

# Planning and Environment Committee

## Report

The 5th Meeting of the Planning and Environment Committee  
February 18, 2020

**PRESENT:** Councillor M. Cassidy (Chair), J. Helmer, A. Hopkins, S. Turner, A. Kayabaga

**ABSENT:** Mayor E. Holder

**ALSO PRESENT:** J. Adema, G. Bailey, G. Dales, B. Debbert, M. Feldberg, K. Gonyou, P. Kokkoros, G. Kotsifas, H. Lysynski, H. McNeely, B. O'Hagan, M. Pease, L. Pompilii, M. Ribera, C. Saunders, M. Tomazincic and P. Yeoman

The meeting was called to order at 4:02 PM

### 1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### 2. Consent

Moved by: S. Turner

Seconded by: A. Hopkins

That Items 2.1 to 2.3, inclusive, BE APPROVED.

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

Absent: (1): E. Holder

### Motion Passed (5 to 0)

#### 2.1 Limiting Distance (No Build) Agreement between The Corporation of the City of London and MJ London Properties Inc. (515 Burbrook Place)

Moved by: S. Turner

Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, the following actions be taken with respect to a limiting distance (no-build) agreement between The Corporation of the City of London and MJ London Properties Inc., for the property located at 515 Burbrook Place:

a) the proposed limiting distance agreement appended to the staff report dated February 18, 2020 for the property at 515 Burbrook Place between The Corporation of the City of London and MJ London Properties Inc. BE APPROVED; and,

b) the proposed by-law appended to the staff report dated February 18, 2020 BE INTRODUCED at the Municipal Council meeting to be held on March 2, 2020 to approve the limiting distance agreement between The Corporation of the City of London and MJ London Properties Inc., for the property located at 515 Burbrook Place, and to delegate authority to the Managing Director, Environmental and Engineering Services and City

Engineer to execute the agreement on behalf of The Corporation of the City of London as the adjacent property owner. (2020-D04)

**Motion Passed**

- 2.2 Application - Removal of Holding Provision (h-53) - 435 Callaway Road (Formerly 365 Callaway Road) (H-9138)

Moved by: S. Turner  
Seconded by: A. Hopkins

That, on the recommendation of the Director, Development Services, based on the application by Wastell Homes, relating to the property located at 435 Callaway Road (formerly 365 Callaway Road), the proposed by-law appended to the staff report dated February 18, 2020 BE INTRODUCED at the Municipal Council meeting to be held on March 2, 2020 to amend Zoning By-law 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-53/R5-3(19)/R6-5(53)) Zone TO a Residential R5/R6 Special Provision (R5-3(19)/R6-5(53)) Zone to remove the (h-53) holding provision. (2020-D09)

**Motion Passed**

- 2.3 Community Improvement Plan Loan Deferral in Downtown and Old East Village due to Road Construction

Moved by: S. Turner  
Seconded by: A. Hopkins

That, on the recommendation of the Director, Planning and City Planner, the following actions be taken with respect to updating the guidelines for financial incentive programs permitted through the Downtown and Old East Village Community Improvement Plans to allow for the deferral of loan repayments during road construction:

a) the proposed by-law amendment appended to the staff report dated February 18, 2020 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on March 2, 2020 to amend By-law C.P.-1467-175, as amended, being a by-law to establish financial incentives for the Downtown Community Improvement Project Areas, to delete the existing Schedule 1 and replace with the new Schedule 1; and,

b) the proposed by-law amendment appended to the staff report dated February 18, 2020 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on March 2, 2020 to amend By-law C.P.-1468-176, as amended, being a by-law to establish financial incentives for the Old East Village Community Improvement Project Area, to delete the existing Schedule 1 and replace with the new Schedule 1. (2020-D19)

**Motion Passed**

**3. Scheduled Items**

- 3.1 Request for Council Resolution, under section 45(1.4) of the Planning Act, 1990 - 1331 Hyde Park Road

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

That, the following actions be taken with respect to the property located at 1331 Hyde Park Road:

a) on the recommendation of the City Clerk, the report dated February 18, 2020 and entitled "Request for Council Resolution, under section 45(1.4) of the Planning Act, 1990 – 1331 Hyde Park Road" BE RECEIVED for information; and,

b) the Managing Director, Development Services and Compliance and Chief Building Official BE AUTHORIZED to accept a Minor Variance application by L. Kirkness, Kirkness Consulting, for the property located at 1331 Hyde Park Road;

it being noted that the Planning and Environment Committee heard a verbal delegation from L. Kirkness, Kirkness Consulting, with respect to this matter. (2020-D09)

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

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

Additional Votes:

Moved by: S. Turner  
Seconded by: A. Kayabaga

Motion to grant delegation status to Mr. L. Kirkness, Kirkness Consulting.

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

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

3.2 Application - 1600/1622 Hyde Park Road and 1069 Gainsborough Road (Z-9067)

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

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Hyde Park Investments Inc., relating to the property located at 1600/1622 Hyde Park Road and 1069 Gainsborough Road:

a) the proposed by-law appended to the staff report dated February 18, 2020 BE INTRODUCED at the Municipal Council meeting to be held on March 2, 2020 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Business District Commercial (BDC) Zone TO a Holding Business District Commercial Special Provision (h-18\*BDC(\_)) Zone;

b) the following Site Plan matters have been raised through the application review process for consideration by the Site Plan Approval Authority:

i) providing for 7 storey massing along Hyde Park Road that includes a step-back above the second storey and 8 storey massing along

Gainsborough Road;  
ii) providing for appropriate rhythm, materials and fenestration;  
iii) providing ground floor commercial space with transparent glazing and principal entrances close to and facing Hyde Park Road;  
iv) providing ground floor residential units with individual entrances and patio spaces close to and facing Gainsborough Road that can be converted to commercial /retail spaces if there is a demand in the future;  
and,  
v) parking lot layout including accommodation of appropriate driveway alignments across North Routledge Park for future development applications;

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

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

- the recommended amendment to Zoning By-law Z.-1 is consistent with the 2014 Provincial Policy Statement (PPS) which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents present and future;
- the recommended amendment conforms to the in-force policies of the 1989 Official Plan including, but not limited to the Policies for the Main Street Commercial Corridor designation;
- the recommended amendment conforms to the in-force policies of The London Plan; and,
- the subject lands represent an appropriate location for mixed-use residential intensification, at the main intersection of the Hyde Park Village Core and the recommended amendment would permit development at an intensity that is appropriate for the site and the surrounding neighbourhood. (2020-D09)

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

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

Additional Votes:

Moved by: A. Hopkins

Seconded by: A. Kayabaga

Motion to open the public participation meeting.

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

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

Moved by: S. Turner

Seconded by: J. Helmer

Motion to close the public participation meeting.

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

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

3.3 3rd Report of the London Advisory Committee on Heritage

Moved by: J. Helmer

Seconded by: A. Kayabaga

That, the following actions be taken with respect to the 3rd Report of the London Advisory Committee on Heritage, from its meeting held on February 12, 2020:

a) the Civic Administration BE ADVISED that the London Advisory Committee on Heritage (LACH) supports the proposed Property Standards Amendment with respect to Vacant Heritage Buildings with the caveat that references to "vacant heritage building" be changed to "vacant Heritage Designated Properties"; it being noted that the LACH is interested in obtaining a list of current vacant Heritage Listed Properties; it being further noted that the presentation appended to the 3rd Report of the London Advisory Committee on Heritage, from O. Katolyk, Chief Municipal Law Enforcement Officer, with respect to this matter, was received;

b) the following actions be taken with respect to the application, under Section 42 of the Ontario Heritage Act, seeking retroactive approval for alterations to the property located at 938 Lorne Avenue, within the Old East Heritage Conservation District:

i) the retroactive approval for the porch alterations and the approval for the proposed porch alterations at 938 Lorne Avenue, within the Old East Heritage Conservation District, BE PERMITTED with terms and conditions:

- all exposed wood be painted; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

ii) the retroactive approval for the roofing material change at 938 Lorne Avenue, within the Old East Heritage Conservation District, BE PERMITTED;

it being noted that the presentation appended to the 3rd Report of the London Advisory Committee on Heritage, from M. Greguol, Heritage Planner, with respect to this matter, was received;

c) on the recommendation of the Managing Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 33 of the Ontario Heritage Act seeking retroactive approval for alterations to roof of the property located at 1058 Richmond Street, By-law No. L.S.P.-3155-243, BE REFUSED; it being noted that the presentation appended to the 3rd Report of the London Advisory Committee on Heritage, from K. Gonyou, Heritage Planner, with respect to this matter, was received;

d) on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking approval to remove the existing wooden windows and replace with vinyl windows on the property located at 40 and 42 Askin Street, By-law No. L.S.P.-2740-36 and Wortley Village-Old South Heritage Conservation District, BE REFUSED; it being noted that the presentation appended to the 3rd Report of the London Advisory Committee on Heritage, from K. Gonyou, Heritage Planner and the verbal delegation from P. Scott, with respect to this matter, were received;

e) up to \$100.00 from the 2020 London Advisory Committee on Heritage (LACH) BE APPROVED for LACH members to attend the 13th Annual London Heritage Awards Gala on March 5, 2020; it being noted that the

information flyer, as appended to the agenda, with respect to this matter, was received;

f) C. Lowery, Planner II, BE ADVISED that the London Advisory Committee on Heritage (LACH) is not satisfied with the research, assessment and conclusions of the Heritage Impact Assessment (HIA) associated with the proposed development at 435, 441 and 451 Ridout Street North as the HIA has not adequately addressed the following impacts to the adjacent and on-site heritage resources and attributes:

- the HIA is adequate as far as history of the subject lands is concerned, however, insufficient consideration has been given to the importance of the subject lands and adjacent properties to the earliest beginnings of European settlement of London;
- the HIA gives inconsiderate consideration to the importance of the on-site buildings being representatives of remaining Georgian architecture;
- the HIA gives insufficient consideration given to London's Downtown Heritage Conservation District Guidelines (DHCD) and further efforts should be made in reviewing the proposal with the Eldon House Board;
- the HIA gives insufficient consideration given to the impacts on surrounding neighbouring heritage resources (Forks of the Thames, Eldon House, Old Courthouse and Gaol); it being noted that the Historic Sites and Monuments Board of Canada (HSMBC) refers to impacts of the viewscape of the complex as a whole (which is highly visible from a distance) and the DHCD Guidelines state that the historic context, architecture, streets, landscapes and other physical and visual features are of great importance; it being further noted that the DHCD ranks the site as 'A' and 'H' which require the most stringent protection and new construction should 'respect history' and 'character-defining elements' should be conserved and it should be 'physically and visually compatible';
- the HIA gives insufficient consideration to views and vistas associated with proximity between the new building and the existing on-site buildings (no separation); it being noted that the 'heritage attributes' of the Ridout Street complex include its view and position and the HIA gives insufficient consideration to the visual barrier to and from the Thames River and Harris Park; it being further noted that views, vistas, viewscapes and viewsheds are recognized as important heritage considerations in the statements of the DHCD and HSMBC documents and the designating by-law;
- the HIA gives insufficient consideration to impacts of the proposed building height on both the on-site and adjacent heritage resources; it being noted that the proposed 40 storey height minimizes the historical importance of these buildings; it being further noted that the shadow study does not adequately address the effect on Eldon House, including its landscaped area, given that the development is directly to the south;
- the HIA gives insufficient consideration to the potential construction impacts to on-site and adjacent heritage resources; it being noted that, given the national importance of the subject lands, it is recommended that Building Condition Reports and Vibration Studies be undertaken early in the process to determine the feasibility of the development;
- the HIA gives insufficient consideration to the transition/connection between the tower and the on-site and adjacent heritage resources; it being noted that the LACH is concerned that the design of the 'base, middle and top' portions of the tower fail to break up the development proposal and have little impact on its incongruity;
- the LACH is of the opinion that the use of white horizontal stripes on the tower structure does not mitigate the height impacts and the 'curves' detract from the heritage characteristics of the on-site and adjacent heritage resources, also, the proposed building materials, with the exception of the buff brick, do not adequately emphasize differentiations with the on-site heritage resources (notably the extensive use of glass); and,
- the HIA gives insufficient consideration to how the existing on-site heritage buildings will be reused, restored and integrated as part of the

development proposal;  
it being noted that the Working Group Report appended to the 3rd Report of the London Advisory Committee on Heritage, with respect to the tower proposal at 435, 441 and 451 Ridout Street is included to provide further information; and,

g) clauses 1.1, 2.5, 3.1 to 3.6, inclusive, 4.1, 5.1 and 5.2 BE RECEIVED for information;

it being noted that the Planning and Environment Committee heard a verbal delegation from M. Whalley, London Advisory Committee on Heritage, with respect to the above-noted matters.

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

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

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

##### **4.1 3rd Report of the Advisory Committee on the Environment**

Moved by: S. Turner

Seconded by: A. Hopkins

That, the following actions be taken with respect to the 3rd Report of the Advisory Committee on the Environment, from its meeting held on February 5, 2020:

a) the attached Energy Sub-Committee Report BE FORWARDED to the Planning and Environment Committee and the Cycling Advisory Committee for consideration;

b) the attached Waste Sub-Committee Report BE FORWARDED to the Planning and Environment Committee for consideration;

c) the revised, attached Advisory Committee on the Environment 2020 Work Plan BE FORWARD to Municipal Council for consideration;

d) clause 5.6 BE REFERRED to the Advisory Committee review being undertaken; it being noted that clause 5.6 reads as follows:

"the City Clerk BE REQUESTED to change the non-voting membership positions for the Institute of Catastrophic Research (Western University) and the Biodrome (Western University) and to replace them with non-voting positions for a faculty or graduate student in a relative discipline, such as environmental studies, sustainability or geography; it being noted that the Advisory Committee on the Environment (ACE) found that the existing positions were not able to participate and, therefore, the ACE would like to widen the field of possible candidates in order to be able to benefit from university expertise;

e) the request for delegation from L. Brown, Chair, Blue Community London, as appended to the agenda, with respect to the Blue Community Project, BE APPROVED for the March 4, 2020 Advisory Committee on the Environment meeting; it being noted that the delegate will be given 15 minutes to speak;

f) the request for delegation from B. Vogel, Western University, dated January 28, 2020, with respect to the Climate Change Emergency Plan, BE APPROVED for the April 1, 2020 Advisory Committee on the Environment meeting; it being noted that the delegates will be given 15 minutes to speak;

g) clauses 1.1, 2.1, 3.1 to 3.3, inclusive, 5.1 to 5.4, inclusive, and 5.9 BE RECEIVED for information.

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

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

Additional Votes:

Moved by: S. Turner

Seconded by: A. Hopkins

Motion to refer clause d) to the Advisory Committee review being undertaken; it being noted that clause 5.6 reads as follows:

"the City Clerk BE REQUESTED to change the non-voting membership positions for the Institute of Catastrophic Research (Western University) and the Biodrome (Western University) and to replace them with non-voting positions for a faculty or graduate student in a relative discipline, such as environmental studies, sustainability or geography; it being noted that the Advisory Committee on the Environment (ACE) found that the existing positions were not able to participate and, therefore, the ACE would like to widen the field of possible candidates in order to be able to benefit from university expertise;"

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

Absent: (1): E. Holder

**Motion Passed (5 to 0)**

**5. Deferred Matters/Additional Business**

None.

**6. Adjournment**

The meeting adjourned at 5:08 PM.

Absent: (1): E. Holder



<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON FEBRUARY 18, 2020</b>
<b>FROM:</b>	<b>G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>LIMITING DISTANCE (NO-BUILD) AGREEMENT BETWEEN THE CORPORATION OF THE CITY OF LONDON AND MJ LONDON PROPERTIES INC. (515 BURBROOK PLACE)</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Development & Compliance Services & Chief Building Official, the following actions be taken in respect of a limiting distance (no-build) agreement between the Corporation of the City of London and MJ London Properties Inc. (515 Burbrook Place):

- a) the attached proposed limiting distance agreement for the property at 515 Burbrook Place between the Corporation of the City of London and MJ London Properties Inc. **BE APPROVED**; and
- b) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting of March 2, 2020 to approve the limiting distance agreement between the Corporation of the City of London and MJ London Properties Inc. for the property at 515 Burbrook Place, and to delegate authority to the Managing Director, Environmental & Engineering Services & City Engineer to execute the agreement on behalf of the City of London as the adjacent property owner.

<b>PREVIOUS REPORTS</b>
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January 28, 2009 – Report to Board of Control, submitted by the Director of Building Controls to amend the Appointment By-law authorizing the Chief Building Official to bind the Corporation of the City of London while exercising his duties in executing limiting distance agreements.

<b>BACKGROUND</b>
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The purpose of this report is to authorize the Managing Director, Environmental & Engineering Services & City Engineer, to execute into a limiting distance agreement on behalf of the Corporation of the City of London (Corporation) as the owner of the adjacent property. The Corporation is the owner of the laneway to the north of 515 Burbrook Place.

The owner of the property situated at 515 Burbrook Place namely, MJ London Properties Inc. obtained a building permit for interior alterations and to add new dormers.

Upon site inspection, it was discovered that the northwest corner of the building was situated on the property line and a new window (36”h x 64”w) was installed on the north dormer. As a result of this new unprotected window, the north exposed building face of the dormer would require a minimum 1.2m setback from the north property line as per the Ontario Building Code (OBC).

The OBC provides optional relief from any setback restrictions, by allowing a *virtual* north property line to be established. This requires the property owner to enter into a limiting distance, or otherwise commonly known as a “no-build”, agreement with both the adjacent owner(s) and the municipality.

Through the agreement, the adjacent owner covenants that no building or structure will be erected or placed within the portion of the property wherein the virtual property line has been shifted upon. This, in essence, allows the other owner to either construct or retain a building closer to the actual property line and thus being ‘relieved’ from the requirements of the OBC with respect to the percentage of unprotected wall openings and wall construction type from a fire resistance standpoint.

MJ London Properties Inc. (referred to in the agreement as ‘Owner’), concurs with the Building Division to enter into such an agreement which would eliminate the need to have the window protected or removed, and have the dormer’s exposed wall face designed with a fire resistance rating.

As previously mentioned, the OBC (Division B – Articles 9.10.14.2.(4) and (5)) allows for a municipality to enter into a limiting distance(no-build) agreement with the property owners affected.

Articles (4) and (5) state:

*(4) The required limiting distance for an exposing building face is permitted to be measured to a point beyond the property line that is not the centre line of a street, lane or public thoroughfare if,*

*(a) the owners of the properties on which the limiting distance is measured and the municipality enter into an agreement in which such owners agree that,*

*(i) each owner covenants that, for the benefit of land owned by the other covenantors, the owner will not construct a building on his or her property unless the limiting distance for exposing building faces in respect of the proposed construction is measured in accordance with the agreement,*

*(ii) the covenants contained in the agreement are intended to run with the lands, and the agreement shall be binding on the parties and their respective heirs, executors, administrators, successors and assigns,*

*(iii) the agreement shall not be amended or deleted from title without the consent of the municipality, and*

*(iv) they will comply with such other conditions as the municipality considers necessary, including indemnification of the municipality by the other parties, and*

*(b) the agreement referred to in Clause (a) is registered against the title of the properties to which it applies.*

*(5) Where an agreement referred to in Sentence (4) is registered against the title of a property, the limiting distance for exposing building faces in respect of the construction of any buildings on the property shall be measured to the point referred to in the agreement.*

The agreement will also be registered on the titles of the lands in question.

The Corporation (referred to in the agreement as ‘Adjacent Owner’), is the owner of the property to the north. Considering the property is a public laneway, entering into this agreement with both the Owners and the Corporation is considered a feasible option. This would result in the retention of the dormer window and would eliminate the need for the dormer’s wall face to have a fire resistance rating.

The Building Division consulted with the Managing Director, Environmental & Engineering Services & City Engineer, with respect to the agreement, and was advised that there was no objection with this proposal.

A site plan depicting the building at 515 Burbrook Place as well as a digital image depicting the dormer window on the north side are included in Appendix 'A' of this report.

<b>CONCLUSION</b>
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Previously, City Council has resolved to authorize the Chief Building Official to bind the Corporation in executing limiting distance agreements, exercising his duties under the provisions of the Ontario Building Code.

The purpose of this report is to authorize the Managing Director, Environmental & Engineering Services & City Engineer, to execute a limiting distance agreement on behalf of the Corporation in its capacity as the Adjacent Owner. The Corporation is the owner of the public laneway to the north of 515 Burbrook Place.

The agreement, a provision under the Ontario Building Code, would allow the owner of 515 Burbrook Place to retain the installed window on the dormer of the north elevation and eliminate the need for the vertical face of the new dormer to have a fire resistance rating.

<b>PREPARED BY:</b>	<b>RECOMMENDED BY:</b>
<b>PETER KOKKOROS, P.ENG. DEPUTY CHIEF BUILDING OFFICIAL, DEVELOPMENT &amp; COMPLIANCE SERVICES</b>	<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>

c.c:  
Kelly Scherr, Managing Director, Environmental & Engineering Services & City Engineer  
Dave Munteer, Solicitor II

Bill No.

By-law No.

A By-law to approve a limiting distance agreement between the Corporation of the City of London and MJ LONDON PROPERTIES INC. for the property at 515 Burbrook Place, and to delegate authority to the Managing Director, Environmental & Engineering Services & City Engineer, to execute the agreement on behalf of the City of London as the adjacent property owner.

WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS it is deemed expedient for The Corporation of the City of London (the "City") to enter into a limiting distance agreement with MJ LONDON PROPERTIES INC. for the property at 515 Burbrook Place (the "Agreement");

AND WHEREAS it is appropriate to delegate authority to the Managing Director, Environmental & Engineering Services & City Engineer, to execute the agreement on behalf of the City of London as the adjacent property owner;

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

1. The Agreement substantially in the form attached as Schedule "A" to this by-law and to the satisfaction of the City Solicitor, being limiting distance agreement between the Corporation of the City of London and MJ LONDON PROPERTIES INC. for the property at 515 Burbrook Place, is hereby APPROVED.
2. The Managing Director, Environmental & Engineering Services & City Engineer, is hereby authorized to execute the Agreement approved under section 1 of this by-law on behalf of the City of London as the adjacent property owner.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council, March 02, 2020

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First reading – March 02, 2020  
Second reading – March 02, 2020  
Third reading – March 02, 2020

**SCHEDULE "A"**

**THIS AGREEMENT** made in duplicate this \_\_\_\_ day of March, 2020.

**BETWEEN:**

**MJ LONDON PROPERTIES INC.**  
(hereinafter called the "OWNER")

of the FIRST PART

- and -

**THE CORPORATION OF THE CITY OF LONDON**

(hereinafter called the "CITY")

of the SECOND PART

- and -

**THE CORPORATION OF THE CITY OF LONDON**

(hereinafter called "ADJACENT OWNER")

of the THIRD PART

**WHEREAS** the Owner is the registered owner of the lands described in Schedule "A" (the "Owner's Lands");

**AND WHEREAS** Adjacent Owner is the registered owner of lands described in Schedule "B" (the "Adjacent Lands");

**AND WHEREAS** the Owner's Lands abut and are immediately to the South of the Adjacent Lands;

**AND WHEREAS** the Owner has applied to the City for permission to be exempted from certain provisions of the Ontario Building Code pertaining to unprotected openings and fire rating of the north face of the dormer wall of a Single Detached Dwelling on the Owner's Lands;

**AND WHEREAS** the north face of the Single Detached Dwelling abuts the Adjacent Lands;

**AND WHEREAS** the City wishes to ensure that no building or structure will be erected on the Adjacent Lands within 1.2 metres of the north face of the Single Detached Dwelling on the Owner's Lands;

**NOW THEREFORE THIS AGREEMENT WITNESSES** that in consideration of the sum of \$2.00 and other good and valuable consideration now paid by each of the parties hereto to

the other, the receipt and sufficiency of which is hereby acknowledged, the City, the Owner and Adjacent Owner hereby covenant and agree as follows:

1. The Adjacent Owner irrevocably agrees with the Owner not to construct any building or structure within 1.2 metres of the North face of the Single Detached Dwelling on the Owner's Land; failing which, the Adjacent Owner shall be fully liable for all costs of the work to be performed pursuant to the requirements of the Ontario Building Code.
2. The Adjacent Owner acknowledges and agrees that the 1.2 metre line as established by this agreement shall be the "limiting distance" for the purposes of the determining unprotected openings or fire rating on the wall as required by the Ontario Building Code, of the South face of any building subsequently erect on the Adjacent Lands.
3. For the purposes of this agreement "limiting distance" shall mean a line 1.2 metres from the North wall of the Single Detached Dwelling on the Owner's Lands.
4. This restriction shall run with the Owner's Lands and the Adjacent Lands and shall bind all Parties hereto, their successors and assigns.
5. The Owner covenants and agrees with the City, that the Owner will forthwith bring the North wall of the Single Detached Dwelling into compliance, as is prescribed by the Ontario Building Code then in effect, coincidental with the construction of any building or structure upon the Adjacent Lands, which is within 1.2 metres of the North face of the Single Detached Dwelling on the Owner's Lands.
6. The Owner, successors and heirs of the subject property at 515 Burbrook Place agree to restore to the City's satisfaction any disturbance of the laneway immediately adjacent to the north.
7. Removal of this agreement from the title of either property shall require the written agreement of all parties (or their heirs or assigns) to this agreement.



**SCHEDULE 'A'**

PLAN 473 LOT 73 PT LOT 74 30.50FR 127.92D (Municipal Address: 515 Burbrook Place)



**SCHEDULE 'B'**

Lane abutting Lot 73 on Registered Plan 473(C) in the City of London and County of Middlesex.  
Part of PIN 08288-0327

APPENDIX 'A'

(Site Plan and North Elevation view)

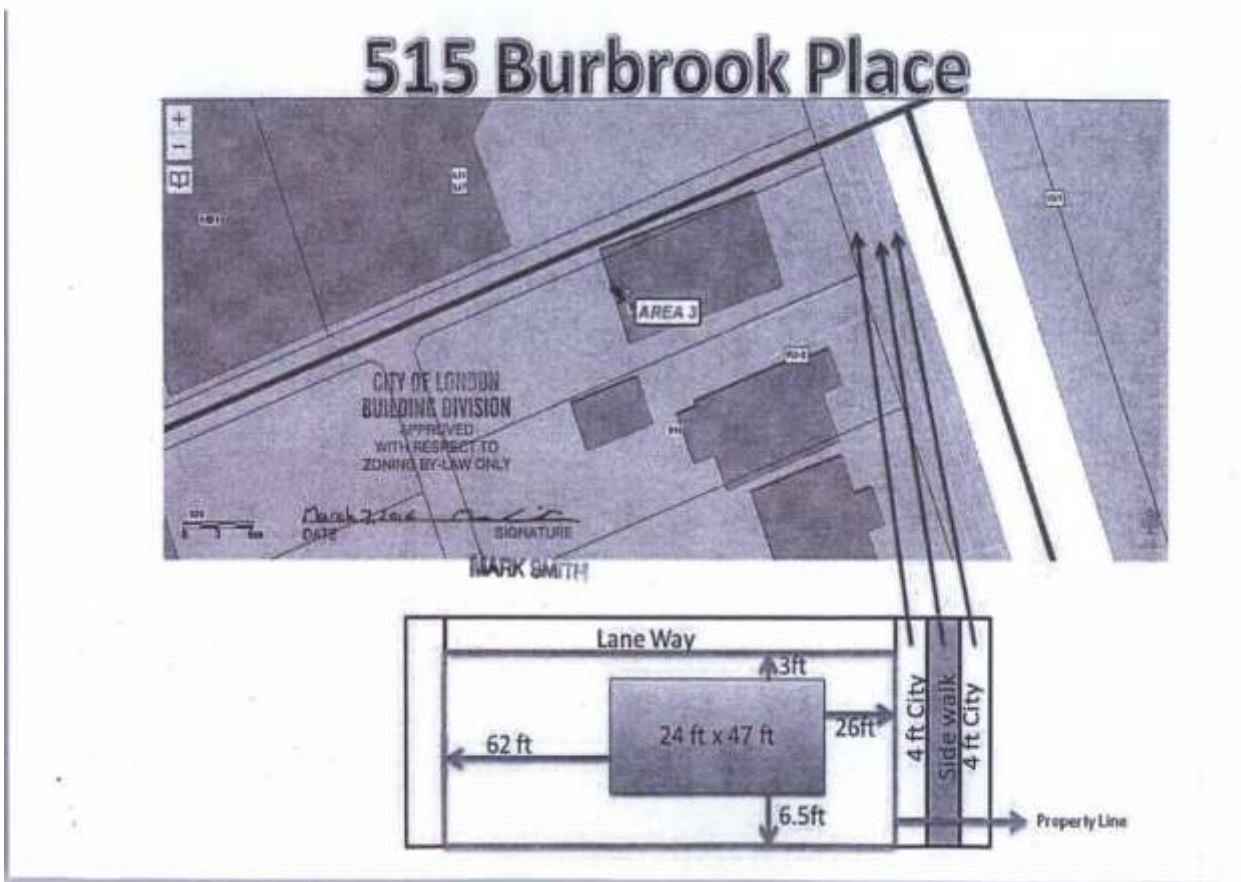


Figure 1. 515 Burbrook Place site plan



Figure 2. Image depicting the north dormer window (courtesy: Google Street View)

## 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:** Removal of Holding Provision (h-53)  
Wastell Homes  
435 Callaway Road(formerly 365 Callaway Road)

**Meeting on:** February 18, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following action be taken with respect to the application of Wastell Homes relating to the property located at 435 Callaway Road (formerly 365 Callaway Road), the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 3, 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 R5/R6 Special Provision (h-53/R5-3(19)/R6-5(53)) Zone **TO** a Residential R5/R6 Special Provision (R5-3(19)/R6-5(53)) Zone to remove the (h-53) holding provision.

## Executive Summary

### Summary of Request

The applicant has requested the removal of the "h-53" holding provision from 435 Callaway Road (formerly 365 Callaway Road), which is in place to ensure street oriented design which discourages the need for noise walls in this development.

### Purpose and the Effect of Recommended Action

The purpose and effect is to remove the "h-53" holding symbol to facilitate the development of 94 Vacant Land Condominium units in the form of 3 storey, cluster townhouse dwellings.

### Rationale of Recommended Action

The requirements for removing the holding provision has been met. It is appropriate to remove the holding provision as it is no longer required.

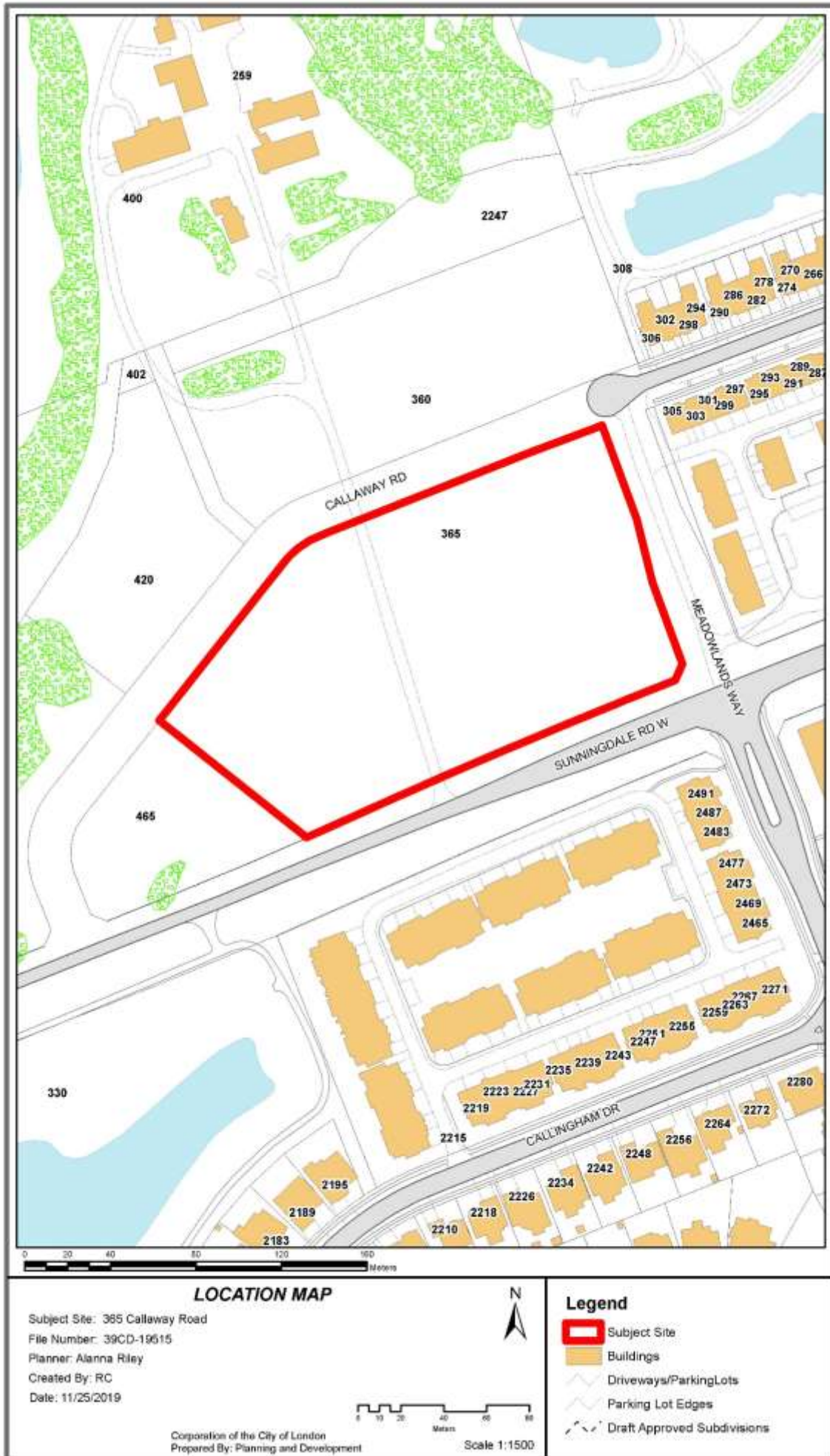
## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site is located in the northwest area of the City with frontage on Sunningdale Road West and Callaway Road. Future residential uses are located to the north and west, a mix of low and medium density residential uses are located to the east, cluster residential uses and a storm water management facility are located to the south. The site is approximately 2.6 ha in size and is currently undeveloped and vacant.

1.2 Location Map



## 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

## 2.0 Description of Proposal

### 2.1 Development Proposal

The future development of this site consists of 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.

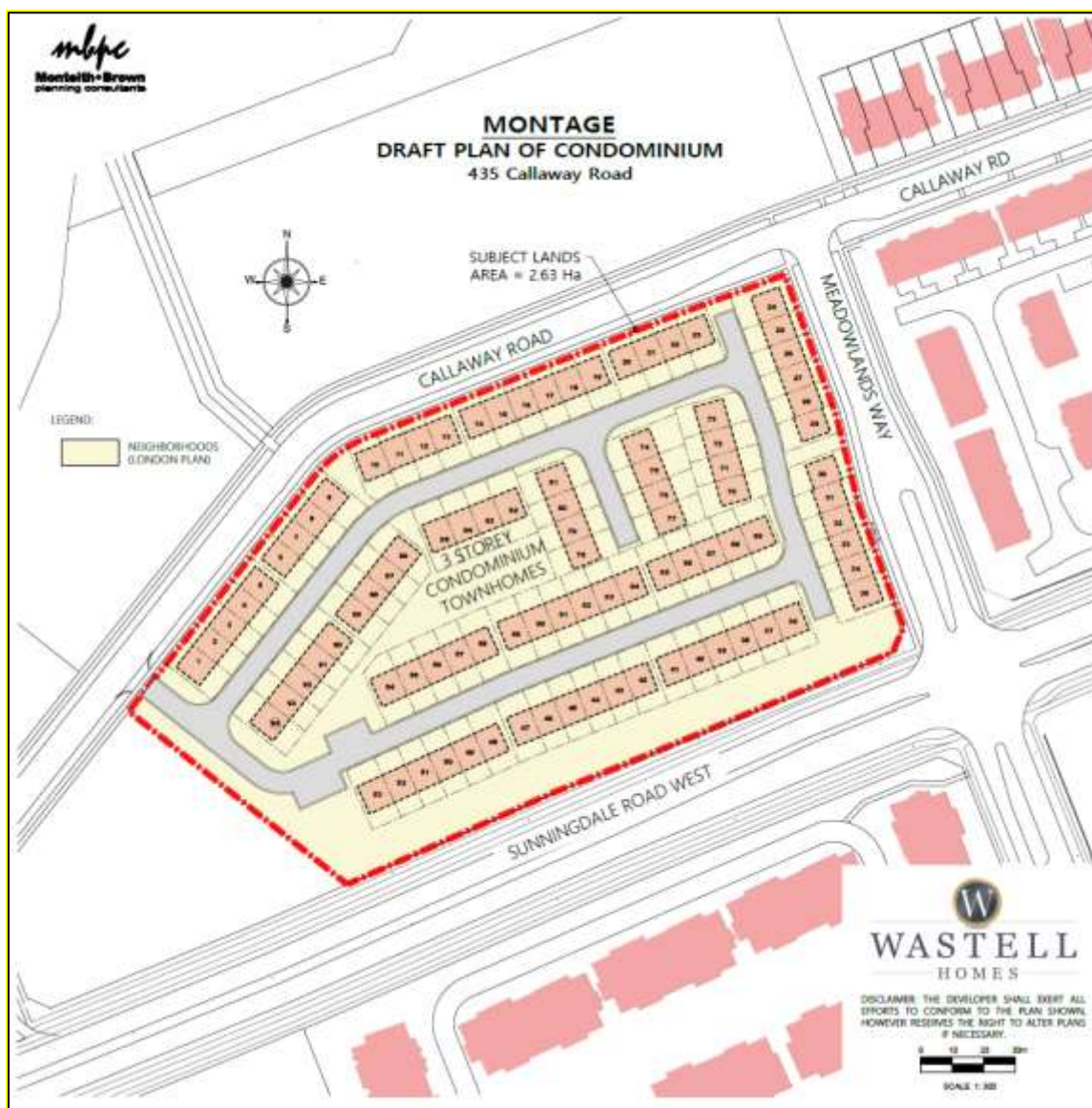


Figure 1: Conceptual Site Plan



Figure 2: Rendering

### 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 lands within the Sunningdale North Area Plan 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. The subject site is designated as Multi-Family, Medium Density Residential in the Sunningdale North Area Plan

On June 3, 2016 an application was submitted 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), 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 and Vacant Land Condominium application were submitted concurrently with this holding provision application to accommodate the proposed cluster townhouse development. The site plan application is running in parallel with this holding provision application. The requested variances related to relief to the density limits of the site that would permit 94 VLC units in place of 93 VLC units. This has been approved.

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

October 23, 2017, Planning Committee; Planning Report on Ontario Municipal Board Appeal Application by Corlon Properties on behalf of Sunningdale Golf and Country Ltd, 379 Sunningdale Road West, 39T-16504/ OZ-8639.

### 3.3 Requested Amendment

The applicant is requesting the removal of the “h-53” holding provision from the site to allow for the development of 94 Vacant Land Condominium units in the form of 3 storey, cluster townhouse dwellings.

### 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 provision and is it appropriate to consider the removal request?

The h-53 holding provision is as follows:

*h-53 - Purpose: To encourage street-oriented development and discourage noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved, consistent with the Community Plan, to the satisfaction of the City of London, prior to the removal of the "h-53" symbol.*

A development agreement has been executed for the site and security has been posted. The development is oriented towards Sunningdale Road West and Callaway Road to establish strong street edges and built form along the public realm that provides units with direct pedestrian connections to Callaway and Sunningdale Roads. Adequate setbacks and landscaping have been incorporated into the accepted plans, reducing the need for noise walls.

## 5.0 Conclusion

The requirements for removing the holding provision have been met. It is appropriate to remove the holding provision as it is no longer required. The accepted development is street-oriented, mitigates noise from the arterial road, and incorporates appropriate urban design principles that are included in the development agreement and accepted Site Plan. It is appropriate to remove the holding provision to allow the zoning to come into force at this time.

<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	

February 10, 2020

cc: Matt Feldberg, Manager, Development Services (Subdivisions)

cc: Lou Pompili, MPA, RPP, Manager, Development Planning

cc: Ted Koza, Manager Development Engineering

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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 holding provision from the zoning for lands located at located at 435 Callaway Road (formerly 365 Callaway Road)

WHEREAS Wastell Homes has applied to remove the holding provision from the zoning for the lands located at 435 Callaway Road (formerly 365 Callaway 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 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 435 Callaway Road (formerly 365 Callaway Road), as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Residential R5/R6 Special Provision (R5-3(19)/R6-5(53)) 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 March 3, 2020.

Ed Holder  
Mayor


Catharine Saunders  
City Clerk

First Reading – March 3, 2020  
Second Reading – March 3, 2020  
Third Reading – March 3, 2020

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




File Number: H-9138  
Planner: AR  
Date Prepared: 2019/11/11  
Technician: RC  
By-Law No: Z.-1-

SUBJECT SITE 

1:3,000

0 15 30 60 90 120 Meters



## Report to Planning and Environment Committee

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

**From:** Gregg Barrett  
Director, Planning and City Planner

**Subject:** Community Improvement Plan Loan Deferral in Downtown  
and Old East Village Due to Road Construction

**Meeting on:** February 18, 2020

## Recommendation

That, on the recommendation of the Director, Planning and City Planner, the following actions be taken with respect to updating the guidelines for financial incentive programs permitted through the Downtown and Old East Village Community Improvement Plans to allow for the deferral of loan repayments during road construction:

- (a) That the proposed by-law amendment attached as Appendix “A” **BE INTRODUCED** at the Municipal Council meeting on March 3, 2020 to amend By-law C.P.-1467-175, as amended, being a by-law to establish financial incentives for the Downtown Community Improvement Project Areas, to delete the existing Schedule 1 and replace with the new Schedule 1;
- (b) That the proposed by-law amendment attached as Appendix “B” **BE INTRODUCED** at the Municipal Council meeting on March 3, 2020 to amend By-law C.P.-1468-176, as amended, being a by-law to establish financial incentives for the Old East Village Community Improvement Project Area, to delete the existing Schedule 1 and replace with the new Schedule 1.

## Executive Summary

The purpose of this report is to update the guidelines for financial incentive programs permitted through the Downtown and Old East Village Community Improvement Plans to allow for loans to be deferred during road construction projects.

The existing program guidelines do not contain any provisions for the deferral of loan repayments. As a result, the following was undertaken:

- Two new definitions were added: *deferral* and *road construction*;
- The sections in the guidelines entitled Repayment Provisions were updated to allow an applicant to decide when repayment started if repayment was scheduled to begin during a road construction project;
- A new section entitled Loan Repayment Deferral Due to Road Construction was added to the guidelines to permit and outline the general process for deferring loans.

## Analysis

### 1.0 Relevant Background

The Core Area Action Plan identifies numerous actions separated into four needs that must all be addressed to achieve Core Area success in London:

- People struggling with homeless and health issues need help;
- People need to feel safe and secure;
- Businesses need an environment that allows them to be successful; and,
- The Core Area needs to attract more people.

At its meeting held on November 12, 2019, Municipal Council resolved:

That, on the recommendation of the Managing Director, Planning and City Planner, and the City Manager, the following actions be taken with respect to the proposed Core Area Action Plan:

- a) the Core Area Action Plan appended to the staff report dated October 28, 2019 as Appendix "A" BE RECEIVED;
- b) the initiatives identified in this Plan that can be addressed through existing budgets BE IMPLEMENTED;
- c) the Civic Administration BE DIRECTED to submit business cases for all Core Area Action Plan initiatives requiring additional investment through the 2020-2023 Multi-Year Budget process;
- d) the Civic Administration be directed to allow for an interest free deferral on incentive loan repayments in the Downtown and Old East Village Community Improvement Areas (CIP) during upcoming construction projects; and,
- e) the Civic Administration BE DIRECTED to report back to the Community and Protective Services Committee with respect to clarification as to proposed wording that would be included on any "Kindness Meters".

This report focuses on clause d) of the aforementioned Municipal Council resolution.

## **2.0 Changes to Program Guidelines**

The following section outlines the changes made to the financial incentive program guidelines for the Downtown and Old East Village community improvement project areas to allow for loan deferrals during road construction projects.

### **2.1 Definitions**

Two new definitions were added to the program guidelines to permit the loan deferrals:

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

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

The definition for road construction was written as such to ensure that the road construction period lasted at least one month, in order for at least one month loan repayment to be deferred.

### **2.2 Loan Repayment Start Date during Road Construction**

The program guidelines sections entitled Repayment Provisions was updated to allow an applicant to decide when repayment will begin if repayment is scheduled to start during a road construction project. Right now, loan repayment begins six months after the advancement of funds. Once the By-law is adopted, the applicant can decide to begin loan repayment either after six months or after the road construction deferral period as determined in the new Loan Repayment Deferral Due to Road Construction section of the guidelines.

### **2.3 New Section: Loan Repayment Deferral Due to Road Construction**

The new section entitled Loan Repayment Deferral Due to Road Construction has been provided below in its entirety first, with commentary on the new section following.

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

City Planning staff will review the Community Improvement Area construction schedule annually to determine what streets will be under construction in the upcoming years. City Planning staff will also collect Notice of Project and Construction Notice letters that are mailed to property owners to inform them of upcoming construction projects.

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

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

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

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

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

Upon receiving confirmation that an applicant wishes to defer repayment of their loan(s), City Planning staff will:

- Process the returned forms for the applicant's seeking deferral;
- Complete supporting documentation to send to Accounts Receivable. This documentation will allow Accounts Receivable to update its records regarding the loan repayment schedule and allow Accounts Receivable to remove any post-dated cheques that may be in its possession for repayment during the *deferral* period. Cheques will be return to the applicant or destroyed;
- Accounts Receivable will contact the loan applicant when new post-dated cheques are required to restart the loan repayment after the *deferral* period ends.

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

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

The program guidelines are written to be detailed but not necessarily a step-by-step guide. Additional internal processes are being developed between City Planning and Accounts Receivable in order to operationalize loan deferrals.

Of note in the above new section is that only properties fronting or having a side property line adjacent to a road construction project will be eligible for a loan deferral.

Also of note is that the loan deferral period will be set at the beginning of the construction project for one month longer than the project is anticipated to take as estimated by the City's Project Manager. For a major road construction project, this is expected to be from April to November or December with the road re-opening over winter.

City Planning will provide each eligible property owner with a letter (see Appendix C) that must be returned in order to defer loan payments during the road construction project. A signed copy of this letter and an accompanying schedule will be provided by City Planning to Accounts Receivable in order for Accounts Receivable to update the loan records to reflect the new loan expiry date and ensure payment is stopped during the road construction project.

## **2.4 Minor Updates**

Staff took this opportunity to update the financial incentive program guidelines to:

- Fix typos, grammatical mistakes, and formatting issues;
- Change Planning Services to City Planning.

## **3.0 2020 Downtown and Old East Village Construction**

The 2020 Downtown and Old East Village construction schedule is anticipated to start in April 2020 on the following streets:

1. Downtown – Richmond Street from York Street to Dundas Street;
2. Downtown – Dundas Street from Wellington to Colborne Street (the project extends from Wellington Street to Adelaide Street but loans are not available between Colborne Street and Adelaide Street);
3. Old East Village – Dundas Street from English Street to Ontario Street.

For the three above road construction projects, 13 properties have at least one Community Improvement Plan loan with the City. Upon adoption of the attached by-laws, City Planning staff will contact these property owners to ask if they wish to defer their loan(s) repayments during the road construction project.

Other construction projects are scheduled in Downtown and Old East Village; however, properties adjacent to these construction projects do not have or are not eligible for loans.

City Planning staff will review the Downtown and Old East Village construction schedule for future years to be able to offer the loan repayment deferral in a timely manner.

## **4.0 Conclusion**

This report and the attached appendices provide the necessary updates to the Downtown and Old East Village Community Improvement Plans financial incentive program guidelines to allow for the deferral of loan repayments during road construction projects.

In 2020, 13 properties are eligible to defer loans. Based on the anticipated 2020 construction program, loan repayment deferrals could total approximately \$80,000 for the year, if all eligible applicants elected to defer. Finance has confirmed that the potential repayment deferrals can be accommodated within the projected balance of the CIP Loan Reserve Fund.

<b>Prepared by:</b>	<b>Graham Bailey, MCIP, RPP Planner, Urban Regeneration</b>
<b>Submitted by:</b>	<b>Britt O'Hagan, MCIP, RPP Manager, City Building and Design</b>
<b>Recommended by:</b>	<b>Gregg Barrett, AICP Director, Planning and City Planner</b>
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from City Planning</p>	

February 10, 2020  
GB/gb

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## Appendix A

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

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

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

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

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

AND WHEREAS Municipal Council adopted By-law C.P. 1356-234 to designate the Downtown Community Improvement Project Areas;

AND WHEREAS Municipal Council adopted By-law C.P. 1357-249 to adopt the Downtown Community Improvement Plan;

AND WHEREAS Municipal Council adopted By-law C.P. 1467-175 to establish financial incentives for the Downtown Community Improvement Project Area;

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

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

1. The existing Schedule "1" of By-law C.P.-1467-175, as amended, being A By-law to establish financial incentives for the Downtown Community Improvement Project Areas, is hereby repealed;
2. The new Downtown Financial Incentive Program Guidelines attached hereto as Schedule "1" is hereby adopted;
3. This by-law shall come into effect upon the date of the passage of this by-law.

PASSED in Open Council on March 3, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – March 3, 2020  
Second Reading – March 3, 2020  
Third Reading – March 3, 2020



# Schedule 1

## **Downtown Community Improvement Plan – Financial Incentive Program Guidelines**

**\* Effective January 1, 2018 \***

**\* Revised March 3, 2020 \***

This program guideline package provides details on the financial incentive programs provided by the City of London through the Downtown Community Improvement Plan (CIP), which includes:

- Façade Improvement Loan Program (including non-street façades and forgivable loans);
- Upgrade to Building Code Loan Program (including forgivable loans);
- Rehabilitation & Redevelopment “Tax Grant” Program;
- Residential Development Charges Grant Program (i.e. the Combined DC/Tax Grant).

### **Table of Contents**

How to Read this Document

Map 1 – Original Downtown Community Improvement Project Area

Map 2 – Expanded Richmond Row Community Improvement Project Area

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

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

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

## How to Read this Document

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

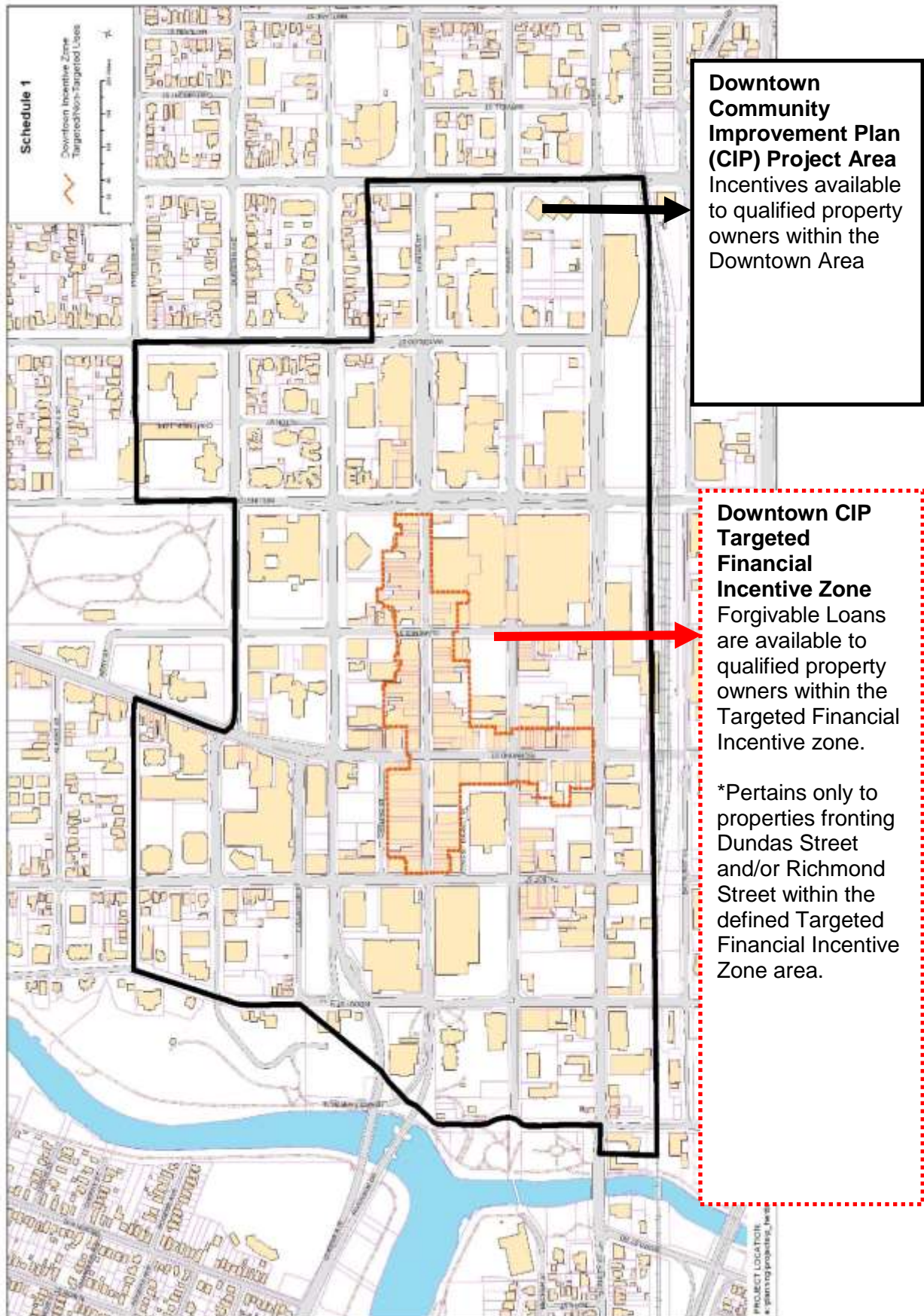
Therefore, the program guidelines are arranged so that information respecting all programs is stated once and details specific to individual programs are outlined in the program specific sections.

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

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

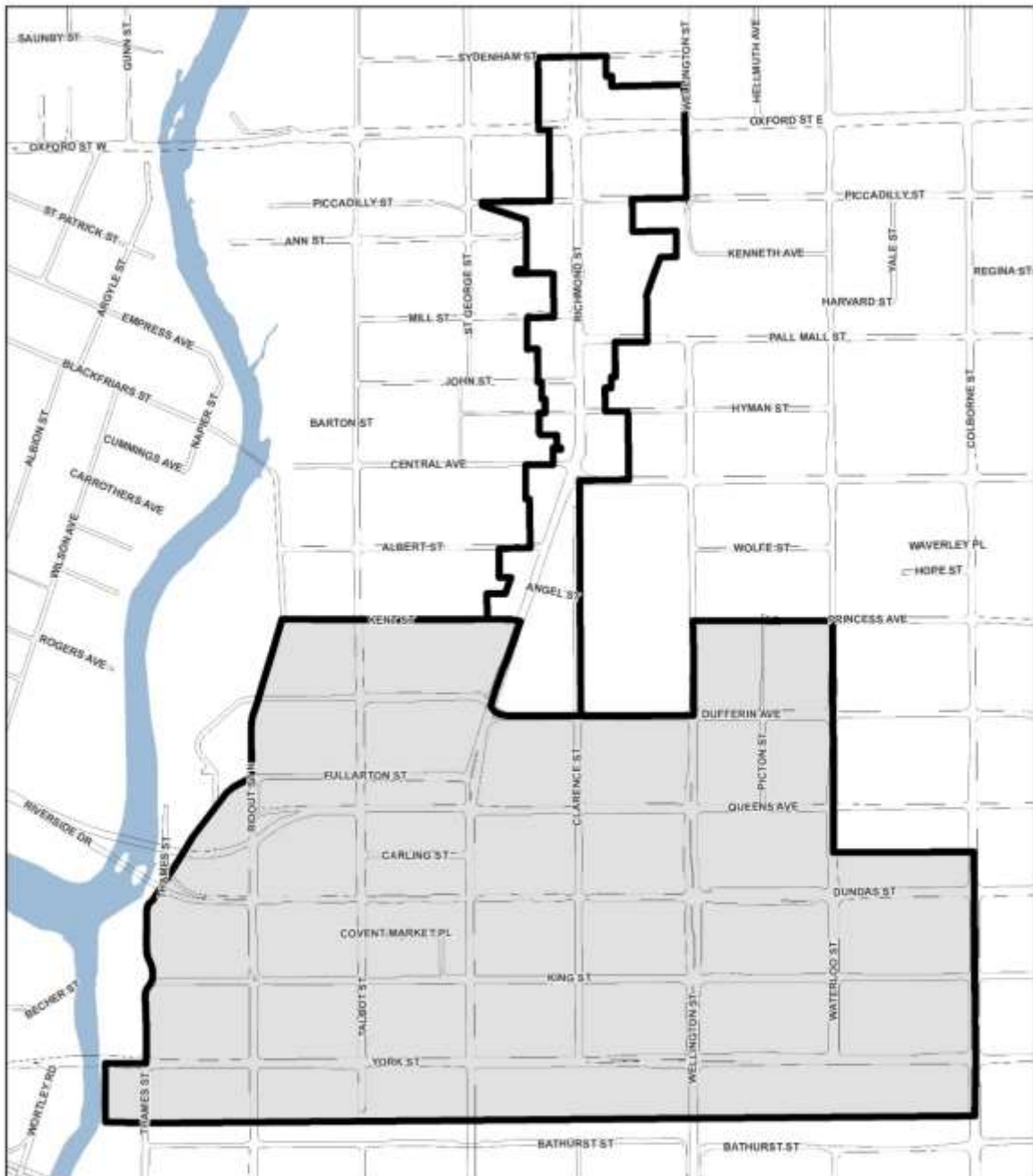
Map 3 is provided to show the various Downtown boundaries including the BIA, Heritage Conservation District (HCD), and the Community Improvement Project Area.



Map 1 – Original Downtown Community Improvement Project Area



# Map 2 – Expanded Richmond Row Community Improvement Project Area

## THE DOWNTOWN COMMUNITY IMPROVEMENT AREA

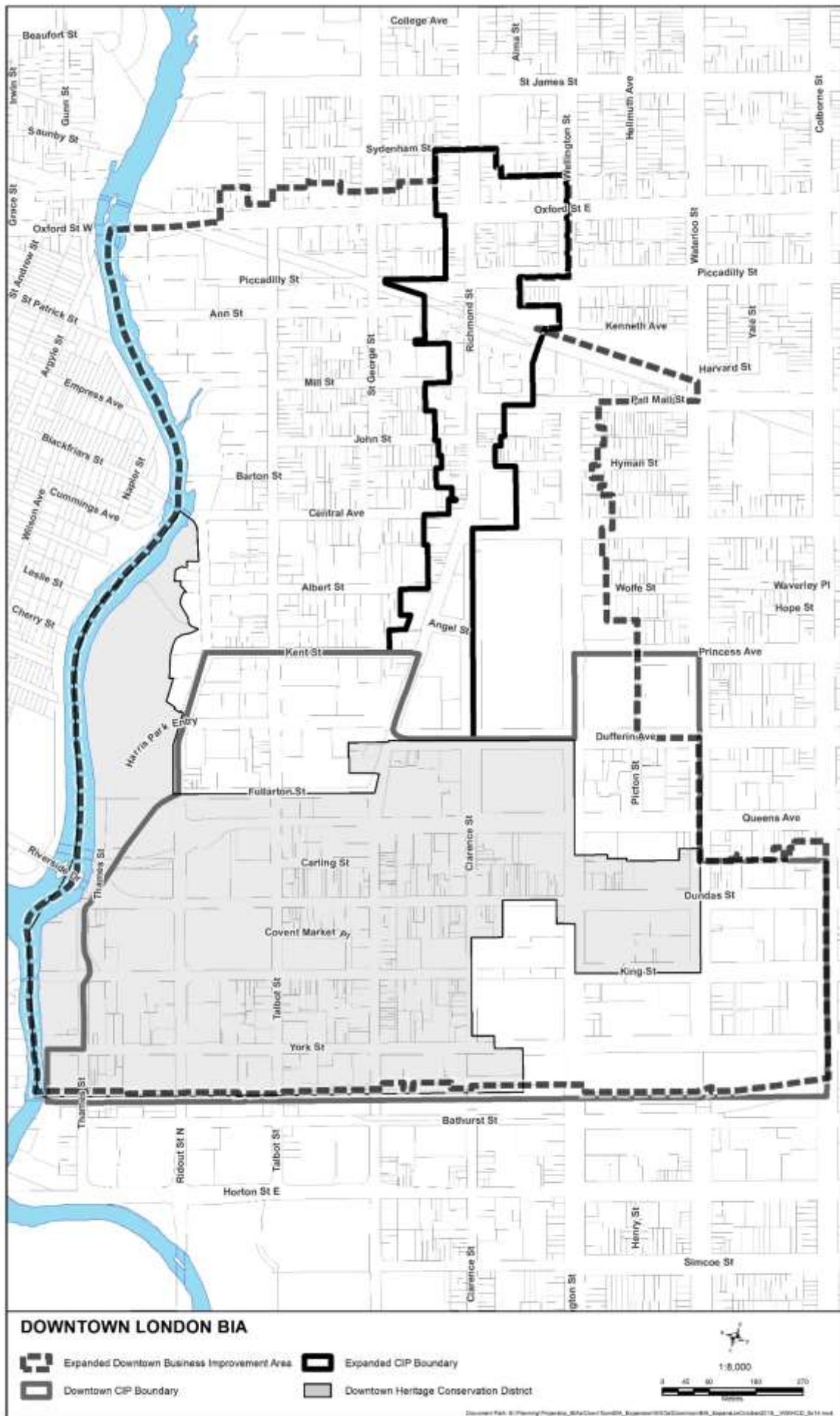


-  Original Community Improvement Project Area
-  Expanded Richmond Row Community Improvement Project Area



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



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

<b>Financial Incentive Program</b>	<b>Original Downtown CIP (see Map 1)</b>	<b>Richmond Row (see Map 2)</b>
Façade Improvement Loan	X	X
Forgivable Façade Improvement Loan	X	
Upgrade to Building Code Loan	X	X
Forgivable Upgrade to Building Code Loan	X	
Rehabilitation and Redevelopment Tax Grant	X	
Residential Development Charges Grant Program	X	

## 1. Definitions

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

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

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

Annual Grant Calculation – The annual grant for any single year will be calculated as follows, the *Annual Tax Increment* multiplied by the *Year/Level Factor*.

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

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

Example:

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

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

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

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

Commitment Letter – A document prepared by the City of London outlining its agreement with a property owner, to provide a future financial incentive – loan(s) and/or grant(s) – to a property owner, based on a redevelopment, rehabilitation and/or renovation project that the applicant has yet to undertake. The letter describes the specific scope of approved works that the property owner will undertake 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 (including a façade drawing for façade projects);
- Itemized list of specific improvements;
- Two (2) comparable quotations by qualified contractors showing cost estimates for each of the proposed works which are required to be included in the incentive program. In general, the lower of the two estimates will be taken as the cost of the eligible works. Cost

estimates should be consistent with the estimate noted on the accompanying Building Permit (if required);

- A cover letter that summarizes the work to be completed and summarizes the provided quotations;
- 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.

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

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

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

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

**First storey** – The storey that has its floor closest to grade and its underside of finished ceiling more than 1 .8m above the average grade.

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

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

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

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

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

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

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

- i. Completion of the project as identified by the applicant; and



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

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

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

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

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

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

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

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

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

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

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

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

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

*Yearly Loan Repayments* multiplied by 12.5% = *Maximum Yearly Grant Value*  
\$60,000 x 12.5% = \$7,500

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

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

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

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

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

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

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

Permitted Uses within Original Downtown CIPA	Targeted	Non-Targeted
Amusement game establishments	X	
Apartment buildings	X	
Apartment hotels	X	
Art galleries	X	
Artisan Workshop	X	
Assembly halls	X	
Bake shops	X	
Bed and Breakfast Establishment	X	
Brewing on Premises Establishment	X	
Business Service Establishment	X	
Clinics	X	
Commercial parking structures		X
Commercial recreation establishments	X	
Community Centres	X	
Convenience stores		X
Craft Brewery	X	
Day care centres	X	
Dry cleaning and laundry depots	X	
Duplicating shops	X	
Dwelling units (restricted to the rear portion of the ground floor or on the second floor, or above with any or all of the other permitted uses in the front portion of the ground floor)	X	
Emergency care establishments		X
Film processing depots / Photography retail	X	
Financial institutions (excluding cheque cashing)	X	
Food Stores	X	
Funeral homes	X	
Group homes type 2		X
Hotels	X	
Institutions	X	
Laboratories	X	
Laundromats	X	
Libraries	X	
Lodging houses class 2		X
Medical/dental offices and laboratories	X	

Museums	X	
Office-apartment buildings	X	
Offices (above first floor)	X	
Patient testing centre laboratories	X	
Personal service establishments	X	
Pharmacies	X	
Place of Entertainment (excluding adult)	X	
Places of Worship		X
Police Station	X	
Printing establishments	X	
Private clubs	X	
Repair and rental establishments	X	
Restaurants	X	
Restaurants, outdoor patio	X	
Retail stores	X	
Schools (Education)	X	
Senior citizen apartment building	X	
Service and repair establishments	X	
Service trades	X	
Studios	X	
Supermarkets and Grocery Store	X	
Taverns	X	
Theatres and cinemas	X	
Video rental establishments	X	

### 3. Eligibility Criteria for Financial Incentive Programs

***Financial Incentive Programs will not apply retroactively to work started prior to the approval of an application by the Managing Director, Planning and City Planner, or designate.***

To be eligible for any Financial Incentive Program, the applicant, property and project must meet all conditions detailed in this program description.

#### Property Owner Considerations

- The applicant must be the registered owner of the property or an agent (including building tenant or contractor who has been retained to undertake improvements). If the applicant is not a registered owner of the subject property, the applicant will be required to provide authorization in writing from the registered owner as part of a complete application;
- 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 when the loan and/or grant is issued and remain so for the lifetime of the loan and/or grant;
- The registered owner of the property must have no outstanding debts to the City of London;
- The property owner and/or applicant, must not have ever defaulted on any City loan or grant program, including by way of individual affiliation with any company or group of people authorized to act as a single entity such as a corporation;
- The Financial Incentive Programs will not apply retroactively to work completed prior to the approval of the application by the Managing Director of Planning and City Planner, or designate.

#### Property Considerations

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

## Building Considerations

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

## 4. Application Process

### Expression of Interest

**PO** – It is suggested to meet with the Downtown London office regarding an expression of interest or proposal before any financial incentive application is made to the City of London. While City Planning staff are often involved in meeting with Downtown London and a property owner, no records are formally kept until a complete incentive application, accompanied by appropriate drawings and estimates, is submitted to City Planning.

***Financial Incentive Programs will not apply retroactively to work started prior to the approval of an application by the Managing Director, Planning and City Planner, or designate.***

### Consultation Phase

**Step 1 – PO** – The Applicant contacts City of London and/or Downtown London Staff who will arrange a meeting to share ideas for the proposed project, information about incentive programs, provide application form(s) and assist with the application process. This meeting will also help to identify what permits or permissions may be required to complete the proposed improvement project. Consultation with an Urban Designer and/or Heritage Planner may be necessary. Where possible, the City will make appropriate staff available for this meeting, which is usually on site at the property where the proposed work is planned.

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

### Concept Phase

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

For the Tax Grant and Residential Development Charge Grant programs, the applicant must also obtain a building permit and make full payment of Residential Development Charges.

Residential Development Charge Grants are processed by City Planning in conjunction with Development and Compliance Services (Building Division). Application to the Residential Development Charge (DC) Grant program is triggered when the full payment of Residential DCs is made to the Building Division. **PO – After making the DC payment, applicants must contact City Planning to complete the application process.**

**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. The letter will also state whether the commitment is for a Forgivable Loan. For the Residential DC Grant the residential DCs must be paid prior to the City's issuance of a *Commitment Letter*. For the Loan Programs, the City's commitment is valid for one year from the date of issuance of the *Commitment Letter*. The City's commitment applies only to the project as submitted. **PO – Any subsequent changes to the project will require review and approval by appropriate City staff.**

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

#### **Construction Phase**

**Step 5 – PO** – Having obtaining all necessary approvals and/or permits and receiving a *Commitment Letter* from the City for approved works the applicant may start to undertake eligible improvements. With respect to the Residential DC Grant there is an additional requirement that the DCs have been paid.

***Financial Incentive Programs will not apply retroactively to work started prior to the approval of an application by the Managing Director, Planning and City Planner, or designate.***

#### **Confirmation Phase**

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

**Step 7 – CL** – Before setting up any agreement City Planning staff must ensure the improvements, as described in the City's *Commitment Letter* are completed and other criteria, as set out in the respective program guidelines, have been met. Generally speaking, this includes:

- Related costs, or bills respecting those approved works are paid in full;
- Related building permits are closed;
- The loan must be in good standing with no arrears owing;
- All City of London property taxes must be paid in full and the account deemed in good standing by the 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 7.i (Grants) – CL** – Upon written notice from the applicant, City Planning will request the City's Finance and Corporate Services Taxation Division to provide a grant schedule that establishes the value of the annual grant over the term of the grant program.

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

**Step 7.iii (Grants) – CL** – The Finance and Corporate Services Taxation Division will prepare and note the annual tax increment for the purpose of calculating the grant schedule. The Finance and Corporate Services Taxation Division will then prepare a schedule for the first year that the new taxes were levied for the full year.

**Step 7.iv (Grants) – CL** – At the completion of the *Calendar Year*, City Planning staff will ask Finance and Corporate Services Taxation Division staff to confirm that all taxes have been paid for that year and that the tax account is in good standing with a zero balance. Upon receiving confirmation, a grant agreement can be drafted.

#### **Agreement Phase**

**Step 8 (Loans) – CL** – Once the approved works are verified by City Planning, staff will draft the loan agreement.

**Step 8 (Grants) – CL** – Once the eligible works are verified and the grant schedule is complete, City Planning staff will draft the grant agreement and provide a draft copy of the grant agreement to the applicant for review.

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

**Step 9 (Grants) – CL** – After the applicant has approved the grant agreement City Planning staff can prepare two hard copies of the agreement to be signed.

**Step 10 – CL** – When all the documentation is ready City Planning staff will contact the applicant to arrange for a meeting to sign the documents (and in the case of a loan, exchange a loan cheque for the first 12 post-dated repayment cheques provided by the property owner or applicant (**PO**)).

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

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

**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.

## **5. 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 work is not completed 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.**

## **6. Additional Rehabilitation and Demolition**

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

## **7. Inspection of Completed Works**

The loan will be paid to the property owner (or designate) following City receipt of invoices for all completed work and after the City inspection of all completed improvements has taken place. The City will inspect the work completed to verify that the proposed improvements have been completed as described in the application.

## **8. 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.

## 9. Relationship to other Financial Incentive Programs

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

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

## 10. Loan Repayment Deferral Due to Road Construction

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

City Planning staff will review the Community Improvement Area construction schedule annually to determine what streets will be under construction in the upcoming years. City Planning staff will also collect Notice of Project and Construction Notice letters that are mailed to property owners to inform them of upcoming construction projects.

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

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

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

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

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

Upon receiving confirmation that an applicant wishes to defer repayment of their loan(s), City Planning staff will:

- Process the returned forms for the applicant's seeking deferral;
- Complete supporting documentation to send to Accounts Receivable. This documentation will allow Accounts Receivable to update its records regarding the loan repayment schedule and allow Accounts Receivable to remove any post-dated cheques that may be in its possession for repayment during the *deferral* period. Cheques will be return to the applicant or destroyed;
- Accounts Receivable will contact the loan applicant when new post-dated cheques are required to restart the loan repayment after the *deferral* period ends.

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

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

## 11. Monitoring & Discontinuation of Programs

As part of the program administration 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 or grant will continue in accordance with the agreement. A program's success in implementing a Community Improvement Plan's goals will be based on the ongoing monitoring and measurement of a series of identified targets that represent indicators of the CIP's goals and objectives, as noted in the Program Monitoring Data section.

## 12. Program Monitoring Data

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

<p style="text-align: center;"><b>Façade Improvement Loan Program Monitoring</b></p>	<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>- Pre-Assessment Value;</li> <li>- Total Value of Building Permit (if required);</li> <li>- Location of façade being improved (Front, Non-Street Front);</li> <li>- Post-Assessment Value;</li> <li>- Use Type (Targeted or Non-Targeted);</li> <li>- Increase in assessed value of participating property;</li> <li>- Total Loan Amount;</li> <li>- Number of forgivable loans;</li> <li>- Number of loan defaults;</li> <li>- Cost/Value of loan defaults.</li> </ul>
<p style="text-align: center;"><b>Upgrade to Building Code Loan Program Monitoring</b></p>	<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>- Pre-Assessment Value;</li> <li>- Total Value of Building Permit;</li> <li>- Post-Assessment Value;</li> <li>- Use Type (Targeted or Non-Targeted);</li> <li>- Increase in assessed value of participating property;</li> <li>- Total Loan Amount;</li> <li>- Number of forgivable loans;</li> <li>- Number of loan defaults;</li> <li>- Cost/Value of loan defaults.</li> </ul>
<p style="text-align: center;"><b>Tax Grant Program Monitoring</b></p>	<ul style="list-style-type: none"> <li>- Number of Applications (approved and denied);</li> <li>- Pre-Assessment Value;</li> <li>- Total Value of Building Permit;</li> <li>- Level of Grant (Type 1, Type 2 or Type 3);</li> <li>- Post-Assessment Value;</li> <li>- Use Type (Targeted or Non-Targeted);</li> <li>- Number of residential units created;</li> <li>- Increase in assessed value of participating property;</li> <li>- Total Grant Amount;</li> <li>- Number of grant defaults;</li> <li>- Cost/Value of grant defaults.</li> </ul>



<b>Development Charge Program Monitoring</b>	<ul style="list-style-type: none"> <li>- Number of Applications (approved and denied);</li> <li>- Pre-Assessment Value;</li> <li>- Total Value of Building Permit;</li> <li>- Number of residential units created;</li> <li>- Post-Assessment Value;</li> <li>- Type (Targeted or Non-Targeted Industrial) Use;</li> <li>- Increase in assessed value of participating property;</li> <li>- Total Grant Amount;</li> <li>- Number of grant defaults;</li> <li>- Cost/Value of grant defaults.</li> </ul>
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### 13. Activity Monitoring Reports

Annual Activity Reports will measure the following variables and be used to help complete the biennial State of the Downtown Report:

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

**COMMON PROGRAM INFORMATION SECTION ENDS HERE**

**INDIVIDUAL PROGRAM INFORMATION BEGINS NOW**

### 14. Façade Improvement Loan Program

#### Façade Improvement Loan Program – Purpose

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

#### Façade Improvement Program – Objectives

The overarching goals of this Program are to:

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

#### Façade Improvement Program – Eligible Works

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

- Exterior street front renovations compliant with the Downtown Heritage Conservation District Plan;
- Exterior street front renovations compliant with Downtown Design Study Guidelines (1991);
- Portions of non-street front buildings, visible from adjacent streets. Non-street front visible portions may only be eligible for funding after the street front façade has been improved or street front improvements have been deemed unnecessary by the Managing Director, Planning and City Planner, or designate;

- Awnings that are affixed to the exterior street front of a building which are used to keep the sun or rain off a storefront, window, doorway, or sidewalk, and/or to provide signage for a commercial tenant;
- Business name signage that is affixed to the exterior street front of a building;
- Decorative lighting which is affixed to the exterior street front of a building that is ornamental and installed for aesthetic effect;
- Eaves troughs, rain gutters, soffits, fascia, bargeboard, and other materials that direct rain water;
- Doors, windows and their finished framing;
- Professional fees for the preparation of drawings and technical specifications required for eligible works (limited to the lesser of a maximum of \$5,000 or 10% of the loan).

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

### **Façade Improvement Program – Works Not Eligible**

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

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

### **Façade Improvement Program – Loan Terms**

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

### **Period**

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

### **Loan Amount**

Loans will be issued to cover the lesser of:

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

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

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

### **Determination of Eligible Non-Street Front Façade Improvements**

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

### **Determination of Façade Improvements where there are Two Street Frontages**

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

### **Loan Distribution**

The City will provide the applicant with one cheque in the full amount of the approved loan after: (1) the City has completed its due diligence to ensure the applicant and property remain eligible for the loan, (2) the Loan Agreement has been signed, and (3) the first 12 months of post-dated cheques (to be used for the first year repayment of the loan) are received. City of London

Accounts Receivable staff will contact the applicant annually to request a supply of cheques in subsequent years. **PO** – The applicant will notify the City about any changes to their banking arrangements and replace cheques as appropriate over the term of the loan. **The City will not provide partial loan amounts or progress payments.**

### **Loan Security and Postponement**

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

### **Loan Agreement**

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

### **Repayment Provisions**

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

### **Transferable Loans**

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

### **Façade Improvement Program – Forgivable Loan – Grant Terms**

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

### **Forgivable Grant Amount**

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

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

### **Annual Grant Value**

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

For example:

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

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

$Maximum\ Yearly\ Grant\ Value\ multiplied\ by\ Pro-rated\ Yearly\ Grant\ Percentage = Yearly\ Grant\ Value$

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

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

### **Grant Disbursement**

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

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

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

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

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## **15. Upgrade to Building Code Loan Program**

### **Upgrade to Building Code Loan Program – Purpose**

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

### **Upgrade to Building Code Loan Program – Objectives**

The overarching goals of this Program are to:

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

### **Upgrade to Building Code Loan Program – Eligible Works**

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

- The installation or alteration of fire protection systems such as sprinklers, stand pipes, fire alarms, emergency power, lighting, and exit signs;
- Installation or alteration of fire separations, fire doors, fire shutters and other fire protection devices;
- The relocation of fire escapes and the installation of new exit facilities;
- The extension of plumbing and electrical services for the creation of habitable space;
- The replacement of plumbing, electrical, and mechanical systems that no longer meet Building Code requirements;

- The construction or alteration of stairs, guards, handrails, etc.;
- The reinforcement or reconstruction of floors, walls, ceilings or roofs;
- The installation or alteration of required window openings to residential spaces;
- Required improvements to ventilation systems;
- Improvements for barrier-free accessibility including elevators, ramps, and washrooms;
- Improvements for green, or sustainable developments such as living walls and green roofs;
- Improvement to basements, or other such spaces that can be occupied and are located below the first storey;
- Asbestos abatement, including the removal, enclosure and/or encapsulating to prevent building occupant from being exposed to the fibers;
- Renovations required to remove moulds (or other materials caused by water-damage from interior building materials), replace affected materials and install vapour barriers;
- Professional fees for the preparation of drawings and technical specifications required for eligible works (limited to the lesser of a maximum of \$5,000 or 10% of the loan);
- Other improvements related to health and safety issues at the discretion of the Managing Director of Planning and City Planner or designate.

## **Upgrade to Building Code Loan Program – Loan Terms**

### **Period**

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

### **Loan Amount**

Loans will be issued to cover the lesser of:

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

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

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

### **Loan Distribution**

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

### **Loan Security and Postponement**

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

### **Loan Agreement**

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

### **Repayment Provisions**

Loan repayments will begin six months after the advancement of funds, unless the repayment will begin during a *road construction* project; in that instance, the applicant can decide if the loan repayment will begin six months after the advancement of funds or after the *road construction* deferral period as determined in the Loan Repayment Deferral Due to Road Construction section has concluded. Repayment of the loan will be on a monthly basis and does not include

interest. The monthly payment amount will be calculated based on the total loan amount divided by **114 payments**. Full repayment can be made at any time without penalty.

### **Transferable Loans**

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

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

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

### **Forgivable Grant Amount**

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

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

### **Annual Grant Value**

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

For example:

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

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

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

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

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

### **Grant Disbursement**

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

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

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

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

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

**\*This program is only available in the Original Downtown Community Improvement Project Area\***

### **Tax Grant Program – Purpose**

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

### **Tax Grant Program – Objectives**

The overarching goals of the Tax Grant are to:

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

### **Tax Grant Program – Eligible Works**

Eligible works that will be financed through this program include:

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

### **Tax Grant Program – Additional General Eligibility Criteria and Conditions**

- All applicable property taxes owing for each year must be fully paid prior to the disbursement of any annual grant amount under this program. If property taxes are owing on a property for more than one full year, the City will have the option, without notice and at its own discretion, of terminating all future grant payments, thereby eliminating all grant obligations to the applicant;
- The City is not responsible for any costs incurred by an applicant in relation to the Grant program, including without limitation, costs incurred in application of a grant;
- Notwithstanding any other calculations relating to the grant amount, the City will not pay an annual grant which is greater than the municipal portion of the property tax collected for a property in any one year (i.e. if a general reassessment substantially reduces annual property taxes on a property, the annual grant amount will be capped at the municipal portion of the property tax collected for that property in any one year);
- The annual grant is based upon changes in property taxes as a result of construction and improvement to the property, and is not based upon occupancy or changes in occupancy;
- If the property is under an assessment appeal, the application will be held in abeyance until the appeal is resolved;
- The amount of the grants provided for a property over the life of this program will not exceed the value of the work done that resulted in the increased level of municipal tax assessment. For this reason the amount of grants may be monitored in relation to the total value of work done and the grants will cease if they equal the value of the work done;
- The applicant will be responsible for ensuring that they can be contacted by the City for the purpose of delivering grant cheques. If applicants cannot be reached over a protracted period (greater than 2 years), the City will have the option, without notice and at its own discretion, of terminating all future grant payments, thereby eliminating all grant obligations to the applicant. **PO** – The property owner will notify the City if mail or email address changes throughout the term of the Tax Grant program.
- In instances where a participating Level 1, Level 2, or Level 3 Grant property has undergone a tax reclassification during the period of an executed grant agreement, the municipality reserves the right to recalculate the grant schedule to reflect the new tax class of the participating property. Should it be determined that the grant agreement and grant schedule is no longer appropriate because it results in grants not reflecting the new tax

class, the value of the taxes received and the value of grants provided, the municipality reserves the right to amend the current agreement and establish a new grant schedule and grant agreement for the balance of the grant period. This amended grant agreement and grant schedule may be pro-rated to reflect the date of reclassification;

- Tax increases that result from a general reassessment, a change in tax legislation or an increase in the mill rate will not be considered for the purposes of calculating the grant. The annual tax increment will be held constant over the ten-year grant period (i.e. changes in mill rate or phased in assessment increases after the post-improvement date is established will not be incorporated into the calculation of the annual tax increment;
- If buildings are to be demolished in order to clear the site for redevelopment, a demolition permit must be obtained prior to any demolition work. Failure to obtain a demolition permit will result in the application being ineligible for this program;
- In instances where a participating Level 1 or Level 2 Grant property is demolished in whole before the grant period elapses the grant shall become forfeit and is to be repaid to the City no later than 30 days after the demolition has occurred;
- For participating Level 1, Level 2, or Level 3 Grant properties, demolition, in part, may be permitted entirely at the discretion of the City of London without a requirement for grant repayment, but only in those instances where a written request by the property owner is received and a corresponding letter of permission is granted by the City and a demolition permit is obtained.

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

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

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

### **Eligibility for Level 2: Rehabilitation / Renovation Grants**

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

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

### **Eligibility for Level 3: Redevelopment Grants**

This level of the Tax Grant program applies to new buildings that are developed on vacant or cleared sites. The purpose of this level is to encourage the rehabilitation of vacant or under-utilized sites. The eligibility requirements for this level of the program are:

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

## **Tax Grant Program – Grant Terms**

### **Period**

Grants will be paid over a ten-year period, with Year 1 being the first full calendar year that taxes are paid after the project is completed and reassessed. For example, where a project is completed and the property is reassessed on February 28, 2017 the grant recipient will receive a Year 1 grant at the end of 2018 (after a full year of taxes are paid at the new rate in 2018). However,



where the total value of the grant is less than or equal to one thousand dollars (\$1,000), a one-time lump sum payment of the total grant amount as detailed in the grant agreement will be issued.

**Calculation of Annual Tax Increment**

See Definitions.

**Grant Amount**

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

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

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

**Grant Agreement**

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

**Grant Distribution**

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

**Transferable Grants / Condominium Projects**

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

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

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

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

**\*This program is available only in the Original Downtown Community Improvement Project Area\***

### **DC & Tax Grant Program – Purpose**

The Combined Residential Development Charges (DC) and Tax Grant program is intended to provide economic incentive for the development of residential properties in the Original Downtown Community Improvement Project Area. Properties in the Expanded Richmond Row Community Improvement Project Area are not eligible. Through this program, the City provides a combined 10-year grant for an eligible property. The grants cover 100% of the residential development charges and a portion of the increase in municipal taxes resulting from the development of the property (as outlined in the Tax Grant Program Section).

### **DC & Tax Grant Incentive – Objectives**

The overarching goals of this combined program are to:

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

### **DC & Tax Grant Program – Eligible Works**

Eligible works that will be financed through this program include:

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

### **DC & Tax Grant Incentive – Additional Application Requirements**

- The application must be submitted prior to or coincident with the application of a building permit;
- Under no circumstances shall an applicant have their Development Charges payable waived by this program and also receive DC grant funding disbursed by the City to the applicant;
- All additional application requirements found in the Rehabilitation and Redevelopment Tax Grant Program ("Tax Grant") section also apply to the Combined DC & Tax Grant Program.

### **DC & Tax Grant Incentive – Grant Terms**

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

### **Calculation of Annual Tax Increment**

See Definitions.

### **Period**

The combined Residential Development Charge and Tax Grant commences in the same year (after re-assessment by MPAC). The scheduled grant will be equivalent to 100% of the municipal portion of the tax increment each year until all the DCs have been repaid. The grants will generally be over a 10 year period, equivalent to 100% of the municipal portion of the *Annual Tax Increment* each year until all the DCs have been repaid. The Residential Development Charge grant payment period may extend beyond 10 years with annual payments being made, until such time

that the applicant receives a grant for the full amount of the Residential DCs paid. The Tax Grant program will expire after 10 years.

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

**Table 3 – Level 3 Combined DC and Tax Grant Example**

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

**Grant Amount**

The amount of the grant will be based upon:

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

**Grant Agreement**

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

**Grant Distribution**

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

**Transferable Grants / Condominium Projects**

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

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

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

# DOWNTOWN GRANT AGREEMENT

*THIS AGREEMENT CONSISTS OF FIVE PAGES*

Application No.:

Name of Property Owner(s):

Address of Project:

Legal Description of Property (Lot and Plan Number):

Roll Number(s):

Mailing Address of Owner:

Telephone No.:

Fax No.:

## **Heritage Alteration Permit Information:**

Date Permit Approved (attach copy):

Designating By-Law:

## **PROJECT INFORMATION (Attach copy of Building Permit)**

Building Permit Number:

Date of Permit:

Value of Project (from Building Permit):

Application Tracking Information ( <b>for Staff use only</b> )	Date and Staff Initials
Application Accepted	
Pre-improved Assessment Value Determined	
Commitment Letter Issued	
Project Completion (applicant's written confirmation)	
Request to Finance and Administration for Preparation of Schedules	
Post-improved Assessed Value Determined	
Planning Division Receives Grant Schedules from Finance & Admin.	
Applicant Chooses Grant Schedule	
Date of Lump Sum Payment (\$1,000 or less)	
First Grant Cheque Issued	
Last Grant Cheque Issued - File Closed	

# DOWNTOWN GRANT AGREEMENT

*THIS AGREEMENT CONSISTS OF FIVE PAGES*

**GRANT CALCULATION:**

Grant Level:

Pre-improved assessed value:

Date:

Post-improved assessed value:

Date:

Increase in assessed value after adjustments:

Applicable tax (mill) rate (municipal portion):

Annual tax increment:

Net Residential Development Charges paid:

**Schedule 1**

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

Lump Sum Payment Amount (if applicable):

# DOWNTOWN GRANT AGREEMENT

*THIS AGREEMENT CONSISTS OF FIVE PAGES*

## **Conditions:**

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

# DOWNTOWN GRANT AGREEMENT

*THIS AGREEMENT CONSISTS OF FIVE PAGES*

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

# DOWNTOWN GRANT AGREEMENT

*THIS AGREEMENT CONSISTS OF FIVE PAGES*

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

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

\_\_\_\_\_  
SIGNATURE (TITLE)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CO-SIGNATURE (TITLE)

\_\_\_\_\_  
DATE

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

\_\_\_\_\_  
SIGNATURE  
City Planning

\_\_\_\_\_  
DATE



## Appendix B

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

By-law No. C.P.-1468-

A by-law to amend C.P.-1468-176, as amended, being "A by-law to establish financial incentives for the Old East Village Community Improvement Project Area".

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

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

AND WHEREAS Municipal Council adopted By-law C.P. 1443-249 to designate the Old East Village Community Improvement Project Area;

AND WHEREAS Municipal Council adopted By-law C.P. 1444-250 to adopt the Old East Village Community Improvement Plan;

AND WHEREAS Municipal Council adopted By-law C.P. 1468-176 to establish financial incentives for the Old East Village Community Improvement Project Area;

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

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

1. The existing Schedule "1" of By-law C.P.-1468-176, as amended, being A By-law to establish financial incentives for the Old East Village Community Improvement Project Area, is hereby repealed;
2. The new Old East Village Financial Incentive Program Guidelines attached hereto as Schedule "1" is hereby adopted;
3. This by-law shall come into effect upon the date of the passage of this by-law.

PASSED in Open Council on March 3, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – March 3, 2020  
Second Reading – March 3, 2020  
Third Reading – March 3, 2020

## Schedule 1

### Old East Village Community Improvement Plan – Financial Incentive Program Guidelines

**\* Effective January 1, 2018 \***

**\* Updated March 3, 2020 \***

This program guideline package provides details on the financial incentive programs provided by the City of London through the Old East Village Community Improvement Plan (CIP), which includes:

- Façade Improvement Loan Program (including non-street façades and forgivable loans);
- Upgrade to Building Code Loan Program (including forgivable loans);
- Rehabilitation & Redevelopment Tax Grant Program;
- Residential Development Charges Grant Program (i.e. the Combined DC/Tax Grant).

### **Table of Contents**

How to Read this Document

Map 1 – Original Downtown Community Improvement Project Area

Map 2 – Expanded Richmond Row Community Improvement Project Area

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

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

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

## How to Read this Document

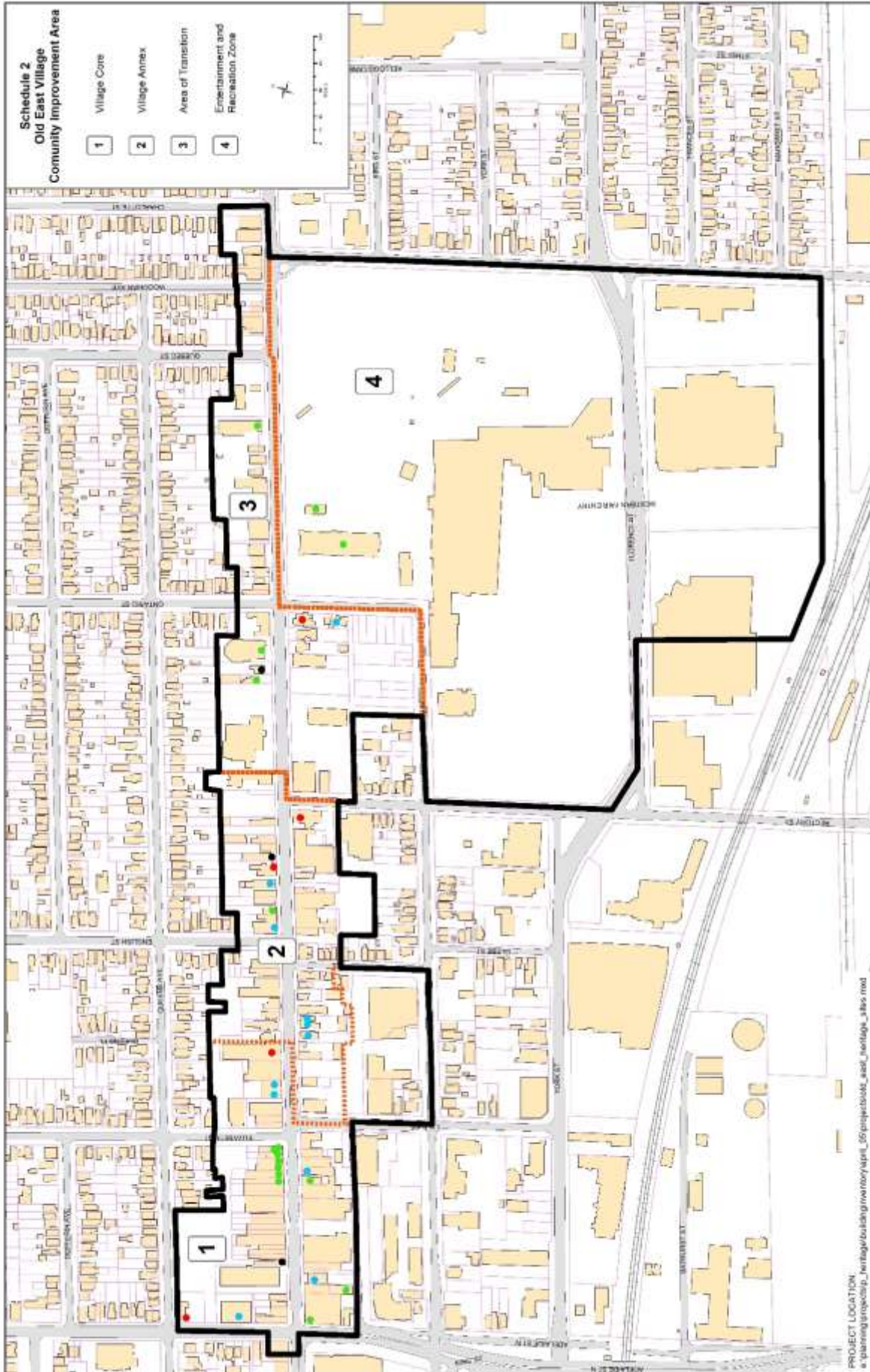
Each of the financial incentive programs has its own specific Purpose, Program Objectives and Eligible Improvements. There are many areas of each program that are the same including Definitions, Eligibility Criteria, Targeted & Non-Targeted Uses, Appeal of Refusal Section, Relationship to other Financial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

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

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

**PO** – Check Map 1 to locate your property in the Old East Village Community Improvement Project Area. After verifying the property location on the map, check Table 1 to verify what programs may apply. Then proceed to review the rest of the program guidelines or use the Table of Contents to skip directly to a program to learn more about it and its eligibility information.

Map 1 – Old East Village Community Improvement Project Area



**Table 1 – Financial Incentive Programs Offered in Old East Village**

<b>Financial Incentive Program</b>	<b>Old East Village (see Map 1)</b>
Façade Improvement Loan	<b>X</b>
Forgivable Façade Improvement Loan	<b>X</b>
Upgrade to Building Code Loan	<b>X</b>
Forgivable Upgrade to Building Code Loan	<b>X</b>
Rehabilitation and Redevelopment Tax Grant	<b>X*</b>
Residential Development Charges Grant Program	<b>X*</b>

\* Excluding the Entertainment and Recreation Zone as identified in the Old East Village Community Improvement Plan.

## 1. Definitions

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

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

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

Annual Grant Calculation – The annual grant for any single year will be calculated as follows, the *Annual Tax Increment* multiplied by the *Year/Level Factor*.

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

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

Example:

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

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

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

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

Commitment Letter – A document prepared by the City of London outlining its agreement with a property owner, to provide a future financial incentive – loan(s) and/or grant(s) – to a property owner, based on a redevelopment, rehabilitation and/or renovation project that the applicant has yet to undertake. The letter describes the specific scope of approved works that the property owner will undertake 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 (including a façade drawing for façade projects);
- Itemized list of specific improvements;
- Two (2) comparable quotations by qualified contractors showing cost estimates for each of the proposed works which are required to be included in the incentive program. In general, the lower of the two estimates will be taken as the cost of the eligible works. Cost

estimates should be consistent with the estimate noted on the accompanying Building Permit (if required);

- A cover letter that summarizes the work to be completed and summarizes the provided quotations;
- 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.

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

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

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

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

**First storey** – The storey that has its floor closest to grade and its underside of finished ceiling more than 1 .8m above the average grade.

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

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

<b>Program</b>	<b>Loan Amount</b>	<b>Forgivable Loan Portion</b>	<b>Considerations for Yearly Grant</b>
Upgrade to Building Code	\$200,000 maximum	The lesser of a maximum of \$25,000 or 12.5% of the loan is eligible to be paid back in the form of grants over the term of the loan	<ul style="list-style-type: none"> <li>- Number of payments made in the previous <i>Calendar Year</i></li> <li>- Number of months the main floor was actively occupied with a targeted use in previous <i>Calendar Year</i></li> </ul>
Façade Improvement	\$50,000 maximum	The lesser of a maximum of \$12,500 or 25% of the loan is eligible to be paid back in the form of grants over the term of the loan	<ul style="list-style-type: none"> <li>- Number of payments made in the previous <i>Calendar Year</i></li> <li>- Number of months the main floor was actively occupied with a targeted use in previous <i>Calendar Year</i></li> </ul>

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

**Non-Targeted Area** – Lands within the Old East Village Community Improvement Plan Project Area which are eligible for incentive programs however are not eligible for consideration of Forgivable Loans.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Yearly Loan Repayments* multiplied by 12.5% = *Maximum Yearly Grant Value*  
 $\$60,000 \times 12.5\% = \$7,500$

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

$\$7,500 \times 50\% = \$3,750$

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

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

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

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

Permitted Uses within the Old East Village CIPA	Targeted	Non-Targeted
Accessory dwelling units	X	
Animal clinics	X	
Animal hospitals	X	
Antique store	X	
Apartment buildings	X	
Artisan Workshop	X	
Assembly halls		X
Bake shops	X	
Bed and breakfast establishments		X
Brewing on Premises Establishment	X	
Cinemas	X	
Clinics		X
Commercial parking structures		X
Commercial recreation establishments	X	
Community centres		X
Convenience service establishments		X
Convenience stores	X	
Converted dwellings		X
Craft Brewery	X	
Day care centres		X
Dry cleaning and laundry depots		X
Duplicating shops		X
Dwelling units (restricted to the rear portion of the ground floor or on the second floor, or above with any or all of the other permitted uses in the front portion of the ground floor)	X	
Emergency care establishments		X
Existing dwellings		X
Financial institutions	X	
Fire halls	X	
Food Store	X	
Funeral homes		X
Grocery stores	X	
Group homes type 2		X
Hotels	X	
Institutions	X	
Laboratories	X	
Laundromats	X	
Libraries		X
Lodging houses class 2		X
Medical/dental offices		X
Office-apartment buildings	X	

Offices	X	
Personal service establishments	X	
Places of Worship		X
Police Stations		X
Post Office	X	
Private clubs	X	
Restaurants	X	
Retail stores	X	
Schools (Private and Commercial)	X	
Service and repair establishments		X
Studios	X	
Taverns	X	
Theatres	X	
Video rental establishments	X	

### 3. Eligibility Criteria for Financial Incentive Programs

***Financial Incentive Programs will not apply retroactively to work started prior to the approval of an application by the Managing Director, Planning and City Planner, or designate.***

To be eligible for any Financial Incentive Program, the applicant, property and project must meet all conditions detailed in this program description.

#### Property Owner Considerations

- The applicant must be the registered owner of the property or an agent (including building tenant or contractor who has been retained to undertake improvements). If the applicant is not a registered owner of the subject property, the applicant will be required to provide authorization in writing from the registered owner as part of a complete application;
- 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 when the loan and/or grant is issued and remain so for the lifetime of the loan and/or grant;
- The registered owner of the property must have no outstanding debts to the City of London;
- The property owner and/or applicant, must not have ever defaulted on any City loan or grant program, including by way of individual affiliation with any company or group of people authorized to act as a single entity such as a corporation;
- The Financial Incentive Programs will not apply retroactively to work completed prior to the approval of the application by the Managing Director of Planning and City Planner, or designate.

#### Property Considerations

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

#### Building Considerations

- Separate applications must be submitted for each *discrete building* (as defined) on a single property;
- The property must contain an existing building (occupied or unoccupied) located within an identified area for improvement under the Old East Village CIP (for the Residential Development Charge Grant & Tax Grant Programs, the property may also be vacant);
- Where the entirety of a multi-unit building, which contains separate units, are all under the same ownership, (or with condominium status) it will be considered as one building for the purpose of the incentive programs;
- Where a building is within a contiguous group of buildings, a *discrete building* will be interpreted as any structure which is separated from other structures by a solid party wall (and a distinct municipal address);

- Each *discrete building* on each property is eligible for financial incentive programs;
- Each *discrete building* is eligible for multiple Upgrade to Building Code loans provided the total of all loans do not exceed the maximum amount allowable under the program guidelines (\$200,000), additional Upgrade to Building Code loans may be considered after the previous loan(s) is repaid;
- Each *discrete building* is eligible for multiple Façade Improvement loans provided the total of all loans do not exceed the maximum amount allowable under the program guidelines (\$50,000), additional Façade Improvement loans may be considered after the previous loan(s) is repaid;
- Each property is eligible for a Rehabilitation and Redevelopment Tax Grant;
- Each *discrete building* is eligible to avail simultaneously of multiple incentive programs provided through the various Community Improvement Plans (for example applications for an Upgrade to Building Code Loan, Facade Improvement Loan, and Tax Grant can be made at the same time);
- There must be no City of London Building Division orders or deficiencies and no by-law infractions when the loan or grant is issued.

#### 4. Application Process

##### Expression of Interest

**PO** – It is suggested to meet with the Old East Village BIA regarding an expression of interest or proposal before any financial incentive application is made to the City of London. While City Planning staff are often involved in meeting with the Old East Village BIA and a property owner, no records are formally kept until a complete incentive application, accompanied by appropriate drawings and estimates, is submitted to City Planning.

***Financial Incentive Programs will not apply retroactively to work started prior to the approval of an application by the Managing Director, Planning and City Planner, or designate.***

##### Consultation Phase

**Step 1 – PO** – The Applicant contacts City of London and/or the Old East Village BIA who will arrange a meeting to share ideas for the proposed project, information about incentive programs, provide application form(s) and assist with the application process. This meeting will also help to identify what permits or permissions may be required to complete the proposed improvement project. Consultation with an Urban Designer and/or Heritage Planner may be necessary. Where possible, the City will make appropriate staff available for this meeting, which is usually on site at the property where the proposed work is planned.

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

##### Concept Phase

**Step 2 – PO** – A *Complete Application* (see Definition Section) for incentive programs is submitted to the City of London and/or the Old East Village BIA.

For the Tax Grant and Residential Development Charge Grant programs, the applicant must also obtain a building permit and make full payment of Residential Development Charges.

Residential Development Charge Grants are processed by City Planning in conjunction with Development and Compliance Services (Building Division). Application to the Residential Development Charge (DC) Grant program is triggered when the full payment of Residential DCs is made to the Building Division. **PO – After making the DC payment, applicants must contact City Planning to complete the application process.**

**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. The letter will also state whether the commitment is for a Forgivable Loan. For the Residential DC Grant the

residential DCs must be paid prior to the City's issuance of a *Commitment Letter*. For the Loan Programs, the City's commitment is valid for one year from the date of issuance of the *Commitment Letter*. The City's commitment applies only to the project as submitted. **PO – Any subsequent changes to the project will require review and approval by appropriate City staff.**

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

#### **Construction Phase**

**Step 5 – PO** – Having obtaining all necessary approvals and/or permits and receiving a *Commitment Letter* from the City for approved works the applicant may start to undertake eligible improvements. With respect to the Residential DC Grant there is an additional requirement that the DCs have been paid.

***Financial Incentive Programs will not apply retroactively to work started prior to the approval of an application by the Managing Director, Planning and City Planner, or designate.***

#### **Confirmation Phase**

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

**Step 7 – CL** – Before setting up any agreement City Planning staff must ensure the improvements, as described in the City's *Commitment Letter* are completed and other criteria, as set out in the respective program guidelines, have been met. Generally speaking, this includes:

- Related costs, or bills respecting those approved works are paid in full;
- Related building permits are closed;
- The loan must be in good standing with no arrears owing;
- All City of London property taxes must be paid in full and the account deemed in good standing by the 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 7.i (Grants) – CL** – Upon written notice from the applicant, City Planning will request the City's Finance and Corporate Services Taxation Division to provide a grant schedule that establishes the value of the annual grant over the term of the grant program.

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

**Step 7.iii (Grants) – CL** – The Finance and Corporate Services Taxation Division will prepare and note the annual tax increment for the purpose of calculating the grant schedule. The Finance and Corporate Services Taxation Division will then prepare a schedule for the first year that the new taxes were levied for the full year.

**Step 7.iv (Grants) – CL** – At the completion of the *Calendar Year*, City Planning staff will ask Finance and Corporate Services Taxation Division staff to confirm that all taxes have been paid for that year and that the tax account is in good standing with a zero balance. Upon receiving confirmation, a grant agreement can be drafted.

#### **Agreement Phase**

**Step 8 (Loans) – CL** – Once the approved works are verified by City Planning, staff will draft the loan agreement.

**Step 8 (Grants) – CL** – Once the eligible works are verified and the grant schedule is complete, City Planning staff will draft the grant agreement and provide a draft copy of the grant agreement to the applicant for review.

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

**Step 9 (Grants) – CL** – After the applicant has approved the grant agreement City Planning staff can prepare two hard copies of the agreement to be signed.

**Step 10 – CL** – When all the documentation is ready City Planning staff will contact the applicant to arrange for a meeting to sign the documents (and in the case of a loan, exchange a loan cheque for the first 12 post-dated repayment cheques provided by the property owner or applicant (**PO**)).

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

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

**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.

## **5. 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 work is not completed 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.**

## **6. Additional Rehabilitation and Demolition**

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

## **7. Inspection of Completed Works**

The loan will be paid to the property owner (or designate) following City receipt of invoices for all completed work and after the City inspection of all completed improvements has taken place. The City will inspect the work completed to verify that the proposed improvements have been completed as described in the application.

## **8. 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.

## **9. Relationship to other Financial Incentive Programs**

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

**PO** – Applicants are advised to check with the Old East Village BIA about its proprietary programs which complement the City's financial incentive programs.

## 10. Loan Repayment Deferral Due to Road Construction

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

City Planning staff will review the Community Improvement Area construction schedule annually to determine what streets will be under construction in the upcoming years. City Planning staff will also collect Notice of Project and Construction Notice letters that are mailed to property owners to inform them of upcoming construction projects.

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

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

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

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

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

Upon receiving confirmation that an applicant wishes to defer repayment of their loan(s), City Planning staff will:

- Process the returned forms for the applicant's seeking deferral;
- Complete supporting documentation to send to Accounts Receivable. This documentation will allow Accounts Receivable to update its records regarding the loan repayment schedule and allow Accounts Receivable to remove any post-dated cheques that may be in its possession for repayment during the *deferral* period. Cheques will be return to the applicant or destroyed;
- Accounts Receivable will contact the loan applicant when new post-dated cheques are required to restart the loan repayment after the *deferral* period ends.

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

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

## 11. Monitoring & Discontinuation of Programs

As part of the program administration 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 or grant will continue in accordance with the agreement. A program's success in implementing a Community Improvement Plan's goals will be based on the ongoing monitoring and measurement of a series

of identified targets that represent indicators of the CIP's goals and objectives, as noted in the Program Monitoring Data section.

## 12. Program Monitoring Data

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

<p><b>Façade Improvement Loan Program Monitoring</b></p>	<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>- Pre-Assessment Value;</li> <li>- Total Value of Building Permit (if required);</li> <li>- Location of façade being improved (Street Front, Non-Street Front);</li> <li>- Post-Assessment Value;</li> <li>- Use Type (Targeted or Non-Targeted);</li> <li>- Increase in assessed value of participating property;</li> <li>- Total Loan Amount;</li> <li>- Number of forgivable loans;</li> <li>- Number of loan defaults;</li> <li>- Cost/Value of loan defaults.</li> </ul>
<p><b>Upgrade to Building Code Loan Program Monitoring</b></p>	<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>- Pre-Assessment Value;</li> <li>- Total Value of Building Permit;</li> <li>- Post-Assessment Value;</li> <li>- Use Type (Targeted or Non-Targeted);</li> <li>- Increase in assessed value of participating property;</li> <li>- Total Loan Amount;</li> <li>- Number of forgivable loans;</li> <li>- Number of loan defaults;</li> <li>- Cost/Value of loan defaults.</li> </ul>
<p><b>Tax Grant Program Monitoring</b></p>	<ul style="list-style-type: none"> <li>- Number of Applications (approved and denied);</li> <li>- Pre-Assessment Value;</li> <li>- Total Value of Building Permit;</li> <li>- Level of Grant (Type 1, Type 2 or Type 3);</li> <li>- Post-Assessment Value;</li> <li>- Use Type (Targeted or Non-Targeted);</li> <li>- Number of residential units created;</li> <li>- Increase in assessed value of participating property;</li> <li>- Total Grant Amount;</li> <li>- Number of grant defaults;</li> <li>- Cost/Value of grant defaults.</li> </ul>
<p><b>Development Charge Program Monitoring</b></p>	<ul style="list-style-type: none"> <li>- Number of Applications (approved and denied);</li> <li>- Pre-Assessment Value;</li> <li>- Total Value of Building Permit;</li> <li>- Number of residential units created;</li> <li>- Post-Assessment Value;</li> <li>- Type (Targeted or Non-Targeted Industrial) Use;</li> <li>- Increase in assessed value of participating property;</li> <li>- Total Grant Amount;</li> <li>- Number of grant defaults;</li> <li>- Cost/Value of grant defaults.</li> </ul>

## 13. Activity Monitoring Reports

Annual Activity Reports will measure the following variables:

- Number of applications by type;
- Increase in assessment value of properties;
- Value of the tax increment (i.e. increase in property tax after the construction activity);
- Value of construction and building permits issued;



- Number of units created (by type, ownership/rental);
- Number and value of incentive program defaults;
- Ground floor occupancy rates within the CIP area where the program(s) is in effect.

**COMMON PROGRAM INFORMATION SECTION ENDS HERE**

**INDIVIDUAL PROGRAM INFORMATION BEGINS NOW**

**14. Façade Improvement Loan Program**

**Façade Improvement Loan Program – Purpose**

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

**Façade Improvement Program – Objectives**

The overarching goals of this Program are to:

- Support the maintenance, improvement and beautification of the exterior appearance of buildings in the Old East Village;
- Encourage reinvestment in the Old East Village that complies with the Old East Village Commercial Corridor Urban Design Manual;
- Help make the Old East Village environment interesting and aesthetically pleasing for residents, patrons and visitors alike;
- Bring participating buildings and properties into conformity with the City of London Property Standards By-law.

**Façade Improvement Program – Eligible Works**

Eligible works that will be financed through this program include improvements that are demonstrated to enhance the appearance of building exteriors while in compliance with applicable Urban Design Guidelines. Examples of works that may be eligible under this program include:

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

**Note:** A Heritage Alteration Permit is required for heritage designated properties in the Old East Village Commercial Corridor.

**Façade Improvement Program – Works Not Eligible**

The following provides examples, but not a complete list of works that are not eligible to be financed through this program:

- New stucco building materials;
- Back lit signs;
- Any other materials that at the discretion of the Managing Director, Planning, and City Planner, or designate, are deemed ineligible, inauthentic, or inconsistent with the objectives of the Old East Village Commercial Corridor Urban Design Manual.

## **Façade Improvement Program – Loan Terms**

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

### **Period**

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

### **Loan Amount**

Loans will be issued to cover the lesser of:

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

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

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

### **Determination of Eligible Non-Street Front Façade Improvements**

The Managing Director, Planning and City Planner or designate will decide when this program can be applied to a building façade that is not street facing. Typically this consideration is made when the street-front façade is deemed to be in compliance with the Old East Village Commercial Corridor Urban Design Manual, as well as Building and Fire Codes.

### **Determination of Façade Improvements where there are Two Street Frontages**

If a building has both the front and rear façade facing a municipal street (not a private street or a laneway), then the building is eligible for a Façade Improvement Loan for each unique street fronting façade. Further, if a building is on a corner property where two or more façades face a municipal street (not a private street or laneway), then the building is eligible for two or more Façade Improvement Loans. All façade designs must be deemed in compliance with the Old East Village Commercial Corridor Urban Design Manual, as well as Building and Fire Codes, to be eligible for loans.

### **Loan Distribution**

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

### **Loan Security and Postponement**

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

### **Loan Agreement**

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

### **Repayment Provisions**

Loan repayments will begin six months after the advancement of funds, unless the repayment will begin during a *road construction* project; in that instance, the applicant can decide if the loan repayment will begin six months after the advancement of funds or after the *road construction* deferral period as determined in the Loan Repayment Deferral Due to Road Construction section has concluded. Repayment of the loan will be on a monthly basis and does not include

interest. The monthly payment amount will be calculated based on the total loan amount divided by **114 payments**. Full repayment can be made at any time without penalty.

### **Transferable Loans**

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

### **Façade Improvement Program – Forgivable Loan – Grant Terms**

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

### **Forgivable Grant Amount**

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

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

### **Annual Grant Value**

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

For example:

\$50,000 Façade Improvement Loan

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

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

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

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

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

### **Grant Disbursement**

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

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

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

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

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## **15. Upgrade to Building Code Loan Program**

### **Upgrade to Building Code Loan Program – Purpose**

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

### **Upgrade to Building Code Loan Program – Objectives**

The overarching goals of this Program are to:

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

### **Upgrade to Building Code Loan Program – Eligible Works**

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

- The installation or alteration of fire protection systems such as sprinklers, stand pipes, fire alarms, emergency power, lighting, and exit signs;
- Installation or alteration of fire separations, fire doors, fire shutters and other fire protection devices;
- The relocation of fire escapes and the installation of new exit facilities;
- The extension of plumbing and electrical services for the creation of habitable space;
- The replacement of plumbing, electrical, and mechanical systems that no longer meet Building Code requirements;
- The construction or alteration of stairs, guards, handrails, etc.;
- The reinforcement or reconstruction of floors, walls, ceilings or roofs;
- The installation or alteration of required window openings to residential spaces;
- Required improvements to ventilation systems;
- Improvements for barrier-free accessibility including elevators, ramps, and washrooms;
- Improvements for green, or sustainable developments such as living walls and green roofs;
- Improvement to basements, or other such spaces that can be occupied and are located below the first storey;
- Asbestos abatement, including the removal, enclosure and/or encapsulating to prevent building occupant from being exposed to the fibers;
- Renovations required to remove moulds (or other materials caused by water-damage from interior building materials), replace affected materials and install vapour barriers;
- Professional fees for the preparation of drawings and/or technical specifications required for eligible works (limited to the lesser of a maximum of \$5,000 or 10% of the loan);
- Other improvements related to health and safety issues at the discretion of the Managing Director of Planning and City Planner or designate.

### **Upgrade to Building Code Loan Program – Loan Terms**

#### **Period**

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

### **Loan Amount**

Loans will be issued to cover the lesser of:

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

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

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

### **Loan Distribution**

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

### **Loan Security and Postponement**

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

### **Loan Agreement**

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

### **Repayment Provisions**

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

### **Transferable Loans**

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

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

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

### **Forgivable Grant Amount**

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

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

### **Annual Grant Value**

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

For example:

\$150,000 Upgrade to Building Code Loan

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

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

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

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

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

### **Grant Disbursement**

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

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

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

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

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

\* This program does not apply to the Entertainment and Recreation Zone as identified in the Old East Village Community Improvement Plan \*

### **Tax Grant Program – Purpose**

The Tax Grant is intended to provide economic incentive for the rehabilitation and/or redevelopment of residential and commercial properties in the Old East Village Improvement Project Area. The program helps property owners transition to a higher tax assessment as a result of property improvements. Through this program, the City provides a ten-year tax grant for an eligible property, with annual grant amounts declining over this ten-year period. The total grant value is based on the increase in municipal taxes resulting from the rehabilitation and/or redevelopment of the property according to the MPAC assessment.

### **Tax Grant Program – Objectives**

The overarching goals of the Tax Grant are to:

- Stimulate and assist private property owners to rehabilitate buildings in the Old East Village to ensure long term viability;
- Encourage preservation of significant heritage resources;
- Foster a diverse and resilient economy.

### **Tax Grant Program – Eligible Works**

Eligible works that will be financed through this program include:

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

### **Tax Grant Program – Additional General Eligibility Criteria and Conditions**

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

Managing Director, Planning and City Planner or designate. This condition does not apply to properties within the Area of Transition.

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

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

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

### **Eligibility for Level 2: Rehabilitation / Renovation Grants**

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

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

### **Eligibility for Level 3: Redevelopment Grants**

This level of the Tax Grant program applies to new buildings that are developed on vacant or cleared sites. The purpose of this level is to encourage the rehabilitation of vacant or under-utilized sites. The eligibility requirements for this level of the program are:

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

## **Tax Grant Program – Grant Terms**

### **Period**

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

### **Calculation of Annual Tax Increment**

See Definitions.

### **Grant Amount**

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



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

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

**Grant Agreement**

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

**Grant Distribution**

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

**Transferable Grants / Condominium Projects**

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

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

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

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

\* This program does not apply to the Entertainment and Recreation Zone as identified in the Old East Village Community Improvement Plan \*

**DC & Tax Grant Program – Purpose**

The Combined Residential Development Charges (DC) and Tax Grant program is intended to provide economic incentive for the development of residential properties in the Old East Village Community Improvement Project Area. Through this program, the City provides a combined 10-year grant for an eligible property. The grants cover 100% of the residential development charges and a portion of the increase in municipal taxes resulting from the development of the property (as outlined in the Tax Grant Program Section).

### **DC & Tax Grant Incentive – Objectives**

The overarching goals of this combined program are to:

- Promote intensification and redevelopment within the existing built-up area;
- Encourage the development of residential units in older buildings through conversion and adaptive re-use;
- Strengthen the Old East Village property assessment base;
- Bring participating buildings and properties within the Old East Village Community Improvement Project Area into conformity with the City of London Property Standards By-law and Building Code.

### **DC & Tax Grant Program – Eligible Works**

Eligible works that will be financed through this program include:

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

### **DC & Tax Grant Incentive – Additional Application Requirements**

- The application must be submitted prior to or coincident with the application of a building permit;
- Under no circumstances shall an applicant have their Development Charges payable waived by this program and also receive DC grant funding disbursed by the City to the applicant;
- All additional application requirements found in the Rehabilitation and Redevelopment Tax Grant Program ("Tax Grant") section also apply to the Combined DC & Tax Grant Program.

### **DC & Tax Grant Incentive – Grant Terms**

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

### **Calculation of Annual Tax Increment**

See Definitions.

### **Period**

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

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

**Table 3 – Level 3 Combined DC and Tax Grant Example**

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

**Grant Amount**

The amount of the grant will be based upon:

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

**Grant Agreement**

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

**Grant Distribution**

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

**Transferable Grants / Condominium Projects**

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

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

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

# OLD EAST VILLAGE GRANT AGREEMENT

*THIS AGREEMENT CONSISTS OF FIVE PAGES*

Application No.:

Name of Property Owner(s):

Address of Project:

Legal Description of Property (Lot and Plan Number):

Roll Number(s):

Mailing Address of Owner:

Telephone No.:

Fax No.:

## **Heritage Alteration Permit Information:**

Date Permit Approved (attach copy):

Designating By-Law:

## **PROJECT INFORMATION (Attach copy of Building Permit)**

Building Permit Number:

Date of Permit:

Value of Project (from Building Permit):

Application Tracking Information ( <b>for Staff use only</b> )	Date and Staff Initials
Application Accepted	
Pre-improved Assessment Value Determined	
Commitment Letter Issued	
Project Completion (applicant's written confirmation)	
Request to Finance and Administration for Preparation of Schedules	
Post-improved Assessed Value Determined	
Planning Division Receives Grant Schedules from Finance & Admin.	
Applicant Chooses Grant Schedule	
Date of Lump Sum Payment (\$1,000 or less)	
First Grant Cheque Issued	
Last Grant Cheque Issued - File Closed	

# OLD EAST VILLAGE GRANT AGREEMENT

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**GRANT CALCULATION:**

Grant Level:

Pre-improved assessed value:

Date:

Post-improved assessed value:

Date:

Increase in assessed value after adjustments:

Applicable tax (mill) rate (municipal portion):

Annual tax increment:

Net Residential Development Charges paid:

**Schedule 1**

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

Lump Sum Payment Amount (if applicable):

# OLD EAST VILLAGE GRANT AGREEMENT

*THIS AGREEMENT CONSISTS OF FIVE PAGES*

## **Conditions:**

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

# OLD EAST VILLAGE GRANT AGREEMENT

*THIS AGREEMENT CONSISTS OF FIVE PAGES*

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

# OLD EAST VILLAGE GRANT AGREEMENT

*THIS AGREEMENT CONSISTS OF FIVE PAGES*

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

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

\_\_\_\_\_  
SIGNATURE (TITLE)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CO-SIGNATURE (TITLE)

\_\_\_\_\_  
DATE

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

\_\_\_\_\_  
SIGNATURE  
City Planning

\_\_\_\_\_  
DATE



## Appendix C – Example Letter to Property Owner

DATE

Address 1  
Address 2  
Address 3  
City, Province Postal Code

Dear Applicant,

**RE: Loan Repayment Deferral during Road Construction Project**

A road construction project that will result in at least one lane of the road being closed to vehicular traffic is anticipated to begin on XXXX Street in MONTH YEAR and end in MONTH YEAR for a total of XX months.

As a property owner in the Community Improvement area who has City of London Façade Improvement and/or Upgrade to Building Code loan(s), you are eligible to defer the repayment of your loan(s) until the estimated completion date of the road construction project.

Our records indicate the following loan(s) related to your property:

- Loan Number(s);
- Total Loan Amount(s);
- Monthly Payment(s).

To be eligible for the loan repayment deferral you must sign and return the attached form that dictates the terms of the deferral and your obligation to begin repayment of the loan after the deferral period has concluded. If you do not wish to defer your loan(s) repayment or fail to return the letter by the deadline, your loan(s) will continue to be repaid on the schedule determined in the loan agreement(s).

Should you have any questions on the deferral of loan repayments, please do not hesitate to contact Graham Bailey, Planner II, at (519) 661-2489, ext.7567 or [gbailey@london.ca](mailto:gbailey@london.ca).

Additional details on core area construction projects are available on the City of London's website ([www.london.ca](http://www.london.ca)) by searching for "roads and transportation" and visiting the applicable webpages and by visiting Renew London at <https://apps.london.ca/RenewLondon>.

Sincerely,

Dear **City Planning Manager**,

**RE: Loan Repayment Deferral for PROPERTY ADDRESS**

For the loan(s) related to **PROPERTY ADDRESS**, I wish to:

- Defer the loan(s) repayment for the duration of the construction project (**XX** months)

In accordance with the **CIP AREA** Financial Incentive Program Guidelines, please accept this letter as certification of the following:

I, \_\_\_\_\_ (PRINT NAME of the owner of lands known municipally as **PROPERTY ADDRESS**) on this day \_\_\_\_\_ (PRINT TODAY'S DATE) do hereby certify my loan(s) repayment for this property will be deferred for **XX** months until **DATE**. **See detail on back page.**

I understand that my loan(s) repayment schedule will be extended for the duration of the deferral and loan(s) repayment will begin again on **DATE**.

I understand that upon completion of the deferral, I am responsible for ensuring the City of London's Accounts Receivable department has post-dated cheques to begin repayment of the loan(s) on **DATE**.

I acknowledge that the City is relying on this certification and that providing misleading information herein or failing to begin repayment of the loan after the deferral ends will result in the default of my loan(s) and, if applicable, the forfeiture of all grants associated with my loan(s).

Sincerely,

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

**Please return this letter to City Planning by DATE.** The letter can be mailed to the address above, faxed to 519-661-5397, e-mailed to [gbailey@london.ca](mailto:gbailey@london.ca) or dropped off at the City Planning office at 206 Dundas Street.

Not returning this letter by **DATE** to City Planning will indicate that you do not wish to defer your loan(s) repayment and your loan(s) will continue to be repaid on the schedule as determined in the loan agreement(s).

**Back page detail:**

**Detailed Loan Deferral Schedule for PROPERTY ADDRESS**

**Loan Number: XX-XXX**

Deferral Start Date:	
Deferral End Date:	
Original Loan Expiry Date:	
<b>New Loan Expiry Date:</b>	

Completed by: **XXXXXXXXXXXXXXXXXXXX**

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee  
**From:** Cathy Saunders, City Clerk  
**Subject:** Request for Council Resolution, under section 45(1.4) of the  
*Planning Act, 1990*,  
1331 Hyde Park Road  
**Meeting on:** February 18, 2020

## Recommendation

That, on the recommendation of the City Clerk, the report dated February 18, 2020 and entitled "Request for Council Resolution, under section 45(1.4) of the *Planning Act, 1990* – 1331 Hyde Park Road" **BE RECEIVED** for information.

## Background

This report is submitted in response to a request from Laverne Kirkness on behalf of David Lamers of the Taverna Restaurant to obtain approval from the Municipal Council to submit a Minor Variance application with respect to the property known as 1331 Hyde Park Road, in the City of London.

Section 45(1.3) of the *Planning Act, 1990* states:

"Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect to the land, building or structure before the second anniversary of the day on which the by-law was amended."

Section 45(1.4) of the *Planning Act, 1990* states:

"Subsection (1.3) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made with respect of a specific application, a class of application or in respect of such applications generally."

The Municipal Council at its meeting held on November 6, 2018, enacted By-Law Z.-1-182702 to amend Schedule "A" to By-law No. Z.-1 to change the zoning applicable to lands located at 1331 Hyde Park Road, from a Business District Commercial Special Provision (BDC2 (4)) Zone, to a Business District Commercial Special Provision (BDC2 (12)) Zone.

In accordance with the above-noted sections of the *Planning Act, 1990*, Laverne Kirkness on behalf of David Lamers of the Taverna Restaurant is requesting authorization from Municipal Council to submit a Minor Variance application with respect to the property known as 1331 Hyde Park Road, in the City of London to permit the erection of an outdoor patio in association with a restaurant use with a deficiency in parking (89 spaces whereas 99 are required) and on a property that abuts a Residential Zone.

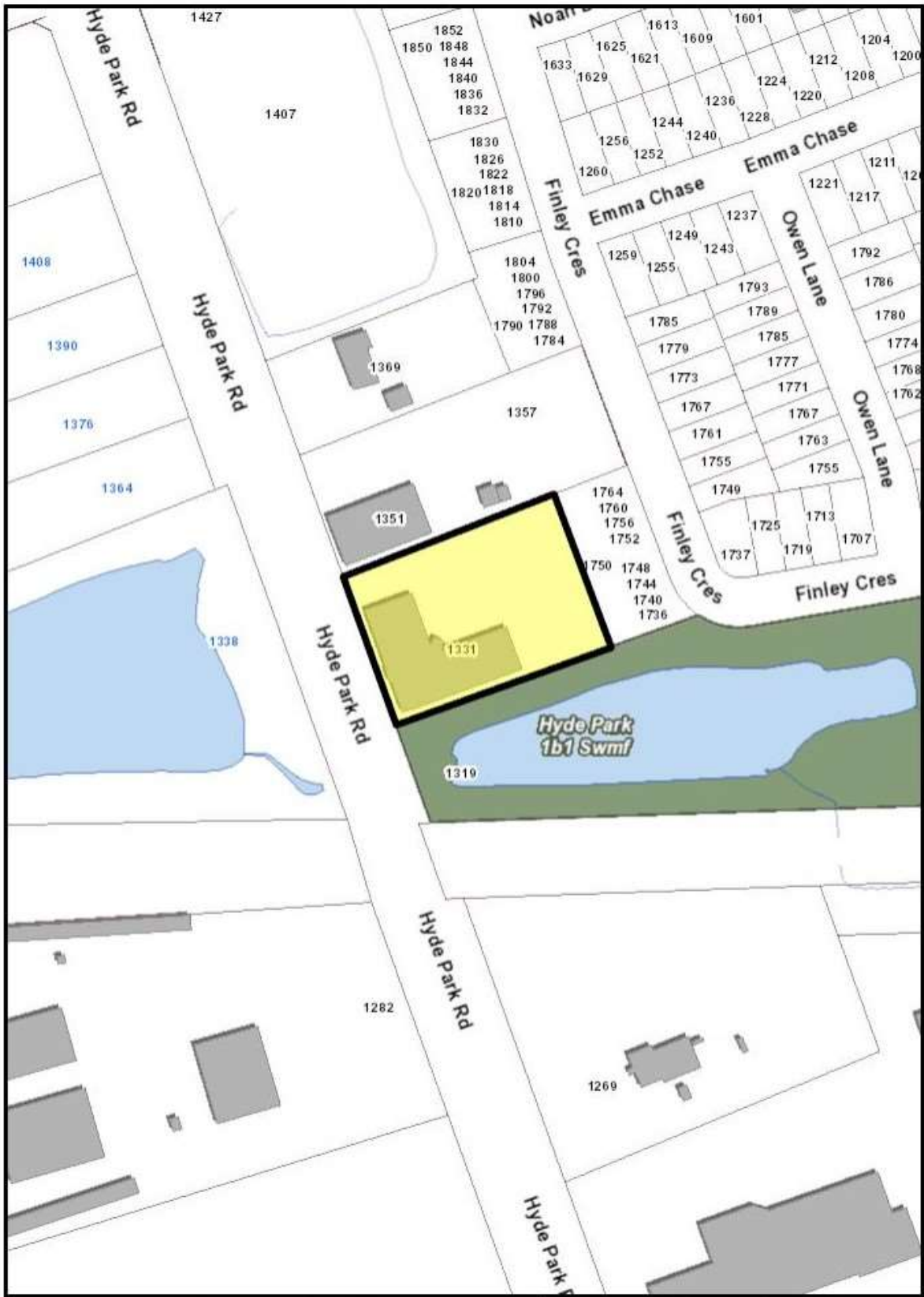
To assist Municipal Council in consideration of the request, the balance of this report provides background information with respect to the previous *Planning Act* applications and zoning by-law information pertaining to the subject property.

## Property History

The request is to seek a resolution from Municipal Council to permit the erection of an outdoor patio in association with a restaurant use with a deficiency in parking (89 spaces whereas 99 are required) and on a property that abuts a Residential Zone.

If Municipal Council resolves that the Applicant is permitted to submit an application to the Committee of Adjustment for a Minor Variance, the merits of the proposed application would be evaluated by the Committee of Adjustment. Development Services staff will submit a Planning Report providing planning analysis of the request for the Committee of Adjustment's consideration.

# Location Map



## Location Map

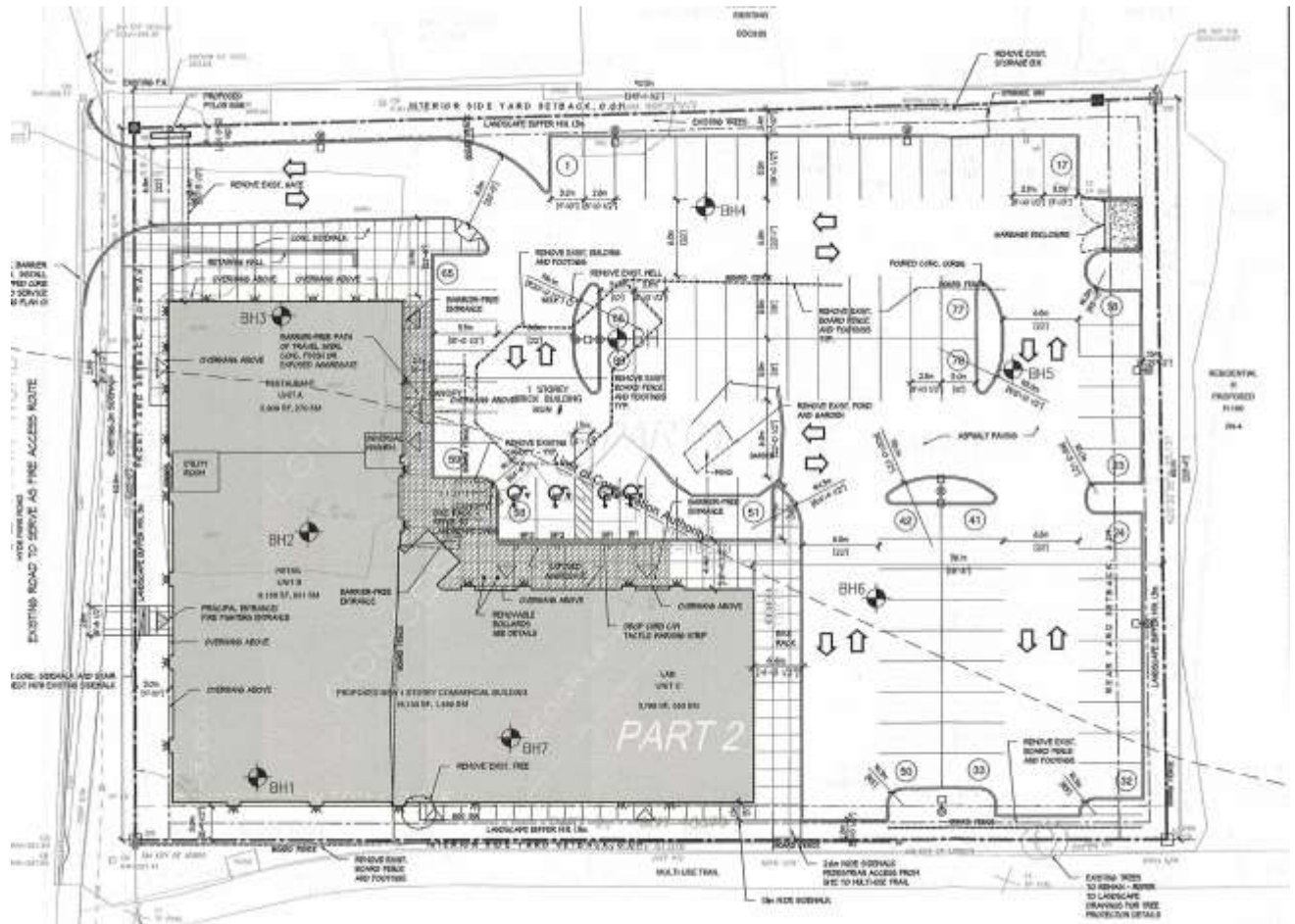
Project Title: Location Map  
 Description:  
 Created By: Rob Carnegie  
 Date: 2/6/2020  
 Scale: 1:2000

## Legend

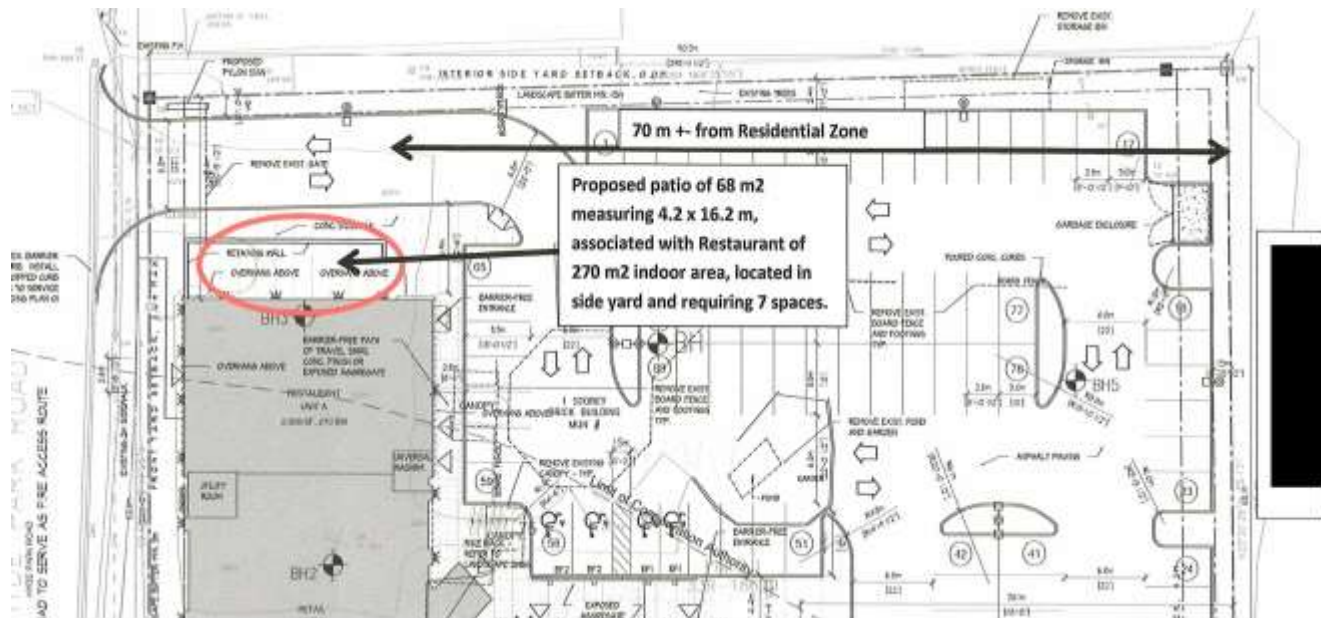
-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers



# Subject Site



## Proposed Patio Location:



## Previous Reports Pertinent To This Matter

**Z-8928** – The Application submitted by 1331 Hyde Park Holdings Inc. relates to the property located at 1331 Hyde Park Road. A staff Report was submitted to the Planning and Environment Committee on October 29, 2018 relating to the requested approval of an Official Plan and Zoning By-law amendment. The requested Official Plan Amendment was intended to bring the policies of the (1989) Official Plan in-line with The London Plan for the subject site, allowing for an expanded range of permitted uses. This amendment was intended to contribute to the further development of Hyde Park Road as a main street.

The requested Zoning By-law Amendment was also expected to contribute to the development of Hyde Park Road as a main street, allowing for a new retail use to occupy a vacant site. An Automobile Sales Boutique was the only new use being introduced through this amendment. This new use represented a unique form of retail, similar to a standard storefront, which would be fully enclosed. A small area for the service and repair of vehicles to support this use, and place limit to ensure that the service and repair is restricted to motorcycles within a fully enclosed structure was also included to allow flexibility for the needs of the user while not detracting from the vibrancy of the main street or creating negative impacts on adjacent residential uses. Restaurant uses were recognized in the existing Zone and were maintained as a permitted use in the recommended Zone.

## Planning History

April, 2000 — Municipal Council adopted the Hyde Park Community Plan and Urban Design Guidelines pursuant to Section 19.2.1 of the Official Plan as a guideline document for the review of Official Plan amendments, Zoning By-law amendments, plans of subdivision and other *Planning Act* development applications within the Hyde Park Community. Associated amendments to the Official Plan to apply appropriate land use designations consistent with the Community Plan were also approved at that time. An updated Hyde Park Community Plan was adopted by City Council in 2002.

March, 2012 — A Report was submitted to Planning and Environment Committee recommending approval of a red-lined draft plan of subdivision for 225 South Carriage Road and 1331 Hyde Park Road. This Report also recommended refusal of a requested Official Plan Amendment for the property at 1331 Hyde Park Road to change the designation of the property from Multi-Family Medium Density Residential to Main Street Commercial Corridor. It also recommended refusal of a Zoning By-law Amendment application to rezone 1331 Hyde Park Road from a Urban Reserve (UR3) Zone to a Holding Business District Commercial Special Provision (h.BDC2 (4)) Zone. (File: 39T-08502/Z-7489/OZ-7510).

Another Report to the Planning and Environment Committee on the Hyde Park Commercial Official Plan and Zoning Review for 1331-1369 and 1364-1420 Hyde Park Road was also considered at the same Municipal Council meeting. That Report recommended that no action be taken to amend the Official Plan land use designation and Zoning By-law to expand permissions for commercial land uses to the sites.

At its meeting of April 10, 2012, Municipal Council referred back both Report so that the Civic Administration could further consult with the Applicant and the neighbourhood.

June, 2012— following the referral back to the Civic Administration to further consult with the Applicant and the neighbourhood, information reports on both the Draft Plan of Subdivision, Official Plan Amendment, and Zoning By-law Amendment for 225 South Carriage Road and 1331 Hyde Park Road and on the Hyde Park Commercial Official Plan and Zoning Review for 1331-1369 and 1364-1420 Hyde Park Road were provided to the Planning and Environment Committee in June, 2012 detailing this further consultation.

Municipal Council subsequently resolved that notwithstanding the recommendation of the Managing Director, Land Use Planning and City Planner, the Civic Administration be directed to initiate an Official Plan Amendment to change the designation of 1331 Hyde Park Road from Multi-Family, Medium Density Residential to Main Street Commercial Corridor. Council also directed that the site be rezoned to a Holding Business District Commercial Special Provision (h.BDC2 (4)) Zone.

April, 2013 – A Consent Application approved to sever the front 0.5 hectares from the balance of the subdivision lands for a Food and Artisan Market (File: B.05/1 3). This severed portion of land is the subject site.

October and November, 2013 — Reports were submitted to the Planning and Environment Committee recommending the removal of the Holding Provision from 1331 Hyde Park Road to permit the development of a Food and Artisan Market. The Holding Provision was removed.

### **Pertinent Matters from the Municipal Council Direction granting Approval**

The subject site is known municipally as 1331 Hyde Park Road and is currently zoned Business District Commercial Special Provision (BDC2(14)). The Zoning approved by Municipal Council includes some of the following lot regulation listed below:

BDC2(14) 1331 Hyde Park Road

- a) Additional Permitted Use:
  - i) Automobile Sales Boutique
- b) Regulations
  - i) The repair and service of vehicles may be permitted as an accessory use to an Automobile Sales Boutique provided it is limited in size to a maximum area of 50 square metres, is fully enclosed, and is used exclusively for the service of motorcycles.

Other Pertinent Regulations of the BDC Zone:

- Permitted Uses Restaurants listed among Section 25.2 Uses
- Lot Area (Minimum) N/A - existing
- Lot Frontage (Minimum) 20 m
- Yard Setbacks:
  - Front Yard N/A - existing
  - Interior Yard N/A - existing
  - Rear Yard N/A - existing
- Off-Street Parking 99 required (incl. Patio) 89 provided

Regulations related to Outdoor Patio Associated with a Restaurant Use (4.18)

- Capacity
  - No outdoor patio shall accommodate more than 50 percent (50%) of the licenced capacity of the restaurant with which the patio is associated, or 50 persons, whichever is the greater.
- Location
  - (a) No outdoor patio shall be permitted where any lot line adjoins lands which are in a residential zone class which is not in combination with another zone, or is separate therefrom by a lane.
  - (b) Notwithstanding the provisions of Paragraph (a), where only the rear lot line adjoins a residential zone class which is not in combination with another zone, or is separated therefrom by a lane, an outdoor patio shall be permitted in the front yard.



## **3.0 Policy Context**

### **3.1 Planning Act**

The *Planning Act* provides the basis for the establishment of a Committee Adjustment to evaluate requests for relief from regulations of a Zoning By-law.

#### **Powers of Committee**

*45 (1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. R.S.O. 1990, c. P.13, s. 45 (1); 2006, c. 23, s. 18 (1); 2009, c. 33, Schedule 21, s. 10 (11).*

On July 1, 2016, Bill 73 came into effect and implemented a number of legislative changes to the *Planning Act*. As part of Bill 73, Section 45 of the *Planning Act* was amended (45 (1.3)) by putting in place a two-year moratorium for minor variance applications within two years of the date of passing of a zoning by-law amendment. The intent of the changes to the *Planning Act* were to give greater control to municipalities to prevent the reversal of zoning provisions that council determined to be important through the by-law amendment processes. It was also recognized that there may be instances where material changes to development proposals are necessary and that minor relief from regulations are required to permit the development. To address this, provisions were further included in the *Planning Act* (45 (1.4)) to allow, by council resolution, the opportunity to submit an application for a Minor Variance.

#### **Two-year period, no application for minor variance**

*45 (1.3) Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the by-law was amended. 2015, c. 26, s. 29 (2).*

#### **Exception**

*45 (1.4) Subsection (1.3) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally. 2015, c. 26, s. 29 (2).*

The Applicant has made a request of Municipal Council by way of the Planning and Environment Committee in accordance with Section 45 (1.4), to permit such a resolution to be passed.

It should be noted that minor variances are deliberated by the Committee of Adjustment and that public notice to neighbouring properties would be provided should the application be permitted to be made.

#### **4.0 Conclusion**

Should the Municipal Council resolve to allow the Applicant to submit a Minor Variance application to provide relief from the parking regulation and locational criteria related to outdoor patio's associated with a restaurant use the Civic Administration will present recommendations to the Committee of Adjustment with regard to the planning merits of the application.

**SUBMITTED BY:**

**CATHY SAUNDERS  
CITY CLERK**

## Appendix A



**Kirkness  
Consulting**  
Urban and  
Rural Planning



1647 Cedar Creek Crescent, London  
ON, N5X 0C8

laverne@kirknessconsultinginc.ca  
www.kirknessconsultinginc.ca

t:1519-668-8060

February 1, 2020

**Lou Pompilli - Manager**  
Development Services  
6<sup>th</sup> floor City Hall, City of London  
300 Dufferin Avenue  
London, ON  
N6A 4L9

**Subject: REQUEST to APPEAR before the PEC to request permission - Minor Variance  
APPLICATION SUBMISSION for David Lamers of the Taverna Restaurant at 1331 Hyde Park  
Road , east side north of the CPR bridge, London, On.**

---

**Lou:**

Could we try to get this matter placed on the February 18<sup>th</sup> PEC agenda? Your Aisling Lavery advises by email the following:

Hi Laverne, There was a by-law amendment on this property that was passed November 6, 2018. I can't accept this application for Minor Variance until the 2 year anniversary of this by-law amendment or until you get a resolution from Council. Apologies for missing that the first time around. Please come in and collect the application and cheque.  
Thanks, Aisling

The about-to-open Taverna Restaurant would like to have a patio and is short 7 spaces of parking for it, in a built parking lot that has a capacity of 89 spaces.

Please find enclosed the Application for a Minor Variance, seeking two MVs.

The signed Zoning Referral Form is attached.

Dave Lamers is one of two partners heading up the new Taverna Restaurant and proposes to open an outdoor patio of 68 m<sup>2</sup>, measuring 4.2 m x 16.2 m – see attached plan. Figure 1 – See Location and siting aerial plan.



Figure 1 showing location of Taverna Restaurant in red circle.

The site is zoned Business District Commercial BDC2(4). The parking requirement is 1 space per 10 m<sup>2</sup> and therefore 7 spaces would be required. The Site Plan attached shows the Parking required without the Patio which is 92 spaces and 89 are provided with 20 bicycle spaces which meets the provisions of the Zoning Bylaw.

Also section 4.18 of the ZB sets out regulations for Outdoor Patios.

- CAPACITY – is met as the 68 m<sup>2</sup> patio represents 20% of the total restaurant which is 270 m<sup>2</sup> indoor
- LOCATION – the ground floor patio meets all location regulations except for it is required to be in the FRONT YARD because it is adjacent to a RESIDENTIAL zone to the east. The City urban design standards and specific zoning require the main building to be at the very front of the site resulting in no front yard to use for a patio. However, the patio is very close to the FRONT YARD and far away from the RESIDENTIAL ZONED lands to the east – about 70 m separation from patio to rear lot line. SEE ATTACHED PATIO PLAN. A minor variance is being sought for this.
- LIGHTING—managed at the SPA stage.
- LOADING- no loading space is being proposed.
- PARKING – as stated above the parking requirement is 1 space per 10 m<sup>2</sup> gfa which results in a shortage of 7 spaces in the overall site plan which accommodates 89 spaces. A minor variance is being sought for this.

#### The Four tests of evaluating the MVs.

1. Official Plan conformity – the Minor Variances are in accord and conforms to the 1989 Official Plan which designates the lands as Mainstreet. Permitted Uses include restaurants. The site design has been evaluated against the City's urban design

Standards and was put before the Urban design review Panel. All recommendations were implemented.

2. The Minor Variances meet the general intent of the BUSINESS DISTRICT COMMERCIAL – BDC2 zone which permits restaurants.
3. The Minor Variances are “Minor” in that:
  - a. Numerically, the 7 spaces represent about 7% of the total required parking of 99 spaces.
  - b. The site is served by London Transit with the Hyde Park route.
4. The Minor Variances are appropriate for the desirable use of the lands because:
  - a. It fronts onto a busy arterial road
  - b. Site Plan approval was done so in the face of meeting the City’s Urban design standards.
  - c. Patios are a normal part of indoor seated restaurants and some would argue that patrons are sitting outside instead of inside and therefore no additional parking should be required.

In conclusion, it is the writer’s opinion that the two MVs requested represent sound land use planning.

We look forward to working with the City to gain expeditious approval on this application.

Sincerely,

**Kirkness Consulting Inc., Urban and Rural Planning**

A handwritten signature in cursive script that reads "Laverne Kirkness".

**Per: Laverne Kirkness BES.RPP.MCIP**

Encl.

cc. Dave Lamers

## 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:** Hyde Park Investments Inc.  
1600/1622 Hyde Park Road and 1069 Gainsborough Road

**Public Participation Meeting on: February 18, 2020**

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Hyde Park Investments Inc. relating to the property located at 1600/1622 Hyde Park Road and 1069 Gainsborough Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 2, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Business District Commercial (BDC) Zone, **TO** a Holding Business District Commercial Special Provision (h-18\*BDC(\_)) Zone;
- (b) **IT BEING NOTED** the following Site Plan matters have been raised through the application review process for consideration by the Site Plan Approval Authority:
- i) Providing for 7 storey massing along Hyde Park Road that includes a step-back above the second storey and 8 storey massing along Gainsborough Road;
  - ii) Providing for appropriate rhythm, materials and fenestration;
  - iii) Providing ground floor commercial space with transparent glazing and principal entrances close to and facing Hyde Park Road;
  - iv) Providing ground floor residential units with individual entrances and patio spaces close to and facing Gainsborough Road that can be converted to commercial /retail spaces if there is a demand in the future;
  - v) Parking lot layout including accommodation of appropriate driveway alignments across North Routledge Park for future development applications.

## Executive Summary

### Summary of Request (Original application)

The applicant requested an amendment to Zoning By-law Z.-1 for 1600, 1622, 1634, 1648 and 1656 Hyde Park Road, 1480 North Routledge Park and 1069 Gainsborough Road, to change the zoning from a Business District Commercial (BDC) Zone to a Business District Commercial Special Provision Bonus (BDC(\_)\*B-\_) Zone. The requested change would permit the use of the subject lands for mixed-use development in 6 buildings comprised of 2 new, 12-storey residential apartment buildings with a total of 410 units, and 4 new 1 – 2 storey commercial/office buildings with a collective gross floor area of 2,975 square metres.

Relief from certain zoning requirements was requested, including a maximum front yard setback of 5.0 metres for Building "E" whereas a maximum of 3.0 metres is permitted; permitting apartment buildings with residential uses on the entire first floor; a maximum gross floor area of 605 square metres for restaurants (excluding patios on the ground level and/or on the roof); and, a parking rate of 1 space per 20 square metres for all

commercial uses, including all patios. The request also included establishing a maximum height of 40 metres since the BDC Zone requires permitted apartment building heights to be established on a site-by-site basis.

The requested bonus provision was to facilitate the requested density of 243 units per hectare since Official Plan policies permit a maximum of 150 units per hectare. Matters to be provided in return for additional density included affordable housing, provision of common open space, underground parking, conservation of a heritage structure, and a parkland dedication contribution to Hyde Park Village Green.

### **Summary of Request (Revised December 18, 2019)**

The amended application applies only to the south part of the property located at 1600/1622 Hyde Park Road and 1069 Gainsborough Road. The north part of the property was removed from the application to provide the City and applicant additional time to resolve design matters pertaining to the existing heritage building located at 1656 Hyde Park Road.

The amended application is to change the zoning from a Business District Commercial (BDC) Zone to a Business District Commercial Special Provision (BDC(\_)) Zone to permit an eight storey mixed-use apartment building with 155 residential dwelling units and 997 square metres of commercial/retail space.

Special provisions are requested to establish a maximum building height of eight storeys (29 metres) and a maximum mixed-use density of 150 units per hectare; permit dwelling units in the front portion of the ground floor along Gainsborough Road; permit a maximum gross floor area of 605 square metres for any restaurant use (excluding patios on the ground floor and/or roof); permit a parking rate of 1 space per 20 square metres for all commercial uses, including patios; and permit a parking rate of 1 space per dwelling unit.

There is no requirement for density bonusing since the requested density of 150 units per hectare is permitted by the Main Street Commercial Corridor policies of the 1989 Official Plan.

### **Purpose and the Effect of Recommended Action**

The purpose and effect of the recommended Zoning By-law amendment is to permit the development of the subject lands for an 8 storey mixed-use apartment building with 205 residential units and 997 square metres of retail/commercial space.

### **Rationale of Recommended Action**

1. The recommended amendment to Zoning By-law Z.-1 is consistent with the 2014 Provincial Policy Statement (PPS) which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents present and future.
2. The recommended amendment conforms to the in-force policies of the 1989 Official Plan including, but not limited to the Policies for the Main Street Commercial Corridor designation.
3. The recommended amendment conforms to the in-force policies of The London Plan.
4. The subject lands represent an appropriate location for mixed-use residential intensification, at the main intersection of the Hyde Park Village Core and the recommended amendment would permit development at an intensity that is appropriate for the site and the surrounding neighbourhood.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The lands subject to the original application are comprised of 5 contiguous parcels of land on the west side of Hyde Park Road taking up the block between Gainsborough Road and North Routledge Park to a depth of approximately 100 metres. The lands are currently occupied by one, multi-storey commercial building at 1634 Hyde Park Road, and a two-storey brick building built in the vernacular Italianate farmhouse style circa 1880 located at 1656 Hyde Park Road. The heritage property was designated as being of cultural heritage value or interest under the Ontario Heritage Act in 2016. With the amendment to the application received in December of 2019, the lands on which the commercial building and the heritage structure are situated were removed from the application.

The remainder of the lands are vacant of structures although lands at the northwest corner of Hyde Park Road and Gainsborough Road are currently used to park school buses. The lands are generally flat and have very little vegetation.

Hyde Park Road and Gainsborough Road are both classified as Arterial Roads and carry a traffic volume of 27,500 and 10,500 vehicles per day respectively. Pedestrian sidewalks are provided along both sides of Hyde Park and Gainsborough Roads, and along the south side of North Routledge Park. Bike lanes are also provided on both sides of Hyde Park Road.

#### View of 1600 Hyde Park Road looking west



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

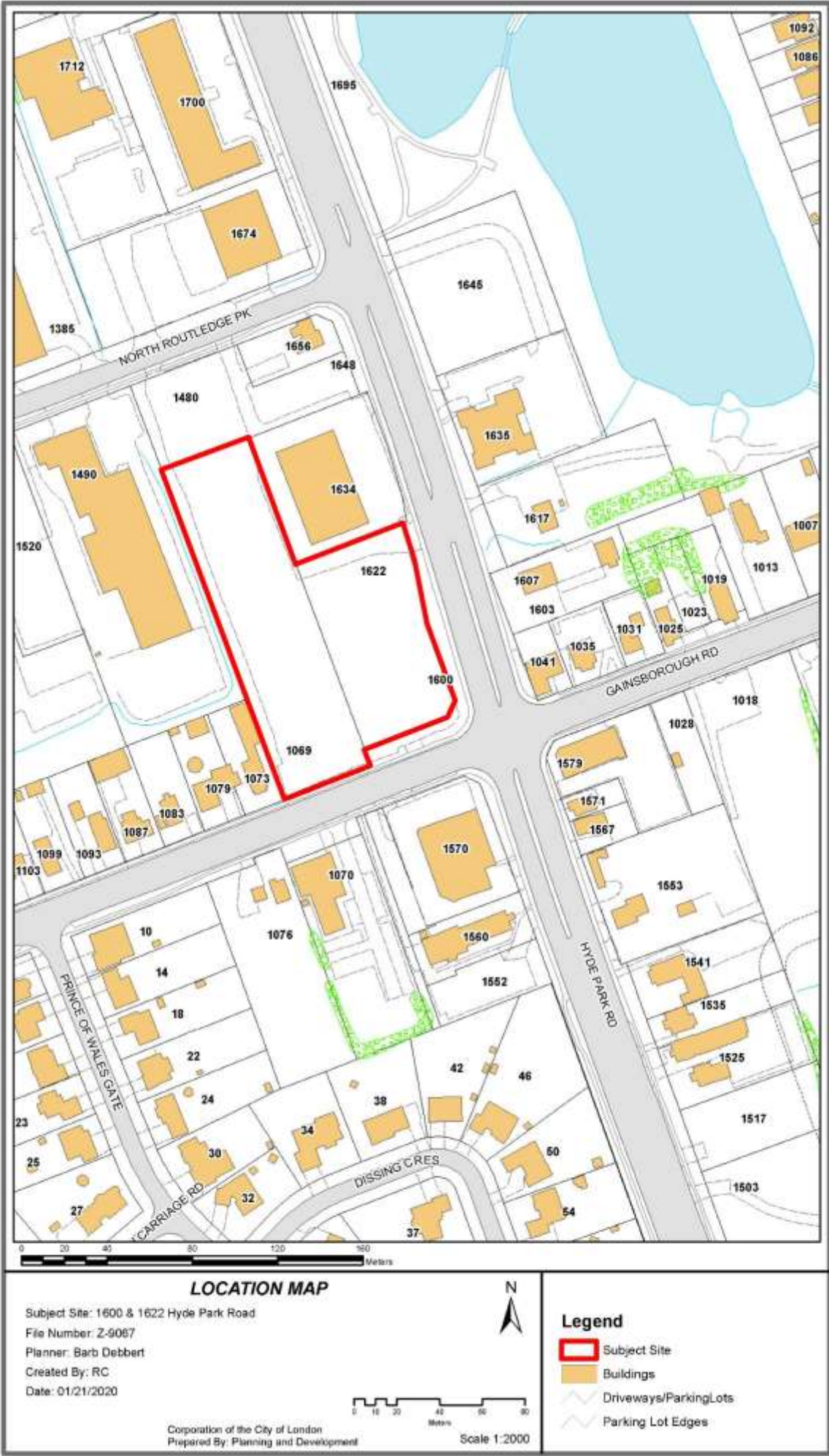
- Official Plan Designation – Main Street Commercial Corridor
- The London Plan Place Type – Main Street
- Existing Zoning – Business District Commercial (BDC) Zone

#### 1.3 Site Characteristics (Revised application)

- Current Land Use – vacant, bus parking
- Frontage – 83.8 metres along Gainsborough Road
- Depth – variable
- Area – 1.1ha
- Shape – irregular



1.4 Location Map



### 1.5 Surrounding Land Uses

- North – commercial/light industrial
- East – Hyde Park Village Green, Hyde Park North Stormwater Management Facility, medium and low density residential
- South – commercial, low density residential
- West – commercial/light industrial

### 1.6 Intensification (205 units)

- This development represents intensification inside the Built-Area Boundary and outside of the Primary Transit Area.

## 2.0 Description of Proposal

### 2.1 Development Proposal

#### *Original Concept Plan*

The conceptual site plan submitted in support of the original requested amendment shows the demolition of the existing commercial plaza and the construction of six new buildings massed along the frontages of Hyde Park Road, Gainsborough Road and North Routledge Park. Low-rise (1 – 2 storey) commercial/office buildings are situated along the Hyde Park Road frontage with a combined gross floor area of 2,975 square metres. The 12 storey apartment buildings with a total of 410 residential units are situated behind but connected to the northerly and southerly commercial buildings, massed along Gainsborough Road and North Routledge Park and set back from Hyde Park Road. All the buildings are oriented to and located close to their respective streets. The proposal includes 235 on-site surface parking spaces situated behind the buildings to serve commercial and residential uses, plus an additional 409 spaces in an underground parking structure for the residential uses. The entrance to the underground parking facility is located centrally within the parking lot. Ingress and egress to the site are provided to Hyde Park and Gainsborough Roads, and North Routledge Park. On-street parking within the Hyde Park Road allowance is also proposed.

The buildings include horizontal and vertical articulation and variations in colours and materials in order to provide visual interest and break up the massing of the buildings. The apartment buildings feature slight step-backs above the third floor along Gainsborough Road and North Routledge Park. They also include step-backs facing Hyde Park Road above the 6<sup>th</sup> and 9<sup>th</sup> storeys. Balconies are provided for all the residential units.

Pedestrian access from Hyde Park Road to the site is provided via wide hardscaped walkways with planters. Patio opportunities are shown adjacent to the vehicular access from Hyde Park Road. A minimal amount of other landscaping is provided on the site.

#### *Revised Site Concept (submitted December 18, 2019)*

On December 18, 2019 the applicant submitted a revised concept with changes to address concerns related to intensity, design, and integration of the heritage structure with the new buildings. Key changes to the proposal include:

- The lands designated under the Ontario Heritage Act and adjacent lands were removed from the proposal, with the expectation that in the future another application will be made to rezone these lands;
- The height of the remaining building was reduced to 8 storeys with stepping down to seven storeys along the Hyde Park Road frontage. The retail/commercial component has a visual height of two storeys but is functionally one storey. Along Hyde Park Road there are 5 storeys of residential apartments, and along Gainsborough Road, there are 8 storeys of residential apartments;
- Apartment units were moved forward and placed on top of the retail/commercial component with variable stepping back above the retail/commercial component;

- The amount of ground level landscaped open space is increased and a rooftop terrace has been added; and,
- No underground parking is proposed.

Figure 1 - Original Site Concept (submitted May, 2019)

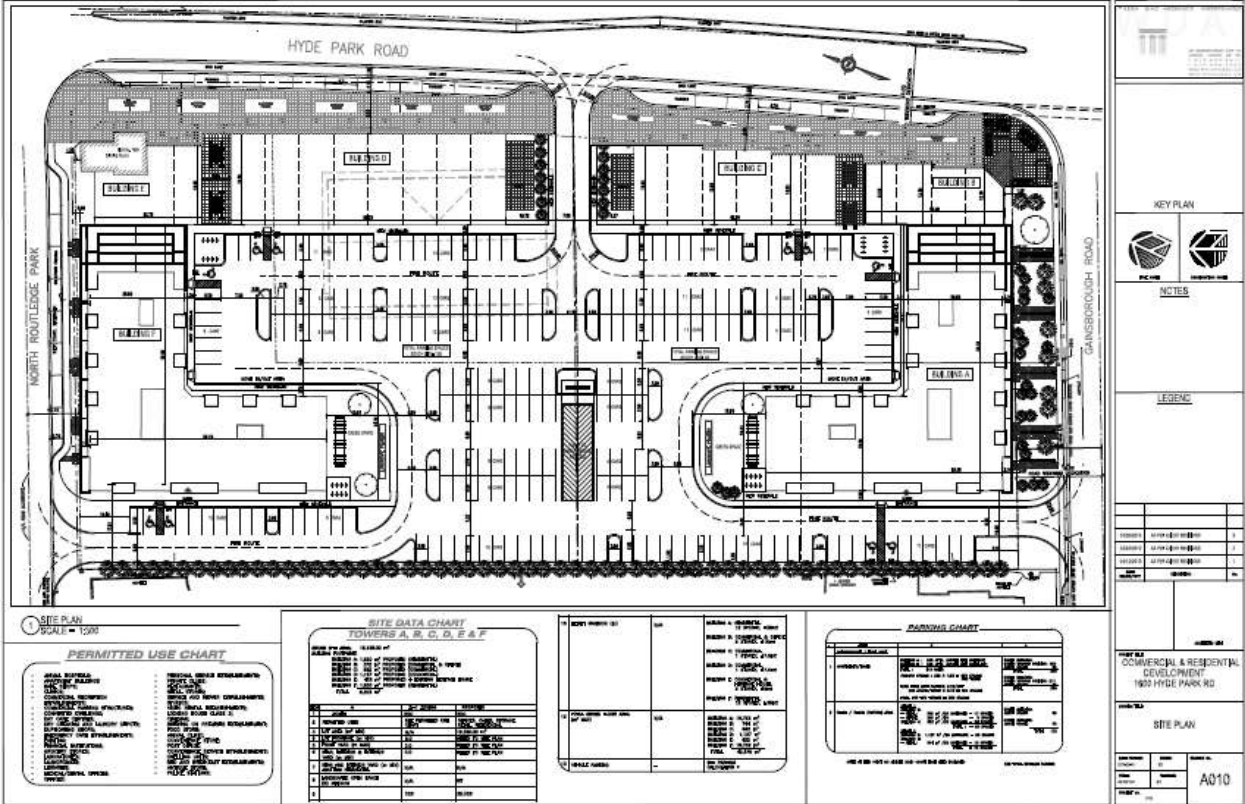


Figure 3 - Original renderings – View from Hyde Park and North Routledge Park (submitted May, 2019)



Figure 4 - Revised Site Concept (submitted December 18, 2019)

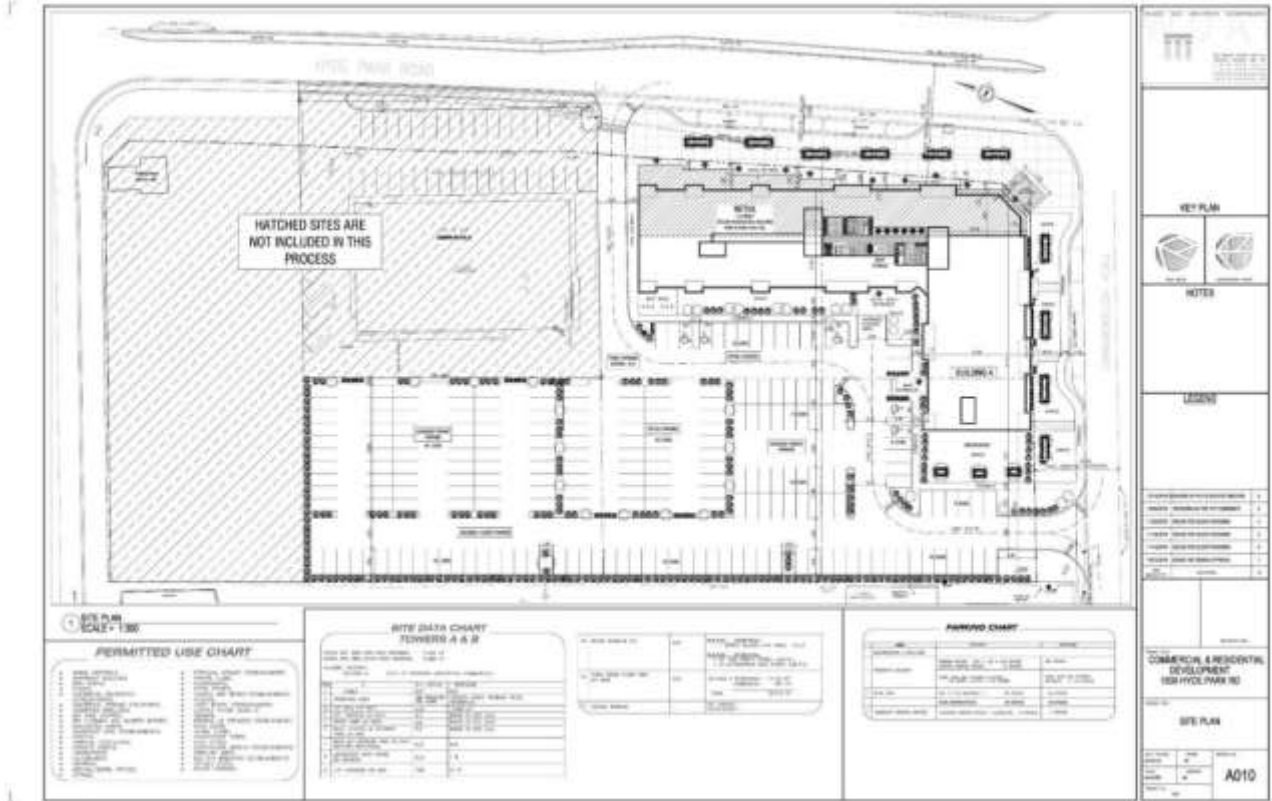


Figure 5 - Revised Rendering (submitted January 8, 2020)



Figure 6 - Revised Elevations (submitted December 18, 2019)



### 3.0 Relevant Background

#### 3.1 Planning History

Recent planning applications near the intersection of Hyde Park and Gainsborough Road include:

- Z-9035 – 1076 Gainsborough Road – approved for a 4-storey mixed-use apartment building with 32 residential units and approximately 311 square metre of commercial space on the main floor fronting Gainsborough Road.

- Z-9079 – 1018 and 1028 Gainsborough Road – approved for a 6-storey mixed-use apartment building with ground floor commercial, second floor office and third to 6<sup>th</sup> floor residential uses located at the front of the property fronting Gainsborough Road, and 12 storey apartment building with 182 units located on the rear portion of the site. Bonusing provisions are included to allow the additional density of 392 units per hectare in return for design and affordable housing.

### **3.2 Requested Amendment**

#### ***Original Zoning Request***

The applicant requested an amendment to Zoning By-law Z.-1 for 1600, 1622, 1634, 1648 and 1656 Hyde Park Road, 1480 North Routledge Park and 1069 Gainsborough Road, to change the zoning from a Business District Commercial (BDC) Zone to a Business District Commercial Special Provision Bonus (BDC( )\*B- ) Zone.

Relief from the standard zoning requirements was requested, including a maximum front yard setback of 5.0 metres for Building “E” whereas a maximum of 3.0 metres is permitted; permitting apartment buildings with residential uses on the entire first floor; a maximum gross floor area of 605 square metres for restaurants (excluding patios on the ground level and/or on the roof); and, a parking rate of 1 space per 20 square metres for all commercial uses, including all patios. The request also included establishing a maximum height of 40 metres.

The requested bonus provision was to facilitate the requested density of 243 units per hectare. Matters to be provided in return for additional density included affordable housing, provision of common open space, underground parking, conservation of a heritage structure, and a parkland dedication contribution to Hyde Park Village Green.

#### ***Revised Zoning Request (Revised December 18, 2019)***

The amended application applies only to the south part of the property located at 1600/1622 Hyde Park Road and 1069 Gainsborough Road.

The amended application is to change the zoning from a Business District Commercial (BDC) Zone to a Business District Commercial Special Provision (BDC( )) Zone to permit an eight storey mixed-use apartment building with 155 residential dwelling units and 997 square metres of commercial/retail space.

Special provisions are requested to establish a maximum building height of eight storeys (29 metres) and a maximum mixed-use density of 150 units per hectare; permit dwelling units in the front portion of the ground floor along Gainsborough Road; permit a maximum gross floor area of 605 square metres for any restaurant use (excluding patios on the ground floor and/or roof); permit a parking rate of 1 space per 20 square metres for all commercial uses, including patios; and permit a parking rate of 1 space per dwelling unit.

There is no requirement for density bonus since the requested density of 150 units per hectare is permitted by the Main Street Commercial Corridor policies of the 1989 Official Plan.

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

Opportunities were provided to the public to provide comments/input on this application in response to the original notice of application given on May 30, 2019, the open house hosted by the applicant on May 30, 2019, and the revised notice of application given on December 23, 2019. Written and verbal replies were received from three individuals and the Hyde Park BIA requested information on the status of the application.

The public's comments generally included:

- support for mixed-use development and incorporation of the heritage structure into the development,
- concern about the height of the proposed building,
- concern about traffic impacts including traffic control in and out of the proposed parking lot, speed, volume and congestion,
- more trees should be provided on-site,
- the residential units be set back away from the public streets,
- there should be sufficient retail parking,
- traffic will be an issue,
- 12 stories is too high and will cast a lot of shade.

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

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

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. The PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential (including affordable housing and housing for older persons), employment and institutional uses to meet long-term needs (Policy 1.1.1b.). It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. The PPS encourages settlement areas (Policy 1.1.3) to be the main focus of growth and their vitality and regeneration shall be promoted. Appropriate land use patterns within settlement areas are established by providing appropriate densities and mix of land uses that efficiently use land and resources along with surrounding infrastructure, public service facilities and are also transit supportive (Policy 1.1.3.2).

The policies of the PPS also direct planning authorities to identify appropriate locations and promote opportunities for residential intensification (Policy 1.1.3.3) while promoting appropriate development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4) and promote active transportation limiting the need for a vehicle to carry out daily activities (Policy 1.6.7.4).

The PPS also promotes an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents. It directs planning authorities to permit and facilitate all forms of housing required to meet the social, health and wellbeing requirements of current and future residents, and direct the development of new housing toward locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs. It encourages densities for new housing which efficiently use land, resources, and the surrounding infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed (Policy 1.4.3).

In accordance with Section 3 of the Planning Act, all planning decisions "shall be consistent with" the PPS.

#### ***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 London Plan provides Key Directions (54\_) that must be considered to help the City effectively achieve its vision. These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as

a foundation to the policies of the plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below.

The London Plan provides direction to plan strategically for a prosperous city by:

- Creating a strong civic image by...creating and sustaining great neighbourhoods...
- Revitalizing our urban neighbourhoods and business areas (Key Direction #1, Directions 3 and 4).

The London Plan provides direction to build a mixed-use compact city by:

- Planning to achieve a compact, contiguous pattern of growth – looking “inward and upward”;
- Sustaining, enhancing and revitalizing our downtown, main streets, and urban neighbourhoods;
- Planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward;
- Mixing stores, restaurants, clean industry, live-work arrangements and services in ways that respect the character of neighbourhoods, while enhancing walkability and generating pedestrian activity (Key Direction #5, Directions 2, 3, 4 and 6).

The subject site is located in the Main Street Place Type on \*Map 1 – Place Types in The London Plan. The London Plan envisions the regeneration of historic Main Streets throughout our city. The important cultural heritage resources of these streets are to be conserved, while allowing for sensitive repurposing, intensification and infill. These streets will contribute significantly to our image and identity as a city and will support the regeneration and continued vitality of the neighbourhoods that surround them.

The Main Street Place Type permits a broad range of residential, retail, service, office uses. Mixed-use buildings are encouraged with retail and service uses encouraged at grade, with residential and non-service office uses directed to the rear of buildings and to upper floors (Policy 908\_).

Development within the Main Street Place Type will be designed to fit in scale and character with the surrounding streetscape, while allowing for appropriate infill and redevelopment. Buildings will be a minimum of either two storeys or eight metres in height and will not exceed four storeys in height. Type 2 Bonus Zoning beyond this limit, up to six storeys, may be permitted. Individual buildings will not contain any more than 2,000m<sup>2</sup> of office space (Policy 910\_).

All planning and development applications will conform to the City Design policies of The London Plan. All new development will be designed to be well integrated with the character and design of the associated Main Street. Buildings should be located at or along the front property line in order to create a street wall that sets the context for a comfortable pedestrian environment. All the planning and design that is undertaken in the Main Street Place Type will place a priority on the pedestrian experience through site layout, building location, and a design that reinforces pedestrian comfort and safety. The public realm should be of a highly urban character and pedestrian and cycling amenities should be integrated into all public works undertaken along main streets. Enhanced street tree planting should be incorporated into new development proposals to provide for a comfortable pedestrian environment. Surface parking will be located to the rear or interior side yard of a building. Parking facilities will not be located between the building and the street (Policy 911\_).

### **1989 Official Plan**

The 1989 Official Plan contains policies that guide the use and development of land within the City of London and is consistent with the policy direction set out in the PPS. The subject lands are designated Main Street Commercial Corridor in the 1989 Official Plan.



The Main Street Commercial Corridor (MSCC) designation is normally applied to long established, pedestrian-oriented shopping areas in the older parts of the City. The objectives of these corridors are intended to provide for the redevelopment of vacant, underutilized or dilapidated properties for one or more of a broad range of permitted uses at a scale which is compatible with adjacent development while maintaining a similar setback and character to the existing uses. (Policy 4.4.1.1). In order to ensure these objectives of scale, compatibility and character are achieved the MSCC has specific Urban Design Objectives (4.4.1.2) to help develop these corridors appropriately. These policies encourage the rehabilitation and renewal of Main Street Commercial Corridors and the enhancement of any distinctive functional or visual characteristics. They seek to provide for and enhance the pedestrian nature of the Main Street Commercial Corridor, provide high quality façade design, accessible and walkable sidewalks, street furniture and proper lighting, creating a strong identity of place, and supporting public transit.

The main permitted uses in the Main Street Commercial Corridors (4.4.1.4.) include a wide range of commercial, office, institutional and residential uses created through the development of mixed-use buildings.

The scale of development (Section 4.4.1.7.) is also important in the Main Street Commercial Corridor when redeveloping or infilling commercial uses. The corridor aims to maintain a setback and orientation that is consistent with adjacent uses. Residential densities within the corridor should be consistent with densities allowed in the Multi-Family, High Density and Medium Density Residential designations. Within the MFHDR designation net residential densities will normally be 150 units per hectare (100 units per acre) when located outside of the Downtown and Central London (Section 3.4.3.). Specific heights are not established by the Official Plan policies, but policies addressing large sites outside of the Downtown and Central London area provide some guidance by indicating high-rise structures shall be oriented, where possible, closest to activity nodes and points of high accessibility with building heights decreasing as the distance from an activity node increases (Section 3.4.3).

Main Street Commercial Corridors shall be developed and maintained in accordance with the urban design guidelines in Chapter 11, the Commercial Urban Design Guidelines and specific policy areas. Main Street Commercial Areas should ensure that urban design provides continuity of the urban fabric; provides incentives and flexibility for redevelopment opportunities; provides appropriate building massing and height provisions to ensure main streets define the public spaces in front of and in between buildings (Section 4.4.1.9.)

Specific policies for the Hyde Park Community Planning Area state the long term intent is to foster and encourage the development of a pedestrian/street oriented commercial area for Hyde Park and indicate new development should be designed and approved consistent with the design guidelines in the Hyde Park Community Plan (Sections 3.5.12 and 4.4.1.13.4).

### ***Hyde Park Community Plan and Urban Design Guidelines (2001)***

The subject lands are at the centre of the Hyde Park Village, designated as Business District within the Hyde Park Community Plan. The Community Plan supports the transformation of the existing mix of auto-oriented and pedestrian-oriented commercial uses in the Hyde Park hamlet to a commercial “village” with the creation of a pedestrian scale commercial focal point. The Urban Design Guidelines identifies the hamlet of Hyde Park as a high activity area that will feature streetscaping and building orientation to create a pedestrian friendly, mixed-use area where people can live, work and shop. (Section 2.0). Buildings at prominent corners should be designed with consideration to massing, height, architectural detailing and landscaping to take advantage of the prominent location, and should be designed with side elevations detailing similar to the front elevation. Consideration should be given to the amount of glazing on the side elevation and providing side entrances. (Section 4.0) The Business District designation encourages the location of buildings close to the street with parking located at the side or rear. Building design should allow flexibility in the ground floor space to provide for

conversion from the initial uses such as residential, to retail, service and offices uses in the long term. (Section 6.0)

## 4.0 Key Issues and Considerations

### 4.1. Use

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

The PPS encourages settlement areas to be the main focus of growth and their vitality and regeneration shall be promoted (Policy 1.1.3). Appropriate land use patterns within settlement areas are established by providing appropriate densities and a mix of uses that efficiently use land and resources along with surrounding infrastructure, public service facilities and are also transit-supportive. The proposed development will help set a positive tone and encourage additional investment within the main street areas of the Hyde Park Community while maintaining an appropriate land use pattern within a settlement area.

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

The proposed mixed-use building is in keeping with the permitted uses of the Main Street Place Type which allows for a broad range of residential, retail, service and office uses. Mixed-use buildings are encouraged, as is the location of retail and service uses at grade, with residential and non-service office uses directed to the rear of buildings and to upper floors (Policy 908\_). The requested amendment is intended to establish heights and densities for the development of this site but the requested range of uses remains the same as those permitted by the existing zoning. With respect to land use, the City is being asked to consider permission for the residential units adjacent to Gainsborough Road to extend to the ground floor.

#### ***1989 Official Plan***

The Main Street Commercial Corridor designation allows a wide range of retail/commercial uses along with residential uses created through the conversion of existing buildings, or through the development of mixed-use buildings where residential uses are permitted above the first floor (Section 4.4.1.4).

#### **Analysis:**

Consistent with the PPS, and conforming to the intent of the 1989 Official Plan and The London Plan, the recommended mixed-use apartment building will provide for the development of an underutilized site with a land use that is currently permitted and compatible with the surrounding lands, at an intensity and height that is suitable for its location at the main intersection within the Hyde Park Village. Moderately intensive development at this location is also considered appropriate as the mixed-use residential/commercial building will take advantage of the surrounding resources, infrastructure and public service facilities, and will be transit-supportive.

It is preferred that the commercial units proposed adjacent to Hyde Park Road wrap the corner of the building and continue along the Gainsborough Road frontage to encourage activation of the streetscape and provide continuity with the commercial uses on the south of Gainsborough Road and the existing small commercial property to the immediate west. The applicant anticipates more intensive residential occupancy of the area in the future may generate a greater market for local commercial uses. In the interim period, it is appropriate to allow flexibility for an alternative street oriented use. In order to maintain the appearance of wrapping the commercial façade onto Gainsborough Road, residential units fronting Gainsborough Road are designed with a similar architectural treatment as the commercial units fronting Hyde Park Road, and are equipped with front doors facing the street, facilitating their conversion to commercial space in the future.

## 4.2 Intensity

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

The PPS directs growth to settlement areas and encourages their regeneration (Policy 1.1.3.1). The PPS states that land use patterns within settlement areas are to provide for a range of uses and opportunities for intensification and redevelopment (Policy 1.1.3.2). Planning authorities are to identify appropriate locations and promote opportunities for intensification and redevelopment where it can be accommodated considering matters such as existing building stock, brownfield sites, and suitable existing or planned infrastructure and public service facilities. (Policy 1.1.3.3). The PPS is supportive of development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4).

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

Although The London Plan does not limit densities as part of the policy framework it does include criteria for the development of more intensive land uses. The Main Street Place Type ensures that buildings are designed to fit in scale and character with the surrounding streetscape, while allowing for appropriate infill and redevelopment. It requires buildings be a minimum of either two storeys or eight metres in height and not exceed four storeys in height, to ensure a main street corridor is created. Type 2 Bonusing up to 6 storeys may be contemplated (Policy 910\_).

### ***1989 Official Plan***

For developing residential uses, the Main Street Commercial Corridor policies defer to the scale and densities of the Multi-family, High Density and Medium Density Residential designations which would permit a maximum density of 150 units per hectare at this location. The 1989 Official Plan does not specify a maximum height of development (Section 4.4.1.7).

### **Analysis:**

The subject lands are located at the intersection of 2 arterial roads, both high order streets. The currently underutilized lands also have access to full municipal services, and are located at the central node for the Hyde Park Village which the City has identified through Official Plan policy as an area for mixed-use development and residential intensification. The site is located near a variety of service-oriented businesses and the Hyde Park Village Green, and has access to bus routes. The property lies within a broader area characterized by a mix of various housing forms ranging from single detached dwellings to low and high-rise apartment buildings. When consolidated, the subject lands are of a size to accommodate more intensive redevelopment on underutilized lands and provide a built form that responds to the surrounding context. The proposed density will efficiently use land, resources, and the surrounding infrastructure and public services facilities where they exist or will be developed.

With respect to the 1989 Official Plan, the applicant has applied for a mixed-use density of 150 unit per hectare which is the maximum contemplated by policy. The proposed 155 residential units are considered appropriate on the subject site and within the surrounding area. The proposed 8 storey building has been designed in a manner which will fit within the existing and planned scale/character of the surrounding streetscape. The location of the site itself and the placement of the building as far to the east of the property as possible will reduce potential impacts on the low density residential development further west on Gainsborough Road. It is recognized that the development is one of the first re-developments within the core of the Hyde Park Village and provides a different built form than what currently exists. The development, however, implements the planned vision of the Main Street Place Type helping establish an appropriate form and scale of development while complementing the character of the area.

With respect to The London Plan, the proposal exceeds the maximum height that might be permitted through the use of bonusing provisions, by two storeys. Nevertheless, this proposal is considered to represent an appropriate intensity of development. While the

applicable policies of the Main Street Place Type are not under appeal, they are not in force and effect because the Place Types Map has not been approved by the Local Planning Appeal Tribunal. The policies of the 1989 Official Plan, which would permit the proposed intensity of development, prevail.

Neighbourhood concerns have been raised about the traffic safety impacts of the proposed development on existing traffic volumes, flow and turning movements on Hyde Park Road and possible cut-through traffic on Prince of Wales Gate, citing traffic backups southbound for left turns onto Gainsborough Road and eastbound on North Routledge Park for left turns northbound.

The Planning Impact Analysis criteria of the 1989 Official Plan for official plan and zoning by-law amendments (Section 3.7) require the evaluation of the likely impact of traffic generated by the proposal on city streets, on pedestrian and vehicular safety, and on surrounding properties.

Hyde Park Road and Gainsborough Road are arterial roads and are intended to move large volumes of traffic. Transportation Engineering has expressed no concerns about the proposed number of units and impacts it would have on traffic in the area. The analysis and conclusions of the Traffic Impact Assessment submitted by the applicant were not accepted by the City, and will be required to be resubmitted to the satisfaction of the City at the site plan approval stage. The revised Traffic Impact Assessment will take into account the reduced overall intensity of development proposed for the site and will be updated to recognize the operational implications of recent and future infrastructure improvements in the area. The Transportation Division will not support unwarranted signalization or traffic controls that do not comply with the City's Access Management Guidelines, but will require appropriate traffic control measures to be implemented at the site plan stage.

#### **4.3 Form**

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

The PPS is supportive of development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4). The PPS also identifies that long term economic prosperity should be supported by maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets, and by encouraging a sense of place by promoting a well-designed built form (Policy 1.7.1(c & d)).

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

All planning and development applications will conform to the City Design policies of The London Plan. The Main Street Place Type ensures that new developments are well-designed and integrated with the character and design of the associated Main Street. Buildings should be located at or along the front property line in order to create a street wall that sets the context for a comfortable pedestrian environment. Developments should place a priority on the pedestrian experience and public realm (Policy 911\_).

##### ***1989 Official Plan***

The objectives of the Main Street Commercial Corridors are to ensure that when implementing its broad range of permitted uses the scale is compatible with adjacent developments. The policies aim to maintain a setback that is consistent with adjacent uses while maintaining the character of the existing uses. (Sections 4.4.1.1 and 4.4.1.7). In order to ensure these objectives of scale, compatibility and character are achieved, the MSCC has specific Urban Design Objectives (Section 4.4.1.2) to help develop these corridors appropriately. These policies encourage the rehabilitation and renewal of Main Street Commercial Corridors and the enhancement of any distinctive functional or visual characteristics. They seek to provide for and enhance the pedestrian nature of the Main Street Commercial Corridor, provide high quality façade design, accessible and walkable sidewalks, street furniture and proper lighting while supporting public transit. Main Street Commercial Corridors shall be developed and maintained in accordance with the urban design guidelines in Chapter 11, the Commercial Urban Design Guidelines and specific policy areas (Section 4.4.1.9).

Analysis:

The proposed development is able to integrate with the existing less intensive development on Main Street, while setting a positive tone for development within the Hyde Park Village as future development/redevelopment occurs. The proposed building is located adjacent to the front property line creating a strong street wall and setting the context for a comfortable pedestrian environment. The applicant has identified that vegetated planters and street trees will be provided along the Hyde Park Road frontage adjacent to the bicycle lane, and a softer urban treatment of grass, shrubs, street trees and raised planters will be provided within the Gainsborough Road frontage, in a manner that will place a priority on the pedestrian experience and provide a safe and comfortable space while creating a new urban character along the main streets. Surface parking will be located to the rear of the building limiting visual impacts of the parking lot on the main street. Consistent with the PPS, and conforming to the 1989 Official Plan and The London Plan, the recommended intensification of the subject lands will optimize the use of land and public investment in infrastructure in the area. Located within a developed area of the City, the redevelopment and intensification of the subject lands will contribute to achieving more compact forms of growth.

As part of a complete application the applicant provided an Urban Design Brief, and attended the Urban Design Peer Review Panel to identify how the above-mentioned policies have been achieved through the building design and form. Both the Urban Design Peer Review Panel and Staff originally expressed concerns about the height and preferred a true mixed-use approach where the residential component was more closely integrated with the commercial buildings and brought to the front of the property to create a stronger street wall and built presence on the street. The use of step-backs at various elevations was supported in order to provide interest and break up the massing of the buildings.

The revised development proposal will provide for a 7 – 8 storey mixed-use building that establishes the desired setback from the main street corridors for future development. The development will provide an active and continuous street wall along both street frontages and will create an appropriate scale and rhythm through the use of step-backs, a variety of materials and fenestration. The proposal will create a form of development at an appropriate scale and remain compatible with the surrounding streetscape by incorporating all parking in the rear yard, away from the street frontages and providing ground floor commercial space with transparent glazing and principal entrances facing the street to create an active edge.

The final design also addresses many of the comments provided by the UDPRP. These changes are described in the detailed response provided by the applicant in Appendix E. Overall the proposal is considered appropriate and in keeping with the design guidelines of the 1989 Official Plan, The London Plan and the Hyde Park Design Guidelines.

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

## **5.0 Conclusion**

The requested amendment to permit a 155 unit mixed-use apartment building is consistent with the 2014 Provincial Policy Statement that encourages a range and mix of land uses to support intensification and achieve compact forms of growth and directs municipalities to identify appropriate locations for intensification and plan for all forms of housing required to meet the needs of current and future residents.

The recommended amendment to Zoning By-law Z.-1 conforms to the in-force policies of the 1989 Official Plan, which contemplates mid-to-high rise development at a maximum density of 150 units per hectare, as well as the in-force policies of The London Plan. The subject lands represent an appropriate location for residential intensification, at the intersection of two high order streets within the Hyde Park Village core, and the recommended amendment would permit development at an intensity that is appropriate for the site and the surrounding neighbourhood. The recommended amendment will help to achieve the vision of neighbourhoods providing a range of housing choice and mix of uses to accommodate a diverse population of various ages and abilities.

<b>Prepared by:</b>	<b>Barb Debbert, 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.	

February 5, 2020

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

Y:\Shared\DEVELOPMENT SERVICES\11 - Current Planning\DEVELOPMENT APPS\2019 Applications 9002 to\9067Z - 1600-1658 Hyde Pk Rd et al (BD)\PEC\Draft 1600 1622 Hyde Park Road and 1069 Gainsborough Road (BD) 1 of 1.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 rezone an area of land located at 1600/1622 Hyde Park Road and 1069 Gainsborough Road.

WHEREAS Hyde Park Investments Inc. has applied to rezone an area of land located at 1600/1622 Hyde Park Road and 1069 Gainsborough Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1600/1622 Hyde Park Road and 1069 Gainsborough Road, as shown on the attached map comprising part of Key Map No. A.101, from a Business District Commercial (BDC) Zone to a Holding Business District Commercial Special Provision (h-18\*BDC(\_)) Zone.
- 2) Section Number 25.4 of the Business District Commercial (BDC) zone is amended by adding the following Special Provision:
  - ) BDC(\_) 1600/1622 Hyde Park Road and 1069 Gainsborough Road
    - a) Additional Permitted Use:
      - i) Apartment buildings, including dwelling units in the front portion of the ground floor adjacent to Gainsborough Road
    - b) Regulations
      - i) Gross Floor Area for Restaurants 605 m<sup>2</sup> excluding ground floor or rooftop patios (max)
      - ii) Patios remain subject to Sections 4.18 and 4.19 of this By-law
      - iii) Height – Apartment building 29 m (max)
      - iv) Density 150 uph (max)
      - v) Parking – All commercial uses 1 space per 20m<sup>2</sup> (min)
      - vi) Parking – Apartment building 1 space per unit (min)

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

between the two measures.

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

PASSED in Open Council on March 2, 2020.

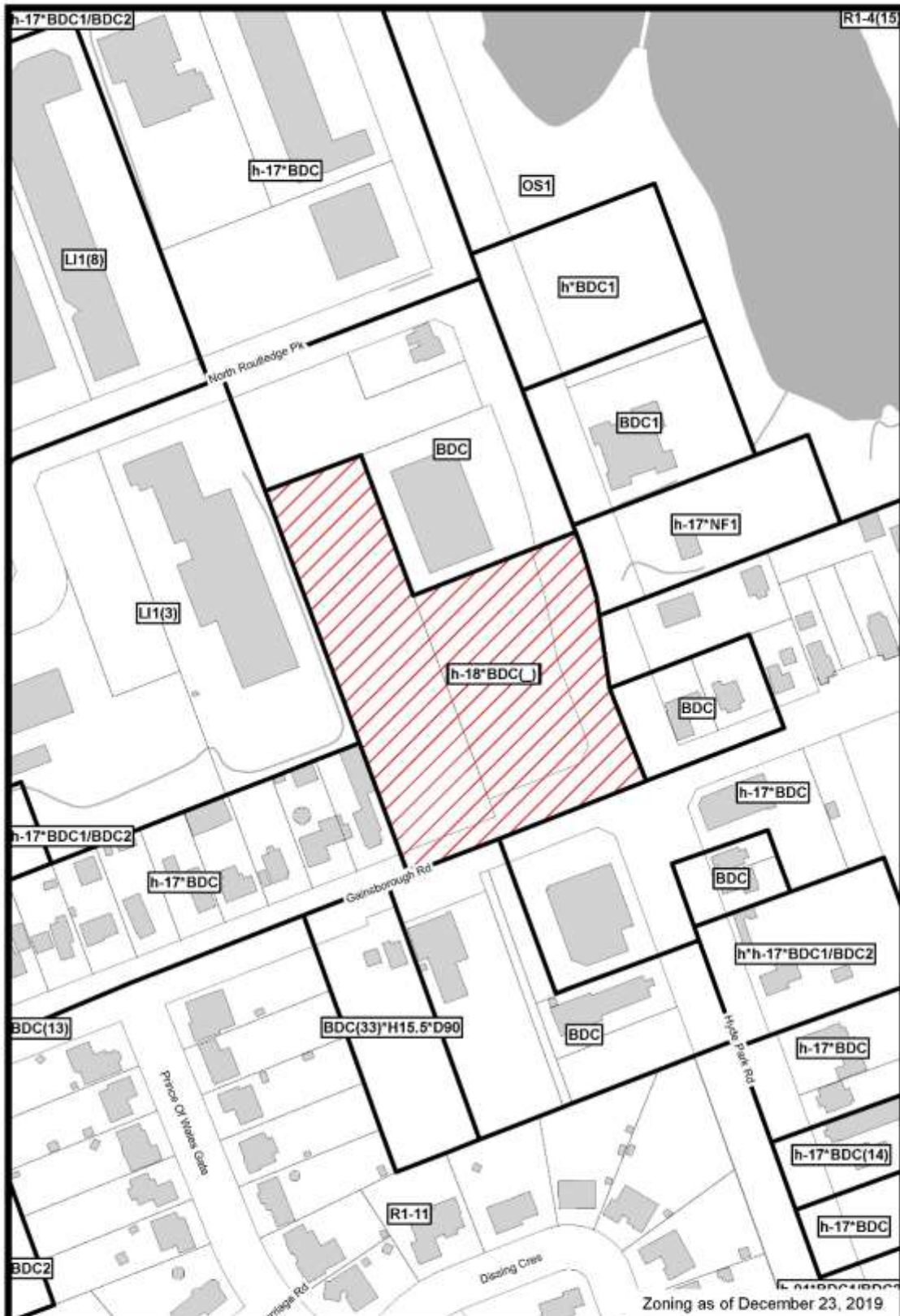
Ed Holder  
Mayor

Catharine Saunders  
City Clerk


First Reading – March 2, 2020  
Second Reading – March 2, 2020  
Third Reading – March 2, 2020



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



File Number: Z-9067  
Planner: BD  
Date Prepared: 2020/1/24  
Technician: rc  
By-Law No: Z.-1-

SUBJECT SITE 

1:2,000



## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On May 30, 2019, Notice of Application was sent to 44 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on June 6, 2019. Two “Planning Application” signs were also posted on the site. Following discussions with City staff, the applicant revised its application to remove 1634, 1648 and 1656 Hyde Park Road and 1480 North Routledge Park (north part of the site) in order to further explore detailed solutions for incorporating the heritage structure into the development. The applicant also reduced the height of the remaining building from 12 storeys to 8 storeys with stepping down components, and redesigned the building to address urban design concerns. The resultant reduction in the number of units on the lands at 1600/1622 Hyde Park Road and 1069 Gainsborough Road (south part of the site) from 205 units to 155 units. The retail and office components on the south part of the site are reduced from 1,426 square metres to 997 square metres.

### Original May 30, 2019 Notice of Application

4 replies were received.

#### **Nature of Liaison:**

The purpose and effect of this zoning change is to allow:

- Building “A” – a new, L-shaped, 12-storey, residential building, consisting of 205 residential units.
- Building “B” – a new, 2 –storey, mixed-use, multi-unit building with 372 square metres of commercial floor area at grade and 372 square metres of office floor area above.
- Building “C” – a new, 1-storey, multi-unit, commercial building with 682 square metres of commercial floor area.
- Building “D” – a new, 1-storey, multi-unit, commercial building with 1,127 square metres of commercial floor area.
- Building “E” – a new, 1-storey, mixed-use, multi-unit building (including the existing heritage building), with 422 square metres of commercial floor area.
- Building “F” – a new, L-shaped, 12-storey, residential building, consisting of 205 residential units.

The notice advised of a possible change to Zoning By-law Z.-1 **FROM** a Business District Commercial (BDC) Zone **TO** a Business District Commercial Special Provision Bonus (BDC(\_)\*B-\_) Zone to permit a wide range of compatible office, retail, facility and residential uses which are appropriate in all Business District Commercial Zone variations, with special provisions to permit a maximum height of 40 metres and a maximum density of 243 units per hectare.

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

#### **Concern for:**

- A right turn lane southbound into the development should be provided on Hyde Park Road to allow traffic to slow down before entering the complex;
- Eliminate the entrance to Gainsborough to eliminate anticipated cut-through through traffic on Prince of Wales Gate;
- Locate the parking areas on the north part of the property to discourage use of Gainsborough Road.
- Building too tall and overpowering, and not appropriate for the Hyde Park Village; 6 storeys would be more appropriate;
- Traffic impacts

**Open House (May 30, 2019)**

The applicant also held an Open House on May 30, 2019, shortly after submission of the application to the City, which was attended by 15 individuals, including homeowners, Hyde Park BIA representatives, and business owners.

One written reply was collected at the meeting, indicating the following:

- Support for mixed-use development and incorporation of the heritage structure into the development,
- more trees should be provided on-site,
- the residential units be set back away from the public streets,
- there should be sufficient retail parking,
- traffic will be an issue,
- 12 stories is too high and will cast a lot of shade.

**Revised December 23, 2019 Notice of Application**

No additional replies were received.

**Nature of Liaison:**

The purpose and effect of this zoning change is to allow:

- An eight storey apartment building with 155 residential dwelling units and 997 square metres of retail space.
- Special zoning provisions to establish a maximum building height and a maximum mixed-use density, permit apartment buildings with dwelling units in the front portion of the ground floor along Gainsborough Road; permit a maximum gross floor area of 605m<sup>2</sup> for any restaurant use, and establish a standard commercial parking rate and reduce residential parking requirements.

The notice advised of a possible change to Zoning By-law A.-1 from a Business District Commercial (BDC) Zone to a Business District Commercial Special Provision (BDC(\_)) Zone to permit a wide range of compatible office, retail, facility and residential uses which are appropriate in all Business District Commercial Zone variations. Special provisions are requested to establish a maximum building height of 8 storeys (29 metres) and a maximum mixed-use density of 150 units per hectare; permit dwelling units in the front portion of the ground floor along Gainsborough Road; permit a maximum gross floor area of 605 square metres for any restaurant use (excluding patios on the ground floor level and/or roof); permit a parking rate of 1 space per 20 square metres for all commercial uses, including patios; and permit a parking rate of 1 space per residential dwelling unit.

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

<b>Telephone</b>	<b>Written</b>
Dr. Bill Maddeford 1611 Healy Road London ON N6G 5P2	Maryanne Harkins 25 Prince of Wales Gate London ON N6H 5M3
	Kasia Drzymala 14 Prince of Wales Gate London ON N6H 5M3
	Eric Foster Hyde Park BIA 1124 Gainsborough Road, Unit 2 London ON N6H 5N1

From: Maryanne Harkins  
Sent: June 5, 2019 2:28 PM  
To: Josh Morgan  
Cc: Dawn Elliston; Heather Nelson  
Janne Bendheim  
Subject: HLH Investments - Hyde Park/Gainsborough Road

hi Josh

Just hearing about the proposed building at the corner of Hyde Park and Gainsborough Roads. You asked for feedback and here's my suggestions:

1. build whatever buildings back enough from Hyde Park Road to allow for a right turning lane into the building. So if someone is driving south on Hyde Park Road they can get into an exit lane on the right-hand side to slow down and get into this complex. People drive 80 km all day, everyday, on Hyde Park Road so exiting is very difficult because the City didn't put any right-hand merge lanes in for exiting into businesses - eg. the disaster at Tim Horton's and Tiger Giant at Sarnia Road. The artist's drawing shows three cars parked in front of the commercial units but that's where the right-hand turning lane needs to be built.

2. have the main entrance/exit for this complex on North Routledge Road which is already commercial/light industrial and make the developer put in a traffic light at North Routledge/Hyde Park. Then put the second required entrance/exit on Hyde Park Road as discussed above (1). Please do NOT have an exit/entrance on Gainsborough Road. Close-off Gainsborough Road to this complex; otherwise, the cut-through traffic in Canterbury Estates is going to be ridiculous on Prince of Wales which is the main school bus route for our neighbourhood without sidewalks. If the main exits/entrances are on Hyde Park and North Routledge, there would be no reason to put an entrance/exit on Gainsborough Road as below:

- a. travelling north from the complex - go up to North Routledge and exit there at the lights the developer is going to put in
- b. travelling east from the complex - exit out of complex by using the Hyde Park exit, then turn left at Gainsborough
- c. travelling west from the complex - exit out of complex by using Hyde Park exit, turn right onto Gainsborough Road
- d. travelling south from the complex - exit out of complex by using the Hyde Park exit.

These measures will eliminate 3/4 of the traffic on Gainsborough Road created by this new complex because only people going West will need to use Gainsborough Road west of Hyde Park Road.

3. build the buildings on the lot so that all the parking is on the north end of the lot up by North Routledge. Do not put the parking on the south end of this lot which is Gainsborough Road because all those cars are going to want to exit/enter using Gainsborough Road.

Maryanne Harkins

.....

**From:** Drzymala, Kasia  
**Sent:** Monday, June 24, 2019 12:37 PM  
**To:** Smith, Craig <crsmith@London.ca>  
**Cc:** Morgan, Josh <joshmorgan@london.ca>;  
**Subject:** [EXTERNAL] 1600-1658 Hyde Park Rd

Good afternoon Craig,

How are you?

This email is regarding the zoning by-law amendment for 1600-1658 Hyde Park Rd and 1069 Gainsborough Rd.

My family has lived in Hyde Park village since 2000 on Prince of Wales Gate. The rapid growth of Hyde Park has been exciting but has also come with some challenges for us.

With this big project we have 2 major concerns:

1. Height of the buildings – the idea of bringing more people to Hyde Park is wonderful but we feel that the buildings height will over power the environment. Currently there are no high rises on any corners and putting 4 - 12 storey buildings will be a lot in that corner. The idea of having restaurants and shops is great but personally I do not want to sit on a patio and have 4 high-rise buildings around me, not a cozy environment in Hyde Park...downtown yes. The buildings will feel out of place. I would suggest keeping the 205 residential units if that is a must but lower the building to 6 storey instead of 12 storey each.
2. Traffic – not sure if this is any of your concern but we are concerned with the flow of traffic once you occupy 410 units plus businesses in that small corner alone. The bus routes are not good anywhere in London especially our this way. Everyone will have to have a vehicle here not like downtown. Once you add minimum of 410 additional cars (probably more) what will traffic look like at the corner of Hyde Park and Gainsborough?

We're all open for change in order to grow London, I just hope you take these 2 points into considerations.

On a side note, I frequently wonder why are we not building up downtown London more? We need high buildings there to make this City/ downtown London more attractive.

Thank you for your time and if you have any questions feel free to email me or contact me on my cell phone

Warm regards,

Kasia Drzymala

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**From:** Eric Foster  
**Sent:** Thursday, December 05, 2019 4:56 PM  
**To:** Debbert, Barb <[bdebbert@London.ca](mailto:bdebbert@London.ca)>  
**Subject:** [EXTERNAL] Zoning Application Z-9067

Good afternoon Barb, I work for the Hyde Park BIA and we were just curious if there have been any updates regarding the zoning application at 1600-1658 Hyde Park Road (Z-9067).

I had reached out back in the summer and Michael Tomazincic had mentioned that he was hoping to present the recommendation to the decision makers in October.

I'm hoping you can give us an update, thank you,

Eric Foster  
Hyde Park Business Improvement Association  
Marketing, Communications & Administrative Coordinator

1124 Gainsborough Rd, unit 2  
London ON N6H 5N1  
P: (226) 636-0622 ext. 102



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

## **Agency/Departmental Comments**

### ***Urban Design: (December 3, 2019)***

- Urban Design staff commend the applicant for incorporating the following into the design; an 'L'-shaped mixed-use building that is generally in-keeping with the vision of the current Official Plan as well as the London Plan by providing for continuous street walls along the Hyde Park Road and Gainsborough Road frontages, a 7-storey massing along Hyde Park Road that includes a step-back above the second storey and 8-story massing along Gainsborough; Providing for appropriate scale/ rhythm/ materials/ fenestration; Incorporating all of parking in the rear yard, away from the adjacent street frontages; providing ground floor commercial space with transparent glazing and principal entrances facing the Hyde Park Road creating an active edge; and providing ground floor residential units with individual entrances and patio spaces along the Gainsborough Road frontage that can be converted to commercial/retail spaces if there is demand in the future.
- Urban design staff have been working closely with the applicant through the rezoning process to address many of the design concerns that have been raised by the Urban Design Peer Review Panel (UDPRP), and City staff. There are a couple items that have been identified by staff, the UDPRP and the community to be further reviewed through the site plan process including; parking lot layout, and on-site pedestrian circulation.

### ***Urban Design Peer Review Panel (June 19, 2019)***

- Considering that the application a zoning by-law amendment, the comments provided herein are meant to inform the decision-making with respect to the zoning by-law amendment application, though detailed comments to inform the future Site Plan application(s) have also been provided for consideration. The applicant is encouraged to return to the Panel again through the site plan approval process when more details about the design are available for review.
- The Panel provides the following feedback on the zoning by-law amendment application:
  - The Panel commends the applicant for consulting with the UDPRP early in the approvals process.
  - The Panel commends the applicant for integrating a mix of uses and for screening the parking area from view of the public realm.
  - The Panel has concerns about the size and scale of the tower components of the project based on the surrounding density and existing context of the area.

- Consideration should be given to explore removing units from the towers and placing them above the Hyde Park Road commercial units. This would assist in creating a true mixed-use experience and help to activate the streetscape.
- The current design, with main entrances off the interior roadway of the site plan appear unresolved. Further refinement of this aspect of the project should be considered.
- The Panel expressed concern over the lack of designated amenity/outdoor space for those who would reside in this development. Consideration for vegetated rooftop patios should be given to help with this item.

***Transportation Engineering (September 11, 2019):***

The TIA will need to be updated to reflect Transportations comments below:

- The trip generation used should be calculated using the fitted curve equation from the ITE manual (the same calculation being used for the multi family trip generation)
- Update the TIA recognising traffic signals are being constructed on Hyde Park road at South Carriage (operational fall 2019)
- Remedial measure for Hyde Park and North Routledge should not include the installation of un-warranted signals, furthermore the spacing from the signals at Hyde Park and Gainsborough would need to comply with the City's [Access Management Guidelines](#) (minimum spacing of 300m between signals)
- Remedial Measure for Site driveways (site driveway 4) recommends a southbound left turn lane for 1674, 1700 with the property being located on the west side of Hyde Park Road. What operational improvements would this turn lane provide?

**Zoning Comments:**

- Road widening dedication of 24.0m from centre line required along Hyde Park Road
- Road widening dedication of 10.75m from centre line required along North Routledge Park
- Revised 6.0m x 6.0m daylight triangles required
- A revised TIA will be required addressing the above noted comments
- Detailed comments regarding access location and design will be made through the site plan process
- Access should align opposite 1600 Hyde Park

**Note regarding on street parking:**

- The City is supportive of the on-street parking along North Routledge
- External works drawings would be required but those could/would be co-ordinated through the Site Plan Approval process, where detailed comments regarding design and location will be discussed

***Transportation Engineering (November 21, 2019 in response to potential amendment to application)***

- As discussed Transportation would be amenable to an updated TIA at a later date, however it may be in the applicants best interest to provide a brief addendum to the TIA addressing Transportations previous comments to help alleviate any public concerns.

***Transportation Engineering (January 28, 2020 in response to revised application)***

- Same as September 11, 2019 comments
- Additional comment – the revised zoning request does not show the future location of the internal driveway to North Routledge Park; we ask that the future driveway align opposite the future planned driveway for 1674 Hyde Park Road.

***Water Engineering (June 11, 2019)***

- Water Engineering has no objection to this application.
- Please note that we have not worked out the final water servicing arrangement for this property (concurrent application).

***Water Engineering (January 28, 2020)***

- Water servicing strategy per City standards is required.
- Additional water related comments will be provided upon future review of this site.

***Wastewater Engineering (January 28, 2020)***

- The Applicant's Engineer is to connect to municipal sewers all to City Standards and to the satisfaction of the City Engineer.

***Stormwater Engineering (January 28, 2020)***

- The SWM strategy and environmental targets provided by the applicant's preliminary SWM functional report are sufficient to proceed with this zoning By-law amendment application.
- It is SWED expectation to receive as part of the site plan application a final SWM Functional report reflecting the SWM strategy mentioned in point 1 along with detailed rationale and hydraulic calculations all for our review and acceptance.
- Also refer to associated file SPC19-021 for related information.
- This site plan may be eligible to qualify for a Stormwater Rate Reduction (up to 50% reduction) as outlined in Section 6.5.2.1 of the Design Specifications and Requirements manual. Interested applicants can request more information and an application form by emailing [stormwater@london.ca](mailto:stormwater@london.ca).

***London Hydro (August 21, 2019):***

- Servicing the above proposal should present no foreseeable problems. Above-grade transformation is required. Not: Transformation lead times are minimum 16 weeks. Contact Engineering dept. to confirm requirements and availability.
- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation for the existing service will be at the expense of the owner.



## **Appendix C – Policy Context**

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

### **PPS**

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

1.1.1 a, b, e

#### 1.1.3 Settlement Areas

1.1.3.1, 1.1.3.2, 1.1.3.3, 1.1.3.4

#### 1.4 Housing

1.4.1

#### 1.6.7 Transportation Systems

1.6.7.4

#### 1.7.1 Long-term Economic Prosperity

### **Official Plan**

#### 3.4. Multi-Family, High Density Residential

##### 3.4.3. Scale of Development

#### 3.5. Policies for Specific Residential Areas

##### 3.5.12 – Hyde Park Community Planning Area

#### 4.4.1 Main Street Commercial Corridor

##### 4.4.1.3. Function

###### 4.4.1.1. Planning Objectives

###### 4.4.1.2. Urban Design Objectives

###### 4.4.1.4. Permitted Uses

###### 4.4.1.7. Scale of Development

###### 4.4.1.9. Urban Design

###### 4.4.1.13.4. Hyde Park Specific Policy

### **London Plan**

54\_ Key Directions

55\_ Direction #1 – Plan Strategically for a Prosperous City

59\_ Direction #5 – Build a Mixed-use Compact City

Main Street Place Type

Permitted Uses – 908

Intensity – 910

Form – 911

### **Hyde Park Community and Urban Design Guidelines**

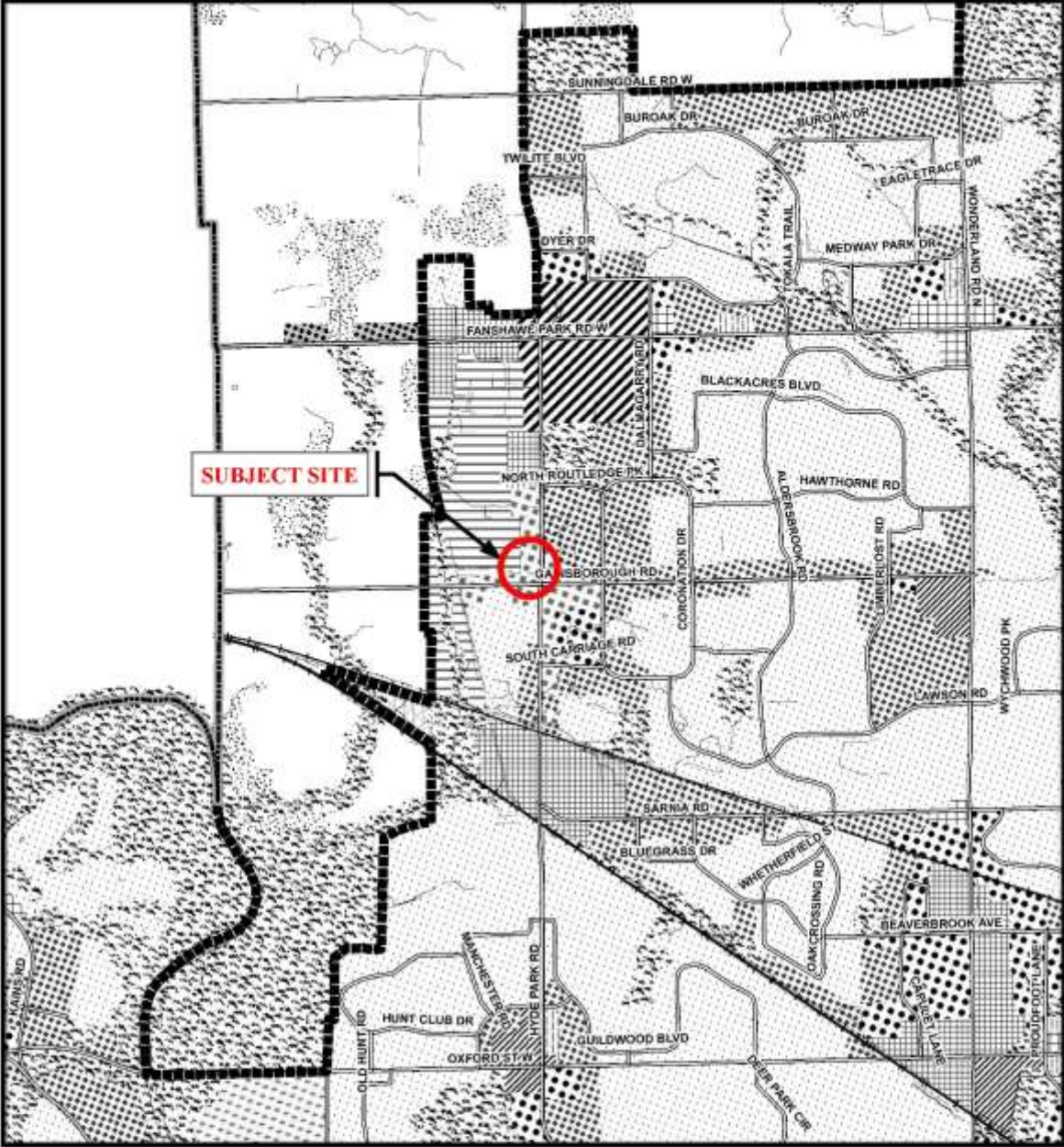
2.0 – Urban Form

4.0 – Building Design

6.0 – Hyde Park Hamlet

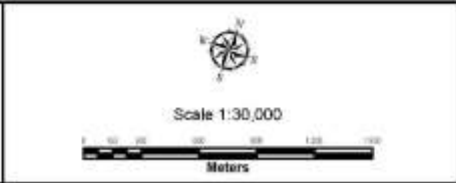
**Appendix D – Relevant Background**

**Additional Maps  
 1989 Official Plan Schedule A – Land Use**



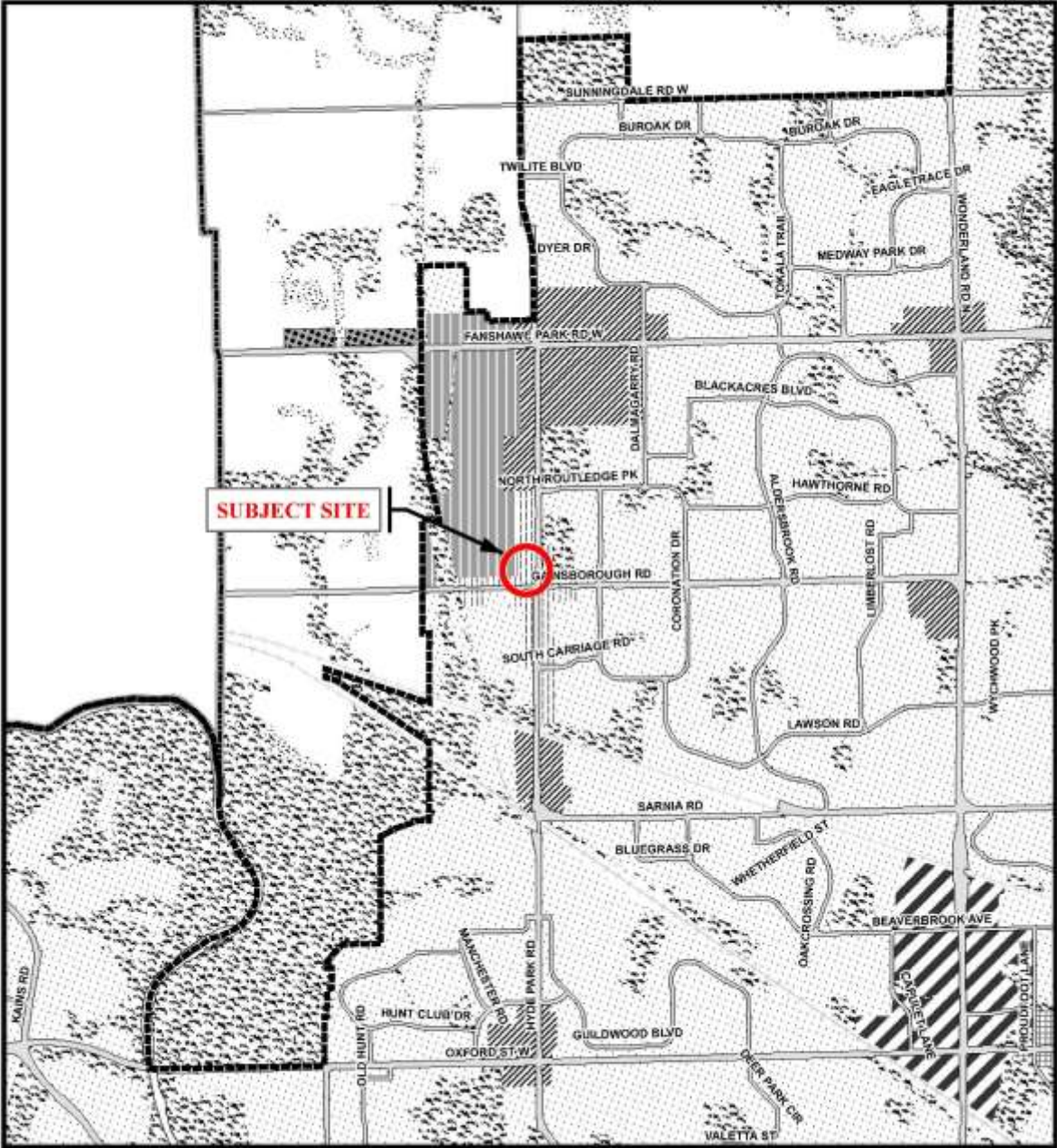
Legend			
	Downtown		Office Business Park
	Enterprise		General Industrial
	Enclosed Regional Commercial Node		Light Industrial
	New Format Regional Commercial Node		Regional Facility
	Community Commercial Node		Community Facility
	Neighbourhood Commercial Node		Open Space
	Main Street Commercial Corridor		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  
 - LAND USE -  
 PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-9067  
 PLANNER: BD  
 TECHNICIAN: RC  
 DATE: 2020/01/24

The London Plan Map 1 – Place Types



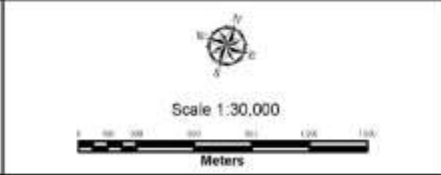
**Legend**

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

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

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

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



**File Number:** Z-9067  
**Planner:** BD  
**Technician:** RC  
**Date:** January 24, 2020

Zoning By-law Z-1



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**



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

FILE NO:  
 Z-9067 BD

MAP PREPARED:  
 2020/01/24 rc

1:2,000  
 0 10 20 40 60 80  
 Meters

## Appendix E – Applicant’s Reply to UDPRP Comments

<b>Comment:</b>
The Panel has concerns about the size and scale of the tower components of the project based on the surrounding density and existing context of the area.
<b>Applicant Response:</b>
This application is now only applicable to the lands at 1600/1622 Hyde Park Road and 1069 Gainsborough Road. We have revised the application to reduce the height of the building from 12-storeys to 7/8-storeys, removing approximately 50 residential units. Updated elevations and renderings are provided to illustrate the revised height and terracing of the building. The 7/8-storey height appropriately reflects the planned vision of the Main Street Commercial Corridor, and enhances the character of Hyde Park Village. The 7/8-storey height is significantly lower than the existing 14-storey apartment building at 1030 Coronation Drive, the existing 12-storey apartment building at 300 South Carriage Road (both approximately 450m southeast), and the recently approved 12-storey apartment building at 1018 Gainsborough Road.
<b>Comment:</b>
Consideration should be given to explore removing units from the towers and placing them above the Hyde Park Road commercial units. This would assist in creating a true mixed use experience and help to activate the streetscape.
<b>Applicant Response:</b>
Acknowledged. We have explored this option and have provided residential units above the retail units along Hyde Park Road. The residential component steps-back from the retail component, allowing the human-scale retail elements stand-out along the street. Together, this creates a true mixed use experience and helps activate the streetscape.
<b>Comment:</b>
The current design, with main entrances off the interior roadway of the site plan appear unresolved. Further refinement of this aspect of the project should be considered.
<b>Applicant Response:</b>
The main entrances off the interior roadway have been enhanced with the use of landscaping and clearly defined pedestrian pathways. The configuration and location of the drive aisle, and parking area, have provided for a larger, functional entrance to the building. These enhancements are illustrated on the revised Site Plan.
<b>Comment:</b>
The Panel expressed concern over the lack of designated amenity/outdoor space for those who would reside in this development. Consideration for vegetated rooftop patios should be given to help with this item.
<b>Applicant Response:</b>
The building now includes a vegetated rooftop terrace for the common enjoyment of residents. This is additional to the common outdoor amenity space provided at-grade, to the rear of the building. These new rooftop terraces are illustrated on the revised Site Plan.
<b>Comment:</b>
The pedestrian experience along Hyde Park Road appears to have a high level of detail and thought. However, the experience along Gainsborough seems to be lost due to the hard transition in programming at the corner of Hyde Park Road. Consideration should be given to add additional commercial programming at the ground level as opposed to residential to continue the successful look and feel of the Hyde Park Road elevation.

**Applicant Response:**

It is proposed that the façade treatment on the retail component along Hyde Park Road be extended to the entire length of the building along Gainsborough Road. The revised design details and extended façade treatment will give the impression of continuous retail uses at-grade along Gainsborough, however, the at-grade units along Gainsborough Road will continue to be for residential uses.

If market conditions change, this continuous façade treatment may allow for the conversion of these units into commercial uses in the future. We believe this façade treatment provides for flexibility and is an appropriate compromise. Updated elevations and renderings will be provided to illustrate the revised façade treatment.

**Comment:**

The Panel commends the applicant for retention and integration of the existing heritage building at the corner of Hyde Park Road and North Routledge Park. However, the Panel did note that a lighter (or more tenuous) connection may assist with blending the old and new construction.

**Applicant Response:**

The existing heritage building is no longer part of the current proposal. This will be addressed in a future application on the north portion of the site.

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.2 PUBLIC PARTICIPATION MEETING – 1600/1622 Hyde Park Road and 1069 Gainsborough Road (Z-9067)

- Councillor Turner: If I might, through you, just a really quick question with respect to the difference between bonusing and a special policy area, a special provision within the BDC. Just to clarify, the BDC Zone itself doesn't allow for that density but the Main Street Commercial Corridor policies in the 89 Official Plan allow for the density of 150 units so we need to be able to create a special provision within the BDC zoning to allow for that density but the general Main Street Commercial policies allow for it as of right so we don't get into the area of bonusing, it seems.
- Barb Debbert, Senior Planner: Is it sufficient to confirm that you have correctly assessed the situation?
- Councillor Turner: I think that's fair enough, it is confusing on that front but I can appreciate the nuance to it so really, in this case, no bonusing required because as of right it is allowed but the zoning needs the special provision in order to allow for that density so the OP allows for it but the zone itself doesn't.
- Barb Debbert, Senior Planner: Just if I can, you are correct, if I can just expand on that briefly, the way the Zoning By-law is set up its not set up to pre-establish the heights and densities for the residential component of a mixed use development. They are intended to be reviewed on a site specific basis so that is what was done with this application and at the end of the day we concluded that eight storeys and 150 units per hectare was appropriate for this location.
- Councillor Turner: If I might, just one second question, recognizing the setback and the step back on Hyde Park as it is a Main Street Commercial Corridor, but the lower order of road at Gainsborough ends up just basically seeing a vertical wall on it, was there any consideration for step back from the façade on Gainsborough?
- Barb Debbert, Senior Planner They are actually both arterial roads but in terms of the importance from a design perspective, Hyde Park Road is considered to be more important. We did talk to the applicant about extending the commercial component along the frontage of Gainsborough Road but there really didn't seem to be a market right now for that commercial frontage to extend so a design compromise that was made was to allow residential to the main floor. If you look at the, I don't know if you have got it on your screens, the main floor is differentiated along Gainsborough but not to the same extent as along the Hyde Park frontage.
- Councillor Turner: Thank you, I recognized in the report it talked about how those could be later converted to commercial if the need arose and that is why they were designed in that way. It was more just the kind of the blunt façade rather than the setback at the higher levels but I can appreciate that. Thank you.
- Councillor Cassidy: Councillor Hopkins.
- Councillor Hopkins: Thank you and through you Madam Chair, just a question around the parking, and in particular the retail parking, if you could just expand on the parking spaces and the, is there sufficient parking for retail or?
- Barb Debbert, Senior Planner: Yes, we believe based on our analysis that there is sufficient parking there. There are benefits to mixed use development in that the time of day demand for parking is different because you have people who are living in the units needing most of the parking in the evening hours, people working in the commercial components typically, you know, some will operate in the evening but a lot

of them will operate only during daytime hours so there are benefits to be achieved from the sharing of those parking spaces and as a base rate of one space per twenty square metres is fairly standard for an across the board rate for a commercial use.

- Councillor Cassidy: Any other technical questions? No. Thank you Ms. Debbert. Is the applicant here? Would you like to comment?
- Ben McCauley, Zelinka Priamo Limited: We have no further comments at this time but I am here to answer any questions you may have.
- Councillor Cassidy: Thank you. Ok. Are there any members of the public who would like to speak? You can state your name and you have five minutes.
- Robert Hewitt: I live in the area for my whole life. I really want to speak in favour of the development. I think it is a very positive thing for the Hyde Park community to have that development on that corner. That corner has been a bit of an eye sore for years and years, undeveloped, basically, used as a parking lot but now you are going to have a really good use there. Something that is going to add a lot of value to everyone in the area so I really want to emphasize support of that but what I am questioning is more due to the special provision aspect of this so I would just like some clarification as to what is actually being granted here, so the various aspects of the special provision that were displayed up there, residences on the main floor, the restaurant that, the size of parking, whatever, the height, the bonusing or I guess not bonusing but the amount of units that are allowed and all of the stuff. The special provision, actually, is it designed to actually override anything in the Zoning By-law that would be contrary to what is being granted here today? *(Councillor Cassidy: So the way that we do the public participation meetings is that you get all your questions out and then if there are any other questions from the public we, we keep track of them and then at the end staff answer all of the questions at one time.)*; Ok, I will keep going then; *(Councillor Cassidy: Go ahead.)*; Ok, so that is one aspect of it, and to speak to the integrity of the special provisions being granted, could it later somehow be interpreted, so the way it is being presented and the use that it is being granted for here today, could it somehow be interpreted later down the road, as the development changes, in a different way than what is actually being granted here? Could staff actually interpret it a way different than what is actually worded here? So if you look at where you go to Purpose and Effect here, does the purpose and effect clarify what is being granted here today or could it ever be interpreted in a way that the purpose and effect makes no sense? Or, you know what I am saying, it is really to the integrity of when something is granted in this way, is it really like a zoning right that cannot be changed after it is granted by Council? Would the special provision be granted in a way that, worded in a way or interpreted in a way that would make it impossible, so could it be granted for a height that is impossible or some sort of building aspect that is impossible when the special provisions being granted, it is assumed I would understand that that means that the City's in agreement with what's actually in the special provision. Meaning you would never grant a special provision for something that later on you would never allow. Those are my questions. Thank you.
- Councillor Cassidy: Thanks very much. Are there any other members of the public who would like to speak to this application?
- Jim Strong: I live and work in the area as well; *(Councillor Cassidy: Can you speak a little closer to the mic?)*; Ok, is that better? Alright, my name is Jim Strong, I live and work in the area, quite close actually and I just thought I would drop by and my comments just in that anyone I have talked to in the neighbourhood we are looking forward to it. We realize it is going to be some inconveniences over dust and noise and that sort of thing but the net benefit, I think, to the area is much greater and really looking forward to it being completed. Thank you.



- Councillor Cassidy: Wonderful. Thank you very much. Any other comments from the public on this particular application?

# London Advisory Committee on Heritage

## Report

The 3rd Meeting of London Advisory Committee on Heritage  
February 12, 2020  
Committee Rooms #1 and #2

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

ABSENT:   L. Fischer

ALSO PRESENT: L. Dent, K. Gonyou, M. Greguol and L. Jones

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

### 1. Call to Order

#### 1.1 Disclosures of Pecuniary Interest

T. Jenkins discloses pecuniary interests in Items 2.5 and 4.2 of the 3rd Report of the London Advisory Committee on Heritage, having to do with Cultural Heritage Evaluation Reports for the properties located at 72 Wellington Street, 1033-1037 Dundas Street and 100 Kellogg Lane and the Working Group Report with respect to the properties located at 435, 441 and 451 Ridout Street, respectively, by indicating that her employer is involved in these matters.

S. Bergman discloses a pecuniary interest in Item 3.5 of the 3rd Report of the London Advisory Committee on Heritage, having to do with a Public Meeting Notice - Official Plan Amendment for the Victoria Park Secondary Plan, by indicating that her employer is involved in this matter.

L. Jones discloses a pecuniary interest in Item 3.5 of the 3rd Report of the London Advisory Committee on Heritage, having to do with a Public Meeting Notice - Official Plan Amendment for the Victoria Park Secondary Plan, by indicating that her employer is involved in this matter.

### 2. Scheduled Items

#### 2.1 Property Standards Amendment – Vacant Heritage Buildings

That the Civic Administration BE ADVISED that the London Advisory Committee on Heritage (LACH) supports the proposed Property Standards Amendment with respect to Vacant Heritage Buildings with the caveat that references to "vacant heritage building" be changed to "vacant Heritage Designated Properties"; it being noted that the LACH is interested in obtaining a list of current vacant Heritage Listed Properties; it being further noted that the attached presentation from O. Katolyk, Chief Municipal Law Enforcement Officer, with respect to this matter, was received.

#### 2.2 Heritage Alteration Permit Application by Helene Golden at 938 Lorne Avenue, Old East Heritage Conservation District

That the following actions be taken with respect to the application, under Section 42 of the Ontario Heritage Act, seeking retroactive approval for alterations to the property located at 938 Lorne Avenue, within the Old East Heritage Conservation District:

a) the retroactive approval for the porch alterations and the approval for the proposed porch alterations at 938 Lorne Avenue, within the Old East Heritage Conservation District, BE PERMITTED with terms and conditions:

- all exposed wood be painted; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

b) the retroactive approval for the roofing material change at 938 Lorne Avenue, within the Old East Heritage Conservation District, BE PERMITTED;

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

2.3 Heritage Alteration Permit Application by R. Devereux at 1058 Richmond Street, By-law No. L.S.P.-3155-243

That, on the recommendation of the Managing Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 33 of the Ontario Heritage Act seeking retroactive approval for alterations to roof of the property located at 1058 Richmond Street, By-law No. L.S.P.-3155-243, BE REFUSED; it being noted that the attached presentation from K. Gonyou, Heritage Planner, with respect to this matter, was received.

2.4 Heritage Alteration Permit Application by P. Scott at 40 and 42 Askin Street, By-law No. L.S.P.-2740-36 and Wortley Village-Old South Heritage Conservation District

That, on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking approval to remove the existing wooden windows and replace with vinyl windows on the property located at 40 and 42 Askin Street, By-law No. L.S.P.-2740-36 and Wortley Village-Old South Heritage Conservation District, BE REFUSED; it being noted that the attached presentation from K. Gonyou, Heritage Planner and the verbal delegation from P. Scott, with respect to this matter, were received.

2.5 (ADDED) Cultural Heritage Evaluation Reports (CHERs)

That it BE NOTED that the Cultural Heritage Evaluation Reports, as appended to the agenda, from AECOM, with respect to the properties located at 72 Wellington Street, 1033-1037 Dundas Street and 100 Kellogg Lane, were received.

### 3. Consent

3.1 2nd Report of the London Advisory Committee on Heritage

That it BE NOTED that the 2nd Report of the London Advisory Committee on Heritage, from the meeting held on January 8, 2020, was received.

3.2 Municipal Council Resolution - 2nd Report of the London Advisory Committee on Heritage

That it BE NOTED that the Municipal Council resolution, from its meeting held on January 28, 2020, with respect to the 2nd Report of the London Advisory Committee on Heritage, was received.

3.3 Notice of Planning Application - Zoning By-law Amendment - 862 Richmond Street

That it BE NOTED that the Notice of Planning Application, dated January 15, 2020, from M. Vivian, Planner I, with respect to a Zoning By-law Amendment for the property located at 862 Richmond Street, was received.

3.4 Public Meeting Notice - Official Plan and Zoning By-law Amendments - 464-466 Dufferin Avenue and 499 Maitland Street

That it BE NOTED that the Public Meeting Notice, dated January 15, 2020, from M. Vivian, Planner I, with respect to Official Plan and Zoning By-law Amendments for the properties located at 464-466 Dufferin Avenue and 499 Maitland Street, was received.

3.5 Public Meeting Notice - Official Plan Amendment - Victoria Park Secondary Plan

That it BE NOTED that the Public Meeting Notice, dated January 3, 2020, from M. Knieriem, Planner II, with respect to an Official Plan Amendment for the Victoria Park Secondary Plan, was received.

3.6 2019 Heritage Planning Program

That it BE NOTED that the Memo, dated February 5, 2020, from K. Gonyou, M. Greguol and L. Dent, Heritage Planners, with respect to the 2019 Heritage Planning Program, was received.

3.7 London Heritage Awards Gala

That up to \$100.00 from the 2020 London Advisory Committee on Heritage (LACH) BE APPROVED for LACH members to attend the 13th Annual London Heritage Awards Gala on March 5, 2020; it being noted that the information flyer, as appended to the agenda, with respect to this matter, was received.

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

4.1 Stewardship Sub-Committee Report

That it BE NOTED that the attached presentation from M. Tovey with respect to historical research related to the properties located at 197, 183 and 179 Ann Street and 84 and 86 St. George Street and the Stewardship Sub-Committee Report, as appended to the agenda, from the meeting held on January 29, 2020, were received.

4.2 Working Group Report - 435, 441 and 451 Ridout Street

That C. Lowery, Planner II, BE ADVISED that the London Advisory Committee on Heritage (LACH) is not satisfied with the research,

assessment and conclusions of the Heritage Impact Assessment (HIA) associated with the proposed development at 435, 441 and 451 Ridout Street North as the HIA has not adequately addressed the following impacts to the adjacent and on-site heritage resources and attributes:

- the HIA is adequate as far as history of the subject lands is concerned, however, insufficient consideration has been given to the importance of the subject lands and adjacent properties to the earliest beginnings of European settlement of London;
- the HIA gives inconsiderate consideration to the importance of the on-site buildings being representatives of remaining Georgian architecture;
- the HIA gives insufficient consideration given to London's Downtown Heritage Conservation District Guidelines (DHCD) and further efforts should be made in reviewing the proposal with the Eldon House Board;
- the HIA gives insufficient consideration given to the impacts on surrounding neighbouring heritage resources (Forks of the Thames, Eldon House, Old Courthouse and Gaol); it being noted that the Historic Sites and Monuments Board of Canada (HSMBC) refers to impacts of the viewscape of the complex as a whole (which is highly visible from a distance) and the DHCD Guidelines state that the historic context, architecture, streets, landscapes and other physical and visual features are of great importance; it being further noted that the DHCD ranks the site as 'A' and 'H' which require the most stringent protection and new construction should 'respect history' and 'character-defining elements' should be conserved and it should be 'physically and visually compatible';
- the HIA gives insufficient consideration to views and vistas associated with proximity between the new building and the existing on-site buildings (no separation); it being noted that the 'heritage attributes' of the Ridout Street complex include its view and position and the HIA gives insufficient consideration to the visual barrier to and from the Thames River and Harris Park; it being further noted that views, vistas, viewscales and viewsheds are recognized as important heritage considerations in the statements of the DHCD and HSMBC documents and the designating by-law;
- the HIA gives insufficient consideration to impacts of the proposed building height on both the on-site and adjacent heritage resources; it being noted that the proposed 40 storey height minimizes the historical importance of these buildings; it being further noted that the shadow study does not adequately address the effect on Eldon House, including its landscaped area, given that the development is directly to the south;
- the HIA gives insufficient consideration to the potential construction impacts to on-site and adjacent heritage resources; it being noted that, given the national importance of the subject lands, it is recommended that Building Condition Reports and Vibration Studies be undertaken early in the process to determine the feasibility of the development;
- the HIA gives insufficient consideration to the transition/connection between the tower and the on-site and adjacent heritage resources; it being noted that the LACH is concerned that the design of the 'base, middle and top' portions of the tower fail to break up the development proposal and have little impact on its incongruity;
- the LACH is of the opinion that the use of white horizontal stripes on the tower structure does not mitigate the height impacts and the 'curves' detract from the heritage characteristics of the on-site and adjacent heritage resources, also, the proposed building materials,

with the exception of the buff brick, do not adequately emphasize differentiations with the on-site heritage resources (notably the extensive use of glass); and,

- the HIA gives insufficient consideration to how the existing on-site heritage buildings will be reused, restored and integrated as part of the development proposal;

it being noted that the attached Working Group Report with respect to the tower proposal at 435, 441 and 451 Ridout Street is included to provide further information.

## **5. Items for Discussion**

### **5.1 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.

### **5.2 (ADDED) Roofs in Heritage Conservation Districts**

That the matter of roofs in Heritage Conservation Districts BE REFERRED to the Planning and Policy Sub-Committee for discussion and a report back to the London Advisory Committee on Heritage.

## **6. Adjournment**

The meeting adjourned at 8:05 PM.



# Property Standards Vacant Buildings

City of London



# Municipal Costs

- Crime
- Fires
- Nuisances



# MULTI AGENCY PARTNERSHIP



London  
CANADA





## Owner Responsibility

- ensure that the vacant building is secured against unauthorized entry
- maintain liability insurance
- protect the vacant building against the risk of fire, accident or other danger

## PROPOSED PROPERTY STANDARDS AMENDMENT

- Once a vacant heritage building is secured, the building must be individually evaluated by professionals specializing in the area of building science, heritage conservation, fire prevention, and life safety to determine a heating and ventilation installation and maintenance plan in an effort to conserve the heritage attributes of the structure.





# Heritage Alteration Permit 938 Lorne Avenue Old East Heritage Conservation District

London Advisory Committee on Heritage  
Wednesday February 12, 2020

london.ca



## 938 Lorne Avenue



- c.1908
- 2 ½ storey
- Queen Anne Revival
- Old East Heritage Conservation District
- Designated on September 10, 2006
- HAP application received on January 21, 2020
- Decision required by April 20, 2020



## Application



- Retroactive approval for porch alterations (soffits, fascia, verandah ceiling, brackets, porch lights)
- Approval for porch alterations (spandrels, railing/spindles, steps, verandah gable)
- Retroactive approval for change in roofing material



## During Alterations - Porch



## Proposed Alterations - Porch



## During Alterations - Roof



2015



October 2019



# Old East HCD Conservation Plan and Design Guidelines

- Porches
  - “The porches in Old East are as significant to the appearance of this heritage district as its gables and dormers” (Section Conservation and Design Guidelines 3.2)
  - “alterations to porches should improve the structural conditions but not cause the loss of original character.” (Section Conservation and Design Guidelines 4.1)
  - Appropriate materials, scale and colour
- Roofs
  - “Most of the houses in Old East would originally have had wood shingles, probably cedar.” (Section Conservation and Design Guidelines 3.3)
  - Includes conservation guidelines for the use of slate and shingle roofs within the HCD



# Analysis

- Porch
  - Undertaken research to inform decisions
  - “Forensic evidence”
  - *The Victorian Design Book*
  - Similar porches
- Roof
  - Shingle and slate as predominant roofing material in Old East
  - Nine dwellings on Lorne Avenue with unapproved metal roofs
  - Not a roofing material that is consistent with the Old East Heritage Conservation District



# Analysis – Porch



# Analysis - Roof



# Ontario Heritage Act

Section 42(4): Within 90 days after the notice of receipt is served on the applicant under subsection (3) or within such longer period as is agreed upon by the applicant and the council, the council may give the applicant,

- a) the permit applied for;
- b) notice that the council is refusing the application for the permit; or,
- c) the permit applied for, with terms and conditions attached. 2005, c. 6, s. 32 (3).



# Recommendation

That, on the recommendation of the Director, City Planning & City Planner, with the advice of the Heritage Planner, with regards to the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval and approval for alterations to the property at 938 Lorne Avenue, within the Old East Heritage Conservation District, the following actions **BE TAKEN**:

- a) The retroactive approval for the porch alterations and the approval for the proposed porch alterations at 938 Lorne Avenue, within the Old East Heritage Conservation District, **BE PERMITTED** with terms and conditions:
  1. All exposed wood be painted;
  2. The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;
- b) The retroactive approval for the roofing material change at 938 Lorne Avenue, within the Old East Heritage Conservation District, **BE REFUSED**.





# Heritage Alteration Permit 1058 Richmond Street HAP20-003-L

London Advisory Committee on Heritage  
Wednesday February 12, 2020

london.ca



## 1058 Richmond Street



- Built 1929 by Hayman Construction
- Arts and Crafts inspired, reflects English vernacular architecture
- Designated by By-law No. L.S.P.-3155-243 (1992)



## By-law No. L.S.P.-3155-243

### SCHEDULE "B"

To By-law No. L.S.P.-3155-243

#### Architectural Reasons

Built in 1929 by Hayman Construction, this Arts and Crafts inspired house reflects English vernacular architecture. The most notable feature of the house is the steeply pitched, slightly flared roof which gives the house a picturesque quality. The front facade presents an imposing appearance to Richmond Street, its **wood shingle roof** and red and brown brick giving the house its strong textural qualities. An imposing front door with matching storm door and a small canopy are noteworthy. A garage is attached to the back of the house. A wall around the backyard completed in 1984 relates well to the building.

August 26, 2019



August 26, 2019



August 26, 2019





## Timeline of Events

- 1992: Property designated under Part IV of the *Ontario Heritage Act*, by-law registered on title
- June 21, 2019: Heritage Planner contacted by property management company about roof; Heritage Planner advised that HAP approval required
- August 26, 2019: Complaint
- August 26, 2019: Heritage Planner site visit and attempts to contact property owner
- September 9, 2019: Heritage Planner emails property owner
- September 19, 2019: Heritage Planner meets with property owner
- December 4, 2019: Heritage Alteration Permit application received



## Heritage Alteration Permit Application

- Retroactive approval for removal of the former wood shingle roof and its replacement with asphalt shingles.
- HAP: *By the summer of 2019, the existing cedar shakes had deteriorated to the point of substantial interior leaking. This leaking was compromising the structural integrity of the property. An emergency roof replacement had to be undertaken to stem the leaking. A cedar material order was quoted at two to three months to secure material and install from numerous suppliers. Time was not on my side, so I tried to match the colour of the roof as closely to the original as possible and address the imminent water problem.*



## Other Roof Replacements

836 Wellington Street



309-311 Wolfe Street



516 Grosvenor Street



## Analysis

- “Wood shingle roof” identified as a heritage attribute
- HAP process to facilitate appropriate decision-making to conserve heritage attributes
- Appropriateness:
  - Physical characteristics (e.g. texture)
  - Visual characteristics (e.g. colour)
- Asphalt shingles fail to suitable replicate the physical and visual characteristic of the wood shingle roof
- Negative impact on the cultural heritage value (architectural value) on the Arts and Crafts inspired, reflects English vernacular architecture



## Ontario Heritage Act

Section 33 of the *Ontario Heritage Act* requires that a property owner not alter, or permit the alteration of, the property without obtaining Heritage Alteration Permit approval. The *Ontario Heritage Act* enables Municipal Council to give the applicant of a Heritage Alteration Permit:

- Consent to the application;
- Consent to the application on terms and conditions; or,
- Refuse the application (Section 33(4), *Ontario Heritage Act*).



## Recommendation

That, on the recommendation of the Managing Director, City Planning & City Planner, with the advice of the Heritage Planner, the application under Section 33 of the *Ontario Heritage Act* seeking retroactive approval for alterations to roof of the property 1058 Richmond Street, By-law No. L.S.P.-3155-243, **BE REFUSED**.





## Heritage Alteration Permit 40 & 42 Askin Street, Wortley Village-Old South HCD HAP20-004-L

London Advisory Committee on Heritage  
Wednesday February 12, 2020

london.ca



## 40 & 42 Askin Street



- Built 1890-1891 for Edward J. Powell
- Unique semi-detached building
- Designated by By-law No. L.S.P.-2740-36 (1984) and Wortley Village-Old South HCD (2015)



## Heritage Alteration Permit Application

- Removal all original true divided light wood windows (27 windows in total)
- Replace with vinyl windows with faux grilles

Limited information about the existing conditions of the wood windows and the proposed replacement windows was submitted by the property owner as part of the Heritage Alteration Permit application.



## Wortley Village-Old South HCD Plan

### Section 8.2.7, Heritage Attributes – Windows, Doors and Accessories, of the Wortley Village-Old South Heritage Conservation District Plan:

*Doors and windows are necessary elements for any building, but their layout and decorative treatment provides a host of opportunities for the builder to flaunt their unique qualities and character of each building.*

### Section 8.3.1.1.e, Design Guidelines – Alterations, provides the direction to:

*Conserve; retain and restore heritage attributes wherever possible rather than replacing them, particularly for features such as windows, doors, porches and decorative trim.*

### Section 8.3.1.1.f, Design Guidelines – Alterations:

*Where replacement of features (e.g. doors, windows, trim) is unavoidable, the replacement components should be of the same style, size, proportions and material wherever possible.*



## Wortley Village-Old South HCD Plan

### Windows – Conservation and Maintenance Guidelines of Section 9.6 of the Wortley Village-Old South Heritage Conservation District Plan:

*The preservation of original doors and windows is strongly encouraged wherever possible as the frames, glass and decorative details have unique qualities and characteristics that are very difficult to replicate. Original wood framed doors and windows in most cases can be restored or replaced with new wooden products to match if the original cannot be salvaged, but may require a custom-made product. Take particular care that exact visible details are replicated in such elements as the panel mouldings and width and layout of the muntin bars between the panes of glass.*

*The replacement of original wood framed windows by vinyl or aluminum clad windows is discouraged. If this is the only reasonable option, the replacement windows should mimic the original windows with respect to style, size and proportion, with a frame that is similar in colour, or can be painted, to match other windows.*



## Analysis

- Do the existing wood windows need to be replaced?
- Why should wood windows be retained?
- Proposed replacement windows
- Alternate approaches



## Do the existing wood windows need to be replaced?

- In the Heritage Alteration Permit application, the property owners provided an opinion from the sales representative of the vinyl window company that they “do not believe your current windows are in any state to be repaired and are far past their life in terms of function and energy efficiency.”
- The Heritage Planner asked the expert window restorer to review the photographs submitted as part of the Heritage Alteration Permit in a blind test, without identifying the property. The restoration expert advised that, while the wood windows would benefit from repair, all of the wood windows were repairable.



## Do the existing wood windows need to be replaced?

- As it has not been demonstrated that the existing wood windows cannot be retained and restored (Policy 8.3.1.1.e, *Wortley Village-Old South Heritage Conservation District Plan*), the existing wood windows must be retained. The existing wood windows can be repaired and conserved.



## Why should wood windows be retained?

- Windows are the eyes of buildings – the illuminate interior spaces and give views out
- Preserving the original windows will preserve the architectural value of the property
- Wood windows are heritage attributes that contribute to a property’s cultural heritage value
- Windows reflect the architectural style and period of construction of the building
- Original wood windows are irreplaceable
- Wood windows can be repaired; vinyl replacement windows cannot be repaired
- Windows are generally considered to only account for 10-25% of heat loss from a building



## Why should wood windows be retained?

- Thermal performance of wood windows can be greatly improved by draught-proofing (e.g. weather stripping, storm windows, curtains) without their replacement
- Vinyl windows poorly attempt to replicate the details and profile of wood windows and true divided lights; vinyl windows are inauthentic
- Vinyl (poly-vinylchloride) is a non-renewal resource derived from petrochemicals
- Recycling does not exist for vinyl windows; they must be discarded in a landfill
- Vinyl windows have a very short lifespan; with maintenance, wood windows can last over 100+ years
- No material is “maintenance free”
- Wood window conservation is labour-intensive which supports skilled trades who use traditional methods



## Why should wood windows be retained?

- Historic wood windows (especially those built before WWII) are likely made of old-growth wood – denser, more durable, more rot resistant, and dimensionally stable
- Installing new windows is not going to “pay for itself” in energy savings; replacing windows is the most costly intervention with a lower rate of return when compared to less costly interventions. The savings in energy costs would experience an excessive payback period that would be longer than the lifespan of the replacement vinyl window. Some sources estimate the payback period as long as 100 years
- Other interventions, such as insulating an attic, can have a more substantial impact on thermal performance of a home
- Up to 85% of a window unit’s heat loss can be through a poorly weather-sealed sash; weather-stripping and other improvements can reduce this loss by 95%





## Proposed replacement windows

The proposed replacement are incompatible for the following reasons:

- A faux grille pattern (a plastic muntin between the panes of glass) poorly replicates the true divided light style of the existing windows
- Vinyl windows are bulkier and distort the proportions of wood windows
- Insufficient details on windows



## Alternate Approaches

- Repair existing wood windows
- Remove aluminum storm windows
- Install new storm windows
- Access grants (London Endowment for Heritage)
- Phase work over several years



## Ontario Heritage Act

Section 42 of the *Ontario Heritage Act* requires that a property owner not alter, or permit the alteration of, the property without obtaining Heritage Alteration Permit approval. The *Ontario Heritage Act* enables Municipal Council to give the applicant of a Heritage Alteration Permit:

- a) The permit applied for
- b) Notice that the council is refusing the application for the permit, or
- c) The permit applied for, with terms and conditions attached (Section 42(4), Ontario Heritage Act)



## Recommendation

That, on the recommendation of the Director, City Planning & City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking approval to remove the existing wooden windows and replace with vinyl windows on the property at 40 & 42 Askin Street, By-law No. L.S.P.-2740-36 and Wortley Village-Old South Heritage Conservation District, **BE REFUSED.**



UPDATE ON REQUESTED  
STUDY BY LACH  
STEWARDSHIP FOR  
POTENTIAL DESIGNATION:

197, 183, 179 ANN STREET  
84, 86 ST GEORGE STREET

LACH requested that LACH Stewardship study 197, 183, 179, and 175 Ann Street and 84 and 86 Ann Street for potential designation. This presentation represents an interim report on that request.

DATES OF CONSTRUCTION

- 197 Ann Street, the Kent Brewery building (built 1859, (Phillips, 76; Baker, 14; Brook, 68-69). Expanded by brewer Joseph Hamilton in late 1800s.
- 183 Ann Street, the brewer's home (built by brewer Joseph Hamilton in 1893). (Phillips, 154). Lived in by Joseph Hamilton until 1911 (1912 City Directory).
- 179 Ann Street (built prior to 1881). (1881 City Directory). Joseph Hamilton lives at 179 Ann in 1887 and 1889 (and presumably 1888).
- 175 Ann Street (built early 1890s). (1891, 1894 City Directory). First occupant is John Arscott, of the Arscott Tannery family. First or early occupant is John Arscott, of the Arscott Tannery family, whose tannery was across St. George.
- 84 St. George Street (built 1893). (1894 City Directory). First occupant: Lewis Phillips
- 86 St. George Street (built 1930). (1930 City Directory). First occupant: Frank P. Miles.

Between c. 1886 and 1916, The Kent Brewery was one of only three breweries in London, the other two being Carling and Labatt (Caldwell, 11). The history of the Kent Brewery is well-documented, especially in Phillips (2000). Significant research has been conducted by LACH Stewardship on 197 Ann Street (The Kent Brewery building), and this presentation will focus on that research. Preliminary research has been conducted on the other properties requested, especially those associated with the brewers. In particular, their dates of construction and earliest occupants have been established.



This section summarizes research conducted towards evaluating physical design values for a potential statement of designation for 197 Ann Street.



The Kent Brewery was established in 1859 (Phillips, 76) (Baker, 14). It imported its hops from Kent County, England, a famous hops growing region, hence the name (Baker, 14). It was called the Kent Brewery by 1861, by which point it was situated on Ann Street (London Prototypes, 5 March 1951). Here it is pictured as it was c. 1905 (London Old Boys Souvenir 1905), after "alterations and additions were made" by Joseph Hamilton "near the end of the [19th] century" (Phillips, 155). The most noticeable alteration was bricking over the original wooden facade (Fire Insurance Plans 1881/1888, 1892/1907, 1912/1915). The long continuity of the brewery on Ann Street can be inferred from an advertisement which ran three years after this photograph was taken, celebrating "over 50 years of continued success at the same old stand." (Old Boys Souvenir 1908, p. 45). The Kent Brewery continued in business until 1917, when it was shuttered by prohibition.



Apart from a new door in the centre, the main Kent Brewery building (left) and its washhouse (right) still look much as they did in their heyday, when the c. 1905 photograph was taken. The building is currently the Williams Downtown Automotive Service at 197 Ann Street. The building today is the "largest surviving brewery artifact from Victorian London Middlesex". (Phillips, 155). The Brewery was already considered old in the 19th Century. In 1889, Goodspeed's History of the County of Middlesex said of the Kent Brewery: "The premises form one of the oldest landmarks in the city, and are located on Ann Street." (Goodspeed, p. 373)

HERITAGE INTEGRITY

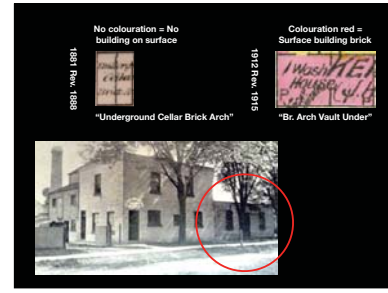


Main building of Kent Brewery post alterations and additions

"Near the end of the century", Joseph Hamilton makes "extensive alterations and additions" (Phillips, p. 155) to the brewery, doubling his capacity in response to "booming porter sales" (Phillips, p. 155). Let us first consider the expansion to the main Kent Brewery Building, circled.



We can see the specifics of the alterations and additions by consulting the Fire Insurance Plans from before the additions (1881, revised [up until] 1888), and after the additions (1912, revised [up until] 1915). On the Fire Insurance Plans, the main brewery building occupies the same footprint both before (1881/1888) and after (1912/1915) the late-nineteenth century (Phillips, 154-55) expansion. The office at the front retains its wooden structure (yellow) and footprint, but is now clad with brick.



To the right is the washhouse building, circled. In 1881, there is no building on the surface. The feature shown is an "underground cellar brick arch." Following the late 19th century expansion, the brick arch is still underneath, and there is now a brick wash-house on the surface, pictured.

**"The main building is the largest surviving brewery artifact from Victorian London Middlesex"**

(Phillips, G.C., On tap: The odyssey of beer and brewing in Victorian London-Middlesex. Sarnia, Ont: Cheshire Cat Press. 155).

The evidence from Fire Insurance Plans shows that the building on site is the original frame brewery building with a late Victorian brick facade added by brewer Joseph Hamilton.



As mentioned, there are no other brewery artifacts of this kind in London-Middlesex. However there is an 1859 brewery building in Waterloo ON, Nixon House, 81 Norman Street, Waterloo ON, Built 1859, was the original home of the Kurtz Brewery. It is a designated building. <https://www.historicplaces.ca/en/rep-reg/place-lieu.aspx?id=11831>. Kurtz used it "as a place to age his home-made product."



Waterloo ON contains the Huether Hotel, which housed the Lion Brewery, Waterloo ON, at 59 King Street North. It is a designated property: <https://www.historicplaces.ca/en/rep-reg/place-lieu.aspx?id=8281> Portions of this building were constructed in 1855, the existing hotel was constructed in 1870, the Victorian Facade added in 1880. A comparable feature to the Kent Brewery is the addition of a late-19th Century facade to an earlier building. Another comparable feature to the early Kent Brewery is the basement cavern with vaulted ceiling: "Inside, the basement features a rare storage cavern with a vaulted stone ceiling and arched entrance. This cavern was uncovered in 1961 when the City of Waterloo wanted to pave a parking lot behind the hotel."



For comparable industrial construction of the period in London ON, compare with image of 1856 industrial building on Ridout Street: Plummer & Pacey, Waggon & Sleigh Makers, London, C.W., shown on p. 243 of 1856 City Directory.

## PHYSICAL/DESIGN VALUES

- This property is valued as a unique example of a 19th Century Brewery in London-Middlesex.
- This property is valued as a rare example of a brewery site which includes a house built by (183 Ann), and a house (179 Ann) occupied by, the brewer (Joseph Hamilton).

Preliminary statements of contextual value for a potential designation of 197 Ann Street under 9/06 might look like those presented on this slide.

NUMBER THREE  
BREWERY IN LONDON

Historical/  
Associative  
Value



In 1859 Henry Marshall and John Hammond open the brewery on Ann Street (Phillips, 76) (Baker, 14). In 1861 Francis L. Dundas and John Phillips acquire the brewery. It is already called the Kent Brewery at this time. Phillips sells his share to Dundas six months later. (Phillips, 76).  
Image credit: Thomas Fisher Rare Book Library, University of Toronto, Toronto, Ontario Canada

## Called Kent Brewery, located on Ann Street, by 1861

- 5 March 1861: "KENT BREWERY. Dundas and Phillips, proprietors Ann street, off Richmond street; formerly the firm of Marshall and Hammond. The brewery has been very successful since its establishment, and there are enlargements and additions being constantly made to it. With the present spirited proprietors, and the large demand for brown stout and amber ale, we have every reason to believe that the Kent Brewery will steadily and successfully progress. Private families and hotel keepers are supplied with the best ales and porter, at the shortest notice, and upon the most reasonable terms."

(article from London Prototype from 5 March 1861 reprinted in Western Ontario History Nuggets, No. 13 (1947), London ON: Lawson Memorial Library, The University of Western Ontario)

JOHN HAMILTON PURCHASES  
BUSINESS IN 1861



- John Hamilton, a Scottish ale brewer (Census of Scotland, 1861), purchases the business from Francis L. Dundas in [d.c. November] 1861, in partnership with Daniel Morgan (Phillips, 76). Both Hamilton and Morgan live on Ann Street near the Brewery (1862 City Directory), but Morgan withdraws from the partnership in 1864 (Brock, 68). John Hamilton would continue to operate the brewery, and live next door to it (at 183 Ann Street), until his death in 1887.

**HAMILTON'S  
LONDON ALES & PORTERS**  
THE PUREST AND BEST IN CANADA.

Recommended by the Medical Faculty for their healthful properties.

SPECIAL BREWERY ESTABLISHED IN 1861.

MRS. J. HAMILTON, LONDON, ONT.

London Free Press, Christmas number for 1889 (Phillips, 154)

Joseph Hamilton runs  
the brewery from  
1887-1917

Beer label



Joseph Hamilton, the brewers son, continues the family business. Joseph Hamilton built his brand through consistent advertising, creative slogans, and by reproducing the beer labels on his advertising (Phillips, 154). In 1893, he rebuilds the family house at 183 Ann Street (Phillips, 154), and "near the end of the [19th] century", remodels the brewery, bricking over the wooden structure to give the brewery its current facade (Phillips, 155). Joseph Hamilton runs the business until it closes in 1917. (Baker, 14).

Image credit for beer label: Thomas Fisher Rare Book Library, University of Toronto, Toronto, Ontario Canada

Stories about the Kent Brewery  
were picked up by *The Globe*, in  
Toronto, suggesting a brewery  
with more than local significance.

Stories about the Kent Brewery were picked up by *The Globe*, in Toronto, suggesting a brewery with more than local significance.

*The Globe*, Toronto, Jan 24, 1873, p. 2:

"On Monday afternoon a portion of a gang of rowdies that had long troubled London, attacked Mr. Hamilton and his son, of the Kent Brewery, with sticks and an iron poker, injuring them severely."

July 21 1875, *The Globe*, Toronto:

"Wm. Hamilton, brother of the proprietor of the Kent Brewery, poisoned himself this morning with a solution of Paris green. At the inquest held by Coronor Hagarty, the jury, after hearing the evidence, returned a verdict to the effect that death was caused by taking a quantity of solution of Paris green, which deceased drank while in a state of intoxication. Hamilton was unmarried and aged about 42 years."

The Hamilton family was not untouched by tragedy.

#### HISTORICAL/ASSOCIATIVE VALUES

- This property is valued for its direct associations with the Kent Brewery and the Hamilton brewing family, with Carling's Creek, and with the early industrial history of the creek and the neighbourhood.
- This property is valued for its potential to yield information on the history of the Talbot North neighbourhood, on the Carling's Creek industrial area, and on the brewing history of London-Middlesex.

Preliminary statements of contextual value for a potential designation of 197 Ann Street under 9/06 might look like those presented on this slide.

#### PRELIMINARY WORK ON OTHER PROPERTIES ON ANN STREET AND ST. GEORGE STREET

#### 183 ST. GEORGE STREET

- The property at 183 Ann Street was home to the Hamilton family from 1862 to 1911 (*City Directory*). The original frame structure where John Hamilton lived (and died) was completely rebuilt in brick by his son, Joseph Hamilton, in 1893, who lived in the current house until 1911 (*City Directory*).





179 ANN STREET

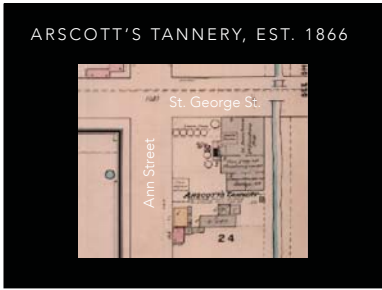
- Joseph Hamilton is listed in the City Directory as living at 179 Ann Street in 1888 and 1890. Presumably he occupies 179 Ann Street for three years before moving back to 183 Ann Street.



Note the presence of the Talbot North Lintel on the cottage lived in by Joseph Hamilton.

175 ANN STREET

- 175 Ann Street. The association of historical note is with its first occupant, John Arscott, of the family who built the Arscott tannery immediately across the street on the south-east corner of Ann and St. George.
- John Arscott is listed as living at 177 [sic] Ann Street in 1891 and at 175 Ann Street from 1894 until at least 1901. It may be that 177 and 175 are the same building with different numbering.



The Arscott family ran the tannery at St. George and Ann Street from 1866 until the mid-1890s



First occupant John Arscott, of the Arscott Tannery family.



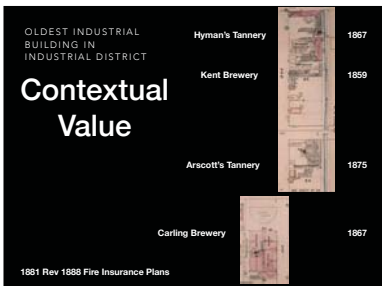
Built in 1893. First occupant, Lewis Phillips

84 St. George Street was built in 1893. Its first occupant was Lewis Phillips, who was not historically significant. Research is ongoing to identify subsequent occupants.

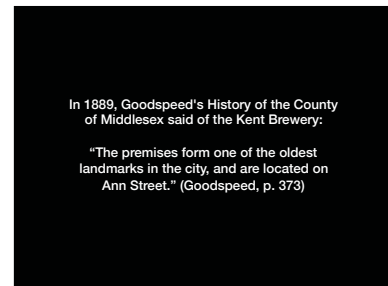


Built in 1930. First occupant Frank P. Miles

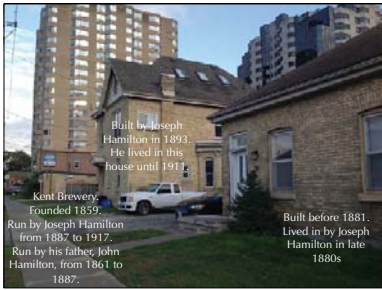
86 St. George Street was built in 1930. Its first occupant was Frank P. Miles, who was not historically significant. Research is ongoing to identify subsequent occupants.



Of the four major mid-19th century industries on Ann Street, the Kent Brewery building is the only industrial building that remains, and the oldest.



In 1889, Goodspeed's History of the County of Middlesex said of the Kent Brewery: "The premises form one of the oldest landmarks in the city, and are located on Ann Street." (Goodspeed, p. 373).



The brewers, John Hamilton, and his son, Joseph Hamilton, lived next to the brewery. The Labatts and the Carlings had once lived next to their breweries, however those houses are long gone. The brewery and the two residences associated with it are an example of how built assets can be contextually related. Additional research is needed to determine how unusual it is within Canada to have an intact brewers house next to a 19th century brewery building.

This property can be thought of as a small brewery district within the Carling's Creek industrial district, within the larger prospective Talbot North Heritage Conservation District.



Four late 19th and early 20th century industrial buildings remain in near proximity, and are visible from the front door of the brewery building: the CPR instruction office/ CPR storehouse (c. 1890), the Fireproof Warehouse building (1911), and the Murray-Selby Shoe Factory building (1909). The presence of the 1892-1893 CPR train station is also notable, as a symbol of the railroad that enhanced the industrial potential of the area.



Other nearby industrial buildings have been adaptively reused. The Webster Air Equipment Ltd building at 140 Ann Street (London Free Press Collection of Photographic Negatives, 29 October 1948, Western Archives, Western University), is now home to Hutton House.



The Frank Gerry Warehouse at 50 Piccadilly Street (13 September 1954, London Free Press Collection of Photographic Negatives, Western Archives, Western University) now houses a nightclub.



The Pumps and Softeners Limited building at 680 Waterloo Street (London Ontario 29 October 1948, London Free Press Collection of Photographic Negatives, Western Archives, Western University), has been re-purposed to house a law firm.

## CONTEXTUAL VALUE

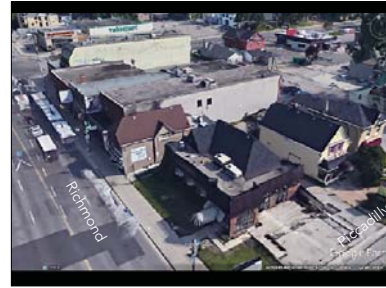
- This property (197 Ann St) is valued because it is visually and historically linked to houses immediately to the west that Joseph Hamilton built (183 Ann St.) or lived in (179 Ann St.).
- This property is valued because it is important in defining, maintaining and supporting the early industrial character of the area, as the earliest representative industrial building.
- This property is valued because it is physically linked to other industrial buildings in the near vicinity: CPR instruction office/ storehouse/carpenter shop (built c. 1890), Murray-Selby Building (1909), Fireproof Warehouse (1911).
- This property was already considered a landmark in 1889. (Goodspeed 1889).

Preliminary statements of contextual value for a potential designation of 197 Ann Street might look like those presented on this slide.



# NEARBY ADAPTIVE REUSE OF HERITAGE BUILT ASSETS

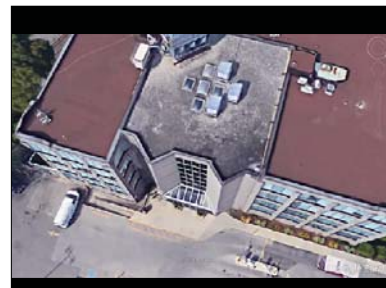
LACH requested that the prospective development incorporate heritage built assets, rather than demolishing them. The following slides contain examples of adaptive reuse of heritage built assets from the immediate neighbourhood.



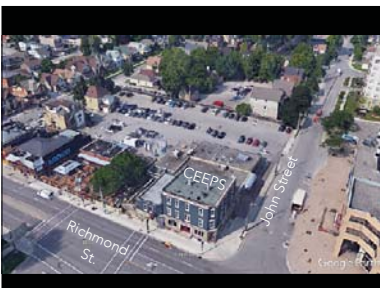
The 1928 Mock Tudor gas station at Piccadilly and Richmond became Willie Bell's Esso station. It still has the original gas station embedded in it, while adding some beautiful daylight space around it, as those frequent the Black Walnut Cafe which now occupies the space will attest. One of the original windows from the gas station adds interest and charm to the interior. This shows it is possible to take an industrial building and encase it in another building.



The Fireproof Warehouse, designed by Moore and Munro in 1911, was turned into The Village Corners. It can easily be seen from the front door of the Brewery. The Village Corners development shows that it is possible to take an industrial building, and by taking full advantage of both its interior and exterior features, turn it into a showpiece, as those who dined in the Aroma restaurant will attest.



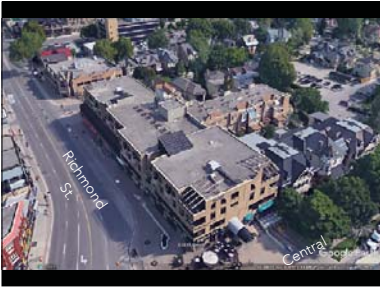
By filling in the courtyard of the 1909 Murray-Selby Shoe factory building at Piccadilly and Richmond Streets, the industrial feel was preserved while creating an airy modern atrium.



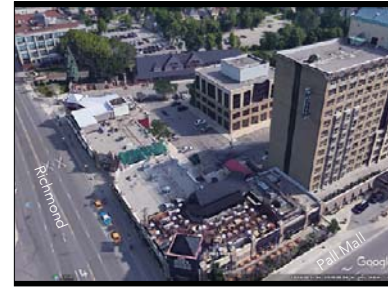
The CEEPS, built in 1890 to capitalize on the railroad, has remained the centrepiece for an expanding indoor and outdoor space.



The Sir Adam Beck house was rebuilt with modern materials after an attempt was made to rebuild it with the original materials. Lessons were learned, but the intent was there to incorporate the historic fabric and simultaneously intensify.



A vibrant streetscape along Richmond Street that does a successful job of activating the street and integrating into Richmond Row, intensifying residential, while preserving and incorporating some of the grand old residences along Central Ave. This shows the possibilities for incorporating heritage properties while simultaneously developing much denser residential on the rest of the site.



The Station Park development used the old railway and SuperTest lands, adding lots of density and activating the street, while creatively incorporating the 1892-1893 railway station, and making it into an evocative space, as those who dined in The Keg will attest. This shows that it is possible to create a district around a signature heritage building using modern buildings, including high-density buildings. These examples are all taken from within a few blocks of the prospective development. They show ways to intensify and to incorporate heritage built assets.

## FURTHER READING

- Baker, M. & Neary, H. B. (2003). *London Street Names: An Illustrated Guide*. Toronto: Lorimer.
- Brock, D. J. (2011). *Fragments from the Forks: London, Ontario's legacy*. London, Ont: London & Middlesex Historical Society.
- Caldwell, H. (2017, December 8). 197 *Ann Street*: Evaluation of Cultural Heritage Value of Interest. *Public History Heritage Designation Reports*. AFC 338, London Neighbourhood and Building Resource Collection, Western University, Western Archives.
- *London Old Boys*. London, Ontario, Canada. Semi centennial, 1855-1905. (1905). London, Ont.: London Printing and Lithography.
- *London City Directories 1854-2013*. Ivey Family London Room.

## FURTHER READING 2

- Phillips, G. C. (2000). *On tap: The odyssey of beer and brewing in Victorian London-Middlesex*. Sarnia, Ont: Cheshire Cat Press.
- Priddy, Harriett (1909). *The Naming of London Streets. Historic Sketches of London Ontario Part II*. London, ON. The London and Middlesex Historical Society.
- Lutman, John (1977). 'The Buildings of the Talbot Area' in the Historic Heart of Downtown, pp. 17-34.
- Alice Gibb and Pat Morden (1989). 'The Talbot Tour' in *Brackets and Bargeboards*, pp. 7-27.
- *Heritage Places 2.0: Potential Heritage Conservation Distractions in the City of London (2019)*. The City of London and Letourneau Heritage Consulting Inc, pp. 16-17.

## **LACH Working Group 435, 441, and 451 Ridout St – Tower Proposal**

**General Comments:** The proposal fails to adequately reflect or consider the very high importance of this site to the history of London and its remaining heritage properties. This is London's 'stellar' site in an area that saw the earliest beginnings of London. Far more proper understanding and acknowledgement of this should have required, at the least, consultation among heritage groups, professionals and the people of London to change this very important site.

The existing buildings are not only of hugely significant importance to London's history, but are architecturally distinguished, comprising part of London's almost entirely lost 'Georgian architecture'. Surmounted (in views) by a glass tower, they would lose most of this distinction.

This proposal requires multiple zoning amendments regarding height and use which would alert the community to the incompatibility of this application. The education component is a current and historic use of the buildings. The height of construction on this site is zoned to the height of the existing buildings – this requires a variance to a height just over 10 times higher than an existing National Historic Site. How can this tower 'provide for continuity and harmony in architectural style with adjacent uses that are of architectural and historical significance'? The height totally overwhelms and impacts the 'heritage attributes' of these heritage properties.

The *Downtown Heritage Conservation District Guidelines (DHCD)* have also frequently been ignored.

Furthermore as this is a National Historic Site, so there should have been far more consultation with the *Historic Sites and Monuments Board (NHSM)* and their standards and guidelines.

The HIA statement is adequate as far as history is concerned, but there is little correspondence between this and the plans for the proposal itself which does not adequately cover the issues and frequently fails to answer the questions it asks. There are no proper renderings of how this proposal would fit within the historic surroundings and a lack of acknowledgement of the historic nature of the site. There should be a 'view study' including historic views or paintings of the Forks for instance. It lacks terms of reference and – in the absence of any Tall Buildings guidelines in London – does not have any proper oversight.

Constant iterations of the fact that the historic buildings will be conserved are misleading – they will be severely compromised by this adjacent development.

### **Specific Comments:**

**Context:** This is one of the major issues: the site next to the place where London was founded at the Forks of the Thames. It is flanked by the historic properties of Eldon House and the Old Courthouse and Gaol – it is in the heart of a very important heritage environment, which it would compromise or destroy. The *NHSM* statement refers to the viewscape of the complex as a whole (which is highly visible from a distance). The municipal Designation documents state that the historic context, architecture, streets, landscapes and other physical and visual features are of great importance.

The *DHCD* ranks the site as 'A' and 'H' which require the most stringent protection. In *DHCD* new construction should 'respect history' and 'character-defining elements' should be conserved and it should be 'physically and visually compatible'. It is hard to see this development as visually compatible in any way. This is not in the Central Business District or the commercial heart of London where it might possibly fit, and it is highly visible from the Downtown and prominent on the cliff of the Thames River banks.

**Site and siting:** The proposed development is crammed up right behind the historic properties – presumably to get above the flood line. Even so, it is extremely close to this. This also means that the tower is far more visible and obtrusive to the views and vistas.

The 'heritage attributes' of the Ridout St complex include its view and position. This proposal would obliterate those.

The proposal constitutes a barrier to the river visually, physically and psychologically. It serves to isolate the Forks and Harris Park as public, community-wide amenities. It also impinges significantly on the views from the river and the Forks.

In the HIA construction related impacts have not yet been determined. Building Condition Reports and Vibration studies could have already been carried out as the proponent owns the buildings. There should have been a request to, and consultation with, the Eldon House board to facilitate necessary on-site analysis and this should have been shared with the City.

Mitigation measures reference a 40-m buffer between construction and properties but potential impacts need to be determined before the application proceeds.

It is noted that this proposal is sited above the existing flood line. However, climate change may continue to heighten this line. *UTRCA* should be consulted. The HIA also does not consider what threats to the heritage structures and grounds could occur as a result of any intrusion by new development into areas that have or might serve as a stormwater retention/detention area at this critical juncture of the Thames River. It may also impact waters upriver leading to flooding within Harris Park.

**Size:** The footprint is minimized because of the precarious site, but the height is maximized.

**Height:** The 40-storey tower is far too high – and would be the tallest building in London. This is not the right place for this. The historical importance of these buildings is minimized and trivialized by the structure, and reduced to a footnote. It is noted that views, vistas, viewscapes and viewsheds are recognized as important heritage considerations in the statements of the *DHCD* and *NHSM* and designation documents.

The 'new' and the 'old' are not joined or linked in this proposal and the heritage buildings appear only as an afterthought. There are no references in the proposal prepared as to how the existing structures could be restored, reused and incorporated into the overall site.

The shadow study does not adequately address the effect on Eldon House, given that the development is directly to the south and building is butted right up the garden wall. The grandeur of the estate is effected by its lawns, mature trees and ornamental vegetation and the views of visitors and customers of its teas on the lawn and verandah will be severely limited. The proposed development will not just shadow but overwhelm the estate and visitors will be greeted by a wall of glass and a looming modern 40-storey tower.

Before any development proceeds an Arborist Report should be conducted.

**Massing/design:** There is no transition between the tower and its surroundings. It forms no connections with, or address the heritage attributes of Eldon House in particular. The 'base, middle and top' portions of the design, designed to break it up conspicuously fail to do that and have little impact on its incongruity. The base or podium is faced with buff brick does not work in 'joining up' and instead overwhelms the heritage structures which should constitute the primary focus at this site.

**Materials:** The use of white horizontal stripes on the Tower structure does not mitigate, in any way, its height. The 'curves' are a poor attempt to add interest. There is no attempt, except for the buff brick,(which can be scarcely seen from the front) to reference the heritage of the existing structures. The overwhelming use of glass is also not in any way consistent with, or compatible to, the heritage structures in front of it.

**Mitigations:** The differences in height cannot be mitigated in any way. The report admits there is 'no one way to mitigate adverse impacts'.

LACH does not recommend the implementation of this proposal.

## Heritage Planners' Report to LACH: February 12, 2020

1. Heritage Alteration Permits processed under Delegated Authority By-law:
  - a) 38 Blackfriars Street (B/P HCD): porch alteration
  - b) 82 Empress Avenue (B/P HCD): addition and alterations
  - c) 285 Queens Avenue (WW HCD): railing alteration
  - d) 207 Dundas Street (Downtown HCD): signage
  - e) 190 Wortley Road (WV-OS HCD): signage
  - f) 577 Maitland Street (WW HCD): porch replacement
2. Heritage Week Postcards
3. Update: *Ontario Heritage Act* Regulations for Bill 108 Implementation
4. London Endowment for Heritage – accepting applications for heritage conservation projects until April 7, 2020. More information: [www.lcf.on.ca/london-endowment-for-heritage](http://www.lcf.on.ca/london-endowment-for-heritage)
  - a) Ad-Hoc Allocation Committee – Thursday April 23, 2020, noon (lunch provided) at London Community Foundation Boardroom, Covent Garden Market (130 King Street)

## Upcoming Heritage Events

- 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: [www.middlesexcentrchive.ca/events/](http://www.middlesexcentrchive.ca/events/)
- Eldon House’s Deadly Auction, Friday February 14, 2020, 7pm. Registration Required. More information: [www.eldonhouse.ca/events/](http://www.eldonhouse.ca/events/)
- London Heritage Awards, Thursday March 5, 2020 at Museum London. More information: [www.londonheritageawards.ca](http://www.londonheritageawards.ca). Tickets complimentary for ACO and HLF members; \$25.

# Advisory Committee on the Environment

## Report

The 3rd Meeting of the Advisory Committee Environment  
February 5, 2020  
Committee Room #4

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

ABSENT: J. Howell

ALSO PRESENT: T. Arnos, G. Barrett, M. Fabro, J. Grinstead,  
C. Smith and J. Stanford

The meeting was called to order at 12:17 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 Introduction to the Position of Manager of Sustainability and Resiliency

That it BE NOTED that a verbal presentation from M. Fabro, Manager, Sustainability and Resiliency, with respect to an introduction and update on the position of Manager of Sustainability and Resiliency, was received.

### 3. Consent

#### 3.1 2nd Report of the Advisory Committee on the Environment

That it BE NOTED that the 2nd Report of the Advisory Committee on the Environment, from its meeting held on January 8, 2020, was received.

#### 3.2 Municipal Council Resolution - 1st Report of the Advisory Committee on the Environment

That it BE NOTED that the Municipal Council resolution, from its meeting held on January 14, 2020, with respect to the 1st Report of the Advisory Committee on the Environment, was received.

#### 3.3 Letter of Resignation - K. Soliman

That it BE NOTED that the letter of resignation from the Advisory Committee on the Environment, dated January 17, 2020, from K. Soliman, was received.

### 4. Sub-Committees and Working Groups

#### 4.1 Energy Sub-Committee Report

That the attached Energy Sub-Committee Report BE FORWARDED to the Planning and Environment Committee and the Cycling Advisory Committee for consideration.

#### 4.2 Waste Sub-Committee Report

That the attached Waste Sub-Committee Report BE FORWARDED to the Planning and Environment Committee for consideration.

### 5. Items for Discussion

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

That it BE NOTED that the communication, as appended to the agenda, from R. Sirois, with respect to the Climate Action Presentation by D. Saxe that was given at the Green in the City Event in November, 2019, was received.

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

That it BE NOTED that a verbal update from R. Sirois with respect to London's Premier Zero Waste Festival, to be held on June 13, 2020, was received.

#### 5.3 Review and Affirmation of Sub-Committees

That it BE NOTED that the Advisory Committee on the Environment (ACE) held a general discussion with respect to a review of the ACE Sub-Committees.

#### 5.4 ACE 2020 Budget

That it BE NOTED that the Advisory Committee on the Environment (ACE) held a general discussion with respect to the ACE 2020 Budget.

#### 5.5 ACE 2020 Work Plan

That the revised, attached Advisory Committee on the Environment 2020 Work Plan BE FORWARD to Municipal Council for consideration.

#### 5.6 ACE Non-Voting Membership Request

That the City Clerk BE REQUESTED to remove the non-voting membership positions for the Institute of Catastrophic Research (Western University) and the Biodrome (Western University) and to replace them with a non-voting position for a faculty or graduate student in a relative discipline, such as environmental studies, sustainability or geography; it being noted that the Advisory Committee on the Environment (ACE) found that the existing positions were not able to participate and, therefore, the ACE would like to widen the field of possible candidates in order to be able to benefit from university expertise.

#### 5.7 Request for Delegation Status - Blue Community Project

That the request for delegation from L. Brown, Chair, Blue Community London, as appended to the agenda, with respect to the Blue Community Project, BE APPROVED for the March 4, 2020 Advisory Committee on the Environment meeting; it being noted that the delegate will be given 15 minutes to speak.



5.8 Request for Delegation Status - Student Presentation Regarding the Climate Change Emergency Plan

That the request for delegation from B. Vogel, Western University, dated January 28, 2020, with respect to the Climate Change Emergency Plan, BE APPROVED for the April 1, 2020 Advisory Committee on the Environment meeting; it being noted that the delegates will be given 15 minutes to speak.

5.9 City of London Multi-Year Budget Discussion

That a Working Group BE CREATED to draft comments for a representative of the Advisory Committee on the Environment (ACE) to present at the upcoming Strategic Priorities and Policy Committee (SPPC) Public Participation Meeting on February 13, 2020, with respect to the City of London Multi-Year Budget; it being noted that the draft comments will be circulated to the entire ACE for review prior to the above-noted meeting of the SPPC.

**6. Adjournment**

The meeting adjourned at 1:57 PM.

## **Advisory Committee on the Environment (ACE) Energy Sub-Committee**

On December 4<sup>th</sup>, 2019, ACE referred the Cycling Advisory Committee (CAC) Cycling Master Plan Review Working Group Report to the Energy Sub-Committee for review, specifically section 8.0 Recommendations with relevance to the City of London's Climate Emergency plan.

ACE comments

On December 4<sup>th</sup>, 2019, ACE referred the Cycling Advisory Committee (CAC) Cycling Master Plan Review Working Group Report to the Energy Sub-Committee for review, specifically section 8.0, Recommendations with relevance to the City of London's Climate Emergency Plan.

Using a modeled carbon emissions evaluation, the CAC demonstrates that existing TMP mode split targets are not enough to reach London's emission targets. Thus they offer a likely mode-split solution (below in bold) for London to reach its GGE goals.

We are not familiar with the model CAC used to determine that London's mode split targets are presently unobtainable. Regardless, more commitment to cycling definitely deserves attention given its affordability and the results possibly being game-changing (per CAC's analysis). We ask that the City give active transportation special attention to find solutions to reduce London's energy use, including examination of the experience in other cities such as Barcelona, Spain (Diane Saxe presentation Nov. 19, 2019).

### **BACKGROUND**

Using a simple modeling exercise, the CAC report concludes the Transportation Master Plan (TMP) will not reduce greenhouse gas emissions (GGE) to 2030 target levels and requires the TMP mode split targets to be adjusted to achieve these goals. The Cycling Master Plan (CMP) acknowledges that each litre of gasoline burned emits about 2.3 kg of carbon dioxide which contributes to climate disruption but does not make further reference to targets.

CAC recommendations include:

- That the City evaluate GGE implications of the London Transit Master Plan, London Official Plan, London Parking Strategy, London Accessibility Strategy, and the Cycling Master Plan (CMP) to align with the City's Declaration of Climate Emergency.
- That a revised CMP plan focus on building All-Ages-and-Abilities infrastructure to achieve climate-informed modal split targets and a city-wide bike grid by summer 2021.
- That the City enacts a moratorium on all currently planned and future road widenings. Presently budgeted funds for road widening (\$75M/year) should be reallocated to transit and cycling for maximum mitigation of climate disruption and create an active transportation strategy (walking, accessibility, and micro mobility) at \$50/person/year, or ~\$20M/year, comparable to the scale of investments in major cycling cities and to
- Decrease speed limits on all residential streets to 30 km/h (reduce GGE, increase safety).

Key Findings:

- Implementing the City’s TMP will result in London exceeding its 2030 GGE budget by a minimum of 45%. Scenario A presents a minimum population growth of 73,800 people by 2030. Scenario B envisions growth of 140,000 people, a 39% increase from 2007.
- The City’s GGE budget can only be met by mode shift from automobile to zero-carbon transportation (ie electric transit, cycling, and walking), not by electric vehicles alone..
- Metrics to assess the current CMP are not comparable with other Canadian cities and leading global cycling jurisdictions. The CAC sees critical gaps in understanding of both current and potential cycling rates, demographics, and behaviour in London.
- It is likely that in examining other climate-relevant City policies, related to transportation and land use, through a climate lens this could yield similar need for urgent action.
- Transportation is by far the sector with the largest GGE in London. Our 2017 transport emissions are 1390 kt CO2e (of which ~70% of emissions are from personal vehicles), representing 49% of total emissions today, and has been relatively unchanged since 2007.

CAC Conclusion:

At its core, the goals in the TMP are insufficient to reach our international obligations to decrease our carbon emissions, and inadequate to cope with London’s Climate Emergency plan.

The CAC CMP Review Working Group suggests that mode shift target levels and greater investment in active transportation, are the most impactful ways to achieve 2030 GGE goals.

Table 4-1: City of London Transportation Master Plan current mode share and 2030 targets

Mode	2009 Mode Share	2030 Target	<b>NEEDED CAC Climate-Informed Targets by 2030:</b>
Automobile	76%	60%	<b>25%</b>
Transit	11%	20%	<b>35%</b>
Active Transportation –	9%	15%	<b>35%</b>
Cycling –	1%	5%	<b>10%</b>
Walking –	8%	10%	<b>25%</b>
Other	5%	5%	<b>5%</b>
	<b>100% Electrification of London Transit Vehicles</b>		
	<b>25% Electrification of Private Cars and City Vehicles</b>		

ACE Waste Subcommittee Report, January, 2020  
Re: 2020-2023 Multi-year Budget  
Business Case #1- 60% Waste Diversion Action Plan

ACE is highly supportive that the City budget proposal includes funds for collection of organic residential waste. We realize that more than 40% of residential waste is organic and thus will have the greatest impact in diverting waste from landfill.

ACE is in favour of the City following data from other municipalities with highly successful diversion programs. For example, Markham has demonstrated the importance of biweekly garbage collection as critical to the success of their green bin program.

In particular ACE is encouraging the removal of textiles, bulky plastics and small appliances from the waste stream. ACE is also supportive of waste as a 'resource technology' (anaerobic digester facilities, biogas, landfill gas recovery) where the end products can be used as a source of energy.

ACE looks forward to advising and having input on the progress of the 'expanded' recycling program and waste diversion programs as they evolve.

## ADVISORY COMMITTEE ON THE ENVIRONMENT - 2020 WORK PLAN

*(Updated February 5, 2020 – The status column reflects the actions of the renewed committee, established in Sept. 2019) ACE looks forward to reaching its full complement of members in March/April 2020.*

Project / Initiative & Background	Lead/ Responsible	Proposed Timeline	Proposed Budget	Actual Expenditure	Link to Strategic Plan	Status
<p><b><u>Waste</u></b></p> <p><b>Managing organic waste</b></p> <p>1. Review &amp; prioritize leading edge waste management systems that focus on waste as a resource technology (biogas, anaerobic digester, landfill gas recovery – e.g. Edmonton Waste Management Centre of Excellence)</p> <p>2. Follow the progress of City regarding development of a Resource Recovery Centre for London (invite staff members speak to ACE)</p> <p>3. Continue research into organic waste diversion and bring successful models to attention of the City</p> <p><b>Resource Recovery</b></p> <p>4. Monitor &amp; review on-going resource recovery initiatives with a particular focus on diversion of textiles, plastics and small appliances.</p> <p><b>Landfill Expansion</b></p> <p>5. Monitor &amp; review landfill expansion, including plan to get to 60% diversion.</p>	Waste sub-committee	On-going	\$0		<p>Building a Sustainable City</p> <ul style="list-style-type: none"> <li>-Robust Infrastructure</li> <li>-Increase resource recovery/ long-term disposal capacity/ reducing community impacts</li> </ul> <p>Building a Sustainable City</p> <ul style="list-style-type: none"> <li>-Strong and Healthy Environment</li> <li>-Support resident/community driven initiatives</li> </ul> <p>Growing Our Economy</p> <ul style="list-style-type: none"> <li>-Local, Regional and Global Innovation</li> <li>-Lead development of new ways to resource/energy recovery</li> </ul>	<p>Detailed review of Additional Investment Business Case #1 – 60% Waste Diversion Action Plan –ratified at Feb 5 ACE meeting. The review will form part of the ACE feedback on the 2020-2023 multi-year budget.</p>
<p><b><u>Sustainability</u></b></p> <p>6. Support actions in regards to sustainability &amp; resiliency.</p> <p>6 a) Plan to establish a resiliency sub-committee when ACE achieves a full complement of members (four seats to be filled in the coming months).</p>	ACE	Ongoing in 2020	\$0		<p>Building a Sustainable City</p> <ul style="list-style-type: none"> <li>-Strong and Healthy Environment</li> </ul>	<p>Submitted to PEC a climate action and renewable energy recommendation pertaining to the City-wide Urban Design Guidelines (Dec. 2019).</p> <p>Participation in start-up Bird-Friendly Development Working Group – D. Szoller (ongoing)</p> <p>Participation in the development of the EEPAC Environmental Management Guidelines – D. Szoller (ongoing)</p>

Project / Initiative & Background	Lead/ Responsible	Proposed Timeline	Proposed Budget	Actual Expenditure	Link to Strategic Plan	Status
6 b) Act as a resource group to London citizens and organizations engaged in sustainability initiatives.						London Chapter of the Council of Canadians has requested delegation status at March/2020 ACE meeting regarding the Blue Community Project. City staff will be invited in order to provide update on City actions.
<p><b><u>Community Education</u></b></p> <p>7. Support community events to increase awareness of environmental issues and that help to mobilize citizens to consider their carbon footprint.</p>	ACE	Ongoing in 2020	Up to \$750		<p>Strengthening Our Community</p> <p>Building a Sustainable City</p>	<p>ACE sits on planning committee for London's Premier Zero Waste Festival &amp; Conference, June 13, 2020 - R. Sirois (ongoing)</p> <p>Participation in various events such as Go Wild Grow Wild Green Expo, April 18, 2020 (TBD)</p> <p>Set-aside of funds (see proposed budget) to collaborate with community ENGOs on events that advance city commitments related to environmental resilience, sustainability and the city climate change action plan.</p> <p>Reprinted <i>Pollinator Friendly Gardens</i> brochure for use at public events. (\$350 – 2019 budget)</p> <p>Supported Green in the City lecture series, Fall 2019 (\$500 – 2019 budget)</p>
<p><b><u>Corporate Energy Management Program</u></b></p> <p>8. Provide feedback on Corporate Energy Management Program as part of the City's annual review.</p>	Energy sub-committee	2020	\$0		<p>Building a Sustainable City</p> <p>-Robust Infrastructure</p> <p>-Strong &amp; healthy environment</p>	
<p><b><u>Climate Emergency Action Plan</u></b></p> <p>9. Monitor and provide input to the development of the new London Climate Emergency Action Plan.</p> <p>9 a) Act as a resource group to London citizens and organizations engaged in climate change</p>	<p>Energy Sub-Committee and</p> <p>ACE</p>	2020	\$0		<p>Building a Sustainable City</p> <p>-Robust Infrastructure</p> <p>-Strong &amp; healthy environment</p>	<p>In the context of reducing greenhouse gas emissions through active transportation, reviewed the Cycle Advisory Committee's Input to Cycling Master Plan – submitted comments and recommendations to PEC (February 2020)</p> <p>Delegation from graduate students in the Centre for Environment and Sustainability, UWO – April 2020 meeting. Will learn their research findings related to climate change mitigation and adaptation. City Staff invited.</p>

Project / Initiative & Background	Lead/ Responsible	Proposed Timeline	Proposed Budget	Actual Expenditure	Link to Strategic Plan	Status
<p><b><u>City Budget</u></b></p> <p>10. Review and provide feedback on 2020-2023 multi-year budget</p>	ACE	February 2020	\$0		Leading in Public Service	Participation at February 13, 2020 Public Participation Meeting
<p><b><u>Committee Member Education &amp; Development</u></b></p> <p>11. Assist ACE members with registration fees for conferences pertaining to ACE mandate</p>		2020	Maximum of \$750		ALL	<p>R. Sirois attended Zero Waste Conference October 2019 – presentation delivered to ACE with City officials in attendance, January 2020. (\$250 ACE subsidy – 2019 budget)</p> <p>D. Szoller attended Trans-Disciplinary Theory, Action and Practice Conference - October 2019 – Presentation to ACE in March 2020 (\$300 ACE subsidy – 2019 budget).</p>