

Agenda

London Advisory Committee on Heritage

The 5th Meeting of the London Advisory Committee on Heritage

August 12, 2020, 5:30 PM

Committee Room #5

The City of London is committed to making every effort to provide alternate formats and communication supports for Council, Standing or Advisory Committee meetings and information, upon request. To make a request related to this meeting, please contact advisorycommittee@london.ca.

	Pages
1. Call to Order	
1.1 Disclosures of Pecuniary Interest	
2. Scheduled Items	
3. Consent	
3.1 4th Report of the London Advisory Committee on Heritage	2
3.2 Notice of Planning Application - Zoning By-law Amendment - 124 Colborne Street and Other Properties	5
3.3 Notice of Planning Application - Official Plan Amendment - Old Victoria Hospital Lands Secondary Plan Area	9
3.4 Notice of Planning Application - Official Plan Amendment - Protected Major Transit Station Areas	12
3.5 Notice of Planning Application - Official Plan and Zoning By-law Amendments - 1153-1155 Dundas Street	38
3.6 Implementing Additional Residential Units Requirements of the Planning Act (Bill 108) - Information Report	103
4. Sub-Committees and Working Groups	
5. Items for Discussion	
5.1 Demolition Request for Heritage Designated Property at 120 York Street by Farhi Holdings Corporation	133
5.2 Heritage Alteration Permit Application by S. MacLeod at 59 Wortley Road - Wortley Village-Old South Heritage Conservation District	192
5.3 Heritage Alteration Permit Application by A. Schneider at 70 Rogers Avenue - Blackfriars/Petersville Heritage Conservation District	201
5.4 Heritage Alteration Permit Application by B. Egan at 512 English Street	210
5.5 Heritage Alteration Permit Application by J. Banninga and J. Williams at 784 Hellmuth Avenue - Bishop Hellmuth Heritage Conservation District	221
6. Adjournment	

London Advisory Committee on Heritage

Report

The 4th Meeting of the London Advisory Committee on Heritage
March 11, 2020
Committee Rooms #1 and #2

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

ABSENT: J. Dent

ALSO PRESENT: L. Dent, K. Gonyou, M. Greguol and L. Jones

The meeting was called to order at 5:33 PM.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

S. Bergman discloses a pecuniary interest in Item 3.3 of the 4th Report of the London Advisory Committee on Heritage, having to do with a Notice of Planning Application - Zoning By-law Amendment - 1146-1156 Byron Baseline Road, by indicating that her employer is involved in this matter.

L. Jones discloses a pecuniary interest in Item 3.3 of the 4th Report of the London Advisory Committee on Heritage, having to do with a Notice of Planning Application - Zoning By-law Amendment - 1146-1156 Byron Baseline Road, by indicating that her employer is involved in this matter.

2. Scheduled Items

2.1 Proposal to Host the 2022 Ontario Heritage Conference

That the Proposal to Host the 2022 Ontario Heritage Conference, as appended to the agenda, BE ENDORSED by the London Advisory Committee on Heritage; it being noted that a verbal delegation by W. Kinghorn, with respect to this matter, was received.

3. Consent

3.1 3rd Report of the London Advisory Committee on Heritage

That it BE NOTED that the 3rd Report of the London Advisory Committee on Heritage, from its meeting held on February 12, 2020, was received.

3.2 Notice of Planning Application - Official Plan Amendment - London Plan Housekeeping Amendment

That it BE NOTED that the Notice of Planning Application, dated February 19, 2020, from J. Lee, Planner I, with respect to an Official Plan Amendment related to a London Plan Housekeeping Amendment, was received.

3.3 Notice of Planning Application - Zoning By-law Amendment - 1146-1156 Byron Baseline Road

That the following actions be taken with respect to the Notice of Planning Application, dated February 12, 2020, from C. Lowery, Planner II, related

to a Zoning By-law Amendment with respect to the properties located at 1146-1156 Byron Baseline Road:

- a) the Civic Administration BE ADVISED that the London Advisory Committee on Heritage (LACH) is satisfied with the research, assessment and conclusions of the Heritage Impact Assessment (HIA) included with the above-noted Notice of Planning Application, and is satisfied that the proposed development will not have an adverse impact on adjacent cultural heritage resources; it being noted that the LACH supports the recommended mitigation measures outlined in the HIA; and,
- b) the possibility of designating the property located at 1158 Byron Baseline Road, under Part IV of the Ontario Heritage Act, BE REFERRED to the Stewardship Sub-Committee for review.

3.4 Notice of Planning Application - London Plan and Zoning By-law Amendments - City-Wide - Implementing Additional Residential Unit Requirements of the Planning Act

That the following actions be taken with respect to the Notice of Planning Application, dated March 5, 2020, from C. Parker, Senior Planner, related to London Plan and Zoning By-law Amendments with respect to implementing additional residential unit requirements of the Planning Act city-wide:

- a) the above-noted Notice of Planning Application BE REFERRED to the Policy and Planning Sub-Committee for review; and,
- b) C. Parker, Senior Planner, BE INVITED to the Policy and Planning Sub-Committee meeting, when this matter is discussed, and to the following London Advisory Committee on Heritage meeting to provide further information and respond to questions.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Heritage Alteration Permit Application by the City of London at 723 Lorne Avenue, Old East Heritage Conservation District

That, on the recommendation of the Managing Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking approval for a proposed park on the property located at 723 Lorne Avenue, located within the Old East Heritage Conservation District, BE PERMITTED with the following terms and conditions:

- the Heritage Planner be consulted on the restoration and installation details for the original school bell and aluminium lettering prior to installation;
- the London Advisory Committee on Heritage (LACH) be consulted on the cultural heritage interpretive sign to commemorate the former Lorne Avenue Public School prior to its production and installation; and,
- consideration be given to including more plant species identified in Table 5.1 of the Old East Heritage Conservation District Conservation Guidelines, as appended to the staff report dated March 11, 2020, in the planting plan for the Lorne Avenue Park;

it being noted that the LACH strongly recommends the use of decorative metal fencing along the south end of Lorne Avenue Park;

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

5.2 Demolition Request for Heritage Listed Properties at 74 Wellington Road and 78 Wellington Road

That, on the recommendation of the Director, Planning and City Planner, with the advice of the Heritage Planner, the properties located at 74 Wellington Road and 78 Wellington Road BE REMOVED from the Register of Cultural Heritage Resources; it being noted that the attached presentation from K. Gonyou, Heritage Planner, was received with respect to this matter.

5.3 Heritage Planners' Report

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

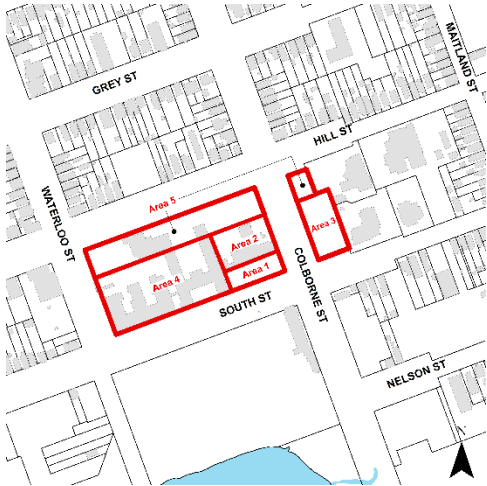
6. Adjournment

The meeting adjourned at 6:48 PM.

NOTICE OF PLANNING APPLICATION

Zoning By-Law Amendment

124 Colborne Street & Other Properties



File: Z-9224

Applicant: The Corporation of the City of London

What is Proposed?

Zoning amendment to:

- Implement the policy framework of the Old Victoria Hospital Lands Secondary Plan;
- Permit additional uses and apply specific regulations to each area subject to the Zoning By-law Amendment;
- Cross-referenced with File O-9223.

LEARN MORE & PROVIDE INPUT

Please provide any comments by **August 5, 2020**

Catherine Lowery

clowery@london.ca

Development Services, City of London, 300 Dufferin Avenue, 6th Floor,

London ON PO BOX 5035 N6A 4L9

File: Z-9224

london.ca/planapps

You may also discuss any concerns you have with your Ward Councillor:

Councillor Arielle Kayabaga

akayabaga@london.ca

519-661-CITY (2489) ext. 4013

**If you are a landlord, please post a copy of this notice where your tenants can see it.
We want to make sure they have a chance to take part.**

Application Details

Commonly Used Planning Terms are available at london.ca/planapps.

Requested Zoning By-law Amendment

To change the zoning from a Holding Residential R7/Residential R9/Regional Facility (h-5*R-7*D150*H12/R9-3*H12/RF) Zone and Residential R3/Residential R7/Residential R9 (R3-1/R7*D150*H24/R9-7*H24) Zone to an Open Space (OS1) Zone, Holding Residential R8 Special Provision (h-5*h-9*h-_*h-_*R8-4(_)) Zone, Holding Residential R8 Special Provision (h-5*h-_*R8-4(_)) Zone, Holding Residential R8 Special Provision (h-5*h-9*h-_*h-_*R8-4(_)) Zone, and a Holding Residential R4 Special Provision/Residential R8 Special Provision (h-5*h-_*R4-6(_)/R8-4(_)) Zone. Changes to the currently permitted land uses and development regulations are summarized below. The complete Zoning By-law is available at london.ca/planapps.

Current Zoning (Block Bounded by Hill Street, Colborne Street, South Street, and Waterloo Street)

Zone: Holding Residential R7/Residential R9/Regional Facility (h-5*R-7*D150*H12/R9-3*H12/RF) Zone

Permitted Uses: Senior citizens apartment buildings; handicapped persons apartment buildings; nursing homes; retirement lodges; continuum-of-care facilities; emergency care establishments; apartment buildings; lodging house class 2; adult secondary schools; ancillary residential and/or hostels and accommodations, together with permitted uses in this zone; places of worship; commercial parking structures and/or lots; commercial schools; community colleges; day care centres; elementary schools; emergency care establishments; group home type 2; hospitals; institutional uses; libraries; nursing homes; private schools; recreational buildings; secondary schools; stadia; supervised residences; universities.

Residential Density: 150 units per hectare.

Height: 12 metres.

Current Zoning (124 Colborne Street)

Zone: Residential R3/Residential R7/Residential R9 (R3-1/R7*D150*H24/R9-7*H24) Zone

Permitted Uses: Single detached dwellings; semi-detached dwellings; duplex dwellings; triplex dwellings; converted dwellings; fourplex dwellings; senior citizen apartment buildings; handicapped persons apartment buildings; nursing homes; retirement lodges; continuum-of-care facilities; emergency care establishments; apartment buildings; lodging house class 2.

Residential Density: 150 units per hectare.

Height: 24 metres.

Requested Zoning (Area 1)

Zone: Open Space (OS1) Zone

Permitted Uses: Conservation lands; conservation works; cultivation of land for agricultural/horticultural purposes; golf courses; private parks; public parks; recreational golf courses; recreational buildings associated with conservation lands and public parks; campground; managed forest.

Special Provisions: None.

Requested Zoning (Area 2)

Zone: Holding Residential R8 Special Provision (h-5*h-9*h-_*h-_*R8-4(_)) Zone

Permitted Uses: Apartment buildings; handicapped person's apartment buildings; lodging house class 2; stacked townhousing; senior citizen apartment buildings; emergency care establishments; continuum-of-care facilities. Additional permitted uses: offices, medical/dental offices; clinics; day care centres; studios; convenience stores; pharmacies; financial institutions; personal service establishments; restaurant, eat-in; business service establishments; hotel within existing buildings; craft brewery; artisanal workshop.

Special Provisions: Restrict non-residential uses to the first and second floor (with the exception of existing buildings which have no limit on the amount or location of non-residential floor area permitted within them), minimum and maximum front and exterior side yard depths of 1m and 3m respectively for new development, a minimum rear yard depth of 3m for new development, a minimum interior side yard depth of 2m for new development, a yard depth of 0m between R8-4 zone boundaries, a minimum landscaped open space of 20% for new development, a maximum lot coverage of 80%, minimum and maximum building heights of 9m and 34.5m (and/or 11 storeys) respectively, a minimum density of 50 units per hectare, a parking rate of 0.5 spaces per unit for residential uses, and a parking rate of 0 spaces for all uses in existing buildings.

Requested Zoning (Area 3)

Zone: Holding Residential R8 Special Provision (h-5*h-_*R8-4(_)) Zone

Permitted Uses: Apartment buildings; handicapped person's apartment buildings; lodging house class 2; stacked townhousing; senior citizen apartment buildings; emergency care establishments; continuum-of-care facilities. Additional permitted uses: offices, medical/dental offices; clinics; day care centres; studios; convenience stores; pharmacies; financial institutions; personal service establishments; restaurant, eat-in; business service establishments; hotel within existing buildings; craft brewery; artisanal workshop.

Special Provisions: Restrict non-residential uses to the first and second floor, minimum and maximum front and exterior side yard depths of 1m and 3m respectively for new development, a minimum rear yard depth of 3m for new development, a minimum interior side yard depth of 2m for new development, a minimum landscaped open space of 20% for new development, a maximum lot coverage of 80%, minimum and maximum building heights of 9m and 34.5m (and/or 11 storeys) respectively, a minimum density of 50 units per hectare, and a parking rate of 0.5 spaces per unit for residential uses.

Requested Zoning (Area 4)

Zone: Holding Residential R8 Special Provision (h-5*h-9*h-_*h-_*R8-4(_)) Zone

Permitted Uses: Apartment buildings; handicapped person's apartment buildings; lodging house class 2; stacked townhousing; senior citizen apartment buildings; emergency care establishments; continuum-of-care facilities. Additional permitted uses: hotel within existing buildings; day care centres; libraries; post office depots; private schools.

Special Provisions: Minimum and maximum front and exterior side yard depths of 1m and 3m respectively for new development, a minimum rear yard depth of 3m for new development, a minimum interior side yard depth of 2m for new development, a minimum yard depth of 0m between R8-4 zone boundaries, a minimum landscaped open space of 20% for new development, maximum lot coverage of 80%, minimum and maximum building heights of 9m and 25.5m (and/or 8 storeys) respectively, a minimum density of 30 units per hectare, a parking rate of 0.5 spaces per unit for residential uses, and a parking rate of 0 spaces for all uses in existing buildings.

Requested Zoning (Area 5)

Zone: Holding Residential R4 Special Provision/Residential R8 Special Provision (h-5*h-_*R4-6(_)/R8-4(_)) Zone

Permitted Uses: Apartment buildings; handicapped person's apartment buildings; lodging house class 2; stacked townhousing; senior citizen apartment buildings; emergency care establishments; continuum-of-care facilities, street townhouses.

Special Provisions: Special provisions to the proposed R4-6 Zone would permit minimum and maximum front and exterior side yard depths of 2m and 3m respectively, a maximum building height of 19.5m (and/or 5 storeys), and a maximum residential garage width of 50% of the building façade width. Special provisions to the proposed R8-4 Zone would permit minimum and maximum front and exterior side yard depths of 1m and 3m respectively, a minimum rear yard depth of 3m, a minimum interior side yard depth of 2m, a minimum landscaped open space of 20%, a maximum lot coverage of 80%, minimum and maximum building heights of 9m and 19.5m (and/or 5 storeys) respectively, minimum and maximum density of 15 and 75 units per hectare respectively, a parking rate of 1 space per unit for residential uses, and a maximum residential garage width of 50% of the building façade width.

The City may also consider the use of holding provisions.

An Environmental Impact Study has been prepared to assist in the evaluation of this application.

Planning Policies

Any change to the Zoning By-law must conform to the policies of the Official Plan, London's long-range planning document. These lands are currently designated as Low-Rise Residential, Mid-Rise Residential, and the Four Corners in the Old Victoria Hospital Secondary Plan, which permits a range of residential, commercial, and community uses as the main uses.

The subject lands are in the Neighbourhoods Place Type in *The London Plan*, permitting a range of residential uses.

How Can You Participate in the Planning Process?

You have received this Notice because someone has applied to change the zoning of land located within 120 metres of a property you own, or your landlord has posted the notice of application in your building. The City reviews and makes decisions on such planning applications in accordance with the requirements of the *Planning Act*. The ways you can participate in the City's planning review and decision making process are summarized below. For more detailed information about the public process, go to the [Participating in the Planning Process](#) page at london.ca.

Please also note that this application is being circulated during the State of Emergency issued by the Province of Ontario. As a result, in-person services are not available at this time.

See More Information

You can review additional information and material about this application by:

- Contacting the City's Planner listed on the first page of this Notice; or
- Viewing the application-specific page at london.ca/planapps

Future Opportunity to View the Application

When the City of London returns to operations that support in-person viewing, please contact the City's Planner listed on the first page of this Notice to confirm the office location of the Planner and the times that the office is open.

Reply to this Notice of Application

We are inviting your comments on the requested changes at this time so that we can consider them as we review the application and prepare a report that will include Development Services staff's recommendation to the City's Planning and Environment Committee. Planning considerations usually include such matters as land use, development intensity, and form of development.

Attend a Future Public Participation Meeting

The Planning and Environment Committee will consider the requested zoning changes on a date that has not yet been scheduled. The City will send you another notice inviting you to attend this meeting, which is required by the *Planning Act*. You will also be invited to provide your comments at this public participation meeting. The Planning and Environment Committee will make a recommendation to Council, which will make its decision at a future Council meeting.

What Are Your Legal Rights?

Notification of Council Decision

If you wish to be notified of the decision of the City of London on the proposed zoning by-law amendment, you must make a written request to the City Clerk, 300 Dufferin Ave., P.O. Box 5035, London, ON, N6A 4L9, or at docservices@london.ca. You will also be notified if you speak to the Planning and Environment Committee at the public meeting about this application and leave your name and address with the Secretary of the Committee.

Right to Appeal to the Local Planning Appeal Tribunal

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of London to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of London before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of London before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information go to <http://elto.gov.on.ca/tribunals/omb/about-the-omb/>.

Notice of Collection of Personal Information

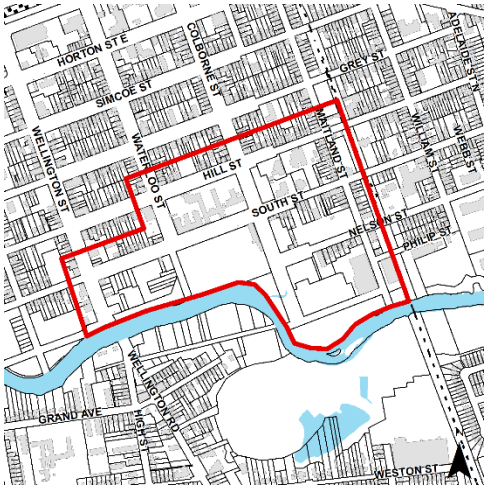
Personal information collected and recorded at the Public Participation Meeting, or through written submissions on this subject, is collected under the authority of the *Municipal Act*, 2001, as amended, and the *Planning Act*, 1990 R.S.O. 1990, c.P.13 and will be used by Members of Council and City of London staff in their consideration of this matter. The written submissions, including names and contact information and the associated reports arising from the public participation process, will be made available to the public, including publishing on the City's website. Video recordings of the Public Participation Meeting may also be posted to the City of London's website. Questions about this collection should be referred to Cathy Saunders, City Clerk, 519-661-CITY(2489) ext. 4937.

Accessibility – Alternative accessible formats or communication supports are available upon request. Please contact accessibility@london.ca or 519-661-CITY(2489) extension 2425 for more information.

NOTICE OF PLANNING APPLICATION

Official Plan Amendment

Old Victoria Hospital Lands Secondary Plan Area



File: O-9223

Applicant: The Corporation of the City of London

What is Proposed?

Official Plan Amendment to:

- Delete references to bonus zoning and to maintain the stated maximum building heights and densities without the use of bonus zoning;
- Delete Section 20.6.3.3 – Bonus Policies;
- Amend Sections 20.6.4.1, 20.6.4.2, 20.6.4.3.1, 20.6.4.3.2, and 20.6.4.3.3 to remove references to bonus zoning and permit the stated maximum building height and density without bonus zoning;
- Adopt Urban Design Guidelines pursuant to Section 20.6.5.8 for the Old Victoria Hospital Phase II Lands;
- Cross-referenced with File Z-9224.

LEARN MORE & PROVIDE INPUT

Please provide any comments by **August 5, 2020**

Catherine Lowery

clowery@london.ca

Development Services, City of London, 300 Dufferin Avenue, 6th Floor,

London ON PO BOX 5035 N6A 4L9

File: O-9223

london.ca/planapps

You may also discuss any concerns you have with your Ward Councillor:

Councillor Arielle Kayabaga

akayabaga@london.ca

519-661-CITY (2489) ext. 4013

**If you are a landlord, please post a copy of this notice where your tenants can see it.
We want to make sure they have a chance to take part.**

Application Details

Commonly Used Planning Terms are available at london.ca/planapps.

Requested Amendment to the Current Official Plan

To amend the Old Victoria Hospital Lands Secondary Plan to delete references to bonus zoning and to maintain the stated maximum building heights and densities without the use of bonus zoning. Possible amendment to the Old Victoria Hospital Secondary Plan to delete Section 20.6.3.3 – Bonus Policies; amend Sections 20.6.4.1, 20.6.4.2, 20.6.4.3.1, 20.6.4.3.2, and 20.6.4.3.3 to remove references to bonus zoning and permit the stated maximum building height and density without bonus zoning; and adopt Urban Design Guidelines pursuant to Section 20.6.5.8 for the Old Victoria Hospital Phase II Lands. Cross-referenced with File Z-9224.

How Can You Participate in the Planning Process?

You have received this Notice because someone has applied to change the Official Plan designation of land located within 120 metres of a property you own, or your landlord has posted the notice of application in your building. The City reviews and makes decisions on such planning applications in accordance with the requirements of the *Planning Act*. The ways you can participate in the City's planning review and decision making process are summarized below. For more detailed information about the public process, go to the [Participating in the Planning Process](https://london.ca/planapps) page at london.ca.

Please also note that this application is being circulated during the State of Emergency issued by the Province of Ontario. As a result, in-person services are not available at this time.

See More Information

You can review additional information and material about this application by:

- Contacting the City's Planner listed on the first page of this Notice; or
- Viewing the application-specific page at london.ca/planapps

Future Opportunity to View the Application

When the City of London returns to operations that support in-person viewing, please contact the City's Planner listed on the first page of this Notice to confirm the office location of the Planner and the times that the office is open.

Reply to this Notice of Application

We are inviting your comments on the requested changes at this time so that we can consider them as we review the application and prepare a report that will include Development Services staff's recommendation to the City's Planning and Environment Committee. Planning considerations usually include such matters as land use, development intensity, and form of development.

Attend a Future Public Participation Meeting

The Planning and Environment Committee will consider the requested Official Plan changes on a date that has not yet been scheduled. The City will send you another notice inviting you to attend this meeting, which is required by the *Planning Act*. You will also be invited to provide your comments at this public participation meeting. The Planning and Environment Committee will make a recommendation to Council, which will make its decision at a future Council meeting.

What Are Your Legal Rights?

Notification of Council Decision

If you wish to be notified of the decision of the City of London on the proposed official plan amendment, you must make a written request to the City Clerk, 300 Dufferin Ave., P.O. Box 5035, London, ON, N6A 4L9, or at docservices@london.ca. You will also be notified if you speak to the Planning and Environment Committee at the public meeting about this application and leave your name and address with the Secretary of the Committee.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of London to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of London before the proposed official plan amendment is adopted, the person or public body is not entitled to appeal the decision.

Right to Appeal to the Local Planning Appeal Tribunal

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of London to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of London before the proposed official plan amendment is adopted, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of London before the proposed official plan amendment is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

For more information go to <http://elto.gov.on.ca/tribunals/omb/about-the-omb/>.

Notice of Collection of Personal Information

Personal information collected and recorded at the Public Participation Meeting, or through written submissions on this subject, is collected under the authority of the *Municipal Act*, 2001, as amended, and the *Planning Act*, 1990 R.S.O. 1990, c.P.13 and will be used by Members of Council and City of London staff in their consideration of this matter. The written submissions, including names and contact information and the associated reports arising from the public participation process, will be made available to the public, including publishing on the City's website. Video recordings of the Public Participation Meeting may also be posted to the City of London's website. Questions about this collection should be referred to Cathy Saunders, City Clerk, 519-661-CITY(2489) ext. 4937.

Accessibility – Alternative accessible formats or communication supports are available upon request. Please contact accessibility@london.ca or 519-661-CITY(2489) extension 2425 for more information.



NOTICE OF PLANNING APPLICATION

Official Plan Amendment

Protected Major Transit Station Areas (PMTSAs)

File: O-9208

Applicant: The Corporation of the City of London

What is Proposed?

Possible amendments to *The London Plan*, 2016, to designate Protected Major Transit Station Areas (PMTSAs) and add policies pertaining to building heights and minimum densities for these areas.

PMTSAs are the areas surrounding and including an existing and planned higher order transit station or stop, generally within a 500 to 800 metre radius (a 10-minute walk) of such transit stations. PMTSAs are planned to accommodate increased residential and employment density with highly urban, mixed-use, transit-supportive forms of development. PMTSAs will support the future implementation of rapid transit services in consistency with policies of *The London Plan*.

Possible amendments are to be in accordance with section 16 (15) of the *Planning Act*.

LEARN MORE & PROVIDE INPUT

Please provide any comments by **July 7, 2020**

Joanne Lee

jolee@london.ca

City Planning, City of London, 206 Dundas St., London ON N6A 1G7

File: O-9208

www.london.ca/plannapps

You may also discuss any concerns you have with your Ward Councillor. Information on how to contact your Ward Councillor can be found at www.london.ca/city-hall/city-council or by calling 519-661-5095

**If you are a landlord, please post a copy of this notice where your tenants can see it.
We want to make sure they have a chance to take part.**

Application Details

Commonly Used Planning Terms are available at london.ca.

Requested Amendment to The London Plan (New Official Plan)

Possible amendment to identify Protected Major Transit Station Areas (PMTSAs) in the London Plan that align with the Downtown, Transit Villages, and Rapid Transit Corridor Place Types. Possible new policies pertaining to those PMTSAs to identify the minimum number of residents and jobs per hectare; identify permitted use, intensity and form within the PMTSAs; and identify the minimum densities in the PMTSAs. Possible amendments to the Our City chapter, Figure 5, and Map 7 in the London Plan to identify PMTSAs.

Planning Policies

The Downtown, Transit Village, and Rapid Transit Corridor Place Types in *The London Plan* are considered for high density, mixed-use, transit-supportive development and intensification due to the location of rapid transit stations.

The Downtown is planned to be the City's primary station for rapid transit, regional bus, rail and future high speed rail network. The Downtown allows for the greatest level of intensity and broadest range of uses.

Second only to the Downtown in terms of the mix of uses and intensity of development that is permitted, Transit Villages are major mixed-use destinations with centrally located rapid transit stations. They are intended to support the rapid transit system, by providing opportunities for higher density development in close proximity to rapid transit stations.

Rapid Transit Corridors connect the Downtown and Transit Villages along rapid transit routes. A wide range of permitted uses and greater intensities of development are encouraged in close proximity to transit stations to support transit usage.

How Can You Participate in the Planning Process?

The City reviews and makes decisions on such planning applications in accordance with the requirements of the *Planning Act*. The ways you can participate in the City's planning review and decision making process are summarized below. For more detailed information about the public process, go to the [Participating in the Planning Process](http://london.ca) page at london.ca.

Please also note that this application is being circulated during the State of Emergency issued by the Province of Ontario. As a result, in-person services are not available at this time.

See More Information

You can review additional information and material about this application by:

- Contacting the City's Planner listed on the first page of this Notice; or
- Viewing the application-specific page at www.london.ca/plannapps.

Future opportunity to view the application:

- When the City of London returns to operations that support in-person viewing, please contact the City's Planner listed on the first page of this Notice to confirm the location and times where the application can be viewed.

Reply to this Notice of Application

We are inviting your comments on the requested changes at this time so that we can consider them as we review the application and prepare a report that will include City Planning staff's recommendation to the City's Planning and Environment Committee. Planning considerations usually include such matters as land use, development intensity, and form of development.

This request represents residential intensification as defined in the policies of the Official Plan. Under these policies, City Planning staff and the Planning and Environment Committee will also consider detailed site plan matters such as fencing, landscaping, lighting, driveway locations, building scale and design, and the location of the proposed building on the site. We would like to hear your comments on these matters.

Attend an Online Community Information Meeting

As noted that in-person services are not available due to the State of Emergency, a community information meeting will be held online to present this proposal and obtain input from interested members of the public. The meeting has not yet been scheduled, but will be in advance of the Future Public Meeting described below. You will receive a separate notice inviting you to this meeting. The Community Information Meeting is not the public meeting required by the Planning Act and attendance at this meeting does not create a right to appeal the decision of Council to the Local Planning Appeal Tribunal.

Attend a Future Public Participation Meeting

The Planning and Environment Committee will consider the requested Official Plan changes on a date that has not yet been scheduled. The City will send you another notice inviting you to attend this meeting, which is required by the *Planning Act*. You will also be invited to provide your comments at this public participation meeting. The Planning and Environment Committee will make a recommendation to Council, which will make its decision at a future Council meeting.

What Are Your Legal Rights?

Notification of Council Decision

If you wish to be notified of the decision of the City of London on the proposed official plan amendment, you must make a written request to the City Clerk, 300 Dufferin Ave., P.O. Box 5035, London, ON, N6A 4L9, or at docservices@london.ca. You will also be notified if you speak to the Planning and Environment Committee at the public meeting about this application and leave your name and address with the Secretary of the Committee.

Right to Appeal to the Local Planning Appeal Tribunal

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of London to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of London before the proposed official plan amendment is adopted, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of London before the proposed official plan amendment is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

For more information go to <http://elto.gov.on.ca/tribunals/lpat/about-lpat/>.

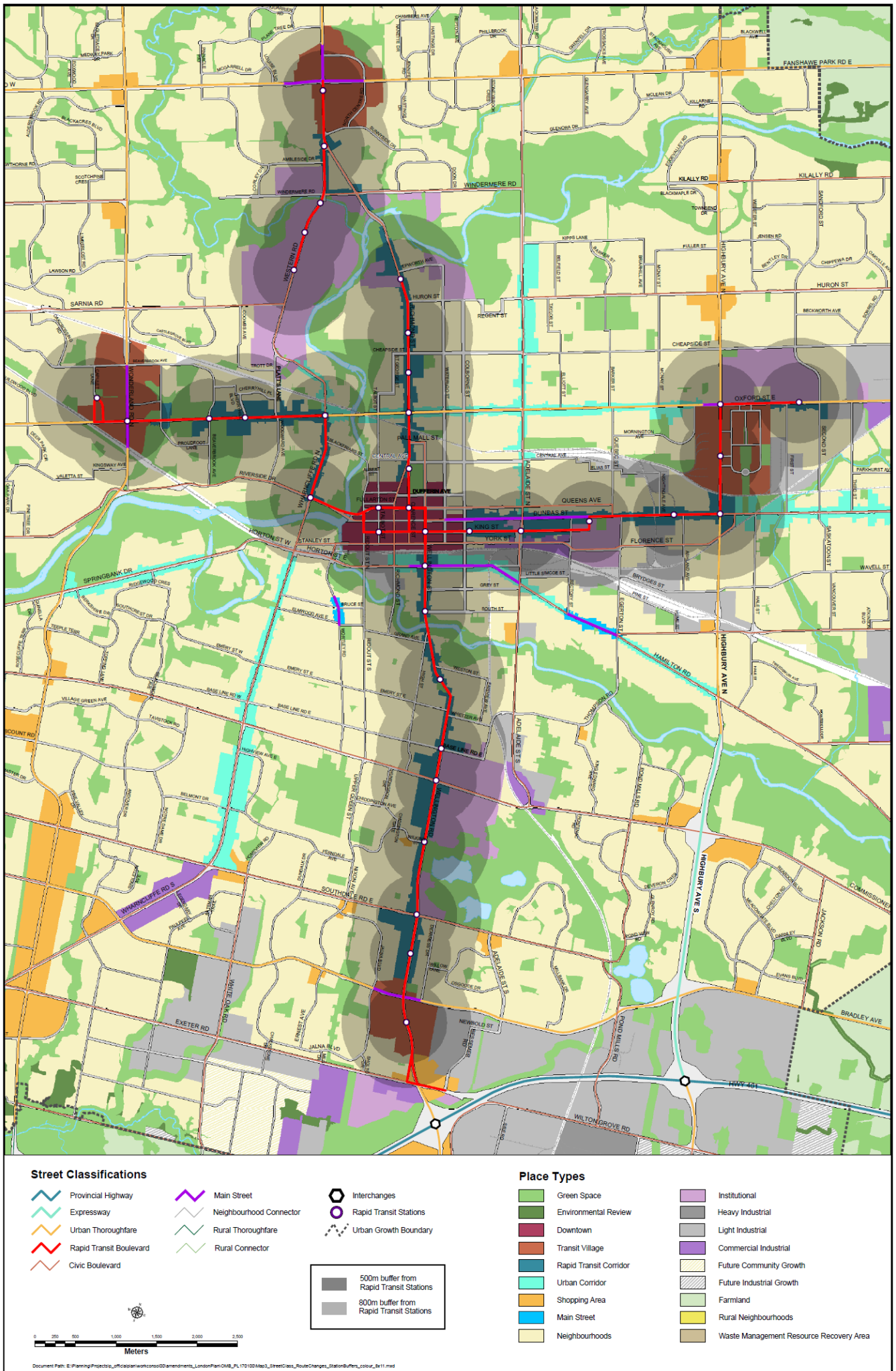
Notice of Collection of Personal Information

Personal information collected and recorded at the Public Participation Meeting, or through written submissions on this subject, is collected under the authority of the *Municipal Act*, 2001, as amended, and the *Planning Act*, 1990 R.S.O. 1990, c.P.13 and will be used by Members of Council and City of London staff in their consideration of this matter. The written submissions, including names and contact information and the associated reports arising from the public participation process, will be made available to the public, including publishing on the City's website. Video recordings of the Public Participation Meeting may also be posted to the City of London's website. Questions about this collection should be referred to Cathy Saunders, City Clerk, 519-661-CITY(2489) ext. 4937.

Accessibility

Alternative accessible formats or communication supports are available upon request. Please contact planning@london.ca or 519-661-4980 for more information.

Map of Rapid Transit Stations



Map of Rapid Transit Stations

The above image represents the lands within a 500 to 800 metre radius of the rapid transit stations.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Gregg Barrett
Director, City Planning and City Planner
Subject: Protected Major Transit Station Areas Information Report
Meeting on: August 10, 2020

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, the following actions be taken with regard to the application by the City of London relating to Protected Major Transit Station Areas (PMTSAs):

- (a) This report **BE RECEIVED** for information; and
- (b) This report with draft PMTSA policies **BE CIRCULATED** to stakeholders and the general public for comments.

IT BEING NOTED THAT an Official Plan Amendment to add PMTSA policies to the London Plan will be considered at a future public participation meeting of the Planning and Environment Committee.

Executive Summary

Protected Major Transit Station Areas (PMTSAs) are the areas surrounding and including existing and planned higher order transit stations or stops. These areas are intended to accommodate increased residential and employment growth with highly urban, mixed-use, transit-supportive forms of development. The areas are generally located within a 500 to 800 metre radius (a 10-minute walk) of an existing or planned transit station.

The *Planning Act* was amended in 2017 (Bill 139) to allow municipalities to delineate PMTSAs in their official plans. Where a municipality identifies and delineates PMTSAs, the *Act* requires that the policies identify the minimum number of residents and jobs per hectare for the area, identify the permitted uses of land and buildings in the area, and identify the minimum densities required for development in the area. Where an official plan includes policies for a PMTSA that conform with the *Planning Act* requirements, the boundaries and related policies are not subject to appeal.

The London Plan, approved by Council in 2016, includes policies with similar objectives to PMTSAs in areas that are located along the approved Rapid Transit corridors. However, because PMTSAs were not added to the *Planning Act* until 2017 there are no references to them in The London Plan. This report identifies opportunities and considerations with regard to the potential addition of PMTSA policies to the London Plan.

The London Plan identifies the Downtown, Transit Village and Rapid Transit Corridor Place Types as areas for intensification with a focus on transit- and pedestrian-oriented development around planned rapid transit stations.

Proposed PMTSA policies are appended to this report that identify possible PMTSA boundaries, the minimum number of residents and jobs per hectare, permitted uses, minimum densities, and minimum and maximum building heights. Staff are seeking Council's feedback on the draft policies, which will be circulated for public review and comments. Recommended PMTSA policies will be brought forward as an Official Plan Amendment to the London Plan at a future Planning Environment Committee meeting.

1.0 Background

1.1 What are Protected Major Transit Station Areas?

Protected Major Transit Station Areas (PMTSAs) are defined as the areas “surrounding and including an existing or planned higher order transit station or stops” in the *Planning Act* (S.16(15)). This section was added to the *Planning Act* in 2017 through the *Building Better Communities and Conserving Watersheds Act* (Bill 139), and is intended to support policies that promote transit-oriented development around higher order transit stations and stops. This is achieved by protecting such policies from appeal and by restricting requests to amend policies for PMTSAs, unless an exception is approved by Council.

The *Planning Act* also includes requirements that must be included in any PMTSA policies. Section 16(15) states that where a PMTSA is delineated in an official plan, the official plan must also contain policies that:

- a) Identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated within the area;
- b) Identify the authorized uses of land in the major transit station area and of buildings or structures on lands in the area; and
- c) Identify the minimum densities that are authorized with respect to buildings and structures on lands in the area.

Section 17(36.1.4) identifies that there is no appeal to an official plan policy that identifies a PMTSA in accordance with Section 16(15), or addresses the issues described in clauses a, b, or c (quoted above). Therefore, the proposed amendment in the appendix to this report would not be subject to appeal and would become in-force official plan policy upon the approval by City Council. Similar restrictions exist for appeals to a zoning by-law in a PMTSA (S.34(19.5)), with the exception of maximum heights (S.34(19.7)).

Section 22(2.1.3) identifies that if a PMTSA is identified in accordance with Section 16(15), then no person or public body shall request an amendment in respect of the PMTSA policies. Section 22(2.2) provides a possible exception, giving council the authority to pass a resolution to permit either a specific request, a class of requests, or all requests to amend the PMTSA policies.

1.2 Existing London Plan Policies

The London Plan was developed with consideration for the approved Transportation Master Plan (2013), the Rapid Transit Initiative Master Plan (2017), and the Rapid Transit Environmental Project Report (2019), which is further detailed in the following section of this report. The London Plan was written to recognize the important relationship between the use, intensity, and form of development and mobility infrastructure. One of the hallmarks of the London Plan is to align the city structure with planned higher order transit, so that as the City grows it will have the necessary infrastructure available or planned to support that growth.

Key Direction #6 in the London Plan is to place a new emphasis on creating attractive mobility choices, and it lists the following planning strategies to support walking, cycling, and rapid transit as attractive choices for mobility:

60_1. Create active mobility choices such as walking, cycling, and transit to support safe, affordable, and healthy communities.

60_3. Establish a high-quality rapid transit system in London and strategically use it to create an incentive for development along rapid transit corridors and at transit villages and stations.

60_5. Focus intense, mixed-use development to centres that will support and be served by rapid transit integrated with walking and cycling.

60_6. Dependent upon context, require, promote, and encourage transit-oriented development forms.

The London Plan identifies the Downtown, Transit Village and Rapid Transit Corridor Place Types as areas to concentrate intensification and mixed-use developments that will support rapid transit. The City Structure Plan directs development along the planned Rapid Transit corridors to establish a world-class, mid-sized downtown, support intense forms of mixed-use development in the Transit Villages, and connect the Downtown and Transit Villages with Rapid Transit Corridors that include abundant opportunities for growth and development (Policy 98).

These existing London Plan policies are aligned with the intent of the *Planning Act* provisions that support Major Transit Station Areas. However, because they do not include the same terminology or implement all of the specific requirements of the Act, they do not avail of the benefits offered by the *Planning Act* for development near to rapid transit. The proposed amendment to add PMTSA policies to the London Plan maintains the existing vision, values, and key directions for London while gaining the benefit of the PMTSA designation from the *Planning Act*. These benefits include bringing portions of Council's approved city structure into force and also gaining the opportunity to apply inclusionary zoning in PMTSAs. Those opportunities are discussed in more detail later in this report.

1.3 London's Bus Rapid Transit System

The Rapid Transit Initiative Master Plan, approved by Council on July 25, 2017, developed guiding principles and strategies for building a bus rapid transit network to achieve the mobility goals of The London Plan. The approved network of dedicated transit lanes has been refined in the Rapid Transit Environmental Project Report, as a result of stakeholder and public consultation. The network is planned to align with the Rapid Transit Corridor Place Type, radiating from the Downtown to the four Transit Villages.

All three Place Types are envisioned as higher density, mixed-use, and transit-oriented communities that are centrally located around planned bus rapid transit stops once the rapid transit system is implemented. The PMTSA policies will support the future implementation of the rapid transit and accommodate increased demand for intense, urban communities in a way that can be supported by higher order transit service.

1.4 Ontario's Transit-Supportive Guidelines

Transit-Supportive Guidelines were established by the Ministry of Transportation to provide municipalities with considerations when identifying PMTSAs and preparing policies and design guidelines to achieve transit-oriented development. Section 2.6.1 of the guidelines applies specifically to major transit station areas, and detail strategies for developing various elements to contribute to transit-supportive environments in proximity to major transit stations. The strategies address intensification, land use, parking management strategies, layout and orientation of buildings, open space networks and complete streets planning to support transit and active transportation. Many of these guidelines are in line with the existing policy direction of the London Plan for the Downtown, Transit Village, and Rapid Transit Corridor Place Types.

The guidelines recommend a minimum of 50 residents and jobs per hectare should be generally accommodated in designated growth areas (S.1.1.5.9), while higher targets should be included where higher order transit services are established. The thresholds are suggested as guidelines rather than being required to be achieved along every corridor or station segment.

Transit Service Type	Recommended Density Target
Basic Transit service (One bus every 20-30 minutes)	22 units per ha / 50 residents and jobs combined
Frequent Transit service (One bus every 10-15 minutes)	37 units per ha / 80 residents and jobs combined
Very frequent Transit service (One bus every 5 minutes with potential for LRT or BRT)	45 units per ha / 100 residents and jobs combined
Dedicated Rapid Transit (LRT/BRT)	72 units per ha / 160 residents and jobs combined
Subway	90 units per ha / 200 residents and jobs combined

Section 1.1.7 outlines the preferred land uses around transit stations or stops, including: institutional uses; entertainment uses; high density employment uses; social services; recreational facilities; retail uses; and medium to high density residential uses, particularly affordable or social housing.

Low-density employment uses, such as auto wreckers and storage facilities, and auto-oriented uses, such as service centres and drive-through establishments, are discouraged in proximity to transit stops.

1.5 Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) promotes a clear relationship between land use and transit, with policies that emphasize land use patterns, density, and a mix of uses to support transit and active transportation. A recent addition to the 2020 PPS includes new direction on transit-supportive development to promote both residential and employment developments in more compact efficient forms, while accommodating projected residential needs (1.1.1.e, 1.1.3.3, 1.4.3.e, and 1.8.1.e). Policy 1.4.3.e provides that municipalities require transit-supportive development and prioritize intensification in proximity to transit, including corridors and stations. This policy encourages municipalities to apply PMTSA policies in their official plans to support policy implementation.

2.0 Opportunities Arising from PMTSAs

2.1 Growth Management

The City of London's population and employment are forecast to grow by 77,000 new residents and 43,000 new jobs by 2035. The growth presents both a challenge and a strategic opportunity for the City to make transit a convenient, comfortable and reliable mobility option for residents and employees.

Using the growth projections at the traffic zone level developed by the City, as part of the Development Charges Background Study, forecast densities within the Downtown, Transit Villages, and Rapid Transit Corridors are summarized in the table below. These projections were derived in consideration of the London Plan policy framework, so the distribution of housing types reflects a planning policy approach that encourages intensification in these areas. All of the Transit Villages and Rapid Transit Corridors are currently below 100 to 160 residents and jobs per hectare, which are suggested minimum density targets for rapid transit service under the Transit-Supportive Guidelines.

	Forecast Density (residents and jobs combined per hectare)				
	2016	2019	2024	2029	2034
Downtown	219	227	241	257	272
East Transit Village	10	10	18	30	40
North Transit Village	58	59	60	65	71
South Transit Village	57	57	57	57	60
West Transit Village	64	67	69	71	72
East Rapid Transit Corridor	58	61	62	64	67
North Rapid Transit Corridor	92	92	92	92	92
South Rapid Transit Corridor	44	46	47	48	48
West Rapid Transit Corridor	50	51	53	55	56

Source: City of London Population and Employment Growth Forecast by Traffic Zone, 2016 to 2039

*2034 is used as the reference horizon year in consistency with the 2035 planning horizon of The London Plan.

A policy to identify PMTSAs would encourage and facilitate transit-supportive development and intensification, attracted in part by planned higher order transit service, to attract new population and employment growth. It is anticipated that the PMTSAs and the existing policy framework will support growth management policies in The London Plan.

The requirement in the *Planning Act* for policies to include minimum densities and targets for the minimum residents and jobs per hectare will also ensure that development is compatible with the vision of each Place Type. This will help to minimize future land use conflicts between sites with different densities.

2.2 The London Plan Appeals

Portions of the Downtown, Transit Village, and Rapid Transit Corridor Place Type policies and the Place Type map are currently not in force and effect due to appeals to the Local Planning Appeal Tribunal. This amendment will come into force upon Council's approval and therefore allow some aspects of these Place Types that support transit-oriented development to be implemented and their areas defined. It is consistent with the *Planning Act* that policies to support transit-supportive development come into force without risk of appeal. This amendment will bring into force policy direction in regards to permitted uses, minimum densities, and minimum and maximum building heights for PMTSAs that align with the Downtown, Transit Village, and Rapid Transit Corridor Place Types.

2.3 Limiting Applications to Amend the London Plan

Through the addition of PMTSA policies Council will gain the ability to restrict or prohibit applications to amend the London Plan policies for PMTSAs. This could include a resolution to permit applications to amend only specific aspects of the policy, or a process that requires applicants to request Council to permit an application to be received before it could be submitted. This process could be similar to the current process for minor variance applications within two years of a Zoning By-law amendment being approved.

2.4 Inclusionary Zoning (IZ)

Inclusionary Zoning is a planning tool available in the *Planning Act* to support the development of affordable housing. It allows municipalities to require a set amount of affordable housing units in residential development that meets established criteria. This tool was added to the *Planning Act* in 2016 (Bill 7) and was authorized through a regulation that was approved in 2018 (O. Reg. 232/18). In an amendment to the

Planning Act in 2019 (Bill 108), the application of inclusionary zoning was limited to areas within a Community Planning Permit System or a PMTSA.

Inclusionary Zoning cannot be adopted until policies with respect to PMTSAs are adopted and approved. Inclusionary Zoning is a tool identified in the Affordable Housing Development Toolkit, and it is on the City Planning work plan and Council's Strategic Plan to be considered in support of the development of affordable housing. The Toolkit includes a variety of tools that are intended to facilitate the creation of affordable housing units in the City.

2.5 Climate emergency

PMTSAs support intensification in areas that are planned for rapid transit. This should be considered in terms of climate emergency, which Council declared on April 23, 2019. PMTSAs support green mobility stated in Policy 724 of The London Plan, by enhancing transit-oriented and pedestrian-friendly environments.

724_ Green mobility will be promoted by establishing a city structure that supports rapid transit, transit-oriented design, active mobility, transportation demand management, intensification, and cycling infrastructure throughout the city.

The proposed PMTSA policies will help to address the climate emergency by supporting more sustainable development patterns. Medium- and high-density developments along with parking reduction strategies could be associated with reduced greenhouse gas emissions from automobile use. Reduced parking standards are currently implemented in other municipalities to help incentivize transit-supportive development in close proximity to transit stations.

3.0 Best Practices

The *Planning Act* policies have been in place since 2017, and since that time several municipalities have implemented policies for PMTSAs. The Growth Plan for the Greater Golden Horseshoe (the Growth Plan) is a provincial plan that provides policy direction for all municipalities within the Greater Golden Horseshoe (GGH). The Growth Plan was updated in 2019, and through that review additional policy requirements were added for PMTSAs.

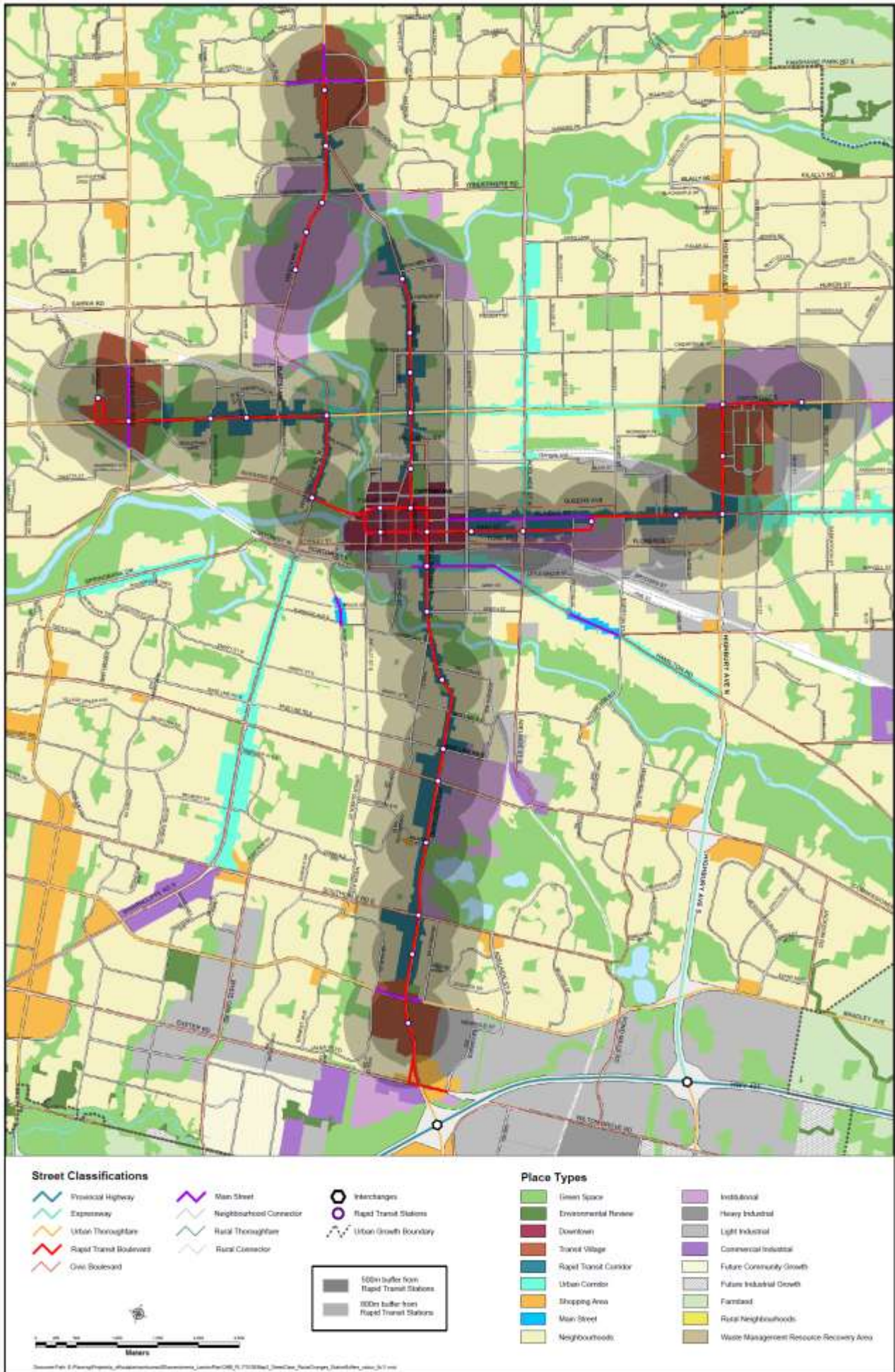
While the *Planning Act* refers to the term PMTSAs, the Growth Plan details policies for Major Transit Station Areas (MTSAs). The Growth Plan defines these areas as being generally within an approximate 500 to 800 metre radius (a 10-minute walk) of such a station. The Downtown, Transit Village and Rapid Transit Corridor Place Types are typically within a 500 to 800m radius of approved rapid transit stations and stops. The figure below shows how these radii relate to the London Plan Place Types, and further illustrates the similarity in approach between the London Plan and the Provincial concept of the PMTSAs.

In the Growth Plan, MTSAs are intended to accommodate increased residential and employment growth with highly urban, intense, mixed-use forms of development. Development within MTSAs is planned to be transit-supportive and supportive of active transportation, in order to provide multimodal access to stations and connections to major destination and trip generator (S.2.2.4).

Staff undertook a review of municipal official plans to determine how PMTSAs have been planned. The municipalities included in this review are Barrie (BAR), Brampton (BRAM), Brantford (BRAN), Burlington (BUR), Cambridge (CAM), Guelph (GUE), Hamilton (HAM), Kitchener (KIT), Mississauga (MISS), Oakville (OAK), St. Catharines (CATH), Vaughan (VAU), Waterloo (WAT), and Whitby (WHIT).

Not all of the official plans prescribe permitted land uses as well as the minimum and maximum densities and heights for MTSAs. Rather, some of the official plans rely on the Growth Plan to provide policy directions on how MTSAs will be planned.

The minimum density targets for MTSA in the municipalities are represented in different measures, such as Floor Space Index (FSI), a number of units per hectare, or a number of residents and jobs combined per hectare. FSI, known as floor area ratio, indicates the gross floor area of buildings on a lot divided by the area of the lot on which the building are developed.



3.1 Major Transit Station Areas (MTSAs)

All of the municipalities recognize MTSAs as one of strategic areas for intensification and growth in their official plans, with a focus on higher order transit service. Each municipality recognizes the locational relationship between density and distance from a transit station. The highest densities should be located closest to transit stations, while densities decrease in association with increasing distance from the station. 100 to 160 residents and jobs combined per hectare are generally used as appropriate minimum targets for MTSAs. Development within MTSAs are generally designed to achieve a FSI of 0.6 to 2.5.

The Transit Villages best mirror the general vision, role, and implementation of MTSAs, as MTSAs are generally planned and designed to:

- Accommodate increased residential and employment densities to support and ensure the viability of existing and planned transit service (BRAN, CAM, GUE, KIT, WHIT);
- Achieve a mix of land uses, including major office and major institutional development (BUR, CAM, CATH, GUE, KIT, OAK, WAT, WHIT);
- Encourage higher density development, including tall buildings in close proximity to transit stations (MISS, CATH, WAT);
- Discourage uses that are not transit supportive, such as lower density uses or auto-oriented uses (CAM, KIT, WAT);
- Address access from various transportation modes to the transit facility, including consideration of pedestrians, bicycle parking and commuter transfer and pick-up/drop-off areas (BRAM, BRAN, CAM, GUE, KIT, MISS, CATH, WAT);
- Accommodate and encourage development based on the principles of transit-oriented development (BRAM, CAM, KIT, OAK, WAT);
- Establish minimum and maximum parking standards to ensure the efficient use of land and promote active transportation and the use of public transit (OAK, WAT);
- Reduce off-street parking requirements (CAM, KIT, OAK, WAT, WHIT);
- Encourage development of structured or underground parking facilities and/or shared parking (CAM, KIT, MISS, WAT);
- Support public and private realm streetscapes that reflect pedestrian-oriented and transit-supportive environments (KIT);
- Support place-making through a high standard of design, public art, new open spaces and enhanced amenity (BRAM, WAT); and
- Complete area-specific plans/secondary plans to provide more specific policies for designated MTSAs (BUR, CAM, KIT, WAT).

3.2 Downtowns (Urban Growth Centres)

Downtowns of municipalities that fall under jurisdiction of the Growth Plan are identified as Urban Growth Centres (UGC's). The Growth Plan defines the UGC's as regional focal points for accommodating a significant share population and employment growth. The minimum density targets for these downtowns are in the 150 to 200 residents and jobs combined per hectare range, while Kitchener and Hamilton have higher minimum density targets, 225 residents and jobs per hectare and 250 residents and jobs per hectare, respectively. The minimum FSI in these downtowns are generally within the 0.6 to 3.5 FSI range.

The downtowns are generally planned and designed as a focal centre developed with the highest intensity and greatest mix of uses. Major transit stations located within downtowns represent the function of the downtowns as primary major transit hubs with higher order transit systems. Burlington and Guelph identify their downtowns entirely as MTSAs, while portions of downtowns in many municipalities are recognized as MTSAs.

The following are general policy direction for downtowns associated with major transit stations:

- Downtowns are planned and designed to accommodate and support major transit infrastructure including major transit stations, as well as associated multi-modal transportation facilities (BRAN, CAM, GUE, HAM, KIT, OAK, CATH, WAT).
- Downtowns are planned and designed to enhance access for various modes of transportation to and from transit stations (GUE).
- Downtowns are planned and designed to be as a pedestrian oriented, walkable centre with active streetscapes (OAK).
- Downtowns are to be focal area for investment in various uses, including public services, institutional, commercial, residential and recreational uses, as well as public open space, parks and squares (BAR, BRAM, BRAN, BUR, CAM, GUE, KIT, MISS, CATH, VAU, WAT).
- Downtowns are to function as a high density major employment centre that will attract significant employment uses, including major offices (BUR, CAM, GUE, HAM, OAK, CATH, WAT).
- Downtowns are planned to accommodate and support major transit infrastructure, including a major transit station, active transportation, and associated multi-modal transportation facilities (BRAN, CAM, CATH)
- A variety of housing types at medium and high densities, including affordable housing, housing with supports and studio or office spaces within a self-contained multiple residential units, are encouraged in order to promote live/work opportunities (BAR, BUR, GUE, HAM, KIT, CATH).

3.3 Intensification Corridors

Intensification Corridors function as connectors between Downtowns, MTSAs and other intensification areas. Generally served by a higher order of transit service, the design and built form of the corridors are reflective of transit-supportive and pedestrian-oriented developments. Given that, the corridors are similar in nature to MTSAs, including an intensity and mix of uses. In Mississauga, a number of its rapid transit stations located along Hurontario Street are recognized as a form of MTSAs, while some other municipalities direct their corridors to mirror the roles of MTSAs at a smaller scale, with a lower minimum density targets. Within the corridors, the minimum density targets are generally between 50 and 60 units and the minimum FSI ranges from 0.5 to 1.5.

London's Rapid Transit Corridors closely parallel the Intensification Corridors. As the Intensification Corridors are intended to function as focal points of activity and pedestrian-oriented environments, while supporting higher order transit service, the following policies for these corridors focus largely on pedestrian prioritization and streetscapes.

- Corridors will be planned to intensify with a mix of uses in proximity to transit services (BRAN, CAM, GUE, VAU).
- Active, pedestrian-related, transit-supportive uses including retail and service commercial uses will be encouraged at street level (BRAN, BUR, MISS, VAU).
- Corridors will be designed to create a pedestrian-friendly environment, which comfortably and safely accommodate pedestrians and cyclists, as well as automobiles through streetscape improvement (BRAM, MISS, VAU).
- Parking will be limited along street frontages wherever possible, and encouraged to be structured or located at the rear and/or side of buildings or underground (BRAN, MISS).
- Sufficient/appropriate setbacks from the streetline may be permitted to allow for enhanced landscaping and open space between the building and the street, and/or for the provision of outdoor cafes and other amenities (BRAN, MISS).
- All building main entrances with active and architecturally detailed building façade shall be oriented to the corridor street (BRAN, BUR, MISS).

- High quality design is a careful consideration integrated into built form and public and private realms, including street furniture, transit shelters, open space and public art (BUR, MISS).

4.0 Summary of Proposed Amendment

The complete set of proposed PMTSA policies and a brief rationale for each is included in Appendix A to this report. It is proposed that new policies be added to the Our City part of the Plan; and the Downtown, Transit Village, and Rapid Transit Corridor Place Types. A new Map is proposed to show the areas within each PMTSA. This section provides an overview of the approach taken in the proposed policies.

4.1 Proposed Policies for the Our City and Our Tool Parts of the London Plan

The proposed policies include a definition of PMTSAs in the London context and introduce PMTSAs as an important piece of the City Structure Plan. This includes showing the PMTSAs on Figure 5, while the changes to the Our City chapter strengthen the character and role of the three Place Types to support higher order transit.

4.2 Proposed Place Type Policies

The proposed PMTSA policies are intended to maintain and support the intent of the Downtown, Transit Village, and Rapid Transit Corridor Place Types in the London Plan, while also incorporating the requirements of the *Planning Act*. The policies include a minimum number of residents and jobs per hectare, permitted uses, minimum densities, and minimum and maximum building heights.

4.2.1 Defining PMTSAs

Proposed Policies 803A, 815A and 860A are intended to identify the Downtown, Transit Village, and Rapid Transit Corridor Place Types as PMTSAs, which will be shown on the new Map 10. The Map indicates PMTSAs are to align with these Place Type boundaries. Two minor differences from the Rapid Transit Corridor Place Type are included on Richmond Street and Dundas Street where the rapid transit routes were changed. The purpose of the Map is to support visual understanding of PMTSA boundaries. Since Map 1 – Place Type is currently under appeal, the boundaries of the Rapid Transit Corridor Place Type will be addressed through the ongoing LPAT process or through a future amendment.

4.2.2 Planned Residents and Jobs Combined Per Hectare

Proposed Policies 803B, 815B, and 860B identify the minimum number of residents and jobs combined per hectare for each Place Type, as required in Section 16(15)(a) of the *Planning Act*. These numbers apply to the whole PMTSA and are not minimum requirements that need to be met in every development. The targets were determined based on the growth projections in Section 2.1 of this report and the Transit-Supportive Guidelines' recommended targets for rapid transit, ranging from 100 to 160 residents and jobs per hectare.

4.2.3 Minimum and Maximum Building Heights

Proposed Policies 803C, 815C, and 860C specifies the minimum and maximum building heights to achieve the minimum number of residents and jobs per hectare within each Place Type PMTSA. The minimum heights are taken from the existing heights permitted in each Place Type, while the maximum heights are in line with the maximum heights permitted through bonusing to accommodate intensification in PMTSAs.

4.2.4 Minimum Density

In accordance with Section 16(15)(c) of the *Planning Act*, the proposed minimum densities (Policies 803D, 815D, and 860D), including a floor area ratio, provides further direction to support future residential and employment growth in each Place Type. Floor area ratio is the ratio of a building's total floor area to the size of the lot on which the building is built. Unlike the targeted residents and jobs per hectare, the minimum densities will function as a minimum requirement for individual development unless a lower density is required to comply with another policy direction of the London Plan. The numbers appear to be much lower than the targeted residents and jobs per hectare, and

most development is expected to have much higher densities than the minimum. The function of the minimum densities is to prevent development that is not compatible with the planned level of intensification for the area.

4.2.5 Permitted Uses

Proposed Policies 803E, 815E, and 860E identifies permitted uses within each Place Type to accommodate an appropriate range and mix of land uses, as per Section 16(15)(b) of the *Planning Act*. The proposed uses will implement what is currently planned for each Place Type.

4.2.6 Development Subject to Other Policies of The London Plan

Proposed Policies 803F, 815F, and 860F are intended to work with and support other policies of the London Plan.

4.3 Analysis of Three Place Types

The analysis of the Downtown, Transit Village and Rapid Transit Corridors provides how the proposed PMTSA policies support the vision for these Place Type and the intent of the London Plan.

4.3.1 Downtown Place Type

The Downtown is envisioned to be the City's primary station for rapid transit, regional bus, rail, and future high speed rail (799_17), while ensuring a high-quality pedestrian environment through streetscape improvements (803_9). The Downtown allows for the broadest range of uses and the most intense forms of development in the City, within highly urban, transit-oriented environments (789_1).

The Downtown PMTSA policies (Policies 803A to 803F) conform with the policies of the Downtown Place Type in the London Plan. Furthermore, the policies support Our Move Forward: London's Downtown Plan. The Plan's strategic directions and transformational projects strongly link to rapid transit for the revitalization of the Downtown. The projects include Queens Station, Richmond Walk, Cross-river Connection, and Clarence Street Connector. While the Queens Station project aims at creating a primary transit transfer point in the Downtown, other projects propose to provide and improve connections for pedestrians and rapid transit to/from the Downtown.

4.3.2 Transit Village Place Type

The London Plan prioritizes transit- and pedestrian-oriented development within the Transit Villages to support their roles as "major mixed-use destinations with centrally located rapid transit stations" (807). Further, the Transit Villages are envisioned to be second to the Downtown in terms of the mix of use and intensity of development permitted (807). The Transit Villages are intended to support the planned higher order transit system by accommodating higher density of population and employment in close proximity to high-quality transit service (808).

The vision for the Transit Villages includes intense, mixed-use development, including retail and service commercial uses, around transit stations (810_2, 810_7) and transit-oriented development forms (810_4), and convenient pedestrian access to transit stations (814_4). The London Plan states that transit stations within the Transit Villages are designed to be serve as focal points for the Transit Villages, providing safe, convenient, and direct routes for pedestrian and cyclists (815_1 to 3).

4.3.3 Rapid Transit Corridor Place Type

The Rapid Transit Corridors are planned as the connectors between the Downtown and four Transit Villages that border the length of the rapid transit services (826, 829*). The London Plan contemplates a wide range of uses and greater intensities of development along Rapid Transit Corridors close to transit stations (830_5). The streets within the Rapid Transit Corridors are classified as primarily Rapid Transit Boulevards in The London Plan. This classification is characterized by transit movement and connection, the movement of a high volume of pedestrian, cyclist, and vehicular traffic, a very high-quality pedestrian realm, and a very high standard of urban design (371_3*). The policies for the Rapid Transit Corridors contemplate transit-oriented and pedestrian-oriented development forms (830_7), convenient pedestrian access to transit stations

(841_6), and a high-quality pedestrian environment through streetscape improvements (841_9).

Within the Rapid Transit Corridors, the range of uses and the intensity and form of development vary by segment. The London Plan identifies three specific segments – Main Street, Preservation, and Transitional Segments – and provides their context-specific goals and further policy guidance. Proposed policies for Rapid Transit Corridor PMTSAs align with the general policies for the Place Type to ensure flexibility for the segments.

5.0 Conclusion and Next Steps

The Downtown, Transit Village, and Rapid Transit Corridor Place Types in the City of London are reflective of the intention, characteristics, and role of a PMTSA as described by the *Planning Act*. A PMTSA policy framework in The London Plan will support the implementation of the City Structure Plan, while providing additional direction on development around rapid transit stations.

The proposed PMTSA policies in Appendix A are intended to be circulated to the public and stakeholders for review and comments. Feedback received from the engagement will be considered for revisions to the policies. A report recommending finalized PMTSA policies will be brought forward to a future Planning and Environment Committee meeting.

Prepared by:	Joanne Lee Planner I, Planning Policy
Submitted by:	Justin Adema, MCIP, RPP Manager, Planning Policy
Recommended by:	Gregg Barrett, AICP Director, City Planning and City Planner
<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 Planning Services</p>	

July 31, 2020
JL/jl

Y:\Shared\policy\Protected Major Transit Station Areas\PM TSA Information Report - August 10.docx

Appendix A – Proposed PMTSA policies

OUR CITY

Policy	Changes	Rationale/summary of changes
New 97A	97A_ The Downtown, Transit Villages, and Rapid Transit Corridors are identified as Protected Major Transit Station Areas due to their proximity to rapid transit stations, and are shown on Figure 5. The Downtown, Transit Village, and Rapid Transit Corridor Place Type chapters of this Plan provide more detailed policy direction to plan for Protected Major Transit Station Areas.	This policy identifies Protected Major Transit Station Areas in the London Plan that will align with the Downtown, Transit Village, and Rapid Transit Corridor Place Types.
Amended Figure 5	Figure 5 is amended by adding Protected Major Transit Station Areas and changing the rapid transit routes as currently depicted to align with the approved Rapid Transit Environmental Project Report.	Revised Figure 5 indicates Protected Major Transit Station Areas that align with the Downtown, Transit Villages, and Rapid Transit Corridor Place Type boundaries. Figure 5 also reflects the higher order transit system as approved in the Rapid Transit Environmental Project Report. It includes recommended changes to Rapid Transit Corridor Place Type on Richmond Street and Dundas Street that are required due to route changes since the London Plan was approved.

DOWNTOWN PLACE TYPE

Policy	Change	Rationale/summary of changes
New 803A	Protected Major Transit Station Area 803A_ The Downtown is identified as a Protected Major Transit Station Area, as shown on Map 10.	This Protected Major Transit Station Area policy aligns with the Downtown Place Type and will promote a transit-supportive, pedestrian-oriented community that accommodates multimodal access to transit stations and supports transit service. A new map (Map 10) indicates the Downtown Protected Major Transit Station Area.
New 803B	803B_ The Downtown Protected Major Transit Station Area will be planned to achieve a minimum number of 280 residents and jobs combined per hectare.	This policy identifies a minimum number of residents and jobs combined per hectare, as required in Section 16(15)(a) of the <i>Planning Act</i> . The actual number was 219 residents and jobs per hectare within the Downtown in 2016, and it is forecast to increase to 272 by 2034. 280 residents and jobs per hectare is an appropriate target that will

		support the character of the Downtown as the most intensely developed area.
New 803C	803C_ Within the Downtown Protected Major Transit Station Area the minimum building height is three storeys or nine metres and the maximum building height is 35 storeys.	<p>This policy specifies minimum and maximum building heights within the Downtown to achieve the minimum number of residents and jobs per hectare above.</p> <p>The proposed building heights match the range of permitted heights in the Downtown Place Type, which permits 3 to 20 storeys, with up to 35 storeys permitted through bonusing.</p> <p>The minimum of 3 storeys prevents low-density development (primarily 1 to 2 storeys in height), which could be out of character with the Downtown.</p> <p>The maximum height of 35 storeys is the greatest height permitted in the City, in keeping with Policy 800, which directs the tallest buildings and the highest densities into the Downtown.</p>
New 803D	803D_ Within the Downtown Protected Major Transit Station Area the minimum density is 60 units per hectare for residential uses or a floor area ratio of 0.6 for non-residential uses.	<p>This policy identifies minimum density as per Section of 16(15)(c) of the <i>Planning Act</i>, and provides further direction to support future residential and employment growth in the Downtown.</p> <p>60 residential units per hectare will ensure that development within the Downtown Place Type achieves a level of intensity that supports the vision for the Downtown and its role in the City Structure.</p> <p>A floor area ratio of 0.6 fits within the minimum floor area ratio range generally used in GGH municipalities' downtowns and provides development opportunity in each parcel.</p>
New 803E	803E_ The following uses may be permitted within the Downtown Protected Major Transit Station Area: <ol style="list-style-type: none"> 1. A broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational and other related uses may be permitted. 2. Mixed-use buildings will be encouraged. 	<p>This policy identifies authorized land uses in the Downtown Protected Major Transit Station Area as per Section 16(15)(b) of the <i>Planning Act</i>.</p> <p>The permitted uses for the Protected Major Transit Station Area align with those for the Downtown Place Type (Policy 800_1 to 7, which are under appeal).</p>

	<ol style="list-style-type: none"> 3. Along commercial-oriented streetscapes, retail and service uses will be encouraged at grade, with residential and non-service office uses that do not serve a walk-in clientele directed to the rear of buildings and to upper floors. 4. New surface accessory parking lots should not be permitted in the Downtown. New surface commercial parking lots shall not be permitted. 5. Where surface commercial parking lots have previously been established through temporary zoning and have been in place for an extended period of time, further extensions of such temporary uses should be discouraged where an adequate supply of parking exists in the vicinity of the subject lot. Criteria for evaluating requests for temporary zone extensions are provided in the Our Tools part of this Plan. 6. Educational facilities of all scales and types will be encouraged within the Downtown. 7. In accordance with provincial requirements, light industrial uses may be permitted where it is deemed appropriate and it is demonstrated that there will be no adverse land use impacts and the use can be compatible within its context. 	<p>For surface parking lots in the Downtown, a policy (Policy 1673A) in the Our Tools part of The London Plan introduces criteria to assess requests for extension of temporary zoning for surface commercial parking lots.</p> <p>Policy 1673A is added through a housekeeping amendment presented at the July 15, 2020 meeting of the Planning and Environment Committee.</p>
New 803F	803F_ Development within the Downtown Protected Major Transit Station Area will conform with all other policies of the London Plan including the Downtown Place Type.	This policy clarifies that all the Downtown Place Type policies of The London Plan and other applicable plans continue to apply to the Protected Major Transit Station Area.

TRANSIT VILLAGE PLACE TYPE

Policy	Change	Rationale/implication
New 815A	<p>Protected Major Transit Station Areas</p> <p>815A_ All Transit Villages are identified as Protected Major Transit Station Areas, as shown on Map 10.</p>	<p>This Protected Major Transit Station Area policy aligns with the Transit Village Place Type and will support the character of the Transit Village Place Type as major destinations around rapid transit stations.</p> <p>A new map (Map 10) indicates the Transit Village Protected Major Transit Station Areas.</p>

New 815B	815B_ Each Transit Village Protected Major Transit Station Area will planned to achieve a minimum number of 150 residents and jobs combined per hectare	<p>This policy identifies the minimum number of residents and jobs combined per hectare, as required in Section 16(15)(a) of the <i>Planning Act</i>.</p> <p>150 residents and jobs per hectare falls within the range of 100 to 160 residents and jobs per hectare, which is the minimum density targets for rapid transit as suggested in the Transit-Supportive Guidelines. This number is an appropriate target within the Transit Village context to support the rapid transit service.</p>
New 815C	815C_ Within the Transit Village Protected Major Transit Station Areas the minimum building height is either two storeys or eight metres and the maximum building height is 22 storeys.	<p>This policy specifies minimum and maximum building heights within the Transit Villages to achieve the minimum number of residents and jobs per hectare above.</p> <p>The proposed building heights match the range of permitted heights of 2 to 15 storeys, up to 22 storeys with bonusing, in the Transit Village Place Type.</p> <p>The minimum of 2 storeys prevents 1-storey development that does not fit into the character of the Transit Villages and will not contribute toward achieving the minimum densities identified in Policies 815B and 815D.</p> <p>The maximum height of 22 storeys supports the vision for the Transit Villages as the second most intense area next to the Downtown in accordance with Policy 807.</p>
New 815D	815D_ Within the Transit Village Protected Major Transit Station Areas the minimum density is 45 units per hectare for residential uses or a floor area ratio of 0.5 for non-residential uses.	<p>This policy identifies minimum density as per Section 16(15)(c) of the <i>Planning Act</i>, and provides further direction to support future residential and employment growth in the Transit Villages.</p> <p>45 residential units per hectare will allow for residential intensification within the Transit Village Place Type to support rapid transit service, while supporting the vision for the Place Type.</p> <p>A floor area ratio of 0.5 is fairly low to apply to each parcel, especially small sites where only limited development is feasible.</p>
New 815E	815E_ The following uses may be permitted within the Transit Village	This policy identifies authorized land uses in the Transit Village

	<p>Protected Major Transit Station Areas:</p> <ol style="list-style-type: none"> 1. A broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational, and other related uses may be permitted. 2. Mixed-use buildings will be encouraged. 3. Where there is a mix of uses within an individual building, retail and service uses will be encouraged to front the street at grade. 4. The full range of uses described above will not necessarily be permitted on all sites within the Transit Village Protected Major Transit Station Areas. 	<p>Protected Major Transit Station Area as per Section 16(15)(b) of the <i>Planning Act</i>.</p> <p>The permitted uses in the Protected Major Transit Station Areas are consistent with in-force those for the Transit Village Place Type (811_1 to 4).</p>
New 815F	815F_ Development within the Transit Village Protected Major Transit Station Areas will conform with all other policies of the London Plan including the Transit Village Place Type.	This policy clarifies that the general Transit Village Place Type policies continue to apply to the Protected Major Transit Station Areas.

RAPID TRANSIT CORRIDOR PLACE TYPE

Policy	Change	Rationale/implication
New 860A	<p>Protected Major Transit Station Areas</p> <p>860A_ Rapid Transit Corridors are identified as Protected Major Transit Station Areas, as shown on Map 10.</p>	<p>This Protected Major Transit Station Area policy aligns with the Rapid Transit Corridor Place Type and will support the character of the Place Type as major rapid transit routes to the Downtown and Transit Villages.</p> <p>A new map (Map 10) indicates the Rapid Transit Corridor Protected Major Transit Station Areas.</p>
New 860B	860B_ Each Rapid Transit Corridor Protected Major Transit Station Area will planned to achieve a minimum number of 120 residents and jobs combined per hectare.	<p>This policy identifies the minimum number of residents and jobs combined per hectare, as required in Section 16(15)(a) of the <i>Planning Act</i>.</p> <p>120 residents and jobs per hectare are in the 100-160 residents and jobs per hectare range suggested for rapid transit and are an appropriate minimum number of population and employment for the Rapid Transit Corridors due to varying character and intensity by segment.</p>
New 860C	860C_ Within the Rapid Transit Corridor Protected Major Transit Station Areas the minimum building height is two storeys or eight	This policy specifies minimum and maximum building heights within the Rapid Transit Corridors to achieve the minimum number of

	metres and the maximum building height is 12 storeys, or 16 storeys for areas within 100 metres of a rapid transit station.	<p>residents and jobs per hectare above.</p> <p>The proposed building heights match the range of permitted heights in the Rapid Transit Place Type, which permits 2 to 12 storeys, with up to 16 storeys permitted through bonusing.</p> <p>The minimum of 2 storeys prevents one-story development that detracts from the character and function of the Rapid Transit Corridors.</p> <p>The maximum building heights provide a transition from a rapid transit station to surrounding neighbourhoods by directing higher density development within 100 metres of a transit station.</p>
New 860D	860D_ Within the Rapid Transit Corridor Protected Major Transit Station Areas the minimum density is 45 units per hectare for residential uses or a floor area ratio of 0.5 for non-residential uses.	<p>This policy identifies minimum density as per Section 16(15)(c) of the <i>Planning Act</i>, and provides further direction to support future residential and employment growth within the Rapid Transit Corridors.</p> <p>45 residential units per hectare avoids low-density residential development that would be out of character with the Rapid Transit Corridors.</p> <p>A floor area ratio of 0.5 is fairly low to apply to each parcel, especially small sites where only limited development is feasible. This floor area ratio also will reduce the mass of large fronting the street and prevent large expanses of blank wall in keeping with Policy 841_3.</p>
New 860E	<p>860E_ The following uses may be permitted within the Rapid Transit Corridor Protected Major Transit Station Areas:</p> <ol style="list-style-type: none"> 1. A range of residential, retail, service, office, cultural, recreational, and institutional uses may be permitted. 2. Mixed-use buildings will be encouraged. 3. Large floor plate, single use buildings will be discouraged. 4. Where there is a mix of uses within an individual building, retail and service uses will be encouraged to front the street at grade. 5. The full range of uses described above will not 	<p>This policy identifies authorized land uses in the Rapid Transit Corridor Place Type as per Section 16(15)(b) of the <i>Planning Act</i>.</p> <p>The permitted uses in the Protected Major Transit Station Areas align with those in the Rapid Transit Corridor Place Type (837_1 to 5, which are under appeal).</p>

	necessarily be permitted on all sites within the Rapid Transit Corridor Protected Major Transit Station Areas.	
New 860F	860F_ Development within the Rapid Transit Corridor Protected Major Transit Station Areas will conform with all other policies of the London Plan including Rapid Transit Corridor Place Type.	This policy clarifies that the general policies for the Rapid Transit Corridor Place Type continue to apply to the Protected Major Transit Station Areas.

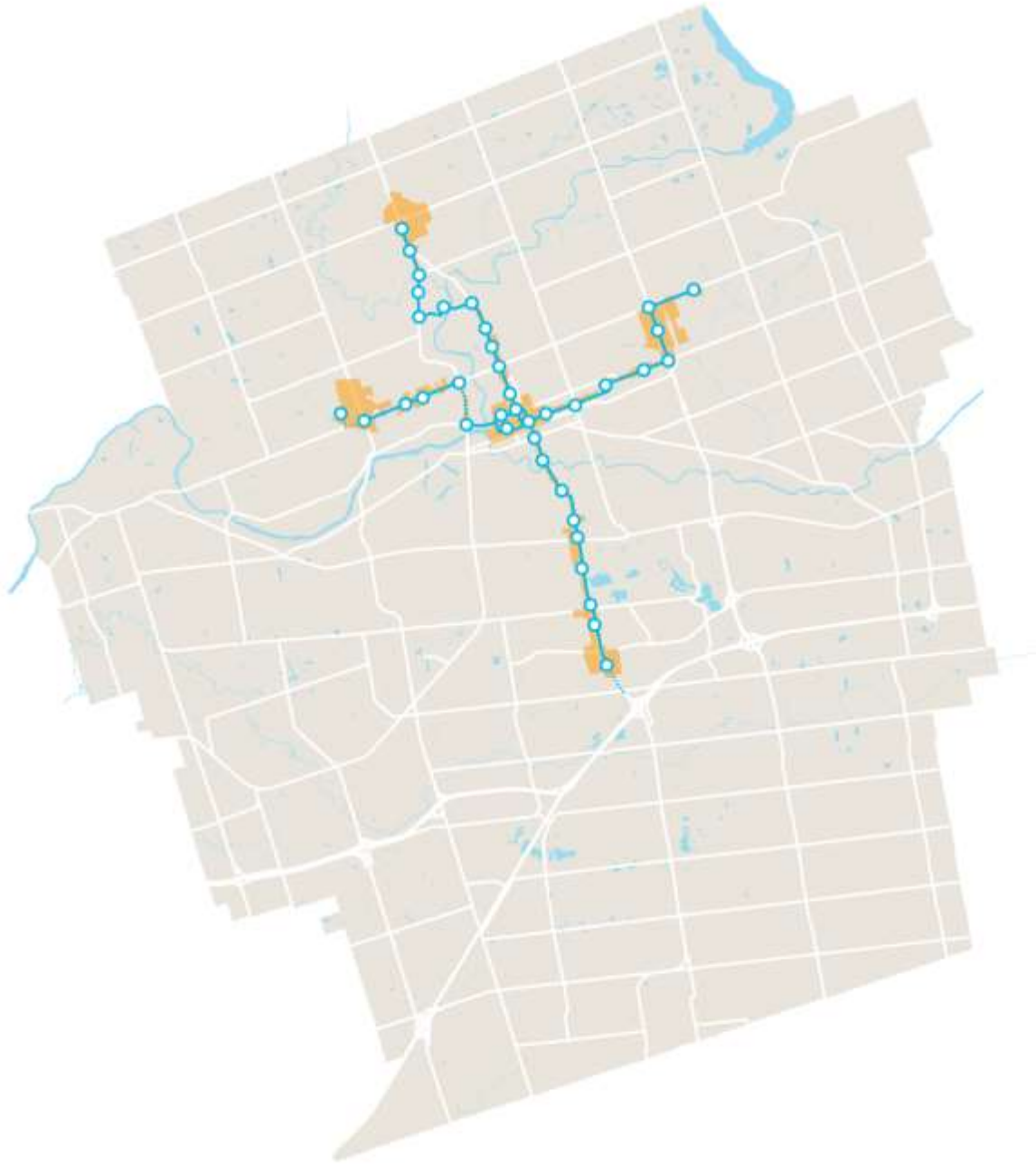
OUR TOOLS

Policy	Changes	Rationale/summary of changes
1795 (New Definition)	Protected Major Transit Station Areas means the area surrounding and including an existing and planned higher order transit (e.g. rapid transit) station or stop. The Downtown, Transit Village, and Rapid Transit Corridor Place Types are focused around rapid transit routes and are identified as Protected Major Transit Station Areas.	This policy defines Protected Major Transit Station Areas that aligns with the <i>Planning Act</i> definition. It is noted that Policy 1795 is in full force and effect in its entirety as per the February 7, 2020, LPAT decision.

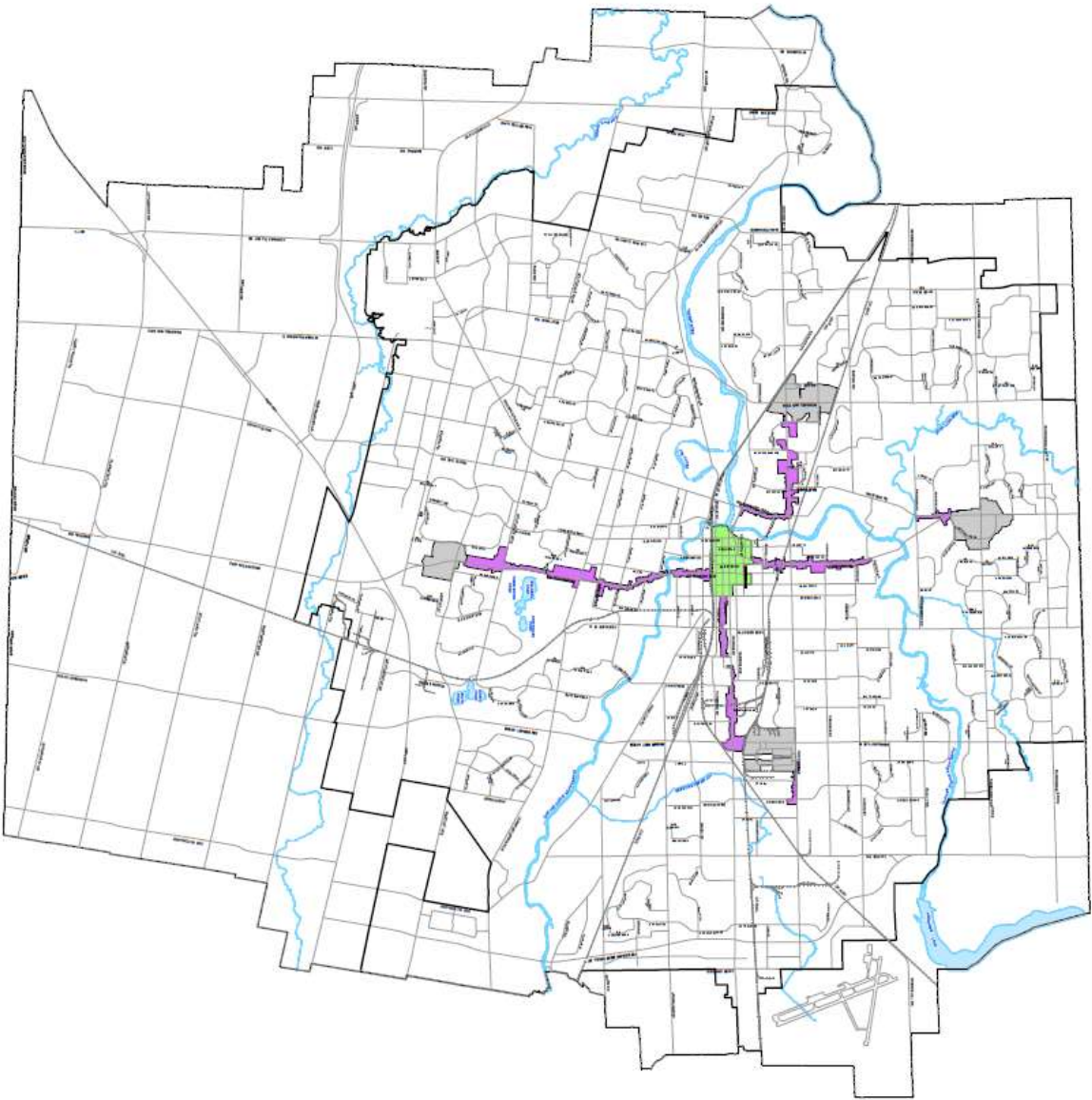
MAP

Policy	Changes	Rationale/summary of changes
New Map 10	New Map 10 is added to indicate Protected Major Transit Station Areas that align with the Downtown, Transit Village and Rapid Transit Corridor Place Type boundaries.	Map 10 designates Protected Major Transit Station Areas. This Map supports clear understanding and implementation of Protected Major Transit Station Areas and reflects recommended changes to Rapid Transit Corridor Place Type on Richmond Street and Dundas Street that are required due to route changes since the London Plan was approved.

Figure 5



MAP 10 - PROTECTED MAJOR TRANSIT STATION AREAS



LEGEND

- Central Station Major Transit Station Area
- South Station Major Transit Station Area
- North Station Major Transit Station Area

BASE MAP FEATURES

- Major Road (40+ ft)
- Highway
- Other Street (20-40 ft)
- Water Characteristics



THIS MAP MUST BE READ IN CONJUNCTION WITH THE TEXT OF THE LONDON PLAN

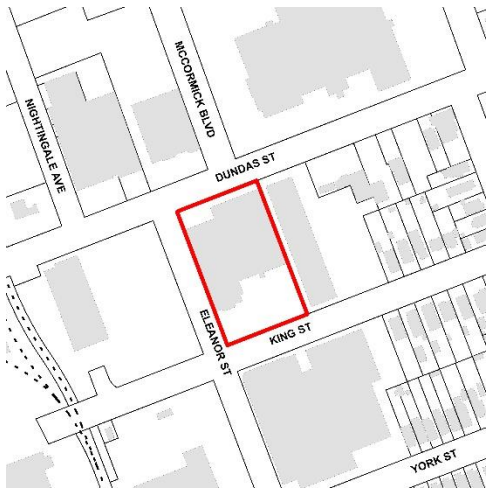
THIS MAP AND ALL INFORMATION CONTAINED HEREIN ARE THE PROPERTY OF THE CORPORATION OF THE CITY OF LONDON, ONTARIO. ANY REPRODUCTION OR TRANSMISSION OF THIS MAP OR INFORMATION CONTAINED HEREIN WITHOUT THE WRITTEN PERMISSION OF THE CORPORATION OF THE CITY OF LONDON IS STRICTLY PROHIBITED. THE CORPORATION OF THE CITY OF LONDON IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS MAP OR INFORMATION CONTAINED HEREIN.

Map 10

NOTICE OF PLANNING APPLICATION

Official Plan and Zoning By-Law Amendments

1153-1155 Dundas Street



File: O-9207 & Z-9198

Applicant: City of London & Zelinka Priamo Ltd.

What is Proposed?

Official Plan and Zoning amendments to allow:

- a mix of office, retail, artisan workshops, restaurant, craft brewery; and,
- a reduction of parking to permit 78 on-site parking spaces.

LEARN MORE & PROVIDE INPUT

Please provide any comments by **June 28, 2020**

Laurel Davies Snyder

lsnyder@london.ca

City Planning, City of London, 206 Dundas St., London ON N6A 1G7

File: **O-9207 & Z-9198**

london.ca/planapps

You may also discuss any concerns you have with your Ward Councillor:

Jesse Helmer

jhelmer@london.ca

519-661-CITY (2489) ext. 4004

**If you are a landlord, please post a copy of this notice where your tenants can see it.
We want to make sure they have a chance to take part.**

Application Details

Commonly Used Planning Terms are available at london.ca.

Requested Amendment to the Current Official Plan

The City has initiated an Official Plan Amendment to change the designation from Light Industrial to Main Street Commercial Corridor to permit a mix of office, retail, artisan workshops, restaurant, a craft brewery, and a site-specific regulation for a reduction in parking. The intent is to align the 1989 Official Plan designation for these lands with the policies of The London Plan, the new Official Plan for the City of London.

Requested Amendment to the Zoning By-law

To change the zoning from a Light Industrial (LI) Zone to a Business District Commercial Special Policy BDC() Zone to permit a mix of office, retail, artisan workshops, restaurant, craft brewery, and a site-specific regulation for a reduction of parking to permit 78 on-site parking spaces. Changes to the currently permitted land uses and development regulations are summarized below. The complete Zoning By-law is available at london.ca.

Current Zoning

Zone: Light Industrial 2 (LI2)

Permitted Uses: The Light Industrial LI2 Zone permits: bakeries; business service establishments; laboratories; manufacturing and assembly uses; offices support; paper and allied products industries excluding pulp and paper and asphalt roofing industries; pharmaceutical and medical product industries; printing, reproduction and data processing industries; research and development establishments; warehouse establishments; wholesale establishments; custom workshop; brewing on premises establishments; service trade; existing self-storage establishments; artisan workshop; craft brewery; dry cleaning and laundry plants; food, tobacco and beverage processing industries excluding meat packaging; leather and fur processing excluding tanning; repair and rental establishments; service and repair establishments; service trades; and, textile processing industries.

Special Provision(s): None.

Residential Density: Not applicable; residential is not a permitted use.

Height: 15 metres if abutting a residential zone; 50 metres if abutting a non-residential zone.

Bonus Zone: Not applicable.

Requested Zoning

Zone: Business District Commercial (BDC())

Permitted Uses: The proposed uses of Offices, Retail, Artisan Workshops, Restaurant, and Craft Brewery are permitted in the BDC Zone.

Special Provision(s): Reduction in parking requirements.

Residential Density: In BDC Zone variations, the height and density of each apartment building over the standard zone height and/or containing units outside existing structures, will be established through a zoning by-law amendment application and be indicated on Schedule A of the Zoning By-law.

Height: No change to existing building height requested.

Bonus Zone: Not applicable.

A Heritage Impact Study (HIA), a Parking Justification Study, and a Planning Justification Report have been prepared to assist in the evaluation of this application.

Planning Policies

Any change to the Zoning By-law must conform to the policies of the 1989 Official Plan, London's long-range planning document. These lands are currently designated as Light Industrial (LI) in the 1989 Official Plan, which permits industrial uses that involve assembling, fabricating, manufacturing, processing and/or repair activities; research and communication facilities; printing and publishing establishments; warehouse and wholesale outlets; technical, professional and business services such as architectural, engineering, survey or business machine companies; service trades; contractor's shops; and, residential and other source recycling facilities as the main uses.

The subject lands are in the Rapid Transit Corridor Place Type in *The London Plan*, permitting a range of residential, retail, service, office, cultural, recreational, and institutional uses.

How Can You Participate in the Planning Process?

You have received this Notice because someone has applied to change the zoning of land located within 120 metres of a property you own, or your landlord has posted the notice of application in your building. The City reviews and makes decisions on such planning

applications in accordance with the requirements of the *Planning Act*. The ways you can participate in the City's planning review and decision making process are summarized below. For more detailed information about the public process, go to the [Participating in the Planning Process](#) page at [london.ca](#).

Please also note that this application is being circulated during the State of Emergency issued by the Province of Ontario. As a result, in-person services are not available at this time.

See More Information

You can review additional information and material about this application by:

- Contacting the City's Planner listed on the first page of this Notice; or
- Viewing the application-specific page at [london.ca/planapps](#)

Future opportunity to view the application:

- When the City of London returns to operations that support in-person viewing, please contact the City's Planner listed on the first page of this Notice to confirm the office location of the Planner and the times that the office is open.

Reply to this Notice of Application

We are inviting your comments on the requested changes at this time so that we can consider them as we review the application and prepare a report that will include City Planning staff's recommendation to the City's Planning and Environment Committee. Planning considerations usually include such matters as land use, development intensity, and form of development.

Attend a Future Public Participation Meeting

The Planning and Environment Committee will consider the requested zoning changes on a date that has not yet been scheduled. The City will send you another notice inviting you to attend this meeting, which is required by the *Planning Act*. You will also be invited to provide your comments at this public participation meeting. The Planning and Environment Committee will make a recommendation to Council, which will make its decision at a future Council meeting.

What Are Your Legal Rights?

Notification of Council Decision

If you wish to be notified of the decision of the City of London on the proposed zoning by-law amendment, you must make a written request to the City Clerk, 300 Dufferin Ave., P.O. Box 5035, London, ON, N6A 4L9, or at docservices@london.ca. You will also be notified if you speak to the Planning and Environment Committee at the public meeting about this application and leave your name and address with the Secretary of the Committee.

Right to Appeal to the Local Planning Appeal Tribunal

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of London to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of London before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of London before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information go to <http://elto.gov.on.ca/tribunals/lpat/about-lpat/>.

Notice of Collection of Personal Information

Personal information collected and recorded at the Public Participation Meeting, or through written submissions on this subject, is collected under the authority of the *Municipal Act*, 2001, as amended, and the *Planning Act*, 1990 R.S.O. 1990, c.P.13 and will be used by Members of Council and City of London staff in their consideration of this matter. The written submissions, including names and contact information and the associated reports arising from the public participation process, will be made available to the public, including publishing on the City's website. Video recordings of the Public Participation Meeting may also be posted to the City of London's website. Questions about this collection should be referred to Cathy Saunders, City Clerk, 519-661-CITY (2489) ext. 4937.

Accessibility

Alternative accessible formats or communication supports are available upon request. Please contact planning@london.ca or 519-661-4980 for more information.

Site Concept

DESIGNER:
The Barnswallow Company
 Steve Sims BCIN 22639
 steve@barnswallowcompany.com (519) 495-0433

0
 10

20

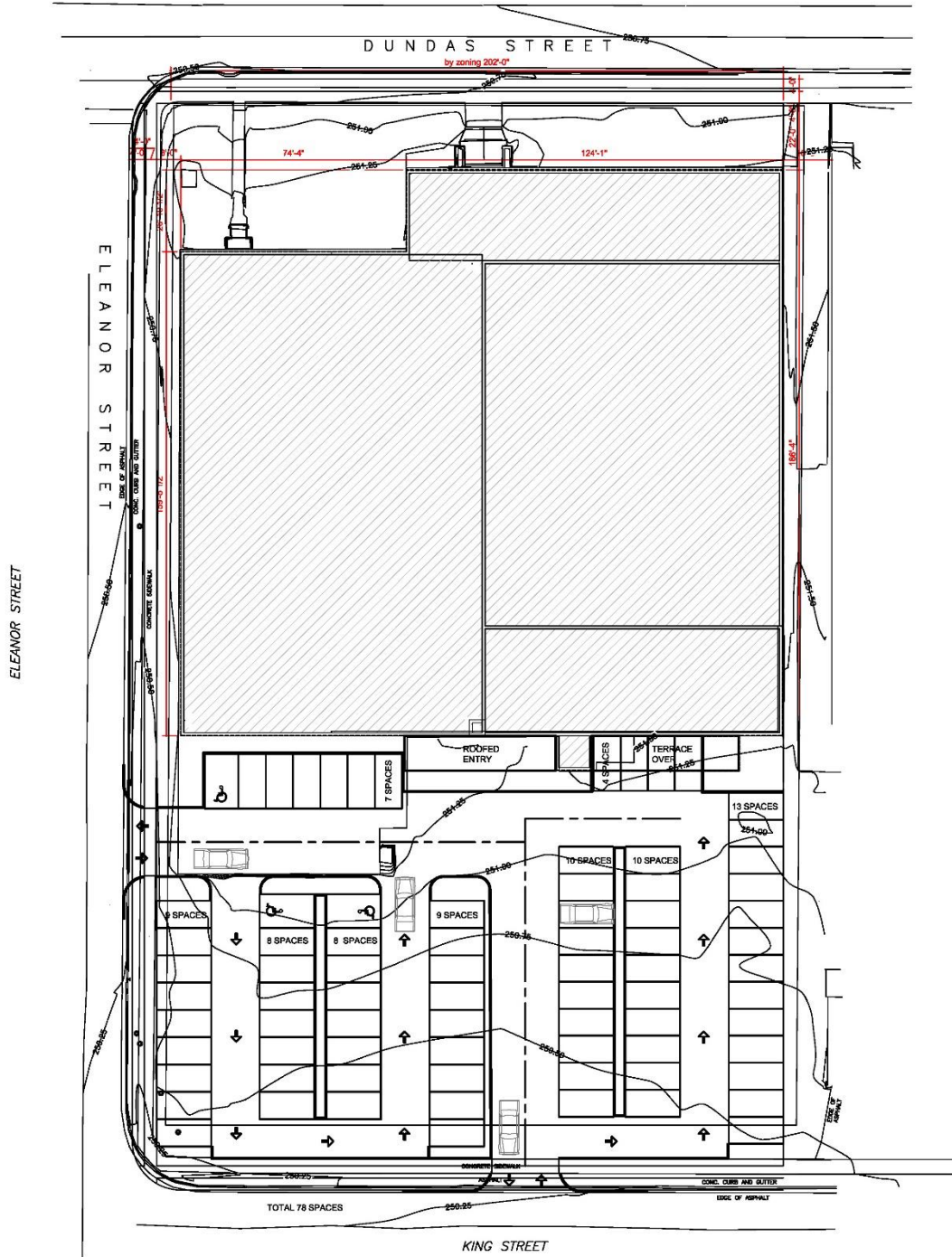
NOT TO SCALE

60 FEET

PROJECT No.: 19-400

1 1 5 5 Dundas St
 SK-5-1
 DEC 02 2019

ROAD ALLOWANCE BETWEEN CONCESSIONS 1 AND "C", LONDON TOWNSHIP

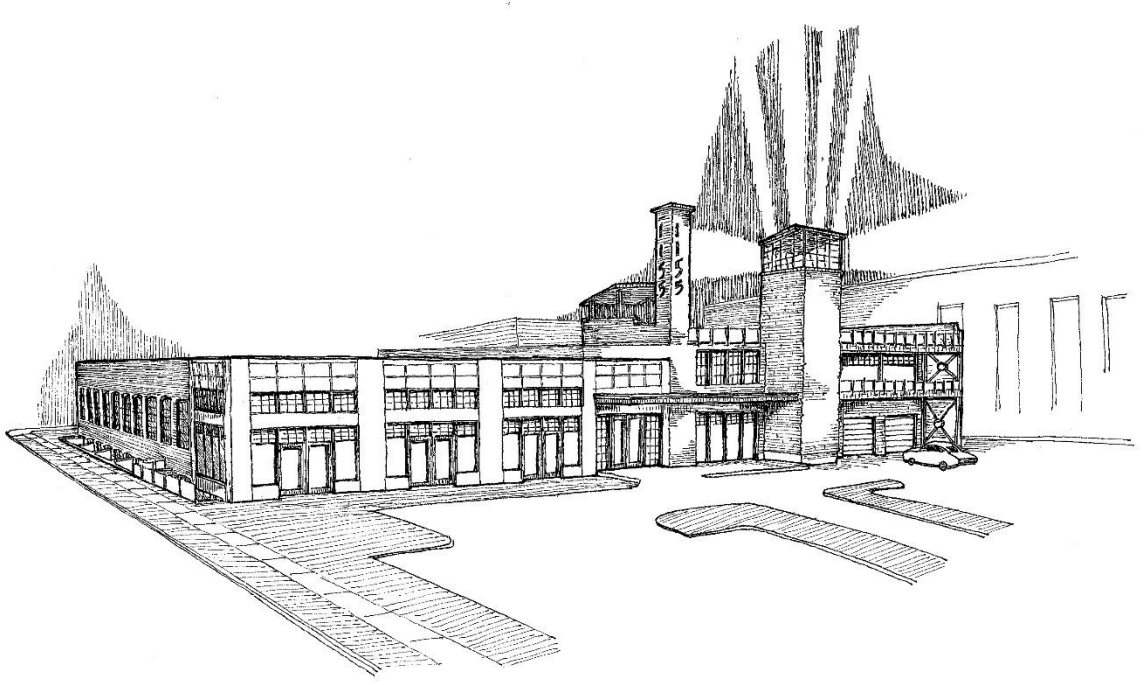


The above image represents the Applicant's proposal as submitted and may change.

Building Renderings



Conceptual illustration of the front of the building (looking South on Dundas Street)



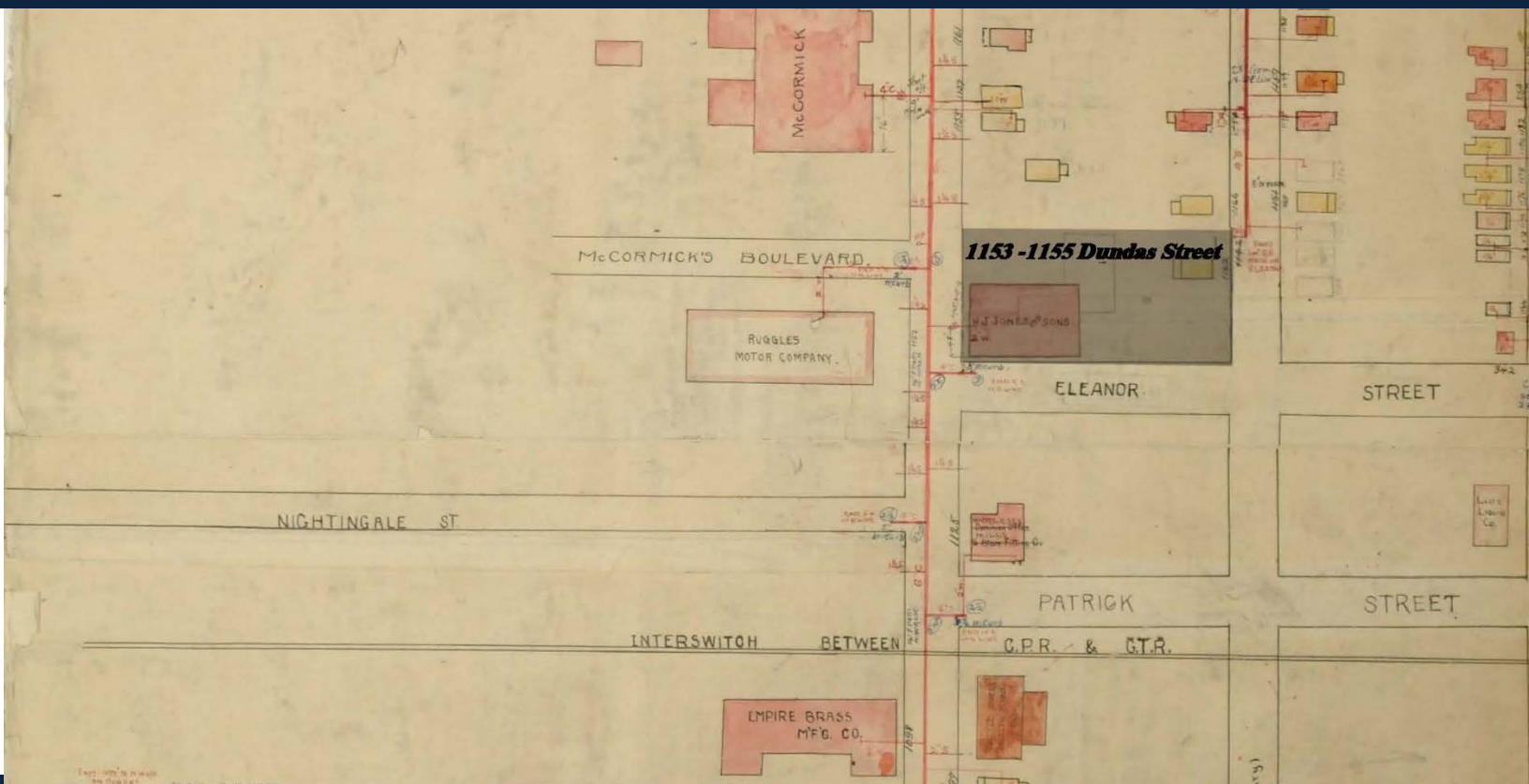
Conceptual illustration of the rear of the building (looking north on King Street).

The above images represent the Applicant's proposal as submitted and may change.

Heritage Impact Assessment

1153 - 1155 Dundas Street

City of London



March 16, 2020

TABLE OF CONTENTS

SECTION 1 – INTRODUCTION

- 1.1 Purpose of Heritage Impact Assessment

SECTION 2 – SUBJECT SITE AND SURROUNDING PROPERTIES

- 2.1 The Subject Lands
- 2.2 Surrounding Properties

SECTION 3 – PROPOSED DEVELOPMENT

- 3.1 Proposed Amendment to the City of London Z.-1 Zoning By-law

SECTION 4 – POLICY REVIEW

- 4.1 Provincial Policy Statement 2014
- 4.2 The London Plan
- 4.3 City of London 1989 Official Plan
- 4.4 Ontario Heritage Tool Kit

SECTION 5 – ANALYSIS AND MITIGATION

- 5.1 Provincial Policy Statement 2014
- 5.2 The London Plan
- 5.3 Ontario Heritage Tool Kit

SECTION 6 – CONCLUSION

APPENDIX 1

SOURCES

SECTION 1 - INTRODUCTION

1.1 Proposed of Heritage Impact Assessment

The subject lands are located at 1153-1155 Dundas Street and are listed on the Register of Cultural Heritage Resources ("Register") and adjacent to one non-designated property.

The purpose of this Heritage Impact Assessment (HIA) is to support the proposed amendment to the City of London Z.-1 Zoning By-Law to permit a range of uses, including retail/artisan workshop, office, restaurant/craft brewery, and display of specialty automobiles within the existing building on the subject lands.

At this early stage of the proposed, there are no physical changes proposed to the subject lands, which includes exterior changes to the existing building or property. The building is currently occupied and to minimize disruption to the current tenants the site will remain as is until the proposed re-zoning is approved.

The property owner is also interested in designation of the property under Part IV of the Ontario Heritage Act; however, it is too early to prepare a draft Statement of Significant because the main and oldest part of the building is covered in metal cladding.

Until exploratory work is completed to determine the condition of the structure under the metal siding it is difficult to prepare a full evaluation to determine heritage attributes of the site.

Any future development of the subject lands that results in physical change to the lands or to the exterior of the building may require addition heritage studies through the Site Plan Approval process.

SECTION 2 – SUBJECT SITE & SURROUNDING PROPERTIES

2.1 Subject Lands

The subject lands are comprised of a single parcel with two municipal addresses, located on the southeast corner of the Dundas Street and Eleanor Street intersection (Figure 1). The subject lands have an approximate frontage of 63.4 metres along Dundas Street, an approximate depth of 102.4 metres, and an approximate area of 0.649 hectares.

The subject lands are also within an area that has been identified as a potential heritage conservation district within the Heritage Places 2.0: A Description of Potential Heritage Conservation Areas in the City of London.

The proposed "Smoke Stack District" comprises of the industrial area situated south of the Canadian Pacific Railway lines and east of Ashland Avenue. Florence Street, Kellogg Lane and Burbrook Place loosely form the southern and western edges of the area.

A district plan study has not been completed for this area, and it is unknown when one would be completed.

The subject lands are also adjacent to 1173 Dundas Street a listed (non-designated) property on the City of London Register of Heritage Properties. The property is known as the Jones Box and Label Building is a c. 1931 Art Deco style structure.

Figure 1 – Air Photo of Subject Lands



The subject lands are currently occupied by a light industrial and office building (Figure 2). The remainder of the subject lands consist of surface parking area and landscaped areas. There is no significant vegetation on the property.

Vehicular access to the surface parking area is provided via Eleanor Street and King Street (Figure 3).

Public sidewalks are located along both sides of Dundas Street, both sides of King Street, and the east side of Eleanor Street.

Figure 2 – Front of the Existing 2-Storey Building (Looking East on Dundas Street)



Figure 3 – Rear of the Existing 2-Storey Building (Looking North on King Street)



The original structure (H. J. Jones Lithographing) at the intersection dates from the early 20th century. It is a single-story brick structure that is covered with metal siding. Later additions include a 1920's smaller brick structure extending east of the original building and another single storey c. 1950's addition along the Dundas streetscape.

For more details regarding the subject lands please see Appendix 1 and the attached Stage 1-2 Archaeological Assessment.

2.1 Surrounding Properties

Lands immediately abutting or adjacent to the subject lands consist of a 4-storey self-storage establishment at 1173 Dundas Street (Listed property), an automotive sales and service establishment to north at 1152 Dundas Street (Dundas Auto Sales), a multi-tenanted light industrial building to the south at 1170 York Street, and the old Kelloggs property to the east at 1063 Dundas Street (Figures 4, 5, 6, and 7).

Figure 4 - 1173 Dundas Street; Listed property - Abuts Subject Lands to East (Looking Southwest)



Figure 5 - 1152 Dundas Street; Automotive Sales and Service Use (Looking North)



Figure 6 - 1157-1176 King Street; Light-Industrial Use (Looking Southeast)



Figure 7 – 1063 Dundas Street; Old Kelloggs Property (Looking Southwest)

SECTION 3 – PROPOSED DEVELOPMENT

3.1 Purpose Amendment to the City of London Z.-1 Zoning By-Law

The proposed amendment to the City of London Z.-1 Zoning By-Law is to permit a range of retail/artisan workshop, office, restaurant/craft brewery, and display of specialty automobiles uses on the subject lands.

The existing building is proposed to be retained and retrofitted to accommodate the proposed range of uses. There will be no building height or gross floor area added to the existing building.

The intent is to maintain/preserve the buildings original industrial style. However, it is important to understand a majority of the building is covered in metal cladding and until this material is removed it is difficult to provide anything other than conceptual exterior elevations.

The proposed would include maintaining the individual character, exterior and interior, of the original building and its two additions. The structure as a whole is unique as the exterior walls of the 1900's and 1920's buildings were not removed when the 1950's addition was constructed. There are some minor alterations, but the original brick is intact, with many of the original window openings (however, bricked in). This makes the main warehouse area very interesting as the facades of the two oldest portions of the building are still very visible.

All three portions of the building are of a different era which results in different individual character. The proposed is intending to maintain the individual characters and expose how all three come together within the main warehouse area.

There will be alterations to the exterior of the building that would include the demolition of a small part of the building, the removal of metal cladding and the removal of material within window openings.

The main area of change would happen at the rear of the property. A small loading dock that was added to the rear of the 1900's portion of the structure is proposed to be removed. It is not original to the building; it is a modern addition. The former wall of the original building is not fully intact, but it does have some of the former window openings (Figure 8).

Majority of the metal cladding at the rear of the building will be removed, and changes will be made to accommodate access to the interior of the building. This would include pedestrian access and vehicle access to the large warehouse portion of the structure. Existing access points to the building such as, loading doors, pedestrian and windows will be utilized where possible (Figure 9).

The removal of bricked/covered windows is also proposed for exterior and interior opening, where feasible. Further exploratory work is required to determine which window openings can be restored and what style of windows can replace the brick.

Further exploratory work is also required to be completed to determine the condition of the structure under the metal siding. It is not known how it was attached to the building and the condition of the brick is not known. However, based on review of the interior, it is thought the original window openings are intact and not bricked in on the west elevation along Eleanor Street. It is unknown if the original windows are still intact (Figure 10).

Conceptual Illustrations are shown in Figures 11 and 12; however, the following is a brief description of the proposed changes to each of the facades of the structure:

- North façade along Dundas Street - east side, 1950 addition (including entrance doors) to remain as built with the proposed addition of a roof over the existing entrance. Original West façade along Dundas metal will be removed to uncover brick and new windows in existing openings. Repairs to brick will be done where needed.
- West façade along Eleanor Street - metal will be removed to uncover brick and new windows in existing openings. Repairs to brick will be done where needed.
- South façade, rear of building - new construction is required where the loading dock is proposed to be removed and where the metal cladding is proposed to be removed. New brick walls, pedestrian access, windows are proposed to match the scale and materials of the existing structure. Existing loading doors will be kept along with as many window



Figure 8



Figure 9



Figure 10

openings, where feasible. In addition, the existing loading elevator structure and chimney are proposed to be retained.

- East façade (along alley); to remain. Patch and repair brick or metal siding as required.
- Where feasible, original windows will be retained. Any new windows will reflect the structures industrial style, depending on which portion of the structure the window is located. Also, all windows will be as allowed by OBC limiting distance guidelines.
- Where feasible, interior features such as loading doors, fire doors, structural features that reflect the industrial style of the structure will be maintained/or salvaged.

The existing vehicular accesses is maintained from King Street and Eleanor Street, with a formalized parking area in the rear yard. The existing principal entrance is located at the front of the building along Dundas Street, with a retrofitted secondary entrance to the rear along King Street and new secondary entrances along Eleanor Street.

Figure 11 – Conceptual Illustration of the Rear of the Building (Looking North on King Street)

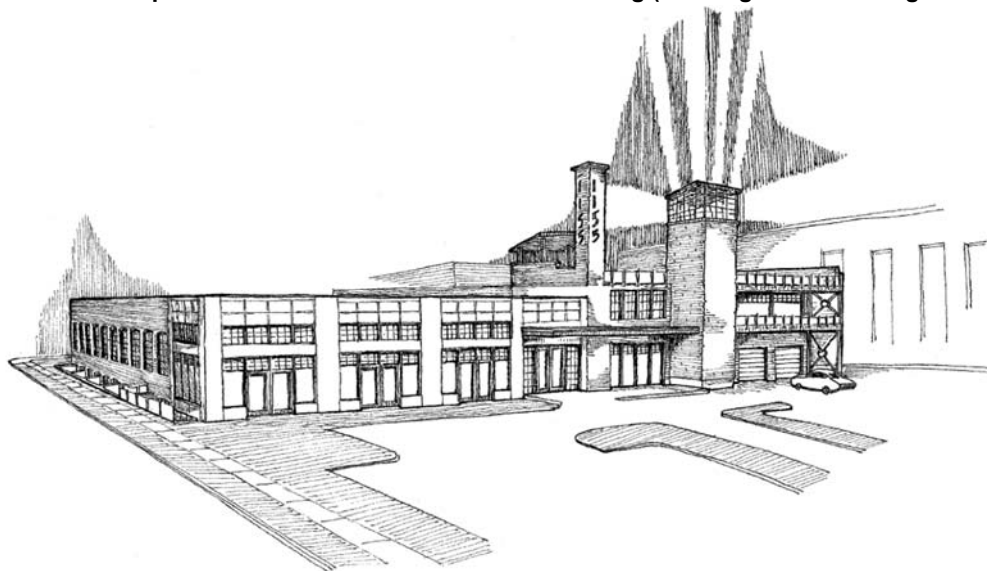


Figure 12 – Conceptual Illustration of the Front of the Building (Looking South on Dundas Street)



SECTION 4 – POLICY REVIEW

4.1 Provincial Policy Statement 2014 (PPS)

The Provincial Policy Statement (PPS), issued under the authority of Section 3 of the Planning Act “provides policy direction on matters of provincial interest related to land use planning” in order to ensure efficient, cost-efficient development and the protection of resources. All planning applications are required to be consistent with these policies.

Policies in the 2014 PPS relevant to the subject lands are as follows:

“Significant built heritage resources and significant cultural heritage landscape shall be conserved.” Section 2.6.1

*“Planning authorities shall not permit development and site alteration on **adjacent lands** to **protected heritage property** except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.” Section 2.6.3*

PPS Definitions:

Built heritage resources: means a building, structure, monument, installation or any manufactured remnant that contributes to a property’s cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the Ontario Heritage Act, or included on local, provincial and/or federal registers.

Significant (e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.

Adjacent lands (d) means those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

Protected heritage property means *property designated under Parts IV, V, or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Site.*

Heritage attributes means *the principal features or elements that contribute to a protected heritage property’s cultural heritage value or interest, and may include the property’s built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including significant views or vistas to or from a protected heritage property).*

4.2 The London Plan

The new City of London Official Plan (The London Plan) has been adopted by Council, but is the subject of several appeals to the Local Planning Appeal Tribunal (LPAT). The following Cultural Heritage policy applies to the subject lands:

586 "The City shall not permit development and site alteration on adjacent lands to heritage designated properties or properties listed on the Register except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the heritage designated properties or properties listed on the Register will be conserved. (In Effect)

Even though London Plan Policy 586 is in full effect, the definition of adjacent is under appeal so the PPS definition is applied. The PPS definition states lands contiguous to a protected heritage property which means a property designated under the Ontario Heritage Act.

4.3 City of London 1989 Official Plan

Since Policy 565 is subject to an appeal Section 13 of the existing 1989 Official Plan shall apply. There are no policies in the existing Official Plan that apply as the subject lands are not designated under the Ontario Heritage Act.

4.4 Ontario Heritage Tool Kit

The Ontario Ministry of Tourism, Culture and Sport developed the Ontario Heritage Tool Kit as a guide to help understand the heritage conservation process in Ontario.

The tool kit provides guidelines for the preparation of heritage studies, such as Heritage Impact Statements and provides a list of possible negative impacts on a cultural heritage resource. These include, but are not limited to, the following impacts:

1. Destruction of any, part of any, significant heritage attributes or features;
2. Alteration that is not sympathetic, or is incompatible with the historic fabric and appearance;
3. Shadows created that alter the appearance of a heritage attribute or change the viability of a natural feature or plantings, such as a garden;
4. Isolation of a heritage attribute from its surrounding environment, context or a significant relationship;
5. Direct or indirect obstruction of significant views or vistas within, from, or of, built and natural features;
6. A change in land use where the change in use negates the property's cultural heritage value; and
7. Land disturbances, such as change in grade that alters soils and drainage patterns that adversely affect cultural heritage resources.

SECTION 5 – ANALYSIS AND MITIGATION

5.1 Provincial Policy Statement 2014 (PPS)

The proposed development is consistent with the policies of the 2014 Provincial Policy Statement.

The proposed amendment to the City of London Z.-1 Zoning By-Law will conserve the property's cultural heritage value and interest. The existing building is proposed to be retained and retrofitted to accommodate the proposed range of uses.

There are no designated properties adjacent to the subject lands. The adjacent listed (non-designated) property is not considered a protected property as per the PPS definition of "protected heritage property".

5.2 The London Plan

The following consideration was given to the London Plan Policy 586. In general, the policy states that if a property is adjacent to heritage designated properties or properties listed on the Register, the proposal must be evaluated to demonstrate that the heritage attributes of the heritage designated properties and properties listed on the Register are conserved.

There are no heritage designated properties adjacent to the subject lands.

The adjacent property, 1173 Dundas Street, is a listed (non-designated) property and the proposed will not have any negative impacts to the property's potential heritage attributes. At this stage of the proposed development there are no physical changes proposed to the subject lands, which includes exterior changes to the existing building or property.

Future proposed changes to the east façade (along the property line of 1173 Dundas Street) will include patch and repair work to the existing brick and metal siding as required.

It is expected that changes to the property will result in land disturbances; however, not at this stage of the project. Measures will be made to avoid any adverse impacts to the adjacent properties through Site Plan Control as per the City's Development and Construction Standards.

5.3 Ontario Heritage Tool Kit

An impact assessment as outlined in the *Ontario Heritage Tool Kit, Info sheet #5 Heritage Impact Assessments and Conservation Plans (2006)* is provided as follows:

- Destruction of any, part of any, significant heritage attributes or features:
 - The intent is to maintain/preserve the buildings original industrial style. Until exploratory work is completed to determine the condition of the structure under the metal siding it is difficult to determine all the heritage attributes of the site.
 - Once the metal cladding is removed, further heritage studies may be required, such as a Conservation Plan.

- Alteration that is not sympathetic, or is incompatible with the historic fabric and appearance:
 - The proposed is not unsympathetic or incompatible to the existing historic fabric and appearance of the area. The building prominent location at the corner of Dundas and Eleanor Streets will remain as it is today. The removal of the metal cladding will expose the brick façade and will be more in-keeping with the surrounding area.
- Shadows created that alter the appearance of a heritage attribute or change the visibility of an associated natural feature, plantings, such as a garden:
 - There are no physical changes proposed on the subject land that would create any new shadows.
- Isolation of a heritage attribute from its surrounding environment, context or a significant relationship:
 - The building's appearance on Dundas Street will not be negatively affected by the proposed Zoning By-law Amendment. The building will be conserved and restored to its industrial form and style that is consistent with the surrounding area.
- Direct or indirect obstruction of significant views or vistas within, from, or of, built and natural features:
 - There are no significant views or vistas identified at this time.
- A change in land use where the change in use negates the property's cultural heritage value:
 - The change of use will not negate the property's cultural heritage value as it is intended to conserve the industrial style of the structure. The intent is to maintain the building, as much as possible, as it is today with the exception of the removal of the exterior metal cladding. It is intended to restore the facades to their original industrial appearance including retaining and restoring entrances, windows and window openings.
- Land disturbances such as change in grade that alters soils, and drainage patterns that adversely affect cultural heritage resources:
 - It is expected that changes to the property will result in land disturbances; however, not at this stage of the project. The proposed change in use will not result in physical changes to the subject lands, which includes exterior changes to the existing building or property. Impact such as potential for vibration on the subject lands or adjacent properties can be mitigated with vibration assessments and this should occur before construction activities. Measures will be made to avoid any

adverse impacts on the subject lands and to adjacent properties through Site Plan Control as per the City's Development and Construction Standards.

SECTION 6 – CONCLUSION

It is our opinion the proposed change in use will not negatively impact the preservation of the subject land's cultural heritage value or of its neighbour.

The intent is to maintain the building, as much as possible, as it is today with the exception of the removal of the exterior metal cladding. It is intended to restore the facades to their original industrial appearance including retaining and restoring entrances, windows and window openings.

At this stage, there are no physical changes proposed to the subject lands, which includes exterior changes to the existing building. Any concept plans are preliminary and subject to the Site Plan Approval process.

**Stage 1-2 Archaeological Assessment of 1153-1155
Dundas Street, in part of Lot 10, Concession C,
former Township of London, now City of London,
Middlesex County, Ontario**

Submitted to
Zelinka Priamo Ltd.
318 Wellington Road
London, Ontario
N6C 4P4

and

The Ontario Ministry of Tourism, Culture, and Sport

Prepared by

Lincoln Environmental Consulting Corp.

Report Type: Original

Archaeological License Number P344, Derek Lincoln, MA, RPA
PIF P344-0373-2019

January 2020

Table of Contents

EXECUTIVE SUMMARY	2
ACKNOWLEDGEMENTS.....	3
1.0 PROJECT CONTEXT	4
1.1 DEVELOPMENT CONTEXT	4
1.1.1 Objectives	4
1.2 HISTORICAL CONTEXT	5
1.2.1 Pre and early Post-contact Aboriginal Resources.....	5
1.2.2 Historic Euro-Canadian Resources	7
1.3 ARCHAEOLOGICAL CONTEXT	8
1.3.1 The Natural Environment	8
1.3.2 Previously Known Archaeological Sites and Surveys	9
1.3.3 Summary of Past Archaeological Investigations within 50m	9
1.3.4 City of London's <i>Archaeological Master Plan</i>	10
1.3.5 Archaeological Potential.....	11
2.0 FIELD METHODS	13
3.0 RECORD OF FINDS	14
4.0 ANALYSIS AND CONCLUSIONS	15
5.0 RECOMMENDATIONS	16
6.0 ADVICE ON COMPLIANCE WITH LEGISLATION	17
7.0 BIBLIOGRAPHY AND SOURCES	18
8.0 IMAGES	20
9.0 MAPS.....	25

LIST OF FIGURES

Figure 1: Topographic Map of Study Area.....	26
Figure 2: Study Area	27
Figure 3: Portion of the Illustrated Historical Atlas of the county of Middlesex, Ont. 1878.....	28
Figure 4: Study Area Depicted on the 1892 Rev 1907 Fire Insurance Map	29
Figure 5: Study Area Depicted on the 1912 Rev 1915 Fire Insurance Map	30
Figure 6: Study Area Depicted on the 1912 Rev 1922 Fire Insurance Map	31
Figure 7: Study Area Depicted on a 1922 Aerial Image.....	32
Figure 8: Study Area Depicted on a 1942 Aerial Image.....	33
Figure 9: Study Area Depicted on a 1967 Aerial Image.....	34
Figure 10: Areas of Archaeological Potential as depicted in the City of London's AMP	35
Figure 11: Assessment Strategies and Results	36

Executive Summary

Lincoln Environmental Consulting Corp. (LEC) was retained by Zelinka Priamo Ltd. to complete a Stage 1-2 archaeological assessment of 1153-1155 Dundas Street to meet the requirements of the *Planning Act* (Government of Ontario 2014) in advance of a planning permit. The study area measures approximately 0.64 hectares in size and is located in part of Lot 10, Concession C, former Township of London, now City of London, Middlesex County, Ontario.

This assessment was triggered by the Provincial Policy Statement that is informed by the *Planning Act* (Government of Ontario 1990a), which states that decisions affecting planning matters must be consistent with the policies outlined in the larger *Ontario Heritage Act* (1990b). According to Section 2.6.2 of the PPS, “*development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*”

In accordance with Section 1.3.1 of the Ministry of Tourism, Culture and Sport’s (MTCS) 2011 *Standards and Guidelines for Consultant Archaeologists* (Government of Ontario 2011), the Stage 1 archaeological assessment of 1153-1155 Dundas Street has determined that the study area exhibits high potential for the identification and recovery of archaeological resources and a Stage 2 archaeological assessment is recommended.

The Stage 2 assessment was conducted on December 8th, under archaeological consulting license P344 issued to Derek Lincoln, MA, of LEC by the MTCS. No archaeological resources were identified during the Stage 2 archaeological assessment of the study area, and as such **no further archaeological assessment of the property is recommended.**

The MTCS is asked to review the results presented and accept this report into the Ontario Public Register of Archaeological Reports.

Project Personnel

Licensed Archaeologist:	Derek Lincoln, MA (P344)
Project Manager:	Derek Lincoln, MA (P344)
Licensed Field Director:	Derek Lincoln, MA (P344)
Field Technician:	Brandon Donkers
GIS Specialist:	Adam Prong
Report Writer:	Derek Lincoln, MA (P344)

Acknowledgements

Proponent Contact:	Ben McCauley, Zelinka Priamo Ltd.
City of London	Laura Dent, Heritage Planner

STAGE 1-2 ARCHAEOLOGICAL ASSESSMENT: 1153-1155 DUNDAS STREET

Project Context
December, 2019

1.0 PROJECT CONTEXT

1.1 DEVELOPMENT CONTEXT

Lincoln Environmental Consulting Corp. (LEC) was retained by Zelinka Priamo Ltd. to complete a Stage 1-2 archaeological assessment of 1153-1155 Dundas Street to meet the requirements of the *Planning Act* (Government of Ontario 2014) in advance of a planning permit. The study area measures approximately 0.64 hectares in size and is located in part of Lot 10, Concession C, former Township of London, now City of London, Middlesex County, Ontario.

This assessment was triggered by the PPS that is informed by the *Planning Act* (Government of Ontario 1990a), which states that decisions affecting planning matters must be consistent with the policies outlined in the larger *Ontario Heritage Act* (1990b). According to Section 2.6.2 of the PPS, “*development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*”

Permission to enter the study area and document archaeological resources was provided by Ben McCauley of Zelinka Priamo Ltd.

1.1.1 Objectives

In compliance with the provincial standards and guidelines set out in the Ministry of Tourism, Culture and Sport’s (MTCS) 2011 *Standards and Guidelines for Consultant Archaeologists* (Government of Ontario 2011), the objectives of the Stage 1 Archaeological Overview/Background Study are as follows:

- To provide information about the study area’s geography, history, previous archaeological fieldwork, and current land conditions;
- To evaluate in detail the study area’s archaeological potential which will support recommendations for Stage 2 survey for all or parts of the property; and
- To recommend appropriate strategies for Stage 2 survey.

To meet these objectives LEC archaeologists employed the following research strategies:

- A review of relevant archaeological, historic and environmental literature pertaining to the study area;
- A review of the land use history, including pertinent historic maps;
- A review of the City of London’s *Archaeological Master Plan*; and
- An examination of the Ontario Archaeological Sites Database (ASDB) to determine the presence of known archaeological sites in and around the project area.



STAGE 1-2 ARCHAEOLOGICAL ASSESSMENT: 1153-1155 DUNDAS STREET

Project Context
December, 2019

The objective of the Stage 2 assessment was to provide an overview of archaeological resources on the property and to determine whether any of the resources might be archaeological sites with cultural heritage value or interest and to provide specific direction for the protection, management and/or recovery of these resources. In compliance with the provincial standards and guidelines set out in the MTCS' 2011 *Standards and Guidelines for Consultant Archaeologists* (Government of Ontario 2011), the objectives of the Stage 2 Property Assessment are as follows:

- To document all archaeological resources within the study area;
- To determine whether the study area contains archaeological resources requiring further assessment; and
- To recommend appropriate Stage 3 assessment strategies for archaeological sites identified.

1.2 HISTORICAL CONTEXT

The study area consists of approximately 0.64 hectares of developed land at the southeast intersection Dundas Street and Eleanor Street in Historic London. The majority of the study area is a large commercial building, with parking lot in the rear and grass boulevard surrounding the building in the front and western side. The existing structure (H. J. Jones Lithographing) on the intersection corner exists in the same spot as the structure depicted in the late 19th (1892) and early 20th (1907 and 1922) century fire insurance maps (Figures 4-6), though it is larger now and has had extensive renovations and additions. The fire insurance maps also depict smaller wooden outbuildings on the southern portion of the study area and a smaller wooden outbuilding in the north in the 1907 and 1922 insurance maps. The 1922 Fire Insurance map also depicts a smaller brick building extending east of the Lithographic building, attached to the south end of the original structure. The same buildings are seen in the 1922 and 1942 aerial imagery (Figures 7 and 8). By 1967 (Figure 9) loading docks have been added to the Lithographing facility and the building to the East has been extended up to Dundas Street to match the size of the lithographing building, and replacing the wooden building in the NE. The southern portion of the lot is now paved to service the loading docks and the smaller wooden structures are gone. The property has remained in relatively similar condition since 1967. The study area is located at 1153-1155 Dundas Street part of Lot 10, Concession C, former Township of London, now City of London, Middlesex County, Ontario.

1.2.1 Pre and early Post-contact Aboriginal Resources

Our knowledge of past First Peoples settlement and land use in Middlesex County is incomplete. Nonetheless, using province-wide (MCCR 1997) and region-specific archaeological data, a generalized cultural chronology for native settlement in the area can be proposed. The following paragraphs provide a basic textual summary of the known general cultural trends and a tabular summary appears in Table 1.

The Paleoindian Period

The first human populations to inhabit Ontario came to the region between 12,000 and 10,000 years ago, coincident with the end of the last period of glaciation. Climate and environmental conditions were significantly different than they are today; local environs would not have been welcoming to anything but



STAGE 1-2 ARCHAEOLOGICAL ASSESSMENT: 1153-1155 DUNDAS STREET

Project Context
December, 2019

short-term settlement. Termed Paleoindians by archaeologists, Ontario first peoples would have crossed the landscape in small groups (i.e., bands or family units) searching for food, particularly migratory game species. In the area, caribou may have provided the staple of the Paleoindian diet, supplemented by wild plants, small game, birds and fish. Given the low density of populations on the landscape at this time and their mobile nature, Paleoindian sites are small and ephemeral. They are usually identified by the presence of fluted projectile points and other finely made stone tools.

Table 1: Cultural Chronology for Native Settlement within Middlesex County

Period			Time Range (circa)	Diagnostic Features	Complexes
Paleoindian	Early		9000 – 8400 B.C.	fluted projectile points	Gainey, Barnes, Crowfield
	Late		8400 – 8000 B.C.	non-fluted and lanceolate points	Holcombe, Hi-Lo, Lanceolate
Archaic	Early		8000 – 6000 B.C.	serrated, notched, bifurcate base points	Nettling, Bifurcate Base Horizon
	Middle		6000 – 2500 B.C.	stemmed, side & corner notched points	Brewerton, Otter Creek, Stanly/Neville
	Late		2000 – 1800 B.C.	narrow points	Lamoka
			1800 – 1500 B.C.	broad points	Genesee, Adder Orchard, Perkiomen
			1500 – 1100 B.C.	small points	Crawford Knoll
	Terminal		1100 – 850 B.C.	first true cemeteries	Hind
Woodland	Early		800 – 400 B.C.	expanding stemmed points, Vinette pottery	Meadowood
	Middle		400 B.C. – A.D. 600	thick coiled pottery, notched rims; cord marked	Couture
	Late	Western Basin	A.D. 600 – 900	Wayne ware, vertical cord marked ceramics	Riviere au Vase-Algonquin
			A.D. 900 – 1200	first corn; ceramics with multiple band impressions	Young- Algonquin
			A.D. 1200 – 1400	longhouses; bag shaped pots, ribbed paddle	Springwells-Algonquin
			A.D. 1400-1600	villages with earthworks; Parker Festoon pots	Wolf- Algonquin
Contact		Aboriginal	A.D. 1600 – 1700	early historic native settlements	Neutral Huron, Odawa, Wenro
		Euro-Canadian	A.D. 1700-1760	fur trade, missionization, early military establishments	French
			A.D. 1760-1900	Military establishments, pioneer settlement	British colonials, UELs

Archaic

The archaeological record of early native life in Southern Ontario indicates a change in lifeways beginning circa 10,000 years ago at the start of what archaeologists call the Archaic Period. The Archaic populations are better known than their Paleoindian predecessors, with numerous sites found throughout the area. The characteristic projectile points of early Archaic populations appear similar in some respects to early varieties and are likely a continuation of early trends. Archaic populations continued to rely heavily on game, particularly caribou, but diversified their diet and exploitation patterns with changing environmental conditions. A seasonal pattern of warm season riverine or lakeshore settlements and interior cold weather occupations has been documented in the archaeological record. Since the large cold weather mammal species that formed the basis of the Paleoindian subsistence pattern became extinct or moved

STAGE 1-2 ARCHAEOLOGICAL ASSESSMENT: 1153-1155 DUNDAS STREET

Project Context
December, 2019

northward with the onset of warmer climates, Archaic populations had a more varied diet, exploiting a range of plant, bird, mammal and fish species. Reliance on specific food resources like fish, deer and nuts becomes more pronounced through time and the presence of more hospitable environs and resource abundance led to the expansion of band and family sizes. In the archaeological record, this is evident in the presence of larger sites and aggregation camps, where several families or bands would come together in times of resource abundance. The change to more preferable environmental circumstances led to a rise in population density. As a result, Archaic sites are more abundant than those from the earlier period. Artifacts typical of these occupations include a variety of stemmed and notched projectile points, chipped stone scrapers, ground stone tools (e.g. celts, adzes) and ornaments (e.g. bannerstones, gorgets), bifaces or tool blanks, animal bone and waste flakes, a by-product of the tool making process.

Woodland Period

Significant changes in cultural and environmental patterns are witnessed in the Woodland Period (circa 950 B.C to historic times). The coniferous forests of earlier times were replaced by stands of mixed and deciduous species. Occupations became increasingly more permanent in this period, culminating in major semi-permanent villages by 1,000 years ago. Archaeologically, the most significant changes by Woodland times are the appearance of artifacts manufactured from modeled clay and the construction of house structures. The Woodland Period is often defined by the occurrence of pottery, storage facilities and residential areas similar to those that define the incipient agricultural or Neolithic period in Europe. The earliest pottery was rather crudely made by the coiling method and house structures were simple enclosures.

Iroquoian Period

The primary Late Woodland occupants of the area were the Neutral Nation, an Iroquoian speaking population described by European missionaries. Like other known Iroquoian groups including the Huron (Wendat) and Petun, the Neutral practiced a system of intensive horticulture based on three primary subsistence crops (corn, beans and squash). Neutral villages incorporated a number of longhouses, multi-family dwellings that contained several families related through the female line. The Jesuit Relations describe several Neutral centres in existence in the 17th century, including a number of sites where missions were later established. While precontact Neutral sites may be identified by a predominance of well-made pottery decorated with various simple and geometric motifs, triangular stone projectile points, clay pipes and ground stone implements, sites post-dating European contact are recognized through the appearance of various items of European manufacture. The latter include materials acquired by trade (e.g., glass beads, copper/brass kettles, iron axes, knives and other metal implements) in addition to the personal items of European visitors and Jesuit priests (e.g., finger rings, stoneware, rosaries, glassware). The Neutral were dispersed, and their population decimated by the arrival of epidemic European diseases and inter-tribal warfare.

1.2.2 Historic Euro-Canadian Resources

The 1878 *Illustrated Historical Atlas of Middlesex County's* map of the Township of London depicts a densely settled urban landscape with numerous landowners, structures, early transportation routes, and



STAGE 1-2 ARCHAEOLOGICAL ASSESSMENT: 1153-1155 DUNDAS STREET

Project Context
December, 2019

early town sites. A portion of the 1878 historic map of the Township of London is depicted in Figure 3, and the study area lies within historic London. The currently existing structure (H. J. Jones Lithographing) on the intersection corner, exists in the same spot as the structure depicted in the late 19th (1892) and early 20th (1907 and 1922) century fire insurance maps (Figures 4-6), though it is larger now and has had extensive renovations and additions. The fire insurance maps also depict smaller wooden outbuildings on the southern portion of the study area and a smaller wooden outbuilding in the north in the 1907 and 1922 insurance maps. The 1922 Fire Insurance map also depicts a smaller brick building extending east of the Lithographic building, attached to the south end of the original structure. The same buildings are seen in the 1922 and 1942 aerial imagery (Figures 7 and 8). By 1967 (Figure 9) loading docks have been added to the Lithographing facility and the building to the East has been extended up to Dundas Street to match the size of the lithographing building, and replacing the wooden building in the NE. The southern portion of the lot is now paved to service the loading docks and the smaller wooden structures are gone. The property has remained in relatively similar condition since 1967. The study area is located at 1153-1155 Dundas Street part of Lot 10, Concession C, former Township of London, now City of London, Middlesex County, Ontario.

1.3 ARCHAEOLOGICAL CONTEXT

The study area consists of approximately 0.64 hectares of developed land at the southeast intersection Dundas Street and Eleanor Street in Historic London. The majority of the study area is a large commercial building, with parking lot in the rear and grass boulevard surrounding the building in the front and western side. The existing structure (H. J. Jones Lithographing) on the intersection corner exists in the same spot as the structure depicted in the late 19th (1892) and early 20th (1907 and 1922) century fire insurance maps (Figures 4-6), though it is larger now and has had extensive renovations and additions. The fire insurance maps also depict smaller wooden outbuildings on the southern portion of the study area and a smaller wooden outbuilding in the north in the 1907 and 1922 insurance maps. The 1922 Fire Insurance map also depicts a smaller brick building extending east of the Lithographic building, attached to the south end of the original structure. The same buildings are seen in the 1922 and 1942 aerial imagery (Figures 7 and 8). By 1967 (Figure 9) loading docks have been added to the Lithographing facility and the building to the East has been extended up to Dundas Street to match the size of the lithographing building, and replacing the wooden building in the NE. The southern portion of the lot is now paved to service the loading docks and the smaller wooden structures are gone. The property has remained in relatively similar condition since 1967. The study area is located at 1153-1155 Dundas Street part of Lot 10, Concession C, former Township of London, now City of London, Middlesex County, Ontario.

1.3.1 The Natural Environment

The project area is located in the Caradoc Sand Plains physiographic region as identified by Chapman and Putnam (1984:146).

West and East of London there are small plains which differ from the adjacent moraines and clay plains in that they are covered with sand or other light textured, water laid deposits. Together they compromise about 300 square miles or 192,000 acres in which the soils are conducive to specialized agriculture.



STAGE 1-2 ARCHAEOLOGICAL ASSESSMENT: 1153-1155 DUNDAS STREET

Project Context
December, 2019

(Chapman and Putnam 1984:146)

The soils here are comprised of sandy loam, ideal for agricultural practices and aboriginal settlement.

Potable water is the single most important resource for any extended human occupation or settlement and since water sources in southwestern Ontario have remained relatively stable over time, proximity to drinkable water is regarded as a useful index for the evaluation of archaeological site potential. In fact, distance to water is one of the most commonly used variables for predictive modeling of archaeological site location in Ontario. The closest extant source of potable water is the Thames River which passes approximately 2km hundred meters South of the study area.

1.3.2 Previously Known Archaeological Sites and Surveys

In order to compile an inventory of archaeological resources, the registered archaeological site records kept by the MTCS were consulted. In Ontario, information concerning archaeological sites stored in the ASDB is maintained by the MTCS. This database contains archaeological sites registered according to the Borden system. Under the Borden system, Canada is divided into grid blocks based on latitude and longitude. A Borden Block is approximately 13 kilometers east to west and approximately 18.5 kilometers north to south. Each Borden Block is referenced by a four-letter designator and sites within a block are numbered sequentially as they are found.

Information concerning specific site locations is protected by provincial policy, and is not fully subject to the *Freedom of Information and Protection of Privacy Act*. The release of such information in the past has led to looting or various forms of illegally conducted site destruction. Confidentiality extends to all media capable of conveying location, including maps, drawings, or textual descriptions of a site location. The MTCS will provide information concerning site location to the party or an agent of the party holding title to a property, or to a licensed archaeologist with relevant cultural resource management interests.

An examination of the ASDB has shown that there are four archaeological sites registered within a one-kilometer radius of the study area (Sites Data Search, Government of Ontario, December 15th, 2019); Table 2 summarizes the registered archaeological sites within one-kilometer of the study area. None of the sites fall within the study area or within 50m of it.

Borden #	Site Name	Site Type	Cultural Affiliation
AfHh-251	Kiwanis Park	scatter	Woodland
AfHh-363	-	midden	Euro-Canadian
AfHh-920	-	house, outbuilding, residential, store	Euro-Canadian
AfHh-940	Western Fair	agricultural, cemetery, military, residential	Euro-Canadian

1.3.3 Summary of Past Archaeological Investigations within 50m

There have been no other documented archaeological investigations within 50 meters of the subject property. However, it should be noted that the Ministry of Tourism, Culture and Sport currently does not

STAGE 1-2 ARCHAEOLOGICAL ASSESSMENT: 1153-1155 DUNDAS STREET

Project Context
December, 2019

provide an inventory of archaeological assessments carried out within 50 meters of a property, so a complete inventory of assessments on lands adjacent to the subject property cannot be provided.

1.3.4 City of London's *Archaeological Master Plan*

Municipalities have been creating and using Archaeological Master Plans for over 20 years. In 1995 Wilson and Horne produced the City of London Archaeological Master Plan (The Master Plan). The purpose of the plan was to determine archaeological potential within municipality lands. "In 2017, the City of London furthered archaeological conservation by conducting a review of the AMP (1996) and updating the archaeological potential model" (Williamson 2017:3). The Revised AMP outlines London's objective to "judiciously and uniformly apply the archaeological potential model across the City" (Williamson 2017:3).

The 2017 AMP reviewed the 1996's successes with the archaeological potential model. "Since the mid-1990s, these models have been undertaken on a GIS (Geographic Information Systems) platform in order to best manipulate and analyze site location attribute data and create a simple to use digital map by which planners can determine the need for archaeological assessment in advance of soil disturbance" (Williamson 2017:4). Three-layer maps were created in 1996 to model the potential for archaeological sites based on landscape features and historical maps.

Along with demonstrating the effectiveness of the Archaeological potential model and how it is to be used in development and planning processes, the 2017 Archaeological Master Plan discusses the role of Indigenous communities in preserving their history and the responsibilities of developers and consultants to engage with communities. As well, the report outlines potential threats to archaeological features and the measures being taken at the municipal, provincial, and federal levels to address those threats (Williamson 2017:1).

The Master Plan indicates that approximately 45% of the land within City limits exhibits high to moderate potential for the recovery of archaeological resources. The 2017 Archaeological Master Plan is consistent with these findings: proximity to water, and distance to different water sources is a strong, if not the strongest indicator of potential for Indigenous sites. For Euro-Canadian site modeling, using spatially referenced historic maps, such as the *Illustrated Historical Atlas of Middlesex County* (1878) provided the best results in identifying historic sites (Williamson 2017:7). It is difficult to determine archaeological potential in urban areas by conventional methods of examining environmental features in relation to archaeology. "By their very nature, urban areas represent areas of long term human habitation and therefore tend to have a rich material record of the past. Instead of determining archaeological potential, it is more important for early settlement areas to assume they have archaeological potential and systematically determine the archaeological integrity of extant open spaces by using the archival record" (Williamson 2017:8).

According to the archaeological potential modeling derived by the City's *Master Plan*, the study area is situated within an area that has been determined to exhibit moderate to high potential for the identification and recovery of archaeological resources (figure 10).

STAGE 1-2 ARCHAEOLOGICAL ASSESSMENT: 1153-1155 DUNDAS STREET

Project Context
December, 2019

1.3.5 Archaeological Potential

Archaeological potential is established by determining the likelihood that archaeological resources may be present on a subject property. LEC applied archaeological potential criteria commonly used by MTCS (Government of Ontario 2011) to determine areas of archaeological potential within the region under study. These variables include proximity to previously identified archaeological sites, distance to various types of water sources, soil texture and drainage, glacial geomorphology, elevated topography and the general topographic variability of the area.

Distance to modern or ancient water sources is generally accepted as the most important determinant of past human settlement patterns and, considered alone, may result in a determination of archaeological potential. However, any combination of two or more other criteria, such as well-drained soils or topographic variability, may also indicate archaeological potential. Finally, extensive land disturbance can eradicate archaeological potential (Wilson and Horne 1995).

As discussed above, distance to water is an essential factor in archaeological potential modeling. When evaluating distance to water it is important to distinguish between water and shoreline, as well as natural and artificial water sources, as these features affect sites' locations and types to varying degrees. The MTCS categorizes water sources in the following manner:

- Primary water sources: lakes, rivers, streams, creeks;
- Secondary water sources: intermittent streams and creeks, springs, marshes and swamps;
- Past water sources: glacial lake shorelines, relic river or stream channels, cobble beaches, shorelines of drained lakes or marshes; and
- Accessible or inaccessible shorelines: high bluffs, swamp or marshy lake edges, sandbars stretching into marsh.

The Thames River runs approximately 2km South of the study area. The water resources that exist and existed close to the study area indicate archaeological potential.

Soil texture can be an important determinant of past settlement, usually in combination with other factors such as topography. As indicated previously, the soils within the study area are variable, but include pockets of well-drained and sandy soils that would be suitable for pre-contact Aboriginal agriculture.

An examination of the ASDB has shown that there are four archaeological sites registered within a one-kilometer radius of the study area, though none lie within it or within 50m of it.

For Euro-Canadian sites, archaeological potential can be extended to areas of early Euro-Canadian settlement, including places of military or pioneer settlements; early transportation routes; and properties listed on the municipal register or designated under the *Ontario Heritage Act* or property that local histories or informants have identified with possible historical events. The *Illustrated Historical Atlas of Middlesex County* demonstrates that the study area and its environs were densely occupied by Euro-Canadian settlers

STAGE 1-2 ARCHAEOLOGICAL ASSESSMENT: 1153-1155 DUNDAS STREET

Project Context
December, 2019

by the later 19th century. Much of the established road system and agricultural settlement from that time is still visible today.

Moreover, in conjunction with the above noted criteria, archaeological master plans are often used to aid in archaeological potential determination. Typically, archaeological master plans are designed to: compile an inventory of registered and unregistered archaeological sites within a prescribed area, and to develop an archaeological site potential model based on known site locations, past and present land use, and environmental and cultural-historical data. The *City of London Archaeological Master Plan* (Wilson and Horne 1995:85) determined that approximately 45% of City lands have moderate to high potential for the identification and recovery of archaeological resources. A review of the archaeological potential modelling derived by the City's *2017 Archaeological Master Plan* determined that the study area is situated within an area that exhibits moderate to high potential for the identification and recovery of archaeological resources.

When the above listed criteria are applied to the study area, the archaeological potential for pre-contact Aboriginal, post-contact Aboriginal, and Euro-Canadian sites is deemed to be moderate to high for the undisturbed portions of the study area. A review of historical mapping, including Fire Insurance maps and 20th century aerial imagery has indicated in a large portion of the property being disturbed, including the entire area where the buildings currently exist as they have since the 19th century. This area is indicated as retaining archaeological potential and the City's archaeological potential mapping; however it does not take into consideration visual disturbance as a result of construction. The southern portion of the study area has also been disturbed through additions to the existing building (loading docks) and the installation of the parking lot. The only structures that existed in this portion were wooden outbuildings seen in the insurance maps and aerial imagery from 1892 to 1967. grass boulevard around the northern and western portions of the study area surrounding the existing structures cannot be visually confirmed as disturbed and is considered to retain archaeological potential. Thus, in accordance with Section 1.3.1 of the MTCS' 2011 *Standards and Guidelines for Consultant Archaeologists* (Government of Ontario 2011), the Stage 1 archaeological assessment of 1153-1155 Dundas Street has determined that portions of study area exhibit moderate to high potential for the identification and recovery of archaeological resources and a Stage 2 archaeological assessment is recommended (Figure 11).

STAGE 1-2 ARCHAEOLOGICAL ASSESSMENT: 1153-1155 DUNDAS STREET

Field Methods
December, 2019

2.0 FIELD METHODS

The Stage 2 assessment of 1153-1155 Dundas Street was conducted on December 8th, 2019 under PIF # P344-0373-2019 issued to Derek Lincoln, MA, of LEC by the MTCS. The study area consists of approximately 0.64 hectares of developed land at the southeast intersection Dundas Street and Eleanor Street in Historic London. The majority of the study area is a large commercial building, with parking lot in the rear and grass boulevard surrounding the building in the front and western side. The existing structure on the intersection corner exists in the same spot as the structure depicted in the early 20th century fire insurance maps, though it is larger now and has had extensive renovations and additions. The study area is located at 1153-1155 Dundas Street part of Lot 10, Concession C, former Township of London, now City of London, Middlesex County, Ontario.

During the Stage 2 survey, assessment conditions were excellent and at no time were the field, weather, or lighting conditions detrimental to the recovery of archaeological material (Table 4). Photos 1 to 8 confirm that field conditions met the requirements for a Stage 2 archaeological assessment, as per the MTCS' 2011 *Standards and Guidelines for Consultant Archaeologists* (Section 7.8.6 Standard 1a; Government of Ontario 2011). Figure 7 provides an illustration of the Stage 2 assessment methods, as well as photograph locations and directions.

Table 2: Field and Weather Conditions

Date	Activity	Weather	Field Conditions
December 8 th , 2019	test pit survey	overcast, cold	soils dry and friable, screens well

Approximately 10% of the study area consists of manicured grass and was subject to test pit survey at 5-metre intervals in accordance with Section 2.1.1 of the MTCS' 2011 *Standards and Guidelines for Consultant Archaeologists* (Government of Ontario 2011). Test pitting was also conducted within one meter of built structures in accordance with Section 2.1.2 Standard 4 of the MTCS' 2011 *Standards and Guidelines for Consultant Archaeologists* (Government of Ontario 2011). Each test pit was approximately 30 centimeters in diameter and excavated five centimeters into sterile subsoil. The soils and test pits were then examined for stratigraphy, cultural features, or evidence of fill. All soil was screened through six millimeter (mm) mesh hardware cloth to facilitate the recovery of small artifacts and then used to backfill the pit. No further archaeological methods were employed since no artifacts were recovered during the test pit survey.

Approximately 90% of the study area consists of visually disturbed areas, including a built commercial structure comprising approximately 75% of the study area in the Northwest corner and surrounded by parking lot. These areas were deemed to no retain archaeological potential and were not assessed by test pit survey but were photographically documented.

STAGE 1-2 ARCHAEOLOGICAL ASSESSMENT: 1153-1155 DUNDAS STREET

Record of Finds
December, 2019

3.0 RECORD OF FINDS

The Stage 2 archaeological assessment was conducted employing the methods described in Section 2.0. An inventory of the documentary record generated by fieldwork is provided in Table 5 below. No archaeological resources were identified during the Stage 2 archaeological assessment of the study area.

Table 3: Inventory of Documentary Record

Document Type	Current Location of Document Type	Additional Comments
2 Pages of field notes	LEC office, London	In original field book and photocopied in project file
1 Hand drawn map	LEC office, London	In original field book and photocopied in project file
1 map provided by Client	LEC office, London	Hard and digital copies in project file
26 Digital photographs	LEC office, London	Stored digitally in project file

STAGE 1-2 ARCHAEOLOGICAL ASSESSMENT: 1153-1155 DUNDAS STREET

Analysis and Conclusions
December, 2019

4.0 ANALYSIS AND CONCLUSIONS

The Stage 2 archaeological assessment was carried out in accordance with the Ministry of Tourism, Culture, and Sport's *Standards and Guidelines for Consultant Archaeologists* (Government of Ontario 2011). Approximately 10% of the study area consists of manicured grass was subject to test pit survey at 5-metre intervals in accordance with Section 2.1.1 of the MTCS' 2011 *Standards and Guidelines for Consultant Archaeologists* (Government of Ontario 2011). Approximately 90% of the study area consists of visually disturbed areas, including a built commercial structure comprising approximately 75% of the study area in the Northwest corner and surrounded by parking lot. These areas were deemed to no retain archaeological potential and were not assessed by test pit survey but were photographically documented. These areas were deemed to no retain archaeological potential and were not assessed by test pit survey but were photographically documented.

No archaeological resources were identified during the Stage 1-2 assessment.

STAGE 1-2 ARCHAEOLOGICAL ASSESSMENT: 1153-1155 DUNDAS STREET

Recommendations
December, 2019

5.0 RECOMMENDATIONS

The Stage 2 archaeological assessment was carried out in accordance with the Ministry of Tourism, Culture, and Sport's *Standards and Guidelines for Consultant Archaeologists* (Government of Ontario 2011). The Stage 1-2 archaeological assessment did not result in the identification of any archaeological resources and found the entire property to be disturbed.

All work met provincial standards and no archaeological sites were identified during the Stage 2 assessment. If construction plans change to incorporate new areas that were not subject to a Stage 2 field survey, these must be assessed prior to the initiation of construction. In keeping with legislative stipulations, all construction and demolition-related impacts (including, for example, machine travel, material storage and stockpiling, earth moving) must be restricted to the areas that were archaeologically assessed and cleared by the Ministry of Tourism, Culture and Sport through acceptance of the assessment report into the provincial register.

As no archaeological resources were found on the subject property, no further archaeological assessment of the property is required.

6.0 ADVICE ON COMPLIANCE WITH LEGISLATION

This report is submitted to the Minister of Tourism, Culture and Sport as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 1990, c 0.18. The report is reviewed to ensure that it complies with the standards and guidelines that are issued by the Minister, and that the archaeological fieldwork and report recommendations ensure the conservation, protection and preservation of the cultural heritage of Ontario. When all matters relating to archaeological sites within the project area of a development proposal have been addressed to the satisfaction of the Ministry of Tourism, Culture and Sport, a letter will be issued by the ministry stating that there are no further concerns with regard to alterations to archaeological sites by the proposed development.

It is an offence under Sections 48 and 69 of the *Ontario Heritage Act* for any party other than a licensed archaeologist to make any alteration to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from the site, until such time as a licensed archaeologist has completed fieldwork on the site, submitted a report to the Minister stating that the site has no further cultural heritage value or interest, and the report has been filed in the Ontario Public Register of Archaeological Reports referred to in Section 65.1 of the *Ontario Heritage Act*.

Should previously undocumented archaeological resources be discovered, they may be a new archaeological site and therefore subject to Section 48(1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48(1) of the *Ontario Heritage Act*.

The *Cemeteries Act*, R.S.O. 1990 c. C.4 and the *Funeral, Burial and Cremation Services Act*, 2002, S.O. 2002, c.33 (when proclaimed in force) require that any person discovering human remains must notify the police or coroner and the Registrar of Cemeteries at the Ministry of Consumer Services.

Archaeological sites recommended for further archaeological fieldwork or protection remain subject to Section 48(1) of the *Ontario Heritage Act* and may not be altered, or have artifacts removed from them, except by a person holding an archaeological license.

STAGE 1-2 ARCHAEOLOGICAL ASSESSMENT: 1153-1155 DUNDAS STREET

Bibliography and Sources
December, 2019

7.0 BIBLIOGRAPHY AND SOURCES

- Adams, Nick. 1994. *Field Manual for Avocational Archaeologists in Ontario*. Ontario Archaeological Society Inc., Archaeological Stewardship Project.
- Brock, Daniel. 1972. *History of the County of Middlesex, Canada*. Belleville: Mika Studio.
- Chapman, Lyman John and Donald F. Putnam. 1984. *The Physiography of Southern Ontario*. 3rd ed. Ontario Geological Survey Special Volume 2. Toronto: Ministry of Natural Resources.
- Eley, Betty E. and Peter H. von Bitter 1989. *Cherts of Southern Ontario*. Toronto: Royal Ontario Museum.
- Ellis, Chris J. and Neal Ferris (editors). 1990. *The Archaeology of Southern Ontario to A.D. 1650*. Occasional Publication of the London Chapter, Ontario Archaeological Society, Number 5.
- Feest, Johanna E. and Christian F. Feest 1978. The Ottawa. In *Handbook of North American Indians*. Vol.15 Northeast, pp. 772-786. B.G. Trigger, ed. Washington: Smithsonian Institute.
- Ferris, Neal. 2009. *The Archaeology of Native-Lived Colonialism: Challenging History in the Great Lakes*. Tucson: University of Arizona Press.
- Fisher, Jacqueline A. 1997. *The Adder Orchard Site: Lithic Technology and Spatial Organization in the Broadpoint Late Archaic*. Occasional Publications of the London Chapter, OAS, Number 3, 1997.
- Gentilcore, Louis R. and C. Grant Head. 1984. *Ontario's History in Maps*. Toronto: University of Toronto Press.
- Government of Ontario. 1990a. *Ontario Planning Act*, R.S.O. 1990, CHAPTER P.13. Last amendment: 2011, c. 6, Sched. 2.
- Government of Ontario. 1990b. *Ontario Heritage Act*, R.S.O. 1990, CHAPTER O.18. Last amendment: 2009, c. 33, Sched. 11, s. 6.
- Government of Ontario. 2011. *Standards and Guidelines for Consultant Archaeologists*. Toronto: Ministry of Tourism, Culture and Sport.
- Government of Ontario. n.d. *Archaeological Sites Database Files*. Toronto: Archaeology Programs Unit, Ministry of Tourism, Culture and Sport.
- Konrad, Victor. 1981. An Iroquois Frontier: The North Shore of Lake Ontario during the Late Seventeenth Century. *Journal of Historical Geography* 7(2).
- Middleton, Jess Edgar and Fred Landon. 1927. *Province of Ontario – A History 1615 to 1927*. Toronto: Dominion Publishing Company.

STAGE 1-2 ARCHAEOLOGICAL ASSESSMENT: 1153-1155 DUNDAS STREET

Bibliography and Sources
December, 2019

- Morris, J.L. 1943. *Indians of Ontario*. 1964 reprint. Toronto: Department of Lands and Forests.
- Page & Co. H.R. 1878. *Illustrated Historical Atlas of the County of Middlesex, Ont.* Toronto: H.R. Page & Co.
- Rogers, Edward S. 1978. Southeastern Ojibwa. In *Handbook of North American Indians*, Vol. 15 Northeast, pp. 760-771. B.G. Trigger, ed. Washington: Smithsonian Institute Press.
- Schmalz, Peter S. 1991. *The Ojibwa of Southern Ontario*. Toronto: University of Toronto Press.
- Smith, W.H. 1946. *Smith's Canadian Gazetteer: Comprising Statistical and General Information Respecting all Parts of the Upper Province, or Canada West*. Toronto: H. & W. Rowsell.
- Wilson, J.A. and M. Horne. 1995. *City of London Archaeological Master Plan*. London: City of London, Department of Planning and Development.
- Williamson et. al. 2017 *City of London Archaeological Management Plan*. London: City of London.

Images
December, 2019

8.0 IMAGES

STAGE 1-2 ARCHAEOLOGICAL ASSESSMENT: 1153-1155 DUNDAS STREET

Images
December, 2019



Photo 1: Visually Disturbed, not Assessed Facing East



Photo 2: Visually Disturbed, not Assessed Facing North

STAGE 1-2 ARCHAEOLOGICAL ASSESSMENT: 1153-1155 DUNDAS STREET

Images
December, 2019



Photo 3: Visually Disturbed, Not Assessed Facing North



Photo 4: Visually Disturbed, Not Assessed Facing North

STAGE 1-2 ARCHAEOLOGICAL ASSESSMENT: 1153-1155 DUNDAS STREET

Images
December, 2019



Photo 5: Grass Assessed at 5m Test Pit Intervals Facing North



Photo 6: Grass Assessed at 5m Test Pit Intervals Facing East

STAGE 1-2 ARCHAEOLOGICAL ASSESSMENT: 1153-1155 DUNDAS STREET

Images
December, 2019



Photo 7: Grass Assessed at 5m Test Pit Intervals Facing West



Photo 8: Typical Test Pit Facing West

STAGE 1-2 ARCHAEOLOGICAL ASSESSMENT: 1153-1155 DUNDAS STREET

Maps
December, 2019

9.0 MAPS



Stage 1-2 Archaeological Assessment of 1153-1155 Dundas Street London, Ontario

Figure 1: Topographic
Map of Study Area

This drawing has been prepared for the use of Lincoln Environmental Consulting's (LEC) client and may not be used or reproduced by a third party, except as agreed upon by LEC and the client, as required by law or for use by governmental reviewing agencies. LEC does not accept responsibility for any party that modifies this drawing without LEC's expressed consent.





Date: January, 2020

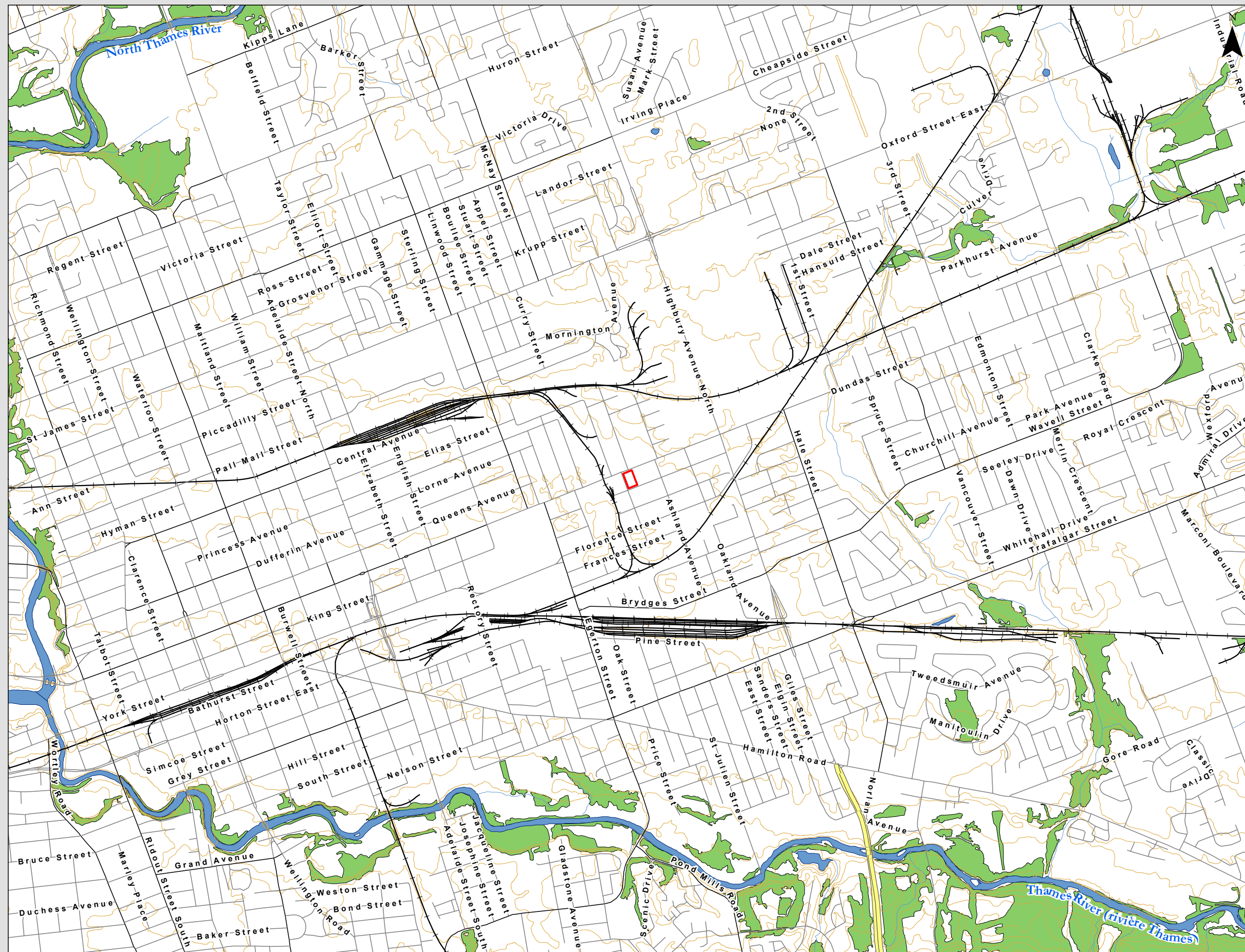
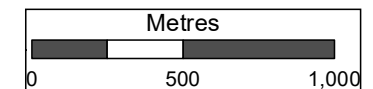
Source: OBM
<http://www.geographynetwork.ca/website/obm/viewer.htm>

Scale 1:25,000

Datum: NAD 1983 UTM Zone 17N

Legend

-  Study Area
-  Local Road
-  Major Road
-  Highway
-  Railroad
-  Contour Lines
-  Water
-  Waterbody
-  Wooded Area





**Stage 1-2
Archaeological
Assessment of
1153-1155 Dundas Street
London, Ontario**

Figure 2: Study Area

This drawing has been prepared for the use of Lincoln Environmental Consulting's (LEC) client and may not be used or reproduced by a third party, except as agreed upon by LEC and the client, as required by law or for use by governmental reviewing agencies. LEC does not accept responsibility for any party that modifies this drawing without LEC's expressed consent.

Date: January, 2020

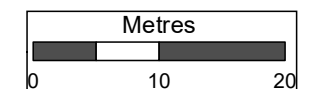
Source: Bing Maps

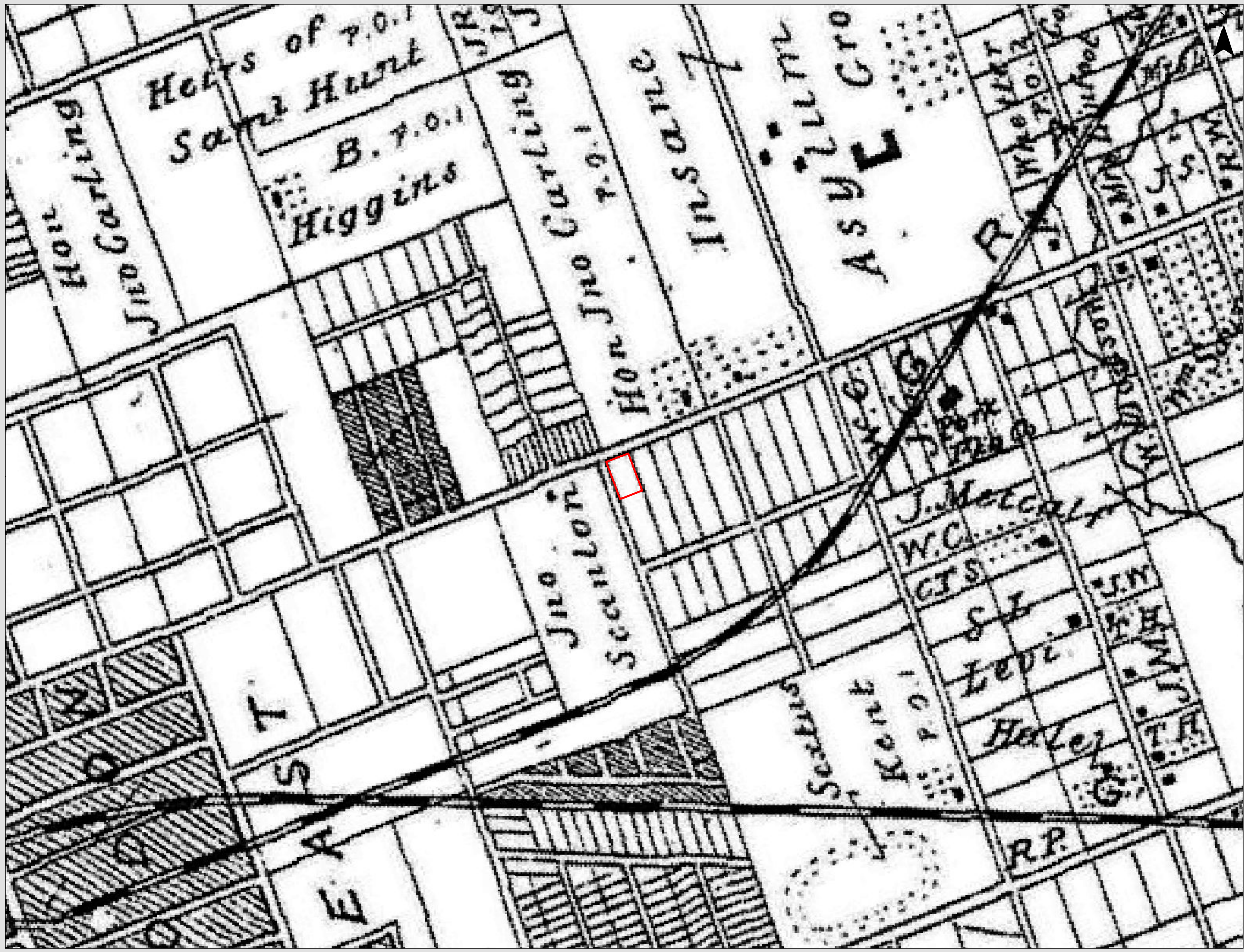
Scale 1:600

Datum: NAD 1983 UTM Zone 17N

Legend

Study Area





**Stage 1-2
Archaeological
Assessment of
1153-1155 Dundas Street
London, Ontario**

Figure 3: Portion of the Illustrated Historical Atlas of the County of Middlesex, Ont, 1878

This drawing has been prepared for the use of Lincoln Environmental Consulting's (LEC) client and may not be used or reproduced by a third party, except as agreed upon by LEC and the client, as required by law or for use by governmental reviewing agencies. LEC does not accept responsibility for any party that modifies this drawing without LEC's expressed consent.

Date: January, 2020

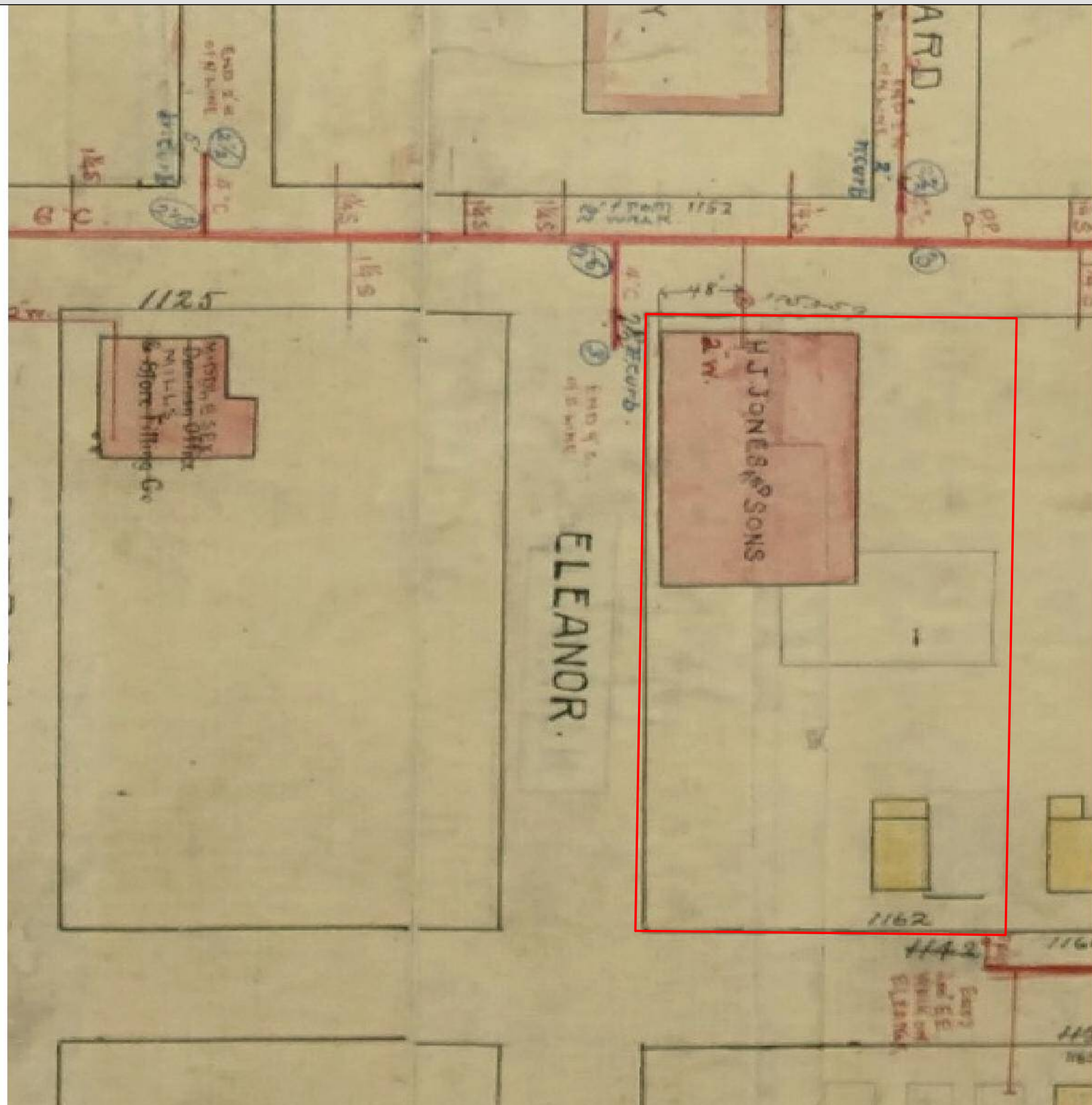
Source: Illustrated Historical Atlas of the County of Middlesex, Ont. Toronto: H.R. Page & Co., 1878.

NOT TO SCALE

Datum: NAD 1983 UTM Zone 17N

Legend

Study Area



**Stage 1-2
Archaeological
Assessment of
1153-1155 Dundas Street
London, Ontario**

Figure 4: 1892 Rev. 1907
Fire Insurance Plan of Study Area

This drawing has been prepared for the use of Lincoln Environmental Consulting's (LEC) client and may not be used or reproduced by a third party, except as agreed upon by LEC and the client, as required by law or for use by governmental reviewing agencies. LEC does not accept responsibility for any party that modifies this drawing without LEC's expressed consent.

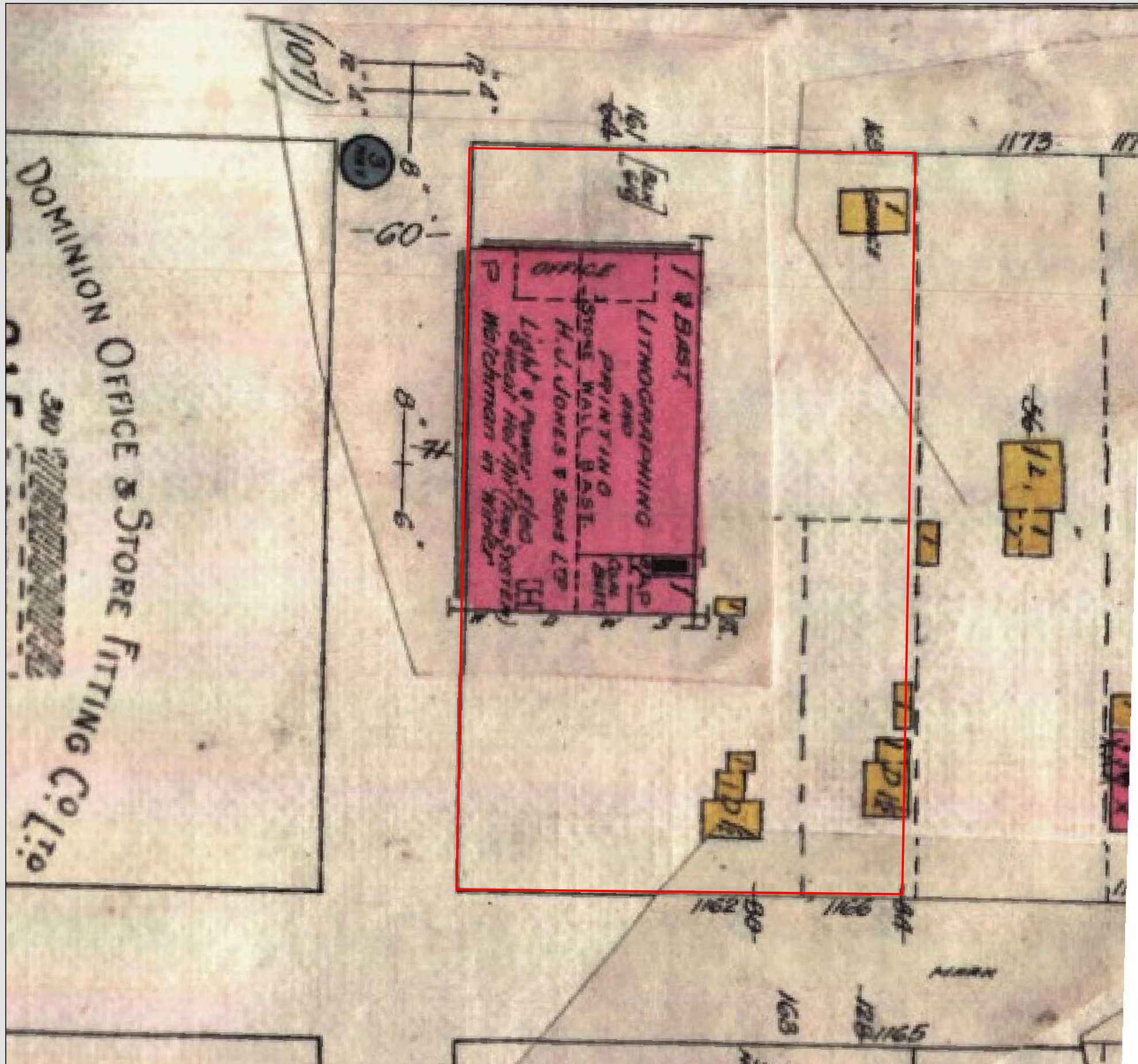
Date: January, 2020

NOT TO SCALE

Datum: NAD 1983 UTM Zone 17N

Legend

Study Area



Lincoln
Environmental
Consulting

Stage 1-2
Archaeological
Assessment of
1153-1155 Dundas Street
London, Ontario

Figure 5: 1912 Rev. 1915
Fire Insurance Plan of Study Area

This drawing has been prepared for the use of Lincoln Environmental Consulting's (LEC) client and may not be used or reproduced by a third party, except as agreed upon by LEC and the client, as required by law or for use by governmental reviewing agencies. LEC does not accept responsibility for any party that modifies this drawing without LEC's expressed consent.

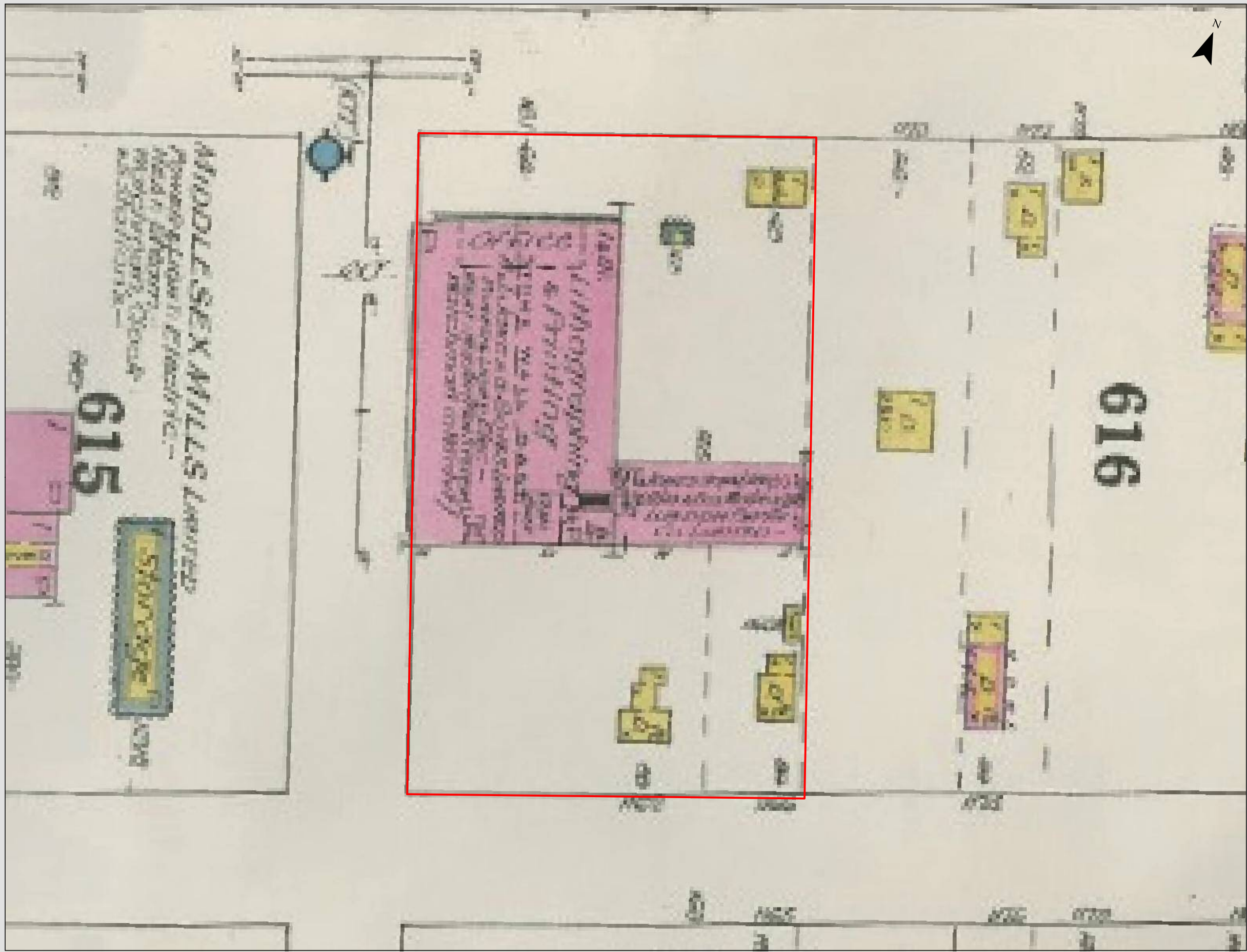
Date: January, 2020

NOT TO SCALE

Datum: NAD 1983 UTM Zone 17N

Legend

□ Study Area



**Stage 1-2
Archaeological
Assessment of
1153-1155 Dundas Street
London, Ontario**

Figure 6: 1912 Rev. 1922
Fire Insurance Plan of Study Area

This drawing has been prepared for the use of Lincoln Environmental Consulting's (LEC) client and may not be used or reproduced by a third party, except as agreed upon by LEC and the client, as required by law or for use by governmental reviewing agencies. LEC does not accept responsibility for any party that modifies this drawing without LEC's expressed consent.

Date: January, 2020

NOT TO SCALE

Datum: NAD 1983 UTM Zone 17N

Legend

Study Area



**Stage 1-2
Archaeological
Assessment of
1153-1155 Dundas Street
London, Ontario**

Figure 7: 1922 Aerial Imagery of the Study Area

This drawing has been prepared for the use of Lincoln Environmental Consulting's (LEC) client and may not be used or reproduced by a third party, except as agreed upon by LEC and the client, as required by law or for use by governmental reviewing agencies. LEC does not accept responsibility for any party that modifies this drawing without LEC's expressed consent.


Date: January, 2020

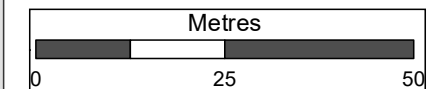
Source: UWO Map Library

Scale 1:1,000

Datum: NAD 1983 UTM Zone 17N

Legend

 Study Area





**Stage 1-2
Archaeological
Assessment of
1153-1155 Dundas Street
London, Ontario**

Figure 8: 1942 Aerial Imagery of the Study Area


This drawing has been prepared for the use of Lincoln Environmental Consulting's (LEC) client and may not be used or reproduced by a third party, except as agreed upon by LEC and the client, as required by law or for use by governmental reviewing agencies. LEC does not accept responsibility for any party that modifies this drawing without LEC's expressed consent.

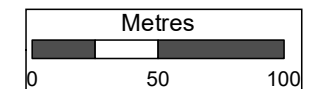
Date: January, 2020

Source: UWO Map Library

Datum: NAD 1983 UTM Zone 17N

Legend

 Study Area





**Stage 1-2
Archaeological
Assessment of
1153-1155 Dundas Street
London, Ontario**

Figure 9: 1967 Aerial Imagery of the Study Area

This drawing has been prepared for the use of Lincoln Environmental Consulting's (LEC) client and may not be used or reproduced by a third party, except as agreed upon by LEC and the client, as required by law or for use by governmental reviewing agencies. LEC does not accept responsibility for any party that modifies this drawing without LEC's expressed consent.


Date: January, 2020

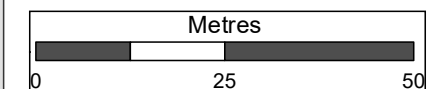
Source: UWO Map Library

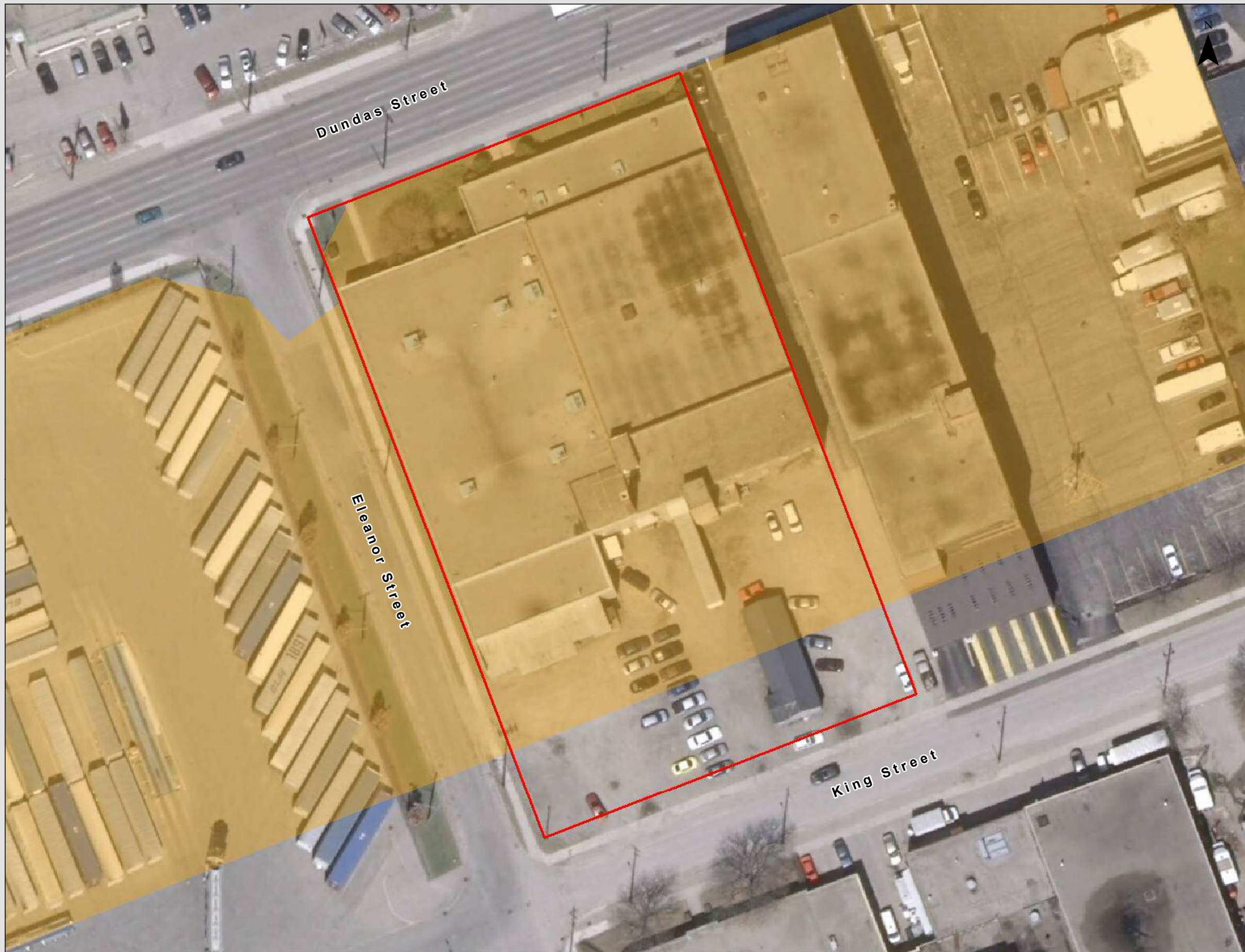
Scale 1:1,000

Datum: NAD 1983 UTM Zone 17N

Legend

 Study Area





**Stage 1-2
Archaeological
Assessment of
1153-1155 Dundas Street
London, Ontario**

Figure 10: Study Area
with the City of London
Archaeological Master Plan

This drawing has been prepared for the use of Lincoln Environmental Consulting's (LEC) client and may not be used or reproduced by a third party, except as agreed upon by LEC and the client, as required by law or for use by governmental reviewing agencies. LEC does not accept responsibility for any party that modifies this drawing without LEC's expressed consent.

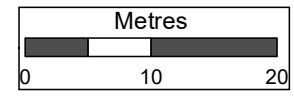
Date: January, 2020

Source: City of London (2020)

Scale 1:600

Datum: NAD 1983 UTM Zone 17N

- Legend**
- Study Area
 - Areas with Archaeological Potential





**Stage 1-2
Archaeological
Assessment of
1153-1155 Dundas Street
London, Ontario**

Figure 11: Assessment Strategies and Results

This drawing has been prepared for the use of Lincoln Environmental Consulting's (LEC) client and may not be used or reproduced by a third party, except as agreed upon by LEC and the client, as required by law or for use by governmental reviewing agencies. LEC does not accept responsibility for any party that modifies this drawing without LEC's expressed consent.

Date: January, 2020

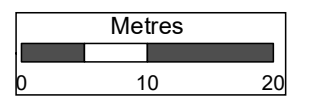
Source: Bing Maps

Scale 1:600

Datum: NAD 1983 UTM Zone 17N

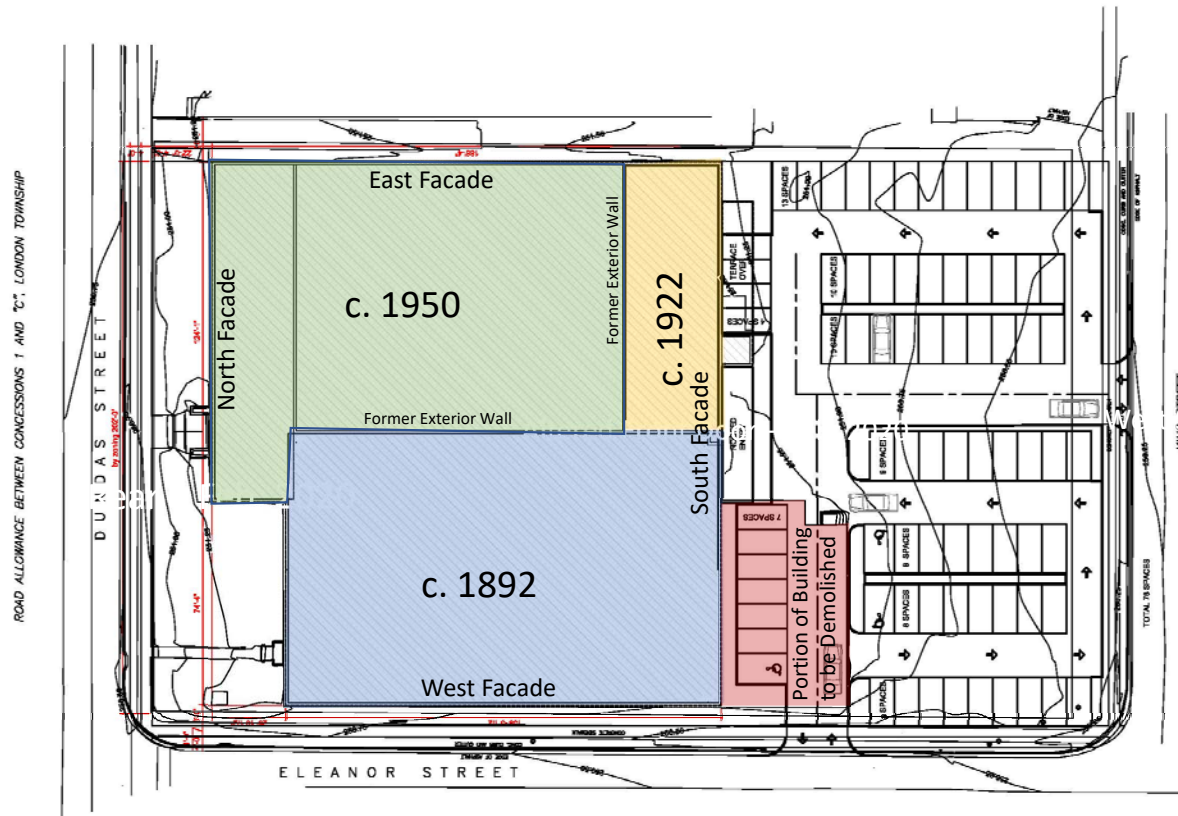
Legend

- Photo Location
- Study Area
- Assessed by Test Pitting at 5m Intervals
- Visually Disturbed, Not Assessed



Appendix 1

1153 – 1155 Dundas Street
Proposed Site Plan



DESIGNER: **The Barnswallow Company**
Steve Sims BCIN 22139
BCIN 29919 steve@thebarnswallowcompany.com (519) 495 053

1:21

NOT TO SCALE 60 FEET

1155 Dundas St

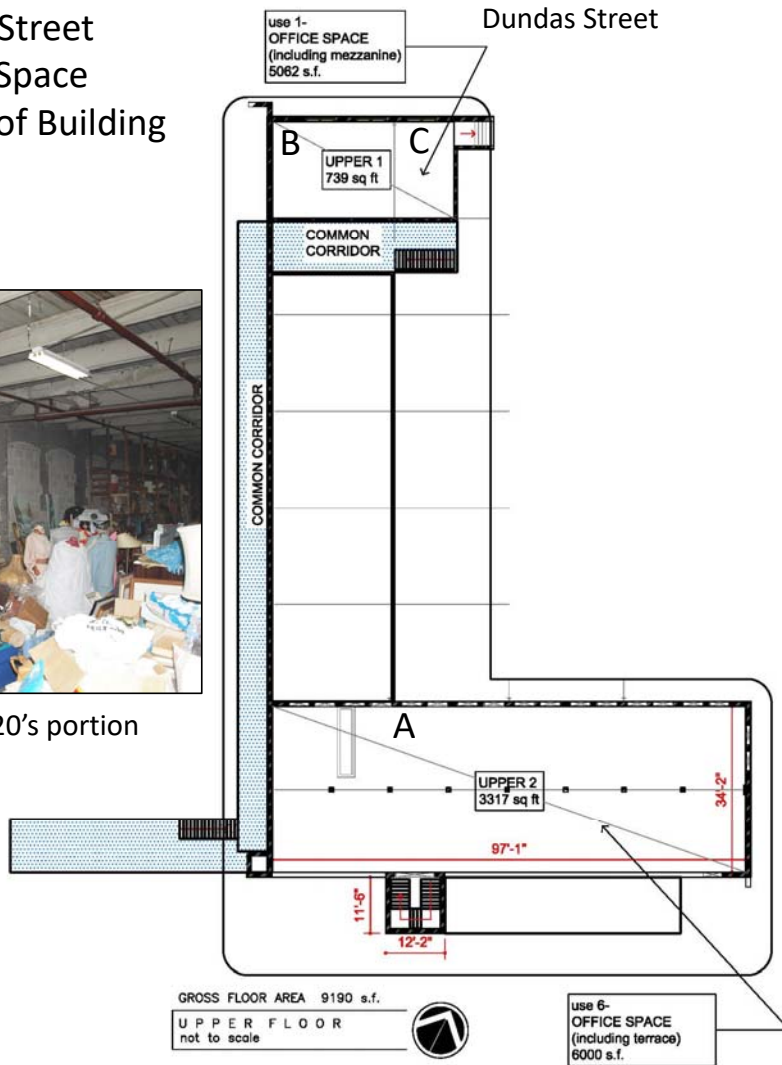
PROJECT No.: 19-001 SK-5-1 DEC 02 2019

1153 – 1155 Dundas Street
Upper Floor – Office Space
1950's/1922 Portion of Building

A



Former exterior wall - 1920's portion



B



Looking towards Dundas Street

C



Original Windows

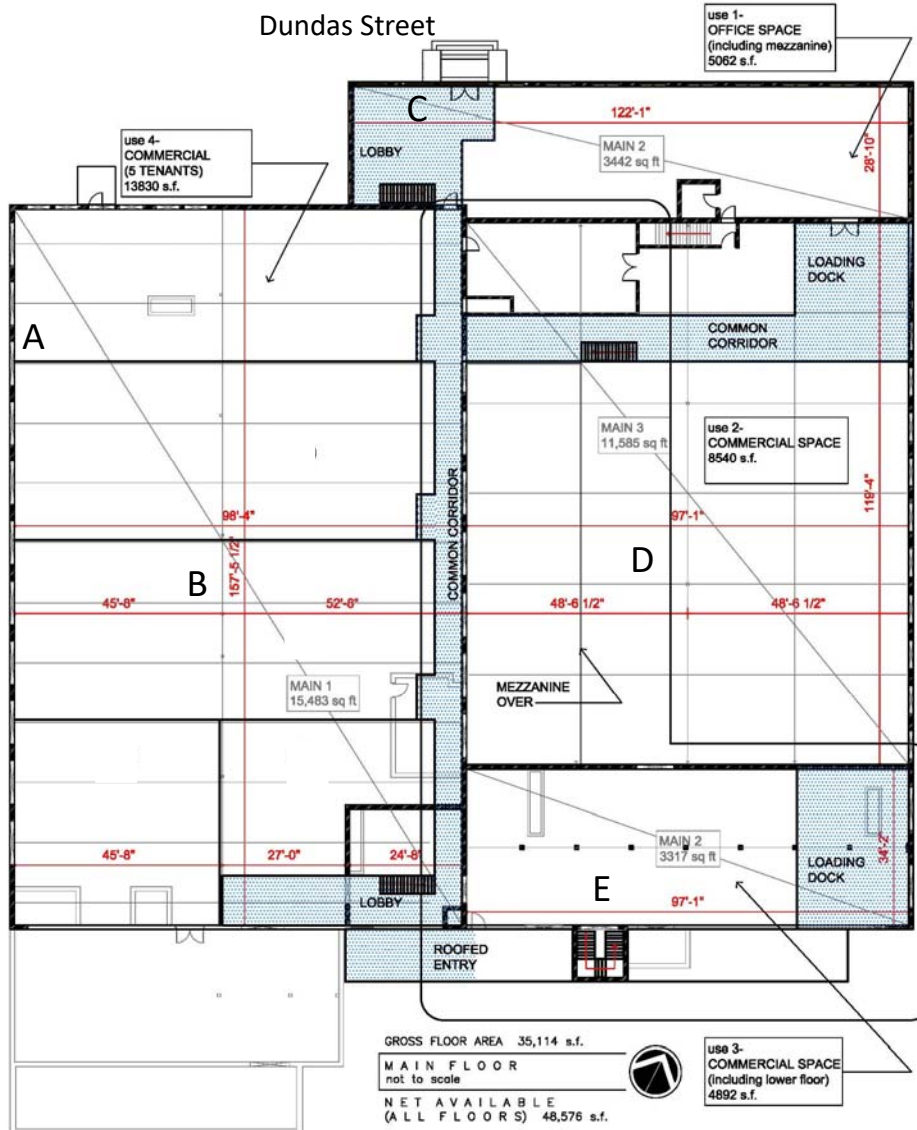
1153 – 1155 Dundas Street
Main Floor – Mixed Use Areas
All Portions of Building

A



Exterior wall – 1890's portion

B



C



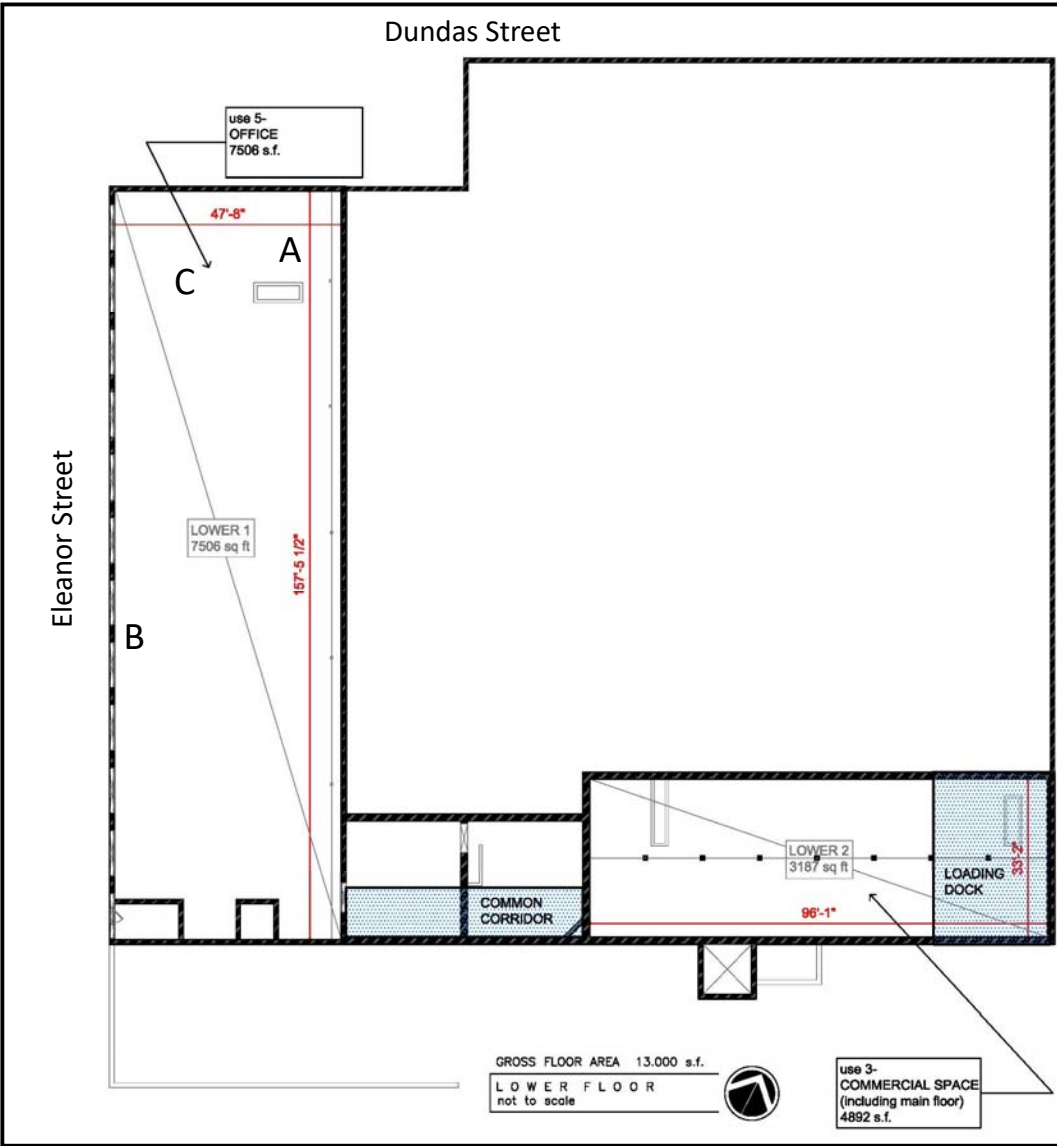
D



Former exterior wall - 1890's portion

E





1153 – 1155 Dundas Street
 Lower Floor – Commercial/Office Space
 1892 Portion of Building



1890's structure

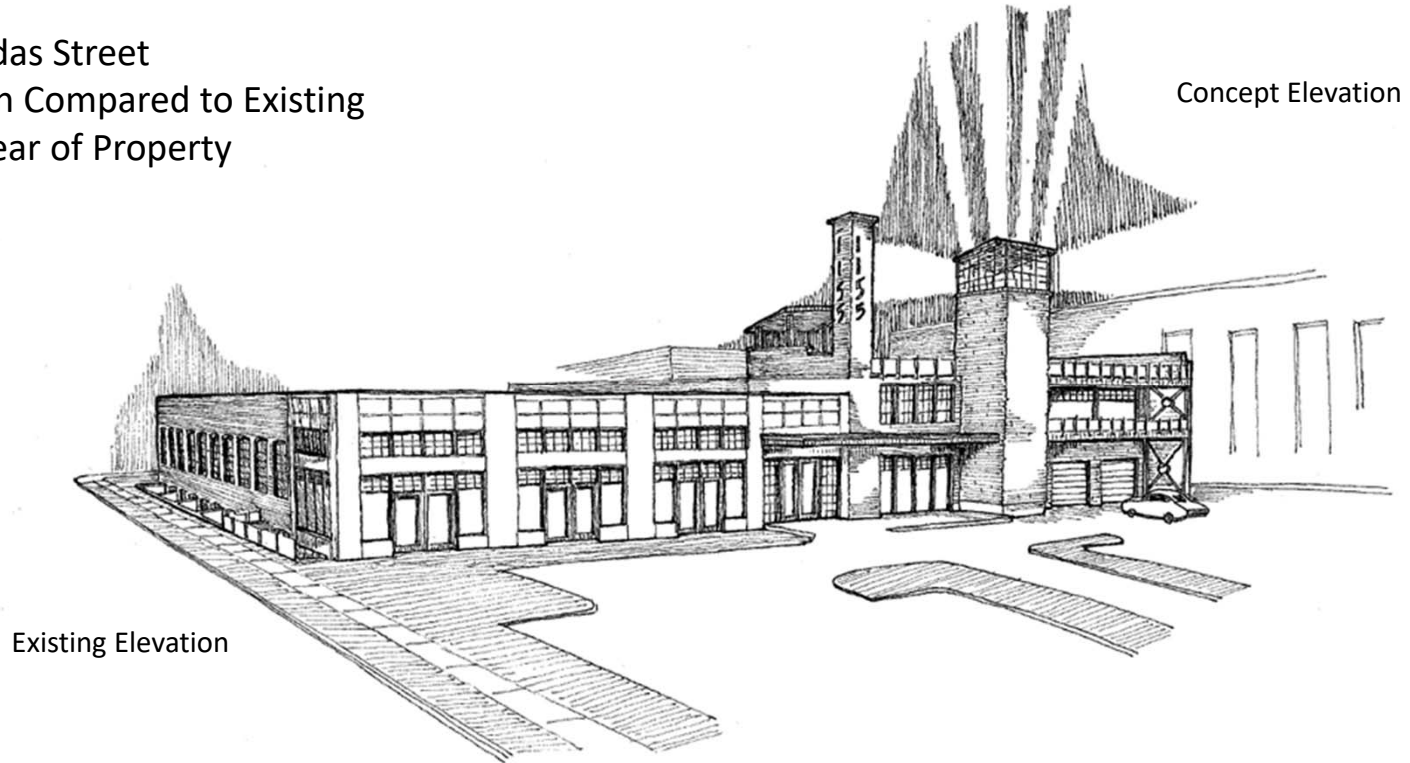


Windows along Eleanor Street Facade



Looking towards Dundas Street – Existing Fire Door

1153 – 1155 Dundas Street
Conceptual Design Compared to Existing
South Façade – Rear of Property



Existing Elevation

Concept Elevation



1153 – 1155 Dundas Street
Conceptual Design Compared to Existing
North Façade – Front of Property

Concept Elevation



Existing Elevation



SOURCES

Stage 1-2 Archaeological Assessment – Prepared by Lincoln Environmental Consulting Group;

Fire Insurance Mapping, Western Libraries Map and Data Centre;

Images/adjacent buildings information, East London Industrial Heritage Recommendations Full Report, Benjamin A. Vazquez;

Ontario Heritage Tool Kit, Ministry of Tourism, Culture and Sport.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Gregg Barrett
Director, City Planning and City Planner

Subject: Implementing Additional Residential Units Requirements of the Planning Act (Bill 108) – Information Report
City-wide/City of London

Meeting on: July 13, 2020

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, the following actions be taken with respect to the Official Plan and Zoning By-law review initiated by the Corporation of the City of London, relating to all lands within the City of London, and involving Official Plan Amendments to revise policies related to additional residential units and Zoning By-law Amendments to revise regulations related to additional residential units, the following actions **BE TAKEN**:

- a) That the attached information report and draft London Plan, 1989 Official Plan and Zoning By-law amendments to implement Provincial *Planning Act* (Bill 108 - *More Homes, More Choices Act.*) changes **BE CIRCULATED** for public review in advance of the Public Participation Meeting to be held at a future date.

Executive Summary

Purpose and the Effect of Recommended Action

The report is intended to provide the necessary background to the new Provincial requirements and provide information to Council and the public on the nature of the changes as well as provide draft London Plan, 1989 Official Plan and Zoning By-law amendments to review in advance of the future public participation meeting.

Rationale of Recommended Action

The Proposed Amendments are being circulated in advance because the City is unable to hold community meeting(s) under public health COVID-19 protocols. Londoner and City website notices are still being provided. Because of the importance of the amendments public input is desirable and necessary.

Analysis

1.0 Background

The Minister of Municipal Affairs and Housing introduced Bill 108, *More Homes, More Choice Act, 2019* on May 2, 2019. The Bill proposed a number of amendments to 13 different statutes including the *Planning Act*, the *Local Planning Appeal Tribunal Act* and the *Development Charges Act*. Bill 108 proposed to repeal many of the amendments that were introduced in 2017 through Bill 139, the *Building Better Communities and Conserving Watersheds Act, 2017*. A report on the implications of Bill 108 on the City was presented to PEC on May 27, 2019. Bill 108 was given Royal Assent on June 6, 2019.

One of the intentions of Bill 108 was to address the housing crisis in Ontario by minimizing regulations related to residential development through changes to various Acts dealing with the planning process, including reducing fees related to development, by reducing the number of services that may be subject to development charges and shortening the timelines for the approval of many planning applications. The Ministry

identified affordable housing as a “fundamental need “and additional residential units were identified as one of the least expensive ways to increase the supply of affordable housing while maintaining neighbourhood character.

One of the changes to the *Planning Act* made by Bill 108 was to permit up to two additional residential units on properties containing a single detached, semi-detached or row house residential dwelling. An additional residential unit is currently permitted (as a result of previous changes from Bill 138) in any single detached house, semi-detached house or row house **OR** in a building ancillary to any single detached house, semi-detached house or row house. Through changes made by Bill 108, an additional residential unit would be permitted in any single detached house, semi-detached house, or row house **AND** in an ancillary building. This would allow for a maximum of two additional residential units per property, for a total of three units on a property.

These changes to the *Planning Act* require that Municipal Official Plans and Zoning By-laws must contain provisions permitting additional residential units. This has the effect of potentially allowing a total of three dwelling units on the same property – subject to applicable provisions in the Ontario Fire Code, Building Code and municipal by-laws. Similar to the 2011 Bill 140 *Planning Act* amendments, there is no appeal related to Official Plan policies or zoning by-law regulations that authorize the use of additional residential units.

The City is required to comply with the changes made by Bill 108 to the *Planning Act* through Official Plan, Zoning By-law or other regulatory changes. However, the City may include policy direction to address a variety of planning compatibility and fit issues in existing neighbourhoods. Past reviews of intensification amendments such as the previous Bill 138 and Near-Campus Neighbourhood amendments resulted in widespread public interest. Public review of the proposed changes are necessary.

1.1 Provincial Rationale for Intensification

Residential Intensification; specifically, can take many forms;

- Redevelopment, including the redevelopment of brownfield sites;
- The development of vacant or underutilized lots within previously developed areas;
- Infill development;
- The conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and,
- The conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, additional units and rooming houses.

Additional residential units are a version of the last form of intensification. This form can be either invisible (i.e. additional residential units in an existing dwelling) or visible (i.e. Addition of a new accessory structure, with an additional residential unit, at the rear of a property, addition of a parking space or entrance etc.).

The benefits of intensification include;

- Efficient use of resources (e.g. existing housing stock), infrastructure (e.g., sewers, water mains, hydro, roads etc.) and public service facilities (e.g. libraries, community centres);
- More sustainable and promotes energy efficiency;
- More efficient use of land to minimize “greenfield” development;
- Providing homeowners an opportunity to earn additional income to help meet the cost of home ownership;
- Supports public transit and active transportation modes by increasing densities;
- Supports demographic changes by encouraging “aging in place” and preferences for housing within developed urban areas

- Supporting changing demographics by providing more housing options for extended family or elderly parents, or for a live-in caregiver;
- Increase stock of rental units in an area;
- Provides a stock of affordable housing options;; and,
- Creating jobs in the construction/renovation industry.

1.2 Benefits of Additional Residential Units to the City of London

Additional residential units will help London achieve the following broad based planning objectives and scoped initiatives and meet Council’s Strategic Plan.

Building Strong and Attractive Neighbourhoods

Current demographic trends in London indicate that the number of persons per dwelling is in decline. This is in part related to an aging population, smaller family sizes, and lower birth rates.

Household type	London, ON 2006	London, ON 2011	London, ON 2016
Population	352,395	366,151	383,822
Dwellings	145,525	153,630	175,558
Persons per dwelling	2.42	2.38	2.19

Source: Stats Can, 2006-2016

A 0.04 drop in persons per dwelling between 2006 and 2011 represents 1 additional dwelling per 100 people or 3,523 additional dwellings before accommodating new residents. Between 2006 and 2016 the persons per dwelling dropped .23. Further trends indicate that this change is largely related to an increase in single persons and single parent families and recent immigrants.

As part of London’s Strengthening Neighbourhood Strategy Plan, providing for people and places is critical to the long term success of our neighbourhoods. Maintaining a critical mass of people in our neighbourhoods is a core component to maintaining the vibrancy and appeal of an area.

Additional residential units can help achieve vibrancy and appeal by:

- Providing a variety of housing choices;
- Offering the opportunity to age in place;
- Promoting community diversity through diverse housing opportunities;
- Offsetting housing expenses; and,
- Facilitating an economically diverse neighbourhood.

Building a More Compact City

Both a Provincial and Municipal goal, building a more compact city is a key strategy in promoting community sustainability and resiliency. Additional residential units are a form of housing that provides opportunities to increase density without creating significant changes to the appearance of neighbourhoods or creating negative impacts on existing infrastructure.

Additional residential units provide the opportunity for London to accommodate growth and protect current residents in a cost effective manner. Current Official Plan and London Plan policies encourage intensification in existing built-up areas.

In addition, the January 20, 2020 Affordable Housing CIP report also states;

On April 23, 2019, Council declared a Climate Emergency. The Affordable Housing CIP initiative supports the City’s commitment to reducing and mitigating climate change by providing tools that will encourage residential intensification and residential growth at appropriate locations. It will support more intense and efficient use of existing urban

lands and infrastructure and the regeneration of existing neighbourhoods, and will align with transportation planning to support public transit and active transportation options.

Addressing the Need for Affordable Housing

The City of London is looking for opportunities to provide affordable housing. Additional residential units provide an affordable housing option to meet some of the demand by:

- Households facing financial challenges such as youth, older adults; new immigrants and single-parent families;
- First time home buyers with limited equity requiring assistance in carrying a mortgage to make home ownership viable;
- Fixed income homeowners needing additional support to assist with covering costs;
- Older adults or people with disabilities requiring assistance to remain in their homes and maintain a level of independence; and,
- Families wanting to provide housing for adult children or relatives.

Promoting the Age Friendly Plan

The City of London has established itself as a global leader in developing as an age friendly city. The City of London's Age Friendly Plan is based on the World Health Organization's initiative to improve the livelihood of people of all ages. By planning for older adults, a municipality provides benefits to all age groups. A demographic shift has been seen through the "Baby Boom" along with longer average life expectancies. Living longer and thriving cities are both positive trends that benefit everyone. Healthy, active older adults are a key resource depended on by families, by the economy and by communities. They provide care for children, parents, other family members and friends. Older adults as a group have significant spending power and make a dramatic impact on a local economy. Finally, seniors contribute an important degree of knowledge, experience and wisdom to the community.

Housing is identified as a key element in the continued goal of building an Age Friendly London. Success for an Age Friendly London includes developing policies, services, settings, and structures that:

1. Respond flexibly to aging-related needs and preferences; and
2. Respect their decisions and lifestyle choices.

1.3 Typical Concerns with adding more Residential Units in Existing Areas

Conversely, there are often concerns with introducing new development/people into an existing neighbourhood and increasing the number of people living and/or working in an established area. In the past the City has undertaken multiple reviews (see Appendices "C" and "D") as a result of a change in Provincial policies or in response to a local issue and there has been significant public interest in these reviews. These concerns can include more activity, noise, changes in aesthetics of a neighbourhood, more parking, garbage and refuse and inappropriate human behaviour as a result of increased density.

Despite the benefits identified above and the Provincial mandate to provide for additional residential units, there is the potential for impacts created by these uses within existing residential neighbourhoods. Bill 108 grants the municipality the ability to develop policies and regulations to mitigate potential impacts created by additional residential units

1.4 City's Desired Outcomes for Amendments

City staff are supportive of Official Plan policies and Zoning regulations that support additional residential units to;

1. Meet affordable housing needs;
2. Increase the number of legal units/registered units;
3. Provide safer accommodations for Londoners;
4. Intensify built-up areas ;
5. Provide Londoners with opportunities to age in place;
6. Enable supplemental income for home ownership viability;
7. Introduce efficient application time requirements;
8. Provide certainty around creating a new additional residential unit; and,
9. Provide a high standard of design and protection of neighbourhood character.

The proposed draft Official Plan London Plan and zoning by-law amendments will meet all of these desired outcomes, while addressing some of the concerns that may arise regarding neighbourhood fit and compatibility.

1.5 Additional Residential Unit Terminology

Currently there are some inconsistencies between Provincial and City of London dwelling terminology. Additional Residential units are defined as self-contained residential dwellings complete with separate kitchen and bathroom facilities located within, and ancillary to, an existing dwelling. The additional residential units may be located within an accessory/ancillary structure such as above a garage or in a separate “coach house”. Additional residential units are also subject to the Building Code, Fire Code and the City of London’s property standards by-law.

Additional residential units can also be referred to as secondary dwelling units, accessory dwelling units, secondary suites, accessory apartments, basement apartments or in-law flats. These terms are interchangeable. However, additional residential units do not include garden suites, lodging houses, or converted dwellings, which are separately defined by the City of London’s Zoning By-law.

Garden suites are temporary, self-contained dwelling structures. These units are normally mobile or pre-fab homes permitted in agriculturally designated areas through a site-specific temporary Zoning By-law on a site-specific basis. Lodging houses are residential buildings, which are used to provide rooms for rent to individuals with or without meals. Each unit shares common living space such as a kitchen, living room, bathroom, etc. The converted dwelling means an existing dwelling constructed as a single, semi-detached, duplex or triplex dwelling on an existing lot prior to July 1, 1993 in which the number of dwelling units has been increased without significant alteration to the exterior of the building except for non-leasable floor space such as fire escapes, stairwells and entrances.

There are other inconsistencies in Provincial and City terminology. These inconsistencies are discussed in Section 3.2 1).

2.0 Community Consultation to Date

On March 5, 2020 a Notice was placed in the Londoner and notices were sent to Other City Departments and Agencies on our Circulation List. Londoner notice was provided again on June 4, 2020. The notice read;

City-wide – Implementing Additional Residential Unit Requirements of the Planning Act The purpose and effect of these proposed Official Plan and Zoning Bylaw amendments is to implement recent changes to the *Planning Act* that require that the City amend its Official Plan and Zoning By-law to permit up to two additional dwelling units on a property containing a single detached, semi-detached or row house residential dwelling. Possible amendments to the Official Plan (The London Plan) to change Policy 939 to 942 and Policy 949 to change wording from “Secondary Dwelling Units” to “Additional Residential Units” and add/modify language to permit additional residential units in any single detached, semi-detached or row house residential building. Possible change to Zoning By-law Z.-1 to delete the definition of “Secondary Dwelling Unit” and replace with a new definition of “Additional Residential Unit” in

Section 2 (Definitions), make changes to Section 4.37 (General Provisions) to change references from secondary dwelling units to additional residential units and make changes to implement Provincial policies and/or regulations such as number of units permitted, number of bedrooms permitted and parking requirements. The City may also consider similar changes to the policies of the 1989 Official Plan.

A website address (under Business/Planning-Development/land-use-application/OZ-9176) at www.london.ca was also created for this project.

In response, to date, no comments have been received.

3.0 Policy Context for Proposed Amendments

The following policy framework guided the preparation and review of possible amendments;

3.1 Provincial Policy Statement (2020)

The Provincial Policy Statement provides the overriding policies for land use planning in Ontario. The 2020 Provincial Policy Statement (in force May 2, 2020) replaces the 2014 Provincial Policy Statement which came into effect April 30, 2014.

The PPS provides for and supports intensification under Part IV;

.....“*Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.*”

Policies in Sections 1.1 (Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns) and 1.4 (Housing) state that sufficient land needs to be available for a mix of affordable and market based residential uses, that development and land use patterns be efficient, and that settlement areas be the focus of future growth.

Section 6, Definitions, includes a definition of residential intensification and housing forms. It is important to note that the Province makes a distinction between rowhouse (similar to our street townhouse definition in Zoning By-law Z-1) and townhouse/stacked townhouse as different housing forms.

3.2 Planning Act

Consistent with the Provincial Policy Statement, the *Planning Act* guides planning in the Province of Ontario. Below are a summary of the relevant sections.

Subsection 2 j) of the *Planning Act* identifies “...*the full range of housing, including affordable housing...*” as a matter of Provincial interest.

Subsections 16.3 and 35.1 contain the additional residential unit regulations from Bill 108 – More Homes, More Choices Act given Royal Assent on June 16, 2019. They indicate Official Plans shall have policies allowing additional residential units and permit a maximum of one additional residential unit in a single detached, semi-detached or rowhouse primary dwelling and one additional residential unit in an accessory structure.

Regulation 299/19, which implements changes from Bill 108, was published August 29, 2019, to provide regulations to allow additional residential units in the Province. The changes included regulations to;

- Indicate that each unit shall have a parking space except where an approved zoning by-law amendment doesn't require parking;
- Indicate any additional required parking may be a tandem parking;
- Indicate the dwelling units on the property don't need to be owner-occupied; and,

- Indicate additional residential units can be located either in new or existing buildings.

Subsection 35.2 indicates that zoning by-laws cannot be enacting which regulate tenants on the basis of relationship.

3.3 The London Plan

Policy 937 and 939 provide a rationale for residential intensification and provide a current definition of secondary dwelling units; respectively. The rationale include aging in place, diversity of built form, affordability, vibrancy and effective use of land and indicate that any intensification needs to add value to neighbourhoods rather than undermine their quality, character and sustainability.

Policy 941 and 942 are the current Secondary dwelling unit policies and address such matters as location, number of units, licensing, size, exterior alterations, parking and requirements for Site Plan approval. These policies were based on changes made by Bill 139-*Building Better Communities and Conserving Watersheds Act* passed in 2017. On July 17, 2017 Council also approved further London Plan amendments which removed the restriction on secondary dwelling units in the Near Campus Neighbourhood.

The purpose of this review is to make amendments to the London Plan to be consistent with changes made by Bill 108 and the Council approved changes from July 24, 2019 including a change in terminology from “secondary dwelling unit” to “additional residential units” and allowing a maximum of two additional units on an existing property instead of one.

Policy 949 (Requirement for Site Plan Approval), 953 (Additional Urban Design Considerations for Residential Intensification) and 962-973 (Near Campus Neighbourhoods Policies) are also relevant to the consideration of London Plan amendments in this report because they guide any proposal to maintain neighbourhood character.

3.4 The 1989 Official Plan

Changes to the Plan are confined to Sections 3.2.1 ix) and 3.2.3.9, which were the result of an amendment on July 17, 2017 that implemented Bill 139 – *Building Better Communities and Conserving Watersheds Act Planning Act*. The changes to the 1989 Official Plan are consistent with previously approved London Plan changes. If the recommended London Plan amendment is approved and comes into force it will provide the in-force policy direction for the City. This amendment to the 1989 Official Plan is recommended only to provide consistent policies with the London Plan and avoid potential confusion until the 1989 Official Plan can be repealed.

4.0 Proposed Amendments

The attached Proposed Amendments were the result of a review of the revised Provincial Planning Act requirements (Bill 108 and Regulation 299/19), a review of the Ministers modifications to the London Plan dated December 28, 2016, a preliminary review of other municipal policies and regulations and comments from other City Departments and outside agencies.

4.1 Provincial Parameters for Proposed Amendments

The City has to comply with changes to the *Planning Act* through Bill 108. The key Provincial parameters for municipal amendments to implement the new legislation are;

1. A maximum one additional residential unit is permitted in the primary dwelling and a maximum of one additional residential unit is permitted in any accessory or ancillary building;

2. The primary dwelling does not have to be owner occupied;
3. Additional residential units can be permitted in existing or new buildings;
4. Each additional residential unit shall have one parking space except in circumstances where a Section 34 (Planning Act-zoning by-law amendment) has been approved whereby no parking is required for the primary dwelling or the additional residential units;
5. Tandem parking is permitted;
6. No references to the additional residential units being ancillary or sub-ordinate to the primary residential unit;
7. No bedroom limits in policies but may be in zoning; and;

4.2 Summary and Rationale – The Proposed Amendments

Below is a brief summary of the rationale for the Proposed Amendments included in Appendix “A”.

1. Definitions

There are a number of definition inconsistencies between Provincial Legislation (Bill 108/the *Planning Act*) and City of London policies and regulations which will need to be changed as a result of the Planning Act changes to provide consistency and ease of interpretation.

1.1 Secondary Dwelling Unit vs. Additional Residential Unit

The previous *Planning Act* legislation (Royal Assent-January 1, 2012) amended by Bill 140- *Strong Communities through Affordable Housing Act* used the term “secondary dwelling unit” because one additional unit was permitted either in the main dwelling or accessory building. Bill 108- *More Homes, More Choices Act* (Royal Assent – June 6, 2019) allows one “additional residential unit” in the main dwelling **and** one additional dwelling unit in an accessory or ancillary structure for a total of three possible units on a property. The term “secondary dwelling units” should be changed to reflect that more than one unit could be added. Additional residential units is also the term used in the Provincial legislation.

Proposed Amendment – All of the references to “secondary dwelling units” in the 1989 Official Plan, the London Plan and Zoning By-law Z-1 should be changed to “additional residential units” to be consistent with the current *Planning Act* legislation terminology.

1.2 Row house vs. Street townhouse

The 2020 Provincial Policy Statement and *Planning Act* use the term “row house” whereas the City’s Zoning By-law Z-1 uses the term “street townhouse”. By definition both are the same; more than three units attached horizontally, having legal frontage on a street on separate lots. Townhouses or cluster townhouses are different; having more than three or more units attached, tend to not have individual unit frontage on a street and are in a cluster format with units owned by individuals and common areas managed by a condominium corporation. Permitting two additional units in each existing cluster townhouse dwelling, plus allowing for accessory buildings, may be problematic given the typical size, and ownership, of the “lot”. As a result, to implement the Provincial requirement for additional residential units this amendment applies to what the zoning by-law describes as a “street townhouse” and not to other townhouse types.

Proposed Amendment – No change

1.3 Accessory vs. Ancillary

The Province only uses the term “ancillary” exclusively whereas the City uses the terms “accessory” and “ancillary” interchangeably. The City’s current definitions in Section 2

(Definitions) in Zoning By-law Z-1 lists the name as “Accessory or Ancillary” so no change is required.

Proposed Amendment – No change

1.4 Detached House vs Single Detached Dwelling, Semi-Detached House vs. Semi-Detached Dwelling

The terms using in the *Planning Act* and Zoning By-law Z-1; respectively, are different but they are close enough to not create interpretation issues. Some review by Zoning Division Staff should occur before amendment is finalized to determine whether further changes are required.

Proposed Amendment – No change.

1.5 Attached vs Detached

Zoning By-law Z-1 defines both but they are rarely used in the By-law or the London Plan. They are very descriptive terms used by a number of other Ontario municipalities (eg. Kitchener and Windsor) for clarity purposes to describe additions to buildings or accessory buildings; respectively. The City of London instead tends to use the terms “ancillary” and “subordinate” to the primary dwelling unit to describe additions or describe accessory buildings. The Ministers modifications to the Council approved June 23, 2016 London Plan policies deleted those terms from the proposed additional residential unit policies. Similar to the above recommended changes, there should be more consistency in language between the Provincial legislation and City of London policies and regulations.

Proposed Amendment – No specific changes required but will incorporate more use of the terms “attached” and “detached” as part of policy and zoning regulation revisions.

1.6 Definitions of Dwellings once Additional Residential Units are Added

Zoning By-law Z-1 “Dwelling” definitions are currently structured on the number of units included and whether the building is existing (built before July 1, 1993) or new (built after July 1, 1993). Currently, under Zoning By-law Z-1 if additional units are added, a single detached dwelling with an additional residential unit becomes a two unit converted dwelling if no habitable space is added and a duplex if habitable space is added. Similarly, if a semi-detached dwelling adds one or two units it could become a three or four unit converted dwelling or a triplex or fourplex under the definitions in Zoning By-law Z-1. The zoning regulations for each dwelling definition are quite different. To provide clarity and consistency for interpretations some interpretive guidelines need to be prepared for Zoning Division staff. These definitions should be reviewed by Zoning Division staff before amendments are finalized.

Proposed Amendment – No change to the definitions in Section 2 (Definitions) of Zoning By-law Z-1 but some consistency in zoning interpretation will be needed once additional residential unit amendments are in force.

2. Restriction of Additional Residential Units in Near Campus Neighbourhoods

The London Plan approved by Council on June 23, 2016 included Policy 942 (2) which did not allow secondary dwelling units in the Near Campus Neighbourhoods. Concerns were raised, public meetings and discussions held through the Near Campus Neighbourhood policy and regulation review, and on August 29, 2016 Council deleted that subsection of Policy 942, thereby deciding to permit secondary dwelling units within near campus neighbourhoods. Since the London Plan was in for Minister Approval at that time, the amendments were sent to the Minister for consideration as an amendment to the London Plan.

The Ministers Modifications to the London Plan in December 2016 made a series of changes. The Ministry did not, however, remove the restriction on secondary dwelling units within the Near Campus Neighbourhood Area even though Council earlier resolved to allow them in the Near Campus Neighbourhood Area. The Ministry indicated

they would have no concern if London City Council made an amendment to the London Plan policies to remove the restriction. The proposed amendment does that.

It is noteworthy that any such amendment to remove the restriction of additional residential units in the Near Campus Neighbourhoods from Policy 942 would not be subject to Provincial Review and would also not be appealable as per the *Planning Act*.

Proposed Amendment – That Policy 942_2 of the London Plan be deleted.

3. Parking

Zoning By-law Z-1 currently requires two parking spaces per unit for single detached, semi-detached and street townhouse dwellings. Regulation 299/19 of the *Planning Act* indicates that each additional residential unit requires one parking space unless a Zoning By-law is in force that does not require parking for any additional residential units. The current zoning regulations for secondary dwelling units do not require additional parking for secondary dwelling units.

Parking is often raised as a concern for intensification proposals. On-street parking, parking on lawns, creation of new paved areas etc. are some of the typical concerns (see Appendix “D”). Given that the new Provincial direction will permit up to two additional units, some review of the parking requirements may be needed. The *Planning Act* regulation allows up to one additional parking space per additional residential unit.

The current minimum parking requirement for a single detached, semi-detached, or street townhouse dwelling in the zoning by-law is two spaces per unit. Accommodating this parking plus a space for each additional residential unit, while still providing room for landscaped open space and sufficient amenity space may be problematic especially on smaller lots. It is also important to note that it is proposed that site plan approval not be required for additional residential units in the primary dwelling; site plan approval would only be required where the additional residential unit is in an accessory building.

Some surveyed Ontario Municipalities such as Windsor do not require additional residential unit parking within the older developed portions of the City. Toronto has reduced parking standards and Windsor doesn't require a parking space for the second additional residential unit. The surveyed municipalities all have various approaches to dealing with parking.

Maintaining the current regulation for secondary dwelling units would mean that there is no minimum parking requirement for additional residential units beyond the minimum standard for the primary unit. This approach allows the market to determine if parking is required but does not force parking spaces that may be unnecessary. This approach would be consistent with policy 271 of the London Plan that seek to avoid excessive parking standards.

Any additional residential units would be required to meet the zoning by-law regulations for maximum parking area coverage, which may lead to more minor variance applications, especially on smaller lots.

Proposed Amendment – No change to current requirement for secondary dwelling units, where no additional parking is required. The parking requirement for additional residential units will be included in the public consultation to ensure that all perspectives are considered.

4. Provision of new parking areas in Heritage Conservation Districts

Related to the above, the creation of new parking areas in designated Heritage Conservation Districts (HCDs) or on individually designated properties is a concern. The Province requires that any exterior changes to the primary dwelling unit must be consistent with the character of the dwelling and neighbourhood.

The London Advisory Committee on Heritage (LACH) has expressed a preliminary concern that the creation of new parking areas may impact the heritage character of the neighbourhood. The adding of new surface residential parking spaces to accommodate

additional residential units was never contemplated when the Conservation District Plans were being researched and prepared. Some evaluation needs to be done of how any new parking areas are to be evaluated. Do new guidelines or revised HCD guidelines need to be prepared, does review occur through the Heritage Alteration Permit process etc? This Proposed Amendment will be circulated to the LACH and the heritage community for comments before proceeding.

Proposed Amendment – No changes at this time, but further discussions with LACH and the heritage community are required. The recommended amendment will be provided at a future PEC meeting after the LACH and public has been consulted.

5. Numbers of Bedrooms Permitted

Currently in the Zoning By-law includes that dwelling units dwellings can have a maximum of 5 bedrooms per unit except in the Near Campus Neighbourhoods Area, where multiple unit dwellings such as semi-detached, duplex, triplex, fourplex, townhouse and apartment dwellings are permitted to only have three bedrooms per unit. The implementation of the previous Provincial secondary dwelling unit regulations didn't change those bedroom limit, and included that secondary dwelling units are subject to that overall cap, so the 5 bedroom maximum includes all bedrooms that are part of the primary and additional residential unit.

At this time it is proposed that the existing policy and limitation on the maximum number of bedrooms be applied to additional residential units. However, the three bedroom limit on semi-detached and townhouse dwellings in Near-Campus Neighbourhoods may limit the creation of two additional residential units on a lot... The maximum bedroom limit will be included in the public consultation to ensure that all perspectives are considered.

Proposed Amendment – No change to current requirement for secondary dwelling units, where additional residential units will contribute to the overall bedroom limit of the primary unit. The bedroom limit for additional residential units will be included in the public consultation to ensure that all perspectives are considered.

6. Height

For the primary dwelling the heights in their zoning by-law zone are used. For accessory or ancillary structures, in general, the allowed building heights are between 4 metres and 6 metres. Other municipalities surveyed have an additional regulation for accessory structures which doesn't allow a height which exceeds the primary dwelling height. Windsor allows a general height of 5.5 metres (18 feet) which can be increased to 8 metres (26,3 feet) by minor variance.

Proposed Amendment – No change to existing regulation, where secondary dwelling units within an accessory structures are subject to the standard zoning requirements for all accessory structures in the applicable zone. Building heights for ancillary or accessory building heights should be reviewed, including a new regulation which would not allow that height of an accessory structure to exceed the height of the primary dwelling.

7. Maximum Gross Floor Area for Additional Residential Units

Most other surveyed municipalities have a maximum gross floor area (GFA) of between 40-50% for additional residential units of the total GFA of the primary dwelling unit and additional residential units. The existing requirement in the Zoning By-law for secondary dwelling units is a maximum of 40% of the total combined floor area. The intent of this regulation is to ensure that the additional residential units do not exceed the size of the primary dwelling unit to control scale and maintain the primary and secondary nature of the two units.

Proposed Amendment – The gross floor area of the additional residential units shall not be greater than 45% of the combined total gross floor area of both the primary dwelling unit and the additional residential units.

8. Minimum Gross Floor Area for Additional Residential Units

Based on the other municipalities surveyed, there are a wide range of approaches to regulating minimum additional residential unit size. Some have minimums, some only maximums or both. Generally the minimum dwelling unit size is 40 m² (431 sq.ft) and the maximum is 100 m² (1076 sq.ft.). Some municipalities, such as Toronto, don't regulate dwelling unit size, instead relying on the *Ontario Building Code* minimum room sizes to control dwelling size. There is no combined minimum dwelling size in the *Ontario Building Code*.

Proposed Amendment – No change to the existing minimum floor area requirement of 25 m².

9. Other Changes in Heritage Conservation Districts

Similar to the parking area issue discussed in Section 4.2 above, the LACH has raised a concern about front and exterior side yard changes in HCD's and to individually designated properties and the addition of new or altered accessory structures.

The Heritage Alteration Permit process has been used to the past to address minor exterior changes but the addition of new entrances and units in new ancillary or accessory buildings are major changes. The Province has allowed front yard and/or exterior side yard alterations provided they maintain the "*character of the area*".

Proposed Amendment - No amendments at this time but may involve changes to the existing Heritage Conservation District (HCD) Plans, preparation or revision of guidelines and/or changes to the Heritage Permit process after discussions with LACH and the heritage community. A recommendation will be provided in the future PEC report after the LACH and public has been consulted.

10. Changes to other Municipal By-laws/Processes

There are a number of other City processes affected by the implementation of the Bill 108 amendments to the *Planning Act* for additional residential units. Official Plans and Zoning By-laws only provide the planning controls on development. These other processes include;

1. Site Plan Approval for Additional Residential Units in accessory or ancillary structures;
2. Building Permits for interior renovations and new construction; and,
3. Licensing under the *Residential Rental Unit Licensing By-law*.

All of these processes, and the regulations associated with them, need to be reviewed to identify any impacts and needed changes. Once the Proposed Amendments have been implemented the City will have established the policy basis for additional residential units and provide the foundation for these other impacted processes.

5.0 Conclusion

The report is intended to provide the necessary background regarding the Provincial policies and provide information to Council and the public on the nature of the changes as well as proposed Official Plan and Zoning By-law amendments to review in advance of the public participation meeting.

The proposed amendments are being circulated in advance because the City is unable to hold community meeting(s) under Provincial legislation COVID-19 protocols. Londoner and City website notices are still being provided. Because of the impact of the amendments public input is important and necessary.

Prepared by:	W.J. Charles Parker, MA Senior Planner – City Planning/Planning Policy
Submitted by:	Justin Adema, MCIP, RPP Manager, City Planning/Planning Policy
Recommended by:	Gregg Barrett, AICP Director, City Planning and City Planner
<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 Planning Services</p>	

July 3, 2020

Y:\Shared\policy\CITY INITIATED FILES\9176OZ - Additional Residential Unit Review (2020) (CP)\OZ9176 Report- July 13 2020.docx

PROPOSED AMENDMENT to the THE LONDON PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to update “The London Plan” additional residential unit policies to conform with changes to the *Planning Act* made by the *More Homes, More Choices Act, 2019*.

B. LOCATION OF THIS AMENDMENT

This Amendment is a text amendment, which applies to all lands within the City of London.

C. BASIS OF THE AMENDMENT

1. The amendments are consistent with changes made to the *Planning Act* by the *More Homes, More Choices Act, 2019 (Bill 108)* with respect to additional residential units.
2. The amendments are consistent with the policies of the *Provincial Policy Statement, 2020*, and are consistent with the Neighbourhood Place Type policies of the London Plan.

D. THE AMENDMENT

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

1. Policies 939, 941 and 949 and heading title is amended by deleting the “Secondary Dwelling Unit” reference and replacing it with “Additional Residential Unit”.
2. Policy 942 with regard to Secondary Dwelling Units is deleted in its entirety and replaced with the policy below;

942_ Additional Residential Units are permitted as-of-right within single detached dwellings, semi-detached dwellings or a street townhouse dwelling where all of the following criteria are met:

1. A maximum of two additional residential units are permitted, including a maximum of one additional unit in the main dwelling and a maximum of one additional unit in an accessory or ancillary structure;
2. Additional residential units must be located on the same lot as the primary dwelling unit;
3. Additional residential units shall be required to be licensed pursuant to the *Residential Rental Unit Licensing By-law*;
4. The gross floor area of the additional residential units shall not be greater than 45% of the combined total gross floor area of both the primary dwelling unit and the additional residential units;
5. Additional residential units shall comply with all regulations of the associated zone;

6. Exterior alterations to the primary dwelling unit to provide for additional residential units in the front or exterior side yards should maintain the character of the primary dwelling unit and the neighbourhood. To protect neighbourhood character, access to the additional residential units may be through existing entrances or new entrances located in rear or side yards.
7. Any zoning amendments or variances to provide for parking in excess of the minimum parking required for the primary dwelling unit, including any request for boulevard parking, front yard parking or changes to landscaped open space regulations to support parking for additional residential units, shall be discouraged. A new additional driveway is not permitted to provide for the additional residential units;
8. Minor variances to permit front yard parking shall not be supported where the proposed new development, expanded development, or modification to an existing development eliminates parking that is in a location that conforms to the Zoning By-law.
9. Additional residential units may be permitted within an accessory or ancillary structure that:
 - a. Is located on the same lot as the primary dwelling unit;
 - b. Is located in the rear yard; and,
 - c. Meets the requirements of the zone which apply to accessory or ancillary structures.
10. Additional residential units located within a primary dwelling unit shall not require Site Plan Approval. An additional residential unit within an accessory or ancillary structure shall require site plan approval; and,
11. An additional residential unit shall not be located within a basement within a dwelling located in a flood plain as regulated by the conservation authority having jurisdiction for that area;

PROPOSED AMENDMENT
to the
OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to update the City of London Official Plan additional residential unit policies to conform with changes to the *Planning Act* as made by *More Homes, More Choices Act, 2019*.

B. LOCATION OF THIS AMENDMENT

This Amendment is a text amendment, which applies to all lands within the City of London.

C. BASIS OF THE AMENDMENT

The amendments are consistent with changes made to the *Planning Act* under *More Homes, More Choices Act, 2019* with respect to additional residential units.

The amendments are consistent with the policies of the *Provincial Policy Statement, 2020*, and are consistent with the Low Density Residential designation in the 1989 Official Plan.

D. THE AMENDMENT

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

1. By deleting the existing subsection 3.2.1 ix) in its entirety and inserting the following policy as subsection 3.2.1 ix) of the Official Plan:

Additional Residential Units

A single detached dwelling, semi-detached dwelling or a street townhouse dwelling may be permitted to contain an additional residential unit in the main building and an additional residential unit in an accessory or ancillary building in accordance with policy 3.2.3.9 Additional Residential Units of this Plan.

2. By deleting the existing subsection 3.2.3.9 in its entirety and inserting the following policy as subsection 3.2.3.9 of the Official Plan:

Additional Residential Units

Additional residential units are permitted as-of-right within single detached dwellings, semi-detached dwellings or street townhouse dwellings where all of the following criteria are met:

1. A maximum of two additional residential units are permitted, including a maximum of one additional unit in the main dwelling and a maximum of one additional unit in an accessory or ancillary structure;
2. Additional residential units must be located on the same lot as the primary dwelling unit;
3. Additional residential units shall be required to be licensed pursuant to the *Residential Rental Unit Licensing By-law*;
4. The gross floor area of the additional residential units shall not be greater than 45% of the combined total gross floor area of

- both the primary residential dwelling unit and the additional residential units;
5. Additional residential units shall comply with all regulations of the associated zone.
 6. Exterior alterations to the primary dwelling unit and/or construction of an accessory or ancillary building to accommodate an additional residential unit should maintain the character of the primary dwelling unit and the neighbourhood. To also protect neighbourhood character access to additional residential units may be through existing entrances or new entrances located in rear or side yards;
 7. Any zoning amendments or variances to provide for parking in excess of the minimum parking required for the primary dwelling unit, including any request for boulevard parking, front yard parking or changes to landscaped open space regulations to support parking for an additional residential unit, shall be discouraged. A new additional driveway is not permitted to provide for the additional residential unit;
 8. Minor variances to permit front yard parking shall not be supported where the proposed new development, expanded development, or modification to an existing development eliminates parking that is in a location that conforms to the Zoning By-law.
 9. An additional residential unit may be permitted within an accessory or ancillary structure that:
 - a. is located on the same lot as the primary dwelling unit;
 - b. is located in the rear yard; and,
 - c. meets the requirements of the zone which apply to accessory or ancillary structures.
 10. Additional residential units located within a primary dwelling unit shall not require Site Plan Approval. Additional residential units within an accessory or ancillary structure shall require Site Plan Approval.
 11. An additional residential unit shall not be located within a basement within a dwelling located in a flood plain as regulated by the Conservation Authority having jurisdiction for that area;

**PROPOSED AMENDMENT
to the
CITY OF LONDON ZONING BY-LAW NO. Z.-1**

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

By-law No. Z.-1-18_____

A by-law to amend By-law No. Z.-1 to change the existing secondary dwelling unit regulations to delete and add new regulations for additional residential units.

WHEREAS the Corporation of the City of London has initiated a rezoning City-wide to revise the existing secondary dwelling unit regulations and introduce new additional residential unit regulations, as set out below;

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

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

- 1) Section 2 (Definitions) in Zoning By-law Z-1, as amended, is amended by deleting the definition for "Secondary Dwelling Unit" and adding the following definition for "Additional Residential Unit";

"ADDITIONAL RESIDENTIAL UNIT" means a dwelling unit in addition to the primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof.

- 2) Section 4.1 (Accessory Uses) in Zoning By-law Z-1 is amended by deleting the existing Section and replacing it with the following;

1) ACCESSORY USES PERMITTED IN ALL ZONES

Where this By-Law permits a lot to be used or a building or structure to be erected or used for a purpose, that purpose shall include any building, structure or use accessory thereto, except that no home occupation or open storage shall be permitted in any zone other than a zone in which such a use is specifically listed as a permitted use. No accessory building, structure or use in an agricultural zone shall be used for human habitation, except where a dwelling unit is permitted as an accessory use or where the zone permits a bed and breakfast establishment, secondary farm dwelling, temporary garden suite or hotel.

- 3) Section 4.37 (Secondary Dwelling Units) is amended by deleting the existing clause and replacing it with the following;

ADDITIONAL RESIDENTIAL UNITS

The provisions of this section shall apply to all additional residential units, unless specified by type directly herein.

- 1) Permitted Zones

Additional residential units shall be permitted within any zone in association with the following uses:

- a) Single detached dwellings;
- b) Semi-detached dwellings; and,
- c) Street townhouse.

Single detached dwellings, semi-detached dwellings or street townhouse dwellings containing additional residential units on the date of the passing of this by-law, may continue to be used for that purpose if a building permit has been issued under sections 8 or 10 of the *Building Code Act, 1992, S.O. 1992, c.23* permitting the erection, alteration, occupancy or use for the additional residential unit, and if the additional residential unit complies with the regulations of the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4.*

2) Number of Additional Residential Units per Lot

A maximum of two (2) additional residential units shall be permitted per lot; including a maximum of one additional residential unit in the main dwelling and a maximum of one additional residential unit in an accessory or ancillary structure.

3) Location of Additional Residential Units

An additional residential unit shall not be permitted on a separate lot from the primary dwelling unit that it is accessory to.

An additional residential unit or part thereof shall not be permitted in a basement where the finished floor level of such basement is below the level of any sanitary sewer servicing the building or structure in which such basement is located.

An additional residential unit or part thereof shall not be permitted in a basement located in a flood plain as regulated by the Conservation Authority having jurisdiction for that area.

4) Location of Additional Residential Units within Accessory or Ancillary Structures

An additional residential unit in an accessory or ancillary structure shall be required to meet the regulations of the zone which apply to accessory structures.

An additional residential unit within an accessory structure may be permitted in the rear yard or interior side yard. Exterior alterations to accessory structures to permit additional residential units may be permitted subject to the same criteria.

5) Floor Area Requirements

No additional residential unit shall be erected or used unless it has a minimum gross floor area of 25 square metres.

The gross floor area of all additional residential unit (s) on a lot shall not be greater than 45% of the combined total gross floor area of the primary dwelling unit and the additional residential unit(s). For the purposes of calculating gross floor area requirements for additional residential units the following shall not be included:

- a) additions to dwelling units completed after the date of passage of this by-law; and,
- b) the gross floor area of accessory structures.

6) Number of Bedrooms

The additional residential unit(s) and primary dwelling unit together shall not exceed the total number of bedrooms permitted for the primary dwelling unit when the total number of bedrooms in the primary and additional residential unit(s) are combined.

7) Access to Additional Residential Units

Exterior alterations to provide for entrances to the additional residential unit within all yards of the primary dwelling unit may be permitted.

A new additional driveway in association with a secondary dwelling unit is not permitted.

8) Parking

No additional parking spaces shall be required for any additional residential unit(s)..

10) Code Requirements

Additional Residential Units shall be required to conform to all *Ontario Building Code* and *Ontario Fire Code* regulations.

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 (Insert Council Meeting Date).

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – (Insert Council Meeting Date)
Second Reading – (Insert Council Meeting Date)
Third Reading – (Insert Council Meeting Date)

Appendix B – Chronology

Previous Reports to Planning and Environment Committee (PEC) and Timeline

May 1, 2020	New 2020 Provincial Policy Statement in Effect
August 29, 2019	Regulation 299/19 to implement Bill 108 published
June 6, 2019	Bill 108 – More Homes, More Choices Act given Royal Assent
May 27, 2019	PEC Report – Bill 108-More Homes, More Choices Act Report
July 17, 2017	PEC Report – City-wide Official Plan and Zoning By-law Amendments – Secondary Dwelling Units (OZ-8053)
April 24, 2017	PEC Report – New Low Rise Development in Existing Neighbourhoods (Z-8701)
February 6, 2017	PEC Report- Minister’s Modification to the London Plan – Secondary Dwelling Units (O-7938)
2017	Bill 139 – Building Better Communities and Conserving Watersheds Act introduced
January 23, 2017	PEC Report – Information Report on Ministers Modifications to London Plan
December 28, 2016	Ministry of Municipal Affairs London Plan Notice of Decision
August 22, 2016	PEC Report - City wide Official Plan and Zoning By-law Amendments – Secondary Dwelling Units (OZ-8053)
July 18, 2016	PEC Report - Great Near-Campus Neighbourhoods Strategy Review completed
June 23, 2016	Council approves The London Plan
December 14, 2015	PEC Report – Residential Infill Analysis (Z-8701)
November 26, 2015	PEC Report - Secondary Dwelling Units (OZ-8053)
February 2, 2015	PEC Report – North London Housing Concerns
April 30, 2014	2014 Provincial Policy Statement in effect
November 26, 2013	PEC Report - City Wide Official Plan and Zoning By-Law Amendments – Secondary Dwelling Units (OZ-8053)
August 20, 2013	PEC Report - Secondary Dwelling Units (OZ-8053)
April 9, 2013	PEC Report - Secondary Dwelling Units (OZ-8053)
November 26, 2012	PEC Report – Residential Intensification Policies (OPA No. 544) (O-7970/City of London)
June 18, 2012	PEC Report - Secondary Dwelling Unit Policies and Provisions PEC Report – Near-Campus Neighbourhoods Planning Amendments (OZ-7663/City of London – OPA No. 535)
January 1, 2012	Bill 140 – Strong Communities through Affordable Housing Act introduced – introduced concept of secondary dwelling units
August 30, 2011	Council adopts Residential Rental Units Licensing By-law
September 28, 2009	PC Report – Official Plan Amendment No. 438 (Addition of Residential Intensification Policies to Official Plan)
November 17, 2008	PC Report – Great Near-Campus Neighbourhoods Strategy and Implementation Plan

February 25, 2008	PC Report – Public Participation Meeting on OPA No 438 Residential Intensification Policies
May 28, 2007	PC Report – Information Report – Residential Intensification and Infill Housing Background Study
2007	PC Report - Closing the Gap: New Partnerships for Great Neighbourhoods Surrounding our University and Colleges
2004	PC Report - 5 Bedroom Limit By-law (Z-1-041300)
2004	PC Report – North London Residential Study and Amendments to the Official Plan and Zoning By-law
2004	PC Report - Updated St. George Grosvenor Neighbourhood Study
2001	PC Report - Richmond Street/University Gates Corridor Review-Report and Official Plan Amendment
April 9, 1996	PC Report - Intensification and Bill 120 – Impacts on the North London and Broughdale Communities – Expanded Area (OZ-5148)
November 16, 1995	Section 76(1) of the <i>Planning Act</i> “grandfathered” previously approved two units in a detached house, semi-detached house or row house.(Regulation 384/94)
1995	PC Report – Intensification and Bill 120 – Impact on the North London and Broughdale Communities
1995	Bill 120- Apartments in Houses
January 14, 1991	PC Report – Infill Housing Policies of the New Official Plan (1989)
June 19, 1989	Council adopts the 1989 Official Plan
1988	PC Report - Task Force on Student Housing
1985	Planning Committee (PC) Report - St. George Grosvenor Neighbourhood Study and Official Plan Amendment

Appendix C – London’s History of Addressing Provincial Intensification Policies and Neighbourhood Issues

Prior to the approval of Bill 108 there were a number of Provincial housing initiatives which were implemented by the City through Official Plan, Zoning By-law or other regulatory changes. There were also a number of policy and regulation reviews initiated by the City in response to neighbourhood concerns. Below is a summary of the results of some of the reviews and the progression of changes in Official Plan policies and/or zoning regulations over time. A timeline has been provided in Appendix “C” to provide clarity.

January 1, 2012 - The Province introduced Bill 140, *Strong Communities through Affordable Housing Act 2011*, an amendment to the *Planning Act*, which introduced the term, and policies, for the first time, secondary dwelling units to the City of London.

The Province defined secondary dwelling units as: “*self-contained residential units with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings (such as above laneway garages).*” Secondary dwelling units were often referred to as secondary suites, granny flats, basement apartments, or accessory dwelling units.

The Provincial rationale for permitting secondary dwelling units was to provide residential intensification through “invisible density,” and considered them as a means of providing affordable housing, both through affordable home ownership by providing owners an opportunity to generate income to support the cost of home ownership, and as affordable rental accommodation. The intent was that this form of residential intensification would minimize land use impacts and retain neighbourhood character.

These amendments required municipalities to update their Official Plan policies and regulations related to secondary dwelling units.

November 12, 2013 - An Official Plan and Zoning By-law amendment was presented for consideration by City Council that would have permitted secondary dwelling units in the City of London. The proposed policies included provisions that required the primary unit to be owner-occupied and limited secondary dwelling units to areas outside of Near-Campus Neighbourhoods. This report noted concerns raised by individuals on the London Housing Advisory Committee (the comments were not the official position of the committee as the committee did not meet quorum during the review) and Neighbourhood Legal Services (London & Middlesex). The concerns related to the exclusion of secondary dwelling units from the Near Campus Neighbourhoods, the imposition of fees through licensing, and opportunities for incentives to promote the establishment of secondary dwelling units, specifically tied to affordable housing.

November 26, 2015 – An Official Plan and Zoning By-law amendment, similar to the amendments proposed in 2013, were considered. The proposed policies still included provisions that required the primary unit to be owner-occupied and limited secondary dwelling units to areas outside Near-Campus Neighbourhoods.

There was again concern expressed regarding the geographic restriction on secondary dwelling units within the Near-Campus Neighbourhoods. At the same time, there was a on-going City review of the Near-Campus Neighbourhoods Strategy and policies being undertaken, and the draft secondary dwelling unit policies were referred back to be considered as part of that review.

June 23, 2016 – The London Plan was adopted by City Council. It included policies for Secondary Dwelling Units that would not permit secondary dwelling units in Near-Campus Neighbourhoods, required the primary unit to be owner-occupied, required one additional parking space for the secondary dwelling unit, and limited the number of bedrooms in the secondary dwelling unit. These same policies were adopted by Council for the 1989 Official Plan.

July 18, 2016 – The Near-Campus Neighbourhoods Strategy review was completed and a report was presented to the Planning and Environment Committee. The staff recommendation, which was based on extensive community and stakeholder consultation, recommended that secondary dwelling units should be permitted within Near-Campus Neighbourhoods. This conclusion was based in part on the understanding by residents of Near-Campus Neighbourhoods that the primary unit would be required to be owner-occupied. City Council directed Civic Administration to prepare revised policies that permit secondary dwelling units in Near-Campus Neighbourhoods.

August 22, 2016 – Revised policies for secondary dwelling units were approved by City Council. These policies adopted the recommendations made through the Near-Campus Neighbourhood Strategy review. These policies made several changes to the policies adopted by Municipal Council contained in *The London Plan* submitted to the Minister in June, 2016. These changes were endorsed by Council, and forwarded to the Ministry of Municipal Affairs for consideration as *The London Plan* had been adopted by Council and was at the Ministry for approval.

These revised policies permitted secondary dwelling units in single detached, semi-detached and street townhouse dwellings. These policies included provisions that would only permit secondary dwelling units within owner-occupied dwellings, would permit secondary dwelling units in Near Campus Neighbourhoods, and would limit the number of bedrooms in a secondary dwelling unit to one bedroom.

December 28, 2016 – The Minister approved *The London Plan* with modifications. The modifications included a combination of the policies as adopted by Council in June, 2016 and the amended policies endorsed by Council in August, 2016.

The Minister made 29 modifications to the Plan as adopted by City Council on June 23, 2016. One of the modifications was to Policy 942, which relates to secondary dwelling units.

As a result of these modifications, staff met with Ministry Staff to clarify the rationale behind these changes. The Ministry noted the following:

- Ministry staff had two primary goals in their review of *The London Plan* policies:
 1. Respect the decisions of London City Council in their consideration of secondary dwelling units; and,
 2. Consistent with the Minister's direction noted above, ensure permissive Official Plan policies that would avoid onerous conditions and restrictions on the development of secondary dwelling units.
- The Ministry used the Council-adopted June, 2016 policies included in *The London Plan* as the basis for their approval.
- The Ministry also reviewed the revised policies sent by Council in August of 2016, and integrated some of these policies into their modification of the June 2016 policies.
- In doing so, the Ministry made the following changes to the June 2016 policies (Policy 942) that removed restrictions for secondary dwelling units:
 - Removed reference to the secondary dwelling unit being clearly ancillary and subordinate to the primary residential unit;
 - Removed policies that place bedroom limitations on the secondary dwelling unit and the total number of bedrooms for the secondary and primary dwelling unit (Ministry Staff had indicated that the regulations of the applicable zone can address the issue of total number of bedroom units);
 - Removed the requirement that the primary unit be owner occupied;
 - Removed the prohibition of exterior alterations in the front or exterior side yards and replaced it with language that ensures such alterations should maintain the character of the primary dwelling unit and protect neighbourhood character;
 - Removed the requirement for a parking space to accommodate a

- secondary dwelling unit; and,
- Other minor changes of a more technical nature.

The June 23, 2016 London Plan secondary dwelling unit policies (Policy 942) included a provision that did not permit secondary dwelling units within the Near-Campus Neighbourhood Area. The Ministry did not remove this provision, even though the amended policies adopted by Council in their August 2016 policy revisions had removed this provision. Ministry Staff indicated that they believed that this was reasonable, recognizing the modifications made to the secondary dwelling unit policies eliminated several other restrictions from the June 2016 policies. Ministry Staff did indicate that the Ministry would have no concerns with any future amendment if Council wished to remove this restriction relating to secondary dwelling units in the Near-Campus Neighbourhood.

As a result of modifications made to the London Plan policies by the Minister in the approval of *The London Plan*, the policies of the current 1989 Official Plan were not consistent with the policies as modified by the Minister in *The London Plan*.

January 23, 2017 and February 6, 2017 – Reports were submitted to Planning and Environment Committee outlining changes to the London Plan in the Ministers modifications. Policies were revised to remove the requirement that the primary unit would have to be owner occupied, that one parking space would have to be included and that the requirement that the secondary unit would be limited to one bedroom only would be removed.

February 14, 2017 – Council requested that civic administration report back at a future meeting with respect to the policy regulating Secondary Dwelling Units. On February 14, 2017, Municipal Council resolved that:

That the following actions be taken with respect to the Minister's modifications to the London Plan as they relate to secondary dwelling units and specifically Policy 942:

a) *the report of the Managing Director, Planning and City Planner, dated February 6, 2017 and entitled "Minister's Modifications to the London Plan Secondary Dwelling Units", BE RECEIVED; and,*

b) *the Civic Administration BE DIRECTED to make the necessary arrangements to hold a Public Participation Meeting before the Planning and Environment Committee to receive input from the public with respect to the Minister's modifications to the London Plan regarding secondary dwelling units;*

it being noted that the Planning and Environment Committee received a delegation and the ~~attached~~ communication from Mr. J. Schlemmer, Neighbourhood Legal Services with respect to this matter. (2017-D09)

In 2017 the Province introduced Bill 139 (*Building Better Communities and Conserving Watersheds Act*) which did not make any further changes to secondary dwelling unit policies in the *Planning Act*.-

July 17, 2017 – Official Plan amendments to the 1989 Official Plan, similar to the London Plan, and Zoning By-law amendments for secondary dwelling units were introduced in a report to Planning and Environment Committee. Zoning By-law regulations, similar to those introduced in 2013 and 2015, were included which addressed location, scale and the use of accessory structures.

Official Plan amendments to the 1989 Plan, similar to the London Plan, included policies relating to;

1. Permitting only one secondary unit either in the primary dwelling or accessory/ancillary building;
2. Not restricting them from the Near Campus Neighbourhood;

3. Licensing of the secondary units;
4. Gross floor area limits on the secondary dwelling unit;
5. Need to comply with existing zoning by-law regulations;
6. Exterior and interior yard restrictions;
7. No zoning by-law amendments or variances to permit parking;
8. Allow location of secondary unit in accessory building and require site plan approval; and,
9. Restrict secondary dwelling units in basements in the floodplain.

The implementing Zoning By-law regulations included;

1. A new definition for secondary dwelling units;
2. Permitting them in single detached, semi-detached and street townhouse dwellings;
3. Permitting one secondary dwelling unit per lot;
4. Not allowing them in basements;
5. Not allowing them in basements in the floodplain;
6. Allowing them in the Near Campus Neighbourhoods;
7. Only permitting accessory structures in rear yard and interior side yards;
8. A minimum gross floor area regulation of 25m²;
9. A maximum gross floor area cap of 40% of the primary dwelling unit;
10. Maximum number of bedrooms allowed;
11. Access restrictions in interior and rear yard;
12. No new driveways; and,
13. Conformity of secondary dwelling units to the Ontario Building Code.

These amendments were approved by Council on July 25, 2017 and are in place now.

June 6, 2019 – Bill 108 – *More Homes, More Choices Act, 2019* was given Royal Assent. Bill 108 changed the terminology from secondary dwelling units to additional residential units, allowed up to an additional two units and made a number of other changes to the *Planning Act* which need to be implemented through The London Plan and Zoning By-law Z-1.

This progression of changes has resulted in more as-of-right density increases in existing neighbourhoods subject to some policies and regulations to limit neighbourhood impacts.

Appendix D – Examples of Neighbourhood Concerns Raised through Previous City Reviews

The following are common public concerns identified from past reviews related to the presence of additional residential units.

Parking

Residential uses are regulated through the Zoning By-law Z.-1 parking regulations. Additional residential units may create the need to provide additional on-site parking which reduces landscaped open space and may reduce neighbourhood aesthetics. If the site cannot accommodate the necessary parking, on-street parking associated with second and third units becomes a concern. Striking a balance between providing enough on-site parking to protect against spill over onto the street and maintaining the residential character is critical.

Neighbourhood Appearance

Exterior alterations to dwellings are commonly associated with changing neighbourhood character. Additional residential units may be most accepted when they do no impact a neighbourhoods look and feel. The City of London's existing policies require that the neighbourhood character be maintained through creating no visible changes when establishing new units. This is especially important in designated Heritage Conservation Districts. The Provincial requirement that any exterior alterations address the character of the neighbourhood may address the issue.

Property Maintenance

Properties that fall into disrepair and/or where garbage is not properly stored can negatively impact the aesthetics and quality of the neighbourhood. A common belief is that dwellings with additional units are not kept up in good repair, particularly in the case where they are owned by absentee landlords. These issues are handled through the property standards by-law, and rely on active enforcement. Property standards can further be implemented through licensing requirements.

Noise

Additional residential units are often associated as sources of noise, based on the tenancy. However, complaints with respect to residential neighbour behaviours may either fall under civil disturbances or through the City's Noise by-law and enforcement department.

There are enforcement tools in place to address noise concerns, unfortunately, the issue of noisy residents is one related to individual behaviours and is not regulated through planning tools. Federal and Provincial policies don't allow municipalities to regulate the demographic of prospective tenants. Specifically, Section 35 (2) of the *Planning Act* states;

“The authority to pass a by-law under section 34, subsection 38(1) or section 41 does not include the authority to pass a by-law that has the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a building or structure or a part of a building or structure, including the occupancy or use as a single housekeeping unit.”

Property Values

Policy and regulations are not linked to property values and taxation from an administrative perspective, however, the permission of additional residential units may create a perceived impact on property values to existing and potential residents. The City is unaware of any causal relationship between increased density and declining property values.

Complaints from residents about reduced property values are the result of a view that potential home buyers will consider the form of housing and the number of persons who may be located adjacent to them and potential noise concerns when considering purchasing a dwelling. The municipality is limited to land use planning and cannot control who occupies a dwelling unit.

Property values are market driven and rely on a number of criteria that are outside of the control of planning. On site, the additional residential units may also raise the value of the property.

Safety

Providing safe housing options is a concern of the City of London and the public. Health and safety is intended to be handled using the *Ontario Building Code* and *Ontario Fire Code* and additional residential units that are to be established will be required to meet these codes. Continued compliance is expected to be achieved through the residential license renewal and the building permit processes.

Providing Services and Infrastructure

There is very little research around the impact on services created by occupants living in additional residential units, and hence the cost to support the additional density.

CMHC has undertaken studies on additional units. They have found that the addition of a second unit does not double the amount of municipal services generated by household, noting a service level increase of roughly 35-65% more than a dwelling without an additional residential unit. Further, individuals living in additional residential units would be looking for access to public transit, schools and parks. No study has been completed showing the impact of two additional residential units.

This increase creates less of a demand on existing infrastructure, and provides support for public transit. Additionally, additional residential units are typically located where existing services are in place. Additional residential units do not require the additional costs associated with extending services to new subdivisions.

Other reviews conclude that additional residential units can serve to offset population declines in some areas, and sustain neighbourhoods where the average persons per dwelling have been decreasing. As a result, the cost of infrastructure is maintaining an efficient and effective level of service for the designed and targeted population.

Occupants of Additional Residential Units

CMHC research indicates several presumptions towards occupants of additional residential units, which creates community concerns. These include ideas regarding household size, the “fit” of new residents in the community or that neighbourhood safety will be a greater issue as additional residential units are established. However, it has been found that additional residential unit occupants:

1. More than 50% of the units were occupied by one person; and,
2. Approximately 50% of the occupants were a relative or close friend of the unit owner.

By contrast, the reason owners would seek out to provide an additional residential unit varied. While primarily identified as a source of financial assistance income, other concerns relate to avoid living alone, provide a home for relatives in need of assistance (physical or financial) and as a place for a friend or relative to stay in order to provide assistance (maintenance, health care).

All of the above concerns are normally raised if change is anticipated within a neighbourhood. Any recommended London Plan amendments, Zoning By-law amendments and changes to other municipal by-laws and processes should consider them.

Overall, any policy and regulation changes should address these benefits and concerns and try to achieve a balance. As indicated above, the City is mandated to implement these Provincial changes; however, there is some latitude provided to introduce policies and/or regulations to address any concerns.

Appendix E – Other Documents Reviewed

Provincial Policy Statement (2020) (In force May 1, 2020)

The *Planning Act* (consolidated to April 2020)

Bill 108 – *More Homes, More Choices Act* (Royal Assent - June 16, 2019)

Regulation 299/19 (Published August 29, 2019)

Bill 139 – *More Homes, More Choice: Ontario’s Housing Supply Action Plan* (Royal Assent – December 12, 2017)

Adding a Second Unit in an Existing House-Ontario Building Code Information (Ontario Government)

Build or Buy a Tiny Home (Ontario Government)

London Plan (Council approved June 23, 2016, Ministry approved December 28, 2016 and consolidated to date)

1989 London Official Plan (Council approved June 19, 1989 and consolidated to date)

Zoning By-law Z-1 (Council approved July 1, 1993 and consolidated to date)

Report to London Advisory Committee on Heritage

To: Chair and Members
Planning and Environment Committee

From: Paul Yeoman
Director, Development Services

Subject: Demolition Request for Heritage Designated Property
at 120 York Street

By: Farhi Holdings Corporation

Meeting on: Wednesday August 12, 2020

Recommendation

That, on the recommendation of the Director, Development Services, with the advice of the Heritage Planner, the request to demolish the building on the heritage designated property at 120 York Street, within the Downtown Heritage Conservation District, **BE PERMITTED**, and the following actions **BE TAKEN**:

- a) That the Chief Building Official **BE ADVISED** of Municipal Council's intention in this matter; and,
- b) That the applicant **BE REQUIRED** to obtain final Site Plan Approval for the property.

Executive Summary

A request was submitted by the property owner for the demolition of the building on the heritage designated property at 120 York Street; the proposal is for an expanded surface parking lot. The property is located in the Downtown Heritage Conservation District, but the building on the property has no historical or architectural significance. Based on the review and analysis of relevant legislation and policies – along with mitigation measures aimed at enhanced landscape buffering and screening – heritage staff is satisfied that there will be minimal adverse impacts to adjacent heritage designated properties and to the urban fabric within the Downtown Heritage Conservation District.

Background

1.0 Overview

1.1 Property Location

The property at 120 York Street is located on the east side of Talbot Street, just south of King Street, at the intersection of Talbot and York Streets [Appendix A]. The subject property is square in shape (47m x 41m), and is surrounded to the north and east by an existing surface parking lot. The broader area around the subject property is surrounded predominantly by low-to-midrise commercial buildings and a bus station and CP rail lines (to the south).

Historic and architecturally significant properties are located primarily to the north along Talbot and King Streets. Properties in proximity to the subject site include 350 Talbot Street (1890, Romanesque Revival) and 347-351 Talbot Street (c1886, Italianate) which are both noted for their landmark status. However, many of the properties either adjacent or directly across Talbot and King Streets – from the subject property – are

vacant or surface parking lots, or ones that have minimal historical or architectural significance.

1.2 Cultural Heritage Status

The property at 120 York Street is designated under the *Ontario Heritage Act* (OHA) and is located within the Downtown Heritage Conservation District (HCD) since June 27, 2013. Properties within the HCD are ranked on a scale of A-D. These rankings identify the contributions of existing properties to the cultural heritage value or interest of the HCD. 120 York Street is a 'D' ranked property indicating that the property has no historical or architectural significance. 'D' ranked properties are also not covered by alteration guidelines in the HCD Plan when demolition is not resulting in replacement with a new structure.

1.3 Description

Historically, as early as the 1880s, the property – now known as 120 York Street – was comprised of (5) separate lots, containing multiple buildings and addresses. Early businesses consisted of commercial enterprises including a hotel, imports, repairs, furniture and flour and feed stores. Later businesses throughout the 1940s to 1960s were dominated by auto sales, repairs and gas stations. By the mid-1960s many of the buildings on the subject property were demolished and the property was already dominated by surface parking. The current building on the property was constructed c1980, and has housed multiple retail establishments with onsite parking provided. The building has been occupied as recently as 2017, but is presently vacant.

The building is 2-stories, L-shape in plan, with a flat roof and constructed of masonry veneer. Retail bays of vertical arches punctuate each of the street facing facades through material surface differentiation. The style of the building exhibits vernacular modernist influences translated to a commercial use and form [Appendix B].

2.0 Legislative and Policy Framework

2.1 Provincial Policy Statement

Section 2.6.1 of the *Provincial Policy Statement (PPS-2020)* directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

“Significant” is defined in the *PPS-2020* as: “resources that have been determined to have cultural heritage value or interest.” Further, “[p]rocesses and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.” (p51)

Additionally, “conserved” means: “the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained.” Pertinent to this report, note that “to conserve” may be achieved by the implementation of recommendations in a heritage impact assessment specifically through mitigative measures and/or alternative development approaches (pp41-42).

Various mitigative methods are identified in the *Ontario Heritage Tool Kit, HIAs and Conservation Plans InfoSheet#5* to minimize or avoid a negative impact on a cultural heritage resource (p4). These methods include, but are not limited to:

- Alternative development approaches
- Isolating development and site alteration from significant built and natural features and vistas
- Design guidelines that harmonize mass, setback, setting and materials
- Limiting height and density
- Allowing only compatible infill and additions

- Reversible alteration
- Buffer zones, site plan control and other planning mechanisms

2.2 Ontario Heritage Act

The *Ontario Heritage Act (OHA)* directs that no owner of a property located in a heritage conservation district – designated under Part V of the *OHA* – is permitted to demolish a building on the property unless a permit is obtained from the municipality to do so.

Pursuant to s 42(4) of the *OHA*, within 90 days after the notice of receipt is served on the applicant, Municipal Council may give the applicant:

- a) The permit applied for;
- b) Notice that Council is refusing the application for the permit; or,
- c) The permit applied for, with terms and conditions attached.

The *OHA* also requires that Municipal Council consult with its municipal heritage committee, the London Advisory Committee on Heritage (LACH), when a demolition permit application is received for a heritage designated property.

If Municipal Council fails to do any of these actions mentioned within the 90 days, Municipal Council shall be deemed to have given the applicant the permit applied for. If Municipal Council refuses the permit applied for or gives the permit with terms and conditions attached, the owner of the property may appeal to the Ontario Municipal Board within thirty days of receiving notice of Municipal Council's decision.

2.3 The London Plan

The *London Plan* establishes policies that support requirements of the *Ontario Heritage Act (OHA)* regarding demolition requests for heritage designated properties. Ultimately, an objective of the plan is “[t]o ensure that new development and public works are undertaken to enhance and be sensitive to cultural heritage resources.” (Policy 554_3)

Specifically Policy 586 and 600 require that alteration or demolition to heritage designated properties be evaluated for potential impacts and that mitigation measures be undertaken to conserve cultural heritage interest or value.

“The City shall not permit development and site alteration on adjacent lands to heritage designated properties or properties listed on the Register except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the heritage designated properties or properties listed on the Register will be conserved.” (Policy 586)

Additional relevant policies related to this application include:

- Policy 597 which directs that the alteration, erection, demolition, or removal of buildings or structures within a heritage conservation district shall be subject to the provisions of Part V of the *Ontario Heritage Act*.
- Policy 569 which encourages the retention of architectural or landscape features and the use of other interpretive techniques if it is determined that a building may be removed.
- Policy 599 which states that pursuant to the *Ontario Heritage Act*, where a property is located within a heritage conservation district and an application is submitted for its demolition or removal, a demolition permit will not be issued until City Council has indicated its approval, approval with conditions, or denial of the application.

2.4 Downtown Heritage Conservation District Plan

The *Downtown Heritage Conservation District Plan (Downtown HCD Plan)* was designated by By-law No. L.S.P.-3419-124, and came into force and effect on June 27, 2013. The *Downtown HCD Plan* provides policies and guidelines to help manage change for the approximate 370 properties located within its boundaries.

The stated purpose in Section 1.2 of the *Downtown HCD Plan* is “to establish a framework by which the heritage attributes of the Downtown can be protected, managed, and enhanced as this area continues to evolve and change over time.” Taking a change management approach can assist in ensuring that changes proposed do not have an unmitigated, adverse impact on the cultural heritage value of the Downtown HCD.

In referencing demolition, the *Downtown HCD Plan* establishes in Policy 4.6 that “[t]he goal of a heritage conservation district is to preserve and protect the heritage assets within the short term and over the long term. Demolition of buildings within a heritage district is strongly discouraged; however, it is recognized that there are situations where demolition may be necessary such as partial destruction due to fire or other catastrophic events, severe structural instability, and occasionally redevelopment that is in keeping with appropriate City policies”.

The *Ontario Heritage Act* allows municipalities to prevent demolition of heritage buildings, or establish conditions for demolition, such as the requirement for an approved site plan or a specific time frame for construction of a new building on the site. Relevant to this application are requirements for site plan approval and recommended mitigative measures to protect the cultural heritage value or interest of adjacent properties and urban fabric attributes of the District as a whole.

Note that as a “D” ranked property, 120 York Street has been determined to have no historical or architectural significance. The demolition of the existing building on the property for a surface parking lot is not subject to alteration guidelines because no new replacement structure is being proposed; as well, no heritage alteration permit (HAP) is required.

The *Downtown HCD Plan* does not contain policies prohibiting or explicitly discouraging surface parking lots in the Downtown HCD; however, there are specific guidelines that recommend screening of these areas through landscape buffering. Relevant to this report and proposed surface parking, Section 6.2.6 of the *Downtown HCD Plan* outlines heritage guidelines specifically for ‘Undeveloped Lands and Parking Lots’. The guiding principle is that parking lots and permanent parking facilities respect the heritage aspects of the District through enhanced and carefully considered landscaping and screening. This can be achieved by the following guidelines:

- New parking areas added adjacent to existing buildings should be screened through the use of landscape materials such as brick walls, shrubs and/or trees.
- Landscape materials should have the same location as the front walls of adjacent buildings.
- Enhance existing parking lots with appropriate landscape materials.
- Corner parking lots should have edges defined through appropriate landscaping or fencing.

2.5 Downtown Parking Studies

The 2015 *Downtown London Parking Study* found that: “the City does not have an immediate parking shortage or a critical need for increased parking supply; it does, however, have significant planning and development challenges that involve parking resources.” The study found the need for increased parking in the downtown was due in part to increases in downtown building activity where new development utilizes vacant lots now functioning as surface parking lots (pp iii-iv). A more recent downtown parking strategy (2017) identified that 200-300 parking spaces could be needed in the next 20-years, within high parking utilization areas in the downtown; 120 York Street is located in one of these areas. Parking ‘space’ here is not specified and can mean on-street, surface lots or parking garages. To this point, the 2015 *Parking Study* observed that “City planners report that London is nearing the point where available surface property

is fully utilized and future development will have to be ‘built up, rather than out’. This new reality has required City development standards to adjust; several measures have been undertaken to improve densities in downtown properties, and – in the context of parking, where low density surface lots represent an inefficient use of land space – efforts are being made to contain the spread of surface parking lots.” (p iv)

3.0 Proposed Project

The proposal involves removal of the existing building at 120 York Street – along with existing paving at both 120 and 126 York Street – to develop the combined properties into one surface parking lot measuring approximately 61m x 85m. According to the *Heritage Impact Assessment* (AECOM, 2019 p9), the applicant has no long-range plans for development on these properties this time. The applicant is currently seeking site plan approval for construction of the surface parking lot (City File: SPA20-023). The application includes 48 parking spaces (2 accessible) and both perimeter landscape buffering and some internal median plantings [Appendix B].

3.1 Demolition

Written notice of intent to demolish the existing building located at 120 York Street was received on February 28, 2020. Note that timelines legislated pursuant to the *Ontario Heritage Act* are currently suspended by Ontario Regulation 73/20 for the duration of the COVID-19 pandemic.^a It is anticipated that LACH will have a recommendation available to present at the September 8, 2020 meeting of the Planning & Environment Committee.

3.2 Consultation

Pursuant to Council Policy for demolition on heritage designated properties, notification of the demolition request will be sent to 1,277 residents and property owners within 120m of the subject property, as well as community stakeholders including the Architectural Conservancy Ontario – London Region, London & Middlesex Historical Society, and the Urban League. Notice will also be published in *The Londoner*. At the time of this writing, no replies have been received regarding this demolition request.

3.3 Heritage Impact Assessment

A *Heritage Impact Assessment* (HIA prepared by AECOM, dated October 2019) accompanied the demolition request [Appendix C]. The primary purpose of this HIA has been to assess the impacts of the proposed demolition and extended parking lot on the cultural heritage value and attributes of the Downtown as identified in the *Downtown HCD Plan* (particularly within the area of the subject property), and to make recommendations to mitigate any adverse impact that may arise. Conclusions of the HIA state that: “the subject property was determined to have no cultural heritage value, however, properties to the north, east, and west of the property are identified to have cultural heritage significance.” (p i) Recommendations focus almost exclusively on the potential impacts of demolition on surrounding heritage buildings most impacted, particularly 350 Talbot, 123 and 124-127 King Street:

“... the primary recommendation of this report [is] that prior to commencement of site preparation construction and demolition activities, that measures be implemented in accordance with established principles such as *The Standards and Guidelines for the Conservation of Historic Places in Canada* and the City of London policy and by-laws, to protect surrounding heritage properties from

^a Note that ordinarily Municipal Council must respond to a notice of intent to demolish a heritage designated property within 90-days, or the request is deemed consented. During this 90-day period, the London Advisory Committee on Heritage (LACH) would be consulted and, pursuant to Council Policy, a public participation meeting would be held at the Planning and Environment Committee.

construction/demolition activity and any vibrations that may result from that. A site plan control application [should] be submitted to the satisfaction of the City to obtain approval for the layout of the proposed surface parking lot of the subject site. (p15)

4.0 Analysis

Demolition of buildings on properties in the Downtown Heritage Conservation District – as well as the development or expansion of surface parking lots – is discouraged. However, based on the ranking afforded the building on the property at 120 York Street, the building has no heritage significance, therefore demolition of the building does not result in a loss of an identified cultural heritage resource. Zoning is also in place for the requested use as an accessory parking lot. Moreover, downtown parking studies have concluded there is a need for a modest number of future parking spaces (particularly in the area surrounding 120 York Street) due to the loss of surface parking lots from anticipated increases in high-rise, infill development in the Downtown.

Mitigation is an important component of any demolition activity involving cultural heritage resources. The HIA submitted with the demolition request recommends strategies to mitigate against potential damage (e.g. vibration, flyout of construction debris, structural compromise), particularly to 350 Talbot, 123 and 124-127 King Street. However, strategies such as vibration monitoring, pre- and post-structural assessments and construction buffering are deemed excessive in this situation, given that the building at 120 York Street is currently freestanding, in the middle of a parking lot, and is not adjacent to any other structure. Upon further consideration, the above forms of mitigation measures are not being required for this demolition (above demolition contractor requirements). If this application was resulting in the construction of a new tower, there would be more concern with regards to potential impacts due to excavation vibration and the construction of footings.

Mitigation can also take the form of enhanced design that makes new development more compatible with the surrounding heritage context. In this instance, the overall quality in and around 120 York Street lacks cohesion in the urban fabric due primarily to the predominance of surface parking, vacant lots and some inconsistencies in how buildings address the street wall. The extension of the parking lot at 120 York Street, and the fact that it is a corner property, simply exacerbates this condition. Mitigation through enhanced design is a crucial component of Site Plan Approval for this application to newly pave the entirety of the property. Guidelines in Section 6.2.6 – Undeveloped Lands and Parking Lots – provide clear direction, and should be implemented to ensure compliance with the *Downtown HCD Plan*. As/per these guidelines, the surface parking lot design can achieve compliance by defining the street edges of the parking lot (particularly at the corner) with substantial plantings, including shrubs and trees, along with landscape buffering and screening that are considered through Site Plan Control Approval.

Conclusion

Demolition of buildings within a heritage district is strongly discouraged and indeed seems to run contrary to the intent of “heritage conservation.” However, each demolition request within any of London’s heritage conservation districts is considered on a case-by-case basis. In some situations, the removal of fragments within the urban fabric may be allowed for limited circumstances. In this instance, the building on the subject property is not considered to have historical or architectural significance, and does not significantly contribute to the heritage character of the District.

Based on the review and analysis of relevant legislation and policies along with the implementation of enhanced landscape design, heritage staff is satisfied that there will be minimal adverse impacts to adjacent heritage designated properties and to the urban fabric within the Downtown Heritage Conservation District as a result of the requested demolition and proposed expanded surface parking lot.

Prepared by:	Laura E. Dent, M.Arch, PhD, MCIP, RPP Heritage Planner
Submitted by:	Michael Pease, MCIP, RPP Manager, Development Planning
Recommended by:	Paul Yeoman Director, Development Services
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 and Development Services.	

July 31, 2020
LED/

\\cfile1\pdda\$\Shared\DEVELOPMENT SERVICES\8 - Site Plans\2020\Applications\York Street 120 (MS)\Working Folder\LACH\2020-08-12_LACH Demolition Request 120 York St\FNL.docx

- Appendix A Maps
- Appendix B Images
- Appendix C Heritage Impact Assessment (AECOM, Oct 2019)

Sources

- AECOM. 2019, October. *Heritage impact assessment, 120 York Street, London, Ontario.*
- Corporation of the City of London. n.d. Property files: 120 York Street.
- Corporation of the City of London. (2019, Jul 2). *City of London register of cultural heritage resources.* London, ON: Author.
- Corporation of the City of London. (2017, December). *Downtown parking strategy, City of London.* London, ON: Author.
- Corporation of the City of London. (2016, consolidated 2019, Nov 13). *The London plan.* London, ON: Author.
- Corporation of the City of London. (2015, April). *Downtown London parking study, 2014 update.* London, ON: Author.
- Corporation of the City of London. (2012, March). *Downtown London heritage conservation district plan.* London, ON: Author.
- Corporation of the City of London. *Zoning By-law No.Z.-1 (Section 34).* London, ON: Author.
- Goad, C. E. (1881 rev. 1888). *Insurance plan of the City of London, Ontario, Canada.* Montreal, PQ: Charles E. Goad Co. (Sheet 7). Retrieved from

https://www.lib.uwo.ca/madgic/projects/fips/london_fip_1888/07.html

Goad, C. E. (1892 rev. 1907). *Insurance plan of the City of London, Ontario, Canada*. Montreal, PQ: Charles E. Goad Co. (Sheet 29). Retrieved from

https://www.lib.uwo.ca/madgic/projects/fips/london_fip_1907/index.html

Goad, C. E. (1912 rev. 1915). *Insurance plan of the City of London, Ontario, Canada*. Montreal, PQ: Charles E. Goad Co. (Sheet 29); Retrieved from

https://www.lib.uwo.ca/madgic/projects/fips/london_fip_1915/29.html

Ontario Ministry of Culture. (2006). *Heritage resources in the land use planning process, information sheet series*. "InfoSheet #5, Heritage impact assessments and conservation plans." Ontario: Queen's Printer for Ontario.

Ministry of Municipal Affairs and Housing. (2020). *Provincial policy statement, 2020*. Ontario: Queen's Printer for Ontario.

Underwriters' Survey Bureau Ltd. (1912 rev. 1922). *Insurance plan of the City of London, Ontario, Canada*. Toronto, Montreal: Author. (Sheet 29); Retrieved from

https://www.lib.uwo.ca/madgic/projects/fips/london_fip_1922/29.html

Western Libraries, London Air Photo Collection, 1922-1968 scans and geo-referenced imagery

1967 (1:12,000), Available Online.

1965 (1:12,000), Available Online.

1955 (1:15,700), Available Online.

1950 (1:12,000), Available Online.

1942 (1:12,000), Available Online.

Appendix A – Maps

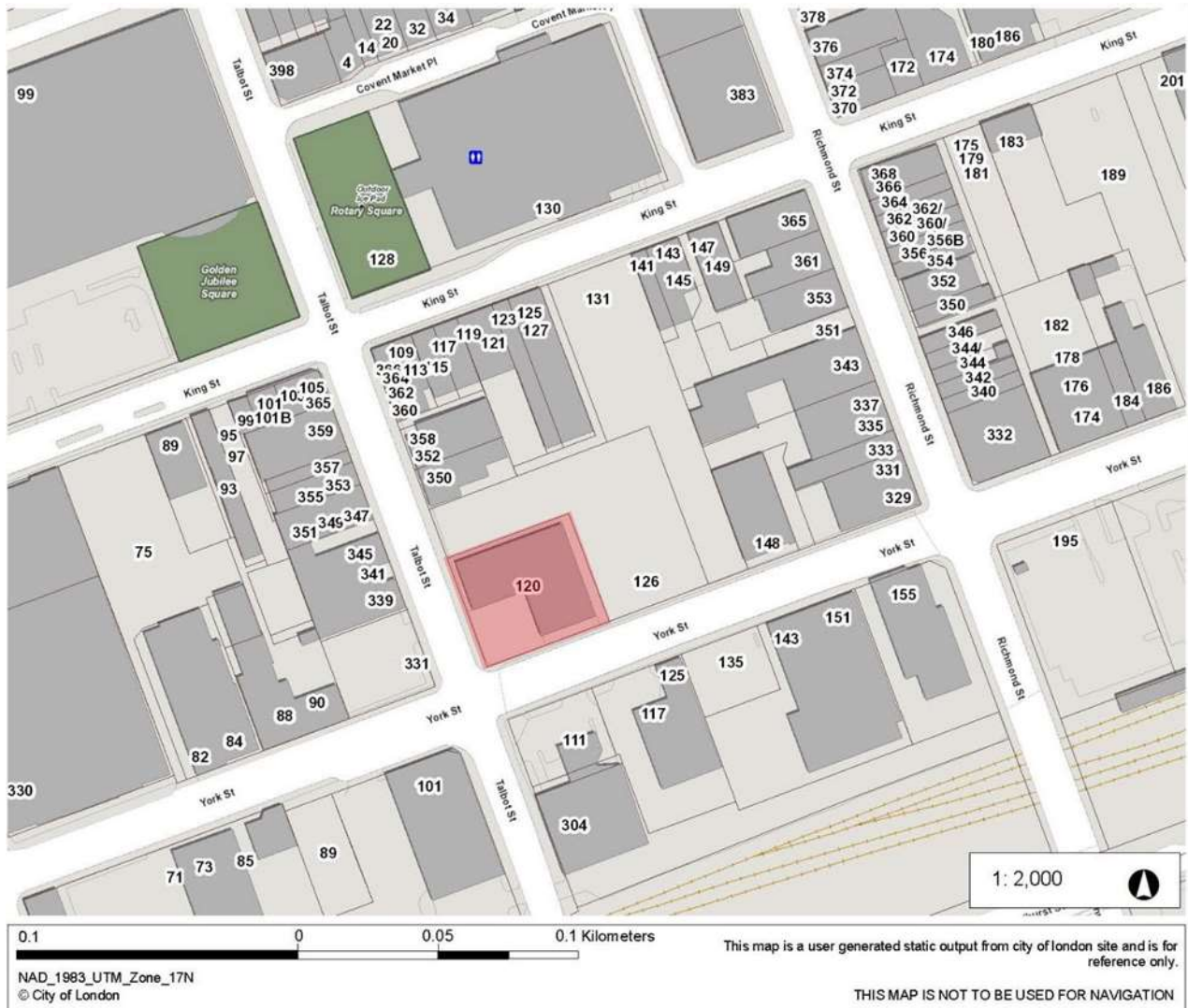


Figure 1: Property location of 120 York Street – intersection of Talbot and York Streets



Figure 2: Aerial image of property located at 120 York Street and surrounds

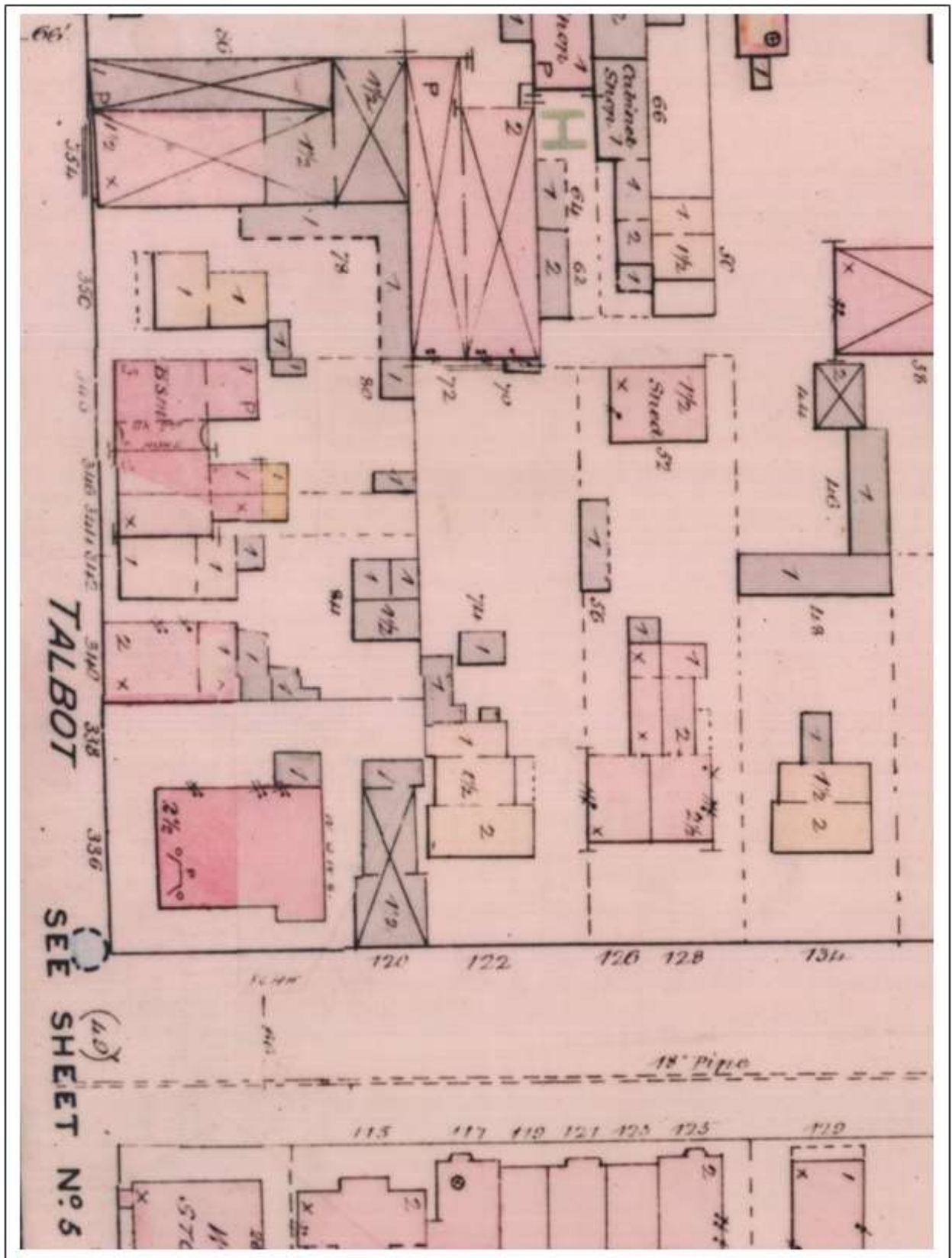


Figure 3: Collection of properties in 1881/rev1888 currently comprising 120 York Street

Appendix B – Images



Image 1: North east view of existing building and parking on the property as seen from intersection of Talbot and York Streets (2019-02-14)



Image 2: Detail of Talbot Street façade of building on the property, view facing east (2019-03-13)

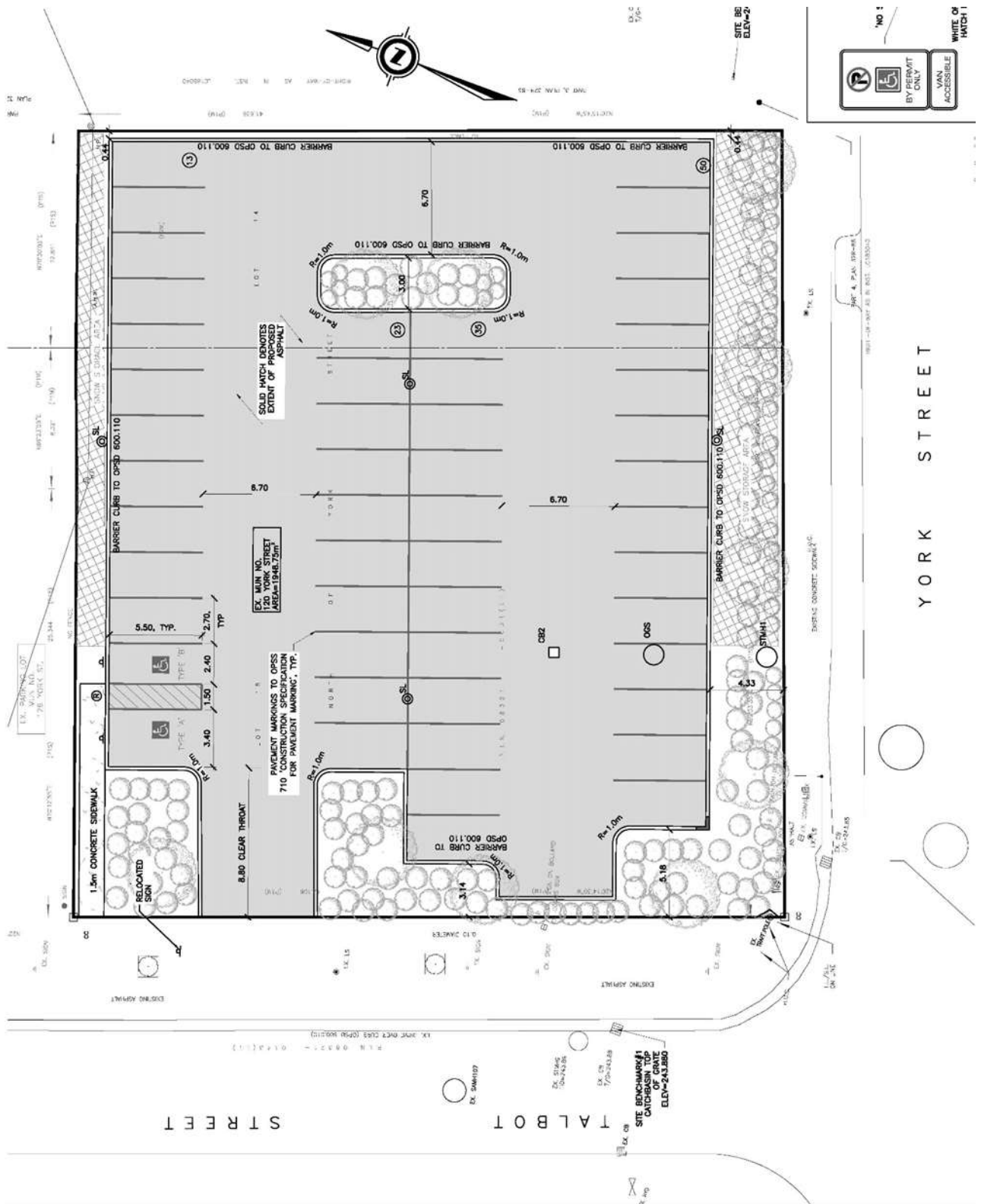


Image 3: Site plan of proposal indicating parking layout and landscaping (stamped 2020-03-13).

Farhi Holdings Corporation

**Heritage Impact Assessment
120 York Street
City of London, Ontario**

Prepared by:

AECOM

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

519 673 0510 tel
519 673 5975 fax

October 2019

Project Number: 60614409

Statement of Qualifications and Limitations

The attached Report (the "Report") has been prepared by AECOM Canada Ltd. ("AECOM") for the benefit of the Client ("Client") in accordance with the agreement between AECOM and Client, including the scope of work detailed therein (the "Agreement").

The information, data, recommendations and conclusions contained in the Report (collectively, the "Information"):

- is subject to the scope, schedule, and other constraints and limitations in the Agreement and the qualifications contained in the Report (the "Limitations");
- represents AECOM's professional judgement in light of the Limitations and industry standards for the preparation of similar reports;
- may be based on information provided to AECOM which has not been independently verified;
- has not been updated since the date of issuance of the Report and its accuracy is limited to the time period and circumstances in which it was collected, processed, made or issued;
- must be read as a whole and sections thereof should not be read out of such context;
- was prepared for the specific purposes described in the Report and the Agreement; and
- in the case of subsurface, environmental or geotechnical conditions, may be based on limited testing and on the assumption that such conditions are uniform and not variable either geographically or over time.

AECOM shall be entitled to rely upon the accuracy and completeness of information that was provided to it and has no obligation to update such information. AECOM accepts no responsibility for any events or circumstances that may have occurred since the date on which the Report was prepared and, in the case of subsurface, environmental or geotechnical conditions, is not responsible for any variability in such conditions, geographically or over time.

AECOM agrees that the Report represents its professional judgement as described above and that the Information has been prepared for the specific purpose and use described in the Report and the Agreement, but AECOM makes no other representations, or any guarantees or warranties whatsoever, whether express or implied, with respect to the Report, the Information or any part thereof.

Without in any way limiting the generality of the foregoing, any estimates or opinions regarding probable construction costs or construction schedule provided by AECOM represent AECOM's professional judgement in light of its experience and the knowledge and information available to it at the time of preparation. Since AECOM has no control over market or economic conditions, prices for construction labour, equipment or materials or bidding procedures, AECOM, its directors, officers and employees are not able to, nor do they, make any representations, warranties or guarantees whatsoever, whether express or implied, with respect to such estimates or opinions, or their variance from actual construction costs or schedules, and accept no responsibility for any loss or damage arising therefrom or in any way related thereto. Persons relying on such estimates or opinions do so at their own risk.

Except (1) as agreed to in writing by AECOM and Client; (2) as required by-law; or (3) to the extent used by governmental reviewing agencies for the purpose of obtaining permits or approvals, the Report and the Information may be used and relied upon only by Client.

AECOM accepts no responsibility, and denies any liability whatsoever, to parties other than Client who may obtain access to the Report or the Information for any injury, loss or damage suffered by such parties arising from their use of, reliance upon, or decisions or actions based on the Report or any of the Information ("improper use of the Report"), except to the extent those parties have obtained the prior written consent of AECOM to use and rely upon the Report and the Information. Any injury, loss or damages arising from improper use of the Report shall be borne by the party making such use.

This Statement of Qualifications and Limitations is attached to and forms part of the Report and any use of the Report is subject to the terms hereof.

AECOM: 2015-04-13
© 2009-2015 AECOM Canada Ltd. All Rights Reserved.

Signatures

Report Prepared By:



Michael Seaman, MCIP, RPP, CAHP, CMA
Senior Cultural Heritage Specialist

Report Reviewed By:



Adria Grant, MA, CAHP
Department Manager
Impact, Assessment and Permitting

Revision History

Revision #	Date	Revised By:	Revision Description
	October 31, 2019	CHS	
	November 15, 2019	CHS	

Executive Summary

AECOM Canada Ltd. (AECOM) was retained by Farhi Holdings Corp. to conduct a Heritage Impact Assessment (HIA) for a proposed demolition of a building located at 120 York Street in the City of London, located on the Northeast corner of York and Talbot Streets. The project involves taking down the existing building, removal of materials and rendering the surface clean and safe. The site is proposed as a surface parking lot. An application for site plan control is to be submitted to the City of London which articulates the layout of the aforementioned parking lot.

The project is located at 120 York Street and demolition activity is anticipated to take place within the London Downtown Heritage Conservation District (HCD) and adjacent to the property 350 Talbot Street, which is also designated under Part IV of the Ontario Heritage Act. (By-law L.S.P. 2961-304). As a result, this HIA is required to ensure that the heritage attributes identified in the Statement of Cultural Heritage Value or Interest for the property are not impacted by the proposed work. All properties within the HCD are designated under Part V of the Ontario Heritage Act. The following adjacent properties are identified as having significance (Categories A, B and C) within the District Plan: 123 King Street, 343 Richmond Street, and 124-127 King Street and 347-345 Talbot Street.

Given the proximity of the proposed demolition activity to historic buildings and heritage properties, there is potential for the project to result in vibration impacts. In order to mitigate vibration impacts on the heritage buildings most impacted (350 Talbot Street, 124-127 King Street and 123 King Street) building surveys and vibration monitoring should be undertaken for the properties identified within this report. The heritage attributes described within the designation by-law for 350 Talbot Street should be monitored continuously throughout construction to ensure that impacts do not take place during the construction phase of the project.

Table of Contents

	page
1. Introduction	1
1.1 Study Purpose	1
1.2 Study Method.....	1
2. Policy and Planning Framework.....	2
2.1 Planning Act and Provincial Policy Statement	2
2.2 Ontario Heritage Act	2
2.3 City of London Policies	2
2.3.1 The London Plan.....	2
2.3.2 Inventory/Register	3
2.3.3 Downtown Heritage Conservation District	3
3. Historical Context / Cultural Heritage Value	4
3.1 Downtown/York Street Contextual History	4
3.2 120 York Street.....	5
3.3 350 Talbot Street	5
3.3.1 Description of Historic Place.....	5
3.3.2 Heritage Value	6
3.3.3 Character Defining Elements.....	6
3.4 Downtown Heritage Conservation District.....	6
4. Description of Site	9
4.1 Study Area Description	9
5. Proposed Undertaking.....	9
5.1 Project Description.....	9
6. Potential Impacts and Mitigation	10
6.1 Potential Impacts	10
6.1.1 Construction/Demolition Related Impacts	11
6.2 Potential Mitigation	11
7. Implementation and Monitoring.....	13
7.1 Mitigation Strategies	13
8. Recommendations	15
9. Closure.....	16
10. Bibliography	17
11. Figures	19

12. Images24

13. Resumes31

List of Figures

Figure 1: Site Location 20

Figure 2: Study Area 21

Figure 3: Location of 120 York Street within the Downtown Heritage Conservation District Plan 22

Figure 4: Draft Proposal by Farhi Holdings for a Surface Parking Lot for 120 York Street 23

List of Tables

Table 1: Properties Adjacent to the Subject Property 7

Table 2: Potential direct impacts and their relevance to the project 10

Table 3: Potential indirect impacts and their relevance to the project 10

Table 4: Potential Impacts and Mitigation Measures 12

Table 5: Schedule for mitigative, avoidance or monitoring measures 14

1. Introduction

1.1 Study Purpose

AECOM Canada Ltd. (AECOM) was retained by Farhi Holdings Corp. to conduct a Heritage Impact Assessment (HIA) for a proposed demolition of a building located at 120 York Street in the City of London, located on the Northeast corner of York and Talbot Streets. The project involves taking down the existing building, removal of materials and rendering the surface clean and safe. Farhi Holdings is proposing to develop the site as a surface parking lot. The building demolition will accommodate the use. No long-range plans for the site have been developed at this time.

The project is located at 120 York Street and demolition activity is anticipated to take place within the London Downtown Heritage Conservation District (HCD) and adjacent to the property 350 Talbot Street, which is also designated under Part IV of the Ontario Heritage Act. (By-law L.S.P. 2961-304). As a result, this HIA is required to ensure that the heritage attributes identified in the Statement of Cultural Heritage Value or Interest for the property are not impacted by the proposed work. All properties within the HCD are designated under Part V of the Ontario Heritage Act. The following adjacent properties are identified as having significance (Categories A, B and C) within the District Plan: 123 King Street, 343 Richmond Street, and 124-127 King Street and 347-345 Talbot Street.

1.2 Study Method

The City of London does not have a specified Terms of Reference for the preparation of HIAs. As a result, the general tasks and processes identified in relevant Ministry of Tourism, Culture, and Sport (MTCS), and Provincial Policy Statement (PPS) guidance documents have been utilized in the preparation of this report.

This HIA was prepared according to the guidelines set out in the MTCS *Heritage Resources in the Land Use Planning Process* document included as a part of the *Ontario Heritage Toolkit*. For the purposes of this report, AECOM undertook the following tasks:

- 1) Review of appropriate legislative and planning framework;
- 2) Preparation of a historical context overview for the project area, including a review of the Heritage Conservation District;
- 3) A site investigation, undertaken on September 20, 2019, to document the existing conditions of the properties and their heritage attributes;
- 4) Identification and description of the proposed undertaking;
- 5) Assessment of impacts to identified cultural heritage value and heritage attributes;
- 6) Identification of potential mitigation strategies and preparation of recommendations to ensure the conservation of identified cultural heritage value.

2. Policy and Planning Framework

2.1 Planning Act and Provincial Policy Statement

The *Planning Act* (1990) and the associated *Provincial Policy Statement* (2014) provide a legislative framework for land use planning in Ontario. Both documents identify matters of provincial interest, which include the conservation of significant features of architectural, cultural, historical, archaeological, or scientific interest. The *Planning Act* requires that all decisions affecting land use planning matters “shall be consistent with” the Provincial Policy Statement (PPS). In general, the PPS recognizes that Ontario’s long-term prosperity, environmental health, and social well-being depend on protecting natural heritage, water, agricultural, mineral, cultural heritage, and archaeological resources for their economic, environmental, and social benefits.

Section 2 of the *Planning Act* makes a series of provisions regarding cultural heritage. Section 2 of the *Planning Act* identifies various provincial interests that must be considered by the relevant authorities during the planning process. Specific to cultural heritage, Subsection 2(d) of the *Planning Act* states that, “The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matter of provincial interest such as...the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.”

As one of 18 interests to be considered, cultural heritage resources are to be considered within the framework of varying provincial interests throughout the land use planning process.

Pursuant to Section 3 of the *Planning Act* the PPS 2014, Policy 2.6.1 states, “*Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*”

2.2 Ontario Heritage Act

The *Ontario Heritage Act* enables municipalities and the province to designate individual properties and/or districts as being of cultural heritage value or interest. The province or municipality may also “list” a property, or include a property on a municipal register, that has not been designated but is believed to be of cultural heritage value or interest. *Ontario Regulation 9/06, Criteria for Determining Cultural Heritage Value or Interest* (O. Reg. 9/06) under the *Ontario Heritage Act* provides criteria for determining cultural heritage value or interest. If a property meets one or more of the following criteria it may be designated under Section 29 of the *Ontario Heritage Act*.

2.3 City of London Policies

2.3.1 The London Plan

The *London Plan* is the City’s new Official Plan. The *London Plan* sets out a new approach for planning in London which emphasizes growing inward and upward, so that the City can reduce the costs of growth, create walkable communities, revitalize urban neighbourhoods and business areas, protect farmlands, and reduce greenhouse gases and energy consumption. The plan sets out to conserve the City’s cultural heritage and protect environmental areas, hazard lands, and natural resources. The plan has been approved by the Ontario Ministry of Municipal Affairs.

Specifically related to heritage conservation, the *London Plan* outlines a number of policies related to the conservation of cultural heritage resources within the city. The General Cultural Heritage Policies related to Design note:

New development, redevelopment, and all civic works and projects on and adjacent to heritage designated properties and properties listed on the Register will be designed to protect the heritage attributes and character of those resources, to minimize visual and physical impact on these resources. A heritage impact assessment will be required for new development on and adjacent to heritage designated properties and properties listed on the Register to assess potential impacts and explore alternative development approaches and mitigation measures to address any impact to the cultural heritage resource and its heritage attributes.

2.3.2 Inventory/Register

The City of London's *Inventory of Heritage Resources (the Register)* (2006) was adopted as the Register pursuant to Section 27 of the *Ontario Heritage Act* by Municipal Council on March 26, 2007. It includes information related to the listing of properties in London of recognized or potential cultural heritage value or interest. The *Inventory (the Register)* includes a priority level system for identifying properties of greater priority and/or significance for heritage recognition. In addition, properties designated under the *Ontario Heritage Act* are maintained on the City's *Inventory (the Register)*. The *Inventory (Register)* is a living document subject to changes and approvals by Council, advised by the London Advisory Committee on Heritage (LACH).

2.3.3 Downtown Heritage Conservation District

Heritage Conservation Districts are designated under Part V of the *Ontario Heritage Act* for the purpose of conserving cultural heritage values. The emphasis in a Heritage Conservation District is on the collective character of the overall area, as defined by its historic context, architecture, streets, landscape and other physical and visual features. HCDs are established to facilitate the preservation of a defined area with the intent of retaining critical functional and visual attributes that convey or have a historical relationship to the area in which they are situated. This includes buildings, natural and cultural landscapes, streetscapes, hardscape elements, and other features that contribute to an area's recognizable character.¹

The property at 120 York Street is located within the boundaries of the Downtown Heritage Conservation District. The buildings which comprise the Downtown HCD each relate to one of five stages through which the Downtown evolved from its founding to the recent past. In the nineteenth and twentieth centuries the Downtown was the region's commercial, industrial, and service centre. There are approximately 400 properties in the Downtown HCD. The Downtown HCD prepared by Stantec, in association with SJMA Architecture Inc., Michael Baker, and Sylvia Behr in March 2012, and was adopted by Municipal Council on April 11, 2012, and designated under Part V of the *Ontario Heritage Act* on June 18, 2013.

¹ *Downtown London Heritage Conservation District Plan, 1.3.*

3. Historical Context / Cultural Heritage Value

3.1 Downtown/York Street Contextual History

The historical overview and context have been developed based primarily on the research and historical context overview developed for the purposes of the Downtown Heritage Conservation District Study. Given the relatively small extent of the study area, and the downtown focus of this HIA, the HCD Study was relied upon for its historical information and understanding of the development of this portion of York Street within its larger downtown context. The key historical periods described in the HCD Study have been summarized below with attention to key developments of buildings located along York Street.

The original town plot for London was laid out in 1826, and over time, the town plot and the surrounding downtown core have become a densely built-up area containing structures and streetscapes that date to the 1840s. The continuous redevelopment of the downtown core has resulted in a variety of building types and uses from every period of the core's development. Many of the surviving buildings and properties within the downtown core represent industrial, wholesaling, retailing, and financial firms that have been important in the development of the City of London, and the broader region. Specific to York Street, the north and south sides of the street within the study area contain a mix of nineteenth and twentieth century commercial, industrial, and institutional uses.²

A series of key developments in the mid-nineteenth century took place within the downtown core that had a lasting impact on the use and orientation of downtown. In addition to the establishment of a market, and the construction of a new town/city hall, the construction of the Great Western Railway station on York Street at Richmond Street played a role in drawing activity towards Richmond Street. In the latter half of the nineteenth century, several factories and tanneries that were previously located along the main downtown core roads began to be built along York Street. Along with the presence of the railway station on York Street, wholesalers and warehouses also began to be built within the vicinity of York Street and resulted in several wholesale blocks between the late-nineteenth century and the early-twentieth century.³

In the first half of the twentieth century, the most significant impact on the development and landscape of the downtown core resulted from the emergence and increased usage of the automobile. Once automobiles became increasingly available, the emergence of service stations in the downtown core, as well as the need for parking facilities – both surface parking lots and parking garages – began to result in changes to the downtown landscape.⁴

In the second half of the twentieth century, the movement of industrial and wholesaling businesses out of the downtown core played a role in the transitioning-built form and landscape downtown, including on York Street. With industrial and wholesale businesses moving out of the core, the emergence of large retail centres and parking facilities was possible. This included the construction of Wellington Square, which at the time was the country's first downtown indoor mall. Its construction resulted in the removal of various industrial structures in the core, including the Lawson and Jones printing and lithographing business on Clarence Street.⁵

² *Downtown Heritage Conservation District Study, 2.0.*

³ *Ibid.* 2.8-2.9

⁴ *Ibid.* 2.10-2.12.

⁵ *Ibid.* 2.13-2.14

3.2 120 York Street

Although building on the subject property currently has the municipal address of 120 York Street, the property on which it is situated was historically multiple properties with individual municipal addresses. A review of city directories indicates that the property was occupied primarily by a variety of residential and commercial structures during the nineteenth and twentieth centuries. The 1881, Revised 1888 *Fire Insurance Plan of the City of London* shows that the property was occupied by three buildings; the most prominent of these was a large two-and-a-half storey brick structure on the Talbot Street Corner. City directories indicate that this building was McGill's Hotel, with the municipal address of 333 Talbot Street. Other buildings indicated on this Fire Insurance Plan are a one-and-a-half storey stone structure at 120 York Street, and a two-storey frame house at 122 York Street.

From the 1940s onwards, land use shifted towards automotive-related businesses. Central Tire and Battery used a two-storey brick building at 120 York Street as a used car sales office, with a small gas station in front. City Directories also indicate that there were at least two residential apartments on the property as well. By the 1950s, the property was listed in directories as the TV Auto Plaza, and Talbot Auto Specialties. In the early 1960s a Shell gas station was constructed on the Talbot Street corner, and the building at 120 was occupied by a distribution company. The gas station did not survive long however, disappearing from directories by 1966. For the duration of the 1960s, the property was occupied by a car dealership under various names. Beginning in the 1970 directory, all properties between Talbot Street and 126 York Street are listed as "vacant". This continues through 1973, and it is assumed that all buildings remaining on this block were demolished at that time. In the 1973 Directory, the property was being used as a parking lot.

The present structure was erected on the property circa 1975-76; the 1975 City Directory identifies a 'new building under construction' at this location. The first two tenants of the building are identified in the 1977 Directory; Print Three Incorporated, and Financeamerica Realty Limited. During the 1980s, the building had as many as ten tenants at one time, including a variety store, a Purolator Courier office, computer software store, and a billiard parlour. The building continued to be occupied as recently as 2017, however is currently vacant.

3.3 350 Talbot Street

The project is located at 120 York Street and demolition activity is anticipated to take place within the London Downtown Heritage Conservation District (HCD) and adjacent to the property 350 Talbot Street, known at various times as the Massey-Harris Co. Sales and Showroom and Ann McColl's Kitchen Shop, which is also designated under Part IV of the Ontario Heritage Act. (By-law L.S.P. 2961-304). As a result, this HIA is required to ensure that the heritage attributes identified in the Statement of Cultural Heritage Value or Interest for the property are not impacted by the proposed work. As a designated property, 350 Talbot Street is identified on the Canadian Register of Historic Places:

3.3.1 Description of Historic Place

350 Talbot Street is situated on the east side of Talbot Street between York and King Streets, south of Covent Garden Market, in the City of London. The property consists of a three-story white brick commercial building that was constructed in 1890.

The property was designated by the City of London in 1987 for its historic and architectural value under Part IV of the Ontario Heritage Act (By-law L.S.P. 2961-304).

3.3.2 Heritage Value

350 Talbot Street is an historic structure in a redeveloped section of a commercial streetscape in downtown London. It provides a visual reminder of the late nineteenth century commercial activity in this area.

Built in 1890, 350 Talbot Street is associated with the Massey-Harris Co. Ltd., a Canadian manufacturer of agricultural implements. The building was erected in 1890 as a showroom and repair shop for Massey-Harris Co. Ltd. and continued in this function until 1950. Some Londoners recall tractors being brought into the rear area of the building for repair.

Constructed in 1890, 350 Talbot Street is a good representation of Romanesque Revival commercial architecture. This style provides an overall impression of strength and solidity with the rusticated stone-block base and stone coursing on the building facade. Large arched window openings and a vehicular archway on the first storey are also typical of Romanesque design. Principal design features of the interior of 350 Talbot Street include exposed posts and beams and freight doors, recalling its original function as a showroom and repair shop.

Source: City of London By-law L.S.P. 2961-304.

3.3.3 Character Defining Elements

Character defining elements that reflect the heritage value of 350 Talbot Street include its:

- sliding freight doors from the covered passageway
- steel hoist beam
- rear sliding doors to the former repair shop area
- covered arched vehicle passageway
- three storey rusticated stone base
- flat roof
- white brick facade
- arched window openings on first storey
- arched passageway
- pedestrian entranceway with decorative wooden pilasters
- brick pilasters on second and third storeys
- arched window openings on the second and third-storeys
- paired windows on the second and third storeys
- cut stone coursing on the upper-storey windows
- brick dentils and brick cornice at the roof line
- location on Talbot Street in a commercial district

3.4 Downtown Heritage Conservation District

The Downtown Heritage Conservation District was adopted by Municipal Council in 2012 and designated under Part V of the Ontario Heritage Act in 2013. The subject property is included within the HCD.

As a part of the HCD Plan and Study, the individual properties that comprise the HCD, as well as their streetscape and landscape characters were categorized and organized into a "Downtown London HCD Matrix" to classify each property. The individual properties were classified under the following three categories:

- Assignment – classification of the building by its age and/or proximity to other heritage buildings;
- Rank – the evaluation of a building's heritage importance and attributes classified as either priority A, B, or C; and,
- Landscape – a building or site's relevance to the adjoining streetscape and historical land uses

The Subject property was formed part of Block 30 is included in the classification table identified below:

Address	Assignment	Description	Ranking	Character-Defining Elements	Landscapes
120 York Street	H	Commercial, c. 1980	D		iii

Properties adjacent to the subject property which were considered with respect to potential impacts from the proposed demolition of 120 York Street are included in the table identified below:

Table 1: Properties Adjacent to the Subject Property

Address	Assignment	Description	Ranking	Character-Defining Elements	Landscapes
350 Talbot Street	H	Massey-Harris Dealership, 1890	A	Unpainted brick with replacement windows in original openings; ground floor elements include window and door openings; unpainted stone sills with one replacement in reinforce concrete; woodwork, windows and door in original entry; Massey-Harris painted on top of north elevation; carriageway;	ii.
127 King Street	H	Keene Furniture, c.1914	C		ii
125 King Street	H	Keene Furniture, c.1914	C	Painted two story; new windows upper story not in original location; decorative tine cornice with end blocks;	ii
123 King Street	H	Commercial	B	2 story painted brick with replacement windows in original openings;	ii
339 Talbot Street	H	Commercial, c.1980	D		li
347 Talbot Street	H	Commercial, 1885	A	Bichromatic cleaned brick with replacement windows in original openings;	ii
111 York Street	H	Tim Hortons	D		iii.
101 York Street	H	Greyhound	D		iii.
148 York Street	H	Commercial, 1980	D		iii.
343 Richmond Street	H	Waterloo Building, 1980	A	Four-story cleaned red brick with tin cornice; replacement windows in original openings; most entryways original; main entryway double doors and gold lettering (343) in transom; ii	ii
117 York Street	H	Bell, c. 1980	D		iii

- H (Historic) – Structure built within the critical period between the 1830s – 1980s as defined during the Downtown London HCD Study (January 2011). The building’s architectural character is derived from a number of elements which may include: materials, window design and pattern; store fronts and upper facades; signage; and/or roof type. It may also be associated with other historical attributes such as architect, owners, use. Its importance as part of the streetscape and the District as a whole is reflected in its ranking. It is imperative that buildings with an H assignment are recognized as falling under the most stringent guidelines of this document based on the associated ranking.

H – HISTORIC		I – INFILL	N – NON-HERITAGE
A*	All elements to be retained. (Section 6.1.1 – 6.1.3)		
B*	Elements should be replicated using traditional materials. (Section 6.1.1 – 6.1.5)		
C	Restorations should be considered using traditional materials. (Section 6.1.5)	New construction guidelines. (Section 6.1.4)	New construction guidelines. (Section 6.1.4)
D	Demolition/replacement subject to guidelines for new development only.	New construction guidelines. (Section 6.1.4)	New construction guidelines. (Section 6.1.4)

* Heritage Alteration Permit required

- Landscape:
This classification will have limited impact on most property owners as it deals with the streetscapes and open spaces within the District. Primarily, it will define guidelines and considerations when embarking upon a site redevelopment and the interface with the adjacent public right-of-way. It will establish the type of streetscape that one would expect to see existing and preserved in front of their respective properties.

i – Residential landscape pattern defined by the plots which were originally laid out to accommodate residential and associated buildings with setbacks from the front and side lot lines, creating a landscape prominence to the street. (Section 6.2.1)

ii – Commercial landscape pattern defined by the development of lots built out to the front and side lot lines thereby creating a continuous street wall with the rhythm of recessed entrances and storefronts that foster interest at street level.

iii – Industrial/Warehouse landscape pattern defined by wider street profiles and a greater expanse between opposing structures thus emphasizing vehicular traffic over pedestrian movements.

iv – Institutional and Public Realm landscape is a composite of several parks, plazas, gardens, green spaces and public gathering areas that have evolved in London’s downtown over time and are important to its character.

4. Description of Site

4.1 Study Area Description

York Street, between Talbot Street and Clarence Street, is an arterial road located in the Downtown Heritage Conservation District, generally consisting of a 14-metre asphalt road surface width (two eastbound lanes, two westbound lanes and left turn lanes) complete with concrete sidewalks on both side of the street, all within a narrow 20 to 23 metre right-of-way. Surrounding land uses are predominantly commercial in nature; however, there is a Via Rail train station located on the south side of the street between Richmond Street and Clarence Street.

The subject property at 120 York Street contains a two-storey commercial office building constructed circa 1975-76. The building has an L-Shaped plan with a flat roof. The building is generally vernacular in design, exhibiting some design traits consistent with the postwar modernist period.

Adjacent properties to the North, East and West fronting onto Richmond, Talbot and King Present as part of a traditional commercial downtown environment, with flat roofed mid-rise buildings, facades flush to the street, commercial storefronts on the ground level and articulation at the cornice level. The subject building appears to have been designed to continue this trend, though in a 1970s style.

5. Proposed Undertaking

5.1 Project Description

The project involves taking down the existing building, removal of materials and rendering the surface clean and safe. Farhi Holdings is proposing to develop the site as a surface parking lot. The building demolition will accommodate the use. No long-range plans for the site have been developed at this time. Farhi Holdings Limited will be seeking the City of London's approval of a site plan control application for construction of the surface parking lot.

The following items are being considered as part of the design process of the proposed parking lot.

- Layout of the parking lot and any associated landscaping
- Access to public streets
- Heritage concerns related to the Downtown HCD streetscape and potential impacts to individual buildings resulting from the proposed demolition.

6. Potential Impacts and Mitigation

6.1 Potential Impacts

The MTCS identifies typical types of direct and indirect impacts that can be anticipated to impact recognized or potential heritage properties as a result of a proposed undertaking. Thus, these impacts were evaluated according to the MTCS' *Ontario Heritage Toolkit: Heritage Resources in the Land Use Planning Process*. **Table 2** and **Table 3** outline the potential impacts identified by MTCS, and their relevance to this project.

Table 2: Potential direct impacts and their relevance to the project

Direct Impacts	Relevance to the Project
Loss/Destruction of any or part of any significant heritage attribute or feature.	None anticipated: No heritage attributes are anticipated to be demolished or lost as a result of the project. The Downtown Heritage District Plan identifies the subject structure as a Category D building, the policies of which note that Demolition/replacement is permitted subject go guidelines for new development only.
Displacement/Alteration that is not sympathetic, or is incompatible, with the historic fabric or appearance.	None anticipated: The project is not anticipated to displace or alter the historic fabric or appearance of any heritage resources.

Table 3: Potential indirect impacts and their relevance to the project

Indirect Impacts	Relevance to the Project
Shadows created that alter the appearance of a heritage attribute or change the visibility of a natural feature or plantings, such as a garden.	None anticipated: The nature of the proposed project is to remove the existing structure and establish a grade level surface parking lot. The project is not anticipated to create shadows around or near heritage resources.
Isolation of a heritage attribute from its surrounding environment, context, or a significant relationship.	None anticipated: The proposed project construction will not isolate any heritage resources.
Land Disturbance such as a change in grade that alters the historic patterns of topography or drainage.	No impacts: Completion of the proposed project will result in land disturbance; however, the construction will be temporary in nature and is not anticipated to affect any historic patterns or result in permanent impacts to heritage resources.
Changes in Land Use such as rezoning a battlefield from open spaces to residential use, allowing new development of site alteration to fill in the formerly open spaces.	None anticipated: The nature of the project is the removal of an existing non-heritage office building and replacement with a surface parking lot, the layout of which would be subject to site plan approval. No change in land use is anticipated as a result of the proposed project that would impact the heritage character of the site or surrounding area. There is currently no proposal for the redevelopment of this site for a structure. In the future should further redevelopment of the site be proposed, a the need for a further or amended Heritage Impact

Indirect Impacts	Relevance to the Project
	Assessment would need to be considered by the City of London.
Obstruction of significant views or vistas from, within, or to a built and natural feature.	None anticipated: The nature of the proposed project involves removal of an existing building and establishment of a surface parking lot and will not provide obstructive views or vistas from, within, or to a built or natural feature.

6.1.1 Construction/Demolition Related Impacts

The subject development may result in impacts within the property and upon adjacent properties related to Vibration, demolition and activities associated with the layout of the proposed parking lot.

It is anticipated that analysis of detailed impacts to the heritage buildings on the subject property and adjacent properties related to vibration and other construction practices would be documented and assessed by a qualified structural professional, and mitigation recommendations identified prior to commencement of excavation on the site.

6.2 Potential Mitigation

There is not one correct way to mitigate the adverse impacts of new construction on, or adjacent to historic structures and/or heritage properties. Strictly from the perspective of best practice for heritage conservation, the preferred option is one that typically conserves a property’s cultural heritage value. The Provincial Policy Statement, 2014, identifies the requirement to conserve cultural heritage value; specifically, Section 2.6.1 states, “Significant built heritage resources and significant cultural heritage landscapes shall be conserved.”⁶ Typically, this involves maintaining a heritage resource *in situ*. In reality, socio-economic, technical, and/or environmental site considerations may require some form of compromise and/or alternate means of conservation.

The MTCS identifies mitigation or avoidance strategies that can be used to mitigate the extent of impacts as a result of a proposed undertaking. These include:

- Alternative development approaches;
- Isolating development and site alteration from significant built and natural features and vistas;
- Design guidelines that harmonize mass, setback, setting, and materials;
- Limiting height and density;
- Allowing only compatible infill and additions;
- Reversible alterations; and,
- Buffer zones, site plan control, and other planning mechanisms.

The subsection below outlines various forms of mitigation that should be considered more specifically for this project, when refining the proposed tower for the subject property. The mitigation strategies described below outline strategies which will mitigate the impacts described above. From the cultural heritage perspective, preserving and enhancing the cultural heritage value of the property should be considered a key opportunity and priority for this property and project.

⁶ Provincial Policy Statement, 2014.

Table 4: Potential Impacts and Mitigation Measures

ADDRESS	IMPACT IDENTIFIED	POTENTIAL MITIGATION MEASURE (S)
350 Talbot Street	Potential land disturbances caused by demolition activities and site layout	Installation of a temporary screening fence between the demolition/construction site and the subject building. Vibration monitoring should be carried out during construction to identify any adverse effects to this resource resulting from project related construction activities.
127 King Street	Potential land disturbances caused by demolition activities and site layout	Installation of a temporary screening fence between the demolition/construction site and the subject building. Vibration monitoring should be carried out during construction to identify any adverse effects to this resource resulting from project related construction activities.
125 King Street	Potential land disturbances caused by demolition activities and site layout	Installation of a temporary screening fence between the demolition/construction site and the subject building. Vibration monitoring should be carried out during construction to identify any adverse effects to this resource resulting from project related construction activities.
120 York Street	<i>Changes in Land Use related to establishment of a commercial parking lot.</i>	Submission of an application for site plan control to the satisfaction of the City of London.

7. Implementation and Monitoring

7.1 Mitigation Strategies

The table above identified potential mitigation measures to reduce adverse impacts of the proposed development identified on cultural heritage resources and attributes of the Downtown London HCD. Generally, two primary impacts were identified; The potential land disturbances caused by demolition activities and layout of the commercial parking lot and impacts resulting from the change in use to a surface parking lot.

In order to mitigate potential direct and indirect impacts to identified cultural heritage value described within this report, the mitigation strategies described in Section 6.2 of this report should be considered in further project refinement and approaches. Details related to the future site layout of the proposed surface parking lot should be considered in depth through an application for site plan control in order to mitigate impacts and conserve the cultural heritage value of the Downtown Heritage Conservation District.

The impacts resulting from the proposed development are addressed below.

7.1.1 Vibration

The proposed works include demolition activity near historic buildings and heritage properties. As a result, there is potential for vibration impacts to historic places to result from the project.

The full extent of the impact of vibrations from traffic demolition and construction in the vicinity of historic places and heritage structures is not fully known, however, it has been demonstrated elsewhere that negative effects may result on buildings set back less than 40 metres from the roadside.

Mitigation of the impacts on historic buildings located within 40 metres of the proposed works, should take the form of preconstruction building surveys and vibration monitoring which will identify a benchmark for impacts and will allow for determination of whether impacts have occurred. These should be undertaken prior to and during site excavation and construction for the adjacent properties identified this report.

Isolation of heritage resources from construction activities should be implemented in order to prevent negative impacts.

It is recommended that site plan controls be put in place prior to construction to prevent potential indirect impacts as a result of the Project. The site plan control methods shall be determined in advance of construction by the proponent to indicate where Project activities are restricted as described below. These controls should be indicated on all construction mapping and communicated to the construction team leads.

It is recommended that a 10-metre buffer zone be established around the properties to indicate where all construction activities must be avoided. This would take into account the position of the heritage resources within the 40-metre buffer of the Subject Area, but outside of the area of ground disturbance.

This includes, but is not limited to, ground disturbance and the movement of equipment to and from the site.

In the event that construction activities enter into the 10-metre buffer zone, all activities should cease immediately and a temporary 50 metre buffer zone surrounding the impacted area should be established where no construction activities should occur.

It is recommended that a qualified building condition specialist should be retained to determine if any damage was incurred as a result of the construction activities. Construction activities should resume Only following approval from the building specialist, should, and the 10-metre buffer should be re-established.

Monitoring buffer zone delineation, outlining the limit of the construction footprint and subsequent setback from heritage features should be undertaken by the proponent’s construction team is maintained throughout construction.

Table 5: Schedule for mitigative, avoidance or monitoring measures

SCHEDULE FOR IMPLEMENTING MITIGATIVE OR AVOIDANCE MEASURES OR MONITORING			
Measure	Who	How	When
Site Plan Control Application	Farhi Holdings	Application to the City	Prior to commencement of layout of the parking lot
Vibration/Construction Impact Avoidance on Adjacent Buildings	Farhi Holdings	Development of a construction/demolition screening plan in accordance with City of London Standards and approvals	Prior to commencement of the demolition or pre-works
	Farhi Holdings	Implementation of construction/demolition screening plan to isolate significant heritage buildings from construction activity in accordance with City of London Standards.	Prior to commencement of the demolition or pre-works
	Farhi Holdings	Retain the services of a qualified building specialist to monitor impacts from construction activity and vibration.	Prior to commencement of the demolition or pre-works.

8. Recommendations

The subject property at 120 York Street is located within the Downtown London Heritage Conservation District. The mid-1970s office building on the subject property was determined to have no cultural heritage value, however, properties to the north, east and west of the property are identified to have cultural heritage significance. In consideration of this it is the primary recommendation of this report that prior to commencement of site preparation/construction and demolition activities that measures be implemented in accordance with established principles such as the standards and guidelines for the conservation of historic places in Canada and City of London policy and by-laws, to protect surrounding heritage properties from construction/demolition activity and any vibrations that may result from that.

While no new buildings are proposed for the subject property, as a site located within the Downtown London Heritage Conservation District it is recommended that a site plan control application be submitted to the satisfaction of the City to describe and obtain approval for the layout of the proposed surface parking lot on the site at 120 York Street.

If further redevelopment is proposed for the property at 120 York Street, the City of London, would consider whether either an update to this Heritage Impact Assessment or a new Heritage Impact Assessment report would be necessary.

9. Closure

This report has been prepared for the sole benefit of Farhi Holdings Corporation and may not be used by any third party without the express written consent of AECOM Consulting Ltd. Any use which a third party makes of this report is the responsibility of such third party.

We trust this report meets your current requirements. Please do not hesitate to contact us should you require further information or have additional questions about any facet of this report.

10. Bibliography

Primary and Secondary Sources

Goad, Charles E. *Fire Insurance Plan for the City of London Ontario*. Montreal: Charles E. Goad, 1912 (Revised 1922)

Greenwood, Wm. And E.R. Richards. *City of London, Ont. Canada*. Department of Agriculture, 1899.

London Plan. 2016. <https://www.london.ca/business/Planning-Development/Official-Plan/Pages/The-London-Plan.aspx>.

Rainer, J.H. "Effects of Vibrations on Historic Buildings: An Overview," in *Bulletin of the Association for Preservation Technology*, Vol. 14, No. 1 (1982), pp. 2-10.

Stantec Consulting Ltd. *Downtown London Heritage Conservation District Study Final Report*. 2011.

Stantec Consulting Ltd. *Downtown London Heritage Conservation District Plan*. March 2012.

Provincial Standards and Resources:

Ontario Heritage Tool Kit
<http://www.culture.gov.on.ca/english/heritage/Toolkit/toolkit.ht>

Ontario Ministry of Tourism, Culture and Sport: Heritage Conservation Principle's for Land Use Planning
http://www.culture.gov.on.ca/english/heritage/info_sheets/info_sheet_landuse_planning.htm

Ontario Ministry of Tourism, Culture and Sport: Eight Guiding Principles in the Conservation of Historic Properties
http://www.culture.gov.on.ca/english/heritage/info_sheets/info_sheet_8principles.htm
Ontario Heritage Act (2006)

Reference Guide on Physical and Cultural Heritage Resources (1996)

Guidelines for Preparing the Cultural Heritage Resource Component of Environmental Assessments (1992)

Guidelines on the Man-Made Heritage Component of Environmental Assessments (1981)

Environmental Guide for Built Heritage and Cultural Heritage Landscapes (2007)

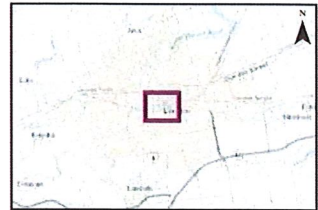
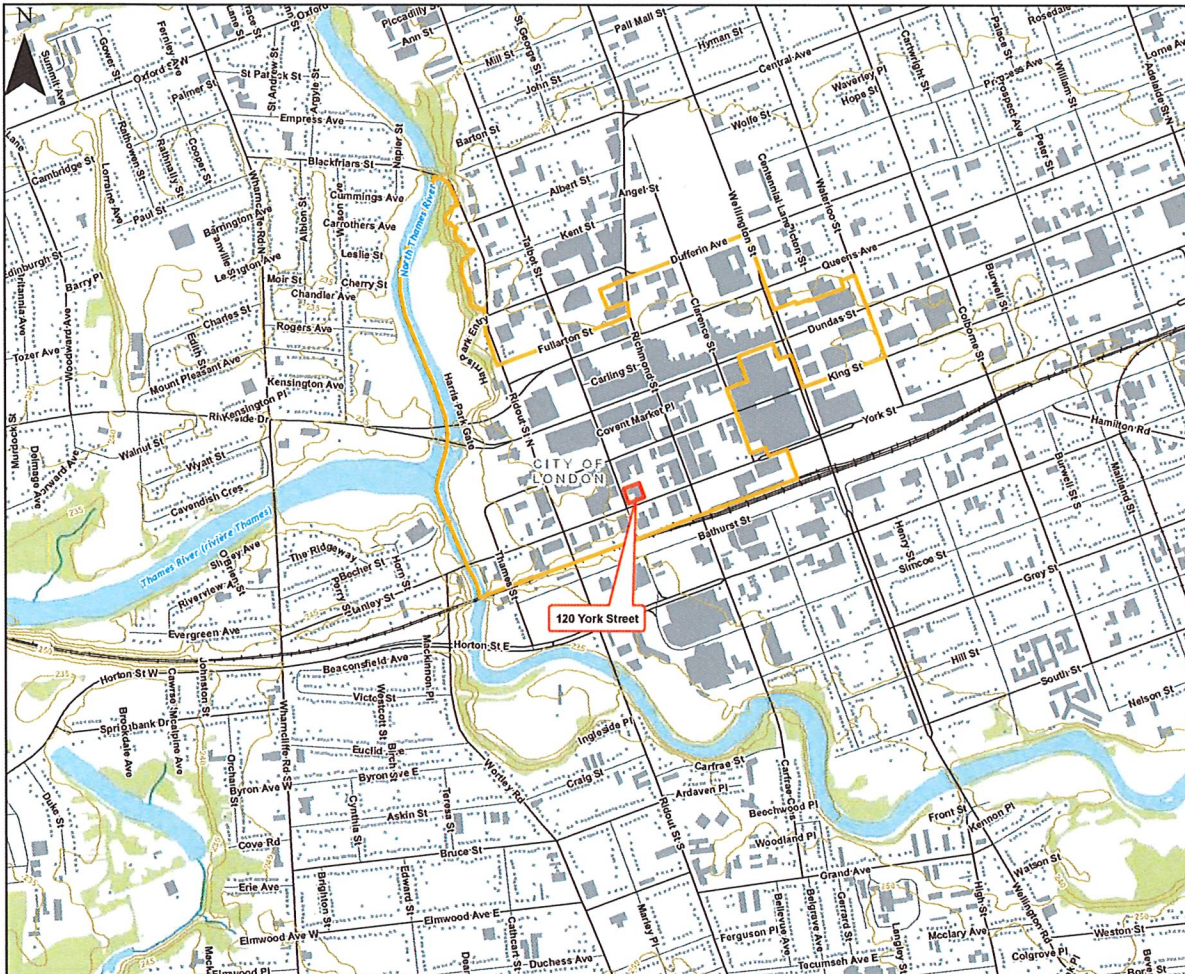
National and International Standards and Resources:

Canadian Register of Historic Places
http://www.historicplaces.ca/visit-visite/rep-reg_e.aspx

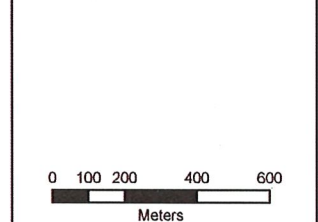
Parks Canada Standards and Guidelines for the Conservation of Historic Places in
Canada
http://www.pc.gc.ca/docs/pc/guide/nldclpc-sgchpc/index_E.asp

Parks Canada National Historic Sites of Canada
http://www.pc.gc.ca/progs/lhn-nhs/index_e.asp

11. Figures



- Legend**
- 120 York Street Property Boundary
 - Downtown Heritage Conservation District (2012)
 - Lower/Single Tier Municipality
 - Wooded Area
 - Waterbody
 - Watercourse
 - Major Road
 - Local Road
 - Railway
 - Contours (5m Interval)



**Heritage Impact Assessment
120 York Street
London, Ontario**

Site Location

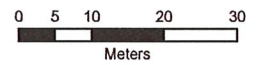
Oct 2019	1:10,000	Datum: NAD 1983 UTM Zone 17N
----------	----------	------------------------------

AECOM	Figure 1
--------------	----------

This drawing has been prepared for the use of AECOM's client and may not be used, reproduced or sold to any third party, except as approved by AECOM and its client, as required by law, or for any other purpose without the written consent of AECOM. AECOM accepts no responsibility and disclaims any liability whatsoever to any party that may rely on this drawing without AECOM's express written consent.



- Legend**
- 120 York Street Property Boundary
 - Major Road
 - Local Road



Heritage Impact Assessment
120 York Street
London, Ontario

Study Area

Oct 2019	1:500	Datum: NAD 1983 UTM Zone 17N
----------	-------	------------------------------

AECOM

Figure 2

This drawing has been prepared for the use of AECOM's client and may not be used, reproduced or added upon by third parties, except as agreed by AECOM and its client. As prepared by them, it is for use by governmental entities for specific purposes. AECOM accepts no responsibility and disclaims any liability whatsoever to any party that makes this drawing without AECOM's express written consent.



Figure 3: Location of 120 York Street within the Downtown Heritage Conservation District Plan

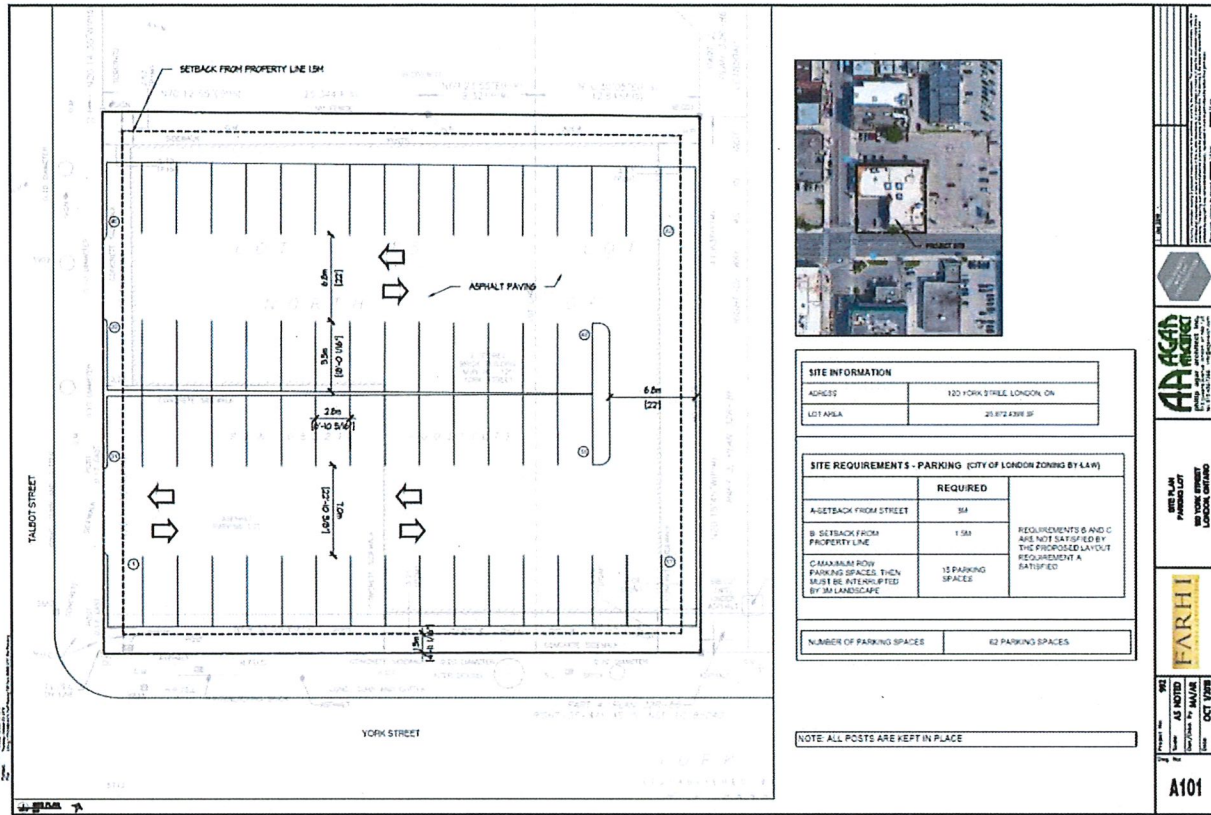


Figure 4: Draft Proposal by Farhi Holdings for a Surface Parking Lot for 120 York Street

12. Images



Image 1: View showing 120 York Street from the West, September 2019

+



Image 2: View showing 120 York Street from the north, September 2019



Image 3: View showing 120 York Street from the West, September 2019



Image 4: View showing 120 York Street from the West, September 2019



Image 5: View showing 120 York Street from the south, September 2019



Image 6: View showing 120 York Street from the south, September 2019



Image 7: Storefront view showing 120 York Street from the south, September 2019



Image 8: View showing 120 York Street from the east, September 2019



Image 9: View showing 120 York Street from the east, September 2019



Image 10: View showing 120 York Street from the south, September 2019



Image 11: Fire insurance map from 1912 (Rev 1922) showing the northeast corner of Talbot and York Street, illustrating buildings located on the subject site prior to construction of the subject building in the 1970s, illustrating the approximate location of the subject building outlined in blue dots. (Source: University of Western Ontario, Map and Data Centre, Fire Insurance Plan Holdings 1912 (Rev 1922))



Image 12: Photograph in the vicinity of the subject buildings at 120 York Street, circa 1946, source London Public Library

13. Resumes

Adria Grant, MA, CAHP

Ontario Department Manager – Impact, Assessment & Permitting

Education	Licenses/Registrations	Memberships
Bachelor of Art (Hons), Anthropology & English. University of Western Ontario, 2000	Ontario Ministry of Tourism, Culture and Sport (MTCS) Professional Archaeological License (P131)	Canadian Archaeological Society Ontario Archaeological Society
Master of Art, Applied Archaeology. University of Western Ontario, 2016	Canadian Association of Heritage Professionals (CAHP)	
Years of Experience	Ontario Association of Professional Archaeologists (APA)	
With AECOM: 6	RAQS Certification	
With Other Firms: 13		

Summary

Adria Grant has been active in the field of cultural resource management since 1999, specializing in cultural heritage and archaeological assessments for provincial and federal government, municipal corporations, and private sector organizations. Adria is an experienced project manager having completed formal project management training through the Project Management Institute (PMI) as well as comprehensive and stringent company specific project management courses during her employment at Golder Associates, Stantec and AECOM. Adria consistently applies the knowledge, tools, and techniques of project management practices to the heritage field, streamlining processes and procedures to achieve client objectives. Adria has a wealth of experience working with municipal heritage planners in the context of development activities and has the ability to provide sound technical advice to proponents on the heritage process in Ontario.

Adria is professionally licensed by the Ontario MTCS, is a member of the Canadian Association of Heritage Professionals and the Ontario Association of Professional Archaeologists. In addition to professional memberships Adria actively participates in local heritage and archaeological events and is active and well known within the cultural resource community. She currently acts as the Department Manager of the Impact, Assessment & Permitting - Cultural Resources, Planning and Communications teams in Ontario, and Canadian lead for AECOM's North American Cultural Resources team.

Experience

Metrolinx, Ontario Line West Cultural Heritage Assessments, Toronto, Ontario. Technical lead for heritage assessments to support the construction of a new rail corridor to improve transit within the city of Toronto. Provided technical support to assist Metrolinx and the Ontario MTCS in creating project specific work plan procedure with a unique strategy for reporting. Will be responsible for consultation with the MTCS, senior review and technical excellence.

Metrolinx, Ontario Line North Cultural Heritage Assessments, Toronto, Ontario. Technical lead for heritage assessments to support the construction of a new rail corridor to improve transit within the city of Toronto. Provided technical support to assist Metrolinx and the Ontario MTCS in creating project specific work plan procedure with a unique strategy for reporting. Will be responsible for consultation with the MTCS, senior review and technical excellence.

Farhi Holding Corporation, 120 York Street Heritage Impact Assessment, London, Ontario. Project manager for a HIA to support the demolition of a structure located within the Downtown Heritage Conservation District. Responsible for senior review of the report.

County of Bruce, Old Reid Bridge Cultural Heritage Evaluation Report, Teeswater, Ontario. Senior review of cultural heritage evaluation report for the removal of an abandoned bridge in Bruce County.

City of London, Downtown Sewer Separation Phase 3, Heritage Impact Assessment, London, Ontario. Senior reviewer for HIA completed to evaluate impacts of infrastructure improvements within the Downtown Heritage Conservation District and adjacent to numerous listed or otherwise recognized heritage buildings.

City of London, 78-88 Oxford Street Cultural Heritage Evaluation Report, London, Ontario. Project manager for the CHER of a row of six residential structures in the City of London that will be negatively impacted by proposed road widening. The CHER determined that the houses as a group had cultural heritage value and would be eligible for designation.

Metrolinx Ontario Line South Cultural Heritage Assessments, Toronto, Ontario. Technical lead for heritage assessments to support the construction of a new rail corridor to improve transit within the city of Toronto. Gap analysis to be completed to determine

Union Gas, Stratford Reinforcement Project Cultural Heritage Evaluation Report, Perth County, Ontario. Project manager for the CHER conducted as part of an Environmental Assessment for a natural gas pipeline twinning project. The study involved a windshield study, the identification of built heritage and cultural heritage landscapes, creation of a heritage inventory, and the assessment of impacts to identified cultural heritage resources. The report included the direct application of the *Ontario Heritage Toolkit* and the *Cultural Heritage and Archaeology Policies of the Ontario Provincial Policy Statement, 2005*.

MHBC Planning, Cobourg Heritage Master Plan, Cobourg, Ontario. Technical specialist providing information on archaeological heritage resources and archaeological management of resources for the background Heritage Report and Heritage Master Plan created for the Town of Cobourg. The document is intended to provide high level legal advice to Town staff on a variety of conservation matters.

York Region, Stouffville Road Improvements Cultural Heritage Evaluation Report, Regional Municipality of York, Ontario. Technical lead for the CHER conducted as part of an Environmental Assessment for the proposed realignment of Stouffville road east of Yonge Street. Research identified a cultural heritage conservation district, listed and designated heritage structures as well as cultural heritage landscapes that should be considered during project design. A Heritage Impact Assessment was recommended once project design was better understood to mitigate any negative impacts to the identified heritage resources.

City of Toronto, Heritage Impact Assessment - Downsview Secondary Area Plan, Toronto Ontario. Primary researcher and technical lead for the HIA conducted as part of the Downsview Secondary Area Plan redevelopment. Numerous built heritage features are present within the study area, impacts to heritage features were assessed and it was determined that there were no anticipated direct or indirect impacts as a result of the undertaking.

Metrolinx, Technical Cultural Resource Services - Eglinton Crosstown Light Rail Transit (ECLRT), Toronto, Ontario. Peer reviewer of cultural heritage evaluation, assessment and impact assessment reports for the project. Provided strategic advice to the greater project team in relation to heritage requirements and conducted gap analysis.

Varna Wind Inc., Bluewater Wind Energy Centre Heritage Assessment Addendum, Huron County, Ontario. Technical specialist for an addendum to the original Heritage Assessment Report, conducted as part of an Application for a Renewable Energy Approval under Ontario Regulation 359/09 made under the *Environmental Protection Act*. The additional participating properties were screened for potential heritage resources and if potential heritage resources were identified they were evaluated according to the criteria outlined in O. Reg. 09/06 under the *Ontario Heritage Act*, as required by O. Reg. 359/09. A total of 49 structures were identified as as having cultural heritage value or interest according to O. Reg. 09/06. No further mitigation was recommended as it was determined that there were no anticipated direct or indirect impacts as a result of the undertaking.

Goshen Wind Inc., Goshen Wind Energy Centre Heritage Assessment Addendum, Huron County, Ontario. Technical specialist for an addendum to the original Heritage Assessment Report, conducted as part of an Application for a Renewable Energy Approval under Ontario Regulation 359/09 made under the *Environmental Protection Act*. The additional participating properties were screened for potential heritage resources. No features were identified as as having cultural heritage value or interest according to O. Reg. 09/06. No further mitigation was recommended as it was determined that there were no anticipated direct or indirect impacts as a result of the undertaking.

Jericho Wind Inc., Jericho Wind Energy Centre Heritage Assessment Addendum, Lambton and Middlesex Counties, Ontario. Technical specialist for an addendum to the original Heritage Assessment Report, conducted as part of an Application for a Renewable Energy Approval under Ontario Regulation 359/09 made under the *Environmental Protection Act*. The additional participating properties were screened for potential heritage resources and if potential heritage resources were identified they were evaluated according to the criteria outlined in O. Reg. 09/06 under the *Ontario Heritage Act*, as required by O. Reg. 359/09. A total of 51 structures were identified as as having cultural heritage value or interest according to O. Reg. 09/06. No further mitigation was recommended as it was determined that there were no anticipated direct or indirect impacts as a result of the undertaking.

NextEra Energy Canada ULC, Northpoint Wind Energy Centre, Eastern Ontario. Project manager for the identification and assessment of cultural heritage resources within the proposed limits of a large wind energy centre. Research included searches of the Ontario Heritage Properties Database, Parks Canada, municipal heritage planners, the Canadian Register of Historic Places, the Ontario Heritage Trust Plaques Database, and unregistered and registered cemetery databases.

NextEra Energy Canada ULC, Northpoint Wind Energy Centre Transmission Line, Eastern Ontario. Project manager for the identification and assessment of cultural heritage resources for a proposed transmission line related to a wind energy centre. Research included searches of the Ontario Heritage Properties Database, Parks Canada, municipal heritage planners, the Canadian Register of Historic Places, the Ontario Heritage Trust Plaques Database, and unregistered and registered cemetery databases.

MHBC Planning, Toronto Garden Heritage Conservation District Technical specialist providing information on archaeological heritage resources and archaeological management of resources for Toronto Garden District HCD Report.

Trout Lake I Solar, LP, LRP Cultural Heritage Resources Review, Trout Lake I Solar Energy Centre. Technical lead for information gathering as part of the LRP process related to heritage and archaeology. Research included searches of the Ontario Heritage Properties Database, the City of London Inventory of Heritage Resources, the Canadian Register of Historic Places, the Ontario Heritage Trust Plaques Database, and unregistered and registered cemetery databases.

Battersea Solar, LP, LRP Cultural Heritage Resources Review, Battersea Solar Energy Centre. Technical lead for information gathering as part of the LRP process related to heritage and archaeology. Research included searches of the Ontario Heritage Properties Database, the City of London Inventory of Heritage Resources, the Canadian Register of Historic Places, the Ontario Heritage Trust Plaques Database, and unregistered and registered cemetery databases.

Cordukes Solar, LP, LRP Cultural Heritage Resources Review, Cordukes Solar Energy Centre. Technical lead for information gathering as part of the LRP process related to heritage and archaeology. Research included searches of the Ontario Heritage Properties Database, the City of London Inventory of Heritage Resources, the Canadian Register of Historic Places, the Ontario Heritage Trust Plaques Database, and unregistered and registered cemetery databases.

Trout Lake I Solar, LP, LRP Cultural Heritage Resources Review, Trout Lake I Solar Energy Centre. Technical lead for information gathering as part of the LRP process related to heritage and archaeology. Research included searches of the Ontario Heritage Properties Database, the City of London Inventory of Heritage Resources, the Canadian Register of Historic Places, the Ontario Heritage Trust Plaques Database, and unregistered and registered cemetery databases.

Clarabelle I Solar, LP, LRP Cultural Heritage Resources Review, Clarabelle I Solar Energy Centre. Technical lead for information gathering as part of the LRP process related to heritage and archaeology. Research included searches of the Ontario Heritage Properties Database, the City of London Inventory of Heritage Resources, the Canadian Register of Historic Places, the Ontario Heritage Trust Plaques Database, and unregistered and registered cemetery databases.

Clarabelle II Solar, LP, LRP Cultural Heritage Resources Review, Clarabelle II Solar Energy Centre. Technical lead for information gathering as part of the LRP process related to heritage and archaeology. Research included searches of the Ontario Heritage Properties Database, the City of London Inventory of Heritage Resources, the Canadian Register of Historic Places, the Ontario Heritage Trust Plaques Database, and unregistered and registered cemetery databases.

Clarabelle III Solar, LP, LRP Cultural Heritage Resources Review, Clarabelle III Solar Energy Centre. Technical lead for information gathering as part of the LRP process related to heritage and archaeology. Research included searches of the Ontario Heritage Properties Database, the City of London Inventory of Heritage Resources, the Canadian Register of Historic Places, the Ontario Heritage Trust Plaques Database, and unregistered and registered cemetery databases.

Northpoint I, LP, Northpoint I Wind Energy Project. Technical lead for information gathering as part of the LRP process related to heritage and archaeology. Research included searches of the Ontario Heritage Properties Database, the City of London Inventory of Heritage Resources, the Canadian Register of Historic Places, the Ontario Heritage Trust Plaques Database, and unregistered and registered cemetery databases.

Northpoint II, LP, Northpoint II Wind Energy Project. Technical lead for information gathering as part of the LRP process related to heritage and archaeology. Research included searches of the Ontario Heritage Properties Database, the City of London Inventory of Heritage Resources, the Canadian Register of Historic Places, the Ontario Heritage Trust Plaques Database, and unregistered and registered cemetery databases.

Michael J. Seaman, BES, MEDS, MCIP, RPP, CAHP, CMA
Senior Heritage Planner

Education	Years of Experience	Memberships	Training and Certifications
Masters of Environmental Design Studies, Conservation, Faculty of Architecture, Dalhousie University, NS (Technical University of Nova Scotia), 1995	With AECOM: <1 With Other Firms: 28	American Planning Association, 2016-Present National Main Street Centre (USA), 2013-Present National Trust for Canada, 1999-Present US National Trust, 2013-Present	Next Gen Municipal Leadership Certificate Program, Brock University, 2014 Building Effective Leaders Program, Sheridan Corporate, 2008 Media Relations Training, Perfect 10 Communications, 2004 Exchange Module in Planning in the UK, Oxford Brookes University (Oxford Polytechnic), UK, 1991 Various Continuous Professional Learning Courses through Municipal Learning Programs (Managing in a Union Environment, Employee Empowerment, Essentials of Management, Delegation, Emergency Management, Accessibility)
Honours Bachelor of Environmental Studies, Honours Co-op Urban and Regional Planning, University of Waterloo, 1992	Professional Affiliations Member of the Canadian Institute of Planners Registered Professional Planner Member of the Canadian Association of Heritage Professionals Member of the Canadian Museums Association		
Completed Two Credit Course in Archaeology, Saint Mary's University, NS, 1994			

Michael Seaman has over 28 years of experience in progressive municipalities providing quality level urban planning service, including extensive municipal management experience. He is recognized nationally and provincially as a proactive, resourceful, and collaborative planner and Director with a diverse portfolio who achieves positive results. He has a proven record of accomplishment of Municipal professional leadership, strategic vision and staff management success in a public service environment as well as additional leadership experience as a member of national boards of directors, and municipal committees. Michael has demonstrated a high level of achievement of best practices and positive results in a municipal planning and development environment, including seven national and four provincial major awards. He possesses strong communication, facilitation, negotiation and relationship building skills from over two decades of diverse and complex projects involving a broad array of internal and external stakeholders, and has a deep understanding and application of legislation/regulations affecting municipalities in Ontario, contemporary issues in local government.

With a strong background in urban planning, downtown revitalization, special events, design, heritage conservation, economic development, communication, marketing and tourism, Michael is a recognized leader in developing, promoting and implementing best practices in urban design. With more than 20 years of working closely with building approvals and inspection and enforcement processes through heritage related work, coordination of restoration projects, as well as conventional municipal development planning. He has strong interpersonal, communication and report writing skills, and a superb ability to use independent judgment, with an unmatched record of success in good planning and achieving results as part of a management team. Michael has the ability to train and manage subordinate staff, and is recognized by peers as an expert in field, serving as Chair of the Board of Governors of the National Trust for Canada, past member of the Board of CAHP, heritage editor for OPPI Journal.

Experience Prior to AECOM

National Trust for Canada, Chair of the Board of Governors. Principal Officer of Canada's leading national charity related to heritage conservation. Established by the Government of Canada in 1973, The National Trust for Canada is a national charitable not-for-profit organization that leads and inspires action for historical places in Canada. Presides over a National Board of Directors and oversees its activity. Senior representative of the board in working with Chief Executive Officer on matters related to budget and financial sustainability, human resources matters, performance management, governance, advocacy, staff and board recruitment and succession, property management, and fundraising. October 2018-present.

Municipality of Clarington, Director of Planning Services, Bowmanville, Ontario. Led the Planning and Development Function and a team of 35 staff. Part of the Durham GO Train Team, land acquisition portfolio, Community Planning and Urban Design and Special Projects (Agriculture, Nuclear, Heritage, Environment), and Development Review. Department work included nine new and updated secondary plans, comprehensive zoning by-law. Feb.-June 2019.

Town of Grimsby, Director of Planning, Grimsby, Ontario. Led the Town of Grimsby Planning Department as Planning Director, leading a team of six staff and four committees, and leading the Town's Economic Development and Heritage Planning

portfolios. Also oversaw the Development Planning Function in a rapidly growing municipality, and led the Urban Design Function. Responsible for guiding Downtown Revitalization through implementation of the Community Improvement Plan and Main Street Committee. Coordinated the Comprehensive Zoning By-law Review, coordinated the Development Charge Study, and led the Transit Investigation. Coordinated the commenting, approval and appeal Process for completion of a new Official Plan, and a West End Waterfront Master Plan and Trail Plan Study and Hospital Corridor Secondary Plan. Coordinated Grant Applications achieving almost \$2-million in project specific grants to the municipality for the waterfront, public realm and community stakeholders (downtown revitalization). Involved attendance and testimony at Ontario Municipal Board Hearings, working with Niagara Area Planners and Niagara Region to advance the planning function in Niagara, participating in and implementing process improvement initiatives at the municipal and regional level. Municipal Lead in Regional Studies and Initiatives (Greenbelt Plan: Niagara Perspective, GO Train Attraction, GO Hub Study). Administering Department and committee budgets (\$922,000). Coordinated the Town's Economic Development Strategy, led the Town's response to the Greenbelt Plan Review, and led Grimsby's Tourism strategy, including coordinating the Community Video Series. Instigated and Coordinated Prototype Doors Open Grimsby and Happening on the Street Festivals, a successful tourism generator and community building event. 2010 – February 2019.

Town of Oakville, Manager of Heritage Planning, Oakville, Ontario. Managed the Heritage Planning Division, including hiring and supervision. Established the Heritage Planning Division – a new division within planning department. Developed productive working relationships with a variety of internal and external stakeholders to achieve municipal objectives related to heritage conservation and new development in older communities; reviewed and provided commentary related to development applications, building permits and heritage permits. Set and implement annual and long-term work plan with the aim of achieving national leadership in heritage conservation. Helped make Oakville the recognized leader in heritage conservation planning in Canada through winning of the Lt. Governor's Ontario Heritage Award for Community Leadership and Prince of Wales Prize. Administered a \$300,000 budget for the heritage planning division. Developed and refine planning policies. Of greatest significance was the development of policies for the new Official Plan related to heritage, older communities (Bronte, Palermo Village, Old Oakville), urban design and sustainability. Another significant policy related work was the development of policies and undertaking of studies related to the North Oakville Secondary Plan. These included a heritage resource strategy for the entire urban expansion area, and a study of the community of Palermo Village. Administered inspections, enforcement and permitting related to heritage properties, working closely with building department and by-law enforcement division staff. Provided expert advice to Council, committees and public and give testimony before provincial boards. Coordinated inspections and enforcement related to heritage buildings and areas. Served as lead municipal contributor to "Conserve Preserve", a handbook for heritage and sustainability. 2008 – 2010.

Town of Aurora, Community Planner, Aurora, Ontario. Managed the Community Planning Division including hiring and supervision, Development of work plan and budget for the division. Coordinated complex and high-profile development applications (subdivision, major commercial). Provided internal leadership in urban design – reviewing all types of projects (industrial, major commercial, subdivision, infill, streetscaping). Provided commentary related to urban and building design and heritage conservation on development applications. Reviewed and coordinated planning staff reports to the committee of adjustment. Hired and supervised contract support staff and consultants. Worked with Economic development to develop and implement a strategy for enhancing the economic viability of the downtown through focussing on existing strengths. Worked with the Public Works department to provide municipal review and commentary related to infrastructure and public works projects (Wellington Street Median, York Region Transit). Coordinated the Northeast Old Aurora Heritage Conservation District Study and implemented the pre-consultation for the southeast Old Aurora heritage conservation district study. Instigated and collaborated with the leisure services department and other local partners to establish Doors Open Aurora, a successful local tourism generator. Coordinated the heritage planning function of the Municipality. Helped make Aurora the recognized leader in heritage conservation planning in Canada through winning of the Prince of Wales Prize for municipal heritage leadership in Canada. Implemented policy and programs (Evaluation System, Heritage District Studies). Coordinated development applications: major commercial, residential plan of subdivision, site plan control, Rezoning, OPA. Reviewed building permits and heritage permits in the heritage resource area including all of Old Aurora and related to heritage resources. Developed and implemented policy and procedures. Implemented education and outreach programs including website, publications and in-house training. 2005-2008.

Town of Markham, Markham, Ontario. 1995 – 2005. Senior Planner, 2001-2005 / Planner II, 1999-2001 / Planner, Heritage and Conservation, 1995-1999. Processed development applications: Rezoning, Site Plan Approval, Plans of Sub- Division, Official Plan Amendments, Plan of Condominium, Committee of Adjustment Applications. Participated in the development of secondary plans in urban expansion areas. Implemented and educated principles of New Urbanism. Provided internal leadership in Urban Design and Building Design review for development applications in the four heritage conservation districts (Markham Village, Unionville, Thornhill, Buttonville) and all inventory properties town wide. Developed and coordinated policy and guidelines (Unionville Heritage Conservation District Plan; Design Guidelines for Townhouses and awnings; Markham Heritage Estates Building Envelope Review Study; Heritage District Identification Study; Main Street Façade Improvement Study; Main Street Thornhill Study; Thornhill Heritage District Plan Review; and the Highway 7 Streetscape Study). Participated and conducted studies related to infrastructure planning; such as Highway #407, Markham By-pass, Highway 7 Streetscape

Project, and Main Street Markham Streetscaping. Worked with issues of sewer and water, railway infrastructure, public transit, future airport lands, etc. Markham Heritage Estates Sub-Division: Responsible to prepare and coordinate detailed restoration plans and monitor restoration approach (coordinated lot allocation and sale; provided advice on relocation, costing, design of additions, and physical analysis of structures; and worked closely with Building department related to restoration plans). Staff support for Heritage Markham and Heritage District Study Committees in Unionville and Thornhill Village. Instigated and provided staff support for Doors Open Markham festival. Worked closely with the Building department related to permits, inspections and enforcement. Provided Expert testimony at the Ontario Municipal Board.

City of Brampton, Planning Assistant, Brampton, Ontario. Brampton Memories of a Small-Town television series. Brampton Heritage Inventory. Designation of Properties and Heritage Review. 1993 & 1994.

Town of Oakville, Planning Assistant (Heritage), Oakville, Ontario. Coordinated Municipal Heritage Planning function as fill in for a maternity leave. 1990-1993.

Awards

The Prince of Wales Prize – for municipal heritage leadership in Canada. Awarded to the Town of Grimsby 2015. Awarded to the Town of Oakville 2010. Awarded to The Town of Aurora 2008. Awarded to the Town of Markham 2000.

Lt. Governor's Ontario Heritage Award for Community Leadership. Awarded to the Town of Grimsby 2015. Awarded to The Town of Oakville 2010. Awarded to The Town of Aurora (Recognized by Aurora Council for contribution to award) 2010.

Canadian Institute of Planners Award for Planning Excellence. "Northeast Old Aurora Heritage Conservation District Plan" (HM) 2007. "The Unionville Heritage Conservation District Plan" 2000.

B. Napier Simpson Award of Merit. Presented by the Ontario Historical Society to Heritage Markham to the outstanding municipal heritage committee in Ontario 2004.

Communities in Bloom – National and Provincial Champions. Awarded to The Town of Markham. Prepared submission package and gave presentations with respect to Heritage Conservation aspects of Markham's overall program to judging panel 1997 & 1998.

Ontario Professional Planners Institute, Outstanding Planning Award. "The Unionville Heritage Conservation District Plan" 1999.

Ontario Heritage Foundation Community Heritage Recognition Award. Individual Award for commitment to heritage in local community (Brampton) 1999.

Heritage Markham Award. The first Doors Open Markham 2003. The Unionville Bandstand 2002.

Niagara Community Design Awards. Planning Department Assisted with nine Award winning Projects from Grimsby 2013, 2014 and 2015.

Journal Articles

A recognized writer, Michael has written numerous articles for journals and other publications:

OPPI Journal. Contributing Editor for Heritage Planning 2007 to present.

Municipal World. Regular invited contributor to the magazine 2007 to present.

Contributed articles, 1992 to present, for the following:

- Municipal World (regular feature in annual heritage issue since 2008)
- OPPI Journal
- Heritage Canada
- Community Heritage Ontario News
- Canadian Association of Professional Heritage Consultants Forum
- Ontario Historical Society News,
- The Auroran (Doors Open Aurora Series 2006 and 2007)
- Founded the Brampton Heritage Board Newsletter and Markham Heritage News
- Children's Book "Bampy's Wartime Coconut" presented to the RC Legion

Other Related Services

Heritage Canada Foundation / National Trust for Canada.

- Chair of the Board of Governors, 2018-present
- Ontario Representative on the Board of Governors, 2009-2012, 2015-present
- Ontario Governor, member of the Board of Governors of the Heritage Canada Foundation
- Member of Strategic Initiatives and Governance Committees
- Coordination of Team Canada Presentation

Ontario Professional Planners Institute. Editor for Heritage, Ontario Planning Journal, 2007-present.

Willowbank School of Restoration, Queenston. Faculty Associate. 2010-present.

University of Waterloo, Heritage Resources Centre. Faculty Associate. 2011-present.

Heritage Canada Foundation – Urban Planning Advisor. Urban Planning Advisor to Foundation as part of Engaging Stakeholders in Heritage and Development Initiative funded by Parks Canada. The initiative is intended to engage stakeholders (Development Community and Municipal Councils) to determine informational and procedural needs to conserve heritage resources. Presented to St. Catharine's Council with Executive Director of Heritage Canada about initiative in September 2007. Advisor to the Heritage Canada Foundation with planning for 2007 annual conference in Edmonton related to Heritage Planning. 2007-2008.

Town of Aurora, Committee of Adjustment. Chair for 2003 and 2004. 2001-2005.

Canadian Association of Heritage Professionals. Member of the Board of Directors. 2000-2002.

Brampton Historical Society. Co-Founder and Past President (1999). 1998-present.

City of Halifax, Heritage Advisory Committee. Member. 1995.

City of Brampton, Heritage Board (MHAC). Chair from 1996 to 1999. 1993-1999.

City of Brampton, Churchville Heritage District Committee. 1994-1996.

Rogers Community 10 Television – Brampton. Co-ordinator, host, writer and researcher for *Brampton: Memories of a Small Town*, a six-part television series about Brampton's History and Architecture. 1993.

Public Speaking

An accomplished speaker and excellent communicator, Michael has been invited to present at various conferences, workshops and community meetings:

- National Trust Conference (Fredericton), 2018
- OPPI Conference (Sudbury), 2018
- Ontario Heritage Conference (Sault Ste. Marie), 2018
- Hamilton/Burlington Real Estate Board, 2017
- National Trust Conference, 2016
- Ontario Heritage Conference – Niagara on the Lake, 2015
- Buffalo Niagara Heritage Awards (Kleinhans Music Hall), 2014
- Ontario Heritage Conference – Midland, 2013
- Town of Perth, 2012
- Municipality of Brockton, 2012
- Peel Heritage Conference, 2012 and 1997
- Town of Centre Wellington, 2013 and 2014
- City of Burlington – Heritage Register Public Meeting, 2010
- Willowbank School of Restoration – Heritage Planning Course, 2010 and annually from 2012-2017
- CIP/OPPI Conference, Niagara Falls, 2009
- Town of Richmond Hill, 2009
- Town of Milton, 2009
- Oakville Historical Society, 2009
- King Township, 2008
- Heritage Canada Foundation Annual Conference, 2000, 2007, 2008 and 2012 (Montreal *in French*, Quebec City, Edmonton and Toronto)
- Heritage Canada Foundation Engaging Stakeholders Initiative, 2007
- Community Heritage Ontario Workshops, 2003, 2004 and 2007

- Ministry of Culture Workshops, 2003 and 2004
- Brampton Historical Society, 1998, 2004 and 2009
- Aurora Heritage District Study Pre-consultation (prior to employment), 2003 and 2004
- Ontario Heritage Conference (Kitchener), 1998
- Town of Newmarket Heritage District, 1996
- Lectured to OMA course students about Researching Heritage Buildings, 1997
- Heritage Gardens – Markham Green Thumb Festival, 1996
- Various Council, General Committee and Planning Committee and Community meeting presentations for Brampton, Aurora and Markham.

Contact
Michael Greguol, M.A.
Cultural Heritage Specialist
T 519.963.5866
E michael.greguol@aecom.com

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage

From: Gregg Barrett
Director, City Planning and City Planner

Subject: Heritage Alteration Permit Application by S. MacLeod at 59
Wortley Road, Wortley Village-Old South Heritage
Conservation District

Meeting on: Wednesday August 12, 2020

Recommendation

That, on the recommendation of the Managing Director, City Planning & City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval for alterations to property at 59 Wortley Road, within the Wortley Village-Old South Heritage Conservation District, **BE REFUSED**.

Executive Summary

Alterations to the front steps were undertaken to the C-Rated cultural heritage resource at 59 Wortley Road, in the Wortley Village-Old South Heritage Conservation District, without obtaining Heritage Alteration Permit approval or a Building Permit. A Heritage Alteration Permit application was subsequently submitted, seeking retroactive approval for the alteration of the front steps. The style of step and railing is not compatible and should be refused in favour of a more compatible style of railing/guard for the property and the Wortley Village-Old South Heritage Conservation District.

Analysis

1.0 Background

1.1 Location

The property at 59 Wortley Road is located on the west side of Wortley Road between Victor Street and Beaconsfield Avenue (Appendix A). The property is opposite Thames Park, down a steep embankment.

1.2 Cultural Heritage Status

The property at 59 Wortley Road is located within the Wortley Village-Old South Heritage Conservation District, which was designated pursuant to Part V of the *Ontario Heritage Act* in 2015. The property at 59 Wortley Road is identified as a C-Rated property by the *Wortley Village-Old South Heritage Conservation District Plan*, meaning it contributes to the cultural heritage value of the Wortley Village-Old South Heritage Conservation District.

1.3 Description

The dwelling at 59 Wortley Road is a one-and-a-half storey Period Revival home, built in circa 1928 (Appendix B). The dwelling has a rectangular footprint with its first storey clad in rug brick. The dwelling is symmetrical with a central doorway under the portico, a trio of windows to each side, and two dormers in the upper storey of the side gable roof. The portico has been enclosed and may have originally been an open porch. The portico has brick plinth base, matching the brick of the house, with a trio of colonettes supporting a small frieze and return eaves. There are six steps up to the front door, which were composed of concrete steps and a metal railing at the time of the property's designation.

2.0 Legislative/Policy Framework

2.1 Provincial Policy Statement

Heritage conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement (2020)* promotes the wise use and management of cultural heritage resources and directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

2.2 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*)

Municipal Council must make a decision on the Heritage Alteration Permit application within 90 days or the request is deemed permitted (Section 42(4), *Ontario Heritage Act*).

2.2.1 Contravention of the Ontario Heritage Act

Pursuant to Section 69(1) of the *Ontario Heritage Act*, failure to comply with any order, direction, or other requirement made under the *Ontario Heritage Act* or contravention of the *Ontario Heritage Act* or its regulations, can result in the laying of charges and fines up to \$50,000.

When the amendments to the *Ontario Heritage Act* in Bill 108 are proclaimed in force and effect, the maximum fine for the demolition or removing a building, structure, or heritage attribute in contravention of Section 42 of the *Ontario Heritage Act* will be increased to \$1,000,000 for a corporation.

2.3 The London Plan

The policies of *The London Plan* found in the Cultural Heritage chapter support the conservation of London’s cultural heritage resources. Policy 554_ of *The London Plan* articulates one of the primary initiatives as a municipality to “ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources.” To help ensure that new development is compatible, Policy 594_ (under appeal) of *The London Plan* provides the following direction:

1. *The character of the district shall be maintained by encouraging the retention of existing structures and landscapes that contribute to the character of the district.*
2. *The design of new development, either as infilling, redevelopment, or as additions to existing buildings, should complement the prevailing character of the area.*
3. *Regard shall be had at all times to the guidelines and intent of the heritage conservation district plan.*

Policy 13.3.6 of the *Official Plan (1989, as amended)* includes similar language and policy intent.

2.3 Wortley Village-Old South Heritage Conservation District Plan

The Wortley Village-Old South Heritage Conservation District was designated pursuant to Part V of the *Ontario Heritage Act* to protect its heritage character in 2015. To assist in its protection, goals and objectives, policies, and guidelines have been developed as part of the *Wortley Village-Old South Heritage Conservation District Plan*. Many heritage attributes are identified within the Statement of Cultural Heritage Value or Interest for the Wortley Village-Old South Heritage Conservation District, supporting its architectural character including building materials, forms, and details.

One of the goals of the designation of Wortley Village-Old South as a Heritage Conservation District is to “avoid the destruction and/or inappropriate alteration of the

existing building stock, materials and details” (Section 3.1.2, *Wortley Village-Old South Heritage Conservation District Plan*). This is achieved by:

- *Establishing policies and design guidelines to ensure new development and alterations are sensitive to the heritage attributes and details of the HCD and are based in appropriate research and examination of archival and/or contextual information;*
- *Strongly discourage the demolition of cultural heritage resources and the removal or alteration of heritage attributes;*
- *Encouraging individual property owners to understand the broader context of heritage conservation, and recognize that buildings should outlive their individual owners and each owner or tenant should consider themselves as the stewards of the building for future owners and users;*
- *Encouraging sensitive conservation and restoration practices that make gentle and reversible changes, when necessary, to significant cultural heritage resources;*
- *Encouraging improvements or renovations to “modern era” resources that are complementary to, or will enhance, the HCD’s overall cultural heritage value and streetscape; and,*
- *Providing homeowners with conservation and maintenance guidelines and best practices so that appropriate conservation activities are undertaken.*

The Design Guidelines of Section 8.3.1 of the *Wortley Village-Old South Heritage Conservation District Plan* support the retention of existing and traditional materials and methods of construction and support efforts to retain and restore, rather than replace heritage attributes.

3.0 Heritage Alteration Permit Application

A complaint from the community brought unapproved alterations underway to the property at 59 Wortley Road to the attention of the City on August 7, 2019. Compliance action ensued. The Heritage Planner met with the property owner to encourage compliance with the direction of the *Wortley Village-Old South Heritage Conservation District Plan* and the heritage character of the property.

The Heritage Alteration Permit application was submitted by the property owners and received on February 28, 2020. The applicant has applied for a Heritage Alteration Permit seeking:

- Retroactive approval for alteration of the front steps to permit the existing painted wooden steps and painted wood and metal railing/guard.

As the alterations have commenced prior to obtaining Heritage Alteration Permit approval, this Heritage Alteration Permit application has met the conditions for referral requiring consultation with the London Advisory Committee on Heritage (LACH).

Timelines legislated pursuant to the *Ontario Heritage Act* are currently suspended by Ontario Regulation 73/20 for the duration of the COVID-19 pandemic.

4.0 Analysis

The property owner contested that the front steps were “repaired”; staff do not support this assertion as the work completed to the front steps of the property at 59 Wortley Road have exceeded what can reasonably be considered repair work and are clearly an alteration. Notwithstanding, information submitted by the property owner in the Heritage Alteration Permit application demonstrates the degraded condition of the metal railing/guard thus requiring intervention (see Appendix B, Image 5).

Within the Heritage Alteration Permit application, the property owner stated that the metal and wood railings are common in the Wortley Village-Old South Heritage Conservation District. As the heritage character of the Wortley Village-Old South Heritage Conservation District is “reflected in the concentration of stylistic mixture of

historic properties dating from the area’s formative years between circa 1850 and 1930,” there is diversity in the architectural expressions of its cultural heritage resources (Section 2.3.1, Statement of Cultural Heritage Value or Interest, *Wortley Village-Old South Heritage Conservation District Plan*). Each property is unique and considered on a case-by-case basis.

As the C-rated property at 59 Wortley Road was built in circa 1928, it exhibits different contributions to the heritage character of the Wortley Village-Old South Heritage Conservation District than a property built in 1850 or 1900. It is not clear if the former metal railing with concrete steps were or were not original, however the style and form of the former railing and steps could be considered typical of the 1920s (see Image 1).

The combination of a metal picket in a wood post and rails to form a railing is a modern intervention that did not exist in the 1920s. While it may exist in other properties, perhaps in existence prior to the designation of the Wortley Village-Old South Heritage Conservation District in 2015, it is not appropriate to the heritage character of this property or the Wortley Village-Old South Heritage Conservation District. The existing railing should be removed in favour of a metal railing with concrete steps, to match those that existed prior to alteration (to maintain the existing condition), or to be replaced with painted wooden railings and steps that also fits with this property. These alternatives were encouraged by the Heritage Planner when meeting with the property owner prior to the submission of this Heritage Alteration Permit application.

The property owner made efforts to paint the front steps. The dark colour of the paint helps to diminish the contrast between the wood material and metal (see Appendix B, Image 4). However, painting the wood of the front steps does not address the compatibility of the materials and design of the railing/guard.

5.0 Conclusion

Alterations were undertaken to the C-rated property at 59 Wortley Road without Heritage Alteration Permit approval or a Building Permit. The retroactive Heritage Alteration Permit approval sought for the previously completed alterations negatively affects this cultural heritage resource by introducing a railing style that is not compatible with the property’s heritage character. The Heritage Alteration Permit application should be refused in favour of a step and railing design that is more compatible with the heritage character of this property and the Wortley Village-Old South Heritage Conservation District.

Prepared and Submitted by:	Kyle Gonyou, CAHP Heritage Planner
Recommended by:	Gregg Barrett, AICP Director, City Planning and City Planner
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.	

July 28, 2020
kg/

Appendix A Property Location
Appendix B Images

Appendix A – Location



Figure 1: Location of the subject property at 59 Wortley Road in the Wortley Village-Old South Heritage Conservation District.

Appendix B – Images



Image 1: Image of the property at 59 Wortley Road prior to alteration (October 2018; courtesy Google).



Image 2: Photograph of the property at 59 Wortley Road, showing the altered front steps.



Image 3: Detail photograph of the new front steps of the property at 59 Wortley Road.



Image 4: Photograph showing the front steps of the property at 59 Wortley Road, after being painted.



Feb 28/20

Image 5: Image, submitted by the property owner as part of the Heritage Alteration Permit application, of the bolts of the former metal railing to demonstrate their degraded condition.

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage

From: Gregg Barrett
Director, City Planning and City Planner

Subject: Heritage Alteration Permit Application by A. Schneider at 70
 Rogers Avenue, Blackfriars/Petersville Heritage Conservation
 District

Meeting on: Wednesday August 12, 2020

Recommendation

That, on the recommendation of the Managing Director, City Planning & City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval and approval for alterations to property at 70 Rogers Avenue, within the Blackfriars/Petersville Heritage Conservation District, **BE PERMITTED** with the terms and conditions:

- a) The window replacements occur within one year of Municipal Council's decision;
- b) The sash windows feature the applied mullion detail (simulated divided light) on the exterior of the windows to replicate the fenestration pattern of the original windows; and,
- c) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

Executive Summary

Alterations were undertaken to the Contributing Resource at 70 Rogers Avenue, in the Blackfriars/Petersville Heritage Conservation District, without obtaining Heritage Alteration Permit approval. A Heritage Alteration Permit application was subsequently submitted, seeking retroactive approval for some alterations undertaken and seeking approval to correct previously undertaken non-compliant alterations. The Heritage Alteration Permit application seeks to remediate the non-compliant alterations and should be approved.

Analysis

1.0 Background

1.1 Location

The property at 70 Rogers Avenue is located on the south side of Rogers Avenue between Wilson Avenue and Wharncliffe Road North (Appendix A). The property is near the junction of Rogers Avenue and Albion Street.

1.2 Cultural Heritage Status

The property at 70 Rogers Avenue is located within the Blackfriars/Petersville Heritage Conservation District, which was designated pursuant to Part V of the *Ontario Heritage Act* in 2015. The property at 70 Rogers Avenue is identified as a Contributing Resource by the *Blackfriars/Petersville Heritage Conservation District Plan*, meaning it contributes to the cultural heritage value of the Blackfriars/Petersville Heritage Conservation District.

1.3 Description

The dwelling located at 70 Rogers Avenue is a one-and-a-half storey, frame building built on a concrete foundation with an end-gable roof (Appendix B). The building is clad in siding tiles. The Contributing Resource was constructed in c.1946, and is believed to be part of the housing efforts immediately following the end of World War II, demonstrating stylistic similarities to the popular "Kernohan houses." The form and design of the dwelling is consistent with several others found within the

Blackfriars/Petersville Heritage Conservation District, including the adjacent properties at 66 Rogers Avenue and 68 Rogers Avenue.

2.0 Legislative/Policy Framework

2.1 Provincial Policy Statement

Heritage conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement (2020)* promotes the wise use and management of cultural heritage resources and directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

2.2 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*)

Municipal Council must make a decision on the Heritage Alteration Permit application within 90 days or the request is deemed permitted (Section 42(4), *Ontario Heritage Act*).

2.2.1 Contravention of the Ontario Heritage Act

Pursuant to Section 69(1) of the *Ontario Heritage Act*, failure to comply with any order, direction, or other requirement made under the *Ontario Heritage Act* or contravention of the *Ontario Heritage Act* or its regulations, can result in the laying of charges and fines up to \$50,000.

When the amendments to the *Ontario Heritage Act* in Bill 108 are proclaimed in force and effect, the maximum fine for the demolition or removing a building, structure, or heritage attribute in contravention of Section 42 of the *Ontario Heritage Act* will be increased to \$1,000,000 for a corporation.

2.3 The London Plan

The policies of *The London Plan* found in the Cultural Heritage chapter support the conservation of London’s cultural heritage resources. Policy 554_ of *The London Plan* articulates one of the primary initiatives as a municipality to “ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources.” To help ensure that new development is compatible, Policy 594_ (under appeal) of *The London Plan* provides the following direction:

1. *The character of the district shall be maintained by encouraging the retention of existing structures and landscapes that contribute to the character of the district.*
2. *The design of new development, either as infilling, redevelopment, or as additions to existing buildings, should complement the prevailing character of the area.*
3. *Regard shall be had at all times to the guidelines and intent of the heritage conservation district plan.*

Policy 13.3.6 of the *Official Plan (1989, as amended)* includes similar language and policy intent.

2.3 Blackfriars/Petersville Heritage Conservation District

The Blackfriars/Petersville Heritage Conservation District is recognized for its significant cultural heritage value, not just for its individual cultural heritage resources (Contributing Resources) but for the value that they have together, collectively. The goals of the designation of Blackfriars/Petersville as a Heritage Conservation District pursuant to Part V of the *Ontario Heritage Act* support the conservation of its resources. Specifically for its cultural heritage resources:

Goal: To encourage the conservation of contributing heritage resources including buildings, landmarks, and other structures that contribute to the cultural heritage value of the district by:

- *Encouraging that alterations, additions, and renovations to heritage resources be consistent with the identified cultural heritage value of the area;*
- *Encouraging the maintenance and retention of significant heritage landmarks identified in the district;*
- *Avoiding unnecessary demolition and inappropriate alterations of identified heritage resources that contribute to the heritage value of the district; and,*
- *Encouraging sympathetic design and appropriate alterations when new development is proposed to ensure that there is no negative impact on the heritage value of the area, with particular attention to form, scale, massing, and setback.*

To implement this goal and these objectives, the policies of Section 7.4 (Contributing Resources) and the design guidelines of Section 10.3.1 (Design Guidelines – Alterations and Additions) and applicable Architectural Conservation Guidelines of Section 11 were considered in the evaluation of a Heritage Alteration Permit application.

The Blackfriars/Petersville Heritage Conservation District Plan identifies Contributing Resources and Non-Contributing Resources. The property at 70 Rogers Avenue is identified as a Contributing Resource. Contributing Resources are defined as “a property, structure, landscape element, or other attribute of a Heritage Conservation District that supports the identified cultural heritage values, character, and/or integrity of the H CD. Contributing Resources are subject to the policies and guidelines for conservation, alteration, and demolition.”

The policies of Section 7.4.1 of the *Blackfriars/Petersville Heritage Conservation District Plan* require the conservation of a Contributing Resource and the cultural heritage value of the Blackfriars/Petersville Heritage Conservation District. In particular,

- Policy 7.4.1.e *Alterations that have the potential to impact heritage attributes of a protected heritage resource shall not be permitted.*
- Policy 7.4.1.i *Major alterations to the exterior façade of a contributing resource shall not be permitted. Such alteration should only be considered where the intent is to conserve the contributing resource.*
- Policy 7.4.1.j *Additions or alterations to contributing resources should be sympathetic, subordinate, distinguishable, and contextual in relation to the existing resource and its context, as well as the heritage attributes and cultural heritage value of the Blackfriars/Petersville Heritage Conservation District.*

The intent of the guidelines of Section 10.3.1 of the *Blackfriars/Petersville Heritage Conservation District Plan* is to support the conservation of the existing built heritage resources.

The following applicable guidelines, from Section 11.2.10 (Doors and Windows) of the *Blackfriars/Petersville Heritage Conservation District Plan*, note:

- *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 barns between the panes of glass.*

- *If possible, retain parts of the original doors and windows, particularly the original glass. Small differences in the interpretation of these details makes a huge difference in the overall appearance of the building.*
- *The replacement of original wood framed windows by vinyl or aluminium clad wood 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.*
- *Original door and window openings on the street facing façade should not be blocked up or covered as this can greatly alter the visual character of the dwelling.*

3.0 Heritage Alteration Permit Application

A complaint from the community brought the unapproved alterations to the property at 70 Rogers Avenue to the attention of the City on January 25, 2019. Compliance action ensued, including consultation with the Heritage Planner.

The Heritage Alteration Permit application was submitted by an authorized agent for the property owners and received on March 3, 2020. The applicant has applied for a Heritage Alteration Permit seeking:

- Retroactive approval for removal of the side (west) door and doorway, and installation of a vinyl window and exterior siding to match existing; and,
- Alteration of the front windows, to correct non-compliant alterations, to install new vinyl windows replicating the lost details of the original wood windows (see sketch in Appendix C).

As the alterations have commenced prior to obtaining Heritage Alteration Permit approval, this Heritage Alteration Permit application has met the conditions for referral requiring consultation with the London Advisory Committee on Heritage (LACH).

Timelines legislated pursuant to the *Ontario Heritage Act* are currently suspended by Ontario Regulation 73/20 for the duration of the COVID-19 pandemic.

The property owner was also considering other alterations to the property but was advised by staff to submit this Heritage Alteration Permit application with their proposal to address the issues of non-compliance. A separate Heritage Alteration Permit application would be required for other potential alterations requiring approval, as specified in the Classes of Alterations for the *Blackfriars/Petersville Heritage Conservation District Plan*.

4.0 Analysis

4.1 Side Doorway Alteration

The side (west) doorway of the Contributing Resource was altered into a window, which maintained the width of the opening and installed exterior siding, to match the existing, below. The exterior has been painted, allowing the replacement siding to blend in with the original siding. While a wood window matching the original windows of the Contributing Resource would have been preferred, the installed window matches the general style and size of the other windows. These alterations, however, have resulted in the loss of the side stoop and original side door.

Retaining original doors, stoops, and details is preferred and supported by the policies and guidelines of the *Blackfriars/Petersville Heritage Conservation District*. The existing condition of the side doorway of the property at 70 Rogers Avenue is sufficiently compatible to warrant retroactive Heritage Alteration Permit approval.

4.2 Front Window Alteration

The front window was formerly a triplet window, with a pair of hung (sash) wood windows flanking a fixed window in the middle (see Appendix B, Image 1). This window was removed and replaced by a projecting (oriel) bay window without Heritage

Alteration Permit approval. The projecting (oriel) bay window is not compatible with the cultural heritage values of the Contributing Resource. The original window has been discarded.

To correct this non-compliance, the property owner has proposed to remove the non-compliant window and install a vinyl window to replicate the details of the former window. This would generally comply with the guidelines of Section 11.2.10, which discourage the use of vinyl windows, but note that replacement windows should "...mimic the original windows with respect to style, size and proportion, with a frame that is similar in colour..." The proposed replacement vinyl window closely replicate or mimic the details of the former window (see Appendix C). The proposed replacement vinyl window has a pair of sash (hung) windows, with applied mullion detailing to replicate the detailing of the original windows, flanking a fixed centre window.

The proposed replacement window is more compatible with the cultural heritage values of this Contributing Resource than the presently-installed projecting (oriel) bay window. The sash windows must have the applied mullion detail on the exterior of the windows (simulated divided lights) to make a reasonable effort to more replicate the details of the original windows, which is noted in the Heritage Alteration Permit application submitted by the property owner’s agent. The proposed replacement window should be approved with terms and conditions to ensure that the details of the replacement window are accurate and that the replacement occurs within a timely manner.

5.0 Conclusion

Alterations were undertaken to the Contributing Resource at 70 Rogers Avenue without Heritage Alteration Permit approval. One of the goals of the designation of the Blackfriars/Petersville Heritage Conservation District pursuant to the *Ontario Heritage Act* is to encourage alterations that are consistent with the cultural heritage values of the area; seeking remedial action to improve the compliance of unapproved alterations is difficult. In some cases, such as this, the unapproved alteration must be removed and a more compliant intervention permitted.

Prepared and Submitted by:	Kyle Gonyou, CAHP Heritage Planner
Recommended by:	Gregg Barrett, AICP Director, City Planning and City Planner
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.	

July 28, 2020
kg/

\\FILE2\users-z\pdp\Shared\policy\HERITAGE\Heritage Alteration Permit Reports\Rogers Avenue, 70\2020-08-12 LACH HAP20-017-L 70 Rogers Avenue.docx

- Appendix A Property Location
- Appendix B Images
- Appendix C Sketch of Proposed Replacement Window

Appendix A – Location

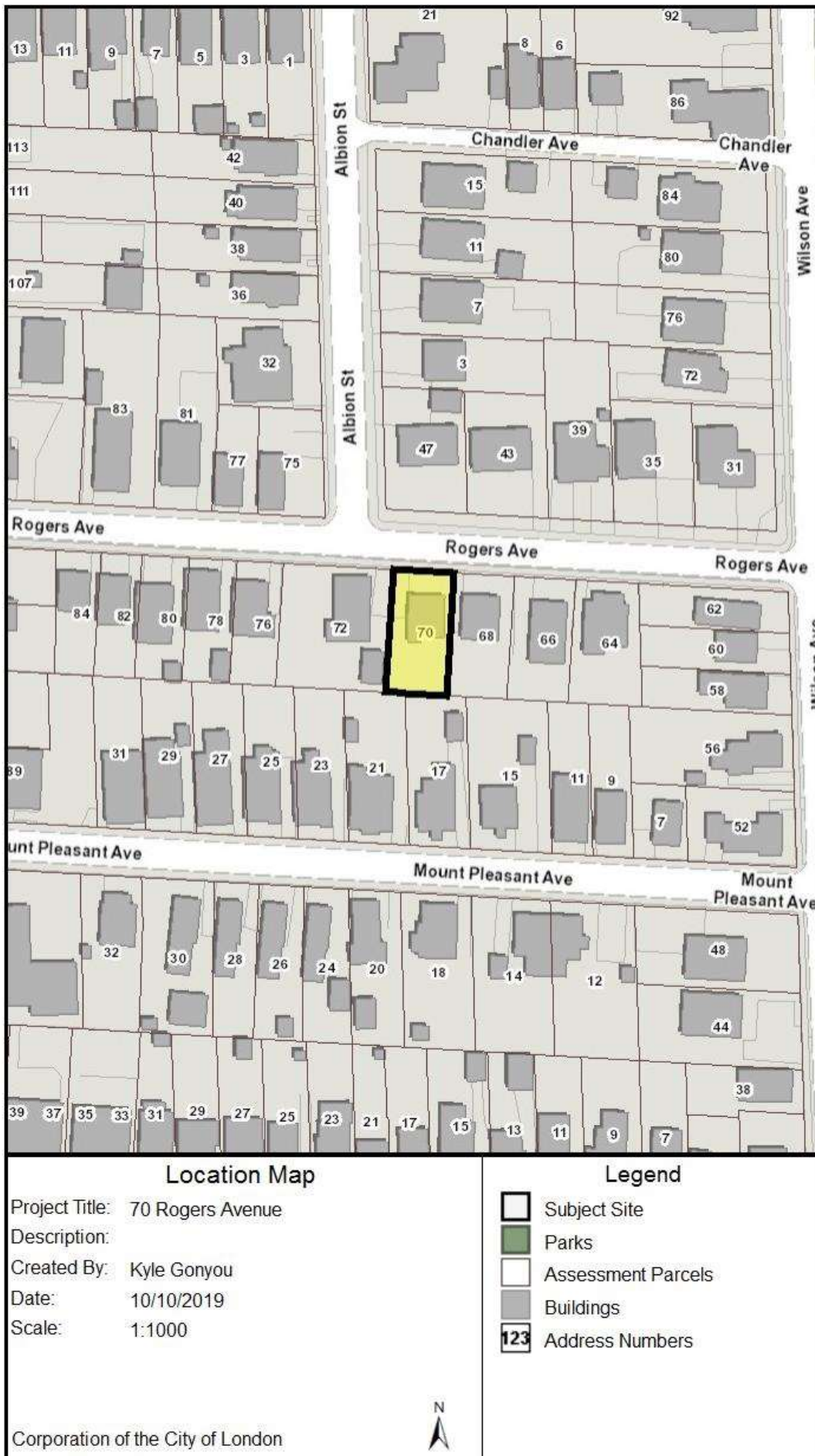


Figure 1: Location of the subject property at 70 Rogers Avenue in the Blackfriars/Petersville Heritage Conservation District.

Appendix B – Images



Image 1: View of the north (main) and west elevations of the dwelling located at 70 Rogers Avenue on July 12, 2018 (prior to alterations).



Image 2: Photograph showing the unapproved alterations to the property at 70 Rogers Avenue underway on January 25, 2019.



Image 3: View of the north (main) and west elevations of the dwelling located at 70 Rogers Avenue on September 11, 2019 (showing the completed alterations to the west elevation and the altered front window).



Image 4: Photograph of the property at 70 Rogers Avenue on July 9, 2020.

Appendix C – Sketch of Proposed Replacement Window

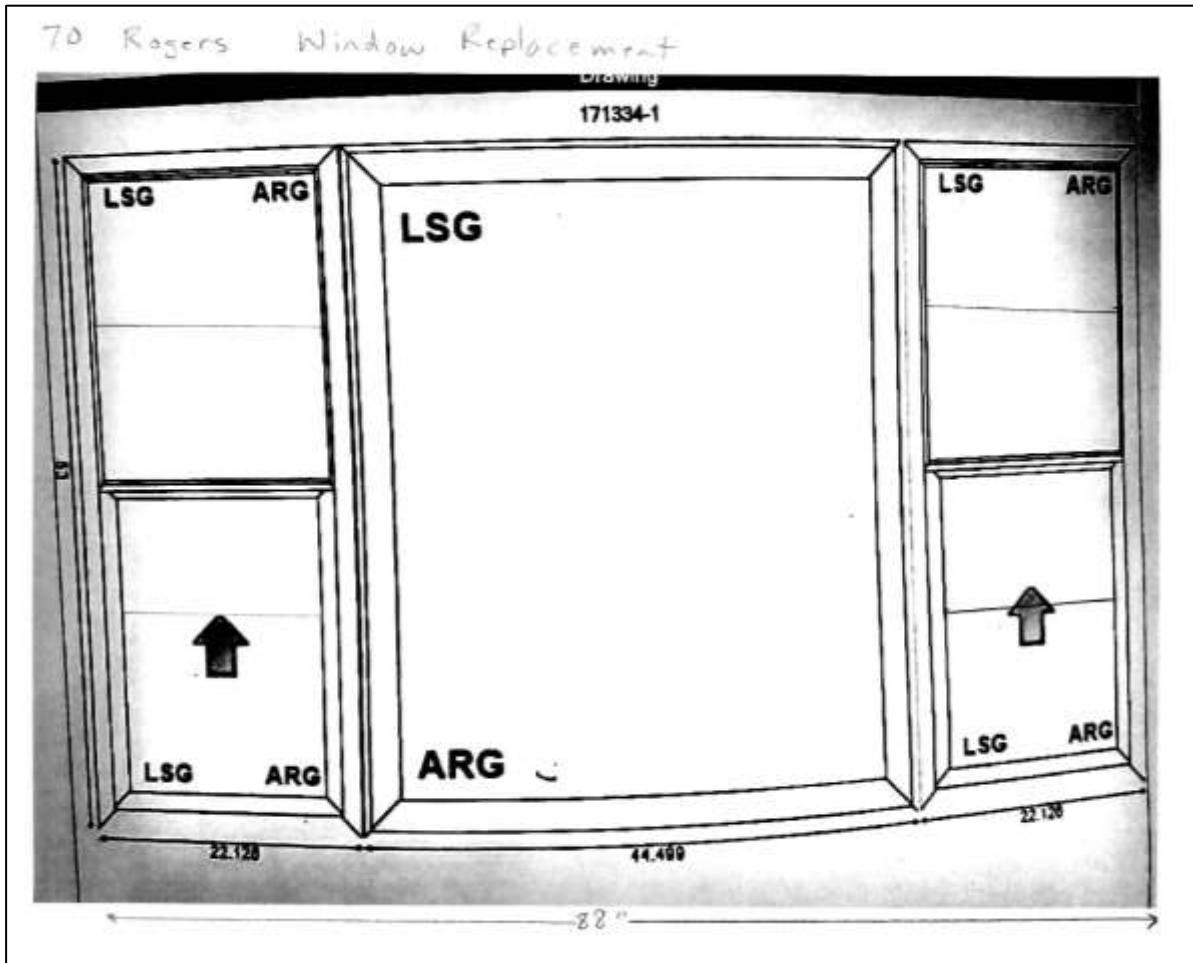


Figure 2: Sketch of proposed replacement window, submitted as part of the Heritage Alteration Permit application. The proposed window has a pair of sash (hung) windows, with applied mullions to replicate the detailing of the original window (annotated detail), which flank the centre fixed window.

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage
From: Gregg Barrett, Director, City Planning and City Planner
Subject: Heritage Alteration Permit Application by B. Egan at 512 English Street
Meeting on: Wednesday August 12, 2020

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 for the proposed alterations to the property at 512 English Street, within the Old East Heritage Conservation District, **BE PERMITTED** with terms and conditions:

- a) The voussoirs consist of salvaged buff brick that matches the brick of the dwelling
- b) The space in between the two windows be clad with salvaged buff brick;
- c) The sills of the new window openings consist of matching materials consistent with the remaining window openings on the dwelling; and
- d) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

Executive Summary

The property at 512 English Street contributes to the heritage character of the Old East Heritage Conservation District. As the proposed alterations commenced prior to obtaining Heritage Alteration Permit approval, this Heritage Alteration Permit application has met the conditions for referral requiring consultation with the London Advisory Committee on Heritage (LACH). The recommended action is to permit the proposed window alterations to the west elevation including the addition of the two windows. Provided that the appropriate sills and voussoirs, and salvaged buff brick is used, the alterations should be permitted with terms and conditions.

Analysis

1.0 Background

1.1 Location

The property at 512 English Street is located on the northeast corner of the intersection of English Street and Lorne Avenue (Appendix A).

1.2 Cultural Heritage Status

The property at 512 English Street is located within the Old East Heritage Conservation District, which was designated pursuant to Part V of the *Ontario Heritage Act* in 2006. The property is noted as a C-ranked property within the HCD. C-ranked properties are described within the Old East Heritage Conservation District Study as being “of value as part of the environment” (Section 4.2).

1.3 Description

The existing dwelling at 512 English Street was constructed in 1903 and is a 1 ½ storey vernacular buff brick dwelling with a gable roof, and wood shingle imbrication in its west facing gable (Appendix B).

2.0 Legislative/Policy Framework

2.1 Provincial Policy Statement

Heritage conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement (2020)* promotes the wise use and management of cultural

heritage resources and directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

2.2 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*)

Municipal Council must make a decision on the Heritage Alteration Permit application within 90 days or the request is deemed permitted (Section 42(4), *Ontario Heritage Act*).

2.2.1 Contravention of the Ontario Heritage Act

Pursuant to Section 69(1) of the *Ontario Heritage Act*, failure to comply with any order, direction, or other requirement made under the *Ontario Heritage Act* or contravention of the *Ontario Heritage Act* or its regulations, can result in the laying of charges and fines up to \$50,000.

When the amendments to the *Ontario Heritage Act* in Bill 108 are proclaimed in force and effect, the maximum fine for the demolition or removing a building, structure, or heritage attribute in contravention of Section 42 of the *Ontario Heritage Act* will be increased to \$1,000,000 for a corporation.

2.3 The London Plan

The policies of *The London Plan* found in the Cultural Heritage chapter support the conservation of London’s cultural heritage resources. Policy 554_ of *The London Plan* articulates one of the primary initiatives as a municipality to “ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources.” To help ensure that new development is compatible, Policy 594_ (under appeal) of *The London Plan* provides the following direction:

1. *The character of the district shall be maintained by encouraging the retention of existing structures and landscapes that contribute to the character of the district.*
2. *The design of new development, either as infilling, redevelopment, or as additions to existing buildings, should complement the prevailing character of the area.*
3. *Regard shall be had at all times to the guidelines and intent of the heritage conservation district plan.*

Policy 13.3.6 of the *Official Plan* (1989, as amended) includes similar language and policy intent.

2.3 Old East Heritage Conservation District

A number of goals and objectives have been established to provide a framework for the protection and preservation of the unique heritage features in the Old East Heritage Conservation District (*Old East Heritage Conservation District Conservation Plan*, Section 3.2). The dwellings within the Old East Heritage Conservation District are described within the *Old East Heritage Conservation District Conservation and Design Guidelines* as having fairly narrow front façade, and a result elements such as doors and windows take up proportionally large amounts of space and contribute substantially to the heritage appeal of the buildings. Further, the repetition of specific window shapes including arched windows, keyhole windows, and rectangular double-hung windows are noted for its continuity within the Old East Heritage Conservation District. Retaining the shape, size, and proportion of window is an important aspect of conserving the heritage character of the district.

The *Old East Heritage Conservation District Conservation and Design Guidelines* provides guidance for alterations and replacement of and installation of windows within the Heritage Conservation District:

Section 3.6 Doors and Windows – The replacement of original wood framed windows by vinyl or aluminum clad window 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.

Section 4.3.1.c. Guidelines for Alterations – Seek similar properties (same age, same design, same builder) for evidence of details that may still exist as samples for reconstruction.

Section 4.3.1.f Guidelines for Alterations – Where replacement of features (e.g. doors, windows, trim) is unavoidable, the replacement components should be of the same general style, size and proportions.

3.0 Heritage Alteration Permit Application

3.1 Heritage Alteration Permit

Numerous complaints about unapproved alterations to the property at 512 English Street were brought to the attention of the City in February 2020. The Heritage Planner consulted with a representative of the property in February and March 2020, identifying alterations to the heritage designated property that required approval of a Heritage Alteration Permit, including the replacement of existing windows, and the addition of an additional window opening.

Due to the City's response to the COVID-19 pandemic, a completed Heritage Alteration Permit application could not be received until July 2020, as the application required consultation with the London Advisory Committee on Heritage. A complete Heritage Alteration Permit application was submitted by the representative of the property owner and was received on July 14, 2020. The representative of the property owner has applied for a Heritage Alteration Permit seeking approval for:

- Removal of the existing second storey vinyl window;
- Addition of a second window opening on the second storey;
- Installation of two new double-hung vinyl windows, 2' x4' in size;
- Installation of new voussoirs, constructed of salvaged buff brick; and
- Installation of new sills to match the existing windows on the dwelling.

As the alterations have commenced prior to obtaining Heritage Alteration Permit approval, this Heritage Alteration Permit application has met the conditions for referral requiring consultation with the London Advisory Committee on Heritage (LACH).

Timelines legislated pursuant to the *Ontario Heritage Act* are currently suspended by Ontario Regulation 73/20 for the duration of the COVID-19 pandemic.

4.0 Analysis

4.1 Recommended Practices and Design Guidelines

The *Old East Heritage Conservation District Plan* established the principles, goals and objectives for the Old East Heritage Conservation District including recommended policies and guidelines pertaining to major architectural, streetscape, and land use changes, and outlined the approval process for heritage work along with other implementation recommendations. The *Old East Heritage Conservation District Conservation and Design Guidelines* is intended to provide residents and property owners with additional guidance regarding appropriate conservation, restoration, alteration and maintenance activities and to assist municipal staff and council in reviewing, and making decisions on permit and development applications within the district.

Both documents provide a basis for the review of the alterations included within this Heritage Alteration Permit application. In general, the alterations included within this application follow a number of recommended practices and guidelines that are outlined in Section 4.2 (Alterations) of the *Old East Heritage Conservation District Plan*, as well as Section 3.6 (Doors and Windows) of the *Old East Heritage Conservation District Conservation and Design Guidelines*.

4.2 Window Replacement

The review of the window and façade alterations included within this Heritage Alteration Permit application considers the direction outlined in Section 3.6. of the *Old East Heritage Conservation District Conservation and Design Guidelines* as well as the recommended practices and design guidelines that are outlined in Section 4.2 of the *Old East Heritage Conservation District Plan*.

The existing window that is the subject of the Heritage Alteration Permit application on the west façade of the dwelling had been previously replaced with a double hung, vinyl window. The window was removed and the window opening was enlarged in February 2020, prior to receiving Heritage Alteration Permit approval. The intent of the enlarging the window opening was to alter the façade to include two symmetrical window openings.

Following consultation with the property owner’s representative, the window opening had been temporarily enclosed with plywood hoarding until Heritage Alteration Permit approval was obtained. The proposed alterations applied for include the installation of two new symmetrical double hung, vinyl windows, 2’ x 4’ in size. In order to mitigate the potential impacts on the west façade of the dwelling, the application seeks to remove the existing voussoirs and construct two new voussoirs over the new windows. In addition, two new sills will be installed below the new windows in order to match the existing window openings on the dwelling. The new voussoirs as well as the space in between the two new windows is proposed to be clad with salvaged buff brick to match the existing brick of the dwelling. Similar houses within the Old East Heritage Conservation District were cited by the applicant in the Heritage Alteration Permit application as inspiration for the proposed alterations, including the voussoir treatment (Appendix B)

5.0 Conclusion

The proposed alterations to the west façade of the dwelling at 512 English Street seek to be consistent with the Design Guidelines (Section 3.6) of the *Old East Heritage Conservation District Conservation and Design Guidelines*. The proposed windows, sills, and voussoirs have been selected to be similar in design, scale, and materials to similar dwellings located within the Old East Heritage Conservation District. The proposed alterations should be permitted with terms and conditions.

<p>Prepared by:</p>	<p>Michael Greguol, CAHP Heritage Planner</p>
<p>Submitted and Recommended by:</p>	<p>Gregg Barrett, AICP Director, City Planning and City Planner</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.

July 30, 2020
mg/

Z:\Heritage Alteration Permit Reports\English Street, 512\HAP20-042-L 512 English Street LACH 2020-08-12.docx

Appendix A Property Location
Appendix B Images

Appendix A – Location



Figure 1: Location of the subject property at 512 English Street in the Old East Heritage Conservation District.

Appendix B – Images



Image 1: Photograph showing the dwelling at 512 English Street located within the Old East Heritage Conservation District, c.2018.



Image 2: Photograph showing the dwelling at 512 English Street, located at the corner of Lorne Avenue and English Street within the Old East Heritage Conservation District. Note, the proposed alterations to the dwelling are underway.



Image 3: Photograph showing unapproved alterations underway at 512 English Street in February, 2020. The plywood hoarding was installed in February, 2020, and has remained in this state, awaiting HAP approval.



Image 4: Photograph showing the dwelling at 512 English Street, in July 2020. No further work has been completed since February 2020.



Image 5: Photograph submitted as a part of the Heritage Alteration Permit application showing unapproved alterations underway.



Image 6: Photograph submitted as a part of the Heritage Alteration Permit application for 512 English Street, showing windows on the north façade of the dwelling. The voussiors on this façade will be replicated on the west façade of the dwelling.



Image 7: Photograph submitted as a part of the Heritage Alteration Permit application for the property at 512 English Street, showing voussoir and sill details on the north façade that will be installed on the west façade.



Image 8: Photograph submitted as a part of the Heritage Alteration Permit application for the property at 512 English Street, showing the property located at 519 English Street, within the Old East Heritage Conservation District. The property was cited in the Heritage Alteration Permit application as an example of a similar property demonstrating the voussoirs and sills to be installed at 512 English Street.



Image 9: Photograph of the dwelling located at 520 English Street within the Old East Heritage Conservation District, showing a set of second storey windows, similar to the proposed alterations at 512 English Street. Note, the decorative millwork in the gable of this dwelling extends to the tops of the windows, so voussoirs are not observed on this house.

Report to London Advisory Committee on Heritage

To: Chair and Members
London Advisory Committee on Heritage

From: Gregg Barrett
Director, City Planning and City Planner

Subject: Heritage Alteration Permit Application by J. Banninga and J. Williams at 784 Hellmuth Avenue, Bishop Hellmuth Heritage Conservation District

Meeting on: Wednesday August 12, 2020

Recommendation

That, on the recommendation of the Managing Director, City Planning & City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval for alterations to property at 784 Hellmuth Avenue, within the Bishop Hellmuth Heritage Conservation District, **BE REFUSED**.

Executive Summary

The windows of the property at 784 Hellmuth Avenue, designated pursuant to Part V of the *Ontario Heritage Act* as part of the Bishop Hellmuth Heritage Conservation District, were removed and replaced without Heritage Alteration Permit approval. The replacement windows do not comply with the policies and guidelines of the *Bishop Hellmuth Heritage Conservation District Plan* and negatively affect the cultural heritage value of this property in the Bishop Hellmuth Heritage Conservation District. The retroactive Heritage Alteration Permit application should be refused and windows compatible in finish, style, proportions, and placement to the original windows be installed.

Analysis

1.0 Background

1.1 Location

The property at 784 Hellmuth Avenue is located on the east side of Hellmuth Avenue between Oxford Street East and St. James Street (Appendix A).

1.2 Cultural Heritage Status

The property at 784 Hellmuth Avenue is located within the Bishop Hellmuth Heritage Conservation District, which was designated pursuant to Part V of the *Ontario Heritage Act* in 2003. The property also features a blue City of London heritage property plaque affixed adjacent to the front door.

1.3 Description

The dwelling located at 784 Hellmuth Avenue is a one-and-a-half storey, buff brick-clad building with a cross-gable roof (Appendix B). The building's style and detail demonstrate many characteristic elements of the Queen Anne Revival architectural style: complicated massing, decorative carved gable detailing, bargeboard with applied detail, decorated porch with columns and turned spindles, and stained glass windows. The date of construction, circa 1906, fits within the period of development of the Bishop Hellmuth Heritage Conservation District and as a late example of Queen Anne Revival architecture in London.

The former windows of the heritage designated property at 784 Hellmuth Avenue were typical of the period and Queen Anne Revival architectural style: painted wood (single or double hung) sash windows with undivided lights (see Appendix B). Aluminum storm windows were added over what may be the original wood windows at some point in the property's history.

2.0 Legislative/Policy Framework

2.1 Provincial Policy Statement

Heritage conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement (2020)* promotes the wise use and management of cultural heritage resources and directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

2.2 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*)

Municipal Council must make a decision on the Heritage Alteration Permit application within 90 days or the request is deemed permitted (Section 42(4), *Ontario Heritage Act*).

2.2.1 Contravention of the Ontario Heritage Act

Pursuant to Section 69(1) of the *Ontario Heritage Act*, failure to comply with any order, direction, or other requirement made under the *Ontario Heritage Act* or contravention of the *Ontario Heritage Act* or its regulations, can result in the laying of charges and fines up to \$50,000.

When the amendments to the *Ontario Heritage Act* in Bill 108 are proclaimed in force and effect, the maximum fine for the demolition or removing a building, structure, or heritage attribute in contravention of Section 42 of the *Ontario Heritage Act* will be increased to \$1,000,000 for a corporation.

2.3 The London Plan

The policies of *The London Plan* found in the Cultural Heritage chapter support the conservation of London’s cultural heritage resources. Policy 554_ of *The London Plan* articulates one of the primary initiatives as a municipality to “ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources.” To help ensure that new development is compatible, Policy 594_ (under appeal) of *The London Plan* provides the following direction:

1. *The character of the district shall be maintained by encouraging the retention of existing structures and landscapes that contribute to the character of the district.*
2. *The design of new development, either as infilling, redevelopment, or as additions to existing buildings, should complement the prevailing character of the area.*
3. *Regard shall be had at all times to the guidelines and intent of the heritage conservation district plan.*

Policy 13.3.6 of the *Official Plan (1989, as amended)* includes similar language and policy intent.

2.3 Bishop Hellmuth Heritage Conservation District Plan

The “reasons for designation” of the Bishop Hellmuth area as a Heritage Conservation District pursuant to Part V of the *Ontario Heritage Act* highlight the historical association of the area with Bishop Isaac Hellmuth, the Queen Anne Revival architectural style of the area, the churches as architectural focal points, its natural beauty, its authenticity, and its community pride (Section 2, *Bishop Hellmuth Heritage Conservation District Plan*). The goals of the *Bishop Hellmuth Heritage Conservation District Plan* work to “preserve and enhance a beautiful and historic residential enclave” with physical goals to:

- *To encourage the retention and conservation of historic buildings and landscapes.*

- *To guide the design of new work to be compatible with old.*
- *To enhance the historic character and visual appeal of the area.*
- *To achieve and maintain a cohesive, well designed and identifiable historic area.*

To support these goals, Heritage Alteration Permit approval is required for alterations to properties designated as part of the Bishop Hellmuth Heritage Conservation District. The following principles should be followed (Section 4.2, *Bishop Hellmuth Heritage Conservation District Plan*):

- Identify the architectural style
- Preserve historic architectural features
- Conserve rather than replace
- Replicate in keeping
- Record changes
- Save removed architectural features

The Building Alteration Policies for windows are as follows (Section 4.2, *Bishop Hellmuth Heritage Conservation District Plan*):

The predominant window type is the painted wood double hung sash. Many principle front windows have stained glass transoms. The conservation of original windows in general and stained glass windows in particular is a high priority. If altered, they should complement the finish, style, proportions and placement of the original. Removal of original stained glass windows is strongly discouraged. Vinyl and aluminum-clad windows are discouraged as they lack historic character.

Window alterations are clearly identified in Section 6.1 of the *Bishop Hellmuth Heritage Conservation District Plan* as requiring Heritage Alteration Permit approval.

Building Conservation Guidelines for windows can be found in the *Bishop Hellmuth Heritage Conservation District Guidelines*. These guidelines include information on the window assembly, old glass, replacing single glass with insulating glass, aluminum storm windows, vinyl and aluminum windows, exterior wooden storm windows, and maintenance. An extract of the Windows – Building Conservation Guideline, identifying different windows by architectural style is included as Appendix C.

3.0 Heritage Alteration Permit Application

A complaint from the community brought unapproved alterations underway to the property at 784 Hellmuth Avenue to the attention of the City on March 5, 2020. The Heritage Planner went to investigate and observed the windows of the property at 784 Hellmuth Avenue being replaced (see Appendix B, Image 2).

The Heritage Alteration Permit application was submitted by an authorized agent for the property owners and received on July 20, 2020. The applicant has applied for a Heritage Alteration Permit seeking:

- Retroactive approval for:
 - Removal of the wood windows and aluminum storm windows; and,
 - Installation of vinyl casement and awning style windows, some with faux grilles.

Fortunately, none of the stained glass windows of the property were removed or replaced.

As the alterations have commenced prior to obtaining Heritage Alteration Permit approval, this Heritage Alteration Permit application has met the conditions for referral requiring consultation with the London Advisory Committee on Heritage (LACH).

Timelines legislated pursuant to the *Ontario Heritage Act* are currently suspended by Ontario Regulation 73/20 for the duration of the COVID-19 pandemic.

4.0 Analysis

The Guiding Principles of Section 4.2 of the *Bishop Hellmuth Heritage Conservation District*, the Building Alteration policies for Windows in Section 4.3 of the *Bishop Hellmuth Heritage Conservation District Plan*, and the Window Guidelines in the *Bishop Hellmuth Heritage Conservation District Guidelines* were used in the analysis of the Heritage Alteration Permit application.

Table 1: Analysis of Conformity to Guiding Principles for Building Alteration Policies of Section 4.2 of the Bishop Hellmuth Heritage Conservation District Plan

Section 4.2: Guiding Principles	Analysis
<p>Identify the Architectural Style <i>The architectural style of the building should be identified to ensure the building alterations are in keeping with the style and its characteristics.</i></p>	<p>Within their Heritage Alteration Permit application, the property owners stated that they could not identify the windows that were altered in any of the styles included in the windows section of the <i>Bishop Hellmuth Heritage Conservation District Guidelines</i> (see Appendix C, Figure 2). Instead, “the owners sought to align with the Mansard/Italianate design to enhance the heritage value and aesthetic. These custom-built windows were modified at additional cost to match a style of window appropriate to the Bishop Hellmuth Heritage Conservation District.”</p> <p>Failing to identify the appropriate architectural style of their property as an example of the Queen Anne Revival architectural style resulted in the selection of inappropriate replacement windows. The Queen Anne Revival architectural style is emphasized throughout the <i>Bishop Hellmuth Heritage Conservation District Plan and Guidelines</i>, as well as identified on the <i>Register of Cultural Heritage Resources</i> for the property at 784 Hellmuth Avenue.</p>
<p>Preserve Historic Architectural Features <i>Alterations should preserve important architectural features of the main building.</i></p>	<p>The replacement of the windows of the heritage designated property at 784 Hellmuth Avenue failed to preserve important architectural features, which includes the windows.</p>
<p>Conserve Rather than Replace <i>Original building materials, features and finishes should be repaired and conserved rather than replaced, when possible. The original has greater historical value.</i></p>	<p>Within their Heritage Alteration Permit application, the property owners stated that the windows that were replaced with not the original windows of the home. This is unclear; aluminum storm windows appear to have been installed over wood windows that are consistent with the age and style of the property.</p> <p>Also within their Heritage Alteration Permit application, the property owners included a photograph of a cracked glass window pane and cut sash cords (see Appendix B, Image 6, Image 11, and Image 12). These are repairable issues.</p> <p>The replacement of the windows fails this principle.</p>
<p>Replicate in Keeping <i>When replacing building features, they should</i></p>	<p>The replacement windows are not in keeping with the character of the original windows in finish, style, proportions, and placement.</p> <p>The original windows were painted wood, which is a historically appropriate and repairable material. The replacement windows</p>

Section 4.2: Guiding Principles	Analysis
<i>duplicate or be in keeping with the character of the original.</i>	<p>are vinyl, which is specifically discouraged by the policies and guidelines of the <i>Bishop Hellmuth Heritage Conservation District Plan and Guidelines</i>, as vinyl and aluminum-clad windows “lack historic character.”</p> <p>The original windows were (single or double hung) sash windows. The replacement windows are casement and awning style. This difference incompatible.</p> <p>The original windows were undivided sash windows. The replacement windows have a faux grid in an attempt to create the suggestion of a two-over-two fenestration pattern. The faux grid is not successful and not in keeping with the original windows.</p> <p>No window openings were altered in the window replacement. The use of vinyl replacement windows is bulkier than the original wood windows.</p>
Record Changes <i>Building alterations should be recorded by the owner through “before and after” photographs or drawings for future reference. They should be deposited with the Heritage Planner.</i>	While “before and after” photographs have been included within the Heritage Alteration Permit application, the intent of the Heritage Alteration Permit application process is to work to ensure that alterations to heritage designated properties comply with the applicable policies and guidelines to conserve significant cultural heritage resources. Retroactive Heritage Alteration Permit applications does not allow for the ability to positively influence alterations for compliance in advance of those alterations being completed.
Save Removed Architectural Features <i>Historic material and features, such as old windows and trim, when in sound condition should be saved and stored for future use in a dry and safe part of the building.</i>	The property owners have stated within their Heritage Alteration Permit application that the original windows were not retained.

The alterations completed to the cultural heritage resource at 784 Hellmuth Avenue fail to conform to the principles of Section 4.2 of the *Bishop Hellmuth Heritage Conservation District Plan*.

Table 2: Analysis of Conformity to Building Alteration policies for Windows of Section 4.2 of the Bishop Hellmuth Heritage Conservation District Plan

Section 4.2 Building Alteration Policies: Windows	Analysis
Finish	The original windows were painted wood, which is a historically appropriate and repairable material. The replacement windows are vinyl, which is specifically discouraged by the policies and guidelines of the <i>Bishop Hellmuth Heritage Conservation District Plan and Guidelines</i> , as vinyl and aluminum-clad windows “lack historic character.”
Style	The original windows were (single or double hung) sash windows. The replacement windows are casement and awning style. The change in window style is not appropriate.
Proportions	The original windows were undivided sash windows. The replacement windows have a faux grid in an attempt to create the suggestion of a two-over-two fenestration pattern. The faux grid is not successful and not in keeping with the original windows.
Placement	No window openings were altered in the window replacement. The use of vinyl replacement windows is bulkier than the original wood windows.

The replacement windows installed on the heritage designated property at 784 Hellmuth Avenue do not comply with the policies of Section 4.2 of the *Bishop Hellmuth Heritage Conservation District*. The replacement windows do not complement the finish, style or proportions of the original windows.

4.2 Suitable Replacement Windows

It is unfortunate that the original windows have not been retained as quality old wood windows are suitable candidates for rehabilitation. Coupled with new painted wood storm windows, the wood windows could achieve improved thermal integrity.

Suitable replacement windows must be appropriate in finish, style, proportions, and placement to the original windows:

- Finish: painted wood
- Style: single or double hung sash windows
- Proportions: undivided lights (no faux grilles)
- Placement: within the original openings

5.0 Conclusion

The windows of the heritage designated property at 784 Hellmuth Avenue, in the Bishop Hellmuth Heritage Conservation District, were replaced without Heritage Alteration Permit approval. The replacement of the windows does not conform to the principles of Section 4 of the *Bishop Hellmuth Heritage Conservation District Plan*. The style, design (proportion), and material of the replacement windows is not compatible with the policies and guidelines for windows in the *Bishop Hellmuth Heritage Conservation District Plan*.

The retroactive Heritage Alteration Permit application for the replacement windows of the heritage designated property at 784 Hellmuth Avenue should be refused. Suitable replacement materials must be installed to achieve compliance.

<p>Prepared and Submitted by:</p>	<p>Kyle Gonyou, CAHP Heritage Planner</p>
<p>Recommended by:</p>	<p>Gregg Barrett, AICP Director, City Planning and City Planner</p>
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from City Planning.</p>	

July 28, 2020
kg/

\\FILE2\users-z\pdp\Shared\policy\HERITAGE\Heritage Alteration Permit Reports\Hellmuth Avenue, 784\2020-08-12 LACH HAP20-044-L 784 Hellmuth Avenue.docx

- Appendix A Property Location
- Appendix B Images
- Appendix C Windows – Building Conservation Guidelines, *Bishop Hellmuth Heritage Conservation District Guidelines*

Appendix A – Location



Figure 1: Location of the subject property at 784 Hellmuth Avenue in the Bishop Hellmuth Heritage Conservation District.

Appendix B – Images



Image 1: Photograph of the property at 784 Hellmuth Avenue on May 12, 2017.



Image 2: Photograph showing the windows of the property at 784 Hellmuth Avenue being replaced on March 5, 2020.



Image 3: Photograph showing the property at 784 Hellmuth Avenue following the replacement of the windows without Heritage Alteration Permit approval.



Image 4: Photograph showing the property at 784 Hellmuth Avenue following the replacement of the windows without Heritage Alteration Permit approval.



Image 5: Image, submitted as part of the Heritage Alteration Permit application, showing a detail of the upper windows on the west façade of the heritage designated property at 784 Hellmuth Avenue.



Image 6: Image, submitted as part of the Heritage Alteration Permit application, showing a cut or broken sash cord.



Image 7: Detail image of the upper windows on the west façade after their replacement, submitted as part of the Heritage Alteration Permit application.

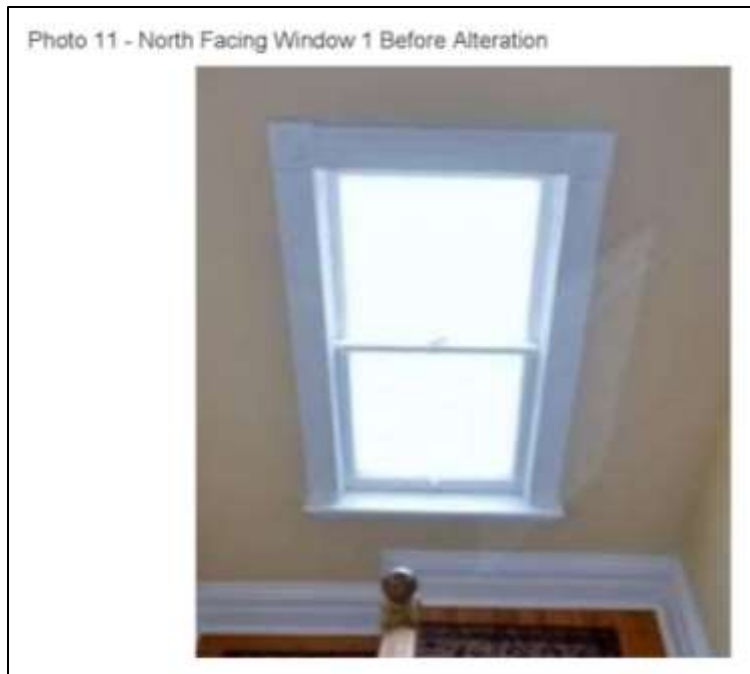


Image 8: Image of the north facing window 1 before alteration (interior), submitted as part of the Heritage Alteration Permit application.



Image 9: Image of the north facing window 1 after alteration (exterior), submitted as part of the Heritage Alteration Permit application.

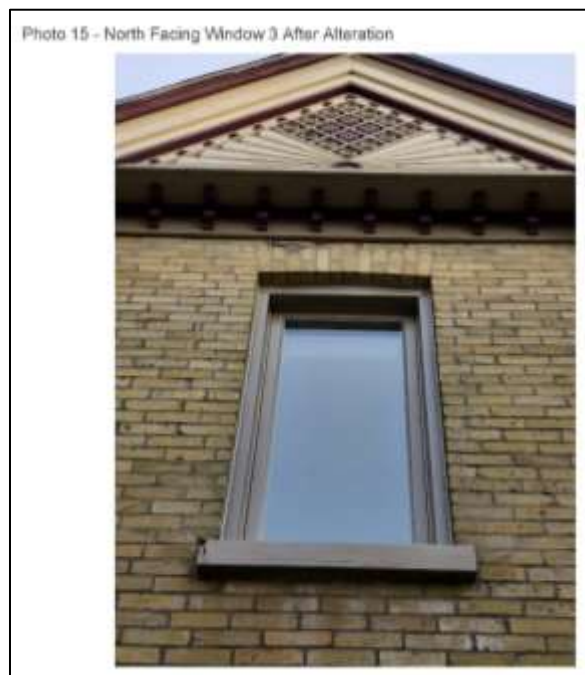


Image 10: Image of the north facing window 3 after alteration (exterior), submitted as part of the Heritage Alteration Permit application.



Image 11: Image of the south facing window 1 before alteration (interior), submitted as part of the Heritage Alteration Permit application. Circle on image identifying crack in the glass pane.



Image 12: Image of the south facing window 2 before alteration (interior), submitted as part of the Heritage Alteration Permit application. Arrow on image identifying missing sash cord.



Image 13: Image of the south facing window 1 and 2 after the alteration (exterior), submitted as part of the Heritage Alteration Permit application. The mullion between the windows appears to have been removed or clad in siding.

Appendix C – Windows – Building Conservation Guidelines

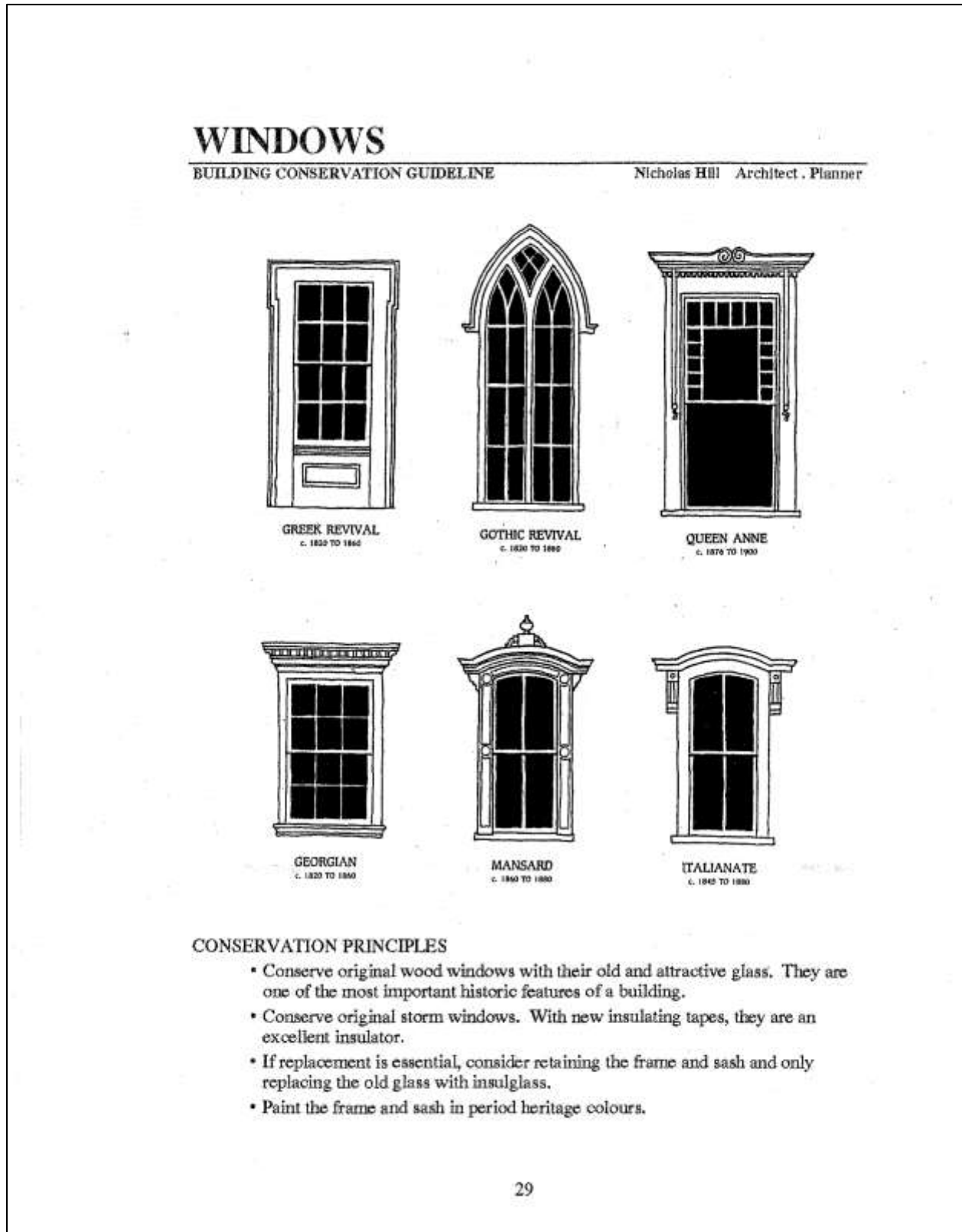


Figure 2: Extracted from the Bishop Hellmuth Heritage Conservation District Guidelines, this page identifies different windows by architectural style. As with guidelines, not all possible window variations appropriate to each architectural style are included. Not all of the architectural styles included within the Guideline are represented in the Bishop Hellmuth Heritage Conservation District. The Conservation Principles emphasize the importance of conserving original wood windows.