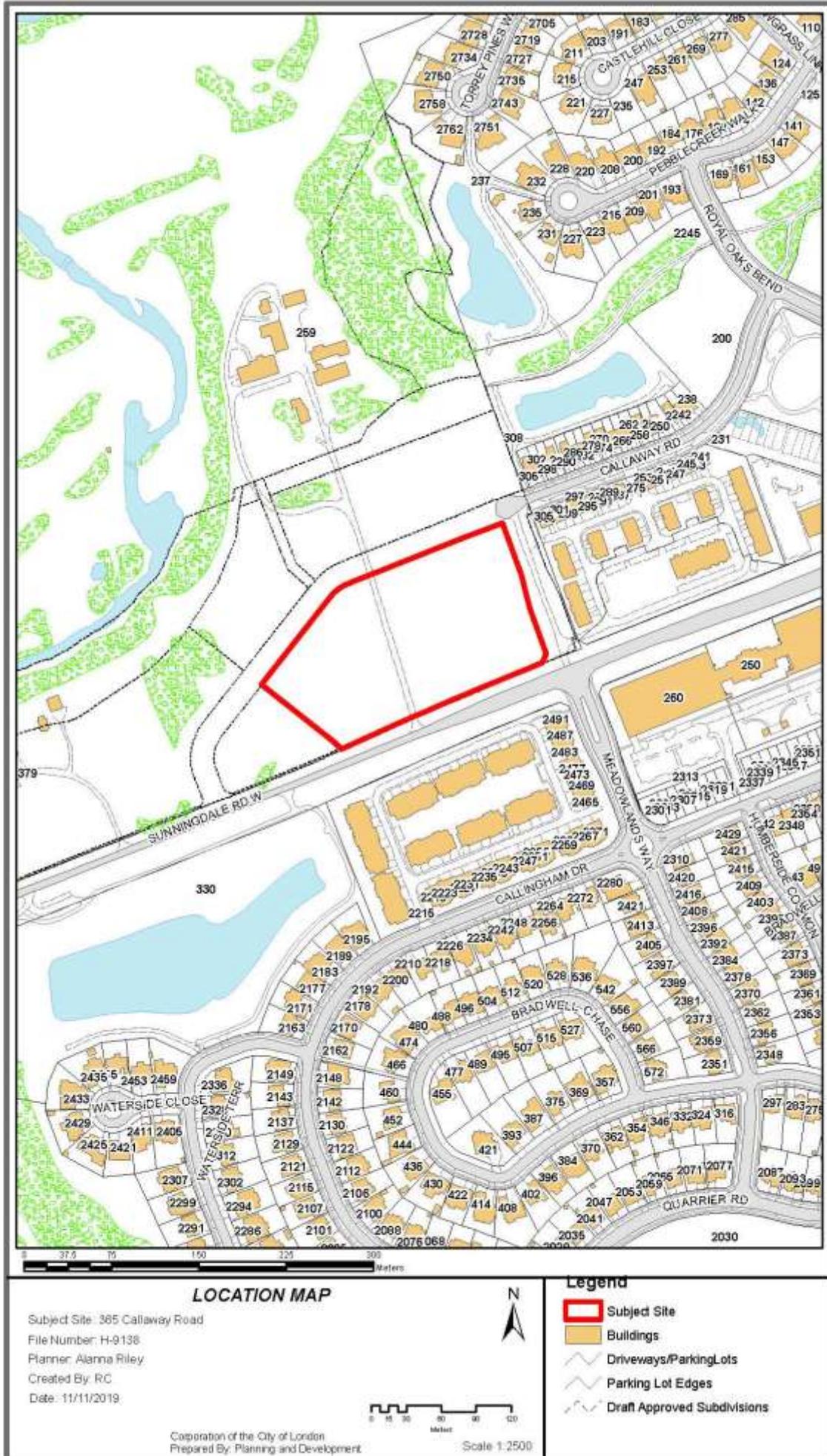
**1.4 Surrounding Land Uses**

- North – Proposed Residential
- East – Residential
- South – Residential
- West – Proposed Residential

**1.5 Intensification (94 units)**

- The 94 vacant land condo units in a cluster townhome form located outside of the Built-Area Boundary and Primary Transit Area

1.6 LOCATION MAP



## 2.0 Description of Proposal

### 2.1 Development Proposal

The effect of the application request is to create 94 Vacant Land Condominium units to be developed in the form of 3 storey, cluster townhouse 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.

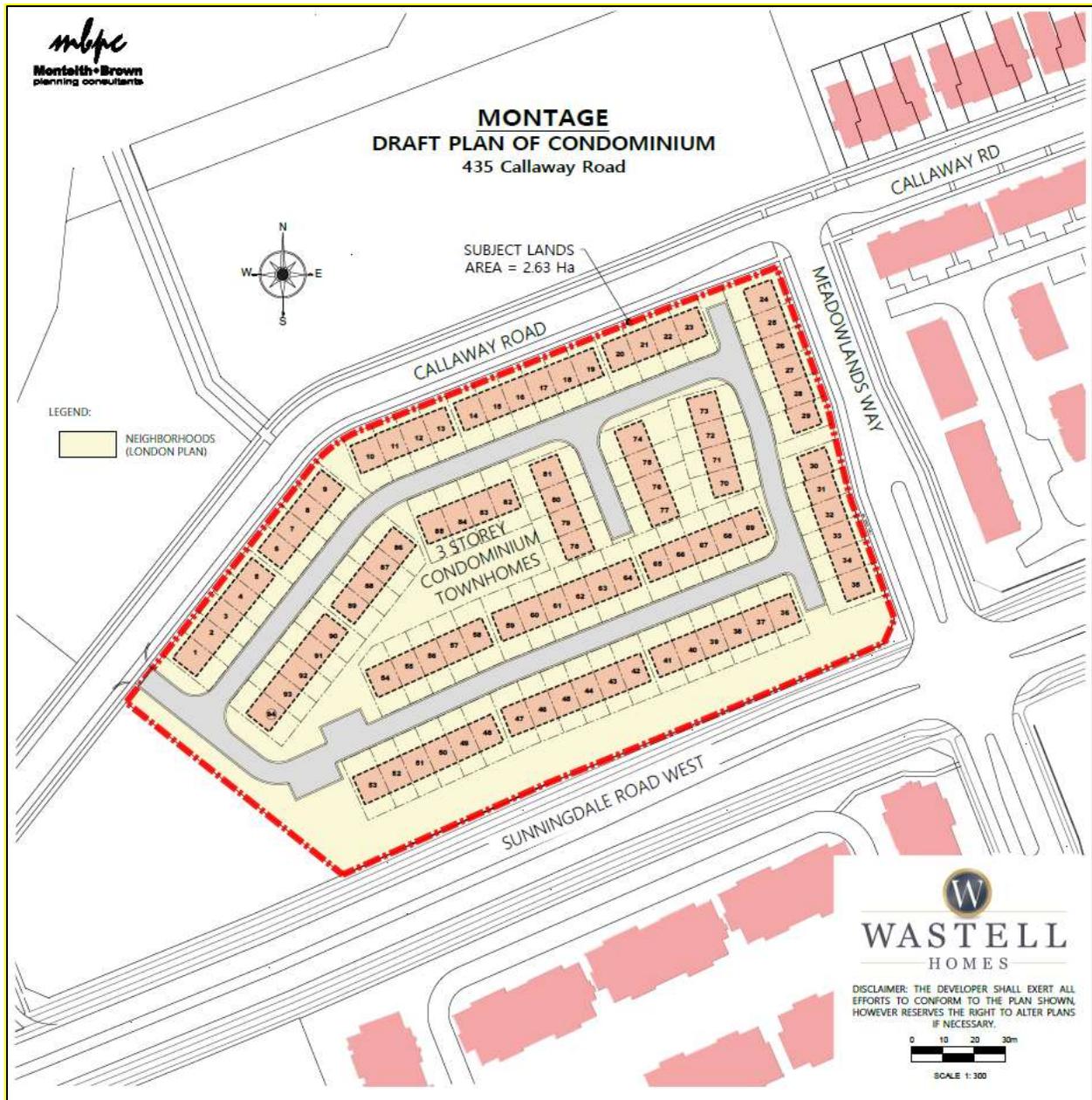


Figure 1: Proposed Vacant Land Condominium

An application for Site Plan Approval (SPA19-097) has also been made in conjunction with the application for Draft Plan of Vacant Land Condominium. The site plan submission, including servicing, grading, landscaping, and building elevation plans, are under review and will be informed by any comments received through the Vacant Land Condominium Public Participation Meeting.

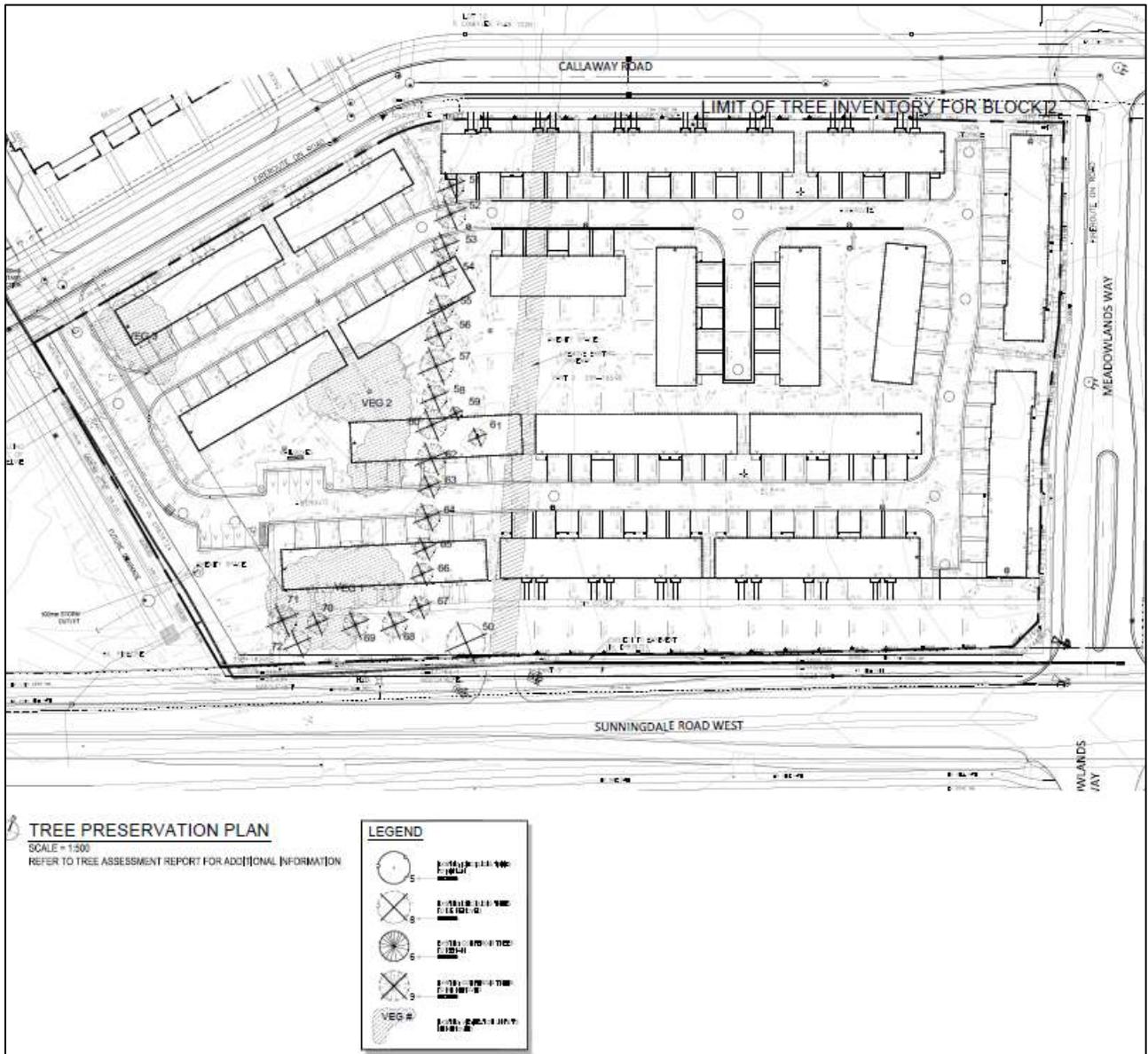


Figure 2: Proposed Landscaping Plan



Figure 3: Proposed Conceptual Elevation

## **3.0 Relevant Background**

### **3.1 Planning History**

The subject lands are located in the City of London within the Sunningdale North Area Plan. Amendments to the Official Plan were approved in April of 2005 to designate the area with various forms of Low Density Residential, Multi-Family, Medium Density Residential, Multi-Family, High Density Residential, Business District Commercial and Open Space. The Sunningdale North Area Plan also provided community planning and design principles to support the development of a distinctive, attractive and self-sustaining community.

On June 3, 2016 the applicant submitted an application for Draft Plan of Subdivision approval, an Official Plan Amendment and a Zoning By-law Amendment including all required reports/studies identified during pre-consultation. Staff reviewed and accepted the applications as complete on June 6, 2016.

On May 24, 2017, the City Clerk's Office received appeals to the Ontario Municipal Board (OMB), from the Applicant on the basis of a non-decision by the City of London Approval Authority within 180 days relating to a draft plan of subdivision application; and a non-decision by Municipal Council within 120 days relating to a Zoning By-law and Official Plan Amendment applications concerning lands located at 379 Sunningdale Road.

An OMB Settlement Hearing was held on November 8, 2017. On November 15, 2017 the OMB issued its decision to approve the Official Plan, Zoning, and Subdivision Draft Plan Approval. Through this process, the site was rezoned to permit cluster housing with holding provisions being applied. The parcel at 435 Callaway Road (formerly 365 Callaway Road) was created through the registration of the subdivision (33M-771) on October 30, 2019.

Site plan approval, along with a minor variance application were submitted concurrently to accommodate the proposed cluster townhouse development. The site plan application is running in parallel with this Vacant Land Condominium application and the requested variances which relates to permitting relief to the density limits of the site that would permit 94 VLC units in place of 93 VLC units is pending.

The applicant has also applied to lift the h-53 provision from the site (H-9138). The applicant must address issues such as dwelling orientation and noise walls to ensure that new development is designed and approved, consistent with the Community Plan, prior to lifting these holding provisions. A future Report will be brought forward to the Planning and Environment Committee relating to the lifting of the h-53 holding provision, as the Site Plan Approval process progresses to the point where plans are accepted a Development Agreement are executed.

### **3.2 Community Engagement (see more detail in Appendix A)**

The requested amendment was circulated to the public on December 4, 2019 and advertised in the 'Londoner' on December 4, 2019. Through the public circulation process there was one response received with concerns relating to density, landscaping, property taxes and the environment.

The comments received by Staff are attached to Appendix "C". The report below addresses these concerns in detail.

### 3.3 Policy Context

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

This application has been reviewed for consistency with the 2014 Provincial Policy Statement. Land uses within settlement areas shall be based on densities which efficiently use land and resources, and will also capitalize on the existing infrastructure and public service facilities that are planned or available while supporting active transportation (1.1.3.2.a) & 1.4.3.d)). The proposal will develop a vacant site that has full access to municipal services within a planned neighbourhood. Development of the lands by way of a vacant land plan of condominium minimizes the amount of land needed for road purposes and promotes a compact form of development. The subject lands are also located close to amenities and public open spaces. Based on the review of the Provincial Policy Statement, approval of the proposed plan with associated conditions would be consistent with the 2014 Provincial Policy Statement.

#### **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 if included. 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.

These lands are within the “Neighbourhoods” Place Types with frontage along a civic boulevard and a neighbourhood connector, which permits a wide range of multi-family medium density residential uses.

The City Building and Our Tools policies have also been applied in the review of this application. City Design policies regarding the site layout are supportive of the proposed development as the units provide access to the bike path along Sunningdale Road West, and sidewalks along Sunningdale Road West and Callaway Road, as well as integrate with the townhomes to the east and south. The proposed development promotes connectivity and safe pedestrian movement within the development and to the surrounding neighbourhood (255\*).

In the Our Tools section of The London Plan, Vacant Land Condominiums are considered based on the following (1709):

1. *The same considerations and requirements for the evaluation of draft plans of subdivision shall apply to draft plans of vacant land condominium;*

The proposed draft plan of vacant land condominium has been evaluated with regards to the review criteria for plans of subdivision. The proposed cluster townhouse dwelling units conform to the policies of the Official Plan’s multi-family medium density residential designation, the Sunningdale North Area Plan and policies of The London Plan, and have access to municipal services.

Water is located and available along Sunningdale Road West to service this development. Sanitary servicing is also located along Sunningdale Road West to service this site. Storm-water will discharge to an existing drainage easement.

From a transportation perspective, the collector road system was established through the subdivision process, and it was anticipated that this block would access the collector road (Callaway Road). The subject site will be serviced by the creation of one driveway off Callaway Road. Provisions for a pedestrian linkage to the south and west will meet the London Plan objective of strong

pedestrian connectivity and will allow easy access to the road system and transit connections.

The residential uses proposed are appropriate for the site, and there are no natural features or hazards associated with the site. The proposed development is located within proximity of Pebblecreek Park, Village Walk, the Medway Valley ESA, Saint Catherine of Siena Catholic School and Medway High School. Based on the size of the proposed vacant land condominium units and potential building footprints (as determined by the lot coverage in the zoning by-law) it is anticipated that the design of these homes will not have a negative impact on the character of this neighbourhood. Building elevation plans have been reviewed as part of the site plan submission. The size and style of townhouse dwellings are anticipated to contribute to housing choice and meet the community demand for housing type, tenure and affordability.

- 2. The applicant may be required to provide site development concepts and meet design requirement consistent with the Site Plan Control By-law as part of the consideration of a draft plan of vacant land condominium;*

The draft plan of Vacant Land Condominium is being concurrently considered with an active Site Plan Application (SPA19-097). The various requirements of the Site Plan Control By-law will be considered and implemented through a Development Agreement for the lands.

- 3. Proposals for vacant land condominiums which will result in units above or below any other unit will not be supported;*

The proposed townhouse units do not result in unit boundaries below or above other units.

- 4. Only one dwelling will be permitted per unit;*

There is only one townhouse dwelling proposed per unit.

- 5. At the time of registration, structures cannot cross unit boundaries;*

A signed Development Agreement will be required prior to the final approval of the Vacant Land Condominium that will confirm both the location of structures and unit boundaries.

- 6. The registration of a proposed development as more than one vacant land condominium corporation may be permitted if the proposal is supportive of comprehensive development and planning goals. The minimum number of units to be included in each condominium corporation will be adequate to allow for the reasonable independent operation of the condominium corporation.*

The proposed cluster townhouse development is to be developed as one condominium corporation.

### **(1989) Official Plan**

The (1989) Official Plan designation for these lands is Multi-Family, Medium Density Residential (MFMDR). The primary permitted uses in the Multi-Family, Medium Density Residential designation shall include multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged (3.3.1. Permitted Uses). The proposed vacant land condominium is in keeping with the range of permitted uses.

Developments within areas designated Multi-Family, Medium Density Residential shall have a low-rise form and a site coverage and density that could serve as a transition between low density residential areas and more intensive forms of development. The proposal takes on a similar scale of development to what exists in the surrounding area. The development also provides a density of 36 uph which is less the 75 uph permitted in the MFMDR designation (3.3.3. Scale of Development).

The current application conforms to the (1989) Official Plan.

### **Vacant Land Condominium Application**

The City of London Condominium Guidelines have been considered for the proposed Vacant Land Condominium which is comprised of various units and common elements. The City may require applicants to satisfy reasonable conditions prior to Final Approval and registration of the plan of condominium, as authorized under the provisions of subsection 51(25) of the *Planning Act*. In order to ensure that this Vacant Land Condominium development functions properly, the following may be required as conditions of draft approval:

- That site plan approval has been given and a Development Agreement has been entered into;
- Completion of site works in the common elements and the posting of security in addition to that held under the Development Agreement (if applicable), in the event these works are not completed prior to registration of the plan of condominium;
- Installation of fire route signs prior to registration;
- Confirmation of addressing information and door point numbers;
- Payment of outstanding taxes or local improvement charges, if any;
- Provision of servicing easements for utility providers (such as London Hydro, Union Gas, Bell, etc.);
- The maintenance of any stormwater servicing works including on-site works;
- Appropriate fencing;
- Arrangements be made dealing with rights of access to and use of joint facilities, and responsibility for and distribution of costs for maintenance of joint facilities; and,
- Ensuring that the Condominium Declaration to be registered on title adequately addresses the distribution of responsibilities between the unit owners and the condominium corporation for the maintenance of services, the internal driveway, amenity areas, and any other structures in the common elements.

### **Z.-1 Zoning By-law**

The subject site is within a Holding Special Provision Residential R5/R6 (h-53/R5-3(19)/R6-5(53)) Zone, which permits a range of medium density residential developments in the form of townhouses, apartment buildings, nursing homes, and other similar uses. The development is proposed under the R5-3(19) Zone, which permits cluster townhouse and cluster stacked townhouse dwellings with a maximum permitted density of 35 units per hectare and a height maximum of 13 metres. The applicant is proposing a density of 36 units per hectare through a minor variance application which represents a modest increase in density and is not viewed as an over-intensification of the site.

There is a holding (h-53) provision on the site. The applicant must address issues such as dwelling orientation and noise walls to ensure that new development is designed and approved, consistent with the Community Plan, prior to lifting these holding provisions.

The proposed development is consistent with the existing zoning, and issues identified through the minor variance and holding provision will be addressed prior to approval of the Site Plan through the submission and acceptance of required studies, and through the approved Site Plan and development agreement. The development is in conformity with the policies of The London Plan, (1989) Official Plan and Sunningdale North Area Plan.

More information and detail is available in the appendices of this report.

**4.0 Conclusion**

Based on all of the above analysis, the proposed Vacant Land Condominium represents an efficient use of land and encourages compact urban form. The proposed Vacant Land Condominium is consistent with the Provincial Policy Statement, and in conformity with The London Plan, the (1989) Official Plan, and the Sunningdale North Area Plan. The applicant’s proposal to allow for cluster townhouse dwellings in this area is appropriate and allows for a development which is of comparable size and scale as existing dwellings in this area. Overall, this application represents good land use planning and is appropriate. An Application for Site Plan Approval has also been submitted and will be reviewed in conjunction with the application for Vacant Land Condominium.

<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.	

January 13, 2020

Y:\Shared\ADMIN\1- PEC Reports\2020 PEC Reports\2 - Jan 20\draft 365 Callaway Road 39CD-19515 AR.docx

- cc: Lou Pompilii, Manager, Development Planning
- cc: Matt Feldberg, Manager, Development Services (Subdivisions)
- cc: Ismail Abusheheda, Manager, Development Engineering
- cc: Heather McNeely, Manager, Development Services (Site Plans)

## Appendix A – Community Engagement

**Public liaison:** On December 3, 2019, Notice of Application was sent to property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 3, 2019. A “Planning Application” sign was also posted on the site.

1 reply were received

**Nature of Liaison:** The purpose and effect of this zoning change is to approve a Draft Plan of Vacant Land Condominium consisting of 94 residential units. Consideration of a proposed draft plan consisting of 94 townhouse dwelling units and a common element for private access driveway and services to be registered as one Condominium Corporation. Application has also been made for approval for Site Plan Approval, file SPA19-097.

### Responses to Public Liaison Letter and Publication in “The Londoner”

**From:** John Spencer  
**Sent:** Saturday, December 14, 2019 9:44 PM  
**To:** Riley, Alanna <[ariley@London.ca](mailto:ariley@London.ca)>  
**Cc:** Morgan, Josh <[joshmorgan@london.ca](mailto:joshmorgan@london.ca)>  
**Subject:** [EXTERNAL] 365 CALLAWAY RD/435 CALLAWAY RD - APPLICATION TO ALLOW 36 VERSUS 35 TOWNHOUSES PER HECTARE

Hi Alanna and Josh,

Please do not allow this application to pass. We live adjacent to this affected land, so we have a huge investment at stake as well. A lot of thought by our forefathers were put into establishing the 35 units per hectare. The resources and infrastructure will already be taxed to the limit and to allow even one more dwelling per hectare will be damaging to this as well as becoming an environmental concern!

And - you will be opening the door for other developers to sneak in an extra unit or two per hectare on future projects.

No, no, no. The answer should be no. They should change their plan and build a total of 90 units to comply with the Planning Act. This will provide at least the minimum landscape open space and go a long way to offset or accommodate the front and back yard setback issues. Problem solved.

This area was pristine when we purchased. Our developer/builder lied to us about future land use across the road so we are very sensitive to this encroachment as does everyone of our neighbours. The already fragile environment of Medway Valley is at a very high risk already. It's up to people like Greta Thurnberg, you and our municipal government representation to be on guard against these greedy developers and be there for your regular tax paying citizens.

Thank you

John and Linda Spencer

36-2215 Callingham Drive, London, ON N6G 0P1

## Agency/Departmental Comments

### Bell Canada

“The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements”.

### Hydro One

No Objection

### London Hydro

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment.

Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense. Above-grade transformation is required. **Note: A blanket easement will be required. Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements & availability.**

### Stormwater Engineering

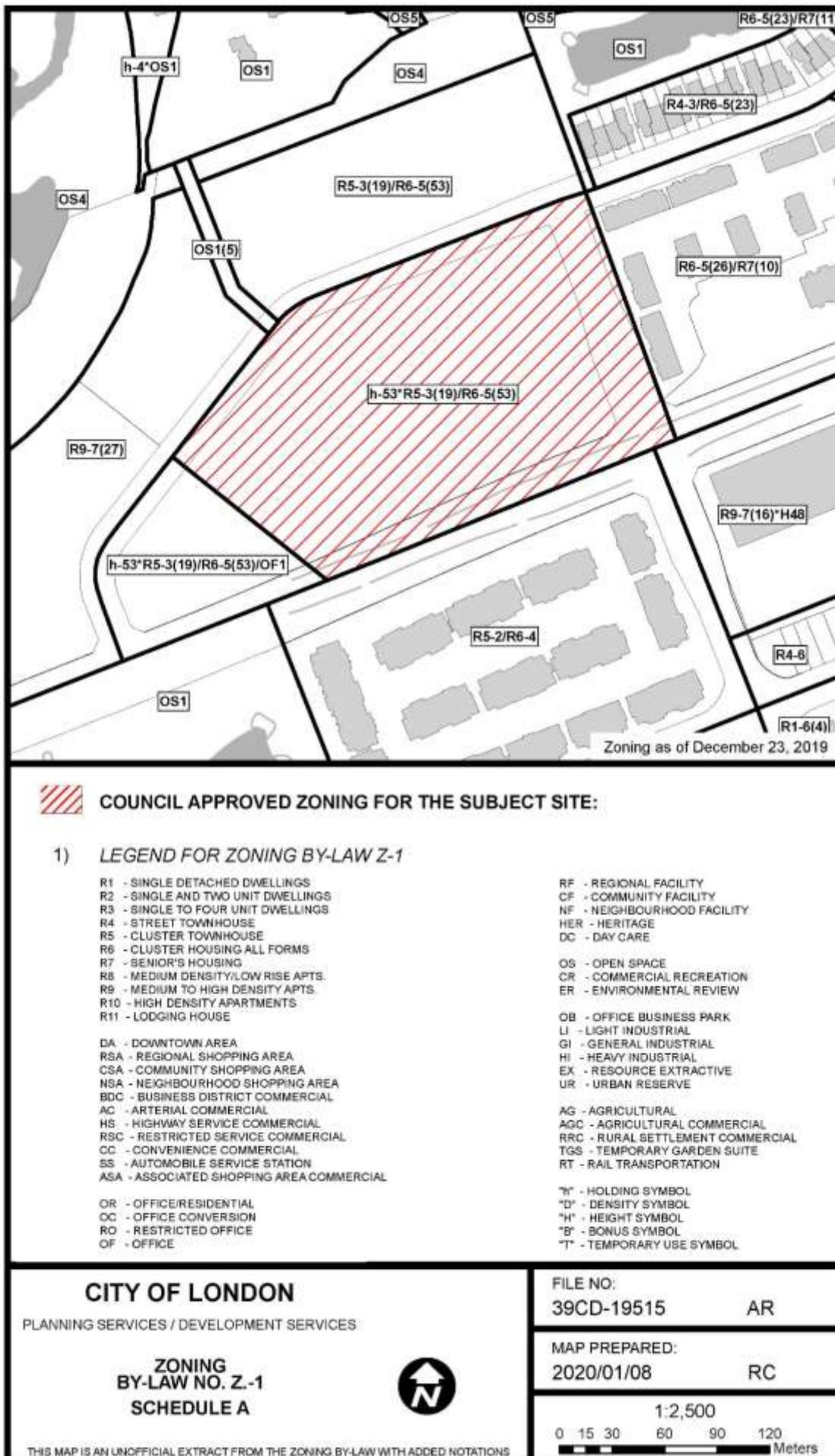
Please include the following conditions from SWED for the above noted application.

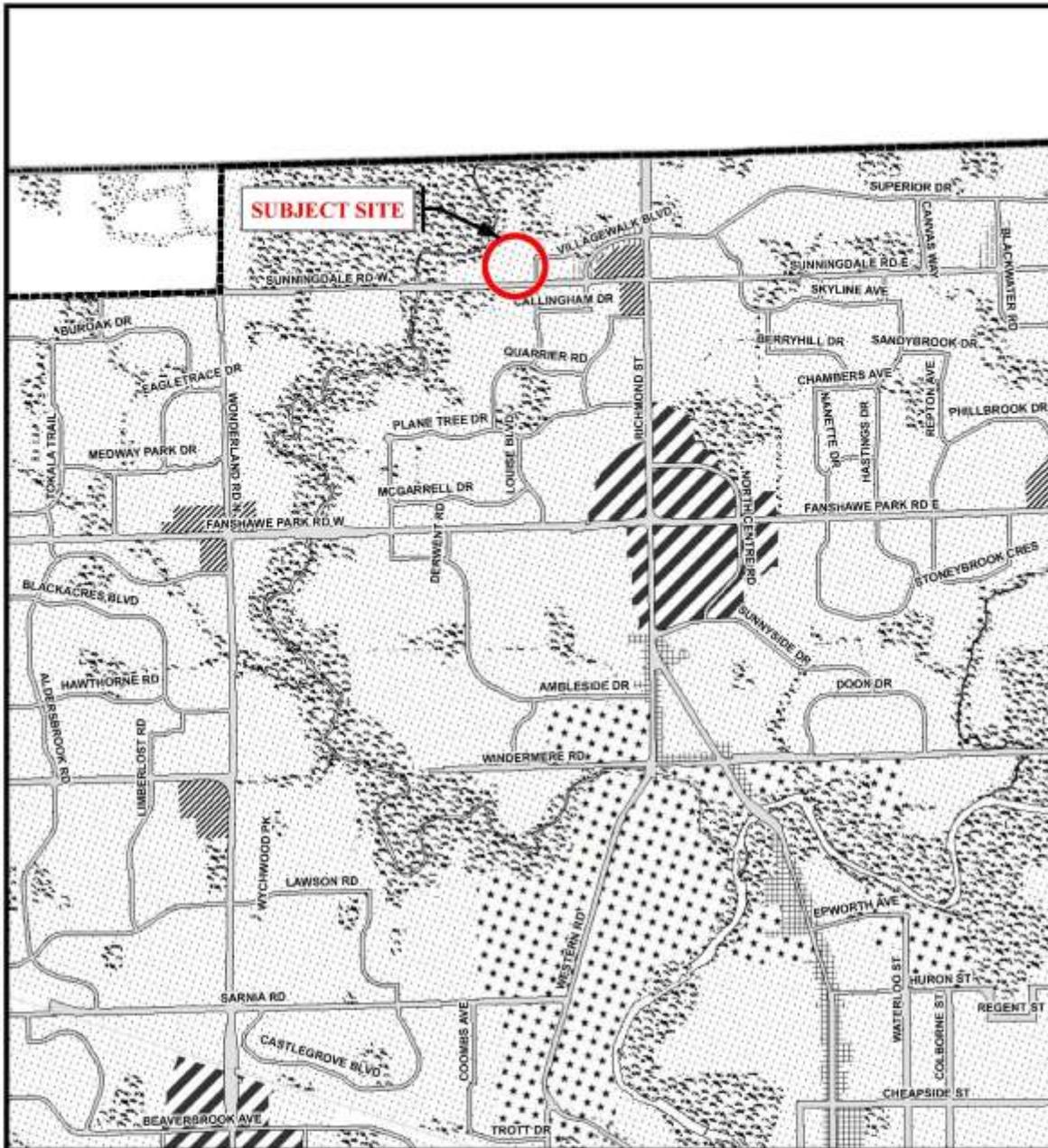
“The Owner acknowledges that the subject lands are part of a Site Plan application which is being reviewed or has been accepted under the Site Plan Approvals Process (File # SPA19-097) and that the Owner agrees that the development of this site under Approval of Draft Plan of Vacant Land Condominium shall comply with all final approved Site Plan conditions and approved engineering drawings for the current development application. Therefore, any conditions identified in the Development Agreement registered on title and any Private Permanent System(s) (PPS) that includes storm/drainage, Low Impact Development (LID) and SWM servicing works must be maintained and operated by the Owner in accordance with current applicable law.”

### UTRCA

- No Objection

Appendix B – Additional Maps





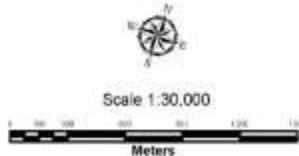
**Legend**

- |                        |                          |   |
|------------------------|--------------------------|---|
| 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              |   |

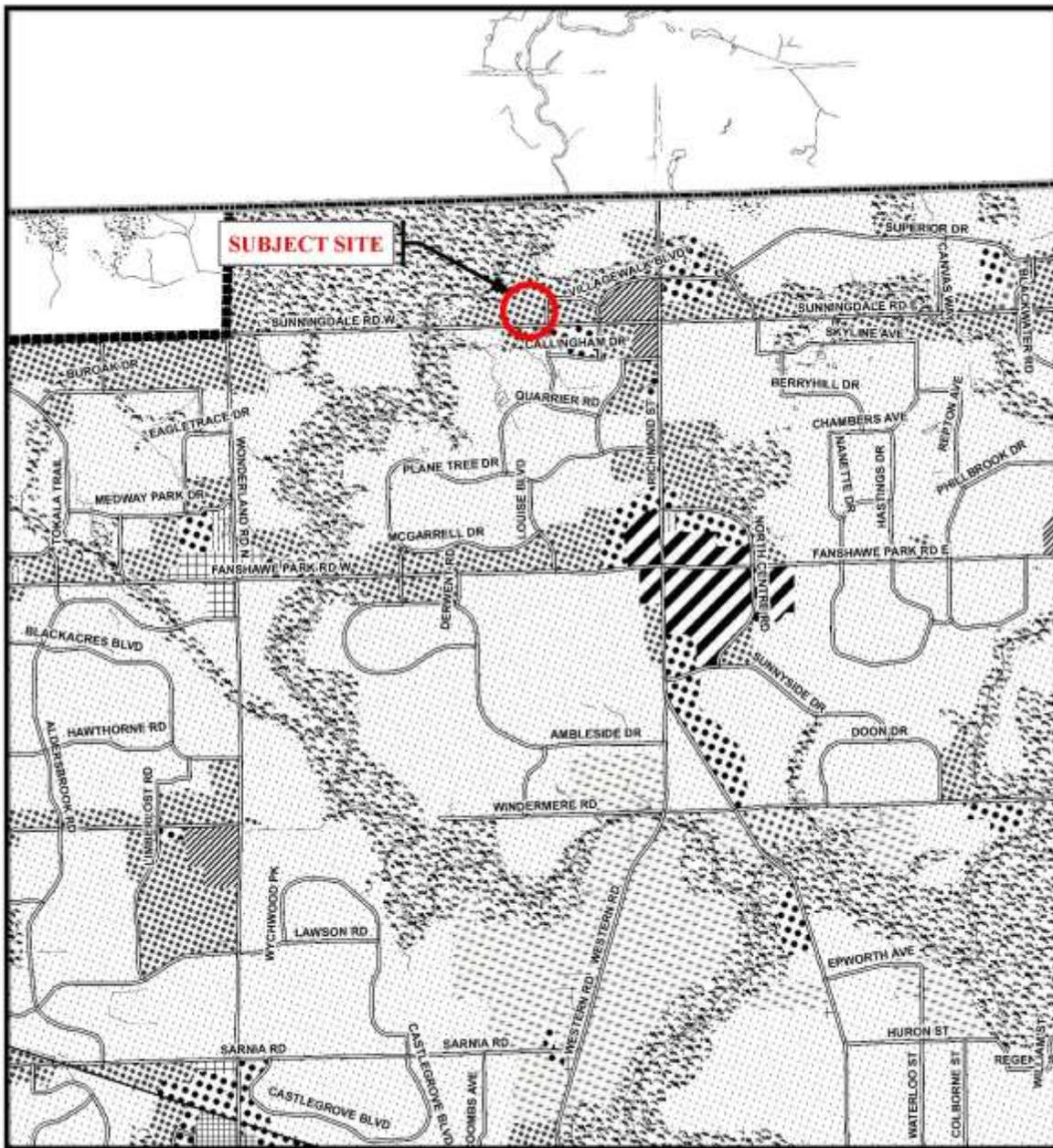
*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

*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

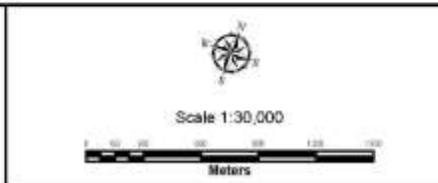


**File Number:** 39CD-19515  
**Planner:** AR  
**Technician:** RC  
**Date:** January 8, 2020



Legend	
	Downtown
	Enterprise
	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  
 - LANDUSE -  
 PREPARED BY: Graphics and Information Services



FILE NUMBER: 39CD-19515  
 PLANNER: AR  
 TECHNICIAN: RC  
 DATE: 2020/01/08

PROJECT LOCATION: e:\planning\projectsp\_officialplan\work\consolid00\excerpts\mxd\_templates\scheduleA\_NEW\_b&w\_bx14.mxd

## Report to Planning and Environment Committee

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

**From:** Gregg Barrett  
Manager, Long Range Planning and Sustainability

**Subject:** Affordable Housing Community Improvement Plan (CIP) and Program Guidelines

**Public Participation Meeting on: January 20, 2020**

## Recommendation

That, on the recommendation of the Manager, Long Range Planning and Sustainability, the following actions **BE TAKEN** with respect to the application by the City of London relating to a Community Improvement Plan (CIP) for Affordable Housing:

- (a) That the proposed by-law attached as Appendix “A” **BE INTRODUCED** at the Municipal Council meeting on January 28, 2020, to designate lands within the City of London as the Affordable Housing Community Improvement Project Area pursuant to Section 28 of the *Planning Act* and as provided for under the Our Tools part of *The London Plan*.
- (b) That the proposed by-law attached as Appendix “B” **BE INTRODUCED** at the Municipal Council meeting on January 28, 2020, to amend Map 8 (Community Improvement Project Areas) in Appendix 1 (Maps) of *The London Plan* to **ADD** the Affordable Housing Community Improvement Project Area (as designated in part (a) above).
- (c) That the proposed by-law attached as Appendix “C” **BE INTRODUCED** at the Municipal Council meeting on January 28, 2020, to adopt the Affordable Housing Community Improvement Plan to outline objectives, programs, and monitoring of community improvement related to the development of new affordable housing units in the Affordable Housing Community Improvement Project Area (as designated in part (a) above).
- (d) That the proposed by-law attached as Appendix “D” **BE INTRODUCED** at the Municipal Council meeting on January 28, 2020, to adopt a by-law to establish financial incentive programs for the Affordable Housing Community Improvement Project Area (as designated in part (a) above).

**IT BEING NOTED** that the Affordable Housing Community Improvement Plan has been identified within the 2019-2023 Council Strategic Plan and a business case for incentive programs under this CIP have been submitted for evaluation through the 2020-2023 Multi-Year Budget process.

**IT BEING FURTHER NOTED** that, subject to evaluation and funding through the 2020-2023 Multi-Year Budget, incentive programs introduced under the Affordable Housing Community Improvement Plan will come into effect the day after the multi-year budget is passed by Municipal Council.

## 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 Action Plan (HSAP) and the Homelessness Prevention and Housing policies of *The London Plan*.

One tool identified in the toolkit is a Community Improvement Plan (CIP) that would provide financial incentives to encourage the development of new affordable housing as

well as act as the City's contribution towards the "co-investment" that is required in order to access Federal affordable housing funding under the National Housing Strategy.

After stakeholder and public consultations in summer and fall 2019, a draft Affordable Housing CIP was prepared and presented at the November 18, 2019, meeting of the Planning and Environment Committee. The November 2019 report also included key principles of proposed incentive programs to be offered under the CIP.

Staff conducted additional public consultations in December 2019 to confirm the CIP's approach, identify measures for future monitoring, and to review the program guidelines for two (2) proposed incentive programs.

This report recommends: (1) designation of the Affordable Housing Community Improvement Project Area; (2) Amendments to mapping of *The London Plan* to identify the Affordable Housing Community Improvement Project Area; (3) Adoption of the Affordable Housing Community Improvement Plan; and (4) Adoption of two financial incentive programs within the project area, noting that funding for the incentive programs is to be evaluated through the 2020-2023 multi-year budget process.

The Affordable Housing Community Improvement Plan meets the test for community improvement, as defined in the *Planning Act*. Furthermore, the adoption of the Community Improvement Plan and London Plan Amendment is consistent with the Provincial Policy Statement and is supported by policies of *The London Plan*.

## 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 residential intensification and 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, and will align with transportation planning to support public transit and active transportation options.

## 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 Action 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. The "Affordable Housing Community Improvement Plan (CIP)", was identified as a priority within the Toolkit.

The Affordable Housing CIP is identified as a priority tool within the Toolkit, in part because of the requirements of municipal "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 would assist affordable housing developers in accessing additional affordable housing funding from other levels of government.

## **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 specific area, referred to as a Community Improvement 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 those programs and incentives have been identified within an adopted Community Improvement Plan.

The Affordable Housing Community Improvement Plan meets the test for community improvement as defined in the *Planning Act*.

### **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 “Affordable Housing Development Toolkit” may define “affordable” differently or address different housing choices;
- 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 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 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 Action Plan.

The Affordable Housing CIP also does not directly plan for or fund regeneration of London Middlesex Community Housing (LMCH) or other community housing providers’ sites. The LMCH Regeneration Plan addresses this along with community housing funding needs.

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.

## 2.4 Nature of Application

This report recommends:

- The designation of the Affordable Housing Community Improvement Project Area and related map amendments to *The London Plan*;
- Adoption of the Affordable Housing Community Improvement Plan; and
- Adoption of two financial incentive programs within the project area, noting that funding for the incentive programs is to be considered as part of the 2020 multi-year budget process.

This CIP is intended to be used to set objectives and identify future monitoring measures for the development of new affordable housing units. This CIP is also intended to implement policies of *The London Plan* and the *Housing Stability Action Plan*.

## 2.5 Update since the November 18, 2019 Report to PEC

At the November 18, 2019, Planning and Environment Committee, Council gave direction on the draft Affordable Housing Community Improvement Plan and draft principles for the incentive program guidelines.

The draft CIP identified objectives related to the creation of more new affordable rental units and an analysis of the need for affordable housing (e.g. household incomes relative to housing costs). The November 2019 report also identified that there are two proposed incentive programs, which are City of London loan programs to encourage the creation of affordable rental housing units and encourage the creation of “Additional Residential Units” (for home ownership affordability as well as increasing long-term rental supply). The term “Additional Residential Units” was recently introduced by the Province; it replaces the term “Secondary Dwelling Units”.

Community meetings were held on December 12 and December 17. Through this continued consultation, Staff have found there to be general public support for the Affordable Housing CIP’s Objectives, Monitoring Measures, and to recognize the need for Affordable Housing. There is also general support for a CIP project area that applies to the entire city.

Comments and discussion at the December 2019 community meetings centred on the financial incentive program guidelines and included the following:

- Questions regarding how the City would be able to track the rents of the Additional Residential Units and Affordable Units created as a result of the incentive programs;
- Concern about the availability to renters of the Additional Residential Units developed as a result of the incentive programs (e.g. how many months per year the unit is occupied);
- Whether the multi-unit residential incentive program should require a mix of market and affordable units or whether a mix of various levels of affordable units is also appropriate under the incentive programs;
- Whether the loan amount proposed (up to \$20,000) is sufficient to encourage the creation of affordable units, noting that the proposed loan amount is comparable to the dollar amount of current City Development Charges (and DCs were one of the up-front costs which were identified in earlier consultations as a barrier to affordable housing development);

- The cost of administering the incentive programs, including the initial “one time” budget cost to initiate, ongoing cost of the revolving loans, and administration of programs. It should be noted that the level of funding of incentive programs under all City Community Improvement Plans is subject to Council’s multi-year budget, and program funding can be adjusted with each new Council’s budget evaluation process.
- Concern was also raised that the applicant’s ten year loan repayment schedule (proposed to start after the building is constructed) would limit the ability to rent new units at affordable rates. It was identified that a repayment schedule at earlier milestone dates would allow a loan to be considered as part of the capital project, whereas later repayment would be viewed as an operating cost and projects may not have sufficient rental revenue to repay the City loan.

As a result of the continued consultations in December 2019, the program guidelines identified in Appendix ‘D’ to this report have been revised as follows:

- CIP Program #1: Affordable Housing Development Loan Program
  - In buildings with more than ten (10) units there must be mixed affordability (i.e. Affordable and Market Rent units or units with different levels of affordability relative to Average Market Rent (AMR), as defined by the CMHC).
  - Units must be rented below Canada Mortgage and Housing Corporation (CMHC) Average Market Rent (AMR), based on the average market rent by CMHC “Zone” (i.e. geographic area) of the City. If recent, reliable rental data by “CMHC Zone” is unavailable (data more than 1-year old), then the city-wide AMR will be applied for the purposes of establishing the loan level.
  - The applicant’s repayment period will begin sixty (60) days after the building permit is issued.
  - Loan repayment by owner will occur in three (3) equal installments (each is one-third of the value of the loan). The first repayment is due to the City sixty (60) days after issuance of the building permit. The second repayment is due when structural framing is complete, as confirmed by a letter from a Professional Engineer identifying completion. The final installment of the repayment is required at the time of building occupancy or ten (10) years after the date the building permit was issued, whichever is sooner.
- CIP Program #2: Additional Residential Unit Loan Program
  - The Additional Residential Unit Loan Program applies to eligible residences (defined as single-detached, semi-detached and street townhouses) that exist as of the date the by-law is passed by Council to adopt the Affordable Housing CIP (i.e. January 28, 2020).
  - Eligible works include servicing, recognizing that accessory structures (such as garages or coach houses) will require municipal servicing in order to convert to residential units.
  - Loans will be issued at the time the eligible works are completed and repayment will begin twelve (12) months after the loan is issued.
  - The loan will be repaid to the City in 108 equal monthly installments thereafter.
  - The owner-occupant will be required to declare the rental price of the Additional Residential Unit as part of annual renewals of the Residential Rental Unit License (RRUL) for the Additional Residential Unit.

## 3.0 Background and Policy Context

### 3.1 London Plan Amendment

The proposed amendment would add the Community Improvement Project Area to Map 8 (Community Improvement Project Areas) of *The London Plan*.

The London Plan Amendment and designation of a community improvement project area for Affordable Housing is in conformity with the policy framework of *The London Plan*.

Community improvement plans are intended to provide City Council with the necessary tools to stimulate reinvestment and redevelopment, encourage appropriate infill and intensification, coordinate planning efforts, improve the physical infrastructure, support community economic development, preserve neighbourhood and cultural heritage value, and lead to the establishment of an improved neighbourhood. The tools to implement community improvement plans may include incentives and targeted private and/or public investment to achieve the vision, key directions and policies in The London Plan. Council may also acquire, clear and dispose of land to support community improvement and economic development, or use any other methods to support community improvement or environmental, social or community economic development including affordable housing, which is permitted by the legislation.

Policy 511\_ of The Homelessness Prevention and Housing section of *The London Plan* identifies that CIPs may be used to create housing opportunities and new housing stock. Policy 511\_ states that: “community improvement plans may be created to identify programs and funding that will encourage the improvement of the existing housing stock and the development of new housing stock.”

Additionally, The London Plan identifies that community improvement is intended to meet various objectives. Several of which relate to affordable housing, including:

- 1727\_4. Stimulate private sector property maintenance, repair, rehabilitation, redevelopment and other forms of private sector investment and reinvestment activity.
- 1727\_10. Upgrade social and recreational facilities and support the creation of affordable housing.

In order to identify areas for community improvement, City Council is required to consider various criteria, including several which relate to affordable housing:

- 1728\_4. Vacant lots and/or underutilized properties and buildings which have potential for infill, redevelopment, expansion or development to better utilize the land base.
- 1728\_9. Lack of or deficient affordable housing or mix of housing opportunities.
- 1728\_13. Other significant environmental, social or community economic development reasons for community improvement.

### 3.2 Provincial Policy Statement, 2014

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario’s policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians. In July 2019, the Province proposed updates to the PPS. These updates are part of the Province’s “Housing Supply Action Plan”, which identifies “increasing housing supply” and “ensuring the provision of sufficient housing to meet changing needs, including affordable housing” as Provincial priorities. The proposed changes also identify that the Province will require alignment

between an Official Plan's affordable housing targets and Municipal Homeless Prevention and Housing Plans (i.e. the City of London's Housing Stability Action Plan). Public consultation on the changes ended in October 2019. The proposed changes have not yet received royal assent.

Under Part V of the PPS, policies for "Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns" include direction for municipalities to:

- Promote efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term (policy 1.1.1.a); and
- Accommodate an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), [...] as well as other uses to meet long-term needs (policy 1.1.1.b).

Section 3 of the Planning Act requires that decisions affecting planning matters "shall be consistent with" the PPS. All municipal plans, including: Official Plans, Secondary Plans, and CIPs must be consistent with all applicable provincial policies.

### 3.3 Municipal Act and Planning Act

The *Municipal Act* prohibits municipalities from providing assistance directly or indirectly to any manufacturing business or other industrial or commercial enterprise through the granting of bonuses (Section 106(1)).

Section 106(2) states that the municipality shall not grant assistance by:

- Giving or lending any property of the municipality, including money;
- Guaranteeing borrowing;
- Leasing or selling any municipal property at below fair market value; or
- 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 the granting of bonuses. Municipalities can exercise powers under subsection 28(6), (7) or (7.2) of the *Planning Act* or under Section 365.1 of the *Municipal Act*, 2001. Section 28 of the *Planning Act* allows municipalities to prepare and adopt Community Improvement Plans if they have the appropriate provisions in their Official Plans.

As such, through section 28 of the *Planning Act* municipalities can identify community improvement project areas in order to undertake actions for community improvement. As noted above, community improvement can include planning and re-planning areas, directing funds for municipal infrastructure, public space or affordable housing, and providing municipal grants or loans.

## 4.0 Conclusion

This report recommends designation of the Affordable Housing Community Improvement Project Area and related amendments to London Plan mapping. Additionally, this report recommends adoption of the Affordable Housing Community Improvement Plan and adoption of two financial incentive programs within the project area.

The Affordable Housing Community Improvement Plan meets the test for community improvement, as defined in the *Planning Act*. Furthermore, the adoption of the Community Improvement Plan and London Plan Amendment is consistent with the Provincial Policy Statement and is supported by policies of *The London Plan*.

Consultation regarding the draft Affordable Housing CIP and incentive program guidelines took place in December 2019.

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 is part of Council’s multi-year budget. Funding of the loan programs 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.

Eligibility for the financial incentive programs within the Community Improvement Project Area is based upon criteria within the program guidelines. The program criteria have been established to meet multiple City objectives of Council’s Strategic Plan and *The London Plan*.

<b>Prepared by:</b>	<b>Travis Macbeth, MCIP, RPP Planning Policy</b>
<b>Submitted and Recommended by:</b>	<b>Gregg Barrett, AICP Manager, Long Range Planning and Sustainability</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	

January 9, 2020  
TM/tm

## Appendix A – By-law to Designate Community Improvement 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 covered by an official plan 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*.

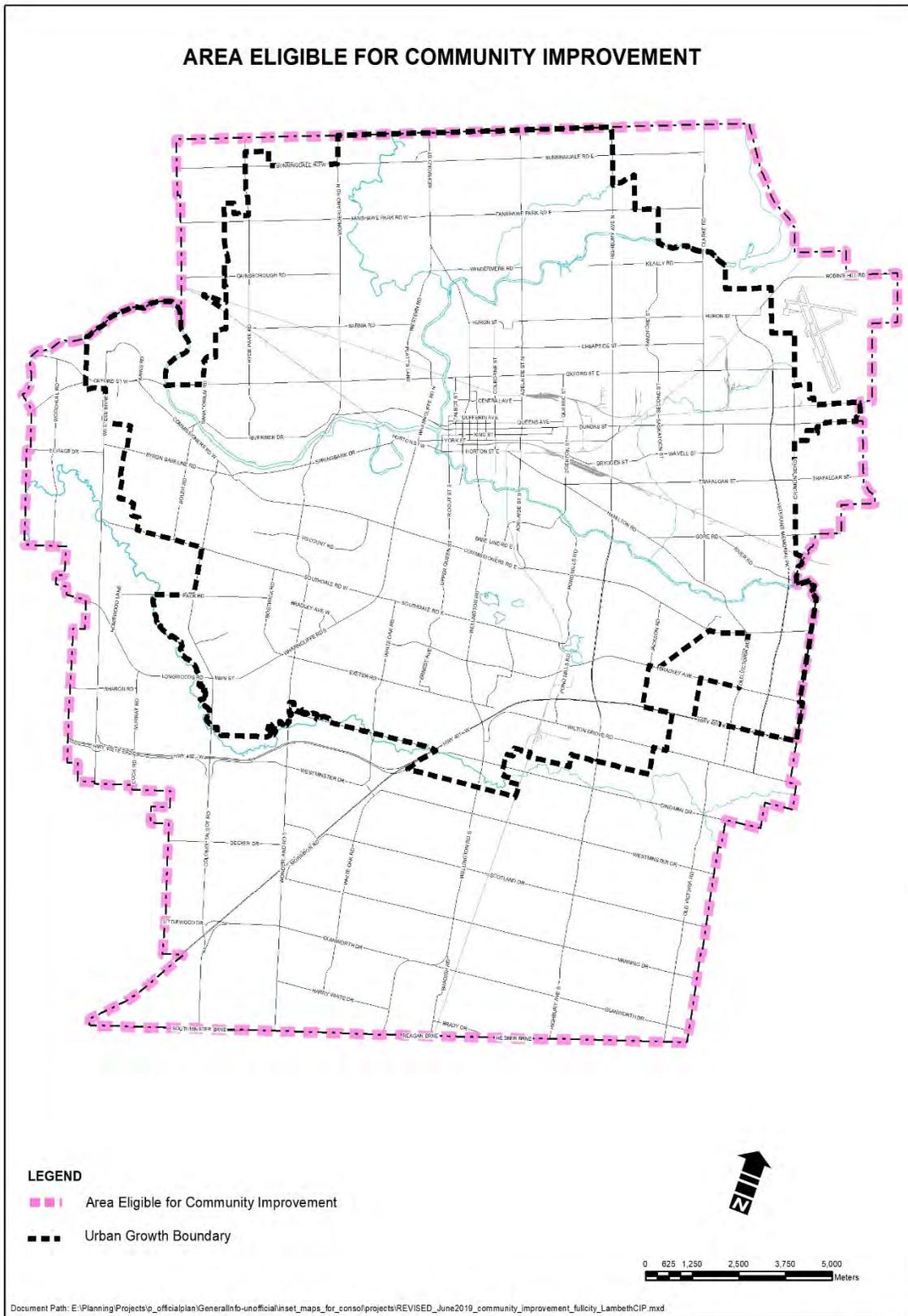
PASSED in Open Council on January 28, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – January 28, 2020  
Second Reading – January 28, 2020  
Third Reading – January 28, 2020

# Schedule 1: Affordable Housing Community Improvement Project Area



## Appendix B – London Plan Amendment (Map 8)

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

By-law No. C.P. XXXX

A by-law to amend The London Plan for the City of London, 2016, relating to Map 8 in Appendix 1 (Maps) and the Community Improvement Project Area for Affordable Housing

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

1. Amendment No. XX to The London Plan for the City of London Planning area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. The Amendment shall come into effect in accordance with subsection 17(27) of the Planning Act, R.S.O. 1990, c. P. 13.

PASSED in Open Council on January 28, 2020

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – January 28, 2020  
Second Reading – January 28, 2020  
Third Reading – January 28, 2020

**AMENDMENT NO.  
to the  
THE LONDON PLAN FOR THE CITY OF LONDON**

**A. PURPOSE OF THIS AMENDMENT**

The purpose of this Amendment is:

1. To add the Affordable Housing Community Improvement Plan Project Area to Map 8 – Community Improvement Project Areas to Appendix 1 (Maps) to *The London Plan*, pursuant to Council’s designation of the Affordable Housing Community Improvement Project Area.
2. To correct spelling of “within” in the Legend of Map 8 – Community Improvement Project Areas to The London Plan.

**B. LOCATION OF THIS AMENDMENT**

This Amendment applies to all lands within the Affordable Housing Community Improvement Project Area.

**C. BASIS OF THE AMENDMENT**

The City must designate an affordable housing community improvement project area in order to adopt a community improvement plan pertaining to such matters.

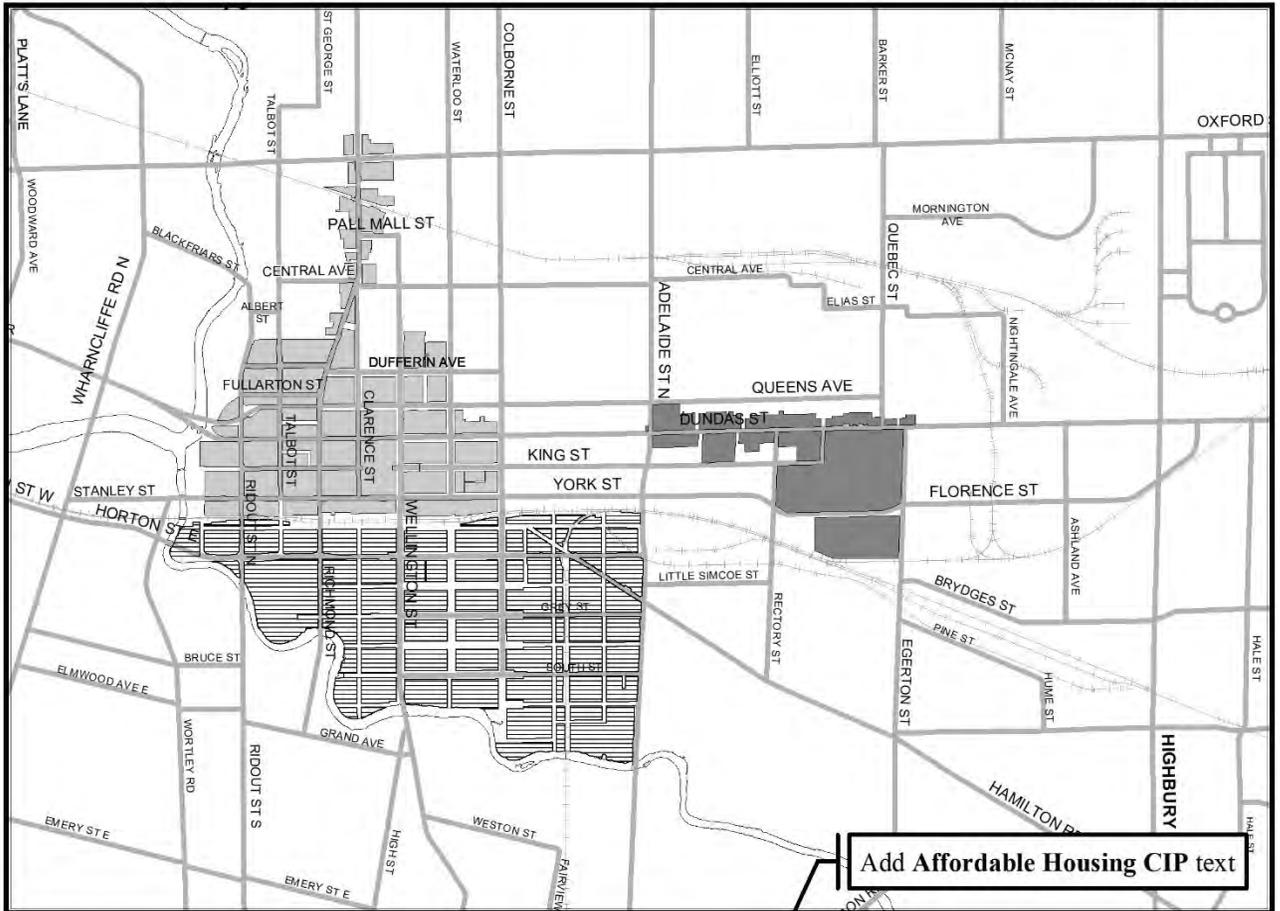
**D. THE AMENDMENT**

The London Plan for the City of London is hereby amended as follows:

1. Map 8 – Community Improvement Project Area in Appendix 1 (Maps) to *The London Plan* for the City of London Planning Area is amended by adding the “Affordable Housing CIP Project Area” to the Map Legend and correcting the spelling of “within” in the Map Legend, as indicated on “Schedule 1” attached hereto.

# Schedule 1: Amendment to Map 8 to The London Plan

AMENDMENT NO:



**LEGEND**

-  Airport Community Improvement Project Area
-  Downtown Community Improvement Project Area
-  Old East Village Community Improvement Project Area
-  SoHo Community Improvement Project Area

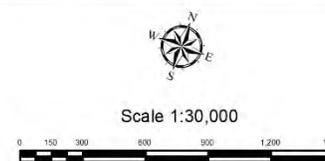
NOTE: The Brownfields CIP, Heritage CIP, Industrial CIP, and Affordable Housing CIP Project Areas include all lands within the municipal boundary.

Correct spelling of **within**

**BASE MAP FEATURES**

-  Streets (See Map 3)
-  Railways
-  Urban Growth Boundary
-  Water Courses/Ponds

This is an excerpt from the Planning Division's working consolidation of Map 8 - Community Improvement Project Areas of the London Plan, with added notations.

<p><b>SCHEDULE #</b> <b>TO</b> <b>THE LONDON PLAN</b></p> <p>AMENDMENT NO. _____</p> <p>PREPARED BY: Planning Services</p>	 <p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER:</p> <p>PLANNER: TM</p> <p>TECHNICIAN: MB</p> <p>DATE: 12/17/2019</p>
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## Appendix C – By-law to Adopt the Affordable Housing Community Improvement Plan

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 January 28, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – January 28, 2020  
Second Reading – January 28, 2020  
Third Reading – January 28, 2020



City of London

# Affordable Housing Community Improvement Plan



The Affordable Housing Community Improvement Plan was prepared by City of London City Planning Staff with assistance from representatives from Homeless Prevention and Housing, Housing Development Corporation London, London Middlesex Community Housing, and many community stakeholders, organizations and members of the public

We are thankful to everyone who participated in the community meetings and contributed throughout the preparation of this Plan.

# Affordable Housing Community Improvement Plan

Adopted pursuant to Section 28 of the *Planning Act*.

## Introduction

- 1 Introduction
- 2 What is a Community Improvement Plan
- 3 Purpose of this Community Improvement Plan
- 3 How this CIP was prepared
- 4 Study Area
- 5 Project Area
- 5 Program Area and Eligibility

## Housing and Income Profile

- 6 Housing and Income Profile
- 7 Defining Affordable Housing
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- 9 Determining Affordable Housing Need in London

## Community Improvement Project Area

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## Programs Under the Community Improvement Plan

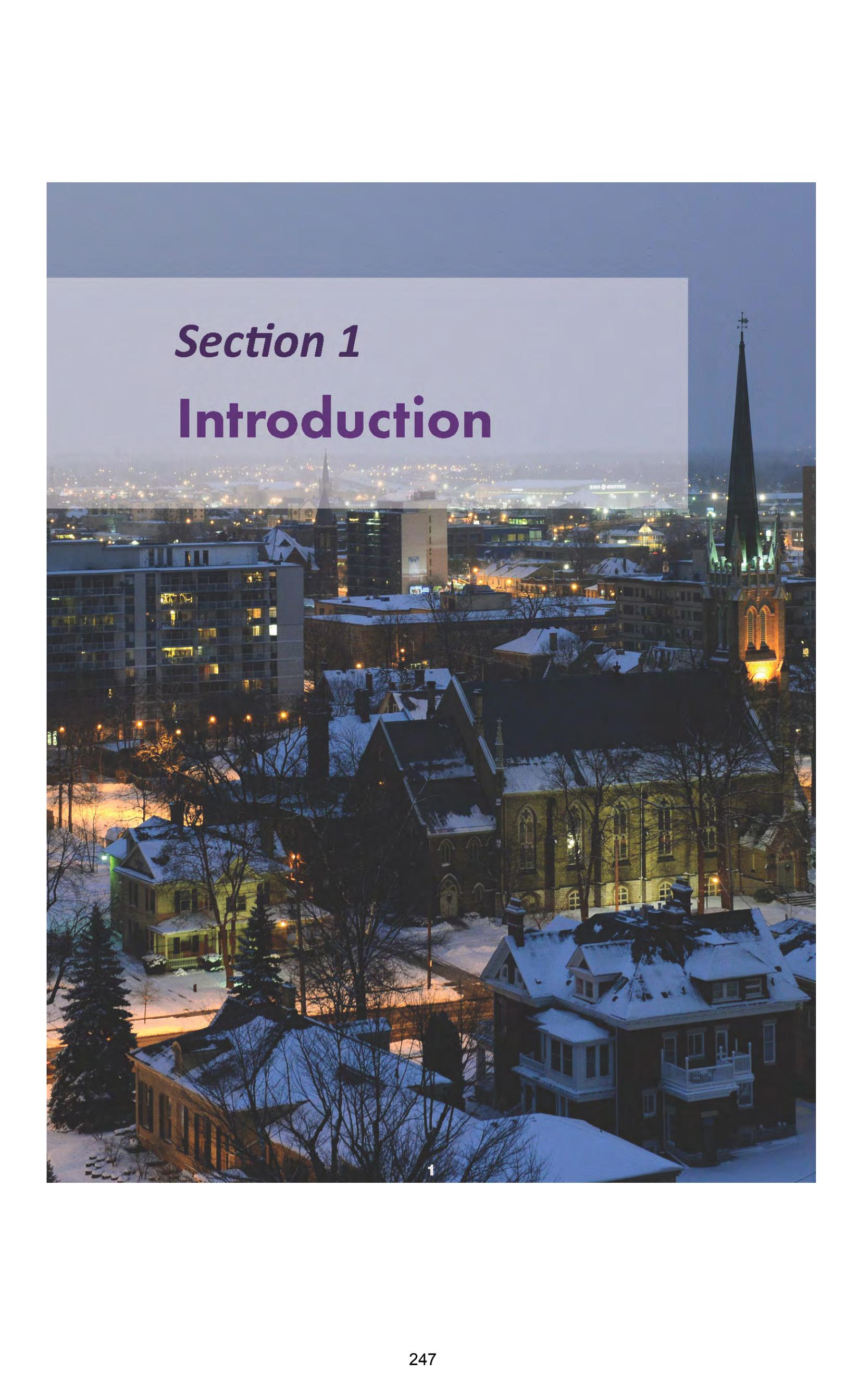
- 21 Programs Under the Community Improvement Plan

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- 35 Appendix B: Policy Review

An aerial night photograph of a city covered in snow. The scene is illuminated by city lights, with a prominent church spire on the right side. The text 'Section 1 Introduction' is overlaid in a purple font on a semi-transparent white background in the upper left quadrant.

*Section 1*  
**Introduction**



## What is a Community Improvement Plan?

### 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. 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 Affordable Housing Community Improvement Project Area is proposed to be city-wide.

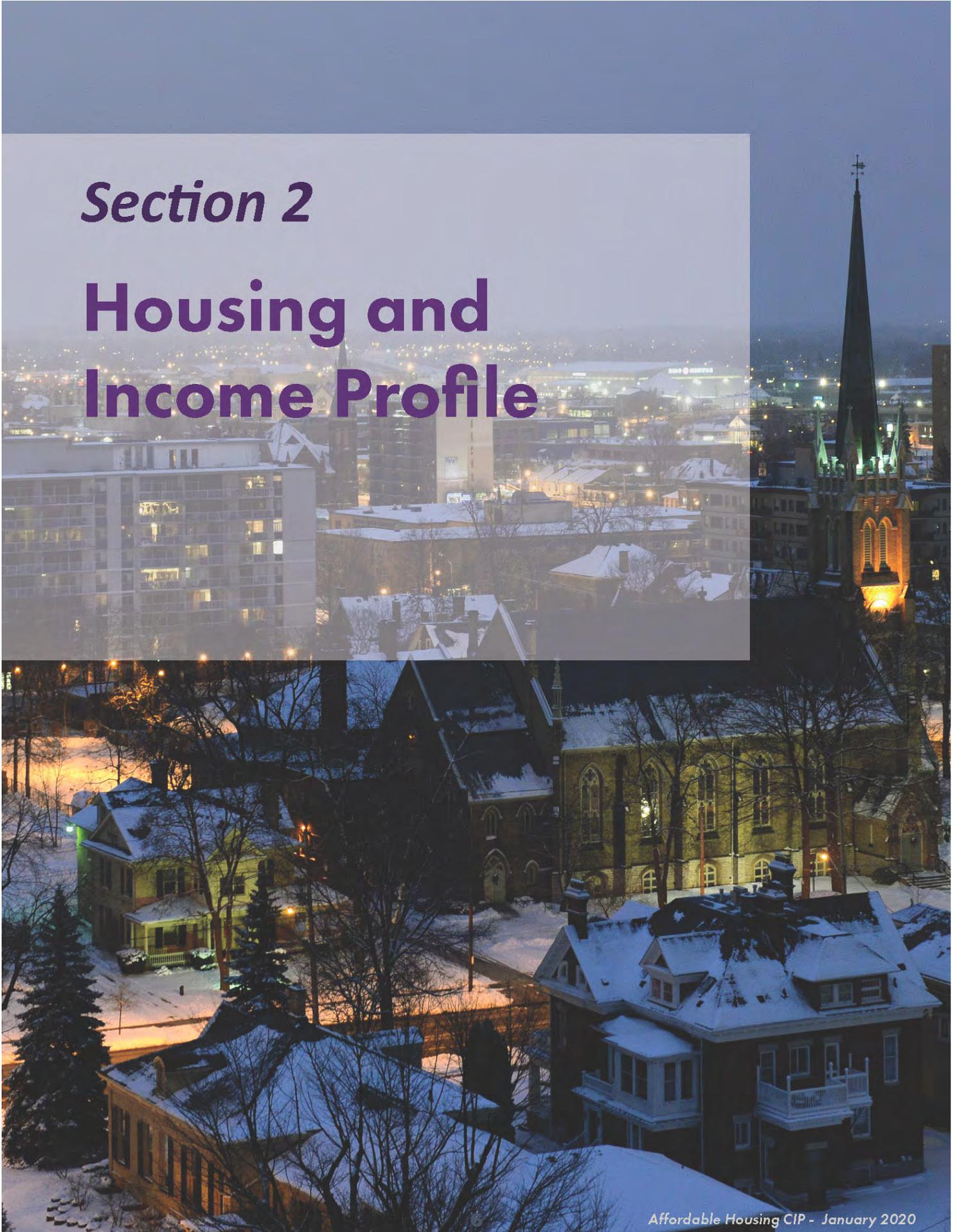
## Program Areas and Eligibility

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. There may be similar or overlapping incentives that relate to a specific property because the city has a number of CIPs and CIP related incentive programs. 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 use-based 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

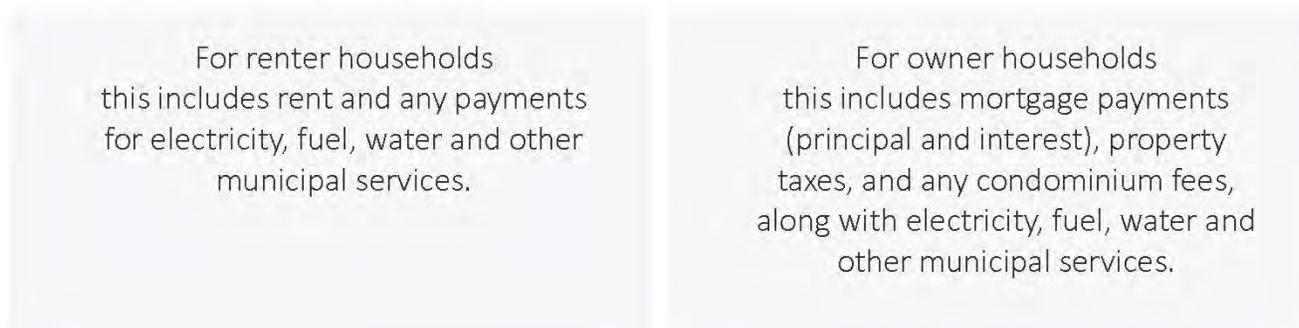


*Affordable Housing CIP - January 2020*

# Defining Affordable Housing

## A. Defining Affordable Housing

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”.



**Income-based definition**



**Market Cost-based definition**

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 targets development of 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 expectation that the market will be 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

## 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

“Adequate” housing is housing not requiring any major repairs (as reported by the residents);

### Affordable

“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 (noting this is the 'Income-based' definition of affordability);

### Suitable

“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 for buildings occupied before November 15, 2018, 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 current 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 as well as the guidelines not applying to the new buildings) and therefore the vacant units which are available may be at a higher rent 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 House Income	For All Households	For 1-Person Household	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	1st decile	2nd	3rd	4th	5th	6th	7th	8th	9th
Owner Households 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	1st decile	2nd	3rd	4th	5th	6th	7th	8th	9th
Renter Households 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.

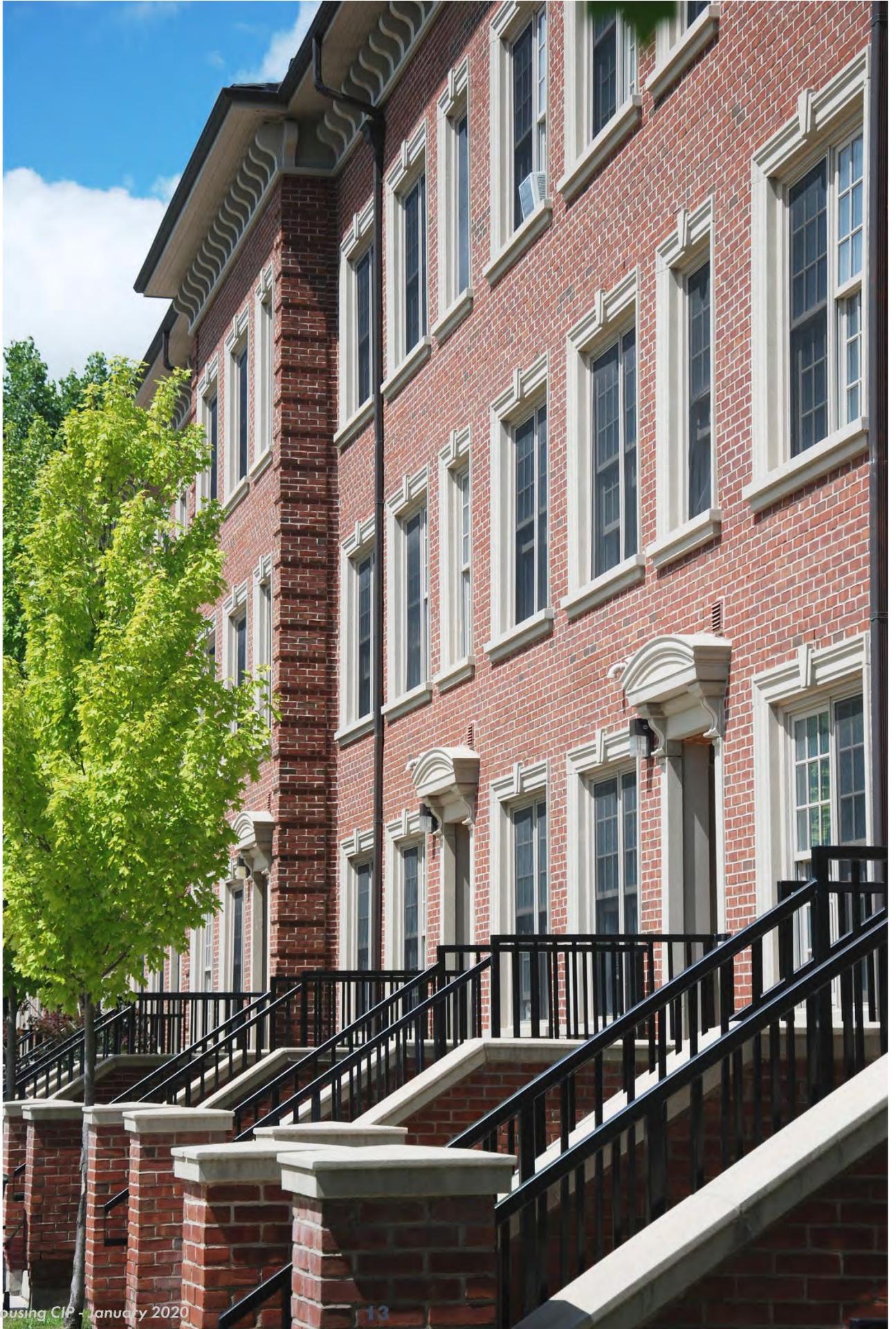
Table 5 demonstrates that:



Recognizing that the lowest income households may avail of income security programs such as rent-geared-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).



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 (2018) between **1.9%** and **2.1%** overall.



Figure 2: 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.



Figure 3: 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):

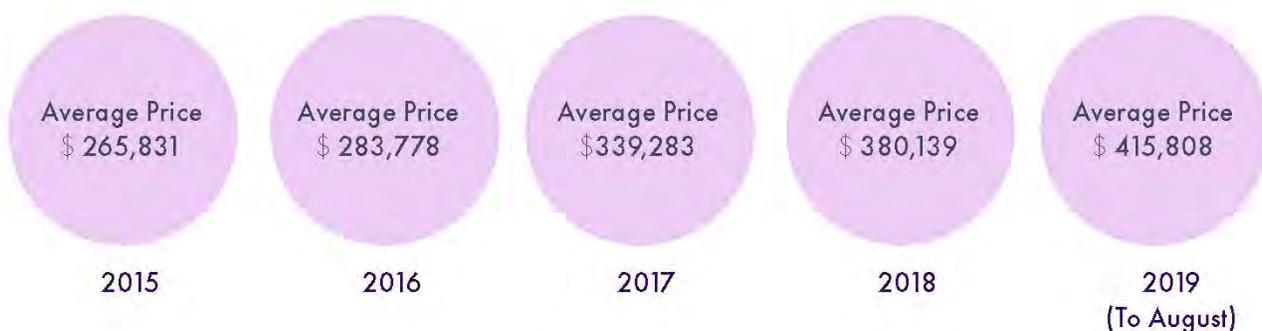


Figure 4: Average ownership cost (Source: LSTAR Market Updates)

## 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).

Household Group	Percentage of Households in Core Housing Need	Number of Households in Core Housing Need
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 6: Core Housing Need (Source: Statistics Canada, Census 2016)

This housing and income information is intended to be illustrative of the housing need in the City of London, and may be updated periodically as part of on-going Community Improvement Plan monitoring and housing monitoring reports and programs.



*Section 3*

**Affordable Housing  
Community  
Improvement Project  
Area**



# Affordable Housing Community Improvement Project Area

The following map (Figure 5) shows the Affordable Housing Community Improvement Project Area. Properties within this area are eligible for program incentive under the Community Improvement Plan. Properties within the Project Area are required to have a 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. The Urban Growth Boundary shown in this CIP may be amended from time to time without requirement for an amendment to this Community Improvement Plan.

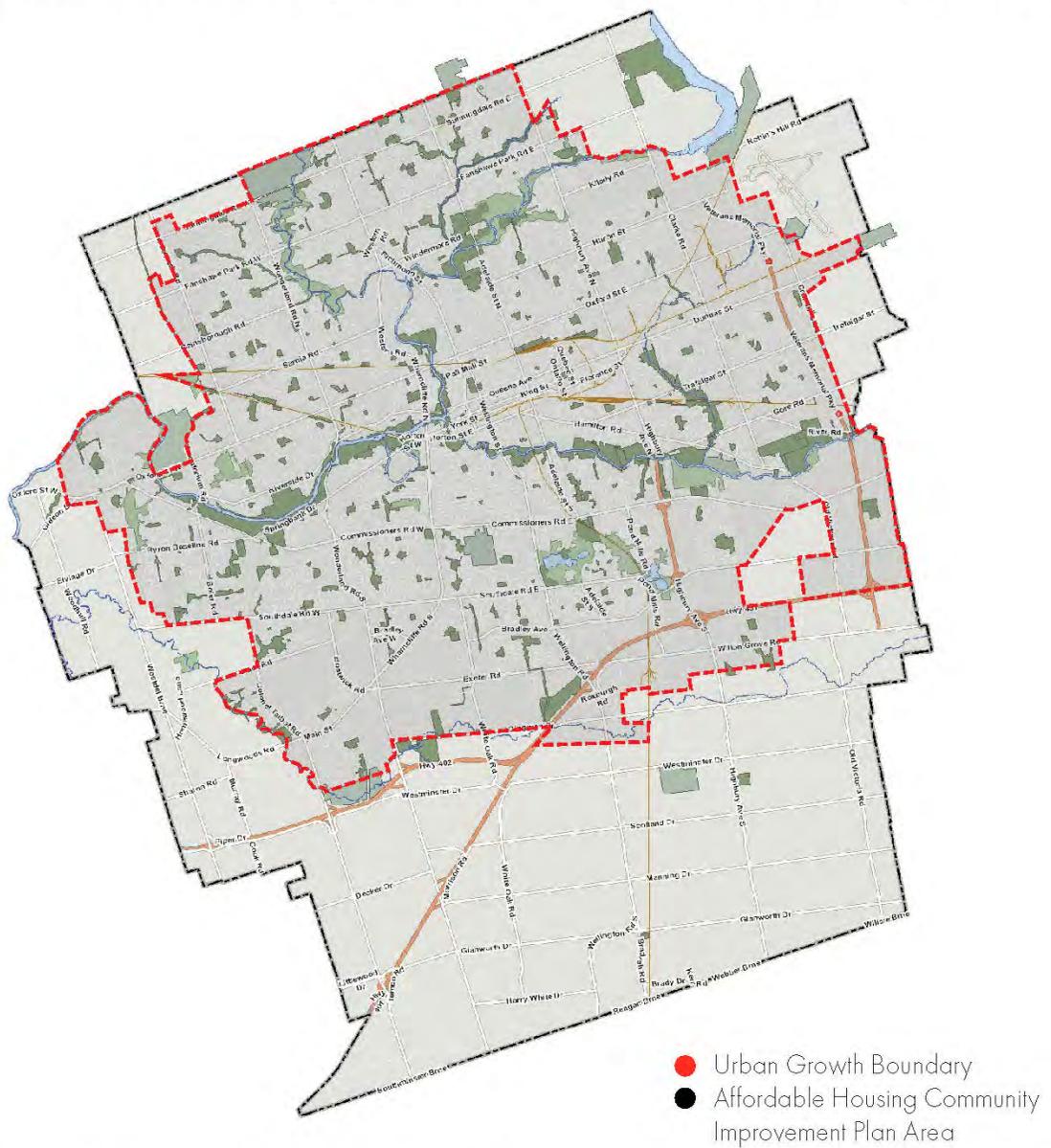
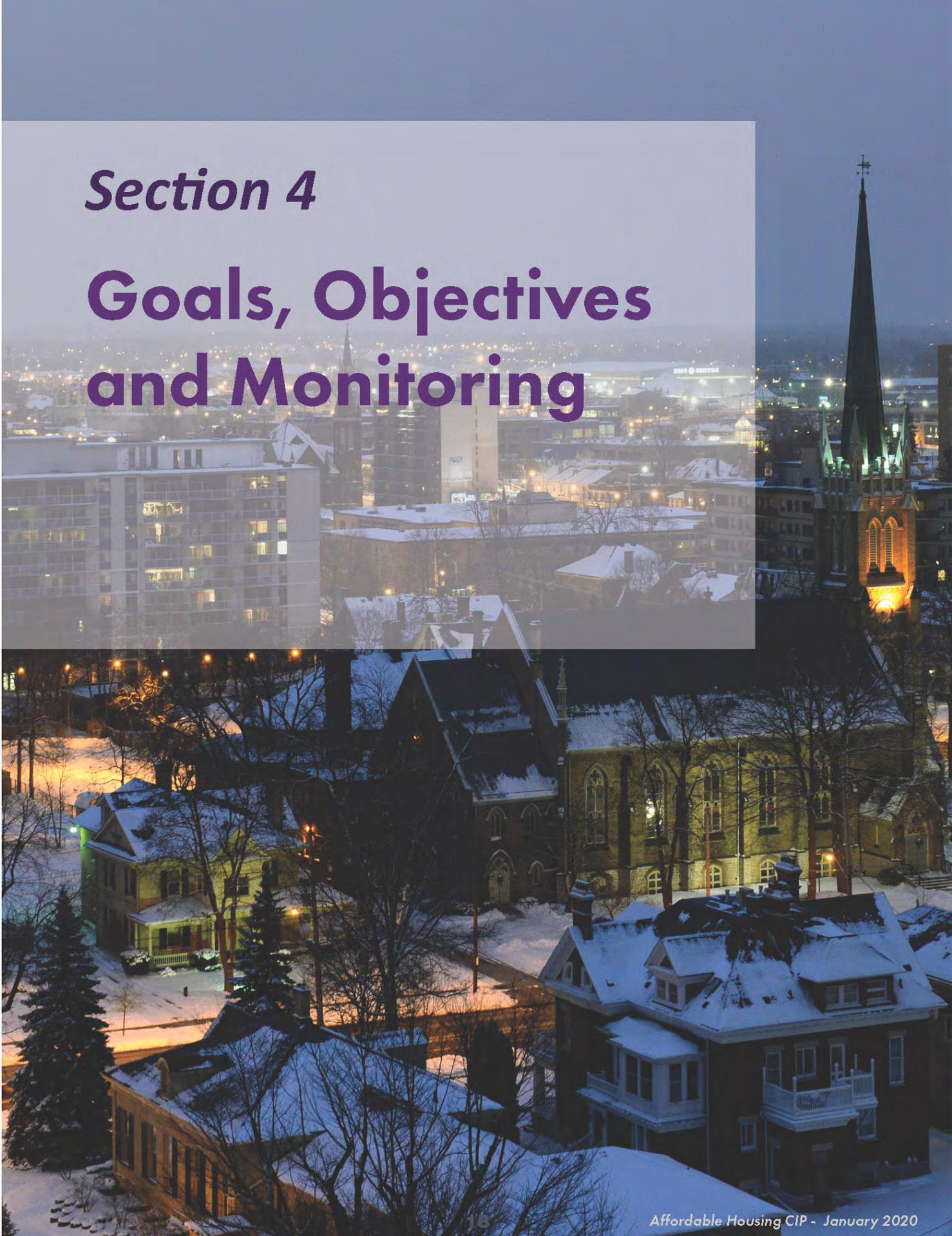


Figure 5: Community Improvement Project Area



*Section 4*

**Goals, Objectives  
and Monitoring**

*Affordable Housing CIP - January 2020*

## 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;
- 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 Additional Residential Units 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.

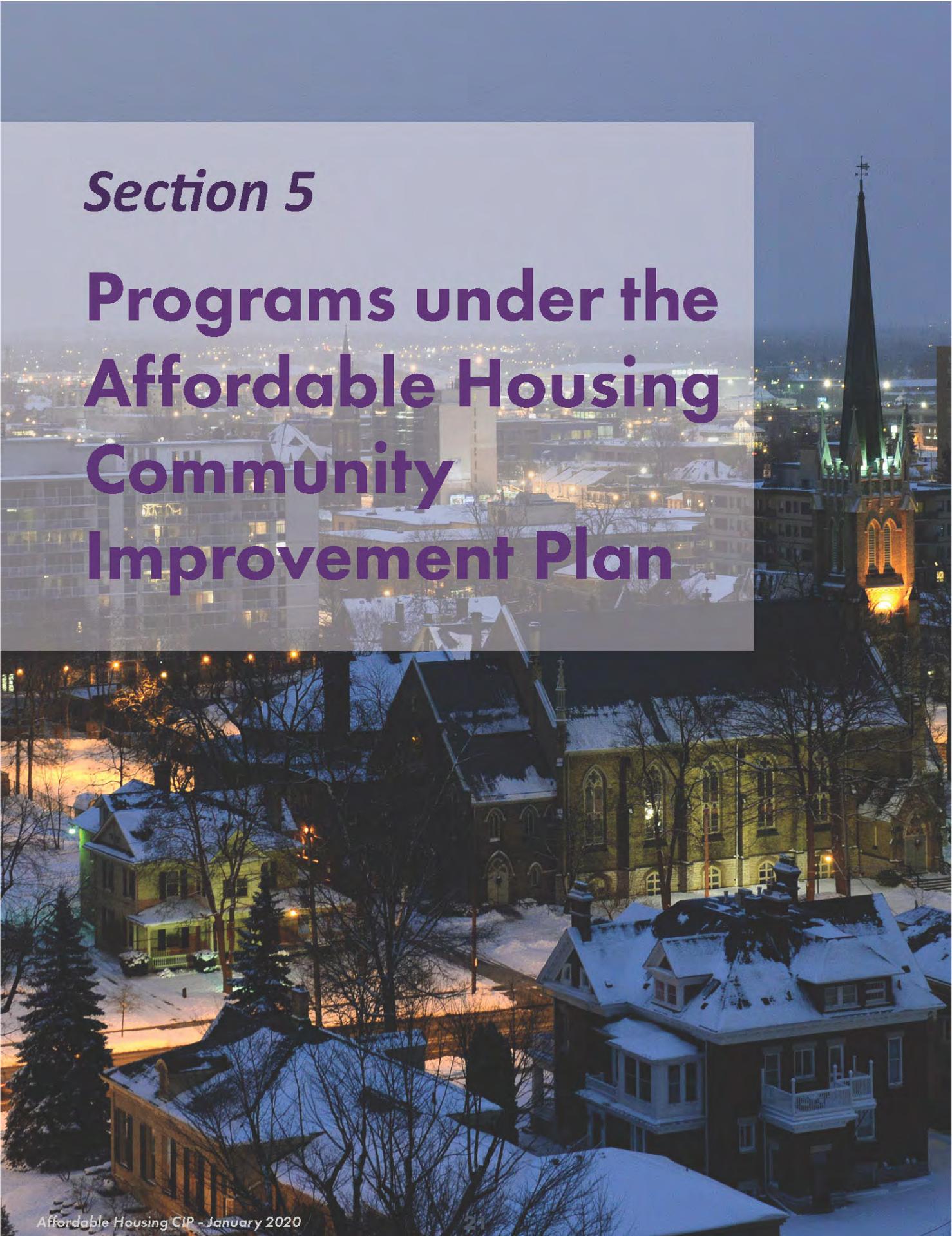
Objectives are specific and can measure the accomplishment of a goal. The following objectives are identified as means to achieve the goals based on ongoing monitoring and measurement of the CIP:

- Provide incentives to encourage the creation of more affordable housing units and provide relief from 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:

<b>Objective</b>	<b>City Lead</b>	<b>Monitoring/Measurements</b>
Provide incentives to encourage creation of affordable housing units and provide relief from financial barriers to development of affordable housing	City Planning;	Number of Affordable projects and number of units created that use the CIP programs (annual); Number of new Additional Residential Units created through program; Vacancy rates; Levels of affordability Average Market Rents vs. Incomes (Census)
Enable creation of more mixed-income buildings and communities	City Planning; HDC London	Number of Affordable projects and mixed-income/mixed-tenure projects created (annual)
Assist in regeneration of community housing by creating more affordable housing supply	LMCH	Number of Community Housing households that leave Community Housing for new "Affordable" units; Number of units made available to new Community Housing residents off of wait list
Evaluate land sales and surplus lands for potential acquisition and development of affordable housing	City Planning; HDC London	Closed school sites evaluated for potential acquisition; Property/Properties acquired for municipal needs (including affordable housing); Number of units created; Lands acquired and sold by City for affordable units
Creating units to support the goals of the Housing Stability Plan and The London Plan (at various scales of intensification/affordable)	Housing; City Planning; LMCH; HDC London	Infill and Intensification projects; New Additional Residential Units; London Plan monitoring/audit; Number of affordable units using energy efficiency (environmental sustainability) and with accessible design (addressing supportive housing and different populations); Levels of affordability;

*Table 7: CIP Objectives, City or Agency Lead, and Monitoring Measures*



*Section 5*

**Programs under the  
Affordable Housing  
Community  
Improvement Plan**

## Programs under the Community Improvement Plan

An important part of supporting community improvement for affordable housing is engaging the private sector and not-for-profit organizations who develop residential units. One method of achieving this is by providing financial incentive programs to stimulate private investment in constructing new units and rehabilitation of 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, 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 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 funding and eligibility requirements of the program guidelines.

### **Duration:**

Subject to Municipal Council's direction.

## 2. Additional Residential Unit Loan Program

### **Description:**

Providing financial assistance to off-set costs associated with creating new additional residential units and to improve the affordability of home ownership.

### **Funding and Eligibility:**

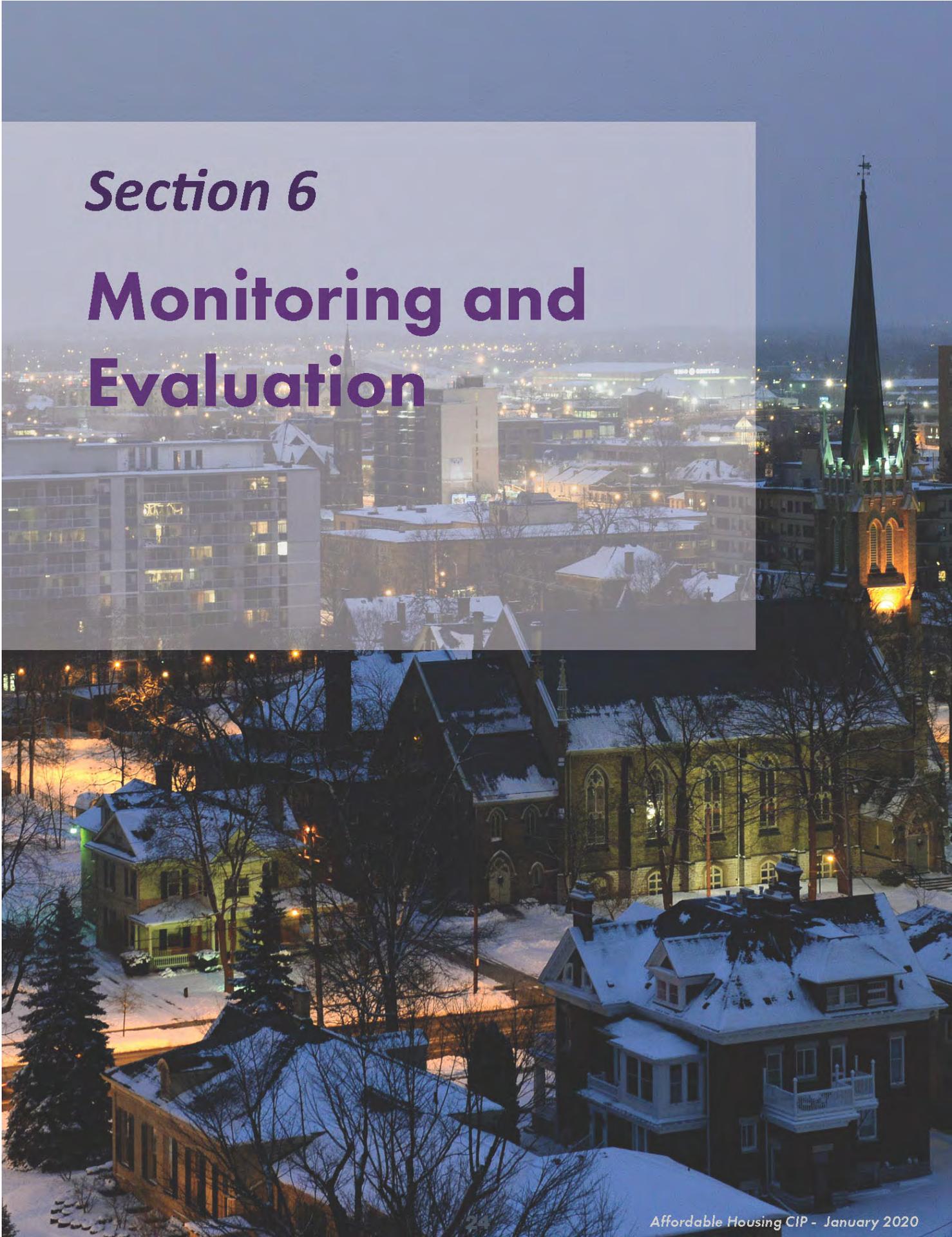
The funding will be in the form of a loan program, repayable to the city over a specified number of years in accordance with the funding and eligibility requirements of the program guidelines.

### **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 identify eligibility criteria for the individual incentive programs.

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. Any new or amended incentive programs that are consistent with the purpose and intent of the Affordable Housing Community Improvement Plan and support the goals and objectives of this CIP may be added and adopted by Municipal Council without amendment to this Plan. 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**

*Affordable Housing CIP - January 2020*

## 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 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 The London Plan (at various scales of intensification/affordable)	Infill and Intensification projects; New Additional Residential Units; London Plan 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 by Municipal Council without the need for a London Plan Amendment or an amendment to the Affordable Housing CIP.

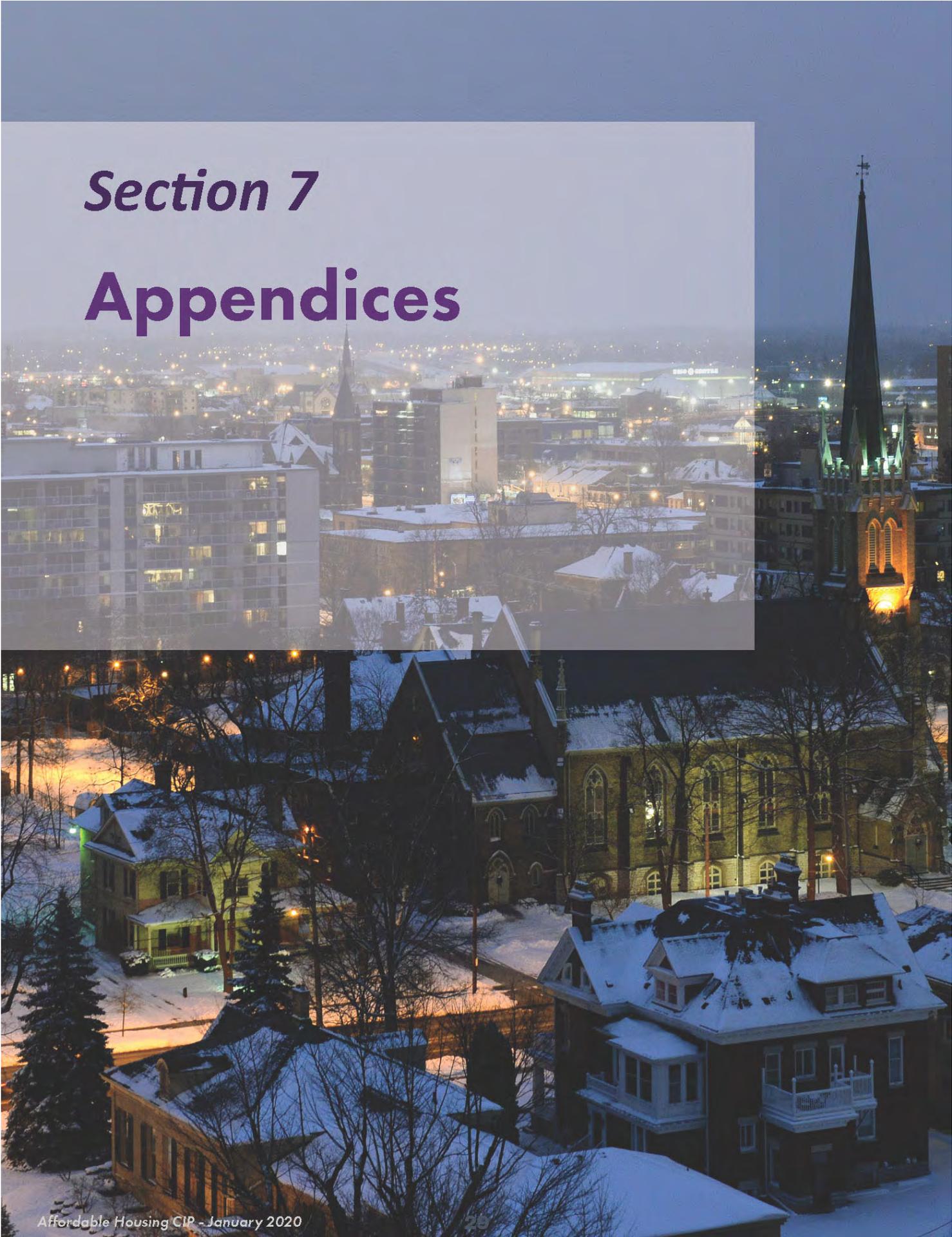
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### **Adjustments to Funding**

Municipal 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. Budgets supporting the implementation of the Affordable Housing CIP will be based on multi-year budget requests. Any amendments to approved four year budgets will be made in consultation with the City Treasurer. Program monitoring and evaluation will be undertaken to determine if changes to the programs or funding are required for consideration in future budgets.

# *Section 7*

# Appendices



# 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

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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

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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

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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.

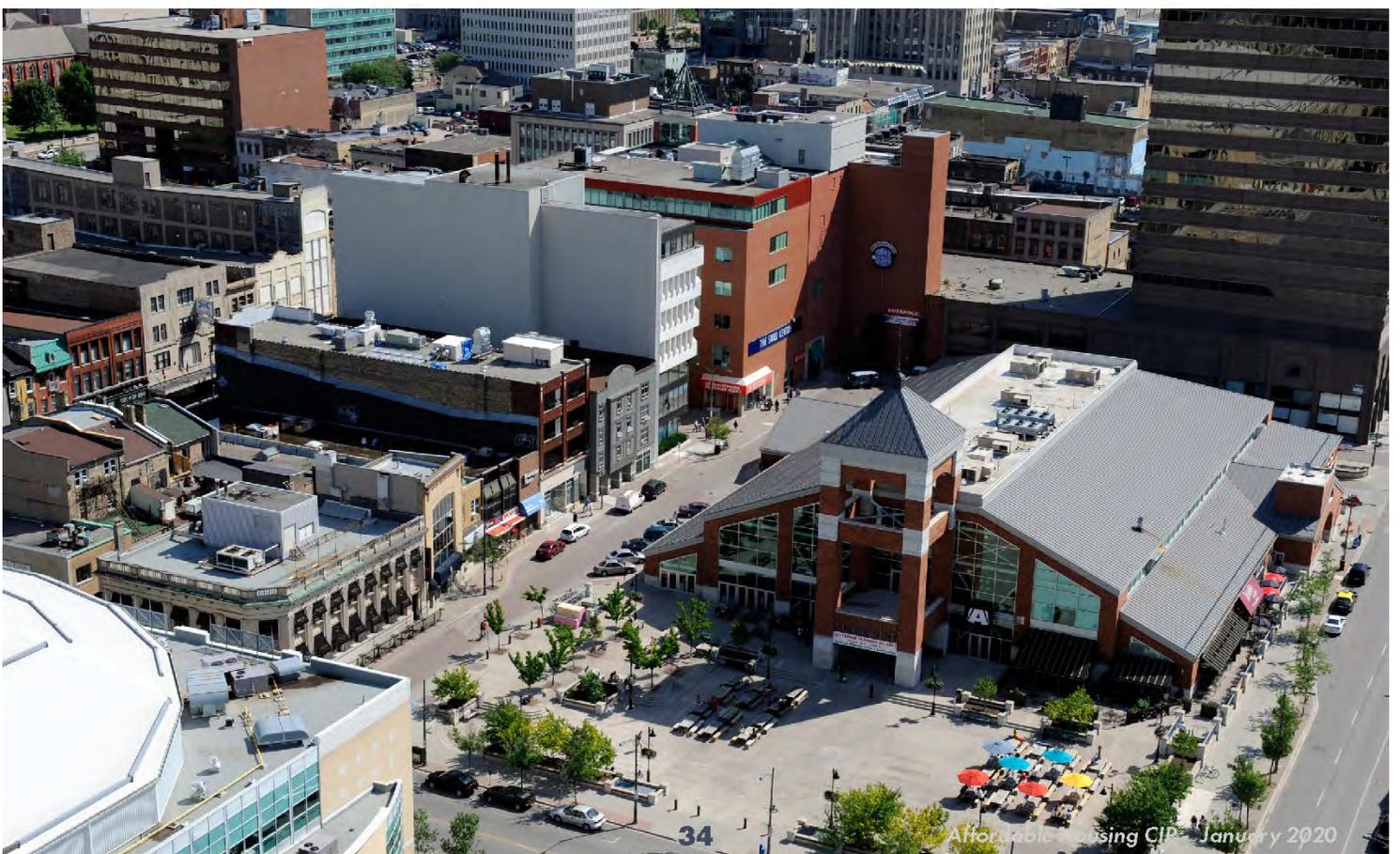
Section 39 (1) of the Ontario Heritage Act can also be used to provide grants and loans for the undertaking of professional design studies as these can be considered "part of the cost of alteration". A design study is certainly an important precursor to, and key component of any alterations to major 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

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Section 5 of the Development Charges Act identifies the method for determining a Development Charge, but any resulting shortfall cannot be made up through higher Development Charges for other types of development. This allows 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.

Through Bill 108, the Development Charges Act is 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 certain 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

This section provides a summary of the legislative authority for preparing and adopting the Affordable Housing Community Improvement Plan (CIP).

### Policy Framework

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#### The London 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.



City of London



# Affordable Housing Community Improvement Plan

## Appendix D –Program Guidelines for the Affordable Housing Community Improvement Project Area

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

By-law No. C.P. **XXXX**  
A by-law to establish financial incentives  
for 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 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 London Plan, 2016*, the Official Plan for the City of London, contains provisions relating to community improvement within the City of London;

AND WHEREAS the Municipal 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 Municipal Council of The Corporation of the City of London has, by by-law, adopted the Affordable Housing Community Improvement Plan;

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

1. The Affordable Housing Community Improvement Project Area Financial Incentive Guidelines attached hereto as Schedule 1 and Schedule 2 is hereby adopted;
2. This by-law shall come into effect on the day it is passed.

PASSED in Open Council on January 28, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – January 28, 2020  
Second Reading – January 28, 2020  
Third Reading – January 28, 2020

## Schedule 1: Affordable Housing Development Loan Program

### Affordable Housing Community Improvement Plan – Financial Incentive Program Guidelines

This program guideline package provides details on the “Affordable Housing Development Loan Program”, which is a financial incentive program provided by the City of London through the Affordable Housing Community Improvement Plan (CIP).

#### **How to Read this Document**

Each financial incentive program has its own specific Purpose and Eligible Improvements. The program guidelines also include Definitions, Eligibility Criteria, Appeal of Refusal Section, Relationship to other Financial Incentive Programs, as well as Monitoring & Discontinuation of Programs.

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

#### 1. Definitions

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

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

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

CL – Indicates that a City of London staff member is responsible for an identified action.

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

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

- Complete drawings of the works to be undertaken (e.g. site plan of development)
- Itemized list of specific improvements;
- A cover letter that summarizes the work to be completed;
- A signed copy of the Addendum including the Hold Harmless Agreement, General Liability Insurance, and Contractor qualifications;
- A copy of the Building Permit (if required);
- A copy of the Heritage Alteration Permit (if required);
- Any other information that may be deemed necessary by the Managing Director of Planning and City Planner, or designate.

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

Dwelling unit – The definition of Dwelling Unit in the City of London's Zoning By-law will apply to these program guidelines.

Loan Repayments – The total value of the loan repayment made by the applicant to the City at scheduled milestones. The loan agreement includes a loan schedule which provides details on the terms of loan including when loan repayment begins as well as the amount of each repayment installment.

PO – indicates the property owner (or authorized agent acting on behalf of the property owner) is responsible for completing that task or action.

## 2. Eligibility Criteria for Financial Incentive Programs

To be eligible for any Financial Incentive Program, the applicant, property and project must meet all conditions detailed in this program description.

### **Applicant (Property Owner) Considerations**

- The applicant must be the registered owner of the property or an authorized agent (including building tenant or contractor who has been retained to undertake improvements). If the applicant is not a registered owner of the subject property, the applicant will be required to provide authorization in writing from the registered owner as part of a complete application;
- All mortgages and charges, including the subject financial incentive(s), must not exceed 90% of the post-rehabilitation appraised value of the property (i.e. the owner must maintain 10% equity in the property post-improvement);
- All City of London realty taxes must be paid in full prior to the loan and/or grant being issued and remain so for the lifetime of the loan;
- The registered owner of the property must have no outstanding debts to the City of London;
- The property owner and/or authorized applicant, must not have ever defaulted on any City loan or grant program, including by way of individual affiliation with any company or group of people authorized to act as a single entity such as a corporation;
- **The Financial Incentive Programs will not apply retroactively to work completed prior to the approval of the application by the Managing Director of Planning and City Planner, or designate.**

### **Property Considerations**

- The property must be located within the Affordable Housing Community Improvement Project Area as defined in the Affordable Housing Community Improvement Area By-law (see Map #1), which is the municipal boundary of the City of London;
- The property must be located within the Urban Growth Boundary and be on lands that have a Place Type and Zone that permits residential uses;
- There are no City of London Building Division orders or deficiencies on the subject property prior to the loan being issued, unless the deficiencies are to be addressed as part of the eligible works associated with the loan;
- Each property is eligible to avail simultaneously of multiple incentive programs provided through the various Community Improvement Plans (for example, applications for the Affordable Housing Development Loan and the Upgrade to Building Code Loan if located within a program area identified in another CIP).



Map 1: Affordable Housing Community Improvement Project Area (Pink) and Urban Growth Boundary (Black)

### Building Considerations

- Separate applications must be submitted for each *discrete building* on a single property;
- Where the entirety of a multi-unit building, which contains separate dwelling units, are all under the same ownership, (or with condominium status) it will be considered as one building for the purpose of the incentive programs;
- Where a building is within a contiguous group of buildings, a *discrete building* will be interpreted as any structure which is separated from other structures by a solid party wall (and a distinct municipal address);
- Each *discrete building* on each property is eligible for the financial incentive program;
- Each *discrete building* is eligible to avail simultaneously of multiple incentive programs provided through the various Community Improvement Plans;
- There must be no City of London Building Division orders or deficiencies and no by-law infractions prior to the loan being issued, with the exception that the loan is for eligible works to address identified deficiencies (e.g. fire code or building code), as determined by Staff through the pre-consultation.

### 3. Application Process

#### Expression of Interest

- **PO** – It is recommended that the applicant meet with Housing Development Corporation, London (HDC) regarding an expression of interest before any financial incentive application is made to the City of London. While City Planning Staff are often involved in meeting with HDC and an applicant, no records are

formally kept until a complete incentive application, accompanied by appropriate drawings and estimates, is submitted to City Planning.

### **Consultation Phase**

- **Step 1 – PO** – The Applicant contacts City of London and/or HDC who will arrange a meeting with Staff to discuss the proposed project, information about incentive programs, provide application form(s) and assist with the application process. This meeting will also help to identify what permits or permissions may be required to complete the proposed improvement project. Where possible, the City will make appropriate Staff available for this meeting, which may be on-site at the property, where the proposed work is planned.
- Applications made for financial incentive programs do not in any way replace the need for obtaining any necessary approvals. Prior to undertaking building improvements, the property owner (**PO**) is required to obtain any necessary approvals and/or permits. Heritage Alteration Permits (if required) will be required before financial incentive applications are accepted. Discussions with City Staff are encouraged early in the conceptual phase to ensure proposals comply with City regulations and guidelines, and the proposed improvements are eligible under the incentive program criteria. Service London Staff are also available to help with clarifying/applying for applicable permits.

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

**Step 3 – CL** – City of London City Planning Staff will review the application for completeness and inform the applicant in writing that either more information is required, or the application is accepted. If accepted, the City will provide a *Commitment Letter* which outlines the approved works, related costs, and monetary commitment that the City is making to the project. For the Loan Program, the City's commitment is valid for one year from the date of issuance of the *Commitment Letter*, at which time the first available building permit must be issued and construction begun. The City's commitment applies only to the project as submitted. **PO – Any subsequent changes to the project will require review and approval by appropriate City staff.**

### **Agreement Phase**

**Step 4 – PO** – The applicant must notify City Planning Staff when the necessary approvals and/or permits have been received for the approved works (e.g. building permit), as identified in the *Commitment Letter* from the City.

**Step 5 – CL** – The loan agreement will be entered into prior to the first available building permit issuance. Before entering into any loan agreement, City Planning staff must ensure the improvements, as described in the City's *Commitment Letter* and criteria, as set out in the respective program guidelines, have been met. Generally speaking, this includes:

- Obtaining building permits;
- All City of London property taxes must be paid in full and the account deemed in good standing by the Taxation Division;
- There must be no outstanding debts to the City;
- The property owner must not have defaulted on any City loans or grants;
- There must be no outstanding Building Division orders or deficiencies against the subject property.

**Step 6 – PO** – The applicant will have the security registered on title with their Counsel in the amount of the loan.

**Step 7 – CL** – City Planning staff will request a cheque, payable to the applicant’s lawyer “in trust”.

**Step 8 – CL** – When all the documentation is ready City Planning Staff will contact the applicant to arrange for a meeting to sign the documents and provide the applicant with a loan cheque.

**Step 9** – City Planning staff will have three (3) original copies of the loan agreement available for signing. One original signed copy is kept by the applicant and two are retained by the City.

### **Construction Phase**

**Step 10 – CL** – City Planning Staff may visit the subject property and take photographs, both before and after the subject work is completed, to ensure proposed improvements have been completed as described in the application.

### **Loan Repayment Phase**

Full loan repayment can be made at any time without penalty. Loan Repayment is required in three (3) equal installments: first, sixty (60) days after building permit issuance, second at the time the structural framing is complete, and third at the time of building occupancy or ten (10) years after the building permit is issued, whichever is the sooner. If repayment is to vary from this installment schedule, it will be on a schedule that is to the satisfaction of the City Planner and as agreed to by all parties. **PO** – To make a full or partial repayment above the standard installment, please contact City Planning or Accounts Receivable.

**PO** – Please note that loan cheque distribution cannot occur in December due to financial year-end. Instead all loan cheques requested in the Agreement phase in December will be processed in January.

### **4. Financial Incentive Approval**

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

### **5. Additional Rehabilitation and Demolition**

Additional work to the interior of the building can be undertaken without City Planning’s approval subject to obtaining a building and/or heritage alteration permit, when required. The loan programs do not impose any specific restrictions on demolition.

### **6. Inspection of Completed Works**

The loan will be paid to the property owner (or designate) at the time of building permit issuance. The applicant is to inform the City when the works are completed and the City will inspect the works completed to verify that the proposed improvements have been completed as described in the application.

### **7. Incentive Application Refusal and Appeal**

If an application is refused, the applicant may, in writing, appeal the decision of the Managing Director, Planning and City Planner to the City Clerk’s Office who will provide direction to have the matter heard before Municipal Council through the Planning and Environment Committee.

## 8. Relationship to other Financial Incentive Programs

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

## 9. Monitoring & Discontinuation of Programs

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

## 10. Program Monitoring Data and Activity Reports

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

<b>Affordable Housing Development Loan Program</b>	<ul style="list-style-type: none"> <li>a) Number of Applications by type (approved and denied);</li> <li>b) Approved value of the loan and the total construction cost (i.e. total public investment and private investment);</li> <li>c) Total Value of Building Permit (if required);</li> <li>d) Number of affordable units created;</li> <li>e) Type of affordable units (bedrooms; building form)</li> <li>f) Level of affordability (relative to Average Market Rent by City quadrant)</li> <li>g) Total Loan Amount;</li> <li>h) Number of loan defaults;</li> <li>i) Cost/Value of loan defaults.</li> </ul>
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## 11. Affordable Housing Development Loan Program – Purpose

- The purpose of the Affordable Housing Development Loan Program is to encourage the creation of new affordable rental housing units and to off-set the up-front costs of developing new affordable housing units.
- Objectives of this program include encouragement of new affordable units; enabling the creation of more mixed-income buildings (market and affordable and/or range of affordable); providing opportunities for urban regeneration; and supporting and implementing the policy goals and frameworks of *The London Plan* and the Housing Stability Action Plan.

## 12. Affordable Housing Development Loan Program – Eligible Works

- Eligible works include the following:
  - Development, redevelopment, and/or renovation that creates new affordable rental housing units within the identified range of rents relative to Average Market Rent (AMR), per the “Loan Terms” below.
  - Works may include deficiencies such as upgrades to meet building code or fire code (in the case of renovations or adaptive re-use projects).
  - Loans may be used to off-set development and construction costs of affordable rental housing and may include required City charges such as Development Charges.

## 13. Affordable Housing Development Loan Program – Works Not Eligible

- Loans will not be granted for the Market Rent units within a mixed (affordable and market) building.
- Loans will not apply retroactively for works undertaken prior to entering the loan agreement.

## 14. Affordable Housing Development Loan Program – Loan Terms

In addition to the eligible works above, loans require that:

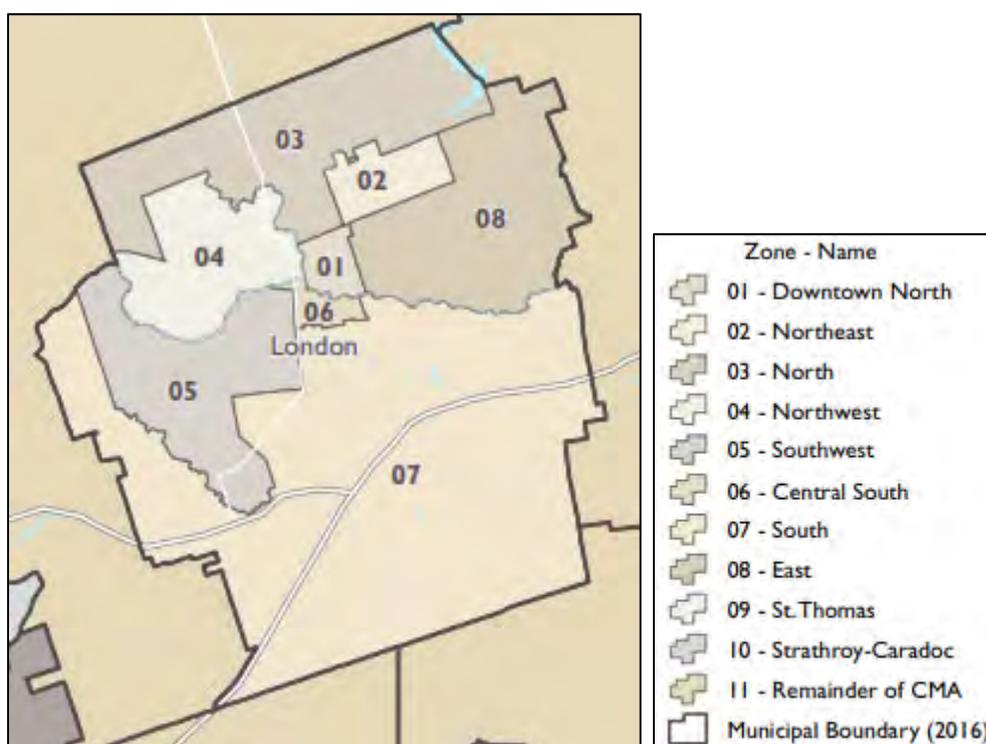
- In mixed (Affordable and Market) rental buildings, only the affordable rental units are eligible for the loan. The loan is per Affordable unit created.
- In buildings with more than ten (10) units there must be mixed affordability (i.e. Affordable and Market Rent units or units with different levels of affordability relative to AMR).
- A minimum of five (5) affordable rental units must be created.
- In mixed buildings of Market and Affordable units, where there are more than ten (10) units in the building, no more than two-thirds (66%) of the units may be affordable units.
- Units must be rented below Canada Mortgage and Housing Corporation (CMHC) Average Market Rent (AMR), based on the average market rent by CMHC Rental Market Zone of the City. If recent, reliable CMHC Rental Market Zone data is unavailable (data more than 1-year old), then the city-wide AMR will be applied to the loan agreement.
- Tenants’ income levels must be verified by landlords through annual occupancy reports.
- Applicants must enter into an agreement registered on title for the affordable units to remain affordable for a minimum “affordability period” of twenty (20) years.
- Loans will be issued at the time of building permit issuance.
- The applicant’s repayment period will begin sixty (60) days after the building permit is issued.
- Loans will be amortized over a ten (10) year repayment schedule.
- If during the repayment period there is a change of Use or if affordable units are converted to market rental rates, the remaining portion of the loan will be required to be repaid immediately.
- There are three (3) levels of loan, as follows:
  - i) \$ 10,000 per unit (LOW)
  - ii) \$ 15,000 per unit (MEDIUM)
  - iii) \$ 20,000 per unit (HIGH)

- The loan amount will be based upon three factors:
  1. The level of affordability of the unit(s) created as a percentage of average market rent (AMR) by City Zones. The “Zones” are the Rental Market Zones of the CMHC’s annual rental market report (see Figure 1 below);
  2. Whether the developer pays municipal property taxes; and
  3. Geographic location of the affordable rental housing units relative to the City’s growth objectives.

Table 1: Program Levels based on Affordability, Tax, and Geographic Factors

	Do <u>Not</u> Pay Municipal Property Taxes			Do <u>Pay</u> Municipal Property Taxes		
	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

Figure 1: Excerpt from CMHC’s Rental Market Zone Map. Used for Determining Average Market Rent (Source: CMHC, *London CMA Rental Market Report*, 2018)



## **15. Loan Distribution**

The City will provide the applicant with one cheque in the full amount of the approved loan after: (1) the City has completed its due diligence to ensure the applicant and property remain eligible for the loan, (2) the Loan Agreement has been signed, and (3) the loan amount has been added as an encumbrance on title for repayment. **The City will not provide partial loan amounts or progress payments.**

## **16. Loan Security and Postponement**

Loans will be secured through the registration of an encumbrance placed on property title for the total amount of the loan. The Managing Director, Planning and City Planner or designate may postpone the encumbrance (subordination of an encumbrance to another encumbrance on the same property) which is given as security for the loan in circumstances where any of the registered mortgages are being replaced, consolidated or renewed and the total value of all mortgages and charges including the City's encumbrance does not exceed 90% of the appraised value of the property.

## **17. Loan Agreement**

Participating property owners in the financial incentive programs shall be required to enter into a loan agreement with the City. This agreement shall specify such items as (but not limited to) the loan amount, the duration of the loan, and the owner's obligation to repay the City for any monies received if the property is demolished before the loan period elapses or the unit(s) no longer meeting the affordability requirements of the loan. The agreement shall include the terms and conditions included in the program guidelines.

## **18. Repayment Provisions**

Loan repayments will occur in three (3) equal installments (each is one-third of the value of the loan). The first repayment is due to the City sixty (60) days after issuance of the building permit. The second repayment is due when structural framing is complete, as confirmed by a letter from a Professional Engineer identifying completion. The final installment of the repayment is required at the time of building occupancy or ten (10) years after the date the building permit was issued.

If the repayment schedule is to vary from the schedule identified in the paragraph above, it will be subject to the satisfaction of the City Planner and agreed to by all parties.

If a repayment installment is missed, or an applicant is otherwise found in non-compliance with the terms of their loan agreement, then the City will enter into a protocol for non-compliance, up to and including a power of sale on the encumbrance and the outstanding loan coming due to the City immediately.

## **19. Transferable Loans**

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

## Schedule 2: Additional Residential Unit Loan Program

### Affordable Housing Community Improvement Plan – Financial Incentive Program Guidelines

This program guideline package provides details on the “Additional Residential Unit Loan Program”, which is a financial incentive program provided by the City of London through the Affordable Housing Community Improvement Plan (CIP).

#### How to Read this Document

Each financial incentive program has its own specific Purpose and Eligible Improvements. The program guidelines also include Definitions, Eligibility Criteria, Appeal of Refusal Section, Relationship to other Financial Incentive Programs, as well as Monitoring and Discontinuation of Programs.

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

#### 1. Definitions

Additional Residential Unit – “ARU”, formerly known as “Secondary Dwelling Unit” is a dwelling unit ancillary and subordinate to a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof.

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

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

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

CL – Indicates that a City of London staff member is responsible for an identified action.

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

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

- Complete drawings of the works to be undertaken;
- Itemized list of specific improvements and budget;
- A cover letter that summarizes the work to be completed;
- A signed copy of the Addendum including the Hold Harmless Agreement, General Liability Insurance, and Contractor qualifications;
- A copy of the Building Permit (if required);
- A copy of the Heritage Alteration Permit (if required);

- Any other information that may be deemed necessary by the Managing Director of Planning and City Planner, or designate.

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

Dwelling unit – The definition of Dwelling Unit in the City of London's Zoning By-law will apply to these program guidelines.

Loan Repayments – The total value of the loan repayment made by the applicant to the City at scheduled milestones. The loan agreement includes a loan schedule which provides details on the terms of loan including when loan repayment begins as well as the amount of each repayment installment.

PO – indicates the property owner (or authorized agent acting on behalf of the property owner) is responsible for completing that task or action.

## 2. Eligibility Criteria for Financial Incentive Programs

To be eligible for any Financial Incentive Program, the applicant, property and project must meet all conditions detailed in this program description.

### Applicant (Property Owner) Considerations

- The applicant must be the registered owner of the property or an authorized agent (including building tenant or contractor who has been retained to undertake improvements). If the applicant is not a registered owner of the subject property, the applicant will be required to provide authorization in writing from the registered owner as part of a complete application;
- All mortgages and charges, including the subject financial incentive(s), must not exceed 90% of the post-rehabilitation appraised value of the property (i.e. the owner must maintain 10% equity in the property post-improvement);
- All City of London realty taxes must be paid in full prior to the loan and/or grant being issued and remain so for the lifetime of the loan;
- The registered owner of the property must have no outstanding debts to the City of London;
- The property owner and/or authorized applicant, must not have ever defaulted on any City loan or grant program, including by way of individual affiliation with any company or group of people authorized to act as a single entity such as a corporation;
- **The Financial Incentive Programs will not apply retroactively to work completed prior to the approval of the application by the Managing Director of Planning and City Planner, or designate.**

### Property Considerations

- The property must be located within the Affordable Housing Community Improvement Project Area as defined in the Affordable Housing Community Improvement Area By-law (see Map #1), which is the municipal boundaries;
- The property must be located in a Place Type and Zone that permits residential units;
- There are no City of London Building Division orders or deficiencies on the subject property prior to the loan being issued, unless the deficiencies are to be addressed as part of the eligible works associated with the loan;
- Each property is eligible to avail simultaneously of multiple incentive programs provided through the various Community Improvement Plans (for example,

applications for the Affordable Housing Development Loan and the Upgrade to Building Code Loan if located within a program area identified in another CIP).

### **Building Considerations**

- Separate applications must be submitted for each Additional Residential Unit (ARU) on a single property;
- Each ARU on each property is eligible for the financial incentive program;
- Each ARU is eligible for one loan per new Additional Residential Unit created.
- The Additional Residential Unit must be on the same property as the main dwelling unit.
- There must be no City of London Building Division orders or deficiencies and no by-law infractions prior to the loan being issued, with the exception that the loan is for eligible works to address identified deficiencies (e.g. fire code or building code), as determined by Staff through the pre-consultation.

### **3. Application Process**

#### **Expression of Interest**

- **PO** – It is suggested to meet with Housing Development Corporation, London (HDC) regarding an expression of interest before any financial incentive application is made to the City of London. While City Planning Staff are often involved in meeting with HDC and an applicant, no records are formally kept until a complete incentive application, accompanied by appropriate drawings and estimates, is submitted to City Planning.

#### **Consultation Phase**

- **Step 1 – PO** – The Applicant contacts City of London and/or HDC who will arrange a meeting with Staff to discuss the proposed project, information about incentive programs, provide application form(s) and assist with the application process. This meeting will also help to identify what permits or permissions may be required to complete the proposed improvement project. Where possible, the City will make appropriate Staff available for this meeting, which may be on-site at the property, where the proposed work is planned.

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

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

**Step 3 – CL** – City of London City Planning Staff will review the application for completeness and inform the applicant in writing that either more information is required, or the application is accepted. If accepted, the City will provide a *Commitment Letter* which outlines the approved works, related costs, and monetary commitment that the City is making to the project. For the Loan Program, the City's commitment is valid for one year from the date of issuance of the *Commitment Letter*, at which time the building permit must be issued and construction begun. The City's commitment applies only to the project as submitted. **PO – Any subsequent changes to the project will require review and approval by appropriate City staff.**

## Agreement Phase

**Step 4 – PO** – The applicant must notify City Planning Staff when the necessary approvals and/or permits have been received for the approved works (e.g. building permit), as identified in the *Commitment Letter* from the City.

**Step 5 – CL** – The loan agreement will be entered into prior to building permit issuance. Before loan agreement, City Planning staff must ensure the improvements, as described in the City's *Commitment Letter* and criteria, as set out in the respective program guidelines, have been met. Generally speaking, this includes:

- Obtaining building permits;
- All City of London property taxes must be paid in full and the account deemed in good standing by the Taxation Division;
- There must be no outstanding debts to the City;
- The property owner must not have defaulted on any City loans or grants;
- There must be no outstanding Building Division orders or deficiencies against the subject property.

**Step 6 – CL** – City Planning Staff may visit the subject property and take photographs, both before and after the subject work is completed, to ensure proposed improvements have been completed as described in the application.

**Step 7 – PO** – Once the works are completed, the applicant will have the security registered on title with their Counsel in the amount of the loan.

**Step 8 – CL** – City Planning staff will request a cheque, payable to the applicant's lawyer "in trust" and the Document General will place an encumbrance on the property in the amount of the loan.

**Step 9 – CL and PO** – When all the documentation is ready City Planning Staff will contact the applicant to arrange for a meeting to sign the documents and provide the applicant with a loan cheque. The Property Owner or Applicant will provide the City with the first 12 post-dated repayment cheques at that meeting.

**Step 10** – City Planning staff will have three (3) original copies of the loan agreement available for signing. One original signed copy is kept by the applicant and two are retained by the City.

## Loan Repayment Phase

Full loan repayment can be made at any time without penalty. **PO** – To make a full or partial repayment above the standard monthly payment, please contact City Planning or Accounts Receivable. Loan repayment will begin 12 months after the loan is issued, subject to section 18 (Repayment Provisions) of these program guidelines. If repayment is to vary from this installment schedule, it will be on a schedule that is to the satisfaction of the City Planner and as agreed to by all parties.

**PO** – Please note that loan cheque distribution cannot occur in December due to financial year-end. Instead all loan cheques requested in the Agreement phase in December will be processed in January.

#### **4. Financial Incentive Approval**

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

#### **5. Additional Rehabilitation and Demolition**

Additional work to the interior of the building can be undertaken without City Planning's approval subject to obtaining a building and/or heritage alteration permit, when required. The loan programs do not impose any specific restrictions on demolition.

#### **6. Inspection of Completed Works**

The loan will be paid to the property owner (or designate) after the subject works are completed. The applicant is to inform the City when the works are completed and the City will inspect the completed works to verify that the proposed improvements have been completed as described in the application.

#### **7. Incentive Application Refusal and Appeal**

If an application is refused, the applicant may, in writing, appeal the decision of the Managing Director, Planning and City Planner to the City Clerk's Office who will provide direction to have the matter heard before Municipal Council through the Planning and Environment Committee.

#### **8. Relationship to other Financial Incentive Programs**

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

#### **9. Monitoring & Discontinuation of Programs**

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

#### **10. Program Monitoring Data and Activity Reports**

The following information will be collected and serve as indicators to monitor the Additional Residential Unit Loan Program offered through the Affordable Housing Community Improvement Plan. These measures are to be flexible allowing for the addition of new measures that better indicate if the goals and objectives of the CIP have been met.

<b>Additional Residential Unit Loan Program</b>	<ul style="list-style-type: none"> <li>- Number of Applications (approved and denied);</li> <li>- Approved value of the loan and the total construction cost (i.e. total public investment and private investment);</li> <li>- Total Value of Building Permit (if required);</li> <li>- Number of “additional residential units” created;</li> <li>- Type of “additional residential units” (number of bedrooms; unit locations – accessory structure or main building);</li> <li>- Monthly rental price for the new “additional” unit;</li> <li>- Number of months per year the Additional Residential Unit is occupied;</li> <li>- Total Loan Amount;</li> <li>- Number of loan defaults;</li> <li>- Cost of loan defaults.</li> </ul>
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**11. Additional Residential Unit Loan Program – Purpose**

- The purpose of the Additional Residential Unit Loan Program is to address affordability of home ownership and to create more long-term, stable rental housing supply to help address low rental vacancy rates.
- Objectives of this program include creation of more mixed-income communities; providing opportunities for urban regeneration and intensification; providing opportunities for aging in place; and supporting and implementing the policy goals and frameworks of *The London Plan* and the Housing Stability Action Plan.

**12. Additional Residential Unit Loan Program – Eligible Works**

Eligible works include the following:

- Development, redevelopment, and/or renovations that creates new Additional Residential Units.
- Servicing to an Additional Residential Unit located in an ancillary building (e.g. converted garage or gate house).
- Works may include upgrades to meet identified deficiencies, such as Building Code and Fire Code.

**13. Additional Residential Unit Loan Program – Works Not Eligible**

- Additional rehabilitation, demolition, or interior works in the main dwelling unit but which are outside of an eligible “additional residential unit”.
- Loans will not apply retroactively for works undertaken prior to entering the loan agreement.

**14. Additional Residential Unit Loan Program – Loan Terms**

In addition to the eligible works above, loans require that:

- The new Additional Residential Unit is required to be within an existing residential building (existing as of the date the by-law adopting the Affordable Housing Community Improvement Plan is passed by Council).
- The Additional Residential Unit is permitted within or on the same property as the existing single or semi-detached home or street townhouse.
- Owner-occupancy is required.
- The Additional Residential Unit must maintain a valid Residential Rental Unit License (RRUL), which must be renewed with the City every year.

- Additional Residential Units that avail of this incentive program are not permitted to be used as short-term rental accommodation such as “airbnb” or similar.
- The loan is issued after the eligible works are completed.
- Repayment begins 12 months after the loan is issued.
- Loans are the lesser of \$20,000 or the cost of eligible works.

### **15. Loan Distribution**

The City will provide the applicant with one cheque in the full amount of the approved loan after: (1) the City has completed its due diligence to ensure the applicant and property remain eligible for the loan, (2) the Loan Agreement has been signed, and (3) the loan amount has been added as an encumbrance on title for repayment. **The City will not provide partial loan amounts or progress payments.**

### **16. Loan Security and Postponement**

Loans will be secured through the registration of an encumbrance placed on property title for the total amount of the loan. The Managing Director, Planning and City Planner or designate may postpone the encumbrance (subordination of an encumbrance to another encumbrance on the same property) which is given as security for the loan in circumstances where any of the registered mortgages are being replaced, consolidated or renewed and the total value of all mortgages and charges including the City’s encumbrance does not exceed 90% of the appraised value of the property.

### **17. Loan Agreement**

Participating property owners in the financial incentive programs shall be required to enter into a loan agreement with the City. This agreement shall specify such items as (but not limited to) the loan amount, the duration of the loan, and the owner's obligation to repay the City for any monies received if the property is demolished before the loan period elapses or the unit(s) no longer meet eligibility requirements. The agreement shall include the terms and conditions included in the program guidelines.

### **18. Repayment Provisions**

Loan repayments will begin twelve (12) months after the advancement of funds. Repayment of the loan will be on a monthly basis and does not include interest. The monthly payment amount will be calculated based on the total loan amount divided by 108 payments. Full repayment can be made at any time without penalty.

If the repayment schedule is to vary from the schedule identified in the paragraph above, it will be subject to the satisfaction of the City Planner and agreed to by all parties.

If a repayment installment is missed, or an applicant is otherwise found in non-compliance with the terms of their loan agreement, then the City will enter into a protocol for non-compliance.

### **19. Transferable Loans**

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

## Appendix E – 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 the Community Information Meetings held on December 12 and 17, 2019 were published in *The Londoner* on December 5, 2019, and circulated through the circulation list and to interested parties, as well as published on the City’s website.

Notice of the Community Information Meetings held on September 26, 2019 and October 2, 2019, were 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 additionally held in July and August of 2019.

### Responses to Public Liaison Letters and Publication in “The Londoner”

Telephone	Written
Robert Sexsmith	Mike Brcko Revera Inc. 600 – 5015 Spectrum Way Mississauga, ON, L4W 0E4
Jason Tudge	Chris Butler 863 Waterloo Street
John Ulaszek	

## Appendix F – 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.

*Provincial Policy Statement, 2014* (Proposed Policy Changes posted on Environmental Registry of Ontario, July 22, 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 G – Relevant Background

### Additional Reports

December 3, 2019. “Municipal Council Approval of the Housing Stability Plan 2019 to 2024 as Required under the Housing Services Act, 2011”, Community and Protective Services Committee.

November 18, 2019. “Draft Affordable Housing Community Improvement Plan and Key Considerations for Program Guidelines”, Planning and Environment Committee.

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.

Heather - Please consider this an added agenda submission for the PEC - Mtg Jan 20 - Agenda Item # 3.5 - CIP Affordable Housing Program - Business Case # 2 as I will be out of town for this MTG time.

Mayor Holder - Council

As this program has been developing under Council direction and Planner Travis Macbeth's lead - there was no public disclosure outlining the costs of this program or sources of funding until the City Wide Draft Budget was tabled December 17 , which is **very usual** for any Public Participation Process I have been involved with as a voter ( many )

I ask Council to consider the making following amendments / changes prior to this program's approval with respect to costs and sources of funding .

1. That the proposed allocation of 2 FTE staff to this program at a cost of approximately \$180 K per annually be reduced . Loaning \$ 4 Million in Economic Development Reserve Fund " over a 4 year period puts the loan to book costs at 18 % annually - a comparison any one would normally equate to a " **PAYDAY LOANS** " operation. There is also no guarantee or assurance that the City of London funds will be matched or bonuses up by CMHC per City Finance Staff . CMHC will likely play in bigger ponds - pools as they already have signaled.
2. At no point in the design of this CIP Program has the City of London or this planner reached out to the private sector as a source of funding for the loan float , only taxpayers via the ED Reserve Fund transfer which will have to be topped up . I would think that LIBRO or VERSA BANK would be happy to participate in a Community Building Program like this at a 6 % interest rate knowing the payback period is a maximum of ten(10) years and I as a taxpayer would be happy to pay that interest rate rather than " topping up " the Economic Development fund transfer ( \$ 4 Million ). This should still meet the criteria to secure CHMC or other funding as City of LDN would still umbrella and administer the program.
3. As an alternative to # 2 above, I'm very comfortable with the City of London borrowing the loan float @ 3.1 % , charging the annual interest rate as an OP's cost to this program and tax payers and City of LDN clawing back the \$\$ principle from the developers or program property owners . This appears to be a fairly safe " financial risk " to take and a " harder " asset than borrowing to appropriate property , bury it in pavement and leave it on the books as an asset .

I am a strong supporter of opportunities to develop affordable housing stock , but honestly feel we are not being creative - innovative enough with respect to sources of funding and the relative cost effectiveness of this program !

THXS - Chris Butler - 863 Waterloo

## 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:** 2492222 Ontario Inc.  
536 and 542 Windermere Road

**Meeting on:** January 20, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of 2492222 Ontario Inc. relating to the property located at 536 and 542 Windermere Road:

- (a) pursuant to section 13.3 of the Council Procedure By-law, part c) of the resolution of the Municipal Council from the meeting held on April 23, 2019 relating to Item 3.8 of the 7th Report of the Planning and Environment Committee having to do with the property located at 536 and 542 Windermere Road **BE RECONSIDERED**; it being noted that part c) reads as follows:

*“c) the trees on the westerly and northerly boundary BE PROTECTED AND BE PRESERVED with the exception of invasive species or trees that are in poor condition;”*

- (b) subject to the approval of (a) above, the Civic Administration **BE AUTHORIZED** to consider implementing a vegetated buffer on the westerly and northerly boundary as a result of either retaining existing trees, or new plantings, or the combination of the two, in accordance with a landscape plan to be considered through the Site Plan Approval process.

## Executive Summary

### Summary of Request

With regards to the Zoning By-law Amendment (“ZBA”) application for 536 and 542 Windermere Road and Council’s amending by-law (Z.-1-192743) that is subject to an appeal to the Local Planning Appeal Tribunal (“LPAT”) (PL190251), the applicant has requested that part c) of Municipal Council’s resolution of April 23, 2019 be reconsidered to allow for the replacement of existing trees proximate to the northerly property boundary.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to reconsider part c) of Municipal Council’s resolution of April 23, 2019, and authorize Civic Administration to consider the implementation of a vegetated buffer on the westerly and northerly property boundary consisting of either existing trees, new plantings, or the combination of the two through the Site Plan Approval process.

### Rationale of Recommended Action

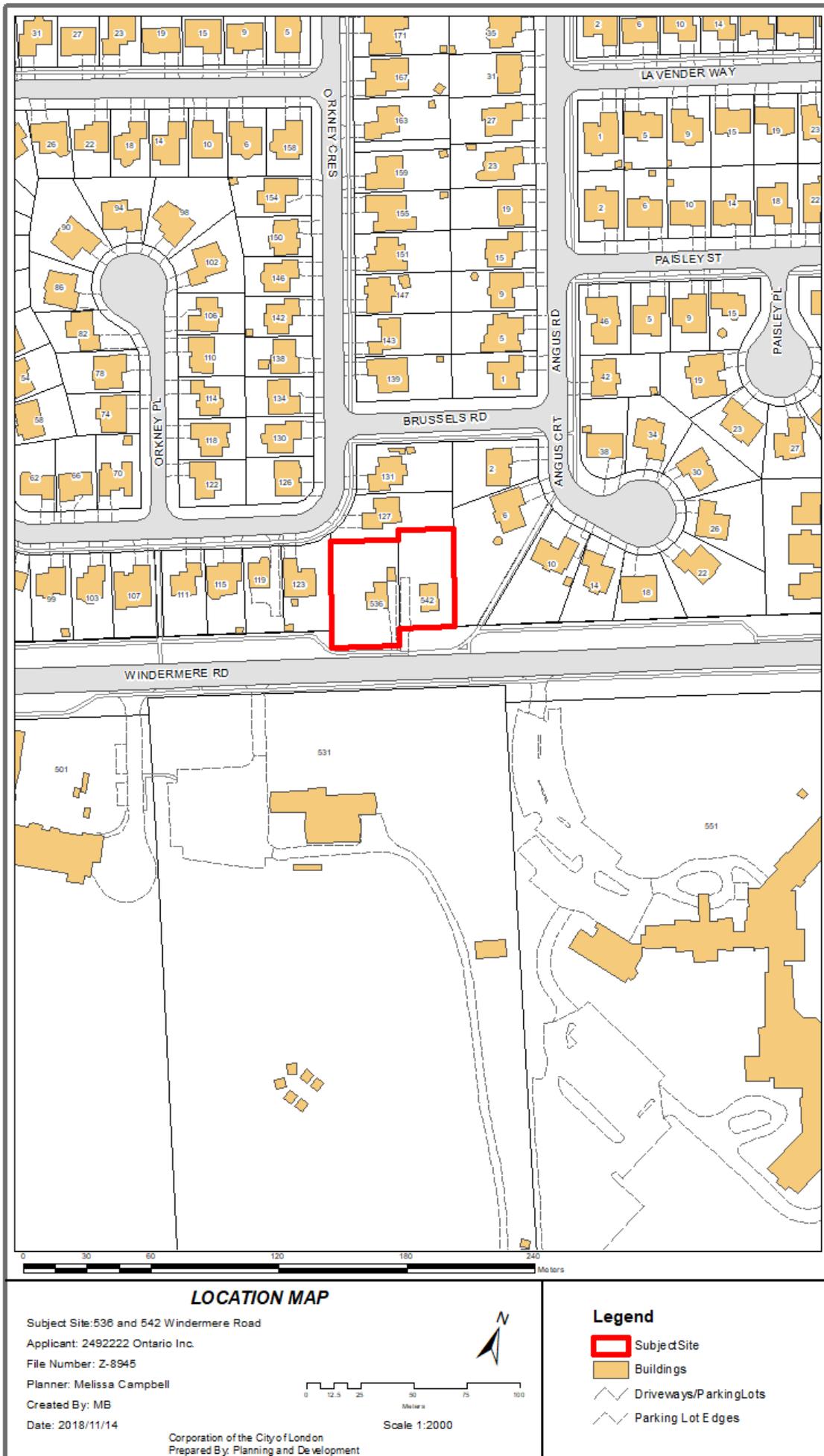
The replacement of the existing trees with new plantings can also achieve an acceptable buffer or screen to mitigate the visual impacts of the proposed development on adjacent properties and to ensure that development takes a form that is compatible with adjacent uses as was the intent of part c) of Municipal Council’s resolution of April 23, 2019. It is in the public interest to facilitate discussions between the applicant and

the adjacent property owner in the interest of resolving the appeal to the LPAT.

## Analysis

### 1.0 Site at a Glance

#### 1.1 LOCATION MAP



## 1.2 Property Description

The properties known municipally as 536 and 542 Windermere Road (“the subject lands”) are located on the north side of Windermere Road between Richmond Street and Adelaide Street. Each property is currently occupied by an existing single detached dwelling and detached garage. There are a number of mature coniferous and deciduous trees located on the subject lands. The existing trees assist in screening the subject lands from the adjacent properties.

## 2.0 Relevant Background

### 2.1 Planning History

On December 13, 2019, the Clerks Department received correspondence from Zelinka Priamo Ltd. on behalf of the applicant (2492222 Ontario Inc.) regarding Municipal Council’s resolution of April 23, 2019. As a result of on-going discussions between the applicant and the property owner to the north, Mr. Tony Mara, the applicant’s agent has requested that the Planning and Environment Committee (“Committee”) and Municipal Council reconsider part c) of Municipal Council’s resolution to allow for the removal of existing trees and replacement with new plantings to provide for a vegetative screen between the subject lands and Mr. Mara’s property.

Municipal Council’s resolution of April 23, 2019 contained three (3) parts, a) through c). Part a) resolved to amend Zoning By-law No. Z.-1 to change the zoning of the subject property from a Residential R1 (R1-6) Zone to a Holding Residential R5 Special Provision (h-5•h-•R5-5(\_)) Zone to allow for the redevelopment of the subject lands to cluster housing in the form of twelve (12) back-to-back townhouse dwellings, the equivalent of 44 units per hectare, with a reduced maximum height of 10.5 metres, a reduced minimum westerly interior side yard depth of 3.0 metres, and an increased maximum encroachment into required front yard depths to allow sunken (below-grade) amenity spaces to be located 0.2 metres from the front lot line.

Part b) resolved to refuse the applicant’s request to amend Zoning By-law No. Z.-1, to change the zoning of the subject property from a Residential R1 (R1-6) Zone to a Residential R5 Special Provision (R5-7(\_)) Zone to allow for the redevelopment of the subject lands to cluster housing in the form of sixteen (16) “back-to-back” townhouse dwellings and the equivalent of 58 uph. In accordance with the recommendation of Civic Administration, the reasons for refusal included that the requested amendment did not provide the appropriate development standards by which to minimize or mitigate potential adverse impacts for adjacent land uses to ensure compatibility and a good fit with the receiving neighbourhood; the requested amendment did not conform to the residential intensification policies in the 1989 Official Plan or \*The London Plan; and the Zoning By-law does not contemplate the level of residential intensity (density in uph) proposed by the applicant in a cluster townhouse form outside of Central London.

Part c) resolved to protect and preserve the existing trees along the northerly and westerly property boundary with the exception of invasive species or trees that are in poor condition in response to submissions and comments received through community engagement and the public participation meetings.

The decision of Municipal Council to amend Zoning By-law No. Z.-1 to change the zoning of the subject property was subsequently appealed to the LPAT by Mr. Mara who opposed the level of residential intensity permitted by the amending by-law; and who articulated that yard depths permitted by the amending by-law were inadequate to protect existing trees along the northerly and westerly property boundary to screen the proposed development from the existing dwellings.

In an effort to resolve the appeal to the LPAT, Civic Administration is aware of ongoing discussions between the applicant and Mr. Mara. The December 13, 2019 correspondence from the applicant’s agent indicated that, as they understand, it is now the preference of Mr. Mara to have trees replaced instead of retained to provide the most robust vegetative screen possible between the proposed development and existing dwellings since the existing trees have been “limbed up” to remove lower

branches. The December 13, 2019 correspondence also indicated that it is their belief that Mr. Mara's earlier comments and submissions directly resulted in part c) being included in Municipal Council's resolution of April 23, 2019.

On the advice of the City Solicitor's office, the Site Plan Approval Authority is unable to consider a site concept plan and/or landscape plan that would not protect and preserve the existing trees along the northerly and westerly property boundary given part c) of Municipal Council's resolution. The applicant's agent has therefore, brought forward a request to Committee and Municipal Council to reconsider part c).

### **3.0 Key Issues and Considerations**

#### **3.1 Analysis of Request**

Through the course of the ZBA application there was considerable discussion regarding the protection and preservation of existing trees, located both on-site and off-site, proximate to the northerly and westerly boundary of the subject lands for the purpose of screening views between properties and preserving privacy. It is also important to note that such trees may also provide broader public benefits such as shade, erosion control and storm-water attenuation, improved air quality, and wildlife habitat, contribute to the quality and character of the neighbourhood, and help to mitigate the effects of climate change.

Previous staff reports dated January 7, 2019 and April 15, 2019 regarding the ZBA application focused on whether the yard depths proposed would provide an adequate protection buffer for the survival of the existing trees along the boundary of the subject lands for the purposes of screening, since at the time of those reports it was understood to be the preference of abutting property owners, and the direction of Council to staff, to preserve as many of the trees as possible.

If it is no longer the preference of the abutting property owners to have the existing trees preserved, Development Services is of the opinion that replacing the existing trees with new plantings could also achieve an acceptable buffer or screen to mitigate the visual impacts of the proposed development on adjacent properties.

With respect to the "right tree in the right place" for the purpose of screening views between properties and preserving privacy, the revised Tree Assessment Report (March 2019) prepared by Ron Koudy's Landscape Architects and submitted as part of the ZBA application supports the statement made in the recent December 13, 2019 correspondence that several of the trees along the westerly and northerly property line have been "limbed up" with the lower branches removed. Included in the revised Tree Assessment Report (March 2019) was an inventory of all trees located on the subject lands and within 3.0 metres of the subject lands and a description of each tree's condition. As an alternative to the retaining the existing trees for the purposes of screening, new plantings could be selected for the express intent of screening views, providing separation between land uses, stabilizing slopes, reducing soil erosion, and providing wind and sun protection. Given the reported condition of the existing trees, their replacement with new plantings could provide for a more robust vegetative buffer between the proposed development and the abutting dwellings.

As discussed in the previous staff reports, it is a goal of The London Plan to manage the tree canopy proactively and increase the tree canopy over time (\*Policy 389\_). To achieve tree canopy targets The London Plan directs that action shall be taken to protect more, maintain and monitor the tree canopy better, and plant more (Policy 398\_). The prevailing preference of The London Plan is to protect trees that may be impacted by development, however it is acknowledged that removal and replacement by new tree plantings can be contemplated (\*Policy 399 2. and 4.).

In the 1989 Official Plan, Section 11 contains urban design principles intended to supplement the land use designation policies. Section 11.1 ii) directs that, to the extent feasible, existing trees of a desirable species should be retained and incorporated into the landscape plans for new development, but again the policies allow for discretion with respect to removal of trees within the context of development.

From a regulatory standpoint, the subject lands and adjacent properties are located within the City's Tree Protection Area wherein according to the City of London Tree Protection By-law, private tree removal and injury is regulated in order to prevent the unnecessary loss of public benefits; however, private tree removal and injury as a condition of approval of a site plan and related development is exempt from the Tree Protection By-law and the protection that it provides.

Notwithstanding Development Services support for the request to reconsider part c) of Municipal Council's resolution of April 23, 2019, Development Services has not undertaken detailed design review of the revised site concept plan and landscape plan that accompanied the request (See Appendix A and B). At this time it is premature for Development Services to endorse or accept these plans. Detailed design review of the revised site concept plan and landscape plan would be undertaken through the Site Plan Approval process. For this particular development proposal, the Site Plan Approval process would be subject to public site plan review, which will provide the public with an opportunity in the future to provide input and comment on the revised site concept plan and landscape plan.

## 5.0 Conclusion

The Site Plan Approval Authority is unable to consider a site concept plan and/or landscape plan that would not protect and preserve the existing trees along the northerly and westerly property boundary given part c) of Municipal Council's resolution of April, 23, 2019. Development Services is of the opinion that replacing the existing trees with new plantings can also achieve an acceptable buffer or screen to mitigate the visual impacts of the proposed development on adjacent properties to ensure that development takes a form that is compatible with adjacent uses as was the intent of part c) of Municipal Council's resolution. It is in the public interest to facilitate appropriate discussion between the applicant and the adjacent property owner in the interest of resolving the LPAT appeal.

<b>Prepared by:</b>	<b>Melissa Campbell, MCIP, RPP Manager, Development Planning, 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.	

January 13, 2020

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

Z:\Shared\DEVELOPMENT SERVICES\11 - Current Planning\DEVELOPMENT APPS\2018 Applications 8865 to\8945Z - 542 and 536 Windermere Rd (MJC)\PEC\DRAFT-536-542-Windermere-Rd-Z-8945-MJC-PEC-01-20-20-2of2.docx





## Appendix C

### Additional Reports

*Z-8945 – 536 and 542 Windermere Road, Public Participation Meeting on January 7, 2019* – Amendment to Zoning By-law Z.-1 to permit 12 cluster “back-to-back” townhouse dwellings and special provisions for reduced minimum front yard and westerly interior side yard depths; reduced maximum building height; and increased maximum yard encroachment for below-grade “sunken” amenity spaces.

*Z-8945 – 536 and 542 Windermere Road, Public Participation Meeting on April 15, 2019* – Amendment to Zoning By-law Z.-1 to permit 12 cluster “back-to-back” townhouse dwellings and special provisions for reduced minimum front yard and westerly interior side yard depths; reduced maximum building height; and increased maximum yard encroachment for below-grade “sunken” amenity spaces. This report followed a referral back to staff on January 7, 2019 to consider the comments and concerns of the general public; a tree preservation plan and the preservation of as many trees as possible on site; the presence of fencing that would restrict access to Orkney Crescent; and specific yard depths.

December 13, 2019

Councillor Cassidy and Members of the Planning and Environment Committee  
City of London  
300 Dufferin Street  
London, ON  
N6A 4L9

Re: Council Resolution for Z.1-192743  
Application for Zoning By-law Amendment (Z-8945)  
LPAT File: PL190251  
2492222 Ontario Inc.  
536 & 542 Windermere Road  
Our File: TSR/LON/16-01

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On behalf of 2492222 Ontario Inc. (the “Applicants”), we are pleased to provide the following information for your consideration regarding Council’s direction for the redevelopment of 536 & 542 Windermere Road (the “subject lands”), specifically clause (c) of Council’s resolution in approving By-Law Z.1-192743 which states the following:

*“That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of 2492222 Ontario Inc., relating to the property located at 536 and 542 Windermere Road:*

**c) the trees on the westerly and northerly boundary BE PROTECTED AND BE PRESERVED with the exception of invasive species or trees that are in poor condition;”**

The trees noted above consist of nine (9) evergreen trees, being a mix of Blue Spruce, White Spruce, and Balsam Fir, all located along the northerly property line, abutting Mr. Tony Mara’s property at 127 Orkney Crescent.

It is our understanding that Mr. Mara’s comments and submissions at two public meetings were the principal reason that PEC included clause (c), with the intended objective of ensuring a vegetative screen to buffer the proposed townhouse development from Mr. Mara’s property. Without Mr. Mara’s comments, we believe it is unlikely that the PEC would have included clause (c) requiring the preservation of existing trees.

As you may be aware, Mr. Mara appealed the City’s approval of Z-8945 (By-Law Z.1-192743).

Based on recent discussions with Mr. Mara, we understand that it is now his preference to have trees replaced instead of retained, which is acceptable to the Applicants.

We are proposing that clause (c) be deleted or, in the alternative, be amended to the following:

***c) The Applicants shall ensure a substantial vegetated buffer on the west and north property lines, in accordance with a City-approved landscape plan.***

The deletion of clause (c) or the revised wording would allow for the replacement of existing trees in accordance with the attached updated Site Plan and Landscape Plan, which we understand to be acceptable, and indeed preferable, to Mr. Mara after recent discussions.

The objective of removing existing trees and replacing with new trees is to ensure that there is a vegetative screen between the subject lands and Mr. Mara's property. The existing trees are 'limbed-up' quite high (i.e. no branches at lower levels) and some are in marginal health. In order to provide the best and most robust screen possible for Mr. Mara, the Applicants now propose that new trees be planted in place of the current trees.

As Clause (c) specifically requires the trees to be preserved and retained, the requested tree removal and planting cannot be accomplished without a deletion of, or an amendment to, Clause (c) noted above.

Given the above, we hereby request that PEC consider the above and provide a resolution amending or removing clause (c), thereby permitting the removal and replacement of the trees in question.

We thank you for the opportunity to provide the above information and request for direction from PEC and Council. If we can be of any assistance, please do not hesitate to contact the undersigned.

Yours very truly

**ZELINKA PRIAMO LTD.**

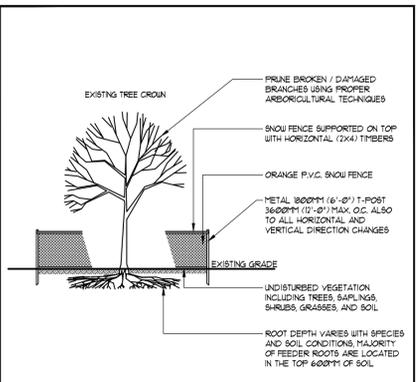
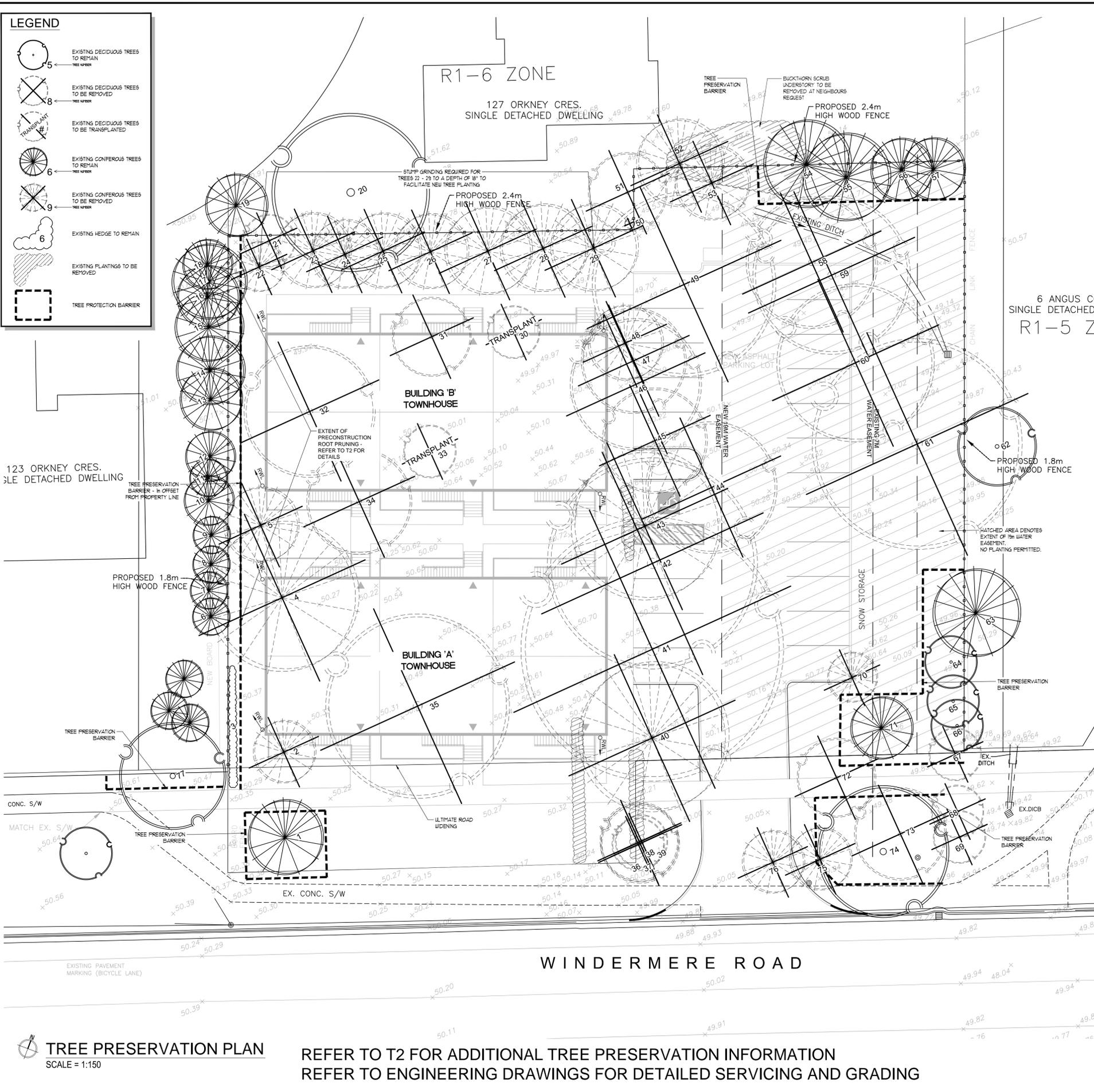


Matt Campbell, BA, CPT  
Senior Planner

cc: 2492222 Ontario Inc.

**LEGEND**

- EXISTING DECIDUOUS TREES TO REMAIN
- EXISTING DECIDUOUS TREES TO BE REMOVED
- EXISTING DECIDUOUS TREES TO BE TRANSPLANTED
- EXISTING CONIFEROUS TREES TO REMAIN
- EXISTING CONIFEROUS TREES TO BE REMOVED
- EXISTING HEDGE TO REMAIN
- EXISTING PLANTINGS TO BE REMOVED
- TREE PROTECTION BARRIER



- NOTES:**
- EXISTING TREES ARE TO BE PROTECTED FROM CONSTRUCTION WITH THE INSTALLATION OF A 100MM (4\"/>
  - THE BARRIER IS TO BE INSTALLED PRIOR TO ANY CONSTRUCTION AND MUST REMAIN IN PLACE UNTIL ALL CONSTRUCTION IS COMPLETED.
  - ALL SUPPORTS AND BRACING SHOULD BE INSIDE THE TREE PROTECTION ZONE. ALL SUCH SUPPORTS SHOULD MINIMIZE DAMAGING ROOTS IN THE TREE PROTECTION ZONE.
  - NO CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT, OR EXCAVATION OF ANY KIND IS PERMITTED WITHIN THE TREE PROTECTION ZONE.
  - NO MOVEMENT OF EQUIPMENT, STORAGE OF BUILDING SUPPLIES, CLEANING OR EQUIPMENT, OR DUMPING OF SOLVENTS, GASOLINE, ETC. MAY OCCUR WITHIN THIS FENCE LINE. WHERE HIGH QUALITY SPECIMENS OCCUR ADJACENT TO AREAS SUBJECTED TO INTENSIVE CONSTRUCTION ACTIVITY, WOODEN CRIBBING SHOULD BE INSTALLED TO PROTECT TRUNKS FROM DAMAGE IN THE EVENT THAT HEAVY EQUIPMENT BREAKS DOWN THE SNOW FENCING. FENCES TO BE INSPECTED BY ENVIRONMENTAL CONSULTANT ON A REGULAR BASIS AND BE MAINTAINED BY THE SUBDIVIDER / BUILDER.

**TEMP. TREE PROTECTION BARRIER - N.T.S.**

**TREES RECOMMENDED FOR REMOVAL**

ID #	BOTANICAL NAME	COMMON NAME	DBH (cm)	CANOPY RADIUS (m)	CROWN CONDITION (1-HEAD 5-HEALTHY)	STRUCTURAL CONDITION	HEALTH	PROPOSED ACTION	RECOMMENDATION
2	<i>Picea omorika</i>	Serbian Spruce	19	25	5	good	REMOVE	CONSTRUCTION	
4	<i>Picea abies</i>	Norway Spruce	61	6	5	good	REMOVE	CONSTRUCTION	
5	<i>Pseudotsuga menziesii</i>	Douglas Fir	43	3	4	good	REMOVE	CONSTRUCTION	
21	<i>Buxus ssp.</i>	Buckthorn	10, 8, 4	2	5	fair	REMOVE	INVASIVE SPECIES	
22	<i>Picea pungens var. glauca</i>	Colorado Blue Spruce	59	2	2/5	fair	REMOVE	FACILITATE PLANTING OF HEDGE ROW FOR SCREENING	
23	<i>Abies balsamea</i>	Balsam Fir	40	3	4	fair	REMOVE	FACILITATE PLANTING OF HEDGE ROW FOR SCREENING	
24	<i>Abies balsamea</i>	Balsam Fir	24	275	4	good	REMOVE	FACILITATE PLANTING OF HEDGE ROW FOR SCREENING	
25	<i>Picea glauca</i>	White Spruce	35	3	5	good	REMOVE	FACILITATE PLANTING OF HEDGE ROW FOR SCREENING	
26	<i>Picea glauca</i>	White Spruce	20	3	3	fair	REMOVE	FACILITATE PLANTING OF HEDGE ROW FOR SCREENING	
27	<i>Picea glauca</i>	White Spruce	46	35	4	good	REMOVE	FACILITATE PLANTING OF HEDGE ROW FOR SCREENING	
28	<i>Abies balsamea</i>	Balsam Fir	29	35	5	poor	REMOVE	FACILITATE PLANTING OF HEDGE ROW FOR SCREENING	
29	<i>Abies balsamea</i>	Balsam Fir	40	35	5	good	REMOVE	FACILITATE PLANTING OF HEDGE ROW FOR SCREENING	
31	<i>Liquidambar styraciflua</i>	Sweetgum	26	3	5	good	REMOVE	CONSTRUCTION	
32	<i>Malus ssp.</i>	Apple	18, 30	5	4	poor	REMOVE	CONSTRUCTION	
34	<i>Cercis canadensis</i>	Redbud	15, 12, 9, 8	4	5	poor	REMOVE	CONSTRUCTION	
35	<i>Acer platanoides</i>	Norway Maple	80	7	5	good	REMOVE	CONSTRUCTION	
36	<i>Celtis occidentalis</i>	Hackberry	11	2	2	fair	REMOVE	CONDITION	
37	<i>Celtis occidentalis</i>	Hackberry	20	2	2	fair	REMOVE	CONDITION	
38	<i>Acer platanoides</i>	Norway Maple	11	3	4	fair	REMOVE	CONDITION	
39	<i>Acer platanoides</i>	Norway Maple	12	3	4	fair	REMOVE	CONDITION	
40	<i>Picea abies</i>	Norway Spruce	58	6	5	good	REMOVE	CONSTRUCTION	
41	<i>Acer saccharum</i>	Sugar Maple	78	10	5	poor	REMOVE	CONSTRUCTION	
42	<i>Acer saccharum</i>	Sugar Maple	80	8	5	poor	REMOVE	CONSTRUCTION	
43	<i>Picea abies</i>	Norway Spruce	56	6	5	good	REMOVE	CONSTRUCTION	
44	<i>Acer saccharum</i>	Sugar Maple	31, 31	5	5	fair	REMOVE	CONSTRUCTION	
45	<i>Acer platanoides</i>	Norway Maple	24	5	5	good	REMOVE	CONSTRUCTION	
46	<i>Acer platanoides</i>	Norway Maple	39	5	5	good	REMOVE	CONSTRUCTION	
47	<i>Juglans nigra</i>	Black Walnut	15	4	3	poor	REMOVE	CONSTRUCTION	
48	<i>Picea glauca</i>	White Spruce	40	3	4	good	REMOVE	CONSTRUCTION	
49	<i>Juglans nigra</i>	Black Walnut	44	7	5	fair	REMOVE	AT NEIGHBOURS REQUEST	
50	<i>Acer saccharum</i>	Sugar Maple	21	3	5	fair	REMOVE	AT NEIGHBOURS REQUEST	
52	<i>Picea glauca</i>	White Spruce	34	35	2/5	fair	REMOVE	AT NEIGHBOURS REQUEST	
53	<i>Picea glauca</i>	White Spruce	27	3	1	shad	REMOVE	CONDITION	
58	<i>Ulmus pumila</i>	Siberian Elm	42, 38	5	4	fair	REMOVE	PARKING LOT CONSTRUCTION	
59	<i>Ulmus pumila</i>	Siberian Elm	44	6	4	fair	REMOVE	PARKING LOT CONSTRUCTION	
60	<i>Gleditsia triacanthos var. inermis</i>	Honeylocust	44	6	5	fair	REMOVE	PARKING LOT CONSTRUCTION	
61	<i>Juglans regia</i>	English Walnut	58, 56, 27	8	4	poor	REMOVE	CONSTRUCTION	
67	<i>Rhus typhina</i>	Staghorn Sumac	<10	2	2	fair	REMOVE	SIDEWALK CONSTRUCTION & SIGHT LINES	
68	<i>Rhus typhina</i>	Staghorn Sumac	<10	2	2	fair	REMOVE	SIDEWALK CONSTRUCTION & SIGHT LINES	
69	<i>Rhus typhina</i>	Staghorn Sumac	<10	2	2	fair	REMOVE	SIDEWALK CONSTRUCTION & SIGHT LINES	
70	<i>Abies balsamea</i>	Balsam Fir	30	2	5	fair	REMOVE	PARKING LOT CONSTRUCTION	
72	<i>Betula papyrifera</i>	Paper Birch	12, 19, 16, 16	3	5	good	REMOVE	SIDEWALK CONSTRUCTION	
73	<i>Tilia cordata</i>	Little Leaf Linden	10-16	35	5	poor	REMOVE	CONDITION	
75	<i>Juniperus virginiana</i>	Eastern Red Cedar	41	25	5	good	REMOVE	DRIVEWAY CONSTRUCTION	
76	<i>Juniperus virginiana</i>	Eastern Red Cedar	33	25	5	fair	REMOVE	DRIVEWAY CONSTRUCTION	



**RON KOUDYS LANDSCAPE ARCHITECTS INC.**

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Ronald H. Koudys, O.A.L.A. C.S.L.A.      DATE

DATE	DESCRIPTION	No.
DEC 13, 2018	ISSUED FOR TREE REPLACEMENT	8.
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**PLOTTING INFORMATION:**  
 PLOTTED DATE: DECEMBER 13, 2018  
 PLOTTED SCALE: 1:1

PROJECT TITLE:  
**536-542 WINDERMERE RD LONDON, ON**

DRAWING TITLE:  
**TREE PRESERVATION PLAN**

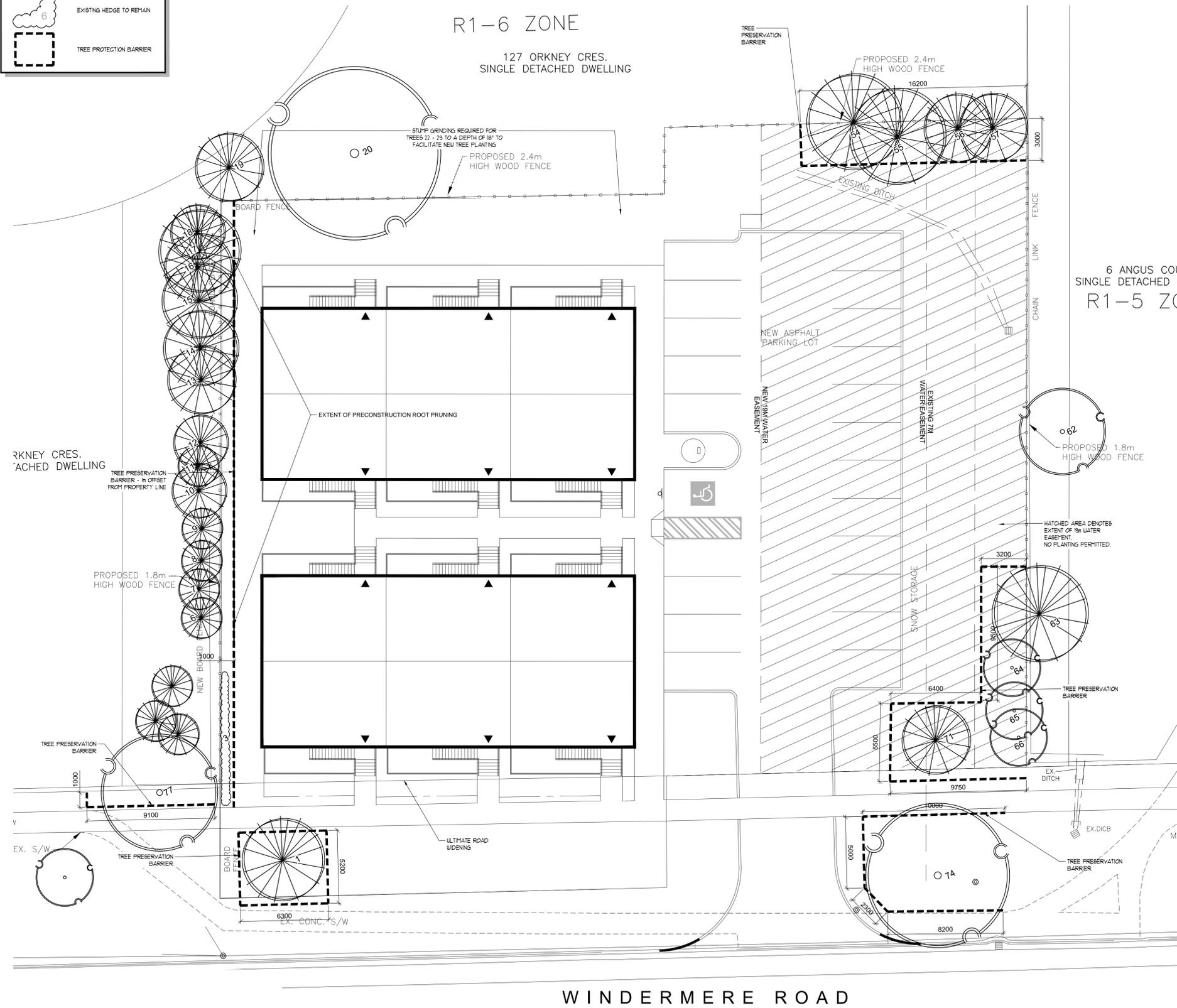
DATE: MAY 2018	SCALE: AS NOTED	DRAWING No. T-1
DRAWN: RCLA Inc.	CHECKED BY: M.B.	
PROJECT No. 18-152Lu		

**TREE PRESERVATION PLAN**  
 SCALE = 1:150

REFER TO T2 FOR ADDITIONAL TREE PRESERVATION INFORMATION  
 REFER TO ENGINEERING DRAWINGS FOR DETAILED SERVICING AND GRADING

**LEGEND**

- EXISTING DECIDUOUS TREES TO REMAIN
- EXISTING CONIFEROUS TREES TO REMAIN
- EXISTING HEDGE TO REMAIN
- TREE PROTECTION BARRIER



**TREES RECOMMENDED FOR PRESERVATION OR TRANSPLANTING**

GENERAL INFORMATION		SIZE		HEALTH		RECOMMENDATION		
ID #	BOTANICAL NAME	COMMON NAME	DBH (cm)	CANOPY RADIUS (m)	CROWN CONDITION 1 - DEAD 5 - HEALTHY	STRUCTURAL CONDITION	PROPOSED ACTION	RATIONALE
1	<i>Picea pungens var. glauca</i>	Colorado Blue Spruce	57	5	3/4	fair	PRESERVE	PRESERVATION OF AS MANY TREES AS POSSIBLE
3	<i>Thuja occidentalis 'Smaragd'</i>	Emerald Cedar (hedge)	7-14	1.5	4	fair	PRESERVE	
6	<i>Abies balsamea</i>	Balsam Fir	16	1.5	5	good	PRESERVE	BEYOND SUBJECT SITE
7	<i>Abies balsamea</i>	Balsam Fir	20	1.5	5	good	PRESERVE	BEYOND SUBJECT SITE
8	<i>Abies balsamea</i>	Balsam Fir	20	1.5	5	good	PRESERVE	BEYOND SUBJECT SITE
9	<i>Abies balsamea</i>	Balsam Fir	20	1.5	5	good	PRESERVE	BEYOND SUBJECT SITE
10	<i>Abies balsamea</i>	Balsam Fir	30	2	5	good	PRESERVE	BEYOND SUBJECT SITE
11	<i>Abies balsamea</i>	Balsam Fir	10	1.5	5	good	PRESERVE	BEYOND SUBJECT SITE
12	<i>Abies balsamea</i>	Balsam Fir	20	2	5	good	PRESERVE	BEYOND SUBJECT SITE
13	<i>Picea glauca</i>	White Spruce	28	2.5	5	good	PRESERVE	BEYOND SUBJECT SITE
14	<i>Picea glauca</i>	White Spruce	25	2.75	4	good	PRESERVE	BEYOND SUBJECT SITE
15	<i>Picea glauca</i>	White Spruce	25	2.75	5	good	PRESERVE	BEYOND SUBJECT SITE
16	<i>Abies balsamea</i>	Balsam Fir	15	2.5	5	good	PRESERVE	BEYOND SUBJECT SITE
17	<i>Picea glauca</i>	White Spruce	30	3	5	good	PRESERVE	BEYOND SUBJECT SITE
18	<i>Abies balsamea</i>	Balsam Fir	10	2	5	good	PRESERVE	BEYOND SUBJECT SITE
19	<i>Picea glauca</i>	White Spruce	25	2.5	4	good	PRESERVE	BEYOND SUBJECT SITE
20	<i>Acer saccharinum</i>	Silver Maple	50	6	5	fair	PRESERVE	BEYOND SUBJECT SITE
50	<i>dead, unknown</i>	unknown	n/a	n/a	n/a	dead	n/a	n/a
54	<i>Picea glauca</i>	White Spruce	28	3.5	5	good	PRESERVE	
55	<i>Picea glauca</i>	White Spruce	44	3.5	5	good	PRESERVE	
56	<i>Picea glauca</i>	White Spruce	19	2.5	5	good	PRESERVE	
57	<i>Picea glauca</i>	White Spruce	16	2.5	5	good	PRESERVE	
62	<i>Tilia cordata</i>	Little Leaf Linden	25	3	5	good	PRESERVE	BEYOND SUBJECT SITE
63	<i>Pinus nigra</i>	Austrian Pine	35	3.5	5	good	PRESERVE	BEYOND SUBJECT SITE
64	<i>Rhus typhina</i>	Staghorn Sumac	<10	2	2	fair	PRESERVE	
65	<i>Rhus typhina</i>	Staghorn Sumac	<10	2	2	fair	PRESERVE	
66	<i>Rhus typhina</i>	Staghorn Sumac	<10	2	2	fair	PRESERVE	
71	<i>Abies balsamea</i>	Balsam Fir	35	2.5	5	good	PRESERVE	
74	<i>Juglans nigra</i>	Black Walnut	31	5	5	good	PRESERVE	
77	<i>Acer saccharum</i>	Sugar Maple	35	4.25	5	good	PRESERVE	
TREES TO BE TRANSPLANTED								
30	<i>Fagus sylvatica</i>	Tricolor Beech	9	2	5	good	TRANSPLANT	CONSTRUCTION
33	<i>Goniochloris</i>	Gonilago	15	2	5	good	TRANSPLANT	CONSTRUCTION

**CONSTRUCTION IMPACT MITIGATION RECOMMENDATIONS**

**SPECIFIC RECOMMENDATIONS FOR TREES 6 - 18**  
 These trees are of particular value to the community. Their preservation during construction and long term health following construction is of the utmost importance. The following supplemental actions are to be carried out by an ISA certified arborist, experienced horticulture professional, or other qualified person.

- Prior to any site excavation, trees are to have their roots clearly cut in line with the tree preservation barriers. This root pruning will prevent damage to roots that can be caused by excavation with large machinery that can rip and pull at roots which would cause more harm than necessary.
- Prior to construction, tree branches that extend past the tree preservation barrier and into the construction zone are to be temporarily bound for the duration of construction. Affected branches are to be gently guided back behind the tree preservation barrier and held in place using a flexible/elastic, nonabrasive strap, band, or material/cloth that is at least two inches wide. Branches are to be held back loosely, and not to be bent to the point of snapping. Branch ties can be secured to other tree parts or to the fence adjacent to the trees. Branch ties are to be monitored weekly to ensure that they are not damaging the tree(s). Small adjustments to the points of attachment may be required over the period of construction.
- If construction is taking place within the months of June to the end of September, trees are to be watered during extended dry weather conditions. The project arborist is to monitor the trees biweekly during this period and to inform the property owner in writing if and when tree watering is required. The property owner is responsible for promptly procuring this service.

**Pre-construction recommendations**

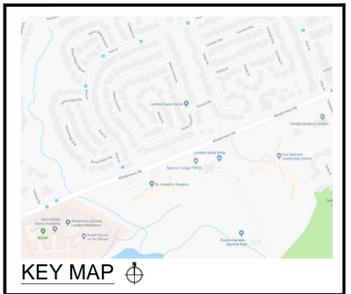
- Prior to any construction activity or tree removal operations, tree preservation fencing is to be installed as per the attached tree preservation drawings and detail.
- Where high quality specimens to be preserved are adjacent to areas subject to intensive construction activities, these trees are to have additional protection measures implemented to protect their trunks from mechanical damage. These measures may include surrounding the trunk with wood planks. Trees that require additional protection will be clearly identified on the tree preservation plan with detailed information on specific protection measures.
- Trees to be removed are to be marked with spray paint by the arborist or landscape architect prior to any tree removal operations.
- In accordance with the Migratory Birds Convention Act, 1994, all removals must take place from September 1st to April 1st to avoid disturbing nesting migratory birds. Trees may be removed outside this window (between April 2nd and August 31st) only if a qualified bird specialist/ecologist has determined there are no nesting birds in the trees.
- Care should be taken during the felling operation to avoid damaging the branches, stems, trunks, and roots of the trees to be preserved. Where possible, all trees are to be felled towards the construction zone to minimize impacts on adjacent vegetation.
- Heavy equipment is not allowed to idle under the drip line of trees to be preserved.
- It is recommended that the existing ground-layer vegetation remain intact so as not to disturb the soil around the base of the existing trees.
- Final site grading plans should ensure that the existing soil moisture conditions are maintained.
- Some trees may be candidates for pre-construction root pruning to help reduce stress and prepare the tree for nearby construction activity. These trees to be identified on the tree preservation plan.

**Recommendations related to the construction process**

- Tree preservation fencing is to be maintained in good order until all heavy construction activity is complete or as per the project arborist or landscape architect.
- No construction, excavation, adding of fill, stockpiling of construction material, or heavy equipment is permitted between the tree preservation fencing and the tree(s) to be protected.
- When excavation near a tree is required, and it is anticipated that roots will be severed and exposed, duration of exposure is to be minimized to prevent root desiccation.
- During the excavation process, roots that are severed and exposed should be hand pruned to leave a clean-cut surface. Exposed severed roots that cannot be covered in soil on the same day as the cuts are made are to be kept moist. Exposed roots are to be kept moist by covering them with water soaked burlap or any other means available.
- Broken branches on trees within the subject site to be preserved should be clearly cut as soon as possible after the damage has occurred. Should branches on City owned trees be damaged by or during construction, the contractor is to notify the local municipal forestry or urban forestry department as soon as possible. No person(s) other than City staff or the City's designated contractor may perform work on any City tree.
- Avoid running above-ground wires and underground services near trees to be preserved. Avoid open trenching within the tree root zone. Utilize horizontal boring techniques to install utilities within root zones.
- Regular monitoring of the site by the project arborist or landscape architect will help to ensure proper procedures are followed and protection barriers are maintained.

**Post-construction recommendations**

- Avoid discharging rain water leaders adjacent to retained trees. This may result in an overly moist environment which will cause the tree roots to rot.
- After all work is completed, snow fences and other barriers should be removed.
- A final review must be undertaken by the project arborist or landscape architect to ensure that all mitigation measures as described above have been met.
- Post construction monitoring of trees may be required.



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Ronald H. Koudys, O.A.L.A. C.S.L.A. DATE

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**PLOTTING INFORMATION:**  
 PLOTTED DATE: DECEMBER 13, 2018  
 PLOTTED SCALE: 1:1

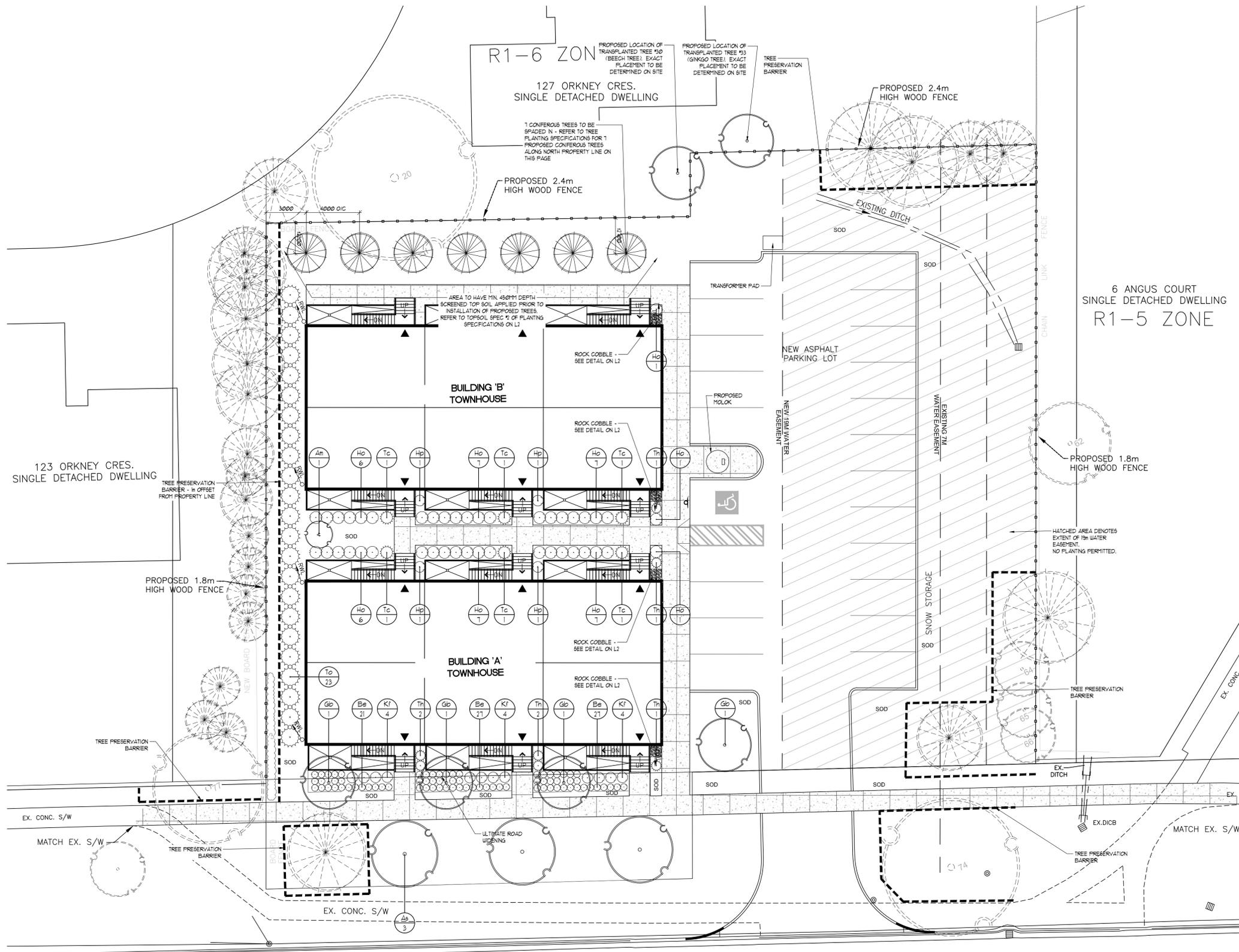
PROJECT TITLE:  
**536-542 WINDERMERE RD LONDON, ON**

DRAWING TITLE:  
**TREE PRESERVATION DETAILS**

DATE: MAY 2018	SCALE: AS NOTED	DRAWING No. T-2
DRAWN: RCLA Inc.	CHECKED BY: M.B.	
PROJECT No. 18-152Lu		

**TREE PRESERVATION DETAILS**  
 SCALE = 1:150

**WINDERMERE ROAD**



**TREE PLANTING SPECIFICATIONS FOR 7 PROPOSED CONIFEROUS TREES ALONG NORTH PROPERTY LINE**

**SPECIES**

- 1 HEMLOCK (*Tsuga canadensis*) TO BE PLANTED AT NW CORNER OF PROPERTY
- REMAINING BALANCE OF 6 TREES TO BE MADE UP OF AT LEAST 1 EACH OF THE FOLLOWING SPECIES
  - WHITE SPRUCE (*Picea glauca*)
  - NORWAY SPRUCE (*Picea abies*)
  - FRASER FIR (*Abies fraseri*)
- REMAINING BALANCE OF 3 TREES TO BE MADE UP OF THE BEST AVAILABLE SPECIMENS OF THE THREE NAMED SPECIES.

**TREE SIZE AT TIME OF PLANTING**

- PREFERRED TREE HEIGHT OF 15' TALL
- MINIMUM ALLOWABLE HEIGHT OF 12' TALL
- PREFERENCE FOR FULL, WIDE, HEALTHY SPECIMENS OVER TALLEST AVAILABLE SPECIMENS.
- TREES TO BE MINIMUM 2.5M WIDE (DIAMETER) AT WIDEST BREADTH.

**DISTRIBUTION**

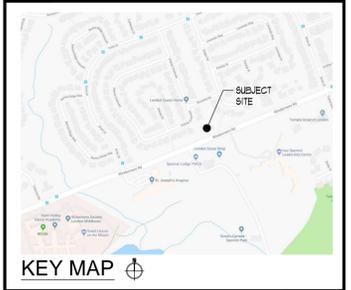
- ADJACENT TREES SHALL NOT BE THE SAME SPECIES (IE A NORWAY SPRUCE SHALL NOT BE PLANTED IMMEDIATELY BESIDE A NORWAY SPRUCE)

**SPACING**

- TREES TO BE PLANTED APPROX. 4M ON CENTRE
- THE HEMLOCK TO BE PLANTED APPROX. 3M FROM WEST PROPERTY LINE
- TREES TO BE PLANTED IN A STRAIGHT LINE BETWEEN APPROX. 2.2 AND 2.7M FROM THE NORTH PROPERTY LINE - TO ULTIMATELY BE PARALLEL WITH THE PROPOSED BUILDING.

**SPADING**

- TREES TO BE SUPPLIED AND INSTALLED VIA SPADING BY OXFORD INSTA SHADE.
- SPADING TO BE EXECUTED FOLLOWING HORTICULTURAL BEST PRACTICES AND AS PER SPADING DETAIL ON L2.



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 PLOTTED SCALE = 1:1



PROJECT TITLE:  
**536-542 WINDERMERE RD**  
 LONDON, ON

DRAWING TITLE:  
**LANDSCAPE PLAN**

DATE: MAY 2018 SCALE: AS NOTED DRAWING No. L-1

DRAIN: RRLA Inc. CHECKED BY: M.B.

PROJECT No. 18-152Lu

**LEGEND**

- Proposed Deciduous Trees
- Proposed Plantings
- Proposed Concrete Paving
- Existing Deciduous Trees to Remain
- Existing Coniferous Trees to Remain
- Existing Plantings to Remain
- Tree Protection Barrier

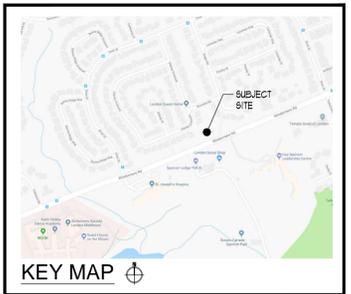
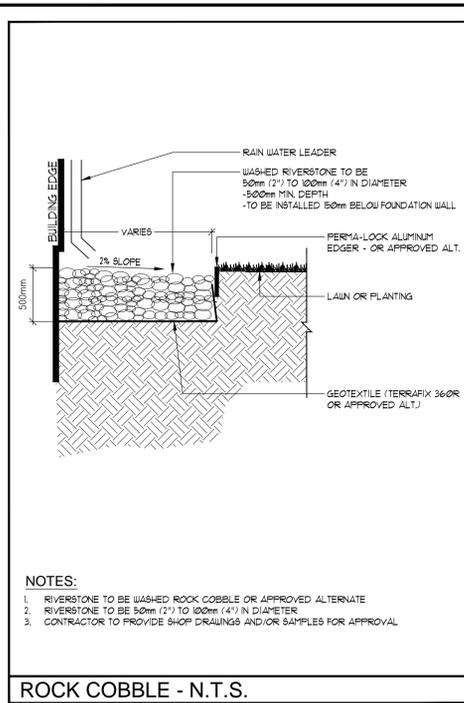
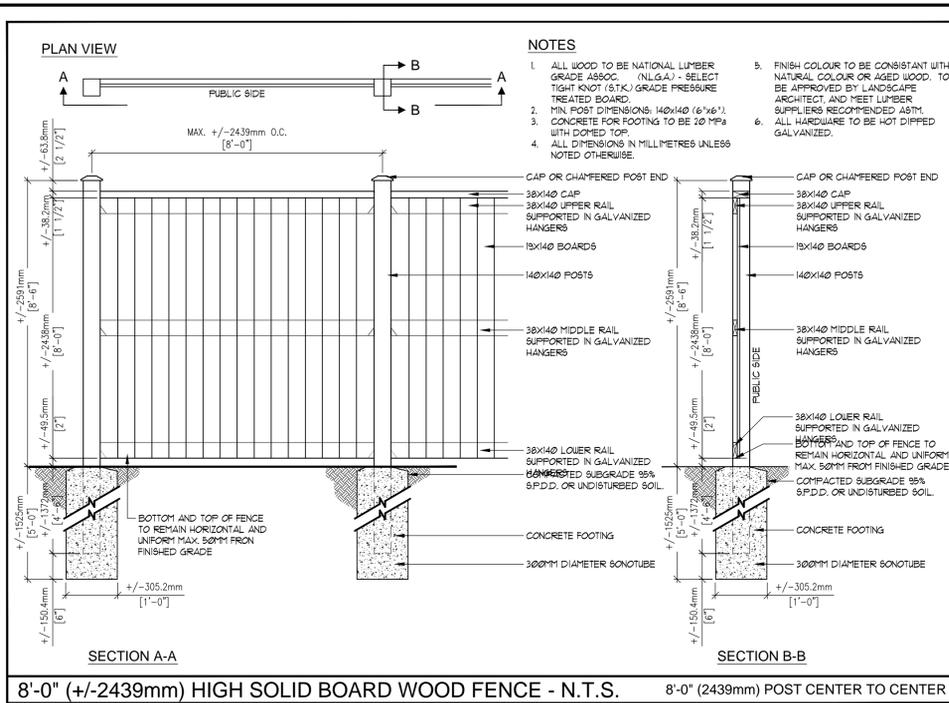
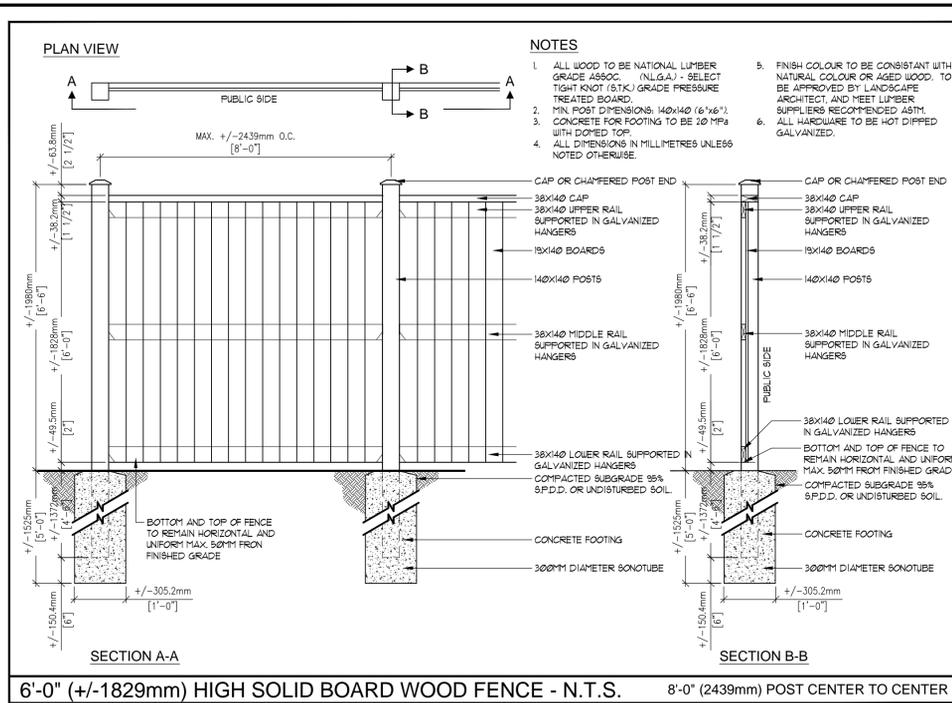
**PLANT MATERIAL**

KEY	COMMON NAME	BOTANICAL NAME	QTY	SIZE	COND
Am	MULTI-STEM SERVICEBERRY	<i>Amelanchier canadensis</i> multi-stem	1	150cm	POT
As	SUGAR MAPLE	<i>Acer saccharum</i>	3	60cmcal	UB
Be	MAGIC GIANT BERGENIA	<i>Bergenia</i> x 'Magic Giant'	75	2yrigal	POT
Gb	PRINCETON BENTLEY GINKGO TREE	<i>Ginkgo biloba</i> 'Princeton Bentley'	4	60cmcal	UB
Ho	JUNE HOSTA	<i>Hosta</i> 'June'	43	2yrigal	POT
Hp	CLIMBING HYDRANGEA	<i>Hydrangea aronolia</i> petiolaris	4	2yrigal	POT
Kf	KARL FOERSTER REED GRASS	<i>Calamagrostis acutifolia</i> 'Karl Foerster'	2	2yrigal	POT
Tc	CLIFFED CONE YEW	<i>Taxus cuspidata</i> 'Capitata'	6	60cm	POT
Th	HILLS YEW	<i>Taxus x media</i> 'Hill'	1	40cm	POT
To	WHITE CEDAR	<i>Thuja occidentalis</i>	23	100cm	POT

REFER TO TREE PLANTING SPECIFICATIONS FOR 1 PROPOSED CONIFEROUS TREES ALONG NORTH PROPERTY LINE FOR SEVEN (7) ADDITIONAL TREES TO BE PLANTED.

LANDSCAPE PLAN  
 SCALE = 1:150

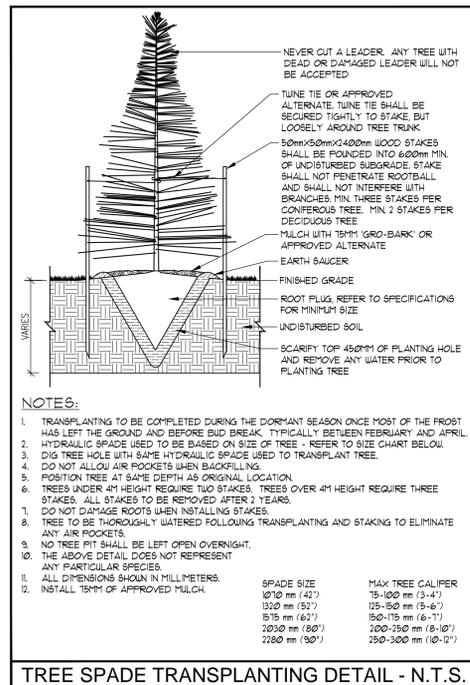
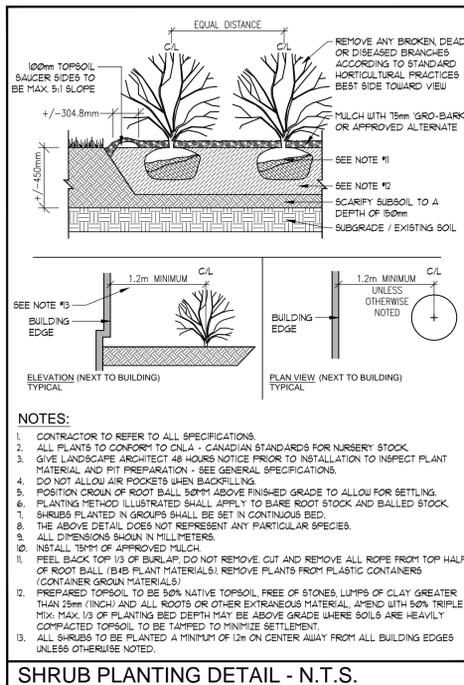
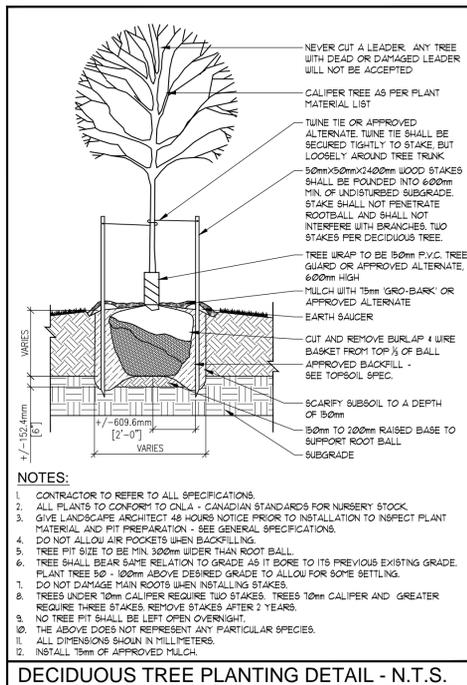
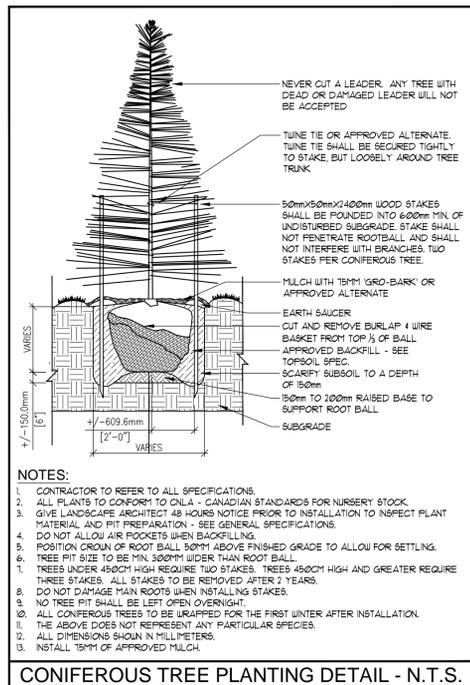
REFER TO ENGINEERING DRAWINGS FOR DETAILED SERVICING AND GRADING



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**GENERAL PLANTING SPECIFICATIONS:**

- BASE INFORMATION SUPPLIED BY ZEINKA PRIMO LTD.
- ENGINEERING INFORMATION SUPPLIED BY ENG PLUS.
- CONTRACTOR TO MAKE THEMSELVES FAMILIAR WITH ALL RELATED SPECIFICATIONS.
- CONTRACTORS ARE RESPONSIBLE FOR REVIEW OF ALL SPECIFICATIONS AND RELATED DRAWINGS WITH SELECTED SUB-CONTRACTORS AS THEY PERTAIN TO WORK AS OUTLINED ON LANDSCAPE ARCHITECTURAL WORKING DRAWINGS AND SPECIFICATIONS.
- REPORT ALL DISCREPANCIES TO THE LANDSCAPE ARCHITECT DURING TENDERING PROCESS. ERRORS AND/OR OMISSIONS WILL BE THE RESPONSIBILITY OF CONTRACTOR.
- CONTRACTOR SHALL MAINTAIN ALL LANDSCAPED AREAS UNTIL OWNER ACCEPTANCE OF PROJECT. CONTRACTOR TO NOTIFY LANDSCAPE ARCHITECT IN WRITING ON COMPLETION OF PROJECT FOR A SITE WORK COMPLETION CERTIFICATE AS WELL AS THE COMMENCEMENT OF THE ACCEPTANCE OF PROJECT.
- ALL WORKSHOPS TO BE WARRANTED FOR ONE YEAR UNLESS OTHERWISE STATED. WARRANTY PERIOD WILL BEGIN ON FINAL ACCEPTANCE OF PROJECT.
- ALL WORKMANSHIP TO COMPLY WITH THE CANADIAN LANDSCAPE STANDARDS.
- ALL NURSERY STOCK TO BE NURSERY GRADE AND MUST COMPLY WITH GUIDE SPECIFICATION FOR NURSERY STOCK OF THE CANADIAN NURSERY TRADES ASSOCIATION.
- ALL LANDSCAPING IS TO BE INSTALLED PRIOR TO THE END OF THE FIRST GROWING SEASON FOLLOWING THE OCCUPANCY OF THE SITE DEVELOPMENT UNLESS OTHERWISE STATED.
- CONTRACTOR IS RESPONSIBLE FOR ALL UNDERGROUND UTILITIES AND MUST SUPPLY THE LANDSCAPE ARCHITECT WITH COPIES OF LOCATE CERTIFICATES PRIOR TO COMMENCEMENT OF WORK.

**GRADING**

- CONTRACTOR TO ENSURE POSITIVE DRAINAGE IN ALL AREAS.
- ALL GRADING TO BE IN ACCORDANCE WITH SITE ENGINEERS DRAWINGS.
- SOIL SHALL BE SCARIFIED FREE OF ALL STONES, ROOTS, BRANCHES LARGER THAN 1" (25MM) AND COMPACTED TO 85% S.P.D.
- ALL SUBSOIL TO BE SCARIFIED TO A DEPTH OF 6" (150MM) PRIOR TO THE INSTALLATION OF TOPSOIL TO ENSURE NO HARDPAN CONDITIONS.
- CONTRACTOR TO NOTIFY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF TOPSOIL TO APPROVE SUBBASE.
- DIRECT ALL RUNOFF LEADERS AND SUPP LEADERS AWAY FROM PLANTING BEDS AND TO THE DESIGNATED SWALES.
- NOTIFY LANDSCAPE ARCHITECT IN WRITING OF ANY SUBSTANTIAL LET CONDITIONS.

**TOPSOIL**

- THE CONTRACTORS EXPENSE A SOIL TEST IS TO BE COMPLETED BY A REPUTABLE LABORATORY. THE SOIL TEST IS TO BE COMPLETED AND IF NECESSARY, RECOMMENDATIONS FROM THE LABORATORY ARE TO BE INCLUDED. THE RESULTS OF SOIL TESTS AND RECOMMENDATIONS ARE TO BE PROVIDED TO THE LANDSCAPE ARCHITECT FOR APPROVAL ONE WEEK PRIOR TO WORK COMMENCING.
- TOPSOIL FOR PLANTING BEDS INCLUDING AREAS WITH TREES TO BE GRADEN IN IS TO BE A FERTILE, PROBABLE NATURAL LOAM TO A MINIMUM DEPTH OF 18" (450MM) AND A MINIMUM DEPTH OF 4" (100MM) FOR TURF AREAS - UNLESS OTHERWISE STATED - TOPSOIL SHALL CONTAIN NOT LESS THAN 4% ORGANIC MATTER FOR CLAY LOAMS AND NOT LESS THAN 2% ORGANIC MATTER FOR SANDY LOAM TO A MAXIMUM OF 15% AND CAPABLE OF SUSTAINING VIGOROUS PLANT GROWTH FREE OF SUBSOIL. CONTAMINATION ROOTS AND STONES OVER 50MM DIAMETER, REASONABLY FREE OF WEEDS, AS DETERMINED BY THE LANDSCAPE ARCHITECT, AND HAVING A PH RANGING FROM 6.0 TO 10.

**MULCH**

- ALL TREEPITS, SHRUB PITS AND PLANTING AREAS ARE TO BE MULCHED UNLESS OTHERWISE NOTED.
- CONTRACTOR TO INSTALL 15" (381MM) OF GRG-BARK MEDIUM MULCH IN ALL AREAS.
- ALTERNATIVES MAY BE ACCEPTED - CONTRACTOR TO PROVIDE 3 SAMPLES FOR WRITTEN APPROVAL TO THE LANDSCAPE ARCHITECT.

**PLANT MATERIALS**

- CONTRACTOR TO VERIFY ALL PLANT MATERIAL ON DRAWINGS (S) AND PLANT MATERIAL LISTS(S). REPORT ALL DISCREPANCIES AT TENDERING PROCESS.
- SUBSTITUTIONS WILL NOT BE ACCEPTED WITHOUT WRITTEN CONFIRMATION BY THE LANDSCAPE ARCHITECT.
- PLANTINGS MAY BE ADJUSTED TO SUIT UTILITIES STRUCTURES AND AESTHETIC CONCERNS. ADJUSTMENTS ARE TO BE MADE UNDER THE DIRECTION OF THE LANDSCAPE ARCHITECT. ADJUSTMENTS TO PLANTING WITHOUT CONSENT OF LANDSCAPE ARCHITECT AND/OR PROJECT MANAGER MAY NOT MEET INTENT OF DESIGN AND/OR MUNICIPAL APPROVALS. PLANT MATERIAL THAT HAS TO BE RELOCATED AS A RESULT WILL BE AT THE COST OF THE CONTRACTOR.
- LANDSCAPE ARCHITECT TO INSPECT ALL PLANT MATERIAL ON SITE OR AT ITS SOURCE PRIOR TO INSTALLATION. CONTRACTOR IS TO GIVE LANDSCAPE ARCHITECT 48 (HRS) NOTICE FOR INSPECTION.
- CONTRACTOR TO NOTIFY LANDSCAPE ARCHITECT IN WRITING IF ADVERSE WEATHER MAY IMPACT THE HEALTH OF THE PLANT MATERIALS AT TIME OF PLANTING. IE TEMPERATURE, PRECIPITATION.
- ALL TREE PITS SHALL BE AT LEAST 2 FT. (600MM) UNDER THAN BALL OF THE TREE TO BE PLANTED AND SHALL BE DEEP ENOUGH SO THAT THE TOP OF BALL IS AT THE SAME LEVEL AS SURROUNDING GRADE. A MINIMUM OF 6" (150MM) OF BACKFILL SHALL BE PLACED UNDER BALL. TREE PITS ARE NOT TO BE LEFT OPEN OVER NIGHT.
- SHRUB BEDS SHALL BE EXCAVATED TO A DEPTH OF 18" (450MM) AND FILLED WITH APPROVED BACKFILL MATERIAL. SHRUB BEDS ARE NOT TO BE LEFT OPEN OVER NIGHT.
- ALL TREES SHALL HAVE AN EARTH SAUCER AT ITS BASE WITH A DIAMETER AS LARGE AS EXCAVATED AREA AND SHAPED TO RETAIN WATER (SEE DETAIL). EARTH SAUCER TO HAVE APPROVED MULCH INSTALLED TO A MINIMUM DEPTH OF 25" (635MM).
- ALL BURLAP SHALL BE CUT AND BURIED BELOW SURFACE DURING PLANTING.
- ALL EVERGREENS ARE TO BE UNWRAPPED THE FIRST WINTER AT THE EXPENSE OF THE LANDSCAPE CONTRACTOR.
- DIRECT ALL RUNOFF LEADERS AND SUPP LEADERS AWAY FROM PLANTING BEDS AND TO DESIGNATED DRAINAGE SWALES.
- DO NOT INSTALL PLANT MATERIAL IN DRAINAGE SWALES.
- CONTRACTOR IS TO REMOVE ALL STAKES AND GUY WIRES AFTER 2 FULL GROWING SEASONS.

**SPADE**

- ALL LANDSCAPED AREAS TO BE SOCCDED TO THE STREET CURB (6) UNLESS OTHERWISE STATED.
- CONTRACTOR TO ENSURE (WHERE APPLICABLE) ALL PLANTING BEDS ADJACENT TO TRAFFIC ISLANDS, INTERIOR SITE CURBING, AND SIDEWALKS HAVE A 3% MINIMUM SLOPE AWAY FROM TRAFFIC.
- ANY SOCCODING OR WORKS ON LANDS ADJUTING THE PROPERTY FROM THE LOT LINES TO SIDEWALKS AND CURBING SHALL BE COMPLETED OR REPAIRED TO THE SATISFACTION OF THE LANDSCAPE ARCHITECT, CITY, AND/OR REGIONAL MUNICIPALITY UNLESS OTHERWISE STATED.
- CONTRACTOR TO CONFIRM WITH THE CONTRACTOR OF THE LANDSCAPE ARCHITECT THAT THE CLASSIFICATION OF THE NURSERY SOO GROUPERS ASSOCIATION OF ONTARIO, AT TIME OF SALE IT SHALL HAVE A STRONG FIBROUS ROOT SYSTEM AND SHALL BE CUT IN PIECES APPROXIMATELY ONE SOYD (300 MM) IN AREA WITH THE SOIL PORTION BEING 3/4" (19MM).
- SOO TO BE FERTILIZED AT THE APPROPRIATE RATES AS INDICATED BY SOIL TESTS COMPLETED BY A REPUTABLE SOIL LABORATORY. UPON INSTALLATION AREAS SHOULD BE WATERED 50 AS TO SATURATE SOO, AND THE UPPER 4" (100MM) OF BACKFILL TOPSOIL, AFTER SOO AND SOIL HAVE DRIED SUFFICIENTLY TO PREVENT DAMAGE, IT SHALL BE ROLLED WITH A ROLLER PROVIDING 1500 LBS. (68KG) PRESSURE PER SQFT.
- CONTRACTOR TO REPAIR ALL DAMAGED AREAS TO THE SATISFACTION OF THE LANDSCAPE ARCHITECT AND/OR CLIENT.

**WATERING**

- DURING THE WARRANTY PERIOD BETWEEN MAY 15 AND SEPTEMBER 15 OF EACH YEAR, WATERING OF ALL PLANTS SHALL BE CARRIED OUT, NO LESS THAN 6 TIMES PER YEAR IN ACCORDANCE WITH THE WATERING SCHEDULE TO BE DETERMINED BY THE OWNER UNLESS OTHERWISE STATED ON THE DRAWINGS. CRITICAL WATERING MONTHS ARE JUNE, JULY 4 AUGUST.
- IF NO AUTOMATED IRRIGATION SYSTEM HAS BEEN PROVIDED FOR WATERING OPERATIONS, CONTRACTOR TO PROVIDE WATER TO THE SITE IF HOSE BIBS WITHIN THE BUILDING ENVELOPE ARE NOT AVAILABLE.
- MANUAL WATERING SHOULD ENSURE DEEP WATERING OF TREES, SHRUBS, GROUND COVERS AND GRASSES AREAS. WATERING OF GRASSES AREAS TO CONFERENCE ON A REGULAR BASIS AND CONTINUE WITH INTENSITY DEPENDING ON AMOUNT OF RAINFALL. NEW SOO THAT HAS BEEN LAID SHOULD BE KEPT MOIST FOR 4 TO 5 WEEKS OR UNTIL IT HAS FIRMLY ROOTED INTO THE EXISTING SOIL.
- ALL CONFEROUS TREES SHALL BE WATERED IN LATE FALL, JUST PRIOR TO FREEZE-UP.
- WATER SHALL BE APPLIED SO THAT THE WASHING OF THE SOIL OR DISLODGING OF MULCH OR TREE GUARDS DOES NOT OCCUR. DAMAGE SHALL BE IMMEDIATELY REPAIRED TO THE SATISFACTION OF THE OWNER AT NO ADDITIONAL COST.

SPADE SIZE	MAX TREE CALIPER
10" (250 mm)	15-100 mm (3-4")
12" (300 mm)	15-175 mm (5-6")
15" (375 mm)	150-175 mm (6-7")
20" (500 mm)	100-250 mm (4-10")
28" (700 mm)	250-300 mm (10-12")

PLOTTING INFORMATION:

FLOTTED DATE: DECEMBER 13, 2018

FLOTTED SCALE: 1:1

PROJECT TITLE:

536-542 WINDERMERE RD LONDON, ON

DRAWING TITLE:

LANDSCAPE DETAILS

DATE: MAY 2018

SCALE: AS NOTED

DRAWING No. L-2

PROJECT No. 18-152Lu



January 16, 2020

Members of the Planning and Environment Committee  
City of London  
300 Dufferin Street  
London, ON  
N6A 4L9

Re: Council Resolution for Z.1-192743  
Application for Zoning By-law Amendment (Z-8945)  
LPAT File: PL190251  
536 & 542 Windermere Road

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I, Tony Mara, am the owner of 127 Orkney Crescent, located abutting to the north of 536 and 542 Windermere Road. I previously made comments to the City of London Planning and Environment Committee and Council requesting that specific trees along my southerly lot line (northerly lot line of the abutting lands) be retained. The intent of keeping the existing trees is to provide a visual screen between my property and the lands to the south which are proposed to be developed for townhouses. In approving the Zoning By-law Amendment, Council made a specific resolution to retain trees:

***c) the trees on the westerly and northerly boundary BE PROTECTED AND BE PRESERVED with the exception of invasive species or trees that are in poor condition;***

After consulting with arborists and the developer of the lands to the south, it is now apparent that a better solution to provide visual screening is to replace the existing trees with new evergreen trees. The developer's landscape architect has prepared a Tree Preservation Plan and Landscape Plan which I agree with.

As a result of our discussions, the developer is requesting that Council permit the removal of trees that are currently required to be retained. I support the developer's request and confirm my wishes to have the wording noted above related to trees along the northerly boundary be *removed* from the Council resolution in order for the trees to be replaced.

Yours truly



Tony Mara

## REQUEST FOR PARK DEDICATION BYLAW AMENDMENT

January 12, 2020

Dear chair and members of the Planning and Environment Committee,

I would ask you to consider an amendment to our park dedication bylaw, CP9.

When a property is developed, or possibly redeveloped, this bylaw allows us to require the owner to turn over a portion of the developable land for a park. Should the city not desire the land, then payment can be demanded in lieu of the dedication. Presently, the amounts we require are 2% for commercial properties and 5% for residential and other properties. Industrial properties are exempt.

I believe the policy has been creating undue hardship on communities developing a place of worship because the fees are tens of thousands of dollars and the ability of these groups to pay (from the collection-plate) is dramatically less than that of developers who subdivide the property and sell multiple new residential units at market value.

I understand that the province may be making changes to this process but, in the meantime, I would ask the PEC to consider amending our city policy for 2020 to also exempt properties being developed as a place of worship or at the least reduce their contribution from 5% to 2%.

Sincere thanks,

Michael van Holst  
Councillor Ward 1