

Agenda Including Addeds

Planning and Environment Committee

The 16th Meeting of the Planning and Environment Committee

October 19, 2020, 4:00 PM

Virtual Meeting - during the COVID-19 Emergency

City Hall is open to the public, with reduced capacity and physical distancing requirements.

Meetings can be viewed via live-streaming on YouTube and the City website.

Members

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

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 for any City service, please contact accessibility@london.ca or 519-661-2489 ext. 2425.

To make a request specific to this meeting, please contact PEC@london.ca

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

	Pages
1. Disclosures of Pecuniary Interest	
2. Consent	
2.1. Changes to the Residential Development Charges Grant Program for Downtown and Old East Village	3
2.2. Draft Core Area Community Improvement Plan (O-9257)	79
2.3. Bill 108, The More Homes, More Choice Act and 2019 Bill 197, The COVID-19 Economic Recovery Act, 2020, Information Report	129
2.4. Application - 3635 Southbridge Avenue - Removal of Holding Provision (H-9236)	137
2.5. Application - 3575 Southbridge Avenue - Removal of Holding Provision (H-9237)	147
2.6. Application - 1605 Twilite Boulevard - Removal of Holding Provisions (h, h-54, h-71 and h-100) (H-9201)	157
2.7. Application - 3620 Southbridge Avenue - Removal of Holding Provision (H-9229)	167
2.8. Application - 3740 Southbridge Avenue - Removal of Holding Provision (H-9230)	178
2.9. Application - 1300 Fanshawe Park Road East - Stoney Creek South Subdivision - Special Provisions 39T-04512-2	190
2.10. Application - 965 Upperpoint Avenue (H-9233)	208
3. Scheduled Items	
3.1. Public Participation Meeting - Not be heard before 4:00 PM - Application - 1761 Wonderland Road North (OZ-9178)	219

3.2.	Public Participation Meeting - Not be heard before 4:30 PM - Application - 355 Marconi Boulevard - Draft Plan of Subdivision and Zoning By-law Amendments 39T-20501 (Z-9210)	246
a.	F. Stothers	277
3.3.	Public Participation Meeting - Not be heard before 4:30 PM - Demolition Request for Heritage Listed Property - 954 Gainsborough Road	278
a.	<i>(ADDED) S. Bharij</i>	336
3.4.	Public Participation Meeting - Not be heard before 5:00 PM - Meadowlily Environmentally Significant Area - Conservation Master Plan (Z-9245)	337
a.	<i>(ADDED) G. Smith, Friends of Meadowlily Woods</i>	380
b.	<i>(ADDED) S. Levin</i>	403
3.5.	Public Participation Meeting - Not be heard before 5:30 PM - Application - 348 Sunningdale Road East (Z-9011)	408
a.	<i>(ADDED) P.A. and H. Reynolds</i>	476
4.	Items for Direction	
4.1.	<i>(ADDED) 7th Report of the London Advisory Committee on Heritage</i>	478
a.	<i>(ADDED) S. Allen, MHBC Planning, Urban Design and Landscape Architecture - Request for Delegation Status - 183 and 197 Ann Street</i>	557
b.	<i>(ADDED) M. Tovey - Request for Delegation Status - 183 and 197 Ann Street</i>	558
c.	<i>(ADDED) A. M. Valastro - Request for Delegation Status - 183 and 197 Ann Street</i>	567
d.	<i>(ADDED) North Talbot Neighbourhood Association</i>	568
e.	<i>(ADDED) K. McKeating , ACO London Region</i>	570
f.	<i>(ADDED) P. Black</i>	572
g.	<i>(ADDED) J. Grainger</i>	573
h.	<i>(ADDED) E. Wiley</i>	574
i.	<i>(ADDED) D. Murphy</i>	575
j.	<i>(ADDED) L. Tinsley</i>	576
k.	<i>(ADDED) A. Peters</i>	577
l.	<i>(ADDED) S. Murdoch</i>	579
m.	<i>(ADDED) M. Lee</i>	580
5.	Deferred Matters/Additional Business	
6.	Adjournment	

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Gregg Barrett
Director, City Planning and City Planner
Subject: Changes to the Residential Development Charges Grant
Program for Downtown and Old East Village
Meeting on: October 19, 2020

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, the following actions be taken with respect to updating the guidelines for the Residential Development Charges Grant Program permitted through the Downtown and Old East Village Community Improvement Plans:

- (a) That the proposed by-law amendment attached as Appendix “A” **BE INTRODUCED** at the Municipal Council meeting on October 27, 2020 to amend By-law C.P.-1467-175, as amended, being a by-law to establish financial incentives for the Downtown Community Improvement Project Areas, to delete the existing Schedule 1 and replace with the new Schedule 1 (Downtown Community Improvement Plan – Financial Incentive Program Guidelines);
- (b) That the proposed by-law amendment attached as Appendix “B” **BE INTRODUCED** at the Municipal Council meeting on October 27, 2020 to amend By-law C.P.-1468-176, as amended, being a by-law to establish financial incentives for the Old East Village Community Improvement Project Area, to delete the existing Schedule 1 and replace with the new Schedule 1 (Old East Village Community Improvement Plan – Financial Incentive Program Guidelines);
- (c) That the Civic Administration **BE DIRECTED** to process the Residential Development Charges Grant of \$14,895 due to Youth Opportunities Unlimited for improvements made to 340 Richmond Street.

Executive Summary

The purpose of this report is to update the Program Guidelines for the Residential Development Charges Grant Program permitted through the Downtown and Old East Village Community Improvement Plans. These changes:

- Address how the Bill 108 changes to the *Development Charges Act* affects the Residential Development Charges Grant Program;
- Remove eligibility to the Residential Development Charges Grant Program if development charges are paid over 21 annual installments;
- Add a new lump sum grant payment option for smaller residential development projects;
- Modify how the Residential Development Charges Grant Program works for property owners who do not pay property taxes.

Analysis

1.0 Relevant Background

1.1 Previous Reports Relevant to this Matter

Corporate Services Committee – March 9, 2020, Agenda Item 2.3 – Development Charges Housekeeping Matters Related to Bill 108

Planning and Environment Committee – July 22, 2019, Agenda Item 2.6 – Information Report – Proposed Regulations for Bill 108 – More Homes, More Choices Act, 2019

Planning and Environment Committee – May 27, 2019, Agenda Item 2.3 – Bill 108 – More Homes, More Choices Act, 2019

1.2 Residential Development Charges Grant

The Residential Development Charges Grant, also known as the Combined Residential Development Charges (DC) Grant and Tax Grant (“Program” throughout this report) is available to property owners in the Downtown and Old East Village community improvement project areas (excluding Richmond Row).

The goal of the Program is to promote residential intensification and redevelopment within Downtown and Old East Village by providing an annual grant to property owners to cover the net amount of residential development charges paid when developing or redeveloping an eligible property.

In 2018, the Program was changed to require property owners to pay the net residential development charges in full at the time of building permit issuance.

The Program is combined with the Rehabilitation and Redevelopment Tax Grant Program and uses the increase in municipal taxes (the tax increment) resulting from the development of the property to determine the annual grant amount.

A grant schedule is calculated and a grant agreement signed prior to any grants being issued.

1.3 Bill 108 and Development Charges

The reports identified in Section 1.1 outline in more detail the Bill 108 changes to the *Planning Act* and the *Development Charges Act*.

Two main changes to the *Development Charges Act* resulting from Bill 108 are:

- When development charges are calculated; and
- The ability to defer the payment of development charges.

When development charges are calculated does not affect the operation of the Program. City Planning will continue to verify the net amount of residential development charges paid by the applicant with Building Division prior to the grant schedule being calculated and the grant agreement being signed.

Of relevance to the Program is the ability to defer the payment of development charges. Certain types of development qualify for deferred payment of development charges:

- Rental Housing that is not non-profit are now able to pay development charges in six annual installments; and
- Non-Profit Housing is now able to pay development charges in 21 annual instalments.

In response to the above changes, on March 24, 2020 Municipal Council approved and authorized a Development Charges Alternative Payment Agreement to provide for the alternative payment of development charges for developments that qualify for deferred payments under Section 27 of the *Development Charges Act*.

The following alternative payment options were recommended:

- Rental Housing that is not non-profit be given the alternative to pay full development charges at building permit issuance (instead of in six annual installments);
- Instead of 21 annual installments, Non-Profit Housing be given the alternative to pay full development charges:
 - At the time of building permit issuance;
 - One year after building permit issuance; or
 - Two years after building permit issuance.

2.0 Changes to Program Guidelines

2.1 Alternative Payment Changes

Civic Administration undertook a review of the alternative payment options that were approved by Municipal Council in March 2020 to determine what changes to the Program Guidelines are required.

After reviewing the alternative payment options through three different development scenarios, it has been determined that paying development charges at building permit issuance, paying one year after building permit issuance, paying two years after building permit issuance, and paying in six annual installments beginning at building permit issuance does not pose any issues to the Program as designed.

The primary reason why no changes are required to the Program for the above options is the delay between when the Municipal Property Assessment Corporation (MPAC) reassesses a property and when the first grant payment is made. There is enough delay before the City begins to make grant payments to the property owner for Civic Administration to collect enough development charges to avoid a situation where grants are being issued that are greater than the amount of development charges collected.

An issue with the Program does become apparent if a property owner selects to pay development charges in 21 annual installments. This option is only available to non-profit housing developers. If this option is selected by the developer, Civic Administration would not collect enough development charges to grant them back in full over the standard 10-year grant schedule. Civic Administration is not permitted to grant back more development charges than it has collected. Modifying the Program to offer a 21-year annual development charges grant is not desirable. For the sake of both the City and the program participant, the preference is to develop programs that are concluded within 10 years.

As a result, the Program Guidelines will be modified to prohibit property owners from receiving the Residential Development Charges Grant if they decide to pay development charges over 21 annual installments. In discussion with non-profit housing developers it has been determined that most would choose not to pay development charges in 21 annual installments as it does not align with how their projects are funded for construction and for operating the building.

Section 17 of the Program Guidelines for both Downtown and the Old East Village have been modified to clarify that in order to be eligible for the Program, development charges can be paid on an alternative payment plan and as determined in Section 27 of the *Development Charges Act*, except for the 21 annual installment plan.

2.2 Lump Sum Residential Development Charges Grant for Small Projects

In administering the Program since it was changed in 2018 to require the payment of development charges up-front, Civic Administration has identified that it is simpler and requires less administrative effort to offer a lump sum Residential Development Charges Grant for small development projects, such as those that only establish a few new residential units.

As a result, the Program Guidelines have been modified to introduce a lump sum grant payment for small development projects that generate equal to or less than \$50,000 in net residential development charges (equivalent to two or three new residential units at the 2020 development charges rates).

This change would allow property owners to collect the grant more quickly without having to wait for the MPAC to reassess the project. The lump sum grant is available to both for-profit and non-profit developers.

A lump sum grant is likely to be a rare occurrence as in most cases new residential dwelling units would need to be created in existing buildings (or in an addition to an existing building) to be eligible.

A new sub-section entitled Lump Sum Payment Option has been added to Section 17 of the Program Guidelines to allow for the payment of a lump sum Residential Development Charge Grant of equal to or less than \$50,000. The grant is issued at the time of building occupancy as determined by City Planning after confirming with the Building Division.

Projects that receive a lump sum Residential Development Charges Grant remain eligible to receive the Tax Grant after the project has been reassessed by the MPAC.

2.3 Property Owners Exempt from Paying Property Taxes

Another matter that has come up since the 2018 Program changes are instances of non-profit housing developers, who are exempt from paying property taxes because they are also registered charities, constructing affordable housing projects in Downtown and Old East Village that require the payment of residential development charges.

As mentioned in Section 1.2, the Program is setup so that Civic Administration needs to wait for the MPAC to reassess the property for the improvements made and then the City's Tax Office can calculate the grant schedule based on the difference in the pre- and post-improved assessment value and resulting municipal taxes.

For property tax exempt housing developers, it is recommended that the net residential development charge amount be granted back in equal installments over 10 years beginning the year after the residential units can be occupied, instead of waiting for reassessment. For example, if \$500,000 in net residential development charges are paid by a property tax exempt housing developer, they would receive a grant of \$50,000 per year for 10 years. If the building can be occupied in 2021, the first grant is issued by the Civic Administration in Q1 2022.

If the property is sold to a new owner (property tax paying or not), Civic Administration, at its own discretion may enter into a new grant agreement with the subsequent owner of the property to receive the outstanding grant payments under the Program. This provision already exists in the Program.

A new sub-section entitled Period – Property Tax Exempt Property Owners has been added to Section 17 of the Program Guidelines to introduce the new grant schedule for property tax exempt housing developers. Other subsections of Section 17 were also modified to better differentiate between how the grants will be calculated for property tax paying and property tax exempt owners.

Other small changes were also required throughout the Program Guidelines to clarify how the Residential Development Charges Grant Program will work for property tax exempt owners including modifying the definition of Annual Grant Calculation and Section 4: Application Process.

3.0 Youth Opportunities Unlimited – 340 Richmond Street

3.1 340 Richmond Street – Background

340 Richmond Street is a historic row building situated on the east side of Richmond

Street, between York Street and King Street. It was built in 1875 and was used as a stained-glass warehouse, as well as a grocery store before being repurposed into commercial space on the main floor and two residential floors above, with a total of four apartments.

Youth Opportunities Unlimited (YOU) purchased the property in March 2018. At the time of the purchase, the building was not habitable since building systems such as hot water and HVAC were missing. In addition, there were significant structural issues.

Since it was purchased, YOU has spent over \$1.5 million to restore, renovate and modernize the building. Improvements include: new HVAC, fire separation and protection systems, structural improvements, new windows and doors, new roof, asbestos abatement, and façade brick restoration.

Renovations were completed in April 2020 and the building now houses employment counselling, education, training, and other services for youth on the first floor. The upper floors now have six apartments (up from four and hence the reason YOU was required to pay residential development charges) which house youth who are wards of the Children's Aid Society (CAS). YOU has a contract with CAS to house youth between the ages of 16-21 who are effectively homeless since they have aged out of care. YOU not only houses these youth but provides them with support and a host of services to contribute to their success. These six apartments have been continuously occupied since they became available in May 2020.

YOU paid for the purchase and renovation to the building with its own funds, as well as with private donations, grants, and loans from a number of organizations.

3.2 340 Richmond Street – Residential Development Charges

For the following reasons, Civic Administration is recommending that the Residential Development Charges Grant of \$14,895 due to Youth Opportunities Unlimited be issued now instead of waiting for the MPAC to reassess the property:

- The grant amount is less than the \$50,000 threshold for the new lump sum grant payment option being recommended in this report and it would have qualified for the lump sum grant payment had that option been available at the time of application to the Program;
- The residential units in the building are occupied, meeting that criteria for the lump sum grant to be issued.

4.0 Conclusion

This report and the attached appendices provide updates to the Downtown and Old East Village Community Improvement Plan financial incentive program guidelines to modify the Residential Development Charges Grant Program to:

- Remove eligibility to the Program if development charges are paid in 21 annual installments;
- Introduce a lump sum grant for projects that generate equal to or less than \$50,000 in net residential development charges;
- Introduce a revised grant payment schedule for property tax exempt housing developer that does not rely on the calculation of a property tax increment.

This report also recommends that Civic Administration be directed to issue a Residential Development Charges Grant of \$14,895 to Youth Opportunities Unlimited resulting from the improvements made at 340 Richmond Street. The grant amount is small enough that it would have qualified for the lump sum grant payment had that option been available at the time of application to the Program.

Prepared by:	Graham Bailey, MCIP, RPP Planner II, Urban Regeneration
Submitted by:	Britt O'Hagan, MCIP, RPP Manager, City Building and Design
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 City Planning.</p>	

October 5, 2020
GB/gb

\\FILE2\users-z\pdp\Shared\policy\Grants and Loans\Program Administration\Development Charges Grant Program - Bill 108 Changes\2020-10-19 SR - Changes to the Residential Development Charges Grant Program for Downtown and Old East Village.docx

Appendix A

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

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

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

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

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

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

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

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

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

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

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

PASSED in Open Council on October 27, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 27, 2020
Second Reading – October 27, 2020
Third Reading – October 27, 2020

Schedule 1

Downtown Community Improvement Plan – Financial Incentive Program Guidelines

* Effective January 1, 2018 *
* Revised March 3, 2020 *
* Revised October 27, 2020 *

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

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

Table of Contents

How to Read this Document

Map 1 – Original Downtown Community Improvement Project Area

Map 2 – Expanded Richmond Row Community Improvement Project Area

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

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

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

How to Read this Document

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

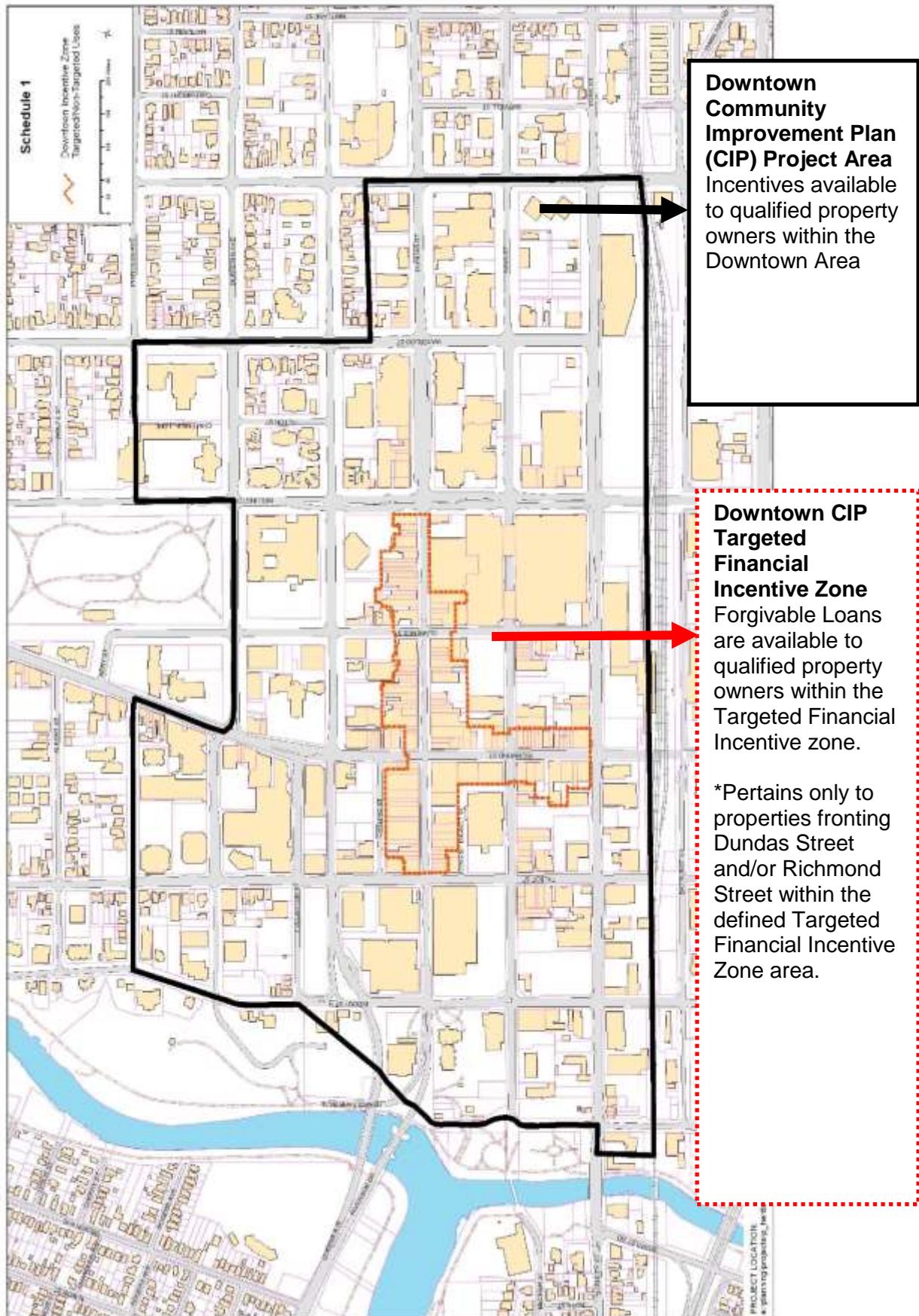
Therefore, the program guidelines are arranged so that information respecting all programs is stated once and details specific to individual programs are outlined in the program specific sections.

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

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

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

Map 1 – Original Downtown Community Improvement Project Area



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

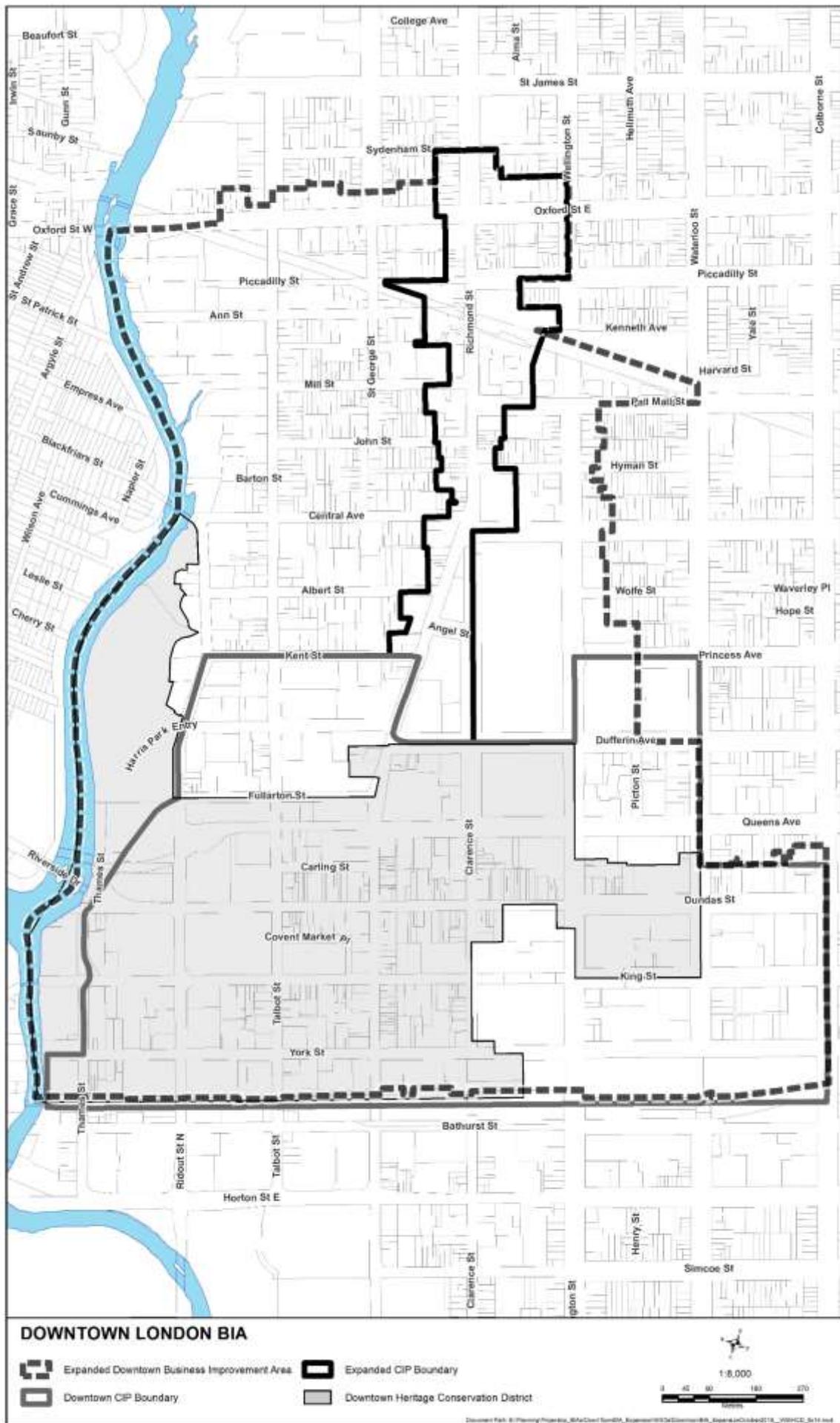


Table 1 – Financial Incentive Programs Offered in Downtown and Richmond Row

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

1. Definitions

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

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

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

Annual Grant Calculation – For property owners that pay property taxes, the annual grant for any single year will be calculated as follows, the *Annual Tax Increment* multiplied by the *Year/Level Factor*. For property owners that are exempt from paying property taxes, the annual Residential Development Charges Grant for any single year will be calculated as follows, the total amount of net residential development charges paid multiplied by 1/10th).

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

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

Example:

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

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

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

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

Commitment Letter – A document prepared by the City of London outlining its agreement with a property owner, to provide a future financial incentive – loan(s) and/or grant(s) – to a property owner, based on a redevelopment, rehabilitation and/or renovation project that the applicant has yet to undertake. The letter describes the specific scope of approved works that the property owner will undertake in order to receive the grant or loan and specifies the time length of the City's commitment.

Complete Application – Includes a completed application form for financial incentive program(s) with the property owner(s) signature and date, which is accompanied by:

- Complete drawings of the works to be undertaken (including a façade drawing for façade projects);
- Itemized list of specific improvements;

- Two (2) comparable quotations by qualified contractors showing cost estimates for each of the proposed works which are required to be included in the incentive program. In general, the lower of the two estimates will be taken as the cost of the eligible works. Cost estimates should be consistent with the estimate noted on the accompanying Building Permit (if required);
- A cover letter that summarizes the work to be completed and summarizes the provided quotations;
- A signed copy of the Addendum including the Hold Harmless Agreement, General Liability Insurance, and Contractor qualifications;
- A copy of the Building Permit (if required);
- A copy of the Heritage Alteration Permit (if required);
- Any other information that may be deemed necessary by the Director, City Planning and City Planner, or designate.

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

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

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

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

First storey – The storey that has its floor closest to grade and its underside of finished ceiling more than 1.8m above the average grade.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Laboratories	X	
Laundromats	X	
Libraries	X	
Lodging houses class 2		X
Medical/dental offices and laboratories	X	
Museums	X	
Office-apartment buildings	X	
Offices (above first floor)	X	
Patient testing centre laboratories	X	
Personal service establishments	X	
Pharmacies	X	
Place of Entertainment (excluding adult)	X	
Places of Worship		X
Police Station	X	
Printing establishments	X	
Private clubs	X	
Repair and rental establishments	X	
Restaurants	X	
Restaurants, outdoor patio	X	
Retail stores	X	
Schools (Education)	X	
Senior citizen apartment building	X	
Service and repair establishments	X	
Service trades	X	
Studios	X	
Supermarkets and Grocery Store	X	
Taverns	X	
Theatres and cinemas	X	
Video rental establishments	X	

3. Eligibility Criteria for Financial Incentive Programs

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

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

Property Owner Considerations

- The applicant must be the registered owner of the property or an agent (including building tenant or contractor who has been retained to undertake improvements). If the applicant is not a registered owner of the subject property, the applicant will be required to provide authorization in writing from the registered owner as part of a complete application;
- All mortgages and charges, including the subject financial incentive(s), must not exceed 90% of the post-rehabilitation appraised value of the property (i.e. the owner must maintain 10% equity in the property post-improvement);
- All City of London property taxes must be paid in full when the loan and/or grant is issued and remain so for the lifetime of the loan and/or grant;
- The registered owner of the property must have no outstanding debts to the City of London;
- The property owner and/or applicant, must not have ever defaulted on any City loan or grant program, including by way of individual affiliation with any company or group of people authorized to act as a single entity such as a corporation;
- The Financial Incentive Programs will not apply retroactively to work completed prior to the approval of the application by the Director, City Planning and City Planner, or designate.

Property Considerations

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

Upgrade to Building Code Loan, Facade Improvement Loan, and Tax Grant can be made at the same time).

Building Considerations

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

4. Application Process

Expression of Interest

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

Consultation Phase

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

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

Concept Phase

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

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

Residential Development Charge Grants are processed by City Planning in conjunction with Development and Compliance Services (Building Division). Application to the Residential Development Charge (DC) Grant program is triggered when an applicant applies to rezone, enter into site plan consultation, or construct a project that will result in the payment of residential DCs. **PO – Prior to construction beginning, applicants must contact City Planning to complete the application process.**

Step 3 – CL – City of London City Planning staff will review the application for completeness and inform the applicant in writing that either, more information is required, or the application is accepted. If accepted, the City will provide a *Commitment Letter* which outlines the approved works, related costs, and monetary commitment that the City is making to the project. The letter will also state whether the commitment is for a Forgivable Loan. For the Residential DC Grant the residential DCs do not need to be paid prior to the City's issuance of a *Commitment Letter*. In this instance, the City's *Commitment Letter* will outline that the residential DCs amount will be confirmed prior to any grants being issued. For the Loan Programs, the City's commitment is valid for one year from the date of issuance of the *Commitment Letter*. The City's commitment applies only to the project as submitted. **PO – Any subsequent changes to the project will require review and approval by the City.**

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

Construction Phase

Step 5 – PO – Having obtained all necessary approvals and/or permits and receiving a *Commitment Letter* from the City for approved works the applicant may start to undertake eligible improvements. With respect to the Residential DC Grant there is an additional requirement that the DCs have been paid or a Development Charges Alternative Payment Agreement indicating when DCs will be paid has been signed prior to commencing the approved work.

Confirmation Phase

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

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

- Related costs, or bills respecting those approved works are paid in full;
- Related building permits are closed;
- The loan must be in good standing with no arrears owing;
- All City of London property taxes must be paid in full and the account deemed in good standing by the Taxation Division;
- There must be no outstanding debts to the City;
- The property owner must not have defaulted on any City loans or grants;
- There must be no outstanding Building Division orders or deficiencies against the subject property.

Step 7.i (Grants) – CL – Upon written notice from the applicant, City Planning will request the City's Finance and Corporate Services Taxation Division to provide a grant schedule that establishes the value of the annual grant over the term of the grant program.

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

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

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

Agreement Phase

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

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

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

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

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

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

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

PO – Please note that loan cheque distribution cannot occur in December due to financial year-end. Instead all loan cheques requested in the Agreement phase in December will be processed in January.

5. Financial Incentive Approval

Once all eligibility criteria and conditions are met, and provided that funds are available in the supporting Reserve Fund, the Director, City Planning and City Planner or designate will approve the incentive application. Approval by means of a letter to the applicant will represent a commitment by the City of London. Loan commitments will be valid for one year and will expire if the work is not completed within that time period. The Director, City Planning and City Planner may, at his/her discretion, provide a written time extension of up to one year. **PO – It is important to note that the consideration of such an extension will require a written request from the applicant detailing the reasons the extension is being sought.**

6. Additional Rehabilitation and Demolition

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

7. Inspection of Completed Works

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

8. Incentive Application Refusal and Appeal

If an application is refused, the applicant may, in writing, appeal the decision of the Director, City Planning and City Planner to the City Clerk's Office who will provide direction to have the matter heard before Municipal Council through the Planning and Environment Committee.

9. Relationship to other Financial Incentive Programs

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

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

10. Loan Repayment Deferral Due to Road Construction

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

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

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

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

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

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

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

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

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

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

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

11. Monitoring & Discontinuation of Programs

As part of the program administration, City Planning staff will monitor all of the financial incentive programs. In receiving and processing applications staff will enter relevant information into a Monitoring Database. This information will be included in Incentive Monitoring Reports which will be prepared to determine if programs should continue, be modified, or cease to issue any new commitments. Each program is monitored to ensure it implements the goals and objectives of the Community Improvement Plan within which the program applies. The City may discontinue the Financial Incentive Programs at any time; however, any existing loan or grant will continue in accordance with the agreement. A program's success in implementing a Community Improvement Plan's goals will be based on the ongoing monitoring and measurement of a series of identified targets that represent indicators of the CIP's goals and objectives, as noted in the Program Monitoring Data section.

12. Program Monitoring Data

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

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

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

13. Activity Monitoring Reports

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

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

INDIVIDUAL PROGRAM INFORMATION

14. Façade Improvement Loan Program

Façade Improvement Loan Program – Purpose

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

Façade Improvement Program – Objectives

The overarching goals of this Program are to:

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

Façade Improvement Program – Eligible Works

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

- Exterior street front renovations compliant with the Downtown Heritage Conservation District Plan;
- Exterior street front renovations compliant with Downtown Design Study Guidelines (1991);
- Portions of non-street front buildings, visible from adjacent streets. Non-street front visible portions may only be eligible for funding after the street front façade has been improved or street front improvements have been deemed unnecessary by the Director, City Planning and City Planner, or designate;
- Awnings that are affixed to the exterior street front of a building which are used to keep the sun or rain off a storefront, window, doorway, or sidewalk, and/or to provide signage for a commercial tenant;
- Business name signage that is affixed to the exterior street front of a building;
- Decorative lighting which is affixed to the exterior street front of a building that is ornamental and installed for aesthetic effect;
- Eaves troughs, rain gutters, soffits, fascia, bargeboard, and other materials that direct rain water;
- Doors, windows and their finished framing;
- Professional fees for the preparation of drawings and technical specifications required for eligible works (limited to the lesser of a maximum of \$5,000 or 10% of the loan).

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

Façade Improvement Program – Works Not Eligible

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

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

Façade Improvement Program – Loan Terms

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

Period

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

Loan Amount

Loans will be issued to cover the lesser of:

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

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

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

Determination of Eligible Non-Street Front Façade Improvements

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

Determination of Façade Improvements where there are Two Street Frontages

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

Loan Distribution

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

Loan Security and Postponement

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

Loan Agreement

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

Repayment Provisions

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

Transferable Loans

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

Façade Improvement Program – Forgivable Loan – Grant Terms

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

Forgivable Grant Amount

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

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

Annual Grant Value

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

For example:

\$50,000 Façade Improvement Loan

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

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

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

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

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

Grant Disbursement

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

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

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

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

15. Upgrade to Building Code Loan Program

Upgrade to Building Code Loan Program – Purpose

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

Upgrade to Building Code Loan Program – Objectives

The overarching goals of this Program are to:

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

Upgrade to Building Code Loan Program – Eligible Works

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

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

Upgrade to Building Code Loan Program – Loan Terms

Period

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

Loan Amount

Loans will be issued to cover the lesser of:

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

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

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

Loan Distribution

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

Loan Security and Postponement

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

Loan Agreement

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

Repayment Provisions

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

Transferable Loans

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

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

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

Forgivable Grant Amount

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

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

Annual Grant Value

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

For example:

\$150,000 Upgrade to Building Code Loan

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

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

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

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

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

Grant Disbursement

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

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

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

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

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

This program is only available in the Original Downtown Community Improvement Project Area (See Map 2)

Tax Grant Program – Purpose

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

Tax Grant Program – Objectives

The overarching goals of the Tax Grant are to:

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

Tax Grant Program – Eligible Works

Eligible works that will be financed through this program include:

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

Tax Grant Program – Additional General Eligibility Criteria and Conditions

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

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

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

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

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

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

Eligibility for Level 2: Rehabilitation / Renovation Grants

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

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

Eligibility for Level 3: Redevelopment Grants

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

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

Tax Grant Program – Grant Terms

Period

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

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

Calculation of Annual Tax Increment

See Definitions.

Grant Amount

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

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

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

Grant Agreement

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

Grant Distribution

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

Transferable Grants / Condominium Projects

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

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

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

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

This program is available only in the Original Downtown Community Improvement Project Area (See Map 2)

DC & Tax Grant Program – Purpose

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

DC & Tax Grant Incentive – Objectives

The overarching goals of this combined program are to:

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

DC & Tax Grant Program – Eligible Works

Eligible works that will be financed through this program include:

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

DC & Tax Grant Incentive – Additional Application Requirements

- The application must be submitted prior to or coincident with the application of a building permit and approved by City Planning prior to construction on the project beginning;
- Under no circumstances shall an applicant have their Development Charges payable waived by this program and also receive DC grant funding disbursed by the City to the applicant;
- Applicants who select to pay development charges over 21 annual installments are not eligible for application to this grant program;
- All additional application requirements found in the Rehabilitation and Redevelopment Tax Grant Program ("Tax Grant") section also apply to the Combined DC & Tax Grant Program, unless the property owner is exempt from paying property taxes, then requirements regarding the payment of property taxes are not valid.

DC & Tax Grant Incentive – Grant Terms

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

Calculation of Annual Tax Increment

See Definitions.

Period

If the property owner is exempt from paying property taxes, please see the section entitled Period – Property Tax Exempt Property Owners. The combined Residential Development Charge and

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

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

Table 3 – Level 3 Combined DC and Tax Grant Example

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

Period – Property Tax Exempt Property Owners

For property owners who do not pay property taxes, the Residential Development Charges Grant commences the year after the residential units in the building can be occupied. For example, if the building can be occupied in 2021, the first grant is issued in the first quarter of 2022.

City Planning will monitor the payment of development charges to ensure that at no time, a grant is issued before development charges have been paid and to ensure the amount of development charges collected by the City of London is always equal to or more than the amount of the Residential Development Charges Grant provided to the applicant.

The Residential Development Charges Grant will be paid in 10 equal annual installments until such time that the applicant receives a grant for the full amount of the Residential DCs paid.

Example of a Level 3 Project with a net residential development charge of \$4 million:

Table 4 – Level 3 Residential DC Grant for Tax Exempt Property Owner Example

Development Charges:		\$4,000,000			
Annual Tax Increment:		N/A			
Assessed Value:		\$55,000,000			
Year	Tax Grant		DC Grant		Annual Grant Amount
	Rate (%)	\$	Rate (%)	\$	
1	N/A	N/A	N/A	\$400,000	\$400,000
2	N/A	N/A	N/A	\$400,000	\$400,000
3	N/A	N/A	N/A	\$400,000	\$400,000
4	N/A	N/A	N/A	\$400,000	\$400,000
5	N/A	N/A	N/A	\$400,000	\$400,000
6	N/A	N/A	N/A	\$400,000	\$400,000
7	N/A	N/A	N/A	\$400,000	\$400,000
8	N/A	N/A	N/A	\$400,000	\$400,000
9	N/A	N/A	N/A	\$400,000	\$400,000
10	N/A	N/A	N/A	\$400,000	\$400,000
Total		\$0		\$4,000,000	\$4,000,000

Lump Sum Payment Option

Where the total value of the Residential Development Charges Grant is less than or equal to fifty thousand dollars (\$50,000), a one-time lump sum payment of the total grant amount will be issued, after confirmation that the residential units in the building are occupied and as detailed in the grant agreement.

Grant Amount

The amount of the grant will be based upon:

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

Grant Agreement

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

Grant Distribution

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

Transferable Grants / Condominium Projects

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

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

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

EXAMPLE DOWNTOWN GRANT AGREEMENT

THIS AGREEMENT CONSISTS OF FIVE PAGES

Application No.:

Name of Property Owner(s):

Address of Project:

Legal Description of Property (Lot and Plan Number):

Roll Number(s):

Mailing Address of Owner:

Telephone No.:

Fax No.:

Heritage Alteration Permit Information:

Date Permit Approved (attach copy):

Designating By-Law:

PROJECT INFORMATION (Attach copy of Building Permit)

Building Permit Number:

Date of Permit:

Value of Project (from Building Permit):

Application Tracking Information (for Staff use only)	Date and Staff Initials
Application Accepted	
Pre-improved Assessment Value Determined	
Commitment Letter Issued	
Project Completion (applicant's written confirmation)	
Request to Finance and Corporate Services for Preparation of Schedules	
Post-improved Assessed Value Determined	
City Planning Receives Grant Schedules from Finance	
Applicant Chooses Grant Schedule	
Date of Lump Sum Payment (if applicable)	
First Grant Cheque Issued	
Last Grant Cheque Issued - File Closed	

EXAMPLE DOWNTOWN GRANT AGREEMENT

THIS AGREEMENT CONSISTS OF FIVE PAGES

GRANT CALCULATION:

Grant Level:

Pre-improved assessed value:

Date:

Post-improved assessed value:

Date:

Increase in assessed value after adjustments:

Applicable tax (mill) rate (municipal portion):

Annual tax increment:

Net Residential Development Charges paid:

Schedule 1

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

Lump Sum Payment Amount (if applicable):

EXAMPLE DOWNTOWN GRANT AGREEMENT

THIS AGREEMENT CONSISTS OF FIVE PAGES

Conditions:

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

EXAMPLE DOWNTOWN GRANT AGREEMENT

THIS AGREEMENT CONSISTS OF FIVE PAGES

9. If a participating property is demolished in whole before the rebate grant elapses it shall cause the grant to be forfeited and be repayable to the municipality. Demolition, in part, may be permitted entirely at the discretion of the City of London without a requirement for repayment, but only in those instances where a written request by the property owner is received and a corresponding letter of permission is granted by the City. In the event of demolition in the absence of the consent of the City, either partial or complete, the forfeited grant shall be repayable within ninety (90) days of notice being provided by the City to the applicant that the funds already provided have been deemed to be forfeited and are now due to be repaid. In addition, any amount of future grant money to be paid in accordance with Schedule 1 is deemed forfeited.
10. The amount of the grants provided for a property over the life of this program will not exceed the value of the work done that resulted in the increased level of municipal tax assessment. For this reason the amount of grants may be monitored in relation to the total value of work done and the grants will cease if they equal the value of the work done.
11. The applicant will be responsible for ensuring that they can be contacted by the City for the purpose of delivering grant cheques. The City will make reasonable efforts to reach the applicant by way of written correspondence to the address in this Agreement, or any last known address provided by the applicant to the City. If applicants cannot be reached over a protracted period (greater than 2 years), the City will have the option, without notice and at its own discretion, of terminating all future grant payments, thereby eliminating all grant obligations to the applicant.
12. In those instances where the total value of the Tax Grant over the full term of the grant period is less than or equal to one thousand dollars (\$1,000), the City may exercise, at its own discretion, the option of issuing a one-time lump sum payment of the total grant amount. In those instances where the total value of the Residential Development Charges Grant is less than or equal to fifty thousand dollars (\$50,000), the City may exercise, at its own discretion, the option of issuing a one-time lump sum payment of the total grant amount.
13. Any portion of the property that is sold (excluding one or more condominium units) during a calendar year, will not be eligible for a grant rebate for that entire year or subsequent years of the grant schedule. The grant schedule included in this agreement will be modified each year, as necessary, to reflect the sale of the property or portions thereof. For the purposes of sale of condominium units, where the property owner, as signatory to the grant agreement, is and remains entitled to receive the grant in accordance with the terms of the grant agreement
14. Any appeals of the property's assessed value that result in a reduction in the assessed value of the property, will cause the entire 10-year grant schedule to be re-calculated recognizing the property's revised assessed value.
15. In those instances where a participating property has undergone a tax reclassification and the municipality has determined that an amended grant agreement and grant schedule is required, the participating property owner agrees to the amendment of the grant agreement and grant schedule and the execution of an amended grant agreement and grant schedule.

EXAMPLE DOWNTOWN GRANT AGREEMENT

THIS AGREEMENT CONSISTS OF FIVE PAGES

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

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

SIGNATURE (TITLE)

DATE

CO-SIGNATURE (TITLE)

DATE

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

SIGNATURE
City Planning

DATE

Appendix B

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

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

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

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

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

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

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

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

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

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

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

PASSED in Open Council on October 27, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 27, 2020
Second Reading – October 27, 2020
Third Reading – October 27, 2020

Schedule 1

Old East Village Community Improvement Plan – Financial Incentive Program Guidelines

*** Effective January 1, 2018 ***

*** Revised March 3, 2020 ***

*** Revised October 27, 2020 ***

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

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

Table of Contents

How to Read this Document

Map 1 – Original Downtown Community Improvement Project Area

Map 2 – Expanded Richmond Row Community Improvement Project Area

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

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

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

How to Read this Document

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

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

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

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

Map 1 – Old East Village Community Improvement Project Area

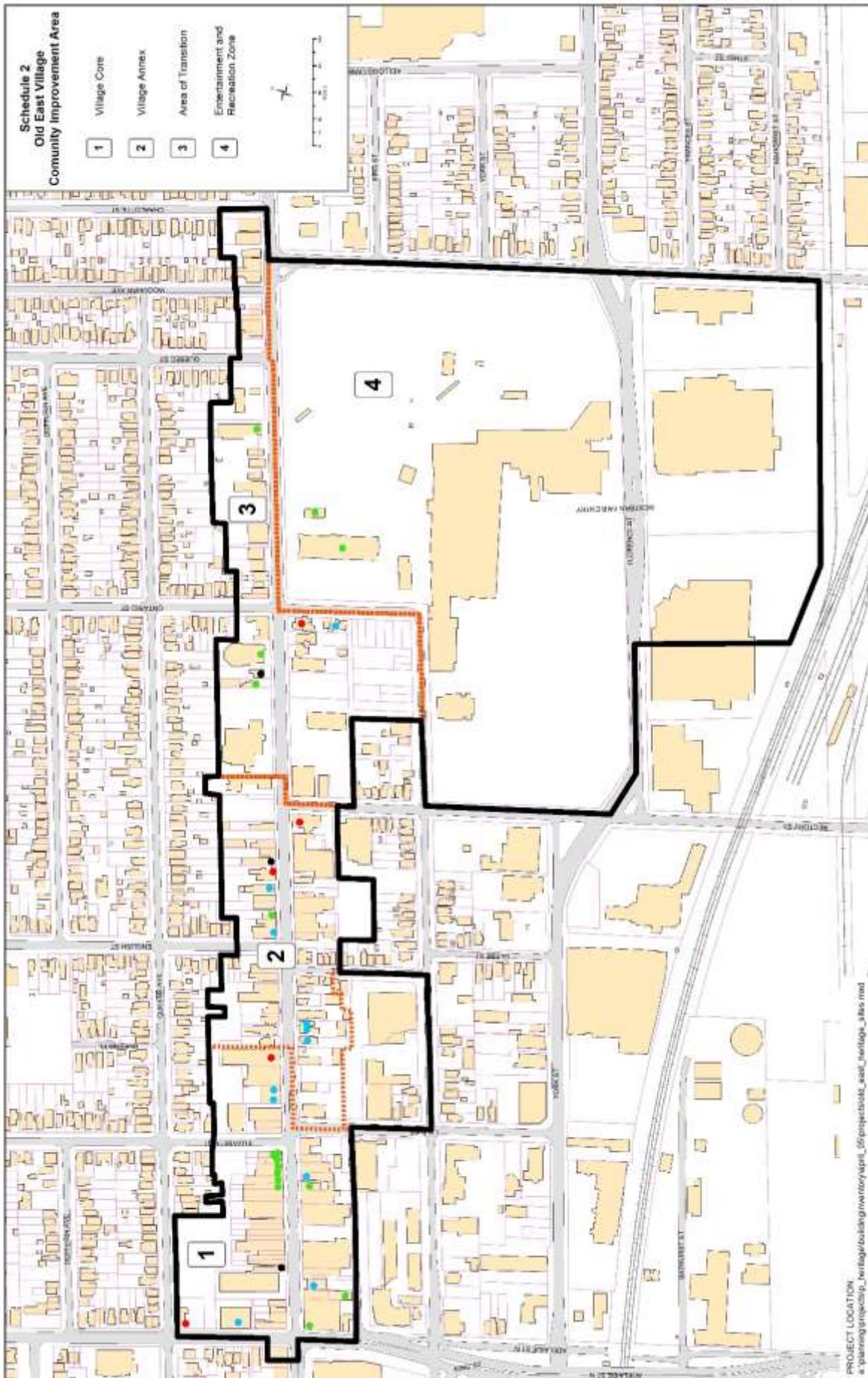


Table 1 – Financial Incentive Programs Offered in Old East Village

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

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

1. Definitions

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

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

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

Annual Grant Calculation – For property owners that pay property taxes, the annual grant for any single year will be calculated as follows, the *Annual Tax Increment* multiplied by the *Year/Level Factor*. For property owners that are exempt from paying property taxes, the annual Residential Development Charges Grant for any single year will be calculated as follows, the total amount of net residential development charges paid multiplied by 1/10th).

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

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

Example:

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

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

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

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

Commitment Letter – A document prepared by the City of London outlining its agreement with a property owner, to provide a future financial incentive – loan(s) and/or grant(s) – to a property owner, based on a redevelopment, rehabilitation and/or renovation project that the applicant has yet to undertake. The letter describes the specific scope of approved works that the property owner will undertake in order to receive the grant or loan and specifies the time length of the City's commitment.

Complete Application – Includes a completed application form for financial incentive program(s) with the property owner(s) signature and date, which is accompanied by:

- Complete drawings of the works to be undertaken (including a façade drawing for façade projects);

- Itemized list of specific improvements;
- Two (2) comparable quotations by qualified contractors showing cost estimates for each of the proposed works which are required to be included in the incentive program. In general, the lower of the two estimates will be taken as the cost of the eligible works. Cost estimates should be consistent with the estimate noted on the accompanying Building Permit (if required);
- A cover letter that summarizes the work to be completed and summarizes the provided quotations;
- A signed copy of the Addendum including the Hold Harmless Agreement, General Liability Insurance, and Contractor qualifications;
- A copy of the Building Permit (if required);
- A copy of the Heritage Alteration Permit (if required);
- Any other information that may be deemed necessary by the Director, City Planning and City Planner, or designate.

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

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

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

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

First storey – The storey that has its floor closest to grade and its underside of finished ceiling more than 1.8m above the average grade.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Institutions	X	
Laboratories	X	
Laundromats	X	
Libraries		X
Lodging houses class 2		X
Medical/dental offices		X
Office-apartment buildings	X	
Offices	X	
Personal service establishments	X	
Places of Worship		X
Police Stations		X
Post Office	X	
Private clubs	X	
Restaurants	X	
Retail stores	X	
Schools (Private and Commercial)	X	
Service and repair establishments		X
Studios	X	
Taverns	X	
Theatres	X	
Video rental establishments	X	

3. Eligibility Criteria for Financial Incentive Programs

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

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

Property Owner Considerations

- The applicant must be the registered owner of the property or an agent (including building tenant or contractor who has been retained to undertake improvements). If the applicant is not a registered owner of the subject property, the applicant will be required to provide authorization in writing from the registered owner as part of a complete application;
- All mortgages and charges, including the subject financial incentive(s), must not exceed 90% of the post-rehabilitation appraised value of the property (i.e. the owner must maintain 10% equity in the property post-improvement);
- All City of London property taxes must be paid in full when the loan and/or grant is issued and remain so for the lifetime of the loan and/or grant;
- The registered owner of the property must have no outstanding debts to the City of London;
- The property owner and/or applicant, must not have ever defaulted on any City loan or grant program, including by way of individual affiliation with any company or group of people authorized to act as a single entity such as a corporation;
- The Financial Incentive Programs will not apply retroactively to work completed prior to the approval of the application by the Director, City Planning and City Planner, or designate.

Property Considerations

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

Building Considerations

- Separate applications must be submitted for each *discrete building* (as defined) on a single property;

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

4. Application Process

Expression of Interest

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

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

Consultation Phase

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

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

Concept Phase

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

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

Residential Development Charge Grants are processed by City Planning in conjunction with Development and Compliance Services (Building Division). Application to the Residential

Development Charge (DC) Grant program is triggered when an applicant applies to rezone, enter into site plan consultation, or construct a project that will result in the payment of residential DCs. **PO – Prior to construction beginning, applicants must contact City Planning to complete the application process.**

Step 3 – CL – City of London City Planning staff will review the application for completeness and inform the applicant in writing that either, more information is required, or the application is accepted. If accepted, the City will provide a *Commitment Letter* which outlines the approved works, related costs, and monetary commitment that the City is making to the project. The letter will also state whether the commitment is for a Forgivable Loan. For the Residential DC Grant the residential DCs do not need to be paid prior to the City's issuance of a *Commitment Letter*. In this instance, the City's *Commitment Letter* will outline that the residential DCs amount will be confirmed prior to any grants being issued. For the Loan Programs, the City's commitment is valid for one year from the date of issuance of the *Commitment Letter*. The City's commitment applies only to the project as submitted. **PO – Any subsequent changes to the project will require review and approval by the City.**

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

Construction Phase

Step 5 – PO – Having obtained all necessary approvals and/or permits and receiving a *Commitment Letter* from the City for approved works the applicant may start to undertake eligible improvements. With respect to the Residential DC Grant there is an additional requirement that the DCs have been paid or a Development Charges Alternative Payment Agreement indicating when DCs will be paid has been signed prior to commencing the approved work.

Confirmation Phase

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

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

- Related costs, or bills respecting those approved works are paid in full;
- Related building permits are closed;
- The loan must be in good standing with no arrears owing;
- All City of London property taxes must be paid in full and the account deemed in good standing by the Taxation Division;
- There must be no outstanding debts to the City;
- The property owner must not have defaulted on any City loans or grants;
- There must be no outstanding Building Division orders or deficiencies against the subject property.

Step 7.i (Grants) – CL – Upon written notice from the applicant, City Planning will request the City's Finance and Corporate Services Taxation Division to provide a grant schedule that establishes the value of the annual grant over the term of the grant program.

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

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

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

Agreement Phase

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

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

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

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

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

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

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

PO – Please note that loan cheque distribution cannot occur in December due to financial year-end. Instead all loan cheques requested in the Agreement phase in December will be processed in January.

5. Financial Incentive Approval

Once all eligibility criteria and conditions are met, and provided that funds are available in the supporting Reserve Fund, the Director, City Planning and City Planner or designate will approve the incentive application. Approval by means of a letter to the applicant will represent a commitment by the City of London. Loan commitments will be valid for one year and will expire if the work is not completed within that time period. The Director, City Planning and City Planner may, at his/her discretion, provide a written time extension of up to one year. **PO – It is important to note that the consideration of such an extension will require a written request from the applicant detailing the reasons the extension is being sought.**

6. Additional Rehabilitation and Demolition

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

7. Inspection of Completed Works

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

8. Incentive Application Refusal and Appeal

If an application is refused, the applicant may, in writing, appeal the decision of the Director, City Planning and City Planner to the City Clerk's Office who will provide direction to have the matter heard before Municipal Council through the Planning and Environment Committee.

9. Relationship to other Financial Incentive Programs

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

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

10. Loan Repayment Deferral Due to Road Construction

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

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

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

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

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

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

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

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

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

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

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

11. Monitoring & Discontinuation of Programs

As part of the program administration, City Planning staff will monitor all of the financial incentive programs. In receiving and processing applications staff will enter relevant information into a Monitoring Database. This information will be included in Incentive Monitoring Reports which will be prepared to determine if programs should continue, be modified, or cease to issue any new commitments. Each program is monitored to ensure it implements the goals and objectives of the Community Improvement Plan within which the program applies. The City may discontinue the Financial Incentive Programs at any time; however, any existing loan or grant will continue in accordance with the agreement. A program's success in implementing a Community Improvement Plan's goals will be based on the ongoing monitoring and measurement of a series of identified targets that represent indicators of the CIP's goals and objectives, as noted in the Program Monitoring Data section.

12. Program Monitoring Data

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

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

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

13. Activity Monitoring Reports

Annual Activity Reports will measure the following variables:

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

INDIVIDUAL PROGRAM INFORMATION

14. Façade Improvement Loan Program

Façade Improvement Loan Program – Purpose

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

Façade Improvement Program – Objectives

The overarching goals of this Program are to:

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

Façade Improvement Program – Eligible Works

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

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

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

Façade Improvement Program – Works Not Eligible

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

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

Façade Improvement Program – Loan Terms

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

Period

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

Loan Amount

Loans will be issued to cover the lesser of:

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

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

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

Determination of Eligible Non-Street Front Façade Improvements

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

Determination of Façade Improvements where there are Two Street Frontages

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

Loan Distribution

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

Loan Security and Postponement

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

Loan Agreement

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

Repayment Provisions

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

Transferable Loans

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

Façade Improvement Program – Forgivable Loan – Grant Terms

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

Forgivable Grant Amount

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

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

Annual Grant Value

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

For example:

\$50,000 Façade Improvement Loan

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

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

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

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

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

Grant Disbursement

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

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

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

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

15. Upgrade to Building Code Loan Program

Upgrade to Building Code Loan Program – Purpose

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

Upgrade to Building Code Loan Program – Objectives

The overarching goals of this Program are to:

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

Upgrade to Building Code Loan Program – Eligible Works

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

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

Upgrade to Building Code Loan Program – Loan Terms

Period

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

Loan Amount

Loans will be issued to cover the lesser of:

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

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

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

Loan Distribution

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

Loan Security and Postponement

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

Loan Agreement

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

Repayment Provisions

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

Transferable Loans

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

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

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

Forgivable Grant Amount

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

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

Annual Grant Value

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

For example:

\$150,000 Upgrade to Building Code Loan

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

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

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

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

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

Grant Disbursement

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

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

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

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

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

* This program does not apply to the Entertainment and Recreation Zone as identified in the Old East Village Community Improvement Plan (see Map 1) *

Tax Grant Program – Purpose

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

Tax Grant Program – Objectives

The overarching goals of the Tax Grant are to:

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

Tax Grant Program – Eligible Works

Eligible works that will be financed through this program include:

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

Tax Grant Program – Additional General Eligibility Criteria and Conditions

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

reserves the right to amend the current agreement and establish a new grant schedule and grant agreement for the balance of the grant period. This amended grant agreement and grant schedule may be pro-rated to reflect the date of reclassification;

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

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

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

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

Eligibility for Level 2: Rehabilitation / Renovation Grants

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

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

Eligibility for Level 3: Redevelopment Grants

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

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

Tax Grant Program – Grant Terms

Period

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

Calculation of Annual Tax Increment

See Definitions.

Grant Amount

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

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

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

Grant Agreement

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

Grant Distribution

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

Transferable Grants / Condominium Projects

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

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

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

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

* This program does not apply to the Entertainment and Recreation Zone as identified in the Old East Village Community Improvement Plan (see Map 1) *

DC & Tax Grant Program – Purpose

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

DC & Tax Grant Incentive – Objectives

The overarching goals of this combined program are to:

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

DC & Tax Grant Program – Eligible Works

Eligible works that will be financed through this program include:

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

DC & Tax Grant Incentive – Additional Application Requirements

- The application must be submitted prior to or coincident with the application of a building permit and approved by City Planning prior to construction on the project beginning;
- Under no circumstances shall an applicant have their Development Charges payable waived by this program and also receive DC grant funding disbursed by the City to the applicant;
- Applicants who select to pay development charges over 21 annual installments are not eligible for application to this grant program;
- All additional application requirements found in the Rehabilitation and Redevelopment Tax Grant Program ("Tax Grant") section also apply to the Combined DC & Tax Grant Program, unless the property owner is exempt from paying property taxes, then requirements regarding the payment of property taxes are not valid.

DC & Tax Grant Incentive – Grant Terms

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

Calculation of Annual Tax Increment

See Definitions.

Period

If the property owner is exempt from paying property taxes, please see the section entitled Period – Property Tax Exempt Property Owners. The combined Residential Development Charge and Tax Grant commences in the same year (after re-assessment by MPAC). The scheduled grant

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

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

Table 3 – Level 3 Combined DC and Tax Grant Example

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

Period – Property Tax Exempt Property Owners

For property owners who do not pay property taxes, the Residential Development Charges Grant commences the year after the residential units in the building can be occupied. For example, if the building can be occupied in 2021, the first grant is issued in the first quarter of 2022.

City Planning will monitor the payment of development charges to ensure that at no time, a grant is issued before development charges have been paid and to ensure the amount of development charges collected by the City of London is always equal to or more than the amount of the Residential Development Charges Grant provided to the applicant.

The Residential Development Charges Grant will be paid in 10 equal annual installments until such time that the applicant receives a grant for the full amount of the Residential DCs paid.

Example of a Level 3 Project with a net residential development charge of \$4 million:

Table 4 – Level 3 Residential DC Grant for Tax Exempt Property Owner Example

Development Charges:	\$4,000,000				
Annual Tax Increment:	N/A				
Assessed Value:	\$55,000,000				
Year	Tax Grant		DC Grant		Annual Grant Amount
	Rate (%)	\$	Rate (%)	\$	
1	N/A	N/A	N/A	\$400,000	\$400,000
2	N/A	N/A	N/A	\$400,000	\$400,000
3	N/A	N/A	N/A	\$400,000	\$400,000
4	N/A	N/A	N/A	\$400,000	\$400,000
5	N/A	N/A	N/A	\$400,000	\$400,000
6	N/A	N/A	N/A	\$400,000	\$400,000
7	N/A	N/A	N/A	\$400,000	\$400,000
8	N/A	N/A	N/A	\$400,000	\$400,000
9	N/A	N/A	N/A	\$400,000	\$400,000
10	N/A	N/A	N/A	\$400,000	\$400,000
Total		\$0		\$4,000,000	\$4,000,000

Lump Sum Payment Option

Where the total value of the Residential Development Charges Grant is less than or equal to fifty thousand dollars (\$50,000), a one-time lump sum payment of the total grant amount will be issued, after confirmation that the residential units in the building are occupied and as detailed in the grant agreement.

Grant Amount

The amount of the grant will be based upon:

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

Grant Agreement

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

Grant Distribution

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

Transferable Grants / Condominium Projects

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

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

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

EXAMPLE OLD EAST VILLAGE GRANT AGREEMENT

THIS AGREEMENT CONSISTS OF FIVE PAGES

Application No.:

Name of Property Owner(s):

Address of Project:

Legal Description of Property (Lot and Plan Number):

Roll Number(s):

Mailing Address of Owner:

Telephone No.:

Fax No.:

Heritage Alteration Permit Information:

Date Permit Approved (attach copy):

Designating By-Law:

PROJECT INFORMATION (Attach copy of Building Permit)

Building Permit Number:

Date of Permit:

Value of Project (from Building Permit):

Application Tracking Information (for Staff use only)	Date and Staff Initials
Application Accepted	
Pre-improved Assessment Value Determined	
Commitment Letter Issued	
Project Completion (applicant's written confirmation)	
Request to Finance and Corporate Services for Preparation of Schedules	
Post-improved Assessed Value Determined	
City Planning Receives Grant Schedules from Finance	
Applicant Chooses Grant Schedule	
Date of Lump Sum Payment (if applicable)	
First Grant Cheque Issued	
Last Grant Cheque Issued - File Closed	

EXAMPLE OLD EAST VILLAGE GRANT AGREEMENT

THIS AGREEMENT CONSISTS OF FIVE PAGES

GRANT CALCULATION:

Grant Level:

Pre-improved assessed value:

Date:

Post-improved assessed value:

Date:

Increase in assessed value after adjustments:

Applicable tax (mill) rate (municipal portion):

Annual tax increment:

Net Residential Development Charges paid:

Schedule 1

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

Lump Sum Payment Amount (if applicable):

EXAMPLE OLD EAST VILLAGE GRANT AGREEMENT

THIS AGREEMENT CONSISTS OF FIVE PAGES

Conditions:

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

EXAMPLE OLD EAST VILLAGE GRANT AGREEMENT

THIS AGREEMENT CONSISTS OF FIVE PAGES

9. If a participating property is demolished in whole before the rebate grant elapses it shall cause the grant to be forfeited and be repayable to the municipality. Demolition, in part, may be permitted entirely at the discretion of the City of London without a requirement for repayment, but only in those instances where a written request by the property owner is received and a corresponding letter of permission is granted by the City. In the event of demolition in the absence of the consent of the City, either partial or complete, the forfeited grant shall be repayable within ninety (90) days of notice being provided by the City to the applicant that the funds already provided have been deemed to be forfeited and are now due to be repaid. In addition, any amount of future grant money to be paid in accordance with Schedule 1 is deemed forfeited.
10. The amount of the grants provided for a property over the life of this program will not exceed the value of the work done that resulted in the increased level of municipal tax assessment. For this reason the amount of grants may be monitored in relation to the total value of work done and the grants will cease if they equal the value of the work done.
11. The applicant will be responsible for ensuring that they can be contacted by the City for the purpose of delivering grant cheques. The City will make reasonable efforts to reach the applicant by way of written correspondence to the address in this Agreement, or any last known address provided by the applicant to the City. If applicants cannot be reached over a protracted period (greater than 2 years), the City will have the option, without notice and at its own discretion, of terminating all future grant payments, thereby eliminating all grant obligations to the applicant.
12. In those instances where the total value of the grant over the full term of the grant period is less than or equal to one thousand dollars (\$1,000), the City may exercise, at its own discretion, the option of issuing a one-time lump sum payment of the total grant amount. In those instances where the total value of the Residential Development Charges Grant is less than or equal to fifty thousand dollars (\$50,000), the City may exercise, at its own discretion, the option of issuing a one-time lump sum payment of the total grant amount.
13. Any portion of the property that is sold (excluding one or more condominium units) during a calendar year, will not be eligible for a grant rebate for that entire year or subsequent years of the grant schedule. The grant schedule included in this agreement will be modified each year, as necessary, to reflect the sale of the property or portions thereof. For the purposes of sale of condominium units, where the property owner, as signatory to the grant agreement, is and remains entitled to receive the grant in accordance with the terms of the grant agreement
14. Any appeals of the property's assessed value that result in a reduction in the assessed value of the property, will cause the entire 10-year grant schedule to be re-calculated recognizing the property's revised assessed value.
15. In those instances where a participating property has undergone a tax reclassification and the municipality has determined that an amended grant agreement and grant schedule is required, the participating property owner agrees to the amendment of the grant agreement and grant schedule and the execution of an amended grant agreement and grant schedule.

EXAMPLE OLD EAST VILLAGE GRANT AGREEMENT

THIS AGREEMENT CONSISTS OF FIVE PAGES

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

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

SIGNATURE (TITLE)

DATE

CO-SIGNATURE (TITLE)

DATE

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

SIGNATURE
City Planning

DATE

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Gregg Barrett
Director, City Planning and City Planner
Subject: Core Area Community Improvement Plan
Meeting on: October 19, 2020

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, the following actions be taken with respect to the Draft Core Area Community Improvement Plan:

- (a) This report **BE RECEIVED** for the purpose of providing Municipal Council with an update on the progress of the Core Area Community Improvement Plan; and,
- (b) Civic Administration **BE DIRECTED** to proceed with public consultation on the Draft Core Area Community Improvement Plan attached hereto as Appendix “A”.

Executive Summary

A *Core Area Community Improvement Plan* is required to implement several actions items identified in the *Core Area Action Plan*. The draft *Core Area Community Improvement Plan* has been prepared based on the direction of the *Core Area Action Plan* and the consultation that was undertaken during that study. It is an appropriate time to take the draft plan to the community for feedback. Due to restrictions put in place to slow the spread of COVID-19, Civic Administration is currently exploring alternatives to the customary community information meeting to consult with the community.

Analysis

1.0 Background

1.1 Core Area Action Plan

In response to increasing concerns received regarding the state of the core area, and acknowledgement that there has previously been extensive public and private investment in the downtown and surrounding areas, the City of London initiated a study to identify the gaps that were potentially hindering the future success of the core area. The *Core Area Action Plan* was the result of this study, which identified approximately 70 initiatives that were intended to address these gaps. In November 2019, Municipal Council received this plan.

Civic Administration was directed to begin implementing the action items identified in the *Core Area Action Plan* that could be addressed through existing budgets. Civic Administration was also directed to submit business cases for action items requiring additional investment through the 2020-2023 Multi-Year Budget process. Funding for many of these action items has since been approved through the 2020-2023 Multi-Year Budget process. In particular, a source of funding was identified for a number of action items identified as requiring a community improvement plan to facilitate their implementation. This includes programs to provide grants to implement safety audit recommendations on privately-owned property, as well as the elimination of application and licensing fees for patios, signage and awnings.

1.2 Purpose of the Core Area Community Improvement Plan

Pursuant to the provisions of Section 28 of the *Planning Act*, a community improvement plan (CIP) allows a municipality to, among other things, provide grants and loans to

property owners that would otherwise be unavailable. The *Core Area Community Improvement Plan* will therefore facilitate the implementation of the following *Core Area Action Plan* action items that have an approved source of funding:

- Item #54: Provide grants to implement safety audit recommendations on privately-owned property through Core Area Community Improvement Plan
- Item #62: Eliminate encroachment fees for patios, signage and awnings in the Core Area through Core Area Community Improvement Plan
- Item #63: Eliminate application fees for encroachments, signage and patios in the Core Area through Core Area Community Improvement Plan
- Item #64: Eliminate fees for use of on-street parking spaces for temporary restaurant patios through Core Area Community Improvement Plan

It is important to note that the *Core Area Community Improvement Plan* is an enabling document which means Municipal Council is under no obligation to activate and implement any of the incentive programs.

2.0 Draft Core Area Community Improvement Plan

2.1 Core Area Community Improvement Project Area

Ontario's Planning Act defines a community improvement project area as "a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason." The *Core Area Action Plan* generally defined this area as the Thames River to the west, properties fronting Queens Avenue to the north, Woodman Avenue to the east, and properties fronting King Street to the south; it also includes all properties fronting Richmond Street from Fullarton Street to Oxford Street East and properties fronting York Street from the Thames River to Waterloo Street.

This initial boundary was refined in the draft *Core Area Community Improvement Plan* based on the parcel fabric, resulting in the Core Area Project Area boundary illustrated in Figure 1.



Figure 1: Core Area Project Area

It is important to note that the Core Area Project Area overlaps with the project areas defined by the *Downtown Community Improvement Plan* and the *Old East Village Community Improvement Plan*.

2.2 Draft Core Area Community Improvement Plan

The *Core Area Community Improvement Plan* is intended to be a scoped plan which addresses the gaps identified by the *Core Area Action Plan*. These gaps include addressing the physical space between the Downtown and Old East Village that has not been previously included in the *Downtown Community Improvement Plan* and the *Old East Village Community Improvement Plan*, as well as addressing the policy gaps that prevent the implementation of identified financial incentives.

3.0 Next Steps

3.1 Consultation

The draft *Core Area Community Improvement Plan* was prepared based on the direction of the *Core Area Action Plan* and the consultation that was undertaken during the study which lead to that plan. However, it is important to check in with the community at this stage in the preparation of the *Core Area Community Improvement Plan*.

As a result of preventative measures put in place to slow the spread of COVID-19, Civic Administration is currently exploring alternatives to the customary community information meeting to collect feedback on the draft *Core Area Community Improvement Plan*. Holding a virtual community information meeting and utilizing the Get Involved webpage to collect community feedback through surveys and other means are currently being developed. Low-tech options will also be available.

Public consultation will be undertaken from October to December of 2020, with the final plan targeted to come before Municipal Council in the first quarter of 2021. The by-laws to approve the Project Area, adopt the Community Improvement Plan, and establish the financial incentive programs will come forward at this future public participation meeting.

4.0 Conclusion

The draft *Core Area Community Improvement Plan* has been prepared and is ready for community feedback. Public consultation will be undertaken from October to December of 2020, with the final plan targeted to come before Municipal Council in the first quarter of 2021.

Prepared by:	Kerri Killen, MCIP, RPP Senior Planner, City Building and Design
Submitted by:	Britt O'Hagan, MCIP, RPP Manager, City Building and Design
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 City Planning.</p>	

October 7, 2020

\\FILE2\users-z\pdp\Shared\City Building and Design\Core Area Community Improvement Plan\Reports\2020-10-19
PEC Report - Draft Core Area CIP.docx

City of London

Core Area Community Improvement Plan





Acknowledgments

This Community Improvement Plan was prepared by the City of London City Planning Division with assistance from numerous other City Divisions and community partners as well as all those who participated in the process and contributed throughout the preparation of this Plan.

Core Area Community Improvement Plan

1 Introduction

2 Community Improvement Plan Overview

5 The Study Area

6 Core Area Profile

9 Community Improvement Needs

10 Consultation

11 Community Feedback

17 Community Improvement Project Area

18 The Project Area

21 Vision & Goals

22 Vision

23 Goals

25 Incentive Programs

26 Purpose of Financial Incentives

27 Core Area Financial Incentive Programs

30 City-Wide Incentive Programs

DRAFT

31 Implementation

32 Actions Items

35 Monitoring & Evaluation

36 Monitoring

40 Evaluation

Section 1

Introduction

DRAFT



Community Improvement Plan Overview

What is a Community Improvement Plan?

A Community Improvement Plan (CIP) is a strategy that guides redevelopment and improvements within a defined area of need. To achieve the strategy, CIPs allow a municipality to take actions such as:

- Identify changes needed to land use planning policy, zoning, other by-laws and practices;
- Acquire, rehabilitate, and dispose of land;
- Provide grants and loans to property owners that would otherwise be unavailable; and,
- Direct investments made to infrastructure and public space.

DRAFT

Purpose of this Community Improvement Plan

In response to increasing concerns received regarding the state of the core area, and acknowledging that there has previously been extensive public and private investment in the Downtown and surrounding areas, the City of London initiated a study to identify the gaps that were potentially hindering the success of the core area. The *Core Area Action Plan* was the result of this study, which identified a number of initiatives that were intended to fill in these gaps. In November 2019, Municipal Council received this plan and directed its implementation.

While there are existing Community Improvement Plans for both the Downtown and Old East Village, the *Core Area Action Plan* identified the need for a specialized community improvement plan that addressed parts of the Downtown and Old East Village, but also bridged the gap between these two areas of the city. The City of London has prepared this community improvement plan for the Core Area, which is intended to result in its revitalization by:

- Establishing a vision and objectives for the Core Area CIP;
- Recording and prioritizing actions for how the Core Area will be improved; and,
- Proposing incentive programs that can be offered to stimulate private sector investment in the revitalization.





How This Plan Was Prepared

The Core Area Action Plan laid the groundwork for this Community Improvement Plan.

These main tasks were completed to provide a comprehensive foundation for the preparation of this CIP:

- Review of relevant Provincial and City policy documents;
- Review of existing City of London Community Improvement Plans and incentive programs;
- Analysis of the Core Area based on:
 - Secondary information (such as Statistics Canada data);
 - Visual audit and first-hand data collection;
 - Input received from City staff; and,
 - Information collected through individual interviews of those living, working, and doing business in the Core Area.

The Study Area

When a Community Improvement Plan (CIP) is being prepared, a Study Area is established to focus the project scope and establish the community which is being considered for potential "improvement" through various means identified under section 28 of the *Planning Act*. From the Study Area, a Project Area is then identified as the specific area requiring improvement. The Project Area is included in the CIP, which is adopted by Municipal Council. Provincial regulations state that the Project Area is based on an area that, in the opinion of Municipal Council, improvement is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social, or community economic development reasons.

For the Core Area CIP, the study area is identified below in Figure 1 and can generally be defined by the Thames River to the west, properties fronting Queens Avenue to the north, Woodman Avenue to the east, and properties fronting King Street to the south; it also includes all properties fronting Richmond Street from Fullarton Street to Oxford Street East and properties fronting York Street from the Thames River to Waterloo Street.

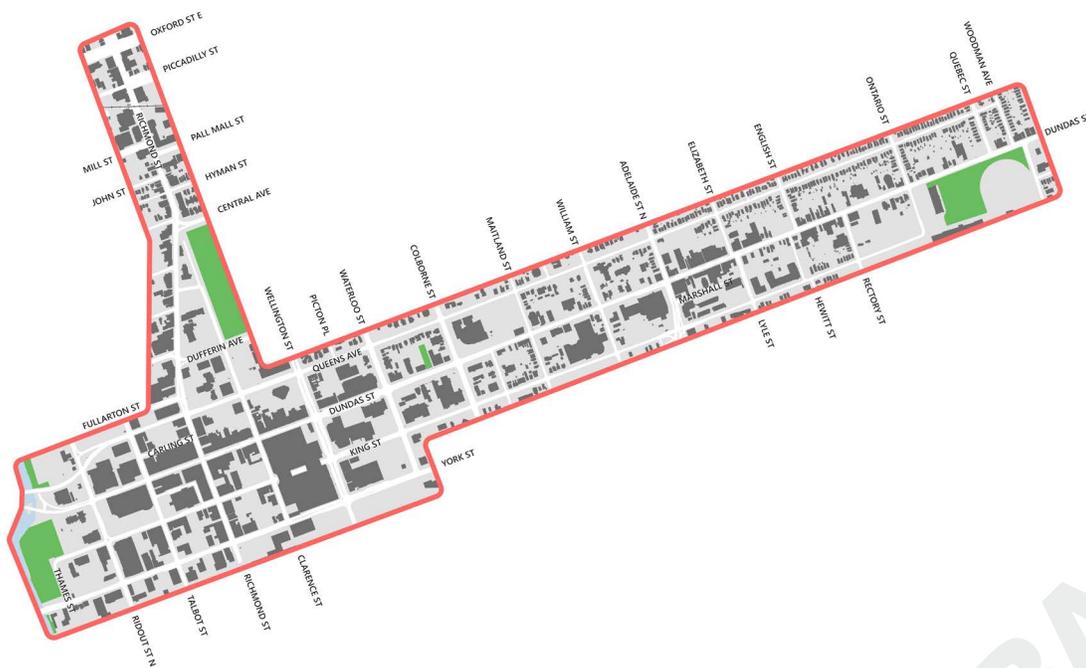


Figure 1: Study Area



Core Area Profile

Purpose

The profile for the Core Area establishes baseline conditions and identifies characteristics which make this area of the city distinct within London. This comparison can provide insight into opportunities and challenges within the Core Area Project Area. Unless otherwise stated, the data presented was obtained by Environics Analytics and collected in 2020.

DRAFT

Population

The total household population of the Core Area is 8,446, which represents two percent of the total population of London. The daytime population of the Core Area, which accounts for those at home and at work, is 40,191 representing approximately 10 percent of the total population of London.

The Core Area has a relatively young population, with 50 percent of the population 34 years of age and younger and a median age of 37. Of this population, 34 percent of residents are married or in a common-law relationship, which is significantly lower than that city-wide at 53 percent.

The Core Area population is 23 percent visible minorities, which is consistent with the visible minority representation city-wide. Approximately 17 percent of the Core Area population is composed of immigrants, while immigrants represent 23 percent city-wide.

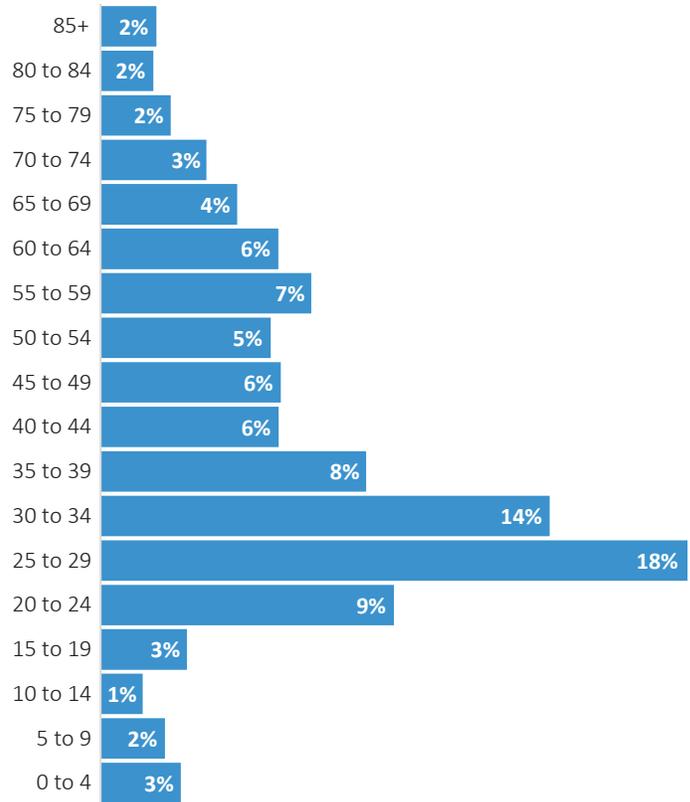
Household Income

The average annual household income in the Core Area is approximately \$67,323, which is significantly lower than the city-wide annual household income of \$90,741. Approximately 41 percent of the households in the Core Area have an annual income of under \$40,000. In comparison, only 28% of households city-wide have an annual household income of less than \$40,000.

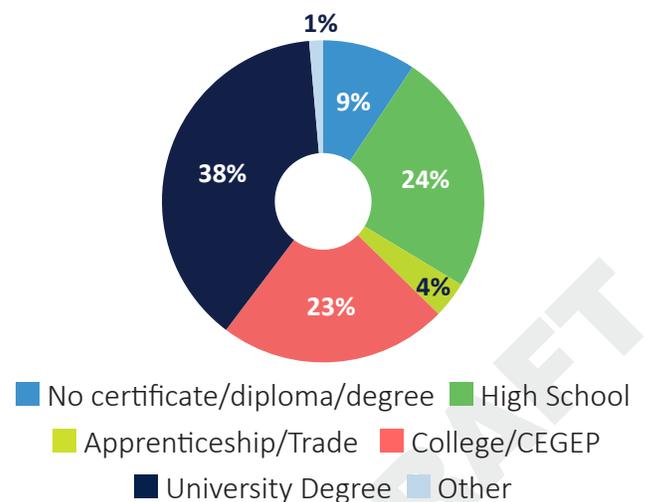
Education

A higher proportion of Core Area residents have a university degree than that of residents city-wide, with 38 percent and 28 percent, respectively.

Age Structure



Education

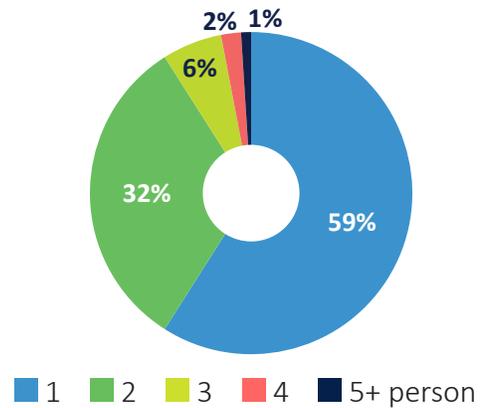


Household Structure

There are 5,311 households in the Core Area, a the majority of which are one-person households. While only 32 percent of households city-wide are one-person households, within the Core Area 59 percent of households are comprised of one person.

Within the Core Area, approximately 12 percent of households have children, whereas 38 percent of households city-wide are households with children at home.

Household Structure

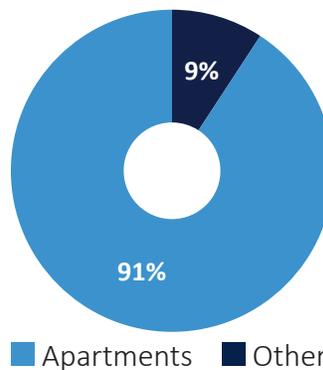


Housing

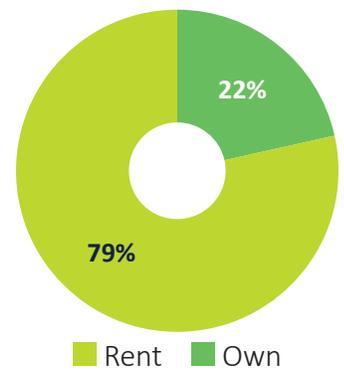
There are 5,311 households in the Core Area, 91 percent of which reside in apartment-style buildings, including high-rise apartments, low-rise apartments and duplex dwellings. The remaining 9 percent of households live in single-detached, semi-detached, and row houses.

Within the Core Area, 79 percent of households rent, while 22 percent own. In comparison, 40 percent of households rent and 60 percent own city-wide.

Housing Type



Tenure



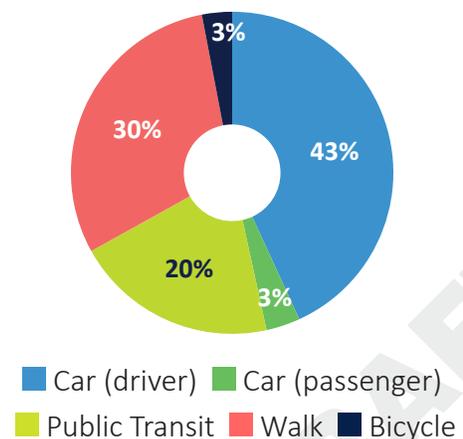
Employment

The Core Area has a 70 percent labour force participation rate, which is higher than the city-wide labour force participation rate of approximately 60 percent.

The top three employment sectors for Core Area residents include sales and service (17 percent), business finance administration (10 percent) and education/government/religion/social (9 percent).

Core Area residents are considerably less car dependent, with only 46 percent commuting by car (as a passenger or driver) in comparison to 81 percent city-wide.

Commuting Mode



DRAFT

Section 2

Community Improvement Needs

DRAFT



Consultation

To gain an understanding of key issues and to identify the gaps that should be addressed by this community improvement plan (CIP), community improvement needs in the Core Area Project Area have been determined using the following methods:

- First-hand observations made during site visits of the area;
- Research and analysis of legislation, policies, regulations and other sources of existing information applicable to the area;
- Consultation with the local community members and organizations; and,
- Consultation across City of London service areas.

DRAFT

Community Feedback

The feedback received has been grouped into four categories, consistent with the *Core Area Action Plan*:



Help those struggling with homelessness and health issues.



Create a safe and secure environment.



Support businesses.



Attract more people.

This feedback received during consultation with the community is grouped by category and summarized in the following pages. As written, some comments may be seen by some as being insensitive or inappropriate. However, it was important that an accurate representation of the comments received are reflected in this plan.



Help those struggling with homelessness and health issues.

More people are sleeping rough on the streets, in storefronts and on private property.

Tents and encampments are showing up throughout the Core Area.

Many people do not seem to have a place to go throughout the day.

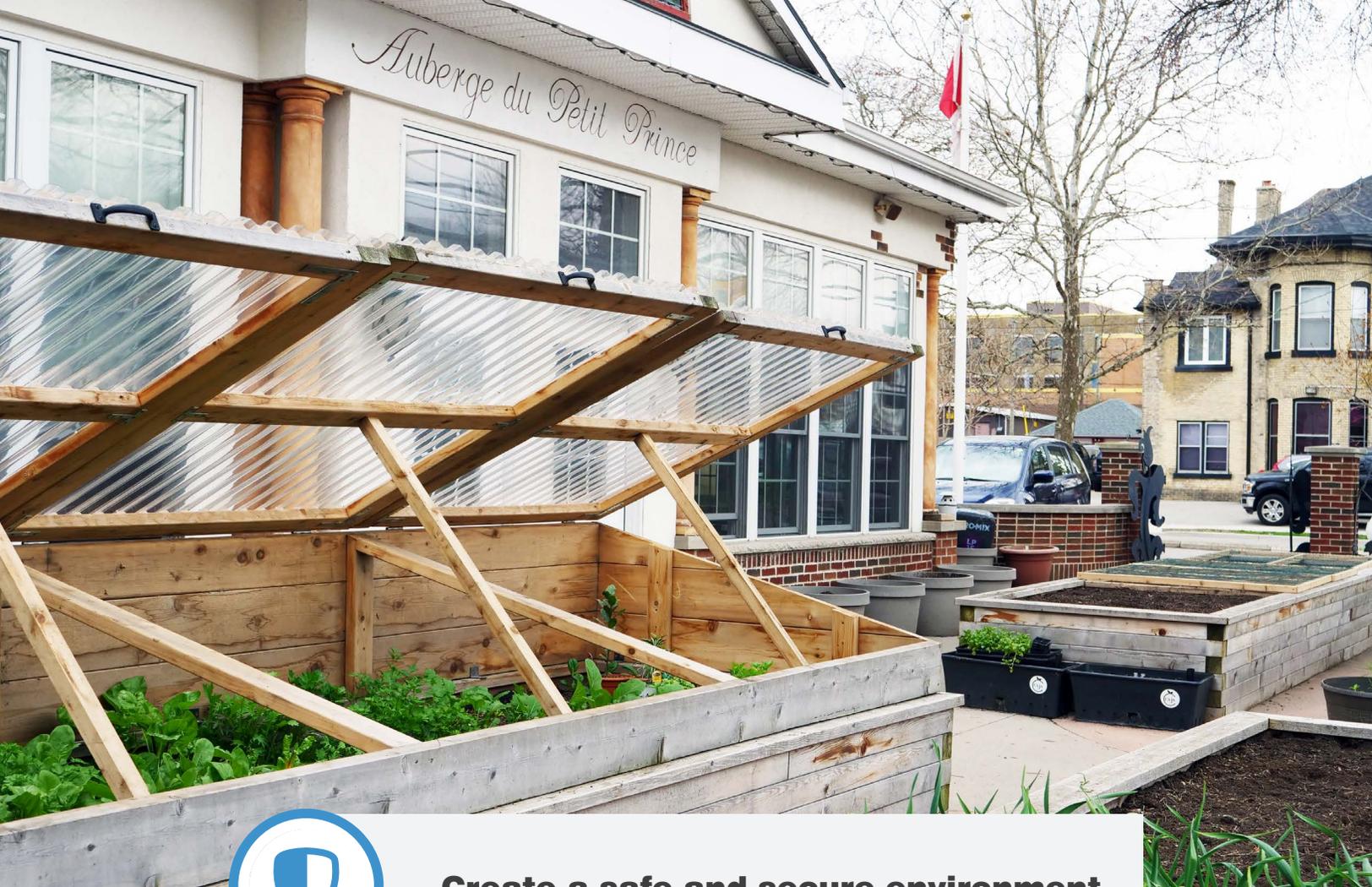
There are no mechanisms in place for multiple social service agencies to coordinate effectively.

There is a lack of housing, including shelters, public housing, and affordable housing.

The number of people struggling with mental health issues, drug addiction and homelessness is growing dramatically.

Many people with mental health issues and addictions are not receiving the help they need.

DRAFT



Create a safe and secure environment.

People often feel threatened and intimidated walking on Core Area streets.

Unpredictable and threatening behaviour occurs frequently and is on the rise.

There is a lack of regular police presence, as well as other security personnel to give a feeling that help is nearby.

Panhandlers are often aggressive and intimidating.

Aggressive driving puts pedestrians at risk.

Those who commit crimes and are caught doing so are often back on the street within days.

Violence, or the threat of violence, is evident and is perceived to be on the rise.

Vandalism of property is commonplace.

Theft occurs regularly.

Criminal activity is openly evident (e.g. drug trafficking).

DRAFT



Support businesses.

Some private properties are neglected and buildings are left vacant to deteriorate and decay.

Needles, feces, urine and garbage are often left present in storefronts and other areas that customers are exposed to.

Unpredictable and threatening behaviour is losing customers and employees.

Ground-floor retail, service and restaurant uses are leaving, leading to high vacancies in some areas.

High vacancies are persistent in many office buildings, particularly Class B and C space.

Some businesses feel that the way nearby social services are operated and managed can have negative impacts on their business.

Multiple construction projects are creating challenges for businesses.

There is a significant concentration of social services in the Core Area.

On-street parking spaces have been lost affecting customer convenience.

Various regulatory processes are uncoordinated, non-standardized and time-consuming.

Sidewalks are often dirty and stained and power washing occurs very infrequently.

Litter and garbage is commonly scattered on public and private property.

Public infrastructure, such as sidewalks, signs, and street furniture, are often damaged.



Attract more people.

There is a lack of regular programming in the Core Area, beyond certain key amenities (e.g. Covent Garden Market, Victoria Park, Old East Village Market).

There is no central source to find out what is happening in the Core Area at any given time.

There are lots of "dead times" when nothing is happening.

There is a lack of public art.

There is a lack of interesting and creative civic spaces.

There is a lack of community amenities to support a residential population.

The personal vehicle dominates in the Core Area and enhancements to the cycling and public transit infrastructure are needed to improve the accessibility of the Core Area.

DRAFT

ICE CREAM

OPEN

STORE HOURS
MON-SUN 2-11 PM
TUE & WED CLOSED

Fresh Hand Rolled Ice Cream.



Fresh Scooped Ice Cream.

COFFEE
WAYS
GOOD
IDEA

THE CHURCH KEY
RESTAURANT

DRAFT

Section 3

Community Improvement Project Area

DRAFT



The Project Area

Ontario's *Planning Act* defines a community improvement project area as "a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason." This area, also referred to in this community improvement plan as the "Project Area", is shown in Figure 2.

All community improvement activities described in this plan, including financial incentive programs, will only be undertaken within the area designated as the Community Improvement Project Area. The community improvement project area is designated by a by-law passed by Municipal Council, in accordance with Section 28 of the *Planning Act*.

The Core Area Project Area is generally defined as the Thames River to the west, properties fronting Queens Avenue to the north, Woodman Avenue to the east, and properties fronting King Street to the south; it also includes all properties fronting Richmond Street from Fullarton Street to Oxford Street East and properties fronting York Street from the Thames River to Waterloo Street. The Core Area Project Area boundary is illustrated in Figure 2.

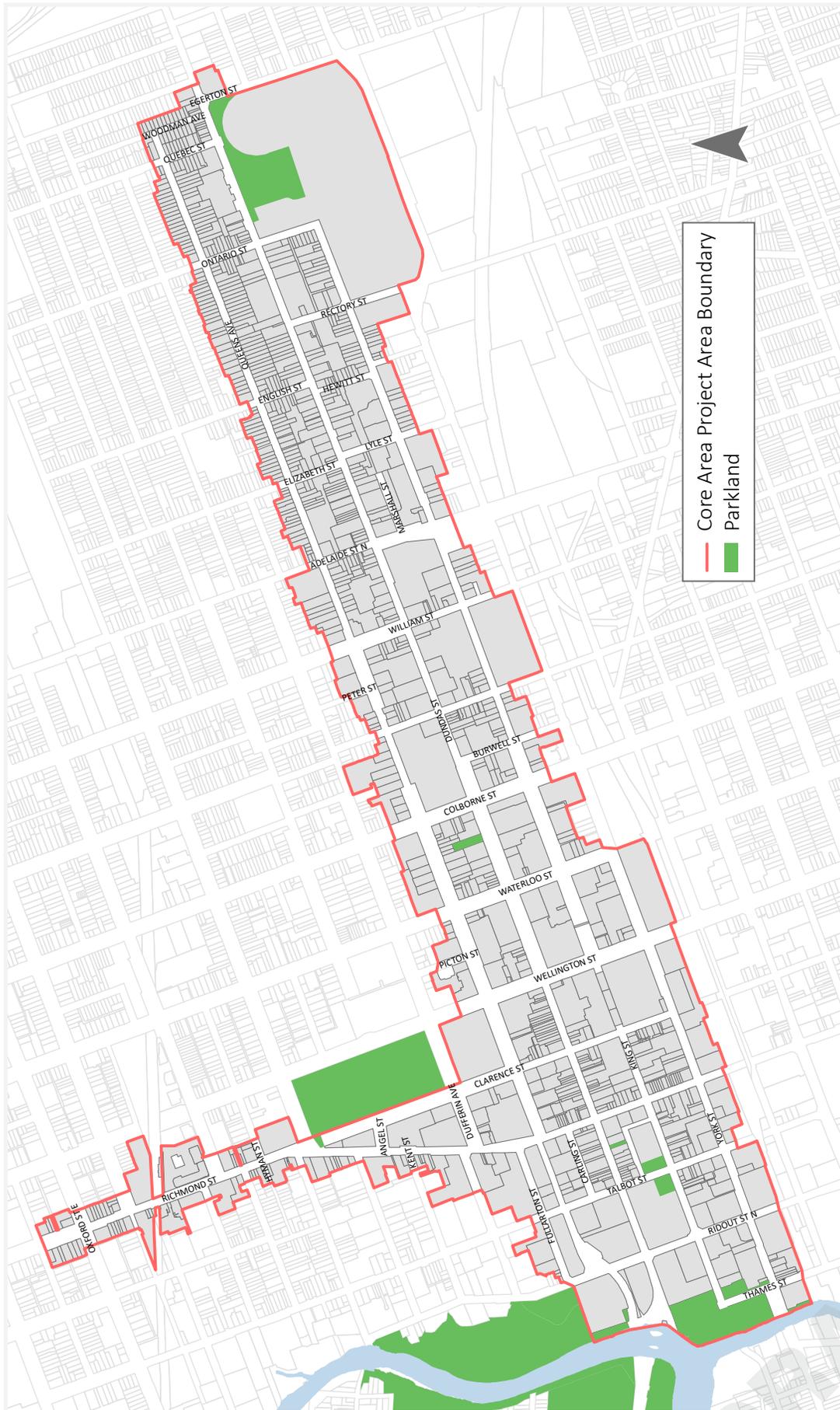


Figure 2: Core Area Project Area



Section 4

Vision & Goals

DRAFT



Vision

A vision for a community improvement plan (CIP) is a long-term strategic statement that identifies how the community wants to look, feel, and function. The establishment of a vision is a critical component of the CIP process because it provides the overarching long-term foundation for the improvements and incentive programs cited in the CIP. The following vision was created for the Core Area:

By 2030, the Core Area will solidify itself as the primary destination in the city for arts, culture, and entertainment, and be a welcoming urban neighbourhood that establishes a positive image of London.

Goals

A goal is a long-term and broad aim aligned to achieve a defined vision. Clearly defined goals allow people to see how actions related to the community vision. The following goals have been established for the Core Area:

Create a positive image that is representative of the city as a whole.

Create a welcoming environment that is safe and secure for everyone.

Offer compassionate care for those who need it.

Improve accessibility by active and public transportation modes.

Serve as a destination for locals and tourists.

Expand opportunities for culture, arts, music and entertainment.

Increase activity outside of office business hours.

Remove barriers for small and local businesses.

Attract and retain businesses, talent and investment.

Create great streetscapes that are visually interesting, accessible and clean.

Increase the residential population.

Support local residents and build a sense of community.





Section 5

Incentive Programs

DRAFT



Purpose of Financial Incentives

Coupled with proposed initiatives identified in the *Core Area Action Plan* that can be undertaken by the public sector, the private sector needs to be engaged in community improvement to achieve this plan's goals. Financial incentives are established to help stimulate private investment in buildings and properties. In accordance with the *Planning Act* and the City's Official Plan, the City may offer grants or loans to property owners to help cover eligible costs and further community improvement goals.

DRAFT

Core Area Financial Incentive Programs

Background

The Core Area CIP financial incentive programs represent a comprehensive ‘toolkit’ of programs designed to help address a number of the key gaps identified during the analysis and achieve the vision and goals of the CIP. The financial incentive programs are designed to encourage private sector investment within the Core Area.

The incentive programs contained in the CIP are referred to as a ‘toolkit’ because once the CIP is adopted and approved, Municipal Council is able to fund, activate, and implement the incentive programs. The programs are however subject to the availability of funding and Municipal Council may choose to implement, suspend, or discontinue one or more programs at a time. It is important to note that the Core Area CIP is an enabling document which means Municipal Council is under no obligation to activate and implement any of the incentive programs.

The programs are also referred to as a ‘toolkit’ because once activated, these programs can be used individually or together by an applicant. In addition to the incentive programs contained in this CIP, the City of London also provides incentive programs in the Brownfield, Heritage, and Affordable Housing CIPs, which may be applicable to property owners within the Core Area Project Area. It should also be noted that the Downtown and Old East Village Project Areas, as identified in the corresponding CIPs, overlap with portions of the Core Area CIP. As such, financial incentive programs in the Downtown CIP and Old East Village CIP may also be applicable to property owners.

Among the various CIPs there may be similar and overlapping incentives a property owner might choose to apply for related to a specific property. Each CIP provides specific program requirements for each financial incentive program.

DRAFT



Summary of Financial Incentive Programs

Table 1 summarizes basic program details for each of the incentive programs. The maximum grant/loan available for each program will be determined by City Council when it implements an incentive program and will be based on budget considerations at that time.

Eligibility criteria is available in the detailed program requirements in the Core Area CIP financial incentive implementation information package. An amendment to this Plan is required to add a financial incentive program or alter its description. Changes to detailed program requirements may occur by Municipal Council resolution without an amendment to this Plan.

DRAFT

Table 1: Summary of Core Area CIP Financial Incentive Programs

Program	Description	Program Duration
<p>Core Area Safety Audit Program</p>	<p>A program designed to assist property owners in implementing safety audit recommendations necessary to improve safety within the Core Area. A safety audit will be conducted to identify areas of concern and to recommend safety improvements to public and private space. The program will specify what type of improvements would qualify for assistance.</p> <p>The City may provide grants of up to \$10,000 per property and up to a maximum of 50 percent of the cost of the improvements identified by the safety audit.</p>	<p>As directed by Municipal Council</p>
<p>Core Area Fees Program</p>	<p>A program designed to waive administrative and licence fees related to the operation of a boulevard café, including fees associated with a temporary sound permit and temporary use of the municipal sidewalk and/or on-street parking space related to a boulevard café. This program is also designed to waive administrative and licence fees related to encroachment for boulevard cafés, signage, and awnings in the public right-of-way.</p> <p>The City may provide grants equal to the administrative and licence fees.</p>	<p>As directed by Municipal Council</p>

DRAFT

City-Wide Incentive Programs

The City of London provides incentive programs that are contained in the Brownfield Heritage, and Affordable Housing Community Improvement Plans, which may also be applicable to property owners within the Project Area. Table 2 identifies these incentive programs. Specific program information is included in the associated plans.

Table 2: Summary of City-Wide CIP Incentive Programs

CIP	Incentive Programs
Brownfield	<ul style="list-style-type: none">• Contamination Assessment Study Grant Program• Property Tax Assistance Program• Development Charge Rebate• Tax Increment Equivalent Grant
Heritage	<ul style="list-style-type: none">• Tax Increment Grant• Development Charge Equivalent Grant
Affordable Housing	<ul style="list-style-type: none">• Affordable Housing Development Loan Program• Additional Residential Unit Loan Program

DRAFT

Section 6

Implementation

DRAFT



Actions Items

Purpose

The intent of an action item is to identify a discrete implementable item that helps in achieving the vision and goals of this plan. Each action item has a corresponding lead, a target date for implementation, and funding information. This creates accountability and establishes expectations with respect to the implementation of the action items. However, the target dates identified are based on the current circumstances and may be subject to change due to unforeseen circumstances or direction provided by Municipal Council.

The ability to complete the actions listed in Table 3 is contingent on available resources and other projects and priorities that are underway or introduced by Municipal Council in the future.

Scope

Action items identified in a community improvement plan must be consistent with the definition of "community improvement" found in Section 28 of the *Planning Act*. The *Core Area Action Plan* contains approximately 70 action items; a number of these action items explicitly require a community improvement plan to facilitate their implementation. Therefore, action items identified in the *Core Area Action Plan* and consistent with this definition have been identified in this plan.

While common feedback from stakeholder engagement included the need to help those experiencing with homelessness and health issues, initiatives related to addressing this are largely not within the purview of a community improvement plan and are not reflected in the Action Items Table. However, the *Core Area Action Plan* addresses this gap and provides sufficient direction to undertake initiatives related to helping those experiencing homelessness and health issues.

Action Items Table

Table 3: Action Items provides a description of the action item, the lead City department responsible for implementation, the target date for implementation and how funding has been allocated to support the implementation of the action item.

Table 3: Action Items

	Action Item	Lead	Target Date	Funding
1.1	Undertake a safety audit of the Core Area to identify physical improvements that can be undertaken on both public and private space to improve safety and security.	Corporate Security & Emergency Management	2021	Funded by 2020-2023 Multi-Year Budget
1.2	Implement safety audit recommendations on publicly-owned property.	Environmental & Engineering Services; Parks & Recreation	2023	Funded by 2020-2023 Multi-Year Budget
1.3	Make available financial incentives to implement safety audit recommendations on privately-owned property.	City Planning	2023	Funded by 2020-2023 Multi-Year Budget

DRAFT

	Action Item	Lead	Target Date	Funding
1.4	Secure a storefront to establish a multi-functional space to house relevant City staff, Foot Patrol Officers, and public restrooms as well as provide convenient storage for moveable furniture and equipment.	Parks & Recreation	2021	Funded by 2020-2023 Multi-Year Budget
1.5	Create an infrastructure art and beautification program to identify opportunities for necessary infrastructure to be visually enhanced through the application of artwork.	City Planning	2021	Within existing budgets
1.6	Regenerate London and Middlesex Housing Corporation (LMHC) housing stock.	Housing; LMCH	2023	
1.7	Explore opportunities for new public washrooms.	Parks & Recreation	2023	Within existing budgets
1.8	Make available financial incentives to waive administrative and licence fees related to the operation of a boulevard café, including fees associated with a temporary sound permit and temporary use of an on-street parking space related to a boulevard café, as well as administrative and licence fees related to encroachment of boulevard cafés, signage, and awnings in the public right-of-way.	City Planning	2023	Funded by 2020-2023 Multi-Year Budget
1.9	Discourage the perpetual extension of temporary surface parking lots.	Development Services	2023	Within existing budgets

DRAFT

Section 7

Monitoring & Evaluation

DRAFT



Monitoring

Purpose

The monitoring program has several purposes:

- Identify how the vision and goals of the Core Area CIP have been achieved, to assess which actions and programs in it have been completed and/or can be suspended or discontinued;
- Determine whether any amendments to the Plan are warranted;
- Identify funds dispersed through the CIP incentive programs so as to determine which programs are being most utilized and use this information to adjust the programs as required;
- Gather feedback from applicants to the incentive programs so that adjustments can be made to the incentive programs as required; and,
- Identify the community and economic impact associated with projects taking advantage of the CIP incentives programs.

Measures of Success

Community improvement plans are created to provide the opportunity to re-plan, redesign, redevelop, and rehabilitate areas of the city. The success of the *Core Area Community Improvement Plan* is based on the identified improvements being undertaken that can help address a recognized need or gap and can be measured based on the four-year summary report as described further below. The following table provides target success measures for this CIP.

Table 4: Success Measures

Indicator of Success	Target
1 Residential growth is strong for a protracted period	Number of residential units constructed within a consecutive four-year period exceeds the previous four-year period
2 Commercial vacancies are low and storefronts are well occupied	Maximum 5% vacancy rate on ground-level commercial spaces
3 Pedestrian activity is present throughout the day and on weekends	Minimum hourly pedestrian counts on commercial corridors
4 Safety and security is actively being improved	A minimum number of the recommendations of the Safety Audit are implemented on both public and private property
5 The public realm is clean and maintained	Minimum weekly garbage collection and monthly powerwashing (adjusted for seasonal needs)
6 Public infrastructure is visually enhanced	Number of art installations and beautification projects within a consecutive four-year period exceeds the previous four-year period
7 Surface parking lots are being redeveloped	The surface area occupied by surface parking lots within a consecutive four-year period is less than the previous four-year period
8 Sidewalk is active with seasonal boulevard cafés	Number of boulevard cafés permits within a consecutive four-year period exceeds the previous four-year period



Baseline Conditions

For the indicators identified above, baseline conditions have been identified at the outset of the CIP implementation, so that variables may be compared from year-to-year, beginning with implementation of the CIP. The following provides a list of the baseline conditions for the Core Area Project Area that were established during the preparation of this CIP and from which future information can be compared.

The total population was 8,446 in 2020.

The total number of dwelling units was 5,311 in 2020.

The office vacancy rate was 18.6% in the second quarter of 2020.

A Safety Audit was not undertaken.

Photo inventory of the condition of existing streetscape.

The total area of land covered by surface parking lots was XX ha.

The total number of approved boulevard café permits was 14 in 2019.

DRAFT

Financial Incentive Monitoring Database and Program

This section provides a list of variables that should be monitored on individual projects which avail of the incentive programs contained within this CIP. Further to these quantitative, economic- based measures, the monitoring should include qualitative measures that characterize social and community benefits. This could include the impact of public realm improvement projects on existing businesses and community pride.

Regular qualitative observations should be undertaken and documented by City Staff of the individual and cumulative impact of both public and private CIP projects on the Project Area. This could include collaboration with and/or comments received from business owners, property owners, and residents. These qualitative measures should be regularly monitored and reported to Municipal Council along with the quantitative measures below.

As part of the Monitoring Program, City staff has developed a database upon which to monitor the number, types, and return on investment of financial incentive programs. Information obtained through the Monitoring Database can be used to allow for periodic adjustments to the incentive programs to make them more relevant and to provide regular reports to Municipal Council on the amount of private sector investment being leveraged by the municipal incentive programs and the economic benefits associated with these private sector projects.

As incentive applications are received and processed, City staff will enter information from applications into the Monitoring Database. For the financial incentive programs available in the Core Area Project Area, the following information will be collected.

Core Area Safety Audit Program

- Number of Applications (approved and denied);
- Approved value of the grant;
- Total value of project;
- Location of improvement (front or non-street front);
- Type of improvement (i.e. lighting, improved sight lines); and,
- Total grant amount.

Core Area Fees Program

- Number of Applications (approved and denied);
- Type of fee(s) approved for grant (administrative and licence fees);
- Approved value of the grant; and,
- Total grant amount.

DRAFT



Evaluation

Four-Year CIP Evaluation

Based on the information obtained by City staff, a summary report will be prepared to evaluate the CIP and its individual programs, based on the changes to the baseline conditions established previously, and based generally on the uptake of the programs and any new challenges that have emerged. The report will cover a four-year period. Based on experience administering other CIPs in London, this time span is long enough to:

- Accumulate sufficient information on the uptake and monitoring of CIP incentive programs;
- Start, execute, and assess impacts of most individual capital projects and community actions;
- Incorporate into staff work programs; and
- Complement the four-year municipal budgeting cycle.

The report will recommend any amendments that might be needed to the CIP, and adjustments to incentive programs and/or eligibility criteria. It will also provide

recommendations about the budget of the financial incentive programs based on the performance of the programs.

At least three types of outcomes can be expected based on the four-year summary report, including amendments to the plan, adjustments to the financial incentive programs, and/or adjustments to funding.

Amendments to the Plan

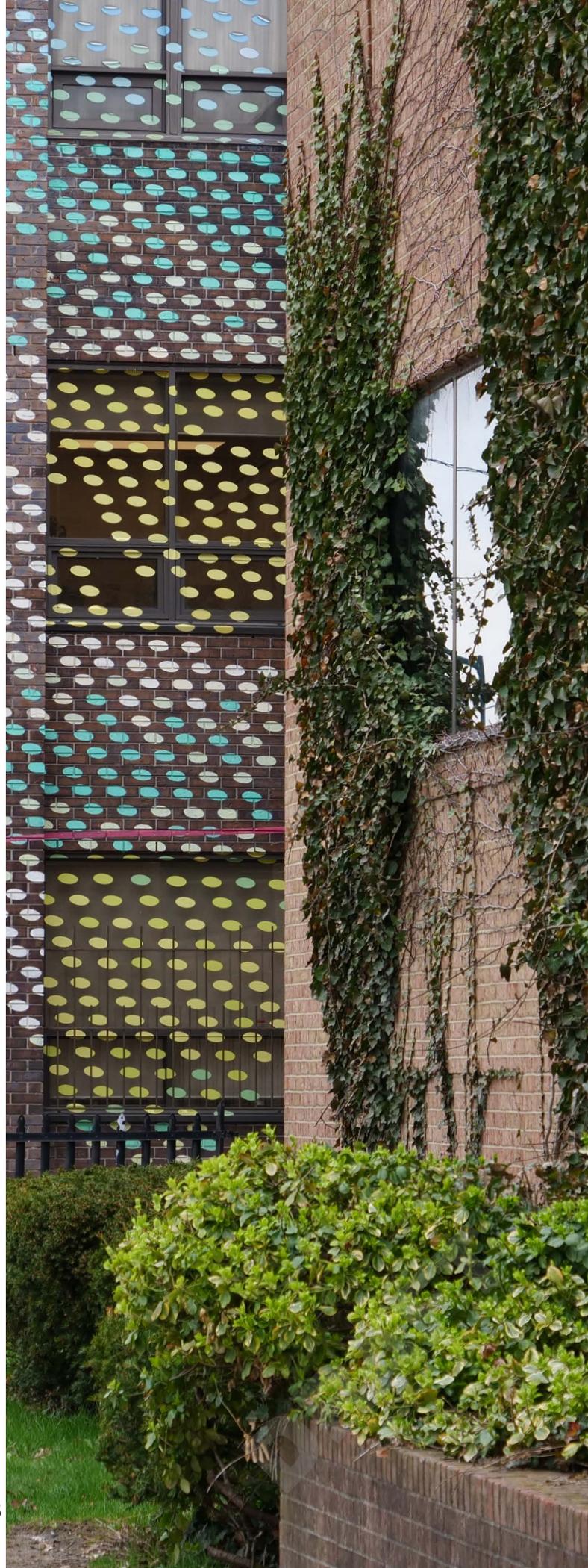
Changes to any content of this plan, including the vision and goals, boundaries of the Project Area, additions, deletions, or clarifications to the Actions Items or to the financial incentive programs will require an amendment to this plan; amendments must follow the process described in the *Planning Act*. Consequential amendments may also be required to the City’s Official Plan and/or Zoning By-law.

Adjustments to the Financial Incentive Programs

Changes to the terms, conditions and processes described in the financial incentive programs may be done without amending this plan and will be subject to approval by Municipal Council.

Adjustments to Funding

Municipal Council has the authority to approve funding for financial incentive programs specified in London’s CIPs, and may approve budgets necessary to carry out other CIP actions. Budgets supporting the implementation of the Core Area CIP will be based on a comprehensive review undertaken by City staff with the assistance of the Monitoring and Evaluation Strategy described in this section. Funding will be timed to occur as part of multi-year budget requests, or any requested amendments made in consultation with the City Treasurer to approved four-year budgets.



Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Gregg Barrett
Director, City Planning and City Planner

Subject: Bill 108, the *More Homes, More Choice Act, 2019*, and Bill 197, the *COVID-19 Economic Recovery Act, 2020*, Information Report

Meeting on: October 19, 2020

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, the attached report with respect to Bill 197 **BE RECEIVED** for information.

Executive Summary

The Province introduced Bill 108, the *More Homes, More Choice Act, 2019* on May 2, 2019 to address Ontario's housing crisis and passed this Bill on June 6, 2019. Many of the key amendments to the *Development Charges Act* and the *Planning Act* proposed in Bill 108 did not come into force and effect when the Bill was introduced.

The Province released regulatory proposals and additional changes to the *Development Charges Act* and the *Planning Act*, which included a new Community Benefits Charge (CBC) authority, and transition provisions for public consultations in June 2019. Subsequent to that, Bill 138, the *Plan to Build Ontario Together Act, 2019*, was introduced with a mechanism to appeal a Community Benefits Charge by-law and transitional provisions with respect to alternative parkland rates on November 6, 2019. On February 28, 2020, the Province released another regulatory proposal for public input on additional components of the CBC authority.

In response to these consultations, the Province introduced Bill 197, the *COVID-19 Economic Recovery Act, 2020*, on July 8, 2020. This Bill also included further changes to portions of Bill 108 that were not in force. The significant amendments to the *Development Charges Act* and the *Planning Act* introduced in Bill 197 include:

- Services eligible to be 100% recovered through development charges (DCs) are expanded.
- Sections 37 and 37.1 passed in Bill 108 are replaced with new Sections 37 and 37.1 that set out the relationship between the Community Benefits Charges and DCs that can be imposed under the *Development Charges Act* or funded from dedicated parkland funds.
- Limited CBCs so that they may only apply to higher density residential developments with at least five storeys and 10 units.
- Confirmed that CBC by-laws and parkland dedication by-laws can be appealed to the Local Planning Appeal Tribunal (LPAT).
- Restored the existing parkland dedication provisions, including standard parkland dedication and alternative rates, are maintained with new provisions with respect to refunds after a successful appeal.
- Expanded Minister's zoning orders to allow for inclusionary zoning and site plan control on "specified land" (i.e. non-greenbelt land), without public consultation or the right of appeals.

Bill 197 received Royal Assent on July 21, 2020. On September 18, 2020, the Province filed a new regulation under the *Planning Act* which provides for additional details with respect to the CBC authority and parkland dedication, and proclaimed Bill 197, any remaining unproclaimed portions of Bill 108, and the new regulation into force.

Analysis

1.0 Pertinent Reports

- Planning and Environment Committee, May 27, 2019, Bill 108 – More Homes, More Choice Act, 2019
- Planning and Environment Committee, July 22, 2019, Information Report – Proposed Regulations for Bill 108 – More Homes, More Choice Act
- Corporate Services Committee, March 9, 2020, Development Charges Housekeeping Matters Related to Bill 108

2.0 Background

2.1 Bill 108

The Province introduced Bill 108, the *More Homes, More Choice Act, 2019* on May 2, 2019 to address housing supply and improve housing affordability in Ontario. A number of key amendments to the *Development Charges Act* and the *Planning Act* include:

- Replacing the existing Section 37 (density bonusing) with a new section 37 that introduces a Community Benefits Charge (CBC) authority;
- Changed requirements for Secondary Dwelling Units to instead require policies that authorize Additional Residential Units;
- Limiting development charges (DCs) that would be recoverable to hard services, such as water and wastewater services, and waste diversion and ambulance services;
- Allowing for the payment for DCs in six installments when occupancy takes effect for certain types of developments;
- Limitations on parkland dedication when a CBC by-law is adopted, including the removal of the provisions authorizing an alternative rate;
- Reducing timelines for council decisions on planning applications;
- Replacing a two-step appeal process with a “de novo” hearing where Tribunal would have the power to make final determinations on appeals, which is similar to the Ontario Municipal Board (OMB) rules that were changed in 2017; and
- Limiting inclusionary zoning to protected major transit station areas or areas where a Community Planning Permit System is in place.

Bill 108 received Royal Assent on June 6, 2019, however, many of these proposed changes to the *Development Charges Act* and the *Planning Act* did not come into force and effect. Rather, public consultations on proposed regulations required to implement the proposed Bill 108 changes were initiated by the Province.

2.2 Regulatory proposals with respect to Bill 108

On June 21, 2019, shortly after the introduction of Bill 108, the Province released the following regulatory proposals through the Environmental Registry of Ontario and Ontario’s Regulatory Registry for public feedback:

- Proposed new regulation and regulation changes under the Planning Act, including transition matters of Bill 108 – the More Homes, More Choice Act, 2019 (ERO 019-0181)

- Proposed new regulation pertaining to the community benefits authority under the Planning Act (ERO 019-0183)
- Proposed changes to O. Reg. 82/98 under the Development Charges Act of Bill 108 – More Homes, More Choice Act, 2019 (ERO 019-0184)
- Proposed regulations under the Local Planning Appeal Tribunal Act, 2017 (19-MAG007)

An information report with a summary of proposed changes was presented to the Planning and Environment Committee on July 22, 2019. Staff submitted the report to the Ministry of Municipal Affairs and Housing as a response to the proposals in August 2019.

On November 6, 2019, amendments to the CBC and parkland dedication provisions under the *Planning Act* were introduced through Bill 138, the *Plan to Build Ontario Together Act, 2019*. The amendments included a mechanism to appeal a CBC by-law to the Local Planning Appeal Tribunal (LPAT) and the removal of industrial and commercial developments from the types of development that would be subject to development charge deferral, as was originally proposed under Bill 108. Bill 138 also introduced new transitional provisions to Sections 42 and 51.1 related to parking acquisition of the *Planning Act*, to preserve the alternate parkland rates during the transition period.

Following Bill 138 receiving Royal Assent on December 10, 2019, some portions of Bill 108 related to the *Development Charges Act* were proclaimed on January 1, 2020. The parts of the Bill that came into force and effect related to changes to when a DC is calculated and the introduction of deferred payment installments for rental housing, non-profit housing and certain types of institutional development. To implement these changes, a report was submitted to Corporate Services Committee on March 9, 2020 that recommended a Development Charge Interest Policy and a Development Charge Alternate Payment Agreement process. Council adopted the recommendations at its March 24, 2020 meeting.

On February 28, 2020, the Province released another regulatory proposal (“Proposed regulatory matters pertaining to community benefits authority under the Planning Act, the Development Charges Act, and the Building Code Act”, ERO 019-1406) for public consultation on proposed components of a new Community Benefits Charge authority. This proposal outlines the following matters to inform the further development of the CBC authority and regulation under the *Planning Act*:

- **Required content for a CBC strategy** to set out some requirements, including the anticipated type of development that will be subject to a CBC, the anticipated increase in the need for CBC as a result of development, a parkland, and a parkland per person analysis.
- **Services eligible to be fully recovered through DCs**, including libraries, long-term care, parks development, public health, and recreation.
- **Percentages of land value for determining a maximum CBC** – 15% for single-tier municipalities, including the City of London.
- **One-year transition period** to the new CBC regime after the date the proposed CBC regulation comes into effect.
- **CBC by-law notice provisions** to implement the by-law appeal mechanism established through Bill 138.
- **Minimum interest rate for CBC refunds** where a by-law has been successfully appealed would be the Bank of Canada rate on the date of by-law comes into force.
- **An amendment to the Building Code** to add the CBC authority to the list of items under Division A – Article 1.4.1.3 Definition of Applicable Law.

2.3 Bill 197

Following the consultation period ending on April 20, 2020, the Province introduced a new omnibus bill, Bill 197, the *COVID-19 Economic Recovery Act* on July 8, 2020. This Bill proposes a number of changes to various statutes intended to support the recovery of the Provincial economy from the COVID-19 pandemic, and to further amend the *Planning Act* and the *Development Charges Act*, particularly the changes made through Bill 108.

This Bill received Royal Assent on July 21, 2020 without public consultation. On September 18, 2020, the CBC and parkland provisions, as well as ministerial zoning orders, under the *Planning Act* and changes to the *Development Charges Act* came into force and effect. To implement the Bill 197 changes, a new regulation under the *Planning Act* (ERO 019-0183 and ERO 019-1406 updated) was filed and proclaimed into force on September 18, 2020. The regulation prescribes key details with respect to Community Benefits Charges and parkland dedication that were addressed in the regulatory proposals released on June 21, 2019 and February 28, 2020.

3.0 Bill 197 Changes

3.1 Changes to the *Development Charges Act*

Whereas Bill 108 limited eligible DC services to hard services, waste diversion and ambulance services, Bill 197 reverts the funding of most soft categories back into DCs. The list of eligible services has been expanded to also include public libraries, parks development, recreation (community centres), long-term care, public health, child care, housing services, by-law enforcement and court services, and emergency preparedness. Furthermore, the capital costs of these services are no longer subject to a mandatory 10% discount. The acquisition of land for parks remains an ineligible DC service.

With the reintroduction of public libraries, parks development and recreation into the list of eligible services, all current DC revenues being collected for by the City are maintained.

DC exemptions for additional dwelling units in single-detached house, semi-detached house, or rowhouse, and an ancillary building are also retained. As prescribed in O. Reg. 82/98, one additional unit in any new houses is exempt from DCs. In addition, DCs will not be imposed for the creation of additional units comprising up to 1% of existing units in existing residential rental buildings.

3.2 Changes to the *Planning Act* Community Benefits Charges (CBC)

The new CBC provisions are now in force as of September 18, 2020. In addition, several important aspects of undertaking a CBC came into force as a regulation under the *Planning Act*.

Bill 108 intended for municipalities to fund hard services through DCs and soft services through CBCs. With Bill 197 returning most soft services to the DC regime, the legislation has narrowed the scope of what services and projects may be funded by a CBC and the types of development that a charge can be collected from.

Consistent with Bill 108, Bill 197 states that a CBC can only be imposed to pay for the capital costs of facilities and matters required because of development or redevelopment. Prior to the enactment of a CBC by-law, a municipality must prepare a CBC strategy (similar to a Development Charges Background study) to assess the services and costs to be funded by the charge. Bill 197 provides that CBCs may be imposed for services, including parkland acquisition and those that are eligible DC services, but that the capital costs intended to be funded by the CBC cannot overlap with the capital costs to be funded by parkland cash-in-lieu or DCs. A CBC would not be available for use in areas subject to a community planning permit system (CPPS) that allows conditions requiring the provision of specified community facilities or services. In other words, a municipality would not be able to use two different tools to require the provision of the same specified community service or facility.

A CBC by-law is subject to appeal to the LPAT. To implement the by-law appeal mechanism, the regulation provides for CBC by-law notice requirements that are similar to those for passing a development charges by-law under the *Development Charges Act*. Where there is a successful appeal, municipalities are required to make a refund. The prescribed minimum interest rate for CBC refunds is set to the Bank of Canada rate, which is consistent with the rate that is now in effect for refunds of DCs.

An important change in Bill 197 is that CBCs can only be imposed on residential developments with five or more storeys and more than 10 residential units, and other types of development to be set out in regulation. As such, ground-related housing like single or semi-detached and row-housing are not subject to the payment of CBCs. This will significantly limit the potential revenue that could be collected.

Before passing a CBC by-law, a CBC strategy is required to include the following content prescribed in the regulation:

- The anticipated type, amount and location of development or redevelopment that would be subject to a CBC
- The anticipated increase in the need for a specific community service (e.g. affordable housing, child care, etc.)
- The capital costs associated with the increased need for a specific community service
- The excess capacity that exists in those specific services
- Any capital grants, subsidies, or contributions from other levels of government or other sources like donations

Bill 197 continues to provide that the CBC payable would be capped based on a percentage of land value that determines the maximum CBC. The percentage is 4% of the land value, as prescribed by regulation.

This Bill also maintains the Bill 108 mechanism for an appraisal process for owners to dispute a charge. Under the regulation, the owners have 30 days to provide a municipality with an appraisal of land value while 45 days are given to the municipality to provide the owners with an appraisal where the municipality disputes the value of the land. Where the municipality's appraisal differs by more than 5% from the owner's appraisal, there are 60 days for an appraiser selected by the owner to provide an appraisal.

Bill 108 provisions with respect to reporting on CBC are maintained. Municipalities are required to prepare an annual report to provide information of the amounts in the CBC special accounts, outlined within the regulation. The information includes transactions, opening and closing balances, capital acquired, and details on amounts spent.

Long-term care homes, retirement homes, universities and colleges, memorial homes, clubhouses or athletic grounds of the Royal Canadian Legion, hospices, and non-profit housing are the types of development to be exempt from CBCs in the regulation, consistent with the original proposal under Bill 108.

Density Bonusing

Prior to Bill 108, Section 37 of the *Planning Act* allowed municipalities to authorize increases in height and density of development beyond what is permitted in a zoning by-law in return for community benefits (i.e. facilities, services, or matters prescribed in the by-law).

Bill 108 replaced the bonusing regime in its entirety with the new CBC authority, which allows municipalities to fund for the capital costs of facilities, services and matters required due to development in the area to which a CBC applies. This approach has been carried forward into Bill 197.

Initially under Bill 108, the Province directed that municipalities repeal their bonusing regime on the earlier of the day a CBC by-law is passed or a day to be later prescribed

by the Minister. Through ERO 019-0183, released on June 21, 2019, the prescribed date for transition to the new regime was proposed to be January 1, 2021. This regulation was not approved, however, and a new regulation (ERO 019-1406) was released for comment on February 28, 2020. This regulation directed that municipalities would be required to transition to the new community benefits regime one year after the date that the proposed regulation comes into effect.

Bill 197 has revised these proposed dates and replaced the transition date to two years after the date when Schedule 3 of Bill 197 (changes to the *Development Charges Act*) comes into force which was September 18, 2020. As a result, the City will be required to update its Density Bonusing process no later than September 18, 2022.

Parkland Dedication

Bill 108 removed many of the parkland dedication provisions under Sections 42 and 51.1 of the *Planning Act* to amalgamate parkland dedication into the CBC. The changes eliminated the ability of municipalities to require the conveyance of parkland and to impose an alternative rate.

However, these provisions have been maintained with further amendments to Section 42 through Bill 197, and can be used in conjunction with a CBC for the parkland development. This Bill revised the ability of municipalities to establish an alternative rate of up to one hectare for 300 units for land conveyances or up to one hectare for 500 units for cash-in-lieu. Public consultation is required prior to passing a by-law with alternative rates.

While the by-law can be appealed to the LPAT, this Bill imposed limitations on the powers of the LPAT with respect to the appeals. The LPAT can order an amendment to the by-law, however, cannot amend the by-law to increase the amount of parkland or cash-in-lieu required, or to add, remove or reduce the scope of by-law exemptions. Similar to the CBC provisions, municipalities are required to make a refund after successful appeals.

Existing parkland dedication by-laws will expire two years after these changes come into force. Accordingly, municipalities are required to pass a new by-law with the alternative requirements within the two-year period as of September 18, 2020. The regulation with respect to parkland dedication is now in effect, which provides the minimum interest rate for refunds, by-law notice requirements and reporting provisions that are consistent with those of the CBC authority.

Minister's Zoning Orders

Section 47 in the *Planning Act* provides the Minister of Municipal Affairs and Housing with the authority to issue Minister's zoning orders. Minister's zoning orders control the use of land to protect provincial interests similar to a typical zoning by-law but without a requirement for public notice or consultation, and have rarely been used. However, Bill 197 expanded the powers of the Minister to issue Minister's zoning orders to fast track planning approvals. The Minister are be able to make orders on "specified land", which is land outside of the Greenbelt Area, with respect to site plan control and inclusionary zoning.

The Minister may require a landowner to enter into an agreement with a municipality and provide the parties with a ministerial direction to address site plan matters, such as exterior design of buildings or pedestrian and vehicle access, in the agreement. If the agreement does not comply with the direction, the agreement will then be of no effect.

Minister's zoning orders also enable the Minister to exercise municipal councils' powers to prescribe affordable housing requirements as part of any development. These zoning orders are not subject to appeal to the LPAT and are not subject to the typical requirements for public input.

4.0 Next Steps and Conclusion

On September 18, 2020, the significant amendments to the *Planning Act* and the *Development Charges Act* made by Bill 108 and Bill 197 came into force and effect.

With respect to the Bill 197 *Development Charge Act* changes, all DC services currently in the City's DC By-law remain eligible and budgeted DC revenues being collected for are maintained. Staff will review the broadened list of eligible DC services with applicable service areas to determine which services could be recommended for review as part of the upcoming 2024 Development Charge Background Study process.

As Bill 197 has expanded the services eligible for DCs, the CBC regime has been scoped down. What services and projects can be funded by a CBC has been further restricted and now only a narrow type of development can be charged. Based on the legislative changes, many eligible CBC projects would be identified as part of a DC Background Study process as CBCs can recover for projects that are excluded from DCs. Staff will continue to monitor the evolution of the CBC and report as required.

Through the transition from the current bonusing regime, the current policies in the City's Official Plan and the London Plan will need to be repealed. Staff will also monitor applications to ensure that any bonus agreements proposed through the transition period are finalized before September 18, 2022.

Parkland dedication and alternative parkland rates have been preserved through these legislative changes in Bill 197. A report to the Community and Protected Services Committee was submitted on September 9, 2020 that recommended the Parkland Conveyance and Levy By-law (By-law CP-9) be amended with revised parkland dedication fee rates and come into force on January 1, 2021. Staff will bring forward a new report updating the parkland dedication by-law to incorporate the changes provided under Bill 197.

Acknowledgements

This report has been prepared with input from Kevin Edwards, Manager, Development Finance and Bruce Page, Senior Planner, Parks Planning & Design.

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>	

October 9, 2020
JL/jl

Y:\Shared\policy\Planning Act\Bill 197\Bill 197 PEC report - October 5 2020.docx

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application By: Sifton Properties Limited
3635 Southbridge Avenue
Removal of Holding Provision

Meeting on: October 19, 2020

Recommendation

That, on the recommendation of the Director, Development Services, based on the application by Sifton Properties Limited, relating to lands located at 3635 Southbridge Avenue, legally described as Block 127 Plan 33M-785, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on October 27, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Holding Residential R5 Special Provision/Residential R6 Special Provision (h•h-100•h-198•R5-4(22)/R6-5(50)) Zone **TO** a Residential R5 Special Provision/Residential R6 Special Provision (R5-4(22)/R6-5(50)) Zone to remove the h, h-100 and h-198 holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

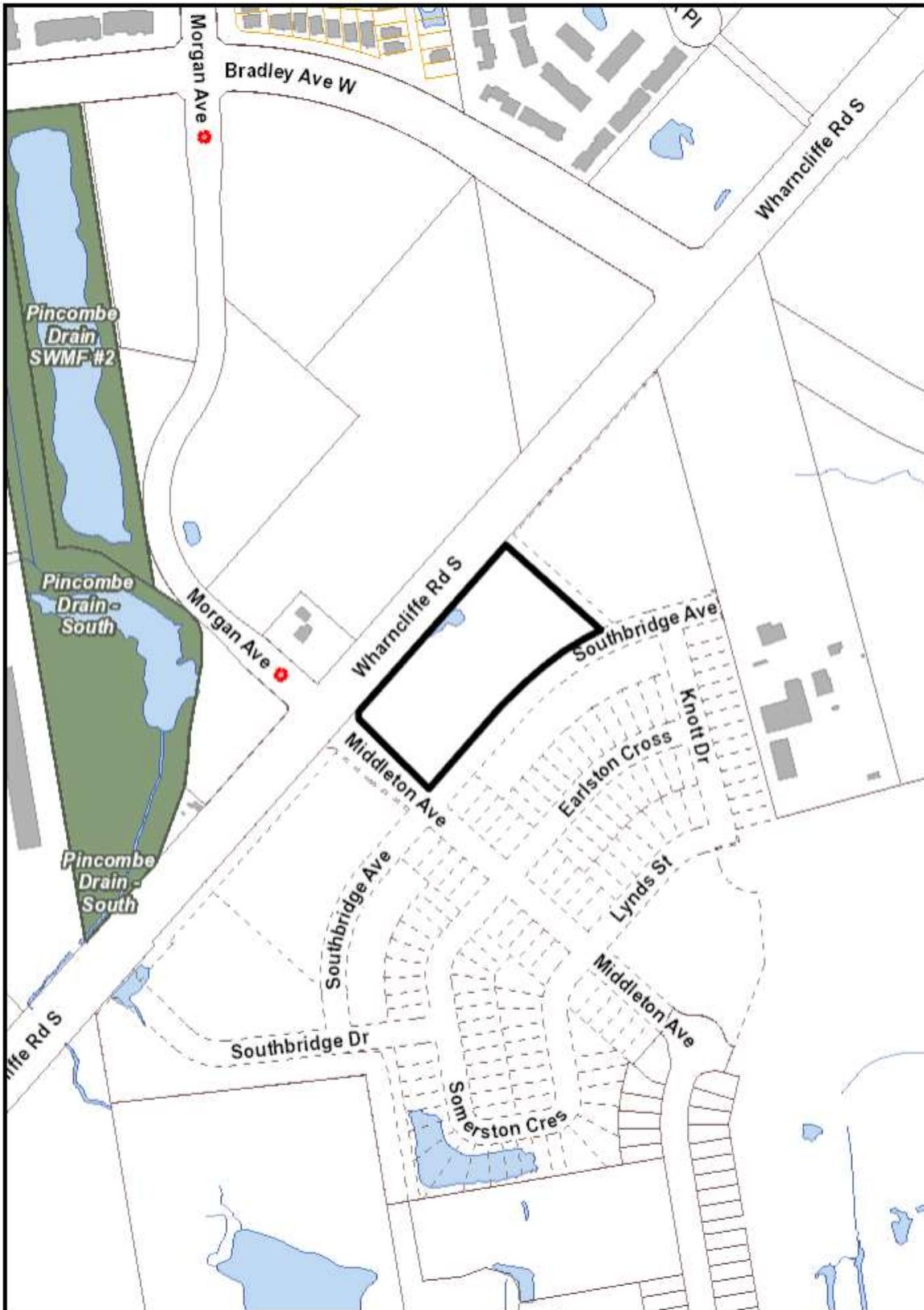
The purpose and effect of this zoning change is to remove the holding (h, h-100 and h-198) symbols to allow development of 57 townhouse dwelling units permitted under the Residential R5 Special Provision/Residential R6 Special Provision (R5-4(22)/R6-5(50)) Zone.

Rationale of Recommended Action

1. The conditions for removing the holding (h, h-100 & h-198) provisions have been met and the recommended amendment will allow development of a proposed 57 unit townhouse development in compliance with the Zoning By-law.
2. A Subdivision Agreement has been entered into and securities have been posted as required by City Policy and the Subdivision Agreement.
3. Provision has been made for a looped watermain system to ensure adequate water service, and provision of a temporary emergency access to the satisfaction of the City.
4. A building orientation plan has been reviewed and accepted as part of the approved Site Plan and Development Agreement. The site plan demonstrates street-oriented development consistent with Southwest Area Secondary Plan.

Analysis

1.0 Location Map



Location Map		Legend	
Subject Property:	3635 Southbridge Avenue		Subject Property
Applicant:	SIFTON PROPERTIES LIMITED		Parks
File Number:	H-9236		Assessment Parcels
Created By:	Larry Mottram		Buildings
Date:	7/6/2020		Address Numbers
Scale:	1:4000		

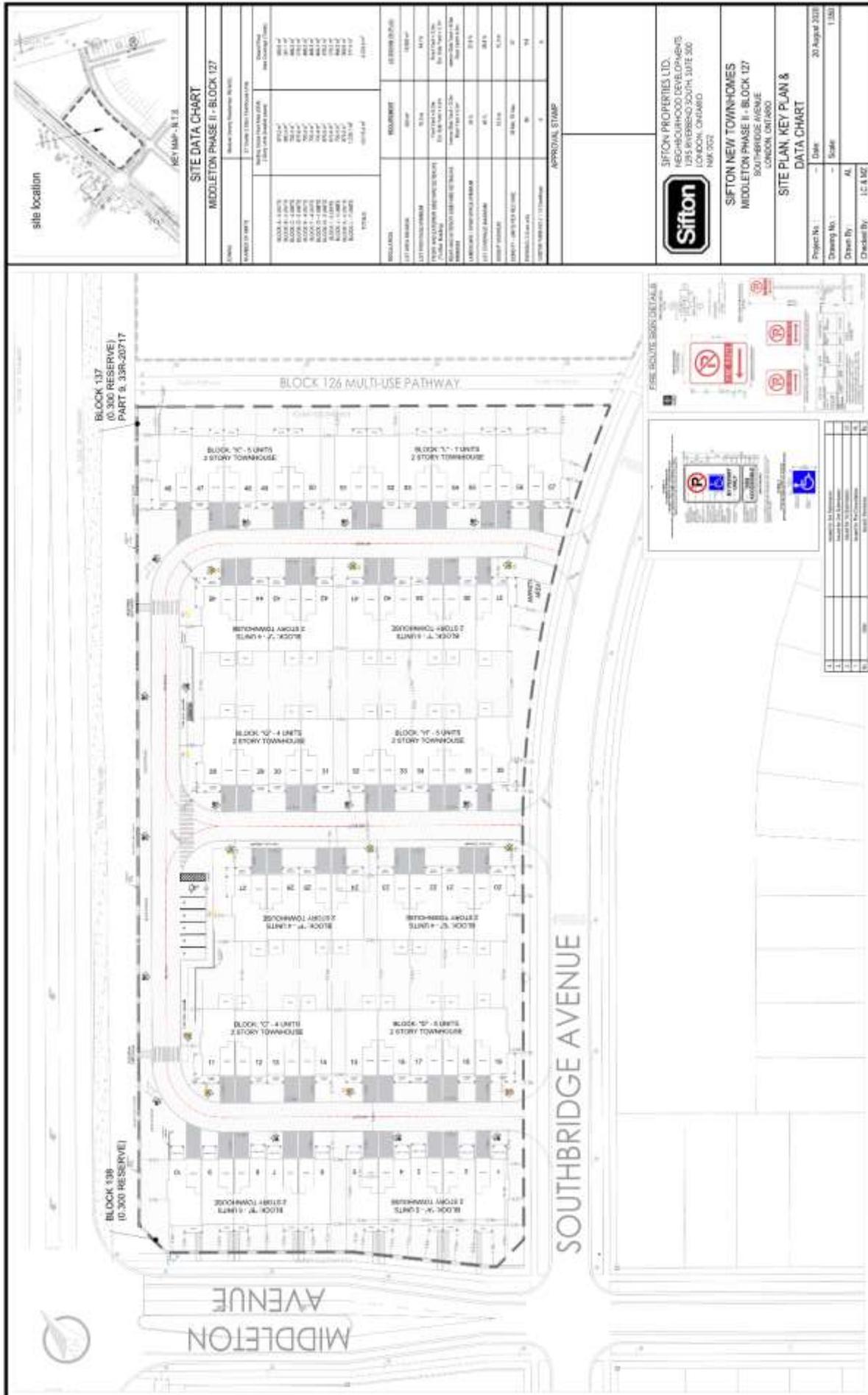
Corporation of the City of London

N

2.0 Description of Proposal

This proposal is to remove the holding provisions to allow a residential development of cluster townhouses on a vacant block within a registered plan of subdivision.

2.1 Site Plan



2.2 Building Elevations – Units 1-5



3.0 Relevant Background

3.1 Planning History

On June 2, 2020 the Approval Authority for the City of London granted Final Approval for the second phase of the Richardson Subdivision lands located at 132, 146 and 184 Exeter Road. Phase 2 consists of 123 single detached lots, two (2) street townhouse blocks, four (4) medium density blocks, one (1) park block, one (1) open space block, three (3) multi-use pathway blocks, one (1) servicing/multi-use pathway block, and several road widening and 0.3 metre reserves, all served by the extension of Middleton Avenue and five (5) new local roads/neighbourhood streets. The plan was subsequently registered on June 8, 2020 as Plan 33M-785. One of the medium density blocks (Block 127) is the subject of an application for Site Plan Approval by Sifton Properties Limited for a fifty-seven, 2-storey townhouse development (File No. SPA20-012).

4.0 Key Issues and Considerations

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

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

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

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

The Subdivision Agreement between Sifton Properties Limited and the City of London for Phase 2 of the Richardson Subdivision was entered into on March 26, 2020 and registered as Instrument No. ER1307410 on June 18, 2020. Sifton Properties Limited have also

posted security as required by City Policy and the Subdivision Agreement. Therefore, the condition has been met for removal of the “h” provision.

The purpose of the holding (“h-100”) provision in the Zoning By-law is as follows:

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

Permitted Interim Uses: A maximum of 80 residential units.

The subdivision servicing drawings were previously reviewed and have been accepted by the City. Sifton Properties Limited is currently working on completing installation of the services in Phase 2, including watermains and water looping of the subdivision. Public road access to the subject site will be provided from Southbridge Avenue and Middleton Avenue to Wharnccliffe Road South. A second public access is provided to the south through Phase 1 of the subdivision via Middleton Avenue to Exeter Road. Therefore, the condition has been met for removal of the “h-100” provision.

The purpose of the holding (“h-198”) provision in the Zoning By-law is as follows:

Purpose: To encourage street-oriented development and discourage noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved consistent with the Southwest Area Secondary Plan.

An application for Site Plan Approval has been submitted by Sifton Properties Limited (SPA20-012). The proposed development consists of 57 attached townhouse dwellings arranged in rows of units attached side-by-side. The site plan demonstrates front facades of dwelling units oriented to the abutting streets (Southbridge Avenue, Middleton Avenue, and Wharnccliffe Road South). The block interface with Wharnccliffe Road South features a 1.2 metre wrought iron fence with decorative stone pillars, two pedestrian gate access points, and a heavily landscaped planting strip. End dwelling units feature wrap-a-round covered porches to strengthen the relationship and orientation to the adjacent streets. The Middleton Avenue street frontage will incorporate porches and pedestrian connections to the street for each individual dwelling unit to promote an active frontage. The need for a continuous noise wall is eliminated with only localized sound reduction barriers required to protect the private outdoor amenity area of the end units adjacent Wharnccliffe Road South.

As part of the site plan review process, the plans and building elevations were reviewed for compliance with the Southwest Area Secondary Plan. The plans have now been accepted, a draft Development Agreement has been prepared that is acceptable, and securities have been received. Development Services staff are satisfied that the “h-198” symbol can be lifted from the zoning.

5.0 Conclusion

In the opinion of Staff, the holding zone requirements have been satisfied and it is appropriate to proceed to lift the holding symbols from the zoning map.

Prepared by:	Larry Mottram, MCIP, RPP Senior Planner, Development Planning
Recommended by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P. Eng. Managing Director, Development and Compliance Services and Chief Building Official
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.	

CC: Matt Feldberg, Manager, Development Services (Subdivisions)
Lou Pompilli, Manager, Development Services
Ted Koza, Manager, Development Services

October 9, 2020
GK/PY/LM/lm

Y:\Shared\ADMIN\1- PEC Reports\2020 PEC Reports\18 - Oct 19\3635 Southbridge Avenue - H-9236 - LM.docx

Appendix A

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

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 3635 Southbridge Avenue; legally described as Block 127 Plan 33M-785.

WHEREAS Sifton Properties Limited has applied to remove the holding provisions from the zoning on lands located at 3635 Southbridge Avenue, legally described as Block 127 Plan 33M-785, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3635 Southbridge Avenue, legally described as Block 127 Plan 33M-785, as shown on the attached map, to remove the h, h-100 and h-198 holding provisions so that the zoning of the lands as a Residential R5 Special Provision/ Residential R6 Special Provision (R5-4(22)/R6-5(50) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

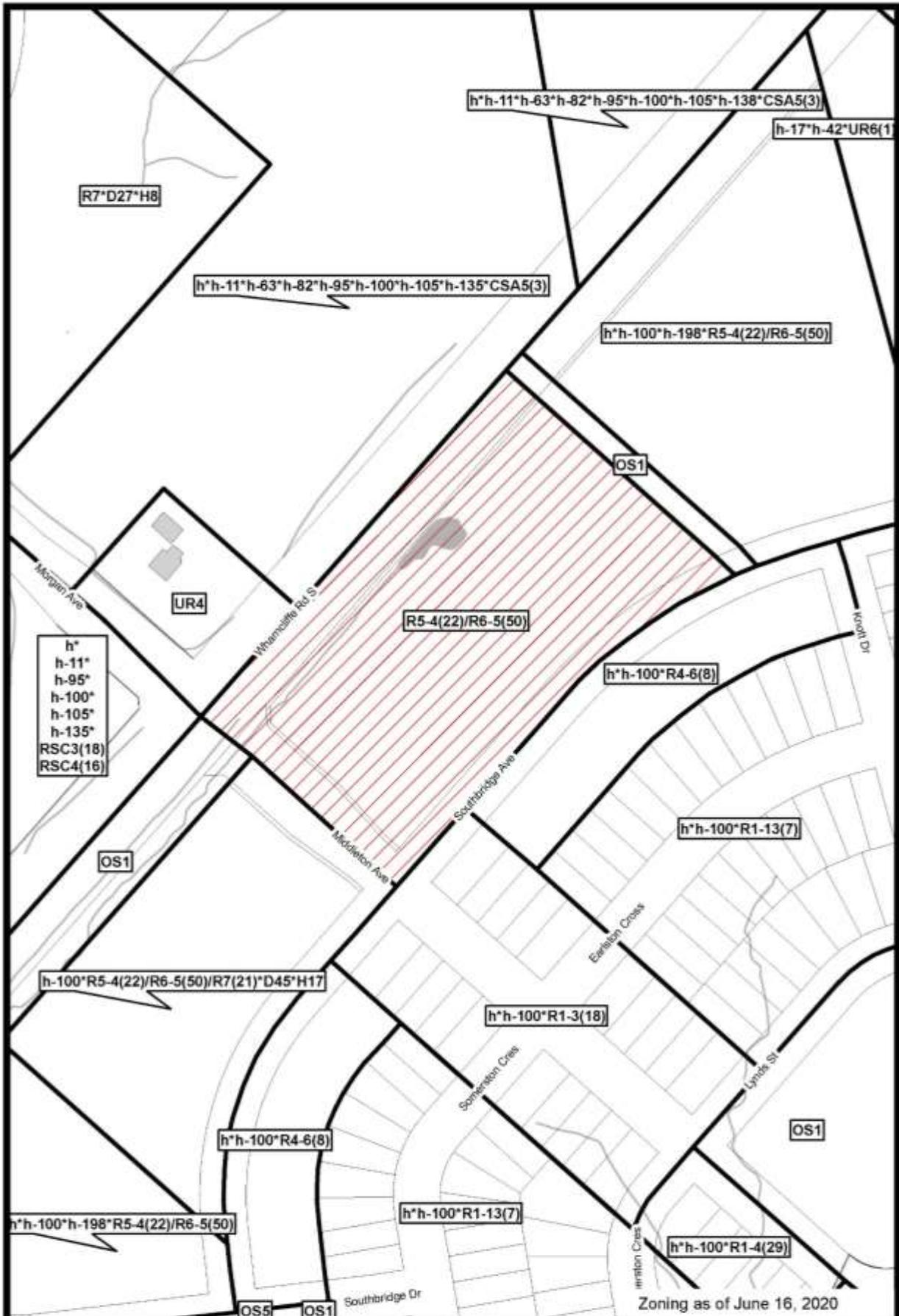
PASSED in Open Council on October 27, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 27, 2020
Second Reading – October 27, 2020
Third Reading – October 27, 2020

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



<p>File Number: H-9236 Planner: LM Date Prepared: 2020/07/22 Technician: RC By-Law No: Z-1-</p>	<p>SUBJECT SITE </p> <p>1:2,000</p> <p> 0 10 20 40 60 80 Meters</p> <p></p>
---	--

GeoDatabase

Appendix B – Public Engagement

Community Engagement

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

0 replies were received

Nature of Liaison: 3635 Southbridge Avenue, located east of Wharncliffe Road South, between Middleton Avenue and Bradley Avenue; identified as Block 127 Plan 33M-785 – City Council intends to consider removing the Holding (h, h-100 and h-198) Provision(s) from the zoning of the subject lands to allow development of 57 townhouse dwelling units permitted under the Residential R5 Special Provision/Residential R6 Special Provision (R5-4(22)/R6-5(50) Zone. The purpose of the “h” provision is to ensure the orderly development of lands and adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development. The h-100 symbol is intended to ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer. Interim uses may be permitted up to 80 units maximum. The h-198 symbol is intended to encourage street-oriented development and discourage noise attenuation walls along arterial roads. A development agreement shall be entered into to ensure that new development is designed and approved consistent with the Southwest Area Secondary Plan. Council will consider removing the holding provision as it applies to these lands no earlier than August 25, 2020.

Agency/Departmental Comments:

None

Appendix C – Relevant Background

Existing Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:
 H-9236 LM

MAP PREPARED:
 2020/07/22 RC

1:2,000
 0 10 20 40 60 80
 Meters

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

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application By: Sifton Properties Limited
3575 Southbridge Avenue
Removal of Holding Provision

Meeting on: October 19, 2020

Recommendation

That, on the recommendation of the Director, Development Services, based on the application by Sifton Properties Limited, relating to lands located at 3575 Southbridge Avenue, legally described as Block 125 Plan 33M-785, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on October 27, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Holding Residential R5 Special Provision/Residential R6 Special Provision (h•h-100•h-198•R5-4(22)/R6-5(50)) Zone **TO** a Residential R5 Special Provision/Residential R6 Special Provision (R5-4(22)/R6-5(50)) Zone to remove the h, h-100 and h-198 holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

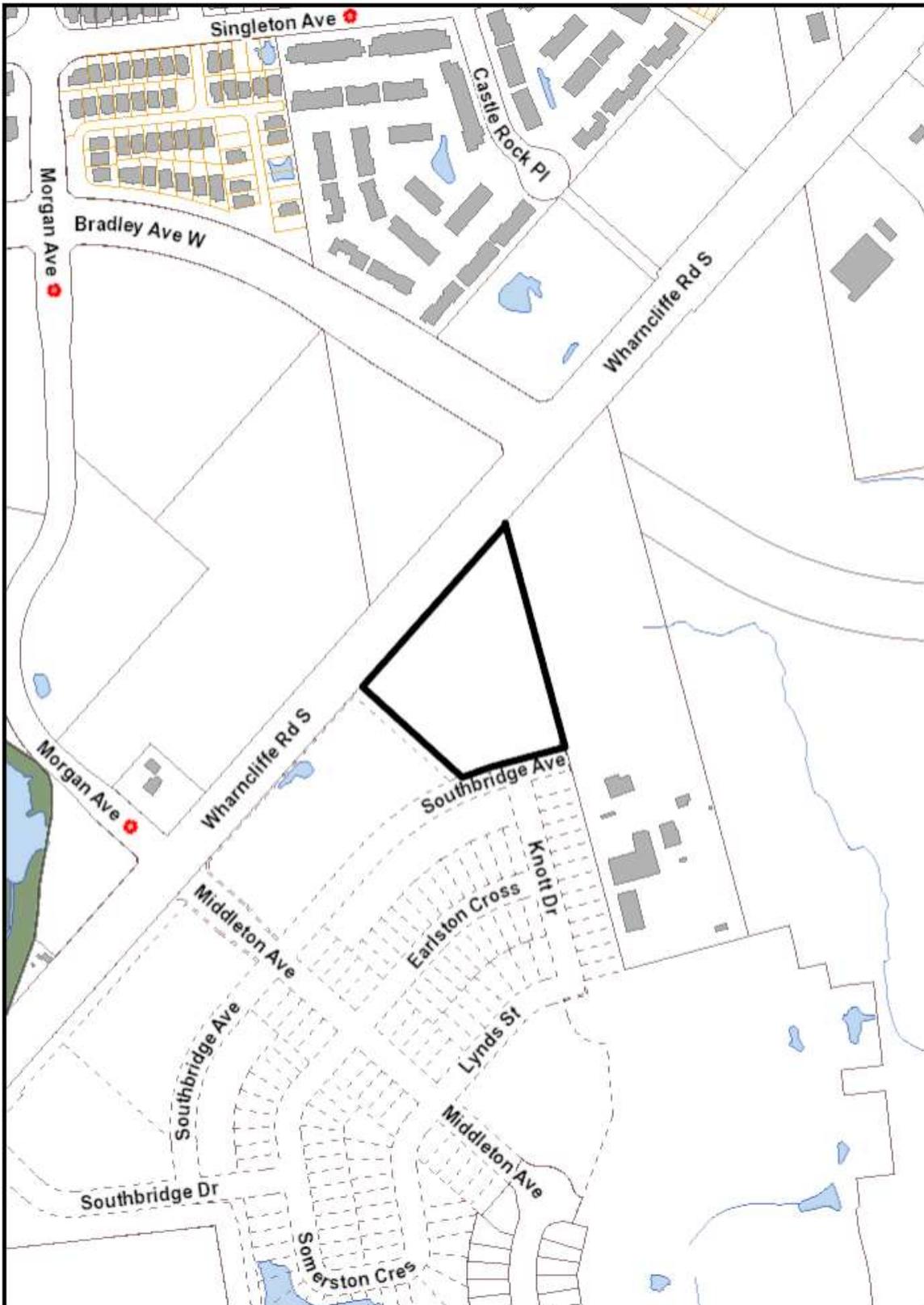
The purpose and effect of this zoning change is to remove the holding (h, h-100 and h-198) symbols to allow development of 58 townhouse dwelling units permitted under the Residential R5 Special Provision/Residential R6 Special Provision (R5-4(22)/R6-5(50)) Zone.

Rationale of Recommended Action

1. The conditions for removing the holding (h, h-100 & h-198) provisions have been met and the recommended amendment will allow development of a proposed 58 unit townhouse development in compliance with the Zoning By-law.
2. A Subdivision Agreement has been entered into and securities have been posted as required by City Policy and the Subdivision Agreement.
3. Provision has been made for a looped watermain system to ensure adequate water service, and provision of a temporary emergency access to the satisfaction of the City.
4. A building orientation plan has been reviewed and accepted as part of the approved Site Plan and Development Agreement. The site plan demonstrates street-oriented development consistent with Southwest Area Secondary Plan.

Analysis

1.0 Location Map

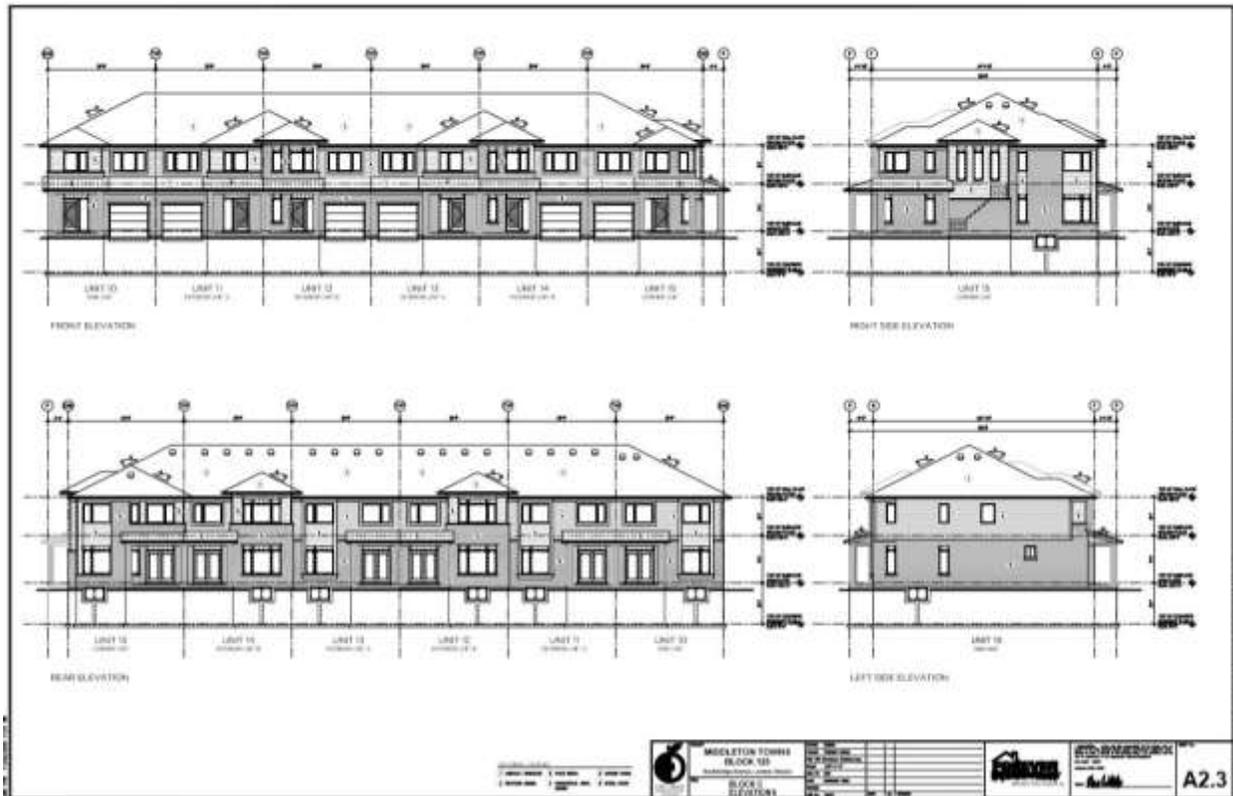


Location Map		Legend	
Subject Property:	3575 Southbridge Avenue		Subject Property
Applicant:	SIFTON PROPERTIES LIMITED		Parks
File Number:	H-9237		Assessment Parcels
Created By:	Larry Mottram		Buildings
Date:	7/6/2020		Address Numbers
Scale:	1:4000		

Corporation of the City of London

N
↑

2.2 Building Elevations – Units 10 - 15



3.0 Relevant Background

3.1 Planning History

On June 2, 2020 the Approval Authority for the City of London granted Final Approval for the second phase of the Richardson Subdivision lands located at 132, 146 and 184 Exeter Road. Phase 2 consists of 123 single detached lots, two (2) street townhouse blocks, four (4) medium density blocks, one (1) park block, one (1) open space block, three (3) multi-use pathway blocks, one (1) servicing/multi-use pathway block, and several road widening and 0.3 metre reserves, all served by the extension of Middleton Avenue and five (5) new local roads/neighbourhood streets. The plan was subsequently registered on June 8, 2020 as Plan 33M-785. One of the medium density blocks (Block 125) is the subject of an application for Site Plan Approval by Sifton Properties Limited for a fifty-eight, 2-storey townhouse development (File No. SPA20-011).

4.0 Key Issues and Considerations

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

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

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

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

The Subdivision Agreement between Sifton Properties Limited and the City of London for Phase 2 of the Richardson Subdivision was entered into on March 26, 2020 and registered as Instrument No. ER1307410 on June 18, 2020. Sifton Properties Limited have also

posted security as required by City Policy and the Subdivision Agreement. Therefore, the condition has been met for removal of the “h” provision.

The purpose of the holding (“h-100”) provision in the Zoning By-law is as follows:

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

Permitted Interim Uses: A maximum of 80 residential units.

The subdivision servicing drawings were previously reviewed and have been accepted by the City. Sifton Properties Limited is currently working on completing installation of the services in Phase 2, including watermains and water looping of the subdivision. Public road access to the subject site will be provided from Southbridge Avenue and Middleton Avenue to Wharncliffe Road South. A second public access is provided to the south through Phase 1 of the subdivision via Middleton Avenue to Exeter Road. Therefore, the condition has been met for removal of the “h-100” provision.

The purpose of the holding (“h-198”) provision in the Zoning By-law is as follows:

Purpose: To encourage street-oriented development and discourage noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved consistent with the Southwest Area Secondary Plan.

An application for Site Plan Approval has been submitted by Sifton Properties Limited (SPA20-011). The proposed development consists of 58 attached townhouse dwellings arranged within several rows of units attached side-by-side. The block interface with Wharncliffe Road South features a window street, a 1.2 metre wrought iron fence with decorative stone pillars, two pedestrian gate access points, and a heavily landscaped planting strip. End dwelling units feature wrap-a-around covered porches to strengthen the relationship and orientation to the adjacent streets. The site plan and building elevations also incorporate a similar level of architectural detail on the front and rear elevations flanking public streets and walkways. A strong building orientation is achieved with street-facing units having front door entrances oriented to both Wharncliffe Road South and Southbridge Avenue. Units along Southbridge Avenue also have individual driveway accesses contributing to an active frontage and connection to the public street. The need for a continuous noise wall is eliminated with only localized sound reduction barriers required to protect the private outdoor amenity area of the end units adjacent Wharncliffe Road South.

As part of the site plan review process, the plans and building elevations were reviewed for compliance with the Southwest Area Secondary Plan. The plans have now been accepted, a draft Development Agreement has been prepared that is acceptable, and securities have been received. Development Services staff are satisfied that the “h-198” symbol can be lifted from the zoning.

5.0 Conclusion

In the opinion of Staff, the holding zone requirements have been satisfied and it is appropriate to proceed to lift the holding symbols from the zoning map.

Prepared by:	Larry Mottram, MCIP, RPP Senior Planner, Development Planning
Recommended by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P. Eng. Managing Director, Development and Compliance Services and Chief Building Official
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.	

CC: Matt Feldberg, Manager, Development Services (Subdivisions)
Lou Pompilli, Manager, Development Services
Ted Koza, Manager, Development Services

October 9, 2020
GK/PY/LM/lm

Y:\Shared\ADMIN\1- PEC Reports\2020 PEC Reports\18 - Oct 19\3575 Southbridge Avenue - H-9237 LM.docx

Appendix A

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

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 3575 Southbridge Avenue; legally described as Block 125 Plan 33M-785.

WHEREAS Sifton Properties Limited has applied to remove the holding provisions from the zoning on lands located at 3575 Southbridge Avenue, legally described as Block 125 Plan 33M-785, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3575 Southbridge Avenue, legally described as Block 125 Plan 33M-785, as shown on the attached map, to remove the h, h-100 and h-198 holding provisions so that the zoning of the lands as a Residential R5 Special Provision/ Residential R6 Special Provision (R5-4(22)/R6-5(50) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

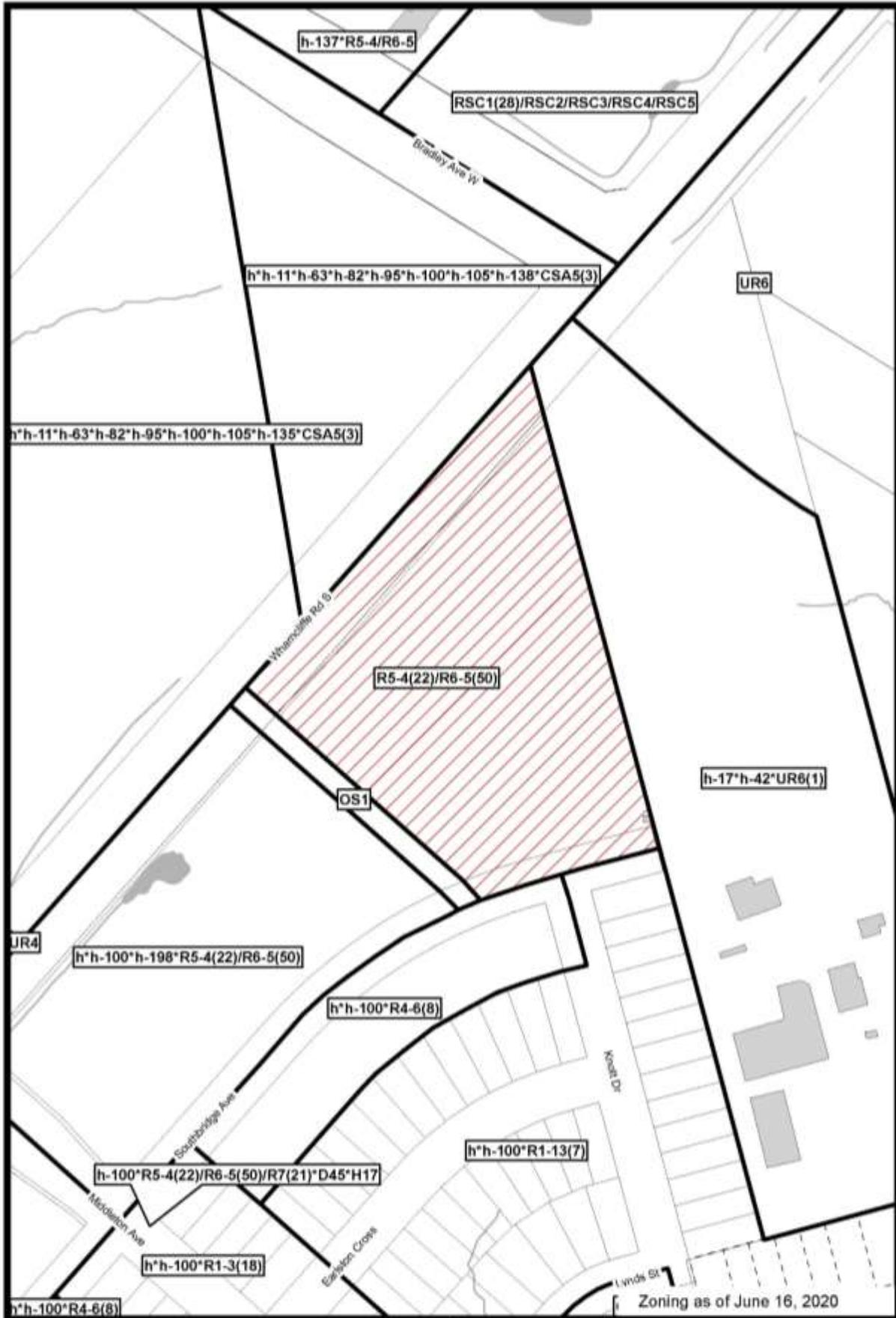
PASSED in Open Council on October 27, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 27, 2020
Second Reading – October 27, 2020
Third Reading – October 27, 2020

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



Zoning as of June 16, 2020

<p>File Number: H-9237 Planner: LM Date Prepared: 2020/7/22 Technician: RC By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:2,000</p> <p>0 10 20 40 60 80 Meters</p> 
---	---

Appendix B – Public Engagement

Community Engagement

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

0 replies were received

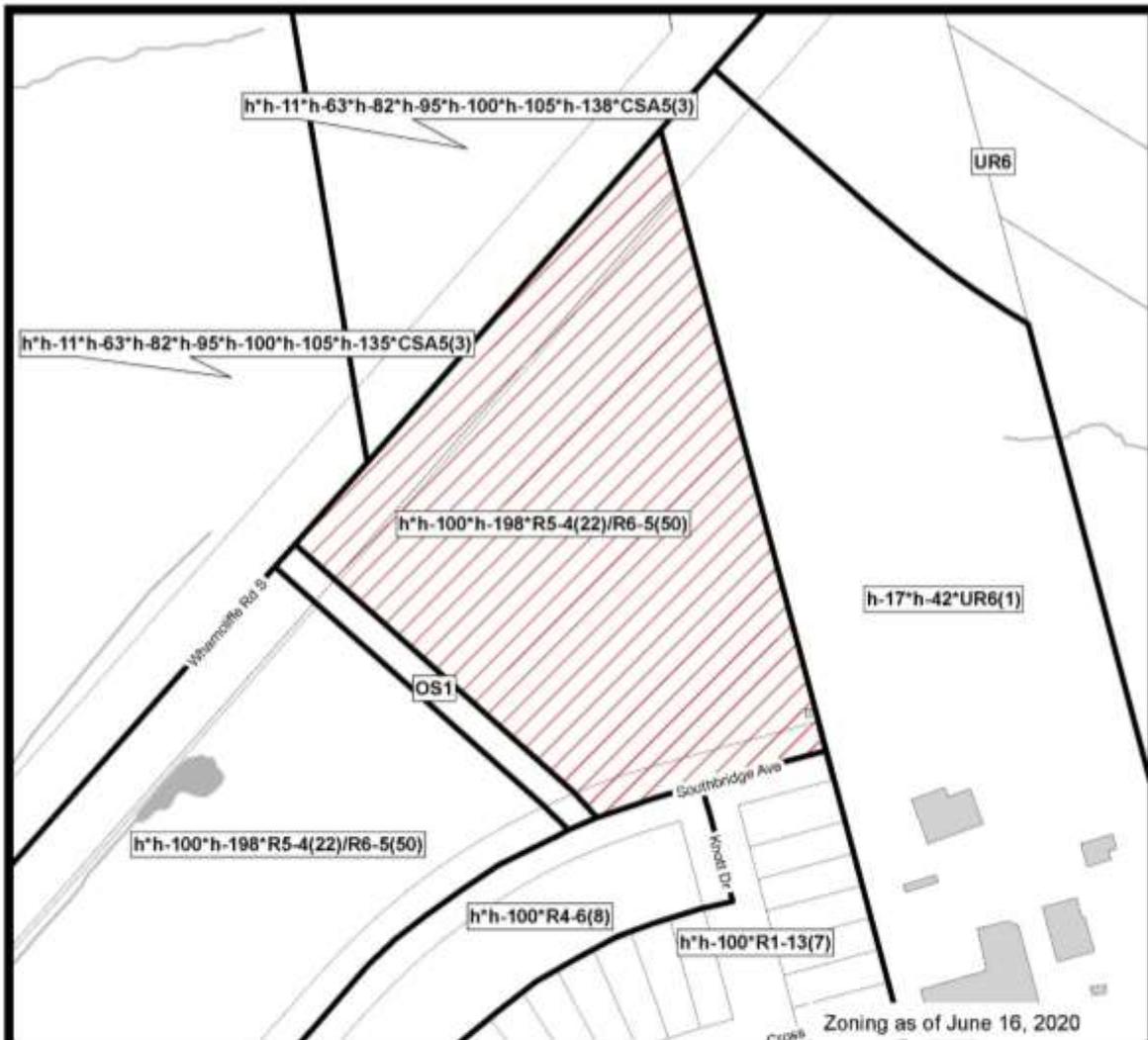
Nature of Liaison: 3575 Southbridge Avenue, located east of Wharncliffe Road South, between Middleton Avenue and Bradley Avenue; identified as Block 125 Plan 33M-785 – City Council intends to consider removing the Holding (h, h-100 and h-198) Provision(s) from the zoning of the subject lands to allow development of 57 townhouse dwelling units permitted under the Residential R5 Special Provision/Residential R6 Special Provision (R5-4(22)/R6-5(50) Zone. The purpose of the “h” provision is to ensure the orderly development of lands and adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development. The h-100 symbol is intended to ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer. Interim uses may be permitted up to 80 units maximum. The h-198 symbol is intended to encourage street-oriented development and discourage noise attenuation walls along arterial roads. A development agreement shall be entered into to ensure that new development is designed and approved consistent with the Southwest Area Secondary Plan. Council will consider removing the holding provision as it applies to these lands no earlier than August 25, 2020.

Agency/Departmental Comments:

None

Appendix C – Relevant Background

Existing Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| | LJ - LIGHT INDUSTRIAL |
| DA - DOWNTOWN AREA | GI - GENERAL INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | UR - URBAN RESERVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | |
| AC - ARTERIAL COMMERCIAL | AG - AGRICULTURAL |
| HS - HIGHWAY SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| SS - AUTOMOBILE SERVICE STATION | RT - RAIL TRANSPORTATION |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | |
| OR - OFFICE/RESIDENTIAL | "N" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

H-9237

LM

MAP PREPARED:

2020/07/22

RC

1:2,000



Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application By: Foxwood Building Company
1605 Twilite Boulevard
Removal of Holding Provisions (h, h-54, h-71 and h-100)

Meeting on: October 19, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following action be taken with respect to the application of Foxwood Building Company relating to the property located at 1605 Twilite Boulevard, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 27, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a Holding Residential R5/R6 (h*h-54*h-71*h-100*R5-6/R6-5) Zone **TO** Residential R5/R6 (R5-6/R6-5) Zone to remove the h, h-54, h-71 and h-100 holding provisions.

Executive Summary

Summary of Request

The applicant has requested the removal of the h, h-54, h-71 and h-100 holding provisions from 1605 Twilite Boulevard, which are in place to ensure: the orderly development of the lands and adequate municipal servicing, that there are no land use conflicts between arterial roads and the proposed residential uses, encourage street orientation development, and to ensure there is adequate water service and appropriate access has been provided.

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the h, h-54, h-71 and h-100 holding symbols from the zone map to facilitate the development of the subject site for 54 three (3) storey street townhouse units through a standard (phased) condominium.

Rationale of Recommended Action

The conditions for removing the holding provisions have been met, as the required security has been submitted, and the development agreement has been signed. There are no land use conflicts between arterial roads and the proposed residential uses and street orientation. Adequate water servicing with a looped watermain system and appropriate access has been constructed and the proposed development is designed in a manner that is consistent with the Hyde Park Community Plan. All issues have been resolved and the holding provisions are no longer required.

Analysis

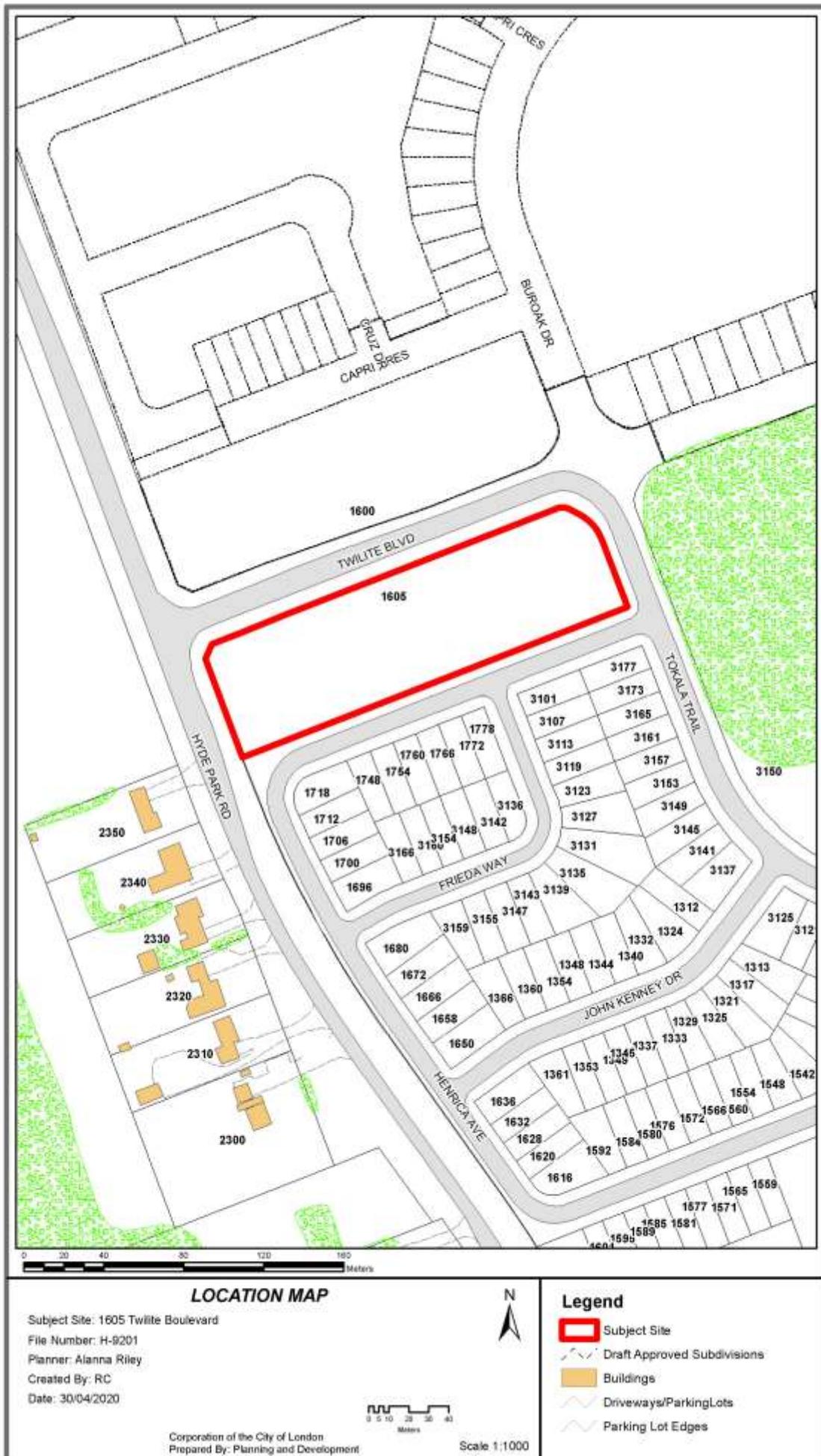
1.0 Site at a Glance

1.1 Property Description

The property is a low density residential block within a registered plan of subdivision 33M-752, Block 111 located south of Twilite Boulevard, north of Henrica Avenue, west of Tokala Trail and east of Hyde Park Road. There is an existing residential neighbourhood

to the south, future residential and mixed uses planned for the lands to the north, Tokala Woods to the east, and agricultural and existing residential to the west. The site has full access to municipal services and is located in an area which is planned for future growth.

1.2 Location Map



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

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Low Density Residential
- Existing Zoning – Holding Residential R5/R6 (h*h-54*h-71*h-100*R5-6/R6-5) Zone

1.4.1 Site Characteristics

- Current Land Use – Vacant
- Frontage – 185 metres (607 feet)
- Depth – 58 metres (190 feet)
- Area – 1.186 ha (11,860 m²)
- Shape – rectangular

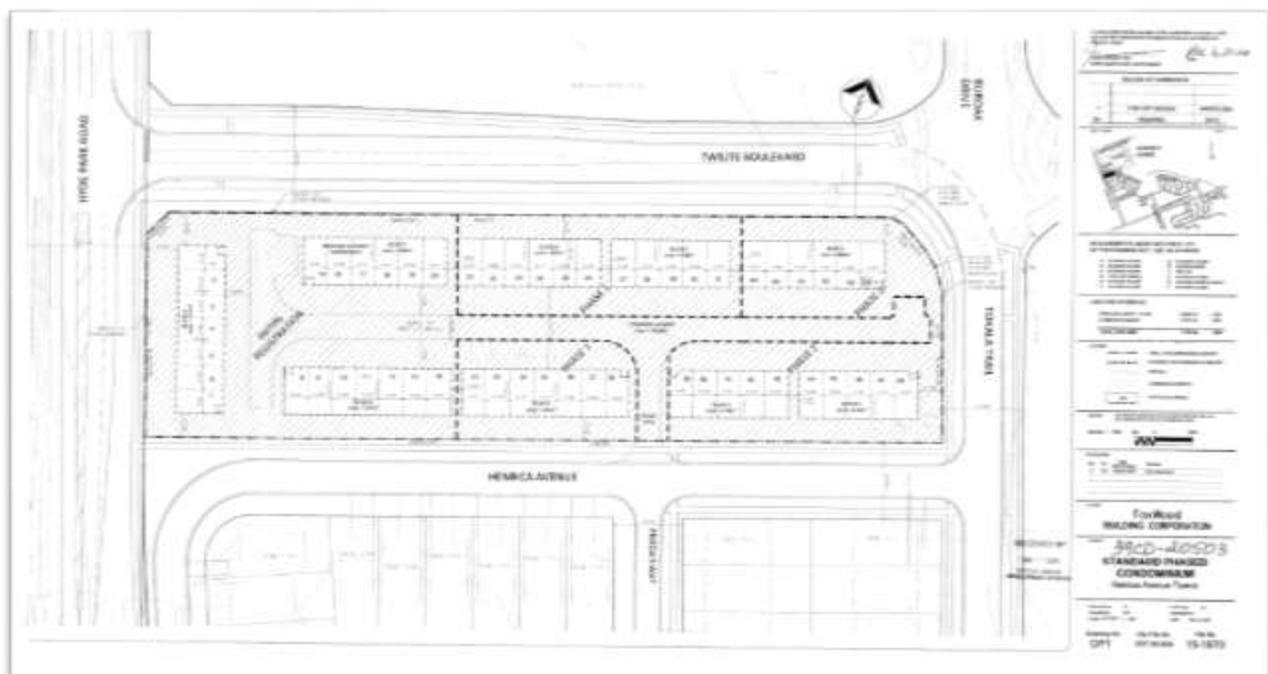
1.5 Surrounding Land Uses

- North – future low density residential
- East – future low density residential/neighbourhood park (Tokala Woods)
- South – low density residential
- West – residential/agricultural

2.0 Description of Proposal

2.1 Development Proposal

To remove the h, h-54, h-71 and h-100 holding provisions from the lands that ensures for the orderly development of land, no land use conflicts between arterial roads and the proposed residential uses, encourage street orientation development and for the provision of adequate water service and appropriate access, a development agreement shall be entered into to the satisfaction of the City. The removal of the h, h-54, h-71 and h-100 holding provisions will allow for the construction 54 three (3) storey street townhouse units through a standard (phased) condominium.



Proposed Standard (Phased) Condominium, Block 111

3.0 Relevant Background

3.1 Planning History

This application for Draft Plan of Subdivision Approval was accepted on November 11, 2011. On January 23, 2013, the City of London Approval Authority granted draft approval for the plan of subdivision. Draft approval was appealed to the Ontario Municipal Board. On July 31, 2013, the Ontario Municipal Board issued a notice advising the City of London Approval Authority that the appeal was withdrawn by letter dated June 25, 2013. As per Section 51 (51) of the Planning Act, the original draft approval lapse date was June 26, 2016.

The applicant registered the 1st phase of this subdivision (Plan, 33M-685) consisting of 95 single detached lots, one (1) medium density residential block, and various reserve blocks served by 1 new street and the extension of Dyer Drive and Tokala Trail on October 6, 2015.

Council on May 31, 2016 requested that the Approval Authority approve a three year extension of draft plan of subdivision approval for this subdivision subject to revised conditions of draft approval. The draft approval expiry date is June 26, 2019.

The second phase consisting of 110 single detached lots, 1 multi-family block and several 0.3m reserve blocks, all served by the extension of Tokala Trail and 4 new streets, namely Henrica Avenue, Frieda Way, John Kenny Drive and Jim Hebb Way was registered on October 18, 2018, Plan 33M-752. Block 111 is part of this second phase and registered plan of subdivision.

This application is to remove the holding provision from this subdivision block (Plan, 33M-752, Block 111) for the development of a phased condominium. The proposed standard (phased) condominium development consists of 54 three (3) storey street townhouse units, all served by Twilite Boulevard. Final registration for the initial phase of the condominium development is forthcoming. Block 111 is also subject to Site Plan Approval application (SPA20-025).

4.0 Key Issues and Considerations

Why is it Appropriate to remove this Holding Provision?

A Development Agreement was entered into for Site Plan Approval (SPA20-025), for the proposed standard (phased) condominium development consisting of 54 three (3) storey street townhouse units.

h Holding Provision

The h. holding provision states that:

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

The Applicant has provided the necessary securities and has entered into a development agreement with the City. This satisfies the requirement for the removal of the “h” holding provision.

h-54 Holding Provision

The (h-54) holding provision states that:

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

Development Services has confirmed that the applicant has implemented all noise attenuation measures recommended in their noise assessment report. On this basis, the provision has been satisfied for this site to be developed as Street Townhouses. This satisfies the requirement for removal of the h-54 holding provision for this site.

h-71 Holding Provision

The (h-71) holding provision states that:

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

The proposed plans and elevations provide a street orientation development which are consistent with the Hyde Park Community Plan design guidelines, and have been reviewed and accepted by Site Plan. It is appropriate to remove this h-71 holding provision at this time.

h-100 Holding Provision

The (h-100) holding provision states that:

“To ensure there is adequate water services and appropriate access, no more than 80 units may be developed until a looped watermain system is constructed and there is a second public access available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol.”

The h-100 holding provision requires that a looped watermain system be constructed and a second public access is available for these lands. A looped watermain has been constructed. There is an approved site plan and the water main is available on Henrica Avenue including this site on Twilite Boulevard, is looped via the connections to the south and the Tokala Trail extension and Twilite Blvd mains will be connected when future phases are developed to the north and east. Tokala Trail connects to the Twilight Boulevard which connects to Hyde Park Road. Twilight Boulevard and Tokala Trail provides for full public access to the subdivision from Hyde Park Road and Dyer Drive. This satisfies the requirement for removal of the “h-100” holding provision.

More information and detail about public feedback and zoning is available in Appendix B & C.

5.0 Conclusion

The Applicant has provided the necessary securities and has entered into a development agreement with the City. The development agreement also ensures the proposed development is designed and approved consistent with the guidelines and vision of Hyde Park Community Plan. The applicant has implemented all noise attenuation measures recommended in the noise assessment report, provided street orientation development and has also demonstrated that there is adequate water service and appropriate access through a looped watermain system. Therefore, the required conditions have been met to

remove the “h, h-54, h-71 and h-100” holding provisions. The removal of the holding provisions is recommended to Council for approval.

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

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

SM/sm

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2020\H-9201 - 1605 Twilite Boulevard (AR)\H-9201 - 1605 Twilite Blvd.docx

Appendix A

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

By-law No. Z.-1- _____

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 1605 Twilite Boulevard.

WHEREAS Foxwood Building Company have applied to remove the holding provisions from the zoning for the lands located at 1605 Twilite Boulevard, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 1605 Twilite Boulevard, as shown on the attached map, to remove the h, h-54, h-71 and h-100 holding provisions so that the zoning of the lands as a Residential R5/R6 (R5-6/R6-5) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on October 27, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 27, 2020
Second Reading – October 27, 2020
Third Reading – October 27, 2020

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



File Number: H-9201
Planner: AR
Date Prepared: 2020/04/30
Technician: rc
By-Law No: Z.-1-

SUBJECT SITE 

1:2,000

0 10 20 40 60 80 Meters



Appendix B – Public Engagement

Community Engagement

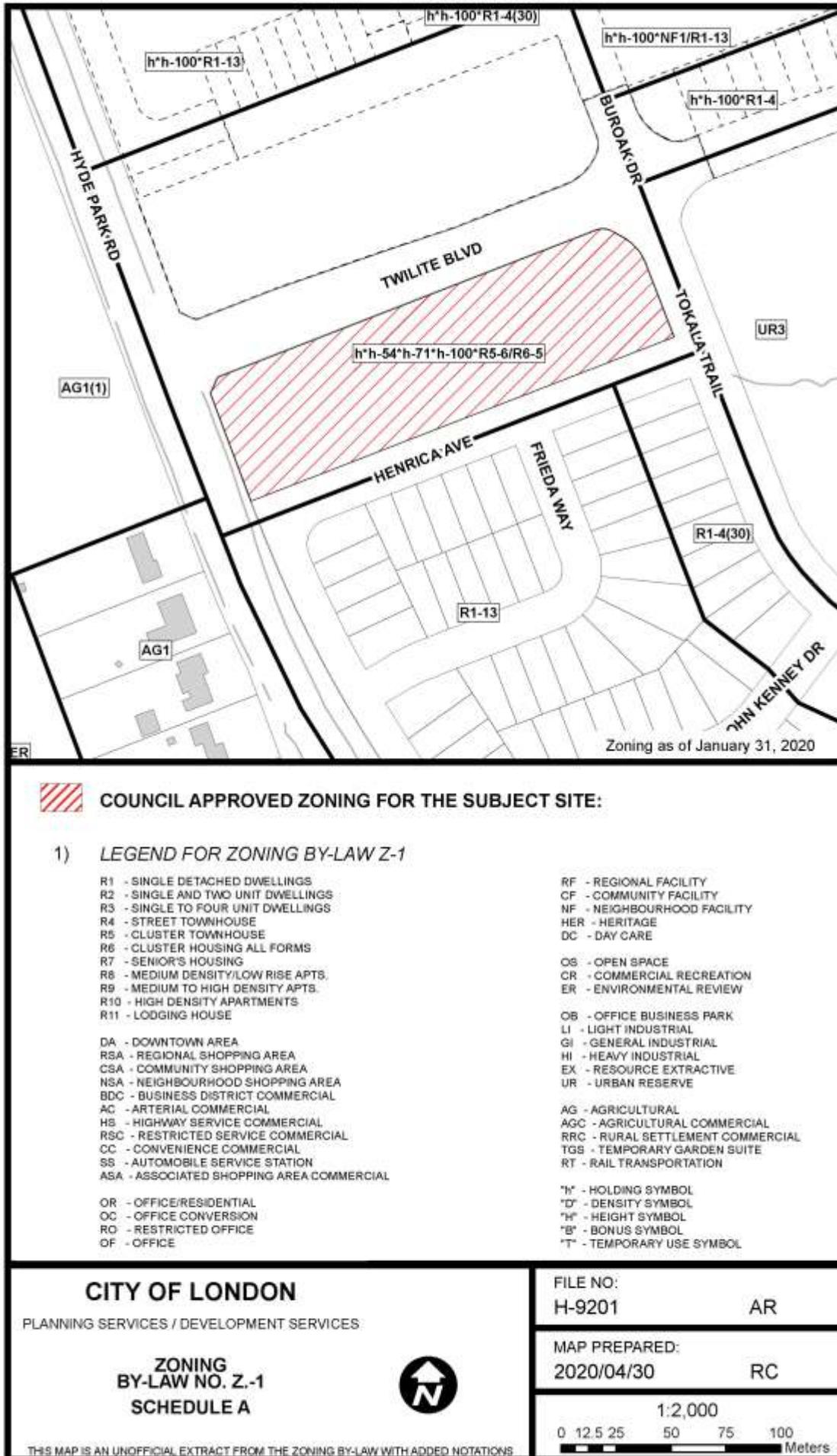
Public liaison: Notice of the application was published in the Londoner on May 28, 2020

0 replies were received

Nature of Liaison: City Council intends to consider removing the “h”, “h-54”, “h-71”, and “h-100” holding provisions from the subject site. The removal of the holding provisions are contingent on: that the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development; that the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London; that the Owner shall prepare a building orientation plan which demonstrates how the front façade of the dwelling units can be oriented to all abutting streets (except where a noise barrier has been approved), acceptable to the Director of Development Services; a looped watermain system is constructed and a second public access available to the satisfaction of the City Engineer. Council will consider removing the holding provisions as they apply to these lands no earlier than June 22, 2020.

Appendix C – Relevant Background

Existing Zoning Map



Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application By: Sifton Properties Limited c/o Lindsay Clark
3620 Southbridge Avenue
Removal of Holding Provision

Meeting on: October 19, 2020

Recommendation

That, on the recommendation of the Director, Development Services, based on the application by Sifton Properties Limited, relating to lands located at 3620 Southbridge Avenue, legally described as Block 124 Plan 33M-785, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on October 27, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Holding Residential R4 Special Provision (h*h-100*R4-6(8)) Zone **TO** a Residential R4 Special Provision (R4-6(8)) Zone to remove the "h and h-100" holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the holding (h and h-100) symbols to allow the development of 23 cluster townhouse dwellings permitted under the Residential R4 Special Provision (R4-6(8)) Zone.

Rationale of Recommended Action

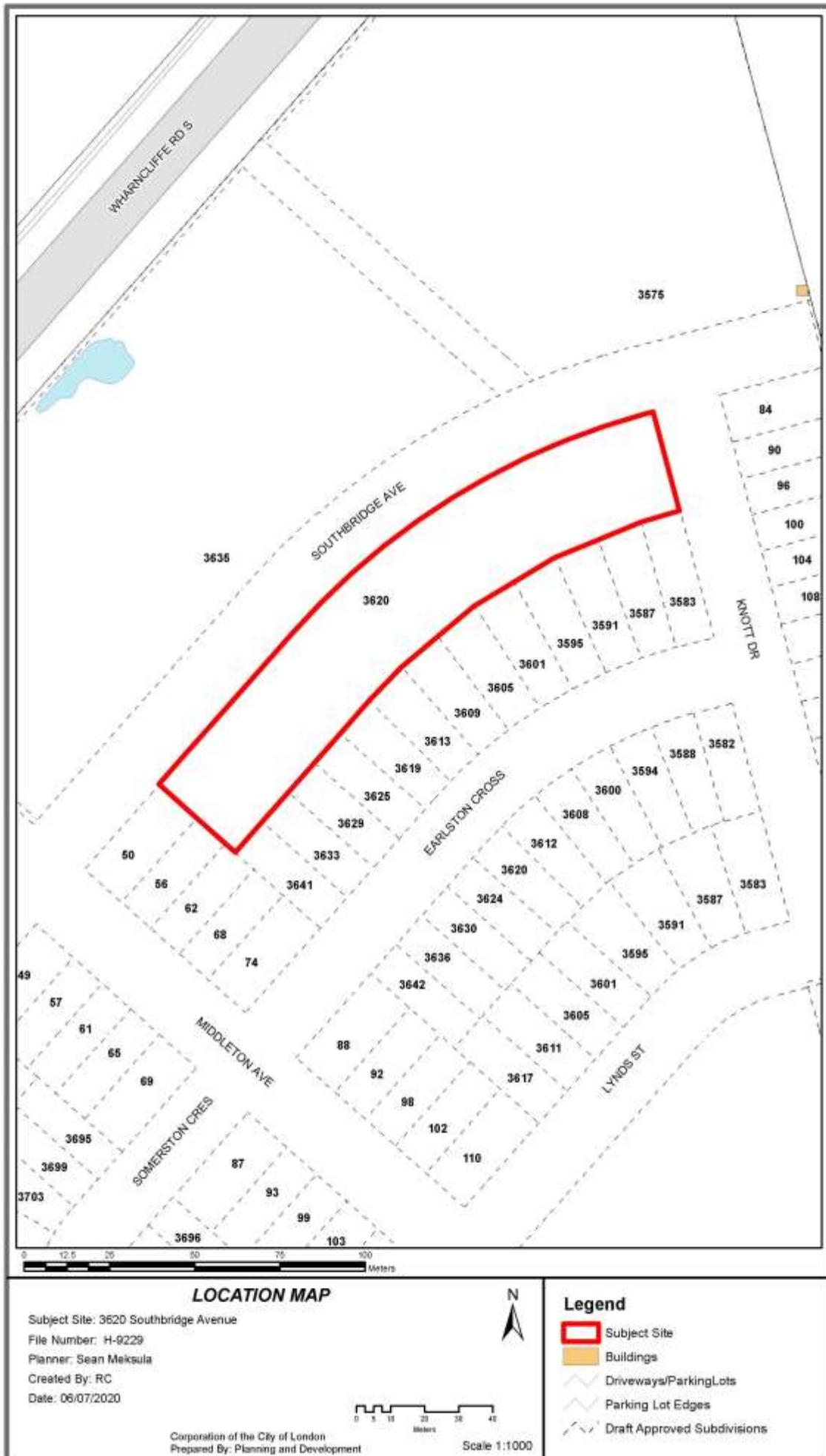
1. The conditions for removing the holding (h and h-100) provisions have been met and the recommended amendment will allow development of a proposed 23 unit townhouse development in compliance with the Zoning By-law.
2. A Subdivision Agreement has been entered into and securities have been posted as required by City Policy and the Subdivision Agreement.
3. Performance security has been posted in accordance with City policy, and a Development Agreement has been executed by the applicant and the City.
4. Provisions have been made for a looped watermain system to ensure adequate water service, and provision of a temporary emergency access to the satisfaction of the City.

Analysis

1.0 Current Planning Information (see more detail in Appendix C)

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Low Density Residential
- Existing Zoning – Holding Residential R4 Special Provision (h*h-100*R4-6(8)) Zone

1.1 Location Map



3.0 Relevant Background

3.1 Planning History

On June 2, 2020 the Approval Authority for the City of London granted Final Approval for the second phase of the Richardson Subdivision lands located at 132, 146 and 184 Exeter Road. Phase 2 consists of 123 single detached lots, two (2) street townhouse blocks, four (4) medium density blocks, one (1) park block, one (1) open space block, three (3) multi-use pathway blocks, one (1) servicing/multi-use pathway block, and several road widening's and 0.3 metre reserves, all served by the extension of Middleton Avenue and five (5) new local roads/neighbourhood streets. The plan was subsequently registered on June 8, 2020 as Plan 33M-785. One of the medium density blocks (Block 124) is the subject of an application for Site Plan Approval by Sifton Properties Limited for a 23 unit, 2-storey cluster townhouse development (File No. SPA20-017).

4.0 Key Issues and Considerations

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

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

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

An application for Site Plan Approval has been submitted by Sifton Properties Limited (SPA20-017). The proposed development consists of a 23 unit, 2-storey cluster townhouse development side-by-side. The Subdivision Agreement between Sifton Properties Limited and the City of London for Phase 2 of the Richardson Subdivision was entered into on March 26, 2020 and registered as Instrument No. ER1307410 on June 18, 2020. Sifton Properties Limited have also posted security as required by City Policy for the Subdivision Agreement. As such, the condition has been satisfied for removal of the "h" provision.

The purpose of the holding ("h-100") provision in the Zoning By-law is as follows:

Purpose: To ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol. Permitted Interim Uses: A maximum of 80 residential units.

The subdivision servicing drawings were previously reviewed and have been accepted by the City. Sifton Properties Limited is currently working on completing installation of the services in Phase 2, including watermains and water looping of the subdivision. Public road access to the subject site will be provided from Southbridge Avenue and Middleton Avenue to Wharncliffe Road South. A second public access by means of Southbridge Avenue to Southbridge Drive is also accessible. On October 5, 2020, the technologist II in Water Operations confirmed the water provision, servicing and access is provided from Middleton Avenue/Knott Drive which is adequate and satisfied by the approved site plan and development agreement.

5.0 Conclusion

The applicant has addressed the various requirements of the “h and h-100” holding provisions for the orderly development of land; water looping and access for the development of the land. The requirements of the holding provisions has been satisfied and the removal of the holding provisions is appropriate and recommended to Council for approval.

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

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

GK/PY/SM/sm

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2020\H-9229 - 3620 Southbridge Avenue (SM)\PEC\3620 Southbridge Avenue - H-9229 SM.docx

Appendix A

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

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 3620 Southbridge Avenue; legally described as Block 124 Plan 33M-785.

WHEREAS Sifton Properties Limited has applied to remove the holding provisions from the zoning on lands located at 3620 Southbridge Avenue, legally described as Block 124 Plan 33M-785, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3620 Southbridge Avenue, legally described as Block 124 Plan 33M-785, as shown on the attached map, to remove the h and h-100 holding provisions so that the zoning of the lands as a Residential R4 Special Provision (R4-6(8)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on October 27, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 27, 2020
Second Reading – October 27, 2020
Third Reading – October 27, 2020

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



Geotabase

Appendix B – Public Engagement

Community Engagement

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

0 replies were received

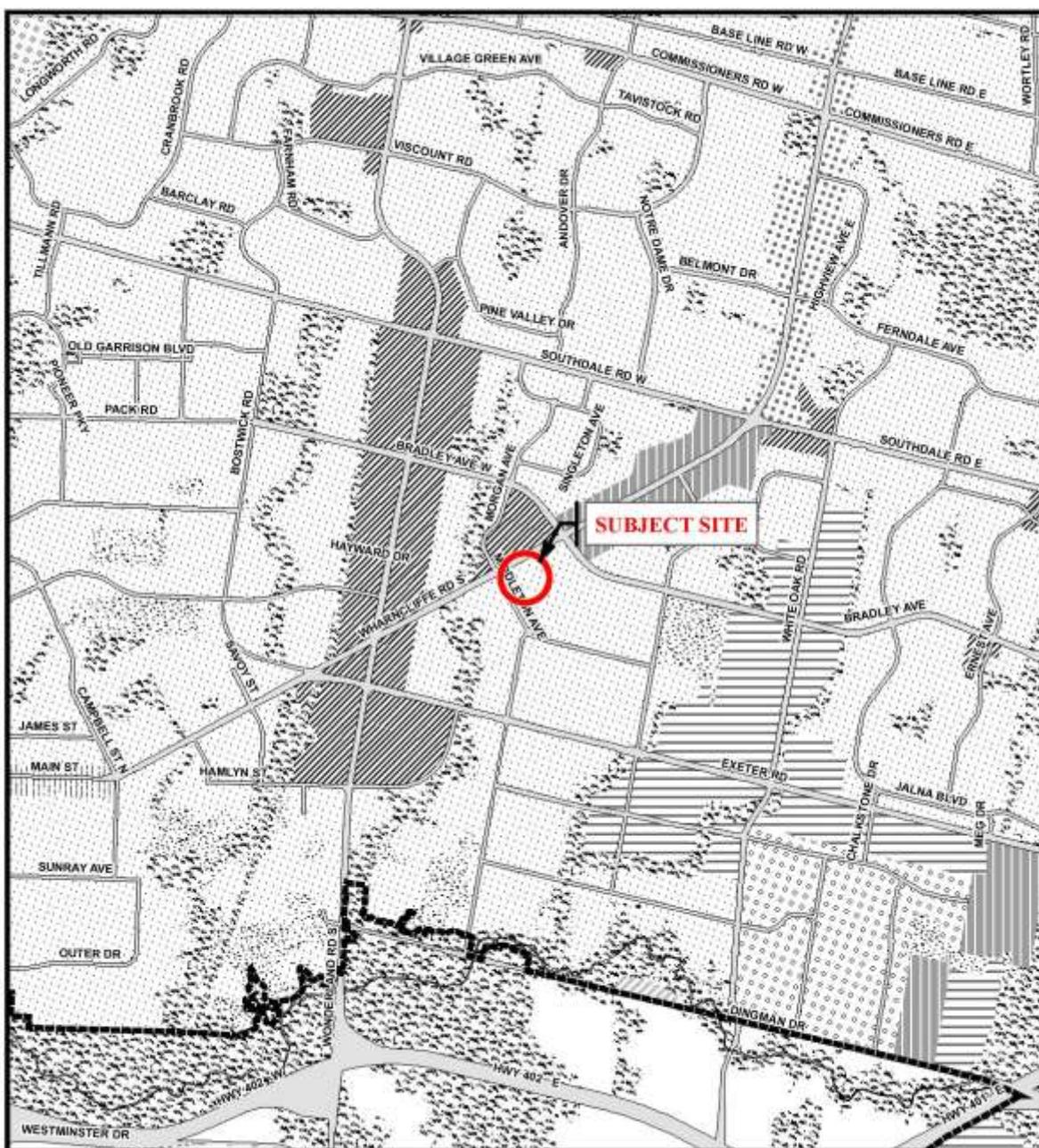
Nature of Liaison: 3620 Southbridge Avenue, located east of Wharncliffe Road South, between Middleton Avenue and Bradley Avenue; identified as Block 124 Plan 33M-785 – City Council intends to consider removing the “h” and “h-100”, Holding Provision’s from the zoning of the subject lands. The purpose and effect of this zoning change is to remove the holding symbol to permit future residential development of the subject lands. The purpose of the “h” provision is to ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development. The purpose of the “h-100” provision is to ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol. Council will consider removing the holding provisions as it applies to these lands no earlier than September 8, 2020.

Agency/Departmental Comments:

None

Appendix C – Relevant Background

London Plan Excerpt



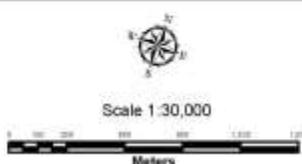
Legend

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

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

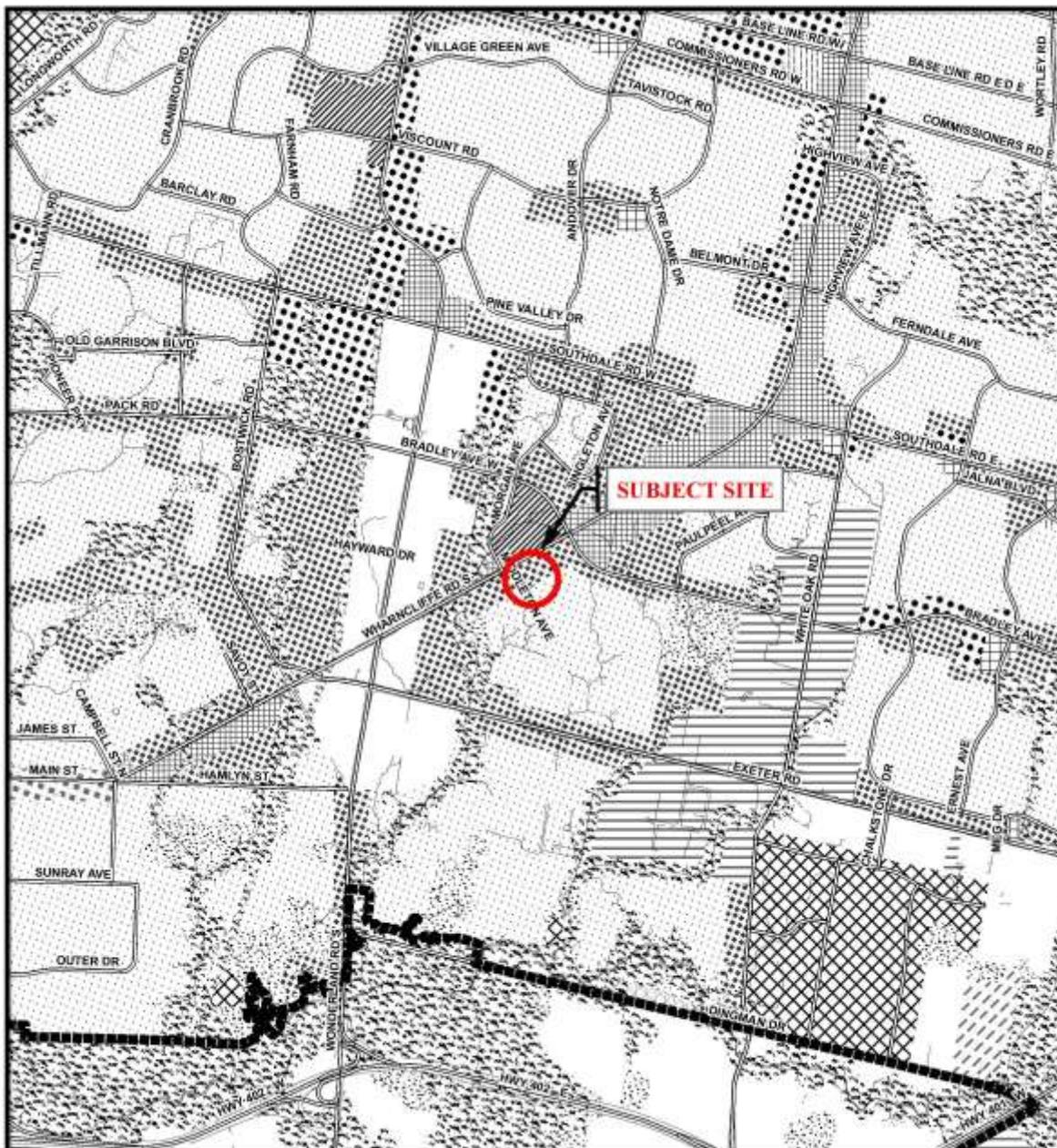
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

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



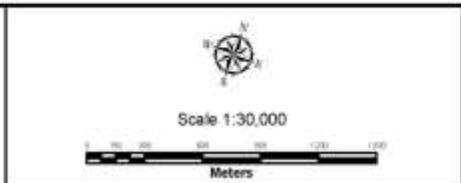
File Number: H-9229
Planner: SM
Technician: RC
Date: July 6, 2020

1989 Official Plan Excerpt



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

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



FILE NUMBER: H-9229
 PLANNER: SM
 TECHNICIAN: RC
 DATE: 2020/07/06

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consolidated\excerpts\mxd_templates\scheduleA_NEW_b&w_8x14.mxd

Existing Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| DA - DOWNTOWN AREA | LI - LIGHT INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | GI - GENERAL INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| NSA - NEIGHBOURHOOD SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | UR - URBAN RESERVE |
| AC - ARTERIAL COMMERCIAL | |
| HS - HIGHWAY SERVICE COMMERCIAL | AG - AGRICULTURAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| SS - AUTOMOBILE SERVICE STATION | TGS - TEMPORARY GARDEN SUITE |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | RT - RAIL TRANSPORTATION |
| OR - OFFICE/RESIDENTIAL | |
| OC - OFFICE CONVERSION | "H" - HOLDING SYMBOL |
| RO - RESTRICTED OFFICE | "D" - DENSITY SYMBOL |
| OF - OFFICE | "H" - HEIGHT SYMBOL |
| | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

H-9229

SM

MAP PREPARED:

2020/07/06

RC

1:2,000

0 10 20 40 60 80
Meters

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application By: Sifton Properties Limited c/o Lindsay Clark
3740 Southbridge Avenue
Removal of Holding Provision

Meeting on: October 19, 2020

Recommendation

That, on the recommendation of the Director, Development Services, based on the application by Sifton Properties Limited, relating to lands located at 3740 Southbridge Avenue, legally described as Block 130 Plan 33M-785, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on October 27, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Holding Residential R4 Special Provision (h*h-100*R4-6(8)) Zone **TO** a Residential R4 Special Provision (R4-6(8)) Zone to remove the h and h-100 holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the holding (h and h-100) symbols to allow the development of 16 cluster townhouse dwellings permitted under the Residential R4 Special Provision (R4-6(8)) Zone.

Rationale of Recommended Action

1. The conditions for removing the holding (h and h-100) provisions have been met and the recommended amendment will allow development of a proposed 16 unit townhouse development in compliance with the Zoning By-law.
2. A Subdivision Agreement has been entered into and securities have been posted as required by City Policy and the Subdivision Agreement.
3. Performance security has been posted in accordance with City policy, and a Development Agreement has been executed by the applicant and the City.
4. Provisions have been made for a looped watermain system to ensure adequate water service, and provision of a temporary emergency access to the satisfaction of the City.

Analysis

1.1 Current Planning Information (see more detail in Appendix C)

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Low Density Residential
- Existing Zoning – Holding Residential R4 Special Provision (h*h-100*R4-6(8)) Zone

1.3 Site Characteristics

- Current Land Use – vacant
- Frontage – 143 m (469 ft.) along Southbridge Avenue
- Area – 3984m² (42,883 sq. ft.)
- Depth – 30m (98.43 ft.)
- Shape – irregular

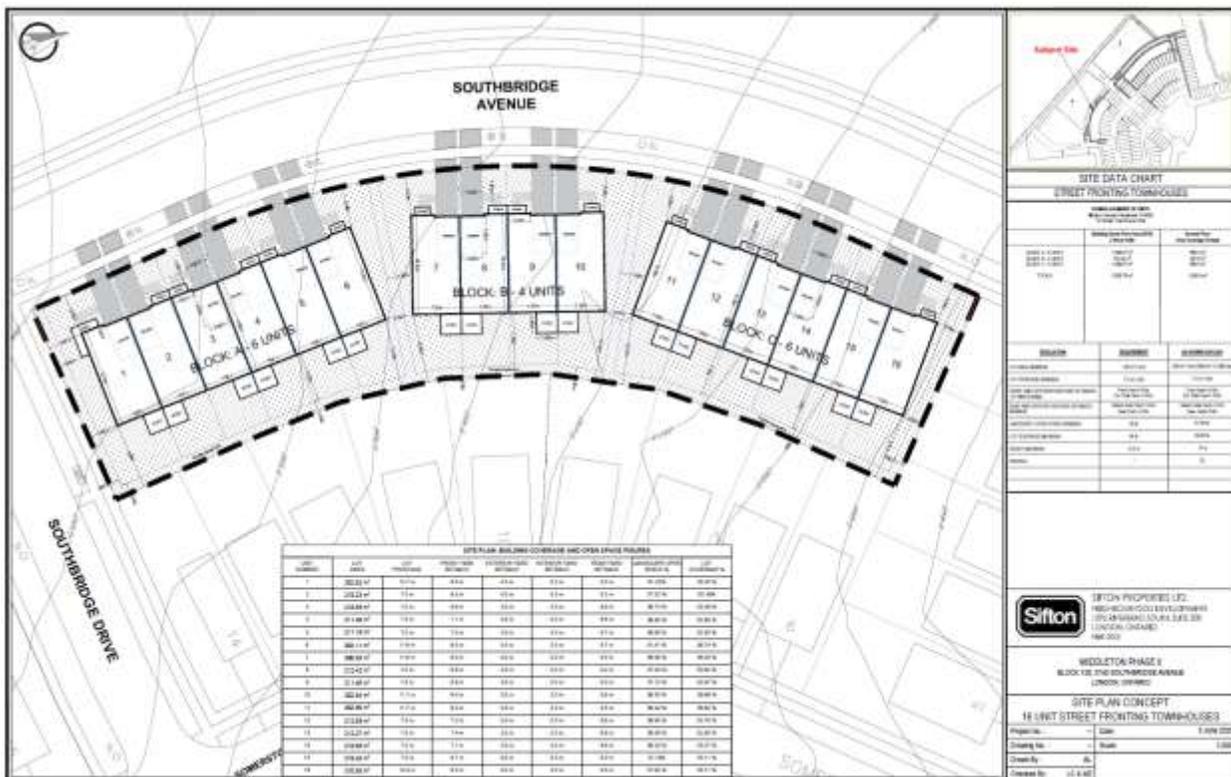
1.4 Surrounding Land Uses

- North – future medium density residential
- East – future low density residential
- South – urban reserve/low density residential
- West – future medium density residential

2.0 Description of Proposal

This proposal is to remove the holding provisions to allow a residential development of 16 cluster townhouse dwellings on a vacant block within a registered plan of subdivision.

2.1 Site Plan



2.2 Building Elevations – Units 1-6



3.0 Relevant Background

3.1 Planning History

On June 2, 2020 the Approval Authority for the City of London granted Final Approval for the second phase of the Richardson Subdivision lands located at 132, 146 and 184 Exeter Road. Phase 2 consists of 116 single detached lots, two (2) street townhouse blocks, four (4) medium density blocks, one (1) park block, one (1) open space block, three (3) multi-use pathway blocks, one (1) servicing/multi-use pathway block, and several road widening's and 0.3 metre reserves, all served by the extension of Middleton Avenue and five (5) new local roads/neighbourhood streets. The plan was subsequently registered on June 8, 2020 as Plan 33M-785. One of the medium density blocks (Block 130) is the subject of an application for Site Plan Approval by Sifton Properties Limited for a 16 unit, 2-storey cluster townhouse development (File No. SPA20-018).

4.0 Key Issues and Considerations

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

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

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

An application for Site Plan Approval has been submitted by Sifton Properties Limited (SPA20-018). The proposed development consists of a 16 unit, 2-storey cluster townhouse development side-by-side. The Subdivision Agreement between Sifton Properties Limited and the City of London for Phase 2 of the Richardson Subdivision was entered into on March 26, 2020 and registered as Instrument No. ER1307410 on June 18, 2020. Sifton Properties Limited have also posted security as required by City Policy and the Subdivision Agreement. As such, the condition has been satisfied for removal of the "h" provision.

The purpose of the holding ("h-100") provision in the Zoning By-law is as follows:

Purpose: To ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol. Permitted Interim Uses: A maximum of 80 residential units.

The subdivision servicing drawings were previously reviewed and have been accepted by the City. Sifton Properties Limited is currently working on completing installation of the services in Phase 2, including watermains and water looping of the subdivision. Public road access to the subject site will be provided from Southbridge Avenue and Middleton Avenue to Wharnccliffe Road South. A second public access by means of Southbridge Avenue to Southbridge Drive is also accessible. On October 5, 2020, the technologist II in Water Operations confirmed the water provision, servicing and access is provided from Middleton Avenue/Southbridge Drive which is adequate and satisfied by the approved site plan and development agreement.

5.0 Conclusion

The applicant has addressed the various requirements of the “h and h-100” holding provisions for the orderly development of land; water looping and access for the development of the land. The requirements of the holding provisions has been satisfied and the removal of the holding provisions is appropriate and recommended to Council for approval.

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

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

GK/PY/SM/sm

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2020\H-9230 - 3740 Southbridge Avenue (SM)\PEC\3740 Southbridge Avenue - H-9230 SM.docx

Appendix A

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

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 3740 Southbridge Avenue; legally described as Block 130 Plan 33M-785.

WHEREAS Sifton Properties Limited has applied to remove the holding provisions from the zoning on lands located at 3740 Southbridge Avenue, legally described as Block 130 Plan 33M-785, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3740 Southbridge Avenue, legally described as Block 130 Plan 33M-785, as shown on the attached map, to remove the h and h-100 holding provisions so that the zoning of the lands as a Residential R4 Special Provision (R4-6(8)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on October 27, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 27, 2020
Second Reading – October 27, 2020
Third Reading – October 27, 2020

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



Appendix B – Public Engagement

Community Engagement

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

0 replies were received

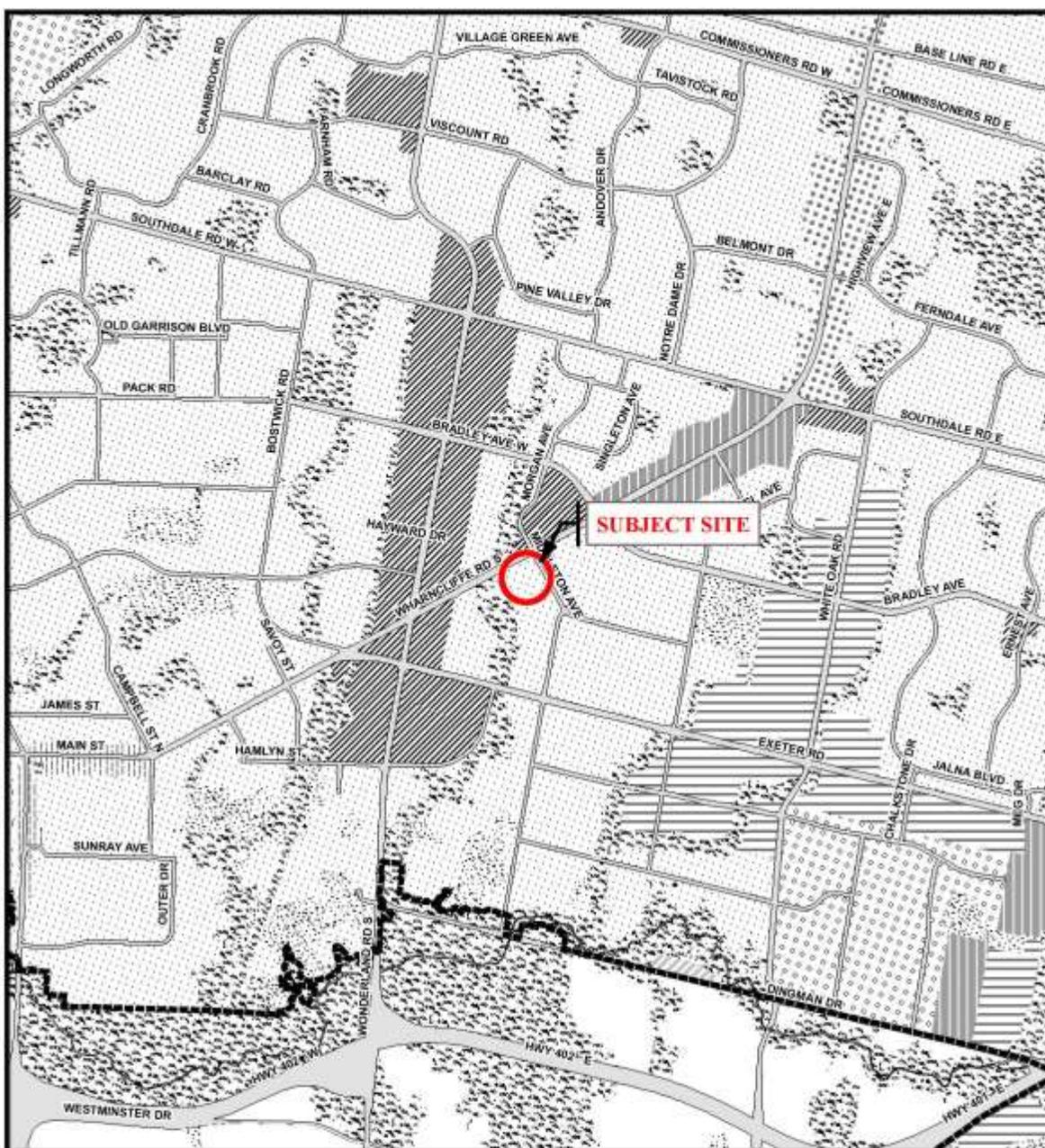
Nature of Liaison: 3740 Southbridge Avenue, located east of Wharncliffe Road South, between Middleton Avenue and Wonderland Road; identified as Block 130 Plan 33M-785 – City Council intends to consider removing the “h” and “h-100”, Holding Provision’s from the zoning of the subject lands. The purpose and effect of this zoning change is to remove the holding symbol to permit future residential development of the subject lands. The purpose of the “h” provision is to ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development. The purpose of the “h-100” provision is to ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol. Council will consider removing the holding provisions as it applies to these lands no earlier than September 8, 2020.

Agency/Departmental Comments:

None

Appendix C – Relevant Background

London Plan Excerpt



Legend

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

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

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

CITY OF LONDON

Planning Services /
Development Services

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

PREPARED BY: Planning Services



Scale 1:30,000



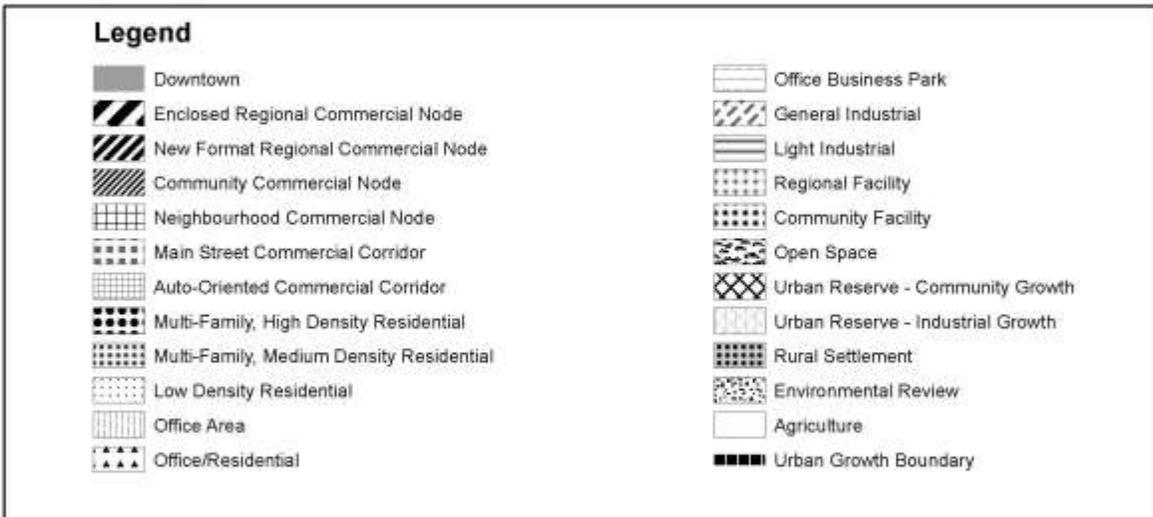
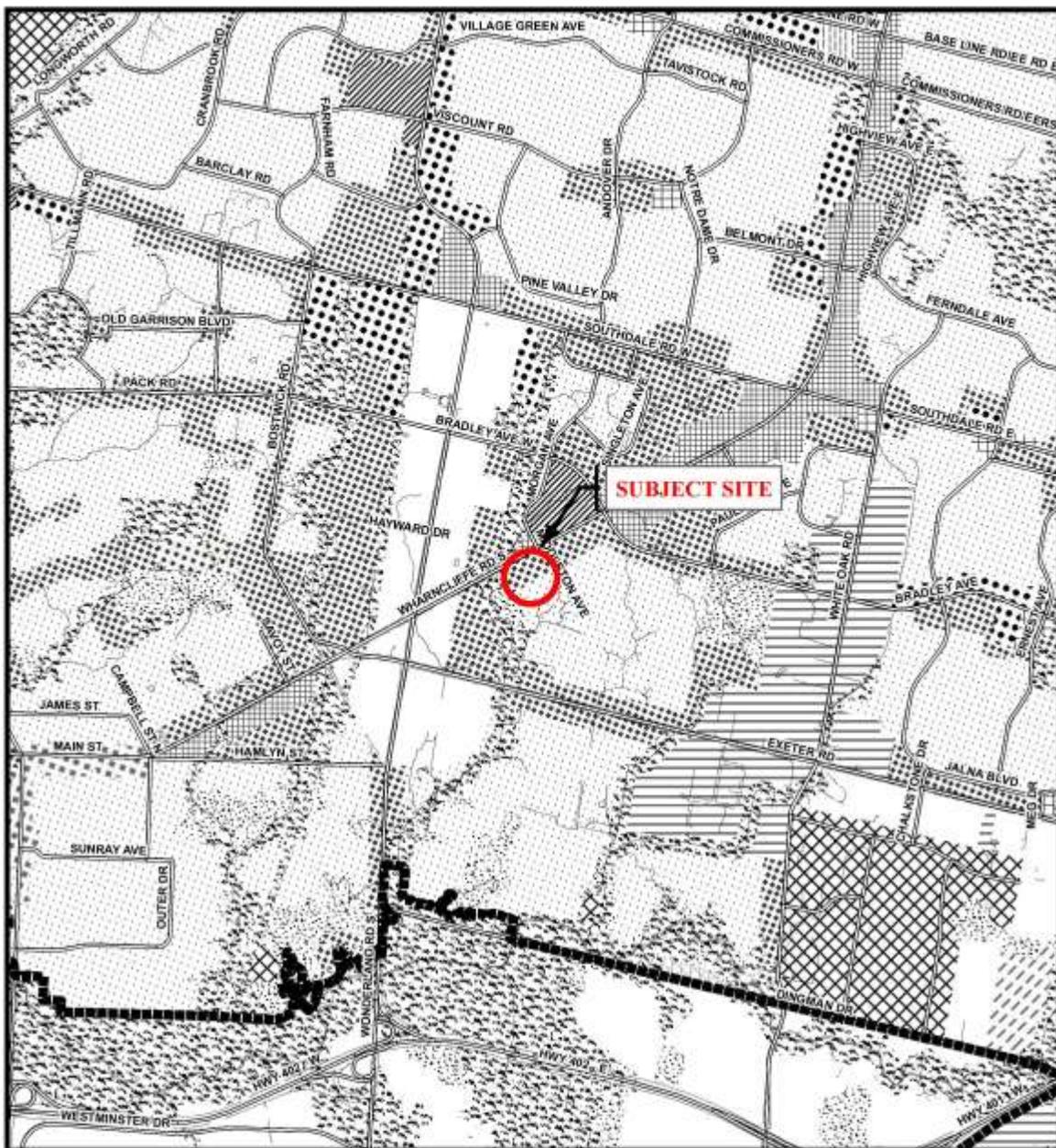
File Number: H-9230

Planner: SM

Technician: RC

Date: July 6, 2020

1989 Official Plan Excerpt



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



FILE NUMBER: H-9230
PLANNER: SM
TECHNICIAN: RC
DATE: 2020/07/06

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consol00\excerpts\mxd_templates\scheduleA_NEW_b5w_bx14.mxd

Existing Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | OS - OPEN SPACE |
| R7 - SENIOR'S HOUSING | CR - COMMERCIAL RECREATION |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | ER - ENVIRONMENTAL REVIEW |
| R9 - MEDIUM TO HIGH DENSITY APTS. | OB - OFFICE BUSINESS PARK |
| R10 - HIGH DENSITY APARTMENTS | LI - LIGHT INDUSTRIAL |
| R11 - LODGING HOUSE | GI - GENERAL INDUSTRIAL |
| DA - DOWNTOWN AREA | HI - HEAVY INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| CSA - COMMUNITY SHOPPING AREA | UR - URBAN RESERVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | AG - AGRICULTURAL |
| BDC - BUSINESS DISTRICT COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| AC - ARTERIAL COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| HS - HIGHWAY SERVICE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| RSC - RESTRICTED SERVICE COMMERCIAL | RT - RAIL TRANSPORTATION |
| CC - CONVENIENCE COMMERCIAL | |
| SS - AUTOMOBILE SERVICE STATION | "H" - HOLDING SYMBOL |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | "D" - DENSITY SYMBOL |
| OR - OFFICE/RESIDENTIAL | "H" - HEIGHT SYMBOL |
| OC - OFFICE CONVERSION | "B" - BONUS SYMBOL |
| RO - RESTRICTED OFFICE | "T" - TEMPORARY USE SYMBOL |
| OF - OFFICE | |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:

H-9230 SM

MAP PREPARED:

2020/07/06 RC

1:2,000

0 10 20 40 60 80 Meters

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

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



Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application By: 700531 Ontario Limited
1300 Fanshawe Park Road East
Stoney Creek South Subdivision - Special Provisions

Meeting on: October 19, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and 700531 Ontario Limited for the subdivision of land over Part of Lot 9, Concession 5, situated on the north side of Fanshawe Park Road East, east of Highbury Avenue North, municipally known as 1300 Fanshawe Park Road East;

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and 700531 Ontario Limited for the Stoney Creek Subdivision, Phase 2 (39T-04512-2) attached as Appendix "A", **BE APPROVED**;
- (b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix "B"; and,
- (c) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

Analysis

1.0 Site at a Glance

1.1 Property Description

The original draft approved subdivision is a 23.1 hectare parcel of land located at 1300 Fanshawe Park Road East, legally described as Part of lot 9, Concession 5, (Geographic Township of London). The subject site is 1.84 ha in size and was originally identified as Block 6 in the original Draft Approved Plan of subdivision. This block was reduced in size to accommodate the SWM pond to the east which was registered through Phase 1 of the subdivision. The subject block is located within the middle of the subdivision abutting the southerly edge of Blackwell Trail and Stoneycreek Valley and just north of the roundabout at Rob Panzer Road and Blackwell Blvd.

1.2 Location Map Stoney Creek Subdivision Phase 2



2.0 Description of Proposal

2.1 Development Proposal

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

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

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

On January 28, 2020, Council granted approval for a three year extension to the remaining phase(s) within the residential and commercial draft plan of subdivision 39T-04512.

The Applicant is registering the second phase of this subdivision, which consists of one (1) multi-family, medium density block, located off of the extension of Blackwell Boulevard and two (2) one foot reserve block.

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

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

Prepared by:	Mike Corby, MCIP, RPP Senior Planner, Development Services
Recommended by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official

Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.

October 9, 2020

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

MC/JAR Y:\Shared\DEVELOPMENT SERVICES\5 - Documentation Coordinator\Working Files\39T-04512-2 - Stoney Creek South Subdivision Phase 2 (MC MH)\Subdivision Agreement\Draft 39T-04512-2 PEC RECOMMENDATION REPORT.docx

Appendix A – Special Provisions

6. SOILS CERTIFICATE/GEOTECHNICAL

Add the following new Special Provisions:

1. Upon completion of construction of any slopes in this Plan, the Owner shall stabilize all slopes in this Plan, all to the specifications and satisfaction of the City.

15. PROPOSED SCHOOL SITES

2.

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

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

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

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

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

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

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

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

24.1 STANDARD REQUIREMENTS

Add the following as a General Conditions:

3. If the staging of this plan differs from that shown within the accepted servicing drawings, prior to the issuance of any Certificates of Conditional Approval, the Owner shall submit an additional servicing drawing to be reviewed and accepted by the City Engineer that identifies all adequate temporary measures as needed, such as easements, catchbasins, erosion and sediment control measures, grading and any other associated works to address the phasing of this plan, all as required by and to the satisfaction of the City Engineer. This additional servicing drawing shall be appended to the accepted servicing drawings for the full subdivision.

Add the following Special Provisions:

4. The Owner shall remove any temporary works associated with this plan when no longer required and restore the land, at no cost to the City, to the specifications and satisfaction of the City.
5. Prior to assumption of this subdivision in whole or in part by the City, and as a condition of such assumption, the Owner shall pay to the City Treasurer the following amounts as set out or as calculated by the City, or portions thereof as the City may from time to time determine:
 - (i) For the removal of the temporary turning circle on Blackwell Boulevard outside this Plan, an amount of \$5,000.
 - (ii) For the removal of the temporary access road to Highbury Avenue as per the accepted engineering drawings, an amount of \$5,500.
6. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make all necessary arrangements with the owner of Plan 33M-701 to make adjustments to the existing works and services on Blackwell Boulevard in Plan 33M-701 adjacent to this plan to accommodate the proposed works and services on this streets to accommodate this Plan (eg. private services, street light poles, etc.) in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City Engineer and at no cost to the City. Such arrangements shall include, but not be limited to, providing sufficient notice, co-ordination and clarification with adjacent land owners as to what each parties consulting engineer will be required to be certified for the City for the purposes of assumption, all to the satisfaction of the City.
7. The Owner shall include in the Purchase of Sale Agreement for Block 1 of this Plan that the steep slopes in the Open Space area are not to be disturbed.

24.2 CLAIMS

8.

Remove Section 24.2 in its entirety as there are no eligible claims in this Plan.

- ~~(a) Where the proposed development calls for the construction of works, and where the Owner is of the opinion that such works are eligible to be funded in whole or in part from Development Charges as defined in the Development Charges By-law, and further, where such works are not oversized pipe works (sanitary, storm or water — the reimbursement of which is provided for in subsidy appendices in the Development Charges By-law), then the Owner shall submit through their Professional Engineer, a Work Plan for the proposed works to be approved by the City Engineer (or designate) and City Treasurer (or designate). The Owner acknowledges that:~~

- ~~i) no work subject to a Work Plan shall be reimbursable until both the City Engineer (or designate) and City Treasurer (or designate) have reviewed and approved the proposed Work Plan; and~~
 - ~~ii) in light of the funding source and the City's responsibility to administer Development Charge funds collected, the City retains the right to request proposals for the work from an alternative consulting engineer.~~
- ~~(b) Where the Owner undertakes construction of works as a capital cost incurred on behalf of the City in accordance with this Agreement, and which are eligible for a claim made against a Development Charge Reserve Fund or the Capital Works Budget, the Owner must conform with the Development Charges By-law and policies in effect at the time the claim is made including but not limited to, requirements for a Work Plan, tendering of construction works and completeness of claims.~~
- ~~(c) The Owner may, upon approval of this Agreement and completion of the works, make application to Development Finance for payment of the sum alleged to be owing, and as confirmed by the City Engineer (or designate) and the City Treasurer (or designate). Payment will be made pursuant to any policy established by Council to govern the administration of the said Development Charge Reserve Fund.~~

~~The anticipated reimbursements from the Development Charge Reserve Funds are:~~

- ~~(i) for the construction of _____, the estimated cost of which is \$_____;~~
- ~~(ii) for the construction of oversized sanitary sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$_____;~~
- ~~(iii) for the construction of oversized storm sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$_____;~~
- ~~(iv) for the construction of oversized watermains in conjunction with this Plan, subsidized at an estimated cost of which is \$_____;~~
- ~~(v) for the construction of left turn channelization on _____ at _____, the estimated cost of which is \$_____, as per the approved Work Plan;~~
- ~~(vi) for the engineering costs related to the construction of _____ the estimated cost of which is \$_____, as per the approved Work Plan;~~
- ~~(vii) for the installation of street lights on _____, from _____ to _____, the estimated cost of which is \$_____, as per the approved Work Plan;~~
- ~~(viii) for the installation of traffic signals at the intersection of _____ and _____, when deemed warranted by the City Engineer (or designate), the estimated cost of which is \$_____, as per the approved Work Plan;~~
- ~~(ix) for the construction of pavement widening on _____ at _____ consistent with the City's standard practice of paying claims where a Neighbourhood Connector is widened, the estimated cost of which is \$_____. The claim will be based on a pavement widening of _____ metres for a distance of _____ metres with a _____ metre taper. The costs of the gateway treatment over and above the claimable portion shall be at the Owner's expense, as per the approved Work Plan;~~
- ~~(x) for the construction of an eligible parks pathway in connection with this Plan, at an estimated cost of which is \$_____ as per the approved Work Plan; and~~

~~The anticipated reimbursements from the Capital Works Budget are: _____~~

- ~~(i) for the construction of _____, the estimated cost of which is \$_____;~~

~~(ii) for the engineering costs related to the construction of _____,
the estimated cost of which is \$_____.~~

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

~~(d) The Owner shall review and seek approval from the City for any proposed use of construction contingency that relate to claimable works outlined in the Work Plan prior to authorizing work.~~

~~(e) The Owner shall ensure that the City is formally invited to all construction site/progress meetings related to the claimable works associated with this Plan, including but not limited to providing a minimum of two-week notice of meetings and copies of all agenda and minutes as appropriate, all to the satisfaction of the City.~~

~~(f) The Owner shall provide full-time supervision by its Professional Engineer for all claimable works to be constructed in accordance with current City policies. Upon completion of these claimable works, a Certificate of Completion of Works is to be supplied to the City, pursuant to the General Provisions and **Schedule 'G'** of this Agreement.~~

~~(g) Upon approval of an application for a claim to a Development Charge Reserve Fund, the City shall pay the approved claim in full to the Owner subject to the limits noted above and in accordance with the Council approved "Source of Financing" and the Development Charges By-law and policies in effect at the time the claim is made.~~

24.6 EROSION AND SEDIMENT CONTROL

Add the following new Special Provisions:

9. All temporary erosion and sediment control measures, installed in conjunction with this Plan shall be decommissioned and/or removed when warranted or upon placement of Granular 'B' as per accepted engineering drawings, all to the satisfaction of the City Engineer and at no cost to the City.

24.7 GRADING REQUIREMENTS

Add the following new Special Provisions:

10. Prior to the issuance of a Certificate of Conditional Approval, should there be any existing earth stockpile generally located in this Plan, the Owner shall remove and relocate the existing earth stockpile, if necessary, all to the satisfaction of the City and at no cost to the City.
11. Prior to the issuance of any Certificate of Conditional Approval, in order to develop this site, the Owner shall make arrangements with any adjacent property owner to regrade a portion of the abutting property, in conjunction with grading and servicing of this subdivision, to the specifications of the City, at no cost to the City.

24.8 STORM WATER MANAGEMENT

Add the following new Special Provisions:

12. The Owner shall implement SWM Best Management Practices (BMP's) within the plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this plan and the approval of the City.

24.9 SANITARY AND STORM SEWERS

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

13.

- (b) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Stoney Creek Subwatershed, and connect them to the City's existing storm sewer system being the 1500 mm diameter storm sewer on Blackwell Boulevard.

Remove Subsection 24.9 (j) and **replace** with the following:

14.

- (j) The Owner shall construct the sanitary sewers to service the Lots and Blocks in this Plan and connect them to the City's existing sanitary sewage system being the 600 mm diameter sanitary sewer on Blackwell Boulevard.

Add the following new Special Provisions:

- 15. The Owner shall register on title of Block 1 in this Plan and include in the Purchase and Sale Agreement, a covenant that the owner of Block 1 in this Plan shall be responsible to maintain the existing easement at the west limit of Block 1 for the servicing of the SWM Block to the west, at the owner's expense, to the satisfaction of the City Engineer, at no cost to the City.

24.10 WATER SERVICING

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

- 16. The Owner shall construct the watermains to service the Lots and Blocks in this Plan and connect them to the City's existing water supply system, being the 250 mm diameter water main on Blackwell Boulevard, to the specifications of the City Engineer.

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

Add the following new Special Provisions:

- 17. Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water service to this draft Plan of Subdivision:
 - i) Extend the existing 250 mm diameter watermain on Blackwell Boulevard from the west limit of this Plan, across the frontage of this Plan to Highbury Avenue external to this Plan, as per the accepted engineering drawings, at no cost to the City;
 - ii) Deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 90 units; and
 - iii) Have their consulting engineer confirm to the City that the watermain system has been constructed, is operational, from the watermain on Blackwell Boulevard in Plan 33M-701.
- 18. The available fire flows for development Blocks within this Plan of Subdivision shall be established through the subdivision water servicing design study. Future development of this Block shall be in keeping with the established fire flows in order to ensure adequate fire protection is available.

24.11 ROADWORKS

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

19.

(p) ~~Where traffic calming measures are required within this Plan:~~

~~(i) The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional Approval in this Plan.~~

~~(ii) The Owner shall register against the title of all Lots and Blocks abutting the traffic calming circle(s) in this Plan, and shall include in the Agreement of Purchase and Sale or Lease for the transfer of each of the said Lots and Blocks, a covenant by the purchaser or transferee stating the said owner that there may be some restrictions for driveway access due to diverter islands built on the road.~~

~~(iii) Where a traffic calming circle is located, the Owner shall install the traffic calming circle as a traffic control device, including the diverter islands, or provide temporary measures, to the satisfaction of the City prior to the issuance of a Certificate of Conditional Approval for that section of road.~~

(iv) The Owner shall register against the title of all Blocks on Blackwell Boulevard in this Plan, and shall include in the Agreement of Purchase and Sale or Lease for the transfer of each of the said Blocks, a covenant by the purchaser or transferee stating the said owner shall locate the driveways to the said Blocks away from the roundabout and splitter islands, to be installed as traffic control devices, to the satisfaction of the City Engineer.

24.12 PLANNING

Add the following clauses:

20. The Owner shall not grade into any open space area. Where Blocks abut an open space area, all grading of the developing lots or blocks at the interface with the open space areas are to match grades to maintain existing slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the City.

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

21.

(q) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services in this Plan to access the site from Highbury Avenue North or as otherwise directed by the City Engineer. The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access this site from Fanshawe Park Road East via Rob Panzer Way.

Add the following new Special Provisions:

22. The Owner shall construct a temporary turning circle at the east limit of Blackwell Boulevard, to the satisfaction of the City Engineer and at no cost to the City.

If the Owner requests the City to assume Blackwell Boulevard, all as shown on this Plan of Subdivision, prior to its extension to the east, the Owner shall pay to the City at the time of the assumption of this subdivision by the City the amount

estimated by the City at the time, to be the cost of removing the temporary turning circle at the east limit of Blackwell Boulevard and completing the curb and gutter, asphalt pavement, Granular 'A', Granular 'B', sodding of the boulevard, 1.5metre concrete sidewalks on both sides, and restoring adjacent lands, including the relocation of any driveways, all to the specifications of the City. The estimated cost, including legal fees for releasing easements and/or transferring blocks, and doing the above-noted work on this street is \$5,000 for which amount sufficient security is to be provided in accordance with **Condition 24.1 (___)**. The Owner shall provide the cash to the City at the request of the City prior to assumption of the subdivision if needed by the City.

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

23. Barricades are to be maintained at east limit of Blackwell Boulevard until adjacent lands develop or as otherwise directed by the City. When adjacent lands develop or as otherwise directed by the City, the Owner shall remove the barricades and any temporary turning circles, restore the boulevards and complete the construction of the roadworks within the limits of the temporary turning circle, to the specifications of the City, all at no cost to the City.

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

24. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct a temporary emergency access from the east limit of this Plan to Highbury Avenue, to the specifications and satisfaction of the City, at no cost to the City and as per the accepted engineering drawings.
25. The Owner shall provide sufficient security for the future removal of this emergency access and all restoration costs associated with the removal once a second access for this subdivision is available.

24.13 PARKS

Add the following Special Provisions

26. Within one (1) year of registration of this Plan or otherwise approved by the City, the Owner shall install a 1.5 metre chain link fence, without gates, along the property limit interface of all private Lots and Blocks adjacent to any park and/or open space Blocks, in accordance with City Standard S.P.O. 4.8, to the satisfaction of the City, and at no cost to the City. Any alternative fencing arrangements shall be to the approval and the satisfaction of the City.

Within (1) year of registration of this Plan, the Owner shall have its consultant provide a certificate to the City Plan that identifies that the fencing has been installed as per the approved plan.

27. The Owner shall not grade into any open space area without City approval. Where lots or blocks abut an open space area, all grading of the developing Lots or Blocks at the interface with the open space areas are to match grades to maintain existing slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the Manager of Parks and Open Space Design and City Engineer.

SCHEDULE "C"

This is Schedule "C" to the Subdivision Agreement dated this _____ day of _____, 2020, between The Corporation of the City of London and 700531 Ontario Limited to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

- Blackwell Boulevard shall have a minimum road pavement width (excluding gutters) of 9.5 metres with a minimum road allowance of 21.5 metres.

Sidewalks

A 1.5 metre sidewalk shall be constructed on both sides of Blackwell Boulevard.

Pedestrian Walkways

There are no pedestrian walkways in this Plan of Subdivision.

SCHEDULE "D"

This is Schedule "D" to the Subdivision Agreement dated this _____ day of _____, 2020, between The Corporation of the City of London and 700531 Ontario Limited to which it is attached and forms a part.

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

LANDS TO BE CONVEYED TO THE CITY OF LONDON:

0.3 metre (one foot) reserves:	Blocks 2 and 3
Road Widening (Dedicated on face of plan):	NIL
Walkways:	NIL
5% Parkland Dedication:	NIL
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site:	NIL
--------------	-----

LANDS TO BE HELD IN TRUST BY THE CITY:

Temporary access:	NIL
-------------------	-----

SCHEDULE "E"

This is Schedule "E" to the Subdivision Agreement dated this _____ day of _____, 2020, between The Corporation of the City of London and 700531 Ontario Limited to which it is attached and forms a part.

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

CASH PORTION:	\$ 88,683
BALANCE PORTION:	<u>\$502,537</u>
TOTAL SECURITY REQUIRED	\$591,220

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

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

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

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

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

SCHEDULE "F"

This is Schedule "F" to the Subdivision Agreement dated this _____ day of _____, 2020, between The Corporation of the City of London and 700531 Ontario Limited to which it is attached and forms a part.

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

Multi-Purpose Easements:

- (a) No Multi-purpose easements are required internal or external to this Plan.
- (b) Temporary turning circle easements shall be deeded to the City in conjunction with this Plan over lands outside this Plan at the east limit of Blackwell Boulevard.

Appendix B – Additional Information

Previous Reports

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

January 20, 2020 - Report to Planning Committee on three year extension for draft plan of subdivision. (39T-04512)

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Holding Provision Removal
Sifton Properties Limited
965 Upperpoint Avenue

Meeting on: October 19, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following action be taken with respect to the application of Sifton Properties Limited relating to a portion the properties located at 965 Upperpoint Avenue, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 27, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a Holding Residential R4/R5/R6/R8 Special Provision (h*h-54*h-209*R4-6(11)R5-7(9)/R6-5(61)/R8-3(5)) Zone **TO** a Residential R4/R5/R6/R8 Special Provision (R4-6(11)R5-7(9)/R6-5(61)/R8-3(5))Zone to remove the holding provisions for portions of these lands to be developed as Street Townhouse Dwellings.

Executive Summary

Summary of Request

The applicant has requested the removal of the "h*h-54-h-209" holding provisions from portions of 965 Upperpoint Avenue, which are in place to ensure: the orderly development of lands and the adequate provision of municipal services, that there are no land use conflicts between arterial roads the proposed residential use, and to encourage building orientation towards public streets and public spaces.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the "h", "h-54" and "h-209" holding symbols to facilitate the development of street townhouse dwellings.

Rationale of Recommended Action

The requirements for removing the holding provisions have been met, and the Approval Authority has confirmed that no further work is required. It is appropriate to remove the holding provisions as they are no longer required for the portions of these Blocks that are to be developed as Street Townhouses.

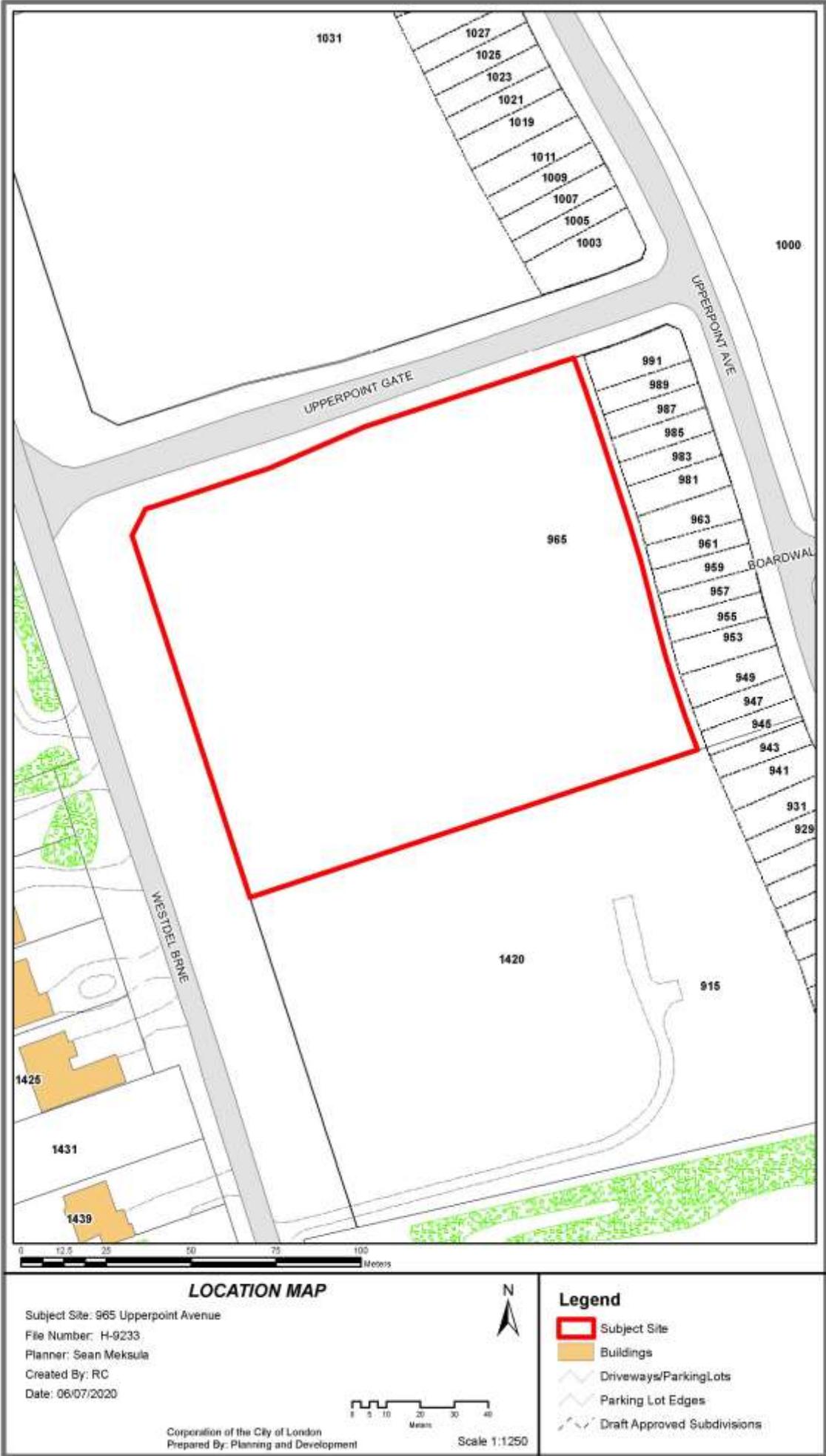
Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located off of Upperpoint Avenue, which is generally located southeast of Oxford Street West and Westdel Bourne. The site has a mix of high and medium density residential located to the north, existing estate residential to the west, low density residential to the east, and future residential to the south. The site has proximity to Hickory Woods Park, the Warbler Woods ESA, St. Nicholas Catholic School, Bryon Woods Montessori Private School and Byron Northview Public School.

1.2 Location Map



1.2.1 Current Planning Information (see more detail in Appendix C)

- The London Plan Place Type – Neighbourhoods Place Type
- (1989) Official Plan Designation – Multi-Family, Medium Density Residential
- Existing Zoning – Holding Residential R4/R5/R6/R8 Special Provision (h*h-54*h-209*R4-6(11)/R5-7(9)/R6-5(61)/R8-3(5)).

1.4 Site Characteristics

- Current Land Use – Vacant
- Frontage – 90.4 metres
- Depth – Varies
- Area – 1.73 hectares
- Shape – Rectangular

1.5 Surrounding Land Uses

- North – future multiple-attached dwellings
- East – future single detached dwellings, neighbourhood park, and school site
- South – future multiple-attached dwellings and former orchard
- West – rural estate dwellings

2.0 Description of Proposal

2.1 Development Proposal

The development for consideration is sixty-six (66) street townhouse units, two storeys in height with access off of Upperpoint Gate.



Figure 1: Conceptual Site Plan

An application for Vacant Land Condominium (39CD-20508) and Site Plan Approval (SPA 20-050), has also submitted a site plan application to permit a 66 unit townhouse development at this location. Common element components of the vacant land condominium includes private roadway including services and open space areas. The site plan submission, including servicing, grading, landscaping, and building elevation plans, are approaching acceptance by the City.

3.0 Relevant Background

3.1 Planning History

On October 24, 2018, the City of London Approval Authority granted final approval and the subdivision was registered as Plan 33M-754 on November 2, 2018. The final plan consisted of 128 single detached residential lots, four (4) medium density residential

blocks, one (1) high density residential block, one (1) school block, three (3) park blocks, one (1) open space block, one (1) walkway block, two (2) secondary collector roads, and seven (7) local streets.

On September 17, 2019 Municipal Council passed a Zoning By-law amendment to add a Residential R4 Special Provision (R4-6(11)) Zone to permit street townhouse dwellings along with special provisions for lot frontage, front yard setbacks for the main dwellings and garages, and building height.

3.2 Requested Amendment

The applicant is requesting the removal of the “h”, “h-54” and “h-209” holding provisions from the site to allow for the development of sixty-six (66) street townhouses.

3.3 Community Engagement

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

3.4 Policy Context

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

4.0 Key Issues and Considerations

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

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

The execution of the development agreement combined with the submission of the required security, adequately satisfies the requirements of this holding provision. It is appropriate to remove this holding provision at this time for the portions of these Blocks that are to be developed as Street Townhouses. The h. holding provision will be retained for the balance of the site. The h- holding provision will be retained for the balance of the site.

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

Development Services has confirmed that a Noise Impact Study is not required as the location of the proposed site plan is not directly adjacent to an arterial road. On this basis, the provision has been satisfied for the portions of these Blocks that are to be developed as Street Townhouses. The h-54 holding provision will be retained for the balance of the site.

h-209 - Purpose: To encourage building orientation towards public streets and public spaces, a site plan shall be approved and a development agreement shall be entered into which ensures that future development of the lands complies with the urban design policies identified in the Riverbend South Secondary Plan, to the satisfaction of the City of London prior to the removal of the h-209 symbol.

In an effort to meet the design objectives of the Riverbend South Community Plan, attention was given to ensure that all buildings adjacent to the street are designed and oriented to the street. The accepted plans provide architectural features that includes porches, entrances, windows, rooflines and enhanced landscaping around the porches that achieve an appearance of front orientation to the street, consistent with the intent of the Riverbend South Community Plan.

An acceptable level of building design and orientation to the street in accordance with the h-209 provision has been provided with the accepted Site Plan and executed Development Agreement. As a result, Staff is satisfied that the lifting of the h-209 holding provision can be recommended to Council for the portions of these Blocks that are to be developed as Street Townhouses. The h-209 holding provision will be retained for the balance of the site.

5.0 Conclusion

In the opinion of Staff, the holding zone requirements have been satisfied and it is appropriate to remove the holding provisions to allow the zoning to come into force for the portions of these Blocks that are to be developed as Street Townhouses. The h., h-54 and h-209 holding provisions will be retained for the balance of the site.

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

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

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2020\H-9233 - 965 Upperpoint Avenue (SM)\PEC\965 Upperpoint Avenue_ H-9233_PEC Report_SM).docx

Appendix A

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

By-law No. Z.-1-20_____

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for portions of the lands located at 965 Upperpoint Avenue.

WHEREAS Sifton Properties Limited has applied to remove the holding provisions from the zoning for portions of the lands located at 965 Upperpoint Avenue, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to portions of the lands located at 965 Upperpoint Avenue, as shown on the attached map comprising part of Key Map No. 105, to remove the holding provisions so that the zoning of the lands as a Residential R4/R5/R6/R8 Special Provision (R4-6(11)R5-7(9)/R6-5(61)/R8-3(5))Zone comes into effect.
2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on October 27, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 27, 2020
Second Reading – October 27, 2020
Third Reading – October 27, 2020

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



Appendix B – Public Engagement

Community Engagement

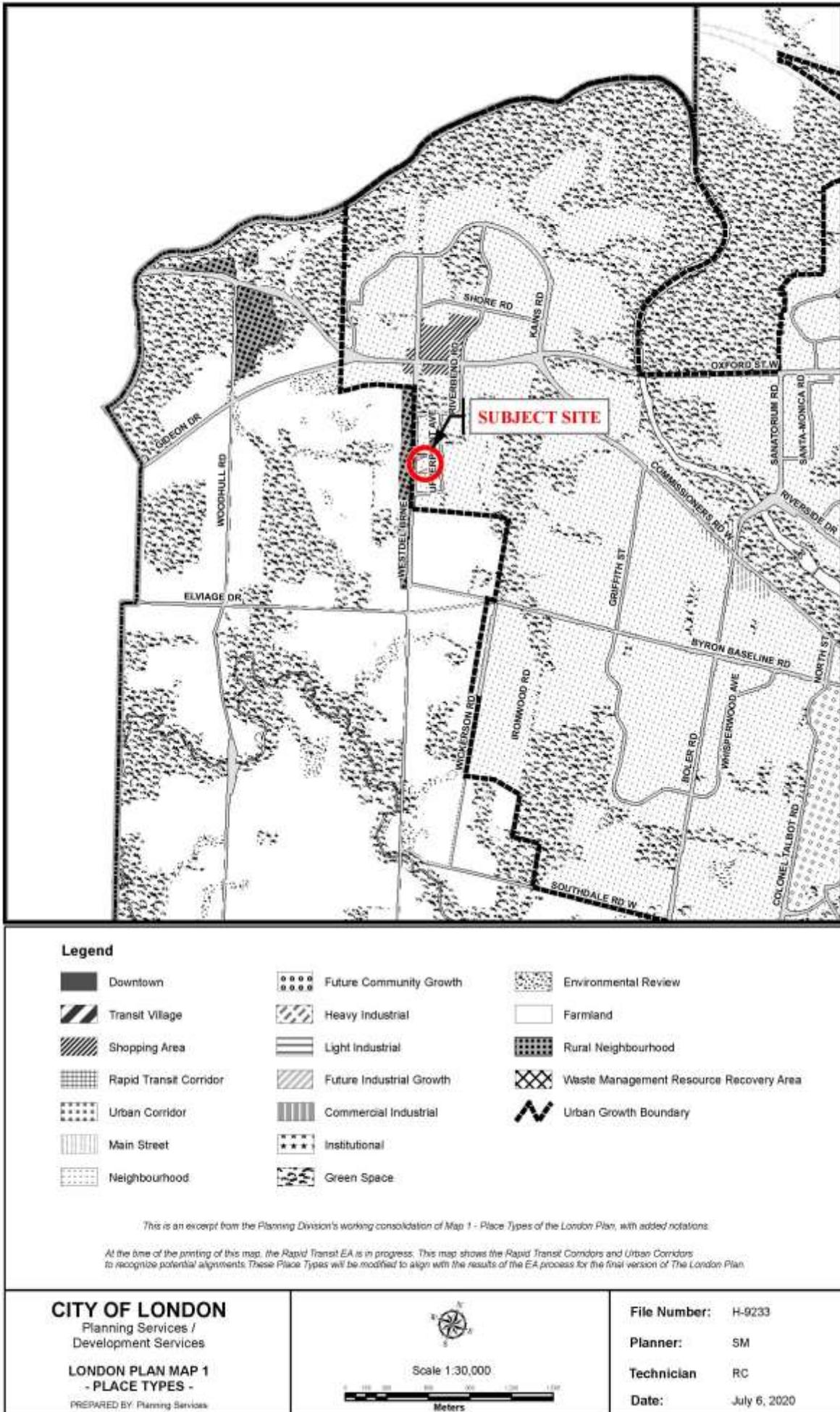
Public liaison: Notice of the application was published in the Londoner on July 16, 2020.

0 replies were received.

Nature of Liaison: City Council intends to consider removing the “h”, “h-100” and “h-209”, Holding Provision’s from the zoning of the subject lands. The purpose and effect of this zoning change is to remove the holding symbol to permit future residential development of the subject lands. The purpose of the “h” provision is to ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development. The purpose of the “h-54” provision is intended to ensure there are no land use conflicts between arterial roads and the proposed residential uses, the h-54 shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London. The “h-209” symbol is intended to encourage building orientation towards public streets and public spaces. A site plan shall be approved and a development agreement shall be entered into which ensures that future development of the lands complies with the urban design policies identified in the Riverbend South Secondary Plan, to the satisfaction of the City of London, prior to the removal of the h-209 symbol. Council will consider removing the holding provisions as it applies to these lands no earlier than August 10, 2020. .

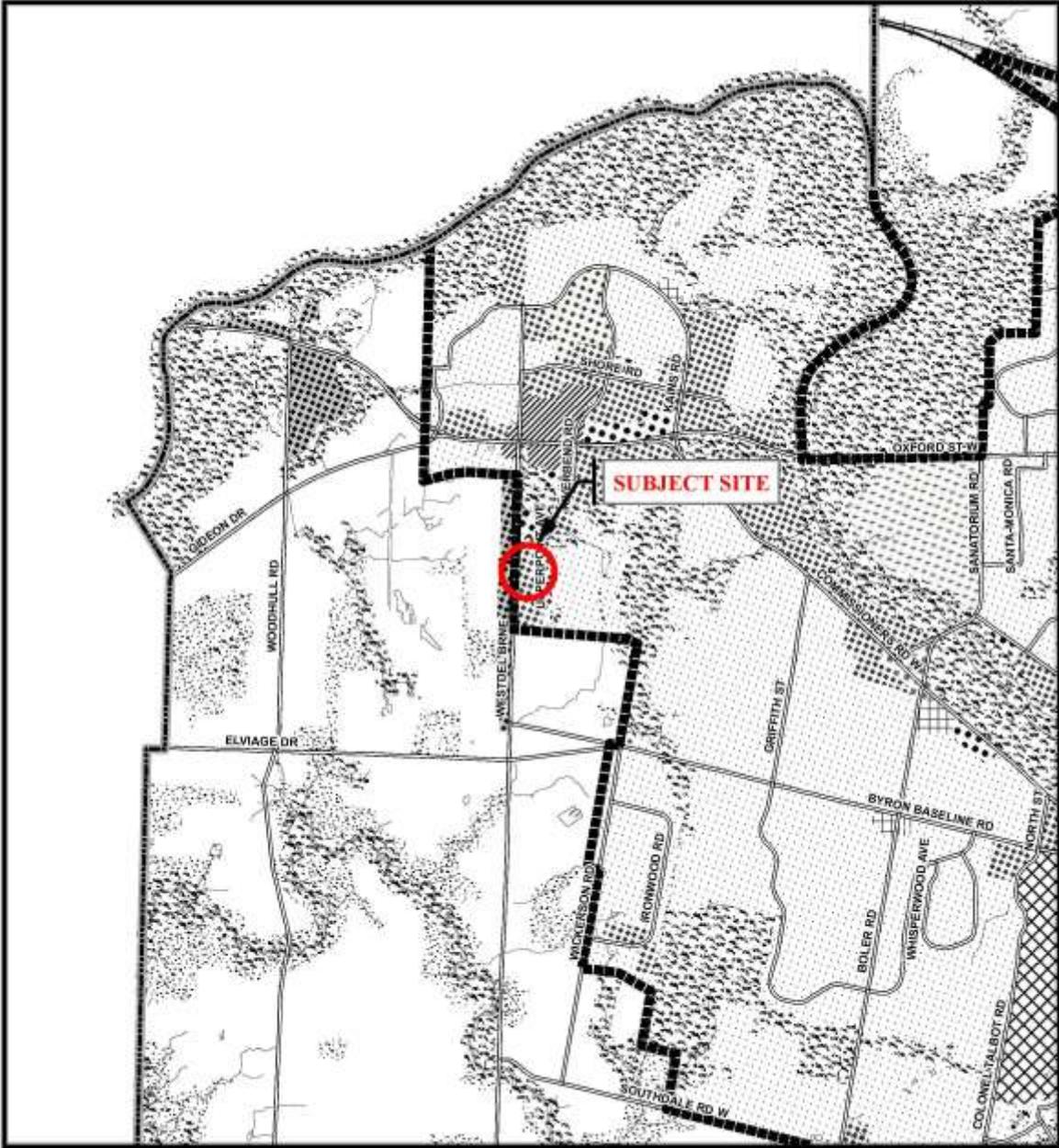
Appendix C – Relevant Background

London Plan Excerpt



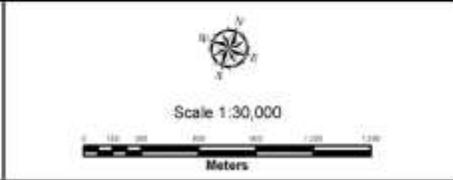
Project Location: E:\Planning\Projects\p_officialplan\workconsolid\excerpts_LondonPlan\mxd\H-9233-Map1-Place Types.mxd

1989 Official Plan Excerpt



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

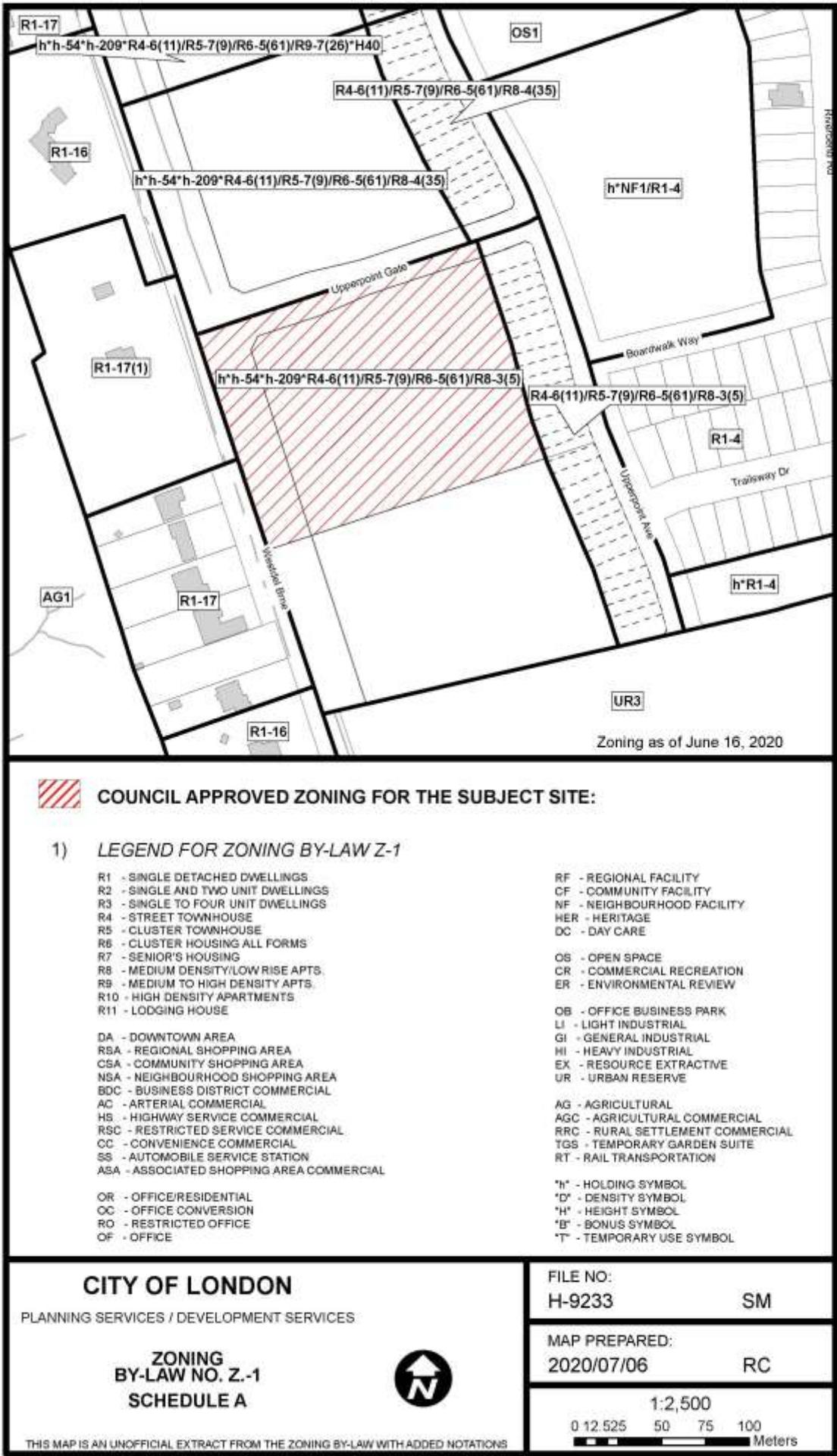
CITY OF LONDON
 Department of
Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: H-9233
PLANNER: SM
TECHNICIAN: RC
DATE: 2020/07/06

PROJECT LOCATION: c:\planning\projects\p_official\plan\work\consolid\excerpts\mxd_templates\scheduleA_NEW_b&w_Bx14.mxd

Existing Zoning Map



Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: 1830145 Ontario Limited
1761 Wonderland Road North

Public Participation Meeting on: October 19, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of 1830145 Ontario Limited relating to the property located at 1761 Wonderland Road North:

- (a) the request to amend the 1989 Official Plan to **ADD** a Special Area Policy to section 10.1.3 – Policies for Specific Areas to permit a maximum residential density of 220 units per hectare within the Neighbourhood Commercial Node designation **BE REFUSED** for the following reasons:
- i) it is not consistent with the Provincial Policy Statement, 2020 (PPS) which promotes economic development and competitiveness by providing for an appropriate mix and range of employment uses and which is facilitated by the existing land use designation;
 - ii) it does not conform to the in force policies of the 1989 Official Plan, including but not limited to the application of specific policies areas intended for sites where existing policies do not accurately reflect the intent of Council with respect to the future use of the land;
 - iii) the proposed density of 220 uph is too intense as it is beyond the typical range of the high density residential intensity outside of the downtown and Central London.
- (b) the request to amend The London Plan to **ADD** a Special Area Policy in the Shopping Area Place Type applicable to the subject lands to permit a building form having a maximum height of 17 storeys, exclusive of the mechanical penthouse **BE REFUSED** for the following reasons:
- i) it is not consistent with the Provincial Policy Statement, 2020 (PPS) which promotes economic development and competitiveness by providing for an appropriate mix and range of employment uses and which is facilitated by the existing land use designation;
 - ii) it does not conform to the in-force policies of The London Plan, including but not limited to:
 - i. the Key Directions relating to the strategic location of more intensive forms of development, high-intensity, mixed-use development to strategic locations-along rapid transit corridors and within the Primary Transit Area and new development that is a good fit within existing neighbourhood;
 - ii. the City Structure Plan policies of The London Plan that create a hierarchy of residential intensity with the most intensive forms of development directed to the Downtown, Transit Villages and at station locations along the Rapid Transit Corridors;
 - iii. the Evaluation Criteria for Planning and Development Applications in the Our Tools chapter of The London Plan;

- iv. the Shopping Area Place Type policies reference the maximum height of 4-storeys or 6-storeys with Type 2 Bonusing and as such, a development proposal of 17-storeys is not appropriate;
- (c) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Holding Neighbourhood Shopping Area Special Provision (h-17/h-103/NSA5(5)) Zone **TO** a holding Neighbourhood Shopping Area Special Provision Bonus (h-17/h-103/NSA5(5)/NSA3(__)*B()) Zone to permit a maximum density of 220 units per hectare, a maximum height of 63 metres, off street parking of 322 spaces, a maximum of 600m² of non-residential space within an apartment building, a maximum of 600m² of Gross Floor Area (GFA) for an individual permitted non-residential use, exclude this Zone variation from the compound zoning permissions of Section 3.9 1) of the Zoning By-law and add pharmacy as an additional permitted use **BE REFUSED** for the following reasons:
- i) the same reasons noted in Clauses a) and b) above;
 - ii) a rezoning to permit the requested site-specific residential density does not conform to the in-force policies of the 1989 Official Plan;
 - iii) a rezoning to permit the requested site-specific height does not conform to the in-force policies of The London Plan;
 - iv) the requested amendment to effectively facilitate a residential use erodes the employment opportunities that this site was intended to accommodate;
 - v) the proposal for a stand-alone apartment building with an accessory commercial use is not consistent with the planned function of a commercial node which deviates from the planned commercial function intended by policy;
 - vi) the requested rezoning is not consistent with the Shopping Area Place Type regarding coordinated and comprehensive applications for intensification;
 - vii) the subject site, given its location outside the Primary Transit Area with the proposed intensity and form, is not appropriate and is not good planning;
 - viii) the proposed density of the residential component within this proposed commercial development of 220 uph and 17-storeys is too intense and should be directed to the specific areas for intensification as outlined by Council;
 - ix) the provision of 5% affordable housing units at 85% of average market rent for 10 years have not been endorsed by the City's Housing Development Corporation;
 - x) the requested rezoning is not appropriate within this commercial area, as residential should be complementary to commercial to ensure that character and compatibility with the surrounding neighbourhood is maintained; and
 - xi) the subject site does not have any special attributes which warrant a site specific amendment to permit the proposed use, form and intensity of development.

Executive Summary

Summary of Request

The applicant proposes to construct a 17-storey mixed-use building with a maximum of 228 residential units, in a building generally configured in an "L" shape along Wonderland Road North. The proposal includes a variety of indoor and outdoor amenity areas intended to serve residents of the building. 133 surface parking spots are proposed to be provided, as well as underground parking accommodating 189

underground stalls, indoor bicycle storage and internal loading areas with one access from Wonderland Road North.

The applicant requested an amendment to the 1989 Official Plan to add a Special Policy Area to permit a high-rise form within the Neighbourhood Commercial Node designation having a maximum residential density of 220 units per hectare for this site.

The applicant requested an amendment to The London Plan to add a Specific Area Policy in the Shopping Area Place Type for this site to permit a maximum building height of 17-storeys, exclusive of the mechanical penthouse.

The applicant also requested an amendment to Zoning By-law Z.-1 to change the zoning from a Holding Neighbourhood Shopping Area Special Provision (h-17/h-103/NSA5(5)) Zone to a holding Neighbourhood Shopping Area Special Provision Bonus (h-17/h-103/NSA5(5)/NSA3() *B()) Zone to permit a maximum density of 220 units per hectare, a maximum height of 63 metres, off street parking of 322 spaces, a maximum of 600m² of non-residential space within an apartment building, a maximum of 600m² of Gross Floor Area (GFA) for an individual permitted non-residential use, exclude this Zone variation from the compound zoning permissions of Section 3.9 1) of the Zoning By-law and add pharmacy as an additional permitted use.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommendation is to refuse the requested amendments to the Official Plan, The London Plan and Zoning By-law Z.-1 to permit a 17-storey mixed-use building.

Rationale of Recommended Action

1. The requested amendments are not consistent with the policies of the 2020 *Provincial Policy Statement* (PPS) which promotes economic development and competitiveness by providing for an appropriate mix and range of employment uses and which is facilitated by the existing land use designation.
2. The requested amendments do not conform to the in force policies of the 1989 Official Plan.
3. The requested amendments do not conform to the in force policies of the London Plan.
4. The requested amendment to effectively facilitate a residential use erodes the employment opportunities that this site was intended to accommodate;
5. The proposal for a stand-alone apartment building with an accessory commercial use is not consistent with the planned function of a commercial node which deviates from the planned commercial function intended by policy;
6. The requested rezoning is not consistent with the Shopping Area Place Type regarding coordinated and comprehensive applications for intensification;
7. The subject site, given its location outside the Primary Transit Area with the proposed intensity and form, is not appropriate and is not good planning;
8. The proposed density of the residential component within this proposed commercial development of 220 uph and 17-storeys is too intense and should be directed to the specific areas for intensification as outlined by Council;
9. The provision of 5% affordable housing units at 85% of average market rent for 10 years have not been endorsed by the City's Housing Development Corporation;
10. The requested rezoning is not appropriate within this commercial area, as residential should be complementary to commercial to ensure that character and compatibility with the surrounding neighbourhood is maintained; and

11. The subject site does not have any special attributes which warrant a site specific amendment to permit the proposed use, form and intensity of development.

Analysis

1.0 Site at a Glance

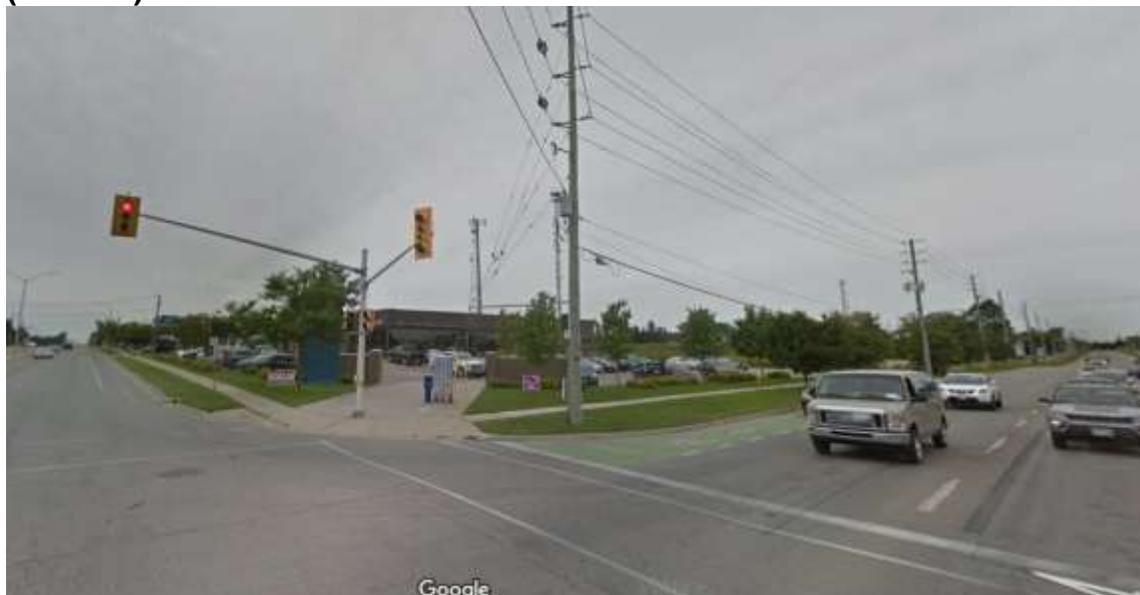
1.1 Property Description

The subject site is located on Wonderland Road North, north of Fanshawe Park Road West. The lands are currently vacant with a lot frontage of approximately 91 metres and a lot area of approximately 1.07 ha. The subject lands are located within the urban growth boundary and abut commercial to the south, commercial across Wonderland Road North to the east, commercial, communication towers and residential to the west, and offices to the north. There are no significant vegetation or natural features on the lands.

View from Wonderland Road North (Photo 1)



View from corner of Wonderland Road North and Fanshawe Park Road West (Photo 2)



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

- Official Plan Designation – Neighbourhood Commercial Node
- The London Plan Place Type – Shopping Area
- Existing Zoning – Holding Neighbourhood Shopping Area Special Provision (h-17/h-103/NSA5(5) Zone)

1.3 Site Characteristics

- Current Land Use – Vacant
- Frontage –(91.0 meters (298.56 feet)
- Depth – 117.0 meters (384 feet)
- Area – 1.07 hectares (2.64 acres)
- Shape – Rectangular

1.4 Surrounding Land Uses

- North – Utility Buildings, Bell Canada and Offices Uses
- East –, Sunningdale Village Commercial Plaza, and High-rise Residential
- South – Commercial Plaza and Offices Uses
- West – Mastermind Toys, Commercial Uses and Residential Uses

1.5 Intensification (228 units)

- The proposed residential units represent intensification within the Built-area Boundary
- The proposed residential units represent intensification outside the Primary Transit Area

1.6 LOCATION MAP

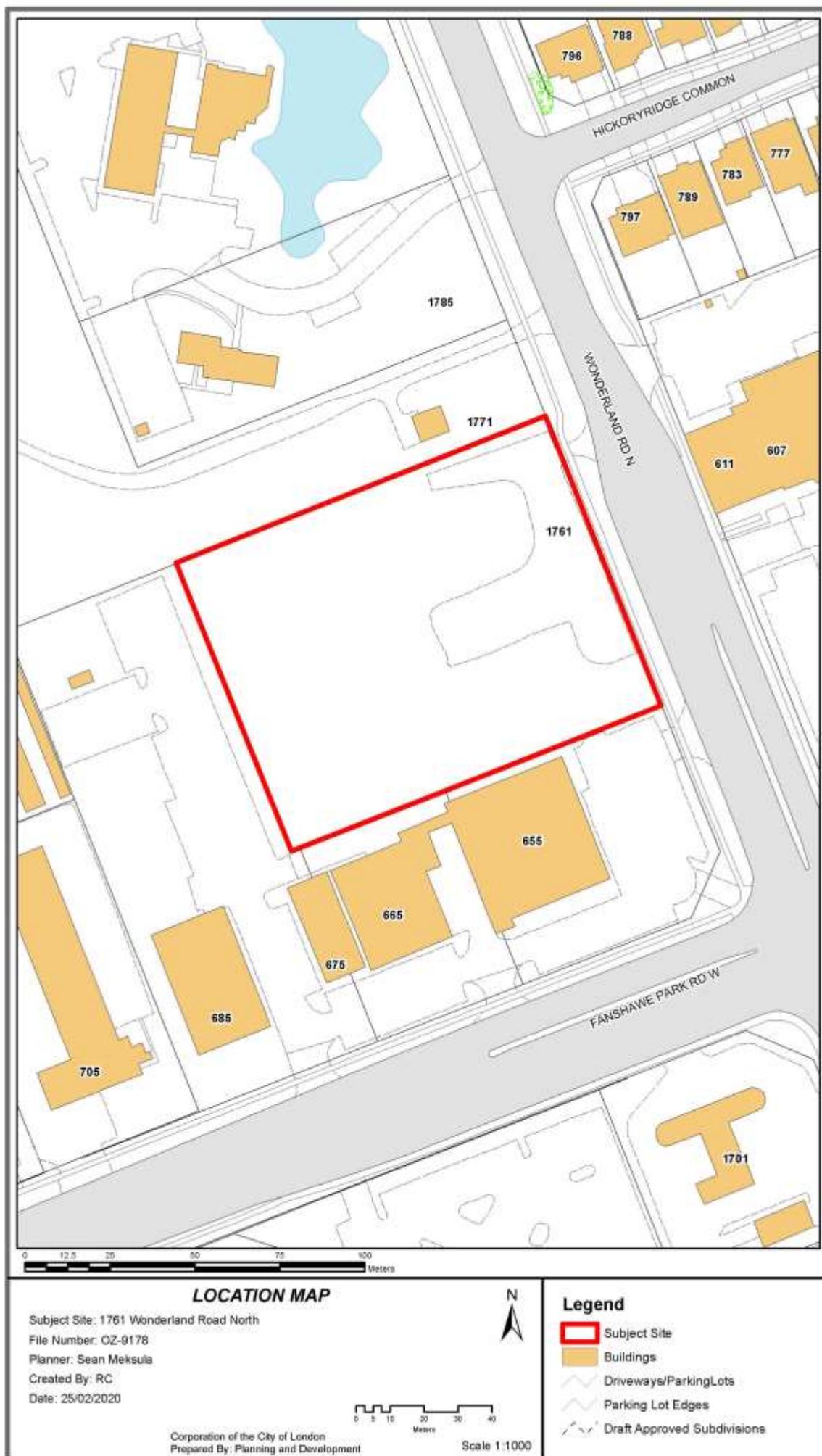


Figure 3 – Building Rendering (View from corner of Wonderland Road North and Fanshawe Park Road West)



Figure 4 – Building Rendering (View from Wonderland Road North)



Figure 5 – Building Rendering (View from Fanshawe Park Road West)



3.0 Relevant Background

3.1 Planning History

Fox Hollow Community Plan

The subject site is located within the Foxhollow Community Planning Area (1999). The Plan states that the existing commercial uses along Wonderland Road North and Fanshawe Park Road West will be maintained as Restricted/Highway Service Commercial. In December 2009, OPA 438 came into force and effect which re-designated the lands at Wonderland Road North and Fanshawe Park Road West to Neighbourhood Commercial Node with the new commercial locations to be provided to service the area throughout the planning area.

Sunningdale Community Plan

The subject site, 1761 Wonderland Road North is located abutting the west boundary of the Sunningdale Planning Area and Sunningdale Community Plan (1998). The Sunningdale Community Plan Area is comprised of lands located between Wonderland Road North and Richmond Street from Fanshawe Park Road West to the northern boundary of the City of London. The Sunningdale Community Plan was adopted as a guideline document, in conjunction with the Official Plan, for the review of future development applications, for the planning of public facilities and services and as the basis for amendment to the Official Plan and Zoning By-law.

The subject lands were also part of a previous Official Plan and Zoning By-law Amendment OZ-7825 which was brought forward to the Built and Natural Environment Committee (BNEC) on December 13, 2010. At the time of submission of the application, the subject lands were designated and zoned for Office uses. The purpose and effect of that Official Plan and Zoning amendment was to change the lands use permissions from Office to Commercial to permit the construction 'supermarket' with a maximum floor area of 3,600 m² (38,750 ft²) and a maximum front yard setback of 3m (9.84 ft.) from Wonderland Road North. Staff recommended support for the requested amendment.

As part of the justification for the requested amendment, the applicant indicated that the "...subject property is well suited for commercial development with direct frontage along Wonderland Road North and in close proximity to the intersection of two major arterial

roads - Wonderland Road and Fanshawe Park Road. The Site is situated across Wonderland Road from an existing shopping centre that includes a Shoppers Drug Mart, No Frills supermarket, and a number of retail commercial uses.” Staff agreed with the qualities of the site’s location to accommodate commercial uses and recommended that the requested amendments be approved.

On January 24, 2011, Municipal Council adopted the Staff recommendation and amended the Official Plan and Zoning By-law. On February 25, 2011, an appeal was submitted on behalf of Loblaw Properties Limited, FCHT Holdings (Ontario) Corporation, Barvest Realty Inc. Sunningdale Developments Inc. and Auburn Developments against Council's decision to approve the above Official Plan and Zoning By-law amendments.

The Ontario Municipal Board dismissed the appeal thereby bringing into force and effect the decision of Municipal Council to amend the Official Plan and Zoning By-law. As of the OMB decision dated May 15, 2013.

3.2 Requested Amendments

The applicant requested an amendment to add a Special Area Policy to Chapter 10 (Policies for Specific Areas) to permit to permit a high-rise residential form within the Neighbourhood Commercial Node designation having a maximum residential density of 220 units/ha.

The applicant requested an amendment to The London Plan to add a Special Area Policy in the Shopping Area Place Type for this site to permit a maximum building height of 17-storeys, exclusive of the mechanical penthouse.

The applicant also requested an amendment to Zoning By-law Z.-1 to change the zoning from a Holding Neighbourhood Shopping Area Special Provision (h-17/h-103/NSA5(5)) Zone to a holding Neighbourhood Shopping Area Special Provision Bonus (h-17/h-103/NSA5(5)/NSA3() *B()) Zone to permit a maximum density of 220 units per hectare, a maximum height of 63 metres, off street parking of 322 spaces, a maximum of 600m² of non-residential space within an apartment building, a maximum of 600m² of Gross Floor Area (GFA) for an individual permitted non-residential use, exclude this Zone variation from the compound zoning permissions of Section 3.9 1) of the Zoning By-law and add pharmacy as an additional permitted use.

The applicant has requested a bonus zone that would permit the following site-specific development regulations:

Building height (maximum) – 63 m
Number of dwelling units (maximum) – 228
Density – 220 uph
Gross floor area for commercial (maximum) – 600m²

The applicant provided a summary of the bonus zoning elements proposed for the mixed-use development as follows:

Summary of Bonusable Items (1989 Official Plan)

- Common open space
- Underground parking
- Enhanced landscaped open space
- Innovative/sensitive design
- Universal accessibility
- Affordable housing

Summary of Type 2 Bonusable items (The London Plan)

- Exceptional site and building design
- Sustainable development forms
- Contribution to transit facilities

- Large quantities of secure bicycle parking and cycling infrastructure
- Affordable housing
- Care parking, car sharing and bicycle sharing facilities accessible to the general public
- Extraordinary tree planting

3.3 Community Engagement (see more detail in Appendix A)

A Notice of Application was sent to property owners within a 120 metre radius of the subject site on March 4, 2020 and was published in *The Londoner* on March 5, 2020. One “Possible Land Use Change” sign was placed on the subject site, fronting onto Wonderland Road North. No replies from the public were received for this application.

3.4 Policy Context (see more detail in Appendix B)

The subject site is located in the Neighbourhood Commercial Node designation in the 1989 Official Plan. The site is located in the Shopping Area Place Type, and Wonderland Road North is a street classified as “Neighbourhood Connector” in The London Plan. Note that certain London Plan maps and policies are under appeal before the Local Planning Appeal Tribunal (LPAT).

Provincial Policy Statement, 2020

The *Provincial Policy Statement, 2020* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is more than a set of individual policies. It is intended to be read in its entirety and the relevant policies are to be applied to each situation.

In accordance with section 3 of the Planning Act, all planning decisions shall be consistent with the Provincial Policy Statement (PPS).

The Provincial Policy Statement 2020 provides policy direction on matters of provincial interest related to land use and development. Section 1.1 “Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns” of the PPS encourages healthy, livable, and safe communities over the long-term. These communities must be sustained through a number of measures, including: accommodating an appropriate range and mix of affordable and market-based types of residential land uses, as well as employment, institutional, recreation and open space land uses (s. 1.1.1.b); promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (s. 1.1.1.e).

The PPS encourages areas inside the urban growth boundary (i.e. “settlement areas” per s. 1.1.3 Settlement Areas) to be the main focus of growth and development, including opportunities for intensification and redevelopment. Appropriate land use patterns within urban growth boundaries are established by providing appropriate densities and mix of land uses that efficiently use land and resources along with the surrounding infrastructure, public services facilities and are also transit-supportive (s.1.1.3.2).

Municipalities are required to identify and promote opportunities for intensification and redevelopment, taking into consideration an area’s existing building stock (s. 1.1.3.3), accommodating a significant supply and range of housing options, including various housing types, densities, and a variety of affordable and market-based housing arrangements (s. 1.1.3.3), promoting development standards which facilitate intensification, redevelopment and compact form (s. 1.1.3.4).

The PPS 2020 promotes economic development and competitiveness by providing for an appropriate mix and range of employment uses. (s. 1.3)

The PPS 2020 also requires that municipalities provide an appropriate range and mix of affordable and market-based housing options and densities to meet projected requirements of current and future residents (s. 1.4.1). It directs planning authorities to permit and facilitate growth through lands available for residential intensification and redevelopment within the existing built-up areas.

The PPS also encourages the range and mix of affordable and market-based housing to be built at densities that meet projected needs, by establishing targets for affordable housing (s. 1.4.3.a). Planning authorities are also required to permit and facilitate all housing options and all types of residential intensification.

Also, the PPS 2020 requires Planning authorities to support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns. This directs to promote compact form and structure of nodes and corridors, along with to promote the use of active transportation and transit in and between residential, employment(including commercial and industrial), and to focus major employment, commercial on sites which are well serviced by existing and planned transit. (s.1.8.1)

The London Plan

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

The London Plan is organized into nine parts. The “Our Strategy” part of the Plan establishes eight key directions that serve as the foundation for the policies and place types of the Plan (London Plan, s. 54). Under each key direction a number of planning strategies are identified. Relevant Key Directions are outlined below:

The London Plan provides direction to plan strategically for a prosperous city:

- Revitalize our urban neighbourhoods and business areas (s. 55_, Direction 1.4);
- Invest in, and promote, affordable housing to revitalize neighbourhoods and ensure housing for all Londoners (s. 55_, Direction 1.13);

The London Plan provides direction to build a mixed-use compact city by:

- Plan to achieve a compact, contiguous pattern of growth – looking “inward and upward” (s. 59, Key Direction 5.2);
- Sustain, enhance, and revitalize our downtown, main streets, and urban neighbourhoods (s. 59_, Key Direction 5.3);
- Plan for infill and intensification of various types and forms to take advantage of existing services and facilitate and to reduce our need to grow outward (s. 59_, Key Direction 5.4);
- Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place (s. 59_, Key Direction 5.5); and
- Manage outward growth through the use of an Urban Growth Boundary and by supporting infill and intensification in meaningful ways (Key Direction 5.8).

The London Plan provides direction to place a new emphasis on creating attractive mobility choices by:

- Link land use and transportation plans to ensure they are integrated and mutually supportive (s. 60_, Key Direction 6.4); and
- Dependent on context, require, promote, and encourage transit-oriented development forms (s. 60_, Key Direction 6.6).

The London Plan provides direction to build strong, healthy and attractive neighbourhoods for everyone by:

- Design complete neighbourhoods by meeting the needs of people of all ages, incomes and abilities, allowing for aging in place and accessibility to amenities, facilities and services (s. 61_ Key Direction 7.2).

The London Plan provides direction to make wise planning decisions by:

- Ensure that all planning decisions and municipal projects conform with the London Plan and are consistent with the Provincial Policy Statement (s. 62_, Key Direction 8.1); and
- Ensure new development is a good fit within the context of an existing neighbourhood (s. 62_, Key Direction 8.9).

The London Plan also includes a City Structure Plan that identifies the framework for growth and change over the planning horizon which establishes a clear hierarchy for development intensity inside the Urban Growth Boundary. It places a high level of importance on growing “inward and upward” (Policy 79_), while directing the most intensive forms of development to the Downtown, Transit Villages and at station locations along the Rapid Transit Corridors (Policy 86_*). Intensification is to occur in appropriate locations and in a way that is sensitive to existing neighbourhoods and represents a good fit (Policy 83_*).

Within this City Structure, the subject site is located within the urban area (within Urban Growth Boundary and Built Area) but not within the Primary Transit Area (PTA). The PTA is a focus of residential intensification and transit investment within London, and intensification will vary depending on the Place Type and if it will be a good fit within neighbourhoods (s. 90). The London Plan also includes a city-wide intensification target and it is an objective of the London Plan that 75% of intensification will occur within the PTA. Regeneration projects will also be focused on neighbourhoods within the PTA, and such development and redevelopment should be transit-oriented (s. 92).

The subject site is within the Shopping Area Place Type which permits broad range of retail, service, office, entertainment, recreational, educational, institutional, and residential uses. Mixed-use buildings will be encouraged. Where a Shopping Area Place Type abuts a Neighbourhoods Place Type the City Design policies of this Plan will be applied to ensure that a positive interface is created between commercial and residential uses (Permitted Uses 877_)

It is the intent of The London Plan to allow for the more intense and efficient use of Shopping area sites through redevelopment, expansion and the introduction of residential development. Buildings within the Shopping Area Place Type will not exceed four storeys in height. Type 2 Bonus Zoning beyond this limit, up to six storeys, may be permitted in conformity with the Our Tools policies of this Plan. Development within the Shopping Area Place Type will be sensitive to adjacent land uses and employ such methods as transitioning building heights and providing sufficient buffers to ensure compatibility. The Zoning By-law will include regulations to ensure that the intensity of development is appropriate for individual sites. However, the full extent of intensity will not necessarily be permitted on all sites. (878_).

Official Plan 1989

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

The lands are within the Neighbourhood Commercial Node land use designation of the 1989 Official Plan. The Neighbourhood Commercial Node designation is intended to provide for the daily or weekly convenience shopping and service needs of nearby residential and, to a lesser extent, passing motorists. (4.3.8.1) Although this designation contemplates mixed-use developments, the policies require the residential component

to be implemented through specific zoning by-law amendments and concurrent site plan applications. These processes will address and prevent conflicts between the different land uses within and adjacent to the node by requiring, but not limited to:

- i) compliance with maximum heights and densities of the new use;
- ii) appropriate location of mixed use projects within the nodal area to ensure that such projects enhance the amenity, visual and functional aspects of the node they serve;
- iii) safe accessible pedestrian, cycling, vehicular and public transit access and parking;
- iv) screening of noise, visual, odour or other nuisances;
- v) appropriate set backs;
- vi) interior and exterior amenity spaces;
- vii) adequate transportation, water, sewer and other utility capacity; and;
- viii) adequate park, community and neighbourhood facilities.

Permitted uses include small retail stores; food stores; pharmacies; convenience commercial uses; personal services; financial institutions; service-oriented office uses such as real estate, insurance and travel agencies; community facilities such as libraries or day care centres; professional and medical/dental offices; small-scale restaurants; commercial recreation establishments; and similar uses that draw customers from a neighbourhood-scale trade area. Residential units above ground floor commercial uses may be allowed. Multi-family high or medium density residential uses may also be permitted through a zoning by-law amendment application, concurrent site plan application and consideration of design features which allow integration of the two uses. Zoning on individual sites or areas may be for less than the full range of permitted uses. (4.3.8.3)

Free-standing structures along the street frontage should be developed to improve the design of the street edge, provide access to transit stops and reduce the visual impact of large open parking lots. The design, appearance and scale shall be in harmony with the surrounding residential area with adequate screening and buffering between uses. Parking areas should be carefully designed and shared parking areas should be accommodated where possible. (4.3.8.4)

Multi-Family, High Density Residential designation provides direction regarding the anticipated scale of high density development with residential densities varying by location and directed as such. The net residential densities will normally be less than 350 units per hectare in the Downtown Area, 250 units per hectare in Central London and 150 units per hectare outside Central London (3.4.3).

The subject lands are also part of the Foxhollow Area Plan Specific Policies in the Official Plan.

The Fox Hollow Community Plan was adopted by Council pursuant to Section 19.2.1 of the Official Plan as a guideline document for the review of planning and development applications, for the planning of public facilities and services, and as the basis for amendments to the Official Plan and Zoning By-law within the Planning Area. The goals for the Fox Hollow Community Plan, which were adopted by Council in March 1999, are:

- To provide an appropriate mix of housing types and to allow for choice in housing;
- To provide the required community facilities (ie. parks, schools, passive recreational facilities, etc.) for future residents;
- To facilitate the efficient movement of vehicular traffic (including public transit) and pedestrian traffic (ie. trails and walkways) within the community; and,
- To ensure adequate access to and utilization of community-wide public facilities.

4.3.8.6. Special Policies

1761 Wonderland Road North

Notwithstanding policy 4.3.8.5, additional commercial development may be permitted on the lands located at 1761 Wonderland Road North. In addition to the uses permitted in the Neighbourhood Commercial Node designation, a Supermarket is also permitted. (OPA 546 (OMB Order # PL110251 – May 15, 2013.)

4.0 Key Issues and Considerations

4.1 Use

Provincial Policy Statement

The PPS 2020 states that “*Healthy, liveable and safe communities are sustained by... accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial),...and other uses to meet long-term needs*” (1.1.1.b). With regard to the requirement for the provision of a mix of residential types, it should be noted that Council has recently supported a requested amendment by the applicant for a land use change in the immediate area to accommodate two high-rise residential apartment buildings which are currently under construction and thereby facilitating a mix of uses in the area. And with regard to the requirement for a mix of affordable housing, it should be noted that while the applicant has proposed to provide 5% affordable housing units at 85% of average market rent for 10 years, the number of units and the duration have not been endorsed by the City’s Housing Development Corporation (HDC).

Additionally, the PPS requires planning authorities to “*...promote economic development and competitiveness by...providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs [and]... providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.*” (1.3.1.a) & 1.3.1b)). The existing land use designation promotes the mix of uses envisioned by the PPS while providing opportunities for a diversified economic base. Recognizing that the subject site was previously redesignated from Office to Commercial, the requested amendment to effectively facilitate a residential use erodes the employment opportunities that this site was intended to accommodate.

1989 Official Plan

In the general Commercial Node policies of the 1989 Official Plan, mixed-use developments are permitted. These policies recognize that older commercial nodes may have vacant land where additional uses, such as residential, may be integrated with retail functions to achieve a more mixed-use commercial environment. (4.3.3.) However, as previously noted, the proposal includes a substantial residential component, with only an accessory commercial use, which deviates from the planned commercial function intended by policy which the applicant sought to have applied to the site through a requested amendment in 2010.

More specifically, the subject lands are designated Neighbourhood Commercial Node in the 1989 Official Plan. While the Neighbourhood Commercial Node designation is primarily intended to provide for the daily or weekly convenience shopping and service needs of nearby residential and, to a lesser extent, passing motorists, (4.3.8.1) the policies contemplate Multi-family, High Density Residential uses through a zoning by-law amendment application, concurrent site plan application and consideration of design features which allow integration of the two uses. (4.3.8.3) The Multi-family, High Density Residential policies specify that net residential densities will normally be less than 150 units per hectare (60 units per acre) outside of Central London where bonus zoning is not being applied. (3.4.3) The applicant has requested a Specific Area Policy to permit a

maximum residential density of 220 units per hectare within the Neighbourhood Commercial Node.

Specific Area policies may be applied where the application of existing policies would not accurately reflect the intent of Council with respect to the future use of the lands. Under these circumstances, the adoption of Specific Area policies may be considered where the change in land use is site specific and is located in an area where Council wishes to maintain existing land use designations, while allowing for a site specific use. (10.1.1.ii) As previously mentioned, the designation of the subject site was changed by Council in 2010 from Office Area to Neighbourhood Commercial Node after several Staff recommendations were presented in support of the proposed commercial function of the site. Council's decision was subsequently upheld by the Ontario Municipal Board. As such, it is challenging to suggest that the commercial designation currently applied to the subject site "*would not accurately reflect the intent of Council*" to warrant consideration of a special area policy to permit the requested high-rise apartment building. It is therefore inconsistent with the intent of the Specific Area policies.

While the applicable commercial policies contemplate mixed-use development, they anticipate that the primary function will be the provision of commercial uses with the "integration" of residential. This is emphasized in the requirement for concurrent applications which consider "design features which allow for the integration of the two uses" (emphasis added). The proposal for a stand-alone apartment building with an accessory commercial use is not consistent with the planned function of a commercial node. The proposed development is more compatible within a Multi-family, High Density Residential designation, which is not applied to the subject site. Neighbourhood Commercial Node designations cannot simply be interpreted to be a proxy for a Multi-family, High Density Residential land use designation. They are distinct from the latter on the basis of their planned commercial function.

The London Plan

The Shopping Area Place Type policies permit a broad range of retail, service, office, entertainment, recreational, educational, institutional, and residential uses. Mixed-use buildings will be encouraged. (877_1 & 877_2) While recognizing that other place types also support varying amounts of retail, office and service, uses, the role of Shopping Areas within the City Structure is to evolve as the primary Place Type that will allow for commercial uses. (873)

In order to encourage the development of a mixed-use compact city, The London Plan envisions the implementation of a city structure plan that focuses high-intensity, mixed-use development to strategic locations - along rapid transit corridors and within the Primary Transit Area. (59_1) The Primary Transit Area ("PTA") will be the focus of residential intensification and transit investment within London. It includes the Transit Villages and the Rapid Transit Corridors. Intensification will be directed to appropriate place types and locations within the Primary Transit Area and will be developed to be sensitive to, and a good fit within, existing neighbourhoods. (90_*)

Similar to the policies of the 1989 Official Plan, The London Plan contemplates and encourages mixed-use development within the Shopping Area Place Type. However, the policies speak to the primacy of commercial uses with the supplemental inclusion of complementary non-commercial uses. Additionally, the City Structure Plan establishes a framework for where these types of high-rise apartment buildings are to be located, including the Primary Transit Area. Although the subject site abuts lands located within the Primary Transit Area, the site is not located within the area and the boundaries of the PTA cannot be interpreted otherwise.

The requested amendment for a high-rise residential apartment building is not consistent with the intent of the Shopping Area Place Type policies.

4.2 Intensity and Form

Provincial Policy Statement

The PPS states that *land use patterns within settlement areas are to provide for appropriate densities and opportunities for intensification and redevelopment (1.1.3.2)*. Also, the PPS 2020 requires municipalities to *identify appropriate locations and promote redevelopment, taking into account existing building stock (s.1.1.3.3), is supportive of development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4), and speaks to creating a system of nodes and corridors to direct intensification which are transit supportive (s. 1.8.1)*.

The City of London has identified appropriate locations and promoted opportunities for intensification and redevelopment through Official Plan policies that establish a hierarchy within the Urban Growth Boundary Furthermore, Council specifically identified areas where intensity will be directed which includes a system of nodes and corridors within the Primary Transit Area in the London Plan.

Within the City Structure Plan of the London Plan, the framework for growth and change over the planning horizon establishes a clear and strategic hierarchy for development intensity inside the Urban Growth Boundary. In reference to the identified areas above, it places a high level of importance on growing “inward and upward” (Policy 79_), while directing the “most intensive forms of development to the Downtown, Transit Villages and at station locations along the Rapid Transit Corridors (Policy 86_*) along with the objective that 75% of intensification will occur within the PTA.”

The subject site is located within the urban area (within Urban Growth Boundary and Built Area) but not within the Primary Transit Area (PTA). It is also Shopping Area Place Type in The London Plan which is not an area identified as an area for intensity. This type of development should be directed to an appropriate area as outlined above.

The PPS also discusses long-term economic prosperity and that it should be supported “by maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets” (1.7.1.d). The City’s system of nodes and corridors within the PTA looks to implement this. The subject site is not a mainstreet or Downtown and with the limited market for high density residential in London, applications that are approved outside of the appropriate areas makes it more difficult to enhance the vitality and viability of our Downtown and mainstreets.

1989 Official Plan

The 1989 Official Plan directs this type of high density residential development to *appropriate areas within and adjacent to the downtown, near the periphery of regional and commercial shopping areas and in selected locations along major arterial roads and specific transit nodes. (4.3.8.3)*

The proposed mixed-use development with a high residential density component is not appropriate within this Neighbourhood Commercial Node. It is not identified as an appropriate area of intensification as its intended for commercial with accessory residential.

Furthermore, within the Multi-Family, High Density Residential designation provides direction regarding the anticipated scale of high density development with residential densities varying by location and directed as such. *The net residential densities will normally be less than 350 units per hectare in the Downtown Area, 250 units per hectare in Central London and 150 units per hectare outside Central London (3.4.3)*.

In this context, the subject site is within the outside central London area with a maximum residential density of 150 units per hectare. The applicant has requested to add a specific area policy to permit 220 units per hectare which is beyond the maximum permitted by the HDR policies that the applicant is trying to avail of.

The proposed use as a mixed-use building is permitted in the Neighbourhood Commercial Node and as noted above, an increase in density may be increased by adding a site specific policy to the Neighbourhood Commercial Node. In this proposal the proposed density of 220 units per hectare is too intense as it is beyond the typical range of the high density residential intensity outside of the downtown and central London.

A further review of the 1989 Official Plan policies focus on small scale commercial for the subject site which do not contemplate a high rise residential. These policies speak to *strip plaza focus with a combination of small, free-standing uses or small uses in a plaza format but can be applied to a collection of small stores intended to serve the surrounding neighbourhood.* (4.3.8.4)

With the subject lands being located with the Neighbourhood Commercial Node at Wonderland/Fanshawe which currently contains several commercial plazas and stand alone commercial uses, it is clear that the intent of the subject lands is as such, to develop as commercial in a form to complete the rest of the node.

Based on the above policies along with criteria for mixed-use developments in the commercial land use designations, this development is not appropriate. The proposed density of the residential component within this proposed commercial development of 220 units per hectare is too intense and should be directed to the specific areas for intensification as outlined by Council.

The London Plan

The City Structure Plan provides a framework for London's growth and change over the next 20 years. It informs the other policies of the Plan by illustrating the desired future shape of our city within 5 frameworks including the growth framework. One of the elements of the growth framework includes the policies for the Urban Growth Boundary and intensification within this area. The London Plan places an emphasis on growing "inward and upward" to achieve a compact form of development. In accordance with the Key Directions for a mixed-use compact city, and subject to the Place Type, City Design, Our Tools and other relevant policies of this Plan, the *most intense forms of development will be directed to the Downtown, Transit Villages, and at station locations along the Rapid Transit Corridors, where they can be most effective in meeting multiple objectives of the Plan (Policy 86_*)*.

The London Plan controls how intense lands can develop through specific criteria and a height framework, however, it does not limit densities of development by Place Type. The subject lands are within the Shopping Area Place type not intended for this type of intensity. Buildings within the Shopping Area Place Type will not exceed four storeys in height. Type 2 Bonus Zoning beyond this limit, up to six storeys, may be permitted in conformity with the Our Tools policies of this Plan. The applicant has requested a site specific amendment to permit 17- storeys.

The London Plan also speaks to having a broad range of uses at a "moderate" intensity. (789_4) A 17 storey mixed-use development with high density residential with accessory commercial is not a moderate use and not at a moderate intensity.

When looking at form, the London Plan (876_5) talks about introducing mid-rise into existing plazas. The proposed development has no integration with commercial and is not a mid-rise.

Based on the policies mentioned above and a review of the Evaluation Criteria for Planning and Development Applications, the site is not conducive to this level of intensification. While some amount and form of residential accessory to commercial would be appropriate on the site to take advantage of existing services and facilities, to reduce our need to grow outward, and to support active transportation, the request for a 17 storey mixed use development would result in an allowable height that does not conform to the City Structure Plan and represents an inappropriate level of intensification within the Shopping Area Place Type. The intensity is not in keeping with

the key directions of the London Plan that relate to the strategic location of more intensive forms of development.

4.4 Zoning By-law

The Zoning By-law is a comprehensive document used to implement the policies of the Official Plan by regulating the use of land, the intensity of the permitted use, and the built form. This is achieved by applying various zones to all lands within the City of London which identify a list of permitted uses and regulations that frame the context within which development can occur. Collectively, the permitted uses and regulations assess the ability of a site to accommodate a development proposal. It is important to note that all three criteria of use, intensity, and form must be considered and deemed to be appropriate prior to the approval of any development proposal. For this application, the criteria has been reviewed and the proposal is not appropriate for the subject site.

Also, it is important to note staff's concern that an ad-hoc Zoning By-law amendment on the subject site would set precedent for the approval of increased intensity on other lands in commercial nodes. An amendment could establish a benchmark and create a level of expectation upon which other requests for amendments may be based, making it difficult to refuse an application with high intensity not in keeping with the intent of the Neighbourhood Shopping Area Zone and the locations Council has specifically identified where intensity will be directed.

Given the proposed density and height with high density residential as the main use and commercial accessory and that there is nothing unique about the subject site and the proposed redevelopment is not appropriate, and does not conform to the 1989 Official Plan and The London Plan policies.

5.0 Conclusion

The requested amendments are not consistent with the policies of the 2020 *Provincial Policy Statement* (PPS) which promotes economic development and competitiveness by providing for an appropriate mix and range of employment uses and which is facilitated by the existing land use designation;. The proposed development does not conform to the in force policies of the 1989 Official Plan, including but not limited to the application of specific policies areas intended for sites where existing policies do not accurately reflect the intent of Council with respect to the future use of the land, and does not conform to the in-force policies of The London Plan, including but not limited to the City Structure Plan policies of The London Plan to create a hierarchy of residential intensity with the most intensive forms of development directed to the Downtown, Transit Villages and at station locations along the Rapid Transit Corridors; proposed intensity and form, is not appropriate and is not good planning. Also, given its location outside the Primary Transit Area with the proposed intensity and form, is not appropriate and is not good planning.

The proposed density of the residential component within this proposed commercial development of 220 uph and 17-storeys is too intense and should be directed to the specific areas for intensification as outlined by Council. Recognizing that the subject site was previously redesignated from Office to Commercial, the requested amendment to effectively facilitate a residential use erodes the employment opportunities that this site was intended to accommodate. The proposal for a stand-alone apartment building with an accessory commercial use is not consistent with the planned function of a commercial node which deviates from the planned commercial function intended by policy.

The provision of 5% affordable housing units at 85% of average market rent for 10 years have not been endorsed by the City's Housing Development Corporation.

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

October 9, 2020

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

Y:\Shared\DEVELOPMENT SERVICES\11 - Current Planning\DEVELOPMENT APPS\2020 Applications 9165 to\9178OZ - 1761 Wonderland Road North (AR)\PEC Report\OZ9178 - 1761 Wonderland Road North_PEC-Report.docx

Appendix A – Public Engagement

Community Engagement

Public liaison: A Notice of Application was sent to property owners within a 120 metre radius of the subject site on March 4, 2020 and was published in *The Londoner* on March 5, 2020. One “Possible Land Use Change” sign was placed on the subject site, fronting onto Wonderland Road North. No replies from the public were received for this application.

Nature of Liaison:

Requested Amendment to the Current Official Plan

To add a Specific Area Policy to Chapter 10 (Policies for Specific Areas) to permit to permit a high-rise form within the Neighbourhood Commercial Node designation having a maximum residential density of 220 units/ha.

Requested Amendment to The London Plan (New Official Plan)

To add a Specific Area Policy in the Shopping Area Place Type to permit a building form having a maximum height of 17 storeys, exclusive of the mechanical penthouse.

Requested Zoning By-law Amendment

To change the zoning from a Holding Neighbourhood Shopping Area Special Provision (h-17/h-103/NSA5(5)) Zone to a holding Neighbourhood Shopping Area Special Provision Bonus (h-17/h-103/NSA5(5)/NSA3()*B()) Zone to permit a maximum density of 220 units per hectare, a maximum height of 63 metres, off street parking of 322 spaces, a maximum of 600m² of non-residential space within an apartment building, a maximum of 600m² of Gross Floor Area (GFA) for an individual permitted non-residential use, exclude this Zone variation from the compound zoning permissions of Section 3.9 1) of the Zoning By-law and add pharmacy as an additional permitted use. Council may also consider the application of a bonus zone to implement the above zoning amendment.

Responses: No comments received.

Agency/Departmental Comments

Engineering

The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned pre-application:

- TIA comments:
 - For background traffic include the full development of 545-549 Fanshawe Park Road
 - The recommendation for a left turn lanes is supported, however the conversion of the existing left turn lane to 595-615 Fanshawe Park Road will cause operational and safety concerns as this is a high volume commercial development. A side by side left turn lane will be required.
 - The TIA will need be updated or an addendum prepared to acknowledge the comments above.
- Sewers comments:
 - Based on City's record drawing # 21758, the subject lands are asking for a higher density than originally allocated.
 - It is noted there are constraints downstream in the sanitary system specifically within the sanitary sewer easement that extends to Fanshawe Park Road West. There was not sufficient detail or review of the sanitary system provided with this submission. The Applicant's Engineer can contact SED for more detail and what to include in their capacity report.
 - The Applicant's consultant engineer is to submit a capacity report. SED is agreeable that the subject lands being proposed for development can be design based on a per capita flow of 230 L/capita/day. However, there is no expectation that the entire drainage area plan and design sheet be

recreated and all other areas are to remain at the per capita criteria of the day being 295L/capita/day. Any review of the downstream system and accompanying area plan and design sheet should include the downstream sanitary system including the 300mm diameter sewer in the easement that connects to the sewer on Fanshawe Park Road West.

- Sewer Engineering' expectation is that holding provision remain in place until capacity can be addressed and demonstrated to satisfaction of the SED and the City Engineer.

Additionally, the following items are to be considered during the SPA stage:

Transportation:

- A road widening dedication of 24.0m from centre line will be required along Wonderland Road North
- The construction of a side by side left turn lane on Wonderland Road north will be required
- Detailed comments regarding access design and location as well as external works will be made through the site plan process

Water, Sewers and Stormwater:

- Additional Water, Sewers and Stormwater related comments will be provided upon future review of this site During Site Plan Approval process.

Heritage

Archaeological requirements can be considered satisfied for this application.

Upper Thames Conservation Authority

No Objection

Urban Design

- The applicant is commended for providing a building and site design that incorporates the following design features; a building that is located close to and along the majority of the Wonderland road street edge, the inclusion of active building uses along the street frontage, a four story podium, an appropriately sized floorplate for the tower, the incorporation of underground parking and surface parking at the rear of the site.
- Provide elevations for all four sides of the building and include proposed materials, further comments regarding the design of the building may follow upon receipt of the drawings. Ensure the refined design incorporates the following:
 - Podium design
 - Ensure the design of the podium incorporates high quality masonry materials in order to be in keeping with the surrounding neighbourhood while incorporating a high proportion of glazing on the commercial storefronts on the ground floor.
 - Ensure the design of the principle entrance to the tower located along the Wonderland Road frontage is designed as a prominent feature.
 - Ensure that the proposed commercial uses include their principle unit entrances along the Wonderland road frontage in order to provide for an active edge along the public realm.
 - Tower Design
 - Explore opportunities to provide for a greater step back from the podium along the Wonderland Road frontage;
 - Include a high level of glazing on the tower portion of the building;

- Ensure the top or “cap” of the building integrates the mechanical and elevator penthouses into an architectural feature for the building that will add visual interest to the skyline.

Urban Design Peer Review Panel

The Panel commends the applicant for providing a thoughtful solution to the site which addresses Wonderland Road through a podium design that accommodates street-facing commercial units and the main building entrance. The Panel also commends the applicant for a logical site circulation, accessibility and concealing the surface parking from the street.

Recognizing the desire to accommodate the surface and below grade parking as well as distance the tower from the nearby cell tower, the Panel questioned the positioning and treatment of the east-west wing and its relationship to the corner property to the south.

The following comments were provided:

- How does the position of the east-west wing impact future development of the corner site to the south? What would the experience be living in the south-facing units if the corner site were developed with a similar density? What is an appropriate tower separation for this condition? Does this necessitate allocating for of the density to the N-S wing?
- Have all opportunities been explored to flip the building including discussions with the City regarding the extent of the median to gain vehicular access along the south edge of the property? Alternatively, maintaining the site access along the north as proposed but having the east-west wing face the internal driveway with appropriate landscape buffering for the ground floor units?
- If remaining as proposed, how can the living experience be improved for those units? Consider further development of a landscaped mews connecting Wonderland Road through the site with ground entry units and a clear definition of public and private space.

The Panel recommended the following site considerations:

- Consider reducing the surface parking in favour of more amenity space.
- Consider access and vehicular movement to parking spaces in the southwest corner of the site.
- Consider an area for bicycle parking along Wonderland Road.

Appendix B – Policy Context

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

Provincial Policy Statement, 2020

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 b, e, f, h, i

1.1.3 Settlement Areas

1.1.3.1, 1.1.3.2, 1.1.3.3, 1.1.3.4, 1.1.3.6

1.4 Housing

1.4.1, 1.4.3

1.6.7 Transportation Systems

1.6.7.4

1.8 Energy Conservation, Air Quality and Climate Change

1.8.1

2.0 Wise Use and Management of Resources

2.1

3.0 Protecting Public Health and Safety

3.1, 3.1.1, 3.1.7

1989 Official Plan

3.4.3 High Density Residential

4.3 General Objectives of all Commercial Nodes

4.3.3 Mixed Use Development

4.3.8 Neighbourhood Commercial Node

4.3.8.1 Function

4.3.8.3 Permitted Uses

4.3.8.4 Form

4.3.10 Applications to Add, Expand or Upgrade Commercial Nodes

The London Plan

Key Directions – 55 to 62

City Structure Plan (Intensification, Primary Transit Area) – 79 to 92

Our City (Urban Regeneration) – 152, 154, 161

City Design (Streetscapes) – 221 to 241

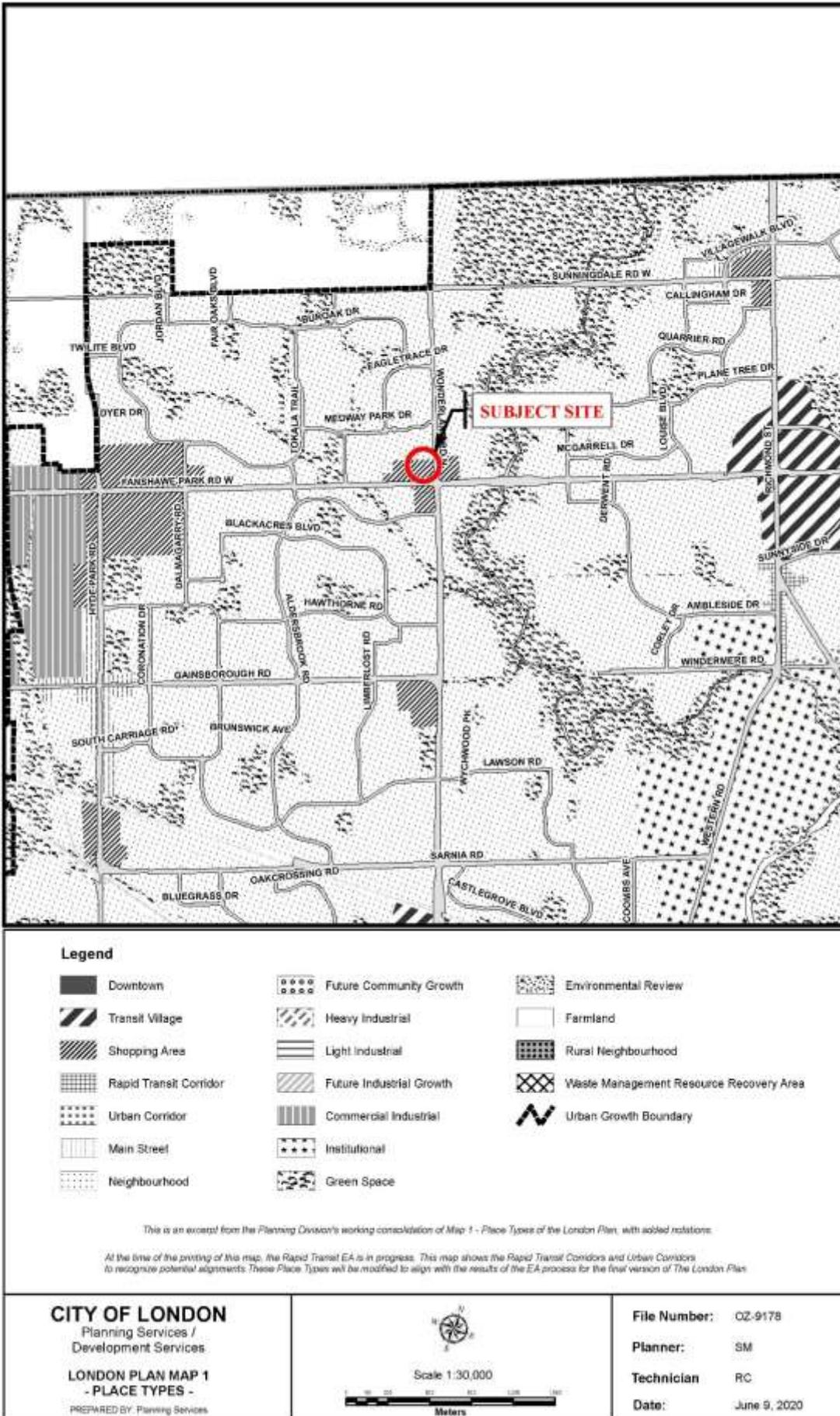
City Design (Site Layout) – 252 to 269

Urban Place Types (Shopping Area) – 916 to 936

Our Tools (Specific Area Policies) – policies 1729 to 1734

Appendix C – Additional Maps

London Plan Designation



Project Location: E:\Planning\Projects\p_official\plan\work\consol\00\excerpts_LondonPlan\mxd\OZ-9178-Map1-PlaceTypes.mxd

Existing Zoning



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: LI1**

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

ZONING BY-LAW NO. Z-1 SCHEDULE A



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

FILE NO:
OZ-9178 SM

MAP PREPARED:
2020/06/09 RC

1:2,500
0 12.5 25 50 75 100 Meters

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: JNF Group Inc.
355 Marconi Boulevard
Draft Plan of Subdivision and Zoning By-law Amendment
Public Participation Meeting on: October 19, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of JNF Group Inc. relating to the property located at 355 Marconi Boulevard:

- (a) the proposed by-law attached hereto as Appendix 'A' **BE INTRODUCED** at the Municipal Council meeting to be held on October 27, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Restricted Service Commercial RSC1/RSC3/RSC5 Zone **TO** a Holding Residential R1 (h•R1-1) Zone and a Holding Residential R1 Special Provision (h•R1-1()) Zone;
- (b) the Approval Authority **BE ADVISED** of the issues, if any, raised at the public meeting with respect to the application for Draft Plan of Subdivision submitted by JNF Group Inc. relating to the lands located at 355 Marconi Boulevard; and,
- (c) the Approval Authority **BE ADVISED** that Municipal Council supports issuing draft approval of the proposed plan of subdivision as submitted by JNF Group Inc., prepared by Archibald, Gray & McKay Ltd. (AGM) (Plan No. 8-L-5546, dated July 24, 2020), as red line revised which shows thirty (30) single detached residential dwelling lots and one (1) new street, **SUBJECT TO** the conditions contained in the attached Appendix "B".

Executive Summary

Summary of Request

The request is to amend the zoning by-law and approve a draft plan of subdivision consisting of 30 single detached dwelling lots fronting on a neighbourhood street.

Purpose and the Effect of Recommended Action

The purpose and effect is to recommend that the Approval Authority for the City of London issue draft approval of the proposed plan of subdivision, subject to conditions and red line revisions; and Municipal Council approve the recommended Zoning By-law amendment.

Rationale of Recommended Action

1. The proposed draft plan of subdivision and zoning amendment is consistent with the *Provincial Policy Statement (PPS), 2020*, as it achieves objectives for efficient and resilient development and land use patterns. It represents a small infill development of single detached dwelling lots of modest size taking place within the City's urban growth area, and within an established suburban

neighbourhood. It also achieves objectives for promoting compact form, contributes to the neighbourhood mix of housing and densities that allows for the efficient use of land, infrastructure and public service facilities, supports the use of public transit, and avoids land use and development patterns which may cause environmental or public health and safety concerns.

2. The proposed draft plan and zoning conforms to the in-force policies of The London Plan, including but not limited to the Neighbourhoods Place Type, Our Strategy, City Building and Design, Our Tools, and all other applicable London Plan policies.
3. The proposed draft plan and zoning conforms to the policies of the (1989) Official Plan, including but not limited to the Multi-Family, Medium Density Residential designation.
4. The recommended zoning is considered appropriate and compatible with the form and character of existing residential development in the surrounding neighbourhood.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site consists of flat, vacant land that was previously a former outdoor soccer field and portion of a parking lot associated with The Marconi Club of London.

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

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Multi-family, Medium Density Residential
- Zoning - Restricted Service Commercial RSC1/RSC3/RSC5

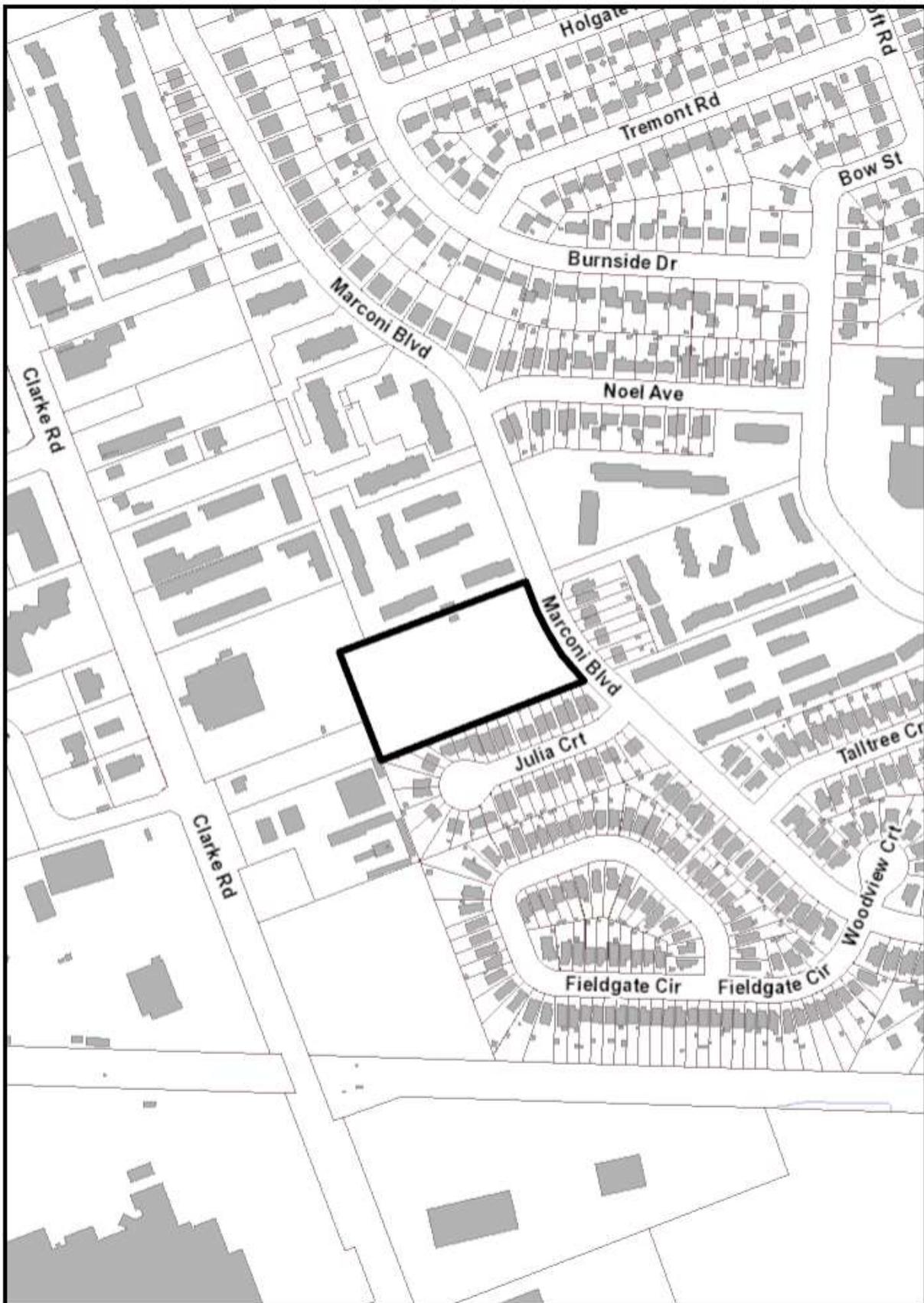
1.3 Site Characteristics

- Current Land Use – former soccer field associated with a private club
- Frontage – approx. 92 metres
- Depth – approx. 160 metres
- Area – 1.47 hectares
- Shape – regular

1.4 Surrounding Land Uses

- North – townhouses
- East – single detached, semi-detached, townhouses, and low-rise apartments
- South – semi-detached dwellings
- West – private club and commercial

1.5 Location Map



Location Map		Legend	
Project Title:	39T-20501 / Z-9210		Subject Site
Description:	355 Marconi Boulevard		Parks
Created By:	Larry Mottram		Assessment Parcels
Date:	9/25/2020		Buildings
Scale:	1:4000		Address Numbers

Corporation of the City of London



2.0 Description of Proposal

2.1 Development Proposal

A proposed plan of subdivision consisting of 30 single detached dwelling lots fronting on a local street with connections to existing municipal services on Marconi Boulevard.

2.2 Proposed Draft Plan of Subdivision



3.0 Revelant Background

3.1 Planning History

On February 26, 2020, the City of London Consent Authority granted provisional consent approval to the Marconi Club of London to sever approximately 1.47 hectares for the purpose of future residential uses and to retain approximately 1.6 hectares for the purposes of existing assembly hall uses (File No. B.035/19). The granting of consent was subject to a number of conditions, including a condition that prior to issuance of certificate of consent, the Owner shall ensure that the severed and retained lands comply with the regulations of the Z.-1 Zoning By-law, inclusive of obtaining the necessary *Planning Act* approvals to permit the proposed use on the severed lands.

3.2 Requested Amendment

The original application request was to consider a proposed draft plan of subdivision and zoning amendment to allow 32 single detached lots served by one (1) local street, and to consider an amendment to change the zoning from a Restricted Service Commercial RSC1/RSC3/RSC5 Zone to a Residential R2 Special Provision (R2-1()) Zone to permit single detached, semi-detached, duplex, and converted dwellings (maximum 2 units); together with a special provision to permit an exterior side yard of 4.5 metres for Lots 1 and 32 flanking Marconi Boulevard, whereas 6.0 metres is required.

A revised request was received to consider a proposed draft plan of subdivision and zoning amendment to allow 30 single detached lots served by one (1) local street, and to consider an amendment to change the zoning from a Restricted Service Commercial RSC1/RSC3/RSC5 Zone to a Residential R1 Special Provision (R1-1()) Zone to permit single detached dwellings; together with a special provision to permit an exterior side yard of 4.5 metres for Lot 1 flanking Marconi Boulevard, whereas 6.0 metres is required.

3.3 Community Engagement (see more detail in Appendix C)

Comments/concerns received from the community are summarized as follows:

- There were no comments or concerns received from the community. There was one telephone inquiry received with the caller requesting further information about the nature of the proposal.

3.4 Policy Context (see more detail in Appendix D)

Provincial Policy Statement, 2020

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

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

The PPS contains polices regarding the importance of promoting efficient development and land use patterns, ensuring effective use of infrastructure and public service facilities, and providing for an appropriate range and mix of housing options and densities required to meet projected market-based and affordable housing needs of current and future residents (Sections 1.1 and 1.4). To meet housing requirements of current and future residents, the housing policies also provide direction to Planning Authorities to permit and facilitate all types of residential intensification, including additional residential units, and redevelopment; and directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs (Sections 1.4.3 (b) (2) and 1.4.3(c)). The polices for Public Spaces, Recreation, Parks, Trails and Open Space promote healthy and active communities by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity (Section 1.5.1(a)). The development application has been reviewed for consistency with the Provincial Policy Statement.

The London Plan

With respect to The London Plan, which has been adopted by Council but is not yet fully in force and effect pending appeals, the subject lands are within the “Neighbourhoods” Place Type permitting a range of uses such as single detached, semi-detached, and duplex dwellings, and townhouses, as the main uses. The application has been reviewed with the applicable policies of the Our Strategy, City Building and Design, Neighbourhoods Place Type, and Our Tools sections. An excerpt from The London Plan Map 1 – Place Types* is found at Appendix ‘E’.

(1989) Official Plan

These lands are designated Multi-family, Medium Density Residential on Schedule ‘A’ of the 1989 Official Plan. The Multi-family, Medium Density Residential designation permits multiple attached dwellings, such as row houses or cluster houses; low rise apartment buildings; and small-scale nursing homes, rest homes, and homes for the aged. These areas may also be developed for single detached, semi-detached and duplex dwellings. This application has been reviewed with the applicable policies of the (1989) Official Plan. An excerpt from Land Use Schedule ‘A’ is found at Appendix E.

Z.-1 Zoning By-law

Currently the zoning is Restricted Service Commercial RSC1/RSC3/RSC5 which permits a range of auto-oriented, retail and service commercial uses, and trade service uses. Previously these lands were used in conjunction with a private club which is listed as a permitted use in the current zoning. The application request is to amend the zoning to a Residential R1 Special Provision (R1-1()) Zone to permit single detached dwellings with a minimum lot frontage of 9.0 metres and minimum lot area of 250 square metres. The appropriateness of the proposed zone change, permitted uses and regulations have been reviewed against the regulatory requirements of Zoning By-law Z.-1. An excerpt from the Z.-1 Zoning by-law Schedule A is found at Appendix E.

4.0 Key Issues and Considerations

4.1 Use

The recommended zoning will permit single detached dwellings compatible with existing residential uses to the north, south and east, and the existing private club to the west. The adjacent neighbourhood is composed of a mix of housing types and tenures, including single detached and semi-detached homes, townhouse dwellings, low-rise apartment buildings, as well as condominium, community non-profit, and co-operative housing developments. The proposed subdivision draft plan comprised of 30 single detached dwellings on freehold lots will contribute to the variety of housing choice and accommodation. The proposed residential use is considered appropriate and in keeping with the uses and character of the neighbourhood, is consistent with the Provincial Policy Statement, and conforms with the in-force policies of The London Plan and the (1989) Official Plan.

4.2 Intensity

Based on the number of lots and net area, not including the street, the subdivision plan yields a net residential density of approximately 26 units per hectare. The proposed lots are on average 9.0 to 10 metre frontages and average lot size is approximately 340 square metres. This density and lot yield would be typical of lots fronting a neighbourhood street in a small lot subdivision. Building heights on adjacent lands consist of 2-storey townhouses immediately to the north, and 1 and 2-storey single and semi-detached homes to the south and east. The proposed single detached dwellings could be either 1 or 2 storey homes based on the permitted height regulation in the zoning by-law (9.0 metres max.). Overall, the proposed development is considered appropriate and compatible in terms of scale and intensity to adjacent residential development.

4.3 Form

The subdivision form and layout fits well within the context and character of the existing neighbourhood. The proposed subdivision maintains compatibility and minimizes impacts on adjacent properties by providing for a residential rear yard interface with the townhouse complex to the north and semi-detached homes on Julia Court to the south. The lot pattern demonstrates a strong north-south building orientation thereby increasing exposure to passive solar energy. The street provides direct access to Marconi Boulevard the main collector road serving this neighbourhood. It is also within a short walking distance to bus stops on a scheduled public transit route.

Sidewalks and street lighting will also be required in conjunction with engineering drawings to the specifications and satisfaction of the City. The City's design standards require a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 20 metres which will be sufficient space for sidewalks, utilities and services, and street tree planting. Street tree planting in boulevards is a standard condition of the subdivision agreement.

During the Initial Proposal Review (IPR) process, staff requested the proponent to explore the possibility of rotating the three lots on either side of Street A to be oriented to Marconi Boulevard as this is the higher order street and would mirror street-facing houses on the east side of Marconi Boulevard. Alternatively, if it was not possible to re-orient the lots, then it was agreed that a condition be placed on Lots 1 and 30 requiring the Owner to register on title a requirement that the homes be designed and constructed to have a similar level of architectural detail on the front and exterior side elevations (materials, windows (size and amount) and design features, such as but not limited to porches, wrap-around materials and features, or other architectural elements that provide for a street oriented design); and limited chain link or decorative fencing along no more than 50% of the exterior side-yard abutting the exterior side-yard frontage. This will be implemented through a condition of draft approval and through the Subdivision Agreement.

It was stated in the applicant's Planning Justification Report that due to the size and configuration of the subject lands, a cul-de-sac is the only available public street configuration for the proposed freehold subdivision lots. Staff also considered this site too small and constrained to provide for an alternative street configuration. The streetscape will consist of single detached homes which could be one storey or two storey homes as noted above. The proposed dwellings are expected to be similar in character and features as the residential neighbourhood to the south (Julia Court), and contain dwellings of a similar height and massing as the surrounding neighbourhood.

4.4 Recommended Red-line Revisions

Development Services staff recommend simply that 0.3 metres (1 foot) reserves be applied along the lots (Lots 1 and 30) flanking Marconi Boulevard in order to restrict the creation of vehicular driveway access, and that the following note be added to the face of the draft plan to ensure that the City's road and intersection design standards are maintained: "Revise right-of-way widths, tapers, bends, intersection layout, daylighting triangles, etc., and include any associated adjustment to the abutting lots, if necessary."

5.0 Conclusion

The recommended draft plan of subdivision and zoning amendments are appropriate and consistent with the Provincial Policy Statement, and conform to The London Plan and the (1989) Official Plan. The proposed draft plan and zoning is also found to be compatible with the form, lot pattern and character of existing development in the surrounding neighbourhood.

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

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

October 9, 2020
GK/PY/LM/lm

Y:\Shared\ADMIN\1- PEC Reports\2020 PEC Reports\18 - Oct 19\355 Marconi Blvd - 39T-20501 Z-9210 - LM.docx

Appendix A

Appendix "A"

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

By-law No. Z.-1-20_____

A bylaw to amend By-law No. Z.-1 to
rezone lands located at 355 Marconi
Boulevard.

WHEREAS JNF Group Inc. has applied to rezone lands located at 355
Marconi Boulevard, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to
lands located at 355 Marconi Boulevard, as shown on the attached map, FROM a
Restricted Service Commercial RSC1/RSC3/RSC5 Zone TO a Holding Residential
R1 (h•R1-1) Zone and a Holding Residential R1 Special Provision (h•R1-1()) Zone.
- 2) Section Number 5.4 of the Residential R1 Zone is amended by adding the following
special provisions:

R1-1()

a) Regulations:

i) Exterior Side Yard 4.5 metres
Depth (Minimum)

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 October 27, 2020

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 27, 2020
Second Reading – October 27, 2020
Third Reading – October 27, 2020

Appendix B

APPENDIX 39T-20501

(Conditions to be included for draft plan approval)

THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-20501 ARE AS FOLLOWS:

- | NO. | CONDITIONS |
|------------|--|
| 1. | This draft approval applies to the draft plan submitted by JNF Group Inc., prepared by Archibald, Gray & McKay Ltd., certified by Jason Wilband O.L.S., File No. 39T-20501, drawing no. 8-L-5546, as red-line amended , which shows a total of 30 single detached dwelling lots, served by one (1) local street. |
| 2. | This approval of the draft plan applies for three years, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority. |
| 3. | The Owner shall enter into a subdivision agreement with the City, in the City's current approved form (a copy of which can be obtained from Development Services), which includes all works and services required for this plan, and this agreement shall be registered against the lands to which it applies. |
| 4. | The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan and all required engineering drawings, to the satisfaction of the City. Any deviations from the City's standards, guidelines or requirements shall be satisfactory to the City. |
| 5. | In conjunction with the first submission of engineering drawings, street(s) shall be named and the municipal addressing shall be assigned to the satisfaction of the City. |
| 6. | Prior to final approval, the Owner shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program. |
| 7. | Prior to final approval, the Owner shall pay in full all financial obligations/encumbrances owing to the City on the said lands, including property taxes and local improvement charges. |
| 8. | Prior to final approval, the Owner shall provide copies of all transfer documentation for all land transfers/dedications and easements being conveyed to the City, for the City's review and approval. |
| 9. | Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, final plans, and any required studies, reports, data, information or detailed engineering drawings, and to advise the Approval Authority in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City. |

Planning

10. Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.
11. In conjunction with the first submission engineering drawings, the Owner shall submit a lotting plan which complies with all City standards and zoning regulations all to the satisfaction of the City.
12. In conjunction with the first submission of engineering drawings, the Owner shall submit an on-street parking plan to the satisfaction of the City. The approved parking plan will form part of the subdivision agreement for the registered plan.
13. The Owner shall register on title for Lots 1 and 30, and include in all Purchase and Sale Agreements for Lots 1 and 30, a requirement that the homes to be designed and constructed are to have a similar level of architectural detail on the front and exterior side elevations (materials, windows (size and amount) and design features, such as but not limited to porches, wrap-around materials and features, or other architectural elements that provide for a street oriented design) and limited chain link or decorative fencing along no more than 50% of the exterior side-yard abutting the exterior side-yard frontage.

Parkland Dedication

14. The Owner shall provide a cash-in-lieu payment in accordance with the provisions of Parkland Dedication By-law CP-9.

Engineering

Sanitary:

15. In conjunction with the first submission of engineering drawings, the Owner shall have his consulting engineer prepare and submit a Sanitary Servicing Study to include the following design information, to the satisfaction of the City Engineer:
 - i) Provide a sanitary drainage area plan, including the sanitary sewer routing and the external areas to be serviced and include all contributing flows and include a design sheet and area plan that will consolidate all the tributary areas and area plans and include actual populations and flow including these proposed lands that are tributary to the existing 200mm diameter sanitary sewer on Marconi Boulevard flowing north to at minimum the 300mm diameter sanitary sewer on Marconi;
 - ii) Provide clarification that the proposed zoning amendments and the respective changes in population, drainage area and the outlet(s) is compatible with accepted record drawings and drainage area plans. Any external areas that are tributary are to be accommodated and routing and sewer extensions are to be shown such that they could connect to their respective outlet locations. Any upgrades, if required, are to be at no cost to the City; and,
 - iii) Provide a hydrogeological report that includes an analysis to establish the water table level of lands within the subdivision with respect to the depth of the sanitary sewers and recommend additional measures, if any, which need to be undertaken to meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407.
16. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of sanitary services for this draft plan of subdivision:
 - i) Construct sanitary sewers to serve this Plan and connect proposed sanitary servicing to serve this Plan to the existing municipal sewer system, namely, the 200 mm diameter sanitary sewer located on Marconi Boulevard;

- ii) Oversizing of the internal sanitary sewers in this draft plan to accommodate flows from the upstream lands external to this plan, if necessary, all to the satisfaction of the City; and,
- iii) Where trunk sewers are greater than eight (8) metres in depth and are located within the municipal roadway, the Owner shall construct a local sanitary sewer to provide servicing outlets for private drain connections, to the satisfaction of the City Engineer. The local sanitary sewer will be at the sole cost of the Owner.
- iv) Construct a maintenance access road and provide a standard municipal easement for any section of the sewer not located within the road allowance, to the satisfaction of the City;

Storm and Stormwater Management (SWM)

17. In conjunction with the first submission of engineering drawings, the Owner shall have their consulting engineer prepare and submit a Storm/Drainage and a SWM Servicing Report of Confirmation to address the following:
- i) Identifying the storm/drainage and SWM servicing works for the subject and external lands and how the interim drainage from external lands will be managed, all to the satisfaction of the City;
 - ii) Identifying major and minor storm flow routes for the subject and external lands, to the satisfaction of the City;
 - iii) Make provisions to oversize and deepen the internal storm sewers in this plan, if necessary, to accommodate flows from upstream lands external to this plan;
 - iv) Ensure that all existing upstream external flows traversing this plan of subdivision are accommodated within the overall minor and major storm conveyance servicing system(s) design, all to the specifications and satisfaction of the City Engineer;
 - v) developing a sediment and erosion control plan(s) that will identify all required sediment and erosion control measures for the subject lands in accordance with City of London and The Ministry of the Environment, Conservation and Parks (MECP) standards and requirements, all to the specification and satisfaction of the City Engineer. The sediment and erosion control plan(s) shall identify all interim and long term measures that would be required for both registration and construction phasing/staging of the development and any major revisions to these plans after the initial acceptance shall be reviewed/accepted by the City of London for conformance to our standards, Ministry of the Environment, Conservation and Parks requirements and most recent industry standards and guidelines. Prior to any work on the site, the Owner's professional engineer shall submit these measures as a component of the Functional Storm/Drainage Servicing Report and is to have these measures established and approved all to the satisfaction of the City Engineer Further, the Owner's Professional Engineer must confirm that the required erosion and sediment control measures were monitored, maintained and operating as intended during all phase of construction.
 - vi) implement SWM soft measure Best Management Practices (BMP's) within the Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City Engineer; and,
 - vii) ensure the post-development discharge flow from this plan must not exceed the 0.30 AxC capacity of the stormwater conveyance system allocated for this site at the 600mm diameter municipal storm sewer outlet on Marconi Boulevard. In an event, where the above condition cannot be met, the Owner agrees to provide SWM controls that comply to the accepted Design Requirement and any other suitable SWM soft measure Best Management Practices (BMP's) alternatives.

18. The above-noted Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation, prepared by the Owner's consulting professional engineer, shall be in accordance with the recommendations and requirements of the following:
 - i) The Pottersburg Creek Sub-watershed study, (Tributary and Catchment Area Factsheet 8) with emphasis on the required infiltration target of 25 mm. This may include a 3rd pipe exfiltration system with sufficient storage volume to infiltrate the 25mm.
 - ii) The approved Storm/Drainage and SWM Servicing functional Report for the subject lands;
 - iii) The Stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process;
 - iv) The City Design Requirements for Stormwater Management as included in the most recent (August 2020) City of London Design Specifications & Requirements Manual.
 - v) The City's Waste Discharge and Drainage By-Laws, lot grading standards, policies, requirements and practices;
 - vi) The Ministry of the Environment SWM Practices Planning and Design (2003); and
 - vii) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.

19. In accordance with City standards, the Owner shall complete the following for the provision of stormwater management (SWM) and stormwater services for this draft plan of subdivision:
 - i) Construct storm sewers to serve this plan, located within the Pottersburg Creek Subwatershed, and connect storm servicing to serve this Plan to the existing municipal storm sewer system, namely, the 600 mm diameter storm sewer located on Marconi Boulevard;

20. In conjunction with the first submission of engineering drawings, the Owner shall have a report prepared by a qualified consultant, and if necessary, a detailed hydro geological investigation carried out by a qualified consultant, which will be prepared in accordance with the guidance of the most recent City of London Design Specifications & Requirements Manual, to determine, including but not limited to, the following:
 - i) the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area
 - ii) identify any abandoned wells in this plan
 - iii) assess the impact on water balance in the plan. The water balance should reflect the incorporation of any mitigation measures, including Low Impact Development solutions (LIDs), as necessary. Details related to proposed LID solutions, if applicable, should include information related to the long term operations of the LID systems as it relates to seasonal fluctuations of the groundwater table. If necessary, the report is to also address any contamination impacts that may be anticipated or experienced as a result of the said construction as well as provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.
 - iv) any fill required in the plan
 - v) provide recommendations for foundation design should high groundwater be encountered
 - vi) identify all required mitigation measures including Low Impact Development (LIDs) solutions
 - vii) address any contamination impacts that may be anticipated or experienced as a result of the said construction

- viii) provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.
 - ix) to meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407, include an analysis to establish the water table level of lands within the subdivision with respect to the depth of the sanitary sewers and recommend additional measures, if any, which need to be undertaken
 - x) include assessment of specific aquifer properties, static groundwater levels, groundwater quality characteristics and groundwater flow direction. Seasonality effects should be considered when evaluating the hydrogeological regime of the site, all to the satisfaction of the City.
21. In conjunction with the first submission of engineering drawings, the Owner shall provide further evaluation, which may include but may not necessarily be limited to the following:
- i) Details and discussions regarding LID considerations proposed for the development, including the results of any site specific infiltration testing.
 - ii) Discussions related to the water taking requirements to facilitate construction (i.e. Will a Permit to Take Water (PTTW) or Environmental Activity and Sector Registry (EASR) be required?), including estimated pumping rates, sediment and erosion control measures and dewatering discharge locations.
 - iii) Discussion regarding mitigation measures associated with construction activities specific to the development (e.g., specific construction activities related to dewatering).
 - iv) Development of appropriate short-term and long-term monitoring plans (if applicable).
 - v) Development of appropriate contingency plans (if applicable), in the event of groundwater interference related to construction.
22. The subdivision to which this draft approval relates shall be designed such that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of, or any approval given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.

Watermains

23. In conjunction with the first submission of engineering drawings the Owner shall have their consulting engineer prepare and submit a Water Servicing Report including the following design information, all to the satisfaction of the City Engineer:
- i) Water distribution system analysis & modeling and hydraulic calculations for the Plan of Subdivision confirming system design requirements are being met;
 - ii) Identify domestic and fire flows for the future development Blocks from the low-level (high-level) water distribution system;
 - iii) Address water quality and identify measures to maintain water quality from zero build-out through full build-out of the subdivision;
 - iv) Include modeling for two fire flow scenarios as follows:
 - i) Max Day + Fire confirming velocities and pressures within the system at the design fire flows, and
 - ii) Max Day + Fire confirming the available fire flows at fire hydrants at 20 PSI residual. Identify fire flows available from each proposed

- hydrant to be constructed and determine the appropriate colour hydrant markers (identifying hydrant rated capacity);
- v) Include a staging and phasing report as applicable which addresses the requirement to maintain interim water quality;
 - vi) Identify any water servicing requirements necessary to provide water servicing to external lands, incorporating existing area plans as applicable;
 - vii) Identify any need for the construction of or improvement to external works necessary to provide water servicing to this Plan of Subdivision;
 - viii) Identify any required watermain oversizing and any cost sharing agreements;
 - ix) Identify the effect of development on existing water infrastructure and identify potential conflicts;
 - x) Include full-sized water distribution and area plan(s) which includes identifying the location of valves & hydrants, the type and location of water quality measures to be implemented (including automatic flushing device settings and outlet), the fire hydrant rated capacity & marker colour, and the design domestic and fire flow applied to development Blocks.
24. In accordance with City standards, or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water service to this draft Plan of Subdivision:
- i. Construct watermains to serve this Plan and connect them to the existing municipal system, namely the existing 250mm diameter watermain on Marconi Blvd. The existing 150mm CI stub located near the north east corner of the property shall be cut and capped at the main.
 - ii. Available fire flows and appropriate hydrant rated capacity colour code markers are to be shown on the engineering drawings; the coloured fire hydrant markers will be installed by the City of London at the time of Conditional Approval;

Roadworks

25. All through intersections and connections with existing streets and internal to this subdivision shall align with the opposing streets based on the centrelines of the street aligning perpendicular through their intersections and opposite each other thereby having these streets centred with each other, unless otherwise approved by the City Engineer.
26. In conjunction with the first submission of engineering drawings, the Owner shall have its consulting engineer provide the following, all to the specifications and satisfaction of the City Engineer:
- i) provide a proposed layout plan of the internal road network including taper details for streets in this plan that change right-of-way widths with minimum 30 metre tapers for review and acceptance with respect to road geometries, including but not limited to, right-of-way widths, tapers, bends, intersection layout, daylighting triangles, 6m straight tangents, etc., and include any associated adjustments to the abutting lots. The roads shall be equally tapered and aligned based on the road centrelines and it should be noted tapers are not to be within intersections;
 - ii) confirm that all streets in the subdivision have centreline radii which conforms to the City of London Standard "Minimum Centreline Radii of Curvature of Roads in Subdivisions";
 - iii) ensure that at 'tee' intersections the projected road centreline of the intersecting street intersects the through street at 90 degrees with a

minimum 6 metre tangent being required along the street lines of the intersecting road;

- iv) provide a minimum of 5.5 metres along the curb line between the projected property lines of irregular shaped lots around the bends and/or around the cul-de-sacs on streets in this plan of subdivision;
 - v) ensure street light poles and luminaires, along the street being extended, match the style of street light already existing or approved along the developed portion of the street, to the satisfaction of the City of London;
 - vi) ensure any emergency access required is satisfactory to the City Engineer with respect to all technical aspects, including adequacy of sight lines, provisions of channelization, adequacy of road geometries and structural design, etc.; and,
 - vii) establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City Engineer for any construction activity that will occur on an assumed street.
27. The Owner shall construct a cul-de-sac on Street 'A' in accordance with City of London Standard DWG. SR-5.0 (or variation thereof as shown on the draft plan and as approved by the City Engineer.) The Owner shall provide a raised circular centre island within the cul-de-sac(s) or as otherwise directed by the City Engineer.
28. In conjunction with the first submission of engineering drawings, the Owner shall align Street 'A' perpendicular to Marconi Boulevard, to the satisfaction of the City Engineer.
29. The Owner shall implement barrier curb through this plan of subdivision as per the Design Specifications and requirements Manual (DSRM), to the satisfaction of the City Engineer
30. The Owner shall have it's professional engineer design and construct the roadworks in accordance with the following road widths:
- i) Street 'A' has a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 20 metres.

Sidewalks

31. In conjunction with the first submission of engineering drawings, the Owner shall design a 1.5 metre sidewalk on both sides of Street 'A' in this Plan.

Street Lights

32. In conjunction with the first submission of engineering drawings, the Owner shall identify street lighting on all streets and walkways in this plan to the specifications and satisfaction of the City, at no cost to the City.

Boundary Road Works

33. In conjunction with the first submission of engineering drawings, the Owner shall identify minor boulevard improvements on Marconi Boulevard adjacent to this Plan, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.

34. The Owner shall reconstruct or relocate any surface or subsurface works or vegetation necessary to connect Street 'A' to Marconi Boulevard, to the satisfaction of the City and at no cost to the City.

Road Widening

35. The Owner shall provide a right of way dedication along Clarke Road measured 18.0 m from the centre line of the street to the satisfaction of the City Engineer

Vehicular Access

36. The Owner shall ensure that no vehicular access will be permitted to Lots 1 and 30 from Marconi Boulevard. All vehicular access is to be via the internal subdivision street.
37. The Owner shall restrict access to Marconi Boulevard by establishing blocks for 0.3 metre reserves along the frontage of Marconi Boulevard on Lots 1 and 30, to the satisfaction of the City.

Construction Access/Temporary/Second Access Roads

38. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Marconi Boulevard or other routes as designated by the City.
39. In conjunction with the first submission of engineering drawings, the Owner shall submit a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City Engineer for any construction activity that will occur on existing arterial roadways needed to provide services for this plan of subdivision. The TMP is a construction scheduling tool intended to harmonize a construction project's physical requirements with the operational requirements of the City of London, the transportation needs of road users and access concerns of area property owners. The owner's contractor(s) shall undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted and become a requirement of the subdivision servicing drawings process for this plan of subdivision

General

40. Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of services or grading situated on private lands outside this plan, and shall provide satisfactory easements over these works, as necessary, all to the specifications and satisfaction of the City, at no cost to the City.
41. Once construction of any private services, i.e.: water storm or sanitary, to service the lots and blocks in this plan is completed and any proposed re-lotting of the plan is undertaken, the Owner shall reconstruct all previously installed services in standard location, in accordance with the approved final lotting and approved revised servicing drawings all to the specification of the City Engineer and at no cost to the City.
42. The Owner shall connect to all existing services and extend all services to the limits of the draft plan of subdivision as per the accepted engineering drawings, at no cost to the City, all to the specifications and satisfaction of the City Engineer.
43. The Owner's professional engineer shall provide full time inspection services during construction for all work to be assumed by the City, and shall supply the

City with a Certification of Completion of Works upon completion, in accordance with the plans accepted by the City Engineer.

44. Prior to the construction of works on existing City streets and/or unassumed subdivisions, the Owner shall have its professional engineer notify new and existing property owners in writing regarding the sewer and/or road works proposed to be constructed on existing City streets in conjunction with this subdivision along with any remedial works prior to assumption, all in accordance with Council policy for "Guidelines for Notification to Public for Major Construction Projects".
45. The Owner shall not commence construction or installations of any services (e.g. clearing or servicing of land) involved with this Plan prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing (e.g. Ministry of the Environment, Conservation and Parks Certificates, City/Ministry/Government permits: Permit of Approved Works, water connection, water-taking, crown land, navigable waterways, approvals: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of the Environment, Conservation and Parks, City, etc.)
46. In conjunction with the first submission of engineering drawings, in the event the Owner wishes to phase this plan of subdivision, the Owner shall submit a phasing plan identifying all required temporary measures, and identify land and/or easements required for the routing of services which are necessary to service upstream lands outside this draft plan to the limit of the plan to be provided at the time of registration of each phase, all to the specifications and satisfaction of the City.
47. If any temporary measures are required to support the interim conditions in conjunction with the phasing, the Owner shall construct temporary measures and provide all necessary land and/or easements, to the specifications and satisfaction of the City Engineer, at no cost to the City.
48. In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City, at no cost to the City.
49. The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.
50. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
51. The Owner shall make all necessary arrangements with any required owner(s) to have any existing easement(s) in this plan quit claimed to the satisfaction of the City and at no cost to the City. The Owner shall protect any existing municipal or private services in the said easement(s) until such time as they are removed and replaced with appropriate municipal and/or private services and these services are operational, at no cost to the City.

Following the removal of any existing private services from the said easement and the appropriate municipal services and/or private services are installed and operational, the Owner shall make all necessary arrangement to have any section(s) of easement(s) in this plan quit claimed to the satisfaction of the City, at no cost to the City.

52. In conjunction with first submission of engineering drawings, the Owner shall

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

53. In conjunction with the engineering drawings submission, the Owner shall have it geotechnical engineer identify if there is any evidence of methane gas within or in the vicinity of this draft plan of subdivision, to the satisfaction of the City. Should it be determined there is any methane gas within or in the vicinity of this draft plan of subdivision, the Owner's geotechnical engineer shall provide any necessary recommendations. The Owner shall implement any recommendations of the geotechnical engineer, under the supervision of the geotechnical engineer, to the satisfaction of the City, at no cost to the City.
54. In conjunction with the engineering drawings submission, the Owner shall have its geotechnical engineer identify if there is any evidence of contamination within or in the vicinity of this draft plan of subdivision, to the satisfaction of the City. Should it be determined there is any contamination within or in the vicinity of this draft plan of subdivision, the Owner's geotechnical engineer shall provide any necessary recommendations. The Owner shall implement any recommendations of the geotechnical engineer to remediate, remove and/or dispose of any contaminates under the supervision of the geotechnical engineer to the satisfaction of the City, at no cost to the City.
55. In conjunction with the first submission of engineering drawings, the Owner shall provide, to the City for review and acceptance, a geotechnical report or update the existing geotechnical report recommendations to address all geotechnical issues with respect to the development of this plan, including, but not limited to, the following:
 - i) servicing, grading and drainage of this subdivision
 - ii) road pavement structure
 - iii) dewatering
 - iv) foundation design
 - v) removal of existing fill (including but not limited to organic and deleterious materials)
 - vi) the placement of new engineering fill
 - vii) any necessary setbacks related to slope stability for lands within this plan
 - viii) identifying all required mitigation measures including Low Impact Development (LIDs) solutions,
 - ix) Addressing all issues with respect to construction and any necessary setbacks related to erosion, maintenance and structural setbacks related to slope stability for lands within this plan, if necessary, to the satisfaction and specifications of the City. The Owner shall provide written acceptance from the Upper Thames River Conservation Authority for the final setback.

and any other requirements as needed by the City, all to the satisfaction of the City.

56. In conjunction with the first submission of engineering drawings, the Owner shall implement all geotechnical recommendations to the satisfaction of the City.
57. In conjunction with the first submission of engineering drawings, the Owner shall have the common property line of Marconi Boulevard graded in accordance with the accepted engineering drawings, at no cost to the City.
58. In conjunction with the first submission of engineering drawings, the Owner shall have it's professional engineer provide an opinion for the need for an

Environmental Assessment under the Class EA requirements for the provision of any services related to this Plan. All class EA's must be completed prior to the submission of engineering drawings.

59. In conjunction with the first submission of engineering drawings, the Owner shall have the existing accesses and services to Marconi Boulevard, located within this Plan, relocated and/or reconstructed to the satisfaction of the City, at no cost to the City. Any portion of existing services not used shall be abandoned and capped to the satisfaction of the City, all at no cost to the City.
60. In conjunction with the first submission of engineering drawings, the Owner shall identify locations of all existing buildings, infrastructure, ie. Water, septic, storm, hydro, driveways, sidewalks, irrigation wells, etc.) and their decommissioning or relocation, to the satisfaction of the City Engineer.
61. Prior to Final Approval, the conditions of Provisional Consent issued on February 26, 2020 for the severance of the subject lands at 120 Clarke Road, as set out in Consent Application **B.035/19**, shall be fulfilled, to the satisfaction of the City.
62. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make adjustments to the existing works and services on Marconi Boulevard, adjacent to this plan to accommodate the proposed works and services on this street to accommodate the lots in this plan (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City Engineer, at no cost to the City.

Appendix C – Public Engagement

Community Engagement

Public liaison: On May 27, 2020, Notice of Application was sent to 97 property owners in the surrounding area. An additional 90 notices were distributed to tenants of several rental housing complexes in the area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 28, 2020. A Planning Application sign was also posted on the site. A combined Notice of Revised Application and Notice of Public Meeting was sent out on October 1, 2020, and a notice published in *The Londoner* on the same date.

Responses: 1 reply received

Nature of Liaison: The original notice of application was to consider a proposed draft plan of subdivision and zoning amendment to allow 32 single detached lots served by one (1) local street, and to consider an amendment to the zoning by-law to change the zoning from a Restricted Service Commercial RSC1/RSC3/RSC5 Zone to a Residential R2 Special Provision (R2-1()) Zone to permit single detached, semi-detached, duplex, and converted dwellings (maximum 2 units); together with a special provision to permit an exterior side yard of 4.5 metres for Lots 1 and 32 flanking Marconi Boulevard, whereas 6.0 metres is required.

The Notice of Revised Application was to consider a proposed draft plan of subdivision and zoning amendment to allow 30 single detached lots served by one (1) local street, whereas 32 residential lots were previously proposed. Consideration of an amendment to the zoning by-law to change the zoning from a Restricted Service Commercial RSC1/RSC3/RSC5 Zone to a Residential R1 Special Provision (R1-1()) Zone to permit single detached dwellings; together with a special provision to permit an exterior side yard of 4.5 metres for Lot 1 flanking Marconi Boulevard, whereas 6.0 metres is required.

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

- One telephone call was received with the caller requesting further information about the proposal.

Response to Notice of Application and Publication in “The Londoner”

Telephone	Written
Antonio Manini - 88 Doon Drive	None

Agency/Departmental Comments:

1. Upper Thames River Conservation Authority (UTRCA) – June 29, 2020

The UTRCA has no objections to this application and a Section 28 permit will not be required.

2. Conseil Scolaire Viamonde – May 29, 2020

The Conseil Scolaire Viamonde has no comments or objection to the further processing of 355 Marconi Boulevard application.

Appendix D – Policy Context

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

Provincial Policy Statement, 2020

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

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

The PPS contains policies regarding the importance of promoting efficient development and land use patterns, ensuring effective use of infrastructure and public service facilities, and providing for an appropriate range and mix of housing options and densities required to meet projected market-based and affordable housing needs of current and future residents (Sections 1.1 and 1.4).

There are several policies directed at promoting healthy, livable and safe communities, including the goal of promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (Section 1.1.1 (e)).

Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs (Section 1.1.3.3).

To meet housing requirements of current and future residents, the housing policies also provide direction to Planning Authorities to permit and facilitate: all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3; and directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs (Sections 1.4.3 (b) (2) and 1.4.3(c)).

The policies for Public Spaces, Recreation, Parks, Trails and Open Space promote healthy and active communities by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity (Section 1.5.1(a)).

The proposed draft plan of subdivision and zoning amendment achieves objectives for efficient and resilient development and land use patterns. It represents a small infill development of single detached dwelling lots of modest size taking place within the City's urban growth area, and within an established suburban neighbourhood. It also achieves objectives for promoting compact form, contributes to the neighbourhood mix of housing and densities that allows for the efficient use of land, infrastructure and public service facilities, supports the use of public transit, supports energy conservation and efficiency, and avoids land use and development patterns which may cause environmental or public health and safety concerns.

The subject lands are designated and intended for medium density residential uses to accommodate an appropriate affordable, market-based range and mix of residential types to meet long term needs. There are no natural heritage features or natural hazards present, and Provincial concerns for archaeological resource assessment and

cultural heritage have been addressed. Based on our review, the proposed Draft Plan of Subdivision and Zoning By-law Amendment are found to be consistent with the Provincial Policy Statement.

The London Plan

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

With respect to The London Plan, which has been adopted by Council but is not yet fully in force and effect pending appeals, the subject lands are within the “Neighbourhoods” Place Type permitting a range of uses such as single detached, semi-detached, duplex, and townhouse dwellings, secondary suites, home occupations, and group homes. Single detached dwellings as proposed are generally consistent with and are contemplated by Place Type policies of The London Plan.

The Our Strategy, City Building and Design, Neighbourhoods Place Type, and Our Tools policies in the London Plan have been reviewed and consideration given to how the proposed subdivision draft plan and zoning amendment contributes to achieving those policy objectives, including the following specific policies:

Our Strategy

Key Direction #5 – Build a mixed-use compact city

4. Plan for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward.

5. Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place.

7. Build quality public spaces and pedestrian environments that support walking.

Key Direction #6 – Place a new emphasis on creating attractive mobility choices

6. Dependent upon context, require, promote, and encourage transit oriented development forms.

Key Direction #7 – Build strong, healthy and attractive neighbourhoods for everyone

1. Plan for healthy neighbourhoods that promote active living, provide healthy housing options, offer social connectedness, afford safe environments, and supply well distributed health services.

2. Design complete neighbourhoods by meeting the needs of people of all ages, incomes and abilities, allowing for aging in place and accessibility to amenities, facilities and services.

Key Direction #8 – Making wise planning decisions

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

These strategic directions are generally reflected in this development proposal representing a small, infill subdivision on a vacant parcel of land within an established neighbourhood. The proposed use contributes to the existing mix of low and medium density forms of housing consisting of single and semi-detached dwellings, townhouses, and low rise apartment buildings. The site has frontage on Marconi Boulevard with ready access to municipal services and public transit. In terms of use, form and intensity the proposed subdivision of single detached homes is considered a good fit within the context of the existing neighbourhood.

City Building and Design Policies

*213_ * Street patterns will be easy and safe to navigate by walking and cycling and will be supportive of transit services.*

*216_ * Street networks, block orientation, lot sizes, and building orientation should be designed to take advantage of passive solar energy while ensuring that active mobility and other design criteria of this chapter are satisfied.*

The subdivision lot pattern demonstrates a strong north-south building orientation thereby increasing exposure to passive solar energy. The street design also ensures active mobility by providing a direct pedestrian and cycling connection to Marconi Boulevard the main collector road serving this neighbourhood. It also provides a convenient walking distance to bus stops on a scheduled public transit route.

*220_ * Neighbourhoods should be designed with a diversity of lot patterns and sizes to support a range of housing choices, mix of uses and to accommodate a variety of ages and abilities.*

The existing neighbourhood is composed of a diverse mix of lot sizes and housing types. The proposed subdivision plan will contribute to the variety of housing choices within the immediate neighbourhood.

222A_ The proportion of building and street frontages used for garages and driveways should be minimized to allow for street trees, provide for on-street parking and support pedestrian and cycling-oriented streetscapes.

On-street parking will be provided and a revised parking plan will be required in conjunction with the engineering drawing review. The approved parking plan will form part of the subdivision agreement. Sidewalks and street lighting will also be required in conjunction with engineering drawings to the specifications and satisfaction of the City (D.P. Conditions No. 12, 31 and 32).

224_ The paved portion of streets within neighbourhoods should be as narrow as possible, while meeting required design standards, to calm traffic and emphasize the priority of the pedestrian environment. Street rights-of-way should be of adequate size to accommodate all services within an efficient space and allow sufficient room for street tree planting and the long-term growth of mature trees.

The City's design standards require a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 20 metres which will be sufficient space for sidewalks, utilities and services, and street tree planting. Street tree planting in boulevards is a standard condition of the subdivision agreement (D.P. Condition No. 30)

252_ The site layout of new development should be designed to respond to its context and the existing and planned character of the surrounding area.

253_ Site layout should be designed to minimize and mitigate impacts on adjacent properties.

The subdivision layout fits well within the context and character of the existing neighbourhood, similar to the characteristics of Julia Court to the south. It also

maintains compatibility and minimizes impacts on adjacent properties by providing for a residential rear yard interface with the townhouse complex to the north and semi-detached homes on Julia Court to the south.

*261_ * Buildings at corner sites will be oriented towards the higher-order street classification.*

*290_ * Buildings located on corner sites should address the corner through building massing, location of entrances, and architectural elements.*

During the Initial Proposal Review (IPR) process, staff requested the proponent to explore the possibility of rotating the three lots on either side of Street A to be oriented to Marconi Boulevard as this is the higher order street and would mirror street-facing houses on the east side of Marconi Boulevard. Alternatively, if it was not possible to re-orient the lots, then it was agreed that a condition be placed on Lots 1 and 30 requiring the Owner to register on title a requirement that the homes be designed and constructed to have a similar level of architectural detail on the front and exterior side elevations (materials, windows (size and amount) and design features, such as but not limited to porches, wrap-around materials and features, or other architectural elements that provide for a street oriented design); and limited chain link or decorative fencing along no more than 50% of the exterior side-yard abutting the exterior side-yard frontage. (D.P. Condition No. 13)

*349_ * To support walkability, sidewalks shall be located on both sides of all streets. An exception to this requirement may be considered in the following instances. In most of these instances a sidewalk will be required on one side of the street.*

- 1. Cul-de-sacs or dead-end streets that extend less than 200 metres and do not connect to neighbourhood features or amenities.*

The City's Transportation Planning and Design Division was consulted and provided some further clarification regarding this requirement given that the proposed cul-de-sac will be less than 200 metres in length. They indicated that it is standard practice to recommend sidewalks on both sides of all streets in all subdivisions where space allows, and felt that sidewalks on both sides would be easily achievable in this instance. Providing accessibility and safety on the street, as well as better pedestrian connectivity, is an important consideration especially in a highly utilized public transit area.

Place Type Policies

The subject lots are located within the Neighbourhoods Place Type, and will have frontage on a Neighbourhood Street. The range of primary permitted uses include single detached, semi-detached, duplex, townhouses, secondary suites, home occupations and group homes. The minimum and maximum permitted building heights are 1 to 2.5 storeys based on the street classification.

916_3. A diversity of housing choices allowing for affordability and giving people the opportunity to remain in their neighbourhoods as they age if they choose to do so.*

As noted above, the proposed subdivision of single detached homes will contribute to the diversity of housing choices within the immediate neighbourhood allowing for affordability and aging in place. There already exists a variety of owner-occupied and rental accommodation in the form of single detached and semi-detached homes, townhouse dwellings, low-rise apartment buildings, as well as various condominium, community non-profit and co-operative housing accommodation.

935_3. Zoning will be applied to ensure an intensity of development that is appropriate to the neighbourhood context, utilizing regulations for such things as*

height, density, gross floor area, coverage, frontage, minimum parking, setback, and landscaped open space.

The recommended zoning and special zone provision for minimum exterior side yard setback maintains an appropriate level of intensity within the neighbourhood context, and is in keeping with the Place Types policies.

Our Tools

Evaluation Criteria for Planning and Development Applications

1578_5. The availability of municipal services, in conformity with the Civic Infrastructure chapter of this Plan and the Growth Management/Growth Financing policies in the Our Tools part of this Plan.*

461_ Infrastructure studies may be identified and required to fulfill the complete application process for planning and development applications. The required content of the studies is provided in the Our Tools part of this Plan.

The proposed development will be required to connect to existing municipal sanitary sewer, storm sewer, and water services available on Marconi Boulevard. Conditions of draft approval will ensure that servicing reports are prepared and submitted in conjunction with the engineering drawing review to ensure that servicing capacity in the sewer and water systems are not exceeded, and to identify any required infrastructure upgrades.

1578_6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated. Depending upon the type of application under review, and its context, an analysis of potential impacts on nearby properties may include such things as:*

- a. Traffic and access management.*
 - b. Noise.*
 - c. Parking on streets or adjacent properties.*
 - d. Emissions generated by the use such as odour, dust, or other airborne emissions.*
 - e. Lighting.*
 - f. Garbage generated by the use.*
 - g. Loss of privacy.*
 - h. Shadowing.*
 - i. Visual impact.*
 - j. Loss of views.*
 - k. Loss of trees and canopy cover.*
 - l. Impact on cultural heritage resources.*
 - m. Impact on natural heritage features and areas.*
 - n. Impact on natural resources.*
- The above list is not exhaustive.*

- Vehicular access is to Marconi Boulevard which is classified as a Neighbourhood Connector, and the proposed development is not expected to contribute significantly to traffic volumes.
- Parking will be required as per the Zoning By-law standard (minimum 2 spaces per dwelling lot).
- The proposed development is not expected to generate excessive noise and emissions.
- There are no concerns with respect to lighting, garbage, visual and privacy impacts; or any issues with loss of views and tree cover.
- Shadowing is not expected to impact nearby properties.
- Stage 1 & 2 Archaeological Assessment was undertaken and a clearance letter from Ministry of Tourism, Culture and Sport has been issued.
- There are no concerns for natural heritage features or natural resources.

1578_7.* *The degree to which the proposal fits within its context. It must be clear that this not intended to mean that a proposed use must be the same as development in the surrounding context. Rather, it will need to be shown that the proposal is sensitive to, and compatible with, its context. It should be recognized that the context consists of existing development as well as the planning policy goals for the site and surrounding area. Depending upon the type of application under review, and its context, an analysis of fit may include such things as:*

- a. *Policy goals and objectives for the place type.*
- b. *Policy goals and objectives expressed in the City Design chapter of this Plan.*
- c. *Neighbourhood character.*
- d. *Streetscape character.*
- e. *Street wall.*
- f. *Height.*
- g. *Density.*
- h. *Massing.*
- i. *Placement of building.*
- j. *Setback and step-back.*
- k. *Proposed architectural attributes such as windows, doors, and rooflines.*
- l. *Relationship to cultural heritage resources on the site and adjacent to it.*
- m. *Landscaping and trees.*
- n. *Coordination of access points and connections.*

The streetscape will consist of single detached homes which could be one storey or storey homes. The proposed dwellings are expected to be similar in character and features as the residential neighbourhood to the south (Julia Court), and contain dwellings of a similar height and massing as the surrounding neighbourhood. Therefore, based on Staff's review of The London Plan policies, this proposal is found to be in keeping and in conformity with the Key Directions, City Building and Design, Place Type, and Our Tools policies.

(1989) Official Plan

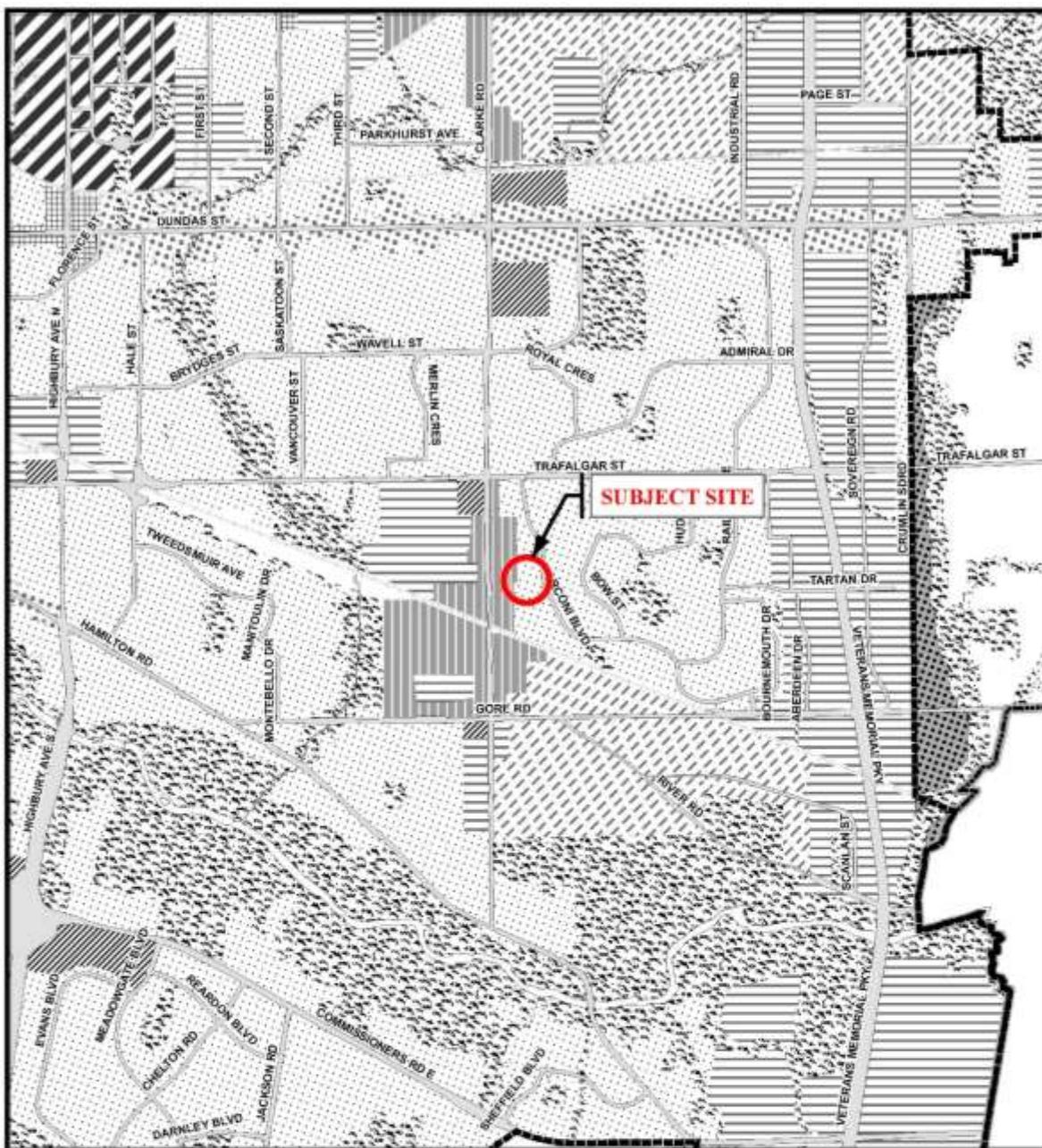
These lands are designated Multi-family, Medium Density Residential on Schedule 'A' of the 1989 Official Plan. The Multi-family, Medium Density Residential designation permits multiple attached dwellings, such as row houses or cluster houses; low rise apartment buildings; and small-scale nursing homes, rest homes, and homes for the aged. These areas may also be developed for single detached, semi-detached and duplex dwellings. Density will generally not be permitted to exceed 75 units per hectare and maximum building height is normally limited to four storeys. The proposed draft plan of subdivision recommended zoning, and range of permitted uses, density and height are consistent with and conform to the 1989 Official Plan. The proposal also implements objectives to encourage infill residential development in residential areas where existing land uses are not adversely affected and where development can efficiently utilize existing municipal services and facilities (Section 3.1.1.(vi)).

Zoning By-law

The application request is to change the zoning from a Restricted Service Commercial RSC1/RSC3/RSC5 Zone to a Residential R1 Special Provision (R1-1()) Zone to permit single detached dwellings with a minimum lot frontage of 9.0 metres and minimum lot area of 250 square metres. The proposed lots are on average 9.0 to 10 metre frontages and average lot size is approximately 340 square metres. Given the comparable lot sizes and dwelling types existing in the neighbourhood, the recommended zone and lot standards are considered appropriate and compatible with the surrounding area. The special provision to permit an exterior side yard of 4.5 metres for Lot 1 flanking Marconi Boulevard is also considered appropriate. A holding provision in the zoning is recommended to ensure adequate provision of municipal services and that a subdivision agreement is entered into.

Appendix E – Relevant Background

The London Plan Map Excerpt



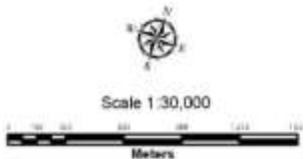
Legend

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

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

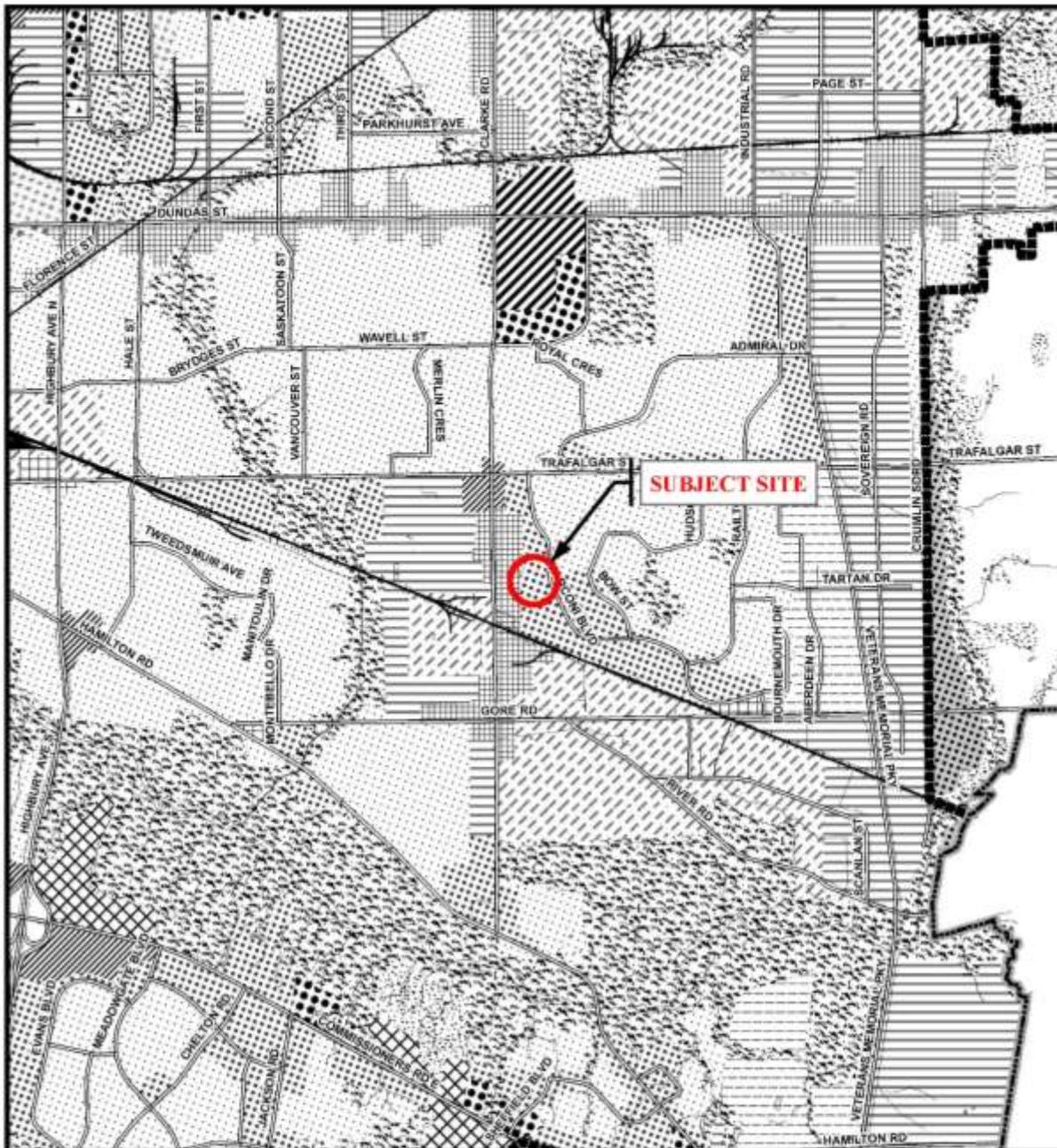
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan

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



File Number: 39T-20501 / Z-9210
Planner: LM
Technician: RC
Date: September 23, 2020

Official Plan Map Excerpt



Legend

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

CITY OF LONDON
 Department of
 Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -

PREPARED BY: Graphics and Information Services



Scale 1:30,000



FILE NUMBER: 39T-20501 / Z-9210
 PLANNER: LM
 TECHNICIAN: RC
 DATE: 2020/09/23

Zoning By-law Map Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|---|--|
| <p>R1 - SINGLE DETACHED DWELLINGS
 R2 - SINGLE AND TWO UNIT DWELLINGS
 R3 - SINGLE TO FOUR UNIT DWELLINGS
 R4 - STREET TOWNHOUSE
 R5 - CLUSTER TOWNHOUSE
 R6 - CLUSTER HOUSING ALL FORMS
 R7 - SENIOR'S HOUSING
 R8 - MEDIUM DENSITY/LOW RISE APTS.
 R9 - MEDIUM TO HIGH DENSITY APTS.
 R10 - HIGH DENSITY APARTMENTS
 R11 - LODGING HOUSE</p> <p>DA - DOWNTOWN AREA
 RSA - REGIONAL SHOPPING AREA
 CSA - COMMUNITY SHOPPING AREA
 NSA - NEIGHBOURHOOD SHOPPING AREA
 BDC - BUSINESS DISTRICT COMMERCIAL
 AC - ARTERIAL COMMERCIAL
 HS - HIGHWAY SERVICE COMMERCIAL
 RSC - RESTRICTED SERVICE COMMERCIAL
 CC - CONVENIENCE COMMERCIAL
 SS - AUTOMOBILE SERVICE STATION
 ABA - ASSOCIATED SHOPPING AREA COMMERCIAL</p> <p>OR - OFFICE/RESIDENTIAL
 OC - OFFICE CONVERSION
 RO - RESTRICTED OFFICE
 OF - OFFICE</p> | <p>RF - REGIONAL FACILITY
 CF - COMMUNITY FACILITY
 NF - NEIGHBOURHOOD FACILITY
 HER - HERITAGE
 DC - DAY CARE</p> <p>OS - OPEN SPACE
 CR - COMMERCIAL RECREATION
 ER - ENVIRONMENTAL REVIEW</p> <p>OB - OFFICE BUSINESS PARK
 LI - LIGHT INDUSTRIAL
 GI - GENERAL INDUSTRIAL
 HI - HEAVY INDUSTRIAL
 EX - RESOURCE EXTRACTIVE
 UR - URBAN RESERVE</p> <p>AG - AGRICULTURAL
 AGC - AGRICULTURAL COMMERCIAL
 RRC - RURAL SETTLEMENT COMMERCIAL
 TGS - TEMPORARY GARDEN SUITE
 RT - RAIL TRANSPORTATION</p> <p>"H" - HOLDING SYMBOL
 "D" - DENSITY SYMBOL
 "H" - HEIGHT SYMBOL
 "B" - BONUS SYMBOL
 "T" - TEMPORARY USE SYMBOL</p> |
|---|--|

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:
 39T-20501 / Z-9210 LM

MAP PREPARED:
 2020/09/23 RC



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

From: Frank N'Liza
Sent: Friday, October 02, 2020 12:11 PM
To: PEC <pec@london.ca>
Subject: [EXTERNAL] 355 Marconi Blvd.

It looks like they are trying to put 30 houses at 355 Marconi Blvd. where the Marconi soccer field is still with no road connection to Clarke Road. When they started to build up the south end of Marconi Blvd. I fought to get a road that would run east/west down by the U-haul connecting Marconi and Clarke Road but the developer would not give up a house lot for this. I anticipated traffic problems at Marconi and Trafalgar and it did become a problem so the traffic department put in traffic lights at Marconi and Trafalgar this has led to even more traffic problems and all of this because there was no outlet to Clarke Road. Fast forward a few years and here we go again more houses, more cars, and no way out.

Great example of "**Those who cannot remember the past are condemned to repeat it,**" means **that people who don't learn** from the mistakes of the past are going to make the same mistakes.

Fred Stothers

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Paul Yeoman,
Director, Development Services
Subject: Demolition Request for Heritage Listed Property at
954 Gainsborough Road by 24255284 Ontario Inc.
Meeting on: Monday October 19, 2020

Recommendation

That, on the recommendation of the Director, Development Services, with the advice of the Heritage Planner, the request to demolish the buildings on the heritage listed property at 954 Gainsborough Road **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 property at 954 Gainsborough Road **BE REMOVED** from the *Register of Cultural Heritage Resources*.

Executive Summary

Summary of Request

A demolition request for the heritage listed property located at 954 Gainsborough Road was received on September 1, 2020.

Purpose and the Effect of Recommended Action

The purpose of the recommended action is to remove the property at 954 Gainsborough Road from the *Register*, pursuant to Section 27(3) of the *Ontario Heritage Act*, with the effect of allowing the demolition of the buildings on the property to proceed.

Rationale of Recommended Action

An evaluation of the property at 954 Gainsborough Road using the criteria of Ontario Regulation 9/06 found that the property does not demonstrate significant cultural heritage value and does not merit designation under the *Ontario Heritage Act*.

Analysis

1.0 Background

1.1 Property Location

The subject property at 954 Gainsborough Road is located on the south side of Gainsborough Road, east of Hyde Park Road. The property totals 5.3 acres and is located in the former London Township at concession 3 – northern part, lot 24. In addition to a farmhouse on the property, there is a barn and (2) ancillary outbuildings [Appendix A]. The property is currently vacant. Staff undertook a site visit of the property on September 23, 2020.

1.2 Cultural Heritage Status

The property at 954 Gainsborough Road was included on the City's *Register of Cultural Heritage Resources* in 2007. The property is a potential cultural heritage resource.

1.3 Description

The entrance to the property at 954 Gainsborough Road is marked by a crescent drive with a primary dwelling and several farm buildings in a treed setting clustered around this drive. The remainder of the property is open agricultural fields that are actively being farmed. The components of the original farmstead context are still evident.

The primary building on the property is an Ontario farmhouse dating as early as 1863. The farmhouse is a 1 ½ storey vernacular style dwelling exhibiting elements of Gothic Revival influence including a centre gable dormer, lancet window, and symmetrical front façade [Appendix B]. A wing extends at the rear and includes a bay window on the west elevation. Based on similarities in the foundation material, this wing was likely constructed not long after the original farmhouse portion fronting Gainsborough Road. Both foundations are composed of buff brick. A post-1975 contemporary addition extends south at the rear.

The front elevation facing Gainsborough Road has a full-width front porch composed of modern stock wood decking, posts, railing and spindles. The exterior of the farmhouse and contemporary addition is clad in vinyl siding and windows throughout are contemporary vinyl windows. All windows in the original farmhouse have been replaced including casings and interior trim. This includes the lancet window in the front gable. All exterior doors are contemporary steel. Few existing interior features of the original farmhouse remain with the exception of wood floor boards and some floor trim. The basement reveals the (3) part construction of the house – front (facing Gainsborough), small original wing and contemporary addition. The original buff brick foundation is evident as is the poured concrete foundation of the contemporary addition.

The barn is a two-bay timber structure with a side gable roof clad in metal. The barn is clad in board and batten siding and the foundation is poured concrete. Based on the Heritage Overview Report prepared by Stantec (2020), “[t]he use of poured concrete and the presence of wire nails indicate the structure was built in the early to mid-20th century. This is corroborated by the present owner of the property, who indicated that the barn was built in the 1940s after the previous outbuilding collapsed” (Stantec, p4.6). Two outbuildings are located to the south of the barn and appear to be used for storage.

1.4 Property History

The Euro-Canadian history of this property begins with the granting of the north half of Lot 24, Concession 3 by The Crown to Truman Hull in 1848. It is likely that Hull lived on the property as early as 1820. In 1856, a William Smith purchased 49-½ acres of the north portion of the lot from the beneficiaries of the will of Hull and later that year, sold eight acres of land to Lawrence Deginaw and his wife. The original farmhouse on the property was likely built by Angus Fraser and his wife who purchased eight acres from Deginaw in 1857. Two mortgages were taken out by Fraser in 1861 and then in 1867, which dates the construction of the house to this period (Stantec, pp3.5-3.6). The original farmhouse appears on the 1863 Samuel Peters’ Map of the Township of London. The Province of Ontario Gazetteer of 1869 lists Angus Fraser as the Postmaster of Hyde Park Corner and a tailor (McEvoy 1869: 679; Stantec, p3.6). In 1875, Fraser sold the property to Charles Woods and the property changed hands several times until 1927 when the property was subdivided into two additional parcels (currently 968 and 976 Gainsborough Road). The present day property boundaries of 954 Gainsborough Road date from this period. In 1950, the property was included as one of other small farms of interest in the surrounding area under the Veterans Land Act which secured loans/mortgages to settle veterans after the Second World War. The farmhouse on the property has remained occupied, the barn used, and the acreage farmed until recently. The property was acquired by the current owner on September 1, 2020.

2.0 Legislative and Policy Framework

2.1 Provincial Policy Statement

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

‘Significant’ is defined in the *Provincial Policy Statement (2020)* as, in regards to cultural heritage and archaeology, “resources that have been determined to have cultural heritage value or interest.”

‘Conserved’ is defined in the *Provincial Policy Statement (2020)*, “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 under the *Ontario Heritage Act*. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. [...] Mitigative measures and/or alternative development approaches can be included in these plans and assessments.”

2.2 Ontario Heritage Act

The *Ontario Heritage Act* enables municipalities to protect properties that are of cultural heritage value or interest.

Section 27 of the *Ontario Heritage Act* requires that a Register kept by the clerk shall list all properties that have been designated under the *Ontario Heritage Act*. Section 27(1.2) of the *Ontario Heritage Act* also enables Municipal Council to add properties that have not been designated, but that Municipal Council “believes to be of cultural heritage value or interest” on the Register. Listing a property on the *Register* is an important action to ‘flag’ the potential cultural heritage value or interest of properties during decision making processes.

2.2.1 Ontario Regulation 9/06

Ontario Regulation 9/06 establishes criteria for determining the cultural heritage value or interest of individual properties. These criteria are reinforced by Policy 573_ of *The London Plan*.

These criteria are:

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

A property is required to meet one or more of the abovementioned criteria to merit protection under Section 29 of the *Ontario Heritage Act*.

2.3 The London Plan

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

2.4 Register of Cultural Heritage Resources

Municipal Council may include properties on the *Register of Cultural Heritage Resources* that it "believes to be of cultural heritage value or interest," pursuant to Section 27(1.2) of the *Ontario Heritage Act*. These properties are not designated, but are considered to be of potential cultural heritage value or interest.

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

3.0 Demolition Request and Consultation

A request to demolish the existing buildings on the property located at 954 Gainsborough Road was received on September 1, 2020. Timelines legislated pursuant to the *Ontario Heritage Act* were suspended by Ontario Regulation 73/20 when the demolition request was received, but have subsequently been lifted as of September 14, 2020. Ordinarily, Municipal Council must respond to a notice of intent to demolish a heritage listed property within 60-days, or the request is deemed consented.

In accordance with Section 27(1.3) of the *Ontario Heritage Act*, the London Advisory Committee on Heritage (LACH) is being consulted at its meeting on October 14, 2020 regarding this demolish request and a decision by Municipal Council is expected at the October 27, 2020 meeting. The 60-day statutory time frame for council decision will have been satisfied.

It is a policy and practice of Municipal Council that the demolition of heritage listed properties shall be considered at a public participation meeting before the Planning and Environment Committee. This item will be heard at the October 19, 2020 PPM of the Planning and Environment Committee. Notification of the demolition request was sent to 292 property owners within 120m of the subject property on September 28, 2020, as well as to community groups including the Architectural Conservancy Ontario – London Region, London & Middlesex Historical Society, and the Urban League. Further, notice was also published in *The Londoner* on October 1, 2020. At the time of writing, no replies have been received regarding this demolition request.

4.0 Cultural Heritage Evaluation

A property may be designated under Section 29 of the *Ontario Heritage Act* if it meets one or more of the following criteria for determining cultural heritage value or interest: physical or design values, historical or associative values, or contextual values. The following Table summarizes the evaluation of the subject property at 954 Gainsborough Road using the criteria of Ontario Regulation 9/06.

Criteria for Determining Cultural Heritage Value or Interest		
	Criteria	Evaluation
The property has design value or physical value because it,	Is a rare, unique, representative or early example of a style, type, expression, material, or construction method	<ul style="list-style-type: none"> The primary building on the property has been identified as an Ontario farmhouse. A count of 'Ontario farmhouse' in the City's <i>Register</i> revealed no less than 100 properties mention. Attributed to the number of Ontario farmhouses, the subject property cannot be considered rare or unique from a City-wide perspective. There are stronger examples in the City of this style, type, expression, material, and construction method which retain a higher degree of integrity.
	Displays a high degree of craftsmanship or artistic merit	<ul style="list-style-type: none"> The property at 954 Gainsborough Road does not display a high degree of craftsmanship or artistic merit.
	Demonstrates a high degree of technical or scientific achievement	<ul style="list-style-type: none"> The property is not known to demonstrate technical or scientific achievement.
The property has historical value or associative value because it,	Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community	<ul style="list-style-type: none"> The property at 954 Gainsborough Road was identified in a Historical Overview Report (Stantec) as being one of what is assumed to be many other small farm holdings where mortgages/loans were secured through the Veterans Land Act. Although interesting, given the extent of the Veterans Land Act (VLA) after the Second World War, this historical note is not unique to this property alone, nor is the holding of a mortgage/loan a heritage attribute that is directly associated with the existing buildings that remain on the property. The VLA mortgage holding at 954 Gainsborough Road did not result in any tangible house being built. There are other examples in the City of London where there is a concentration of built heritage resources <u>directly</u> associated with the Veterans Land Act: the Willow Drive area, at Rathowen and Rathnally Streets, and areas just west of Wharncliffe Road and around Easy Street.
	Yields, or has the potential to yield, information that contributes to an understanding of a community or culture	<ul style="list-style-type: none"> The property is not believed to yield or have the potential to yield information that contributes to an understanding of a community or a culture in a significant way.
	Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	<ul style="list-style-type: none"> The buildings on the property at 954 Gainsborough Road are not known to demonstrate or reflect the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community.

Criteria for Determining Cultural Heritage Value or Interest		
The property has contextual value because it,	Is important in defining, maintaining, or supporting the character of an area	<ul style="list-style-type: none"> • The character of the area surrounding 954 Gainsborough Road is transitioning from a once rural, farm setting to one that is built-up with new suburban development. • The property does not sufficiently represent the character of the area to warrant its retention of a relic of the area's past or changing character.
	Is physically, functionally, visually, or historically linked to its surroundings	<ul style="list-style-type: none"> • The property contains remnants of a 19th century farmstead setting, however, the barn is not original and the integrity of the Ontario farmhouse has been lost. • The property at 1104 Sarnia Road is a stronger example of an area farmstead that is physically, functionally, visually, or historically linked to its surroundings.
	Is a landmark	<ul style="list-style-type: none"> • The property is not believed to be a landmark in the community.

5.0 Conclusion

Since 2007, the subject property at 954 Gainsborough Road has been included on the City's *Register of Cultural Heritage Resources*. The evaluation of the subject property using the criteria of *Ontario Regulation 9/06* found that, as an individual property, it does not meet the criteria for designation under the *Ontario Heritage Act*. The demolition of the buildings on the property should be allowed to proceed.

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

October 8, 2020
LED/

\\cfile1\pdda\$\Shared\ADMIN\1- PEC Reports\2020 PEC Reports\18 - Oct 19\954 Gainsborough Rd_demo request (LED).docx

Appendix A Property Location
Appendix B Images
Appendix C Heritage Overview—954 Gainsborough Road, London ON (July 6, 2020)

Sources

- Corporation of the City of London. n.d. Property files: 954 Gainsborough Road.
- 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. (2016, consolidated 2019, Nov 13). *The London plan*. London, ON: Author.
- Corporation of the City of London. (1989). *The 1989 official plan*. London, ON: Author.
- McEvoy, H. (1869). *The Province of Ontario gazetteer and directory*. Toronto, ON: Robertson & Cook.
- Ministry of Municipal Affairs and Housing. (2020). *Provincial policy statement, 2020*. Ontario: Queen's Printer for Ontario.
- Peters, Samuel. (1863). Map of the Township of London, Canada West Map. Author. Retrieved September 30, 2020 from the University of Western, Western Libraries, London Historic Map Collection, <https://ir.lib.uwo.ca/mdc-London-maps/33/>
- Stantec Consulting Ltd. (2020, Jul 6). Heritage Overview—954 Gainsborough Road, London, Ontario. London, ON: Author.

Appendix A – Subject Property Location

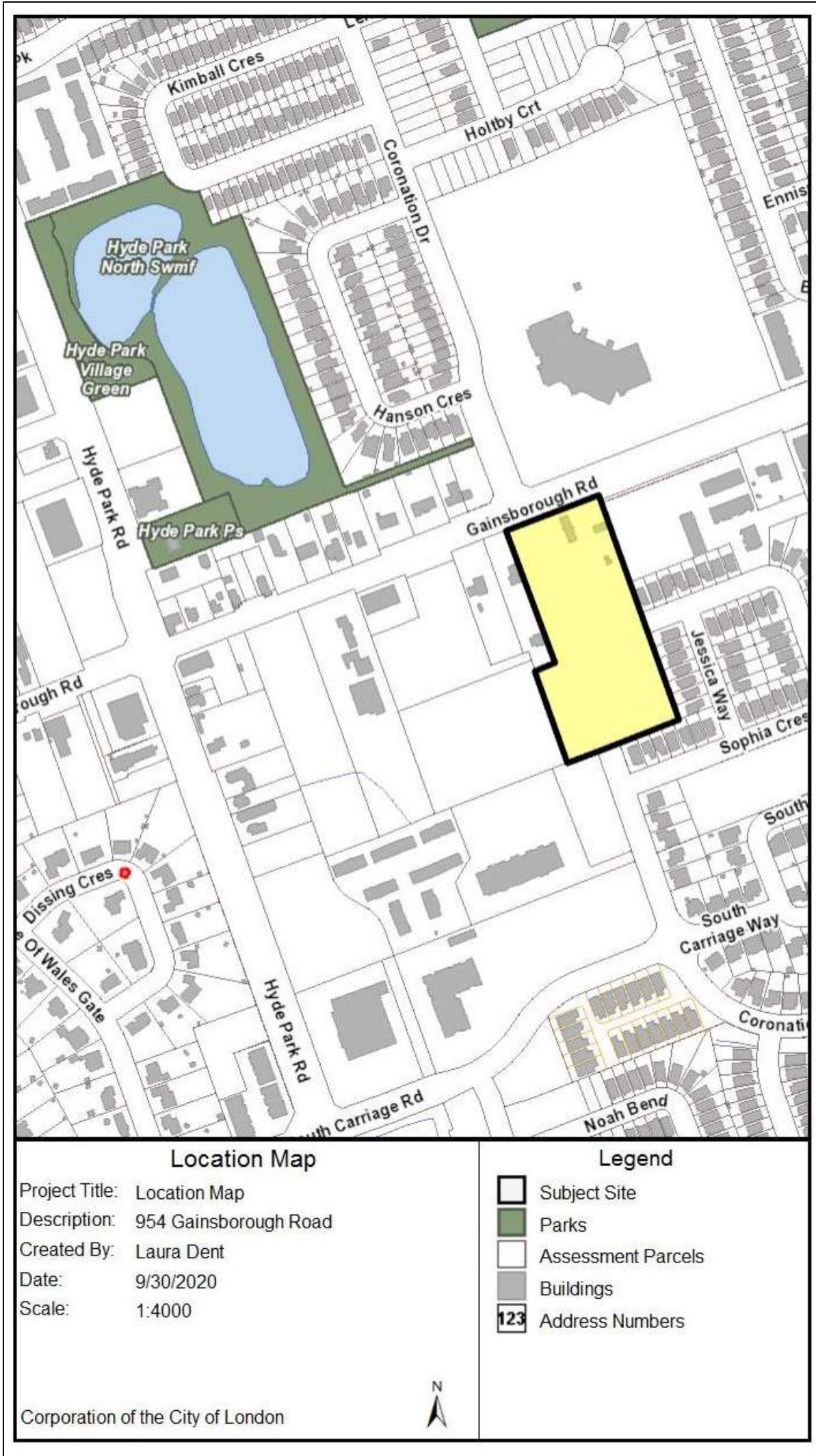


Figure 1: Location Map identifying the subject property at 954 Gainsborough Road



Figure 2: Aerial view of subject property showing crescent drive, house, barn and outbuildings

Appendix B – Images (September 23, 2020)



Image 1: Crescent entrance drive



Image 2: View of farm building cluster from fields



Image 3: View of outbuildings amidst overgrown landscaping



Image 4: Barn within farmstead setting



Image 5: Rear and side view of barn



Image 6: Barn, interior view



Image 7: Front façade



Image 8: Side elevation, west



Image 9: Side elevation, east



Image 10: Exterior view of bay window showing buff brick foundation



Image 11: Interior view of original farmhouse front room showing wide floorboards and trim



Image 12: Interior view of window replacements, casing and trim



Image 13: Interior view of contemporary addition



Image 14: Basement of original farmhouse showing post and floor joist detail



Image 15: Basement of original farmhouse showing floor joist and foundation detail



Image 16: Basement of original farmhouse

Appendix C – Heritage Overview — 954 Gainsborough Road

Attached separately



**Heritage Overview—954
Gainsborough Road, London,
Ontario**

FINAL REPORT

July 6, 2020

File: 160940719

Prepared for:

Royal Premier Homes
425 509 Commissioners Road West
London, Ontario N6J 1Y5

Prepared by:

Stantec Consulting Ltd.
600-171 Queens Avenue
London, Ontario N6A 5J7



Table of Contents

EXECUTIVE SUMMARY	I
PROJECT PERSONNEL.....	III
1.0 STUDY PURPOSE	1.1
2.0 METHODOLOGY.....	2.1
2.1 POLICY FRAMEWORK	2.1
2.1.1 Planning Act	2.1
2.1.2 The 2020 Provincial Policy Statement.....	2.1
2.1.3 City of London Official Plan	2.2
2.2 BACKGROUND HISTORY	2.2
2.3 FIELD PROGRAM	2.2
2.4 EVALUATION OF CULTURAL HERITAGE VALUE OR INTEREST	2.3
2.4.1 Ontario Regulation 9/06.....	2.3
2.5 ASSESSMENT OF IMPACTS.....	2.3
2.6 MITIGATION OPTIONS	2.4
3.0 SITE HISTORY	3.1
3.1 INTRODUCTION.....	3.1
3.2 PHYSIOGRAPHY	3.1
3.3 TOWNSHIP OF LONDON	3.1
3.3.1 Survey and Settlement	3.1
3.3.2 19 th Century Development.....	3.2
3.3.3 20 th Century Development.....	3.4
3.4 PROPERTY HISTORY	3.5
4.0 SITE DESCRIPTION.....	4.1
4.1 INTRODUCTION.....	4.1
4.2 LANDSCAPE SETTING.....	4.1
4.3 RESIDENCE	4.4
4.4 BARN	4.6
4.4.1 Exterior	4.6
4.4.2 Interior	4.9
5.0 COMPARATIVE ANALYSIS	5.1
6.0 EVALUATION OF CULTURAL HERITAGE VALUE OR INTEREST	6.1
6.1 INTRODUCTION.....	6.1
6.2 DESIGN OR PHYSICAL VALUE	6.1
6.3 HISTORIC OR ASSOCIATIVE VALUE	6.2
6.4 CONTEXTUAL VALUE	6.3
6.5 SUMMARY OF EVALUATION	6.3



6.6	STATEMENT OF CULTURAL HERITAGE VALUE	6.4
6.6.1	Description of Property	6.4
6.6.2	Cultural Heritage Value	6.4
6.6.3	Heritage Attributes	6.4
7.0	IMPACT ASSESSMENT	7.1
7.1	DESCRIPTION OF PROPOSED UNDERTAKING	7.1
7.2	ASSESSMENT OF IMPACTS	7.1
7.3	MITIGATION OPTIONS	7.2
7.3.1	Commemoration	7.2
8.0	RECOMMENDATIONS	8.1
8.1	BLENDED COMMEMORATION APPROACH	8.1
8.2	DEPOSIT COPIES	8.1
8.3	CLOSING	8.1
9.0	CLOSURE	9.1
10.0	REFERENCES	10.1

LIST OF TABLES

Table 1:	Evaluation of 954 Gainsborough Road According to <i>Ontario Regulation 9/06</i>	6.3
----------	---	-----

LIST OF FIGURES

Figure 1:	Study Area	1.2
-----------	------------------	-----



Executive Summary

Royal Premier Homes (the Proponent) retained Stantec Consulting Ltd. (Stantec) to prepare a Heritage Overview for the property located 954 Gainsborough Road, in the City of London, Ontario. The Proponent is proposing to redevelop and change the land use of the property from a small agricultural property with a residence and outbuildings to four multi-family residential buildings. The Study Area includes the property at 954 Gainsborough Road, where the development is proposed. The property is listed on the City of London's *Register of Cultural Heritage Resources*.

The purpose of the Heritage Overview is to evaluate the cultural heritage value or interest (CHV) of the property and identify any direct or indirect impacts to identified heritage attributes. Where impacts are identified, mitigation measures are prepared to address the conservation of cultural heritage resources, where applicable. Evaluation of CHVI of 954 Gainsborough Road was undertaken according to the criteria outlined in *Ontario Regulation 9/06* under the *Ontario Heritage Act*.

The Heritage Overview determined that 954 Gainsborough Road satisfied one criteria of *Ontario Regulation 9/06* and therefore has CHVI. Historic value was identified through its association with the *Veterans Land Act*, an important program that helped to settle Second World War veterans on small farms to supplement their income. Although the property is associated with the *Veterans Land Act*, the residence and barn are not directly associated with the *Veterans Land Act*, as they were both constructed prior to the property's association with the act.

Given the identification of historic value, an impact assessment was completed to understand the effect of the proposed change to the property on the CHVI identified. The proposed redevelopment of the property was determined to have an indirect impact on the Study Area. Specifically, a change in land use for 954 Gainsborough Road from agricultural and single family residential to multi-family residences.

The preferred approach to mitigating the impacts identified was determined to include commemoration that incorporates an interpretive approach to commemoration focused on communicating the historical significance of the property to the general public. Therefore, it is recommended that the commemorative approach incorporates at least one of the following options: the creation of interpretive panels, building or development naming, incorporation of building materials, creation of a commemorative garden or landscaping element, and photographic documentation. While not all must be adopted, the goal with a blended commemoration approach is to capture an acceptable level of commemorative activity.

Although the commemorative feature will be located on private property, if possible, the commemorative feature should be located in a publicly visible location along Gainsborough Road. If the commemorative option selected does not include a physical component such as a garden or display of salvaged materials, at minimum interpretive panels should be erected adjacent to the public sidewalk on Gainsborough Road. The commemoration approach should be finalized, in consultation with City staff, prior to Site Plan Approval so that consideration of the history of the property is included in the Site Plan.



HERITAGE OVERVIEW—954 GAINSBOROUGH ROAD, LONDON, ONTARIO

Based on the evaluation of CHVI, the heritage attributes identified, and the recommendations presented within this Heritage Overview, should the recommendations be executed as proposed it has been determined that the heritage attributes associated with 954 Gainsborough Road will be conserved. Furthermore, this represents an enhancement of the heritage attributes to increase public awareness of this important initiative in local history.

The executive summary highlights key points from the report only; for complete information and findings the reader should examine the complete report.



Project Personnel

Project Manager:	Lashia Jones, MA, CAHP
Heritage Consultant:	Meaghan Rivard, MA, CAHP
Report Writers:	Frank Smith, MA
Geographic Information Specialist:	Brian Cowper
Office Assistant:	Priscilla Kwan
Quality Review:	Meaghan Rivard, MA, CAHP
Independent Review:	Colin Varley, MA, RPA



Study Purpose
July 6, 2020

1.0 STUDY PURPOSE

Royal Premier Homes (the Proponent) retained Stantec Consulting Ltd. (Stantec) to prepare a Heritage Overview for the property located at 954 Gainsborough Road, in the City of London, Ontario (Figure 1). In accordance with Section 27(1) of the *Ontario Heritage Act* (OHA), the City of London (the City) maintains a register of properties that are of potential cultural heritage value or interest (CHVI). The City's 2019 *Register of Cultural Heritage Properties* (the Register) identifies the property at 954 Gainsborough Road as an "1870 Ontario Farmhouse". The listed property was added to the Register on March 26, 2007 and is 5.25 acres in size.

The objectives of this Heritage Overview are as follows:

- Identify and evaluate the CHVI of the Study Area
- Identify potential direct and indirect impacts to cultural heritage resources
- Identify mitigation measures where impacts to cultural heritage resources are anticipated to address the conservation of heritage resources, where applicable

To meet these objectives, this Heritage Overview contains the following content:

- Summary of project methodology
- Review of background history of the Study Area and historical context
- Evaluation of CHVI
- Description of the proposed site alteration
- Assessment of impacts of the proposed site alterations on cultural heritage resources
- Review of development alternatives or mitigation measures where impacts are anticipated
- Recommendations for the preferred mitigation measures





Legend
 Study Area



Notes
 1. Coordinate System: NAD 1983 UTM Zone 17N
 2. Base features produced under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2020.
 3. Orthoimagery: © 2020 Microsoft Corporation © 2020 DigitalGlobe © CNES (2020) Distribution Airbus DS



Project Location: City of London
 Project Number: 160940719
 Prepared by SW on 2020-06-05
 Independent Review by ## on 2020-##-##.

Client/Project:
 ROYAL PREMIER HOMES
 HERITAGE OVERVIEW - 954 GAINSBOROUGH ROAD

Figure No.
1

Title
Study Area

\\Cd\1220-102\01_609\active\160940719\03_data\gis\cadd\gis\mxd\Heritage\Report_Figures\160940719_Fig_01_HeritageOverview.mxd
 Revised: 2020-06-05 By: swen



Disclaimer: Stantec assumes no responsibility for data supplied in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data. The recipient releases Stantec, its officers, employees, consultants and agents, from any and all claims arising in any way from the content or provision of the data.

Methodology
July 6, 2020

2.0 METHODOLOGY

2.1 POLICY FRAMEWORK

2.1.1 Planning Act

The *Planning Act* provides a framework for land use planning in Ontario, integrating matters of provincial interest in municipal and planning decisions. Part I of the *Planning Act* identifies that the Minister, municipal councils, local boards, planning boards, and the Municipal Board shall have regard for provincial interests, including:

(d) The conservation of features of significant architectural, cultural, historical or scientific interest

(Government of Ontario 1990)

2.1.2 The 2020 Provincial Policy Statement

The Provincial Policy Statement (PPS) was updated in 2020 and is intended to provide policy direction for land use planning and development regarding matters of provincial interest. Cultural heritage is one of many interests contained within the PPS. Section 2.6.1 of the PPS states that, “significant built heritage resources and cultural heritage landscapes shall be conserved”.

(Government of Ontario 2020)

Under the PPS definition, 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. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted, or adopted by the relevant planning authority and/or decision maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments

Under the PPS definition, significant means:

In regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.



HERITAGE OVERVIEW—954 GAINSBOROUGH ROAD, LONDON, ONTARIO

Methodology
July 6, 2020

Under the PPS, “protected heritage property” is defined as follows:

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 Sites.

(Government of Ontario 2020)

2.1.3 City of London Official Plan

The property at 954 Gainsborough Road is listed on the City’s Register City of London 2019). The City’s Official Plan, “The London Plan”, contains the following policy with regard to development within or adjacent to designated and listed heritage properties:

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.

The London Plan also contains the following general objectives with regard to cultural heritage resources:

- 554_*
- *Promote, celebrate, and raise awareness and appreciation of London’s cultural heritage resources.*
 - *Conserve London’s cultural heritage resources so they can be passed on to our future generations.*
 - *Ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources*

(City of London 2016)

2.2 BACKGROUND HISTORY

To understand the historical context of the property resources such as land registry records, secondary sources, and online archival databases were consulted. Due to the closure of public research institutions due to the COVID 19 pandemic, research was limited to online sources and the corporate Stantec library.

2.3 FIELD PROGRAM

A site assessment was undertaken on June 4, 2020 by Frank Smith, Cultural Heritage Specialist, and Lashia Jones, Heritage Consultant, both with Stantec. The weather conditions were warm and calm. The site visit included a pedestrian survey of the property including the residence and barn, and property. Interior access was granted to the barn.



Methodology
July 6, 2020

2.4 EVALUATION OF CULTURAL HERITAGE VALUE OR INTEREST

2.4.1 Ontario Regulation 9/06

The criteria for determining CHVI is defined by *Ontario Regulation (O. Reg.) 9/06*. In order to identify CHVI at least one of the following criteria must be met:

1. The property has design value or physical value because it:
 - a. is a rare, unique, representative or early example of a style, type, expression, material or construction method
 - b. displays a high degree of craftsmanship or artistic merit
 - c. demonstrates a high degree of technical or scientific achievement
2. The property has historical value or associative value because it:
 - a. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community
 - b. yields, or has the potential to yield, information that contributes to an understanding of a community or culture
 - c. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community
3. The property has contextual value because it:
 - a. is important in defining, maintaining or supporting the character of an area
 - b. is physically, functionally, visually or historically linked to its surroundings
 - c. is a landmark

(Government of Ontario 2006a)

2.5 ASSESSMENT OF IMPACTS

The assessment of impacts is based on the impacts defined in the Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTCI) *Infosheet #5 Heritage Impact Assessments and Conservation Plans* (Infosheet #5). Impacts to heritage resources may be direct or indirect.

Direct impacts include:

- Destruction of any, or part of any, significant heritage attributes or features
- Alteration that is not sympathetic, or is incompatible, with the historic fabric and appearance



HERITAGE OVERVIEW—954 GAINSBOROUGH ROAD, LONDON, ONTARIO

Methodology

July 6, 2020

Indirect impacts do not result in the direct destruction or alteration of the feature or its heritage attributes, but may indirectly affect the CHVI of a property by creating:

- Shadows that alter the appearance of a heritage attribute or change the viability of a natural feature or plantings, such as a garden
- Isolation of a heritage attribute from its surrounding environment, context or a significant relationship
- Direct or indirect obstruction of significant views or vistas within, from, or of built and natural features
- A change in land use such as rezoning a battlefield from open space to residential use, allowing new development or site alteration to fill in the formerly open spaces
- Land disturbances such as a change in grade that alters soil, and drainage patterns that adversely affect an archaeological resource

(Government of Ontario 2006b)

2.6 MITIGATION OPTIONS

In addition to providing a framework to assess the impacts of a proposed undertaking, the MHSTCI Infosheet #5 also provide methods to minimize or avoid impacts on cultural heritage resources. These 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 alterations
- Buffer zones, site plan control, and other planning mechanisms

(Government of Ontario 2006b)



Site History
July 6, 2020

3.0 SITE HISTORY

3.1 INTRODUCTION

The Study Area is located at 954 Gainsborough Road, between Hyde Park Road and Coronation Drive, in the City of London. Historically, the property is located in the former Township of London, on part of Lot 24, Concession 3. The following sections outline the historical development of the Study Area from the period of Euro-Canadian settlement to the present-day.

3.2 PHYSIOGRAPHY

The Study Area is situated with the Stratford Till Plain physiographic region of southern Ontario in undrumlined till plain landform (Chapman and Putnam 1984). The Stratford Till Plain is a broad clay till plain extending from London to the Grand River Valley. The plain consists of a large ground moraine, interrupted by several terminal moraines. It is divided in its drainage by the Thames River in the centre and southern areas and by the Grand River in the northern area. The plain is included within the Lake Huron lake-effect belt and receives more precipitation than average in southern Ontario. This, combined with the good natural soil fertility, allows it to be one of the most agriculturally productive areas in Ontario (Chapman and Putnam 1984: 133-134).

3.3 TOWNSHIP OF LONDON

3.3.1 Survey and Settlement

Prior to 1763, southwestern Ontario was part of France's sprawling colony of New France. In 1763, following France's loss in the Seven Years War, it ceded nearly all of its colonial possessions in North America to Spain and Great Britain. Britain's Thirteen Colonies clustered along the Atlantic seaboard eagerly participated in the Seven Years War. The colonies believed that removing France from the continent would open new lands west of the Appalachian Mountains to settlement. Instead, the British closed most of former New France to colonization and transferred the Ohio Valley and southwestern Ontario to the Province of Quebec. In 1783, Great Britain recognized the independence of the Thirteen Colonies as the United States of America (Craig 1963: 2)

Approximately one quarter of the population of the Thirteen Colonies were Loyalists to the British Crown and during the conflict and following independence, about 50,000 people emigrated from the United States for Great Britain or other colonies, including Canada (Craig 1963: 3). The Loyalist population in Canada wished to live under the customs and common law they were familiar with in the former Thirteen Colonies and Great Britain. To accommodate this, the *Constitutional Act* divided Quebec into Upper Canada in the south and Lower Canada in the north. French laws and customs would be preserved in Lower Canada while British laws and customs would rule in Upper Canada (Taylor 2007: 2). John Graves Simcoe was appointed Lieutenant Governor of Upper Canada and arrived in June 1792 with ambitious plans to mold the colony into "the very image and transcript of that of Great Britain" (Taylor 2007: 9).



HERITAGE OVERVIEW—954 GAINSBOROUGH ROAD, LONDON, ONTARIO

Site History

July 6, 2020

Part of Simcoe's transformative plan for Upper Canada included the forks of the river called La Tranche by the French. Simcoe selected it as the site for the capital of Upper Canada in 1791 and renamed La Tranche to the Thames River and named the envisioned capital London. Merchants in Upper Canada, as well as Guy Carleton, Governor of Canada, objected to the proposed site because of its inaccessibility. The capital never moved to London and was eventually transferred from Niagara-on-the-Lake to York (later Toronto) (Armstrong 1986: 21). The first settler in London Township was Joshua Applegarth, who arrived in 1807, and attempted to cultivate hemp before switching to other crops (Page 1878: 5).

Despite Simcoe's vision, the entire Township of London remained largely unsettled until after the War of 1812. The first land patent in the township occurred in 1812 when John Hale was granted land. In 1813, several lots were granted to Mahlon Burwell, as part payment to formally survey the township (Page 1878: 9).

Burwell had arrived in London Township with Colonel Thomas Talbot in 1810 with plans to develop the township and much of southwestern Ontario. Talbot would eventually be instrumental in the development of 29 townships. Burwell began his survey of London Township just prior to the War of 1812. Before the outbreak of hostilities, he surveyed Concessions 1 through 6. After the war, Burwell resumed his work and completed the remainder of the survey by 1818 (London Township History Book Committee (LTHBC) 2001a: 12). London Township was the largest township in Middlesex County, containing over 96,000 acres of land on 12 square miles (Page 1878: 9). The first township meeting was held on January 4, 1819, in Joshua Applegarth's house (Armstrong 1986: 29).

3.3.2 19th Century Development

Settlement progressed steadily during the first decades of the 19th century under the stewardship of Colonel Talbot. In 1818, he recommended his relative, Richard Talbot, settle about 25 new families in London Township. These settlers had come from Ireland. In 1819, the population further increased when Colonel Talbot settled an additional 98 immigrants in London Township (LTHBC 2001a: 14).

The population of London Township was recorded as 2,677 in 1839. The township assessment recorded 15,446 acres of cultivated land. Nearly all the residences in the township were still constructed out of logs or frame, showing that despite the rapid growth the township experienced, it remained a frontier settlement at the time (Rosser 1975: 18).

By 1850, the population of London Township had increased to 6,034 and contained five grist mills and four sawmills. The township was known for fertile soil and the main crops grown in the township included wheat, oat, peas, and turnips. Livestock raised included sheep and cows, with the township's farmers producing 32,000 pounds of wool and 28,000 pounds of butter in 1849 (Godspeed 1889: 515). While the agricultural prosperity grew, the settlement of London at the forks of the Thames River also grew. In 1840, London was incorporated as a Town with a population of 1,716 (Armstrong 1986: 63).



HERITAGE OVERVIEW—954 GAINSBOROUGH ROAD, LONDON, ONTARIO

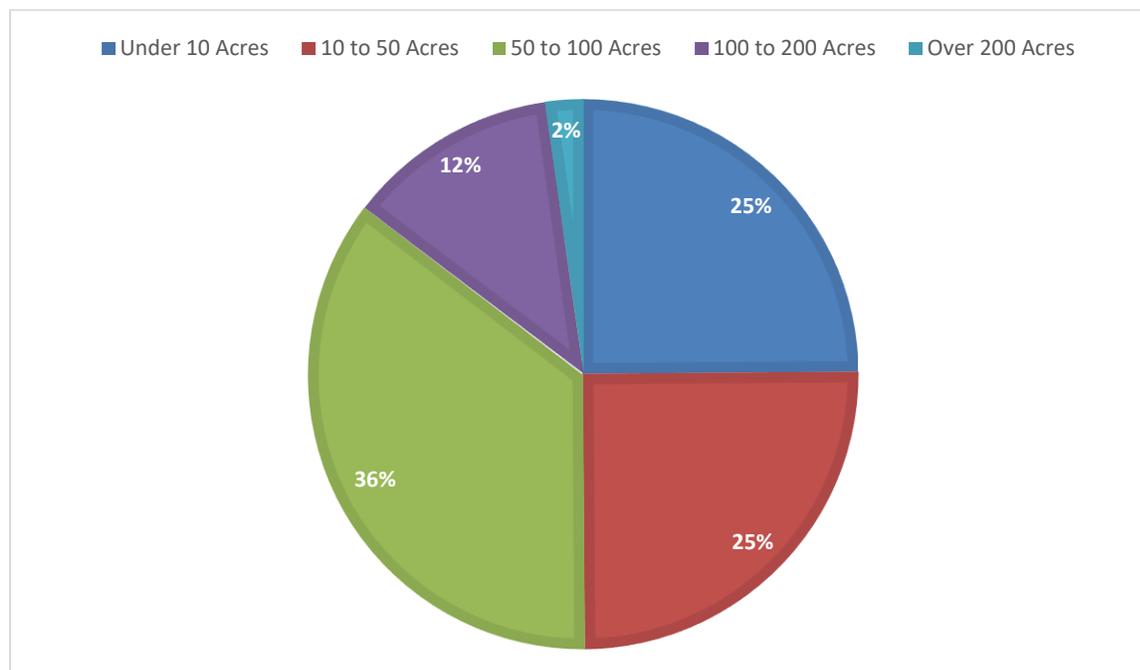
Site History

July 6, 2020

Development was bolstered in 1853 when the Great Western Railway was built through Middlesex County. The rapid growth of the Town of London following the arrival of the railway led to its incorporation as a City in 1855 (Armstrong 1986: 68). In 1870, the London, Huron, and Bruce Railway was chartered to build a railway from London to Bruce County (Cooper 2017). The railway began in the third concession of London Township at the intersection of present-day of Sarnia Road and Hyde Park Road.

In 1871, the population of London Township reached 10,991, the highest it would attain in the 19th century (Dominion Bureau of Statistics 1953). That year, the township contained 1,443 occupiers of land, 1,180 of which owned their land, and 255 of which were tenant farmers. The farms were of various sizes and included 359 which were 10 acres and under, 361 farms 10 to 50 acres, 512 farms 50 to 100 acres, 179 farms 100 to 200 acres, and 32 farms over 200 acres (Chart 1) . The total area occupied was 100,598 acres. Of that amount, 47,007 acres was under crops, 19,120 acres were in pasture, and 2,278 acres were orchards or gardens (Census of Canada 1871).

Chart 1: Farm Size in London Township (1871)



By the end of the 19th century, London Township contained several rural hamlets, including Arva, Birr, Elginfield, Denton, Ilderton, Vanneck, Bryanstaon, Kingston, and Hyde Park Corner. Hyde Park Corner developed just northeast of the intersection of the Grand Western (later Grand Trunk) Railway and the London, Huron, and Bruce Railway. By 1888, the population of the community was 490. The hamlet contained a post office, sawmill, hotel, doctor, butchers, schoolhouse, and a carriage builder (Godspeed 1889: 518).



HERITAGE OVERVIEW—954 GAINSBOROUGH ROAD, LONDON, ONTARIO

Site History

July 6, 2020

In addition to rural hamlets, suburbs adjacent to the City developed in London Township. During the end of the 19th century, the London suburbs of London East and London West were briefly incorporated before being annexed in the City in 1885 and 1898, respectively (Armstrong 1986: 128-129). In 1891, as a result of annexations and growth, the City of London contained a population of 30,062 while the population of London Township had declined to 8,934 (Dominion Bureau of Statistics 1953).

3.3.3 20th Century Development

At the start of the 20th century, the population of London Township further declined to 8,878 while the City of London increased to 37,976 (Dominion Bureau of Statistics 1953). The contraction of population in the Township and growth of the City was part of a broader trend of urbanization in the late 19th and early 20th centuries. The emergence of industrialization and urbanization increased the number of wage workers required in cities and towns. At the same time, improvements in farm equipment and the mechanization of farming meant that less labour was required on a farm (Sampson 2012). This encouraged out-migration from rural areas to the burgeoning cities of Ontario (Drummond 1987: 30).

The Census of 1921 shows that the population of London Township further decreased to 7,201, the lowest the population would reach between Confederation and the Second World War (Dominion Bureau of Statistics 1953). In 1921, the township had 1,244 occupiers of land, 1,024 of which were owned and 156 were tenant farmers. The amount of occupied land in the Township was 96,337 acres. Of that amount, 43,822 acres were under crops, 23,911 acres were pasture, and 918 acres were orchards (Census of Canada 1921).

The City of London halted annexation from surrounding townships in the first decades of the 20th century as the effects of the First World War, the Great Depression, and the Second World War curtailed demand for new development (Curtis 1992: 15). However, the population of the City grew from 46,300 in 1911 to 60,959 in 1921 (Dominion Bureau of Statistics 1953).

Like much of North America, London and Middlesex County experienced rapid development and growth in the post-war era. By the 1950s, the City of London was almost fully developed and needed new land to continue to grow. As demand for housing in the post-war era grew, London and Westminster Townships began to see significant development along their borders with the City of London. Between 1951 and 1956, the population of London Township increased 66% (Meligrana 2000: 8). In 1958, the City began the process of annexing 57,000 acres of land in London, West Nissouri, Westminster, and North Dorchester Townships.

Some township residents opposed annexation and believed their taxes would increase with little in return from the City. Township officials claimed businesses chose to locate themselves in the township and should not be forced into the City. In May 1960, the Ontario Municipal Board ruled in favour of annexation and awarded 30,000 acres of land in London Township to the City. The annexation became effective in 1961 (Globe and Mail 1960: 10).



HERITAGE OVERVIEW—954 GAINSBOROUGH ROAD, LONDON, ONTARIO

Site History

July 6, 2020

The Study Area remained in London Township until London's next major annexation of surrounding land in 1993, which deducted 84,014 acres from the Township, and annexed the Study Area and hamlet of Hyde Park into the City of London (LTHBC 2001a:36). The remainder of London Township amalgamated with Lobo Township and Delaware Township on December 31, 1997 to create the Municipality of Middlesex Centre (LTHBC 2001a: 37). In the years following annexation, the community of Hyde Park and adjacent lands began to transition from rural and agricultural to suburban.

The City of London is continuing to grow and develop in the 21st century. In 2016, the City had a population of 383,822 an increase of 4.8% since 2011 (Statistics Canada 2017).

3.4 PROPERTY HISTORY

The Study Area is located in the North Half of Lot 24, Concession 3, which was granted by The Crown to Truman Hull in 1848 (ONLand 2020). Hull was granted this lot as part of Colonel Talbot's superintendence of London Township (Rosser 1975: 201). However, it is likely that Hull occupied the north half of the lot prior to 1848. Hull is recorded as residing in the Township as early as the 1820s in a list of cattle marks used in the Township (Godspeed 1972: 510). In addition, Colonel Talbot had largely ended his direct involvement in the settlement of southwestern Ontario by the 1840s (Brunger 1985).

Settlers in Talbot's lands were required to perform settlement duties before the land was officially patented to them. These duties included establishing farms and clearing a specified amount of acreage. In addition, Talbot was known to be a haphazard record keeper and sometimes up to three decades passed between the initial settlement of a lot and the issue of a land patent (Brunger 1985). Therefore, it is likely Hull resided on the lot beginning in the early 1820s. The south half of the lot was granted to William McMillan in 1849 (ONLand 2020a).

In 1856, William Smith purchased 49 and a half acres of the lot from the beneficiaries of the will of Truman Hull. Later that year, Smith sold eight acres of land to Lawrence Deginaw and his wife. This portion of land is defined in land registry records as "13 chains and 65 links¹ east of the northwest corner of the lot and then south 10 chains and 85 links and then east 7 chains and 30 links" (ONLand 2020c). These measurements align with the present-day municipal addresses of 954 Gainsborough Road (the Study Area), 968 Gainsborough Road, 976 Gainsborough Road, and a small portion of the east part of 978 Gainsborough Road, which are properties adjacent to the Study Area.

Farms under 10 acres in size were not uncommon in 19th century London Township or other townships adjacent to the City of London. The Agricultural Census of 1871 lists 359 farms under 10 acres in size in London Township and 139 farms under 10 acres in size in Westminster Township. For comparison, townships further away from the City of London, such as Lobo Township, had only 56 farms under 10 acres in size (Library and Archives Canada 1871).

¹ A chain is an imperial unit of measurement equal to 20.11 metres or 66 feet and a link is an imperial unit equal to 20.12 centimetres or 7.92 inches.



HERITAGE OVERVIEW—954 GAINSBOROUGH ROAD, LONDON, ONTARIO

Site History

July 6, 2020

In 1857, Deginaw sold the eight acres to Angus Fraser and his wife (ONLand 2020a). That same year Fraser took out two mortgages on the property; one with Deginaw and a second with the London Building Society (ONLand 2020a). Angus Fraser was a tailor, and later a postmaster in Hyde Park Corner (McEvoy 1869: 679). Fraser was the fourth postmaster of the Hyde Park post office, serving from July 1, 1868 to November 9, 1872 (Library and Archives Canada 2014).

The Census of 1861 lists Angus Fraser as a 36-year-old tailor living in a one storey frame house. He lived with his wife Margaret, age 37; daughter Ann, age 12; daughter Jane, age 8; daughter Mary, age 5; and son James, age 3. Angus, his wife, and eldest daughter were born in Scotland, and Anne, their second oldest was born in the United States (Library and Archives Canada 1861). It is likely that the original frame residence at 954 Gainsborough was built during this time with a mortgage from the London Building Society (ONLand 2020b). In 1867, Angus Fraser and his wife took out another mortgage on the property with the Huron & Erie Savings Society. The Province of Ontario Gazetteer of 1869 lists Angus Fraser as the Postmaster of Hyde Park Corner and a tailor (McEvoy 1869: 679).

The Census of 1871 lists Angus Fraser as a 47-year-old Postmaster. He lived with his wife Margaret, age 49; daughter Eliza, age 21; daughter Anne, age 18; daughter Jane, age 15; daughter Mary, age 13; son John, age 11, son Abraham Lincoln, age 9; and daughter Margaret, age 7. The Fraser family maintained a lingering affinity for the United States, naming their second youngest child Abraham Lincoln in 1862 (Library and Archives Canada 1871).

In 1875, Angus Fraser and his wife sold the property to Charles Woods. That same year, Woods sold the property to Donald McMillan. The Census of 1881 lists Donald McMillan as a 40-year-old bank manager born in Ontario. He lived with his wife Elizabeth, age 38; and son William, age 7 (Library and Archives Canada 1881). It is unclear if Donald McMillan was related to William McMillan. Donald McMillan and his wife remained the owner of the property until 1911, when it was sold to Angus Graham (ONLand 2020c). In 1918, Graham sold the property to Arthur Roberts who the next year sold the property to Austin Winter.

Between 1923 and 1927 Winter subdivided the property into two additional parcels, which are present-day 968 and 976 Gainsborough Road. In 1927, the widow of Winter sold 954 Gainsborough Road to Frederick Cook. In 1940, the Cook family sold 954 Gainsborough Road property to Chester and Gladys Axford, who sold it the next year (ONLand 2020c). Between 1940 and 1944 the property went through three different owners before being sold in 1944 to John and Gertrude Ball. In 1950, they sold the property to the *Veterans Land Act* (ONLand 2020c). Several other parts of Lot 24, Concession 3 were sold to the *Veterans Land Act* around the same time. *The Veterans Land Act* was formed during the Second World War to settle veterans on small farms. These small farms would serve to supplement the income of veterans (Harris and Shulist 2001). The *Veterans Land Act* owned the property until 1974, when it was sold to John and Mary Holden (ONLand 2020c).



Site Description
July 6, 2020

4.0 SITE DESCRIPTION

4.1 INTRODUCTION

As outlined in Section 2.3, A site assessment was undertaken on June 4, 2020 by Frank Smith, Cultural Heritage Specialist, and Lashia Jones, Heritage Consultant, both with Stantec. The weather conditions were warm and calm. The site visit included a pedestrian survey of the property including the residence and barn, and property. Interior access was granted to the barn.

4.2 LANDSCAPE SETTING

The Study Area consists of the property at 954 Gainsborough Road, located approximately 330 metres east of the intersection of Hyde Park Road and Gainsborough Road. Gainsborough Road, within and adjacent to the Study Area, is a two-lane asphalt paved road with dedicated turning lanes. The south side of the road contains concrete sidewalks and municipal streetlighting on freestanding aluminum poles with LED luminaires. The north side of the road contains a wide grass median, concrete sidewalks, utility poles with municipal streetlighting with LED luminaires, and municipal streetlighting on freestanding aluminum poles with LED luminaires (Plate 1 and Plate 2).

To the north of the Study Area, Gainsborough Road intersects with Coronation Drive. The streetscape of Gainsborough Road within and adjacent to the Study Area consists of a mix of residential and commercial structures, including a modern church on the north side of Gainsborough Road (Plate 3). The structures along Gainsborough Road adjacent to the Study Area are of varying ages, ranging from late 19th century residences to contemporary residences, some of which are still under construction (Plate 4).

While a collection of older homes remains on the north side of Gainsborough Road, along the south side where the Study Area is positioned, the context is much more modern. The size of the property also differs from the collection of older homes on the north side that were parceled to include individual residences while the Study Area is physically removed from this residential setting given the size of the property. Immediately east, north, and south are modern buildings and developments.



HERITAGE OVERVIEW—954 GAINSBOROUGH ROAD, LONDON, ONTARIO

Site Description
July 6, 2020



Plate 1: Looking west on Gainsborough Road



Plate 2: Looking east on Gainsborough Road



Plate 3: Looking north towards church on Gainsborough Road



Plate 4: New construction on Gainsborough Road, looking east

The landscape of the property at 954 Gainsborough Road includes an agricultural field, landscaped yard with mature trees and a concrete patio, gravel driveway, a small two-bay style barn, and two small outbuildings. The agricultural field is located to the south and west of the residence (Plate 5). The yard contains a lawn, ornamental plantings, fruit trees, and deciduous and coniferous trees (Plate 6). The trees include cedars, Silver maple, and Sugar maple (Plate 7 and Plate 8). The property contains a horseshoe shaped gravel driveway located between the residence and small barn (Plate 9). To the south of the residence and two-bay barn are two small barns (Plate 10).



HERITAGE OVERVIEW—954 GAINSBOROUGH ROAD, LONDON, ONTARIO

Site Description
July 6, 2020



Plate 5: Agricultural field, looking south



Plate 6: Fruit trees, looking east



Plate 7: Mature trees, looking west



Plate 8: Mature trees, looking north



Plate 9: Gravel horseshoe shaped driveway, looking north



Plate 10: Two small outbuildings, looking west



Site Description

July 6, 2020

4.3 RESIDENCE

The residence at 954 Gainsborough Road is a one and one half storey vernacular style dwelling built between approximately 1862 and 1875 with elements of Gothic Revival influence including a centre gable dormer, lancet window, and symmetrical front façade. The residence has a medium-pitched intersecting gable roof. The residence contains a modern addition on the south façade with a medium-pitched hip roof. The roof of the residence is clad in asphalt shingles and contains a brick chimney and gable dormer located on the front façade. The exterior of the residence is clad in modern siding. The residence has modern windows and wooden soffits and fascia on the original portion of the residence. The foundation of the original part of the residence is buff brick and the addition has a poured concrete foundation.

The front (north) façade of the residence contains a full-width front porch with wood columns, a wood railing, and modern recessed lighting. The first storey of the front façade contains a centred main entrance with a modern door. To the left and right of the entrance are two modern 1/1 windows with modern shutters (Plate 11). The upper storey contains a centre gable dormer with a modern lancet window (Plate 12).

The original part of the east façade contains modern 1/1 windows with modern shutters (Plate 13). This façade contains a side entrance to the house with a partial concrete porch with wood columns and a pediment clad in modern siding with a wood fascia (Plate 14). The part of the east façade that contains the addition has modern casement windows with modern shutters (Plate 15).

The west façade of the residence contains a modern 1/1 window with shutters on the first storey and a bay window (Plate 16). The bay window is clad in modern siding and contains modern 1/1 windows with modern shutters (Plate 17). The upper storey of the west façade contains a modern 1/1 window with shutters. The transition from the buff brick foundation of the original part of the residence to the poured concrete foundation on the addition is clearly visible along this façade (Plate 18). The part of the west façade that contains the addition has modern casement windows with shutters and a horizontal sliding basement window (Plate 19).

The south façade contains modern casement windows, horizontal sliding basement windows, and a modern entrance door. The door leads out to a concrete patio in the backyard (Plate 20).



HERITAGE OVERVIEW—954 GAINSBOROUGH ROAD, LONDON, ONTARIO

Site Description
July 6, 2020



Plate 11: Front façade of residence, looking south



Plate 12: Modern lancet window and gable dormer, looking south



Plate 13: East façade, looking west



Plate 14: East façade and side entrance, looking west



Plate 15: East façade of the addition, looking west



Plate 16: West façade, looking east



HERITAGE OVERVIEW—954 GAINSBOROUGH ROAD, LONDON, ONTARIO

Site Description

July 6, 2020



Plate 17: Bay window, looking east



Plate 18: Foundation transition, looking east



Plate 19: West façade of modern addition, looking east



Plate 20: South façade, looking north

4.4 BARN

4.4.1 Exterior

The barn is a small two-bay timber structure with a side gable roof clad in metal (Plate 21). The shape and layout of the barn resemble the two-bay barns that were common in Ontario during the 19th century. However, the size and date of construction of the barn preclude its classification as a true two-bay barn, which are typically larger in size and constructed in the 19th century.

The exterior of the barn is clad in board and batten siding (Plate 22). The foundation of the outbuilding is poured concrete, visually consistent with its date of construction (Plate 23). The barn was formerly painted red, then white, indicated by the presence of faded paint on all four façades. The use of poured concrete and the presence of wire nails indicate the structure was built in the early to mid-20th century (Plate 24). This is corroborated by the present owner of the property, who indicated that the barn was built in the 1940s after the previous outbuilding collapsed.



HERITAGE OVERVIEW—954 GAINSBOROUGH ROAD, LONDON, ONTARIO

Site Description

July 6, 2020

The north façade of the barn contains a double board and batten entrance door that opens to the threshing floor (Plate 25). The doors are fastened to the outbuilding by metal hinges. A hayloft door is located north of the main double doors (Plate 26). The hayloft door is fastened by metal hinges. The west façade contains two three pane wood surround windows and a modern electrical conduit (Plate 27 and Plate 28).

The south façade contains a wooden double entrance door that leads to the threshing floor (Plate 29). The doors are fastened by metal hinges (Plate 30). Above these doors are two small board and batten doors fastened by metal hinges. To the north of the double doors is a three-pane wood surround glass window and a Dutch door which provides access to the stable (Plate 31). Above this door is metal light fixture with a missing luminaire. To the east of the double doors are two boarded window openings and a wooden door which leads to the storage area. The east façade of the outbuilding contains two boarded window openings (Plate 32).



Plate 21: North façade showing side gable roof clad in metal, looking south



Plate 22: Board and batten siding, looking south



HERITAGE OVERVIEW—954 GAINSBOROUGH ROAD, LONDON, ONTARIO

Site Description
July 6, 2020



Plate 23: Concrete foundation, looking south

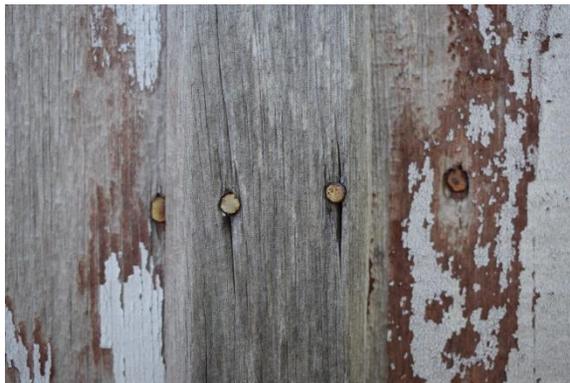


Plate 24: Wire cut nails, looking south



Plate 25: Doors on north façade, looking south



Plate 26: Hay loft door, looking south



Plate 27: West façade, looking east



Plate 28: Three pane window, looking east



HERITAGE OVERVIEW—954 GAINSBOROUGH ROAD, LONDON, ONTARIO

Site Description
July 6, 2020



Plate 29: South façade, looking north



Plate 30: Metal hinge on door, looking north



Plate 31: Dutch door and boarded windows, looking north



Plate 32: East façade, looking north

4.4.2 Interior

The interior of the barn is divided into a stable, threshing floor, and storage area. The interior contains machine cut beams (Plate 33). The stable area is located on the western most side of the outbuilding and contains two stalls (Plate 34). The threshing floor is located in the middle of the barn and can be accessed by the sets of double doors on the south and north façades. The threshing floor also contains a wooden staircase leading to the loft area (Plate 35). Because of structural concerns, the loft area was not accessed. The storage area of the barn is located on the east end of the structure (Plate 36).



HERITAGE OVERVIEW—954 GAINSBOROUGH ROAD, LONDON, ONTARIO

Site Description
July 6, 2020



Plate 33: Joists and beams, looking north



Plate 34: Stable, looking east



Plate 35: Threshing floor, looking north



Plate 36: Storage area, looking north



5.0 COMPARATIVE ANALYSIS

The property at 954 Gainsborough Road is listed on the City’s Register as an “Ontario farmhouse.” The property is one of 60 properties with the architectural style listed as “Ontario farmhouse.” The Ontario Farmhouse is “a specific term within the City of London, referring to a centre hall plan building with an end-gable roof and a central gable above the front entry, generally with a usable upper storey” (City of London 2019). These types of residences are also referred to as Ontario vernacular structures or Gothic cottages. The occurrence of these types of residences is widespread throughout the City, existing in both urban and rural settings. Based on the site investigation, the residence at 954 Gainsborough Road meets the definition of an Ontario Farmhouse.

However, the historical integrity of the residence has been diminished by the modern siding, a modern porch, modern windows, and lack of elements commonly seen with gothic cottages such as bargeboard and finials. Furthermore, there are better examples of the “Ontario Farmhouse” style within London with more integrity than that identified at 954 Gainsborough Road.



6.0 EVALUATION OF CULTURAL HERITAGE VALUE OR INTEREST

6.1 INTRODUCTION

The criteria for determining CHVI is defined by O. Reg. 9/06 (see Section 2.4.1). If a property meets one or more of the criteria it is determined to contain, or represent, a cultural heritage resource. A summary statement of cultural heritage value will be prepared, and a list of heritage attributes which define the CHVI identified. Given the identification of a cultural heritage resource, consideration should be given to the effects of a proposed change on the heritage attributes of that property. The evaluation of each property according to O. Reg. 9/06 is provided in subsequent sections below.

6.2 DESIGN OR PHYSICAL VALUE

The residence at 954 Gainsborough Road is an Ontario vernacular residence with Gothic Revival design elements such as its centre gable dormer, lancet window opening, and symmetrical front façade. Based on census and land registry records, the residence was likely constructed between 1862 and 1875 by Angus Fraser. The residence is a one and one half storey frame structure with a buff brick foundation. These one and one half storey structures with side gable roofs, centre gable dormers, and lancet windows were popularized by periodicals circulating through Canada, including *The Canada Farmer*. These residences were popular because they were affordable, relatively easy to construct, and used Gothic Revival elements popular in Britain and the United States such as bargeboard and finials, which are not present at 954 Gainsborough Road (Plate 37). The versatility of this vernacular design with Gothic Revival elements resulted in its widespread adoption in Ontario. These types of residences were built in rural communities, farms, and cities throughout the province (Mace 2013: 36).

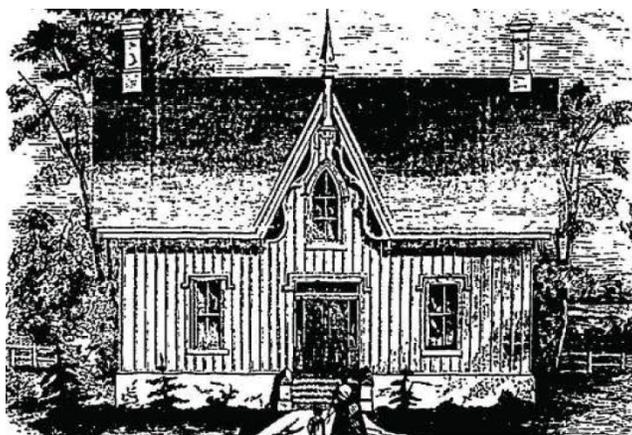


Plate 37: A “cheap farm house” from *The Canada Farmer* (Mace 2013)



HERITAGE OVERVIEW—954 GAINSBOROUGH ROAD, LONDON, ONTARIO

Evaluation of Cultural Heritage Value or Interest

July 6, 2020

However, the residence at 954 Gainsborough Road has been heavily modified by modern siding, a modern porch, and modern windows. This has diminished the historical integrity of the residence. The vernacular style does not employ a high degree of craftsmanship or artistic merit nor does it demonstrate a high degree of technical or scientific achievement

The barn at 954 Gainsborough Road is a small two bay gable structure built in the mid-20th century. The relatively small size of the two-bay outbuilding is reflective of the small size of the farm on the property. Historical owners of the property typically used the farm as a secondary source of income, this is reflected in census records and the use of the property by the *Veterans Land Act* program. The *Veterans Land Act* program was designed for veterans to farm small plots of land as a supplemental income source. The size of the barn is smaller than typical two bay barns, which are typically 60 to 80 feet long and 30 to 40 feet in width (Ennals 1972: 258). Therefore, the barn is not a representative example of a two-bay barn. The barn uses common building materials and construction methods such as machine cut wood beams and wire cut nails and is not unique or rare. The barn does not display a high degree of craftsmanship or artistic merit, nor does it demonstrate a high degree of technical or scientific achievement given its common design and construction materials.

6.3 HISTORIC OR ASSOCIATIVE VALUE

The property is historically associated with Angus Fraser, Donald McMillan, and the *Veterans Land Act*. Angus Fraser was born in Scotland and immigrated to North America, settling first in the United States, and then in Canada. Fraser was part of a mid-19th century wave of migration from the British Isles. Fraser was a tailor and from 1868 to 1872 the postmaster of the hamlet of Hyde Park Corner. While the job of postmaster is an important role in a community, there is no evidence that Angus Fraser contributed to the development or settlement of Hyde Park Corner or London Township. Fraser was the fourth postmaster of the hamlet and his tenure of service, four years, is within the average range of other 19th century postmasters of Hyde Park Corner. The average tenure of a 19th century postmaster in Hyde Park Corner was just under three years (Library and Archives Canada 2014).

Donald McMillan was a bank manager and resident of Hyde Park Corner. Research has not indicated that Donald McMillan or his family were directly associated with a theme, event, belief, person, activity, organization, or institution significant to the community.

After the Second World War, the property was acquired by the *Veterans Land Act* program, an organization significant to postwar veterans' affairs in Canada. The *Veterans Land Act* was passed during the Second World War to settle veterans on small farms. These small farms would serve to supplement the income of veterans. Although the property is associated with the *Veterans Land Act* program, the residence and barn are not directly associated with the *Veterans Land Act*, as they were both constructed prior to the property's association with the program.

The property does not provide evidence of notable or influential aspects of the history of a particular culture or contribute in a meaningful way to a comparative analysis of similar properties. The property does not yield information that contributes to an understanding of a community or culture. The builder of the residence and barn is unknown.



Evaluation of Cultural Heritage Value or Interest
July 6, 2020

6.4 CONTEXTUAL VALUE

The property is set within the former rural hamlet of Hyde Park. Since annexation into the City of London, new suburban development has changed the character of the area from rural to suburban. Therefore, the property does not define, maintain, or support the character of the area along Gainsborough Road. The property is a remnant landscape and not linked to its surroundings and few tangible signs remain connecting the property to the hamlet. The property is not considered a landmark.

6.5 SUMMARY OF EVALUATION

Table 1 provides a summary of the findings of CHVI based on an evaluation according to O. Reg. 9/06.

Table 1: Evaluation of 954 Gainsborough Road According to Ontario Regulation 9/06

Criteria of O. Reg. 9/06	Yes/No	Comments
Design or Physical Value		
Is a rare, unique, representative, or early example of a style, type, expression, material, or construction method	No	The residence has been heavily modified by the addition of modern siding, modern windows, and a modern porch.
Displays a high degree of craftsmanship or artistic merit	No	The residence and barn were constructed with widely available materials and exhibit a level of craftsmanship standard at the time of construction.
Demonstrates a high degree of technical or scientific achievement	No	The residence and barn do not demonstrate a high degree of technical or scientific achievement as they are standard structures.
Historical or Associative Value		
Has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community	Yes	The property is historically associated with the <i>Veterans Land Act</i> , an important program that assisted veterans of the Second World War. Although the property is associated with the <i>Veterans Land Act</i> , the residence and barn are not directly associated with the <i>Veterans Land Act</i> , as they were constructed prior to the property's association with the act.
Yields, or has the potential to yield, information that contributes to an understanding of a community or culture	No	The property does not yield information that contributes to an understanding of a community or culture.
Demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community	No	The architect, builder, or designer of the residence and barn is not known.
Contextual Value		
Is important in defining, maintaining, or supporting the character of an area	No	The property is a remnant rural and agricultural landscape in an area that has transitioned to a suburban landscape.
Is physically, functionally, visually, or historically linked to its surroundings	No	The property is a remnant landscape and not linked to its surroundings and few tangible signs remain connecting the property to the hamlet.
Is a landmark	No	The property is not considered a landmark.



Evaluation of Cultural Heritage Value or Interest
July 6, 2020

6.6 STATEMENT OF CULTURAL HERITAGE VALUE

6.6.1 Description of Property

The property at 954 Gainsborough Road is located on the south side of Gainsborough Road approximately 330 metres east of the intersection of Hyde Park Road and Gainsborough Road. The property contains a mid to late 19th century Ontario vernacular residence with Gothic Revival design elements, a small two bay style barn, other smaller outbuildings, agricultural field, and mature deciduous and coniferous trees.

6.6.2 Cultural Heritage Value

The property at 954 Gainsborough Road demonstrates historic and associative value for its association with the *Veterans Land Act*, an program important to the settlement of veterans during and following the Second World War. The *Veterans Land Act* was formed during the Second World War to settle veterans on small farms. These small farms would serve to supplement the income of veterans.

6.6.3 Heritage Attributes

Historical association with the *Veterans Land Act*.



7.0 IMPACT ASSESSMENT

7.1 DESCRIPTION OF PROPOSED UNDERTAKING

The Proponent is proposing to subdivide the property and construct four multi-family residential buildings ranging from three and one half storeys to six storeys in height and containing between eight and 107 units. The residences will include surface parking spaces. As part of the development, the existing Coronation Drive and Sophia Crescent would be extended into the Study Area. In addition, the existing structures and agricultural field at 954 Gainsborough Road will be removed. A draft site plan used to inform this assessment was prepared by Zelinka Priamo Ltd and dated September 2019.

7.2 ASSESSMENT OF IMPACTS

The property at 954 Gainsborough Road has CHVI as it satisfies one criterion of O. Reg. 9/06 (see Section 6.0). Accordingly, the assessment of potential impacts is focused on the identified heritage attribute of the property, which is its historical association with the *Veterans Land Act*. Impacts are defined by InfoSheet #5, as discussed in Section 2.6.

Based on InfoSheet #5, the property is not at risk of direct impacts resulting from demolition or alteration, as the identified CHVI of the property does not include physical structures located on the property. Rather, the heritage attribute identified is the property's historical association with the *Veterans Land Act*. As the heritage attribute of the property is limited to its historical association, the property is not at risk of indirect impacts arising from shadows, isolation, obstruction, or land disturbance. However, indirect impacts are anticipated through the clearing of the land as further discussed below. The identified indirect impact is a "change of land use" described as the following:

- *A change in land use such as rezoning a battlefield from open space to residential use, allowing new development or site alteration to fill in the formerly open spaces*

(Government of Ontario 2006b)

The proposed undertaking will result in the property changing from an agricultural and single-family residential use to a higher density multi-family use. Additionally, the proposed undertaking will result in the end of agricultural activity on the property. Therefore, this will alter the historical understanding of the property and obscure its association with the *Veterans Land Act*, which was created to provide small farms to veterans to supplement their income. **Therefore, mitigation measures are required to address this indirect impact.**



7.3 MITIGATION OPTIONS

As discussed in Section 2.6, where impacts are identified to cultural heritage resources, mitigation measures must be prepared to eliminate or lessen those impacts. A change of land use was identified for 954 Gainsborough Road, resulting in indirect impacts to the property's association with the *Veterans Land Act*. The change of land use will obscure the relationship between the property and the *Veterans Land Act*.

To mitigate this indirect impact, commemoration and documentation have been considered as mitigation measures. Commemoration options will provide the opportunity to maintain the property's historical association with the *Veterans Land Act* and interpret the program's significance in postwar London specifically and Canada more broadly.

7.3.1 Commemoration

The rationale for commemorating the property as part of the *Veterans Land Act* is to acknowledge the historical role of the property and its significance to the community. A plan to commemorate the property finds opportunities for storytelling so that the public understands the history of the place.

There are a wide variety of commemoration programs that may be considered for the property and/or the future development to conserve the heritage value related to its role in the *Veterans Land Act*. As the structures on the property do not contain cultural heritage value, the conservation of heritage resources on the property should not focus on the physical form of the property but instead recognize its historical value.

The following are potential commemoration opportunities that may be appropriate for the property at 954 Gainsborough Road. These approaches have been incorporated into various types of developments and act as a means to commemorate cultural heritage resources and/or events.

7.3.1.1 Interpretive Panels

Interpretive panels are a commemoration option that contain interpretive text and images to provide the reader with a succinct and memorable overview of the cultural heritage significance of a site or property. Interpretive panels are often located in conjunction with an additional commemorative feature such as the use of salvaged materials or a landscaping feature.

In the case of 954 Gainsborough Road, interpretive panels would be an appropriate commemorative feature given the density anticipated and the opportunity for public consumption. The panels could outline the history of the *Veterans Land Act* and provide more information on the program's impact in the City of London. It is important to note that additional research on the *Veterans Land Act* and its impact within the City and Canada should be undertaken.



Impact Assessment
July 6, 2020

7.3.1.2 Building or Development Names

Naming a road, development, or building(s) in relation to the historical significance of the property is a tangible way to connect a site's past with its current use. Many buildings, roads, and places within the City of London have been named to commemorate or honour notable people or events that have taken place in the City of London or the wider area.

In the case of 954 Gainsborough Road, it is understood that the new road construction to take place within 954 Gainsborough Road is limited to an extension of Coronation Drive and Sophia Crescent. Therefore, it may not be feasible to commemorate the *Veterans Land Act* through a road name. However, the new buildings to be constructed or the development itself could be named to commemorate the place of the *Veterans Land Act* in the City's history. A naming scheme could include the names of people who occupied 954 Gainsborough Road while it was part of the *Veterans Land Act* or names associated with military service or the Second World War.

7.3.1.3 Incorporation of Building Materials

Incorporation of building materials from the present residence and barn may be an option for commemorating the historical significance of the property. Although the residence and barn were found not to contain CHVI, the building materials, especially in the case of the barn, typify agricultural construction and provide a link to the fact that the property was a farm. Select materials from the barn could be incorporated into a display inside or outside the new buildings. Consideration may also be given to any original materials noted during the demolition of the residence. These materials would commemorate the historical agricultural character of the property and directly link it with the goal of the *Veterans Land Act*, which was settling veterans on small scale farms.

7.3.1.4 Commemorative Garden or Landscaping Elements

A commemorative garden or landscaping component is an effective way to acknowledge the historical significance of a property and to provide an attractive focal point or feature that can be embraced by the public. Many communities contain gardens or landscape elements that commemorate veterans or military service using specific planting materials or design techniques. While the goal of a commemorative garden or landscape element at 954 Gainsborough Road is not to commemorate veterans in general, these types of designs could be instructive. A commemorative garden and landscape elements at 954 Gainsborough Road could include a garden with flowers such as poppies and flagpoles including the Canadian national flag and flags of military branches whose veterans benefited from the *Veterans Land Act*. When accompanied by interpretive material, this space could enhance the public's awareness of the history of the property specifically and the *Veterans Land Act* more broadly.



Impact Assessment
July 6, 2020

7.3.1.5 Photographic Documentation

Prior to redeveloping 954 Gainsborough Road, photographic documentation would assist in creating a record of the existing conditions on the property. Documentation typically includes a photo log and descriptive text of the existing conditions to assist in the retention of historical information and to inform commemorative activities. Documentation is most effective when it supplements historical research and is executed by a heritage professional. When the results are deposited at a local repository of historical information this allows the public access to not only the site history but also an accurate and detailed record of it prior to change. It helps retain the story of the site for future generations to study, understand, and appreciate.



8.0 RECOMMENDATIONS

An assessment of impacts resulting from the redevelopment of 954 Gainsborough Road has determined that the proposed undertaking would result in indirect impacts to 954 Gainsborough Road through a change in land use. Based on the impacts identified and an understanding of the proposed undertaking, the following mitigation measures are recommended.

8.1 BLENDED COMMEMORATION APPROACH

The preferred approach to mitigating the impacts resulting from the redevelopment of 954 Gainsborough Road is commemoration that incorporates at least one of the options presented in Section 7.3.1. These options include the creation of interpretive panels, building or development naming, incorporation of building materials, creation of a commemorative garden or landscaping element, and photographic documentation. While not all must be adopted, the goal with a blended commemoration approach is to capture an acceptable level of commemorative activity.

Through the application of a commemorative approach, the historical significance of the property can be interpreted for the general public. Although the commemorative feature will be located on private property, if possible the commemorative feature should be located in a publicly visible location along Gainsborough Road. If the commemorative option selected does not include a physical component such as a garden or display of salvaged materials, at minimum interpretive panels should be erected adjacent to the public sidewalk on Gainsborough Road. The commemoration approach should be a condition of site plan approval so that consideration of the history of the property is included in the Site Plan.

8.2 DEPOSIT COPIES

In order to further the retention of historical information, copies of this report should be deposited with a local repository of historical material. Therefore, it is recommended that this report be deposited at the following location:

London Public Library Ivey Family London Room
251 Dundas Street
London, ON N6A 6H9

8.3 CLOSING

Based on the evaluation of CHVI, the heritage attributes identified, and the recommendations presented within this Heritage Overview, should the recommendations be executed as proposed it has been determined that the heritage attributes associated with 954 Gainsborough Road will be conserved. Furthermore, this represents an enhancement of the heritage attributes to increase public awareness of this important initiative in the City's history.



Closure
July 6, 2020

9.0 CLOSURE

This report has been prepared for the sole benefit of Royal Premier Homes and may not be used by any third party without the express written consent of Stantec 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.

Stantec Consulting Ltd.



Meaghan Rivard MA, CAHP
Senior Heritage Consultant
Tel: (226) 268-9025
Cell: (226) 268-9025
meaghan.rivard@stantec.com



Colin Varley MA, RPA
Senior Associate
Tel: (613) 738-6087
Cell: (613) 293-3035
colin.varley@stantec.com



10.0 REFERENCES

- Armstrong, Frederick H. 1986. *The Forest City: An Illustrated History of London, Canada*. Windsor: Windsor Publications.
- Brunger, Alan G. 1985. Talbot, Thomas. In *Dictionary of Canadian Biography, Volume VIII*. Toronto: University of Toronto
- Chapman, L.J., and D.F. Putnam. 1984. *The Physiography of Southern Ontario, Third Edition*. Toronto: Ontario Ministry of Natural Resources.
- City of London. 2016. *The London Plan*. Electronic Document: <https://www.london.ca/business/Planning-Development/Official-Plan/Documents/2019-London-Plan/The-London-Plan-Policies-Effect-Nov18-2019.pdf>. Last Accessed: June 26, 2020.
- City of London. 2019. *Register of Cultural Heritage Resources*. Electronic Document: <https://www.london.ca/About-London/heritage/Documents/Register/Register-2019-AODA.pdf>. Last Accessed: June 26, 2020.
- Cooper. Charles. 2017. *London, Huron & Bruce Railway*. Electronic Document: https://s3.amazonaws.com/content.sitezoogle.com/u/131959/9575371f8709ea05eed212bbec138b8f413c8b78/original/22d-london-bruce-huron-railway.pdf?response-content-type=application%2Fpdf&X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAJUKM2ICUMTYS6ISA%2F20200601%2Fus-east-1%2Fs3%2Faws4_request&X-Amz-Date=20200601T142523Z&X-Amz-Expires=604800&X-Amz-SignedHeaders=host&X-Amz-Signature=788c5e108a1141df1e3cb2ed010db295b7849494ed33cf910f3126620015dc66. Last Accessed: June 1, 2020.
- Craig, Gerald R. 1963. *Upper Canada: The Formative Years*. Don Mills: University of Toronto Press.
- Curtis, Bruce E. 1992. *The Boundary Adjustment Process: The Case of Arbitration in the Greater London Area*. Electronic Resource: http://localgovernment.uwo.ca/resources/docs/research_papers/1992/Curtis,%20Bruce%20-%201992.pdf. Last Accessed: June 8, 2020.
- Dominion Bureau of Statistics. 1953. *Ninth Census of Canada, 1951, Volume 1—Population*. Ottawa: Edmond Cloutier.
- Drummond, Ian M. 1987. *Progress without Planning: The Economic History of Ontario from Confederation to the Second World War*. Toronto: University of Toronto Press.
- Ennals, Peter. 1972. Nineteenth-Century Barns in Southern Ontario. In *Canadian Geographer*, XVI, 3.
- Godspeed, Charles and Weston. 1889. *History of the County of Middlesex, Canada*. (1972 Reprint) Belleville: Mike Studio.



HERITAGE OVERVIEW—954 GAINSBOROUGH ROAD, LONDON, ONTARIO

References

July 6, 2020

- Government of Ontario. 1990. Planning Act, R.S.O. 1990, c. P. 13. Electronic Document: <https://www.ontario.ca/laws/statute/90p13>. Last accessed: June 26, 2020.
- Government of Ontario. 2006a. *Ontario Regulation 9/06, Criteria for Determining Cultural Heritage Value or Interest, Under the Ontario Heritage Act*. Electronic document: <https://www.ontario.ca/laws/regulation/060009>. Last accessed: June 8, 2020.
- Government of Ontario. 2006b. InfoSheet #5 in *Heritage Resources in the Land Use Planning Process, Cultural Heritage and Archaeology Policies of the Ontario Provincial Policy Statement, 2005*. Ministry of Heritage, Sport, Tourism, and Culture Industries Toronto: Queen's Printer for Ontario.
- Government of Ontario. 2020. *Provincial Policy Statement, 2020*. Electronic Document: <https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf>. Last Accessed: June 26, 2020.
- Harris, Richard and Shulist, Tricia. 2001. Canada's Reluctant Housing Program: The Veterans Land Act, 1942-75. In *Canadian Historical Review*, 82, 2, pp. 253-282.
- Library and Archives Canada. 1861. *Census of Canada, 1861*. District Middlesex, Subdistrict London, Reel C-1050-51.
- Library and Archives Canada. 1871. *Census of Canada, 1871*. District 9, Subdistrict C, Reel C-9905.
- Library and Archives Canada. 1881. *Census of Canada, 1881*. District 167, Subdistrict C, Reel C-13268.
- Library and Archives Canada. 2014. *Post Offices and Postmasters, Item 15446*. Electronic Document: <https://www.bac-lac.gc.ca/eng/discover/postal-heritage-philately/post-offices-postmasters/Pages/item.aspx?ldNumber=15446&>. Last Accessed: June 5, 2020.
- London Township History Book Committee. 2001a. *London Township: Volume 1: A Rich Heritage 1796-1997*. Aylmer, Ontario: London Township History Book Committee.
- Mace, Jessica. 2013. Beautifying the Countryside: Rural and Vernacular Gothic in Late Nineteenth-Century Ontario. In *Journal of the Society for the Study of Architecture in Canada*, 38, 1, pp. 29-36.
- McEvoy, H. 1869. *The Province of Ontario Gazetteer and Directory*. Toronto: Robertson & Cook.
- Meligrana, John F. 2000. The Politics of Municipal Annexation: The Case of the City of London's Territorial Ambitions during the 1950s and 1960s. In *Urban History Review* 291: 3-20.
- ONLand. 2020a. *Middlesex County (33), London, Book 3*. Electronic Document: <https://www.onland.ca/ui/33/books/59091/>. Last Accessed: June 1, 2020.
- ONLand. 2020b. *Middlesex County (33), London, Book 14, Concession 3*. Electronic Document: <https://www.onland.ca/ui/33/books/49023/>. Last Accessed: June 1, 2020.



HERITAGE OVERVIEW—954 GAINSBOROUGH ROAD, LONDON, ONTARIO

References

July 6, 2020

ONLand. 2020c. *Middlesex County (33), London, Book 7*. Electronic Document:

<https://www.onland.ca/ui/33/books/49014>. Last Accessed: June 2, 2020.

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

Correll, Craig & Co. Lith. Toronto.

Rosser, Frederick. 1975. *London Township Pioneers*. Belleville: Mika Publishing Company.

Sampson, Daniel. 2012. Rural Canada in an Urban Century. In *Canadian History: Post-Confederation*.

Electronic Document: <https://opentextbc.ca/postconfederation/chapter/9-14-rural-canada-in-an-urban-century/>. Last Accessed: August 28, 2019.

Taylor, Alan. 2007. "The Late Loyalists: Northern Reflections of the Early American Republic." In *Society for Historians of the Early American Republic, Volume 27, Spring 2007*.



Hello,

My name is Sangev. I currently own a home that overlooks the farm area of 954 Gainsborough.

I wish to voice my opinion to not demolish this site. "Formal designation of heritage properties is one way of publicly acknowledging a property's heritage value to a community. At the same time, designation helps to ensure the conservation of these important places for the benefit and enjoyment of present and future generations"(

http://www.mtc.gov.on.ca/en/publications/Heritage_Tool_Kit_DHP_Eng.pdf)

One of the major reasons we finalized on the purchase of our home was because of the view of the farm land that lays behind the property. We knew that this would provide a beautiful view and create serenity in our lives. Furthermore, we knew that our future children would enjoy this property as well.

I currently work at LHSC Victoria Hospital. Being surrounded by concrete walls and dealing with Pediatric, Trauma and cancer patients can be a toll emotionally. With the addition of COVID-19; the mental stress has been increased. Coming home to view such beautiful scenery calms me from a usually hectic day. Furthermore, my son, who is 3, enjoys seeing the trees and pumpkins that grow in the field. The owner driving by on his tractor and waving at us is also a welcome site.

This city is called the "Forest City" yet all greenery is being converted for commercial or residential purposes. Currently there are 2 apartment complexes being built at the end of 954 Gainsborough on the corner of Sophia Drive and Coronation Drive. One apartment complex started 3 years ago and only the base has been completed. Another complex just started months ago. What is odd is that another apartment complex that was just completed within the past 6 months is not even at full capacity. The point being that, residential structures are taking over everywhere, even heritage sites. What is going to be left for future generation. My son views this heritage site daily and now there is talk of demolition. How can future generation enjoy this if it is to be demolished.

Furthermore, I have relative in London, England. When visiting them, it is nice to see that the heritage and history of sites, buildings and land has been preserved for future generations and tourists. Canada, being a young country, needs to follow suit and maintain our heritage properties.

I hope you take my opinion in consideration.

Sincerely,

Sangev Bharij MRT(MR)(R)

Report to Planning and Environment Committee

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

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

**Subject: Meadowlily Woods Environmentally Significant Area
Conservation Master Plan**

Public Participation Meeting on: October 19, 2020

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, the following actions be taken with respect to the application of the City of London relating to the Meadowlily Woods Environmentally Significant Area:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 27, 2020 to amend the Official Plan to:
- i) change the designation of the subject lands **FROM** Urban Reserve Community Growth, Multi-family High Density Residential, Multi-family Medium Density Residential and Environmental Review designations, **TO** an Open Space designation and **FROM** Environmental Review and Open Space designations **TO** an Urban Reserve Community Growth designation to align with the limits of the Meadowlily Woods Environmentally Significant Area;
 - ii) change Map Schedule B1 (Flood Plain and Environmental Features) **TO** apply an Environmentally Significant Area delineation to the lands identified as the Meadowlily Woods Environmentally Significant Area that are designated Open Space as amended above; and,
 - iii) change Section 19.2.2 Guideline Documents **TO** add the Meadowlily Woods Environmentally Significant Area Conservation Master Plan to the list of Guideline Documents;
- (b) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on October 27, 2020 to amend The London Plan by changing Policy 1719_10 **FROM** Meadowlily Woods Master Plan **TO** Meadowlily Woods Environmentally Significant Area Conservation Master Plan;
- (c) The proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at a future meeting of Municipal Council after the London Plan maps are in force and effect following the Local Planning Appeals Tribunal Hearings;
- i) change the Place Types on Map 1 - Place Types - **FROM** Neighbourhoods **TO** Green Space, and **FROM** Green Space **TO** Neighbourhoods to align with the limits of the Meadowlily Woods Environmentally Significant Area; and
 - ii) change Map 5 - Natural Heritage - **FROM** Potential Environmentally Significant Area and Neighbourhood **TO** Environmentally Significant Area; and,
- (d) The proposed by-law attached hereto as Appendix "D" **BE INTRODUCED** at the Municipal Council meeting on October 27, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the subject property **FROM** a Holding Urban Reserve (h-2*UR1) Zone, a Urban Reserve (UR4) Zone, a Holding Open Space (h-2*OS4) Zone, an Environmental Review (ER) Zone, an Open Space (OS1) Zone, an Open Space

Special Provision (OS1(1)) Zone, an Open Space (OS2) Zone, an Open Space (OS4) Zone and an Open Space Special Provision (OS4(1)) Zone **TO** an Open Space (OS5) Zone.

Executive Summary

Summary of Request

To amend the 1989 Official Plan, The London Plan and Zoning By-law Z.-1 for the lands identified in the Meadowlily Woods Environmentally Significant Area Conservation Master Plan that was received by Municipal Council on July 21, 2020. The updated Meadowlily Woods Environmentally Significant Area Conservation Master Plan identified a new boundary for the ESA based on more recent field work and ecological investigation. The amendment will designate and zone all the lands within the revised limits of the Meadowlily Woods ESA as Open/Green Space, which is intended to protect the area.

Purpose and the Effect of Recommended Action

The proposed amendment will establish the Environmentally Significant Area boundary for the Meadowlily Woods Environmentally Significant area as identified in the Meadowlily Woods Environmentally Significant Area Conservation Master Plan as prepared by Natural Resource Solutions Inc.

Rationale of Recommended Action

1. The proposed amendment is consistent with the PPS, 2014 as natural features and areas shall be protected for the long term and the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved;
2. The proposed amendment conforms to the policies of the 1989 Official Plan;
3. The proposed amendment conforms to the policies of The London Plan.

Analysis

1.0 Site at a Glance

1.1 Property Description

Meadowlily Woods Environmentally Significant Area is generally located along the Thames River south branch on the north side between Highbury Avenue and the City's Pottersburg Pollution Control Plant and on the south side between Highbury Avenue and Hamilton Road.

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

- Official Plan Designation – Open Space
- The London Plan Place Type – Green Space
- Existing Zoning – Open Space (OS5) Zone

1.3 Site Characteristics

- Current Land Use – Environmentally Significant Area
- Frontage – N/A
- Depth – N/A
- Area – 178.4 hectares
- Shape – Irregular

1.4 Surrounding Land Uses

- North – residential uses
- East – residential uses

- South – residential uses and future residential use
- West – Highbury Avenue

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The purpose and effect of this Official Plan and Zoning change is to amend the boundary of the Meadowlily Woods Environmentally Significant Area as identified in the Meadowlily Woods Environmentally Significant Area Conservation Master Plan, and to designate those lands to an Open Space designation in the 1989 Official Plan, and a Green Space Place Type in The London Plan, to amend the Zoning applied to the lands to an Open Space (OS5) Zone, and to adopt the Meadowlily Woods Environmentally Significant Area Conservation Master Plan as an Official Plan Guideline Document in the 1989 Official Plan and The London Plan.

3.0 Relevant Background

3.1 Planning History

Council on July 21, 2020 resolved:

That, on the recommendation of the Director, Planning and City Planner, the following actions be taken with respect to the Conservation Master Plan for the Meadowlily Woods Environmentally Significant Area:

*a) the Conservation Master Plan for the Meadowlily Woods Environmentally Significant Area appended to the staff report dated July 13, 2020, **BE RECEIVED** for information; and,*

*b) the members of the Environmental and Ecological Planning Advisory Committee and the community **BE THANKED** for their work in the review and comments on the document;*

it being noted that staff will initiate an Official Plan Amendment and Zoning By-law amendment to adopt the Conservation Master Plan for the Meadowlily Woods Environmentally Significant Area and to amend the updated Environmentally Significant Area boundary identified in the Conservation Master Plan

3.2 Requested Amendment

Requested Amendment to the 1989 Official Plan:

- To change the designation of the lands from Urban Reserve Community Growth, Environmental Review, Multi Family High Density Residential, Multi Family Medium Density Residential to Open Space and from Open Space to Multi Family High Density, Multi Family Medium Density Residential and from Environmental Review to Urban Reserve Community Growth.
- Amend Official Plan Map Schedule B-1 Natural Heritage Features to revise the Environmentally Significant Area boundaries, and
- amend Section 19.2.2 Guideline Documents to add the Meadowlily Woods Environmentally Significant Area Conservation Master Plan to the list of Guideline Documents.

Requested Amendment to The London Plan:

- To change the designation of the lands from the Neighbourhood and Environmental Review Place Types to Green Space Place Type and to amend from Green Space Place Type to Neighbourhood Place Type.
- Amend Map 5 Natural Heritage to revise the Environmentally Significant Area boundaries, and
- amend policy 1719_10 Natural Heritage System Guidelines to add the

Meadowlily Environmentally Significant Area Conservation Master Plan to the list of Natural Heritage System Guidelines.

Requested Zoning By-law Amendment: To change the zoning from a holding Urban Reserve (h-2*UR1) Zone, Open Space (OS2) Zone, Open Space (OS1) Zone, Open Space (OS4) Zone, holding Open Space (h-2*OS4) Zone, Open Space Special Provision (OS1 (1)) Zone, Open Space Special Provision (OS4 (1)) Zone, Environmental Review (ER) Zone and an Urban Reserve (UR4) Zone to an Open Space (OS5) Zone to permit conservation uses only.

3.3 Community Engagement (see more detail in Appendix B)

A Notice of Application was sent to property owners within a 120 metre radius of the subject site on August 11, 2020 and was published in The Londoner on August 13, 2020. Two “Possible Land Use Change” signs were placed on the subject site, fronting onto Meadowlily Road South and Meadowlily Road North.

Twenty eight (28) responses were received, which will be addressed later in this report. The primary concerns identified are:

- Will allow development within the Meadowlily Woods ESA:
- Will permit development on 101 Meadowlily Road South:
- That development limit is maintained with existing accepted EIS limits: and
- That the Environmentally Significant Area boundary as identified in the Meadowlily Woods Conservation Master Plan not be established on 129 and 179 Meadowlily Road South pending the completion of site specific Environmental Impact Studies.

3.4 Policy Context (see more detail in Appendix F)

Provincial Policy Statement (PPS)

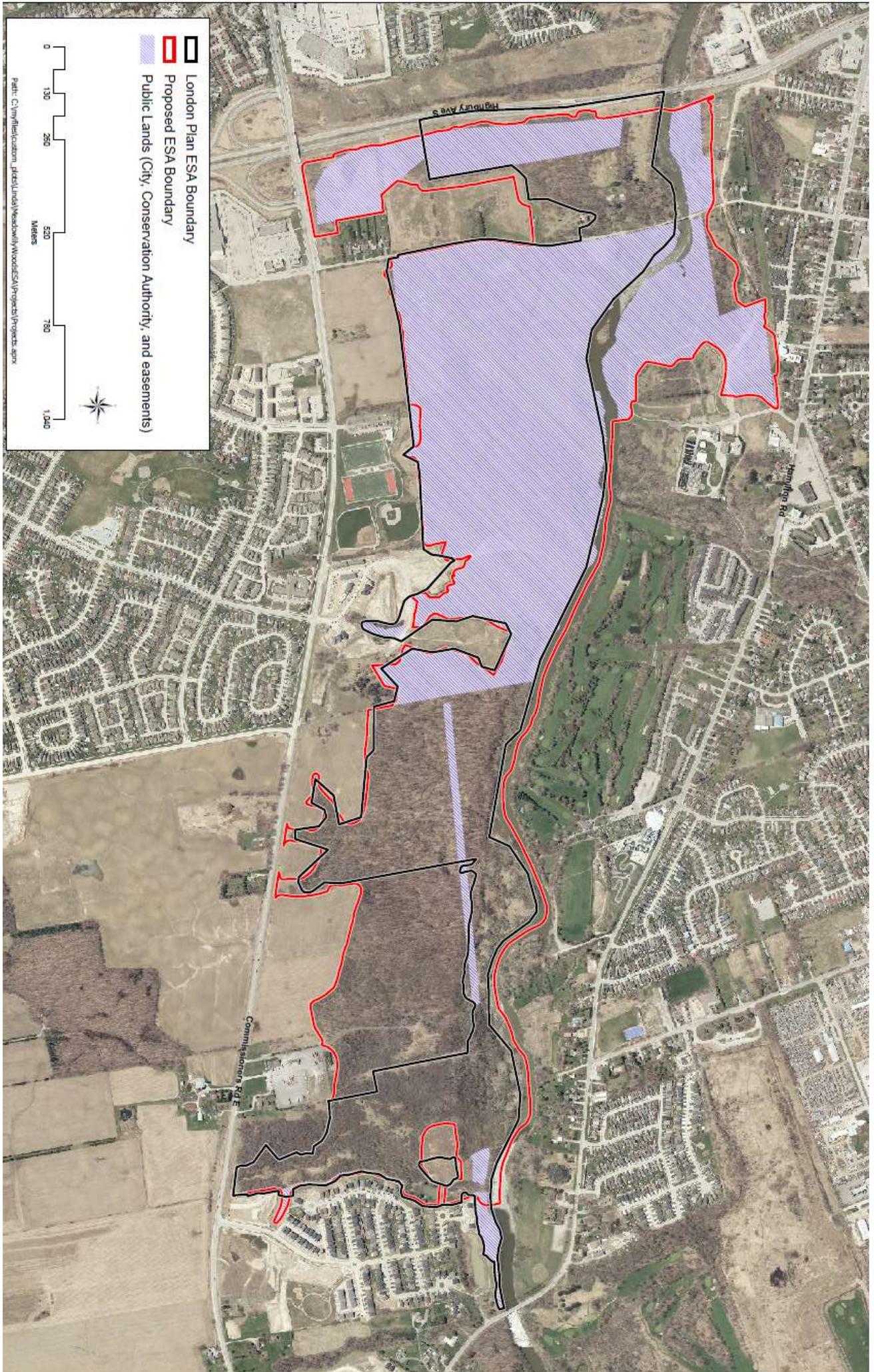
Section 2.1 of the PPS – Natural Heritage, establishes clear direction on the adoption of an ecosystem approach and the protection of resources that have been identified as ‘significant.’ These features are defined within the PPS and rely on the municipality to identify and delineate specific natural features. As identified in the Meadowlily Woods ESA Conservation Master Plan, the features in the Meadowlily Woods Environmentally Significant Area include:

- habitat of endangered species and threatened species;
- significant wetlands;
- significant woodlands;
- significant valleylands;
- significant wildlife habitat;
- significant areas of natural and scientific interest (ANSI); and
- fish habitat.

The Official Plan (1989)

The City of London Official Plan (1989) outlines policies for the protection of natural features within the City of London. Section 15.4.1 of the Official Plan details the policies relating to the creation, expansion, and evaluation of Environmentally Significant Areas.

Existing and Proposed ESA Boundaries



The London Plan

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

Policy 1367_ identifies Environmentally Significant Areas as components of the City's Natural Heritage System. They are described as large areas that contain natural features and perform ecological functions that warrant their retention in a natural state. Policy 1368_ states that environmentally significant areas that have been identified by City Council as being of city-wide, regional, or provincial significance are included in the Green Space Place Type on Map 1, and are identified on Map 5. The recently completed Meadowlily Woods Environmentally Significant Area Conservation Master Plan included an evaluation of these lands and identified revisions to the boundary of the ESA. The proposed amendments will amend Map 1 identifying these lands as Green Space and Map 5 as an Environmentally Significant Area, consistent with this policy.

4.0 Key Issues and Considerations

Section 15.3.8 of the '89 Official Plan and Section 1421_ of The London Plan states that Council may request the preparation of Conservation Master Plans for Environmentally Significant Areas. Conservation Master Plans may be adopted by Council, and will function as guideline documents for the purposes of defining the boundaries and providing direction on the management of these areas. The City retained Natural Resource Solutions Inc. to prepare a Conservation Master Plan for the Meadowlily Woods Environmentally Significant Area. Natural Resource Solutions Inc. conducted four season studies and other field studies to determine the boundary as proposed in the Conservation Master Plan. The proposed boundary expands the Meadowlily Woods Environmentally Significant Area from approximately 128 hectares to 178 hectares.

Council had directed staff to undertake an update of the Meadowlily Woods Master Plan as part of the Meadowlily Area Study. On July 13, 2020 a public participation meeting was held before the Planning and Environment Committee to receive the Meadowlily Woods Environmentally Significant Area Conservation Master Plan. On July 21, 2020 Council received the Meadowlily Woods Environmentally Significant Area Conservation Master Plan and directed staff to prepare Official Plan, London Plan and Zoning By-law Amendments to designate the Meadowlily Woods Environmental Significant Area as established in the Conservation Master Plan.

4.1 The proposed amendment will permit future development within the boundaries of the Meadowlily Woods Environmentally Significant Area.

The proposed amendments are to establish the boundary of the Meadowlily Woods Environmentally Significant Area in the City of London Official Plan and The London Plan. The Zoning By-law amendment is to zone all the lands located within the Meadowlily Woods Environmentally Significant Area as identified in the Conservation Master Plan as Open Space (OS5).

Designating the lands as Open Space and Green Space as well as zoning the lands Open Space (OS5) will not permit the development of the Meadowlily Woods Environmentally Significant Area for any other purpose than conservation uses.

Currently the Meadowlily Woods Environmentally Significant Area as identified on Map 5 London Plan and Map B-1 of the Official Plan is 128.5 hectares in size. Through the adoption of the Conservation Master Plan the Environmentally Significant Area boundary

has been increased to 178.4 hectares, approximately adding 50 hectares of protected lands.

The Environmentally Significant Area boundary is applied at a scale of 1:30,000 on London Plan Map 5 and the Official Plan Map B-1. Section 15.3.6 of the Official Plan and Section 1414 of the London Plan state that ecological buffers will be required for any development on lands abutting the Meadowlily Woods Environmentally Significant Area. An Environmental Impact Study is required for any proposed development that abuts the Meadowlily Woods Environmentally Significant Area to establish appropriate measures to protect the feature. Through this process additional refinements could be made to the boundary following Council approval.

4.2 The proposed amendments will permit the development at 101 Meadowlily Road South

101 Meadowlily Road South has applied for an Official Plan, London Plan and Zoning By-law amendment (OZ-9192/39CD-20502) to permit a 89 unit vacant land condominium development. An Environmental Impact Study was required to be submitted as part of the complete application. Through the usual planning process this application will be considered by Council.

4.3 The proposed forms of development abutting the Meadowlily Woods Environmentally Significant Area are not appropriate.

Concern was raised that the proposed amendment would allow for new proposed uses that abut the Meadowlily Woods Environmentally Significant Area. The proposed Official Plan, London Plan and Zoning By-law amendment recognizes the existing designations that abut the Meadowlily Woods Environmentally Significant Area. The Official Plan currently has Urban Reserve Community Growth, Multi-Family High Density Residential, Multi-Family Medium Density Residential and Low Density Residential that abut the Meadowlily Environmentally Significant Area. The London Plan has Neighbourhood Place Type that abuts the Meadowlily Woods Environmentally Significant Area. Neighbourhood Place Type designation densities are determined on the road classification that they front. Full forms of development will be determined through future planning applications.

No new land designations are proposed; the only changes to the designation are minor readjustments of boundaries as established in the Conservation Master Plan.

The remaining undeveloped lands that abut the Meadowlily Woods Environmentally Significant Area are zoned Urban Reserve (UR). Any new development on these lands will require planning application approvals (Zoning By-law Amendments, subdivision application or Site Plan Approvals). Through the development application processes Environmental Impact Studies are required to ensure that buffering and setbacks are provided, to ensure that the features of the Meadowlily Woods Environmentally Significant Area are protected.

4.4 That the development limit for the Meadowlily Woods Environmentally Significant Area, as established through approved Environmental Impact Studies, be maintained.

There are currently two residential plans of subdivision in development abutting the Meadowlily Woods Environmentally Significant Area. The Rembrandt subdivision is located approximately mid-point of the Meadowlily Woods Environmentally Significant Area on Commissioners Road and the Sifton Subdivision forms the easterly boundary of the Meadowlily Woods Environmentally Significant Area.

Natural Resource Solution Inc. incorporated the following accepted Environmental Impact Studies and their conclusions in locating the Meadowlily Woods Environmentally Significant Area boundary.

- Meadowlily Subdivision, City of London Environmental Impact Study (ESG International 2002) (Rembrandt subdivision)
- Old Victoria Area Plan - Natural Environment (BioLogic 2006)
- Sifton Properties Limited, Victoria Ridge Plan of Subdivision: Environmental Impact Study (AECOM 2009) (Sifton subdivision)

As the development limits of the two subdivisions that abut the Meadowlily Woods Environmentally Significant Area were established prior to the adoption of the Conservation Master Plan, these limits will remain the same and form the boundary of the Meadowlily Woods Environmentally Significant Area adjacent to the lands.

4.5 The proposed Meadowlily Woods Environmental Significant Area boundary should not be established on abutting privately owned lands pending the completion of a site specific Environmental Impact Study.

Zelinka Priamo Inc. represents the property owners at 129 and 179 Meadowlily Road South and have provided letters (see Appendix "E") requesting that the boundary of the Meadowlily Woods Environmental Significant Area not be established on these lands pending the completion of site specific Environmental Impact Studies. Both properties have pre-consulted their proposed development applications. As part of complete applications for both properties, Environmental Impacts Studies are required.

The Conservation Master Plan was received by Council following a long public participation process. The Conservation Master Plan process included two community meetings (June 23, 2013, and March 22, 2019), mail-outs to all homes within 200 meters of the ESA, notices in the Londoner, information on the City website and collection of information from the community. The property owners at 129 and 179 Meadowlily Road South are located within 200m of the study site and were part of this process.

The location of the boundary as established in the Conservation Master Plan on these lands at this time is appropriate. Council, as per Section 15.3.8 of the '89 Official Plan and Section 1421_ of The London Plan, requested the preparation of Conservation Master Plans for the Meadowlily Woods Environmentally Significant Area and received the plan following a public participation meeting on July 13, 2020. No objections or comments regarding these properties was made at that time.

Notwithstanding the above, The Environmentally Significant Area boundary is applied at a scale of 1:30,000 on London Plan Map 5 and the Official Plan Map B-1 and could be further refined on site specific applications through approved Environmental Impact Studies. Section 15.3.6 of the Official Plan and Section 1414 of the London Plan state that ecological buffers and any mitigation measures will be required for any development on lands abutting the Meadowlily Woods Environmentally Significant Area. An Environmental Impact Study is required as part of a complete application for any future planning application on these two properties. It is appropriate that the limits of the

Meadowlily Woods Environmentally Significant Area and appropriate buffering be established at that time as part of a future EIS

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

5.0 Conclusion

The proposed amendments to the 1989 Official Plan, The London Plan and Zoning By-law Z.-1 to establish the boundary of the Meadowlily Woods Environmentally Significant Area as established in the Meadowlily Woods Environmentally Significant Area Conservation Master Plan is appropriate. The amendments meet the intent of Section 2.1 of the PPS, Section 15.4.1 of the 1989 Official Plan and Section 1367_ of The London Plan.

The proposed zoning amendment to zone all the lands within the boundary of the Meadowlily Woods Environmentally Significant Area as Open Space (OS5) will protect the lands and only allow conservation uses.

The proposed amendments represent good planning and are an appropriate use of the lands.

Prepared and Submitted by:	Craig Smith, MCIP, RPP Senior Planner, Sustainability and Resiliency
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 Development Services.	

October 7, 2020

cc: Michael Fabro, M.E.B., P.Eng, Manager, Manager, Sustainability and Resiliency

X:\Shared\Planning APPLICATIONS\Applications\9245OZ-Amendments to Implement the Meadowlily Woods ESA-CMP (CS)\PEC\PEC-Report-OZ-9245.docx

Appendix A

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

By-law No. C.P.-1284-

A by-law to amend the Official Plan for the City of London, 1989 relating to the Meadowlily Environmentally Significant Area.

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

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

PASSED in Open Council on October 27, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 27, 2020
Second Reading – October 27, 2020
Third Reading – October 27, 2020

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

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To change the designation of certain lands described herein from Urban Reserve Community Growth, Multi-family High Density Residential, Multi-family Medium Density Residential and Environmental Review designations, to an Open Space designation and from Environmental Review and Open Space designations to an Urban Reserve Community Growth on Schedule "A", Land Use, to the Official Plan for the City of London.
2. To apply an "Environmentally Significant Area" (ESA) delineation on Schedule "B-1", (Flood Plain and Environmental Features) to the Official Plan for the City of London.
3. To add the Meadowlily Woods Environmentally Significant Area Conservation Master Plan to the list of Guideline Documents in Section 19.2.2 of the Official Plan for the City of London.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to Meadowlily Environmentally Significant Area lands in the City of London.

C. BASIS OF THE AMENDMENT

Based on more detailed information that has been made available through the completion of the Meadowlily Environmentally Significant Area Conservation Master Plan, the final land use designations and Natural Heritage features can now be accurately confirmed in the Official Plan.

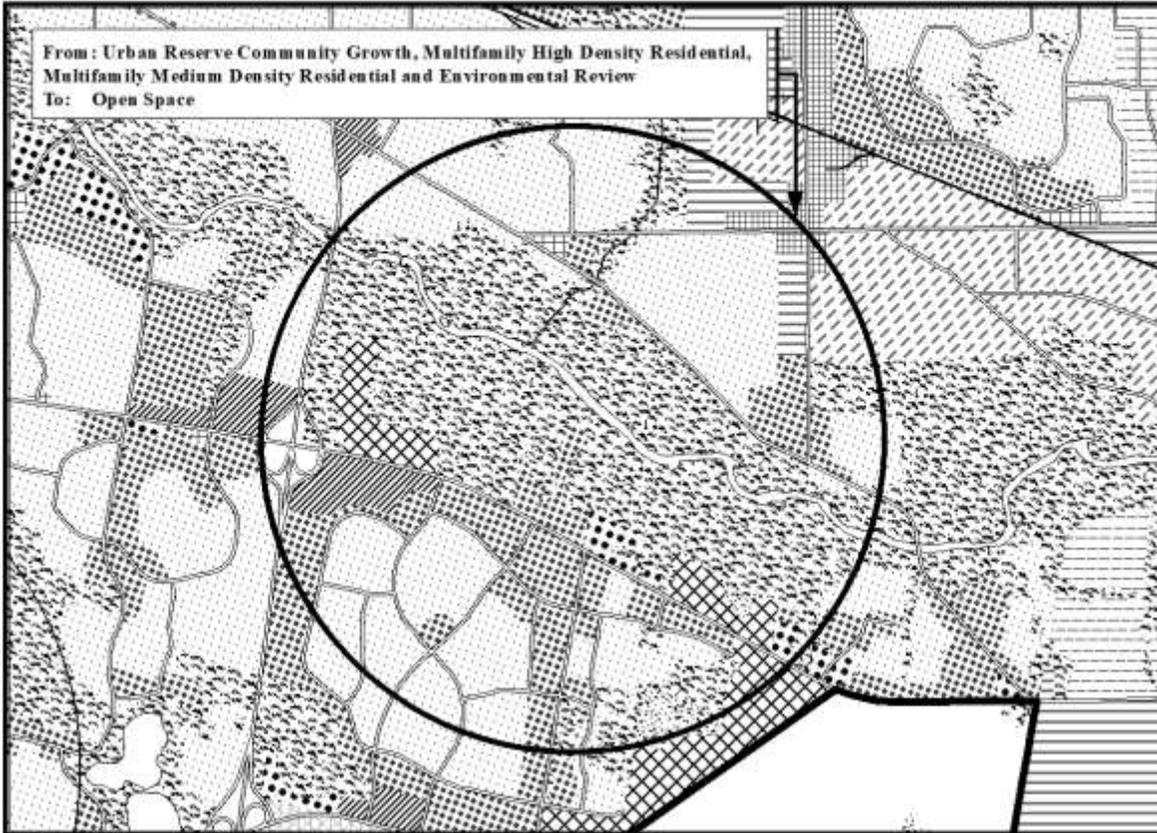
D. THE AMENDMENT

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

1. Schedule "A", Land Use, to the Official Plan for the City of London Planning Area is amended by designating those lands within the Meadowlily Environmentally Significant Area in the City of London, as indicated on "Schedule 1" attached hereto from an Urban Reserve Community Growth, Multifamily High Density Residential, Multifamily Medium Density Residential and Environmental Review designations, to an Open Space designation and from an Environmental Review and Open Space designations to an Urban Reserve Community Growth.
2. Schedule "B-1" Flood Plain and Environmental Features, to the Official Plan for the City of London Planning Area is amended by changing the delineation to the lands identified as the Meadowlily Woods Environmentally that are designated Open Space as amended above as Environmentally Significant Area as indicated on "Schedule 2" attached hereto.

3. Section 19.2.2 of the Official Plan for the City of London is amended by adding the following: Meadowlily Woods Environmentally Significant Area Conservation Master Plan

AMENDMENT NO:



From: Urban Reserve Community Growth, Multifamily High Density Residential, Multifamily Medium Density Residential and Environmental Review
To: Open Space

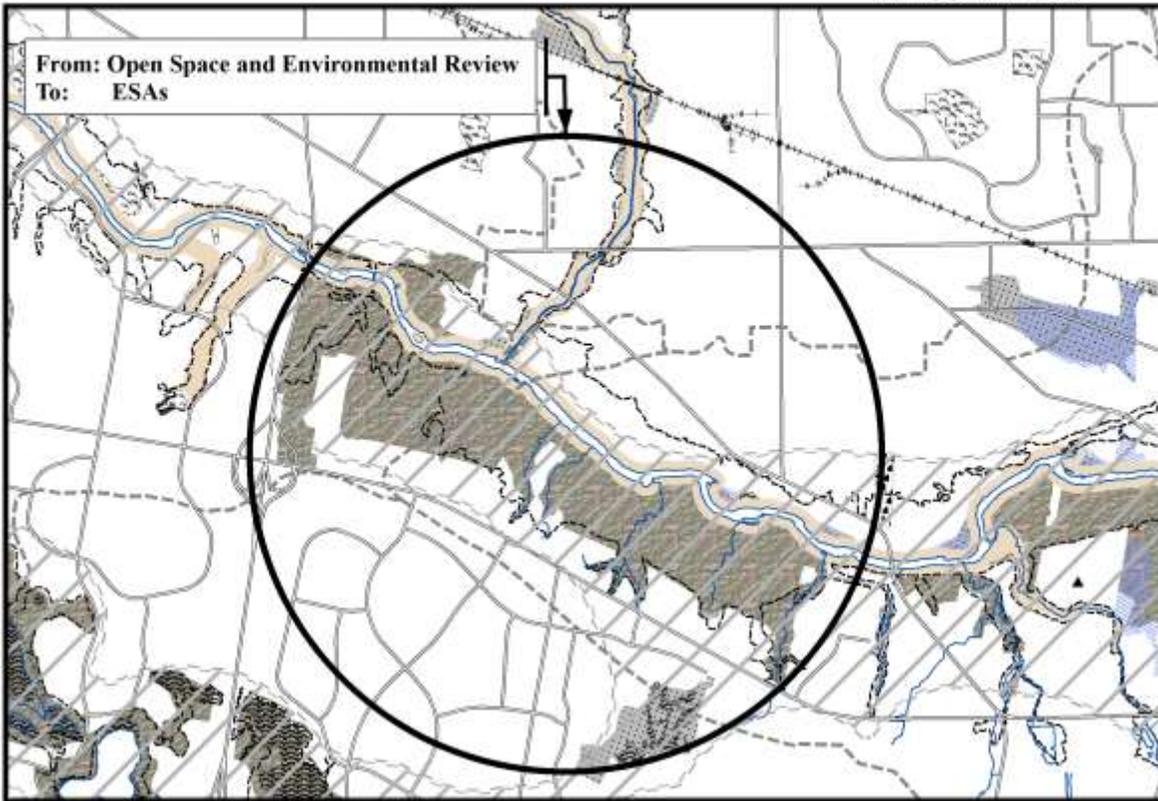
Legend

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

This is an excerpt from the Planning Division's working consultation of Schedule 4 to the City of London Official Plan, with added notations.

<p align="center">SCHEDULE 1 TO OFFICIAL PLAN</p> <p align="center">AMENDMENT NO. _____</p> <p align="center"><small>PREPARED BY: Graphics and Information Services</small></p>	<p align="center"> Scale 1:30,000 Meters </p>	<p>FILE NUMBER: OZ-9245</p> <p>PLANNER: CS</p> <p>TECHNICIAN: JTS</p> <p>DATE: 2020/09/23</p>
--	--	---

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consolid0\amendments\oz-9245\mxd\scheduleA_bkw_8x11_with_SWAP.mxd



NATURAL HERITAGE SYSTEM

- ESAs
- Potential ESAs
- Significant Woodlands
- Woodlands
- Unevaluated Vegetation Patches
- Significant River, Stream, and Ravine Corridors
- Unevaluated Stream and Ravine Corridors
- Provincially Significant Wetlands
- Locally Significant Wetlands
- Unevaluated Wetlands
- Potential Naturalization Areas
- Potential Upland Corridors
- Ground Water Recharge Areas

NATURAL HAZARDS

- Maximum Hazard Line
NOTE 1: Hazard Lines shown on this map are approximate. The precise delineation of hazard line mapping available from the Conservation Authority having jurisdiction.
NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.

Base Map Features

- Railways
- Water Courses/Ponds
- Streets (refer to Schedule "C")
- Conservation Authority Boundary
- Subwatershed Boundary
- Big Picture Meta-Cores and Meta-Corridors

This is an excerpt from the Planning Division's working consolidation of Schedule B1 to the City of London Official Plan, with added notations.

<p align="center">SCHEDULE ##### TO OFFICIAL PLAN</p> <p align="center">AMENDMENT NO. _____</p> <p align="center"><small>PREPARED BY: Graphics and Information Services</small></p>	<p align="center"> Scale 1:30,000 Meters </p>	<p>FILE NUMBER: OZ-9245</p> <p>PLANNER: CS</p> <p>TECHNICIAN: JTS</p> <p>DATE: 2020/09/23</p>
--	--	---

PROJECT LOCATION: e:\planning\projects\p_official\plan\work\conso00\amendments\?????.mxd\scheduleB1_b&w_8x11_with_SWAP.mxd

Appendix B

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

By-law No. C.P.-XXXX-____

A by-law to amend The London Plan for the City of London, 2016 relating to the Meadowlily Environmentally Significant Area.

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

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on October 27, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 27, 2020
Second Reading – October 27, 2020
Third Reading – October 27, 2020

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

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To change policy 1719_10 of The London Plan for the City of London to add Meadowlily Woods Environmentally Significant Area Conservation Master Plan.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to Meadowlily Environmentally Significant Area lands in the City of London.

C. BASIS OF THE AMENDMENT

Based on more detailed information that has been made available through the completion of the Meadowlily Environmentally Significant Area Conservation Master Plan, the final land use designations and Natural Heritage features can now be accurately confirmed in the Official Plan.

D. THE AMENDMENT

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

1. To change Policy 1719_10. Natural Heritage System Guidelines is amended by adding the following:
 - i) Meadowlily Woods Environmentally Significant Area Conservation Master Plan;

Appendix C

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

By-law No. C.P.-XXXX-____

A by-law to amend The London Plan for the City of London, 2016 relating to the Meadowlily Environmentally Significant Area.

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

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on xxx.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – xxx
Second Reading – xxx
Third Reading – xxx

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

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To change the Place Type of certain lands described herein from Neighbourhood to Green Space and from Green Space to Neighbourhood to align with the limits of the Meadowlily Woods Environmentally Significant Area on Schedule "A", Map 1 – Place Type, to The London Plan for the City of London.
2. To change the designation from Potential Environmentally Significant Area to Environmentally Significant Area on Map 5 - Natural Heritage.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to Meadowlily Environmentally Significant Area lands in the City of London.

C. BASIS OF THE AMENDMENT

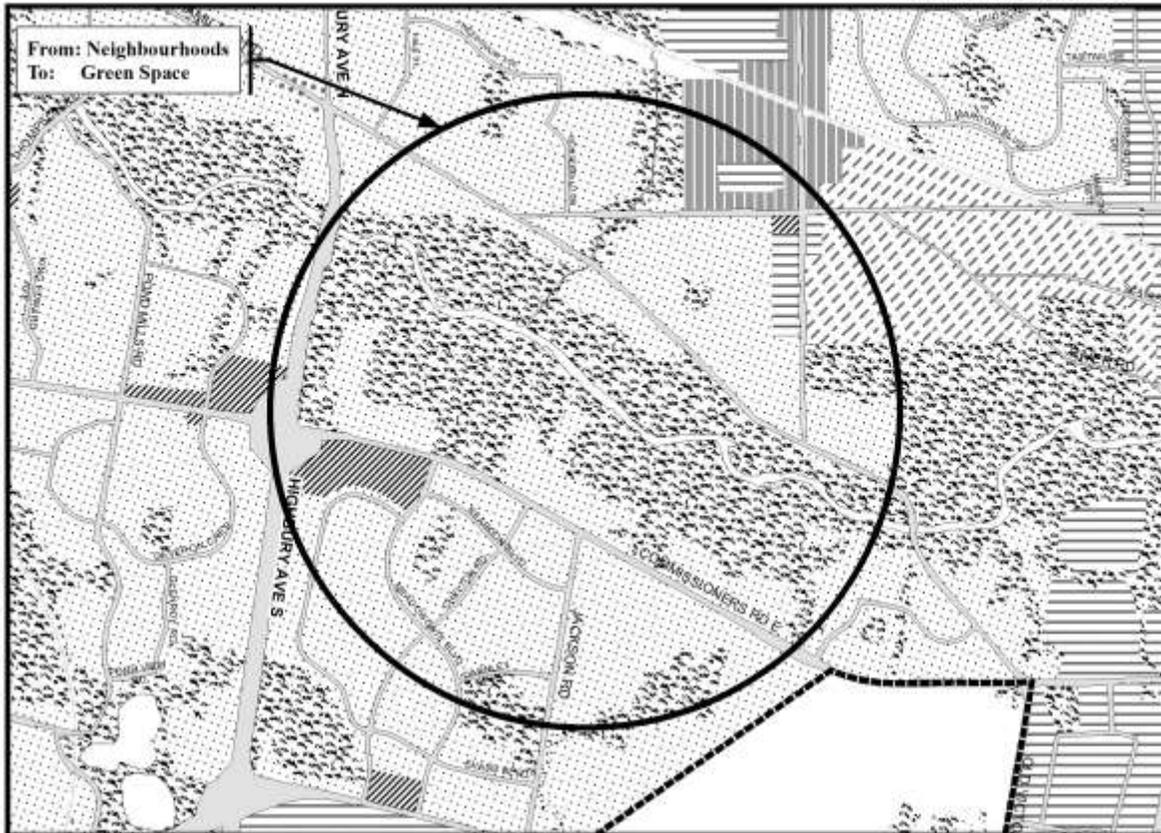
Based on more detailed information that has been made available through the completion of the Meadowlily Environmentally Significant Area Conservation Master Plan, the final land use designations and Natural Heritage features can now be accurately confirmed in the Official Plan

D. THE AMENDMENT

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

1. Map 1 - Place Types, to the London Plan for the City of London Planning Area is amended by designating those lands located within the Meadowlily Environmentally Significant Area in the City of London, as indicated on "Schedule 1" attached hereto from Neighbourhoods to Green Space and from Green Space to Neighbourhoods.
2. Map 5 - Natural Heritage, to the London Plan for the City of London Planning Area is amended by designating those lands located within the Meadowlily Environmentally Significant Area the City of London, as indicated on "Schedule 2" attached hereto to change the designation Potential Environmentally Significant Area and Neighbourhood to Environmentally Significant Area.

AMENDMENT NO:



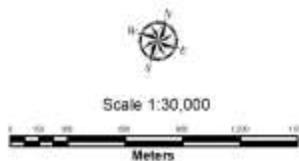
Legend

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

*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations:
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.*

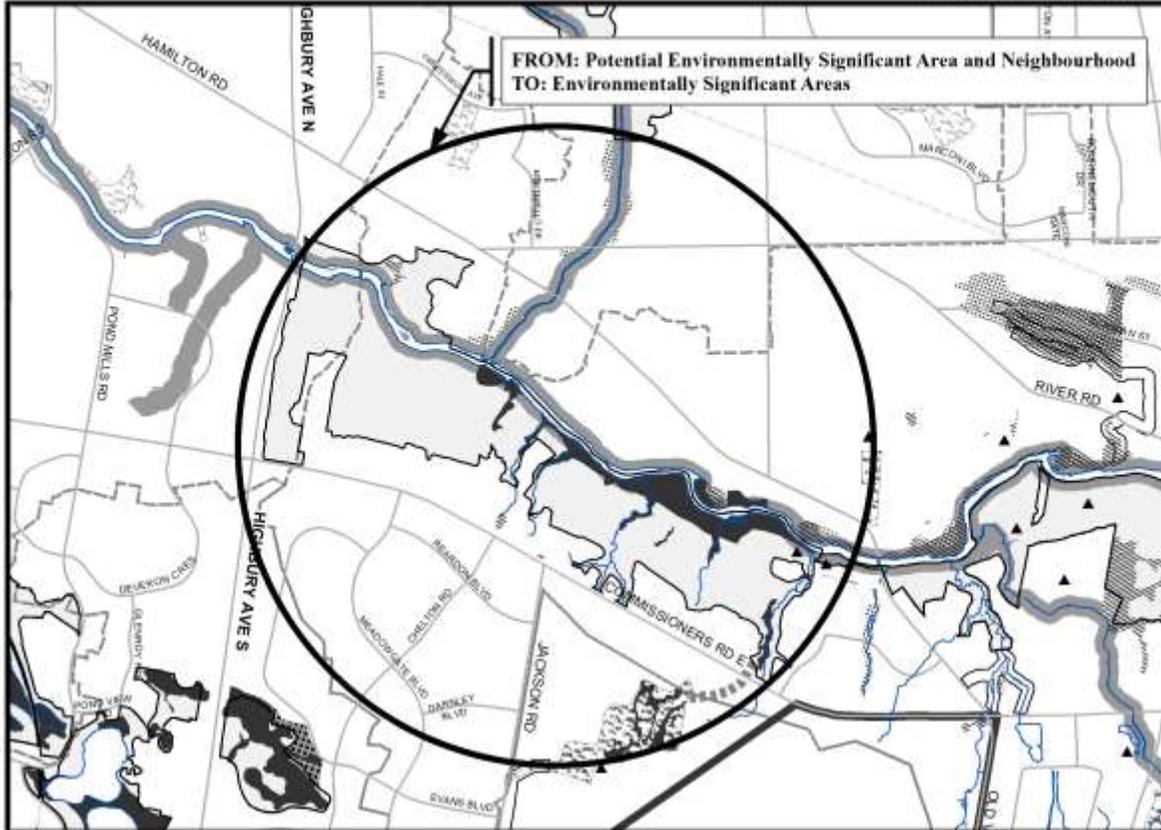
SCHEDULE #
TO
THE LONDON PLAN
AMENDMENT NO. _____

PREPARED BY: Planning Services



FILE NUMBER: OZ-9245
PLANNER: CS
TECHNICIAN: JTS
DATE: 9/24/2020

AMENDMENT NO:



NATURAL HERITAGE SYSTEM

- Provincially Significant Wetlands
- Wetlands
- Unevaluated Wetlands
- Significant Woodlands
- Woodlands
- Significant Valley Lands
- Valley Lands

- Areas of Natural and Scientific Interest
- Environmentally Significant Areas (ESA)
- Potential ESAs
- Upland Corridors
- Potential Naturalization Areas
- Unevaluated Vegetation Patches

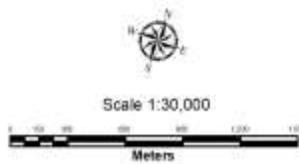
Base Map Features

- Railways
- Water Courses/Ponds
- Streets (see Map 3)
- Conservation Authority Boundary
- Subwatershed Boundary

This is an excerpt from the Planning Division's working consolidation of Map 5 - Natural Heritage of the London Plan, with added notations.

**SCHEDULE #
TO
THE LONDON PLAN**
AMENDMENT NO. _____

PREPARED BY: Planning Services



FILE NUMBER: OZ-9245
PLANNER: CS
TECHNICIAN: JTS
DATE: 2019/09/21

Appendix D

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

By-law No. Z.-1-20_____

A by-law to amend By-law No. Z.-1 to
rezone the Meadowlily Environmentally
Significant Area.

WHEREAS the City of London has applied to rezone the Meadowlily Environmentally Significant Area, as shown on the map attached to this by-law, as set out below;

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

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located within the Meadowlily Environmentally Significant Area, as shown on the attached map, from a Holding Urban Reserve (h-2*UR1) Zone, a Urban Reserve (UR4) Zone, a Holding Open Space (h-2*OS4) Zone, an Environmental Review (ER) Zone, an Open Space (OS1) Zone, an Open Space Special Provision (OS1(1)) Zone, an Open Space (OS2) Zone, an Open Space (OS4) Zone and an Open Space Special Provision (OS4(1)) Zone to an Open Space (OS5) Zone.

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.

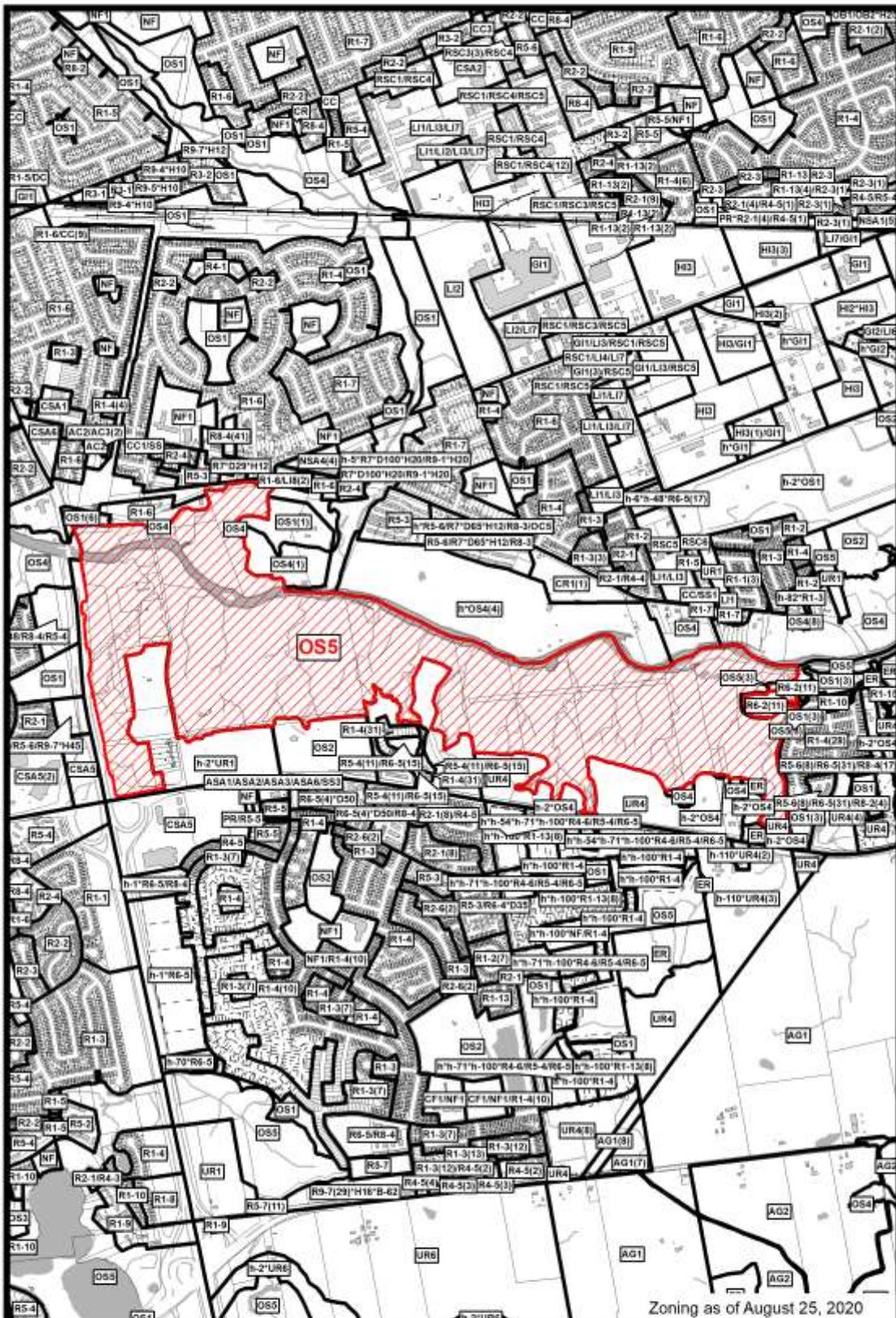
PASSED in Open Council on October 27, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 27, 2020
Second Reading – October 27, 2020
Third Reading – October 27, 2020

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



Zoning as of August 25, 2020

File Number: OZ-9245
Planner: CS
Date Prepared: 2020/9/23
Technician: JTS
By-Law No: Z.-1-

SUBJECT SITE 

1:20,000

0 100 200 400 600 800 Meters



Geodatabase

Appendix E – Public Engagement

Community Engagement

Public liaison: On August 4, 2020, Notice of Application was sent to 344 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 6, 2020. Two “Planning Application” signs were also posted on the site.

28 replies were received

Nature of Liaison: The purpose and effect of this Official Plan and Zoning change is to amend the area as identified in the Meadowlily Woods Environmental Significant Area Conservation Master Plan to an Open Space designation in the City of London Official Plan, to amend the Zoning of the lands to Open Space (OS5) Zone and to adopt the Meadowlily Environmental Significant Area Conservation Master Plan as an Official Plan Guideline Document.

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

Concern for:

Will allow development within the Meadowlily Woods ESA:

The majority of the responses were concerned that the proposed amendments were to permit development within the Meadowlily Woods ESA. As noted above the intent of the amendments is to protect the Meadowlily Woods ESA.

Will permit development on 101 Meadowlily Road South:

2 concerns were raised that the proposed amendments would permit the development of 101 Meadowlily Road South. 101 Meadowlily Road South is subject to separate planning and condominium applications. A separate Environmental Impact Study was required for this application. Through the planning process the Environmental Impact Study will inform Council of the final development limit for this site.

That development limit is maintained with existing accepted EIS limits

Rembrandt Homes is currently developing subdivision 33M-603, located on Commissioners Road East. The development limit was established through an Environmental Impact Study. The Environmental Impact Study was used by Natural Resource Solutions Inc. when preparing the Meadowlily Woods Conservation Master Plan to establish development limits.

Proposed Meadowlily Woods Environmental Significant Area boundary should not be applied to private lands prior to the completion of site specific Environmental Impact Studies.

Both 129 and 179 Meadowlily Road South have pre consulted with the City of London for applications to amend the Official Plan and Zoning By-law to permit future development on their lands. As per Section 15.4.1.1 of the Official Plan 89, and 1368_ of The London Plan, Council has identified this area as environmentally significant. Through the proposed development application further refinement of the boundary and buffers can be established by Council following the completion of the site specific Environmental Impact Studies.

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

Written	
Ashton Vellow	John and Ida Morley
Brenda Marsden 445 Charlotte St Upper	Larry and Shelley Beausoleil
Diane Russo	Lara Vlach
Laura Peach	Nicole Leak
Mark Nicholson	Rebecca Thompson
Rembrandt Homes c/o D N Stanlake Consultant and Mgmt. Services 43 Winding Way Crescent	Rohan Hoefman
Steve Shales	Viki Massey 207-2025 Meadowgate Blvd
Dr. Tracy Satchell	Gil Graham
Catherine Coish 619 Commissioners Rd. E., London, ON	Christian Dendias
Sonya Jufferman	Helen Kajan 32 - 1077 Hamilton Rd, London, Ont. N5W 6G3
Andrew Paterson 350 Wilkins St. London, ON	Nick Allen
Lorissa Elson	Chris Kiekens 752 Classic Dr London, Ontario N5W5V2
Shanti Development (179 Meadowlilly Road South) c/o George Balango Zelinka Priamo Ltd.	Damas Development Inc. and CHAM Ltd (129 Meadowlilly Road South) c/o Ben McCauley Zelinka Priamo Ltd.
Friends of Meadowlilly Woods c/o Gary Smith	Thames Talbot Land Trust c/o Daria Koscinski



M E M O

Date: September 8, 2020
To: Craig Smith, Senior Planner, Development Services
From: Ben McCauley, Zelinka Priamo Ltd.
Cc: Harry Froussios, Zelinka Priamo Ltd.
Subject: 129 Meadowlily Road South

Zelinka Priamo Ltd. has been retained by Damas Development Inc. and CHAM Ltd. to coordinate an Official Plan Amendment and Zoning By-Law Amendment application on the lands located at 129 Meadowlily Road South (the "subject lands"). Pre-consultation occurred July 13, 2020 based on a request to permit medium and high density residential uses. An Environmental Impact Statement (EIS) was identified as a requirement for a complete application. It came to our attention that the City of London is initiating an Official Plan and Zoning change to amend the area as identified in the *Meadowlily Woods Environmentally Significant Area Conservation Master Plan*. Our client's lands are currently outside of the ESA boundary, and the revised boundary now includes these lands.

The subject lands are located on the west side of Meadowlily Road South, north of Commissioners Road East. The Ecological Land Classification is "Dry-Moist Old Field Meadow Type (CUM1-1)" in the front and "Cultural Woodlot (CUW)" in the northwest corner, according to the *Meadowlily Woods Environmentally Significant Area Conservation Master Plan – Phase 1*.

The subject lands are designated "Urban Reserve Community Growth" in the 1989 City of London Official Plan and are within the "Neighbourhood" Place Type along a "Neighbourhood Street" Street Classification in *The London Plan*. The subject lands are currently zoned "Holding, Urban Reserve (h-2, UR1)" in the City of London Z.-1 Zoning By-Law.

A letter prepared by MTE is attached summarizing our concerns. Specifically, it is our opinion that the boundary should not be revised through the proposed Official Plan and Zoning change(s), but rather, if any revisions to the current ESA are warranted, they should be established through a future development application.

We will continue to monitor the progress of the City initiated amendments and provide additional comments, particularly in regard to the EIS that will be prepared in support of a future development application at 129 Meadowlily Road South.

We hope this provides a sufficient level of information for your current needs. If you have any questions, or require further information, please do not hesitate to contact the undersigned.



MTE Consultants
123 St. George St., London, ON N6A 3A1

August 28 2020
MTE File No.: 47966-100

Harry Froussios,
Zelinka Priamo,
318 Wellington Rd,
London, ON N6C 4P4

Dear Harry:

Re: 129 Meadowlilly Road and City Proposed ESA boundary

Our staff have been to the site to assess the vegetation communities and condition on the above noted property. We have also reviewed the Meadowlilly ESA Conservation Master Plan (NRSI, 2019) which has been used to define the ESA boundary adjustment before council.

In our site review there the Cultural Woodland that falls within the Subject Lands is dominated by Black Locust a non-native and invasive species.

“Black locust aggressively invades dry and nutrient-poor sites and lowlands, outcompeting native plants and forming dense colonies which shade-out native flora....The replacement of native communities by homogenous and low-diversity communities of pure black locust stands causes both plant richness loss and shifts in species composition.” (Ontario Invasive Plant Council 2016).

This community requires intensive management (suggest removal and naturalization) to protect the forest community to the north. The remainder of the property is old field meadow.

According to the NRSI report, Monarch were observed Old Field Meadows by the river but none were reported in this area. The report also rightly points out that provincial Significant Wildlife Habitat guidelines target areas within 5 km of Lake Erie. The species habitat is secure and therefore not all of possible habitat for the species needs to be retained. Nevertheless Guideline 7 was used to expand the prior ESA boundary in this area, well into privately held lands, including 129 Meadowlilly Road.

Regardless of whether or not Monarch were observed in this area (they were not despite intensive surveys).It is our opinion, that Boundary Delineation Guidelines should not be utilized to establish the core ESA boundary as part of this exercise. Instead, the boundary should be refined as part of a development application. Given there are areas of invasive species management needs and a desire to provide some Monarch habitat, the final ESA line could be much further west with no effect on the ESA significance and possible benefit if created monarch habitat attracts the species up from the river side meadows.

Therefore, it is our suggestion that the original ESA boundary remain as it was previously [blue line Figure 1] City owned lands can be added as Open Space if they so choose, but without habitat sensitivity (this area is immediately adjacent to Highbury Ave), they should not be considered part of an Environmentally Significant Area, but rather a buffer to the ESA.

We have just recently been retained by the landowner to conduct the EIS work in support of a development application. I believe there is opportunity to provide for the habitat enhancement needs, habitat creation interests and protection of the sensitive features of what truly should be the Meadowlily Environmentally Significant Area, without such a broad expansion from previous work.

Yours truly,

MTE Consultants Inc.



Dave Hayman MSc.
Manager, Natural Environments
519-204-6510 Ext 2241
Windsor Field Office 519-966-1645
dhayman@mte85.com

DGH:

47966-100ESABoundaryReviewLetter.wpd





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

RE: File: OZ-9245

Zelinka Priamo Ltd is retained by Shanti Development to apply for an Official Plan Amendment and Rezoning on lands located at 179 Meadowlily Road South. Pre-consultation has been completed. An Environmental Impact Statement in support of the application is in preparation in accordance with the second record of pre-consultation. 179 Meadowlily Road South is located at the northwest corner of the intersection of Commissioners Road East and Meadowlily Road South. The Ecological Land Classification at the rear of 179 Meadowlily Road South is Cattail Shallow Marsh Type (MAS2-1), according to the Meadowlily Woods Environmentally Significant Area Conservation Master Plan – Phase 1. The ELC is based on past studies.

Excerpt From Map11B Meadowlily Woods ESA Boundary Review, Meadowlily Woods Environmentally Significant Area Conservation Master Plan – Phase 1



The rear of the subject lands and surrounding lands are designated Urban Reserve in the Current Official Plan and Neighbourhood Place Type in the London Plan. The Zoning is holding-2 Urban Reserve 1 (h-2'UR1) Zone. The proposed Open Space designation, Green Space Place Type and Open Space 5 (OS5) Zone, in the context of 179 Meadowlily Road South, are intended to implement the recommended boundary review, i.e., protect the features identified in previous studies at the rear of the lands. The EIS being prepared in support of the proposed development at 179 Meadowlily Road will inform regarding the proposed boundary adjustment and the proposed amendments to planning documents at this location.

The rear part of the subject lands collect stormwater from the subject lands. In addition, water from external catchment areas feed the ponding area on the subject lands. External catchments from residences located north of the subject lands, from Commissioners Road East and from the commercial development on the south side of Commissioners Road feed stormwater to the ponding area at the rear of 179 Meadowlily Road South. No development is proposed on the ponding area at the rear of the lands.

There are no municipal storm sewers to serve the proposed development. The rear lands are an important component of the overall development concept for on-site stormwater management. Documents in support of an Official Plan Amendment and Rezoning to permit medium density development are substantially completed including a preliminary Stormwater Management Brief. On-site run-off flows east to west to the rear of the lands where it collects. The proposed development incorporates the rear area for stormwater management purposes. Stormwater from the development will be conveyed and controlled in a private sewer system that will collect and attenuate run-off prior to discharging to a watercourse. The proposed boundary adjustment and implementing amendments to the Official Plans and Zoning By-law adversely affect the stormwater management concept and will likely require additional special provision amendments (e.g. for density, coverage) to the zoning required to facilitate development at 179 Meadowlily Road.

We will monitor the progress of the City initiated amendments and provide additional comments when the EIS under preparation in support of a medium density development at 179 Meadowlily Road South is completed. The City's Current Planning, Development Services (Catherine Lowery) has the pre-consultation record if you require additional information on the status/details of proposed development.

Yours Sincerely,
Zelinka Priamo Ltd.



George Balango BES, RPP, OPPI
Senior Planner



Katelyn Crowley BA, CPT
Planner

Cc: Shanti Development
MTE Consultants



Craig Smith
crsmith@london.ca
City Planning,
City of London,
206 Dundas St.,
London ON N6A 1G7

Re: File: OZ-9245: Meadowlily Environmentally Significant Area

Dear Mr. Smith,

Thank you for the opportunity to comment on the amendments proposed to the Current Official Plan, the London Plan, and the Zoning By-law, relating to the boundary of the Meadowlily Woods Environmentally Significant Area (ESA).

Thames Talbot Land Trust (TTLT) owns a 5.9 ha portion of the Meadowlily Woods Environmentally Significant Area (ESA), south of the Thames River, between Highbury Avenue and Meadowlily Road. TTLT's Meadowlily Nature Preserve, is comprised of floodplain, open meadow and upland forest, and forms an integral part of the ESA.

TTLT supports the changes proposed for the boundary of the ESA in the vicinity of our nature preserve. We are confident that the proposed boundary is an improvement over the previous boundary definition and will provide enhanced protection for the natural values within the ESA.

Sincerely,

A handwritten signature in blue ink that reads "Daria Koscinski".

Daria Koscinski
Acting Executive Director

To the members of Planning Committee regarding OZ-9245,

First of all I'd like to thank once again Natural Resource Solutions for an excellent and thorough study of Meadowlily Woods Environmentally Significant Area and its assets and attributes. It is a remarkable part of our community and neighbourhood here. I'd also like to thank the people, organizations and agencies that have helped to protect and preserve this vital natural area. Meadowlily Woods does represent almost all of the valued types of terrain and features mentioned as worth protecting and maintaining mentioned by the London Plan Natural Heritage section as well as the Environmental Guidelines for the existing Official Plan: valley lands, upland forests, significant wetlands, creeks and streams that service the Thames River and it is also identified multiple times as being a groundwater recharge zone (see Paragraphs 1304-06, Page 350 of the existing London Plan, 2019). The protection of these sensitive and important areas of the natural heritage system is identified multiple times in both versions of the Official Plan for the City of London. As a part of the Meadowlily community we support and uphold that protection and level of preservation.

While we support the parts of this document, OZ-9245, with regard to the expansion of the Environmentally Significant Area on the one hand, we have reviewed also the files related to the Meadowlily Woods Conservation Master Plan that mention such terms as "high density" and "medium density" residential development and we object to this kind of development in an area so important to the Meadowlily Woods environment. It seems as if we are being forced (wording used in a recent email from one of the planners attached to this file) to accept the unacceptable. Given the nature of the water and wetland recharge features of the whole Meadowlily area, everything from the top of the bank along here to the Thames River ought to have the lowest form of impact possible in terms of any kind of future development. Perhaps single detached dwellings and a R-1 designation is all that would fit here, much like the houses at the top of the hill near Commissioners Road and nothing more.

While the aspects of this plan that "to permit conservation uses only" (from the public announcement) we value and support, the language of this plan that mention high density and medium density residential development ought to be changed to allow only single detached dwellings and a R-1 designation to protect and

maintain the present context and environment of the Meadowlily neighbourhood and natural landscape of the area.

In the London Plan on Conservation Master Plans, Paragraphs 1421-22 and on Environmentally Significant Areas, Paragraphs 1367-71, there is no language there that corresponds to the development portions of this document.

The Meadowlily Area has already been profoundly affected by development to the East of our area with both the Victoria Ridge and Rembrandt subdivisions and to the west toward the river bend in the St. Julian and Vauxhall areas to our West in the Pond Mills area, are there not lots of areas around our neighbourhood that could be utilized for this purpose and leave Meadowlily as a green and protected area of Southeast London? Our area has one of the largest elements of contiguous upland forest and large areas of wetland, creeks and groundwater recharge areas! These features thrive most when left alone. At one point when we were in direct conversations with Planning in the offices on Dundas Street you told us there would be only single detached dwellings in our area.

One other area that we would like to receive consideration and protection in the area of important habitat for species at risk is the large patch of milkweed in the area of what has been known and identified as the Baseline Right-of-Way just to the south of 129 Meadowlily Road South (vacant lot) and just north of 135 Meadowlily Road South. This is an important environmental feature for our area and ought to be included as a part of the expanded Environmentally Significant Area. As far as we know it is city-owned property.

Thank you for all the great work that has been done on this plan and the effort to protect our natural area, Meadowlily Woods Environmentally Significant Area.

Gratefully,

Gary Smith

Appendix F – Policy Context

The London Plan

Environmental Policies Section 1293 through 1441

The Official Plan (89)

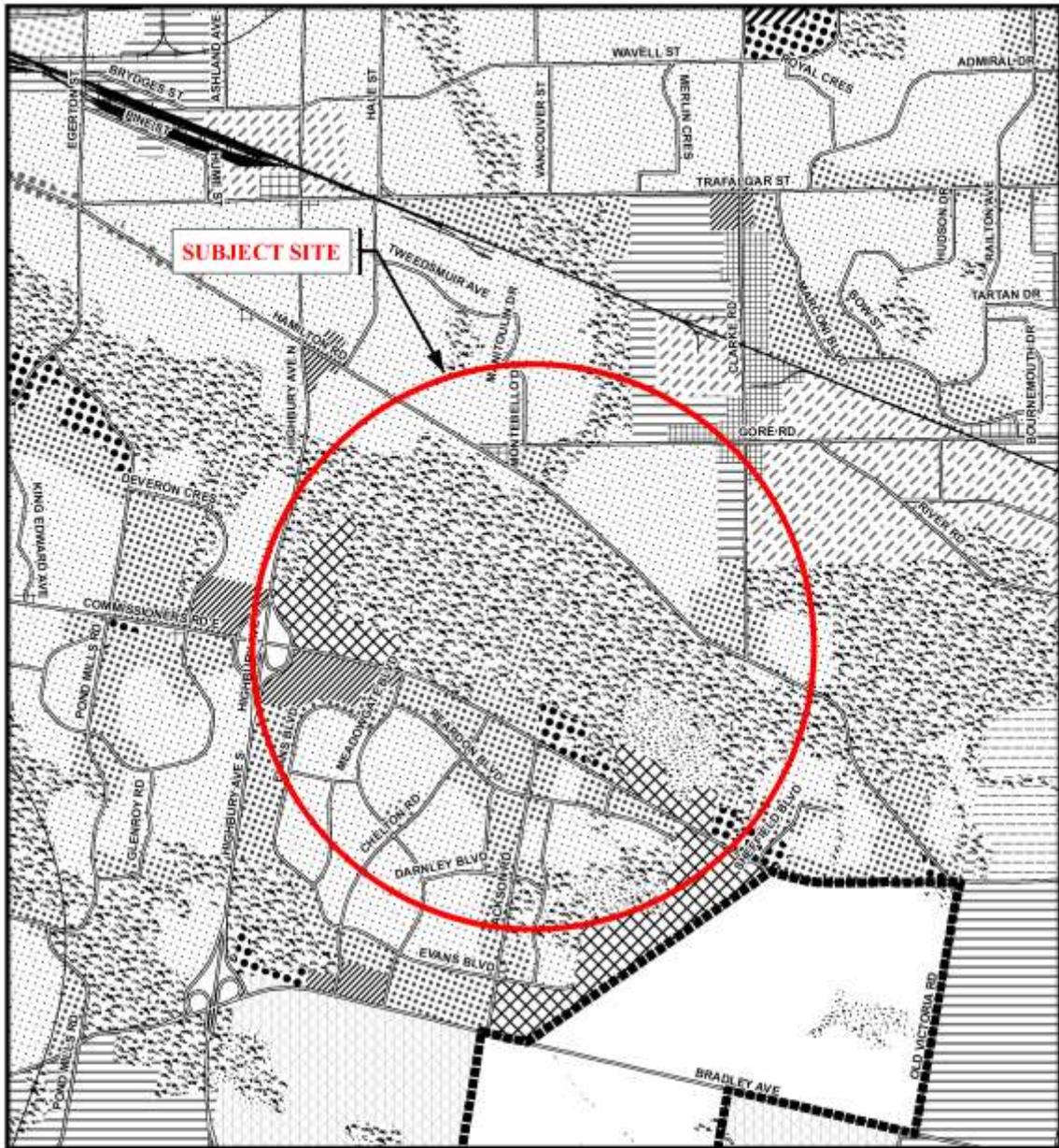
Section 15 Environmental Policies

The Provincial Policy Statement 2020

Natural Resource Solutions Inc. Meadowlily Conservation Master Plan; December 2019

Appendix G – Relevant Background

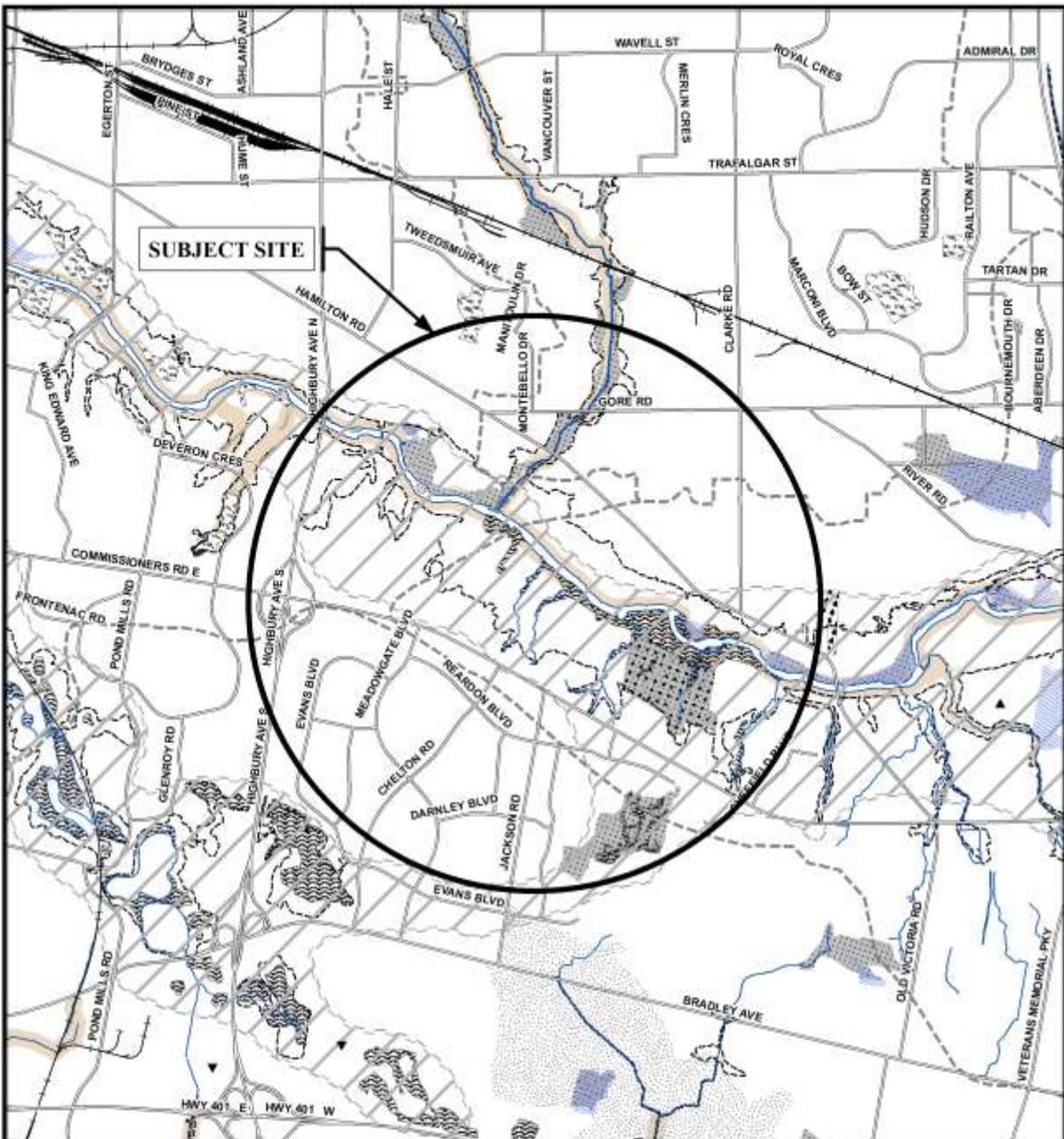
Official Plan



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

<p>CITY OF LONDON Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: OZ-9245</p>
		<p>PLANNER: CS</p> <p>TECHNICIAN: JTS</p> <p>DATE: 2020/09/21</p>

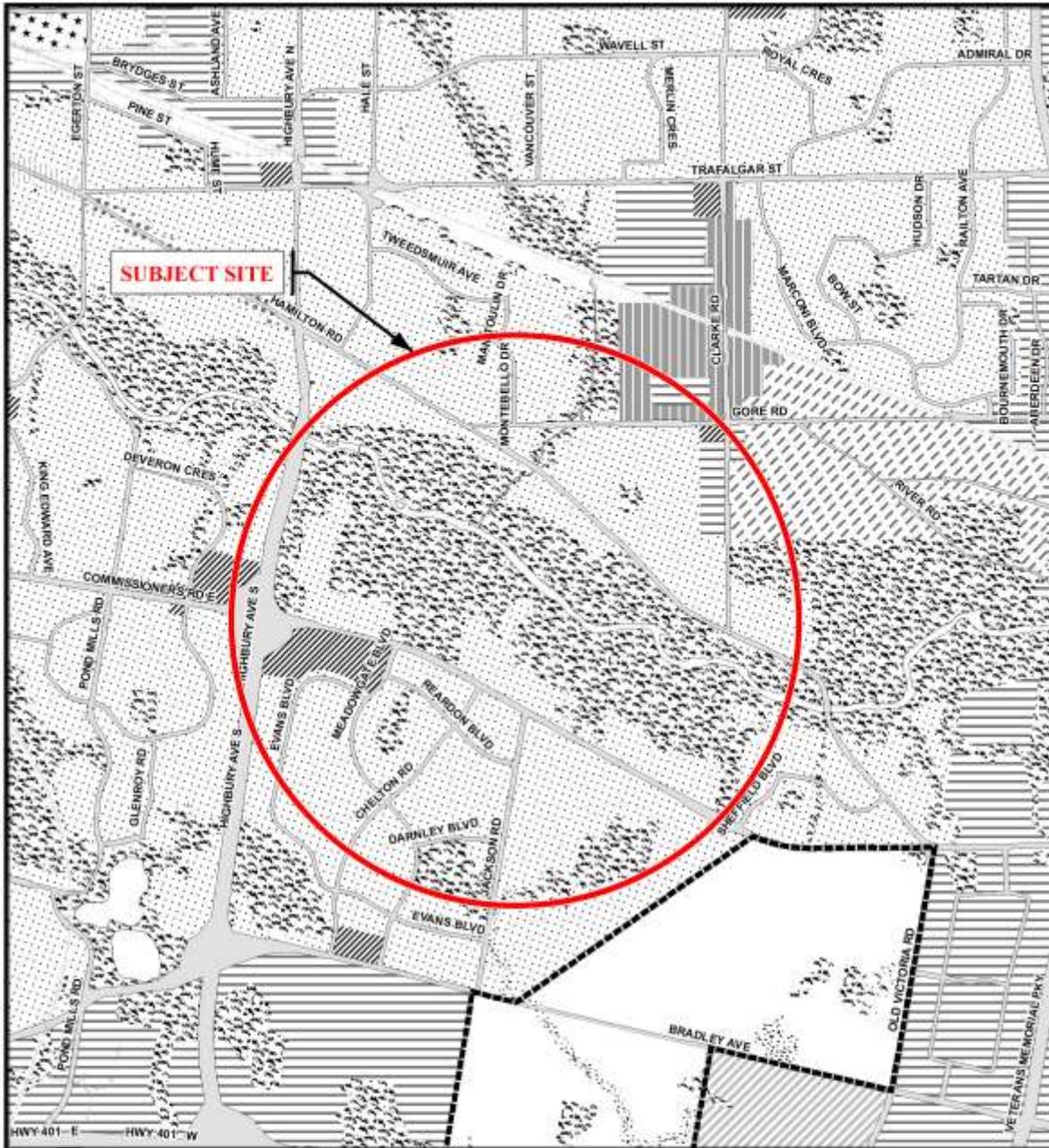
PROJECT LOCATION: e:\planning\projects\p_official\plan\work\consolid0\excerpts\mxd_templates\scheduleA_b&w_8x14_with_SWAP.mxd



<p>NATURAL HERITAGE SYSTEM</p> <ul style="list-style-type: none"> ESAs Potential ESAs Significant Woodlands Woodlands Unevaluated Vegetation Patches Significant River, Stream, and Ravine Corridors Unevaluated Stream and Ravine Corridors Provincially Significant Wetlands Locally Significant Wetlands Unevaluated Wetlands Potential Naturalization Areas Potential Upland Corridors Ground Water Recharge Areas 	<p>NATURAL HAZARDS</p> <ul style="list-style-type: none"> Maximum Hazard Line <p><small>NOTE 1: Hazard Lines shown on this map are approximate. The precise delineation of hazard line mapping available from the Conservation Authority having jurisdiction.</small></p> <p><small>NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority</small></p>
<p>Base Map Features</p> <ul style="list-style-type: none"> Railways Water Courses/Ponds Streets (refer to Schedule "C") Conservation Authority Boundary Subwatershed Boundary Big Picture Meta-Cores and Meta-Corridors 	

<p>CITY OF LONDON Planning Services / Development Services</p> <p>OFFICIAL PLAN SCHEDULE B1 - NATURAL HERITAGE FEATURES -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: OZ-9245</p> <p>PLANNER: CS</p> <p>TECHNICIAN: JTS</p> <p>DATE: 2020/09/23</p>
---	-------------------------------------	---

PROJECT LOCATION: e:\planning\projects\p_officialplan\workcons\00\excerpts\mxds_templates\schedule_b\scheduleB1_b5w_8x14_with_SWAP.mxd



Legend

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

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

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

CITY OF LONDON

Planning Services /
Development Services

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

PREPARED BY: Planning Services



Scale 1:30,000

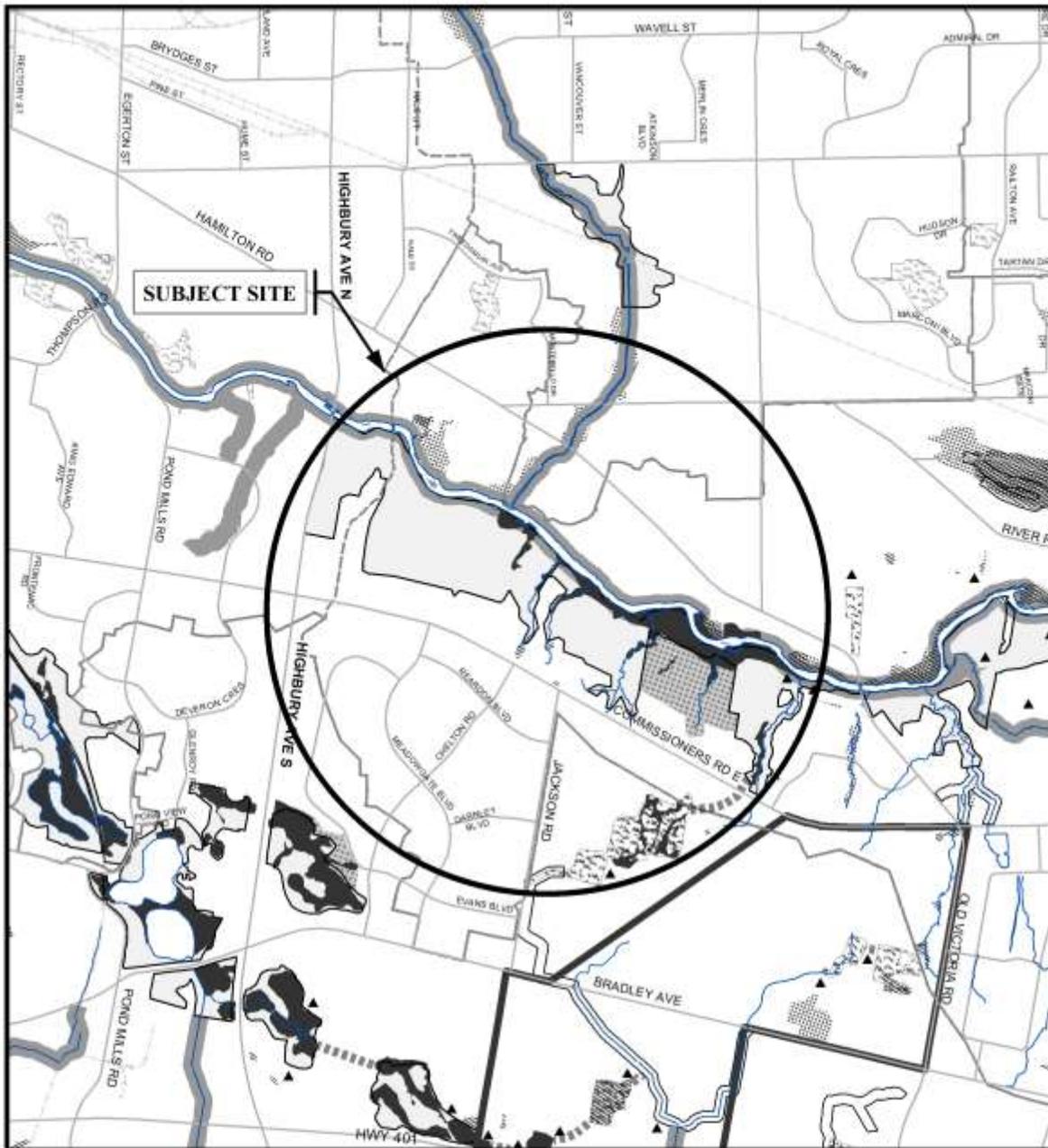


File Number: OZ-9245

Planner: CS

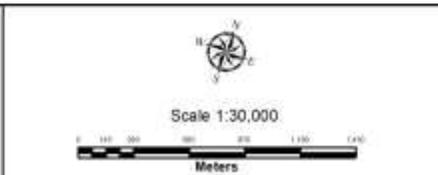
Technician: JTS

Date: 2020/09/21

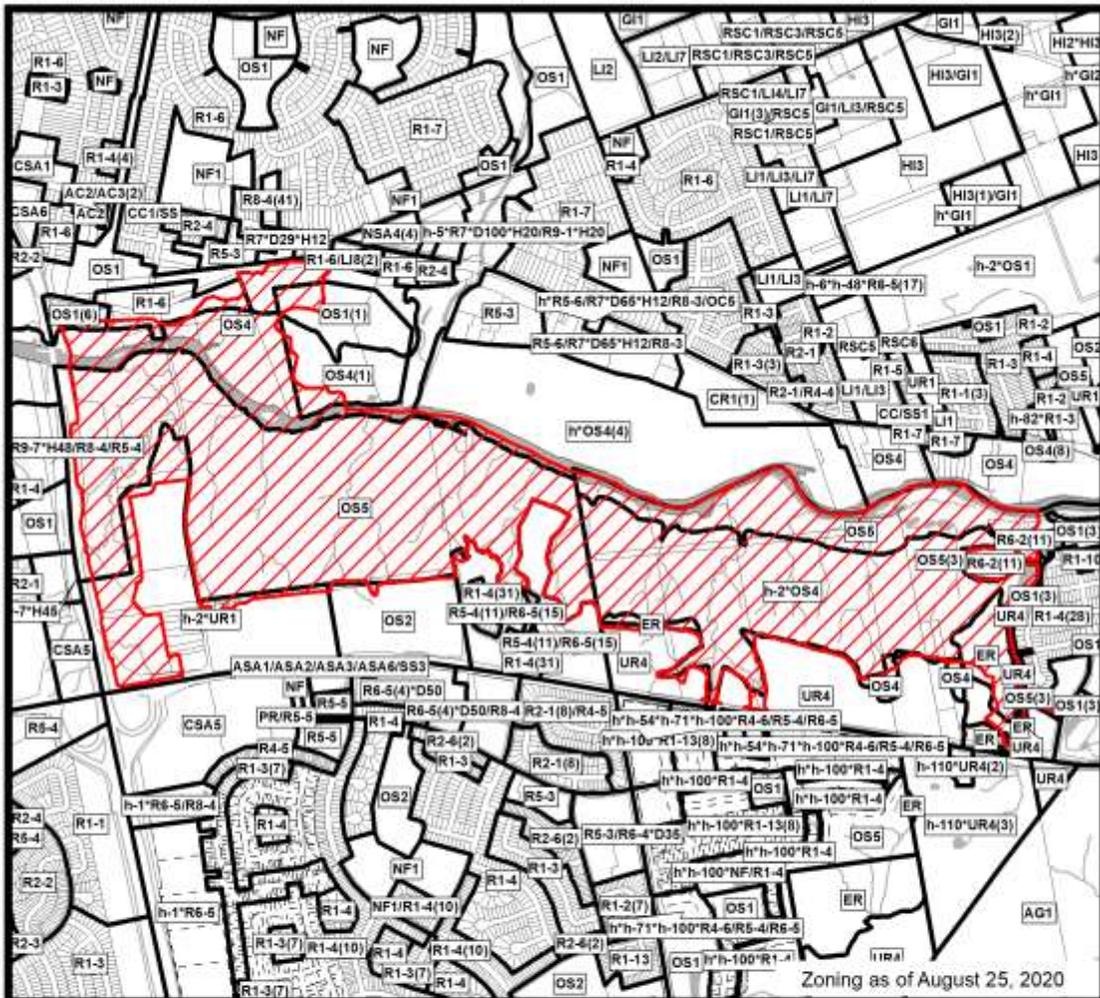


NATURAL HERITAGE SYSTEM		Base Map Features
<ul style="list-style-type: none"> Provincially Significant Wetlands Wetlands Unevaluated Wetlands Significant Woodlands Woodlands Significant Valley Lands Valley Lands 	<ul style="list-style-type: none"> Areas of Natural and Scientific Interest Environmentally Significant Areas (ESA) Potential ESAs Upland Corridors Potential Naturalization Areas Unevaluated Vegetation Patches 	<ul style="list-style-type: none"> Railways Water Courses/Ponds Streets (see Map 3) Conservation Authority Boundary Subwatershed Boundary
<p>This is an excerpt from the Planning Division's working consolidation of Map 5 - Natural Heritage of the London Plan, with added notations.</p>		

CITY OF LONDON
 Planning Services /
 Development Services
LONDON PLAN MAP 5
- NATURAL HERITAGE -
 PREPARED BY: Planning Services



File Number: OZ-9245
Planner: CS
Technician: JTS
Date: 9/21/2020



Zoning as of August 25, 2020

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

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

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

<p align="center">CITY OF LONDON</p> <p align="center">PLANNING SERVICES / DEVELOPMENT SERVICES</p> <p align="center">ZONING BY-LAW NO. Z-1</p> <p align="center">SCHEDULE A</p> <p align="center">THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS</p>	<p>FILE NO: OZ-9245 CS</p> <p>MAP PREPARED: 2020/09/21 JTS</p> <p align="center">1:18,169</p> <p align="center">0 90 180 360 540 720 Meters</p>
---	---





**Friends of Meadowlily Woods Community
Association
141 Meadowlily Road South
London, ON N6M 1G3
Email: hopemailsmith@yahoo.ca**

**“Our Mission: To Preserve and Protect
the Integrity of Meadowlily Woods.”**

City Clerk’s Office
Attn: Heather Lysinski
Planning and Environment Committee
London City Hall
300 Dufferin Street
London, Ontario

13 October 2020

Chairperson and Members of the Planning and Environment Committee,

First of all we would like to thank once again Natural Resource Solutions for an excellent and thorough study of Meadowlily Woods Environmentally Significant Area and its resources and unique features. It is a deeply valued and important part of our community and neighbourhood here. I’d also like to thank the people, organizations and agencies that have helped to protect and preserve this vital natural area: Nature London, the Architectural Conservancy of Ontario, its province-wide manifestation and the London Branch in particular as well as the Thames-Talbot Land Trust Meadowlily Nature Preserve and the hiking and running groups that help to protect and maintain our Environmentally Significant Area. Meadowlily Woods does represent almost all of the valued types of terrain and features listed as worth protecting and maintaining by the London Plan Natural Heritage section as well as the Environmental Guidelines for the existing Official Plan: valley lands, upland forests, significant wetlands, creeks and streams that service the Thames River and it is also identified multiple times as

being a groundwater recharge zone (see Paragraphs 1304-06, Page 350 of the existing London Plan, 2019 and Map 6 of the same plan). The protection of these sensitive and important areas of the natural heritage system is identified multiple times in both versions of the Official Plan for the City of London. As a part of the Meadowlily community we support and uphold that protection and level of preservation. We would also like to thank members of the Environmental and Ecological Advisory Committee for the various studies and reviews they have given on our behalf over the years.

While we strongly support the parts of this document, OZ-9245, with regard to the expansion of the Environmentally Significant in terms of boundary changes and import inclusion of important features like the significant watercourses and wetlands on the east area of our natural area as well as the area of Highbury Woods and Meadowlily Creek from its source down to the Thames River in the west. However with regard to aspects of the file related to the Meadowlily Woods Conservation Master Plan that mention such terms as "high density" and "medium density" residential development and we object to this kind of development in an area so important to the Meadowlily Woods environment. It seems as if we are being forced (wording used in a recent email 2 Sept 2020 from one of the planners) to accept the unacceptable. Given the nature of the water and wetland recharge features of the whole Meadowlily area, everything from the top of the bank along here to the Thames River should have the lowest form of impact possible in terms of any kind of future development and the highest form of protection. It would make more sense to have the lowest impact possible on this significant and sensitive feature on the Southeast London landscape and the whole Thames Valley along here from Veteran's Parkway to the river bend in the west near St. Julian Park. So single detached dwellings and a R-1 designation is all that should be allowed here. An example would be the houses at the top of the hill near Commissioners Road and nothing more.

In conversations and correspondence with the planning office and the planners on this file, it has been used as the major justification of

imposing such intense and heavy development in our area is the 1989 Official Plan and its designations of what and what is not allowed in the Meadowlily Area. What seems to be unacceptable is that this plan now many years out of date (31 years) and supposedly to be replaced by the new London Plan should be applied here where it would have a very devastating effect similar to such decisions in other areas with natural areas like Sifton Bog, Westminster Ponds and Kilally Meadows where contiguous natural patches are allowed to be encroached upon in order to accommodate asphalt and concrete in places where they don't belong. The approach suggested in the Natural Heritage Section of the London Plan (Para 1298-1441) seems to be a much more reasonable and respectful approach to dealing with natural areas and their precious assets and resources. Surely there is a better way to make these decisions. The more reasonable approach would be to make the area low-density, single dwelling homes.

Certain aspects of this plan that mention "to permit conservation uses only" (from the public announcement) we value and support, the language of this plan that mentions high density and medium density residential development we do not support and would encourage others to reject. These designations should be changed to allow only single detached dwellings and a R-1 designation to protect and maintain the present context and environment of the Meadowlily neighbourhood and natural landscape of the area with as little impact to Meadowlily Woods Environmentally Significant Area as possible.

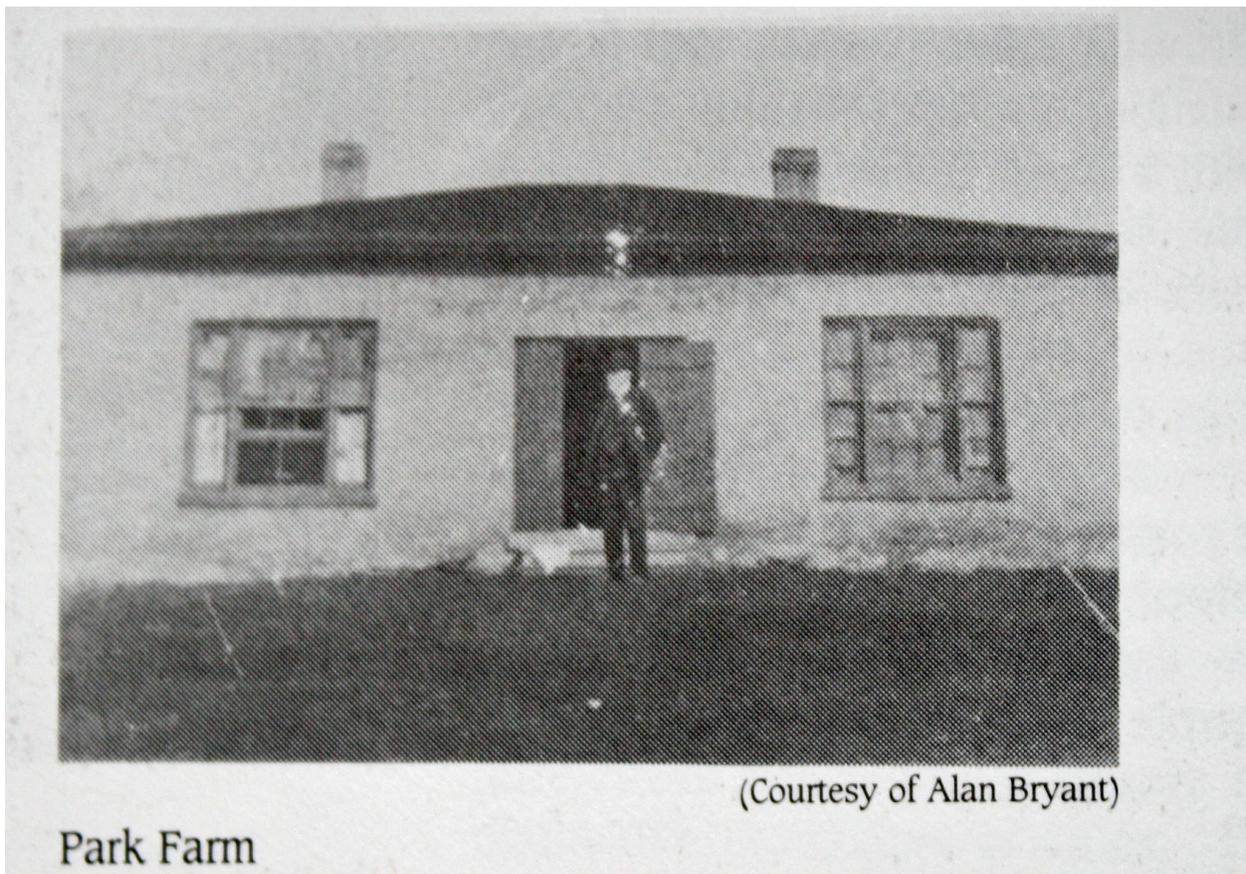
We would like to also reiterate our request for consideration and protection in the area of important habitat for species at risk is the large patch of milkweed in the area of what has been known and identified as the Baseline Right-of-Way just to the south of 129 Meadowlily Road South (vacant lot) and just north of 135 Meadowlily Road South. This is an important environmental feature for our area and ought to be included as a part of the expanded Environmentally Significant Area. As far as we know it is city-owned property.

We would also like to remind the Committee that back when these lands were first bequeathed to the City by the Harrison Fraser (born June 1, 1902) upon his death in 1981, that this generous gift was given in keeping with his mother's wishes, Elizabeth Matilda (aka Matthew) "Bessie" Tilley Fraser, (May 6, 1872-May 6, 1953) that these lands be maintained and protected as a natural area for the city of London. We believe it is important to uphold and respect the spirit of that gift by the former owners of Park Farm Heritage Farmstead.

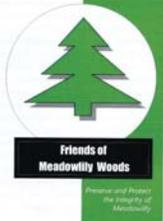
We value and have great regard for the stewardship and protection of our natural and heritage resources here at Meadowlily.

Sincerely,

Gary Smith, President, Friends of Meadowlily Woods



Meadowlily as a Cultural Heritage Landscape



Presentation at the London Advisory Committee on Heritage
June 12, 5:30 pm.

Cultural Heritage Landscapes

G.NELSON

TO:	CHAIR AND MEMBERS - PLANNING COMMITTEE
FROM:	V. A. COYE GENERAL MANAGER OF PLANNING AND DEVELOPMENT
SUBJECT:	CULTURAL HERITAGE LANDSCAPES FEBRUARY 10, 2003 4:30 PM

RECOMMENDATION

That, on the recommendation of the General Manager of Planning and Development, based on the application of the City of London with respect to Cultural Heritage Landscapes:

(i) A by-law **BE INTRODUCED** at the Municipal Council meeting on February 17, 2003, to amend the Official Plan (in accordance with the attached amendment) to add to Chapter 13, Heritage Resources Policies, the following new sections:

- 13.4 Cultural Heritage Landscapes
- 13.4.1 Guidelines for the Identification of Cultural Heritage Landscapes
- 13.4.2 Conservation of Cultural Heritage Landscapes
- 13.4.3 Preparation of Guidelines for Specific Cultural Heritage Landscapes
- 13.4.4 Public Works and Projects
- 13.4.5 Listed Cultural Heritage Landscapes

and to amend Section 19.2.2.(f) to add the following new sections:

- (o) Guidelines for the Identification of Cultural Heritage Landscapes
- (p) Cultural Heritage Landscape Guidelines

Image of the 10 February 2003 report to Planning and Development Committee regarding creating a by-law that would recognize and designate areas of London with the new term: "cultural heritage landscape."

Excerpt of the 10 February 2003 Report to Planning:

Listing of potential Cultural Heritage Landscapes in the Official Plan Policy:

Comment: Listed potential Cultural Heritage Sites in the Official Plan Policy should include Victoria Park, Sifton Bog, **Meadowlily Woods**; Gibbons Park, Thames River Valley Corridor, Pond Mills, Medway River Valley; London Port Stanley Railway line and all cemeteries.

Response: The Official Plan Policy will only list those Cultural Heritage Landscapes that have been identified based upon the Guidelines for the Identification of Cultural Heritage Landscapes. The listed sites may be appraised as potential Cultural-Heritage Landscapes... It is expected that these will represent a relatively limited number of Cultural Heritage Landscapes identified in the Official Plan. It should be recognized that there are many other mechanisms already in place to identify, manage and protect natural heritage areas.

Official Plan Guidelines for Cultural Heritage Landscapes

13.5.1: A Cultural Heritage Landscape is a specific geographic area of heritage significance composed of a number of heritage elements. Such landscapes may be associated with historic events, activities, or people. Such a landscape is valued by Londoners and is of significance to the understanding of the history of a people or place. Cultural Heritage landscapes will only be recognized where ownership consent is given. Cultural Heritage Landscapes will be recognized primarily on publicly owned lands, but may also be identified on privately owned property. Cultural Heritage landscapes will be identified based upon Guidelines for the Identification of Cultural Heritage Landscapes, as adopted by City Council under the provisions of Section 19.2.2 of this Plan. (guideline documents)

Thames Valley Corridor Plan

Recommends several times that the Meadowlily Area be designated as a Heritage Landscape:



CH-3 Undertake investigations to confirm the following areas as cultural heritage landscapes:

Commissioners Road, Meadowlily area (includes the heritage remains of Meadowlily Mill built in 1856, Park Farm which included the Harrison Fraser Estate / Masonry house, constructed in 1849; the 1910 Meadowlily Bridge) p. 26.

Park Farm/Meadowlily Woods Environmentally Significant Area:

The tract of land encompasses extensive natural areas; Park Farm, a significant cultural heritage property, established in 1849; a number of significant archaeological sites; and the remains of the Meadowlily Mill, built in 1856. Nearby is the c. 1910 Meadowlily Bridge that once served as a road bridge and later a pedestrian bridge, and now under a City Council Resolution to protect, preserve and restore the 100 year old bridge in its centennial year. Page 22 (also pages 8, 39, 40).

From: Archaeological & Built Heritage Background Assessment: Meadowlily Area Plan

This study provides the Built Heritage assessment required by the Terms of Reference for the Meadowlily Area Plan (section 7.2; see plate 1): it includes an inventory and assessment of built heritage resources within and adjacent to the study area, including Meadowlily Bridge, linking the north and south branches of Meadowlily Road, and the remains of the Meadowlily Mill on the north side of the river. As required by the Terms of Reference, the study also includes reference to the City of London Inventory of Heritage Resources; it considers the potential of the area as either a **Cultural Heritage Landscape** or a **Heritage Conservation District** as described in the City of London Official Plan; it makes recommendations for conservation and/or designation of properties deemed significant; and it provides general guidelines for integrating new development with heritage resources. It is understood that more detailed guidelines and site studies will be required after decisions have been made regarding future land use in the study area and prior to any new development in the area. (Page 1; see also page 22)

From the Same Meadowlily Study:

“That the entire study area, the adjacent area north of the river containing the Meadowlily Mill site and the earthworks outlining the mill pond, Meadowlily Bridge, and the river lands between the two areas be designated under the Ontario Heritage Act as a Heritage Conservation District.” (page 96)

Also from the same heritage study:

“That the general character of the historical road scape of Meadowlily Road be retained.

The road itself is significant as a very early road in Westminster Township and as an essential part of the history of Meadowlily Bridge. Although the road has been paved and widened at various points in its history, it remains relatively narrow, and its borders retain the embankments, ditches, and vegetation characteristic of a minor country road. This quality is important as part of the overall milieu of the area.” Page 98.



Meadowlily-Plewes Mill Site



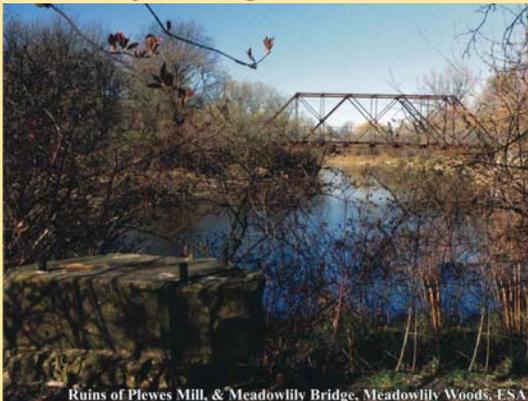
As a part of designating the Meadowlily Area as a Cultural Heritage Landscape, we would like to see the ruins of the Meadowlily-Plewes Mill Site be heritage designated as well.

Other Views of the Meadowlily Mill Ruins Today:



Existing Mill walls from the south, east and west

Meadowlily Bridge and Mill In Context



Ruins of Plewes Mill, & Meadowlily Bridge, Meadowlily Woods, ESA

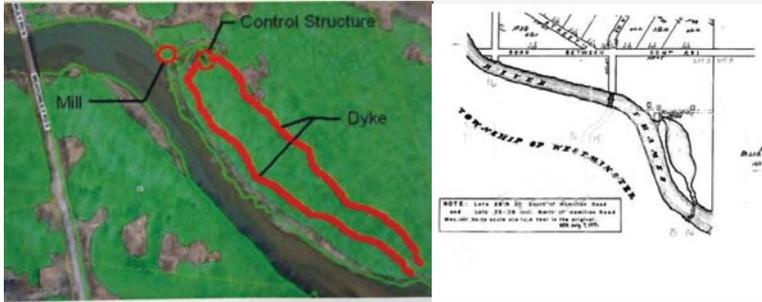
View of Meadowlily Bridge from the Present Mill Site, Joe, O'Neil Calendar

Other Important Aspects of the Mill Area: Dam & Trace



- Elements of the Mill Dam still exist: Dam, Trace, Meadowlily Island

New and Old Maps of the Mill Area



2010, Chris Andreae map of the mill trace and dam, Edward W. Harris, map, 1871.

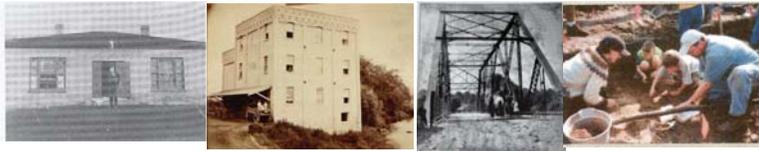
Rural, Country Setting in the City



Photos from the Ontario Historic Sites website

“Finally, Park Farm is important as a farm and a country estate. Its historic character would be compromised by large-scale development close to the house and farmstead itself, while the **rural** character of its present surroundings complement the estate.” (Page 97)

Recent Study of the Western Counties Area



Whereas designation as a Heritage Conservation District protects primarily the structures and buildings of the area, the designation of Meadowlily Area as a **Cultural Heritage Landscape** would protect the character of the lands, including the views and vistas that define its character.

Photo Credits: Alan Bryant, London Room, Delaware-Westminster Histories, Ontario Museum of Archaeology

Views and Vistas of the Meadowlily Area



West side of Meadowlily Rd S looking north

Views and Vistas of Meadowlily, 2



View of Meadowlily Rd S looking north

Views and Vistas of Meadowlily, 3



View of Meadowlily Woods Environmentally Significant Area looking north to the Thames River Valley

Friends of Meadowlily Woods Community Association Requests that the Meadowlily Area be Designated as a Cultural Heritage Landscape:



- to Preserve and Protect the Rural Landscape
- To Maintain and Restore the unique character of Meadowlily Road South
- To seek heritage designation of the Meadowlily-Plewes Mill Ruins on the North Side of the Thames River.



Meadowlily Woods Environmentally Significant Area Conservation Master Plan

Public Participation Meeting, October 19, 2020, 5:00 PM



Meadowlily Woods Website and Facebook Page

- Website has thousands of visits each week since 2009: Meadowlilywoods.ca
- Meadowlily Facebook has 1750+ likes and thousands of visits and posts each week: Over 4,000 images and pictures from photographers and visitors including many rare and endangered species. <https://www.facebook.com/meadowlilywoods/>

Current Meadowlily Petitions:

- Change.org
- Against Cutting Meadowlily Trees: <https://www.change.org/p/city-of-london-stop-cutting-down-meadowlily-woods>— 10,677 signed (counts taken 13 Oct 2020)
- Against Large Scale Residential Development: <https://www.change.org/p/london-petition-against-large-residential-development-in-meadowlily>— 1,790 signed

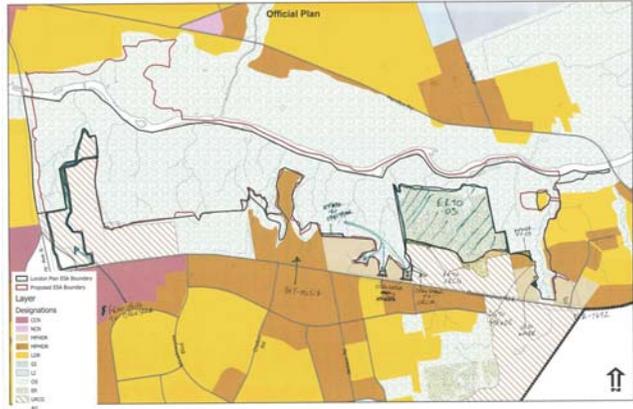
Map of Meadowlily Woods



Located:
East of Highbury Ave.,
between the Thames River & Commissioners Road East

115 Acres + 11 acres + 64 acres = 190 Acres (85 hectares)

Current Official Plan Changes



- Expansion of Meadowlily Woods Environmentally Significant Area, October 2020

The Natural Trails of Meadowlily Woods



The main access points are on Meadowlily Road South not far from Meadowlily Bridge (1910) and the east end of the parking lot of the City-Wide Sports Park on Commissioners Road East. About 17 kilometres of trails loop through the ESA on gently sloping and sometimes hilly terrain. The managed trails are marked and noted on the ESA map. Because it is a protected area it is **important to stay on the trails to preserve this sensitive environmental area.**

The Meadowlily Landscape: Geology of the ESA

The Thames Valley Spillway (river) was carved by melt water from the receding glaciers that existed here 10,000 to 14,000 years ago. The water cut through the Ingersoll Moraine, which had been deposited by glaciers. Over time, three distinct terraces were craved into the moraine's north-facing slope by the



erosive forces of the Thames River. From the river's flood plain, the ground climbs steeply for 10 metres to a broad terrace covered with rich loam soils. A more gradual slope rises to the upland, which is covered with clay soils. The terraces have created a unique and varied topography, with streams and creeks across the slopes.

Meadowlily Plant Communities:



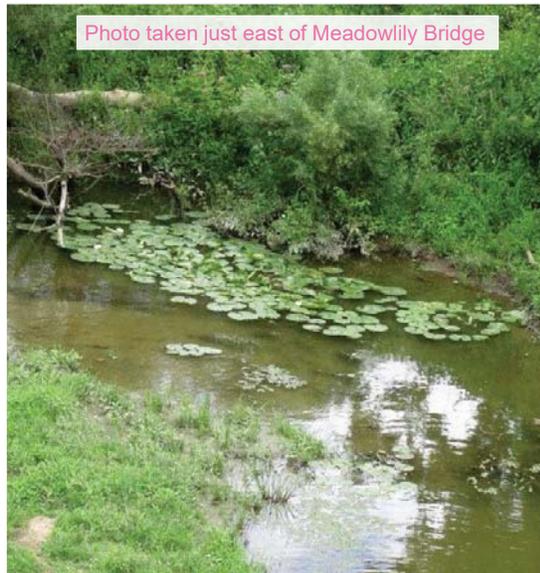
Because of the combination of the three terraces at different heights, the slopes and valleys created by the creeks and streams, this natural area has a wide variety of habitats for an even wider variety of plants from highland forest to the wetlands of the river and marshes: butternut, blue ash, hickory, hackberry, dogwood and willow— to name a few.

In addition, **Meadowlily Woods** has over 350 species of vascular plants that were recorded in 80 families.

Meadowlily Woods is part of the Forks of the Thames watershed and according to the Upper Thames River Conservation Authority is home to **37 Species at Risk**.

Meadowlily Woods is very special because it has everything: mature upland forests, forested ravines that are dissected by intermittent streams, bottomland forests, floodplain forests, shrub thickets, marshes, meadows and provides a natural corridor for wildlife to the river and other sources of food.

Photo taken just east of Meadowlily Bridge



Meadowlily Woods is designated by the Ministry of Natural Resources as a **Provincially Significant Wetland with a score 600+** and provides Habitat for several **Species at Risk**.

Picture taken by Alison Wrighton, 2014

Meadowlily Area: Species @ Risk



Photo Credit: Joe O'Neil, 2011

False Rue-Anemone (*Enemion biternatum*) produces delicate, white flowers in early spring before the forest canopy closes in. This little-known plant is easily overlooked on the floor of Maple woods where it grows in the rich soils of old floodplains. It has a patchy distribution and grows in clumps, which suggests that most reproduction is clonal (vegetative). **Status:** Threatened Provincially and Nationally, Ontario Species at Risk, MNR

False Hop Sedge, (*Carex lupuliformis*)



Photo : Jacques Labrecque

Photos by: Allen Woodliffe, Jacques Labrecque, John Kunsman

Meadowlily Species @ Risk



Green Dragon: From **Page 42** of the Natural Heritage consultant's report to the Meadowlily Area Study: "The provincially vulnerable green dragon (*Arisaema dracontium*) was observed in summer 2010 along the Thames River."

Rare & Endangered: Meadowlily Woods



Wood Poppy: In spring, the deep yellow flowers of the Wood Poppy (*Stylophorum diphyllum*) appear as a brilliant display on the forest floor. It comes as no surprise that the other common names of this plant are "Yellow Poppy" and "Celandine Poppy". Members of the Poppy Family are characterized by their production of sap or juice, which in the case of the Wood Poppy is yellow. This plant of moist deciduous woods blooms for only a brief period in spring under the gently filtered light of the emerging forest canopy. Status: Endangered Provincially and Nationally. MNR, SARO List (**Forest protection necessary!**)

Other Plants of Interest in Meadowlily Woods:



Blue Flag (Iris), Evening Primrose, Turtlehead & Great Lobelia

Mentioned in the Environmental Study:

Cream Violet, photo credit, Shelly White



Significant Tree Species:



Black Cherry, White Oak, Blue Ash

Additional Tree Species @ Risk in Meadowlily Woods



Butternut Trees and Eastern Red Bud

Species at Risk: Cerulean Warbler



Photo, Mike Brown

Meadowlily Woods and Area, 2012

Meadowlily Species at Risk:



Red-Headed Woodpecker

Species of Concern in the Middlesex Area:



Photo Credits: Left, Gary Smith; Right, Joe O'Neil

Yellow-Shafted and Northern Flickers

Bird Species of Special Concern: Pileated Woodpecker



Photos taken by Ben Fisher and Shelly White, 2011-12, Meadowlily Woods

Another shot of the



Pileated Woodpecker from the **Facebook Birders** page by a amateur photographer, Sherry Holt.

Birds: Great Crested Flycatcher



This flycatcher is a cavity-dweller like woodpeckers; not usually considered rare but habitat loss has made this species vulnerable in Southwestern Ontario.

Conservation Priority for Middlesex County : Ovenbird



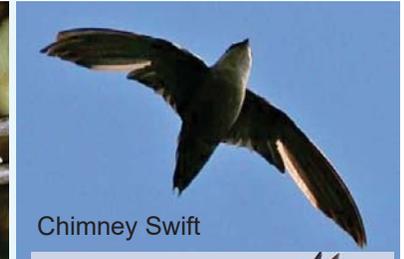
The Ovenbird (*Seiurus aurocapilla*) is a small songbird of the warbler family (Parulidae). This **migratory** bird breeds in eastern North America and winters in Florida, Central, South America, & the Caribbean Islands.

Photo by Robert Thompson

Birds of Meadowlily



Acadian Flycatcher



Chimney Swift



Loggerhead Shrike



Red-Tailed Hawk

The Rare and Unique Birds of Meadowlily Woods Environmentally Significant Area

More Birds of Meadowlily Woods



Yellow Flicker, left;



Savannah Sparrow, right



Rose-breasted Grosbeak, left;



Northern Oriole, Right

More of the unique and remarkable Birds of Meadowlily

Red-Eyed Vireo: A Success Story



Photo: *Atlas of Breeding Birds of Ontario*, Gregory K. Peck

Sparrow-sized plain green & white bird with an eye-stripe, grey cap and red eye. Up close, the beak is thick and has a small hook at the end. This bird is an avid singer and has seen a recovery from years ago where forest canopies have reestablished themselves, like Meadowlily Woods.

Recent sightings in the Meadowlily Woods Area



Cedar Waxwing (*Bombycilla cedrorum*) is a member of the family *Bombycillidae* or waxwing family of passerine birds. It is a medium sized, mostly brown, gray, and yellow bird named for its wax-like wing tips.

Photo: Steve Donnelly, 2014

Conservation Priority for Middlesex County : Scarlet Tanager



The Scarlet Tanager (*Piranga olivacea*) is a medium-sized American songbird. They are now classified as belonging the cardinal family.

Photo by Rick McDonald, May 2014

Species at Risk, Special Concern : Wood Thrush



Photo credit: Scott Clark

The Wood Thrush: (*Hylocichla mustelina*) is a North American passerine bird. It is closely related to other thrushes such as robins and is widely distributed across North America, wintering in Central America and southern Mexico. The wood thrush is a medium-sized thrush. The song of the male is often cited as being the most beautiful in North America.

Recent Sightings: Eastern Bluebird



Photo: Shay Redmond

Meadowlily Woods Environmentally
Significant Area

Recent Sightings: Yellow Warbler

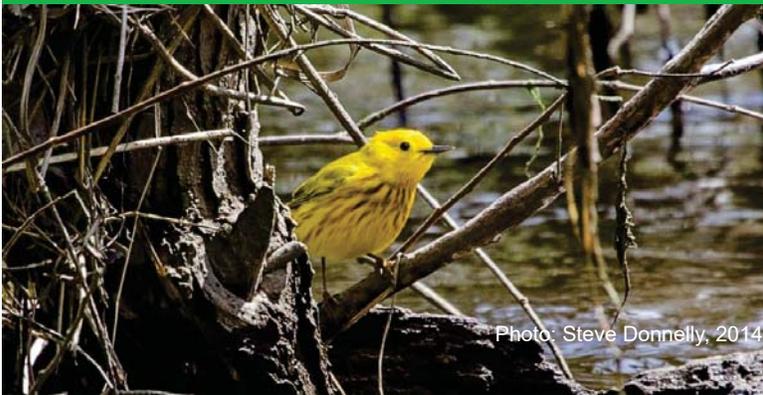


Photo: Steve Donnelly, 2014

Meadowlily Woods Environmentally
Significant Area

Carolina Wren, Winter



Sighted in Meadowlily Woods,
Ontario Field Ornithologists

Species @ Risk, Meadowlily 2012



Giant
Swallow Tail
Butterfly

Photo: Shelly White, 2012

Species @ Risk, Meadowlily



Photo Credit: Shelly White, 2012

Monarch Butterflies, Meadowlily Woods, Spring, 2012:
"... observed in all open areas throughout the study area on several visits; this species is ranked as Special Concern by COSSARO (Committee on the Status of Species at Risk in Ontario)." *Natural Heritage Study, Meadowlily Area Plan, 2011*

Meadowlily Species @ Risk:



Rainbow Mussel: identified in the recent Meadowlily Natural Heritage Study, 2010, as being an important part of the biodiversity of the small streams and wetlands of the Meadowlily Area.

Species at Risk, Meadowlily



Pigtoe Mussel: The round pigtoe (*Pleurobema sintoxia*) is a freshwater mussel that lives in sandy substrates in deeper water of large rivers, and the near-shore areas of some of the Great Lakes. Adults have deep-mahogany coloured shells with darker banding, and they can grow to 10 cm long or more. Status: Endangered Provincially and Nationally; MNR, SARO List

Reptilian Species @ Risk



Queen Snake: The Queensnake (*Regina septemvittata*) is aquatic, living in clear, smaller rivers where there is good rock cover. Queen Snake has been observed in the area of the unnamed creek to the west of Meadowlily Road South near the Thames River. Photo: Ministry of Natural Resources

Reptilian Species of Special Concern, Meadowlily Area:



Wood Frogs, Green, Leopard Frogs: These amphibians are becoming a matter of increasing concern as their habitats are increasing disturbed and reduced such as marshes and wetlands. Meadowlily Area is a provincially designated as a significant wetland.

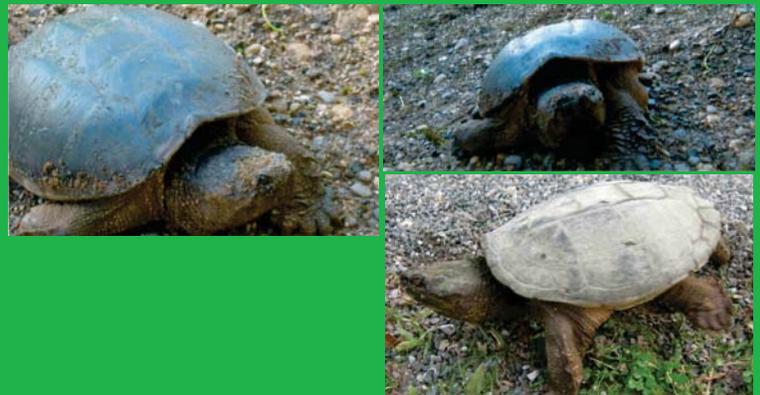
Eastern Spiny Soft-shell Turtle



Status: Threatened (COSEWIC & SARO lists), Olive-coloured upper shell is noticeably flat & leathery. Distinctive snorkel-like snout.

Photo Credit: Melissa Parrot

Snapping Turtles, Meadowlily, 2013



Photos by Friends of Meadowlily Woods Member, Clyde Cleveland near Meadowlily Bridge, Spring 2013

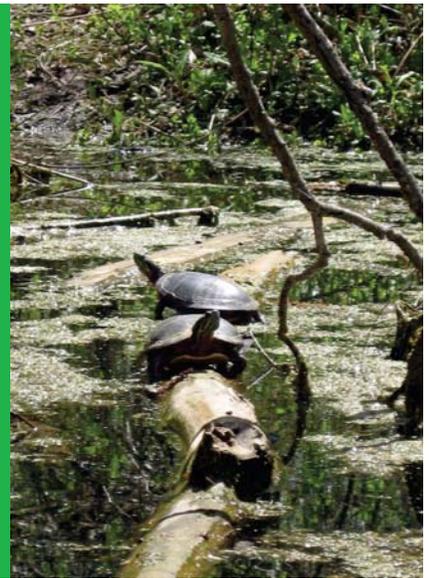
Other Turtles, Meadowlily, 2013



Photos by Friends of Meadowlily Woods Member, Clyde Cleveland near Meadowlily Bridge, Summer 2013

More Turtles in Meadowlily...

Photo by Alison Wrighton



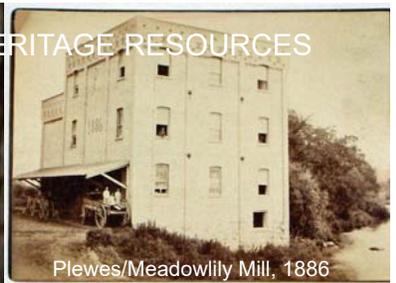
"Our Four-legged Friends..."



Deer near Meadowlily Road South & Commissioners Road E.



Archaeological Findings, 9,000 B.C.



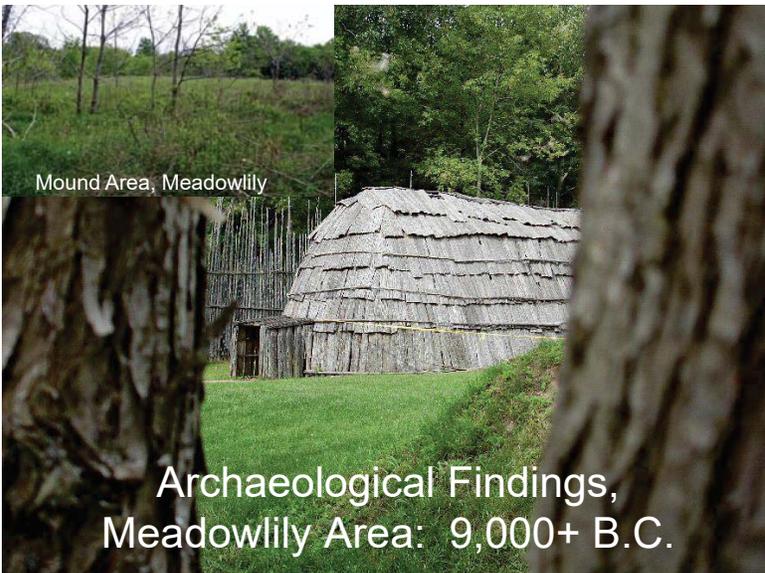
Plewes/Meadowlily Mill, 1886



Park Farm Heritage Homestead, 1849



Meadowlily Bridge, 1910-2011



Mound Area, Meadowlily

Archaeological Findings, Meadowlily Area: 9,000+ B.C.

Upper Thames River Conservation Authority



Brochure for Meadowlily Woods Environmentally Significant Area: "Over 60 archaeological sites are documented in the Meadowlily area, especially on the Ingersoll Moraine. These sites span the entire 11,000 years of prehistory and include everything from camps to villages, and sites where other objects have been found."

The Table of Archaeological Sites from the Meadowlily Study:

"Fifteen of the registered sites located within the limits of the current Meadowlily area plan were located in 1983 & 1988 by the Museum of Archaeology as part of the City of London Archaeological Survey... & the Meadowlily Master Plan Archaeological Assessment for the City of London PUC and the Upper Thames River Conservation Authority. Ten of these sites

Number	Name	Type	Period	Resource
AIH-54	-	campsite	pre-contact Aboriginal	MOA
AIH-57	-	campsite	pre-contact Aboriginal	MOA
AIH-55	-	campsite	pre-contact Aboriginal	MOA
AIH-56	-	campsite	Late Archaic/Middle Woodland	MOA
AIH-90	Meadowlily #1	Lithic scatter	pre-contact Aboriginal	MOA
AIH-90	Meadowlily #7	Lithic scatter	pre-contact Aboriginal	MOA
AIH-91	Meadowlily #57	homestead	Euro-Canadian	MOA
AIH-92	Meadowlily #6	Findspot	pre-contact Aboriginal	MOA
AIH-93	Meadowlily #5	Findspot	pre-contact Aboriginal	MOA
AIH-94	Meadowlily #17	campsite	Late Archaic	MOA
AIH-150	Meadowlily #20	Lithic scatter	pre-contact Aboriginal	MOA
AIH-153	Meadowlily #21	Lithic scatter	Middle Woodland	MOA
AIH-172	-	-	-	-
AIH-152	Meadowlily #19	homestead	Euro-Canadian	MOA
AIH-155	Meadowlily #22	Findspot	pre-contact Aboriginal	MOA
AIH-156	Meadowlily #22	Findspot	Middle Woodland	MOA

ARCHAEOLOGICAL AND BUILT HERITAGE DIVISION, ONTARIO ASSESSMENT, MEADOWLILY AREA PLAN - LONDON Page 6

were findspots, lithic scatters or campsites of non-diagnostic, pre-contact Aboriginal artifacts. The remaining pre-contact Aboriginal sites located within the limits of the area plan were all attributed to a cultural time period including, two Late Archaic campsites, one Middle Woodland Lithic scatter and one Middle Woodland findspot. The remaining pre-contact Aboriginal sites located within the limits of the area plan were all attributed to a cultural time period including, two Late Archaic campsites, one Middle Woodland Lithic scatter and one Middle Woodland findspot."

Archaeological Dig, Meadowlily, 1993



Meadowlily is an area of prime Archaeological interest according to London's *Archaeological Master Plan* and numerous excavations and digs have been done in this area for years, from ancient villages of the First Nations peoples to early settlement & pioneer sites. This article is from July 16, 1993.

Map of Previous Archaeological Studies, Meadowlily Woods

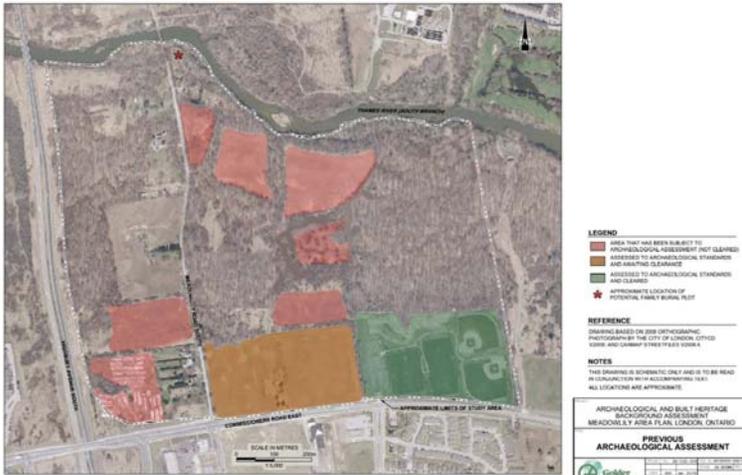


Figure 2, Archaeological & Built Heritage Assessment, Meadowlily Area Plan, 2010

Recent Meadowlily Archaeological Site, 2008



Aerial View of 168 Meadowlily Road South and Excavations of the Site

Some of the Artifacts from the Site



From the upper left: possible Onandaga Drill, fragment Onandaga Bi-face, Onandaga Bi-face, bottom, sandstone, ground-stone axe



Map of Meadowlily Mill Area

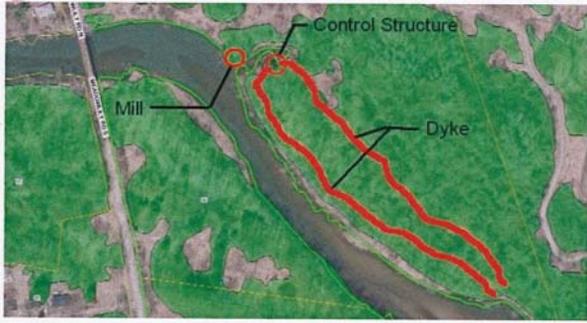
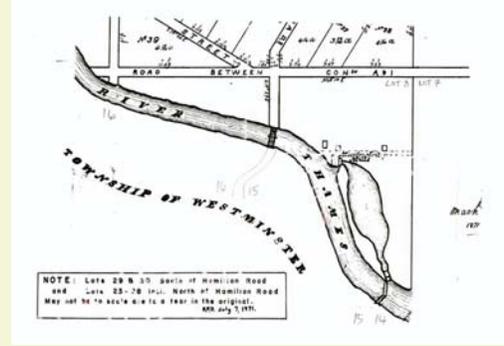


Plate 53: Key Components of Meadowlily Mill, Map by Christopher Andreae.

"Today the Edwardian ruins have further deteriorated to leave only a few remnants near ground level and signs of the tail race, and the earth dykes that held the large mill pond. Near the site of the former head race, the silt collected by the old dam has created an sizable island. While diminished during the past century, the ruins of the Meadowlily Mill and pond still constitute the most complete site of an early mill in the City of London." Page 74 of the *Archaeological and Cultural Study for the Meadowlily Area Plan*. Map by Chris Andreae.

Meadowlily Mill: Survey of the Meadowlily Mill Race, 1871



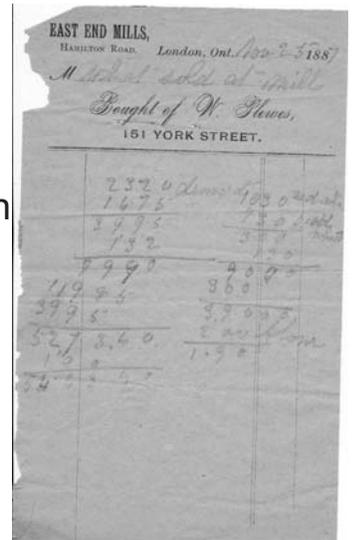
A survey of the mill race (channel) area from 1871 showing the channel and its relation to the dam.

Flour Stores: Plewes & Peer, East End Mills



Photo Credit:
UWO Photo Archives, c1877, 151 York Street, near Clarence, Ref # RC80202

Perhaps we should use the name "East End Mills" when referring to the mill... a receipt from William Plewes with the 151 York Street Address on it.



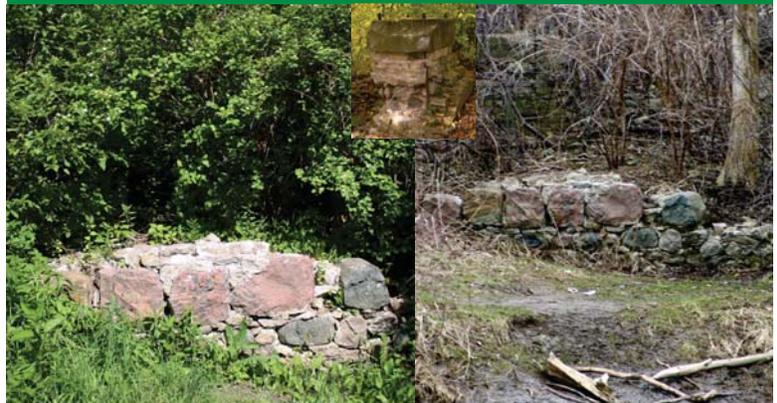
Receipt courtesy of Ron Sumner's family archives

Meadowlily Island, 2012



One of the present reminders of the existence of the mill dam.

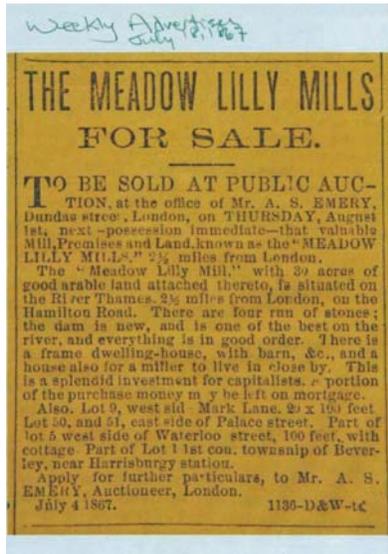
Pictures of the Meadowlily Mill Wall



The Picture on the Left is from the Summer of 2009, on the right from the Fall of 2008 and top centre, one of the water wheel mounts, 2008.

Meadowlily Mill Advertisement

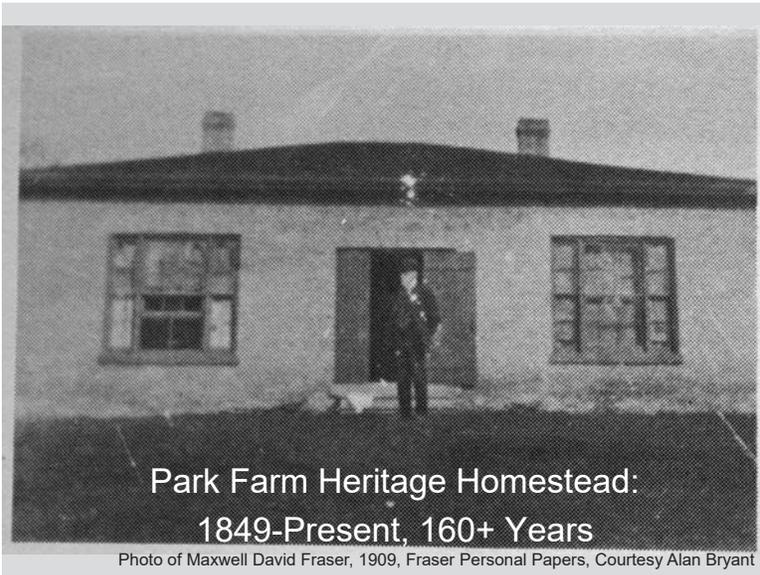
Auction Notice,
July 18, 1867



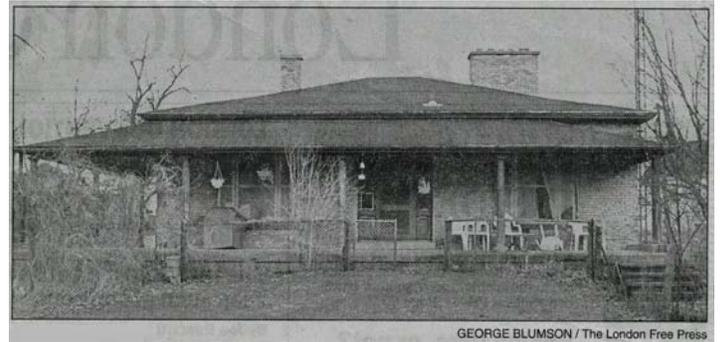
Historic Places, Park Farm



View of the front façade of Park Farm Heritage Homestead, from the Southeast, 2007



London Free Press Article:



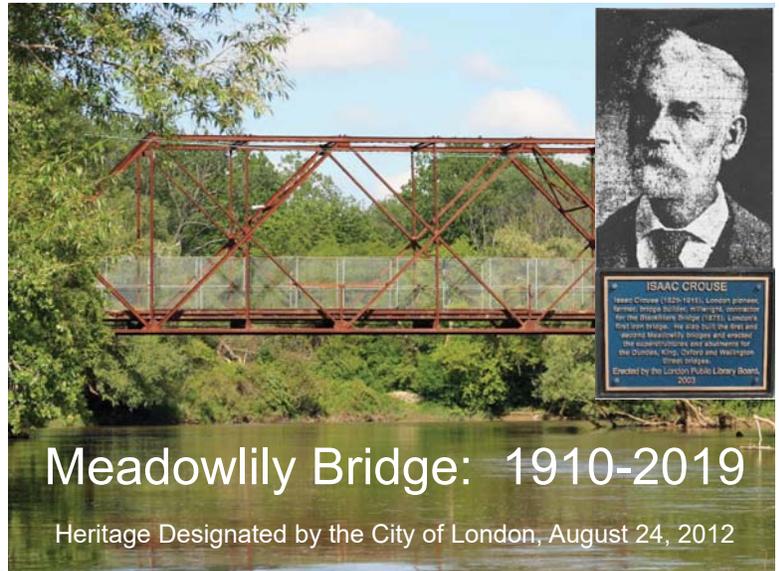
8 April 1995

This single-storey Regency-style brick cottage was built about 1848 by British immigrant William Bell (who called the site Park Farm). The verandas contain simple columns typical of Regency villas.

View of Park Farm



from the southwest: "Park Farm is one of the finest examples of a Regency villa in London. The house illustrates the evolution of a Regency cottage from when it was built in the 1840's until the present day. The building retains most of its Regency features and is beautifully situated in a rural setting, on a hill with a panoramic view". From the Statement of Significance, 1994



Meadowlily Bridge, Milk and Market



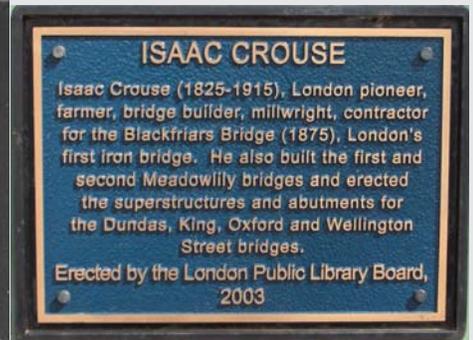
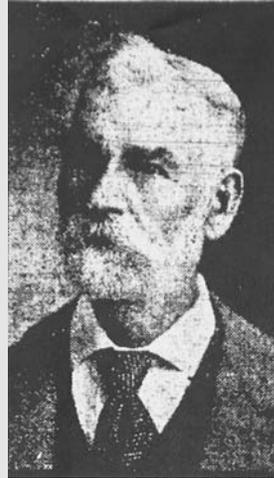
The caption in the *Delaware and Westminster Townships History Book, Honouring Our Roots* says,

"The old Meadowlily Bridge was used by many farmers on their way into London to deliver milk or on their way downtown to the market."



"Meadow Lily" Dairy Tokens

Isaac Crouse, London Area Bridge-Builder



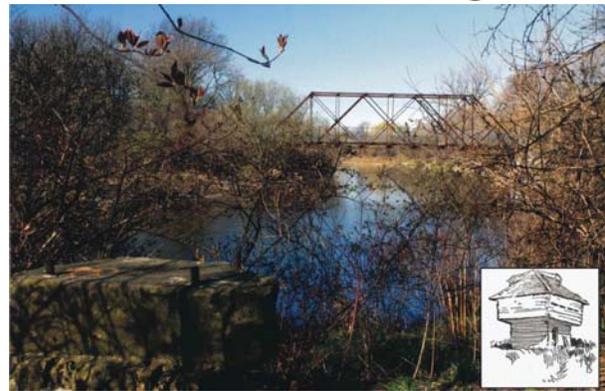
This picture was taken from a 1998 article in the *London Free Press* and the plaque is on the West side of the King Street Bridge, downtown London. Notice the mention of the TWO Meadowlily Bridges!

Meadowlily Bridge, 1885-Plewes Mill, 1886



Isaac Crouse, 1825-1915; William Plewes, 1828-1895

Ruins of Meadowlily Mill, Meadowlily Bridge and the Lost Stockade @ Meadowlily



Meadowlily Bridge, 1910, and the brick and stone remnants of Plewes (Meadowlily) Mill, built in 1856. Soon to be restored and declared as an official London Heritage Site, Meadowlily Bridge was constructed by the Hamilton Bridgeworks and Isaac Crouse in 1910. Crouse was also famous for the construction of the Blackfriars Bridge in 1875. In the inset on the photo is the drawing of a

1812 stockade because there is an oral legend from pioneer and native peoples that says a stockade stood at the junction of Meadowlily Road South and Commissioners Road. Photo, Joe O'Neil, 2013 *Historic London Calendar*

Meadowlily Bridge:

A Gateway over the South Thames in London, past and present



Meadowlily Bridge from the West

Note the ruins of Meadowlily Mill in the background
by Gary Smith

Presentation for Friends of Meadowlily Woods regarding Meadowlily Bridge



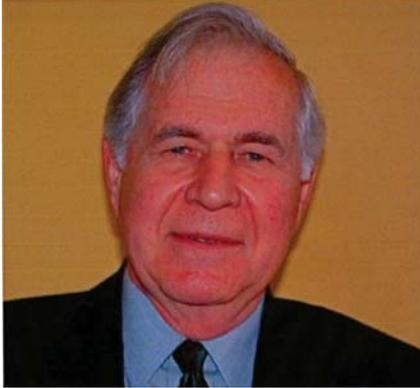
Council Resolution, Meadowlily Bridge, 27 July 2009



I hereby certify that the Municipal Council as its last session held on July 27, 2009 resolved: 29. That in response to the delegation of Gary Smith, Secretary and Heritage Chairperson, Friends of Meadowlily Woods Neighbourhood Association, relating to the attached presentation with respect to a request for the preservation, protection, repair and restoration of the Meadowlily Bridge as a way to celebrate the Centennial of the Bridge in 2010, the following actions be taken: (a) The Meadowlily Bridge BE RECOGNIZED as an important cultural heritage resource that should be protected; (b) The Meadowlily Bridge BE RECOGNIZED, in perpetuity as a footbridge; and (c) the Civic Administration BE REQUESTED to investigate whether there are funding sources available to preserve and restore Meadowlily Bridge as a Centennial Project, including the use of stimulus funding or FCM grants (Federation of Canadian Municipalities) and to report back to a future meeting of the Planning Committee (2009-D07-00) as amended (29/17/PC).

L.M. Rowe Acting City Clerk

Enter Architectural Conservancy of Ontario, London Branch



Roger Dorton and Preservation Works Grant

PreservationWorks!
An advisory service of the ACO
The right advice at the right time

It's effective!
"The consultant's report confirmed the building was worth saving, and convinced the community to look for feasible uses". - Allan Macdonald, The Bishop's House, St. Raphael

For more information on our organization, activities, membership, or volunteer opportunities, please contact us:

The Architectural Conservancy of Ontario
Suite 204
10 Adelaide Street East
Toronto, Ontario M5C 1J3

■ 416-367-8075
 ■ 877-264-8937
 ■ 416-367-8630
 ■ ac@lon.albn.com
 ■ www.arconserv.ca

ACO: Helping communities and owners preserve buildings and structures of architectural merit, and places of natural beauty or interest

Meadowlily Bridge before Rehabilitation



- View of Meadowlily Bridge from the East looking west, 2011

Meadowlily Bridge Rehabilitated, 2013



Recent article in London Free Press, Friday, November 14, 2013.

Photo of Meadowlily Bridge from the area of the Mill Ruins today.

Views of the North & South Ends



- Of Meadowlily Bridge, 2009

Views of the North & South Ends



- Meadowlily Bridge, 2013

Meadowlily Bridge Monument



Photos of the Monument and New Deck

Friends of Meadowlily Woods



Meeting at the Monument, November 14, 2013

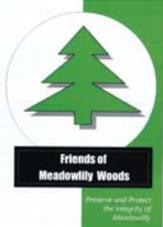


Meadowlily Bridge Historic Plaque



Mounted at the South End of the Bridge and the south-facing side of the Monument

Meadowlily as a Cultural Heritage Landscape



Presentation at the London Advisory Committee on Heritage
 June 12, 2013, 5:30 pm.

Also from the same heritage study:

“That the general character of the historical road scape of Meadowlily Road be retained.

The road itself is significant as a very early road in Westminster Township and as an essential part of the history of Meadowlily Bridge. Although the road has been paved and widened at various points in its history, it remains relatively narrow, and its borders retain the embankments, ditches, and vegetation characteristic of a minor country road. This quality is important as part of the overall milieu of the area.” Page 98.



Meadowlily-Plewes Mill Site



As a part of designating the Meadowlily Area as a Cultural Heritage Landscape, we would like to see the ruins of the Meadowlily-Plewes Mill Site be heritage designated as well.

Rural, Country Setting in the City



Photos from the Ontario Historic Sites website

“Finally, Park Farm is important as a farm and a country estate. Its historic character would be compromised by large-scale development close to the house and farmstead itself, while the **rural** character of its present surroundings complement the estate.” (Page 97)

Views and Vistas of the Meadowlily Area



West side of Meadowlily Rd S looking north

Views and Vistas of Meadowlily, 2



View of Meadowlily Rd S looking north

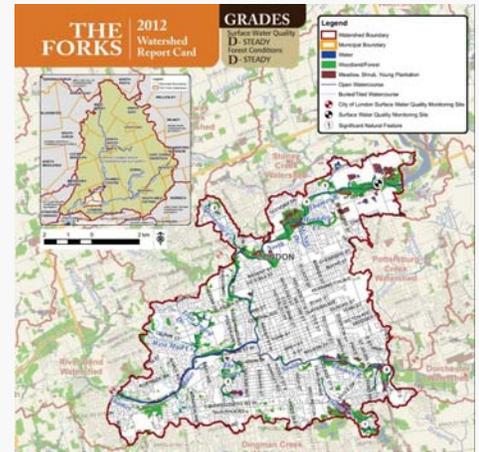
Views and Vistas of Meadowlily, 3



View of Meadowlily Woods Environmentally Significant Area looking north to the Thames River Valley

Meadowlily Woods is part of the Forks of the Thames Watershed

Located in the Central to East part of the City of London



What makes Meadowlily Woods Special ?



Photo: Jeff Cuthbert

Friends of Meadowlily Woods Mission Statement



The Friends of Meadowlily Woods is a not-for-profit neighborhood association that is dedicated to protecting and preserving a natural woodland in our own backyards in Meadowlily Woods, Environmentally Significant Area. As well we are also committed to seeing the natural and historic nature of our community from inappropriate development that would endanger this natural area. We are also interested in protecting and preserving the historic and natural features of the area like the nearby-adjacent howe house known as Park Farm, Meadowlily bridge, built in 1790 and Meadowlily Mill which was originally built around 1750. This group has been formed to assist the members of this association and our community in communicating with each other and to help the leaders of the group to keep the members informed of events and meetings relevant to our area.

Picture,
G. Smith,
May, 2012

IN SUPPORT THE RECOMMENDATIONS IN THE REPORT

AGREE WITH THE REPORT THAT THE TIME TAND PLACE TO DEAL WITH 129 AND 179 MEADOWLILY ROAD SOUTH IS THROUGH THE DEVELOPMENT APPLICATION PROCESS.

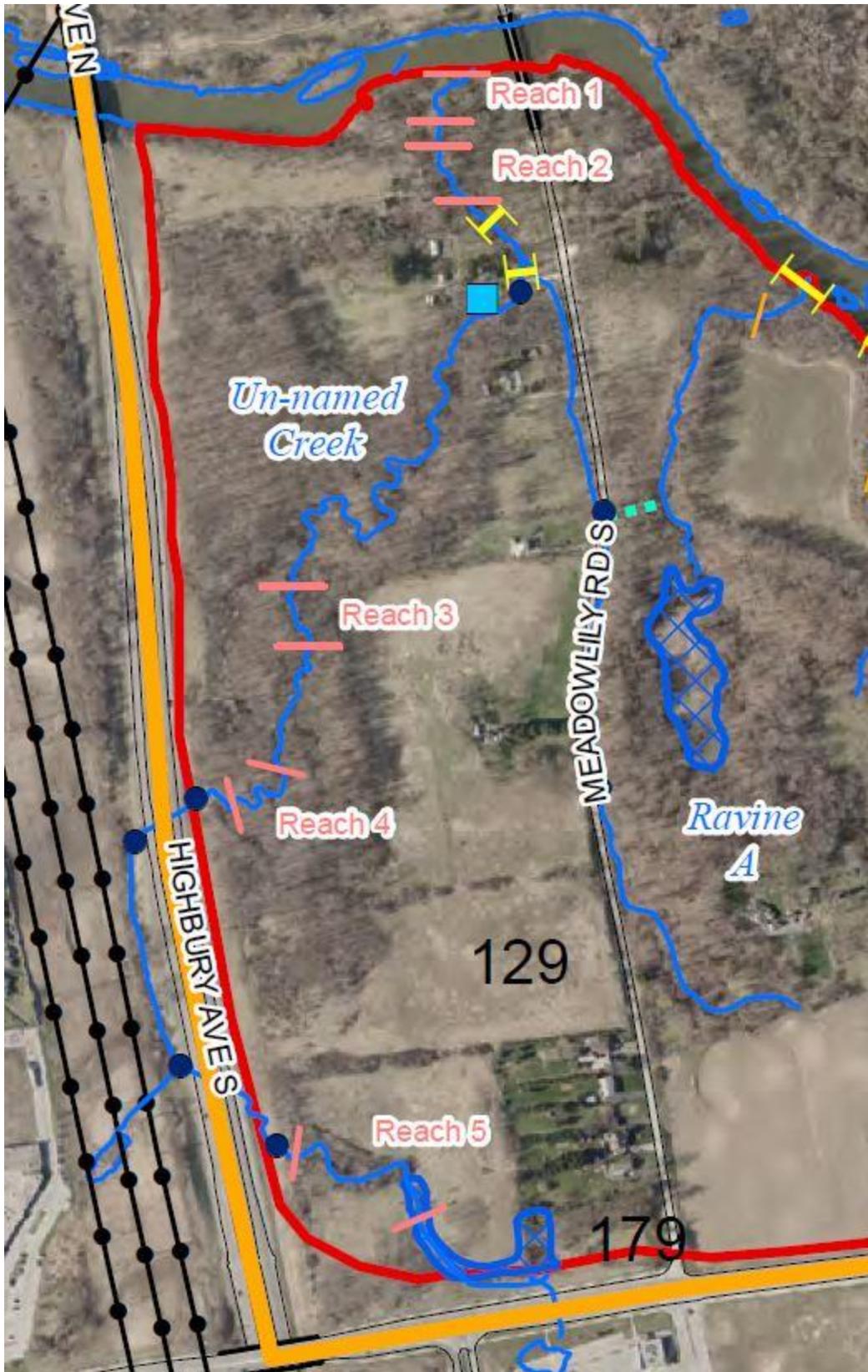
I OFFER THE FOLLOWING IN SUPPORT OF THE BOUNDARIES AS RECOMMENDED IN THE COUNCIL APPROVED CONSERVATION MASTER PLAN (CMP) FOR THESE TWO SITES BY PROVIDING EXTRACTS FROM THE CMP.

Sandy Levin
59 Longbow Road
London, ON

Although I am chair of EEPAC, as it is not meeting, I am unable to speak on behalf of the Committee. However, I was part of the working group that reviewed the CMP.

179 Meadowlily Road South
p. 48-49 OF THE CMP

Reach 5 is found within the headwater area of the un-named creek, north of Commissioners Road. As recent development has happened within the headwater area, there is no longer a connection between the north and south side of Commissioners Road. During an April 2010 field investigation conducted by AECOM, a potential groundwater seepage area was observed within the subject area, on the north side of the road. This seepage area and surface run-off is expected to provide base flow to the channel downstream. During the June 2010 field investigations conducted by AECOM, the creek channel was observed to run parallel with Commissioners Road before heading north through a small wetland pocket comprised of Reed Canary Grass. Iron staining was also observed within this area, which is an indicator of groundwater seepage. See snip from Map 8 of CMP on next page.



129 Meadowlily Road South

There are two elements here. One is the CRITERIA for inclusion in the ESA. The other is the GUIDELINES for delineating the ESA BOUNDARY. Both are found in the Council adopted Environmental Management Guidelines.

The reason for inclusion is not related to the type of vegetation and the boundary location is more than just the Monarch butterfly.

ESA CRITERIA

p. 66 and 67 of CMP

5.4.4 Habitats of Species of Conservation Concern

Significant Wildlife Habitat of Special Concern and Rare Wildlife Species has been confirmed for Eastern Wood-Pewee, Wood Thrush, Snapping Turtle, Monarch, Cream Violet, and Hooker's Orchid. Confirmed habitats have been mapped for the ELC polygons where each species was identified. **For Eastern Wood-Pewee, ELC polygons containing suitable habitat contiguous with locations where this species was identified are considered confirmed habitat as this species is highly mobile and does not discriminate between similar forested ecosites. Eastern Wood-Pewee is typically found in the mid-canopy of forest clearings and on the edges of deciduous and mixed forests; they prefer intermediate-age mature forest stands with little understorey vegetation (MNRF 2017a). Habitats for these species are shown on Map 10.**

A "snip" from Map 10 of the CMP appears on the next page with the map legend showing it is Eastern Wood-Pewee habitat.



Legend

 Study Area

 Utility Line

 Trail

 Road

 Water Feature

 Permanent Watercourse

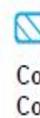
 Intermittent Watercourse

 Rare Vegetation Community: Dry-Fresh
Hickory Deciduous Forest Type (FOD2-3)

 Rare Vegetation Community: Fresh-Moist
Black Walnut Lowland Deciduous Forest
(FOD7-4)

 Woodland Area - Sensitive Bird Breeding
Habitat 406

 Potential Turtle Wintering

 Areas of Potential Seeps and Springs
Confirmed Habitat for Species of Conservation
Concern

 Hooker's Orchid (*Plantanthera hookeri*)

 Cream Violet (*Viola striata*)

 Eastern Wood-Pewee (*Contopus virens*)

 Wood Thrush (*Hylocichla mustelina*)

p. 74 of CMP

Lands west of Meadowlily Road South are recommended for inclusion in the ESA boundary as they provide habitat for a variety of mammals and SAR (including Monarch) and contain groundwater seepage areas and therefore meet two of the necessary criteria for inclusion in the ESA. Criterion 3 is met as the combined size of forest patches within 40m of one another (across Meadowlily Road South) is much greater than 40ha. Additionally, Criterion 7 is met due to the presence Monarch, a species of Special Concern, within the CUM1-1 vegetation communities in this area. Guideline 1 was applied to CUM1-1 by providing important habitat for Monarchs. **Cultural vegetation communities were incorporated into the ESA to provide a mantel and to strengthen internal linkages, following Guideline 7.** Manicured and managed areas which are greater than 1ha in size were excluded from the ESA, as per Guideline 9. The residential properties north of the large CUM1-1 community and west of Meadowlily Road South were included within the ESA boundary as they are smaller than 1ha in size and are surrounded on at least three sides by vegetation patches. Although these properties are located within the ESA boundary, in keeping with Guideline 10, the existing building envelopes are not affected by the protective designation. The ESA boundary that runs parallel to Highbury Avenue was delineated based on the existing right-of-way (ROW). It was determined that forested patches which extend beyond the ROW should still be included within the ESA as they contribute to the overall biodiversity of the vegetation patch.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Westchester Homes Ltd.
348 Sunningdale Road East

Public Participation Meeting on: October 19, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Westchester Homes Ltd. relating to the property located at 348 Sunningdale Road East:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 27, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** an Urban Reserve (UR1) Zone, **TO** a Holding Residential R5 Special Provision (h-17*R5-3(_)) Zone and an Open Space Special Provision (OS5(_)) Zone;
- (b) **IT BEING NOTED** that the following site plan matters were raised during the application review process:
- i) Orientation of the southerly townhouse building to the Open Space area to the south and to Sunningdale Road East;
 - ii) The provision of appropriately located and adequately protected outdoor amenity area to meet Ministry of the Environment, Conservation and Parks requirements;
 - iii) Extension of sidewalks to Sunningdale Road East along driveway; and
 - iv) Ensure naturalization with feature restoration and compensation is required to be completed by the landowner in accordance with the mitigation measures in the recommendations and Table 2 of the Environmental Impact Assessment (MTE, March 30, 2020), and an approved Restoration and Monitoring Plan.

Executive Summary

Summary of Request

The requested amendment is to allow two townhouse buildings, each three storeys (up to 12 metres) in height for a total of 17 units (35 units per hectare). The request also includes a natural area compensation and renaturalization area along the property frontage.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended Zoning By-law amendment is to permit the development of the subject lands for a 3-storey, 17 unit townhouse development at a density of 35 units per hectare. With the exception of the driveway access, the front portion of the property is protected from development through the use of an Open Space zone. New tree plantings and renaturalization of this area will occur as compensation for natural feature removal from other parts of the site. At the site plan stage consideration should be given to: the orientation of the southerly townhouse row toward the Open Space Zone and Sunningdale Road East; the provision of adequate

outdoor protected amenity areas; the provision of a sidewalk from the development to Sunningdale Road East; implementation of the recommendations of the EIS (MTE, March 30, 2020) and approval of and implementation of a restoration and monitoring plan.

Rationale of Recommended Action

1. The recommended Zoning By-law amendment is consistent with the PPS, 2020 which encourages settlement areas to be the main focus of growth and development to provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents present and future.
2. The proposed amendment conforms to the in-force policies of The London Plan, including but not limited to the policies of the Neighbourhoods Place Type.
3. The proposed amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Multi-family, Medium Density Residential designation which contemplates townhouse development up to a maximum density of 75 units per hectare.
4. The subject lands represent an appropriate location for intensification in the form of townhouses, along a high-order street adjacent to existing development at an intensity that is appropriate for the site and surrounding neighbourhood.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject lands are located on the north side of Sunningdale Road East between Richmond Street and Adelaide Street North, more specifically just to the north-east of the T-intersection of Lindisfarne Road with the south side of Sunningdale Road East. The land generally slopes gently away in all directions from a high point near the north-west corner of the site, with steeper slopes to the northwest and southwest corners and adjacent to the Sunningdale Road right-of-way. The middle of the site is flat where there was a single detached dwelling until its demolition in 2015. Portions of the site are heavily treed, with concentrations of trees at the front of the property including on the City's existing and future road allowance, and close to the west, north and east property boundaries. The Powell Drain Wetland, a unit of the Arva Moraine Wetland Complex lies to the north and west of the subject property, and the Uplands North Wetland lies to the east. An Imperial Oil pipeline is located along the frontage of the subject lands and has an associated easement over the front portion of the lands.

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

- Official Plan Designation – Multi-family, Medium Density Residential
- The London Plan Place Type – Neighbourhoods Place Type
- Existing Zoning – Urban Reserve (UR1) Zone

1.3 Site Characteristics

- Current Land Use – Vacant
- Frontage – 68.5 metres (224.7 feet)
- Depth – 92 m (301.8 feet)
- Area – 0.635ha (1.57 ac)
- Shape – rectangular



1.4 Surrounding Land Uses

- North – Powell Drain Wetland (part of Arva Moraine Wetland Complex)
- East – Uplands North Wetland and lands designated for possible future residential development
- South – Low Density Residential
- West – Wooded area and lands designated for possible future residential development

1.5 Intensification (17 residential units)

- The requested residential units do not represent intensification within the Built-area Boundary
- The requested residential units are located outside of the Primary Transit Area.

1.6 Location Map

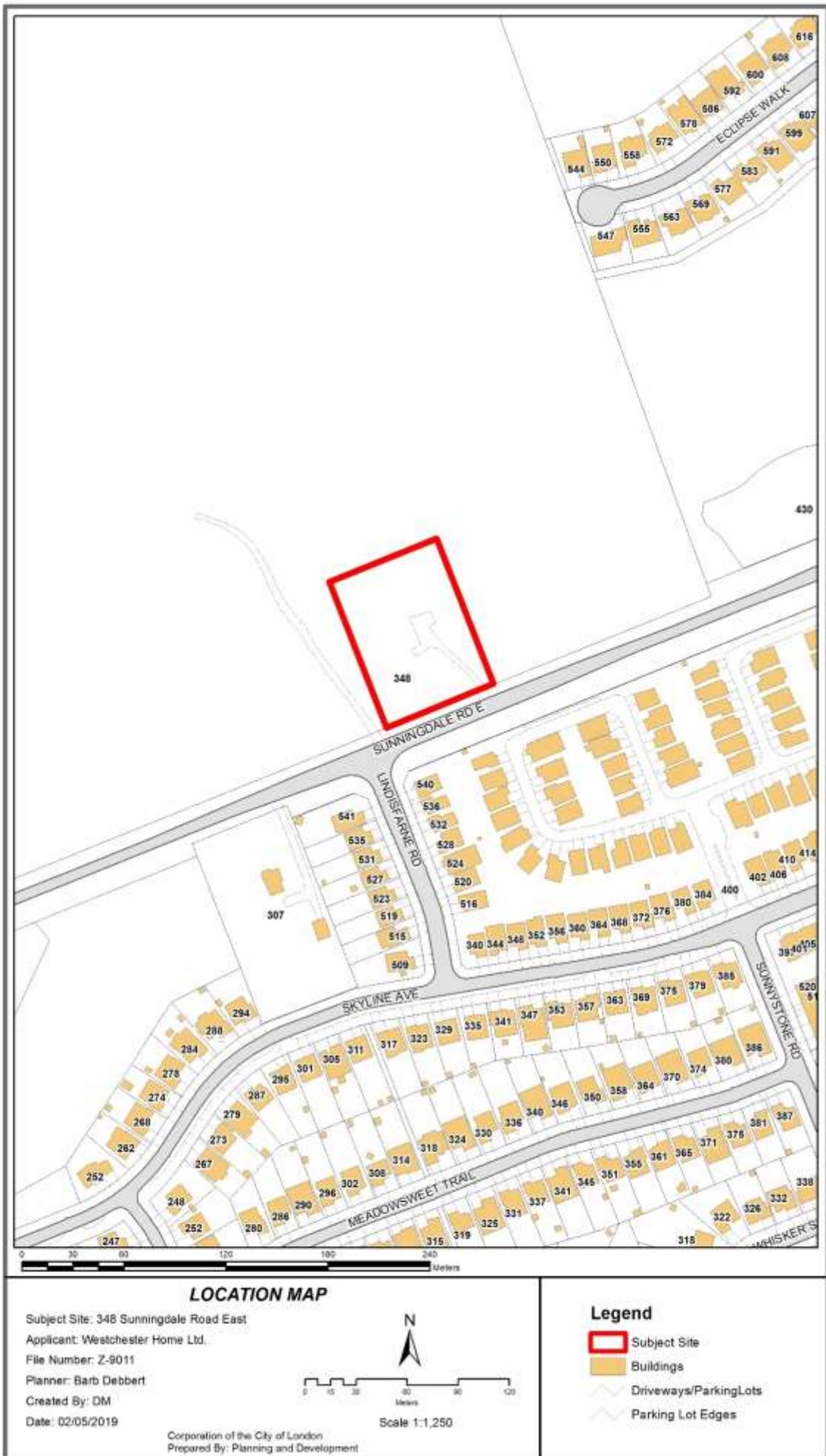
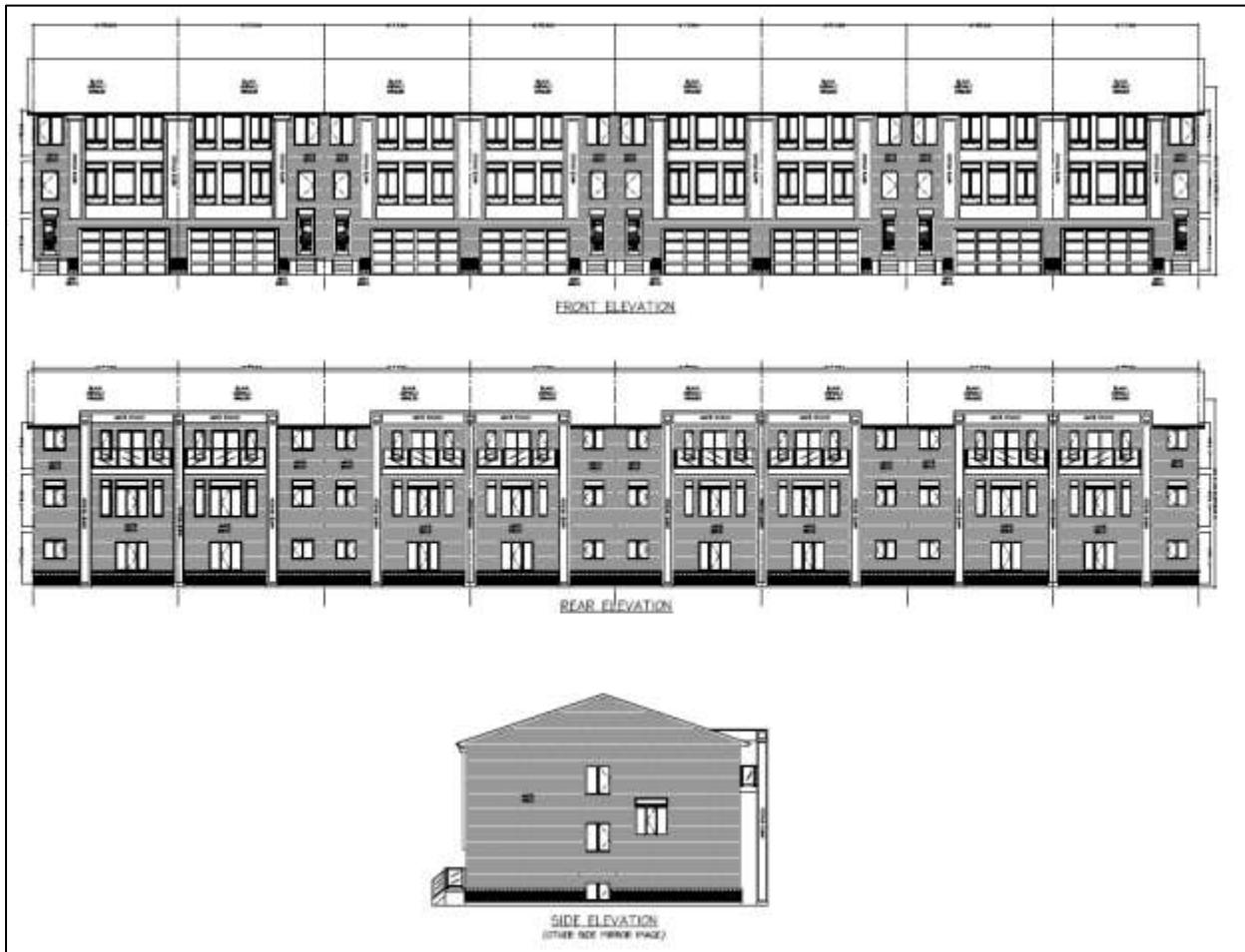


Figure 2 – Original Elevations (submitted December, 2018)



Revised Site Concept (July, 2020)

The applicant submitted the revised site concept and building elevations in May and July, 2020 following numerous discussions between City staff and the applicant to address building orientation toward Sunningdale Road East and related impacts on site design and noise attenuation for outdoor amenity space, the appropriate protection of natural heritage features, and tree preservation, compensation and renaturalization. These revisions were informed by Slope Stability and Water Balance studies, a revised Environmental Impact Study, and an updated Tree Assessment Report and Tree Preservation Plan.

The basic proposal description remains the same. The plans and elevations were modified to:

- provide ground level exterior doors on what previously appeared to be the rear building elevations with no main level access;
- include a new sidewalk along the south face of the southerly building to improve pedestrian connectivity and encourage the use of the south building exposure as a front yard;
- shift the buildings further north on the site to provide for a single consolidated compensation/restoration/naturalization area between the buildings and Sunningdale Road East;
 - The south face of the southerly building is now situated about 23.0 metres from the ultimate road widening and 25.6 metres from the centreline of the Imperial Oil pipeline;
 - The compensation/restoration/renaturalization area between the ultimate road widening and the new sidewalk along the south face of the southerly building is 20.6 metres wide. This area will be available for new tree plantings, except for the approximate 5 metre width that lies within the Imperial Oil pipeline easement. Other forms of renaturalization can occur within the pipeline easement that does not include new trees.

Figure 3 – Revised Site Concept (Submitted July, 2020)

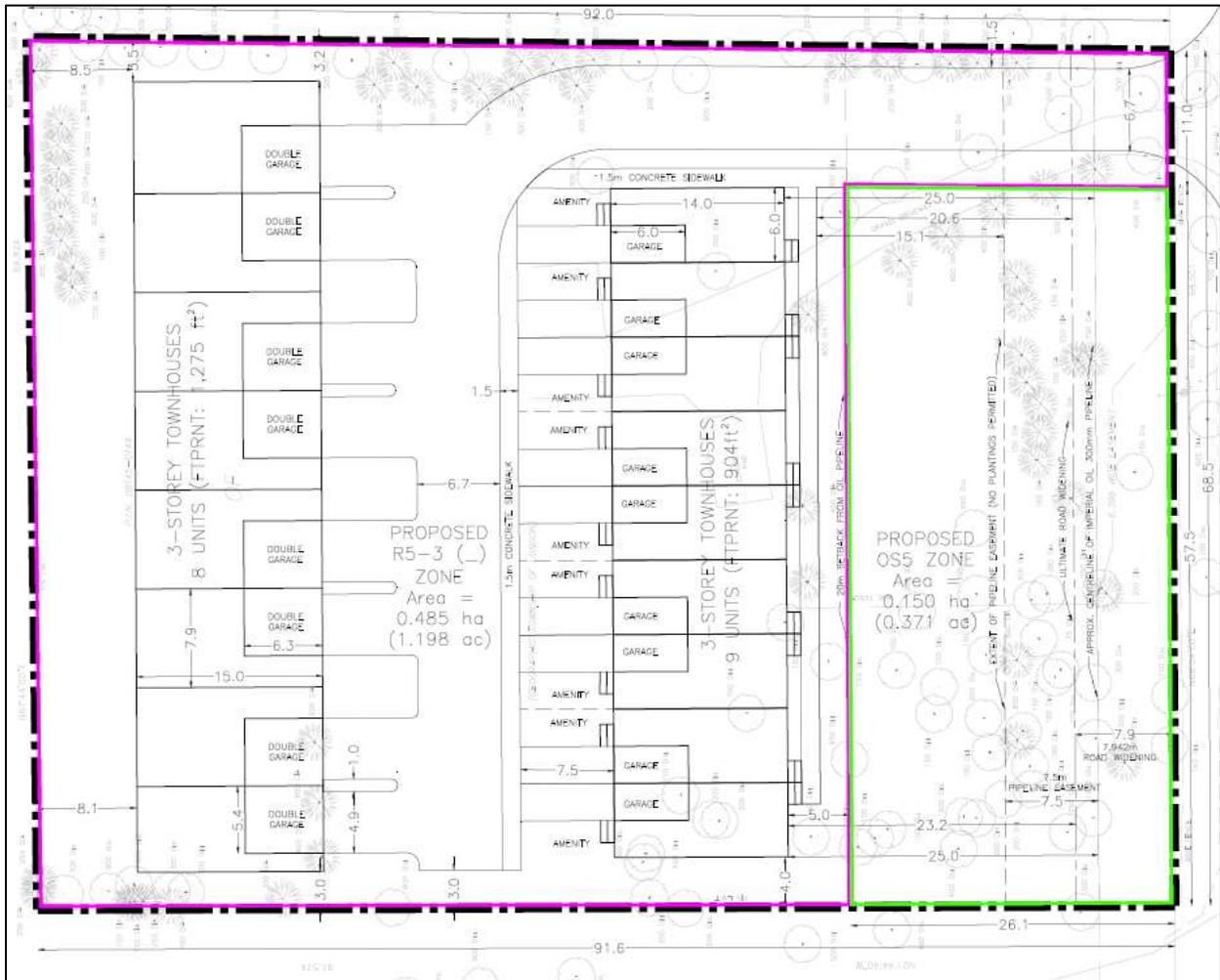
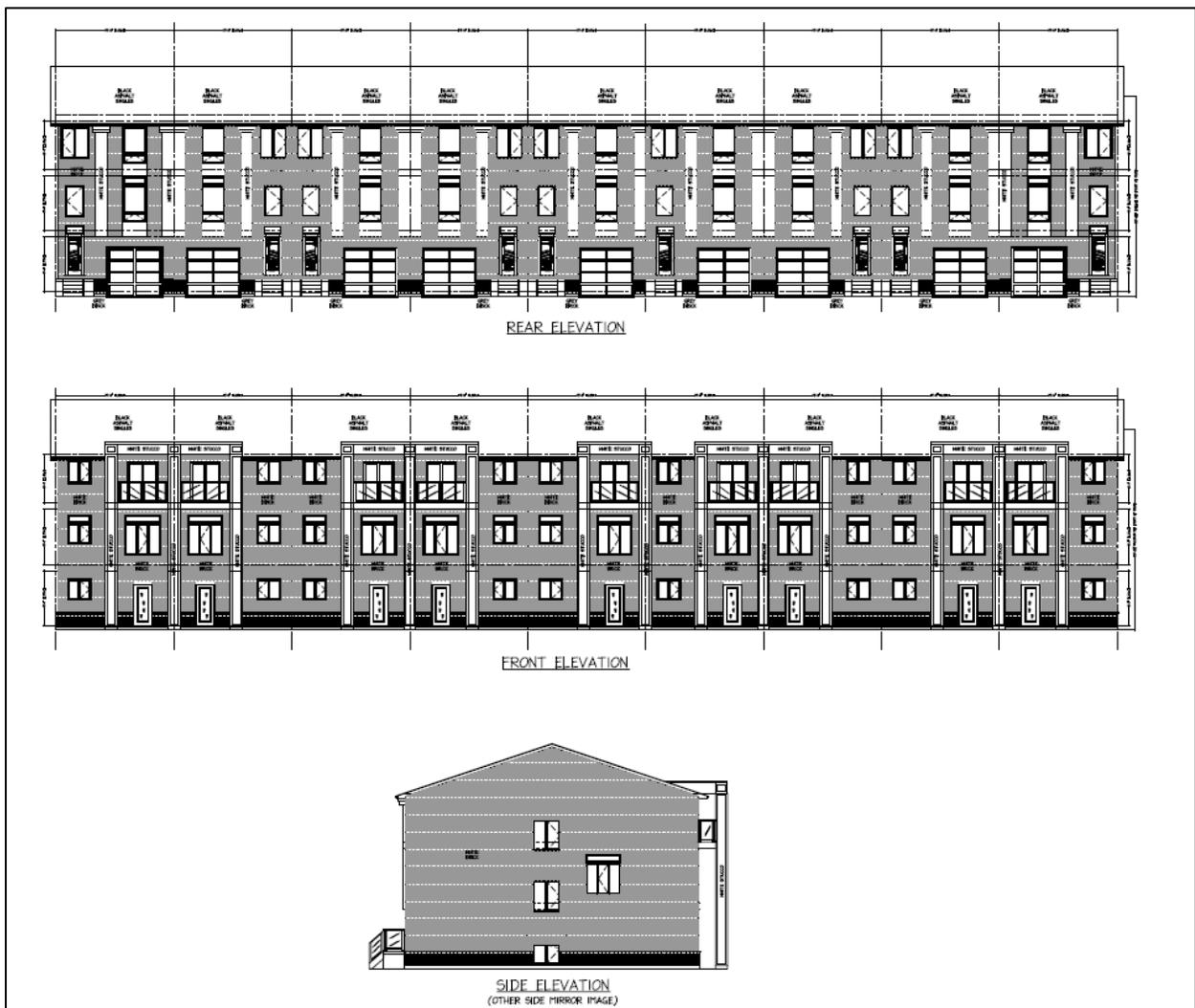


Figure 4 – Revised Elevations (Submitted May, 2020)



3.0 Relevant Background

3.1 Requested Amendment

Original Zoning Request (December, 2018)

The requested amendment is for a Zoning By-law amendment from an Urban Reserve (UR1) Zone to a Residential R5 Special Provision (R5-2(_)) Zone to permit cluster/stacked townhouse dwellings at a maximum density of 30 units per hectare and a height of 12 metres.

Relief from the standard zoning requirements was requested, including interior sideyard setbacks on both sides of 3.0 metres in place of 6.0 metres for units with windows on the side elevations.

Revised Zoning Request (July, 2020)

The amended application is to change the zoning from an Urban Reserve (UR1) Zone to a Residential R5 Special Provision (R5-3(_)) Zone to permit cluster/stacked townhouse dwellings at a maximum density of 35 units per hectare and a height of 12 metres, and to an Open Space Special Provision (OS5(_)) Zone to permit conservation lands, conservation works, passive recreation uses and managed woodlots.

Relief from the standard zoning requirements for the residential use were requested, including a minimum lot frontage of 11.0 metres in place of 30.0 metres; minimum east, south and west interior side yard setbacks of 3.2 metres, 5.0 metres and 3.0 metres, respectively in place of 6.0 metres; minimum landscaped open space of 35% in place of 45%; and maximum lot coverage of 33.4% in place of 30%. Other than the east and west interior side yard reductions, the increased residential density and all of the other requested special provisions result from the treatment of the proposed new Open Space (OS5) as a separate property for zoning interpretation purposes and do not result in any additional intensification on the site.

Relief from the standard zoning requirements for the Open Space (OS5) Zone were requested, consisting of a reduction of the minimum lot area from 0.4 hectares to 0.15 hectares.

3.2 Community Engagement (see more detail in Appendix B)

Opportunities were provided to the public to provide comments on this application in response to the original notice of application given February 4, 2019 and the revised notice of application given on July 29, 2020. Responses were received from eight individuals during the community consultation periods.

The public concerns generally included:

- The proposed built form/density are not in keeping with the area
- Colour/architectural design
- Environmental impacts – flora, fauna and ecological buffer to wetland features
- Loss of trees on the site
- Increase in traffic
- Hazardous turning movements/location of driveway
- Not a transit friendly location
- Road noise impacts on occupants of new development
- Ownership tenure of new units
- Site maintenance after construction and occupancy
- Decrease in property value
- General concerns about the City's approach to tree preservation and controlling road noise and speed, not related specifically to this application

3.3 Policy Context (see more detail in Appendix C)

The Provincial Policy Statement (PPS) 2020 provides policy direction on matters of provincial interest related to land use and development. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs. It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. The PPS encourages settlement areas (1.1.3 Settlement Areas) to be the main focus of growth and development. Within the Settlement Areas appropriate land use patterns are established by providing appropriate densities and a mix of land uses that efficiently use land and resources along with the surrounding infrastructure, public service facilities and are also transit-supportive (1.1.3.2).

The policies of the PPS state that new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure, and public service facilities. (1.1.3.6).

The PPS also promotes an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents (1.4 Housing). It directs planning authorities to permit and facilitate all forms of housing required to meet the social, health and wellbeing requirements of current and future residents, and direct the development of new housing toward locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs. It encourages densities for new housing which efficiently use land, resources, and the surrounding infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed.

The PPS protects natural features and areas for the long term. Development and site alteration shall not be permitted in significant wetlands or significant woodlands. Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. Development and site alteration shall not be permitted on adjacent lands to these natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. (2.1 Natural Heritage – 2.1.1, 2.1.4, 2.1.5, 2.1.7 and 2.1.8).

The PPS directs that 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. (2.6 Cultural Heritage and Archaeology).

In accordance with section 3 of the Planning Act, all planning decisions “shall be consistent with” the PPS.

The London Plan

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

The subject site is located in the Neighbourhoods Place Type along a Civic Boulevard which would permit a range of residential uses including single detached, semi-detached, duplex, converted dwellings, townhouses, stacked townhouses, fourplexes and low-rise apartments (Policy *921_).

Neighbourhoods Place Types along a Civic Boulevard also require a minimum height of 2-storeys and permit a maximum height of 4-storeys, while 6-storeys can be achieved through Type 2 bonusing. Zoning is applied to ensure the intensity of development is

appropriate to the neighbourhood context, utilizing regulations for such things as height, density, gross floor area, coverage, frontage, minimum parking, setback, and landscaped open space (Policy *935_).

All planning and development applications will conform with the City Design policies of The London Plan. New developments should be designed to avoid the need for noise walls that are required to protect amenity areas as defined by provincial guidelines (Policy *936_). All planning applications are to be evaluated with consideration of the use, intensity and form that is being proposed, subject to specific criteria set out in the Plan (Policy *1578_).

Residential intensification is fundamentally important to achieve the vision and key directions of The London Plan. Intensification within existing neighbourhoods will be encouraged to help realize the vision for aging in place, diversity of built form, affordability, vibrancy, and the effective use of land in neighbourhoods. Such intensification must be undertaken well in order to add value to neighbourhoods rather than undermine their character, quality, and sustainability (Policy *937_).

In addition to The City Design policies of this Plan, residential intensification projects are subject to additional urban design considerations (Policy *953_). New proposals must clearly demonstrate that the proposed intensification project is sensitive to, compatible with, and a good fit within the existing surrounding neighbourhood. The Plan evaluates compatibility and fit from a form perspective on a specific list of criteria to help ensure it is in keeping with the character of the surrounding neighbourhood. Compatibility and fit will be evaluated on matters such as, but not limited to, site layout, building and main entrance orientation, building line and setback from the street, character and features of the neighbourhood, height and massing. The intensity of the proposed development will be appropriate for the size of the lot such that it can accommodate such things as driveways, adequate parking in appropriate locations, landscaped open space, outdoor residential amenity area, adequate buffering and setbacks, and garbage storage areas (Policy *953_).

The Environmental Policies of this Plan require the submission of environmental impact studies to determine whether, or the extent to which, development may be permitted in areas within, or adjacent to, specific components of the Natural Heritage System. They will confirm or refine the boundaries of components of the Natural Heritage System, and will include conditions to ensure that development does not negatively impact the natural features and ecological functions for which the area is identified. (Policy 1431_). The City will require that an environmental impact study be completed to its satisfaction, and in accordance with provincial policy, in consultation with the relevant public agencies prior to the approval of a planning and development application, where development or site alteration is proposed entirely or partially within the distances adjacent to Natural Heritage System components set out in *Table 13 – Areas Requiring Environmental Study (Policy 1432_). Development or site alteration on lands adjacent to features of the Natural Heritage System shall not be permitted unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions (Policy 1433_).

The Cultural Heritage policies of this Plan are intended to ensure that new development enhances and is sensitive to our cultural heritage resources (Policy 554_). 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 (Policy 611_).

1989 Official Plan

The 1989 Official Plan designates the site as Multi-Family, Medium Density Residential which permits multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged (Section 3.3.1.).

Development within areas designated Multi-Family, Medium Density Residential shall have a low-rise form and a site coverage and density that could serve as a transition between low density residential areas and more intensive forms of commercial, industrial, or high density residential development. Height will be limited to four storeys however, in some instances may be permitted to exceed this limit, if determined through a compatibility report. Generally developments will not exceed 75 uph (Section 3.3.2).

Proposals for development within the Multi-family, Medium Density Residential designation are subject to a Planning Impact Analysis as set out in Section 3.7 of the Official Plan.

The Environmental Policies of this Plan require the submission of environmental impact studies to determine whether, or the extent to which, development may be permitted in areas within, or adjacent to, specific components of the Natural Heritage System. They will confirm or refine the boundaries of components of the Natural Heritage System, and will include conditions to ensure that development does not negatively impact the natural features and ecological functions for which the area is identified. The City will require that an environmental impact study be completed to its satisfaction, and in accordance with provincial policy, in consultation with the relevant public agencies prior to the approval of an Official Plan amendment, Zoning By-Law amendment, subdivision application, consent application or site plan application, where development is proposed entirely or partially within the distances adjacent to Natural Heritage System components set out in Table 15-1. (Section 15.5.1)

The Cultural Heritage Policies of this Plan state that Council will facilitate, in accordance with Provincial Policy efforts to preserve and excavate historic and pre-historic archaeological resources. (Section 13.4.1). Zoning By-law amendments are to be reviewed for their potential impacts to archaeological resources, and archaeological assessment requirements may be imposed where the subject area possesses archaeological resource potential or known archaeological resources, and involved some form of ground disturbance. (Section 13.4.3).

Uplands North Area Plan (2003)

The Uplands North Area Plan orients the Medium Density Residential areas to the arterial road system along Sunningdale Road as well as the southern areas along Adelaide Street North and Richmond Street, including the subject property. It is stated that these areas will mirror and be compatible with other medium density residential uses on the south side of Sunningdale Road. The Uplands North Area Plan identified approximately 25% of the developable lands in the planning area for medium density development, in keeping with the Provincial Policy Statement which sought to allow for a full range of housing types and densities.

3.4 Additional Background (Archaeological)

The subject lands were identified as having archaeological potential. The complete application submission in 2018 included Stage 1 – 4 Archaeological reports and a Ministry of Tourism, Culture and Sport letter confirming that the pre-contact Indigenous component of the site meets provincial criteria for cultural heritage value or interest and requires Stage 4 mitigation. On February 27, 2020, the Ministry of Heritage, Sport, Tourism, Culture Industries provided additional correspondence acknowledging the reported full excavation and documentation of the pre-Indigenous component to the Ministry's guidelines, and confirmed there was no further cultural heritage value or interest and that no further archaeological assessments are required.

4.0 Key Issues and Considerations

Through an analysis of the use, intensity and form, Staff have considered the compatibility and appropriateness of the requested amendment and proposed development, as shown in the revised concept plan, with the subject lands and within the surrounding neighbourhood.

4.1 Use

Provincial Policy Statement, 2020 (PPS)

The Provincial Policy Statement directs growth and development to settlement areas and encourages their regeneration (Policy 1.1.3.1). Land use patterns within settlement areas are to provide for a range of uses and opportunities for intensification and redevelopment (Policy 1.1.3.2 b)). The PPS directs that planning authorities consider the housing needs of all residents (Policy 1.4.3 a) and b)).

The London Plan

The subject lands are located within the Neighbourhoods Place Type with frontage on a Civic Boulevard in The London Plan. The range of uses permitted within the Neighbourhoods Place Type is directly related to the classification of street onto which a property has frontage (*Table 10- Range of Permitted Uses in Neighbourhoods Place Type). Townhouses are a permitted use on Civic Boulevards within the Neighbourhoods Place Type throughout the City.

1989 Official Plan

The 1989 Official Plan supports the provision of a choice of dwelling types so that a broad range of housing requirements are satisfied (Section 3.1.1 ii)). The subject lands are designated Multi-family, Medium Density Residential in the 1989 Official Plan. The Multi-family, Medium Density Residential designation permits multiple-unit residential developments having a low-rise profile, and densities that exceed those found in Low Density Residential areas but do not approach the densities intended for the Multi-family, High Density Residential designation (Preamble Section 3.3 – Multi-family, Medium Density Residential). The primary permitted uses for the Multi-family, Medium Density Residential designation include multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged. (Section 3.3.1). The requested townhouse development is contemplated in the Multi-family, Medium Density Residential designation in the 1989 Official Plan as a permitted use.

Analysis:

Consistent with the PPS, and conforming to the 1989 Official Plan and The London Plan, the recommended townhouse development will contribute to the existing range and mix of housing types on the south side of Sunningdale Road East, consisting of primarily cluster and freehold single detached dwellings with townhouses in the interior of the neighbourhood. The recommended townhouse development has the potential to assist in providing a diverse range of housing needs within the community consistent with the PPS, and conforming to the 1989 Official Plan and The London Plan.

The recommended townhouse use is contemplated in the Multi-family, Medium Density Residential designation in the 1989 Official Plan as a permitted form of residential intensification, and is included in the range of primary permitted uses within the Neighbourhoods Place Type on Civic Boulevards. The Multi-family, Medium Density Residential designation was established at the time of approval of the Uplands North Area Plan in 2003 in anticipation of the future provision of access to public open space and recreational facilities, community facilities and transit services through the build-out of the planning areas on the north and south sides of Sunningdale Road East.

The property has suitable access to shopping facilities in the Masonville area at Richmond Street and Fanshawe Park Road, the Stoney Creek Community Centre, and numerous parks. The planned future construction of Sunningdale Road East to an urban cross section, planned for 2025, will provide a safer environment for pedestrian activity. Although the proposed townhouse development has a different intensity, height and built form than the single and two-storey dwellings to the immediate south, the analysis of intensity and form below demonstrates that townhouses can be developed on the subject lands in a way that is appropriate for the site and adjacent neighbourhood.

4.2 Intensity

Provincial Policy Statement, 2020 (PPS)

The PPS directs growth to settlement areas and encourages their regeneration (Policy 1.1.3.1). The PPS states that land use patterns within settlement areas are to provide for a range of uses and opportunities for intensification and redevelopment (Policy 1.1.3.2). Planning authorities are to identify appropriate locations and promote opportunities for intensification and redevelopment where it can be accommodated considering matters such as existing building stock, brownfield sites, and suitable existing or planned infrastructure and public service facilities. (Policy 1.1.3.3). The PPS is supportive of development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4).

The London Plan

The London Plan contemplates intensification where appropriately located and provided in a way that is sensitive to and a good fit with existing neighbourhoods (*Policy 83_, *Policy 937_, *Policy 939_ 2. and 5., and *Policy 953_ 1.). The London Plan directs that intensification may occur in all place types that allow for residential uses (Policy 84_).

The London Plan uses height as a measure of intensity in the Neighbourhoods Place Type. A minimum height of 2 storeys and a maximum height 4 storeys, with bonusing up to 6 storeys, is contemplated within the Neighbourhoods Place Type where a property has frontage on a Civic Boulevard (*Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type). The intensity of development must be appropriate for the size of the lot (*Policy 953_3.).

1989 Official Plan

The scale of development in the Multi-family, Medium Density Residential designation shall have a low-rise form and a site coverage and density that could serve as a transition between low density residential areas and more intensive forms of development. Development shall be subject to height limitations in the Zoning By-law which are sensitive to the scale of development in the surrounding neighbourhood. Normally height limitations will not exceed four storeys. Medium density development will not exceed an approximate net density of 75 units per hectare. (Section 3.3.3). Residential intensification in the Multi-family, Medium Density Residential designation is subject to a Planning Impact Analysis (PIA) on the basis of criteria relevant to the proposed change (Section 3.7.2). Relevant criteria related to the intensity of development include:

- Compatibility with surrounding land uses
- Ability of the site to accommodate the use
- The height, location and spacing of any buildings and any potential impacts on the surrounding land uses.

Analysis:

The subject lands have frontage on a Civic Boulevard (Sunningdale Road East) which is a higher-order street, to which medium and high density uses are directed. The subject property is of a size and configuration capable of accommodating a more intensive redevelopment than the former single detached dwelling which was more suitable to a rural area. In terms of the policy framework of both the 1989 Official Plan and The London Plan, the property was significantly underutilized by the previous use. Consistent with the PPS, the subject lands are located where the City's Official Plans direct and support residential intensification and redevelopment.

The proposed development of 17 new townhouse units equates to 35 units per hectare, significantly less than the maximum density of 75 uph that can be considered under the 1989 Official Plan policies. In addition, the proposed 3 storey height is less than the maximum, without bonusing, permitted by The London Plan.

The available building envelope on the site is somewhat constrained by natural heritage features that are part of or support the Powell Drain Wetland (part of Arva Moraine Wetland Complex) on lands to the north and west and the Uplands North Wetland to the east. It is also constrained by the required minimum 20 metre setback from the Imperial

Oil pipeline that runs along the north part of the Sunningdale Road East road allowance. The intensity of development within the remaining developable area is suitable for the site. It is noted that the only special provisions of substance are the interior side yard reductions from 6.0 metres to 3.0 and 3.2 metres. These setbacks are considered suitable for the site and anticipated surrounding future land uses. The remaining special provisions relate to the recommended zoning of the front portion of the lands for open space uses (see Section 4.4 – Natural Heritage Features and Tree Preservation below).

While the proposed development is considered entirely appropriate in its context from both a compatibility and intensity perspective, it is worth noting that the visual experience of intensity by nearby property owners will be significantly reduced by the recommended tree retention and renaturalization of the lands between the front face of the southerly building and the widened road right-of-way.

The addition of traffic volume from a 17 unit development on a higher order road that currently experiences high traffic volumes is negligible and is not considered to be an impediment to the proposed development. The Transportation Division did not request a Traffic Impact Assessment and has expressed no concerns regarding the impact of this development on the carrying capacity of Sunningdale Road East.

The proposed development is of a suitable intensity for the site and is consistent with the PPS and the City's Official Plans.

4.3 Form

Provincial Policy Statement, 2020 (PPS)

The PPS is supportive of development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4). The PPS also identifies that long term economic prosperity should be supported by encouraging a sense of place by promoting a well-designed built form (Policy 1.7.1(d)).

The London Plan

The London Plan encourages compact forms of development as a means of planning and managing for growth (Policy 7_, Policy 66_). The London Plan encourages growing “inward and upward” to achieve compact forms of development (Policy 59_ 2., Policy 79_). The London Plan accommodates opportunities for infill and intensification of various types and forms (Policy 59_ 4.). To manage outward growth, The London Plan encourages supporting infill and intensification in meaningful ways (Policy 59_ 8.).

Within the Neighbourhoods Place Type, and according to the urban design considerations for residential intensification, compatibility and fit will be evaluated from a form-based perspective through consideration of the following: site layout in the context of the surrounding neighbourhood; building and main entrance orientation; building line and setback from the street; height transitions with adjacent development; and massing appropriate to the scale of the surrounding neighbourhood (*Policy 953_ 2. a. –f.).

Similar to the Planning Impact Analysis criteria within the 1989 Official Plan, the Our Tools section of The London Plan contains various considerations for the evaluation of all planning and development applications (*Policy 1578_).

1989 Official Plan

The scale of development in the Multi-family, Medium Density Residential designation shall have a low-rise form and a site coverage and density that could serve as a transition between low density residential areas and more intensive forms of development (Section 3.3.3). The 1989 Official Plan recognizes residential intensification as a means of providing for the efficient use of land and achieving a compact urban form (Section 3.2.3). The Planning Impact Analysis criteria in the 1989 Official Plan are to be used to evaluate the appropriateness of a proposed change in land use and identify ways to reduce any adverse impacts on surrounding land uses (Section 3.7). The relevant PIA criteria related to form include:

- The exterior design in terms of bulk, scale and layout of buildings, and the integration of these uses with present and future land uses in the area;

- The location of vehicular access points and the likely impact of traffic generated by the proposal on City streets, pedestrian and vehicular safety and surrounding properties;
- Compliance of the proposed development with the provisions of the City's Site Plan Control By-law.

Analysis:

Consistent with the PPS, and conforming to the 1989 Official Plan and The London Plan, the recommended intensification of the subject lands would optimize the use of land and the planned future public investment in infrastructure in the area. Located on the periphery of the City in an area characterized by low density single detached and cluster single developments, the redevelopment and intensification of the subject lands would contribute to achieving more compact forms of growth. The proposed townhouse development represents a more compact form of development than the former single detached dwelling on the site.

With regard to whether the recommended amendment would result in a form of development that is compatible and a good fit with the surrounding neighbourhood, concerns regarding building orientation (urban design and noise), scale and height, pedestrian access, driveway location, light, and Imperial Oil Pipeline requirements are analyzed below:

Building Orientation

From a design aesthetic and function perspective, the City Design policies of The London Plan state that principal building entrances and transparent windows should be located to face the public right-of-way and public spaces, to reinforce the public realm, establish an active frontage and provide for convenient pedestrian access (policy *291_).

Building orientation for residential development can also impact the implementation of suitable noise attenuation measures. The Urban Design policies of the 1989 Official Plan encourages design features such as building orientation, location of outdoor open space relative to the noise sources, and noise attenuation measures (Section 11.1.1 xviii)) where residential development is affected by adverse noise conditions. Policy 241_ in the City Design chapter of The London Plan, references the Noise wall policies in the Our Tools part of the Plan to govern proposals for noise walls in association with new development. Accordingly, Policy 1768_ provides further direction. Firstly, it encourages high and medium density residential uses to abut arterial roads as these forms provide greater flexibility in building orientation thereby allowing front facing buildings with amenity in the rear. Failing the availability of a front-facing design, other design solutions are encouraged to eliminate the need for noise walls. If noise walls or other noise attenuation barriers are required, then a noise impact study is required.

The original proposal provided no primary access or building orientation toward Sunningdale Road East, and accommodated outdoor amenity area on the road side of the building, providing no protection from road noise. In an effort to address policy direction, the applicant proposed the use of a berm instead of a noise wall to address protection of the outdoor amenity area. This was not a preferred solution. Firstly, a berm would have the same effect as a noise wall in the sense of creating a road "tunnel" and isolating the proposed development from its surroundings. Secondly, the Imperial Oil guidelines prevent obstructions on its easement, including the piling of dirt. Moving a berm far enough north on the site to remain outside the Imperial Oil pipeline easement and providing the required height and design slopes would have a significant impact on the available building envelope. Thirdly, a berm is not the ideal condition for renaturalization of the environmental feature (see Section 4.4 below).

As a result, the applicant submitted new drawings that provided for front doors facing Sunningdale Road East and the proposed open space area, along with a new sidewalk running parallel to the front face of the building to provide pedestrian access to the driveway. Protected outdoor amenity space is to be provided to the rear (north) of the

southerly building. Additional and continued attention to building orientation to address urban design and noise policies will need to be addressed at the site plan stage.

Scale and Height

The scale or height of the proposed 3-storey townhouse buildings conforms to the height requirements contemplated within the Neighbourhoods Place Type where the property has frontage on a Civic Boulevard. These policies require a minimum height of two storeys and maximum height of four storeys, with a provision for up to six storeys with Type 2 bonusing. It also conforms to the low-rise form of development, generally not exceeding four storeys contemplated in the Multi-family, Medium Density Residential designation of the 1989 Official Plan and would be compatible with the scale of buildings on the south side of Sunningdale Road East, which include one and two-storey single detached dwellings.

Pedestrian Access

The City Design policies of The London Plan state that site layout will promote connectivity and safe movement between, and within, site for pedestrians, cyclists and motorists (Policy *255_). Providing sidewalk connections from the buildings to the public street is also a standard requirement for site plan approval. The proposed site concept does not currently provide appropriate pedestrian access to the street. Pedestrian connectivity will need to be addressed at the site plan approval stage.

Driveway Location and Design

The public expressed a preference for the driveway access to be located directly across from the T-intersection of Lindisfarne Road with Sunningdale Road. This would normally be the City's design preference where it can be achieved. In this case the property limit does not extend to Lindisfarne Road and therefore the best solution from an access management perspective is to offset the driveway as far away from the Lindisfarne intersection as possible, near the east property line of the subject site. Detailed driveway design will be addressed at the site plan stage.

Light

A general concern was raised regarding lighting impacts on the adjacent development. Through the site plan stage a photometric plan will be required to ensure spillover lighting impacts on adjacent properties are minimized. It is not anticipated that there will be lighting impacts on properties to the south due to the setback of the proposed buildings from the street and the recommended renaturalization of the area to be zoned Open Space (OS5).

Imperial Oil Pipeline Delineation

The Imperial Oil Pipeline Guidelines require that limits of the easement parallel to the pipeline shall be identified with fencing or equivalent markings to prevent gradual encroachment by landowners. This requirement should be addressed at the site plan approval stage.

4.4 Natural Heritage Features, Hazards, and Tree Preservation

Provincial Policy Statement, 2020 (PPS)

The PPS protects natural features and areas for the long term. Development and site alteration shall not be permitted in significant wetlands or significant woodlands. Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. Development and site alteration shall not be permitted on adjacent lands to these natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. (2.1 Natural Heritage – 2.1.1, 2.1.4, 2.1.5, 2.1.7 and 2.1.8).

The London Plan

Map 5* – Natural Heritage of The London Plan does not identify any natural heritage resources on the site itself, but identifies Provincially Significant Wetlands, Significant Valleylands and Unevaluated Vegetation Patches on the land surrounding the subject site.

Map 6* – Hazards and Natural Resources, of The London Plan shows the surrounding lands as being within Conservation Authority Regulated Areas and indicates a Riverine Erosion Hazard affecting the northwest corner of the site. The Upper Thames River Conservation Authority has indicated that the subject property, while not mapped, is also within the Conservation Authority Regulation Limit and subject to the required permits under Section 28 of the Conservation Authorities Act. The Regulation Limit is comprised of a riverine erosion hazard and the area of interference associated with the Arva Moraine Provincially Significant Wetland.

The Natural Heritage policies are intended to protect the natural heritage features and areas over the long term by establishing requirements for the identification and protection of the Natural Heritage System by a number of means including, but not limited to, environmental impact studies (Policy 1309_). The Natural Heritage Policies indicate that not all components of the Natural Heritage System are necessarily mapped on Map 5 and that in the review of any planning and development application, an initial review of the lands shall be undertaken to confirm the presence or absence of any natural features and areas that may be present that have not been mapped to determine if further evaluation of the feature is required (Policy *1316_).

Among other features, The London Plan identifies the habitat of endangered and threatened species, provincially significant wetlands and wetlands, and significant woodlands and woodlands as natural heritage features and areas that should ultimately be included in the Green Space Place Type on Map 1 – Place Types* of The London Plan.

The London Plan indicates that secondary plans, subject lands status reports and/or environmental impact studies will delineate the extent of the habitat of endangered, threatened and special concern species (Policy 1326_). Policy *1340_ indicates that a woodland will be considered significant if it achieves a minimum of one High or five Medium criteria scores as determined by application of the City Council approved Guidelines for the Evaluation of Ecologically Significant Woodlands.

1989 Official Plan

Schedule B-1 – Natural Heritage Features of the 1989 Official Plan does not identify any natural heritage resources on the site itself, but identifies Provincially Significant Wetlands, Unevaluated Vegetation Patches and a Maximum Hazard line on the land surrounding the subject site.

Schedule B-2 - Natural Resources and Natural Hazards of the 1989 Official Plan shows the surrounding lands as being within Conservation Authority Regulated Areas and indicates a Riverine Erosion Hazard affecting the northwest corner of the site. The Upper Thames River Conservation Authority has indicated that the subject property, while not mapped, is also within the Conservation Authority Regulation Limit and subject to the required permits under Section 28 of the Conservation Authorities Act. The Regulation Limit is comprised of a riverine erosion hazard and the area of interference associated with the Arva Moraine Provincially Significant Wetland.

The subject site met the requirements for the preparation of an Environmental Impact Study as per Table 15.1 of the 1989 Official Plan and therefore the applicant was required to prepare one as part of a complete application for the requested Zoning By-law amendment.

The Planning Impact Analysis review set out in Section 3.7 of the Official Plan also requires consideration of:

- the extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area.
- the potential impact of the development on surrounding natural features.

Analysis:

Results of the Environmental Impact Assessment

An Environmental Impact Study (EIS) was submitted with the original application and later revised to address comments provided by the City's Ecologist, the Upper Thames River Conservation Authority and the Environmental and Ecological Planning Advisory Committee. At this point, City staff have not approved the revised EIS, as the EIS was not undertaken as prescribed by policy and the Environmental Management Guidelines. Despite not approving the EIS as a whole, City staff support the implementation of the recommendations of the EIS, as the outcome is generally the same as if the EIS was approved. These recommendations generally include:

- Managing post-development runoff in the north-west corner of the site and using Low Impact Development strategies to maintain surface flows and infiltration levels for surrounding wetland habitat;
- Managing stormwater during the construction and revegetation process;
- The development of a tree preservation plan to be developed in conjunction with the grading plan and the preparation of a landscape plan at detailed design for the naturalization/restoration area utilizing native species at a replacement rate of 2:1;
- Identification in future condominium documentation of the adjacent PSW and protection and management of the naturalization area on site as a common element through a condominium declaration specific to natural heritage protection;
- Restricting the time frames for vegetation clearing to avoid disturbance of the migratory bird breeding season;
- Restricting the time frames for removal of candidate bat roosting trees and installation of bat boxes as necessary to meet Ministry of Natural Resources and Forestry and City of London requirements;
- Installation of sediment and erosion control fencing along the development limit and regular inspections to keep construction equipment and spoil away from the slope in the north-west corner of the property, vegetation to be protected and prevent erosion and sedimentation;
- Reseeding of disturbed areas as soon as possible to maximize erosion protection and discourage natural seeding of invasive species;
- Permanent fencing post-construction to prevent indiscriminate trails in the adjacent lands; and,
- Homeowner education.

The Upper Thames River Conservation Authority also reviewed and approved Water Balance and Slope Assessment reports submitted in September 2019, the results of which were co-ordinated with the revised EIS. The UTRCA requested that the mitigation measures provided in Table 2 of the EIS also be included in the recommendations to be implemented at the site plan stage.

The recommended zoning of the front portion of the property for open space purposes, and the proposed 20.6 metre wide area between the ultimate road widening and the proposed sidewalk along the south face of the building, provide for a suitable naturalization/restoration area to compensate for feature removal on the site. The requested east and west yard setback reductions establish development limits that are acceptable from an environmental perspective to protect the provincially significant

wetlands and related natural heritage features including significant woodlands. A minimum rear yard setback of 7.5 metres is also recommended to establish a building envelope that prevents building encroachment at the site plan stage into areas discussed with the applicant as providing a preferred separation between building activities and the natural heritage features on the adjacent lands.

At the site plan stage, the recommendations and mitigation measures detailed in the EIS will be implemented, including detailed restoration and monitoring plans for the naturalization/restoration area of the lands to be zoned as Open Space on the private lands. In addition the recommendations of the Slope Stability Assessment are to be incorporated into the final site design. The Upper Thames River Conservation Authority will continue to be involved in the City's site plan approval process. The UTRCA stated that its previous technical review comments shall be included for review, and that the stormwater management report to be submitted shall ensure quality control of runoff to the adjacent wetlands under the proposed conditions, and consider compensation for the slight deficit in infiltration through the use of Low Impact Development.

The implementation of all of the above noted zoning regulations, the recommendations and mitigation measures in Table 2 of the EIS, addressing the UTRCA's technical comments and detailed recommendations of a future stormwater management report at the site plan stage, will appropriately address and mitigate potential impacts on the natural heritage features.

Tree Preservation for Private and Public Construction Projects

A Tree Assessment Report and Tree Preservation Plan were submitted with the original application and later revised to address matters raised by City of London staff. There was extensive neighbourhood concern about the visual and environmental impact of tree removal resulting from construction on private property and future road widening activities, as well as questions about the anticipated timing of tree removal related to these activities. While the focus of tree preservation reports and tree preservation plans is on the removal and preservation of existing trees, replantings for tree removal compensation and renaturalization were an important part of the discussion from both natural heritage and aesthetic perspectives. As a result, staff requested that the revised Tree Preservation Plan include a restoration planting plan and a plan showing the area on the property within the Imperial Oil Pipeline easement, where new tree plantings will not be permitted but which will still be renaturalized.

A revised Tree Assessment Report and Tree Preservation Plan (Ron Koudys Landscape Architects, April 2020) were submitted which provided a detailed breakdown of tree species, their size, condition, and proposed actions. No rare, endangered or unusual tree species were reported to have been observed. One specimen tree, a mature Tulip Tree, is to be preserved, along with 55 others of the 136 trees included in the inventory. An overview of proposed tree removal includes:

- 3 of 5 existing trees from the pre-road widening right of way to accommodate the driveway, 2 of which are also in poor condition;
- 4 of 13 existing trees from the area subject to future road widening to accommodate the driveway or due to anticipated construction impacts, 3 of which are in poor condition;
- 65 of 113 existing trees from the subject property, 6 of which require removal due to poor condition and the remainder for the construction of the driveway, buildings or the parking lot.
- 8 trees that are boundary trees or located on private property adjacent to the subject site.

Construction and impact mitigation recommendations contain suitable measures to protect the trees to be preserved, their root systems and branches, moisture conditions and nesting migratory birds prior to and during construction activities.

City staff have reviewed the submitted Tree Assessment Report and Tree Preservation Plan from the perspective of the Zoning By-law amendment application. Updates to the plan will be required during the site plan approval process. In addition, a detailed

restoration planting and renaturalization and monitoring plan will be required at the site plan stage.

While at staff's request the consultants provided information on anticipated tree removals within the City's existing and future road right-of-way, the City will complete its own tree assessment and tree preservation plan based on existing conditions closer to the time of the actual works in coordination with the final grading plan. Tree removals will not occur within the City's existing and future road right-of-way until the commencement of road reconstruction activities, unless it is necessary for worker safety or due to the poor condition of the tree.

4.5 Holding Provision for Servicing

Currently there are no municipal sanitary sewers available to service the site. As a result staff recommend a holding provision (h-17) be placed on the site.

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

5.0 Conclusion

The requested amendment to permit a 17 unit townhouse development is consistent with the 2020 Provincial Policy Statement that encourages a range and mix of land uses to support intensification and achieve compact forms of growth and directs municipalities to identify appropriate locations for intensification and plan for all forms of housing required to meet the needs of current and future residents.

The recommended amendment to Zoning By-law Z.-1 conforms to the in-force 1989 Official Plan and to the in-force policies of The London Plan, and the Neighbourhoods Place Type which contemplates townhouses with a maximum height of 4 storeys without bonusing where the property has frontage on a Civic Boulevard. The subject lands represent an appropriate location for residential intensification, along a higher-order street adjacent to an existing neighbourhood, and the recommended amendment would permit development at an intensity that is appropriate for the site and the surrounding neighbourhood. Appropriate measures are put in place through zoning special provisions, the zoning of the front of the property for open space use, and matters to be dealt with at the site plan stage to establish a suitable development envelope and site design, and provide for renaturalization and compensation for the removal of natural heritage features. The recommended amendment would help to achieve the vision of neighbourhoods providing a range of housing choice and mix of uses to accommodate a diverse population of various ages and abilities and protect natural heritage features.

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

October 9, 2020

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

Y:\Shared\DEVELOPMENT SERVICES\11 - Current Planning\DEVELOPMENT APPS\2019 Applications 9002 to\9011Z - 348 Sunningdale Road East (BD)\PEC\Final 348 Sunningdale Road East Z-9011 Report BD 1 of 1.docx

Appendix A

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

By-law No. Z.-1-20_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 348
Sunningdale Road East.

WHEREAS Westchester Homes Ltd. has applied to rezone an area of land located at 348 Sunningdale Road East, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 348 Sunningdale Road East, as shown on the attached map comprising part of Key Map No. A102, from an Urban Reserve (UR1) Zone to a Holding Residential R5 Special Provision (h-17*R5-3(_)) Zone and an Open Space Special Provision (OS5(_)) Zone.
- 2) Section Number 9.4 of the Residential R5 (R5-3) Zone is amended by adding the following Special Provision:

)	R5-3()	348 Sunningdale Road East	
	a)	Regulations	
		i) Lot Frontage (Minimum)	11.0 metres (36.1 feet)
		ii) Interior Side Yard Depth (East) (Minimum)	3.2 metres (10.5 feet)
		iii) Interior Side Yard Depth (South) (Minimum)	5.0 metres (16.4 feet)
		iv) Interior Side Yard Depth (West) (Minimum)	3.0 metres (9.84 feet)
		v) Rear Yard Depth (Minimum)	7.5 metres (24.6 feet)
		vi) Landscaped Open Space (Minimum)	35 percent
		vii) Lot Coverage (Maximum)	33.5 percent

3) Section Number 36.4 of the Open Space (OS5) Zone is amended by adding the following Special Provision:

- | | | |
|----|--------------------------|--|
| a) | Regulations | |
| | i) Lot Area
(Minimum) | 1500 square metres
(16,145 square feet) |

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 October 27, 2020.

Ed Holder
Mayor

Catharine Saunders

City Clerk

First Reading – October 27, 2020
Second Reading – October 27, 2020
Third Reading – October 27, 2020

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



GeoInformation

Appendix B – Public Engagement

Community Engagement

Public liaison: On February 4, 2019, Notice of Application was sent to 111 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on January 31, 2019. A “Planning Application” sign was also posted on the site. Following a review of comments from surrounding property owners and staff discussions with the applicant, the applicant revised the application to move the buildings farther back on the property and introduce an Open Space Zone along the property frontage to set aside these lands for natural feature consolidation, restoration and renaturalization. Notice of the revised application was given by mailing a revised notice on July 29, 2020 and publication in *The Londoner* on July 30, 2020.

Original January 31, 2019 Notice of Application

7 replies were received

Nature of Liaison:

The purpose and effect of this zoning change is to permit two, 3-storey townhouse buildings with a total of 17 units.

The notice advised of a possible change to Zoning By-law Z.-1 **FROM** an Urban Reserve (UR1) Zone **TO** a Residential R5 Special Provision (R5-2(_)) Zone to permit cluster/stacked townhouse dwellings with a maximum density of 30 units per hectare and maximum height of 12.0 metres. Special provisions are requested to permit side yard setbacks of 3.0 metres in place of 6.0 metres for units with windows on the side elevations.

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

Concern for:

- The proposed built form/density are not in keeping with the area
- Colour/architectural design
- Environmental impacts – flora, fauna and ecological buffer to wetland features
- Loss of trees on the site
- Increase in traffic
- Hazardous turning movements/location of driveway
- Not a transit friendly location
- Road noise impacts on occupants of new development
- Ownership tenure of new units
- Site maintenance after construction and occupancy
- Decrease in property value

Revised July 29, 2020 Notice of Application

Replies were received from 2 individuals who had responded to the original circulation and one person representing the Northcrest Neighbourhood.

Nature of Liaison:

The purpose and effect of this zoning change is to permit two, 3 storey townhouse buildings with a total of 17 units. The notice advised of a possible change to Zoning By-law Z.-1 **FROM** an Urban Reserve (UR1) Zone **TO** a Residential R5 Special Provision (R5-3(__)) Zone to permit townhouses and stacked townhouses with a maximum density of 35 units per hectare and maximum height of 12.0m, with special provisions to permit a minimum lot frontage of 11.0m in place of 22.0m; east, south and west interior side yard setbacks of 3.2m, 5.0m, and 3.0m, respectively, in place of 6.0m; minimum landscaped open space of 35% in place of 45%; maximum lot coverage of 33.4% in

place of 30%; and an Open Space Special Provision (OS5(_)) Zone to permit conservation lands, conservation works, passive recreation uses and managed woodlots, with a special provision to permit a minimum lot area of 0.15ha in place of 0.4ha. The City may also consider a modified location for the requested Open Space (OS5(_)) Zone boundary and, as a result, a different residential zone classification and/or modified special provisions related to the proposed concept plan. The revised application results from discussions between City Staff and the applicant to better protect and provide for natural area compensation and rehabilitation on the front portion of the property. File: Z-9011 Planner: B. Debbert

Additional concern was raised for:

- Lighting
- Co-ordination of new driveway design with widening of Sunningdale Road East
- Timing of removal of trees for both construction of the development and for the Sunningdale Road East widening
- General concerns about the City’s approach to tree preservation and controlling road noise and speed, not related specifically to this application

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

Telephone	Written
	Patti Ann Reynolds 400 Skyline Avenue East Unit 44 London ON N5X 0B3
	Frank Li 536 Lindisfarne Road London ON N5X 0B4
	Margrit Johnson 307 Sunningdale Road East London ON N5X 4B3
	Yong Cai 535 Lindisfarne Road London ON N5X 0A5
	Jiaren Zhang 59-400 Skyline Avenue London ON N5X 0B3
	Solomon Wang 540 Lindisfarne Road London ON N5X 0B4
	Brian Fones 1883 Canvas Way London ON N5X 0J8

Public Replies to Original Proposal

From: Li, Frank
Sent: Sunday, February 17, 2019 7:59 PM
To: Debbert, Barb <bdebbert@London.ca>
Subject: feedbacks on file: Z-9011

Dear Barb,

I am writing to you to express my strong objection to the the application file: Z-9011 re: 348 Sunningdale Rd East. My family own the house at 536 Lindisfarne rd. Our community has consensus on it (I just talked to my neighbours).

Here are our concerns:

Exclusively in our community, we have separate two-storey houses only. This two, three storey townhouse does not fit at all. The construction of this scale will inevitably damage our environment and the natural habitat of wildlife. We currently have lots of

and many kinds of birds in this mature forest, which is very scarce in London, the forest city. The trees are very tall, and beautiful especially in the fall, a view enjoyed by the whole community.

More importantly, the traffic at the Sunningdale road / Lindisfarne rd turn is already very congested. That's why the city planned to add two lanes to Sunningdale road, which will take many years to finish. Adding another cross road because of this townhouse will make the situation worse and more dangerous for the drivers in our community.

I hope you can seriously consider our concerns and disapprove the proposal. Please feel free to contact me if any questions. Thanks.

Frank

Zhichuan (Frank)

Hello Mr. Drexler,

I was given your contact details by Barb Debbert of Development Services, City of London.

As a home owner close to the subject address I was informed of the zoning by-law amendment applied for by Westchester Homes Ltd.

Would you please direct me to projects already completed by the company so I can gather a sense of type and quality of buildings planned for 348 Sunningdale Road East. I am unable to find a website - something I am hoping you can assist me in finding, or indeed a parent company.

Looking forward to finding out more about the company which will be building in our neighbourhood.

Regards,

Margrit Johnson

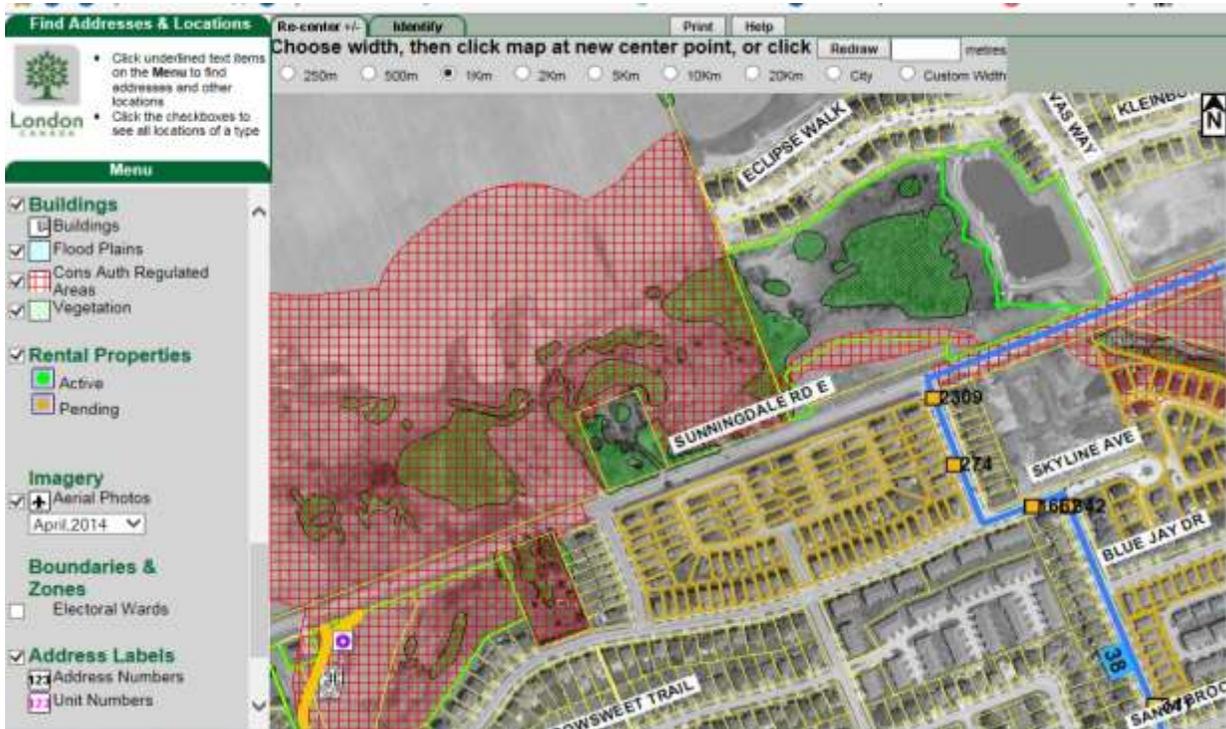
Dear Ms. Debbert:

The points below are concerns and questions for the proposed Zoning By-Law Amendment for 348 Sunningdale Road East that must be raised by the Development Services.

1. Two, three-storey, seventeen unit townhouses on this once single-family property will be out of character and will diminish the setting of the single-family one and two storey homes surrounding this property.
2. Although Westchester Homes has provided the Tree Study, there will be inevitable damage to trees when digging for sewers and the entire infrastructure, the impact of heavy machinery for such an enormous project on the size of this property, which to this date, still have healthy large trees. The surrounding vegetation provides habitat for birds, butterflies and bees, which the Applicant deems to be cleared. Will the Landlord of #348 Sunningdale Road guarantee that the residents of 17 unit 3 storey townhomes be respectful of the Protected Lands that surround them?
3. That the Upper Thames River Conservation Authority be kept informed of any future encroachment into the protected areas as the builder had tried to do prior to submission of this application.

4. Should these tall and overbearing townhouses be built, who is to oversee the continued maintenance of the property and buildings so that they do not fall into decline and become an eyesore?
5. The proposed one shared driveway from the 17-townhouse development leading onto Sunningdale Road will cause increased traffic onto Sunningdale and cause more concerns for vehicles turning from Lindisfarne onto Sunningdale Road both West and East directions, and vehicles turning left from Sunningdale onto Lindisfarne.
6. In the Report, mention is made about bus connection for proposed residents but does not disclose the closest stop is Bluebell, which is a 5-minute walk, crossing Sunningdale Road to sidewalk on the south side without a Pedestrian crosswalk or light. Monday to Friday the bus system runs only every 30 minutes and the last bus is at 9:53 pm and on Saturday; the last bus to the Bluebell stop is at 5:45pm. On Sundays and Holidays the bus runs only every hour and the last bus is at 5:53 pm.
7. When Sunningdale Road is widened in the future, which no one anticipates will be the correct means of solving transportation problems in London, the frontage of property #348 will be cut back for widening of the roadway. The road widening will inevitably destroy some of the frontage trees leaving the rear of the first set of townhouses facing the neighbours of Sunningdale Road to the South.
8. The Applicant has mentioned that seventeen-unit townhouse development will have garbage collected privately. What type of assurance will Upland Residents have that the system will be efficient and not overflowing bins causing refuse to be blown onto surrounding properties?
9. On page 11 of the Planning Justification Report, the mention of “bat boxes to ensure bat habitat is preserved”... the issue will be the trees and disruption of the surrounding natural habitat by such a massive structure to the site where the trees have provided excellent habitat for a variety year round and migrating bird species. Bat populations are not the concern in this neighbourhood.
10. The natural flow of wildlife and birds, which inhabit the area, will be disrupted.
11. Does the City of London need the cramming of seventeen three-storey townhomes on a once single-family dwelling? Does the London Plan need to include demolition of more large trees and filling the green space with cement and chip rock? Does the City of London want to increase the amount of vehicle and pedestrian traffic in an area that is not supported by mass transit?

The two maps following are to demonstrate that the Plan of 2014 showed the area of #348 to be surrounded by regulated area by the Upper Thames River Conservation.



Unfortunately, the City of London has forgotten where this property began and only in four years, how thinking has changed.

2015-06-02

RE: REQUEST FOR DEMOLITION – 348 Sunningdale Road East

NOTICE OF PUBLIC PARTICIPATION MEETING - June 15, 2015

A request has been submitted by the owners of the property at 348 Sunningdale Road East for the demolition of the residential building on that property. The purpose of the demolition is to allow for the possible construction of a single family residence. In accordance with municipal Council policy, where a building is listed on the *Register of Heritage Resources*, and is proposed to be demolished, the matter of the demolition shall be considered at a public participation meeting before the Planning and Environment Committee.

The existing residential building on this property has been identified as a Priority 1 structure on the *Inventory of Heritage Resources*. As an area property owner, this letter is to advise that the Planning and Environment Committee will consider the request to demolish the residential structure at its meeting on Monday, June 15, 2015, on the second floor, City Hall, 300 Dufferin Avenue (northeast corner of Wellington and Dufferin) not before 5:45 p.m.

You may wish to attend and speak to this matter. Comments may be submitted to the agenda through the Committee secretary. (bwestlak@london.ca). Your Ward Councillor, Maureen Cassidy, (mcassidy@london.ca) has been advised of this matter.

Yours truly,

J. Yanchula
Planning Division -Urban Regeneration Manager
519-661-2500 ext. 7544
jyanchul@london.ca

Y:\Shared\policy\HERITAGE\Demolition\348 Sunningdale Road East\Area notification letter June 2, 2015.docx

Sincerely,

Patti Ann and Harry Reynolds

From: Yong Cai
Sent: Sunday, February 24, 2019 10:38 AM
To: Debbert, Barb <bdebbert@London.ca>
Subject: Planning Application for Zoning By-Law Amendment for the Property of 348 Sunningdale Road East File:Z-9011

Dear Barb Debbert,

My name is Yong Cai, a resident at 535 Lindisfarne Rd. Recently I received the Notice of Planning Application for Zoning By-Law Amendment for the Property of 348 Sunningdale Road East File:Z-9011. After reviewing planning, I provided my concerns as follows,

1. The traffic congestion must be considered, which has already been much and much heavier than before when I moved in 2008.
2. The height of townhouses should be as low as possible.
3. **Surrounding trees must be kept original.** These maple trees are very attractive in fall. Lots of people come and take photos during this period, enjoying the colorful trees. Please refer to the attached pictures.

4. Garbage should be always maintained in good and clean conditions, not stink smell, avoiding rats, racons, etc.

5. For the **security issue**, I hope the residents will be good credit residents instead of supervised correctional residents. I heard these townhouses would be for rent instead of for sale, which is not a good idea. This means the residents here are changeable or mixed all the time and it is not good for the security. I know, for this specific reason, quite a few current residents opposed this townhouse planning.

Thank you for the consideration.

Sincerely,
Yong Cai

Dear Barb Debert,
This letter responses to the Proposed 348 Sunningdale Road East, File: Z-9011. I have the following concerns.

- Those beautiful maple trees along with the sunningdale Ave. will be destroyed. I hope those trees can stand there to contribute the beauty of Sunningdale Ave..





- Sunningdale Ave. is becoming traffic unsafe road because road narrow, not enough shoulder, Lindisfarne turn will be more difficult reaching out to Sunningdale and make Richmond intersection jam.
- Three storeys building destroy good views of narrow Sunningdale Ave. Development should not make city view ugly.
- The 17 units townhome too close to major traffic Sunningdale may makes children playing unsafe.
- Townhouse back face the major traffic road not nice looking and the townhouse bedroom will be too noise to sleep not health for the future residents.

Best regards,

Jiaren Zhang
59-400 Skyline Avenue

From: So W
Sent: Sunday, February 24, 2019 10:35 PM
To: Debbert, Barb <bdebbert@London.ca>
Cc: Cassidy, Maureen <mcassidy@london.ca>
Subject: Concerns about re-zoning application for 348 Sunningdale Road East

Hello,

Thanks for the notice of the planning application with file number Z-9011.

I live on the Lindisfarne Rd. I'm deeply concerned about the consequences of re-zoning on environment, safety and society.

The related area is covered with mature forest where wild animals are inhabiting. Building the townhouses will bring devastating environmental damage to the area and will never be recovered. The natural sanctuary will no longer exist and more man-made pollution will be around the area.

The condition of Sunningdale road has been deteriorating for years. The government has done nothing to improve or repair the road condition to maintain the road safety. It was said to re-pave and expand the Sunningdale road, but nothing has happened yet. To build a multiple family project will definitely bring more traffic to the area and reduce the safety for both existing residents and visitors.

My house is only 20 meters away from the mentioned area, this applied project will destroy the natural environment we have been enjoying, bring more safety hazard to my child and society, and ultimately bring down the value of my house. So I clearly oppose the approval of the re-zoning application.

Regards

Solomon Wang

From: Brian Fones
Sent: Tuesday, March 05, 2019 10:38 PM
To: Debbert, Barb <bdebbert@London.ca>
Cc: Cassidy, Maureen <mcassidy@london.ca>
Subject: Public Input on Z-9011 - 348 Sunningdale Road East Zoning By-Law Amendment

Hello Barbara,

Having just noticed a request to change a zoning designation at 348 Sunningdale Road and from a request for comments on City of London "Planapps "by February 25 (without a stated public meeting and with a property invitation board just having been erected recently,) I would like to add my initial comments as a resident in the area for future consideration in this regard.

While this application seems reasonable given the City and London Planning Guidelines for a medium density housing mix, I do have some reservations with the proposed builders offerings, from their report "Planning Justification" of December 4, 2018 and support documents, noting:

1) On the issue of trees; the .653ha site report includes;

"A number of trees are present on the lands, consisting primarily of planted ornamental trees associated with the former residential use" (page 4, Planning Justification.)

The former house mentioned here (now removed) was old so it is assumed that many of these more significant, mature trees could be considered heritage or indigenous trees. Many may be closer the end of their life cycle (assumed; no ageing reported by RKLA .) However, they significantly add to the greenery and natural setting of greater Sunningdale Road and Stoneybrook/Uplands North subdivisions and the northern city boundary.

The developer has made an excellent effort to preserve, as best as possible, healthy trees while allowing for pruning for a reasonable development to proceed. This seems to be a fit for the London Plan for maintaining green space through arbitrary preservation whenever possible. The inventory tree report and guidelines for preservation throughout construction is quite admirable (as compared to common clear-cutting site preparation practices, even when legally permitted.)

My concern on the tree report is over the resulting larger, regional landscape change and greater impact on the north side of Sunningdale. Most of the trees along the eastern boundary side of this project have been marked to be removed. This is where many of the larger, more mature boundary evergreens exist.

As a result, the visual and ecological buffer between a finished site and the Uplands North Wetlands and residential subdivision will be impacted. Possibly with even compounded issues as the proposed site is on a higher grade than most of the residences and ponds in Uplands North. No further natural tree growths of significance will exist between this site all the way to Canvas Way and beyond. Permanent loss of tree vegetation is an issue in this area as nearby flooding of the current wetlands and the subsequent destruction of non-aqueous trees has significantly reduced the number mature trees in the larger ecosystem on the Sunningdale northern boundary (east of the proposed site.)

Suggestion: A full row of new coniferous trees of substance, on the eastern border of the project where trees have been removed, may limit this further urbanization effect coming from this new medium density project, with its higher storied buildings, in a largely single family area of premium homes and significantly preserve more of the greenspace that this region initially offered the city residents, without hindering the project.

2) The proposed architectural renderings of this medium density site do not fit very well in any description of like residences in the current Uplands North (single family or newer medium density housing projects further east on Sunningdale.) Repetitive, row housing of undifferentiated stock like what is proposed, do not add much value to potential residents, immediate neighbours, or assessments for City of London. While perhaps suitable for major metropolitan centres in Canada or the USA, avant-garde designs like this tend to date themselves quickly and depreciate even faster. I see minimal long term architectural value in such design plans and I would strongly encourage a re-work of the blueprints to what could easily and economically be a better, more architectural attractive fit, for the residents and greater neighbourhood.

3) A personal concern, but perhaps the most controllable change that I would like to recommend, would be that the City should seriously limit construction designs like this, when there is radical differences in effectual building colours when compared to immediate surroundings. The brick colour proposed is white and perhaps most noticeable in the largely feature-less east and westerly unit walls. This does not fit in with any buildings between Adelaide and Richmond Streets, in Stoneybrook or Uplands subdivisions. Such esthetics must be waved in favour of more neutral and coordinated neighbourhood and regional colours. A possible, subsequent "white castle effect", arguably in the middle of "nowhere," is not going to be acceptable by any residents who value their property.

White brick facades are vogue at best. Attempts to include such architectural experiments, such as the newer commercial building at Richmond and Hillview, have not been successful or well accepted and have degraded their immediate areas. White

brick (even with grey accents) cannot be considered as a suitable fit for these three story buildings.

4) Finally, please consult with your senior urban planners and traffic/road planning colleagues, but a better ingress and egress road to the site would probably be via a more westerly and coordinated connection off Sunningdale. A single intersection closer to facing the existing Lindisfarne Road on the south side, would reduce potential traffic issues on Sunningdale as a result. It should be simple for the developer to reverse their site plans accordingly and at minimal costs.

Thank you for your consideration to these concerns. I would be happy to discuss them with you, your colleagues or principals at Westchester Homes at any point in the future,

Regards,

Brian Fones
1883 Canvas Way

Public Replies to New Proposal

From: MARGRIT JOHNSON
Sent: Saturday, August 08, 2020 1:46 PM
To: Debbert, Barb <bdebbert@London.ca>
Cc: Cassidy, Maureen <mcassidy@london.ca>
Subject: [EXTERNAL] Zoning By-Law Amendment Z-9011, 348 Sunningdale Road East, Westchester Homes Ltd. - Public Input

From: Rob and Margrit Johnson
307 Sunningdale Road East
London, Ontario
N5X 4B3
To: Debbert, Barb <bdebbert@london.ca>
Cc: Cassidy, Maureen <mcassidy@london.ca>

Subject: Zoning By-Law Amendment Z-9011, 348 Sunningdale Road East
Westchester Homes Ltd. - Public Input

Hello Barbara,

As a long time resident of Sunningdale Road, diagonally across from the subject land, I'd like to bring a different perspective to this public forum. Since birth, I visited what was my grandparents' property, then my own parents' property on the 6th Concession, London Township before my wife and I purchased the same property, now known as 307 Sunningdale Road East in January, 1995.

We are the third generation of the family living on this site since 1947, the same year the Upper Thames River Conservation Authority was created. There was only one family before my grandparents who occupied the property, again through several generations, since the mid-1800's.

I remember the development of the original Uplands area in the early 1960's. I remember Old Man Powell (for whom the Powell Drain Wetland was named), his farm and in particular the shotgun he wielded if ever he found us on his property.

I remember the family purchasing the property, now known as 348 Sunningdale Road East.

I remember the north side of the road having large deciduous trees removed when the Imperial Oil pipeline was constructed. The road was well over a meter lower than it is now, having been raised three times since then. There might have been a dozen cars using Sunningdale daily, kicking up a lot of dust, which the Township would oil down but not often enough to suit my mother.

Approaching our teen years I worked the hay and straw bales collected from the farm fields, now known as the new Uplands North, while my brothers worked the orchard and stable nearby.

I remember when the nearest grocery store was either the Dominion on Oxford by Richmond (now the Value-mart) or Steinberg's on Adelaide, south of Huron, a FreshCo these days. With the city's progress over decades, I rarely have to go south of Fanshawe Park Road for anything I need.

It was a rural setting with only four houses along this stretch of road from my earliest memories. In the meantime the area was amalgamated with London, the road paved, and several neighbourhoods built. Development has been an ongoing fact of life for us, some of it disappointing.

We witnessed weekend night time landscaping which eliminated woodland on the west side of Adelaide at Sunningdale. The pond west of us in Heron Haven Park (which our children named) was drained when the City constructed the sidewalk through it. The smell of rotting fish persisted for weeks. Herons no longer have a reason to visit their namesake haven. The pond refilled quickly enough, has remained so, and at least there are red-winged blackbirds.

Mail delivery is a challenge for us, as is keeping our country mailbox in good repair with ongoing vandalism. What used to be a quiet postal rural route #5 now requires timing, outside of rush hour, to collect our mail on the other side of the road.

Litter and refuse along Sunningdale have outstripped our gathering efforts even with the City collecting the green garbage bags our family used to fill and leave roadside. Our hedge has blue box matter blown into it whenever it's windy on collection day. The mail super box pad is the dumping ground for unwanted fliers.

We knew development was coming, in fact, we were expecting a ring road when we first moved here. That plan was discarded in favour of Sunningdale being widened to four lanes by 2025. There have been several positives along the way though, including the lighting up of Sunningdale Road by night and traffic lights at Richmond and Adelaide. There is now a public transit stop within walking distance which my family and I have used. We have a sidewalk running for a large portion on one side, much safer than when I was a child.

We do not stand in the way of development but we do want it to be done responsibly.

We were concerned to see only four revised submissions with this new application:

- 1) **Building Elevations** - less windows, balconies switched from rear to front and more white stucco columns.
- 2) **Conceptual Site Plan** - sidewalks added north and south of the south block and along its eastern perimeter. The two blocks have been moved further north with the south block losing private amenity space while the north block's common back area was decreased from a depth of 18.2 m to 8.1 - 8.5m. Building orientations remain unchanged as does the application to reduce all surrounding buffers.
- 3) **Tree Assessment Report** - expands on recommendations and adds future recommendations, specifically future tree removal due to street widening.
- 4) **Tree Preservation Plan** - more detailed than the original.

Thank you for confirming the City's receipt of all submissions requested from the applicant following the May 2019 planning report. We are pleased to hear the UTRCA has reviewed and accepted water balance and slope assessments received in September 2019. Moreover the UTRCA and City Ecologist's current review of a revised Environmental Impact Assessment (EIS) is encouraging. The City's policy of not releasing EIS's to the public in an effort to protect the location of endangered flora and fauna is understandable. At least we now know a revised EIS was conducted in response to deficiencies noted with the original assessment.

In support of this development, we have no problem with the newer architectural style or brick colour. Sunningdale now has many styles, not all to our liking but not our call. The building elevations look on par with the surrounding community, if on a larger scale. We have seen other buildings by Westchester Homes and they are decent. Neither do we have a problem with the proposed density or height of the townhouses. London needs more housing and of higher density in line with the Provincial Policy Statement 2014, the London Plan and 1989 Official Plan. Neighbourhoods Place Type along a Civic Boulevard include townhouses, fourplexes and low-rise apartments in addition to the coveted single detached and semi-detached. The City needs to house its growing population making maximum use of land designated as such, including infills. Large lots are becoming an unsustainable model. Many homeowners don't want to maintain lawns or gardens, have pools or shovel snow. Smaller lots and no personal green space suit many. Higher densities also mean delays to further amalgamations of outlying agricultural lands and natural environments.

Many trees will have to come down but several will be kept, notably the mature tulip tree along the frontage, and only significant tree on the subject land (#762 of the RCLA Tree Report, Appendix D of the EIS conducted by BioLogic). Trees are important, that is understood. Originally the same owner owned both 348 and 307 Sunningdale Road East and planted most of the trees. They are not original forest. Ensuing generations planted more. There is always resistance from neighbouring residents to felling trees. The truth is, some need to come down to make way for construction and time given to allow replacement trees to grow. Westchester Homes is not responsible for providing the beauty of fall colours to the neighbourhood. They were wonderful while they lasted but maybe it's time to travel further afield to take in the same bounties of nature. The Provincially Significant Wetlands surrounding the subject land will be preserved, the UTRCA will see to that. Flora and fauna will have habitat.

Snobbery over ownership tenure is just that. Some of the energy of complaining about anticipated garbage issues could perhaps go into addressing the escaped garbage problem in the established community.

Sunningdale Road will be widened from the overburdened country road it is and together with the traffic light coming at Bluebell will accommodate burgeoning traffic.

We would like to point out that our esteemed and recent neighbours participating in the Zoning By-Law Amendment process were only able to move into their present homes as a result of previous Zoning By-Law Amendments and the ensuing development. Nearby expansive green space is not destined for perpetuity. Opposing continued development will not stop the next generation from taking up residence in time.

We were impressed on May 27, 2019, sitting in the public gallery at City Hall and witnessing the dressing down of the urban planner working for the applicant. That firm had yet again failed to submit a fully substantiated application - at best wasting the time of everyone involved, at worst trying to circumvent the process. Development Services and the Planning and Environment Committee are doing their jobs.

As long as the development process continues while factoring in adequate infrastructure, keeping reasonable green space, maximizing on the available space, providing mixed densities and uses, traffic flow and availability of public transport, we will consider the City to be managing new development satisfactorily. We also appreciate the opportunity the public has of being heard.

Regards,

Rob and Margrit Johnson

From: Patti Ann Reynolds
Sent: Friday, July 31, 2020 1:54 PM
To: Debbert, Barb <bdebbert@London.ca>
Cc: Cassidy, Maureen <mcassidy@london.ca>
Subject: [EXTERNAL] Re: 348 Sunningdale

Dear Barb,

I hope you are well. It is unfortunate to be here again as I wished all throughout the year, the Developer would have a change of heart and redesign this project to a minimal one low rise building.

Thought should be given to encouraging the Developer to build a low rise Retirement housing Unit. The amount of new housing developments along Sunningdale Road has gone overboard.

I do not know if I have mentioned that when I lived in Saskatchewan, the city of Saskatoon that is so like London in that it is a University, Health Care city along a river but much more of a river. The City Plan allowed new developments only to start once 75% of the new housing was sold and that the infrastructure for mass transportation and neighbourhood roadways were complete.

On the blueprints and in text, it is difficult to read what the overall height will be of the two, three storey-17 unit townhouses.

What type of lighting are they planning for the property?

On the plan, road widening is shown but their entrance will be altered when this happens. This should be reflected in the drawings.

The Notice sent out and received just yesterday and what is available online are very difficult to read and I had a very hard time deciphering which trees will stay and which to cut down. The Tree Assessment Report by Ron Koudy landscape Architects has questionable issues to be raised.

The fact that out of 136 trees that are in good standing now, 69 trees will be removed. Remember the motto, London the Forest City?

The destruction the digging for connections to London City sewer and other utilities will harm the sturdiest of the trees. Although there is mention of putting fencing etc. to avoid damage but I would like to have an independent Arborist do an assessment with the information of what type of vehicles, heavy equipment, depth of digging and frequency of disruption of the soil will do to the area and vegetation. This property is adjacent to Wet Lands.

Mention of Sunningdale's future road widening deems many trees to be cut. Does this mean that the Developer can cut them down now as he plans to cut the other 69 healthy and thriving trees?

As the author mentions, "no guarantees are offered or implied that these trees or any part of them will remain standing."

The wildlife migratory birds as mentioned in the report, once their habitat has been destroyed and the amount of human activity will cause harmful depletions of species. Who will be doing a study about this issue?

According to my last City Hall connection about Sunningdale widening the start date is back to 2025, so much could happen in the meantime, and should the Developer get approval, does this mean trees will be cut down as soon as they start?

The City has not given a great deal of time to respond and with little opportunity to view the actual plans and yes, we would appreciate notice of when this will be available. Thanks Barb and I look forward to your response.

Patti Ann Reynolds

From: Patti Ann Reynolds
Sent: Monday, September 07, 2020 6:24 PM
To: Debbert, Barb <bdebbert@London.ca>
Subject: [EXTERNAL] Re: Not directly but

Dear Barb,
I realize this matter does not include your Department but I thought you might want to share this with the Developers.
Maybe they have an idea.
Thanks,
Patti Ann

Dear Michelle et al,
Michelle I appreciate your response but I am sorry that your answers did not fulfill what I needed to know when I sent my email to Mr. MacRae and Mr. Ridley.
When I spoke with Mr. MacRae and Councillor Maureen Cassidy, I believed that change for the Speed Limit was already on the books along Sunningdale from Richmond to Adelaide Streets and the Limit was to be 50 km. The reasoning behind the signs not being changed immediately was due to backlog caused by delays from the effects of Covid-19.
Below is an excerpt from email dated Mon 6/22/2020 11:17 AM from Councillor Maureen Cassidy's Office.
We are glad to know that you and Doug have been able to connect and to discuss these concerns directly with him.

We would like to inform you that we have sent a follow up note to Staff to inquire about when the speed limit revisions will be taking place, and when the PEEP boards will be installed. When we receive an update from staff, we will be sure to inform you accordingly.

For the last ten years, I have been lobbying City Hall for change on Sunningdale Road to reduce noise inside homes caused by Traffic noise. I have had support from the London Police Department because of the excessive speed with Officers coming out to monitor Traffic, which resulted in Speeding Fines being given out.

When I asked for help to control traffic on Sunningdale Road in the early days of my campaign, City Hall's response was to lay responsibility on the Police Department to monitor and control traffic. When asking the Police Department what measures could be taken not just by temporally controlling traffic by Officers handing out speeding fines but long-term solutions, their answer was it is City Hall's responsibility to address speed limits throughout the City. Lay blame game began.

Sunningdale Rd. is a straight line, without any restraints such as Stop Signs or Traffic Lights between Adelaide and Richmond Streets, if you are going west from the top of the hill at Blackwater at certain times of the day, you can see the Red Light Stop at

Richmond Street and Sunningdale. I believe drivers think they can go as fast as they can to make it to the next green light.

When the Road is widened to four lanes fear struck worse-we will be just as noisy as Fanshawe Road and we do not even have the advantage of stoplights to prevent the drivers from racing from Richmond to Adelaide Streets!

When the PEEP boards were installed at Lindisfarne and across from Bluebell, drivers of all vehicles seemed to notice and there was an awareness of the 60 km Speed Limit, not by all but majority of drivers. Over time of this past summer, of course drivers became complacent and speeding again, mostly doing 80 +km.

We have speeders trying out their maximum speeds especially during the evening hours when there is less traffic. One night, just after Christmas, I witnessed two cars side by side going East and they were headed just at the crest of the hill at Bluebell. This is only one example of what goes on.

You responded that it is up to Developers to provide the means to limit excessive noise in building plans, however the Developers in the area of concern, agreed with City Hall to build their projects in accordance with the "Open Neighbourhood Concept" which unfortunately did not include noise reduction.

When the original notice for widening Sunningdale Road several years ago, my neighbours and me met with Tony Fediw and I am sorry not to remember but I think, it might have been Josh Ackworth but I may be wrong. Regardless, our meeting was to discuss what could be done to protect our neighbourhood from excessive noise already at that time caused by speeding traffic.

This is taken from the study Tony was working on in 2013:

Link: [Sunningdale Road Environmental Study Report](#)

Municipally owned noise barriers are not recommended adjacent to Sunningdale Road. However, some noise walls and window streets at certain locations are a condition of current approved subdivision plans and are to be constructed by the developer; □ Utility relocations will be required, including Imperial Oil...

Sunningdale Road Improvements Wonderland Road North to Adelaide Street North Environmental Study Report

In 2013, that was the Plan but in reality, look how many Residential neighbourhoods have sprung up along Sunningdale?

Tony did agree that adding a tree or hedge barrier alongside the boulevard of Sunningdale between the road and houses might alleviate some noise and assured us that in his design of the widening it would not turn out to be another Fanshawe Road. However, he did not have the authority to do implement any changes to the roadway at the time of a tree or hedge barrier.

When we speak about tree planting we would like to believe that what your intentions of providing a few plants and vegetation which unfortunately if other areas such as Hyde Park Rd, Fanshawe Rd and Highbury Road are examples of are not representative to the architectural presentations in "Smart Moves 2013 Transportation Master Plan."

Unfortunately, when Sunningdale is widened, 100 year old trees near or on the property across from Lindisfarne, will be cut down for the sake of building the four lane, plus two turning lanes, equalling six lanes of traffic with no plan for Pedestrian Crossings or Stop Lights to permit safe left turning from the streets joining Sunningdale Road.

What will it take City Hall to step up to the plate for your responsibility to Residents? When I lived in West Vancouver, BC, we had a similar traffic speed and design problem along Marine Drive. It took the death of child to put in Speed and Safety measures. Is that what London is waiting for?

How are future Residents supposed to cope with the increased traffic and noise especially when the Road is widened to four lanes? No means of slowing traffic such as Stop Lights or 3-4 position Stop Signs, which will be necessary for the pedestrian traffic growing as new developments open.

The intent is to provide an appropriate level of service to address safety, traffic congestion, **comfort and convenience**, speed and travel time, while ensuring a reliable transportation network with long term sustainability. The Class EA process for this study included public and review agency consultation, an evaluation of alternatives for road improvements, and assessment of potential impacts of alternatives, identification of a preferred design and identification of measures to mitigate any potential adverse impacts.

In Smart Moves 2030 Transportation Plan, it is interesting that Developers and Designers neglect to include what affects their designs and plans will have on existing Residents. Their plans neglect human realities. Whose comfort and convenience are they concerned about?

People will move themselves about at their convenience without concern of what their vehicle does to a neighbourhood because they do not live there. How would everyone like to have 80-100 km noisy vehicles passing alongside their homes 24/7?

This all goes back to why I wish City Hall Departments Planning and Design would allow information provided by Citizens be read and shared with each other and by Councillors who will be voting on issues.

Any Representatives from City Hall I invite to come to my home and witness for themselves the experience of continuous Traffic noise. I would not want to blame entirely Doug Wastell for not building a more soundproof house and not planning a way to prevent noise pollution in his Developments but that is history now. We need to find a solution, so that homes along Sunningdale Road can have some peace and quiet from Traffic continuous noise.

The easiest and cheapest solution for the present is to lower the Speed Limit and work on plans to install Traffic Lights at the corners of Lindisfarne and Sunningdale, Bluebell and Sunningdale, Blackwater and Sunningdale and or Canvass Way and Sunningdale.

Now that the culvert at Canvas Way will be worked on over the next two months, here is an idea. Install a Traffic Light at Canvass Way and when the Road re-opens, drivers will meet a new Traffic Light, no fuss no muss.

I am asking for help from City Hall because you are the ones, that make the changes, reduce the noise on Sunningdale Road caused by traffic by lowering the Speed Limit to 50 km or less.

Many big projects are on today, some with moral and existential significance. Please Reduce the Speed Limit and install Traffic Stops, Lights or Signs and steps to promote safety for pedestrians.

Help us reduce traffic speed and noise and create a more livable, comfortable and calmer neighbourhood of Sunningdale Road East.

Thank you,
Patti Ann Reynolds
44-400 Skyline Ave,
London, ON

From: Patti Ann Reynolds
Sent: Monday, September 21, 2020 1:55 AM
To: Debbert, Barb <bdebbert@London.ca>
Subject: [EXTERNAL] Re: 348 Sunningdale

Dear Barb,

I have attached a little video for my input into the Planning Application for #348 Sunningdale Road.
This video has sound.
Hope it opens properly for you.
Thanks,
Patti Ann

Planning Note: The video was a slide show of photos of the trees in the Summer and Fall along Sunningdale Road East

From: Patti Ann Reynolds
Sent: Tuesday, September 22, 2020 11:50 PM
To: Debbert, Barb <bdebbert@London.ca>
Subject: RE: [EXTERNAL] Re: 348 Sunningdale

Thanks Barb and I do have still photos if that will help.

I am not techy enough to send the movies I took those healthy and vibrant trees on the property of #348 strong and impressive holding their own in the wild winds of the past summer.

If everyone appreciated that trees are essential providing oxygen that we humans need to live and by our disregard and greediness to chop and kill them, we are digging our own graves.

Certainly, the reality of global warming and the outcomes of how we are destroying our nest, our home must strike a wakeup call to Planners, Developers and all of us.

We cannot take back the destruction we have done already but we can take action to stop continuing our ravage of Nature just for the sake of the almighty Dollar!

Hopefully by collective consciousness, The Planning and Environment Committee will prevent these majestic trees, what is left of them on the property of 348 Sunningdale Road, come to their death because the Developer wanted to make room for the needless and excessive two, three story townhouses on a beautiful single family home property.

Please Barb will you share this message.

Thank you,
Patti Ann

From: Northcrest Neighbourhood
Sent: Thursday, July 30, 2020 11:03 PM
To: Debbert, Barb <bdebbert@London.ca>
Subject: [EXTERNAL] 348 Sunningdale Road East

Dear City of London,

I am delighted to hear that the front portion of 348 Sunningdale Road East will be designated as an OS5 zone. This is something that should be done for ALL new planning applications where mature trees are present. Many applicants include lengthy

tree preservation studies in their projects, but it seems like trees are still usually torn down before development begins.

I also wanted to comment on the future development that is supposed to occur to the north of Sunningdale Road. I believe that it would be a good idea to designate a green space or open area along the North of the street to provide a barrier to the houses located along the south side of the (in the Northcrest neighbourhood). These homes have large lots and were primarily built in the 1970s. Any new homes or townhouses built across the street would be in stark contrast with these.

Currently, the homes of Northcrest are surrounded by farmland. Construction of the Northcrest subdivision began in 1950. It was intended to be a semi-rural escape, just north of the City of London. As the city has grown, the old estates and farmland have fallen to developers. In their place have risen suburbs, where the lots are small, the houses are big, and there is not a tree in sight. To the north of Sunningdale Road is still largely undeveloped. City Council can stop the precedent set by the Fox Field, Sunningdale, and Uplands neighbourhoods to the south of Sunningdale, and start fresh on the north side. Mature trees could be kept whenever possible, plenty of natural open areas would be offered, and lots would be large enough for children to play in their own backyards.

London's remaining forests in the north end of the city are rapidly disappearing. One example of this is the recent application by UWO to rezone the Gibbons Lodge property at 1836 Richmond to allow for development. Although they deny that any building will occur, I am sure that it will at some point in the future. Another example is the parcel of land at 34-35 Debbie Lane, also located in the Gibbons wetland. Despite an application by Sifton many years ago to build two houses on the property being denied, the land is still designated to allow for development. This should be changed immediately, before a developer decides to build on the property.

Thank you so much for listening to my concerns.

Agency/Departmental Comments

Urban Design (April 15, 2019)

Urban Design staff reviewed the submitted conceptual site plan for the zoning by-law amendment at the above noted address and provide the following urban design comments consistent with the Official Plan, applicable by-laws and guidelines;

- Ensure the south row of townhouses is oriented towards the Sunningdale Road frontage, with principle entrances facing the street.
- Include a common walkway parallel to the south of townhouses with individual walkways to the fronts of the units, ensure this common walkway leads to a north-south walkway through the site to the street.
- Include the amenity areas for the townhouses internal to the site in order to avoid a noise wall along the Sunningdale Road frontage.

If you have any questions or concerns please do not hesitate to get in touch with me.

Urban Design (September 8, 2020)

Urban Design staff commend the applicant for incorporating the following into the design of the site and buildings: providing for the majority of the trees and green space along the Sunningdale Road frontage to remain in place by zoning it OS5, locating built form adjacent to the proposed OS5 lands and orienting the townhouses to the space and ultimately the Sunningdale Road frontage, and providing for an enhanced setback at the rear of the property.

In order to ensure that the ultimate development incorporates the key design aspects of

the conceptual plan, provide for provision in the Zone that will ensure the following:

- Enhanced setback at the rear of the property;
- Orientation of the southern row of townhouses to the OS5 lands;
- A min and max setback for the southern row of townhouses to the OS5 (side yard setback) to ensure they are located in a similar configuration to the concept plan.

Urban design staff have been working closely with the applicant through the rezoning process to address many of the design concerns that have been raised. Staff will continue to work with the applicant through a subsequent Site Plan Application to ensure past concerns regarding location of the private amenity area, visitor parking and pedestrian connectivity are implemented in the final design.

If you have any questions or concerns please do not hesitate to get in touch with me.

Site Plan (March 29, 2019)

Based on the conceptual drawings provided at rezoning the applicant should anticipate the following comments at Site Plan:

- A noise study requirement to address traffic impacts from Sunningdale Road East
- An enhanced elevation requirement for the street-facing units
- A more comprehensive approach to pedestrian circulation on-site

The full expectations will need to be defined through an official request for site plan consultation but the above appear to be particularly pertinent.

Site Plan (July 21, 2020)

The sidewalk should connect to Sunningdale at the site plan stage.

Ecologist (April 4, 2019)

Here are a couple high level comments on the EIS submitted by BioLogic. Please note there are some additional technical comments and concerns with the report, however there is one primary issue that needs to be addressed before proceeding to the rest of the report. If this issue is not addressed, then Development Services cannot move towards a resolution to this project. Currently, the EIS is not compliant with Provincial Policy Statement (PPS 2014), City of London Official Plan (OP) policies, and the City's Environmental Management Guidelines (EMG).

- 1) The EIS was to assess the Woodland for significance, the resulting evaluation chart located in the Appendix of the EIS did identify the Woodland as a Significant Woodland based on the assessment criteria, however the text of the report ignores the results of the analysis and does not designate the woodland as a Significant Woodland. The EIS cannot be supported based on this position being taken by the proponent's ecologist.
 - a. It is unclear why the proponent's ecologist took this direction after discussions with City staff where it was expected this would be identified as a Significant Woodland and that in this case the City would work with the proponent to identify compensation/restoration of the portion of the feature impacted by the proposed development to allow the development to proceed.
 - b. Furthermore, based on the configuration of the proposed development (Figure 7: Development Proposal), it is clear that a number of trees that are part of the Significant Woodland would be retained (along the pipeline easement), and with a further expansion of the identified Naturalization Area (buffer) along the north end of the site (Figure 7), the removal of this portion of the Significant Woodland could be compensated for in this area, along with the required bat boxes. A reduction in the rear yards of the

townhomes at the north end of the site to match the rear yard depths of the townhomes backing onto Sunningdale Road would accomplish the task of providing additional buffer to the PSW and the compensation area for the removal of the portion of Significant Woodland impacted by the proposed development. An approved restoration plan would also be required for this updated buffer/compensation area and could then be supported by Development Services.

- 2) The wetland habitats identified offsite and during the site visit conducted with the proponent and the UTRCA have not been properly identified on the figures or discussed, and the water balance/quality going to this intermittent stream (and the PSW) has not been fully identified.
- 3) The City defers additional comments regarding Water Balance and Hydrogeological issues to the UTRCA.

If these main issues can be resolved, it is anticipated that the other technical comments regarding the draft EIS report can also be resolved to support this development application.

Ecologist (May 22, 2019)

Development Services (DS) has reviewed the EIS for the proposed subdivision located at 348 Sunningdale Road completed by BioLogic. Overall, DS finds that there are multiple concerns regarding the analysis and conclusions of the report, including issues that were previously identified by DS in the scoping meeting and a joint site walk. DS cannot accept the report in its current form. The following comments must be addressed in order to be compliant with the City's Environmental Management Guidelines (EMG), The London Plan and Official Plan policies, and the Provincial Policy Statement (PPS 2014). Detailed comments on the EIS are presented below. In order to more quickly review the updated EIS, please provide a draft Word document that shows track changes, and an accompanying separate table that briefly identifies how DS comments were addressed.

Detailed Comments on the EIS

1. Section 1.0 Introduction – The City has been consistent in its requirement to apply the Official Plan Policies and EMGs to this site. DS identified the Significant Woodland component issue at the scoping meeting held at the UTRCA office on January 11, 2018, along with pointing out the additional wetland located offsite to the east and the intermittent stream shown on Schedule A of the Official Plan. DS does not accept the proposed reasoning for disregarding the evaluation and identification of the Woodland and larger patch as a Significant Woodland. Features are to be fully evaluated for significance and then results, implications, and solutions are discussed with DS. BioLogic did complete the evaluation sheet as required for the Woodland Patch and included this in the EIS report. This evaluation shows the Woodland Patch meets one 'High' criteria, which requires the designation of the feature as a Significant Woodland. DS had already identified to the proponent and to BioLogic that this feature would likely be significant and was ready to work with the proponent to address compensation mitigation to accommodate the proposed development footprint as to not delay the project from moving forward in a timely manner. Based on a meeting held with the proponent and the consulting teams on April 25, 2019, where the DS email (attached for reference) and previous discussions of this issue were further explored, it is expected that this main issue will now be fully rectified in the updated EIS. **Action: Revise EIS and all relevant sections accordingly.**
2. Section 1.2 Format – The London Plan represents Council's direction and is required to be considered part of this application. Identify The London Plan (2016) policies applicable to this feature and include review of relevant policies throughout the EIS. A recent OMB resolution recognized the City's ability to have new developments conform to London Plan policies even when some portions of the document remain under appeal (London Plan v. Aug 2018). **Action: Update**

this section and any other relevant section in the EIS accordingly to include reference to both the Official Plan and The London Plan.

3. Section 2.4 UTRCA Regulations – The text of the regulation, not the mapping is what takes precedence for determining if the lands are regulated by the UTRCA. Furthermore, DS does not recall the UTRCA agreeing that there were no regulatory issues for the subject lands. The site is within adjacent lands to a PSW and other wetland and overland flow features. DS identified at the scoping meeting additional wetland habitat not previously mapped located just beyond the property boundary that needed to be given consideration and that an identified PSW is located within approximately 32 meters of the property. **Action: Update this section accordingly.**
4. Section 3.0 Trigger for EIS – No reference to The London Plan is identified in this section. Review The London Plan Environmental policies and update this section accordingly. Significant Stream Corridor and unevaluated features that trigger the requirement for additional study are also identified. **Action: Update section accordingly and other relevant section regarding The London Plan policies.**
5. Section 4.2.1 Vegetation – It was noted during the joint site walk that there was a fair bit of red-osier dogwood abutting the east property boundary in the thicket community; BioLogic was requested to take a closer look at this community (from the property line), but no ELC sheet has been provided documenting the species that were noted in addition to red-osier. The composition of this community is not identified or discussed aside from identifying red-osier dogwood, yet this may be relevant to the site as a community largely dominated by red-osier dogwood may constitute wetland habitat. **Action: Review section, provide further detail from multiple field site visit conducted by the proponent's ecologist and update the Appendix with all data sheets.**
6. Section 4.2.2. Wildlife Habitat – While there is no candidate habitat located on the subject site, there is candidate habitat located on the adjacent lands. Please note that biological process do not stop at the property line; property lines do not represent ecological barriers to habitat, wildlife, and functions. If SWH is found on adjacent lands, the EIS must demonstrate that there are no negative impacts on those features and functions. If studies cannot collect sufficient data to identify SWH on adjacent property, then the feature/site must be treated as Significant for the purposes of the EIS. **Action: Review and update section accordingly to identify all candidate SWH that may be present on or adjacent to the subject site as is required under the PPS (2014) and The London Plan policies.**
7. Section 5.2 sub. 5.4.13 & 14.4.14 – This was previously identified to the proponent as a feature to be evaluated for significance using the City's EMG document to determine if the woodland patch met the criteria for significance. These policies apply as do the matching policies in The London Plan. Residential lawn underneath a woodland community does not exclude it from consideration as a significant woodland. While this type of feature is recognized to typically have overall less diversity and ecological value that does not eliminate them from consideration as a Natural Heritage Feature as proposed by the proponent's ecologist. The entire patch is to be evaluated, recognizing that features and functions do not terminate at property boundaries. See previous comments in this memo. **Action: Revise section accordingly.**
8. Section 5.4 Summary of Identified Features and Functions – Update this section to identify the Significant Woodland on the subject site and the larger overall significant patch that extends beyond the property boundary. Identify the wetland community located offsite to the east, consistent with The London Plan policy, and address the intermittent stream that conveys overland flow from a portion of the property to this wetland feature and its connection subsequently to the Powell Drain PSW. Under the UTRCA component, the additional wetland area located to

the east, this would also have an area of interference that would extend onto the subject site. **Action: Update this Section accordingly.**

9. Section 6.0/7.0 – There is no Environmental Management and Monitoring Plan section in the EIS Report, this is a required section. Buffers to the Powel Wetland are to be clearly identified as well with the buffer to the identified wetland to the east of the property. Identify that the development would be located within a portion of the Significant Woodland previously discussed. This section is also to detail the proposed compensation mitigation for the removal of a portion of the Significant Woodland. Identify the amount of Significant Woodland proposed for removal in (ha) and identify how it will be compensated for in the buffer/naturalization area behind the lots along the north property line. Identify (as per the April 25th, 2019 meeting) how the rear yards will be reduced to provide additional area to restore the removed significant feature and the bat boxes that will be installed. While some of these items are discussed in the recommendations, they should be clearly described under the relevant section and then carried forward to the recommendations section. While it was discussed at the April 25th, 2019 meeting that the restoration area could be manicured (as the portion of the feature proposed to be removed was manicured), identify how the restoration plan will provide an overall improvement (i.e. species diversity of plantings and shrubs etc.) that can be incorporated into this area, and that will reduce the overall amount of manicured lawn that would be required to be actively maintained. Identify the monitoring plan for the restoration area, which will be focused on the restoration plantings. **Action: Provide additional required sections in the report, Update these other sections accordingly.**
10. Section 8.0 Summary and Conclusions & Table 7 Net Effects – **Action: Revise these sections accordingly based on the required changes for the EIS Report.**

Ecologist (September 25, 2020)

The updated EIS and site plan have been reviewed and the following comments are provided so that this project can move forward.

1. We are pleased to see that the EIS acknowledges the proponent is treating the woodland as significant, which is a positive change from the original EIS submitted with the application. Notwithstanding this and our acceptance of the proposed OS5 Zone and development limits, the EIS does not fully acknowledge and show conformity with Official Plan policies/ in-force London Plan policies and Environmental Management Guidelines. The EIS has not been completed to the City's satisfaction and therefore the EIS cannot be accepted in its current form.
2. However, the area proposed to be zoned OS5, and the proposed 20.6 metres between the ultimate road widening and the proposed sidewalk along the south face of the building are acceptable to provide for a suitable naturalization/ restoration area to compensate for feature removal on the site. In addition, the requested east and west yard setback reductions establishing additional development limits are acceptable from an environmental perspective. We have no objection to the Zoning By-law amendment moving forward and request that the recommendations of the Environmental Impact Study be implemented at the site plan stage, along with required detailed restoration and monitoring plans.

Upper Thames River Conservation Authority (March 5, 2019)

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

Assessment Report has also been reviewed in order to confirm whether the subject lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act.

PROPOSAL

The proposed Zoning By-law Amendment application would rezone the lands from Urban Reserve (UR1) to Residential R5 Special Provision (R5-2(_)) to allow for the construction of a two (2) townhouse dwelling blocks consisting of 17 units.

CONSERVATION AUTHORITIES ACT

As shown on the enclosed mapping, the subject lands are regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act. The Regulation Limit is comprised of a riverine erosion hazard and the area of interference associated with the Arva Moraine Provincially Significant Wetland. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL

The UTRCA's Environmental Planning Policy Manual is available online at: <http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>
The policy which is applicable to the subject lands includes:

3.2.2 General Natural Hazard Policies

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. The Authority also does not support the fragmentation of hazard lands which is consistent with the Provincial Policy Statement (PPS) and is intended to limit the number of owners of hazardous land and thereby reduce the risk of unregulated development etc.

3.2.4 Riverine Erosion Hazard Policies

The Authority generally does not permit development and site alteration in the meander belt or on the face of steep slopes, ravines and distinct valley walls. The establishment of the hazard limit must be based upon the natural state of the slope, and not through re-grading or the use of structures or devices to stabilize the slope.

3.2.6 & 3.3.2 Wetland Policies

New development and site alteration is not permitted in wetlands. Furthermore, new development and site alteration may only be permitted in the area of interference and /or adjacent lands of a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no negative impact on the hydrological and ecological function of the feature.

The UTRCA completed a Site Visit on May 2, 2018 and determined that additional pockets of wetland were identified to the east of the subject lands which will likely increase the regulation limit shown on the enclosed mapping.

An EIS was prepared by BioLogic Incorporated, dated November 20, 2018. The UTRCA's comments on this report are provided below.

SIGNIFICANT WOODLAND

The woodland that is located on the subject lands and adjacent lands has been identified as Significant in the Middlesex Natural Heritage Study (2003) and the Middlesex Natural Heritage Systems Study (2014). New development and site alteration is not permitted in woodlands considered to be significant. Furthermore, new development and site alteration is not permitted on adjacent lands to significant woodlands (within 50 metres* see note below) unless an EIS has been completed to the satisfaction of the UTRCA which demonstrates that there will be no negative impact on the feature or its ecological function.

Note: *Natural Heritage Reference Manual, Second Edition (OMNR, 2010)

We note that Table 4-2 of the *Natural Heritage Reference Manual Second Edition* (OMNR, 2010) identifies adjacent lands from significant natural heritage features as being 120m from the feature for considering potential negative impacts. The *Natural Heritage Reference Manual* provides technical guidance for implementing the natural heritage policies of the *Provincial Policy Statement*, 2005. The UTRCA Environmental Planning Policy Manual (2006) predates the NHRM (2010) and the UTRCA considers the policies of the contemporary implantation manual in its review. This EIS should demonstrate no negative impacts on the ecological form and function of the features. These natural heritage areas should be located and avoided as inappropriate places for development.

An EIS was prepared by BioLogic Incorporated, dated November 20, 2018. The UTRCA's comments on this report are provided below.

DRINKING WATER SOURCE PROTECTION

The subject lands have been reviewed to determine whether or not they fall within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant Groundwater Recharge Areas). Upon review, we can advise that the subject lands **are not** within a vulnerable area. For policies, mapping and further information pertaining to drinking water source protection please refer to the approved Source Protection Plan at: http://maps.thamesriver.on.ca/GVH_252/?viewer=tsrassessmentreport

PEER REVIEW OF TECHNICAL REPORTS

The UTRCA has completed a review of the *Environmental Impact Study Report* prepared by BioLogic Incorporated, dated November 20, 2018, and offer the following comments:

1. As per UTRCA comments dated June 11, 2018, the subject lands contain a Provincially Significant Wetland (PSW) known as the Arva Moraine Wetland Complex. In addition to the mapped PSW, a Site Visit was conducted on May 2, 2018 which identified additional pockets of wetland to the east of the subject lands that are also regulated by the UTRCA. Therefore, the adjacent wetland pockets to the east, the PSW to the north, and the erosion feature at the northwest corner, are within our regulation limit. Recognizing this, the following comments are provided:
 - a) Section 2.4 states “As agreed in the Scoping meeting of January 11, 2018, there were no regulatory issues for the Subject Lands”. Please remove this statement from the EIS.
 - b) Section 5.3 only discusses the regulation limit in the northwest corner. The EIS will also need to consider wetland interference to the additional pocket(s) of wetland identified to the east.
2. Please provide rationale supporting the amount of buffer needed to the west and east limits of the development envelope, including all proposed roads. Include discussion about the impact of road salt on adjacent natural features and how it will be mitigated.
3. Please show the breeding bird survey locations on a map. Breeding bird surveys should occur three (3) times: early May, late May to early June, and late June to early July. Please discuss why only two (2) surveys were conducted and what implications this may have.
4. Recognizing the adjacent lands contain CUT, CUW, PSW and wetland pockets, please determine candidate Significant Wildlife Habitat for those habitats and discuss appropriate mitigation measures for those candidate habitats given that they cannot be accessed to confirm. Please include the following in this discussion:
 - a) Appendix E states that there is no shrub and early successional breeding bird habitat, yet the subject lands are surrounded by cultural thicket and cultural woodlands.

- b) Whether the small wetland pocket may be candidate wetland amphibian breeding habitat.
5. Section 4 of the report mentions that the site contributes runoff to the wetland to the north. The UTRCA will require maintaining the base flow requirements to the wetland under the proposed condition through a water balance analysis.
 6. Section 4.1.2 and 4.1.4 refer to the water well record on site: "*The water well record for the domestic well on site indicate there is a thin gravel (approx. 1m) of gravel beneath 42m of clay (with streaks of sand).*" The statements provided are an interpretation of geology with depth, not soils. The rationale is unclear. The information provided in the text leads one to interpret that there is no shallow aquifer material, however this is not the case. A professional engineer or geoscientist designation is required to interpret this information, study available information of the area, and highlight deficiencies in the logs.
 7. Please show the amphibian survey locations on a map. Section 4.2.5 only discusses two (2) frog species, yet three (3) species were recorded in Appendix 1. Please discuss all three (3) frog species in terms of Significant Wildlife Habitat.
 8. Section 6.0 states "*water supply will be from the watermain on Sunningdale Rd. Service depths of between 2 to 4 metres will not interfere with the groundwater on the property*". This statement is an interpretation of hydrogeology with depth. Rationale was not provided. A professional engineer or geoscientist designation is required to make this statement.
 9. Section 7.0 states "*Considering the lack of drainage features, clay soils and relatively steep slopes to the north at the northwest corner, there is likely minor surface flow contributions to the Powell Drain Wetland from the Subject lands*". As there has been no installation of equipment and no elements of water budget, the consultant is not qualified to make these statements. Further, the wetland located to the north of the site is the Arva Moraine Provincially Significant Wetland.
 10. Section 7.0, Recommendation 1 states "*the post development runoff should be managed so that flows do not scour a flow channel down the slope at the northwest corner*". In addition, Recommendation 14 states "*roof leaders from the northerly townhouse building should be directed to the rear*". Please provide additional details about how scouring will be managed/prevented in this area.
 11. Section 7.0, Recommendation 4 speaks to when vegetation clearing should be avoided. Please change the dates so that vegetation is not removed from April 1 to August 31. Note that is nesting birds are identified on site, the works within the nesting area should not proceed until August 31.
 12. Table 7, Decreased Infiltration and Increased Run-off states "*Avoidance; setback distance of 50m is large enough to support sufficient surface flows to the wetland, clay soils are not conducive to infiltration*". The consultant is not qualified to make these statements.
 13. Section 8.0 states "*when there is confirmation on the development plan, the water balance and storm water management requirements will come forward at the Site Plan approval stage*". Given the presence of wetland features on the adjacent lands, the UTRCA comments provided June 11, 2018 state that a water balance is required prior to site approval. The water should:
 - a) Determine the importance of the sheet flow from the (mid) east property line to the Powell Drain and whether the quality or quantity of the flow will change post development.
 - b) Provide support for the statement in Section 7.0 that "*the development footprint will retain any sheet flow that is generated at or near the east*"

boundary in the northern third of the property with a setback of 3.2m to the east property line”.

- c) Determine whether flow quality or quantity to the wetlands (both PSW and the unevaluated pockets of wetland to the east) will be affected post development.
 - d) Determine whether Recommendation 2 in Section 7.0 will provide adequate quality and quantity to the wetland features.
14. The UTRCA requires the site to maintain stormwater quality under the proposed conditions to avoid negative impact of the development on the adjacent wetlands.
 15. The UTRCA requires a cross section of the slope on the north side to ascertain if the development limit should be established at the northern boundary of the site by considering stable slope analysis (toe of slope, top of existing slope, top of stable slope, factor of safety, and 6 metre erosion access allowance). The development limit should be compared with the setback requirements considered for the wetland and the erosion hazard. The greater of the two setbacks shall be applied to the development limit.
 16. Overall, the consultant has made statements that are outside of their professional designation and further professionals should be retained to accurately study the site.

RECOMMENDATION

As indicated, the subject lands are regulated by the UTRCA. As per comments provided on June 11, 2018 as part of the Site Plan Consultation application (SPC18-101), the UTRCA requested both an EIS and Water Balance Analysis be completed for the subject lands to form a complete application. The UTRCA has not received a Water Balance Analysis and therefore is of the opinion that this application is premature at this time. The UTRCA recommends this application be deferred until the requested studies have been completed.

Upon re-submission, please address the comments provided herein and provide a Water Balance Analysis to be prepared by a professional engineer to the satisfaction of the UTRCA.

In addition, a Section 28 Permit will be required. Please contact Mark Snowsell or Brent Verscheure, UTRCA Land Use Regulations Officer, for information relating to the Section 28 permit requirements.

Upper Thames River Conservation Authority (October 2, 2019)

BACKGROUND

Following our letter dated March 5, 2019, the UTRCA attended a meeting on April 25, 2019 with staff from the City of London, Zelinka Priamo Ltd., BioLogic Inc., the owner and other representatives to discuss findings from the Environmental Impact Study and determine other report requirements prior to the application moving forward. As per the UTRCA's recommendations, it was determined that a Slope Stability Assessment and Water Balance Analysis would be required to help determine the development limit and applicable zoning prior to moving forward prior to the detailed design during the Site Plan stage.

PEER REVIEW OF TECHNICAL REPORTS

On May 2, 2019, the UTRCA provided Zelinka Priamo Ltd. with the scoping requirements for the two reports which were submitted to the UTRCA on September 18, 2019. The UTRCA has completed a review of the Slope Stability Assessment prepared by EXP, dated August 14, 2019, and the Water Balance Analysis prepared by EXP, dated September 16, 2019, and offers the following comments:

1. The UTRCA accepts the findings of the Slope Stability Assessment and recommends the applicant ensures the implementation of the recommendations into the final site design.

2. Please maintain the quality of the runoff to the wetland under proposed conditions to ensure no negative impacts to the wetland.
3. The Water Balance identifies a slight deficit in annual infiltration on site during proposed conditions. The UTRCA recommends considering compensation for the infiltration under the proposed conditions through Low Impact Development (LIDs). Please consider this through the detailed design stage.

Upper Thames River Conservation Authority (September 29, 2020)

The Upper Thames River Conservation Authority's (UTRCA) history on this file began in 2018 with pre-consultation, followed by formal comments on the original application dated March 5, 2019, and subsequent meetings and technical review comments provided up to October 2, 2019. The applicant has submitted this revised application accompanied by revised technical reports and comment responses prepared by the applicants consulting team, including:

- Revised Tree Assessment Report;
- Revised Site Plan with Open Space zone included;
- Revised Tree Preservation Plan;
- Revised Environmental Impact Study (EIS); and,
- EIS agency comment response table.

The UTRCA has had an opportunity to review this information and offers the following comments:

1. Mitigation measures are included in Table 2 of the EIS. Please ensure these measures are included in the recommendations provided in Section 7 with details on implementation provided through detailed design.

Additionally, the UTRCA's technical review comments from October 2, 2019, shall also be included for review at detailed design:

2. Implement the recommendations of the Slope Stability Assessment into final site design.
3. Ensure quality control of runoff to the adjacent wetlands under proposed conditions. This information shall be included in a Stormwater Management Report submitted through Site Plan.
4. Consider compensation for the slight deficit in infiltration through the use of Low Impact Development. This information shall be included in a Stormwater Management Report submitted through Site Plan.

RECOMMENDATION

As indicated, the subject lands are regulated by the UTRCA and a Section 28 permit application will be required. The permit requirements shall be provided by UTRCA staff through the Site Plan Application. Please ensure the aforementioned is included in the Site Plan submission.

The UTRCA has no objections to this application.

Thank you for the opportunity to comment.

Environmental and Ecological Planning Advisory Committee

Council Resolution (April 24, 2019)

That, the following actions be taken with respect to the 4th Report of the Environmental and Ecological Planning Advisory Committee from its meetn held on March 21, 2019:

- b) the revised Working Group comment appended to the 4th Report of the Environmental and Ecological Planning Advisory Committee, relating to the property located at 348 Sunningdale Road East BE FORWARDED to the Civic Administration for consideration;

Working Group Comments (Feb 2019)

Theme 1 – Characterization of the Provincially Significant Wetland present to the east, north, and west of the site.

The EIS highlights that the proposed development will be located within a pocket of land bordering the Powell Drain wetland (a unit of the Arva Moraine PSW Complex); the wetland boundary is 32m from the properties northwest corner, 95m from the west property line, and 60m from the northeast corner. As this PSW is located outside of the Subject Lands, a formal evaluation of the wetland's ecological function was not included in this report.

Additionally:

- Figure 3 of the report provides future land uses of the adjacent properties. Land surrounding the PSW has been designated either Low Density Residential or Multi-Family, Medium Density Residential.
- The PSW is likely fed via surface water flow predominately from regions to its north and south. The EIS notes that groundwater was found 41m bgs (pg. 7) and that there were no seeps or springs observed on the subject lands; given the groundwater depth, it is unlikely that groundwater would constitute a water source to the PSW.
- The EIS states that there are no species at risk or species of provincial interest listed by NHIC within 1 km of the site. However, this assertion was not based on field work in or around the PSW and a more thorough evaluation may find otherwise.
- Lastly, the EIS indicates that the PSW has not been evaluated (e.g. pg. 13 the report notes that the "functions of the wetland will require further consideration").

Our concern is that future developments in the area will also exclude any evaluation of the PSW as the wetland will be, of course, outside any area being developed. This piecemeal, site-by-site approach could result in degradation of the wetland as the individual impact of any one development may be minor, but the cumulative impact may indeed be consequential. Given the lands adjacent to the development will likely be developed in the future, EEPAC agrees with the EIS and considers it important to characterize the existing ecological functions of the wetland now, before these potential developments occur, in order to develop an overall strategy to protect the wetland's ecological integrity.

Recommendations:

1. Characterize the ecological functions PSW before any of the lands zoned for future development have been developed, including the parcel under consideration.
2. Conduct a water balance assessment in order to understand water flow into and out of the wetland.
3. Develop an area strategy for future developments that protects water flow into and out of wetland from both a quantity and quality perspective, as well as any additional measures necessary to protect the ecological health of the PSW.

Theme 2 – Site water balance assessment

The report discussed that the northwest corner of the site slopes to the north and that the northeast quadrant of the site is flat with evidence of sheet flow to the east of the

site, which in turn presumably drains to the PSW. Sheet flow to the east may also feed the unevaluated wetland patch identified 35m east of the site through air photo interpretation. (N.b. the size of the wetland is estimated at less than 100 m².) Furthermore, Figure 3 of the report appears to show a water channel from the northeast corner of the property, which the report seems to describe as “not a defined channel” but rather a “broad swale” dominated by terrestrial grasses (bottom of page 13). Regardless of whether it is a “swale” or a “channel”, it is possible that this channel/swale provides flow to the PSW, especially during periods of higher precipitation.

The EIS does identify the importance of considering adjacent features and functions of the PSW; however, it does not quantify how the proposed site development will preserve the wetland’s ecological health.

Recommendations:

4. Conduct a water balance assessment to determine water flows pre and post development with a specific focus on water flows to the PSW. Based on this evaluation, propose specific mitigation measures (if needed) to ensure that water quantity and quality objectives are met that ensure the PSW’s existing functions are not impaired.
5. Reconsider whether the channel/swale from the east of the site should be included under section 15.4.15 “Other Drainage Features”.

Theme 3 – Tree preservation/ replacement

The report states that investigations for Ecological Land Classification (ELC) were conducted on October 18, 2017, June 5, 2018 and June 20, 2018. These surveys found that the most densely treed section of the Subject Lands, classified as a Mineral Cultural Woodland Ecosite (CUW1), is concentrated in the southwest corner of the property. This community is dominated by Red Pine (*Pinus resinosa*), Norway Spruce (*Picea abies*) and Sugar Maple (*Acer saccharum*); however, near the south-central edge of the Subject Lands, a mature Tulip Tree (*Liriodendron tulipifera*) was found.

Following a site investigation for potential bat maternity roost habitat (April 25, 2018), 10 trees were identified as potential Species At Risk bat maternity roost habitat. Seven trees located on the Subject Lands have been deemed hazardous and marked for removal. It was recognized in the EIS that three of these trees are candidate bat roosting trees. To mitigate the removal of these trees, the report states that six bat boxes will be installed. In Table 7 (Net Effects Table), however, the report mentions that 17 residential yard lights will also be installed. Although the presence of light fixtures can result in increased foraging opportunities for some bats, these fixtures can negatively impact bats that are emerging, roosting and breeding. Specifically, artificial light can result in delayed emergence from roosts, roost abandonment or avoidance, reduced reproductive success and increased arousal from hibernation (Stone et al., 2015). Thus, light fixtures should be positioned in such a way that light is directed towards the townhouses and away from the surrounding trees.

Although seven trees have been explicitly marked for removal in the RKLA Tree Report, drawing T-1 (Drawing Preservation Plan) shows that several additional trees will be removed. Information about the total number of trees marked for removal should be provided so that the impact of their removal can be adequately assessed. In addition, the ecosystem services being provided by the trees, such as refuge to wildlife, will be lost due to the removal of some trees and the disturbance occurring around the remaining ones; thus, compensation for such loss should be provided.

Recommendations:

6. Light fixtures are positioned in such a way that light is directed towards the townhouse dwelling units and away from the surrounding trees and bat boxes. Alternatively, bat boxes could be positioned in areas where light pollution is minimized, and/or light intensity could be minimized.

7. Considering that the trees marked for removal are broad-leaf deciduous species, at least double as many trees of the same Functional Type should be planted in the surround of the construction area.

Theme 4 – Survey periods for amphibians and breeding birds

The EIS notes that a breeding bird study was conducted on June 5, 2018 (6:45 am or pm?) and June 20, 2018 (7:30- 8:30 am or pm?), and that amphibian monitoring was conducted on April 23, 2018 (9:30- 9:45 am), May 22, 2018 (11:30- 11:45 am) and June 18, 2018 (9:40- 9:50 am) for the Subject Lands. The report states that amphibian monitoring was conducted using the Great Lakes Marsh Monitoring Protocols. These surveys concluded that there is no significant habitat for breeding birds and amphibian species on the Subject Lands.

Regarding the breeding bird study, our concern is that two site visits within the span of 15 days are insufficient for observing the presence of breeding birds, as breeding and nesting time varies throughout spring and summer depending on the bird species.

In regards to amphibian monitoring, our concern is that monitoring was conducted during the day rather than one half-hour after sunset, as stipulated in the Great Lakes Marsh Monitoring Protocols. Since amphibian calling is strongly associated with time of day (Great Lakes Marsh Monitoring Protocols), it is possible that the amphibian surveys conducted in 2018 did not observe all species present in and around the Subject Lands.

Recommendations:

8. As all bird species have varied seasonal and within day activity patterns, more bird surveys need to take place encompassing a larger span of the breeding season (e.g. May, June and July) and at different times of the day. It is also recommended that breeding evidence be evaluated as the guidelines present in the Ontario Breeding Bird Atlas, 2001, so that possible and probable breeding observations be also recorded.
9. Conduct amphibian monitoring prior to construction at the Subject Lands. Monitoring should take place one half-hour after sunset and end by midnight as stipulated in the Great Lakes Marsh Monitoring Protocols.

Tree Preservation (March 27, 2019)

Parks Planning & Design has reviewed the submitted Tree Assessment Report for the above noted application, and provide the following comments. Please note that review of the submitted EIS and comments pertaining to ecological matters are to be provided separately by the Development Services Ecologist.

- The report is written in the context of a site plan development. It should be framed within the context of a Zoning By-law Amendment application, and note that proposed tree removals and preservation will be subject to further review through detailed design and Site Plan Approval. The report should also reference the submitted EIS and speak to any key overlap.
- Similarly, the Tree Preservation Plan (T-1) should be labelled as preliminary and subject to future grading, or something to that effect.
- It is appreciated that the inventory and assessment has included boundary trees, trees on adjacent private properties within 3m, and trees in the ROW for review. This is also consistent with the requirements of Section 12 of the City's Design Specifications and Requirements Manual. Any removals of these trees would require the land owner's consent as well as City approval, which the report has indicated.
- Matters pertaining to the EIS and ultimate Sunningdale Road profile could substantially alter tree preservation and removals from what is currently

proposed. The report and plan should be updated and recirculated for review once these matters have been resolved.

As added information, boundary trees and trees on adjacent private properties would not require a separate tree permit for removal if ultimately included as part of the accepted Tree Preservation Report and EIS. The landowner's consent and Site Plan Agreement would satisfy the City's requirements.

Tree Preservation (September 15, 2020)

Development Services has reviewed the Tree Assessment Report Issued for ZBA and its accompanying Tree Protection Plan prepared by Ron Koudys Landscape Architects [April 2020, July 2020 respectively] for 348 Sunningdale Rd, City of London.

One hundred and thirty-six trees were assessed and included within site, off site, boundary trees, trees on an Imperial Oil Easement and those within the Sunningdale Road ROW.

The report was written in the context of a site plan development. The proposed tree removals and retentions will be subject to further review through detailed design and Site Plan Approval. During the site plan application process, the following actions identified in the report will need to be executed:

1. All offsite trees identified for removal [E, F, G, H, I, J] due to associated risks to workers in their proximity would require a letter of consent from the owner/neighbour. As these trees are identified as distinctive and therefore protected by the City's Tree Protection Bylaw, a permit will be required for their removal. Urban Forestry can be contacted to determine if these trees are exempt for the Tree Preservation Bylaw by calling 519-661-5783 Option 2 or sending an email to treeprotection@london.ca
2. The development proposes the removal of three CoL boulevard trees to provide access into the site. As noted in the Tree Assessment Report, all trees located on City of London Boulevards are protected from any activities which may cause damage to them or cause them to be removed by the Boulevard Tree Protection Bylaw. To remove the three trees, the applicant will need to contact Forestry Dispatcher at trees@london.ca with details of their request. Consent must be obtained from Forestry Operations.
3. City of London trees located in the **future** Sunningdale ROW and proposed for removal will not be removed during any stage of site development. Their removal will be coordinated by the CoL Roadside Operations at the time of road widening. **However, securities will be taken during Site Plan Approval Process for the replanting of the ROW following road widening.**
4. Boundary trees [810, 811] proposed for removal will require letters of consent from co-owner/neighbour. The letters must be submitted with the Site Plan Application.
5. A controlled area access agreement from Imperial Oil must be obtained for tree planting and tree removals within 5-30m of their easement. Work within 5m of easement will require an onsite supervision by an Imperial Oil Inspector. Currently, the Landscape Plan does not include tree planting in the easement.

Engineering (February 26, 2019)

The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned pre-application:

Comments for the re-zoning application:

The applicant has submitted a servicing feasibility report in order to demonstrate the serviceability of the subject site. Based on the report, the site remains a challenging development and minimum City Standards are not being achieved. We have completed a review and offer the following comments that will need to be further explored prior to any development application;

1. Servicing Feasibility Report

- a) Based on the EA for Sunningdale Road, it appears the centreline grade is proposed to be lower than existing. Considering this, please contact the Transportation Division and obtain the necessary information and provide the ultimate Sunningdale Road urban cross section and ensure this works with the proposed site grading and private service crossings. Also, ensure there is no conflicts with the private services and any proposed sewers that will be installed as part of the Sunningdale project.
- b) Verify as-built information for the 1200mm municipal transmission watermain.
- c) Provide a minimum of 0.6m above the sanitary PDC as per City Standard W-CS-68.
- d) Show approximate location and elevation of Imperial Pipeline (in cross section).
- e) San PDC to be min. 200mm dia at 1%.
- f) Confirm the proposed re-grading of the north ditch will not impact existing capacity and flows within the ditch.

DS and Wastewater would be in support of a holding provision to be placed on the site until the applicant can satisfy the City's concerns and prove that this site is serviceable.

The following items are to be considered during the development application approval stage:

Sanitary

- The 230l/cap/day should be applied to new proposed areas only and not the existing areas.
- Design sheet is missing areas.
- It should be noted that the proposed sanitary servicing is a temporary connection at no cost to City and if as a result of a future Rd widening EA or if this sewer conflicts with any future project, the Condo Owners shall be required to redirect and connect, all at their cost to their intended ultimate outlet on Sunningdale Rd.

Transportation

- Road widening dedication of 18.0m from centre line required on Sunningdale Road.
- Detailed comments regarding access design and location will be provided through the site plan.

Water

- The Servicing Feasibility study also indicates a fire flow of 9032 l/min would be required for the development and they are proposing a 150mm water service to the site. A 150mm water service would be very undersized for this fire flow demand and would not meet our Standards. (velocities would be over 8 m/s).

Stormwater

- There is no storm sewer on Sunningdale Road East to service the proposed development. As Per as-con 25712, storm flows from this site will outlet directly to wetland with on-site controls for both quality and quantity.
- The site is also identified in the minor flow catchment area of the existing Uplands North SWM facility B2 and therefore the SWM design of the site is also to comply with SWM criteria and environmental targets of the Uplands North Subdivision Functional SWM Report by AECOM – May 2011.
- The subject lands are located in the Stoney Creek Subwatershed. The Owner shall provide a Storm/Drainage Servicing Report demonstrating compliance with the SWM criteria and environmental targets identified in the Stoney Creek Subwatershed Study that may include but not be limited to, quantity/quality control, erosion, stream morphology, etc.

Engineering (August 21, 2020)

The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned pre-application:

Comments for the Re-Zoning;

1. **Currently there are no municipal sanitary sewers available to service the site. Due to this, we are recommending a holding provision (h-17) be placed on the site.**

The following items are to be considered prior to and/or during a future site plan application stage:

Wastewater:

1. There is no municipal sanitary sewer fronting the subject lands on Sunningdale Road East.
2. The intended sanitary outlet is a future extension of a sanitary sewer on Sunningdale Rd East ultimately connecting to the 375 mm diameter sewer at Sunningdale and Canvas Way. An acceptable alternative servicing strategy has not been provided to date and further discussions with the Sewer Engineering Division (SED) will be required. Comments provided in 2019 for the proposed temporary sanitary connection were not addressed as part of this submission. We highly recommend the applicant address and discuss the sanitary servicing strategy with SED prior to a development application.

Stormwater:

1. There is no storm sewer on Sunningdale Road East to service the proposed development. As Per City as-con 25712, storm flows from this site will outlet directly to wetland with on-site controls for both quality and quantity.
2. The site is also identified in the minor flow catchment area of the existing Uplands North SWM facility B2 and therefore the SWM design of the site is also to comply with SWM criteria and environmental targets of the Uplands North Subdivision Functional SWM Report by AECOM – May 2011.
3. The subject lands are located in the Stoney Creek Subwatershed. The Owner shall provide a Storm/Drainage Servicing Report demonstrating compliance with the SWM criteria and environmental targets identified in the Stoney Creek Subwatershed Study that may include but not be limited to, quantity/quality control, erosion, stream morphology, etc.
4. The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer. It shall include water balance.
5. The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100 year event and safely conveys up to the 250 year storm event, all to be designed by a Professional Engineer for review.

6. The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
7. Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
8. An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site and that will be in accordance with City of London and MOECC standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.

Water:

1. Water servicing for any future development shall be taken from the 400mm high level watermain on the south side of Sunningdale RD.

Transportation:

1. Road widening dedication of 18.0m from centre line required along Sunningdale Road East

Detailed comments regarding access design and location will be provided through the site plan

Imperial Oil (November 7, 2019)

Guidelines for Development in the Vicinity of Pipelines

Pipeline Easement

Imperial Oil owns and operates a high-pressure refined products pipeline system. The pipeline is normally contained within a 15m (50ft) wide easement.

Safety is our main priority. We live and work in the communities where our pipelines are located. Moving product through pipelines is our business, and protecting the people, environment and communities along these pipelines is our commitment. Imperial Oil is guided by strict safety standards and operates under comprehensive provincial regulations that govern all aspects of our pipeline operation, including design, construction, materials, testing, operations and maintenance of all our pipelines. The level of concern and the resultant precautions both increase greatly in areas of urban development.

Imperial Oil carries out regular aerial patrols, inspections and maintenance of its pipeline and easement to better meet our safety priority. This requires unimpeded access to the pipeline; therefore it is important to maintain an easement free from obstructions/encroachments.

Pipeline right-of-way must be kept clear of obstructions and encroachments such as:

- Buildings/structures, either temporary or permanent;
- Fencing, retaining walls;
- Parking lots;
- Patios, concrete slabs or decks;
- Swimming pools;
- Trees and berms;
- Paved parking lots, large equipment;

Imperial Oil, Sarnia Products Pipeline are regulated under The Technical Standards and Safety Act 2000 for Oil and Gas Pipeline Systems. The following regulations apply to our operation and must be abided by:

10.5.5 Right of Way Encroachment.

10.5.5.1 It shall be prohibited to install patios or concrete slabs on the pipeline right-of-way or fences across the pipeline right-of-way unless permission is first obtained from the operating company.

10.5.5.2 It shall be prohibited to erect buildings including garden sheds or to install swimming pools on the pipeline right-of-way. Storage of flammable material and dumping of solid or liquid spoil, refuse, water, or effluent, shall be also forbidden.

10.5.5.3 Operating companies shall be allowed to erect structures required for pipeline system operation purposes on the pipeline right-of-way.

10.5.5.4 No person shall operate a vehicle or mobile equipment except for farm machinery and personal recreation vehicles across or along a pipeline right-of-way unless written permission is first obtained from the operating company or the vehicle or mobile equipment is operated within the travelled portion of a highway or public road.

Safety Precautions around High Pressure Pipelines

Home owners with a high pressure pipeline easement in their backyard are severely restricted in the use of their property. Any maintenance of the pipeline in a restricted area, such as a backyard, poses significant hardships and safety concerns both to the home owner and the pipeline company. Overall a pipeline easement incorporated into several individual suburban lots creates hazards and headaches for the home owners, the pipeline company, other utilities, and the municipality.

Imperial Oil appreciates the opportunity to review and comment on plans for urban developments around the Imperial Oil easement. It is imperative that any developments affecting the easement incorporate measures to protect the pipeline, the public and the environment.

Technical Safety and Standards Authority (TSSA) Minimum Setbacks

The Technical Safety and Standards Authority (TSSA) have a guideline for a recommended setback from the pipeline to a building intended for human occupancy, see below. Imperial Oil, in the interest of safety, urges developers and municipalities to consider the setback when planning housing sites around the Sarnia Products Pipeline.

TSSA Setback Guideline

For oil and gas pipelines operating at a stress level in excess of 40% SMYS, a minimum setback of 20 meters shall be maintained from the centerline of the pipeline to dwellings intended for human occupancy. A minimum setback of 200 meters shall be maintained from the centerline of pipelines to institutions where rapid evacuation may be difficult, such as hospitals, nursing homes, penal institutions, and institutions for the disabled.

When Imperial Oil receives a site drawing from the Municipalities Planning & Development department we will notify the department and request that the TSSA's 20-metre setback guideline is considered. At this point it will be up to the Municipality and/or the developer to implement the recommended setback guideline.

Use of Easement (TSSA Guideline)

For pipelines located on easements, the entire width of the oil and gas pipeline easement shall be kept clear of all structures. The easements may be incorporated into subdivision plans as green space, walkways, or bicycle paths but shall not be incorporated into individual lots. The piling up of garbage, dirt or industrial waste shall not be permitted at any time. Limits of the easement parallel to the pipeline shall be identified with fencing or equivalent markings to prevent gradual encroachment by

adjacent landowners. Suitable barriers shall be installed at all road accesses to prevent unauthorized motor vehicles from entering.

Limits of the easement parallel to the pipeline shall be identified with fencing or equivalent markings to prevent gradual encroachment by landowners. Suitable barriers shall be installed at all road accesses to prevent unauthorized motor vehicles from entering.

Imperial Oil looks forward to co-operating with you as partners in public and environmental safety. Please help us ensure the utmost safety of those in the community and near the Sarnia Products Pipeline easement.

London Hydro (March 5, 2019)

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

London Hydro (July 30, 2020)

Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining safe clearances from L.H. infrastructure is mandatory. A blanket easement will be required. Note: Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements and availability.

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

Appendix C – Policy Context

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

Provincial Policy Statement, 2020 (PPS)

Section 1.1 – Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 b), c), d), e), g)

1.1.3

1.1.3.1

1.1.3.2

1.1.3.3

1.1.3.4

1.1.3.6

Section 1.4 - Housing

1.4.3

Section 1.5 – Public Spaces, recreation, parks, trails and open space

1.5.1 d)

Section 1.6 – Infrastructure and Public Service Facilities

1.6.6.2

1.6.8.3

Section 2.1 – Natural Heritage

2.1.1

2.1.2

2.1.3

2.1.4

2.1.5

2.1.7

2.1.8

Section 2.2 – Water

Section 2.6 - Cultural Heritage and Archaeology

2.6.2

Section 3.1 – Natural Hazards

3.1.1 b)

1989 Official Plan

3. Residential Land Use Designation

3.1.1 v) - General Objectives for All Residential Designations

3.1.3 – Multi-family, Medium Density Residential Objectives

3.3 Multi-family, Medium Density Residential

3.3.1 Permitted Uses

3.3.3 Scale of Development

3.7 Planning Impact Analysis

11. Urban Design Principles

11.1.1 i), ii), xi), xv), xviii)
13. Heritage Resource Policies
13.4 Archaeological Resources
15. Environmental Policies
15.1.1 Natural Heritage Objectives
15.3.6 Ecological Buffers
15.3.7 Management and Rehabilitation Priorities
15.4.2 Wetlands
15.4.5 Significant Woodlands and Woodlands
15.4.7 Wildlife Habitat
15.4.14 Other Woodland Patches larger than 0.5 ha.
15.5.1 Purpose of Environmental Studies
15.7 Erosion and Wetland Hazards
19 Implementation
19.9.5 Noise, Vibration and Safety
i) Noise Attenuation
iv) Setback from High Pressure Pipelines
19.9.6 Additional Noise Attenuation Policies for Residential Land Uses Adjacent to Arterial Roads

The London Plan

Policy 58_ 4. and 9. Our Strategy, Key Directions, Direction #4 Become one of the greenest Cities in Canada
Policy 59_ 4. and 5. Our Strategy, Key Directions, Direction #5 – Build a Mixed-use Compact City of London
Policy 79_ Our City, City Structure Plan, The Growth Framework, Intensification
*Policy 83_ Our City, City Structure Plan, The Growth Framework, Intensification
Policy 118. Our City, Natural Heritage, Hazards, and Natural Resources
*Policy 193_ City Design, What are we trying to achieve?
Policies 229_, 235_, 237_, 241_, City Design, Streetscapes
Policies *255_, *258_, 268_, City Design, Site Layout
Policy *291_, City Design, Buildings
Policy 388_ , Forest City, Why is the Forest City Important to Our Future?
Policy *391_, Forest City, Urban Forest Strategy
Policies *399_, 400_, *401_ – Forest City, Strategic Approach
Policy 554_2. City Building Policies, Cultural Heritage, What Are We Trying To Achieve
Policy 611_, City Building Policies, Cultural Heritage, Archaeological Resources
Policy *921, Neighbourhoods, Permitted Uses
Policy *919_, Neighbourhoods, Approach for Planning Neighbourhoods – Use, Intensity and Form
*Table 10 Range of Permitted Uses in Neighbourhoods Place Type
*Table 11 Range of Permitted Heights in Neighbourhood Place Type
Policy *935_, Neighbourhoods, Intensity
Policy *936_, Neighbourhoods, Form
Policy *937_ Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods
Policy *939_ Place Type Policies, Urban Place Types, Neighbourhoods, Forms of Residential Intensification

Policy *953_ Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods, Additional Urban Design Considerations for Residential Intensification

Policies 1309_, Natural Heritage, How are We Going To Achieve This?

Policies *1316_- *1318_, *1321_, *1322_, Natural Heritage, Components of the Natural Heritage System

Policies 1325_ - 1328_, Natural Heritage, Habitat of Endangered Species and Threatened Species

Policies 1332_, 1335_, Natural Heritage, Provincially Significant Wetlands, Wetlands and Unevaluated Wetlands

Policies *1340_, *1341_, Natural Heritage, Significant Woodlands and Woodlands

Policies 1361_, 1364_, Natural Heritage, Water Resource Systems

Policy 1382_, Natural Heritage, Adjacent Lands

Policies 1385_, 1386_, Natural Heritage, Other Vegetation Patches larger Than 0.5 Hectares

Policies 1391_, 1392_, 1393_, Natural Heritage, Development and Site Alteration

Policy 1408_, Natural Heritage, How Will We Protect the Natural Heritage System? Stewardship

Policies 1417_, Natural Heritage, How Will We Protect the Natural Heritage System? Management, Restoration and Rehabilitation Priorities

Policy 1423_, Natural Heritage, How Will We Protect the Natural Heritage System? Environmental Management Guidelines

Policies 1425_, 1430_, Natural Heritage, How Will We Protect the Natural Heritage System? Subject Land Status Reports

*Table 13 – Areas Requiring Environmental Study

Policies 1431_, 1436_, Natural Heritage, How Will We Protect the Natural Heritage System? Environmental Impact Studies

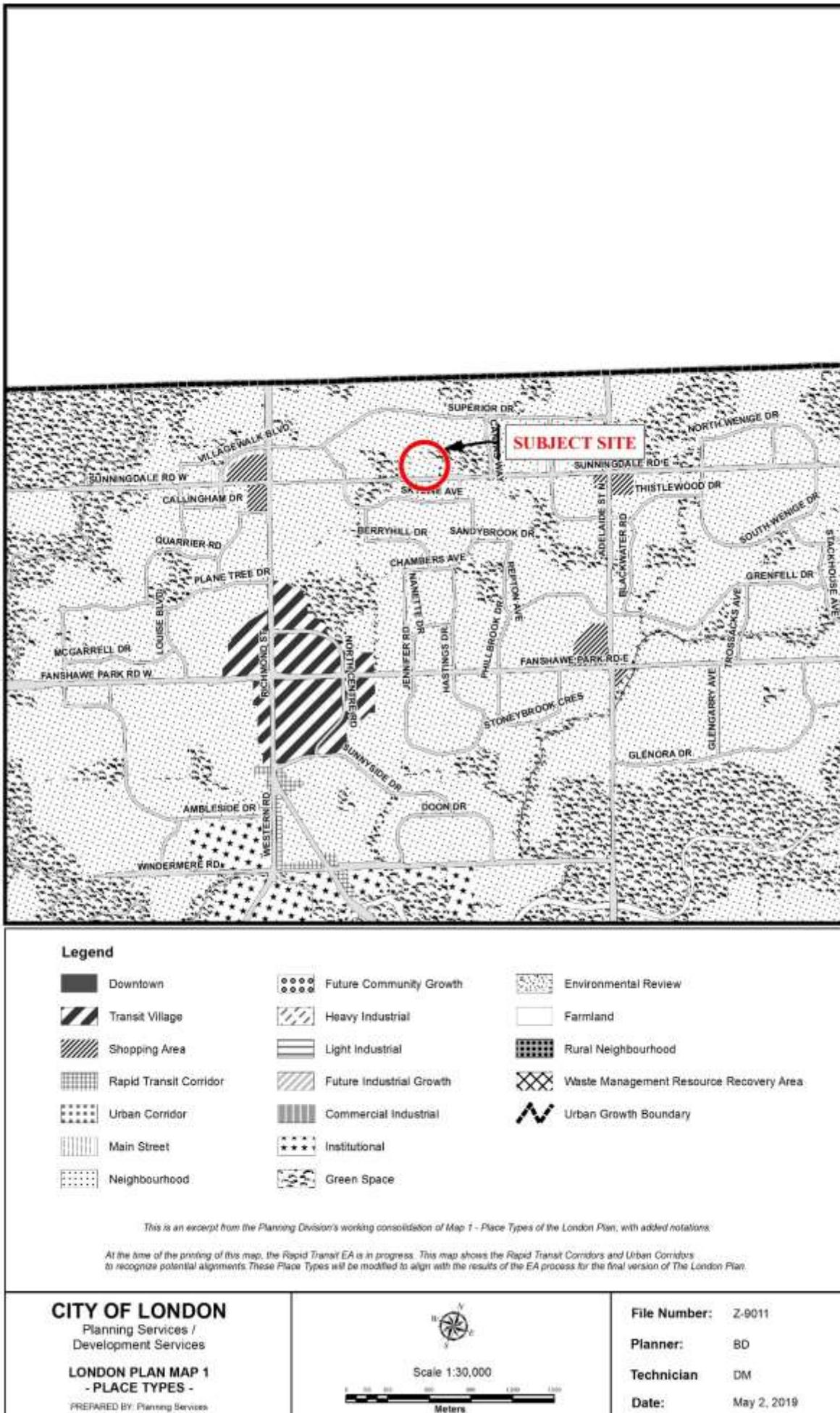
*Policy 1578_ Our Tools Planning and Development Applications, Evaluation Criteria for Planning and Development Applications

Policies 1712 and 1719_, Our Tools, Guideline Documents

Policies 1766_ , 1770_, 1772_, Our Tools, Noise, Vibration and Safety

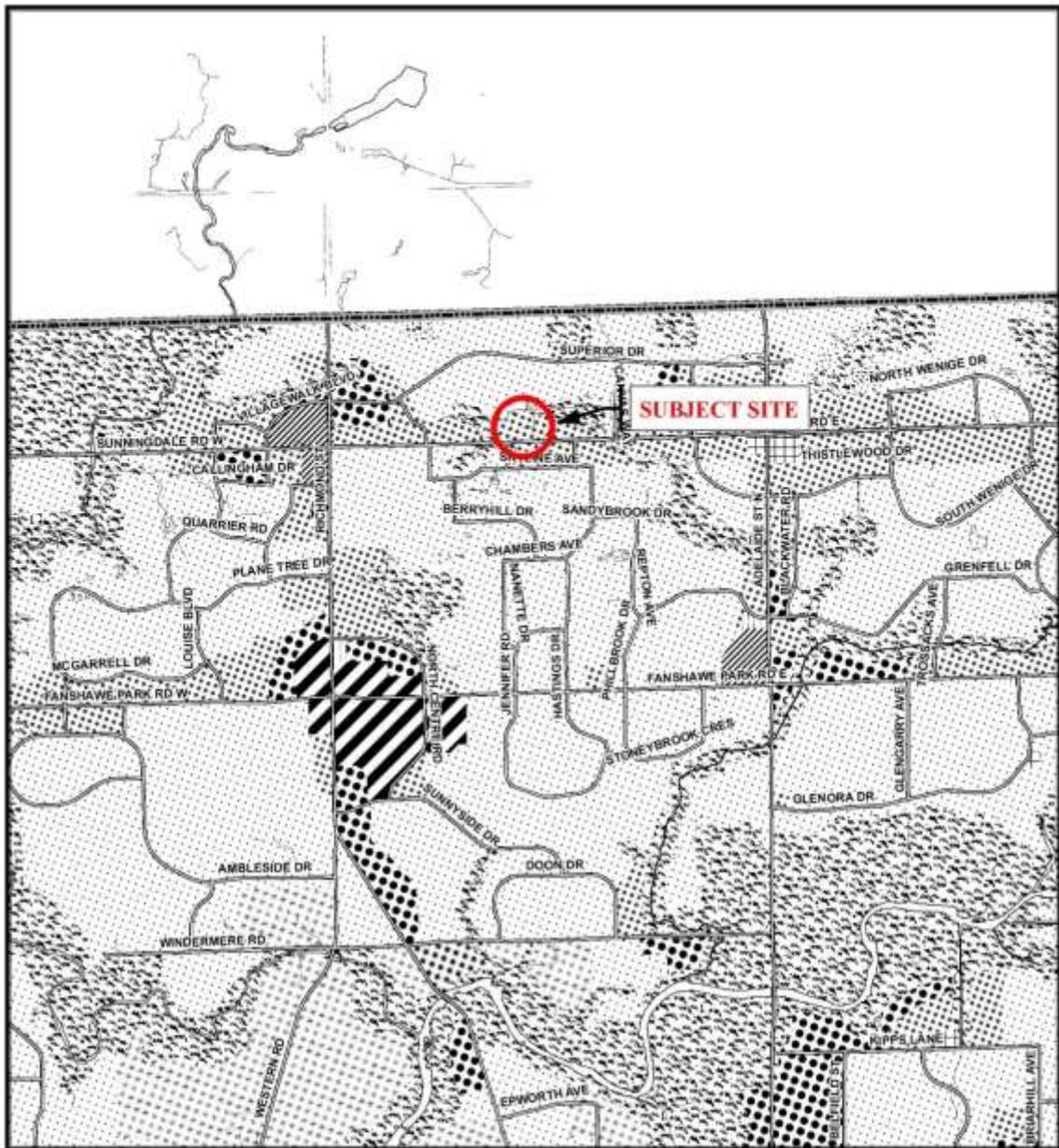
Appendix D – Relevant Background

The London Plan – Map 1 – Place Types



Project Location: E:\Planning\Projects\ip_officialplan\work\conso\00\excerpts_LondonPlan\mxd\Z-9011-LP-Placetypes-Excerpt.mxd

1989 Official Plan – Map 1 – Land Use

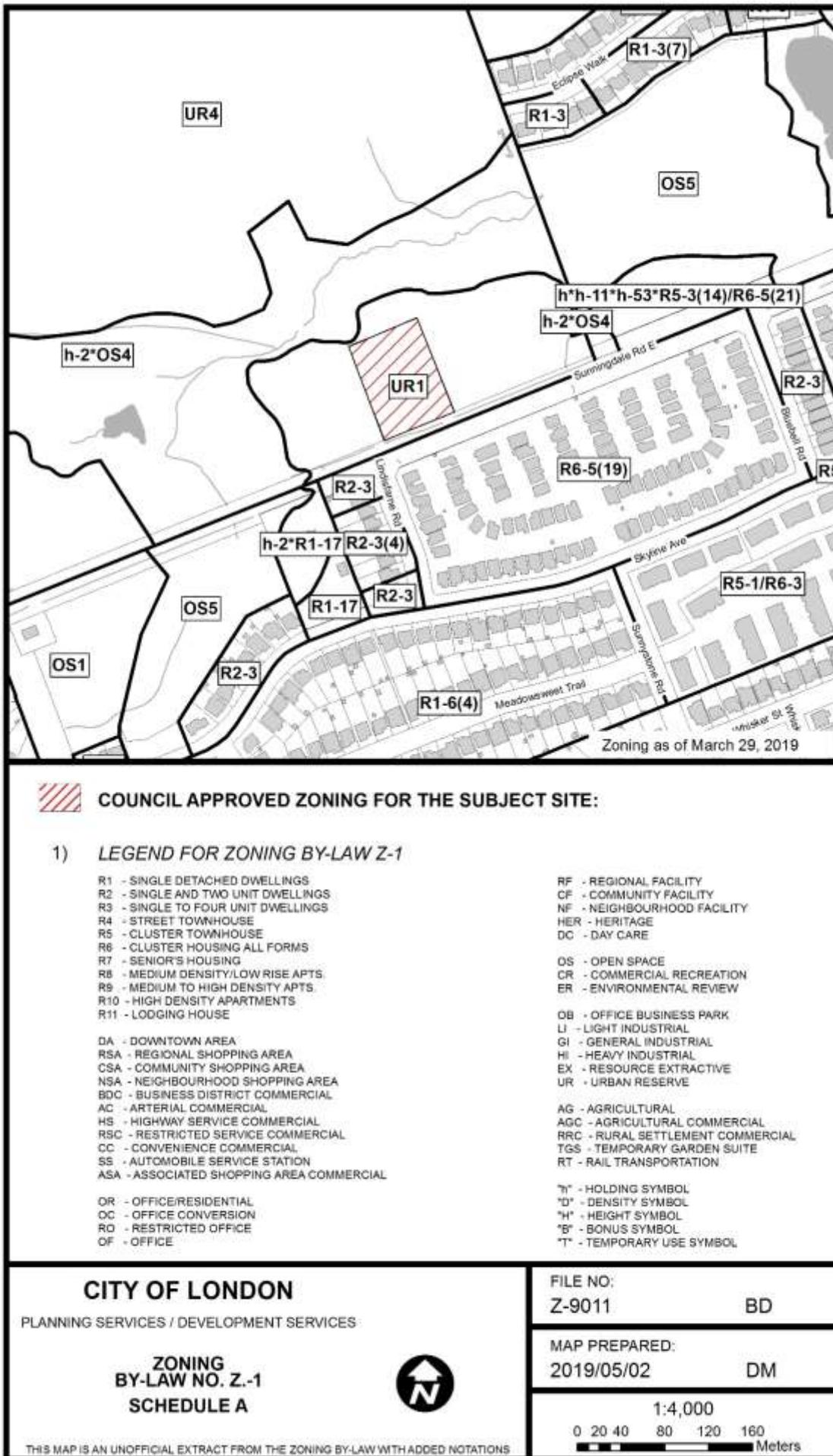


Legend					
	Downtown		Multi-Family, Medium Density Residential		Office Business Park
	Wonderland Road Community Enterprise Corridor		Low Density Residential		General Industrial
	Enclosed Regional Commercial Node		Office Area		Light Industrial
	New Format Regional Commercial Node		Office/Residential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

<p>CITY OF LONDON Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-9011</p>
		<p>PLANNER: BD</p> <p>TECHNICIAN: DM</p> <p>DATE: 2019/05/02</p>

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\cons00\excerpts\imtd_templates\scheduleA_b&w_8x14_with_SWAP.mxd

Zoning By-law Z.-1



Additional Reports

May 27, 2019 - Z-9011 – 348 Sunningdale Road East

Information report to the Planning and Environment Committee, PEC May 13, 2019 recommending the public comments be received and that staff continue to process the application and consider public, agency, and other feedback as part of the staff evaluation to be presented at a future public participation meeting.

From: Patti Ann Reynolds
Sent: Wednesday, October 14, 2020 4:35 PM
To: Cassidy, Maureen <mcassidy@london.ca>; Debbert, Barb <bdebbert@London.ca>
Subject: [EXTERNAL] Re: PPM#348

Dear Maureen and Barb,

Although we would like to attend the Public Participation Meeting on Monday, October 19 at 5:30pm at this time, our Condo AGM is being held and we are Directors of the Board.

Please will you submit our offering below as our comment at the Meeting?

As per my written submission earlier and my little, amateur video, which I understand, could not be viewed at the PPM, our objections to the Zoning By- Law Amendment for Westchester Homes remains.

This proposal is out of harmony with our already existing one and two storey single-family homes in our immediate neighbourhood. With the multitude of housing projects already in progress along Sunningdale, why could not the Planning Committee steer this property in tune with ambiance of the existing environment of Uplands?

The land could have been used for a much-needed one or two storey residential small community for persons with disabilities and seniors.

The multi residential properties being built now along Sunningdale Road are only are for those able-bodied persons because of the amount of stairs in each unit.

The cutting of 69 more trees out of the 136 left trees from the previous decimation on the property is an unacceptable conservation practice. The wildlife especially the bird population will indeed be ruined.

Removal of trees and desecration of the land of all vegetation as was done on the northeast corner of Sunningdale and Richmond should be a reminder to City Council not all projects work. The eye sore from this catastrophe is an example of not taking care and foresight in decision making when it comes to allowing development projects to have free reign as did the previous developers who cut all those beautiful 100 plus year old trees from the property of #348 Sunningdale Road.

This Developer of Westchester Homes was arrogant to put up his Developers Sign along with a proposed architects picture on a tree at the driveway to #348, long before any Zoning By-law or Public Meetings were announced. Warning that although the Environment Studies have been done for this Developer, much more damage to the existing landscape will happen regardless of how much paperwork has been presented.

The concern for increased traffic congestion with potential 85-100 new residents and their vehicles turning or coming from #348 driveway. We believe a detailed study should be made public as to how the design of this entrance way will affect Sunningdale Road.

This Application by Westchester Homes Ltd. for the two, three storey townhomes with a total of 17 units is unwelcomed.

We ask that City Council will reject this plan in favour of a smaller, lower and more practical residential housing project that would embody the character and the spirit of the original owners who took responsible guardianship of #348 Sunningdale Road.

Thank you,
Patti Ann and Harry Reynolds
44-400 Skyline Ave, London, ON N5X 0B3

London Advisory Committee on Heritage

Report

The 7th Meeting of the London Advisory Committee on Heritage
October 14, 2020
Advisory Committee Virtual Meeting - during the COVID-19 Emergency
City Hall is open to the public, with reduced capacity and physical distancing requirements.

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

ABSENT: L. Fischer and S. Gibson

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

The meeting was called to order at 5:31 PM; it being noted that the following Members were in remote attendance: S. Bergman, M. Bloxam, J. Dent, T. Jenkins, S. Jory, J. Manness, E. Rath, K. Waud and M. Whalley

1. Call to Order

1.1 Disclosures of Pecuniary Interest

S. Bergman discloses a pecuniary interest in Item 5.2 of the 7th Report of the London Advisory Committee on Heritage, having to do with a Demolition Request for the Heritage Listed Property located at 954 Gainsborough Road, by indicating that her employer was involved in this matter.

J. Dent discloses a pecuniary interest in Item 4.1 of the 7th Report of the London Advisory Committee on Heritage, having to do with the Stewardship Sub-Committee Report, by indicating that his employer is involved with a matter on the Report.

2. Scheduled Items

None.

3. Consent

3.1 6th Report of the London Advisory Committee on Heritage

That it BE NOTED that the 6th Report of the London Advisory Committee on Heritage, from its meeting held on September 10, 2020, was received.

3.2 Municipal Council Resolution - 6th Report of the London Advisory Committee on Heritage

That the Municipal Council resolution, from the meeting held on September 29, 2020, with respect to the 6th Report of the London Advisory Committee on Heritage, was received.

4. Sub-Committees and Working Groups

4.1 Stewardship Sub-Committee Report

That the following actions be taken with respect to the Stewardship Sub-Committee Report, from its meetings held on September 23, September 30, October 5 and October 6, 2020:

a) the following properties BE ADDED to the Register of Cultural Heritage Resources based on the cultural heritage information presented in the North Talbot Cultural Heritage Inventory prepared by Timmins Martelle Heritage Consultants:

- 124 Albert Street
- 125 Albert Street
- 127 Albert Street
- 129 Albert Street
- 137 Albert Street
- 153-155 Albert Street
- 159 Albert Street
- 175-177 Albert Street
- 179-181 Albert Street
- 65 Ann Street
- 72 Ann Street
- 123 Ann Street
- 125 Ann Street
- 131-133 Ann Street
- 137 Ann Street
- 139 Ann Street
- 140 Ann Street
- 145 Ann Street
- 156 Ann Street
- 164 Ann Street
- 175 Ann Street
- 179 Ann Street
- 180 Ann Street
- 183 Ann Street
- 97 Barton Street
- 100 Central Avenue
- 122 Central Avenue
- 132 Central Avenue
- 133 Central Avenue
- 138 Central Avenue
- 140 Central Avenue

- 141 Central Avenue
- 144 Central Avenue
- 148 Central Avenue
- 150 Central Avenue
- 152 Central Avenue
- 154 Central Avenue
- 156 Central Avenue
- 177 Central Avenue
- 182 Central Avenue
- 183 Central Avenue
- 188 Central Avenue
- 190 Central Avenue
- 204 Central Avenue
- 64 Fullarton Street
- 66 Fullarton Street
- 156-158 Hyman Street
- 195 Hyman Street
- 197 Hyman Street
- 119 John Street
- 121 John Street
- 125 John Street
- 132 John Street
- 133 John Street
- 137 John Street
- 141 John Street
- 142 John Street
- 145 John Street
- 149 John Street
- 151 John Street
- 153 John Street
- 157 John Street
- 158 John Street
- 163 John Street
- 165 John Street
- 166 John Street
- 168 John Street
- 169 John Street
- 170 John Street

- 171 John Street
- 172 John Street
- 173 John Street
- 174 John Street
- 176 John Street
- 178 John Street
- 185 John Street
- 188 John Street
- 189 John Street
- 190-192 John Street
- 197 John Street
- 201 John Street
- 204-206 John Street
- 205 John Street
- 82-84 Kent Street
- 86-88 Kent Street
- 90 Kent Street
- 92 Kent Street
- 96 Kent Street
- 125 Mill Street
- 134 Mill Street
- 134 ½ Mill Street
- 136 ½ Mill Street
- 143 Mill Street
- 147 Mill Street
- 148 Mill Street
- 149 Mill Street
- 160 Mill Street
- 162-164 Mill Street
- 175 Mill Street
- 181 Mill Street
- 185-187 Mill Street
- 191-193 Mill Street
- 207 Mill Street
- 147 Piccadilly Street
- 176 Piccadilly Street
- 214 Piccadilly Street
- 571-575 Richmond Street

- 539 Richmond Street
- 579 Richmond Street
- 581-583 Richmond Street
- 595 Richmond Street
- 609 Richmond Street
- 633-635 Richmond Street
- 637 Richmond Street, 209 John Street
- 711 Richmond Street
- 569-571 Ridout Street North
- 583 Ridout Street North
- 1 St. George Street
- 3 St. George Street
- 4 St. George Street
- 5 St. George Street
- 6 St. George Street
- 7 St. George Street
- 8 St. George Street
- 9 St. George Street
- 10 St. George Street
- 11 St. George Street
- 14 St. George Street
- 49 St. George Street
- 51 St. George Street
- 52 St. George Street
- 53 St. George Street
- 60 St. George Street
- 61 St. George Street
- 62 St. George Street
- 64 St. George Street
- 66 St. George Street
- 75 St. George Street
- 77 St. George Street
- 84 St. George Street
- 86 St. George Street
- 100 St. George Street
- 123 St. George Street
- 130 St. George Street
- 132 St. George Street

- 135 St. George Street
- 547-551 Talbot Street
- 564 Talbot Street
- 569-571 Talbot Street
- 584 Talbot Street
- 590-592 Talbot Street
- 615 Talbot Street
- 620-622 Talbot Street
- 624 Talbot Street
- 625 Talbot Street
- 662 Talbot Street
- 664 Talbot Street
- 666 Talbot Street
- 668 Talbot Street
- 670 Talbot Street
- 694 Talbot Street
- 698 Talbot Street
- 700 Talbot Street
- 718 Talbot Street
- 724 Talbot Street

it being noted that the Stewardship Sub-Committee does not recommend that the properties at 600 Talbot Street and 152 Albert Street be added to the Register of Cultural Heritage Resources;

b) the property located at 1928 Huron Street BE ADDED to the Register of Cultural Heritage Resources based on the attached statement explaining the cultural heritage value or interest of the property;

c) the resource known as 197 Ann Street BE DESIGNATED, pursuant to Part IV of the Ontario Heritage Act, based on the attached evaluation of the property including the Statement of Cultural Heritage Value or Interest;

it being noted that the properties located at 175, 179, 183, and 197 Ann Street and 84 and 86 St. George Street have merged;

d) the resource known as 183 Ann Street BE DESIGNATED, pursuant to Part IV of the Ontario Heritage Act, based on the attached evaluation of the property including the Statement of Cultural Heritage Value or Interest;

it being noted that the properties at 175, 179, 183, and 197 Ann Street and 84 and 86 St. George Street have merged;

e) the balance of the above-noted Stewardship Sub-Committee Report, BE RECEIVED.

5. Items for Discussion

5.1 Heritage Alteration Permit Application by J. Banninga and J. Williams at 784 Hellmuth Avenue, Bishop Hellmuth Heritage Conservation District

That, on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under

Section 42 of the Ontario Heritage Act seeking approval for alterations to the property located at 784 Hellmuth Avenue, within the Bishop Hellmuth Heritage Conservation District, BE PERMITTED with the following terms and conditions:

- the replacement of the windows, specified in this Heritage Alteration Permit, be replaced no later than December 22, 2020; and,
- the Heritage Alteration Permit be displayed in a location visible from the street while the work is underway.

5.2 Demolition Request for Heritage Listed Property at 954 Gainsborough Road by 24255284 Ontario Inc.

That, on the recommendation of the Director, Development Services, with the advice of the Heritage Planner, the following actions be taken with respect to the request to demolish the buildings on the heritage listed property located at 954 Gainsborough Road:

- a) the above-noted request to demolish BE PERMITTED;
- b) the Chief Building Official BE ADVISED of Municipal Council's intention in this matter; and,
- c) the property located at 954 Gainsborough Road BE REMOVED from the Register of Cultural Heritage Resources.

6. Adjournment

The meeting adjourned at 6:33 PM.

Statement Explaining the Cultural Heritage Value or Interest of 1928 Huron Street (Tackabury House)

The property at 1928 Huron Street is recommended to be added to the Register of Cultural Heritage Resources as a heritage listed property because of its historical value in its associations with the Tackabury family, its contextual value in relation to other historic properties in the area as part of The Grove, and its design values as a representative Ontario farmhouse building.

The Tackabury family as an early pioneer family in London Township, settling on the south bank of the North Branch of the Thames River (Lot 1, Concession II, London Township, later purchasing more property in the area) in 1829. The Tackabury family was instrumental in the establishment of The Grove as a historic community, which grew to include a church, school, and cemetery (1425 Huron Street; also known as Webster's Cemetery). The Grove Church (demolished) at 1920 Huron Street was constructed on land donated by James Tackabury in 1862 and many members of the Tackabury family are buried at The Grove Cemetery.

The properties at 1928 Huron Street (James Tackabury House), 1424 Clarke Road (Nathaniel Tackabury House), and 1588 Clarke Road (John Tackabury House) are all believed to have been constructed in the 1860s for members of the Tackabury family. The properties together have contextual value in their relationship together in their physical and historical links together, as well as their role in supporting the historic character of the area (as relics). The properties are representative examples of 1860s farmhouses in the former London Township.

The date of the construction of the house at 1928 Huron St is estimated as 1862. This is the date when James Tackabury bought or inherited 50 acres of his father's land (S1/2 Lot 4, Conc 3) which included the section along the north side of Huron St. At this time he also gave a half acre of his land for The Grove Methodist Church which was built in brick in 1862 in the south-west corner of his land.

The style of his nearby farmhouse is remarkably similar to his father's house at 1588 Clarke Road to the north. Constructed of buff London brick, it is in the form of a simple one and a half storey small farmhouse. It is a vernacular symmetrical centre-hall plan with a small gable to the front of a cross-gable roof. There is evidence, in the extant segmented arch brick voussoir and indented line in the brick of the doorway, that the front door was larger than it is today and probably was topped with a transom. The windows are topped with bricks in a soldier course. The foundation is constructed of fieldstone.

Evaluation of Cultural Heritage Value or Interest: The Kent Brewery building at 197 Ann Street

1.0 Background

1.1 Property Location

The property at 197 Ann Street is located on the south side of Ann Street east of St. George Street (Appendix A). The property at 197 Ann St. consists of a two-storey main building (the Kent Brewery building), the adjoining one-storey brewery washhouse, a side garage, and three storage/garage outposts that extend to the back of the property.

1.2 Cultural Heritage Status

The property at 197 Ann Street was added to the *Inventory of Heritage Resources* in 1997. In 2007, the *Inventory of Heritage Resources* was adopted in its entirety as the Register pursuant to Section 27 of the *Ontario Heritage Act* by Municipal Council. The property at 197 Ann Street is a potential cultural heritage resource.

1.3 Description

The Old Kent Brewery at 197 Ann St is a two-storey former industrial building built for purpose as a proto-industrial mid-19th century brewery (Appendix B). It has the simple spare lines and square form of the Georgian style which was eminently suited to its utilitarian and vernacular function. It adheres to the Georgian style with its simplicity: the flat planes of its façade and side walls and the symmetry in the placement of the windows. The symmetry of the façade is broken by the side placement of the front door which allowed more space inside for production activities.

This building is clad in locally-sourced London buff brick and an Italianate influence can be seen in the construction of an elaborate and corbelled brick cornice above. This is more typical of urban residences of this time. The brick corbel coursings meet at the corners and produce a stylish parapet effect. There is no basement line visible on the outside, testifying to the age of the building.

Most of the original windows are segmental-arch openings topped with brick voussoirs. The single-storey washhouse to the west side also has a segmental arch window with brick voussoir. It appears that other doors and windows, especially seen on the west side, have been bricked up as the building's function changed over the years.

1.4 Property History

The historic Carling's Creek, though now largely underground (a "lost creek"), nevertheless retains strong historical resonances to this day. It was described as a potential mill seat—a site of economic potential—in 1793 (See Appendix C). This was one of the small number of significant features noted about London by the Simcoe expedition that decided London's location. The creek still empties into the river just south of Ann Street Park, and is also daylight (i.e., visible) between Waterloo and Colborne near Pall Mall. The property at 197 slopes down towards the former creek bed, which is behind a fence immediately to the north of the property.

1.4.1 197 Ann Street

197 Ann St. is historically significant to London because, as brewing historian Glen Phillips notes, "the main building is the largest surviving brewery artifact from Victorian London Middlesex." Along with flour milling and lumbering, brewing stands as one of the Canada's earliest industries. The brewing history in London is significant on a national scale with some of the largest breweries in Canadian history, Labatt and Carling, having their roots here. Brewers that were able to do well in their own local markets were well situated when the Canadian Pacific Railway came through London. It enabled them to be able to transport ale across the country and dominate larger markets. London's dynamic licensed liquor trade, pronounced early military presence, and its rising population were enticing factors for the several brewers who arrived on the local scene during the 1840s. The majority of Londoners, additionally, were of English, Scottish or

Irish descent, all strong brewing nations, and belonged primarily to those religious denominations not prone to temperance.

The years 1857 to 1861 were the hardest years, financially, that the brewing industry in London had seen to date. Canada was in the grips of the first worldwide economic crisis, triggered by the Panic of 1857, which began in the United States on August 24, 1857. In 1859, during this general economic depression, Henry Marshall and John Hammond opened the Kent Brewery on lot 3, on the south side of Ann Street, between Sarnia (Richmond) and Talbot. The brewery's washhouse would later be built on lot 4. In 1861, the economic climate, and strong competition from the city's two largest breweries, forced the original owners of the Kent Brewery out of business within two years.

Marshall and Hammond's successors, Francis L. Dundas and John Phillips, made enlargements and additions to the brewery. However, Dundas and Phillips were even less fortunate. After only six months, Phillips dissolved his partnership with Dundas. Three months after that, Phillips too gave up. In November 1861, John Hamilton, an ale brewer from Dunfermline, Scotland, moved to Canada and took up the business, living in a house on Ann Street near the brewery. Hamilton completely turned the brewery around and made a comfortable profit.

John Hamilton was born July 12, 1824, in Dunfermline, Fife, Scotland to John Hamilton (b. April 17, 1791, Dunfermline-d. 26 May 1861) and Janet McNab (b. 1796, Scotland). John was an ale brewer in Scotland.

John married Agnes Horn (also of Dunfermline). They had a son, Joseph, and a daughter, Elizabeth. Joseph would come to head the family brewing business. Elizabeth would marry Samuel Arscott (1849–1922), son of Richard Arscott, founder of the Arscott Tannery. The Arscott tannery was another London industry that had its beginnings on Ann Street next to Carling's Creek, less than a block from the Kent Brewery. Elizabeth married, in other words, her near neighbour. Samuel Arscott would go on to build one of Canada's largest tanneries, in Benton, New Brunswick, and also run three tanneries in Walkerton.

John Hamilton briefly held a partnership in the brewery with Daniel Morgan, who also lived on Ann Street (1863 City Directory). The partnership lasted until the mid-1860s, but Hamilton soon operated the enterprise alone.

In reflecting on the Kent Brewery during the Hamilton era, brewing historian Glen Phillips believes that, "ultimately [Hamilton's] success proved that even the humble could be mighty in their own modest ways."¹² In 1870, the 8,000 gallons of ale and porter produced at the Kent Brewery netted Hamilton an income of \$500.

The Kent Brewery was situated in 1859 on lot number 3 on the South Side of Ann Street. By 1 April 1872, John Hamilton has become sufficiently prosperous that he was able to purchase all of the land between his brewery and St. George St. (lots 4-7). In present day terms, these properties are the former brewery washhouse (lot 4), the Hamilton homestead (183 Ann Street, or lot 5), the house where Joseph lived (179 Ann Street, or lot 6), and the house where John Arscott, one of their relations-by-marriage, lived from 1894 until at least 1900 (175 Ann Street, lot 7).

From 1873 to 1884, a new era in the history of beer was born in Ontario. The birth of beer branding was characterized by stiff competition, and many of the smaller breweries in London like John Allasters' Dundas Street Brewery in the East End, Robert Arkell's Kensington Brewery, and David Haystead's Victoria Brewery did not survive.

While other small breweries went out of business for various reasons, including increased competition, temperance, and fires, the Kent Brewery rose steadily in popularity. Stories about the Kent Brewery were picked up by The Globe [precursor to the Globe & Mail], suggesting a brewery with more than local significance. The central factor in John Hamilton's success was his marketing strategy, and the recognition that he was not going to overpower Labatt and Carling on volume and area of distribution.

The Kent Brewery's growth relied on focused sales, branding, and persistent advertising. On October 9th, 1887, John Hamilton passed away and the business was taken over by his son, Joseph. At this juncture, Joseph Hamilton had at least 14 years of experience working at the Kent Brewery before he assumes the reins.

Over the next five years, Joseph Hamilton managed to nearly triple the brewery's commercial worth. In October 1888, a year after John died, the *London Advertiser* noted that Joseph Hamilton had managed to rapidly build up his locally-based business. Joseph Hamilton's adoption of "London Porter" as his brand played on a centuries-old tradition of well-regarded porters brewed in London, England. According to Philips, promotional slogans like,

"Hamilton's London Porter is Universally Acknowledged to be the Peer of all Porters";

"Hamilton's London Porter still maintains its high standard of excellence, never deviating except for the better";

"Hamilton's London Porter is unsurpassed by any Canadian Stout. You can always rely on the quality of this article";

"Hamilton's London Porter is equal to the best imported. Sells on its own merits. You cannot make a mistake if you can ask for Hamilton's";

"Hamilton's London Porter--The Most Recommended Beverage on the Market"

could now be regularly found next to the London Free Press masthead. The Kent Brewery's focus on a niche market—catering to local tastes by selling a unique English-style porter—was ultimately the recipe for its success.

The profitability of the brewing industry in Ontario was also dependent to a large extent on waves of temperance sentiment. In the post-1860 period, anti-liquor legislation manifested itself throughout Canada with increased frequency. The *Dunkin Act*, passed in the United Provinces of Canada in 1864, made it possible for any county or municipal council to prohibit retail trade within its borders by majority vote of electors; this was known as "the local option".

In 1878, the Dominion government passed a temperance act called the *Scott Act*. Large sections of the Maritime Provinces voted in favour of the new act, but in Ontario, support for temperance was not as widespread. By the turn of the century, however, this began to change, and many breweries began to close across the province. By 1888, Labatt, Carling, and Kent were the sole breweries left in operation in London according to the city directories, and it remained that way until the *Canadian Temperance Act* was passed in 1916.

As a war policy, between 1916 and 1917, strict temperance legislation was passed in all Canadian provinces, and all alcohol, except for medicine and scientific purposes, was prohibited. Mike Baker and Glenn Phillips assert that this legislation closed the doors of the Kent Brewery for good. Joseph Hamilton's death certificate shows him as having retired from the brewing business in 1916 (Certificate Number 026246). In 1918, the city directories list the property at 197 Ann St. as vacant for the first time.

Following the closure of the Kent Brewery, 197 Ann St. continued to play a role in London's industrial life. It functioned as a garage in the 1920s, immediately after the period of vacancy. Other highlights include its use as a cigar factory, a cheese factory, and a bicycle shop.

From 1930–1938 it was used as a winery, which first appears as the Royal Winery, and then Adelaide Winery, which had been licensed in 1918, and which sold "Fine Wines & Champagnes". Adelaide Winery was bought by the London Winery.

It has also been used as an automotive repair shop at multiple times in its history, as well as other automotive-related uses (the Stark Truck Service and the A-1 Delivery Service). Today, it is home to Williams Downtown Automotive Service. The large industrial spaces that lent themselves to making beer, wine, cigars, and cheese, were easy to adaptively re-use for garaging bicycles, cars, or trucks.

Beginning in 1984, the property began to regularly house tenants in addition to serving its commercial role. From the information available, the tenants seem to have been primarily students.

2.0 Request for Designation

On December 11, 2019, the London Advisory Committee on Heritage requested that the property at property at 197 Ann Street BE REFERRED to the Stewardship Sub-Committee for research and evaluation for a possible heritage designation. The Stewardship Sub-Committee undertook research and evaluation of the property at 197 Ann Street.

3.0 Cultural Heritage Evaluation

3.1 Evaluation

The property at 197 Ann Street was evaluated using the criteria of O. Reg. 9/06. A summary of the evaluation is included below.

Table 1: Evaluation of property at 197 Ann Street using the criteria of Ontario Heritage Act Regulation 9/06.

Cultural Heritage Value	Criteria	Evaluation		
Physical/Design Values				
The property has design value or physical value because it,	Is a rare, unique, representative or early example of a style, type, expression, material, or construction method		No x	Though the property is considered to be the largest surviving brewery artifact from Victorian London-Middlesex, the property at 197 Ann Street is not a rare, unique, representative or early example of a style, type, expression, material, or construction method.
	Displays a high degree of craftsmanship or artistic merit		No x	The property at 197 Ann Street is not believed to demonstrate a high degree of craftsmanship or artistic merit.
	Demonstrates a high degree of technical or scientific achievement		No x	The property at 197 Ann Street is not believed to demonstrate a high degree of technical or scientific achievement.

Historical/Associative Values				
The property has historical value or associative value because it,	Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community	Yes x		<p>This property is valued for its direct associations with the Kent Brewery (the third most significant historic brewery in London after Carling's and Labatt's), and the Hamilton brewing family, particularly John Hamilton, who ran the brewery from 1861–1887, and his son, Joseph Hamilton, who ran the brewery from 1887–1917.</p> <p>This property is valued for its associations with the historic Carling's Creek (now largely underground), and with the early industrial history that grew up around Carling's Creek and CPR Corridor.</p>
	Yields, or has the potential to yield, information that contributes to an understanding of a community or culture	Yes x		<p>This property is valued for its potential to yield information on the history of the Talbot North neighbourhood (prioritized in <i>Heritage Places 2.0</i> as the area of highest importance for a future potential Heritage Conservation District).</p> <p>This property is valued for its potential to yield information on the nationally-significant brewing history of London-Middlesex.</p> <p>This property is valued for its potential to yield information on the Carling's Creek and CPR corridor (a distinctive sub-area of Talbot North).</p>
	Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community		No x	The property at 197 Ann Street is not known to demonstrate or directly reflect the work or ideas of an architect, artist, builder, designer, or theorist.

Contextual Value				
The property has contextual value because it,	Is important in defining, maintaining, or supporting the character of an area	Yes x		<p>This property is valued because it is important in defining, maintaining and supporting the early industrial character of the area, as the earliest representative industrial building.</p> <p>The longevity of the site within the neighbourhood, and the fact that it is the last remaining industrial property in Talbot North sited to take advantage of Carling's Creek, make it is one of the defining buildings of the Talbot North neighbourhood, which is currently #1 in the priority list of neighbourhoods to be considered for Heritage Conservation District status in London.</p>
	Is physically, functionally, visually, or historically linked to its surroundings	Yes x		<p>This property is visually, historically, and functionally linked to the industrial buildings that congregated near the CPR tracks, including the CPR cold storage across the tracks to the northwest (attached to 123 St. George Street), the CPR warehouse to the north (later Capitol's first record-pressing plant in Canada) (100 St. George), the Fireproof Warehouse (215 Piccadilly/715-717 Richmond) and the Murray-Selby Shoe Factory Building to the northeast, the former CPR passenger station, and the former Ford Factory at Pall Mall and Waterloo. These buildings are part of the visible landscape that surrounds the brewery to the west, south, and east, and are similar examples of successful adaptive reuse.</p> <p>This property (197 Ann St) is valued because it is historically linked to the properties immediately to the west that brewer John Hamilton owned, and brewer Joseph Hamilton built for his family residence (183 Ann St.) or lived in (179 Ann St.).</p> <p>This property is valued because it is visually and physically linked to 183 Ann Street. Joseph Hamilton clad the Kent Brewery (197 Ann Street) in a similar buff brick to the brick he used in building his residence next door at 183 Ann Street. There are also similarities in the form, size, and style of the windows. The brick used for 183 and 197 Ann Street echoes that used for the cottage immediately to the west (179 Ann Street), which was also owned by the Hamilton family.</p> <p>Taken together, these three structures are visually and functionally linked: they present</p>

				a rare Canadian example of a 19th Century brewery district, where the brewers' houses are preserved along with the brewery building.
	Is a landmark		No x	Though the property was noted as a landmark by Goodspeed in 1889, when the brewery was still in active production, it would not be considered a landmark in the community today.

3.4 Integrity

While integrity is not a measure of architectural/design value, there is a high degree of retention of original elements of the cultural heritage resource in the main building and washhouse at 197 Ann Street. Its profile, massing, and scale, in addition to a number of openings (some filled-in, but present) appear as they did in the c. 1905 photograph, at the peak of the brewery's business. Changes that have occurred have been generally sympathetic to the cultural heritage values of the property.

3.5 Authenticity

Authenticity speaks to whether the design of the structure communicates today as an expression of its period and architectural style. A comparison with the 1856 image of the Plummer and Pacey Building (Appendix D), suggests that the building retains an authentic expression of a mid-19th Century Georgian proto-industrial building.

4.0 Conclusion

The property at 197 Ann Street is a significant cultural heritage resource that merits designation under Part IV of the *Ontario Heritage Act* due to its historical associations and contextual value. The property at 197 Ann Street is worthy of conservation.

Between 1886 and 1916, the Kent Brewery was one of only three breweries in London, the other two being Labatt's and Carling's. In an era where other small-scale local breweries were closing for reasons such as fires, temperance, and increased competition; Kent was able to grow. The Kent Brewery was well-known for its English-style porter and had a reputation for brewing good quality local beer. Kent got its name because its beers were made from flavoured white hops imported from the renowned hop fields of Kent, England. Its name is not to be confused with the Kent family in London's early history.

The historic Carling's Creek, though now largely underground (a "lost creek"), nevertheless retains strong historical resonances to this day. It was described as a potential mill seat—a site of economic potential—in 1793 (See Appendix C). This was

one of the small number of significant features noted about London by the Simcoe expedition that decided London's location.

The property at 197 Ann St. is important in defining the character of the historic Carling's Creek and CPR corridor. It is an important link to the era before the CPR railway, and to the industries that were attracted by the Creek. Although a number of important industrial buildings have been preserved from the CPR era, the Kent Brewery is both the oldest remaining industrial structure in the area, and the only industrial building in Talbot North that retains that primary relationship to the Creek.

It is also visually, historically, and functionally linked to the industrial buildings that congregated near the CPR tracks, including the CPR cold storage across the tracks to the northwest, the CPR warehouse to the north (later Capitol's first record-pressing plant in Canada), the Fireproof Warehouse and the Murray-Selby Shoe Factory Building to the northeast, the former CPR passenger station, and the former Ford Factory at Pall Mall and Waterloo. These buildings are part of the visible landscape that surrounds the brewery to the west, south, and east.

Collectively, these buildings constitute one of the strongest examples of adaptive re-use of heritage structures in London, one of the hallmarks of the area. The Kent Brewery building is similarly an exemplar of adaptive reuse, having been successfully repurposed many times in its history, notably to make wine, beer, cheese, and cigars, and now a residential use.

Talbot North has the highest priority for consideration as a potential Heritage Conservation District according to *Heritage Places 2.0*.

The industrial properties near Ann and Piccadilly Streets west of Richmond, and their relationship to the CPR tracks and Carling's Creek, are among the unique identifiers of the Talbot North neighbourhood, one of the unique characteristics of the neighbourhood to be considered for preservation in any forthcoming HCD study. The Kent Brewery is primary in defining that uniqueness, and this area.

5.0 Recommendation

That on the recommendation of the Stewardship Sub-Committee, notice be given under the provision of Section 29(3) of the Ontario Heritage Act R.S.O. 1990, c. O. 18 of Municipal Council's intention to designate the property at 197 Ann Street to be of cultural heritage value or interest for the reasons outlined in Appendix E of this report.

Acknowledgments

Acknowledgments to Hayley Caldwell for allowing the use of material from her 2017 Public History Heritage Property Research for 197 Ann Street, to Hilary Bates Neary for her assistance in land registry records research, to Dan Brock for genealogical information, to Janet Hunten and Theresa Regnier for researching tax assessment and collectors rolls, to Joe O'Neil for photography, to Mark Tovey for providing historical and chronological information, and to Maggie Whalley on her work identifying the architectural details of the property.

Bibliography

Baker, M. & Neary, H. B. (2003). *London Street Names: An Illustrated Guide*. Toronto: Lorimer.

Brock, D. J. (2011). *Fragments from the Forks: London, Ontario's legacy*. London, Ont: London & Middlesex Historical Society.

Caldwell, H. (2017, December 5). 197 Ann Street: Evaluation of Cultural Heritage Value or Interest. Public History Heritage Designation Reports. AFC 338, London Neighbourhood and Building Resource Collection. Western University, Western Archives.

Canada's Historic Places: <https://www.historicplaces.ca/en/home-accueil.aspx>

Census. Various years.

City Directory. Various years.

Death records.

Goodspeed, W.A. and C.L., Publishers. (1889). *History of the county of Middlesex, Canada*.

List of Breweries in Canada: https://en.wikipedia.org/wiki/List_of_breweries_in_Canada

Land Registry Records. Various years.

London Old Boys. London, Ontario, Canada. Semi centennial, 1855-1905. (1905).
London, Ont.: London Printing and Lithographing.

London City Directories 1856-2013. Ivey Family London Room.

Museum London (London, Ont.) (2006). *A new London, 1914: Selections from the Orr Photographic Collection*.

Phillips, G. C. (2000). *On tap: The odyssey of beer and brewing in Victorian London-Middlesex*. Sarnia, Ont: Cheshire Cat Press.

Priddis, Harriett (1909). *The Naming of London Streets*. Historic Sketches of London Ontario Part II. London, ON. The London and Middlesex Historical Society.

Tax Assessment Records. Various years.

Appendix A – Location

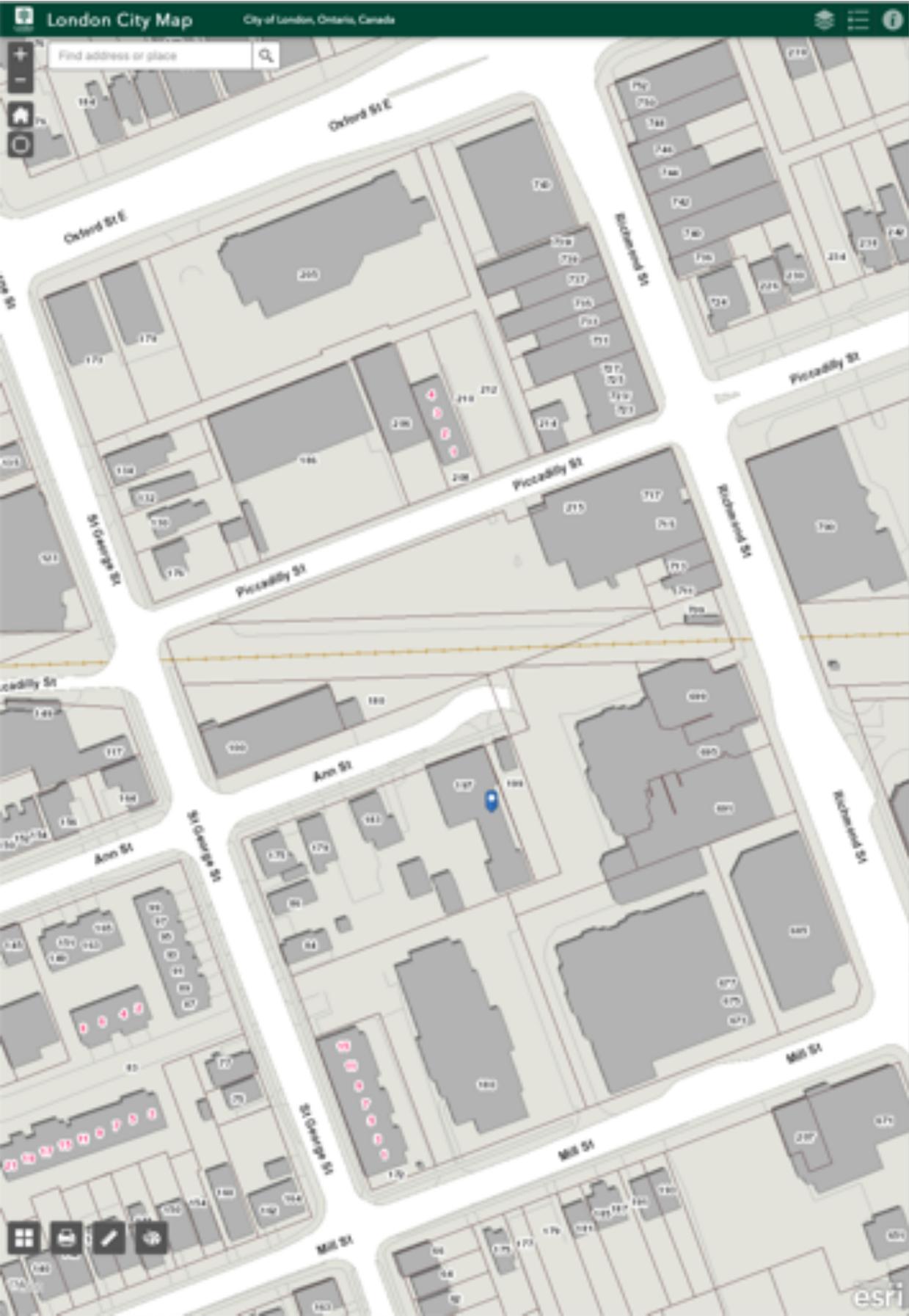


Figure 1: Property location of 197 Ann Street

Appendix B – Images



Image 1. Kent Brewery, London Old Boys Semi-Centennial 1855-1905, published 1905.

Photograph of the Kent Brewery after “extensive alterations and additions were made” by Joseph Hamilton “near the end of the [19th] century” (Phillips, 155).



Image 2. Kent Brewery building, October 2020

Apart from a new door in the centre, the main Kent Brewery building still looks much as it did at its peak, when the photograph above was published in 1905.



Image 3: The main brewery building



Image 4: The brewery washhouse

sa

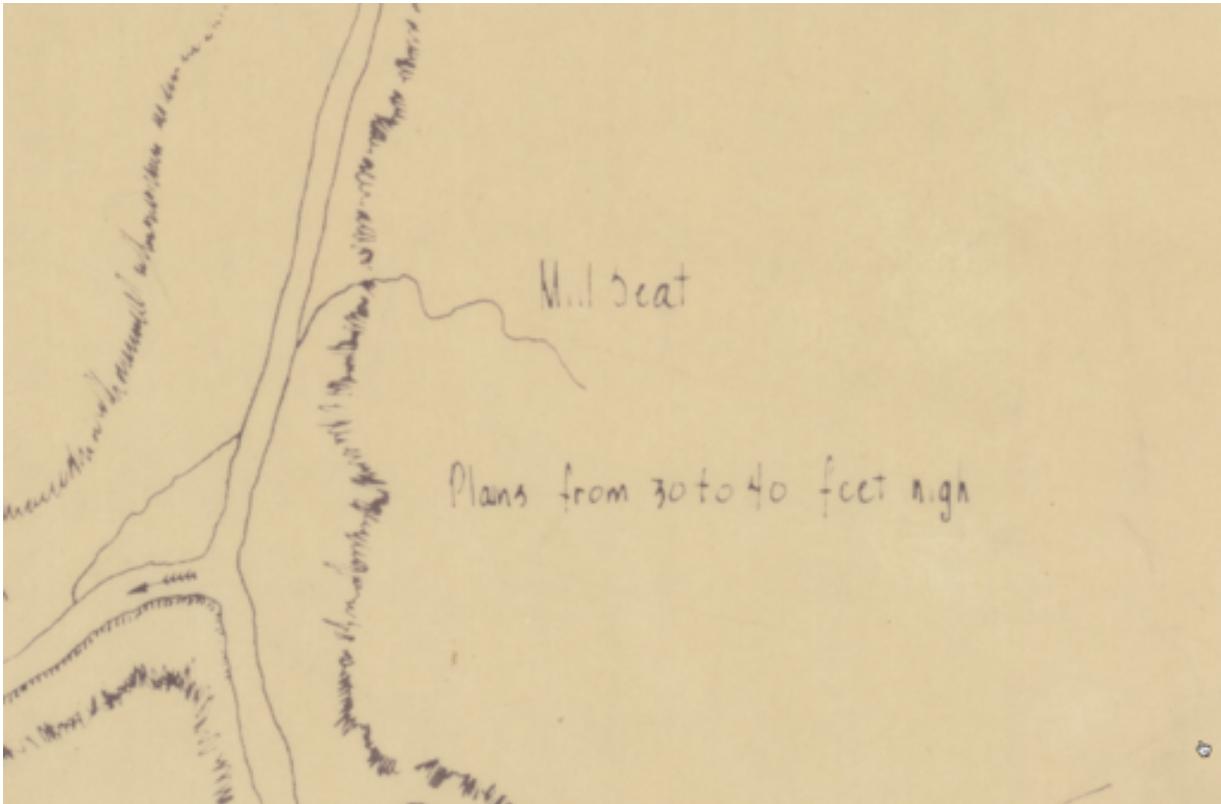


Image 5: Main brewery building (left) and brewery washhouse (right)

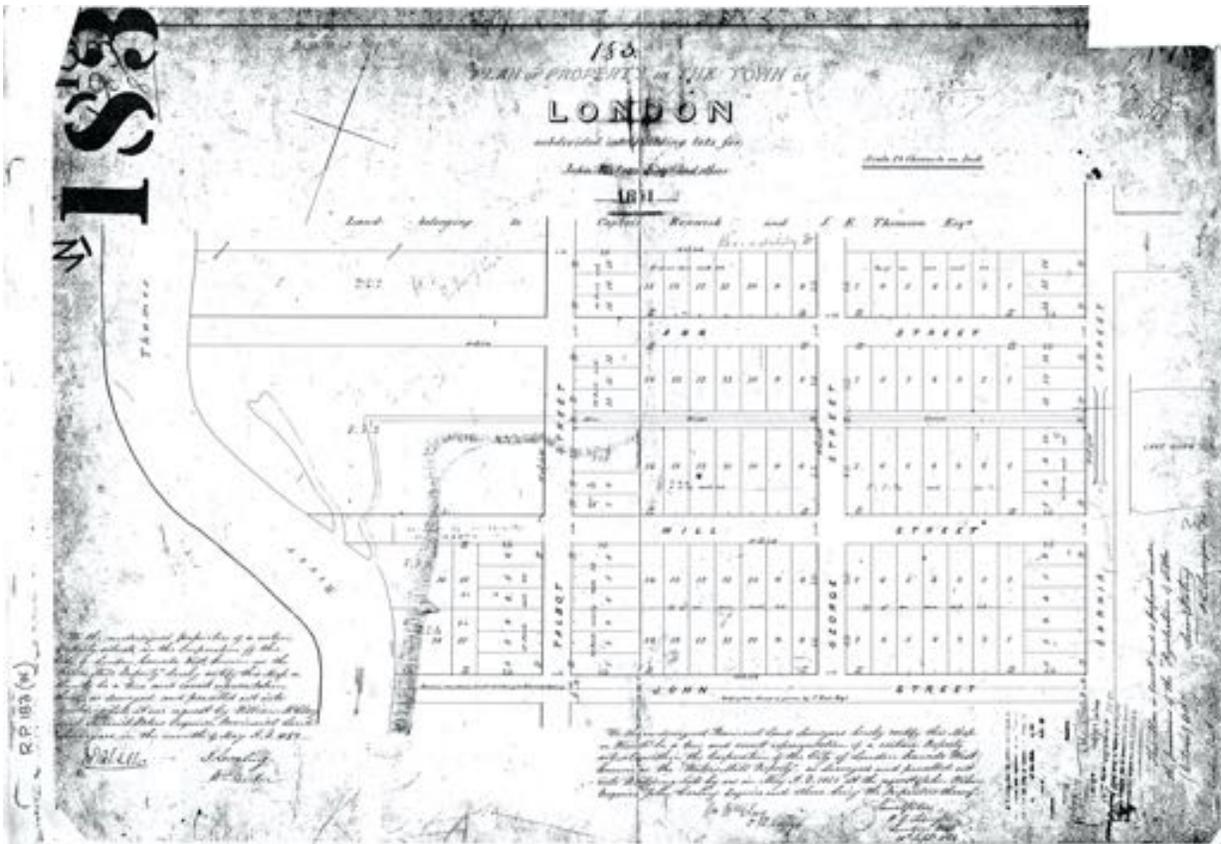


Image 6: The brewery (far left) and the two residences associated with it, 183 Ann Street (centre) and 179 Ann Street (right). John Hamilton owned all of these properties, and Joseph Hamilton lived in both 183 and 179 Ann Street at different times. The only other identifiable example in Canada of an extant brewery building with the brewer's house still intact next door is Alexander Keith's brewery in Halifax (see Appendix D)

Appendix C – Historical Documentation



Detail from Grant map made from notes made during Lt-Gov. John Graves Simcoe's 1793 expedition to what would become London ON. Carling's Creek is one of the few features noted. A potential "Mill Seat" meant a place of economic potential. In 1836, forty years later, Thomas Waters made good on this economic promise by setting up Waters' Mill on the Creek. Map produced by surveyor Lewis Grant in 1830 based on field notes of Augustus Jones from 1792–1793.



In 1851, the Waters' Mill property was surveyed and subdivided by a consortium that included John Carling, John Wilson, and future London Mayor William Barker. The Creek would later be re-channelled west of Richmond. (RP 183(W)).

OLDEST REMAINING INDUSTRIAL BUILDING IN CARLING'S CREEK AND CPR CORRIDOR

Contextual Value

Hyman's Tannery 1867

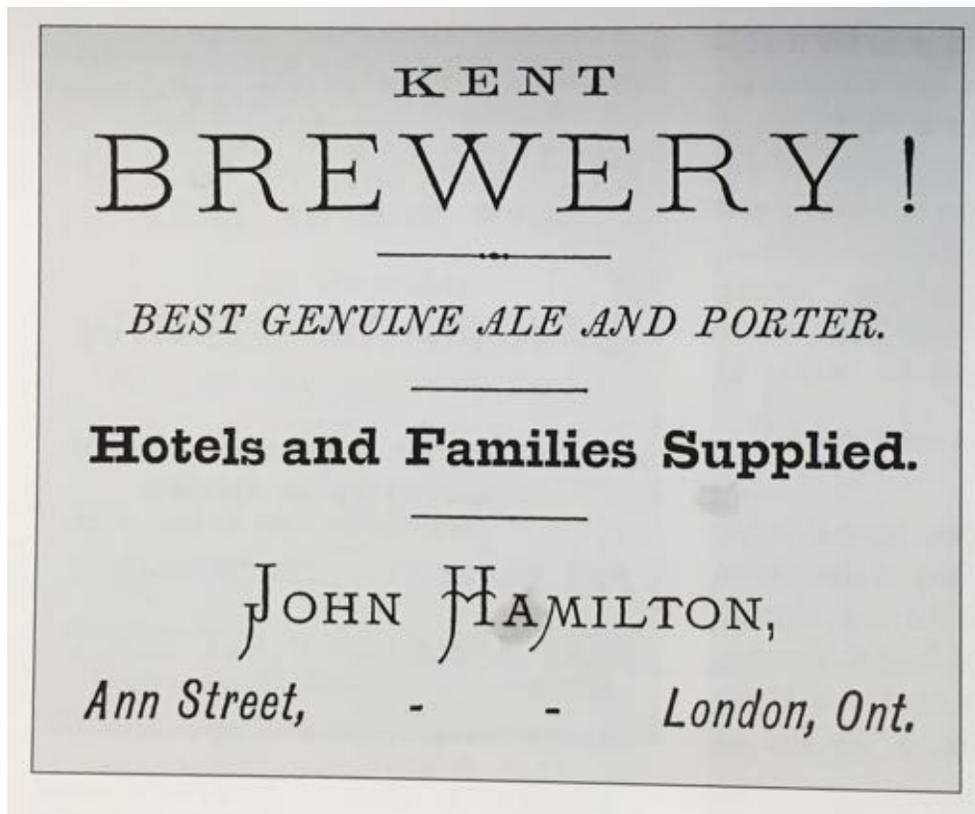
Kent Brewery 1859

Arscott's Tannery Est. 1866, rebuilt c. 1869

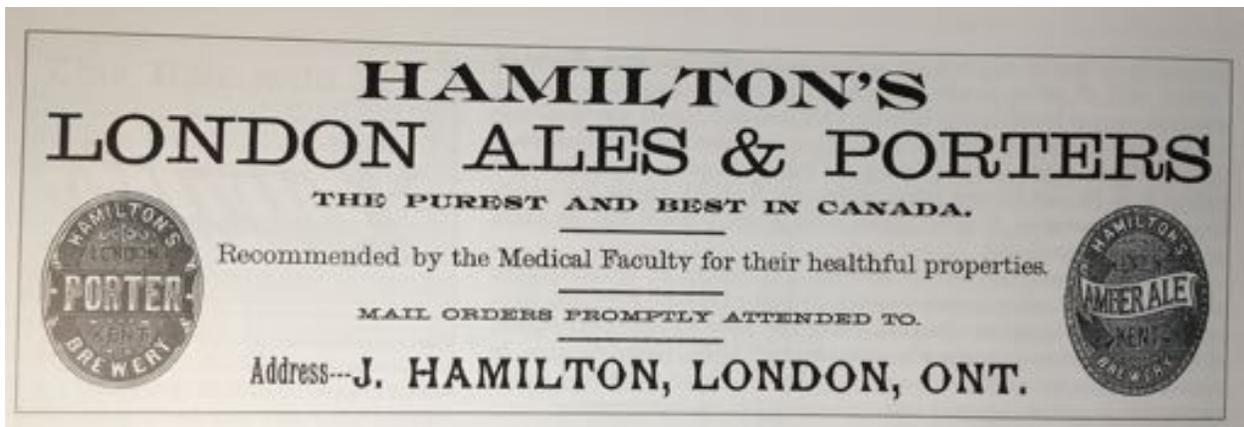
Second Carling Brewery 1875, rebuilt 1879

1881 Rev 1888 Fire Insurance Plans

Other industries came to see the advantages of the motive power provided by the creek. Those industries came to include the Carling Brewery (est. 1843 on Waterloo Street), the Kent Brewery (est. 1859), Arscott's Tannery (est. 1866), Hyman's Model Tannery (1867), and the second Carling Brewery, built in 1875, and rebuilt in 1879. Carling beer, after which the creek is named, became a global brand. Arscott's Tannery spawned one of Canada's largest tanneries (Samuel Arscott & Co.) in Benton, N.B.



1878. Ad for Kent Brewery found in London City Directory 1877-1878, during the era of the Kent Brewery when John Hamilton was brewer. Glen Phillips, *On Tap: The Odyssey of beer and brewing in Victorian London-Middlesex*. Page: 76.



John Hamilton's son Joseph Hamilton used images of his beer labels in advertisements as part of his enterprising branding strategy. Compare the black-and-white beer label facsimiles in the ad above with the real labels below. Glen Phillips, On Tap: The Odyssey of beer and brewing in Victorian London- Middlesex, page: 36 – "While dark ale, porter and stout dominated most of Victorian Canada's beer world, brewers hardly ignored changes in public taste. Joseph Hamilton supplied steadfast traditionalists with his London Porter and accommodated those who wanted something a bit lighter with his Amber Ale."



Figure 4: Kent Brewery advertisement from 1903 Old Boys Reunion Book, p. 54, showing label facsimile.



Figure 4: Labels for Hamilton's London Porter and Amber Ale from 1889. Fisher Rare Book Library, U. of Toronto.



John McNab Hamilton

BIRTH 12 JULY 1824 • Dunfermline, Fife, Scotland
DEATH 9 OCTOBER 1887 • London City, Ontario, Canada

Facts

- Age 0 — **Birth**
12 July 1824 • Dunfermline, Fife, Scotland
- Age 2 — **Birth of Sister Sarah Hamilton** (1826-)
30 Oct 1826 • Dunfermline, Fife, Scotland
- Age 5 — **Birth of Brother Daniel Hamilton** (1830-1914)
06 Mar 1830 • Dunfermline, Fife, Scotland
- Age 8 — **Birth of Brother James Hamilton** (1833-1914)
06 May 1833 • Dunfermline, Fife, Scotland
- Age 23 — **Marriage**
19 Nov 1847 • Dunfermline, Fife, Scotland
- Agnes Horn** (1808-1888)
- Age 23 — **Birth of Daughter Elizabeth Hamilton** (1848-)
2 April 1848 • Dunfermline, Fife, Scotland
- Age 25 — **Birth of Daughter Janet Hamilton** (1850-1904)
24 May 1850 • Dunfermline, Fife, Scotland
- Age 29 — **Birth of Daughter Agnes Hamilton** (1854-1915)
abt 1854 • Dunfermline, Fife, Scotland
- Age 36 — **Birth of Son Joseph Hamilton** (1860-)
6 December 1860 • Dunfermline, Fife, Scotland
- Age 36 — **Birth of Daughter Helen Hamilton** (1860-)
6 December 1860 • Dunfermline, Fife, Scotland

Family

- Parents
- John Hamilton** (1791-1861)
- Janet McNab** (1796-)
- Spouse & Children
- Agnes Horn** (1808-1888)
- Elizabeth Hamilton** (1848-)
- Janet Hamilton** (1850-1904)
- Agnes Hamilton** (1854-1915)
- Joseph Hamilton** (1860-)
- Helen Hamilton** (1860-)
- Mary Hamilton** (1863-1902)
- Jemima Hamilton** (1868-)

Sources

- Ancestry Sources
- 1861 Scotland Census
- 1871 Census of Canada
- Ancestry Family Trees
- Ontario, Canada, Deaths, 1869-1938 and Deaths Overseas, 1939-1947

- Age 36 — **Death of Father John Hamilton** (1791-1861)
26 May 1861 • Dunfermline, Fife, Scotland
- Age 37 — **Residence**
1861 • Dunfermline Burgh, Fife, Scotland
Relation to Head of House: Head
- Age 38 — **Birth of Daughter Mary Hamilton** (1863-1902)
1863 • London, Middlesex, Ontario, Canada
- Age 43 — **Birth of Daughter Jemima Hamilton** (1868-)
abt 1868 • London, Middlesex, Ontario, Canada
- Age 47 — **Residence**
1871 • Ward 02, London, Ontario, Canada
Marital Status: Married
- Age 56 — **Death of Sister Margaret Hamilton** (1819-1880)
1880 • Dunfermline, Fife, Scotland
- Age 57 — **Death of Sister Janet Hamilton** (1816-1881)
28 Dec 1881 • Dunfermline, Fife, Scotland
- Age 63 — **Death**
9 October 1887 • London City, Ontario, Canada

Genealogical information on brewer John Hamilton and his family. Hamilton was an ale brewer in his hometown of Dunfermline in Fife, Scotland, before coming to Canada and taking over the Kent Brewery.



Joseph Hamilton

BIRTH 6 DEC 1859 • Dunfermline, Fife, Scotland

DEATH 23 MAY 1943 • London, Middlesex, Ontario, Canada

Facts

Age 0 — Birth

6 Dec 1859 • Dunfermline, Fife, Scotland

Age 2 — Arrival

1861

Age 2 — Residence

1861 • Dunfermline Burgh, Fife, Scotland

Age 3 — Arrival

1862

Age 12 — Residence

1871 • London Ward 2, London, Ontario, Canada

Age 22 — Residence

1881 • Ward 2, London City, Ontario, Canada

Age 23 — Marriage

31 May 1883 • London, Middlesex, Ontario, Canada

Susannah "Susie" Fletcher
(1863-)

Age 32 — Residence

1891 • Ward 2, London City, Ontario, Canada
Marital Status: Married; Relation to Head of House: Head

Age 42 — Residence

1901 • London (City/City) Ward/Quartier No 2, London (City/City), Ontario, Canada
Marital Status: Married; Relation to Head of House: Head

Age 52 — Residence

1911 • London City, Ontario, Canada
Marital Status: Married; Relation to Head of House: Head

Family

Parents

John McNab Hamilton
1824-1887

Agnes Horn
1828-1888

Spouse & Children

Susannah "Susie" Fletcher
1863-

Ella May Hamilton
1886-

Mabel A Hamilton
1888-

John Horn Hamilton
1891-1915

Lawrence Joseph Hamilton
1894-

Edward William Fletcher Hamilton
1894-1923

Sources

Ancestry Sources

-  1861 Scotland Census
-  1871 Census of Canada
-  1881 Census of Canada
-  1891 Census of Canada
-  1901 Census of Canada
-  1911 Census of Canada
-  1921 Census of Canada
-  Ancestry Family Trees
-  Ontario, Canada Marriages, 1801-1926
-  Ontario, Canada, Deaths, 1869-1938 and Deaths Overseas, 1939-1947
-  Scotland, Select Births and Baptisms, 1564-1950

Age 61 — Residence

1 Jun 1921 • London, London, Ontario, Canada
Marital Status: Married; Relation to Head of House: Head

Age 83 — Death

23 May 1943 • London, Middlesex, Ontario, Canada

Occupation

Brewer

Genealogical information on brewer Joseph Hamilton and his family. Joseph Hamilton took over the brewery after his father's death and made it sufficiently successful that he was able to build the substantial brick residence that still stands next door to the Kent Brewery at 183 Ann Street.

Table 2: City Directory listings for the property at 197 Ann Street

Year	Resident, Occupation [Notes from other sources]
1858	[John Walsh, a merchant who lived on Ann Street east of the brewery, sold the land to Henry Marshall in 1858, LRO]
1859-1861	John Hammond, Henry Marshall, Brewers [location on lot 3 South Side Ann Street confirmed using 1859, 1860 tax assessment rolls] [Henry Marshall would later move to County of Kent, England]
1861	Francis Dundas, John Phillips, Kent Brewery. [1861 use of Kent Brewery name confirmed via article in the London Prototype, 5 March 1861] [location on lot 3 South Side Ann Street confirmed using 1861 tax assessment rolls]
1861-1864	Kent Brewery, Hamilton and Morgan, props, Ann [location on lot 3 South Side Ann Street confirmed using 1864 Collector's Roll]
1864-1887	John Hamilton, Kent Brewery [John Hamilton first appears as sole proprietor in Mitchell's Canada Gazetteer and Business Directory, 1864-65] [John Hamilton buys the land outright from Henry Marshall in 1873 (LRO)] [John Hamilton dies intestate, and his widow Agnes sells the brewery to her son, Joseph, who has already been working at the brewery for at least d.c. 14 years]
1887-1917	Kent Brewery, Joseph Hamilton, propr. The last City Directory entry for the Kent Brewery is in the 1917 directory. [John Hamilton's death certificate states that he retired in 1916. This accords well with the directory date, because names for directories were often collected in the year prior to publication]. [In 1897, Joseph Hamilton takes out a mortgage from Martha McMartin, the wife of hotel keeper James McMartin]
1918-1921	Vacant
1922	Liberty Garage auto reprs
1923-1926	Liberty Garage auto reprs, Harry North, auto trmr
1927-1928	Hydro Sub Station, Vacant
1929	Royal Winery, Hydro Sub Station
1930-1938	Adelaide Winery Ltd., Hydro Sub Station [In 1937, Joseph Hamilton sells the property to Philip Pensa (LRO).]
1939	Vacant, Hydro Sub Station
1940	London Cheese Production, Superior Wax Co., Etsol Synthetic Production
1941	Phil Penn Products, Hydro Sub Station
1942	Phil Penn Products, Hydro Sub Station, William Toohey, printer
1943-1944	Phil-Penn Products, Hydro Sub Station
1945-1946	Phil-Penn Products, Hydro Sub Station, Peter Balletto
1947	Phil-Penn Products, London Cigar Factory
1948-1949	Phil-Penn, London Cigar Factory, Peter Balletto
1950	Huron Insulating Co, Huron Roofing Co, Phil-Penn Products, London Cigar Factory, Hydro Sub Station
1951-1952	Phil-Penn Products, London Cigar, Hydro Sub Station
1953-1955	Phil-Penn Products, New Tile of Canada, Hydro Sub Station
1956	A1 Delivery, Renew Oil, Phil- Penn Products, Nu Tile, Hydro Sub Station
1957	Phil-Penn Products, Stark Truck Service Hydro Sub Station
1958-1959	Stark Truck, Hydro Sub Station
1960	Nu Tile, Hydro Sub Station
1961	Lon Precast Products Ltd, Bere's Fresh Nut Pack, Hydro Sub Station
1962-1964	Lon Precast Products, Vacant, Sub Station
1965	Vacant, Hydro Sub Station no. 8
1966-1967	Robert Smith T Ltd, mail contrs, Hydro Sub Station
1968-1969	Robert Smith T Ltd, mail contrs, William D Tomlin, driver for Robert Smith Ltd, Hydro Sub Station no.8
1970	Vacant, Hydro Sub Station no. 8
1971-1973	Smith's Garage, Smith RT Ltd., Hydro Sub Station no. 8
1974	Smith RT Ltd., G&G Auto Body, Hydro Sub Station no. 8

1975	The Bicycle Shop, The Speciality Enterprise welding Shop, Quintaman Group Inc., Frog Ind.
1976	The Bicycle Shop
1977-1979	Cardinal Fence Co.
1980	NO RETURN
1981	VACANT
1982	Wheeler Bern Communications Ltd., Equity Auto Sales, Equity Auto Centre, Equity Marketing & Leasing Ltd.
1983	Equity Marketing and Leasing, Equity Auto Sales, Equity Auto Centre
1984	Equity Marketing and Leasing, Equity Auto Sales, Equity Auto Centre, Florentine Matejcek, students, Lynn Powell, student
1985	Equity Marketing and Leasing, Equity Auto Sales, Equity Auto Centre, Florentine Matejcek, student
1986	Equity Marketing and Leasing, Equity Auto Sales, Equity Auto Centre, Florentine Matejcek, student, S Maloney
1987	Equity Marketing and Leasing, Equity Auto Sales, Elizabeth James, student, Frank Nynman, student
1988	Equity Auto Centre, Equity Marketing & Leasing Ltd, Equity Auto Sales, Black R, Gray D
1989	Equity Marketing and Leasing, Equity Auto Sales, R D Black, C Jacobson (upper)
1990	Equity Marketing and Leasing, Equity Auto Sales, Tom Artiss (Artiss), R D Black
1991	Equity Marketing and Leasing, Equity Auto Sales, R D Black
1992	Equity Marketing and Leasing, NO RETURN, R D Black, G Matlow (upper)
1993	Equity Marketing and Leasing, NO RETURN, NO RETURN, R D Black (owner)
1994	Equity Marketing and Leasing, R D Black, D Fioroni, M Wright (student)
1995	Equity Marketing and Leasing, R D Black
1996	Equity Marketing and Leasing, R D Black, Ean MacDonald, K Pearson, Scott Wilson
1997	Equity Marketing and Leasing, RD Black
1998	Equity Marketing and Leasing, RD Black, B S Keith
1999-2000	Equity Marketing and Leasing, R D Black
2001	Equity Marketing and Leasing, R D Black, Manning Automotive
2002	Equity Marketing and Leasing, R D Black
2003-2004	R D Black
2005-2009	Equity Marketing and Leasing, R D Black, Williams Downtown Automotive Service
2010-2013	Williams Downtown Automotive Service

Appendix D – Comparative Analysis

Comparable industrial buildings in London ON



For comparable industrial construction of the period in London ON, compare the Kent Brewery with this (no longer extant) 1856 industrial building on Ridout Street: Plummer & Pacey, Waggon & Sleigh Makers, London, C.W., shown on p. 243 of the 1856 City Directory. It is worth noting the shared Georgian influence on this 1850s industrial building and on the Kent Brewery building. Note the simple, square front with flat roof, the lack of a basement line, and the symmetrical pattern of fenestration characteristic of Georgian architecture. The form, scale and massing of the Kent Brewery building is in keeping with proto-industrial Georgian architecture in London in the late 1850s.

19th Century Breweries in London ON

Although no 19th Century brewery buildings remain in London ON other than the Kent Brewery, there do exist images of both the original Carling Brewery and the original Labatt Brewery as they appeared in the mid-19th Century, around the time the Kent Brewery was established.

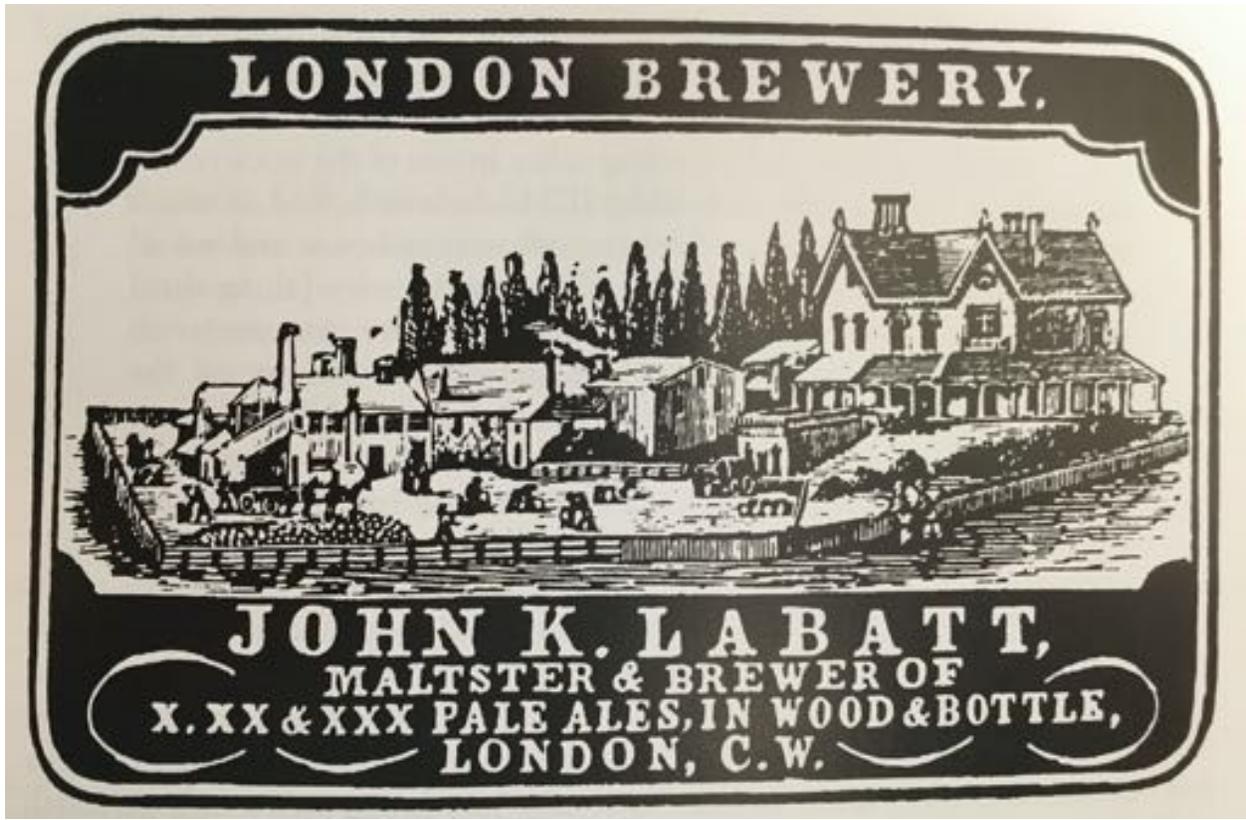


W & J Carling's City Brewery (~1850s)

This is an image of the original Carling Brewery. Although Carling's was established in 1843, this is a slightly later image, probably made after William and John expanded in the early 1850s. An important point of comparison between the Carling Brewery at Waterloo Street north of Pall Mall and the Kent Brewery was their shared relationship to the creek (Appendix C).

In the image above, this relationship is made apparent both from the creek flowing in front of the Carling Brewery, and, especially, from the undershot millwheel deriving motive power from the creek. The creek—Carling's Creek—was named after this original Carling brewery. Although this is an apt illustration of the relationship between the brewery and the creek, it should be noted that this image may have been idealized, and the apparent orientation and distance of the brewery with respect to the creek may not have been as depicted.

John Hamilton and Joseph Hamilton both had their residences next to their brewery. Although those residences are not pictured here, Samuel Peters Jr.'s map of London ON in 1855 shows that both John Carling and Thomas Carling similarly had residences next to their brewery. Unlike the houses that John Hamilton owned, and Joseph Hamilton lived in, the Carling residences are no longer extant.



John K. Labatt's London Brewery, c. 1860. (The Kent Brewery was established in 1859).

John Labatt's residence can similarly be seen next to his brewery. Although the Labatt plant remains at this location, this mid-19th Century brewery, and the brewer's residence pictured, are no longer extant. The reconstructed "Labatt Brewery" in the Fanshawe Pioneer Village was created in 1967 for Canada's Centennial.

Breweries in Southwestern Ontario

Since there are no extant 19th Century breweries in London ON for comparison, breweries of a similar age in Southwestern Ontario were considered.



Kuntz Brewery Building (1859). Credit: Canada's Historic Places (designated)

As mentioned, there are no comparable brewery artifacts in London-Middlesex. However, there is an 1859 brewery building in Waterloo ON (Nixon House at 81 Norman Street). Built in 1859, it was the original home of the Kuntz Brewery. It is a designated property: <https://www.historicplaces.ca/en/rep-reg/place-lieu.aspx?id=11831>. Kuntz used it “as a place to age his home-made product.” Although different in architectural form, it was built in 1859, the same year that the Kent Brewery was established.



*Lion Brewery (1855), Hotel (1870), Victorian façade added (1880).
Now Huether Hotel, Waterloo, ON. Credit: Canada's Historic Places (designated)*

The Huether Hotel at 59 King Street in Waterloo ON housed the Lion Brewery (1855). 59 King Street is a designated property: <https://www.historicplaces.ca/en/rep-reg/place-lieu.aspx?id=8281>: Portions of this building were constructed in 1855. The existing hotel was constructed in 1870, and the Victorian Facade added in 1880. A comparable feature to the Kent Brewery are the gradual accretions, and in particular, the addition of a late-19th Century facade to an earlier building. Like the Kent Brewery building, the Huether Hotel presents a successful example of adaptive reuse.

Early Breweries in Canada

Since there are no breweries in Southwestern Ontario where the brewer's house was preserved next door, a scan of Canadian Breweries was conducted to identify extant breweries where the brewer's house was also intact.



Alexander Keith's Brewery, Halifax (1837). Credit: Canada's Historic Places

The Alexander Keith's Brewery site is grander than the Kent Brewery site, however it is comparable to the Kent Brewery site in that it includes both the original (Georgian Style) brewery building and an adjacent residence that the brewer built for himself (below). Based on a scan of historic Canadian breweries in Wikipedia and in Canada's Historic Places, Alexander Keith's may be the only other early brewery site in Canada of this kind.



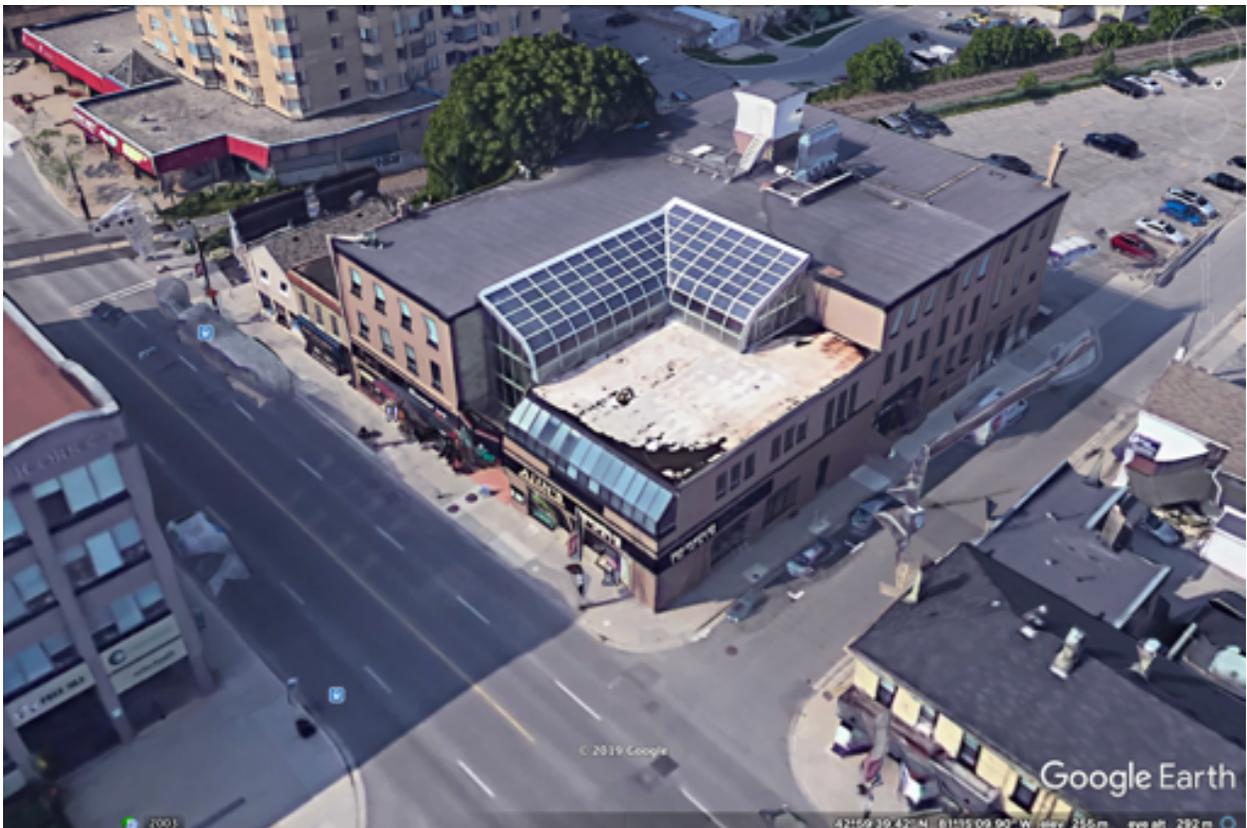
Alexander Keith's Italianate residence

Adaptively reused buildings near the Kent Brewery

The following examples from the near neighbourhood of the Kent Brewery building illustrate that creative adaptive re-use of old buildings, even plain buildings, is the norm in this neighbourhood.



Campus Hi-Fi Building (built in the 1880s). Buildings don't have to be grand to be adaptively re-used. Humble structures can lend charm and variety to their surroundings. This building, which now houses the iconic Campus Hi-Fi, was built and used as a brick stable in the 1880s.



The 1911 Fireproof Warehouse, which was turned into The Village Corners. The Village Corners development shows that it is possible to take a commercial building and turn it into a showpiece. The back of this building can be seen from the front door of the Kent Brewery.



The 1909 Murray-Selby Shoe factory building at Piccadilly and Richmond Streets. The industrial feel of the factory was preserved while creating an airy modern atrium at the rear of the building.



The Station Park development added density while incorporating the 1892/93 CPR railway station.



The CEEPS, built as a hotel in 1890 to capitalize on the then newly established CPR railroad, is now a brew pub.

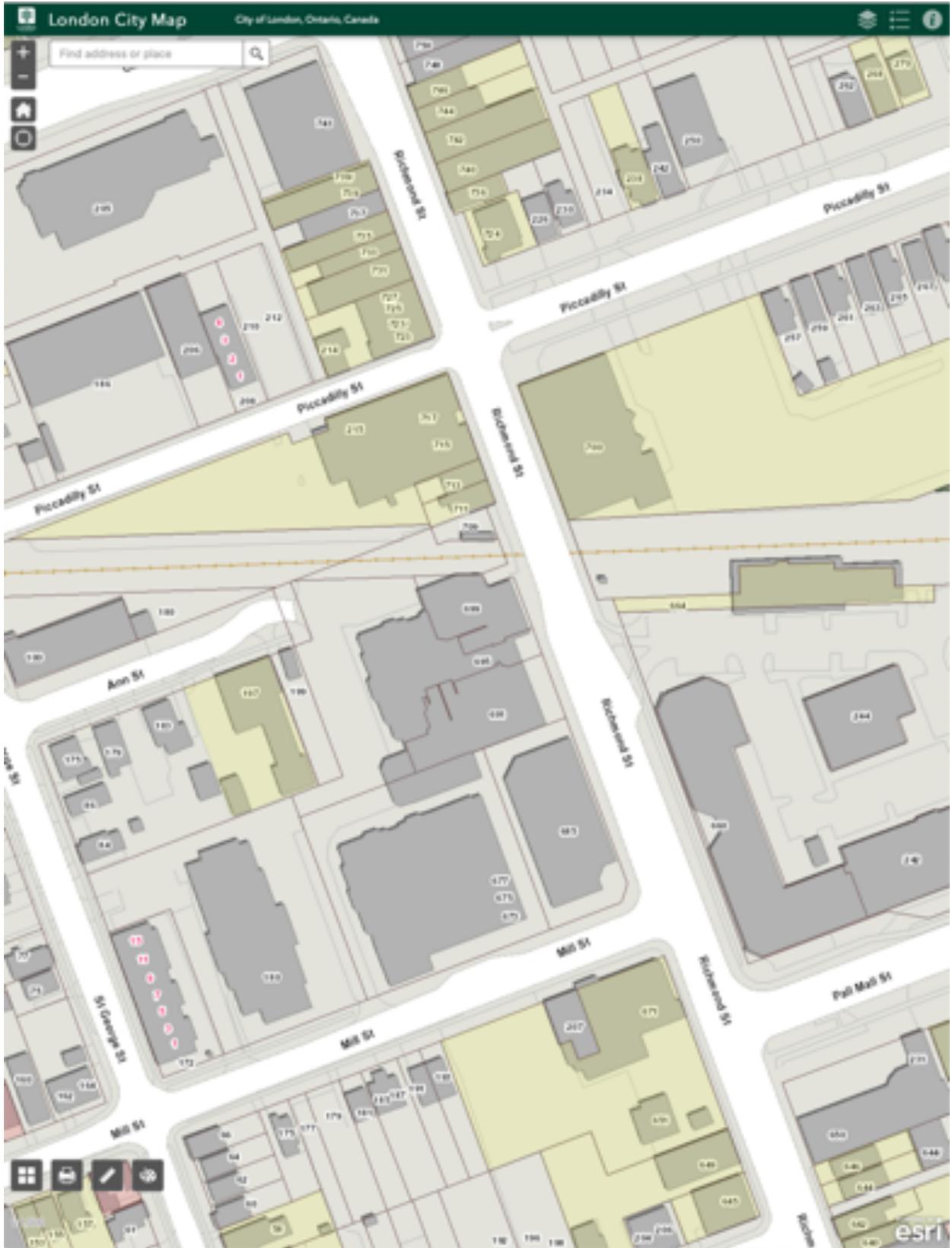


Figure 6: Heritage listed properties (yellow) and heritage designated properties (red) near 197 Ann Street.

Appendix E – Statement of Cultural Heritage Value or Interest

Legal Description

LOTS 4, 5, 6 & 7 AND PART LOT 3, SOUTH SIDE ANN STREET PLAN 183(W)DESIGNATED AS PART 1, PLAN 33R-20622; CITY OF LONDON

Description of Property

The property at 197 Ann Street is located on the south side of Ann Street east of St. George Street. The property at 197 Ann St. consists of a two-storey main building (the Kent Brewery building), the adjoining one-storey brewery washhouse, a side garage, and three storage/garage outposts that extend to the back of the property.

Statement of Cultural Heritage Value or Interest

The property at 197 Ann Street is of significant cultural heritage value or interest because of its historical/associative values and its contextual values.

This property is valued for its direct associations with the Kent Brewery (the third most significant historic brewery in London after Carling's and Labatt's), and the Hamilton brewing family, particularly John Hamilton, who ran the brewery from 1861–1887, and his son, Joseph Hamilton, who ran the brewery from 1887–1916. This property is valued for its associations with Carling's Creek, and with the early industrial history of the Carling's Creek and CPR Corridor.

The historic Carling's Creek, though now largely underground (a "lost creek"), nevertheless retains strong historical resonances to this day. It was described as a potential mill seat—a site of economic potential—in 1793 (See Appendix C). This was one of the small number of significant features noted about London by the Simcoe expedition that decided London's location. The creek is still empty into the river just south of Ann Street Park, and is daylight (i.e., visible) between Waterloo and Colborne near Pall Mall. The property at 197 slopes down towards the former creek bed, which is behind a fence immediately to the north of the property.

This property is valued for its potential to yield information on the history of the Talbot North neighbourhood (prioritized in *Heritage Places 2.0* as the area of highest importance for a future potential Heritage Conservation District). This property is valued for its potential to yield information on the nationally-significant brewing history of London-Middlesex. This property is valued for its potential to yield information on the Carling's Creek and CPR corridor (a distinctive sub-area of Talbot North).

This property is valued because it is important in defining, maintaining and supporting the early industrial character of the area, as the earliest representative industrial building. Of the four major mid-19th century industries on Ann Street, the Kent Brewery building is the only industrial building that remains.

This property (197 Ann Street) is valued because it is historically linked to the houses immediately to the west that brewer Joseph Hamilton built for his family residence (183 Ann Street) or lived in (179 Ann Street). This property is valued because it is visually and physically linked to 183 Ann Street. Joseph Hamilton clad the Kent Brewery (197 Ann Street) in a similar buff brick to the brick he used in building his residence next door at 183 Ann Street. There are also similarities in the form, size, and style of the windows. The brick used for 183 and 197 Ann Street echoes that used for the cottage immediately to the west (179 Ann Street), which was also owned by the Hamilton family.

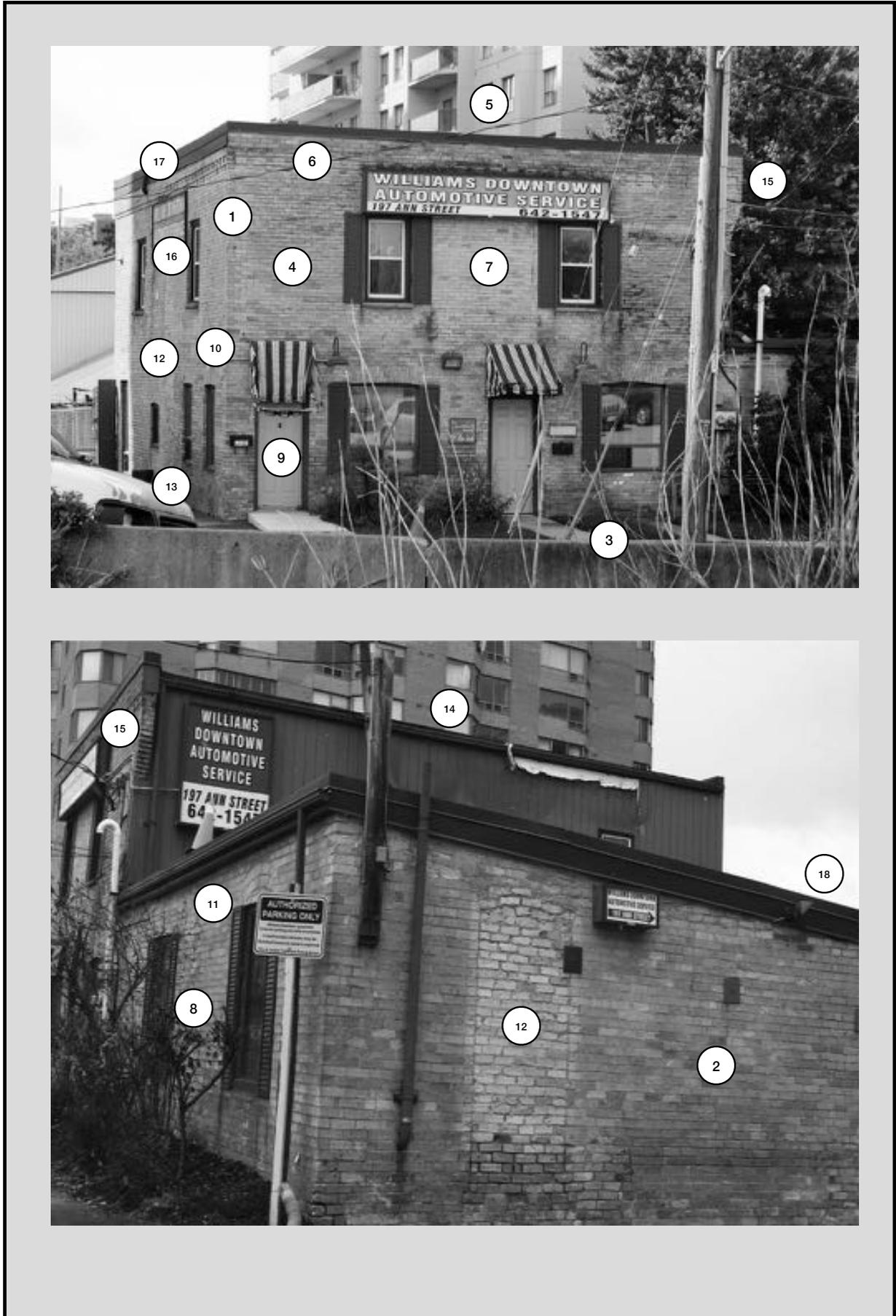
Taken together, these three structures are (197 Ann Street, 183 Ann Street, and 179 Ann Street) visually and functionally linked: they present a rare Canadian example, along with Alexander Keith's Brewery in Halifax, of a 19th Century brewery district, where the brewers' houses are preserved along with the brewery building.

Heritage Attributes

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

- The form and scale and massing of the building testifies to its age as well as its function as a vernacular mid-19th century proto-industrial structure.
- It has the simple, spare lines and square form of a Georgian-inspired building.
- The flat roof and original square form are also provenance of its utilitarian or vernacular function.
- The extant front door is to the side of the frontage, breaking the usual symmetry of the Georgian style and pointing up its utilitarian function where floor space is needed inside for production purposes.
- The fenestration is simple and was originally symmetrical: a design feature of a late Georgian style, and a functional form for this type of early 'factory' building.
- Clad in London buff brick masonry.
- The brick corncing on the front (North) façade and still visible on the East façade is Italianate in inspiration and style. The brick courses end in a corbel, and form distinctive corner details.
- Most of the original windows are segmental arch openings topped with brick voussoirs.
- There is no basement line on the outside of the building, testifying to its age and function.
- The single-storey wash house to the west side also exhibits a segmental-arch window with brick voussoir. Many door and window openings on the west side have been bricked over as the building's function changed.
- A line of demarcation in the brick is apparent in the middle of the east side of the building showing alterations.
- The cornice on the east side is more detailed toward the street front.
- The washhouse, brick on a rubble stone foundation, slopes down towards the former creek-bed of Carling's Creek.

Appendix F – Heritage Attributes



Heritage attributes of the property at 197 Ann Street (page one of two).



1. The form, scale, and massing of the building testifies to its age



2. And to its function as a vernacular mid-19th century proto-industrial structure



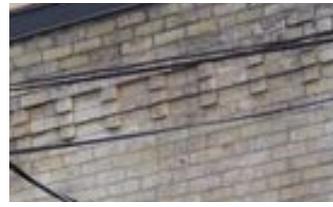
3. There is no basement line on the outside of the building, testifying to its age and function



4. Clad in London buff brick masonry



5. It has the simple, spare lines and square form of a Georgian-inspired building



6. While the brick cornicing is Italianate in inspiration and style



7. The fenestration is simple and was originally symmetrical



8. The symmetry was a design feature of a late Georgian style, and a functional form for this type of early 'factory' building.



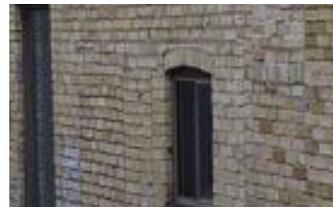
9. The extant front door is to the side of the frontage, breaking the usual symmetry of the Georgian style and pointing up its utilitarian function where floor space is needed inside for production



10. Most of the original windows are segmental arch openings topped with brick voussoirs



11. The single-storey wash house to the west side also exhibits a segmental-arch window with brick voussoir



12. Door and window openings on the west and east side have been bricked over as the building's function changed



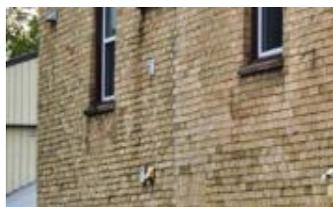
13. Though largely preserving the original sills and voussoirs



14. The flat roof and original square form are also provenance of its utilitarian or vernacular function



15. The brick courses end in a corbel, and form distinctive corner details



16. A line of demarcation in the brick is apparent in the middle of the east side of the building showing alterations



17. The cornice on the east side is more detailed toward the street front.



18. The washhouse, brick on a rubble stone foundation, slopes down towards the former creek-bed of Carling's Creek.

Heritage attributes of the property at 197 Ann Street (page two of two).

Evaluation of Cultural Heritage Value or Interest: Joseph Hamilton's House at 183 Ann Street

1.0 Background

1.1 Property Location

The property at 183 Ann Street is located on the south side of Ann Street east of St. George Street (Appendix A).

1.2 Cultural Heritage Status

The property at 183 Ann Street was added to the *Inventory of Heritage Resources* in 1997. In 2007, the *Inventory of Heritage Resources* was adopted in its entirety as the Register pursuant to Section 27 of the *Ontario Heritage Act* by Municipal Council. The property at 183 Ann Street is a potential cultural heritage resource.

1.3 Description

183 Ann Street is a two-and-a-half-story Queen Anne Revival style house.

1.4 Property History

The historic Carling's Creek, though now largely underground (a "lost creek"), nevertheless retains strong historical resonances to this day. It was described as a potential mill seat—a site of economic potential—in 1793 (See Appendix C). This was one of the small number of significant features noted about London by the Simcoe expedition that decided London's location. The creek still empties into the river just south of Ann Street Park, and is also daylight (i.e., visible) between Waterloo and Colborne near Pall Mall.

1.4.1 Joseph Hamilton's at 183 Ann Street

The property at 183 Ann Street was built by Joseph Hamilton, who lived there from 1887–1911. Joseph Hamilton ran the Kent Brewery immediately to the east (the third most significant historic brewery in London after Carling's and Labatt's).

Joseph Hamilton built 183 Ann Street in 1893, and lived there with his family for 18 years, until 1911. Joseph's father, brewer John Hamilton, had lived in a more modest frame structure on the same site. The size and scale of 183 Ann Street shows the increased prosperity the Kent Brewery attained under Joseph Hamilton's leadership after John Hamilton's death in 1887. After taking the reins, Joseph Hamilton rapidly built up his local trade to a point where he had nearly tripled the commercial worth of the Kent Brewery in the first five years of his tenure as brewer, thanks to a sophisticated new branding strategy (Appendix C) and targeted local marketing. The large Queen Anne House at 183 Ann Street, built six years after Joseph Hamilton takes over as brewer, is tangible evidence of his success.

1.4.2 The historical significance of the Kent Brewery

Joseph Hamilton ran the The Kent Brewery which is historically significant to London because, as brewing historian Glen Phillips notes, "the main building is the largest surviving brewery artifact from Victorian London Middlesex." Along with flour milling and lumbering, brewing stands as one of the Canada's earliest industries. The brewing history in London is significant on a national scale with some of the largest breweries in Canadian history, Labatt and Carling, having their roots here. Brewers that were able to do well in their own local markets were well situated when the Canadian Pacific Railway came through London. It enabled them to be able to transport ale across the country and dominate larger markets. London's dynamic licensed liquor trade, pronounced early military presence, and its rising population were enticing factors for the several brewers who arrived on the local scene during the 1840s. The majority of Londoners, additionally, were of English, Scottish or Irish descent, all strong brewing nations, and belonged primarily to those religious denominations not prone to temperance.

The years 1857 to 1861 were the hardest years, financially, that the brewing industry in London had seen to date. Canada was in the grips of the first worldwide economic crisis, triggered by the Panic of 1857, which began in the United States on August 24, 1857. In 1859, during this general economic depression, Henry Marshall and John Hammond opened the Kent Brewery on lot 3, on the south side of Ann Street, between Sarnia (Richmond) and Talbot. The brewery's washhouse would later be built on lot 4. In 1861, the economic climate, and strong competition from the city's two largest breweries, forced the original owners of the Kent Brewery out of business within two years.

Marshall and Hammond's successors, Francis L. Dundas and John Phillips, made enlargements and additions to the brewery. However, Dundas and Phillips were even less fortunate. After only six months, Phillips dissolved his partnership with Dundas. Three months after that, Phillips too gave up. In November 1861, John Hamilton, an ale brewer from Dunfermline, Scotland, moved to Canada and took up the business, living in a house on Ann Street near the brewery. Hamilton completely turned the brewery around and made a comfortable profit.

John Hamilton was born July 12, 1824, in Dunfermline, Fife, Scotland to John Hamilton (b. April 17, 1791, Dunfermline-d. 26 May 1861) and Janet McNab (b. 1796, Scotland).

John married Agnes Horn (also of Dunfermline). They had a son, Joseph, and a daughter, Elizabeth. Joseph would come to head the family brewing business. Elizabeth would marry Samuel Arscott (1849–1922), son of Richard Arscott, founder of the Arscott Tannery. The Arscott tannery was another London industry that had its beginnings on Ann Street next to Carling's Creek, less than a block from the Kent Brewery. Elizabeth married, in other words, her near neighbour. Samuel Arscott would go on to build one of Canada's largest tanneries, in Benton, New Brunswick, and also run three tanneries in Walkerton.

John Hamilton briefly held a partnership in the brewery with Daniel Morgan, who also lived on Ann Street (1863 City Directory). The partnership lasted until the mid-1860s, but Hamilton soon operated the enterprise alone.

In reflecting on the Kent Brewery during the Hamilton era, brewing historian Glen Phillips believes that, "ultimately [Hamilton's] success proved that even the humble could be mighty in their own modest ways."¹² In 1870, the 8,000 gallons of ale and porter produced at the Kent Brewery netted Hamilton an income of \$500.

The Kent Brewery was situated in 1859 on lot number 3 on the South Side of Ann Street. By 1 April 1872, John Hamilton has become sufficiently prosperous that he was able to purchase all of the land between his brewery and St. George St. (lots 4-7). In present day terms, these properties are the former brewery washhouse (lot 4), the Hamilton homestead (183 Ann Street, or lot 5), the house where Joseph lived (179 Ann Street, or lot 6), and the house where John Arscott, one of their relations-by-marriage, lived from 1894 until at least 1900 (175 Ann Street, lot 7).

From 1873 to 1884, a new era in the history of beer was born in Ontario. The birth of beer branding was characterized by stiff competition, and many of the smaller breweries in London like John Allasters' Dundas Street Brewery in the East End, Robert Arkell's Kensington Brewery, and David Haystead's Victoria Brewery did not survive.

While other small breweries went out of business for various reasons, including increased competition, temperance, and fires, the Kent Brewery rose steadily in popularity. Stories about the Kent Brewery were picked up by *The Globe* [precursor to the *Globe & Mail*], suggesting a brewery with more than local significance. The central factor in John Hamilton's success was his marketing strategy, and the recognition that he was not going to overpower Labatt and Carling on volume and area of distribution. The Kent Brewery's growth relied on focused sales, branding, and persistent advertising. On October 9th, 1887, John Hamilton passed away and the business was taken over by his son, Joseph. At this juncture, Joseph Hamilton had at least 14 years of experience working at the Kent Brewery before he assumes the reins.

Over the next five years, Joseph Hamilton managed to nearly triple the brewery's commercial worth. In October 1888, a year after John died, the *London Advertiser* noted that Joseph Hamilton had managed to rapidly build up his locally-based business. Joseph Hamilton's adoption of "London Porter" as his brand played on a centuries-old tradition of well-regarded porters brewed in London, England. According to Phillips, promotional slogans like,

"Hamilton's London Porter is Universally Acknowledged to be the Peer of all Porters";

"Hamilton's London Porter still maintains its high standard of excellence, never deviating except for the better";

"Hamilton's London Porter is unsurpassed by any Canadian Stout. You can always rely on the quality of this article";

"Hamilton's London Porter is equal to the best imported. Sells on its own merits. You cannot make a mistake if you can ask for Hamilton's";

"Hamilton's London Porter--The Most Recommended Beverage on the Market"

could now be regularly found next to the London Free Press masthead. The Kent Brewery's focus on a niche market—catering to local tastes by selling a unique English-style porter—was ultimately the recipe for its success.

The profitability of the brewing industry in Ontario was also dependent to a large extent on waves of temperance sentiment. In the post-1860 period, anti-liquor legislation manifested itself throughout Canada with increased frequency. The *Dunkin Act*, passed in the United Provinces of Canada in 1864, made it possible for any county or municipal council to prohibit retail trade within its borders by majority vote of electors; this was known as "the local option".

In 1878, the Dominion government passed a temperance act, the *Scott Act*. Large sections of the Maritime Provinces voted in favour of the new act, but in Ontario, Support for temperance was not as widespread. By the turn of the century, however, this began to change, and many breweries began to close across the province. By 1888, Labatt, Carling, and Kent were the sole breweries left in operation in London according to the city directories, and it remained that way until the *Canadian Temperance Act* was passed in 1916.

As a war policy, between 1916 and 1917, strict temperance legislation was passed in all Canadian provinces, and all alcohol, except for medicine and scientific purposes, was prohibited. Mike Baker and Glenn Phillips assert that this legislation closed the doors of the Kent Brewery for good. Joseph Hamilton's death certificate shows him as having retired from the brewing business in 1916 (Certificate Number 026246). In 1918, the city directories list the property at 197 Ann St. as vacant for the first time.

Following the closure of the Kent Brewery, 197 Ann St. continued to play a role in London's industrial life. It functioned as a garage in the 1920s, immediately after the period of vacancy. Other highlights include its use as a cigar factory, a cheese factory, and a bicycle shop.

From 1930–1938 it was used as a winery, which first appears as the Royal Winery, and then Adelaide Winery, which had been licensed in 1918, and which sold "Fine Wines & Champagnes". Adelaide Winery was bought by the London Winery.

It has also been used as an automotive repair shop at multiple times in its history, as well as other automotive-related uses (the Stark Truck Service and the A-1 Delivery Service). Today, it is home to Williams Downtown Automotive Service. The large industrial spaces that lent themselves to making beer, wine, cigars, and cheese, were easy to adaptively re-use for garaging bicycles, cars, or trucks.

Beginning in 1984, the property began to regularly house tenants in addition to serving its commercial role. From the information available, the tenants seem to have been primarily students.

1.4.3 Talbot North and the Carling's Creek and CPR Corridor

The Talbot North neighbourhood, and especially the Carling's Creek and CPR Corridor, are defined by the residences of the people who worked in the four major 19th century industries on Ann Street (the Kent Brewery, the Carling Brewery, Arscott's Tannery, and the Hyman Tannery). These industries, in turn, were defined by Carling's Creek, since the industries were set up to take advantage of the motive power and water it provided.

Many of the people who worked in these industries, at all levels in the companies, lived in the immediate vicinity. The variation in housing on Ann Street and the immediate neighbourhood, from worker's cottages, to double-housing, to row housing, to the larger structures lived in by the owners, tell this story. Up and down Ann Street, and on nearby streets, we see tangible evidence of a range of incomes, from workers (146-154 Ann Street) to foremen (724 Talbot Street - Edward Boles, foreman at Carling's, 127 Ann Street - James Arscott, foreman at Hyman's) to owners (Joseph Hamilton's house at 183 Ann Street). Taken together, these properties tell a complete story.

2.0 Request for Designation

On December 11, 2019, the London Advisory Committee on Heritage requested that the property at property at 183 Ann Street BE REFERRED to the Stewardship Sub-Committee for research and evaluation for a possible heritage designation. The Stewardship Sub-Committee undertook research and evaluation of the property at 183 Ann Street.

3.0 Cultural Heritage Evaluation

3.1 Evaluation

The property at 183 Ann Street was evaluated using the criteria of O. Reg. 9/06. A summary of the evaluation is included below.

Table 1: Evaluation of property at 183 Ann Street using the criteria of Ontario Heritage Act Regulation 9/06.

Cultural Heritage Value	Criteria	Evaluation		
Physical/Design Values				
The property has design value or physical value because it,	Is a rare, unique, representative or early example of a style, type, expression, material, or construction method		No x	The property at 183 Ann Street is not a rare, unique, representative or early example of a style, type, expression, material, or construction method.
	Displays a high degree of craftsmanship or artistic merit		No x	The property at 183 Ann Street is not believed to demonstrate a high degree of craftsmanship or artistic merit.
	Demonstrates a high degree of technical or scientific achievement		No x	The property at 183 Ann Street is not believed to demonstrate a high degree of technical or scientific achievement.

Historical/Associative Values				
The property has historical value or associative value because it,	Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community	Yes x		This property is valued for its direct associations with the Kent Brewery (the third most significant historic brewery in London after Carling's and Labatt's), and the Hamilton brewing family, particularly John Hamilton, who ran the brewery from 1861–1887, and his son, Joseph Hamilton, who ran the brewery from 1887–1917.
	Yields, or has the potential to yield, information that contributes to an understanding of a community or culture	Yes x		<p>This property is valued for its potential to yield information on the history of the Talbot North neighbourhood (prioritized in <i>Heritage Places 2.0</i> as the area of highest importance for a future potential Heritage Conservation District).</p> <p>This property is valued for its potential to yield information on the nationally-significant brewing history of London-Middlesex.</p> <p>This property is valued for its potential to yield information on the Carling's Creek and CPR corridor (a distinctive sub-area of Talbot North).</p> <p>The property is valued for its potential to yield information on the community of people who lived and worked in the 19th Century industries that built up around the Carling's Creek and the CPR railroad.</p>
	Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community		No x	The property at 183 Ann Street is not known to demonstrate or directly reflect the work or ideas of an architect, artist, builder, designer, or theorist.

Contextual Value				
The property has contextual value because it,	Is important in defining, maintaining, or supporting the character of an area	Yes x		This property is valued because it is important in defining, maintaining and supporting the residential character of the area, in particular, defining , maintaining and supporting the variation in housing along Ann Street and in the near vicinity, lived in by people who worked in the four major industries that grew up around Carling's Creek, from workers to foremen to owners.
	Is physically, functionally, visually, or historically linked to its surroundings	Yes x		<p>This property (183 Ann St) is valued because it is historically linked to the Kent Brewery (197 Ann Street) immediately to the east, and to the cottage owned by brewer John Hamilton, and lived in by brewer Joseph Hamilton (179 Ann Street), to the west.</p> <p>This property is valued because it is visually, physically, and functionally linked to 197 Ann Street, tangibly demonstrating the 19th Century pattern where owners lived next to their companies. Joseph Hamilton clad the Kent Brewery (197 Ann Street) in a similar buff brick to the brick he used in building his residence next door at 183 Ann Street. There are also similarities in the form, size, and style of the windows. The brick used for 183 and 197 Ann Street echoes that used for the cottage immediately to the west (179 Ann Street), which was also owned by the Hamilton family.</p> <p>Taken together, these three structures are visually and functionally linked: they present a rare Canadian example of a 19th Century brewery district, where the brewers' houses are preserved along with the brewery building.</p>
	Is a landmark		No x	The property would not be considered a landmark.

3.4 Integrity

While integrity is not a measure of architectural/design value, there is a high degree of retention of original elements of the cultural heritage resource at 183 Ann Street, particularly in the retention of the Queen Anne form and style, including a gable end with original moulded vergeboards and wood shingling, symmetrical fenestration with brick voussoirs, and an original double-leaved door which is carved, pierced, and well-decorated. Changes that have occurred have been generally sympathetic to the cultural heritage values of the property.

3.5 Authenticity

Authenticity speaks to whether the design of the structure communicates today as an expression of its period and architectural style. Although this building would not be considered an outstanding example of the Queen Anne style, its architectural elements clearly communicate the style with characteristic flourishes like bay windows with modillions, an original stained-glass transom, and brackets below the roof at the principal corners.

4.0 Conclusion

The property at 183 Ann Street is a significant cultural heritage resource that merits designation under Part IV of the *Ontario Heritage Act* due to its historical associations and contextual value. The property at 183 Ann Street is worthy of conservation.

The property is valued because of its associations with the Kent Brewery. Between 1886 and 1916, the Kent Brewery was one of only three breweries in London, the other two being Labatt's and Carling's. In an era where other small-scale local breweries were closing for reasons such as fires, temperance, and increased competition; the Kent Brewery was able to grow. The Kent Brewery was well-known for its English-style porter and had a reputation for brewing good quality local beer. Kent got its name because its beers were made from flavoured white hops imported from the renowned hop fields of Kent, England. Its name is not to be confused with the Kent family in London's early history.

The historic Carling's Creek, though now largely underground (a "lost creek"), nevertheless retains strong historical resonances to this day. It was described as a potential mill seat—a site of economic potential—in 1793 (See Appendix C). This was one of the small number of significant features noted about London by the Simcoe expedition that decided London's location.

Talbot North has the highest priority for consideration as a potential Heritage Conservation District according to *Heritage Places 2.0*.

This property is valued because it is important in defining, maintaining and supporting the early residential character of Talbot North, and the Carling's Creek and CPR corridor, which is defined by the residences of the people who worked in the four major 19th century industries on Ann Street (the Kent Brewery, the Carling Brewery, Arscott's Tannery, and the Hyman Tannery). These industries, in turn, were defined by Carling's Creek, since the industries were set up to take advantage of the motive power and water supply it provided.

Many of the people who worked in these industries, at all levels in the companies, lived in the immediate vicinity. The variation in housing on Ann Street and the immediate neighbourhood, from worker's cottages, to double-housing, to row housing, to the larger structures lived in by the owners, tell this story. Up and down Ann Street, and on nearby streets, we see tangible evidence of a range of incomes, from workers (146-154 Ann Street) to foremen (724 Talbot Street - Edward Boles, foreman at Carling's, 127 Ann Street - James Arscott, foreman at Hyman's) to owners (Joseph Hamilton's house at 183 Ann Street). Taken together, these properties tell a complete story.

5.0 Recommendation

That on the recommendation of the Stewardship Sub-Committee, notice be given under the provision of Section 29(3) of the Ontario Heritage Act R.S.O. 1990, c. O. 18 of Municipal Council's intention to designate the property at 183 Ann Street to be of cultural heritage value or interest for the reasons outlined in Appendix E of this report.

Acknowledgments

Acknowledgments to Hayley Caldwell for allowing the use of material from her 2017 Public History Heritage Property Research for 183 Ann Street, to Hilary Bates Neary for her assistance in land registry records research, to Dan Brock for genealogical information, to Janet Hunten and Theresa Regnier for researching tax assessment and collectors rolls, to Joe O'Neil for photography, to Mark Tovey for providing historical and chronological information, and to Maggie Whalley on her work identifying the architectural details of the property.

Bibliography

- Baker, M. & Neary, H. B. (2003). *London Street Names: An Illustrated Guide*. Toronto: Lorimer.
- Brock, D. J. (2011). *Fragments from the Forks: London, Ontario's legacy*. London, Ont: London & Middlesex Historical Society.
- Caldwell, H. (2017, December 5). 197 Ann Street: Evaluation of Cultural Heritage Value or Interest. Public History Heritage Designation Reports. AFC 338, London Neighbourhood and Building Resource Collection. Western University, Western Archives.
- Canada's Historic Places: <https://www.historicplaces.ca/en/home-accueil.aspx>
- Census. Various years.
- City Directory. Various years.
- Death records.
- Goodspeed, W.A. and C.L., Publishers. (1889). *History of the county of Middlesex, Canada*.
- List of Breweries in Canada: https://en.wikipedia.org/wiki/List_of_breweries_in_Canada
- Land Registry Records. Various years.
- London Old Boys. London, Ontario, Canada. Semi centennial, 1855-1905.* (1905).
London, Ont.: London Printing and Lithographing.
- London City Directories 1856-2013.* Ivey Family London Room.
- Museum London (London, Ont.) (2006). *A new London, 1914: Selections from the Orr Photographic Collection*.

Phillips, G. C. (2000). *On tap: The odyssey of beer and brewing in Victorian London-Middlesex*. Sarnia, Ont: Cheshire Cat Press.

Phillips, Steven J. (1989). *Old-House Dictionary: An Illustrated Guide to American Domestic Architecture 1600 to 1940*. Lakewood, Colorado: American Source Books. p. 99.

Priddis, Harriett (1909). *The Naming of London Streets*. Historic Sketches of London Ontario Part II. London, ON. The London and Middlesex Historical Society.

Tax Assessment Records. Various years.

Appendix A – Location



Figure 1: Property location of 183 Ann Street

Appendix B – Images



Joseph Hamilton's residence at 183 Ann Street (front view)



Joseph Hamilton's residence at 183 Ann Street (side view)



The Kent brewery (far left) and the two residences associated with it, 183 Ann Street (centre) and 179 Ann Street (right). John Hamilton owned all of these properties, and Joseph Hamilton lived in both 183 and 179 Ann Street at different times. The only other identifiable example in Canada of an extant brewery building with the brewer's house still intact next door is Alexander Keith's brewery in Halifax (see Appendix D)

The property at 183 Ann Street is valued for its associations with the Kent Brewery immediately to the east (197 Ann Street)



Kent Brewery, London Old Boys Semi-Centennial 1855-1905, published 1905.

Photograph of the Kent Brewery after “extensive alterations and additions were made” by Joseph Hamilton “near the end of the [19th] century” (Phillips, 155).



Kent Brewery building, October 2020

Apart from a new door in the centre, the main Kent Brewery building still looks much as it did at its peak, when the photograph above was published in 1905.



The main brewery building



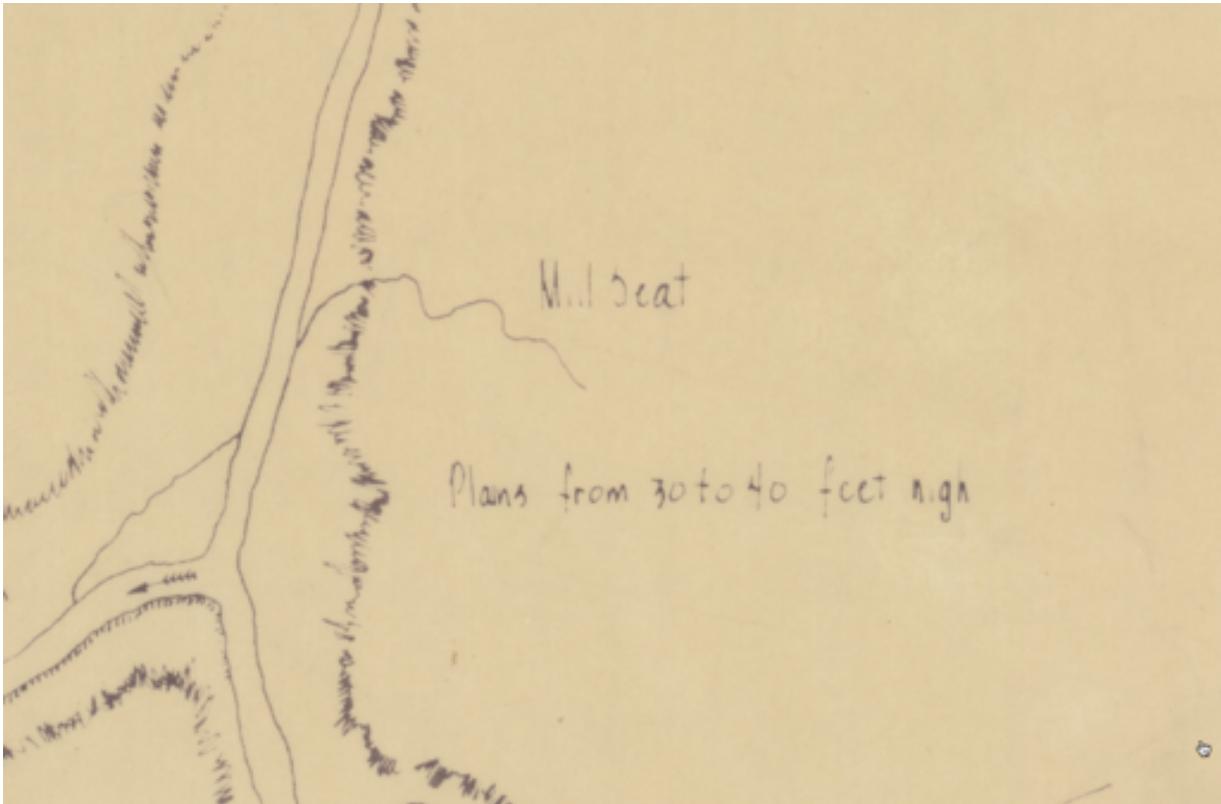
The brewery washhouse

sa

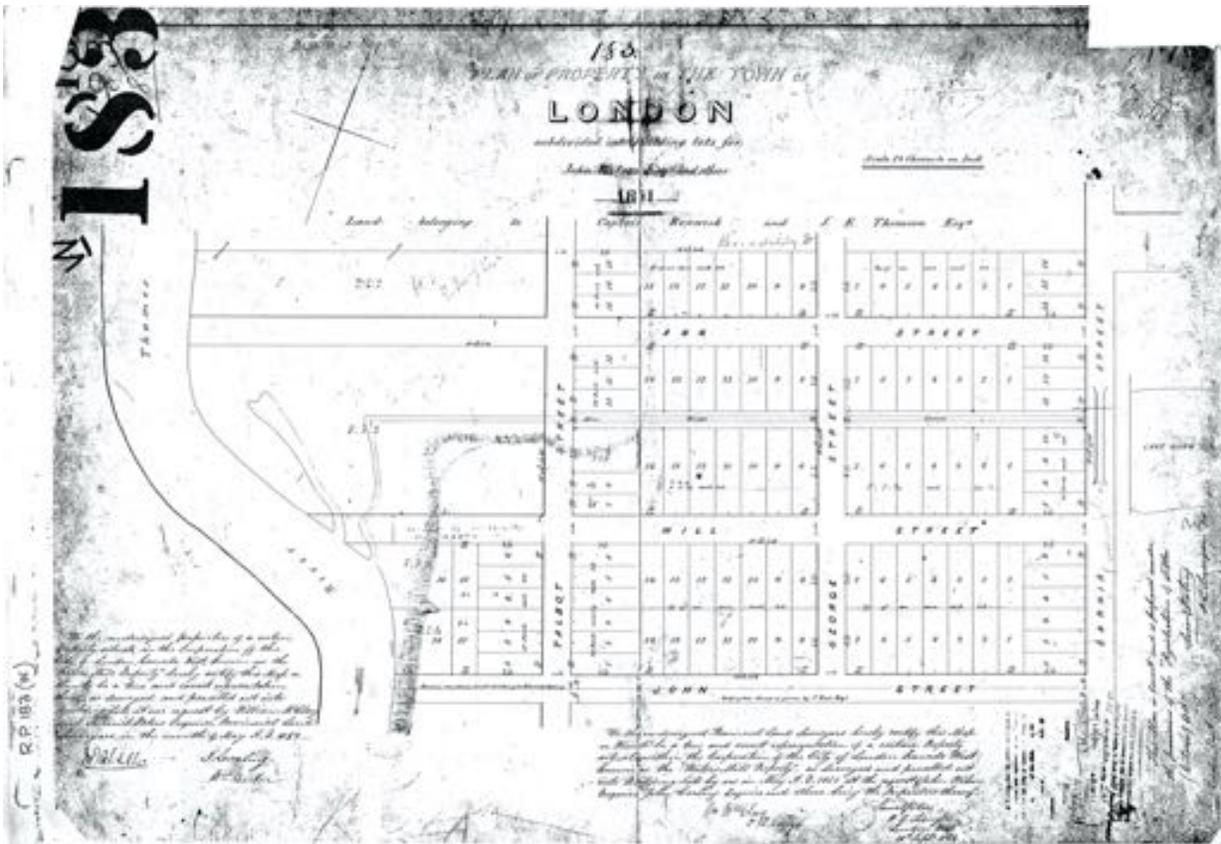


Image 5: Main brewery building (left) and brewery washhouse (right)

Appendix C – Historical Documentation



Detail from Grant map made from notes made during Lt-Gov. John Graves Simcoe's 1793 expedition to what would become London ON. Carling's Creek is one of the few features noted. A potential "Mill Seat" meant a place of economic potential. In 1836, forty years later, Thomas Waters made good on this economic promise by setting up Waters' Mill on the Creek. Map produced by surveyor Lewis Grant in 1830 based on field notes of Augustus Jones from 1792–1793.



In 1851, the Waters' Mill property was surveyed and subdivided by a consortium that included John Carling, John Wilson, and future London Mayor William Barker. The Creek would later be re-channelled west of Richmond. (RP 183(W)).

OLDEST REMAINING INDUSTRIAL BUILDING IN CARLING'S CREEK AND CPR CORRIDOR

Contextual Value

Hyman's Tannery 1867

Kent Brewery 1859

Arscott's Tannery Est. 1866, rebuilt c. 1869

Second Carling Brewery 1875, rebuilt 1879

1881 Rev 1888 Fire Insurance Plans

Other industries came to see the advantages of the motive power provided by the creek. Those industries came to include the Carling Brewery (est. 1843 on Waterloo Street), the Kent Brewery (est. 1859), Arscott's Tannery (est. 1866), Hyman's Model Tannery (1867), and the second Carling Brewery, built in 1875, and rebuilt in 1879. Carling beer became a global brand. Arscott's Tannery spawned one of Canada's largest tanneries (Samuel Arscott & Co.) in Benton, N.B.

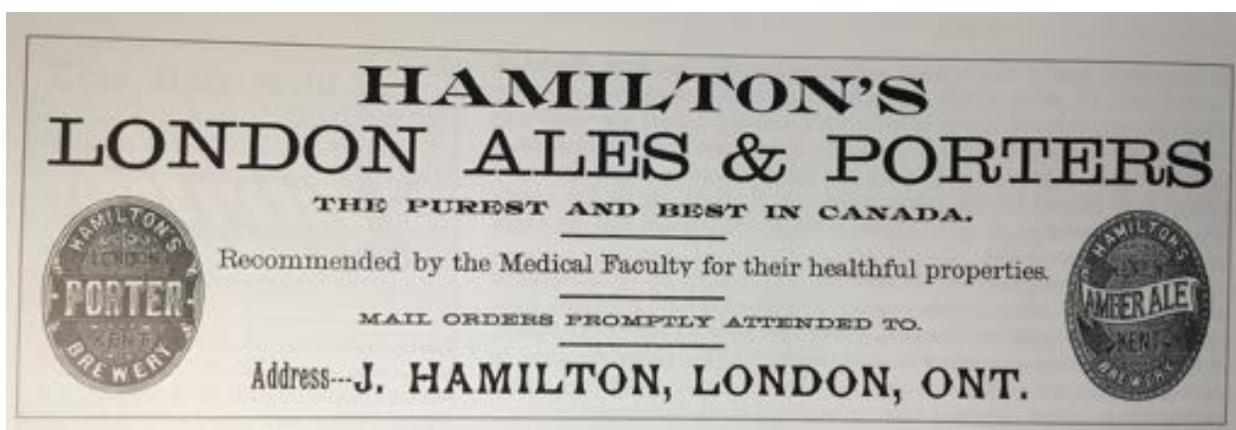
KENT
BREWERY!

BEST GENUINE ALE AND PORTER.

Hotels and Families Supplied.

JOHN HAMILTON,
Ann Street, - - London, Ont.

1878. Ad for Kent Brewery found in London City Directory 1877-1878, during the era of the Kent Brewery when John Hamilton was brewer. Glen Phillips, *On Tap: The Odyssey of beer and brewing in Victorian London-Middlesex*. Page: 76.



John Hamilton's son Joseph Hamilton used images of his beer labels in advertisements as part of his enterprising branding strategy. Compare the black-and-white beer label facsimiles in the add above, and in the two ads below, with the real labels on the next page. Glen Phillips, On Tap: The Odyssey of beer and brewing in Victorian London-Middlesex, page: 36 – "While dark ale, porter and stout dominated most of Victorian Canada's beer world, brewers hardly ignored changes in public taste. Joseph Hamilton supplied steadfast traditionalists with his London Porter and accommodated those who wanted something a bit lighter with his Amber Ale."

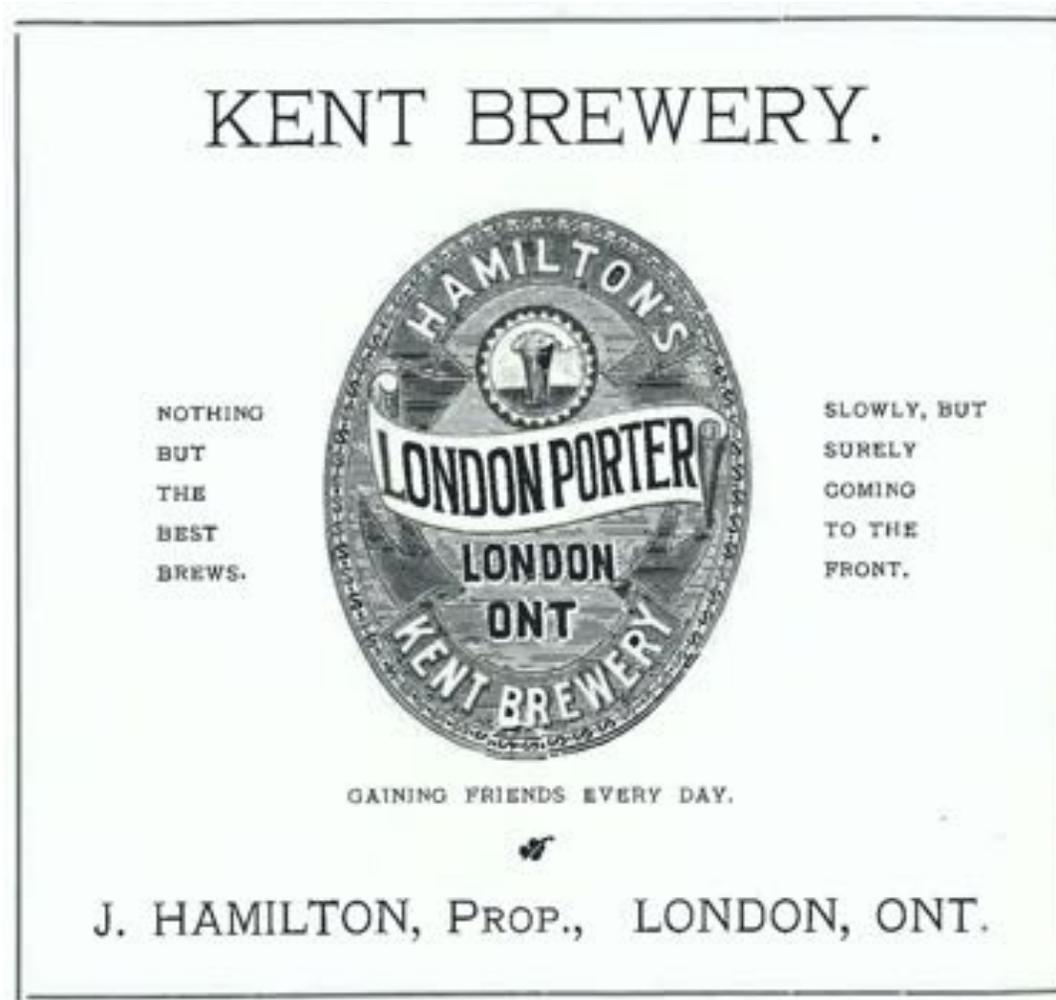


Figure 4: Kent Brewery advertisement from 1903 Old Boys Reunion Book, p. 54, showing label facsimile.



Figure 4: Labels for Hamilton's London Porter and Amber Ale from 1889. Fisher Rare Book Library, U. of Toronto.



John McNab Hamilton

BIRTH 12 JULY 1824 • Dunfermline, Fife, Scotland
DEATH 9 OCTOBER 1887 • London City, Ontario, Canada

Facts

- Age 0 — **Birth**
12 July 1824 • Dunfermline, Fife, Scotland
- Age 2 — **Birth of Sister Sarah Hamilton** (1826-)
30 Oct 1826 • Dunfermline, Fife, Scotland
- Age 5 — **Birth of Brother Daniel Hamilton** (1830-1914)
06 Mar 1830 • Dunfermline, Fife, Scotland
- Age 8 — **Birth of Brother James Hamilton** (1833-1914)
06 May 1833 • Dunfermline, Fife, Scotland
- Age 23 — **Marriage**
19 Nov 1847 • Dunfermline, Fife, Scotland
- Agnes Horn**
(1808-1888)
- Age 23 — **Birth of Daughter Elizabeth Hamilton** (1848-)
2 April 1848 • Dunfermline, Fife, Scotland
- Age 25 — **Birth of Daughter Janet Hamilton** (1850-1904)
24 May 1850 • Dunfermline, Fife, Scotland
- Age 29 — **Birth of Daughter Agnes Hamilton** (1854-1915)
abt 1854 • Dunfermline, Fife, Scotland
- Age 36 — **Birth of Son Joseph Hamilton** (1860-)
6 December 1860 • Dunfermline, Fife, Scotland
- Age 36 — **Birth of Daughter Helen Hamilton** (1860-)
6 December 1860 • Dunfermline, Fife, Scotland

Family

- Parents
- John Hamilton**
1791-1861
- Janet McNab**
1796-
- Spouse & Children
- Agnes Horn**
1808-1888
- Elizabeth Hamilton**
1848-
- Janet Hamilton**
1850-1904
- Agnes Hamilton**
1854-1915
- Joseph Hamilton**
1860-
- Helen Hamilton**
1860-
- Mary Hamilton**
1863-1902
- Jemima Hamilton**
1868-

Sources

- Ancestry Sources
- 1861 Scotland Census
- 1871 Census of Canada
- Ancestry Family Trees
- Ontario, Canada, Deaths, 1869-1938 and Deaths Overseas, 1939-1947

- Age 36 — **Death of Father John Hamilton** (1791-1861)
26 May 1861 • Dunfermline, Fife, Scotland
- Age 37 — **Residence**
1861 • Dunfermline Burgh, Fife, Scotland
Relation to Head of House: Head
- Age 38 — **Birth of Daughter Mary Hamilton** (1863-1902)
1863 • London, Middlesex, Ontario, Canada
- Age 43 — **Birth of Daughter Jemima Hamilton** (1868-)
abt 1868 • London, Middlesex, Ontario, Canada
- Age 47 — **Residence**
1871 • Ward 02, London, Ontario, Canada
Marital Status: Married
- Age 56 — **Death of Sister Margaret Hamilton** (1819-1880)
1880 • Dunfermline, Fife, Scotland
- Age 57 — **Death of Sister Janet Hamilton** (1816-1881)
28 Dec 1881 • Dunfermline, Fife, Scotland
- Age 63 — **Death**
9 October 1887 • London City, Ontario, Canada

Genealogical information on brewer John Hamilton and his family. Hamilton was an ale brewer in his hometown of Dunfermline in Fife, Scotland, before coming to Canada and taking over the Kent Brewery.



Joseph Hamilton

BIRTH 6 DEC 1859 • Dunfermline, Fife, Scotland

DEATH 23 MAY 1943 • London, Middlesex, Ontario, Canada

Facts

Age 0 — Birth

6 Dec 1859 • Dunfermline, Fife, Scotland

Age 2 — Arrival

1861

Age 2 — Residence

1861 • Dunfermline Burgh, Fife, Scotland

Age 3 — Arrival

1862

Age 12 — Residence

1871 • London Ward 2, London, Ontario, Canada

Age 22 — Residence

1881 • Ward 2, London City, Ontario, Canada

Age 23 — Marriage

31 May 1883 • London, Middlesex, Ontario, Canada

Susannah "Susie" Fletcher
(1863-)

Age 32 — Residence

1891 • Ward 2, London City, Ontario, Canada
Marital Status: Married; Relation to Head of House: Head

Age 42 — Residence

1901 • London (City/City) Ward/Quartier No 2, London (City/City), Ontario, Canada
Marital Status: Married; Relation to Head of House: Head

Age 52 — Residence

1911 • London City, Ontario, Canada
Marital Status: Married; Relation to Head of House: Head

Family

Parents

John McNab Hamilton
1824-1887

Agnes Horn
1828-1888

Spouse & Children

Susannah "Susie" Fletcher
1863-

Ella May Hamilton
1886-

Mabel A Hamilton
1888-

John Horn Hamilton
1891-1915

Lawrence Joseph Hamilton
1894-

Edward William Fletcher Hamilton
1894-1923

Sources

Ancestry Sources

-  1861 Scotland Census
-  1871 Census of Canada
-  1881 Census of Canada
-  1891 Census of Canada
-  1901 Census of Canada
-  1911 Census of Canada
-  1921 Census of Canada
-  Ancestry Family Trees
-  Ontario, Canada Marriages, 1801-1926
-  Ontario, Canada, Deaths, 1869-1938 and Deaths Overseas, 1939-1947
-  Scotland, Select Births and Baptisms, 1564-1950

Age 61 — Residence

1 Jun 1921 • London, London, Ontario, Canada
Marital Status: Married; Relation to Head of House: Head

Age 83 — Death

23 May 1943 • London, Middlesex, Ontario, Canada

Occupation

Brewer

Genealogical information on brewer Joseph Hamilton and his family. Joseph Hamilton took over the brewery after his father's death and made it sufficiently successful that he was able to build the substantial brick residence that still stands next door to the Kent Brewery at 183 Ann Street.

Table 2: City Directory listings for the property at 183 Ann Street

[House built in 1893 by brewer Joseph Hamilton of the Kent Brewery]

<i>1894</i>	<i>Hamilton Joseph</i>
<i>1895</i>	<i>Hamilton Joseph</i>
<i>1900</i>	<i>Hamilton Joseph</i>
<i>1905</i>	<i>Hamilton Joseph</i>
<i>1910</i>	<i>Jos Hamilton</i>
<i>1915</i>	<i>Webb Albt N</i>
<i>1916</i>	<i>Blay Wm</i>
<i>1920</i>	<i>Wright Q E</i>
<i>1925</i>	<i>Nurden, Albt</i>
<i>1930</i>	<i>Schroeder, Gustav</i>
<i>1935</i>	<i>McMullin, J J</i>

Appendix D – Comparative Analysis

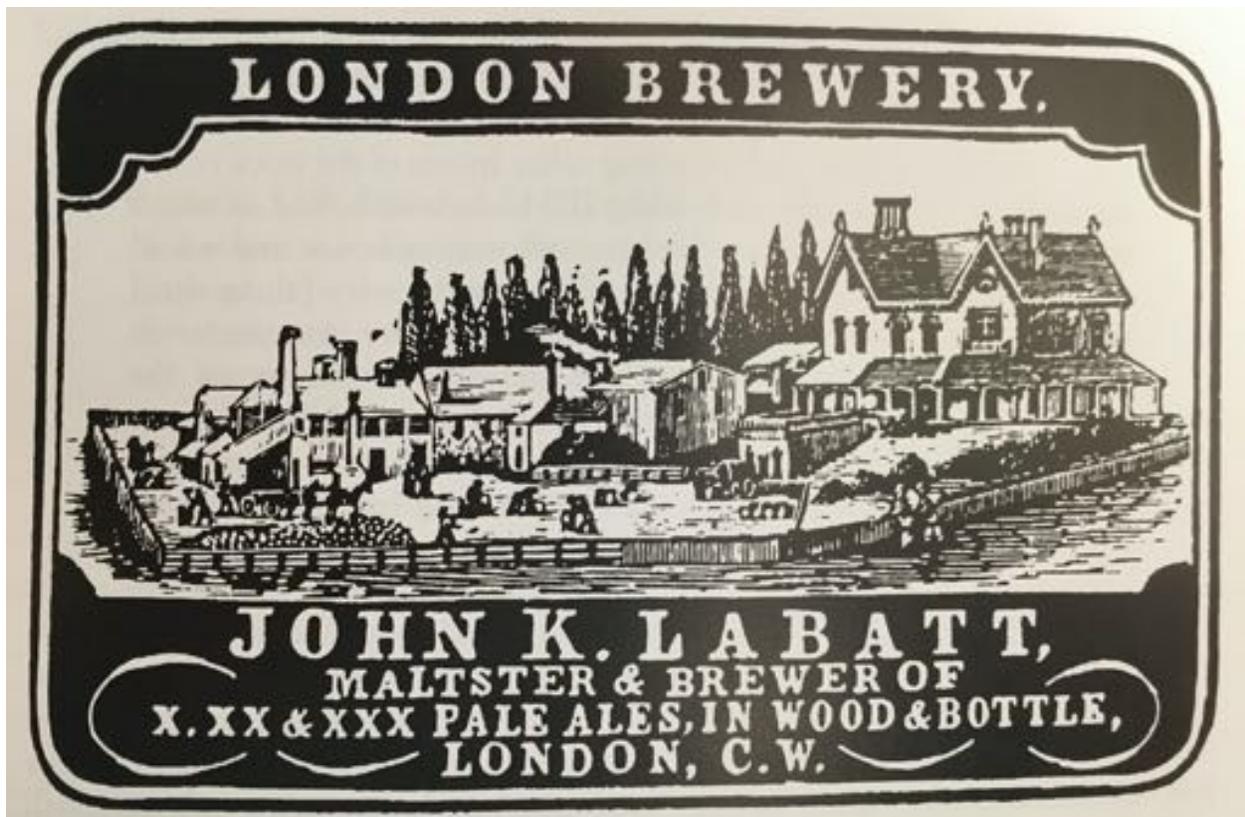
19th Century Breweries in London ON with owner's residence on the brewery site

Although no 19th Century brewery buildings remain in London ON other than the Kent Brewery, there do exist images of both the original Carling Brewery and the original Labatt Brewery as they appeared in the mid-19th Century, around the time the Kent Brewery was established.



W & J Carling's City Brewery (~1850s)

John Hamilton and Joseph Hamilton both had their residences next to their brewery. Although those residences are not pictured here, Samuel Peters Jr.'s map of London ON in 1855 shows that both John Carling and Thomas Carling similarly had residences next to their brewery. Unlike the houses that John Hamilton owned, and Joseph Hamilton lived in, the Carling residences are no longer extant.



John K. Labatt's London Brewery, c. 1860. (The Kent Brewery was established in 1859).

John Labatt's residence can similarly be seen next to his brewery. Although the Labatt plant remains at this location, this mid-19th Century brewery, and the brewer's residence pictured, are no longer extant. The reconstructed "Labatt Brewery" in the Fanshawe Pioneer Village was created in 1967 for Canada's Centennial.

Early Breweries in Canada

Since there are no breweries in Southwestern Ontario where the brewer's house was preserved next door, a scan of Canadian Breweries was conducted to identify extant breweries where the brewer's house was also intact.



Alexander Keith's Brewery, Halifax (1837). Credit: Canada's Historic Places

The Alexander Keith's Brewery site is grander than the Kent Brewery site, however it is comparable to the Kent Brewery site in that it includes both the original (Georgian Style) brewery building and an adjacent residence that the brewer built for himself (below). Based on a scan of historic Canadian breweries in Wikipedia and in Canada's Historic Places, Alexander Keith's may be the only other early brewery site in Canada of this kind.



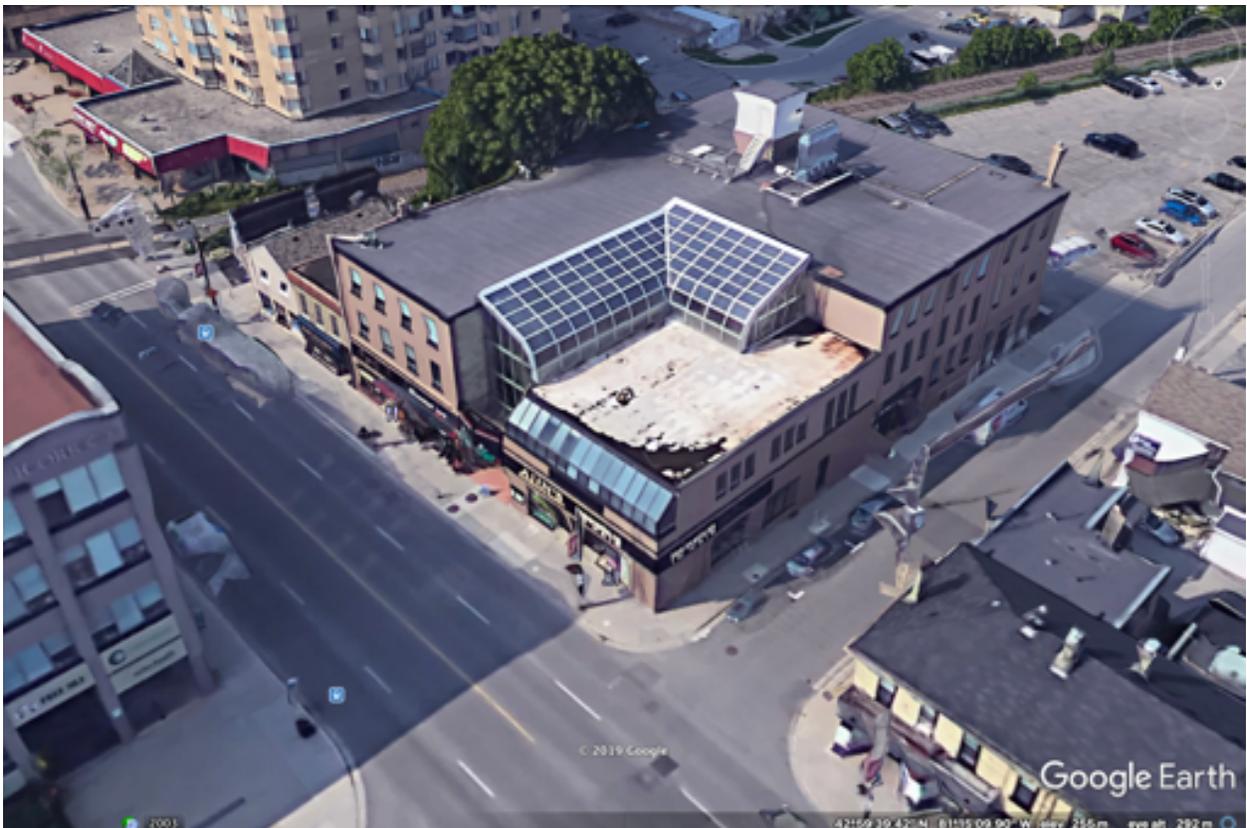
Alexander Keith's Italianate residence

Adaptively reused buildings near the Kent Brewery

The following examples from the near neighbourhood of 183 Ann Street illustrate that creative adaptive re-use of old buildings, even plain buildings, is the norm in this neighbourhood.



Campus Hi-Fi Building (built in the 1880s). Buildings don't have to be grand to be adaptively re-used. Humble structures can lend charm and variety to their surroundings. This building, which now houses the iconic Campus Hi-Fi, was built and used as a brick stable in the 1880s.



The 1911 Fireproof Warehouse, which was turned into The Village Corners. The Village Corners development shows that it is possible to take a commercial building and turn it into a showpiece. The back of this building can be seen from the front door of the Kent Brewery.



The 1909 Murray-Selby Shoe factory building at Piccadilly and Richmond Streets. The industrial feel of the factory was preserved while creating an airy modern atrium at the rear of the building.



The Station Park development added density while incorporating the 1892/93 CPR railway station.



The CEEPS, built as a hotel in 1890 to capitalize on the then newly established CPR railroad, is now a brew pub.

Nearby buildings showing the range of accommodation lived in by the people who worked in the industries of the Carling's Creek and CPR corridor



The row-houses at 146-154 Ann Street



724 Talbot Street (home to Edward Boles, labourer and later foreman of Carling's Brewery).



127 Ann Street, home to James Arscott, originally of the Arscott Tannery which was almost immediately to the east of 127 Ann Street. James Arscott was later foreman of the Hyman Tannery.

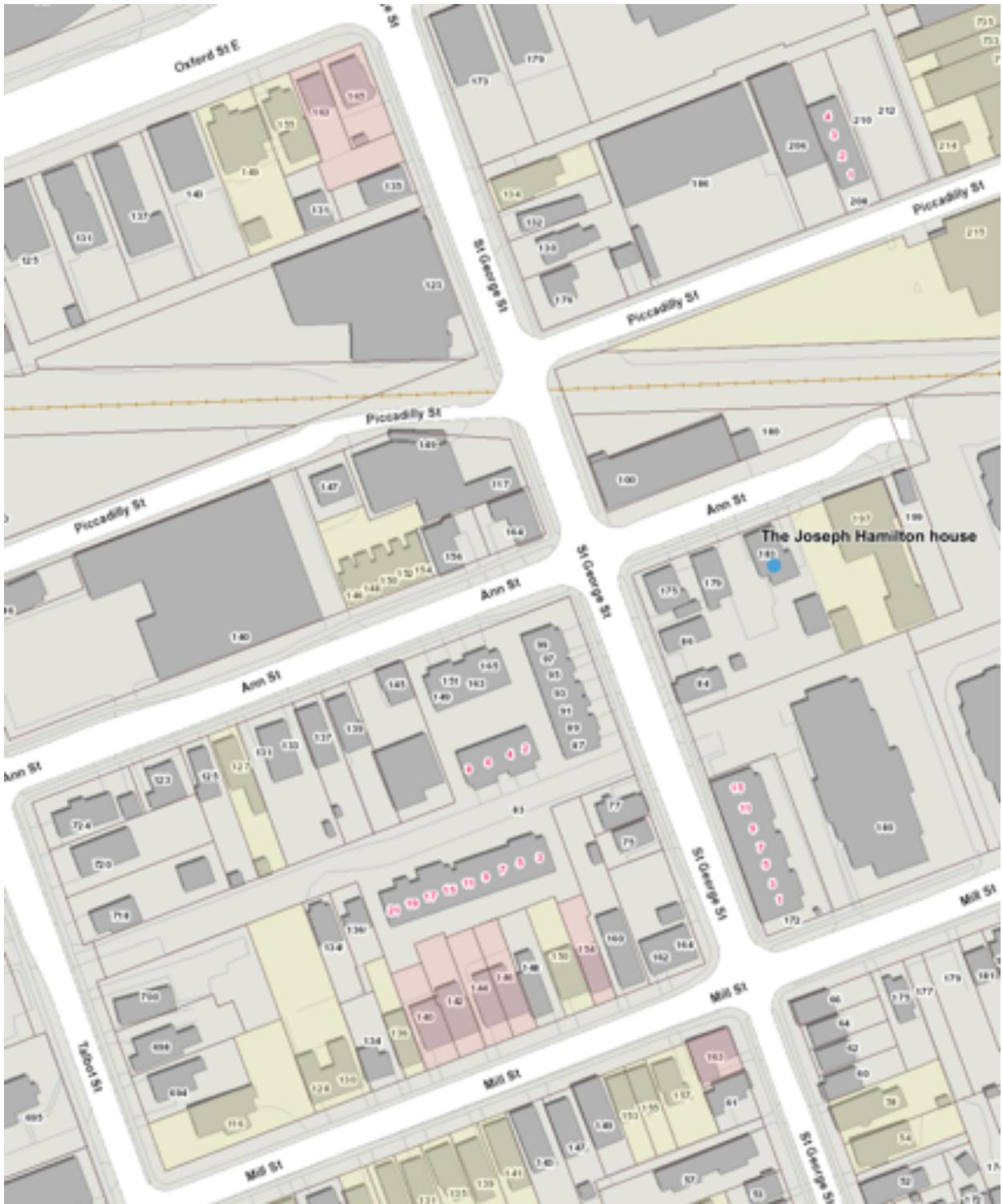


Figure 6: Heritage listed properties (yellow) and heritage designated properties (red) near 183 Ann Street.

Appendix E – Statement of Cultural Heritage Value or Interest

Legal Description

LOTS 4, 5, 6 & 7 AND PART LOT 3, SOUTH SIDE ANN STREET PLAN 183(W)DESIGNATED AS PART 1, PLAN 33R-20622; CITY OF LONDON

Description of Property

The property at 183 Ann Street is located on the south side of Ann Street east of St. George Street. The property at 183 Ann St. consists of a two-and-a-half storey Queen Anne residence.

Statement of Cultural Heritage Value or Interest

The property at 183 Ann Street is of significant cultural heritage value or interest because of its historical/associative values and its contextual values.

This property is valued for its direct associations with the Kent Brewery building to its east (the third most significant historic brewery in London after Carling's and Labatt's), and for its associations with the Hamilton brewing family, particularly John Hamilton, who ran the brewery from 1861–1887, and his son, Joseph Hamilton, who ran the brewery from 1887–1916.

Joseph Hamilton built 183 Ann Street in 1893, and lived there with his family for 18 years, until 1911. Joseph's father, brewer John Hamilton, had lived in a more modest frame structure on the same site. The size and scale of 183 Ann Street shows the increased prosperity the Kent Brewery attained under Joseph Hamilton's leadership after John Hamilton's death in 1887. After taking the reins, Joseph Hamilton rapidly built up his local trade to a point where he had nearly tripled the commercial worth of the Kent Brewery in the first five years of his tenure as brewer, thanks to a sophisticated new branding strategy (Appendix C) and targeted local marketing. The large Queen Anne House at 183 Ann Street, built six years after Joseph Hamilton takes over as brewer, is tangible evidence of his success.

The historic Carling's Creek, though now largely underground (a "lost creek"), nevertheless retains strong historical resonances to this day. It was described as a potential mill seat—a site of economic potential—in 1793 (See Appendix C). This was one of the small number of significant features noted about London by the Simcoe expedition that decided London's location. The creek is still empties into the river just south of Ann Street Park, and is daylight (i.e. visible) between Waterloo and Colborne near Pall Mall.

This property is valued for its potential to yield information on the history of the Talbot North neighbourhood (prioritized in *Heritage Places 2.0* as the area of highest importance for a future potential Heritage Conservation District). This property is valued for its potential to yield information on the nationally-significant brewing history of London-Middlesex. This property is valued for its potential to yield information on the Carling's Creek and CPR corridor (a distinctive sub-area of Talbot North), and the lives and community of the people who worked in its industries.

This property is valued because it is important in defining, maintaining and supporting the early residential character of the Carling's Creek and CPR corridor, which is defined by the residences of the people who worked in the four major 19th century industries on Ann Street. These industries, in turn, were defined by Carling's Creek, since the industries were set up to take advantage of the motive power it provided. This property is valued for its associations with Carling's Creek, and with the early industrial history of the Carling's Creek and CPR Corridor.

Many of the people who worked in these industries, at all levels in the companies, lived in the immediate vicinity. The variation in housing on Ann Street and the immediate neighbourhood, from worker's cottages, to double-housing, to row housing, to the larger structures lived in by the owners, tell this story. Up and down Ann Street, and on nearby streets, we see tangible evidence of a range of incomes, from workers (146-154 Ann Street) to foremen (724 Talbot Street - Edward Boles, foreman at Carling's, 127 Ann Street - James Arscott, foreman at Hyman's) to owners (Joseph Hamilton's house at 183 Ann Street). Taken together, these properties tell a complete story.

This property (183 Ann Street) is valued because it is historically linked to the Kent Brewery building immediately to the east, and to the cottage owned by John Hamilton and lived in by Joseph Hamilton (179 Ann Street) immediately to the west. This property is valued because it is visually, physically, functionally, and historically linked to the Kent Brewery building at 197 Ann Street. Joseph Hamilton clad the Kent Brewery in a similar buff brick to the brick he used in building his residence at 183 Ann Street. There are also similarities in the form, size, and style of the windows between 183 and 197. The brick used for 183 and 197 Ann Street echoes that used for the cottage immediately to the west (179 Ann Street), which was also owned by the Hamilton family.

Taken together, these three structures (197 Ann Street, 183 Ann Street, and 179 Ann Street) are visually and functionally linked: they present a rare surviving Canadian example, along with Alexander Keith's Brewery in Halifax, of a 19th Century brewery district, where the brewers' houses are preserved along with the brewery building.

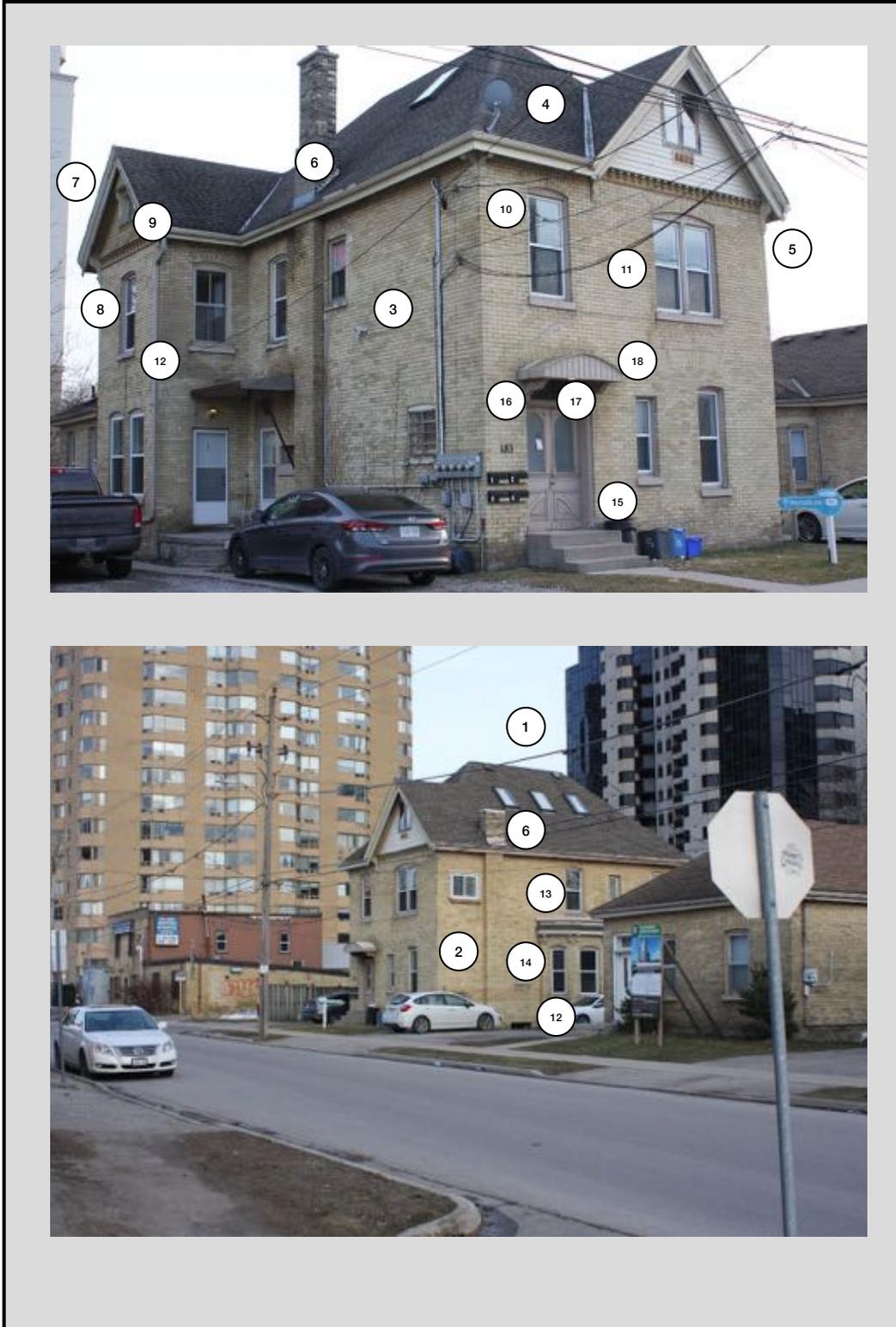
Heritage Attributes

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

1. The house has the form and style of a Queen Anne house.
2. However, this is a larger and more imposing structure than a typical Queen Anne cottage.
3. The house is built of buff London brick. The house has the typical irregular and stepped outline and profile of this style.
4. The roof is irregular with a shallow gabled profile. It has a cross gable and two gable ends.
5. There are brackets below the roof at the principal corners.
6. There are two buff brick chimneys.
7. The gable ends exhibit the specific style of wood shingling known as a staggered imbrication (Phillips, Steven J, 1989, p. 99). The front façade gable is clad with siding but the east gable exhibits the original bargeboard shingling and is outlined with moulded vergeboards.
8. The gable is supported by wooden end brackets and a modillion course beneath.
9. There is a small square gable window under the eaves. There is a pilaster on each side of the window frame. The window is divided in two and surrounded by a border of small square panes.
10. The fenestration is symmetrical within the irregular profile; with most of the principal windows being segmental-arched topped with brick voussoirs.
11. On the second storey of the front façade are double windows, which were apparently echoed on the first storey.
12. There is a bay window to the west side with the style of the windows echoing the characteristic style.
13. The bay is topped by a flat roof and the fascia board is decoratively supported by small brackets or modillions.
14. The brackets and modillions adhere to a single character throughout the whole structure.
15. The principal doorway on the front façade has an original double-leafed door, which is carved, pierced and well decorated, with arched glass windows in the doors.

16. This is surmounted by a rectangular stained-glass transom with coloured glass in two rectangular patterns and a diamond pattern in the centre.
17. The doorway has a dentil-moulded architrave above.
18. The porch roof of the doorway is altered but appears to adhere to the line of a previous porch and is still supported by original brackets.

Appendix F – Heritage Attributes



Heritage attributes of the property at 183 Ann Street (page one of two).



1. The building has the form and style of a Queen Anne house



2. However, this is a larger and more imposing structure than a typical Queen Anne cottage



3. The house is built of buff London brick. The house has the typical irregular and stepped outline and profile of this style



4. The roof is irregular with a shallow gabled profile. It has a cross gable and two gable ends



5. There are brackets below the roof at the principal corners



6. There are two buff brick chimneys



7. The gable ends exhibit wood shingling. The front façade gable is clad with siding but the east gable exhibits the original bargeboard shingling and is outlined with moulded vergeboards



8. The gable is supported by wooden end brackets and a modillion course beneath



9. There is a small square gable window under the eaves. There is a pilaster on each side of the window frame. The window is divided in two and surrounded by a border of small square panes



10. The fenestration is symmetrical within the irregular profile; with most of the principal windows being segmental-arched topped with brick voussoirs



11. On the second storey of the front façade are double windows, which were apparently echoed on the first storey



12. There is a bay window to the west side with the style of the windows echoing the characteristic style



13. The bay is topped by a flat roof and the fascia board is decoratively supported by small brackets or modillions



14. The brackets and modillions adhere to a single character throughout the whole structure



15. The principal doorway on the front façade has an original double-leafed door, which is carved, pierced and well decorated



16. This is surmounted by a rectangular stained-glass transom with coloured glass in two rectangular patterns and a diamond pattern in the centre



17. The doorway has a dentil-moulded architrave above



18. The porch roof of the doorway is altered but appears to adhere to the line of a previous porch and is still supported by original brackets

Heritage attributes of the property at 183 Ann Street (page two of two).

From: Scott Allen

Sent: Thursday, October 15, 2020 1:39 PM

To: ppmclerks <ppmclerks@london.ca>

Cc: Debbert, Barb <bdebbert@London.ca>

Subject: [EXTERNAL] Delegation Request (York Developments): Planning and Environment Committee (October 19, 2020); LACH Recommendation 183 and 197 Ann Street

Importance: High

Good Afternoon,

York Developments wishes to be added as a delegation to the October 19, 2020 Planning and Environment Committee agenda to address recommendations of the London Advisory Council on Heritage (LACH) pertaining to the above-referenced properties. This matter is outlined in Ms. Debbert's email below.

Please confirm that this delegation request has been accepted.

Thank you,

SCOTT ALLEN, MA, RPP | Partner

MHBC Planning, Urban Design & Landscape Architecture

630 Colborne Street, Suite 202 | London | ON | N6B 2V2



Mark Tovey, PhD

THE KENT
BREWERY
BUILDING
197 ANN STREET

1



BREWER
JOSEPH
HAMILTON'S
HOUSE
183 ANN STREET

2

1859

BREWERY ESTABLISHED IN ITS PRESENT LOCATION

Original brewers Marshall and Hammond on Lot 3 South Side of Ann Street, Tax Assessment Rolls for 1859



Plan: Detail of RP183(W)

3

5 MARCH 1861

ENLARGEMENTS & ADDITIONS

The London Prototype. Reprinted in *Western Ontario History Nuggets*, No. 13 (1947), London ON: Lawson Memorial Library, The University of Western Ontario.

“KENT BREWERY. Dundas and Phillips, proprietors Ann street, off Richmond street; formerly the firm of Marshall and Hammond. The brewery has been very successful since its establishment, and there are enlargements and additions being constantly made to it. With the present spirited proprietors, and the large demand for brown stout and amber ale, we have every reason to believe that the Kent Brewery will steadily and successfully progress. Private families and hotel keepers are supplied with the best ales and porter, at the shortest notice, and upon the most reasonable terms.”

4

SEPTEMBER 1861

BREWERY FOR RENT

London and Provincial Exhibition Advertiser,
London C.W., September 1861



5

BREWERY
RENTED (1861),
BY SCOTTISH
BREWER &
MALTSTER
JOHN
HAMILTON.

KENT
BREWERY!

BEST GENUINE ALE AND PORTER.

Hotels and Families Supplied.

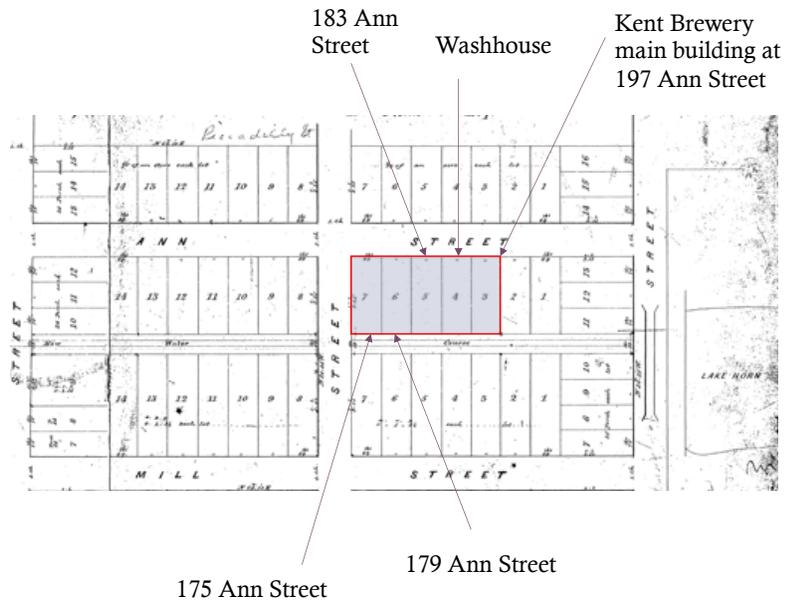
JOHN HAMILTON,
Ann Street, - - London, Ont.

6

1870s

JOHN HAMILTON PURCHASES LOTS 3-7, SOUTH SIDE OF ANN STREET.

Land Records Office



7

24 JANUARY 1873

FATHER AND SON ATTACKED

“On Monday afternoon a portion of a gang of rowdies that had long troubled London, attacked Mr. Hamilton and his son, of the Kent Brewery, with sticks and an iron poker, injuring them severely.”

The Globe, January 24, 1873, p. 2.

8

21 JULY 1875

**BROTHER
COMMITS
SUICIDE**

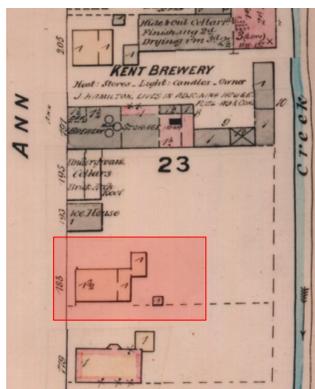
“Wm. Hamilton, brother of the proprietor of the Kent Brewery, poisoned himself this morning with a solution of Paris green. At the inquest held by Coronor Hagarty, the jury, after hearing the evidence, returned a verdict to the effect that death was caused by taking a quantity of solution of Paris green, which deceased drank while in a state of intoxication. Hamilton was unmarried and aged about 42 years.”

The Globe, Toronto, July 21, 1875

9

OCTOBER 9, 1887

**BREWER DIES
IN HIS HOME
AT 183 ANN
STREET.**



**SON BUYS
BREWERY.**



10

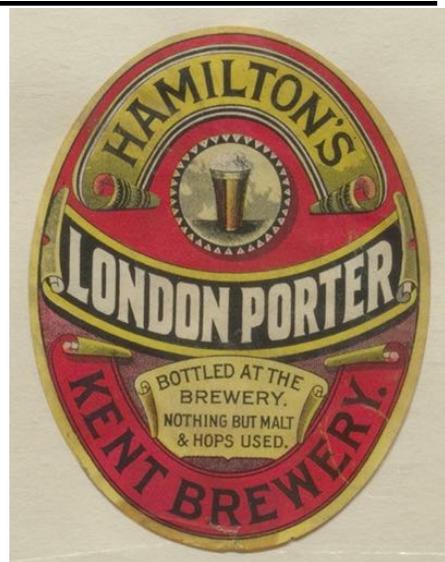
1887

SON MOVES TO
179 ANN STREET,
DAUGHTER LIVES
IN 183.



11

1887
NEW BRANDING
STRATEGY: LONDON PORTER,
LABEL FACSIMILES IN ADS



12

1893

SON JOSEPH TRIPLES WORTH OF BREWERY, BUILDS BRICK HOUSE NEXT TO BREWERY (183 ANN STREET)

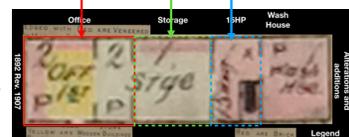
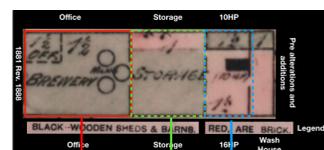


13

"NEAR END OF CENTURY"

ALTERATIONS AND ADDITIONS

Phillips, pp. 154-155



Main frame building re-clad in brick

Middle buildings unchanged

Washhouse expanded

14

BRANDING STRATEGY USING
REGULARLY CHANGING
SLOGANS CONTINUES UNTIL
BREWERY CLOSES IN LATE
1916 DUE TO TEMPERANCE
ACT. HUNDREDS OF ADS LIKE
THESE RUN IN THE LONDON
ADVERTISER FROM 1900-1916.



15

Printed 1905



183 ANN STREET STILL STANDS NEXT TO THE
ORIGINAL BREWERY

16

Printed 1905



Google Street View 2016



THE OVERALL APPEARANCE OF 197 ANN STREET IS MUCH AS IT WAS AT ITS PEAK.

17

HAVING A 19TH CENTURY BREWER'S HOUSE STILL STANDING NEXT TO THE BREWERY IS RARE IN CANADA



18

Hello,

AnnaMaria Valastro at 133 John St is requesting delegation status to address the PEC Committee on the issue of heritage designation of 197 and 183 Ann St.

Thank You

AnnaMaria Valastro



North Talbot Neighbourhood Assoc.

Regarding Heritage Designation of 197, 183 and 179 Ann Street.

Dear Members of the Planning and Environment Committee

I am asking that you please support the recommendation brought forward by London's Advisory Committee on Heritage (LACH) to designate 197 and 183 Ann St. as heritage properties in the North Talbot Community.

I am also asking that you please go further and award heritage designation to the property at 179 Ann St. too because it was the home of Joseph Hamilton, the son of John Hamilton who ran Kent Brewery after his father's death. He was as important in the story and history of the Kent Brewery as his father.

It was the North Talbot Community that originally approached LACH members to consider heritage designation for 197 and 183 Ann St. and requested that these properties be reviewed by the Stewardship Sub-Committee. We are grateful to the members LACH and the sub-committee for accepting our request and their hard work. At the time of our request we were unaware that we could also extend the review to 179 Ann St., the home of Joseph Hamilton.

I am encouraging the committee to preserve complete stories of the local history. These buildings, especially the residences of the Hamilton Family, retain the original architecture but more importantly they tell a family story and contribute to the broader industrial history of the entire area. The LACH report describes some of this history as an entrepreneurial business 'hub'.

Enduring family business, even today, are considered admirable. It is important to celebrate those successful businesses even if they occurred 150 years ago. Finally, I am asking this committee to raise the bar for development proposals, such that they must incorporate and preserve original heritage sites in their original forms. These challenges often produce the most creative, innovative and original designs, something we all desire in architectural and living spaces.

Sincerely,

AnnaMaria Valastro

133 John Street, Unit 1
London, Ontario N6A 1N7

Steve Olivastri
141 Central Ave
London N6A 1M6

Servanne Woodward,
583 Ridout St North
London, ON Canada N6A 2R2

Heather D. Chapman
3-152 Albert St.
London Ontario N6A 1M1

David Hallam
2-166 John Street
London, Ontario
N6A1P1



Architectural Conservancy Ontario – London Region Branch
Grosvenor Lodge
1017 Western Road
London, ON N6G 1G5

October 15, 2020

Members of the Planning & Environment Committee:
Maureen Cassidy (Chair) – mcassidy@london.ca
Jesse Helmer – jhelmer@london.ca
Anna Hopkins – ahopkins@london.ca
Arielle Kayabaga – akayabaga@london.ca
Stephen Turner – sturner@london.ca

Dear Councillors:

**Re: Designation of 183 and 197 Ann Street under the Ontario Heritage Act
(and Planning Application File OZ-9127)**

On behalf of the London Region branch of Architectural Conservancy Ontario (ACO London), I am writing to express support for the recommendation of LACH and its Stewardship Subcommittee to designate 183 Ann Street and 197 Ann Street under Part IV of the Ontario Heritage Act.

197 Ann Street was built in 1859 and became known as the Kent Brewery in 1861, the year that the business was purchased by John Hamilton and a partner. John eventually became the sole owner. After his death in 1887, his son (Joseph) took over the business and the brewery continued to operate until it closed in 1917 due to prohibition. The main brewery building has been referred to as the “largest surviving brewery artifact from Victorian London-Middlesex” (*On Tap: The Odyssey of Beer and Brewing in Victorian London-Middlesex*, by Glen Phillips). The brewery building has been adaptively re-used for 103 years and counting. It has housed a cigar factory, a cheese factory, a bicycle shop, and – at present – an automotive repair shop.

The property at **183 Ann Street** was home to the Hamilton family from 1862 to 1911, according to city directories. The original frame structure where John Hamilton lived and died was completely rebuilt in local yellow brick by his son, Joseph, in 1893. Joseph lived in the current house from then until 1911.

These two buildings, along with 179 Ann Street (built before 1881 and home to Joseph Hamilton from 1887 to 1890) are a rare example of a brewery site with the brewery itself (197), a house built by the brewer (183), and a house in which the brewer lived (179) all still standing and in good condition.

In addition to their individual and collective importance in recalling and highlighting London’s industrial past, these two properties sit within the expected study area for the North Talbot Heritage Conservation District. The Kent Brewery complex is an important component of this heritage neighbourhood. 183 and 197 Ann Street should be preserved.

With respect to the planning application that will come forward to PEC in the near future, we note that a 22-storey building on the west end of the subject site would be very close to three neighbouring mid-rise and high-rise apartment buildings. Construction of the proposed 22-storey building would result in a loss of privacy, sunlight, and view. It would make many units of the existing buildings less desirable as living spaces. This is unfair to the residents of those units, and to the owners of those units/buildings.

According to the London Plan, the maximum height for a building on the subject site is 2.5 storeys. According to current zoning, the maximum height is 12 meters. The revised zoning amendment application seeks to permit a building 6.25 times higher than current zoning allows, and 19.5 storeys more than the London Plan would allow. We respectfully request that the application for a zoning change be denied, and that the property owner be encouraged to incorporate the historic brewery complex into any potential redevelopment.

Thank you for considering our comments.

Yours truly,

Kelley McKeating
President, Architectural Conservancy Ontario – London Region

Copies: Cathy Saunders, City Clerk - csaunder@london.ca
Heather Lysynski, PEC Committee Secretary - pec@london.ca

To whom it may concern:

I wish to support designation of the above two properties on historical and contextual grounds.

Thank you for considering my request.

Yours faithfully.

Patricia Black

--

Take care

Patricia



Jennifer Grainger
956 Colborne Street
London, ON N6A 4A6

October 15, 2020

Members of the Planning & Environment Committee

Dear PEC Councillors:

I am writing to you regarding the proposed highrise development at 175-197 Ann Street and 84-86 St. George Street. Please deny demolition permits for 179, 183 and 197 Ann Street and have these buildings designated under Part IV of the Ontario Heritage Act.

Listed in the City's Register of Cultural Heritage Resources, **197 Ann Street** was built in 1859. It became known as the Kent Brewery in 1861, the year the business was purchased by Scottish brewer John Hamilton and partner. Eventually John was in business on his own, producing London Porter and Pale Ale at this site. He continued to operate the brewery until his death in 1887 after which his son Joseph Hamilton took over. Joseph ran the brewery until it closed in 1917 due to prohibition. Apart from a new door in the centre, the main Kent Brewery building and its one-storey washhouse still look much as they did in when the Hamilton family was in business. According to Glen C. Phillips, in *On Tap: The Odyssey of Beer and Brewing in Victorian London-Middlesex*, the building today is the "largest surviving brewery artifact from Victorian London Middlesex."

The property at **183 Ann Street** was home to the Hamilton family from 1862 to 1911, according to city directories. The original frame structure where John Hamilton lived and died was completely rebuilt in yellow brick by his son, Joseph Hamilton, in 1893. Joseph lived in the current house until 1911.

The side hall plan cottage at **179 Ann Street**, built before 1881, was the home of Joseph Hamilton from 1887 to 1890, when he moved back to 183 Ann. It has its original window openings with double hung windows and brick voussoirs and an entrance that has a brick voussoir and transom light. Of added interest is the distinctive Talbot North lintel which, according to historian Mark Tovey, is distinctive, although not exclusive, to the Talbot North area. Such details highlight the local character of London's nineteenth-century architecture.

In summary, these three buildings are a rare example of a brewery site with the brewery itself (197), a house built by the brewer (183), and a house in which the brewer lived (179). Such an extraordinary site would make a good place for a microbrewery today. At the very least, the developer should be expected to incorporate these buildings into a new design rather than demolishing them. It must be possible, surely, to intensify the population of this neighbourhood while conserving its built heritage assets?

Yours truly,

Jennifer Grainger

Copies: Barb Debbert, Development Services - bdebbert@london.ca
Cathy Saunders, City Clerk - csaunder@london.ca
Heather Lysynski, PEC Committee Secretary - hlysynsk@london.ca
Chair of LACH through Jerri Bunn, LACH Committee Secretary - jbunn@london.ca



Dear Planning and Environment Committee,

I'm very pleased to hear that 197 & 183 Ann Street have been put forward for designation. I fully support this designation on both historical and contextual grounds. The Kent brewery is an integral element to both the history and culture of brewing in London Ontario. The fact that Kent Brewery continued to produce and sell porter in a market that also supported lager is truly astounding. Overseas, for example, the emergence of bottom-fermenting yeast, or lager, ushered in a new era of beer production and consumption. Palates of beer drinkers quickly changed and producers of porter and stout were driven out of business. London Ontario, however, was able to deviate from the norm. Here, both porter and lager existed in relative harmony. While palates undoubtedly changed, Kent was still able to successfully produce and sell a porter, a feat unquestionably significant given the demise of porter in its native birthplace.

I hope this brief summary will help inform discussions.

All the best,

Evan Wiley

Library Assistant, The D.B. Weldon Library
Western University

It is with great interest and concern that I am aware of the undertaking to designate the two buildings on Ann Street. These buildings represent an important chapter in the architectural and cultural history of London. Far too many of our buildings have been lost to development lacking in any attempt to preserve the history and integrity of our past. I have lived my whole life in London (67 years), and have lived primarily in Old North, principally on William and Maitland Streets (where I now reside). Thus the streets and areas centred on Ann Street have always been part, not only of my personal heritage, but that of the city which I have always called home. I have roamed these streets as a young boy, into adolescence, on foot and by bicycle, exploring the riverbank and parklands adjacent to Ann Street. This is not just nostalgia, but living history we lose at our peril. These buildings and the neighbourhood in which they are located are important to our collective memory. They are teaching moments in history for our children that are much more important than old photographs in archives. Please designate these buildings and preserve my and our heritage.

Thank you.

David Murphy

To the Members of the Planning and Environment Committee:

I am writing to express my support for the designation of the properties at 197 Ann Street and 183 Ann Street (the Kent Brewery building and the house that Joseph Hamilton built) for reasons of historical and associative value.

As substantiated by the two supporting Evaluations of Cultural Heritage Value of Interest, these properties hold significant value for their direct association with the Kent Brewery (the third most significant historic brewery in London after Carling's and Labatt's), and the Hamilton brewing family, particularly John Hamilton, who ran the brewery from 1861–1887, and his son Joseph Hamilton, who ran the brewery from 1887–1917.

The properties are also valued for their association with the historic Carling's Creek (now largely underground), and with the early industrial history that grew up around Carling's Creek and CPR Corridor.

In terms of contextual value, the properties hold great importance in defining, maintaining and supporting the character of the area along Ann Street and in the near vicinity—an area inhabited by those who worked in the four major industries that grew up around Carling's Creek, from labourers to foremen to owners.

Moreover, the industrial properties near Ann and Piccadilly Streets west of Richmond, and their relationship to the CPR tracks and Carling's Creek, are among the unique identifiers of the Talbot North neighbourhood, and they embody characteristics that should be considered for preservation in any forthcoming HCD study. The Kent Brewery is primary in defining the uniqueness of this area.

I would further request that these properties be considered for designation on their own merits and not in conjunction with the planning application.

Thank you for your consideration.

Lorraine Tinsley

MPA | Certificate Green Business Management
MA Public History Candidate 2020

Hello to all committee members.

Firstly, let me thank you for your work and attention to these issues during a time when so many other very important matters lay before every one of us.

To introduce myself, I am a co-founder of the Forked River Brewing Company. I have lived in London since coming to Western in 1991, proceeding through a graduate degree in Microbiology and Immunology, subsequently making this wonderful community a home for our family, and starting a small business here in 2013 with my two business partners.

Living for a number of years at the forks of the Thames, and in the area around Ann Street as well, I could not help but absorb the importance of some of the nearby landmarks, buildings and areas of historical note.

My partners and I wanted to name our brewery after something deeply identified with London. Our goal was to build the first microbrewery in London since the Glatt Brothers started their short-lived brewery in the mid-1990s and we felt that we must connect with our customers in a way that was relevant to both the future and history of brewing in Canada. We went through many names and finally settled on Forked River Brewing, as a nod not just to the gathering spot that Londoners would flock to during summer festivals but to also reflect the importance of the forks of the Thames on Canadian brewing history.

Many of our beers also reflect this attention to London's heritage. From our *Capital Blonde Ale*, referring to the vision of London as the future capital of Upper Canada, to *Lord Simcoe's Revenge* and *Queen's Ranger*, IPAs which celebrate the work and goals of John Graves Simcoe. The list goes on from there. We also celebrate the work and accomplishments of modern-day Londoners, collaborating with remarkable locals and working with them to shine light on causes and promote good in our community.

Tying our proverbial horses to the rich history in London, both in brewing and in other notable aspects of building our young nation, has given us a lot of pride. We have always felt that we, as Londoners, have a lot to commemorate and display to the world. In our short seven years of operation, I believe that we have done much to promote London as well as helping to support the other microbreweries that have followed in our footsteps in years since. Would we be here without the sense of pride and community spirit given to us by the local history and landmarks? Perhaps; however, we would be a different company and, perhaps, it wouldn't mean as much to Londoners. Taking the time and allocating the resources to preserve and honour the historically significant sites in London can reap rewards unseen at the outset. As a scientist at heart, I feel that the pursuit and value of curiosity and knowledge are rewarded in ways that can't be foreseen.

My partners and I feel deeply that supporting locally-produced goods is also inherently worthwhile. As connected as we may be, we remain in a world that can be cut-off from resources unexpectedly. Relying on our neighbours to produce our own food and goods is an important aspect often lost in our increasingly global society. I'd like you to support the preservation of touchstones that can show our residents what we used to do: live a life with a smaller circle in which our acts reflect back positively on our community.

By designating these sites as a valuable chapter in London's history you may not simply be shining a light back on our history, but that light may reflect back and inspire modern Londoners to undertake endeavours they hadn't considered before.

Thank you for letting myself, someone in the brewing industry with a keen interest in supporting our shared heritage, speak on behalf of these important sites.

--

Andrew Peters
Forked River Brewing Company

45 Pacific Court, Unit 16
London, ON, Canada N5V 3N4

Good evening,

I am writing to express my support for the LACH recommendation that 183 and 197 Ann Street be designated as properties having cultural heritage value or interest.

Both of these properties, the Kent Brewery at 197 Ann Street, and the home of brewer Joseph Hamilton (and before him the site of his father's home) at 183 Ann Street, have direct associations with historic activities (brewing) and have the potential to contribute to the understanding of the community and culture of the Talbot North sub-area and London in general. As noted in the evaluation report on the heritage value of the Kent Brewery, brewing history in London is significant on a national scale and as a rare example of 19th Century brewery activity, both the brewery and the brewer's house are well worth preserving.

Designation of these properties would be consistent with The London Plan and its stated objective of protecting our built and cultural heritage and our unique identity and I respectfully request that Committee approve the recommended designations.

Sincerely,

Susan Murdoch

Hello,

Please consider keeping the properties on and around the old Kent Brewery.

They hold a lot of stories congruent to the rise of Canada as an independent country, also spotlighting London during the Industrial Revolution, when the countries of the New World started on a path full of resources to become larger powers than the countries that once colonized them.

These modest old buildings helped put our London on the world map and develop into the thriving little city it is today.

London wouldn't be London without the old Kent brewery.

I would hope that London is still significant enough to be able to keep its treasures.

Sincerely,

Marianne Lee