Agenda Including Addeds
Planning and Environment Committee

The 10th Meeting of the Planning and Environment Committee
June 21, 2021, 4:00 PM
2021 Meeting - Virtual Meeting during the COVID-19 Emergency
Please check the City website for current details of COVID-19 service impacts.
Meetings can be viewed via live-streaming on YouTube and the City website

Members
Councillors P. Squire (Chair), S. Lewis, S. Lehman, A. Hopkins, S. Hillier, Mayor E. Holder

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1. Disclosures of Pecuniary Interest

2. Consent

2.1. ReThink Zoning

2.2. Memorandum of Understanding for Development and/or Planning Act Application Review Between the City of London and UTRCA

2.3. SoHo, Hamilton Road and Lambeth Community Improvement Plans: Performance Measures and Indicators of Success

2.4. Draft Argyle Core Area Community Improvement Plan (O-9299)

2.5. Encouraging the Growing of Food in Urban Areas (OZ-9332)


2.7. 751 Fanshawe Park Road West - Vista Woods Subdivision Phase 3 - Special Provisions

2.8. 600 Sunningdale Road West - Sunningdale Court Subdivision Phase 1 - Special Provisions - 39T-18501

2.9. 355 Marconi Boulevard - Marconi Court Subdivision - Special Provisions - 39T-20501

2.10. Parker Jackson Subdivision - 39T-06507

2.11. 1620 Noah Bend

2.12. 135 Villagewalk Boulevard (H-9050)

2.13. Building Division Monthly Report for April, 2021

3. Scheduled Items

Pages
3.1. Public Participation Meeting - Not to be heard before 4:00 PM - 915 - 919 Commissioners Road East (Z-9334)

3.2. Public Participation Meeting - Not to be heard before 4:30 PM - 193 Queens Avenue (Z-9327)

3.3. Public Participation Meeting - Not to be heard before 4:30 PM - 1830 Adelaide Street North (1810, 1820, 1840 and 1850 Adelaide Street North) (Z-9312)

3.4. Public Participation Meeting - Not to be heard before 5:00 PM - 1146-1156 Byron Baseline Road (SPA21-009)
   a. (ADDED) Staff Presentation

4. Items for Direction

4.1. 183 and 197 Ann Street - A-M. Valastro - REQUEST FOR DELEGATION STATUS
   a. Evaluation of Cultural Heritage Value or Interest: 183 Ann Street
      Note: Provided to the London Advisory Committee on Heritage at its meeting held on October 14, 2020
   b. (ADDED) Evaluation of Cultural Heritage Value or Interest: 179 Ann Street
   c. (ADDED) York Developments - REQUEST FOR DELEGATION STATUS

4.2. 5th Report of the Advisory Committee on the Environment

4.3. 6th Report of the London Advisory Committee on Heritage

5. Deferred Matters/Additional Business

5.1. (ADDED) 5th Report of the Environmental and Ecological Planning Advisory Committee

6. Adjournment
To: Chair and Members
Planning and Environment Committee
From: Gregg Barrett, Director, Planning and Development
Subject: ReThink Zoning – Update Report and Background Papers
Date: June 21, 2021

Recommendation

That, on the recommendation of the Director, Planning and Development, the following report BE RECEIVED for information.

Executive Summary

ReThink Zoning is the process of delivering a new Comprehensive Zoning By-Law that will implement The London Plan and contribute to achieving its vision for London to develop as an exciting, exceptional and connected city. The purpose of this report is to introduce the Background Papers (Appendix A) that have been prepared and provide an update for the next steps in the project.

Linkage to the Corporate Strategic Plan

The preparation of the new Zoning By-law contributes to implementing the Strategic Plan through multiple facets. ReThink Zoning will contribute to Building a Sustainable City by ensuring London’s growth and development is well planned and sustainable, while ensuring a strong and healthy environment. Strengthening Our Community will be addressed by ensuring new development in the City fits and enhances the surrounding context, and employs innovative regulations to facilitate affordable housing. ReThink Zoning will develop a zoning approach that delivers certainty and flexibility that will foster Growing Our Economy by creating a supportive environment where businesses and development can thrive. Leading in Public Service will be a key component for ReThink Zoning as it offers opportunities for residents to be informed and participate in local government decision-making.

Analysis

1.0 Background Information

The London Plan was approved by Municipal Council in June of 2016 as the City’s new official plan, and provides a vision for how London will evolve over the next twenty years. ReThink Zoning is the process of preparing a new Comprehensive Zoning By-law for London to implement the vision, key objectives and policies of The London Plan.

When The London Plan was being developed through the ReThink London engagement process, a community conversation took place around the type of city Londoners want. ReThink Zoning will continue that conversation, and shifts the question from: ‘what kind of city we want London to become?’ to ‘how we will strive to get there?’ The London Plan provides direction on many zoning matters, and ReThink Zoning will be the exercise to prepare the new zoning by-law that will fully implement that vision and direction.

ReThink Zoning is a major project that will have a lasting impact on how London will be shaped to meet the vision established in The London Plan. Background research and analysis has been conducted over the last year to choose an approach and direction for the zoning by-law, and now moving into a new phase of the project where we begin to conduct more detailed and technical analysis and start drafting the by-law. Background Papers have been prepared to document learnings and considerations for the next project phase.
1.1 Community Engagement

As part of work completed to date, the initial project schedule had identified that broad public engagement would begin in the spring of 2020; however, due to the COVID-19 pandemic, the engagement program was deferred. This report marks the beginning of the community engagement, which will utilize the Background Papers to both inform the community and begin the conversation of ReThink Zoning.

The Background Papers provide detailed information on a variety of zoning topics for this project that the public and development industry are able to review. Focused questions within the papers provide prompts for thoughts and comments, as an alternative to inviting feedback broadly. More formalized community engagement will occur in the next phase of the project.

1.2 Previous Reports Related to this Matter

November 30, 2020 – ReThink Zoning Phase One Update

This report brought forward an update on the development of the engagement strategy and an update of the overall project status. The report was initially scheduled for June, 2020 and was adapted to address limitations with consultation as influenced by COVID-19.

May 13, 2019 – ReThink Zoning Terms of Reference Report to Planning and Environment Committee

Based on feedback from engagement, updated terms of reference were presented to the Planning and Environment Committee that identify opportunities for meaningful public and stakeholder engagement throughout the process. The Terms of Reference were approved during the May 21 meeting of Council and include a detailed overview of the project goals, work plan, and deliverables.

August 13, 2018 – ReThink Zoning Terms of Reference Report to Planning and Environment Committee

City Council received a draft Terms of Reference in August 2018 and gave direction to staff to circulate the draft to key stakeholders and to allow for public comments about the project. Staff then held meetings with a variety of stakeholders, and in each meeting the need for public and stakeholder engagement was identified as key to the project’s success. Advisory Committees were also circulated the terms of reference and asked to provide comments.

2.0 Background Papers

A series of five (5) Background Papers have been prepared to document the research and considerations undertaken as part of work to date, and are included in Appendix A to this Report. These Background Papers are based on the topics of:

- 1 – What is ReThink Zoning?
- 2 - Zoning for Use
- 3 - Zoning for Intensity
- 4 - Zoning for Form
- 5 - Municipal Case Studies

2.1 Background Paper - What is ReThink Zoning?

The first Background Paper provides an overview of the function, relevance and role of zoning, as well as the various ways the community can get involved in the Rethink Zoning process. Zoning is highlighted as an important tool that allows us to set rules for development on individual properties, to direct what types of buildings and activities are permitted (use), how much building or activity is permitted (intensity), and where and how those building should be situated or designed (form).
The first Background Paper explores alignment of the current Zoning By-law Z.-1 with the 1989 Official Plan, and how it implements the ‘use-based’ planning approach. The differences between The London Plan approach and the 1989 Official Plan are described, as well as the eventual differences the new Comprehensive Zoning By-law will have from the existing by-law.

The first Background Paper also identifies the importance of community engagement in the ReThink Zoning project, as public and stakeholder engagement is a key component for creating a successful zoning by-law. Consultation will be broad and far-reaching to include: the general public, focused stakeholders, community-based organizations, industry professionals, development organizations, and all other interested parties.

While the ongoing COVID-19 situation has necessitated changes to the standard types of engagement, new tools can be used as an opportunity to better connect with the public and achieve the engagement outcomes and goals. As a result of social distancing measures and event closures in response to COVID-19, engagement options are primarily through online sources. The release of the Background Papers will provide an overview of the various research and considerations explored in the early stage of the ReThink Zoning project and provide an avenue for feedback.

2.2 Background Paper – Zoning for Use

The Background Paper – Zoning for Use addresses the role of ‘use’ in zoning, and provides an overview of how land use is approached in the current Zoning By-law No. Z.-1 and through The London Plan. This Background Paper explores the traditional focus on land use in zoning, as well as the relationship between use and other aspects of zoning like intensity and form.

The current zoning approach is reviewed in the Background Paper – Zoning for Use, as well as the way uses are interpreted and implemented. The London Plan takes a different approach to land uses than the 1989 Official Plan as it provides broader direction for land use. Through ReThink Zoning, we will review how general or specific the uses should be, and how uses are integrated with intensity and form. These are important considerations to determine how flexible, specific or diverse uses should be and to address how activities change over time.

Various approaches to use are explored and suggested for the consideration of ReThink Zoning in the next phases of the project. Approaches are intended to increase the clarity and usability of the zoning by-law and minimize redundancy and duplication. The Background Paper – Zoning for Use describes five (5) possible approaches to use as follows:

Possible Approach #1 – Utilize Use Families: Group similar uses together as a family of uses as an alternative to listing separate and individual uses.

Possible Approach #2 – Fewer and Broader Uses: Be less prescriptive in defined uses and employ other regulations for distinction.

Possible Approach #3 – Explore Building Typologies as an Alternative to Use: Balance use with other zoning regulations to better categorize built forms.

Possible Approach #4 – Apply performance standards to uses in zones: Utilize specific criteria that defines when a use may be permitted in certain zones.

The various approaches for use provide some options for consideration as we move closer towards drafting a new zoning by-law for London. Land use is an important part of the planning equation that must be considered to achieve great places and spaces throughout London in line with the vision of The London Plan.

2.3 Background Paper – Zoning for Intensity

The London Plan calls for a city structure that is focused “inward and upward” and directs growth to a series of nodes and corridors through infill and intensification. The
Background Paper – Zoning for Intensity will explore how intensity can be best managed and utilized in the new zoning by-law, and how regulations can be developed and applied to the place types.

Zoning for intensity requires careful consideration to encourage intensification and redevelopment in the locations identified by The London Plan, while ensuring that the impacts of greater intensity are managed and mitigated. The possible approaches identified in the Background Paper – Zoning for Intensity could provide for zoning regulations that help to achieve the city building objectives described by The London Plan. The Background Paper – Zoning for Intensity describes five (5) possible approaches to intensity as follows:

Possible Approach #1 – Regulate Intensity Through the Zone: Separate the regulations for intensity from the defined uses to allow for distinction based on intensity where the use is the same.

Possible Approach #2 – Regulate Intensity Through Performance Standards: Allow for different levels of intensity in select locations based on certain criteria.

Possible Approach #3 – Link Zone Classes to Intensity Variations: Create different zone variations with uses linked to intensity regulations.

Possible Approach #4 – Add to the Existing Regulations: Broaden the use of intensity (and form) regulations that moderate intensity to provide more certainty.

Possible Approach #5 – Allow As-of-Right Maximum Heights where Regulations are Met: Utilize planning permissions to allow greater heights and densities as-of-right in certain areas of the City where intensity is promoted and desired.

The intensity aspects of zoning address the overall questions of: how much and how big? The London Plan promotes intensification to the nodes and corridors, and the ReThink Zoning process will explore how intensity can best be managed to achieve the Plan’s vision.

2.4 Background Paper – Zoning for Form

Built form is an important element to be addressed in the zoning by-law as it directs how our City will look and feel, and in many cases, function. The Background Paper – Zoning for Form includes considerations for how aspects like the massing, location, and design of buildings, and the layout, design and features of development sites may be approached in zoning.

As we shift from the 1989 Official Plan to The London Plan, one of the most significant and important differences in terms of planning approach is the balancing of form considerations in the development process. Instead of determining the range of permitted uses and then considering which form regulations should apply, The London Plan looks at places more holistically and gives direction for built form with equal emphasis to the range of uses and intensities that may be permitted.

Providing strong form regulations may allow for greater as-of-right zoning permissions by providing more assurance for how the impacts of the built form could be mitigated. This is especially valuable for The London Plan, which seeks to direct a significant amount of the City’s growth toward intensification, and especially in nodes and corridors.

The nine (9) considerations for possible approaches identified in the Background Paper – Zoning for Form may provide for zoning regulations that help to achieve the City Building and Design objectives described by The London Plan.

Possible Approach #1 – Regulate Building Orientation and Primary Entrances: Primary entrances and building orientation can play a major role in establishing an active street frontage and creating a welcoming pedestrian-oriented environment.
Possible Approach #2 – Regulate Ground Floor Activities: The requirement for active frontages and ground floor uses assists in creating a vibrant pedestrian environment along the street.

Possible Approach #3 – Regulate Fenestration and Transparency: The use of windows and transparent glass on buildings is an effective way to increase passive surveillance and create comfortable pedestrian-oriented environments.

Possible Approach #4 – Regulate the Form of Parking: Appropriately located and designed parking areas can ensure that the visual impact and presence on the public realm is minimized.

Possible Approach #5 – Provide Landscape Screening Requirements: Regulate the use and extent of landscape strips in strategic locations to preserve privacy and soften the transition between different built forms and place types.

Possible Approach #6 – Consider the use of an Angular Plane: An angular plane is a tool that is used to determine appropriate heights in an interface location between lower and higher built forms.

Possible Approach #7 – Consider tower regulations for High-rise forms: Regulating the setbacks, step-backs, size, shape, and form of high-rise buildings can minimize shadow and wind impacts and create a comfortable pedestrian environment at the street level.

Possible Approach #8 – Consider tower separation regulations: Regulating tower separation can reduce wind and shadow impacts, minimize obstruction of views and reduce the perception of massing.

Possible Approach #9 – Consider the use of Overlays: Overlays can provide additional regulations to a specific context or geographic area.

The London Plan provides the opportunity to integrate elements of form together with use and intensity as a balanced approach within each Place Type. The considerations in the Background Paper – Zoning for Form relate to the various impacts and approaches of regulating form in zoning.

2.5 Background Paper – Municipal Case Studies

A review of zoning by-laws for Ontario’s 25 most populous municipalities was undertaken as part of the research for the background papers to identify best practices and capture innovative approaches. The Background Paper – Municipal Case Studies describes notable takeaways from select Ontario municipalities that can be considered for application in London.

Each municipality reviewed represents a unique way to implement their governing Official Plan(s) policies through zoning, and together these by-laws illustrate a diversity of ways to approach use, intensity and form regulations. This paper focuses on Ontario cities as they are subject to the same provincial planning framework as London, which includes the Planning Act and Provincial Policy Statement.

Seven (7) municipalities were selected as case studies which have recently had by-laws approved or drafts released. The case studies are explored in the Background Paper – Municipal Case Studies in detail, and specific examples from the case studies appear in the other background papers as well. The Ontario Municipal Case Studies include:

- City of Cambridge (Ongoing – Second Draft);
- Town of Newmarket Urban Centres Zoning By-law (2018);
- North Oakville (2009);
- Town of Oakville (2014);
- City of St. Catharines (2013);
- City of Vaughan (Ongoing – Third Draft); and,
- City of Waterloo (2018).
3.0 Community Planning Permit System

The Rethink Zoning project is being undertaken for the purpose of preparing a new zoning by-law to implement the policies of the London Plan.

A CPPS is beyond the scope of the ReThink Zoning project for several reasons;

1. An official plan amendment process would be required to amend The London Plan to satisfy the legislation. Regulation 173/16 under the Planning Act, permits the enactment of a Community Planning Permit By-law for an area, if the applicable Official Plan:
   (a) identifies the area as a proposed community planning permit area;
   (b) sets out the scope of the authority that may be delegated and any limitations on the delegation, if the council intends to delegate any authority under the community planning permit by-law; and
   (c) for each proposed community planning permit area identified under clause (a),
      (i) contains a statement of the municipality’s goals, objectives and policies in proposing a community planning permit system for the area,
      (ii) sets out the types of criteria that may be included in the community planning permit by-law for determining whether any class of development or any use of land may be permitted by community planning permit, and
      (iii) sets out the types of conditions that may be included in the community planning permit by-law in accordance with clause 4 (2) (i) and subsections 4 (4), (5) and (6).

2. The purpose of the ReThink Zoning project is to implement the policies of The London Plan by means of a "zoning by-law", as directed by Plan. Consequently, it would not be appropriate to consider possible official plan amendments to The London Plan through this project.

3. Undertaking a concurrent official plan amendment process concerning a CPPS would consume much additional time that would delay the implementation of the new "zoning by-law".

5.0 Project Status

5.1 Work Completed to Date

Following the approval of the Terms of Reference for ReThink Zoning in May of 2019, consultants were retained shortly after to begin work on the project. Together with the preparation of the Background Papers, the work completed to date includes:

- A review of Ontario legislation and policy requirements for zoning;
- Summary of best practices from Ontario municipalities;
- Analysis of The London Plan’s approach and compatibility of the available regulatory tools for achieving specific policy objectives;
- Analysis of the current Zoning By-law No. Z.1 and the related planning processes, addressing what aspects of the by-law currently perform well and where are opportunities to improve the outcomes and processes;
- Investigating alternative approaches to regulating use, intensity and form;
- Creation of a sample zone template for a place type illustrating how each zone could be organized; and,
- A preliminary public engagement program to establish a framework for meaningful consultation with the public and stakeholders.
5.2 Next Steps

The next phase of the project will continue to build on the work completed to date, and will include the preparation of the new Comprehensive Zoning By-law. A number of notable project deliverables will include:

- Undertake broad public and stakeholder engagement;
- Prepare Discussion Papers on a variety of topics and place types;
- Create a detailed inventory and analysis of existing development patterns, trends and areas;
- Prepare a First Draft Zoning By-law;
- Refine and create a Second Draft By-law;
- Identify amendments to other City by-laws and documents; and,
- Create a final By-law for approval.

A Terms of Reference will be prepared for the next phase of ReThink Zoning which will identify the specific tasks, deliverables and timelines in more detail.

Conclusion

The Background Papers provide a comprehensive overview of the background research and review that has been completed to date, and will form an important basis for the ReThink Zoning conversation. The papers outline possible approaches for regulating use, intensity and form that will be considered going forward for London’s new Comprehensive Zoning By-law. A number of Ontario Municipal Case Studies were reviewed to determine best practices and innovative approaches recently undertaken in the Province. ReThink Zoning will continue to progress with the next project phase that will eventually deliver a new Comprehensive Zoning By-law for the City of London.

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Submitted by: Gregg Barrett, AICP
Director, Planning and Development

Recommended by: George Kotsifas, P.Eng.
Deputy City Manager, Planning and Economic Development
Part 1: What is ReThink Zoning?
Part 2: Zoning for Use
Part 3: Zoning for Intensity
Part 4: Zoning for Form
Part 5: Review of Ontario Municipalities
Introduction

ReThink Zoning is the process to prepare a new Comprehensive Zoning By-law that will conform with and implement the policies of The London Plan. Updating the approach to zoning in London is essential to achieving The London Plan’s vision for growth over time. This discussion paper describes the link between zoning and official plans in Ontario, and to explain why the change in planning approach between the 1989 Official Plan and The London Plan requires us to also rethink zoning.
How Zoning Works in Ontario

The authority for municipalities to regulate the development of privately owned land through zoning is derived from the Ontario Planning Act. Municipal planning is also guided by the Provincial Policy Statement, which provides direction on matters of provincial interest. The City’s Official Plan – The London Plan, must conform with provincial laws and be consistent with the provincial policy direction as described in the Provincial Policy Statement (2020).

The London Plan sets out a vision and policies to manage and direct growth and to ensure that our city building initiatives align with provincial direction. Zoning is a regulatory tool that establishes the rules for development on individual properties. Zoning directs what types of buildings and activities are permitted (use), how much of a building or activity is permitted (intensity), and where and how those building should be situated or designed (form). All City by-laws, including zoning by-laws, must conform with the policies of the Official Plan.

Through the ReThink Zoning process, we will analyze zoning implementation tools and techniques to determine which are most appropriate to ensure the type of development envisioned by The London Plan in each Place Type is realized.

Zoning By-law Z.-1 and the 1989 Official Plan

The current Zoning By-law (Z.-1) was prepared to implement the policies of the 1989 Official Plan, and it therefore reflects the planning approach that was taken in that Plan. The 1989 Official Plan focuses on land use, and Zoning By-law no. Z.-1 places a similar emphasis on regulating land use to achieve those objectives. Like most zoning by-laws throughout Ontario and Canada, Zoning By-law Z.-1 is characterized as use-based by-law that breaks the city into zones that are based on land use classifications such as: residential, commercial, and industrial. The current Zoning By-law Z.-1 then addresses intensity and built form for each use, however many of those regulations addressing intensity and built form have been added over time.

The new zoning by-law will have to conform with the new policies of The London Plan. ReThink Zoning will produce a by-law that will implement the policies and achieve the vision of The London Plan; in much the same way that Zoning By-law Z-1 implemented the policy direction of the 1989 Official Plan.
The London Plan and ReThink Zoning

The London Plan was approved by Municipal Council in 2016 as the City’s new official plan. It contains the policy framework that will guide growth and development in London for the next twenty years. The primary implementation tool to direct growth is the zoning by-law, which outlines the standards and regulations that apply for all types of development.

The London Plan is considerably different from its predecessor in terms of its planning approach and framework. The London Plan places greater emphasis on built form in its planning approach and includes policies that direct the use, intensity, and form of development. Instead of land use designations, the London Plan establishes a sense of place through different Place Types that apply to parts of the city and support a broader city structure plan.

The ReThink Zoning process will determine what zoning regulations are necessary to achieve this vision for London through development on individual parcels across the city. The London Plan provides direction on many zoning matters, and notably takes a balanced approach to how we plan for use, intensity, and form. Some key elements of The London Plan’s Approach include:

- A mosaic of great places: where each place type has its own character, vision, and function in the city.
- Link development to mobility: where the street classification establishes use, intensity, and forms of development, and is part of creating distinct place types. This is evident in various place types, such as Rapid Transit Corridors, Urban Corridors, and Main Streets. The Neighbourhoods Place Type allows different use, intensity, and form based on the street classification.
- Flexibility and certainty: The Plan was designed with the intent of requiring fewer amendments. It allows for interpretation while ensuring reasonable expectations of what can be built.
- Context-sensitive approach: Tables are provided that show the potential uses, intensity of those uses, and forms with the various Place Types. The Plan also requires the application of evaluation criteria and other policies to ensure that development is compatible and fits within its context.
- Plan for sustainability: A considerable portion of our greenhouse gas emissions come from transportation and housing. The London Plan draws a link between how we build our city and how we move. Responding to the climate emergency is embedded throughout the Plan but especially in the Key Directions, City Structure, and Environmental Policies.

Since zoning is a fundamental tool to implement the Official Plan, the challenge for ReThink Zoning is to develop new regulations that further implement this new planning approach.

Key questions for the general layout and approach of the Zoning By-law include:

- How can the zoning by-law contribute to the City’s response to key issues like housing affordability, climate change mitigation, or the regeneration of urban neighbourhoods?
- How should the new by-law manage change where The London Plan policies create new direction for development in an area?
- How can the new by-law provide flexibility to potentially lessen the need for amendments or reduce administrative processes?
Role of Zoning

Zoning is an important aspect of an individual piece of property, neighbourhoods and the overall city structure. Understanding how different zones work and what they regulate is important to understand how growth and development will occur in the City.

The zoning of a property provides the permissions for how it can be used, how much it can be developed, and what form it will take. Zoning can be broadly understood as a set of rules for land use and development, including such categories as: residential, commercial, or industrial. Zoning also addresses other aspects of building and site design such as parking requirements and building height. The illustration below identifies the many facets and features that zoning by-laws directly or indirectly regulate.

The ReThink Zoning project will be focused on creating new rules for these topics and implementing the London Plan. ReThink Zoning will revisit and reimagine how we’ve approached zoning for the past 25+ years. It is important that the public have meaningful opportunities to get involved in every step of the project and contribute their ideas to creating a new by-law. As part of the preparation of the Background Papers, consideration was given to new and best practices from other Ontario municipalities and what may be learned from them for London. Trends towards making zoning by-laws more user-friendly, and using plain language (where possible) as well as incorporating more illustrations and diagrams will be explored to ensure the new Zoning By-law can be better used and understood by a wider audience.

List of Zoning Issues

- Height
- Density
- Setbacks
- Lot Coverage
- Uses
- On-site Parking
- Landscaped Area
- Frontage
- Building Design
- Affordable Housing
- Patios
- Interface with Public Realm
- Heritage Preservation
- Intensification and Infill

Illustrated list of Zoning issues and aspects of regulation
Is a Community Planning Permit System (CPPS) Being Considered?

The Rethink Zoning project is being undertaken for the purpose of preparing a new zoning by-law to implement the policies of the London Plan.

A CPPS is beyond the scope of the ReThink Zoning project for several reasons;

1. An official plan amendment process would be required to amend the London Plan to satisfy the legislation. Regulation 173/16 under the Planning Act, permits the enactment of a Community Planning Permit By-law for an area, if the applicable Official Plan:
   a) identifies the area as a proposed community planning permit area;
   b) sets out the scope of the authority that may be delegated and any limitations on the delegation, if the council intends to delegate any authority under the community planning permit by-law; and
   c) for each proposed community planning permit area identified under clause (a),
      i) contains a statement of the municipality’s goals, objectives and policies in proposing a community planning permit system for the area,
      ii) sets out the types of criteria that may be included in the community planning permit by-law for determining whether any class of development or any use of land may be permitted by community planning permit, and
      iii) sets out the types of conditions that may be included in the community planning permit by-law in accordance with clause 4 (2) (i) and subsections 4 (4), (5) and (6).

2. The purpose of the ReThink Zoning project is to implement the policies of the London Plan by means of a zoning by-law, as directed by the Plan. Consequently, it would not be appropriate to consider possible official plan amendments to the London Plan through this project.

3. Undertaking a concurrent official plan amendment process concerning a CPPS would consume much additional time that would delay the implementation of the new zoning by-law.
Community Engagement

ReThink Zoning is the process to create the new Comprehensive Zoning By-law, that is an extension of the earlier ReThink London engagement process that resulted in The London Plan. London’s current Zoning By-law Z.-1, was produced to implement the policies of the 1989 Official Plan, which is still partially in force until the London Plan appeal process is complete. The intent of ReThink Zoning is to work with the public and stakeholders to create regulations that conform with The London Plan’s vision through the development of the new zoning by-law.

As an example, The London Plan contemplates intensification within neighbourhoods, and the question for ReThink Zoning is: how can this best be achieved through the regulations of the new zoning by-law? When considering our neighbourhoods, what are the regulations that support an appropriate transition to the new forms of development contemplated by the Plan?

Public and stakeholder engagement is a key component for creating a successful zoning by-law. Consultation will be broad and far-reaching to include the general public, focused stakeholders, community-based organizations, industry professionals, development organizations, and all other interested parties.

Initial consultation will be focused on providing background for the project and information on zoning. Later engagement will look at more detailed content for regulating use, intensity and form, applying regulations to new zones, and finally, applying these zones to specific areas and parcels throughout the city.

The spectrum of Public Participation reflects various ways the City will seek to engage on ReThink Zoning.

The spectrum of Public Participation reflects various ways the City will seek to engage on ReThink Zoning.
Engagement Opportunities and Tools

ReThink Zoning will be an intensive and expansive look at the various zoning tools, techniques and approaches available for the City of London. The project will have numerous opportunities for public engagement and feedback to gather thoughts and comments on how people want their City to be regulated through zoning. Every effort will be made to provide a wide spectrum of consultation events, activities, methods, and techniques. In-person consultation will occur when it is safe and feasible to do so.

While the ongoing COVID-19 situation has necessitated changes to the types of engagement, new tools can be used as an opportunity to better connect with the public and achieve the engagement outcomes and goals. As a result of social distancing measures and event closures in response to COVID-19, the city has focused engagement options to primarily online sources. These sources include:

- **Get Involved Website** – This online engagement platform is used by the City of London for a variety of projects. The Get Involved Website (getinvolved.london.ca/rethink-zoning) will act as a central hub of information for the project and will be updated regularly. There are eight tools to enable participation and allow users to engage in discussions, such as through surveys, quick polls, or upload pictures and ideas.

- **Social Media** – Broad, engaging content can be posted using the City’s existing handles on Twitter, Facebook, and Instagram to draw the general public to the Get Involved project website. Posts can be visual, plain language and educational, which is key at this stage of the process.

- **Webinars** – This technique allows staff to conduct a virtual ‘town hall’ style meeting, with a format that is conducive to in-depth educational sessions or panel discussions. A ‘questions and answers’ format can be used as well. The use of a moderator can ensure that sessions are timely and focused.

- **Video Conferencing** – Video conferencing technology allows us to hold meetings with stakeholders to discuss the project while in-person meetings are not possible. Staff will utilize software that can facilitate web conferencing without an account, allows for a meeting to be split up into separate sub sessions or breakout rooms, then return the meeting back together for group discussion. Other features can also allow users to share and collaborate on a whiteboard within a meeting. Meetings can be recorded and shared online for those unable to attend.

The techniques above lend themselves well to providing a common understanding of the key messages, themes and tools described in this report. The above list is not exhaustive, and staff are exploring additional tools such as radio discussions, interviews, and live streaming. Staff will monitor when in-person meetings will be available and provide opportunities accordingly.

Staff want to ensure that Londoners still have opportunities to provide input in a meaningful way and recognize that some Londoners face barriers to participating in public engagement. To help inform engagement throughout this project, please answer the following questions at Getinvolved.London.ca/Rethink-Zoning:

- **Based on the themes in the discussion papers, are there key issues that are missing and should be addressed through the public consultation process?**

- **Consider the engagement tools listed above. What tools and techniques should we focus on to make it easier for you to participate?**
Introduction

Along with intensity and form, land use is an important consideration of zoning, and has traditionally been the primary consideration of zoning. Land use defines the full range of activities that could occur on each property or within each building in the City. When someone asks, 'what can I do on my property?', it is the permitted and defined uses in the zoning by-law that answer that question.

A zoning by-law identifies a list of permitted uses for how each parcel of land can be used or developed. Uses typically fall into a few broad categories of residential, commercial, industrial, and institutional. The way "uses" are defined, plays a role in how the by-law will be interpreted and implemented. In London, the current approach with the existing Zoning By-law Z.-1 uses land use as its main organizing principle and relies on defined uses to also regulate intensity in many cases, which has led to an extensive list of defined uses.

The London Plan takes a different approach to land use than the 1989 Official Plan, as it does not specifically list individual uses or variations of the broader use categories that may be permitted in a place type, but rather

<table>
<thead>
<tr>
<th>Use</th>
<th>Intensity</th>
<th>Form</th>
<th>Site Layout</th>
<th>Building</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Height</td>
<td>Parking</td>
<td>Massing</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>Gross floor area</td>
<td>Landscaping</td>
<td>Step-backs</td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>Coverage</td>
<td>Vehicular access</td>
<td>Materials</td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td>Floor plate area</td>
<td>Orientation</td>
<td>Architecture</td>
<td></td>
</tr>
<tr>
<td>Institutional</td>
<td>Density in units/ha</td>
<td>Setbacks</td>
<td>Fenestration</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Number of bedrooms</td>
<td>Building location on site</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parking</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Floor area ratio</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Examples of measures that may be used to implement place type policies
identifies the use classification or family of uses that would be appropriate. The scale, intensity and form are then described in other policies to provide greater detail and guidance. Table 7 of The London Plan contains examples of measures that may be used to implement those policies.

It would be the zoning by-law that identifies the specific permitted uses by determining what is appropriate for the individual nature of the property (parcel) and its context.

Within these use categories or families, there are a wide range of options for how specific uses can be identified and defined. This is a key part of any zoning by-law as the defined uses have been a cornerstone of traditional zoning methods, to the point where the approach utilized in the current zoning by-law is often called “use-based zoning.” Most of the remaining regulations that form part of the zoning by-law, such as parking, setbacks, building height, etc. all relate directly to the use. For example, the amount of parking required is determined by the permitted use. An office building and a medical/dental office building of the same size will have different parking requirements, based on the use. As a result, the way uses are defined directly informs the activities, intensity, and design that can occur throughout a neighbourhood and on a given property.

Through ReThink Zoning, we will review how general or specific the uses should be, and how uses are integrated with intensity and form. These are important considerations to determine how flexible, specific, or diverse uses should be and to address how activities change over time.

Key questions about Zoning for Use include:

• How specific should the definitions be for different land uses?
• What types of uses need to be defined in detail, and which can be regulated based on broader definitions?
• Are the current zoning definitions for land uses effective? Are there use definitions that should be changed?

Example of different uses and parking requirements for the same size of building.
How The Current Zoning By-law Approaches Use

Like many zoning by-laws in Ontario, London’s Zoning By-law Z.-1 is primarily structured around land use. The by-law contains approximately 300 distinct defined uses, and many have been added or changed over time. Defined uses are utilized as the primary way to regulate intensity and form, in fact most zones are labelled based on the range of permitted uses. In many cases, the same use has multiple definitions based on size or scale. One example of this is food stores, which may be defined as a convenience store (up to 300m2), food store (up to 2,000m2) grocery store (up to 3,000m2), or supermarket (no size limit) depending on the floor area or other form or intensity considerations. This approach has led to confusion regarding what constitutes a use to begin with. While this use-based approach can create certainty in terms of what can be built, it can also result in a large, unwieldy document and a need for frequent and complex amendment application processes.

Zoning By-law Z.-1 was developed to implement and conform to the 1989 Official Plan, which was explicit in identifying permitted uses based on land use designations. For example, the Auto-Oriented Commercial Corridor designation in the 1989 Official Plan identified a range of 26 possible specific permitted uses. The implementing zone in Z.-1 is the Arterial Commercial Zone, which contains five main zone variations that are differentiated primarily based on permitted use. The result is over 40 special provision zones that often duplicates permitted uses.

Different scales of food stores all defined as separate uses in the current zoning by-law
How The London Plan Approaches Use

The London Plan considers Use, Intensity, and Form as a balanced approach in the planning review for new development. It is based on a planning approach that recognizes the importance of intensity and form in creating great places and spaces, while also understanding that land use is only one factor and should be considered in the same manner as intensity and form during the planning process.

For example, the Urban Corridor Place Type replaces the Auto-Oriented Commercial Corridor land use designation in many areas of the city, and it contains direction only for the broader use categories instead of listing all the variations individually. The London Plan approach then, for each Place Type, generally describes that a range of residential, retail, service, office, cultural, recreational, and institutional uses may be permitted. These “permitted use” policies provide direction for the permitted uses that broadly identify what is appropriate without specifically identifying each individual use like the 1989 Official Plan approach.

Possible Zoning Approaches to Use

To advance a modern zoning by-law that implements the London Plan, we need to change the way we discuss and regulate land use. We need to find an approach that balances land use with intensity and form, to achieve the placemaking objectives of the Plan. Through our review of best practices and in discussion with zoning consultants retained to frame the concepts for ReThink Zoning, this section provides a summary of some possible approaches to consider in our approach to zoning for use.

Possible Approach #1 – Utilize Use Families

One approach that can improve clarity for users of the Zoning By-law is to categorize permitted uses by families of similar uses. The current Zoning By-law categorizes zones by classifications based on the characteristics, and has the ability to adjust regulations based on zone class. This approach could be utilized for various use families which contain nested and associated uses. Here are examples of different uses within typical use categories or families.

<table>
<thead>
<tr>
<th>Residential</th>
<th>Commercial</th>
<th>Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Detached Dwelling</td>
<td>Office</td>
<td>Light Industrial</td>
</tr>
<tr>
<td>Townhouse</td>
<td>Retail</td>
<td>Manufacturing</td>
</tr>
<tr>
<td>Apartment Building</td>
<td>Service Commercial</td>
<td>Business Park</td>
</tr>
</tbody>
</table>

Examples of different uses within typical use categories or families
Many recent Zoning By-laws in Ontario contain use families, including the Newmarket Urban Centres Zoning By-law, Draft Cambridge By-law, and the Draft Vaughan By-law. One strategy for London’s new by-law may be to base the use family categories on those from The London Plan and from other Ontario by-laws. The application of use families can add clarity to how uses are regulated and reduce duplication where uses are listed. As most people generally understand the use families (categories) this baseline knowledge can improve the understanding of intent within the by-law.

Possible Approach #2 – Fewer and Broader Uses

London’s current zoning by-law has many uses that can overlap or add confusion for users trying to understand the appropriate use for a given proposal. An analysis of Z.-1’s Definitions section reveals approximately 300 defined uses, 145 definitions for general or technical terms, and 35 definitions that include only references to other definitions.

One option that would simplify the by-law is to create more general definitions that capture several variations on the use, to reduce the total number of defined uses and allow more flexibility in how the by-law is applied. One example that is specifically defined and could be changed in the new zoning by-law, is that of a convenience store. It is defined as follows:

**London – Zoning By-law Z.-1**

Convenience Store means a retail store having a gross floor area of 300 square metres (3,229 square feet) or less, or as determined by the zone standards, where a variety of both household and grocery items are offered for sale primarily to serve the daily needs of people and may include the rental of videos, an automated banking machine and/or depots for such items as film, laundry or dry cleaning and an area devoted to food preparation for consumption on or off the premises, provided the gross floor area for the sale of prepared food does not exceed 10% of the gross floor area, to a maximum of 30 square metres (323 square feet).

Recent by-laws in Ontario do not explicitly define a convenience store but instead classify it under a more general definition for a retail store. Here’s Oakville’s definition as an example:

**Oakville – Zoning By-law 2014-014**

Retail Store means a premises in which goods, wares, merchandise, substances, articles or things are displayed, rented, or sold directly to the public.

Here’s another example from Newmarket:

**Newmarket – Urban Centres Zoning By-law 2019-06**

Retail Store means a premises in which goods and merchandise are offered or kept for retail sale or rental to the public. This definition shall not include any establishment otherwise defined in this By-law.

Including a convenience store in the broader retail store definition groups it with other types of stores that have similar planning impacts, such as parking and noise. In the case of large-scale retail stores, use and intensity regulations would be included in the zone to manage impacts. This prevents the need for multiple retail store definitions as the use would be the same, but the levels of intensity and form would vary.

By grouping existing definitions into one retail store category, it could remove the need for up to 20 distinct definitions in the zoning by-law.
### Existing By-law
- Convenience Store
- Bake Shop
- Boutique
- Antique Store
- Home Decorating Store
- Pet Shop
- Home Appliance Store
- Florist Shop
- Gift Shop
- Duplicating Shop

### Possible Approach in New By-law
- Home Improvement Store
- Convenience Service Establishment
- Home Furnishing Store
- Home and auto Supply Store
- Convenience Business Service Establishment
- Video Rental Establishment
- Catalogue Store
- Home Improvement and Furnishing Store
- Bulk Beverage Store
- Pharmacy
- Retail Store

#### Examples of defined retail uses

In addition to reducing the length and complexity of the by-law, creating more simplified and general use definitions can also reduce inconsistencies, overlap or challenges based on interpretation for applicants. For example, in a by-law with many definitions, an applicant may want to change the type of goods sold in their retail store but may not be able to if there is a more specific definition that is not permitted by the zone. Even if the planning impacts are similar, they would have to go through a Zoning By-law Amendment process if the specific use is not listed within their zone. The photos below are of a florist shop and a bake shop which are defined separately in the Z.-1 Zoning By-law and are not interchangeable uses, though they would have similar impacts and function. If a property is zoned to permit a florist shop only, then a zoning by-law amendment application would be required to add an additional use, for example – bake shop or change the type of goods sold at the shop, for example- bread.

The approach to group together definitions with similar impacts would regulate them through each zone rather than through definitions. Stand-alone definitions could be retained for uses that are more impactful such as noxious or sensitive uses. This approach can potentially reduce the definitions section by more than 50% and enhance flexibility for how properties are used.
Possible Approach #3 – Explore Building Typologies as an alternative to Use

Form-based codes are a zoning approach that have become popular in the United States. These codes place more emphasis on building form elements than on the uses within them. Form-based codes often have fewer, more generalized use definitions and include categories each with groups of uses. One approach that has been used in form-based codes and could be applied to implement The London Plan is to identify permitted types of building that may exist separate from the uses within them. For example, if the permitted use is a residential dwelling unit, then the building typologies could include single detached, semi-detached, duplex, converted dwellings, townhouses, stacked townhouses, fourplexes, low-rise apartment, and mixed-use buildings. In this example, the residential dwelling unit is the primary component, or use that is consistent in all the building typologies, and the building typology is differentiated based on the total number of residential dwelling units (intensity) and the building design (form).

The use of a dwelling unit would be the same in terms of the internal requirements (self-contained kitchen, bathroom and living spaces), and the overall function (human habitation), regardless of whether it occupied an entire building or a was a unit located on the 10th floor of an apartment building. Other aspects related to intensity, scale and form would establish the different building typologies. For example, an apartment building typology is a collection of residential dwelling units in one building, and a reflection of the intensity and form. It would function differently than one single dwelling unit as there would be greater parking and open space requirements, and also shared facilities like common amenity areas, elevators, and bicycle storage areas, that are unique to that built form.

Similarly, four dwelling units in one building as a fourplex building typology will function differently than four dwelling units organized as a townhouse building typology. In this example, a fourplex may have a central shared garbage area and central shared amenity area, where townhouses may have separate garbage and amenity areas, as they would have a different configuration and orientation to the street. The use of building typologies reflects differences based on the form and function of the building and integrates aspects of intensity and form with the use.
Potential Approach #4 – Apply Performance Standards to Uses in Zones

Most zoning by-laws in Ontario list clear and distinctive permitted uses for each zone, which are the activities that may occur within any building that satisfies the standard regulations of a zone. Any proposed use that is not listed will require a Zoning By-law amendment for it to be permitted. Some municipalities in Ontario have begun adding performance standards, or specific criteria that defines when a use may be permitted in certain zones, so that the use is only permitted where they meet the applicable criteria.

The Town of Oakville is one example of a municipality that does this. As shown in the example below, some commercial (C1-C4) uses are only permitted if they do not abut a residential use in certain zones, or if they abut a certain street classification.

This technique could be an effective approach under The London Plan, where uses within the Neighbourhoods Place Type could be permitted based on street classification. It could also be used to regulate transitions between Place Types, where significantly different intensities are contemplated, such as between the Transit Village and Neighbourhoods Place Types. This will be explored further in the Zoning For Intensity discussion paper.

<table>
<thead>
<tr>
<th>Table 9.2: Permitted Uses in the Commercial Zones (2017-025)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>C1</strong></td>
</tr>
<tr>
<td>Rental establishment</td>
</tr>
<tr>
<td>Restaurant</td>
</tr>
<tr>
<td>Retail propane and transfer facility</td>
</tr>
<tr>
<td>Retail store</td>
</tr>
<tr>
<td>School, private (2016-023)</td>
</tr>
<tr>
<td>Service commercial establishment</td>
</tr>
<tr>
<td>Sports facility</td>
</tr>
<tr>
<td>Stormwater management facility</td>
</tr>
<tr>
<td>Veterinary clinic</td>
</tr>
</tbody>
</table>

Additional Regulations for Permitted Uses Table 9.2

1. Permitted only on a lot abutting a major arterial road.
2. A maximum one drive-through facility shall be permitted on a lot.
3. Shall not be permitted on a lot abutting any Residential Zone.
4. The maximum lot area shall be 2.5 hectares. The maximum percentage of net floor area permitted to be occupied by a place of worship is 50% of the total net floor area on the lot.
5. Permitted only accessory to a motor vehicle service station.
6. Permitted only accessory to a retail store.
7. Prohibited on the first storey of a building. (PL140317)

Excerpt from Town of Oakville
Conclusion

Land Use is an important part of the planning equation that must be considered to achieve great places and spaces throughout London in line with the vision of The London Plan. Use is not, however, the whole equation and must be balanced with intensity and form in terms of emphasis and the organizing principles of the new by-law. While the 1989 Official Plan included significant focus on land use, The London Plan balances use much more equitably with other factors, so this new zoning by-law must do the same.

The approaches described in this background paper provide some options for consideration while we move closer towards drafting a new zoning by-law for London.
Introduction

The London Plan calls for a city structure that is focused “inward and upward” and directs growth to a series of nodes and corridors through intensification. The ReThink Zoning process will explore how intensity will be managed by developing regulations that apply to place types and answering the questions: how much and how big?

The London Plan contains policies that contemplate different levels of intensity within different place types. In addition to establishing the intensity regulations in the by-law generally, it will be necessary to examine the existing height and intensity permissions in Z.-1 and determine where they implement The London Plan. How these regulations are described will affect the readability of the by-law and how they are implemented will shape future development.

Key questions for Zoning for Intensity include:

• What level of height or intensity should be permitted as-of-right in the zoning by-law, and what levels of intensity contemplated in a place type should require a future planning permission?

• What current zoning regulations are effective to ensure the right intensity of development for each place type, and what new regulations should be considered?

• Certain zoning regulations have an impact on the ability to achieve more intense forms of development. For example, requirements for parking, landscaped areas, and setbacks may reduce the site area that can be occupied by a building. How should we balance these issues in the zoning by-law?

Intensity, or “how much” is one of the most contentious aspects of development, and there are many options for how it is addressed as part of zoning. Intensity is often understood as measures of how big (i.e., a building) or how much (i.e., an activity). This paper outlines some of the key considerations when zoning for intensity.
Approach to Intensity in the Current Zoning By-law

Intensity regulations contained in Zoning By-law Z.-1 were informed by the policy direction of the 1989 Official Plan, as amended from time to time in accordance with regular comprehensive reviews. The policies of that Plan addressed measures of intensity as separate criteria, which apply to land uses in defined geographic areas.

Generally, the 1989 Official Plan permits higher levels of intensity to geographic areas of the City like the downtown and areas designated with the Multi Family, High Density Residential designation. More intensive forms of development were contemplated in specific areas of the City if they met certain criteria like frontage on a major road and proximity to major shopping areas or institutional uses. The policies within the Downtown designation directed the Zoning By-law to regulate intensity through matters such as:

- Floor Area Ratio
- Maximum densities measured in units per hectare
- Height restrictions to provide for pedestrian-scale streetscape, sunlight, and minimize wind impacts
- Height increases in a “step-like fashion”

The Urban Design Principles section of the 1989 Official Plan encouraged “continuity and harmony with adjacent uses which are distinct and attractive”. The plan established a link between the intensity and form of a building by requiring transitions between buildings of different scales.

The Multi-Family, High Density Residential land use designation directs applicants to “take into account surrounding land uses in terms of height, scale and setback”. It also speaks to the need for adequate buffering to protect any adjacent low density residential uses. Outside of Central London, the 1989 Plan encouraged a transition in scale “where appropriate” and encouraged decreases in intensity “as the distance from an activity node increases”. Achieving these policies can be accomplished through sensitive built form and design features, but also through reducing levels of building or site intensity closer to lower intensity areas.

The way Zoning By-law Z.-1 implements these policies of the 1989 Official Plan is through specific zoning regulations. Building intensity is primarily regulated through density (units per hectare) and building height (metres or storeys). In certain base zones, the By-law regulates intensity through lot coverage and maximum gross floor area, often for specified individual uses. Within special provision zones that generally apply to individual sites and are the result of a planning application process, additional building intensity regulations are used including maximum floor area ratios and step-back requirements.
Approach to Intensity in The London Plan

The London Plan policies strategically plan for and locate intensity throughout the City to create a series of nodes and corridors and support for transit. Within the Place Types that permit higher levels of intensity, the Plan also directs the Zoning By-law to include regulations to ensure appropriate intensity, such as:

- Height
- Gross Floor Area
- Coverage
- Floor Plate Area
- Density in Units/Hectare
- Number of Bedrooms
- Parking
- Floor Area Ratio

While the previous official plan included prescriptive policies to identify permitted densities as the primary measure of intensity, the London Plan does not provide specific density requirements in most instances. Rather, The London Plan focuses on other measures that tend to have greater impact on the public spaces which surround the site, and relate more to the form of development. Density is identified as a measure of intensity that may be applied in zoning. Consideration should be given to what regulations provide for the greatest opportunity to achieve the vision for each Place Type.

In the Transit Village Place Type, Rapid Transit Corridors and Urban Corridors Place Types, for example, intensity policies are intended to direct building heights to step down to any adjacent Neighbourhoods Place Types. Development should be sensitive to adjacent land uses and employ such methods as transitioning building heights or providing sufficient buffers to ensure compatibility. Development lots are also required to be of sufficient size and configuration to help mitigate planning impacts on adjacent uses.
Part 3: Zoning for Intensity

Activity and Building Intensity

There are generally two types of intensity that may be regulated in zoning – activity and building intensity. Both types relate to the general question of “how much?” but have different impacts on their surrounding communities. For example, in a residential development, the impacts of activity intensity may include more traffic generated in a neighbourhood, while the impacts of building intensity may include shadow effects.

Activity Intensity

This type of intensity is based on the activities or uses occurring on a site. These activities often relate to the size of a building as well, but are managed separately as part of zoning. For example, a corner store and a grocery store are small and large-scale examples of a similar retail model. As a result, they have different impacts on a neighbourhood, such as parking, noise, or traffic.

A corner store (above) and a grocery store (below) are a similar use or activity but occur at very different scales or intensities which impact their location and fit in a neighbourhood.
Building Intensity

Building intensity is primarily based on the size and scale of a building. This is most often understood as building height and can also include building massing.

Building massing is the perception of the bulk of a building. While height impacts this perception, the massing, or bulk of a building can be minimized through different design or form considerations (see Background Paper 4 – Zoning for Form).

Traditionally, zoning has regulated building intensity by placing limits on the building box including maximum heights, minimum setbacks, maximum floor area, and maximum lot coverage. These regulations tend to apply height requirements within zones as opposed to directing the building size and scale to appropriately address the local context.

The London Plan anticipates different heights in different areas. For example, taller buildings are to be located along transit corridors with lower rise buildings within neighbourhood areas. While the London Plan directs where intensity should be focused, it is the role of the zoning by-law to add details to advance the Plan’s objective for where and how new development will be considered.

There are two primary considerations for the new zoning by-law:

What level of height or intensity should be permitted as-of-right in the zoning by-law, and what levels of intensity contemplated in a Place Type require a future planning permission?

What current zoning regulations are effective to ensure the right intensity of development for each Place Type, and what new regulations should be considered?

The two images below show a potential development application from two perspectives. Here the building has been shaped to allow for a transition between the existing lower buildings to the new higher buildings thereby addressing the local context.
These images show how building height and size can be shaped through more specific intensity standards such as floor area ratio or density requirements. However, form standards (See Background Paper 4 – Zoning for Form) could further address intensity through podium requirements, step-backs, or tower separation requirements, amongst other tools.

Regulating floor area or density can further clarify where and how height and building intensity can be managed, but are limited in their ability to fully address integration with the local context. It is the combination of the form-based regulations that address the ‘how will it look?’ question, and more specifically, step-backs, podium requirements, or separation distances between towers (see the Background Paper 4 – Zoning for Form).

Possible Zoning Approaches for Intensity

Zoning for intensity requires careful consideration that encourages intensification and redevelopment in the locations identified by The London Plan, while ensuring that the impacts of greater intensity development are managed and mitigated. The possible approaches identified below may provide for zoning regulations that help to achieve the city building objectives described by the London Plan.

Possible Approach #1 – Regulate Intensity Through the Zone

The current zoning by-law uses both use definitions and zone regulations to manage activity intensity. In the Background Paper 2 – Zoning for Use, one approach being considered is to merge the definitions of uses with similar impacts. In this approach, definitions with varying scales of activity could also be merged and regulated through the zone based on the level of intensity.

For example, the current zoning by-law definition for a Convenience Store includes references to the scale of the use, including a maximum floor area of 300 square meters and a maximum of 30% of that floor area which may be used to sell prepared food. These regulations relate to the ‘how much’ question. By including them in the definition, every store by this definition must meet the intensity regulations. Where the intensity changes, a new definition of the activity would be required.

If this intensity were regulated by the zone instead of through the use definition, any reference to floor area would be deleted from the definition and each zone could determine what size is appropriate based on its specific context. The Town of Oakville uses this approach, which, for example, would permit a convenience store as a retail store. The Oakville definition for a retail store is:

Retail Store means a premises in which goods, wares, merchandise, substances, articles or things are displayed, rented, or sold directly to the public.

In addition to capturing a broader range of retail uses that have similar planning impacts, the intensity requirements have been removed from the definition. The intensity standards could then be added as regulations in the zoning and varied to fit the local context.

In other words, rather than having multiple different retail store definitions for different sized stores, there would be one definition and the activity intensity regulations would be set within each zone.
Possible Approach #2 – Regulate Intensity Through Performance Standards

Performance standards were introduced in Background Paper 2 – Zoning for Use as a method to provide additional regulations for certain permitted uses that are broadly defined. Performance standards are also a useful way to regulate aspects of intensity.

Here is an example of how Performance Standards could be used to implement The London Plan. The table below includes a list of uses that are permitted in different Place Types and have different limitations on the intensity of those uses based on various criteria. For example, retail stores are permitted in the Downtown and Urban Corridor Place Types, but the size of retail space in the Downtown is unlimited, while in the Urban Corridor Place type a retail store cannot exceed a specified gross floor area. The table below identifies the maximum aggregate intensity based on floor space within a place type which can be included separately as a regulation in each zone, and could be created for other Place Types to moderate intensity levels.

<table>
<thead>
<tr>
<th></th>
<th>Downtown Zone</th>
<th>Transit Village Zone</th>
<th>Rapid Transit Zone One</th>
<th>Rapid Transit Corridor Zone Two</th>
<th>Urban Corridor Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail Store</td>
<td>X</td>
<td>X</td>
<td>X (1)</td>
<td>X (1)</td>
<td>X (1)</td>
</tr>
<tr>
<td>Office Use</td>
<td>X</td>
<td>X (3)</td>
<td>X (3)</td>
<td>X (2)</td>
<td>X (2)</td>
</tr>
<tr>
<td>Community Centre</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Park</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

Additional Regulations for Permitted Uses:
Individual commercial buildings shall not exceed 6,000m2 in size
Individual office buildings shall not exceed more than 2,000m2 of office space
Individual office building shall not exceed more than 5,000m2 of office space
Possible Approach #3 – Link Zone Classes to Intensity Variations

*Background Paper 2 – Zoning for Use* described how intensity regulations could be included within zones rather than within defined uses to make the by-law clearer and reduce duplication. One way to do this is to create different zone variations or classes each with its own intensity regulations.

Increasing the number of zone variations could reduce the amount of special provision zones in the future and the overall length of a by-law. Zoning By-law Z.-1 already contains multiple variations for most zones, however, in many cases the variations are based on differences in permitted uses and intensity requirements are the same. The reduced emphasis on land use in The London Plan makes it possible to determine zone variations on intensity, which thereby would help to balance considerations for intensity and land use. These zone variations could then be applied at the boundaries of certain place types to transition between areas of differing intensity.

One example of a By-law that does this is the Draft City of Vaughan By-law:

<table>
<thead>
<tr>
<th>Zone Name</th>
<th>Zone Symbol(s)</th>
<th>Purpose of the Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment Commercial Mixed-Use Zone</td>
<td>EMU</td>
<td>Provide for wide range of employment and other uses and a limited amount of commercial uses</td>
</tr>
<tr>
<td>Main Street Mixed-Use – Kleinburg Zone</td>
<td>KMS</td>
<td>Provide for a mix of uses in the core area of Kleinberg</td>
</tr>
<tr>
<td>Main Street Mixed-Use – Maple Zone</td>
<td>MMS</td>
<td>Provide for a mix of uses in the core area of Maple</td>
</tr>
<tr>
<td>Main Street Mixed-Use – Woodbridge Zone</td>
<td>WMS</td>
<td>Provide for a mix of uses in the core area of Woodbridge</td>
</tr>
</tbody>
</table>

*Excerpt from Draft City of Vaughan By-law*
In this example from the Draft City of Vaughan By-law, zones are categorized by uses and geographic area. Certain zones that permit different uses or intensities could be used to transition between different areas of intensity.

To implement the policies of The London Plan, the principles of this table could be applied to intensity in a London context. For example, buildings within the Transit Village are encouraged to transition between the core of the Transit Village and adjacent Neighbourhoods Place Types. Two zone variations could then be created for the place type with differing setback, step-back, and height permissions for the core and the periphery. A planning exercise could then be undertaken to review where each of the zone variations are appropriate on a parcel-by-parcel basis.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Zone Symbol</th>
<th>Purpose of the Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transit Village Zone One (core)</td>
<td>TV1</td>
<td>Provide for a mix of residential, commercial, and other uses in a high-rise form</td>
</tr>
<tr>
<td>Transit Village Zone Two (adjacent to Neighbourhoods)</td>
<td>TV2</td>
<td>Provide for a mix of residential, commercial, and other uses in a mid-rise form</td>
</tr>
<tr>
<td>Rapid Transit Corridor One (core)</td>
<td>RT1</td>
<td>Provide for a mix of residential, commercial, and other uses in a high-rise form in the core area of a rapid transit station</td>
</tr>
<tr>
<td>Rapid Transit Corridor Two (adjacent to Neighbourhoods)</td>
<td>RT2</td>
<td>Provide for a mix of residential, commercial, and other uses in a mid-rise form</td>
</tr>
</tbody>
</table>

*Example of approach to regulating intensity in London*
**Possible Approach #4 – Add to the Existing Regulations**

In many cases, there is significant overlap between intensity regulations and form regulations. This section considers intensity regulations used in Z.-1, examples listed in The London Plan as well as additional potential regulations used by leading Ontario municipalities.

Below is an example from the City of Waterloo Zoning By-law, which clearly sets out intensity requirements and includes aspects of form to manage levels of intensity such as podium requirements, and maximum tower footprint.

---

**Table 8K: Regulations – CONVENIENCE COMMERCIAL (C3)**

<table>
<thead>
<tr>
<th></th>
<th>C3-10</th>
<th>C3-20</th>
<th>C3-30</th>
<th>C3-40</th>
<th>C3-60</th>
<th>C3-81</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density (minimum)</td>
<td>(none)</td>
<td>(none)</td>
<td>(none)</td>
<td>150</td>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td>Density (maximum)</td>
<td>150</td>
<td>450</td>
<td>525</td>
<td>600</td>
<td>675</td>
<td>750</td>
</tr>
<tr>
<td>BUILDING HEIGHT (maximum)</td>
<td>10 metres and 3 STOREYS</td>
<td>20 metres and 6 STOREYS</td>
<td>30 metres and 9 STOREYS</td>
<td>40 metres and 12 STOREYS</td>
<td>60 metres and 18 STOREYS</td>
<td>81 metres and 25 STOREYS</td>
</tr>
<tr>
<td>PODIUM Height (maximum)</td>
<td>(none)</td>
<td>14 metres</td>
<td>14.3 metres</td>
<td>14.8 metres</td>
<td>21 metres</td>
<td>21 metres</td>
</tr>
<tr>
<td>TOWER Separation (minimum)</td>
<td>(none)</td>
<td>(none)</td>
<td>a) 22 metres from a TOWER on the same LOT b) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.1.5.1 and 3.1.5.2)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Horizontal TOWER Dimension (maximum)</td>
<td>N/A</td>
<td>N/A</td>
<td>40 metres</td>
<td>40 metres</td>
<td>40 metres</td>
<td>40 metres</td>
</tr>
<tr>
<td>TOWER Footprint (maximum)</td>
<td>N/A</td>
<td>N/A</td>
<td>1,000 square metres</td>
<td>1,000 square metres</td>
<td>1,000 square metres</td>
<td>1,000 square metres</td>
</tr>
<tr>
<td>TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FAÇADE and FLANKAGE BUILDING FAÇADE (minimum)</td>
<td>N/A</td>
<td>N/A</td>
<td>3 metres</td>
<td>3 metres</td>
<td>3 metres</td>
<td>3 metres</td>
</tr>
<tr>
<td>AMENITY AREA (minimum)</td>
<td>3 square metres for the first BEDROOM and 2 square metres for each additional BEDROOM in the DWELLING UNIT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Excerpt from City of Waterloo By-law*
The table below identifies types of regulations for intensity that could apply to zones based on The London Plan Place Types. Whether a regulation applies or not will vary with the permitted uses and forms of development for each Place Type, depending on relevance. In the Neighbourhoods Place Type, for example, there is no need to include measures that are specific to tall buildings as they are not permitted in this Place Type.

<table>
<thead>
<tr>
<th>Intensity Measure</th>
<th>High-Intensity Zones (Downtown, TV, RTC, UC)</th>
<th>Medium-Intensity Zones (Shopping Area, Main Street)</th>
<th>Neighbourhoods Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Gross Floor Area</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Coverage</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Floor Plate Area</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Density in Units/HA</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Number of Bedrooms</td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Parking</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Tower Separation</td>
<td>Y</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Tower Step-back Above Podium</td>
<td>Y</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Podium Height</td>
<td>Y</td>
<td>N</td>
<td>N</td>
</tr>
</tbody>
</table>

Example of approach to regulating intensity in London for different zones

While including standards for all of the regulations may appear more cumbersome, this can reduce the need for special provision zones. Regulations should be complementary and aligned to ensure they do not conflict or contradict each other. One example would be for Floor Area Ratio (FAR). An FAR provision of 4.0 may be useful to provide flexibility in design, but if considered only as its own regulation, could allow 100% lot coverage, which would contradict other regulations and the overall policy direction.

The 1989 Official Plan and The London Plan share many common elements of regulating intensity, and the new zoning by-law can carry forward many existing regulations from Z.-1. There is the opportunity to include additional regulations that manage intensity separately from use to provide better clarity and consistency. For example, including standardized podium requirements would differ from Z.-1, where they can vary, and are typically set on a case-by-case basis through individual special provisions.
Possible Approach #5 – Allow As-of-Right Maximum Heights where Regulations are Met

Two of the main questions of this background paper are:

What level of height or intensity should be permitted as-of-right in the zoning by-law?
What levels of intensity contemplated in a Place Type require a future planning permission?

These questions must be considered together, and there are essentially two options that answer the questions. The first is to create a by-law with fewer regulations and lower as-of-right planning permissions that would require a Zoning By-law Amendment to achieve the upper limit. The second is to create a more stringent by-law with higher as-of-right planning permissions that apply in most circumstances without the need to amend the zoning.

The vision and policies of The London Plan together with the approaches explored through these background papers support the second option. This option can focus higher intensity to strategic areas, better define expectations for the community and applicants, and follow best practices outlined in Ontario zoning by-laws. An anticipated advantage of the second option is certainty for all involved parties, by providing confidence to developers that necessary intensity will be permitted in strategic locations, and eliminating the uncertainty of an amendment process.

An additional planning approval for zoning would not be necessary if regulations are used to ensure design excellence on a site where high-intensity development is encouraged. In areas adjacent to other place types, a zoning by-law amendment could be undertaken to determine the appropriateness of additional intensity.

Conclusion

The intensity aspects of zoning address the questions of ‘how much?’ and ‘how big?’.
Several approaches have been evaluated to implement The London Plan’s focus of growing inward and upward. Shifting intensity from defined uses as separate regulations and utilizing performance standards can help reduce the number of uses and better clarify different scales of development. Expanding the number and type of regulations that address intensity can provide more certainty for built scale and related aspects of development, such as form. With sufficient regulations managing intensity, certain select parts of the City could be zoned with greater intensity permissions to encourage development in appropriate locations. The London Plan promotes intensification to the nodes and corridors, and the ReThink Zoning process will explore how intensity can best be managed to achieve the Plan vision.
PART 4: ZONING FOR FORM

BACKGROUND PAPERS

Part 4: Zoning for Form

Introduction

Built Form is an important element of zoning as it determines how the City will look and feel, and in many cases, function. The London Plan identifies form as one of the three key considerations in the review of a proposed development, and it needs to be addressed through the zoning by-law to achieve the Plan’s City Building objectives and Place Type policies. Form includes aspects like the massing, location, and design of buildings and the layout and features of development sites.

The London Plan integrates form elements together with use and intensity policies, providing a balanced approach and direction for development in different Place Types. By including rules for built form, a more granular approach can achieve a contextual and cohesive neighbourhood design that is more diverse, especially when combined with rules for ‘what can I do?’ (use) and ‘how much?’ (intensity).

Key questions for Zoning for Form include:

• To what degree should form considerations be a part of the zoning considerations?

• How much should “built form” be a site plan control matter?

• What current zoning regulations would be effective to ensure the right form of development in each Place Type, and what new regulations should be considered?

• How can we ensure an appropriate form when permitting increases in height or density?

• To what degree should form considerations be based on the surrounding context?
Many Ontario municipalities have begun to successfully regulate form in their zoning by-laws to a greater degree than traditional approaches. As discussed in Zoning for Intensity, providing strong form regulations can allow for greater as-of-right zoning by providing some assurance for how the impacts of that intensity could be mitigated. This is especially valuable for The London Plan, which seeks to direct a significant amount of growth toward intensification, and especially in nodes and corridors.

**Evaluating Design**

Aspects of attractive, well-designed built form outcomes can often be measured and there are a few key components that most often result in a pleasant space. The London Plan encourages good design by supporting development that creates a sense of place and considers human-scale buildings that fit within the surrounding context. Elements of built form must work together with what is happening on a site or in a building, (see *Discussion Paper 3 - Use*) and its size and scale (see *Discussion Paper 4 – Intensity*).

**Residential Neighbourhoods**

In the City Building policies of The London Plan, design goals include:

- Transitions between different building heights,
- Clearly visible front entrances,
- Variation in building facades,
- Consistent setbacks,
- Sidewalks,
- Street trees, and
- Landscaping in front yards

In a typical residential neighbourhood, components of form are important in defining character. Building setbacks should provide a balance of privacy and activity, street trees and sidewalks should frame the street, and all front entrances should be wholly visible from the sidewalk. Patios or awnings can be used to provide seasonal protection and make entrances more visible.

*Low-rise developments with varying forms and building envelopes*
**High-Rise Developments**

High-rise developments are anticipated in the higher intensity place types, such as along transit corridors, transit villages or the downtown. Where high-rise development is proposed, design goals include:

- parking that is located and designed to remove impacts on the built environment;
- creating comfortable pedestrian environments using podiums and step-backs;
- separation between building towers; and
- both vertical and horizontal proportions in each building and along the street wall

Parking should not be visually dominant, and building height should relate to the street width on which the building fronts to achieve pedestrian-scale buildings. Tower separation and step-backs should consider local wind and sunlight conditions and utilize design features to mitigate impacts.

**Transparency and Entrances**

The permeability of a building facade or exterior wall, particularly where it is adjacent to a public space or street, reduces the perception of bulk and massing, provides for passive surveillance, and animates the street with pedestrian movements. A façade that utilizes a high proportion of windows and doors as well as frequent building variation achieves a higher level of activity and visual interest on the street than a blank façade with no openings.

*This image shows an example of high-density development. The red dotted line highlights the tower separation.*
How the Current Zoning By-law Approaches Form

The 1989 Official Plan includes policies that provide direction on numerous aspects of built form through the Urban Design Chapter and through some policies within the Land Use Designation Chapters. These form policies generally apply to the permitted use and are not given the same emphasis as land use or intensity provisions. The language is often flexible and aspirational with frequent use of terms such as “should” and “to the extent feasible”.

The policies encourage positive design features such as the retention of trees and views of natural features and landmarks, as well as high design standards in strategic locations. The organizing principles of the Plan are to identify the range of permitted uses by area, and then consider form considerations in general terms.

Within the Multi-Family, High Density Residential Designation, for example, policies directed high-rise structures to be oriented, where possible, closest to activity nodes with densities decreasing further away to provide effective transitions to lower density areas.

Zoning By-law Z.-1 follows the same approach as the by-law was written as an implementation tool for the 1989 Official Plan. It uses a variety of regulations within use-based zones to implement the policies of the 1989 Official Plan related to form. Different built forms are often interchangeable with the uses permitted, for example a single detached dwelling is both the use and form of development, which can be difficult to isolate elements of form to regulate. Often, these overlap with intensity and can vary in terms of regulatory detail from broad to more specific. The regulations that impact the built form and are contained in most zones include:

- Minimum front and exterior side yard depths which vary based on street classification
- Minimum landscaped open space
- Minimum interior side yard depth
- Minimum rear yard depth
- Maximum lot coverage
- Maximum height
- Maximum parking area coverage
- Maximum number of buildings
- Minimum lot area per unit
- Minimum lot frontage
- Maximum floor area percentage

In addition, many special provision zone variations were created over time through the development process and apply to specific properties. These often regulate matters that are not as explicitly addressed in each base zone and include:

- Setbacks from sensitive uses (pipelines and railways)
- Driveway regulations
- Building orientation
- Parking standards and locations
- Porch and garage setback regulations
- Direction on building typology (i.e., buildings may take the form of shopping centres, mixed use buildings or stand-alone structures)
- Restrictions on accessory parking lot depending on street classification
Finally, Zoning By-law Z.-1 has used bonus zones as a means to regulate form with provisions for site specific developments, such as:

- A ‘locked in’ design that ensures the delivery of positive features presented during the application review process
- The provision of pergolas and seating areas
- Green roof features
- Enhanced landscaping
- Pedestrian plazas
- Universally accessible features
- Underground parking

City Building Policies

The City Building policies recognize that the design of the City is shaped by both the natural setting and its built form. The policies provide direction for the way neighbourhoods, buildings, streetscapes, public spaces, and landscapes are designed, as they play a major role in creating a sense of place that is unique to London. This requires that all elements of the built environment contribute to realizing the place type vision, which is why The London Plan also gives direction for elements such as street design, public spaces, and parks that create complete communities.

Character policies address neighbourhood design at a high level and direct that all development contributes to a neighbourhood’s character and demonstrate how it fits within its context. Individual Site Layout policies direct new development to respond to the context and character of the surrounding area and minimize impacts on adjacent properties. Building policies address the detailed aspects of built form, such as scale, massing, materials, and relationship to adjacent buildings.

How The London Plan Approaches Form

As we shift from the 1989 Official Plan to the London Plan, one of the most significant and important differences in terms of planning approach is the balancing of form considerations in the development process. Instead of determining the range of permitted uses and then considering what form requirements should apply, the London Plan looks at places more holistically and gives direction for built form with equal emphasis to the range of uses and intensities that may be permitted.

Policies related to built form in The London Plan are largely contained in the City Building policies, the Place Type policies, and the Our Tools policies.
Place Type Policies

Each of the Urban Place Types in The London Plan sets out a vision and includes built form policies that will achieve the intended function. These include:

Site layout:
- Parking
- Landscaping
- Vehicular access
- Orientation
- Setbacks
- Building location on site

Building:
- Massing
- Step-backs
- Materials
- Architecture

Two examples of form policies within The London Plan illustrate the different approaches and components for an intensive Place Type such as the Transit Village Place Type and a moderate Place Type such as the Neighbourhoods Place Type.

Transit Village Place Type

The form policies of the Transit Village Place Type emphasize pedestrian convenience and access, and direct that buildings and the public realm be designed to be pedestrian, cycling and transit-supportive. Building orientation, location of entrances, clearly marked pedestrian pathways, widened sidewalks, cycling infrastructure, and general site layout reinforces pedestrian safety and easy navigation. Built form features that provide weather protection features such as canopies can directly support a quality pedestrian environment.

The policies also encourage high-quality architectural design, stating that massing and architecture within the Transit Village should provide for articulated façades and rooflines, accented main entry points, and generous use of glazing and other façade treatments along sidewalk areas. Surface parking areas should be located in the rear and interior side yards to minimize their presence, and underground or structured parking within the building design is encouraged.

Neighbourhoods Place Type

Neighbourhoods are the largest urban place type by area and are the places where many Londoners live. The vision for the Neighbourhoods Place Type includes key elements that are important to making neighbourhoods vibrant and exciting places to live, where community connections are fostered. The first two elements identified in the vision statement relate to the built form and include “strong neighbourhood character, sense of place and identity,” and “attractive streetscapes, buildings, and public spaces.”

The form policies for Neighbourhoods envision a predominantly residential character and require non-residential uses to fit within that context. These policies direct that neighbourhood design should avoid rear lotting onto major roads, and instead directs more intense development to those streets to provide for a more urban and transit supportive neighbourhood structure with easy access to parks and amenities. Site development should emphasize human interactions with buildings and minimize the impact of parking areas on the public realm.
Our Tools

The Our Tools section of The London Plan contains Evaluation Criteria for Planning and Development Applications policies for aspects of form as well as intensity. These include a list of potential impacts on nearby properties that could be addressed by built form or site design, such as:

- Traffic and access management
- Noise
- Parking on streets or adjacent properties
- Emissions generated by the use such as odour, dust, or other airborne emissions
- Lighting
- Garbage generated by the use
- Loss of privacy
- Shadowing
- Visual impact
- Loss of views
- Loss of trees and canopy cover
- Impact on cultural heritage resources
- Impact on natural heritage features and areas
- Impact on natural resources

The policies also contain evaluation criteria to determine whether a proposal is sensitive to, and compatible with, its existing and planned context. The built form of a proposal may need to integrate or respond to aspects of:

- Policy goals and objectives for the place type
- Policy goals and objectives expressed in the City Design chapter of this Plan
- Neighbourhood character
- Streetscape character
- Street wall
- Height
- Density
- Massing
- Placement of building
- Setback and step-back
- Proposed architectural attributes such as windows, doors, and rooflines
- Relationship to cultural heritage resources on the site and adjacent to it
- Landscaping and trees
- Coordination of access points and connections
Possible Zoning Approaches to Form

Possible Approach #1 – Regulate Building Orientation and Primary Entrances

The provision of primary building entrances onto a public street can play a major role in establishing an active frontage and a welcoming pedestrian-oriented environment. This is recognized in The London Plan within the City Building section of the Plan, which states that principal building entrances “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”.

This cafe in London features the primary entrance oriented towards the street which provides direct access for pedestrians without having to walk through parking areas or drive-through lanes.
The Transit Village, Rapid Transit and Urban Corridors Place Types contain a similar policy stating that “buildings and the public realm will be designed to be pedestrian, cycling and transit-supportive through building orientation [and] location of entrances”. This is intended to ensure there are no large expanses of blank walls fronting the street, and that features such as entrances and windows break up the massing of buildings and support a pleasant and interesting pedestrian environment.

This cafe entrance is oriented away from the public street with no activation of the blank façade or access for pedestrians from the sidewalk.

Examples of how zoning regulations can direct the location of principal entrances and building orientation are found in the by-laws of Newmarket and Oakville as contained in the table below.

<table>
<thead>
<tr>
<th>By-law</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newmarket Urban Centres By-law</td>
<td>Mixed Use Zones 6.2.4.1. General i) Principal Entrance a) At least one principal entrance shall be provided for any building along a public street or adjacent to an Open Space Zone. b) Any principal entrance to a mixed use or apartment building shall be no more than 1.5 metres above grade.</td>
</tr>
<tr>
<td>Oakville By-law</td>
<td>Mixed Use Zones: Residential dwelling units located on the first storey shall have the main front entrance into each premises oriented towards a public street.</td>
</tr>
</tbody>
</table>

A similar zoning regulation implementing the policy could be established in London as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transit Village, Rapid Transit Corridor and Urban Corridor, and Shopping Area Zones</td>
<td>At least one principal entrance shall be provided for any building along a public street or adjacent to an Open Space Zone.</td>
</tr>
</tbody>
</table>
Possible Approach #2 – Regulate Ground Floor Activities

Active frontage refers to the provision of active uses on the ground floor of buildings to create a vibrant pedestrian environment on the street. These types of uses also add visual interest to a streetscape and can help produce a sense of safety. Many of the Ontario case study by-laws have requirements for a minimum number of active uses, such as retail stores or restaurants, in focused areas such as transit hubs.

Policies within The London Plan also encourage active frontage within building design. For example, high- and mid-rise buildings “should establish a human-scale façade with active frontages”. Similarly, buildings that are adjacent to parks and public spaces should be designed to provide an active frontage onto those spaces to create a positive interaction with the space.

Within the Transit Village Place Type, there is a policy stating that “where there is a mix of uses within an individual building, retail and service uses will be encouraged to front the street at grade”. Similarly, along commercial-oriented streetscapes in the Downtown and within the Main Streets Place Type “retail and service uses will be encouraged at grade”.

Requiring active uses at-grade may not be feasible in every instance. One option may be to require a percentage of the aggregate frontage of an area to be active uses, and to designate areas within an individual zone for this feature. This approach has been used in the Newmarket By-law. As an alternative, the North Oakville By-law example below requires an active frontage as a performance standard to obtain the maximum height.
<table>
<thead>
<tr>
<th>By-law</th>
<th>Regulations</th>
</tr>
</thead>
</table>
| Newmarket Urban Centres By-law                  | Mixed-Use Zones:  
In a mixed-use building dwelling, a dwelling unit may only be permitted above a ground level commercial use.  

Priority Commercial Areas:  
Any building in the areas shown on Schedule “D,” forming part of this By-law, shall have commercial uses comprising 75% of ground floor frontages.  

| North Oakville By-law                           | Trafalgar Urban Core Performance (TUC-3) Zone 3:  
The regulations of the TUC Zone shall apply in the Trafalgar Urban Core Performance (TUC-3) Zone 3, with the exception that the maximum height shall be 30 storeys provided that:  
[...]  
iii) a minimum of 50% of the first storey shall be utilized for commercial or institutional uses.                                                                                                                                                                                                                     |

Excerpt from Newmarket and Oakville By-laws

**Possible Approach #3 – Regulate Fenestration and Transparency**

The use of windows and transparent glass on buildings at the ground-level helps to create a pedestrian-oriented environment and increase passive surveillance. In The London Plan, this is an important policy direction for tall buildings within the City Design policies, and for several places within the Place Type policies.

This building in London makes significant use of glazing.
The London Plan directs that the use of “transparent windows should be located to face the public right-of-way and public spaces”. This is reiterated in the materials section, which states that “for commercial, office and institutional uses, transparent glass should be used on the majority of the ground level façades facing a public right-of-way to provide views into and out of the space and enhance the pedestrian environment”. Transparent glazing is effective at creating interest in and around street level as various activities are visually apparent to pedestrians and reinforce passive surveillance and feelings of comfort and safety.

The Transit Village and Rapid Transit and Urban Corridors Place Types each contain a policy on windows and glazing where massing and architecture “should provide for articulated façades and rooflines, accented main entry points, and generous use of glazing and other façade treatments along sidewalk areas such as weather protection features to support a quality pedestrian environment”. In the Rapid Transit and Urban Corridors, “large expanses of blank wall will not be permitted to front the street, and windows, entrances, and other building features that add interest and animation to the street will be encouraged”.

There are a few methods for regulating the use of glazing through a Zoning By-law seen in the case studies below. One option, used by Newmarket, directs the provision of glazing on walls adjacent to a public street, but does not specify a quantum. A second option, which may be better suited to meeting the intent of The London Plan policy, is to require a minimum glazing standard for certain zones, as used in the St. Catharines By-law and Draft Cambridge By-law.

<table>
<thead>
<tr>
<th>By-law</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Draft Cambridge By-law</td>
<td>Core Area Zones: Minimum percentage of first storey wall facing front lot line that has openings CMU1 70% CMU2 70%</td>
</tr>
<tr>
<td>Newmarket Urban Centres By-law</td>
<td>Mixed-Use Zones: ii) Windows and Glazing Glazing shall be provided in buildings on any wall adjacent to a public street or Open Space Zone.</td>
</tr>
<tr>
<td>St. Catharines By-law</td>
<td>Commercial (C5) and (C6) Zones: Min. Ground Floor Street-Facing Building Façade Devoted to Openings. C5 – 50% surface area. C6 – 60% surface area.</td>
</tr>
</tbody>
</table>

Excerpt from Cambridge, Newmarket and St. Catharines By-laws
Criteria for glazing could be included as regulations within the new zoning by-law to establish minimum amounts at the ground floor or upper floors. Within the Transit Village, Rapid Transit and Urban Corridor Place Types, regulation could be written as follows:

<table>
<thead>
<tr>
<th>By-law</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transit Village, Rapid Transit Corridor</td>
<td>Minimum percentage of the first storey wall facing the front lot line that has openings - 70%</td>
</tr>
<tr>
<td>and Urban Corridor Zones</td>
<td></td>
</tr>
</tbody>
</table>

Example of approach to regulating glazing in London

Within the Neighbourhoods Place Type where the predominant development form would be low-rise residential uses, glazing requirements could be established for the ground floor and upper floors depending on the zone and character of the area. The graphic below illustrates how these aspects of glazing could be measured in a low-rise residential context.

Example of measuring glazing for low-rise residential areas
Possible Approach #4 – Regulate the Form of Parking

Parking areas are necessary components of site design to accommodate temporary vehicle storage. However, when located at the street level, they often occupy large areas of land with little to no activation or benefit to those areas. Large, dead, inactive expanses of under-utilized space do not provide enough City Building benefit to justify the space that is required, and when improperly located or designed they can make it hard for pedestrians to traverse, or can overwhelm the streetscape and alter the character and ‘feel’ of an area. An over-supply of parking encourages auto-oriented forms of development which conflicts with urban trends towards more compact and walkable neighbourhoods that are highly connected by transit.

The London Plan policies direct that the “impact of parking facilities on the public realm will be minimized by strategically locating and screening these parking areas”. The policies also direct that surface parking should be located in the rear yard or interior side yard to minimize their visual impact and presence. For parking located in a structure, they should be integrated into the design of a building, and effectively screened. Underground parking facilities offer the most benefit to ensure there is functional parking available while not compromising building or site design, and is encouraged for multiple Place Types, as are the opportunities for shared and consolidated parking areas.

The direction in the above policies can thus be broken into three categories:

- Regulating the type of parking permitted by zone (surface, structured, underground)
- Providing form regulations for the location and design of parking facilities on a site
- Providing opportunities for consolidating parking across lots

Regulating the Type of Parking Permitted

Parking requirements are often found to be inflexible, based on site-based parking needs and prescriptive supply ratios. Parking regulations should be primarily determined by the context of the site for such aspects of transit availability, travel patterns and market demand.

Most of the case studies regulate the type of parking permitted in different zones or provide incentives to encourage certain types of parking. For example, one zone in the North
Oakville By-law allows an increased maximum height if all parking is provided underground or in a parking garage.

The case studies range from requiring a minimum of 50% up to 85% of all parking provided to be structured parking in transit-oriented zones. Engagement and evaluation is necessary to determine the quantity of required structured parking in each place type, however, a reasonable regulation based on the policy direction above could be as follows:

- A maximum of fifty percent (50%) of required parking spaces may be provided as surface parking.

By combining this with a framework allowing for tall buildings in appropriate locations, development that meets the intent of The London Plan and complies with zoning regulations can be pursued without a zoning by-law amendment. This regulation can also be important for achieving underground parking that was previously eligible for bonusing.

**Form Regulations for Parking**
The Newmarket Urban Centres By-law regulates parking location, garages, and amounts as follows:

<table>
<thead>
<tr>
<th>By-law</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newmarket Urban Centres By-law</td>
<td><strong>Parking Lot Location:</strong> Where required, parking lots shall be located in accordance with the following requirements:</td>
</tr>
</tbody>
</table>
| | • Zone Parking Lot Location Requirement Mixed Use Zones  
• Parking spaces may be provided on another lot within a different Mixed Use Zone but not more than 150.0 metres from the lot line of the use it is intended to serve.  
• Parking lots shall be located in the interior side yard and/or rear yard not less than 3.0 metres from any side or rear lot line. However, a parking lot as a sole use may be located in any yard.  
• Open Space, or Institutional Zones  
• Parking lots may be located within any yard but shall not be located within 3.0 metres of any street line. |
| | **Parking Garages:**  
Above Grade Parking Garage Any building that contains an above grade parking component facing a public or private street or an Open Space Zone must provide commercial, residential or institutional uses along the ground floor of the wall facing the public or private street or Open Space Zone. |
| | **Underground Parking:**  
Below grade parking is permitted to be setback 0.0 metres from property lines, and may be permitted under Private Parks, parks, Private Lanes and Private Streets, but is prohibited under Public streets. |
| | **Reduced Parking Standards for Proximity to Transit:**  
The minimum and maximum parking rates for each of the permitted residential and non-residential uses may be reduced by 30% |

Excerpt from Newmarket Urban Centres By-law
Based on the policy direction above, the location of parking within a site could be regulated as follows, based on the Newmarket By-law:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transit Village, Rapid Transit Corridor and Urban Corridor Zones</td>
<td>Parking lots shall be located in the interior side yard and/or rear yard not less than 3.0 metres from any side or rear lot line.</td>
</tr>
<tr>
<td>All other Neighbourhood, Shopping Area and Open Space zones</td>
<td>Parking lots shall not be located within 3.0 metres of any street line.</td>
</tr>
</tbody>
</table>

Example of approach to regulating parking in London

**Consolidating Parking Across Lots**
Consolidation of parking could be utilized where neighbouring or nearby lots include land uses with different peak demand periods for parking, or where small lots don’t have adequate space to provide on-site parking and could be better utilized with a shared lot in another location. Of the case study by-laws, only Newmarket’s addresses consolidating parking across lots, it includes:

*Zone Parking Lot Location Requirement Mixed Use Zones:*
*Parking spaces may be provided on another lot within a different Mixed Use Zone but not more than 150.0 metres from the lot line of the use it is intended to serve.*

This approach could be utilized for the London context within some Place Types, however, careful consideration should be made to not inadvertently cause the proliferation of large expanses of surface parking or commercial parking lots as a standalone land use where they are not desirable. Consolidating underground parking areas for multiple sites could provide more functional layout and shared services without occupying valuable surface space.
Possible Approach #5 – Provide Landscape Screening Requirements

One method for regulating the transition between different uses and intensities is through requirements for landscape strips or planting buffers. The width of the required landscape strip or planting buffer could vary depending on the adjacent use or zones. This method has become popular in recent years and has been used by every case study by-law examined through this report.

The use of planting strips is encouraged both indirectly and directly in The London Plan. Indirectly, planting strips could assist with achieving The London Plan’s key directions, Forest City policies and canopy cover targets. Directly, planting strips can be used to implement several policies for positive site design by preserving privacy on adjacent sites, providing screening, buffering, and softening the transition between place types. For example, the Rural Urban Interface policy describes “the incorporation of buffers such as treed landscape strips” as a design measure to mitigate conflicts between urban and rural uses.

Development within the Shopping Area Place Type is directed to utilize such methods as “providing sufficient buffers to ensure compatibility”. The Rapid Transit Corridor and Urban Corridor policies also state that an “appropriate transition of building scale and adequate setback distances should be provided between the Corridor and adjacent neighbourhood areas”.

The Light Industrial Place Type Form policies state that “The Zoning By-law and the Site Plan Control By-law may specify higher standards for setbacks, the location of parking and loading areas, signage, landscaping along major entryways to the city and adjacent to residential areas”.

The Parking policies encourage the use of landscaping for surface parking as a means to provide canopy coverage, screening, improve stormwater management and increase pedestrian comfort. Implementing a regulatory framework similar to that of the Newmarket By-law could be effective in terms of implementation for parking lots and between zones.

*This image shows a parking lot well-screened with landscaping (City of Pickering)*
### Planting Strips

The following regulations apply to planting strips in the zones that are specifically identified in this Section:

A minimum 3.0 metre wide planting strip that is a minimum of 1.8 metres in height and abutting the full length of the lot line is required where a lot in any Institutional, Commercial or Employment Zone abuts an interior side or rear lot line of a lot in any Residential Zone or Open Space Zone.

Where parking areas are connected to parking areas on adjacent lots, a planting strip in accordance with sub-section (a) is not required for that portion of the lot line where the parking is connected.

Where there is a wall or fence having a height of 1.8 metres or more along an interior side or rear lot line, the width of the planting strip established in subsection (a) can be reduced to 1.8 metres in width.

A minimum 3.0 metre wide planting strip abutting the full length of the lot line is required along the front and exterior side lot lines in any Institutional, Commercial and Employment Zone.

Notwithstanding subsection (d), the requirement for a planting strip is waived wherever a building is permitted to be closer than 3.0 metres from the lot line.

Planting strips required by this section of the By-law can be counted as part of any landscaped open space requirement of this By-law, but cannot be counted as part of the required landscaping for parking areas.
<table>
<thead>
<tr>
<th>By-law</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newmarket Urban Centres By-law</td>
<td><strong>Landscaped Buffers for Parking Lots</strong>&lt;br&gt;A landscaped buffer area shall be required for parking lots designed to accommodate 5 or more parking spaces where permitted, and shall conform to the following requirements:&lt;br&gt;&lt;br&gt;Such buffer area shall be at least 3.0 metres wide and located around the periphery of the parking lot within the lot on which the parking area is located. &lt;br&gt;Such buffer area shall not be used for any other purpose other than vegetative landscaping but shall not prevent the provision of entrances and exits across the buffer area. &lt;br&gt;Any required planting in a buffer strip shall have a minimum height of 1500mm for coniferous vegetation, a minimum diameter measured at a height of 1.4 metres from grade of 60mm for deciduous vegetation, and a minimum height or spread of 450mm for shrubs, but shall not be permitted to exceed a height of 1.0 metre within a daylighting triangle.&lt;br&gt;Where a buffer area is required between a parking lot in an Mixed Use Zone and an Open Space Zone, the buffer area shall be a minimum of 3.0 metres wide and shall be located in the Mixed Use Zone. The buffer area shall be used for no other purpose than landscaping or entrances and exits and shall be bordered by an opaque fence 1.8 metres in height.&lt;br&gt;Notwithstanding subsection i) above, where a buffer area is required between a parking lot in a Mixed Use Zone and an Open Space Zone, the buffer area shall be a minimum of 3.0 metres wide and shall be located in the Mixed Use Zone. The buffer area shall be used for no other purpose than landscaping or entrances and exits and shall be bordered by an opaque fence 1.8 metres in height.&lt;br&gt;&lt;br&gt;<strong>Landscaped Buffers Adjacent to Residential Areas</strong>&lt;br&gt;Notwithstanding any other provision of this By-law, where the rear lot line or interior side lot line of a Mixed Use or Institutional Zone abuts a residential zone outside of the area of this By-law, a landscaped buffer shall be required in accordance with the following provisions:&lt;br&gt;&lt;br&gt;the landscaped buffer shall be located on the lot containing the mixed use, or institutional use, immediately adjacent to the lot line that borders such lot with the residential use under By-law 2010-40.&lt;br&gt;where a landscaped buffer is required, such landscape material within the buffer shall be not less than 1.5 metres high and shall not be less than 3.0 metres in width. Notwithstanding this requirement, landscape material shall not exceed a height of 1.0 metre within the minimum front or exterior side yard.</td>
</tr>
</tbody>
</table>
Possible Approach #6 – Consider the Use of an Angular Plane

An angular plane is a tool that projects a theoretical line at a 45-degree angle from a defined point, usually a property line to determine appropriate heights. The tool is generally used for mid- and high-rise developments where they are located adjacent to low-density areas. The use of an angular plane is regulated in the Newmarket Urban Centres By-law and the Draft Vaughan By-law and results in step-backs being applied to the taller buildings.

This image illustrates an angular plane concept (City of Vaughan)
Based on the policy direction of The London Plan, which encourages transitions of building heights from Transit Village, Shopping Area, and Rapid Transit and Urban Corridor Place Types to adjacent neighbourhoods, the following regulation could be used:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transit Village, Rapid Transit Corridor, Shopping Area and Urban Corridor Zones</td>
<td>A 45-degree angular plane shall be required from any Neighbourhoods Zone, measured from 7.0 meters above grade.</td>
</tr>
</tbody>
</table>

**Example of approach to using an angular plane in London**

**By-law** | **Regulations**
--- | ---
Newmarket Urban Centres By-law | Angular Planes
Any building on a lot adjacent to the rear or side yard of a residential zone under By-law 2010-40 or Open Space Zone in either By-law 2010-40 or this By-law must comply with a 45 degree angular plane from a height of 1.7 metres above the established grade at the lot line of the adjacent residential zone under By-law 2010-40 or Open Space Zone in either By-law 2010-40 or this By-law; but the angular plane shall not extend beyond the applicable lot, or, if the lot is bisected by a public or private street, beyond the boundary of the public or private street, as set out in Diagram 6–4.

Any building on a lot across the street from a residential zone under By-law 2010-40 or Open Space Zone in either By-law 2010-40 or this By-law, must comply with a 22 degree angular plane measured from a height of Y as determined by the Right of Way width X of the street (see Table 6.2.4.6) at the front lot line but the angular plane shall not extend beyond the applicable lot as set out in Diagram 6–5, or, if the lot is bisected by a public or private street, beyond the public or private street.

Draft Vaughan By-law | Angular Plane: Means an imaginary plane extending from a lot line and above the entirety of the lot at an inclined angle that is specified by this By-law. Where an angular plane requirement applies, no portion of a building or structure shall be permitted to encroach above the angular plane unless an encroachment is expressly permitted by this By-law.

**Excerpt from Newmarket and draft Vaughan By-laws**
**Possible Approach #7 – Consider Tower Regulations for High-rise forms**

The City Design and Place Type policies for high-rise development speak to reducing the impact of towers and creating a comfortable pedestrian environment, which can be achieved through regulating the tower floorplate size, floorplate configuration and podium size.

The tower floorplate size relates to the overall massing of the tower or the size of its footprint, and impacts the amount of sky views, wind, sunlight, and shadows. The tower floorplate configuration relates to the shape of the tower, for example if it is a square shape or rectangular. Different tower configurations could accommodate the same number of units (intensity) but create a different feel based on the dimensions of the length and width and the form and scale created. A rectangular shape would have a slim side and a broader side that could make the building feel larger from certain angles and create greater impacts on views and shadows.

The Waterloo By-law is an example of a by-law that regulates the size and configuration of the tower, as well as the podium features of the lower levels.

<table>
<thead>
<tr>
<th>By-law</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waterloo By-law</td>
<td>Tower Footprint 1,000 square metres maximum</td>
</tr>
<tr>
<td></td>
<td>Horizontal Tower Dimension 40 metres maximum</td>
</tr>
<tr>
<td></td>
<td>Tower stepback above podium, including balconies, on the front building façade and flankage building façade – 3 metres minimum</td>
</tr>
<tr>
<td></td>
<td>Podium height – 10.5m minimum – 14.3 metres and 4 storeys maximum</td>
</tr>
</tbody>
</table>

*Excerpt from Waterloo By-law*

A podium is the lower part of a building located at the base that is comprised of the street level or ground floor and one or more storeys above. Podiums are useful to create a pedestrian-scale environment at the street edge, frame the public realm, and articulate entrances. The taller tower component of the building is stepped back from the edge of the podium which minimizes the massing of the tower, assists with wind impacts, and reduces shadow impacts. Regulating the height of podiums as well as the tower step-backs can produce well-designed high-rise buildings that transition height down to the street creating a comfortable and pedestrian-scale environment.
Possible Approach #8 – Consider Tower Separation Regulations

Tower separation is a regulation sometimes used in areas planned for significant intensity. Tower separation can help to reduce wind and shadow impacts, minimize the obstruction of views, and reduce the perception of mass on the neighbourhood. Tower separation regulations can also ensure that development potential on adjacent sites is protected.

Recent Secondary Plans in high-intensity areas such as the Old East Village Dundas Street Corridor contain policies that require high-rise buildings to have a minimum separation distance of 30m between towers to ensure impacts of shadowing, loss of sunlight, and wind conditions at the street are minimized, that natural light and a reasonable level of privacy is provided to occupants, and that adequate distance is provided to ensure there is no negative impact on the future development of neighbouring sites. Regulating tower separation as a zoning provisions can implement these policies and shape the built form of towers.

This example from the Newmarket Urban Centres By-law shows how tower separation regulations can be combined with podium regulations to shape high-rise development.

<table>
<thead>
<tr>
<th>By-law</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newmarket Urban Centres By-law</td>
<td>Separation Distance</td>
</tr>
<tr>
<td></td>
<td>Any part of a building wall on the same lot containing principal windows that has a height of less than 38.0 metres shall be set back a minimum of 15.0 metres from any other part of a building wall containing principal windows on the same lot.</td>
</tr>
<tr>
<td></td>
<td>Any part of a building wall higher than 38.0 metres shall be separated a minimum of 25.0 metres from the part of any other building wall on the same lot that is higher than 38.0 metres.</td>
</tr>
</tbody>
</table>

Excerpt from Newmarket Urban Centres By-law

Regulations for tower separation and podiums help shape high-rise development
Possible Approach #9 – Consider the Use of Overlays

In addition to zone variations, overlays can provide additional regulations to a specific context. For example, active frontage requirements may not be desirable or feasible for every property within Transit Village zones, however, the requirements may be desirable along certain street segments. The Newmarket example establishes commercial priority levels with an overlay and require commercial uses comprising 75% of ground floor frontages among specified properties. The Waterloo example shows active frontage requirements on streets that front station areas.

![Diagram of Waterloo active frontage requirements](image-url)

This example of an overlay from Waterloo shows active frontage requirements through dark blue lines.

Conclusion

Form is an important element in zoning that determines how the City will look and feel, and in many cases, function. The London Plan provides the opportunity to integrate elements of form together with use and intensity as a balanced approach within each Place Type. Many recent Ontario examples have begun to successfully regulate form in modern zoning by-laws to a greater degree than traditional zoning by-laws. Providing strong form regulations can allow for greater as-of-right zoning with the assurance that many form matters will be addressed. This is especially valuable for The London Plan, which seeks to direct a significant amount of growth toward intensification, and especially in nodes and corridors.
Part 5: Review of Major Ontario Municipalities

Introduction - Zoning Review of Major Ontario Municipalities

A review of zoning by-laws for Ontario's most populous municipalities was undertaken as part of the research for these background papers. Each City's zoning by-law represents a unique way to implement their governing Official Plan policies, and together these by-laws illustrate the diversity of ways to approach use, intensity, and form regulations. The approach, strategy and innovation of other City's by-laws provide valuable insight for methods that could be successfully employed in London.

The focus for this Background Paper was on Ontario cities as they are subject to the same provincial planning framework that includes the Planning Act and Provincial Policy Statement. Some select by-laws and approaches from other provinces and countries were also considered during this review. The table below shows the top 25 Ontario cities by population, the date of their current zoning by-law, and whether it has been included in this review.

Seven municipal case studies were selected for more detailed review as they have innovative or recent zoning practices, a similar city structure, or comparable Official Plan policies to London. Where a new zoning by-law or comprehensive update is being prepared, only the new or updated by-law was considered in this review. The case studies reflect various zoning approaches in Ontario and have potential learnings and best practices that London can incorporate going forward.
### Ontario’s Most Populous Cities and their Zoning By-laws

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Year Zoning By-law Approved</th>
<th>Included?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ajax</td>
<td>2003</td>
<td>No</td>
</tr>
<tr>
<td>Barrie</td>
<td>2009</td>
<td>No</td>
</tr>
<tr>
<td>Brampton</td>
<td>Review ongoing, no draft</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Main Street North Development Permit System By-law – 2015</td>
<td>No</td>
</tr>
<tr>
<td>Burlington</td>
<td>2014</td>
<td>No</td>
</tr>
<tr>
<td><strong>Cambridge</strong></td>
<td>Review ongoing, draft available</td>
<td>Yes</td>
</tr>
<tr>
<td>Greater Sudbury</td>
<td>2010</td>
<td>No</td>
</tr>
<tr>
<td>Guelph</td>
<td>Review ongoing, no draft</td>
<td>No</td>
</tr>
<tr>
<td>Hamilton</td>
<td>2009</td>
<td>No</td>
</tr>
<tr>
<td>Kingston</td>
<td>Review ongoing, draft available</td>
<td>No</td>
</tr>
<tr>
<td>Kitchener</td>
<td>Review ongoing, no draft</td>
<td>No</td>
</tr>
<tr>
<td>Markham</td>
<td>Review ongoing, no draft</td>
<td>No</td>
</tr>
<tr>
<td>Milton</td>
<td>2014</td>
<td>No</td>
</tr>
<tr>
<td>Mississauga</td>
<td>2007</td>
<td>No</td>
</tr>
<tr>
<td><strong>Newmarket</strong></td>
<td><strong>2010</strong></td>
<td><strong>No</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Urban Centres Zoning By-law – 2019</strong></td>
<td><strong>Yes</strong></td>
</tr>
<tr>
<td>Oakville</td>
<td>2014</td>
<td>Yes</td>
</tr>
<tr>
<td>Oshawa</td>
<td>1994</td>
<td>No</td>
</tr>
<tr>
<td>Ottawa</td>
<td>2008</td>
<td>No</td>
</tr>
<tr>
<td>Richmond Hill</td>
<td>Review ongoing, no draft</td>
<td>No</td>
</tr>
<tr>
<td><strong>St. Catharines</strong></td>
<td><strong>2013</strong></td>
<td><strong>Yes</strong></td>
</tr>
<tr>
<td>Thunder Bay</td>
<td>2010</td>
<td>No</td>
</tr>
<tr>
<td>Toronto</td>
<td>2013</td>
<td>No</td>
</tr>
<tr>
<td>Vaughan</td>
<td>Review ongoing, draft available</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Waterloo</strong></td>
<td><strong>2018</strong></td>
<td><strong>Yes</strong></td>
</tr>
<tr>
<td>Whitby</td>
<td>Review ongoing, no draft</td>
<td>No</td>
</tr>
<tr>
<td>Windsor</td>
<td>1986</td>
<td>No</td>
</tr>
</tbody>
</table>
Municipal Case Studies Selected for this Review:

- City of Cambridge (Ongoing – Second Draft)
- Town of Newmarket Urban Centres Zoning By-law (2018)
- North Oakville (2009)
- Town of Oakville (2014)
- City of St. Catharines (2013)
- City of Vaughan (Ongoing – Third Draft)
- City of Waterloo (2018)

Summary of Key Findings

- The by-laws reviewed are traditional zoning by-laws passed under Section 34 of the Planning Act, and the Brampton Main Street North Development Permit System By-law is passed under Section 70.2/O. Reg. 173/16
- The by-laws contain use definitions that are generally simple and brief
- Regulations are generally not found in the definitions section
- Despite simplified use definitions, the overall number of defined uses in most of the by-laws is still considerable. Nonetheless, the uses section takes up a small portion of the overall by-law and many of the by-laws contain tables or charts showing uses grouped by family as well as permitted uses for each zone
- The overall number of zones varies in each by-law. Many of the case studies have zones for specific areas (e.g. mixed use or transit-oriented development centres), and others have variations or performance classes
- Many of the by-laws contain performance standards which permit a standard range of uses, as well as additional permitted uses that are allowed if they meet certain criteria
- Rather than listing site-specific zones (special provisions) within the zones section, most of the by-laws list specific zones at the end of the by-law in a separate section or as an appendix. This improves the readability of the by-law and can help to cut down on the length of the document
- Despite simplified use definitions, most of the by-laws have a considerable number of site-specific zones (special provisions). Approaches that tend to reduce the number of special provisions include the inclusion of more zones or zone variations, and the use of performance standards.

Organizing Structure

Zoning By-law Z.-1 and most of the case study by-laws are all similar in terms of organizing structure. The greatest difference can be found in the way special provisions (site-specific / exception zones) are organized. In Z.-1, they are found within each zone, whereas in most of the case study by-laws, they are listed together at the end or included as a separate appendix. Including these exceptions zones at the end of the by-law makes the document more user-friendly, as they are not generally relevant for most readers. The Table below illustrates the structure of each by-law included in this review. For comparison the current London Zoning By-law structure includes 1 – Administration/Enforcement and Interpretation, 2 – Definitions, 3 – Zones and Symbols, 4 – General Provisions, 5-51 – Zones (Including Special Provisions).
## Organizing Structure of Municipal Case Studies

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – Interpretation and Administration</td>
<td>1 – Interpretation and Administration</td>
<td>1 – Administration</td>
<td>1 – Administration</td>
</tr>
<tr>
<td>2 – Classification of Zones</td>
<td>2 – Establishment of Zones</td>
<td>2 – Establishment of Zones</td>
<td>2 – Establishment of Zones</td>
</tr>
<tr>
<td>6-13 – Zones</td>
<td>6 – Zone Provisions</td>
<td>6 – Permitted Use Regulations</td>
<td>6-14 – Zones</td>
</tr>
<tr>
<td>14 – Exceptions (Special Provision Zones)</td>
<td>7 – Overlay Zones</td>
<td>7 – Zone Regulations</td>
<td>15 – Special Provisions</td>
</tr>
<tr>
<td>16 – Temporary Uses</td>
<td>9 - Enactment</td>
<td>9 – Holding Provisions</td>
<td>17 – Interim Control By-laws</td>
</tr>
<tr>
<td>17 - Enactment</td>
<td>10 – Interim Control By-laws</td>
<td>10 – Interim Control By-laws</td>
<td>18 Temporary Use Permissions</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – Administration and Interpretation</td>
<td>1 – Administration</td>
<td>1 – General</td>
</tr>
<tr>
<td>2 – General Provisions</td>
<td>2 – Establishment of Zones and Schedules</td>
<td>2 – Definitions</td>
</tr>
<tr>
<td>4 – Establishment of Zones</td>
<td>4 – General Provisions</td>
<td>4 – Interpretations</td>
</tr>
<tr>
<td>5 – 11 – Zones</td>
<td>5 – Specific Use Provisions</td>
<td>5 – Enforcement</td>
</tr>
<tr>
<td>12 – Definitions</td>
<td>6 – Parking, Tracking and Loading Requirements</td>
<td>6 – Parking, Driveways, Loading</td>
</tr>
<tr>
<td>13 – Special Provisions</td>
<td>7-13 Zones</td>
<td>7-13 Zones</td>
</tr>
<tr>
<td>14 – Holding Provisions</td>
<td>14 – Exception Zones *to be provided in a separate file</td>
<td>* Site Specific Zones included as an appendix</td>
</tr>
<tr>
<td></td>
<td>15 – Enactment</td>
<td>15 – Enactment</td>
</tr>
</tbody>
</table>
## Ontario Municipal Case Studies

### Case Study #1 – Cambridge Zoning By-law (Draft)

**Use, Intensity, and Form** – The Draft Cambridge by-law balances use and intensity, with less emphasis on form. The by-law contains simple use definitions that are regulated in each zone rather than in the definitions section. There are, however, many uses, and they are not grouped into “use families”. The use tables in each zone contain footnotes with intensity regulations for certain uses. The form regulations contained in each zone are standard, and additional control for form is achieved through special provisions (site-specific zones).

| Organizing Structure | • Permitted uses and regulations are contained in each zone and listed succinctly in tables  
|                      | • Contains a high number of exceptions with over 400 special provisions  
|                      | • Although there are many use definitions, the definitions are short and generally do not contain regulations |
| Use                  | • Contains over 130 uses and 40 zones  
|                      | • While the by-law does not contain use families, similar uses are grouped in the definitions section (e.g., community use: land, building or structure owned and operated by the City or a community service group that provides social, recreational or other similar facilities for use by the general public. Examples of community uses include cultural facilities, libraries, and sports/fitness facilities (such as arenas, swimming pools, skate parks, gymnasiums, tennis courts, and playing fields). |
| Performance Regulations | • Yes (see table below) |
| Notable Regulations for Intensity or Form | In addition to standard regulations contained in most zoning by-laws, the Cambridge by-law includes some innovative and unique regulations:  
|                      | • Maximum floor space index or gross leasable floor area in certain areas  
|                      | • Minimum amenity area for certain uses  
|                      | • Performance Standards in certain zones (e.g. use not permitted on a lot that fronts on Hespeler Road)  
|                      | • Minimum distance between a parking aisle and a window to a habitable room  
|                      | • Additional permitted or prohibited uses  
|                      | • Minimum planting strip required  
|                      | • Minimum dwelling unit size |
### Table 8.3 – Permitted Uses in Commercial Zones except the RC1 Zone

<table>
<thead>
<tr>
<th>Use</th>
<th>RC2</th>
<th>CC1</th>
<th>CC2</th>
<th>NC</th>
<th>AC</th>
<th>CV1</th>
<th>CV2</th>
<th>CV3</th>
<th>VC</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Animal clinic</td>
<td>X</td>
<td>X (2)</td>
<td>X (2)</td>
<td>X (3)</td>
<td>X</td>
<td>X (2)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Art gallery</td>
<td>X</td>
<td>X (2)</td>
<td>X (2)</td>
<td>X (3)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Banquet hall</td>
<td>X</td>
<td>X (2)</td>
<td>X (2)</td>
<td>X (3)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Business office</td>
<td>X</td>
<td>X (2)</td>
<td>X (2)</td>
<td>X (3)</td>
<td>X (2)</td>
<td>X (4)</td>
<td>X (1)</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>5. Business service use</td>
<td>X</td>
<td>X (2)</td>
<td>X (2)</td>
<td>X (3)</td>
<td>X (2)</td>
<td>X (4)</td>
<td>X (1)</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>6. Caterer’s establishment</td>
<td>X</td>
<td>X (2)</td>
<td>X (2)</td>
<td>X (3)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Child care centre</td>
<td>X</td>
<td>X (2)</td>
<td>X (2)</td>
<td>X (3)</td>
<td></td>
<td>X (1)</td>
<td>X (2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Commercial fitness centre</td>
<td>X</td>
<td>X (2)</td>
<td>X (2)</td>
<td>X (3)</td>
<td>X (2)</td>
<td>X (4)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Commercial parking lot</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X (3)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Commercial recreation use,</td>
<td>X</td>
<td>X (2)</td>
<td>X (2)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>private</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Commercial trade school</td>
<td>X</td>
<td>X (2)</td>
<td>X (2)</td>
<td>X (3)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Drive-through service use</td>
<td>X</td>
<td>X (2)</td>
<td>X (2)</td>
<td>X (3)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. Financial institution</td>
<td>X</td>
<td>X (2)</td>
<td>X (2)</td>
<td>X (3)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14. Food truck</td>
<td>X</td>
<td>X (2)</td>
<td>X (2)</td>
<td>X (3)</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Permitted Uses in Commercial Zones in the Cambridge Draft By-law. The numbers in parenthesis direct the reader to criteria – creating performance standards.

### Case Study #2 – Newmarket Urban Centres Zoning By-law (2019)

**Use, Intensity, and Form** – The Newmarket Urban Centres By-law balances use, intensity, and form, with increased emphasis on intensity and form. The by-law only applies to one specific part of the municipality and is designed only with three types of zones: mixed-use, institutional, and open space. The by-law contains many definitions but is permissive in terms of applicability. Like some of the other case studies, this by-law includes both permitted and uses that are permitted subject to meeting conditions or performance standards. There are a considerable number of illustrations demonstrating form and intensity regulations. It regulates, for example, mechanical equipment on tall buildings, angular planes, tower separation, and podium requirements. It also requires different provisions depending on the street classification adjacent to the development site.
### Organizing Structure
- Permitted uses and regulations are contained in each zone and listed succinctly in tables. Uses are either listed as ‘P’ (Permitted) or ‘PC’ (Permitted with Conditions).
- Contains very few exceptions (special provisions) with only 9 examples. Exceptions are also listed in the Zone section, similar to Z.-1. This is the only case study that does this.
- The by-law contains numerous illustrations, both in the definitions and zones sections.
- The by-law also contains overlays for various matters, including parking reduction and additional permitted uses.

### Use
- Contains over 110 uses and 40 zones.
- Contains use families, which are different depending on the zone. For example, in some zones, uses are broken up into “residential” and “non-residential” families. In others, they are broken up more specifically (e.g., retail and service uses, automobile related uses, general institutions...).

### Performance Regulations
- Contains uses that are ‘Permitted with Conditions. There is a table with angular plane requirements dependent upon right of way width and height, and context-specific separation distance requirements.

### Notable Regulations for Intensity or Form
In addition to standard regulations contained in most zoning by-laws, the Newmarket by-law includes some innovative or unique regulations:
- Separation distance requirements for towers and podiums.
- Podium requirements.
- Windows and glazing requirements.
- Angular plane requirements.
- Overlay zones.

#### 6.2.4. Building Requirements

##### 6.2.4.1. General

i) Principal Entrance
   a) At least one principal entrance shall be provided for any building along a public street or adjacent to an Open Space Zone.
   b) Any principal entrance to a mixed use or apartment building shall be no more than 1.5 metres above grade.

ii) Windows and Glazing
   Glazing shall be provided in buildings on any wall adjacent to a public street or Open Space Zone.

*Building Requirements and Illustration example in the Newmarket By-law. The By-law makes regular use of descriptive illustrations.*
Case Study #3 – Oakville Zoning By-law (2014)

**Use, Intensity, and Form** – The Oakville Zoning By-law balances use, intensity, and form, albeit with more use regulations in comparison to the North Oakville By-law. Each zone contains permitted uses, and some uses are contingent upon meeting requirements in footnotes. These requirements include things like separation distances from sensitive uses. The by-law also contains considerable context-specific form requirements, such as flankage requirements if a parcel is located on a certain street class. Use is still an important consideration of the by-law and multiple residential zone variations are differentiated based on permitted uses.

| Organizing Structure | Zones are grouped by category and laid out in a table  
|                      | Uses are clearly tabulated with each zone  
|                      | Many regulations are contained within tables  
|                      | Emphasizes regulations in the zones rather than in the permitted uses  
|                      | Performance standards contained within uses and zoning tables (e.g., some uses are not permitted on a lot abutting a residential zone)  
|                      | There are 398 special provisions; some are carried forward from the previous by-law  
|                      | Special provisions are laid out with a table and map; the regulations follow the same regulations contained for each zone. Additional permitted uses are also often included  
| Use                  | Contains over 140 uses and 44 zones  
|                      | The By-law contains use families (Residential Uses, Retail Uses, Service Commercial Uses, Office Uses, Community Uses, Open Space Uses, Employment Uses, Hospitality Uses)  
| Performance Regulations | Yes, conditions included in the permitted uses tables for each zone. There is also a table showing required landscaping widths, which vary by use and zone.  
| Notable Regulations for Intensity or Form | In addition to standard zoning regulations, the Oakville by-law contains other unique regulations such as:  
|                      | Minimum flankage yard  
|                      | Minimum interior side yard abutting a lot in any Residential Zone, Institutional (I) Zone, or Community Use (CU) Zone  
|                      | Minimum number of storeys  
|                      | Maximum first storey height  
|                      | Permissions based on street frontage  
|                      | Location of Functional Servicing  
|                      | Built Heritage Resources Exception  
|                      | Driveway, Parking Structure, and Surface Parking Area Regulations  
|                      | Main Wall Proportions |
### Table 9.2: Permitted Uses in the Commercial Zones (2017-025)

<table>
<thead>
<tr>
<th>Use</th>
<th>C1</th>
<th>C2</th>
<th>C3</th>
<th>C4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rental establishment</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Restaurant</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓ (5)</td>
</tr>
<tr>
<td>Retail propane and transfer facility</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓ (3)</td>
</tr>
<tr>
<td>Retail store</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓ (5)</td>
</tr>
<tr>
<td>School, private (2016-023)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Service commercial establishment</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Sports facility</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Stormwater management facility</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Veterinary clinic</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

**Additional Regulations for Permitted Uses Table 9.2**

1. Permitted only on a *lot* abutting a major *arterial road*.
2. A maximum one *drive-through facility* shall be permitted on a *lot*.
3. Shall not be permitted on a *lot* abutting any Residential Zone.
4. The maximum *lot area* shall be 2.5 hectares. The maximum percentage of *net floor area* permitted to be occupied by a *place of worship* is 50% of the total *net floor area* on the *lot*.
5. Permitted only *accessory* to a *motor vehicle service station*.
6. Permitted only *accessory* to a *retail store*.
7. Prohibited on the *first storey* of a *building*. (PL140317)

Table from Oakville Zoning By-law and Footnotes – Uses with parentheses are only permitted if certain specified criteria or requirements are met.

### Case Study #4 – North Oakville Zoning By-law (2009)

**Use, Intensity, and Form** – The North Oakville Zoning By-law balances use, intensity, and form. One of the interesting elements of the by-law is that the zones are based on intensity and locational differences rather than use differences. The by-law contains zone variations that are titled ‘performance zones’ with different form and intensity requirements. These address similar matters as those in the Vaughan by-law. The permitted uses are listed upfront in a table, and uses are seldom discussed later in the by-law, with each zone instead describing permitted building types. Many of the form regulations are contained in the general provisions section.
| Organizing Structure | Contains numerous special provision zones (73)  
|                      | Permitted uses are clearly displayed in a table with a column for each zone  
|                      | Zone variations (labelled as performance zones) are used to allow for minor changes in intensity  
|                      | (e.g., Neighbourhood Centre Performance (NC-2) Zone 2 - The permitted uses, buildings and regulations of the NC Zone shall apply in the Neighbourhood Centre Performance (NC-2) Zone 2, however, notwithstanding the provisions of Section 5.1.3, Location of Parking Spaces, the required parking spaces for any use may be located on the lot on which the use is located, and/or on one half of the street abutting the lot where the on-street parking is permitted.)  
| Use                  | Contains over 80 uses and 18 main zones (42 including sub zones)  
|                      | Does not contain use families  
| Performance Regulations | No. The by-law labels sub-zones as performance zones, which allow for additional permitted uses or more flexible regulations. These “performance zones” do not contain performance standards as the term has been applied in these background papers.  
| Notable Regulations for Intensity or Form | In addition to standard regulations, the North Oakville by-law contains innovative regulations such as:  
|                      | Minimum Floor Space Index / Density  
|                      | Minimum setback by yard type (common yard vs porch)  
|                      | Screening requirements  

The North Oakville by-law uses very specific regulations in its special provisions (e.g., where a mixed-use building is located, the following additional regulations apply:  
[...]  
3. Below grade setbacks: Minimum 0 metres  
4. Ground floor height, measured from top-of-slab to top-of-slab, other than for a multiple-attached unit: Minimum 4.5 metres  
5. Projection of stairs, porches, balconies, at-grade terraces, cornices, pilasters and/or bay windows, with or without foundation, beyond the main wall of a building: To a maximum of 0.3 metres from any public street.  
6. Height of parapets: Maximum 3 metres  
7. Height of mechanical and/or elevator penthouse, rooftop equipment, and stair tower: Maximum 6 metres  
8. Height of rooftop architectural features, including pitched roofs: Maximum 6 metres)
Table 6.1 - Permitted Use Table

<table>
<thead>
<tr>
<th>USE</th>
<th>ZONE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TUC</td>
</tr>
<tr>
<td>Funeral Home</td>
<td>•</td>
</tr>
<tr>
<td>Arena, Theatre, Stadium, Trade and Convention Centre</td>
<td>•</td>
</tr>
<tr>
<td>Veterinary Clinic</td>
<td>•</td>
</tr>
<tr>
<td>Gas Bar</td>
<td>✔</td>
</tr>
<tr>
<td>Drive-Through Facility</td>
<td></td>
</tr>
<tr>
<td>Ancillary Retail / Service Commercial</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Community and Institutional Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Art Gallery (2012-001)</td>
<td>•</td>
</tr>
<tr>
<td>Library (2012-001)</td>
<td>•</td>
</tr>
<tr>
<td>Museum (2012-001)</td>
<td>•</td>
</tr>
<tr>
<td>Place of Worship</td>
<td>•</td>
</tr>
</tbody>
</table>

Table showing permitted uses for each zone in the North Oakville By-law. Where there are requirements as to whether a use is permitted, those conditions are created through a sub-zone instead of as performance criteria.

**Case Study #5 – St. Catharines Zoning By-law (2013)**

**Use, Intensity, and Form** – The St. Catharines By-law places greater emphasis on intensity and less on use and form. The by-law contains standard types of form regulations but includes a relatively short list of broad and brief defined uses. Individuals zones provide intensity regulations for each permitted use in tables. Some uses are further regulated in footnotes. The by-law also uses classes of zones (e.g., M1-M3) to regulate intensity. One example of this by-law's innovation is in the way that residential zoning is treated. R1 refers to suburban neighbourhoods and R2 refers to established neighbourhoods. They each allow a range of permitted uses but contain regulations specific to their context.
### Organizing Structure
- Permitted uses are clearly laid out with colour coded zones in tables
- Relies heavily on special provisions – there are 155 special provision (site-specific) zones contained at the end of the by-law
- Utilizes holding provisions
- Zones are grouped by category and regulations are listed succinctly in tables

### Use
- There are 72 uses, 24 zones and no use families
- In each zone there is a table of provisions for each use

### Performance Regulations
- N/A

### Notable Regulations for Intensity or Form
- The by-law uses standard regulations and provides additional specificity through special provisions

### 6.1 Zone Names and Symbols

<table>
<thead>
<tr>
<th>Zone Symbol</th>
<th>Zone Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>Local Convenience Commercial</td>
</tr>
<tr>
<td>C2</td>
<td>Community Commercial</td>
</tr>
<tr>
<td>C3</td>
<td>Arterial Commercial</td>
</tr>
<tr>
<td>C4</td>
<td>Major Commercial</td>
</tr>
<tr>
<td>C5</td>
<td>Downtown Commercial Core</td>
</tr>
<tr>
<td>C6</td>
<td>Downtown Traditional Main Street</td>
</tr>
</tbody>
</table>

St. Catharines By-law – Zones and Uses: The by-law uses colours and tables to clearly display permitted uses.

### 6.2 Permitted Uses

<table>
<thead>
<tr>
<th>USES</th>
<th>Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Care Establishment</td>
<td>C1 C2 C3 C4 C5 C6</td>
</tr>
<tr>
<td>Apartment Building</td>
<td>C2 (h) C4 (h) C5 C6 (h)</td>
</tr>
<tr>
<td>Car Wash</td>
<td>C2 C3 C4</td>
</tr>
<tr>
<td>Commercial Parking Structure</td>
<td>C2 (h) C3 C4 (h) C5 (h) C6 (h)</td>
</tr>
<tr>
<td>Cultural Facility</td>
<td>C1 C2 (h) C3 C4 (h) C5 C6</td>
</tr>
<tr>
<td>Day Care</td>
<td>C1 C2 C3 C4 C5 C6</td>
</tr>
<tr>
<td>Apartment Dwelling Unit(s)</td>
<td>C2 (d) C4 (d) C5 C6 (d)</td>
</tr>
<tr>
<td>Emergency Service Facility</td>
<td>C2 (h) C3 C4 (h) C5 C6</td>
</tr>
<tr>
<td>Hospital</td>
<td></td>
</tr>
</tbody>
</table>

St. Catharines By-law – Permitted uses are linked to zones through different colours.
Case Study #6 – Vaughan Zoning By-law (Draft)

**Use, Intensity, and Form** – the draft Vaughan By-law balances regulations for use, intensity, and form. Definitions are short and are regulated through each zone, where sub-zones allow various levels of intensity. Uses are categorized by use family, and the by-law uses footnotes to establish whether a use is permitted based on whether it meets form or intensity criteria. The by-law emphasizes form by regulating the type and location of parking within each zone, adding landscape buffer requirements, and adding podium and tower separation requirements. The by-law also uses innovative regulations based on context, such as maximum height based on lot coverage, or garage setback requirements depending on the type of street it fronts onto.

<table>
<thead>
<tr>
<th>Organizing Structure</th>
<th>Each zone contains a plain language explanation of its purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Zones are grouped by category and permitted uses and regulations are laid out in clear tables</td>
</tr>
<tr>
<td></td>
<td>Emphasis on performance standards</td>
</tr>
<tr>
<td></td>
<td>Special provisions are to be contained within an appendix</td>
</tr>
<tr>
<td></td>
<td>Contains a larger than average number of illustrations</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use</th>
<th>Contains over 100 uses and 40 zones</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The By-law contains use families (Residential Uses, Commercial Uses, Community Uses, Other Uses, Specified Accessory Uses, Employment Uses)</td>
</tr>
<tr>
<td></td>
<td>Uses are generally short and do not contain regulations</td>
</tr>
</tbody>
</table>

| Performance Regulations | Yes; (e.g., This use shall only be permitted as part of a mixed-use development and the total amount of gross floor area of all uses subject to this provision shall be limited to a maximum of 30% of the gross floor area of all uses on the lot.) |

<table>
<thead>
<tr>
<th>Notable Regulations for Intensity or Form</th>
<th>In addition to standard zoning regulations, the Vaughan by-law uses considerable novel regulations, such as:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Required build-to-zone (required setback range for buildings from a street)</td>
</tr>
<tr>
<td></td>
<td>Minimum required build-to line for corner lots (%)</td>
</tr>
<tr>
<td></td>
<td>Minimum build-to line for all other lot types (%)</td>
</tr>
<tr>
<td></td>
<td>Minimum street wall</td>
</tr>
<tr>
<td></td>
<td>Minimum ground floor height</td>
</tr>
<tr>
<td></td>
<td>45-degree angular plane</td>
</tr>
<tr>
<td></td>
<td>Podium and tower requirements</td>
</tr>
<tr>
<td></td>
<td>Tower separation</td>
</tr>
<tr>
<td></td>
<td>Parking permitted in the form of a surface parking lot</td>
</tr>
<tr>
<td></td>
<td>Parking permitted in the form of an above-grade parking structure</td>
</tr>
<tr>
<td></td>
<td>Minimum landscape strip abutting a street line (m)</td>
</tr>
<tr>
<td></td>
<td>Minimum required landscape strip on any interior side lot line or rear lot line abutting a Residential Zone or an Open Space Zone</td>
</tr>
</tbody>
</table>
MIXED-USE ZONES

List of Mixed-Use Zones

For convenience, Table 8-1 identifies the Mixed-Use Zones established in accordance with Part 2 of this By-law:

Table 8-1: List of Mixed-Use Zones

<table>
<thead>
<tr>
<th>Zone Name</th>
<th>Zone Symbol(s)</th>
<th>Purpose of the Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low-Rise Mixed-Use Zone</td>
<td>LMU</td>
<td>Provide for a mix of residential, commercial and other uses in a low-rise form</td>
</tr>
<tr>
<td>Mid-Rise Mixed-Use Zone</td>
<td>MMU</td>
<td>Provide for a mix of residential, commercial and other uses in a mid-rise form</td>
</tr>
<tr>
<td>High-Rise Mixed-Use Zone</td>
<td>HMU</td>
<td>Provide for a mix of residential, commercial and other uses in a high-rise form</td>
</tr>
<tr>
<td>General Mixed-Use Zone</td>
<td>GMU</td>
<td>Provide a mix of commercial, office and institutional uses</td>
</tr>
<tr>
<td>Community Commercial</td>
<td>CMU</td>
<td>Provide for a mix of office and other uses and a limited amount of commercial uses</td>
</tr>
</tbody>
</table>

Draft Vaughan By-law zoning explanations. The by-law uses strong graphic elements and plain language explanations to create a user-friendly document.

Regulations for the LMU, MMU, HMU, GMU, CMU and EMU Zones

Permitted Uses in the LMU, MMU, HMU, GMU, CMU and EMU Zones

Table 8-2: Permitted Uses in the LMU, MMU, HMU, GMU, CMU and EMU Zones

<table>
<thead>
<tr>
<th></th>
<th>LMU</th>
<th>MMU</th>
<th>HMU</th>
<th>GMU</th>
<th>CMU</th>
<th>EMU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Art studio</td>
<td></td>
<td>(1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business service (1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
<td>(6)</td>
<td>(7)</td>
<td>(8)</td>
</tr>
<tr>
<td>Car wash</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(E)</td>
</tr>
<tr>
<td>Clinic</td>
<td></td>
<td></td>
<td>(1)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial school</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(2)</td>
<td></td>
</tr>
<tr>
<td>Commercial storage (1)</td>
<td>(3)</td>
<td>(4)</td>
<td>(5)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial institution (1)</td>
<td>(6)</td>
<td>(7)</td>
<td>(8)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fueling station (1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funeral services (1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health and fitness centre (1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
<td>(5)</td>
<td>(6)</td>
<td>(7)</td>
</tr>
<tr>
<td>Hotel (1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel (small scale) (1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Micro-manufacturing (1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Vaughan By-law – Table showing permitted uses in various zones. Uses with numbers in parentheses are permitted based on additional specified criteria or requirements
Case Study #7 – Waterloo Zoning By-law (2018)

**Use, Intensity, and Form** – The Waterloo by-law is a used-based by-law with innovative form and intensity regulations. Uses play a larger role in the Waterloo by-law’s approach as compared to other by-laws that are included in this review. For example, the by-law contains a definition for bake shop and qualifies it using a maximum number of seats. The general provisions section also contains regulations for uses. It states that, for example, baking can be permitted in a bake shop if it accounts for 30% or less of the shop’s floor area. Each zone contains a table with permitted, complementary, and accessory uses, and some uses are qualified with exceptions or additional regulations. The by-law also contains mixed-use zones for specified areas with additional form regulations based on context. These regulations include things tower step-backs, tower separation, and landscape buffer requirements where a parcel abuts a residential zone.

<table>
<thead>
<tr>
<th>Organizing Structure</th>
<th>Contains a higher-than-average number of zones, including zones for specific neighbourhoods</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Contains primary uses, complementary uses, and ancillary uses</td>
</tr>
<tr>
<td></td>
<td>In some zones, contains different regulations for different frontages (active, convertible, neighbourhood)</td>
</tr>
<tr>
<td></td>
<td>Also identifies areas (Area A, Area B, etc. where additional permitted uses can occur)</td>
</tr>
<tr>
<td></td>
<td>There are 214 site-specific zones attached in a separate schedule</td>
</tr>
<tr>
<td></td>
<td>Contains complementary uses and ancillary uses</td>
</tr>
<tr>
<td></td>
<td>Special provisions are contained in a separate schedule; similar to the Oakville by-law, they are laid out with a table and a map and the regulations are generally brief</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use</th>
<th>Contains over 120 uses and 45 zones</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Does not contain use families but does contain classes (e.g. Artist Studio Class 1 and 2)</td>
</tr>
</tbody>
</table>

| Performance Regulations | Yes, contains performance standards with sub-zones allowing different heights and regulations, contains complementary uses, allows for different permissions based on frontages |

<table>
<thead>
<tr>
<th>Notable Regulations for Intensity or Form</th>
<th>In addition to standard zoning regulations, the Waterloo by-law contains other unique regulations such as:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Minimum low rise residential lot line setback</td>
</tr>
<tr>
<td></td>
<td>• Maximum complementary uses</td>
</tr>
<tr>
<td></td>
<td>• Maximum ancillary uses</td>
</tr>
<tr>
<td></td>
<td>• Ancillary uses location</td>
</tr>
<tr>
<td></td>
<td>• Ancillary retailing maximum</td>
</tr>
<tr>
<td></td>
<td>• Maximum number of buildings on a lot</td>
</tr>
<tr>
<td></td>
<td>• Landscaped buffer requirements</td>
</tr>
<tr>
<td></td>
<td>• Podium height</td>
</tr>
<tr>
<td></td>
<td>• Tower regulations (separation, dimensions, footprint, step-backs)</td>
</tr>
<tr>
<td></td>
<td>• Structured parking</td>
</tr>
</tbody>
</table>
8.5.9 The following regulations in Table 8K shall apply to the erection, alteration, enlargement, or reconstruction of any BUILDING in the Convenience Commercial (C3) zone constructed after the effective date of this BY-LAW:

| Table 8K: Regulations – CONVENIENCE COMMERCIAL (C3) |
|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|                 | C3-10           | C3-20           | C3-30           | C3-40           | C3-60           |
| Density (minimum) | (none)         | (none)         | (none)         | 150 BEDROOMS per hectare | 150 BEDROOMS per hectare |
| Density (maximum) | 150 BEDROOMS per hectare | 450 BEDROOMS per hectare | 525 BEDROOMS per hectare | 600 BEDROOMS per hectare | 675 BEDROOMS per hectare |
| BUILDING HEIGHT (maximum) | 10 metres and 3 STOREYS | 20 metres and 6 STOREYS | 30 metres and 9 STOREYS | 40 metres and 12 STOREYS | 60 metres and 18 STOREYS |
| PODIUM Height (maximum) | (none)         | 14 metres      | 14.3 metres    | 14.8 metres    | 21 metres      | 21 metres |
| TOWER Separation (minimum) | (none)         | (none)         | a.) 22 metres from a TOWER on the same LOT b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned O51 (see 3.T.5.1 and 3.T.5.2) |
| Horizontal TOWER Dimension (maximum) | N/A            | N/A            | 40 metres      | 40 metres      | 40 metres      | 40 metres |
| TOWER Footprint (maximum) | N/A            | N/A            | 1,000 square metres | 1,000 square metres | 1,000 square metres | 1,000 square metres |
| TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FAÇADE and FLANKAGE BUILDING FAÇADE (minimum) | N/A            | N/A            | 3 metres      | 3 metres      | 3 metres      | 3 metres |
| AMENITY AREA (minimum) | 3 square metres for the first BEDROOM and 2 square metres for each additional BEDROOM in the DWELLING UNIT |

Waterloo By-law Convenience Commercial Regulations – This table shows levels of intensity permitted by each sub-zone. This is an interesting comparison to Z.-1, where convenience commercial uses are regulated in the definitions section.

**Conclusion**

The municipal case studies illustrate different approaches to regulate use, intensity, and form. These recent by-laws and innovative methods employed by the seven municipal case studies provide detailed examples for different way to create and implement a zoning by-law. London will benefit from the ability to learn from innovative techniques and proven best practices from other recent zoning by-laws. The most relevant by-law provisions have been featured as possible approaches in the background papers for use, intensity, and form.
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: Memorandum of Understanding for Development and/or
Planning Act Application Review Between the City of London
and UTRCA

Meeting on: June 21, 2021

Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following actions be taken with respect to updating the Memorandum of Understanding between The Corporation of the City of London and the Upper Thames Conservation Authority with respect to processes undertaken by both parties in the review of Planning Act applications:

a) the proposed updated Memorandum of Understanding (MOU) between The Corporation of the City of London and the Upper Thames River Conservation Authority BE APPROVED substantially in the form attached as Appendix “A”;

b) subject to the approval of a) above, the Civic Administration BE AUTHORIZED to undertake all administrative acts that are necessary to finalize the MOU noted in a) above, including, potential revisions resulting from discussions between the two parties that relate to improved level of service that reduces duplication of actions and incorporates the pillars of continuous improvement; and,

c) subject to the approval of a) and b) above, the Deputy City Manager, Planning and Economic Development BE DELEGATED the authority to execute the final MOU noted in a) above, and make any further revisions that may be necessary to reflect legislative and/or regulation changes and amendments in response to Municipal Council’s direction on planning related matters, or to recognize resource constraints.

Executive Summary

The City and the Upper Thames Conservation Authority (UTRCA) have been operating under a Memorandum of Understanding that has been in-place since 1997. Since that time, the City has increased its capacity to perform ecological and natural heritage review, which presents an opportunity to re-examine roles and responsibilities for the UTRCA and the City. The attached document in the Appendix ‘A’ outlines the proposed scope of service for both parties and looks to build efficiency into the process to reduce duplication of effort.

For clarity, the MOU outlined in Appendix ‘A’ will be referred to as the Development MOU (DMOU) throughout this report.

Analysis

1.0 Background

In 1997, the City of London (CoL) and Upper Thames River Conservation Authority (UTRCA) established a DMOU with which to assign resources for general and site-specific advisory services as they pertained to:

- Significant wetlands.
- Fish habitats.
• Locally significant wetlands.
• Groundwater recharge/discharge areas.
• Aquifers and headwaters.
• Stormwater management facilities in the flood plain.
• Regulatory flood plan regulation.
• 100-year erosion limit and slope hazard areas.
• Fill regulations.
• and erosion-prone areas in the flood plain.

This arrangement was advantageous to both the CoL and UTRCA as the level of expertise employed at both organizations supported this approach. Since that time, the CoL has added resources that support many of these functions and to respond to the volume of applications and scope of technical review required as regulations and standards have become more comprehensive.

Further, in the 1997 DMOU, the CoL committed to the hiring of ecological and hydrology staff to support these reviews.

City of London Re-Organization and Continuous Improvement Culture

Since 1997 there have been a number of re-organizations and improvements related to the development approvals process. In 2005, the Development Approvals Business Unit was struck along with the File Manager program to help create ownership of various development files. Since that time, various tweaks have been made to create a “one window” approach to development approvals where an applicant can work with Planning and Development staff who have been empowered to make decisions associated with the application based on the context of the plan. Most recently the physical and organizational changes have brought together the expertise of ecological, heritage and urban design staff under one department.

With the May 4th, 2021 re-organization the City has optimized the department under one director now called Planning and Development (P&D) within the Planning and Economic Development (PED) Service Area. To aid in this model, service level agreements between City departments have been developed to highlight commitments and expectations associated with development reviews. Scope and responsibility within the process are laid out and assign owners to different components of the work in order to reduce confusion and duplication between Environment and Infrastructure (E&I) and P&D. Timelines are very clearly laid out so that all involved are aware of the expectations and commitments made to the local development industry. These have been very beneficial and have helped maintain a level of service that led to over $1 Billion in residential building permits in 2020 despite the pandemic and changes to the work from home model.

In addition to these structural changes and formalization of the roles and responsibilities, all P&D staff have received a minimum of Lean Six Sigma White Belt training and have been empowered to bring forward changes to process to improve the service delivery model. Further, there are two Green Belt level and one staff working toward their Black Belt.

Current Service Delivery Resources at the City of London and UTRCA

The table below highlights the 3-year average number of applications in the major streams within Planning and Development where UTRCA input is requested. These numbers do not account for the other applications (holding provisions, consents or minor variances). These do not reflect the number of consultations that have supported the applications (an additional 25% - 40%) or the resubmissions through the review process. In each resubmission, the application must be reviewed again in full to determine if the requested changes have been accepted and made.
To support the processing and review of applications, the outline below identifies the number of staff engaged in the work associated with development approvals.

<table>
<thead>
<tr>
<th></th>
<th>Planning</th>
<th>Ecological</th>
<th>Stormwater</th>
<th>Hydrogeological</th>
<th>Inspection or Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>UTRCA</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Planning and Development</td>
<td>20</td>
<td>3</td>
<td>17*</td>
<td>-</td>
<td>6</td>
</tr>
<tr>
<td>Stormwater Engineering</td>
<td>-</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

* Technical staff are engaged in all components of engineering review, not just stormwater.

NOTE: Management staff have been removed from the counts above as they are typically not undertaking the detailed review of applications. The staff reflected below are professional staff engaged in assessing policy and science associated with various Planning Act applications including consents, minor variances, re-zonings, subdivision and site plan applications.

2.0 Overview of 2021 Development MOU

2021 DMOU Duties

As outlined in the Schedules of the attached DMOU in Appendix ‘A’, the City is recommending that UTRCA maintain delegated responsibility on development applications as it pertains to assessment of the application within a regulated feature. This includes Provincially Significant Wetlands, Regulated Areas, Regulated Surface Watercourse or Features, Flood Hazards and Erosion Hazards.

All other features including significant woodlands, wetlands and valleylands will be undertaken by City staff in E&I and P&D. Guidelines and service delivery commitments have been included in the DMOU to help establish expectations on which party is responsible and the associated delivery timelines.

Sections of the DMOU in Appendix ‘A’:

- DMOU divided into various sections.
  - Purpose, Goals, Definitions, Responsibilities, Implementation parameters, Service Delivery Standards, Fees, Terms of the Agreement.
  - Schedule 1 – outlines the CA’s review functions at a high level.
  - Schedule 2 – outlines the various reports and studies requested for Planning Act and development applications.
  - Schedule 3 – provides guidance on who is a decision maker and who has a commenting role.
  - Schedule 4 – provides an overview of application timelines and commitments made by the CoL to the local development industry. UTRCA should be meeting these timelines.

DMOU and Consistency with UTRCA Guiding Principles

The UTRCA has been relying on their own policy manual to guide decision making on development applications.
These 10 objectives have been synthesized from the Conservation Authorities Act and provide a science-based guide for CA administrators to make decisions on development. It reflects the CA’s core mandate of flood protection and the educational awareness programs that have been successfully delivered across the watershed for many years:

1. To minimize the potential for loss of life, property damage and social disruption and to create a safer and healthier environment for everyone who lives in the Upper Thames River Watershed;
2. To reduce the need for public and private expenditures for emergency operations, evacuation, and restoration of properties which may be impacted by flooding and erosion;
3. To increase public awareness about the potential risks to development as a result of the physical conditions associated with hazardous areas;
4. To use an ecosystem planning approach for identifying the environmental implications of development applications in order to maintain, protect, preserve and enhance natural heritage resources and natural resources;
5. To screen development applications and proposals to identify where a Provincial or watershed interest may be impacted;
6. To specify conditions of approval which satisfy the afore noted objectives;
7. To serve as an information centre for inquiries from landowners, potential landowners, lawyers, municipalities, and community groups interested in environmental legislation, approvals and stewardship;
8. To advise and inform potential applicants (and/or their consultants) to consult with UTRCA Staff prior to submitting their development proposals in order to identify potential concerns that could result in delays to the planning process, as well as for the need to prepare and submit technical reports and supporting information required to undertake the review and approval of applications;
9. To provide responses to site specific inquiries in a timely manner through the continued expansion of data bases (e.g. natural heritage data bases and inventories) and other information management systems; and
10. To continue to liaise with other agencies, county and municipal governments and departments, consultants, developers and watershed residents to ensure continued co-operation in achieving effective management of our natural resources.

Commitment to Public Interest

When there are two public interest bodies undertaking similar duties, there is potential for overlap and inefficiencies. While all of the overlap cannot be removed from the process, the systems and principles can be aligned so that both organizations can achieve their mandate. The science-based watershed approach by the Conservation Authorities is an efficient way to conserve and identify constraints across property boundaries. It allows for a higher level of care to be considered and identify potential threats to the watershed.

The municipality has ultimate decision making on planning matters within its boundaries, and those decisions must be consistent with the Provincial Policy Statement. These reviews are consistent with the policies of the Official Plan, and address matters such as the protection, retention and enhancement of natural heritage features and systems. Through The London Plan and associated guidelines and standards, the City has a robust environmental and ecological policy framework to inform the professional planning recommendations presented by Staff. Additionally, the City benefits from the knowledge and technical advice provided by ecologist staff members dedicated to the review of development applications.

It is also important to note that all of the policies and guidelines that are used in the review of development applications have gone through an extensive public and stakeholder input process, often including the UTRCA.
Ultimately, the intent of this DMOU between the CoL and UTRCA is to reduce duplication of effort and provide value to the residents and businesses within London and the watershed. In addition, City-staff are committed to regular reviews to ensure that the objectives found in a continuous improvement culture are incorporated to respond to the local context and emerging issues.

### 3.0 Key Issues and Considerations

#### 3.1 Consistency with other CAs and Municipalities

A series of reviews of other MOUs around Ontario was undertaken. Generally, the CAs across the province have entered into similar agreements with their partner municipalities. Where agreements have been established for regional municipalities and their local members, the agreements are quite complex in outlining who does what. Overall, the MOUs look to find efficiencies and ensure that the appropriate parties are undertaking appropriate work.

A few points noted below that confirm the overall approach that is being established through the City of London’s draft DMOU with UTRCA:

- **Hamilton – 2013 update**: continue providing their technical review services in areas where the CAs continue to house expertise such as subwatershed, master drainage planning and wetland evaluation to the City without fee. The CAs will continue to provide comments under their regulatory authority in addition to their responsibilities under the updated MOA.

- Also of interest, the City of Hamilton does not look for reviews from the local CA in the downtown for properties under 2.0 hectares in size. This will be explored in further detail for London as part of future updates.

- **Ottawa – 2019 update**: includes specific details on who is responsible for various reviews. Also includes memorandum from the MNRF in 2001 where comments on matters of natural heritage outside of the regulated authority are not to be construed with the Provincial perspective.

- **St. Catherine’s – 2014 update**: The MOU and continuous improvement efforts play an important role in improving the planning approval process and customer service both in the City and the Region alike.

#### 3.2 Application Approval Efficiency – “One Window”

Over the course of many years, the CoL has worked with the local development community and their consultants to develop standard review times and deliver on commitment for higher levels of service. While the UTRCA has made many changes and improvements over the years they have not had the same number of resources assigned to development approvals.

Schedule 2 of the attached DMOU identifies the reports and studies that are required by UTRCA. With the transition to digital submissions and review, paper versions of these are not available. Finding efficient ways for the UTRCA to provide comment will be a key part of the DMOU.

Schedule 4 of the attached DMOU will be populated in conversation with UTRCA to identify specific timelines associated with each stage of the Planning Act application review process. While the City has made a number of commitments, recognizing the workload and resource constraints will be a key part of establishing these expectations.

#### 3.3 Discussions with UTRCA to date

The City and UTRCA have been discussing an MOU update since 2019. Those discussions have recognized the need for update and clarification, however, there has
not been discussion about the specific services that the City will require from the Authority.

What has occurred since the last update of the MOU, and since this current process started, has been changes in the relationship with the City and the Authority. The complexity of applications has increased, and the City has been able to manage this through both the addition of professional planning staff and technical staff (ecologist and hydrologists, for example). The Authority has not been able to meet the needs of more complex applications, leading to time delays or contrary advice to City staffs. Also, recent positions of Authority staff on what constitutes “development” for the purposes of UTRCA approval has more often included matters such as pathways associated with new development adjacent to natural areas. The position of the CA has resulted in a direct financial impact to the City, most recently a $350,000 land purchase to acquire lands to accommodate a pathway outside conservation regulated lands.

It is anticipated that a new MOU will better clarify the expectations of both the CA and the City in the review of planning applications and will result in more timely and more consistent decisions and recommendations.

### 4.0 Conclusion

The proposed DMOU is an update focused on recognizing the role that both the UTRCA and the City in protecting natural heritage and delivering safe and reliable infrastructure. The respective roles of the City and the UTRCA have some overlap, but through the proposed DMOU there is an opportunity to improve the level of service that both parties provide to the public and Municipal Council by reducing the duplication. Over time, adjustments may be required in order to recognize new or changing regulations, or to incorporate a new service not previously contemplated.

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**Prepared by:** Matt Feldberg, MPA, CET  
Manager, Subdivisions and Condominiums

**Reviewed by:** Paul Yeoman, RPP, PLE  
Director, Development Services

**Submitted by:** Gregg Barrett, AICP  
Director, Planning and Development

**Recommended by:** George Kotsifas, P. Eng.  
Deputy City Manager, Planning and Economic Development

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June 14, 2021
MEMORANDUM OF UNDERSTANDING FOR PLAN REVIEW SERVICES BETWEEN
THE CORPORATION OF THE CITY OF LONDON
(Herein referred to as the “City”)
and
THE UPPER THAMES RIVER CONSERVATION AUTHORITY,
(Herein referred to as the UTRCA)

Background and Legislative Context

Conservation Authorities are involved in plan input and review of Planning Act applications in four ways:

i. as an agency with provincially delegated responsibility for the natural hazard policies of the Provincial Policy Statement (PPS);
ii. as a municipal technical advisor;
iii. as a public body; and
iv. As a landowner.

Under the Conservation Authorities Act (see Section 21.1(1) Programs and Services) Conservation Authorities are required or permitted to provide programs and services as follows:

1. Mandatory programs and services that are required by regulation;
2. Municipal programs and services that the Conservation Authority agrees to provide on behalf of municipalities situated in whole or in part within its area of jurisdiction under a separate memorandum of understanding; and
3. Other programs and services which Conservation Authority may determine are advisable to further its objects.

Upon proclamation of the Lieutenant Governor, S. 21.1 of the Conservation Authorities Act will be amended to include amongst other changes, S. 21.1.1. (1) (Municipal programs and services) provisions that enable a CA to provide within its area of jurisdiction agreed upon programs and services on behalf of a municipality situated in whole or in part within its area of jurisdiction as established in a memorandum of understanding MOU or such other agreement.
The CA Role in Municipal Plan Review is summarized in the following table.

<table>
<thead>
<tr>
<th>Role</th>
<th>Type of Role</th>
<th>Required, Through Agreement or Voluntary</th>
<th>Representing</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulatory Agency (s. 28 of the Conservation Authorities Act)</td>
<td>Decision Making</td>
<td>Required</td>
<td>Provincial Interests</td>
<td>CA responsible for decision</td>
</tr>
<tr>
<td>Delegated “Provincial Interest”</td>
<td>Review/Commenting</td>
<td>Required</td>
<td>Provincial Interests</td>
<td>Comments must be considered by the municipality</td>
</tr>
<tr>
<td>Public Bodies</td>
<td>Review/Commenting</td>
<td>All</td>
<td>CA Interest watershed-based resource management agency</td>
<td>Comments should be considered by the municipality</td>
</tr>
<tr>
<td>Service Provider</td>
<td>Service/Technical Advisor</td>
<td>Through Agreement</td>
<td>Terms of the Agreement (MOU)</td>
<td>Dependent upon terms of agreement</td>
</tr>
<tr>
<td>Landowners</td>
<td>Review/Commenting/Proponent</td>
<td>Voluntary</td>
<td>CA Interests</td>
<td>Comments may be considered by the municipality</td>
</tr>
</tbody>
</table>

1. PURPOSE
The purpose of this Memorandum of Understanding (MOU) is to assist the City of London with making decisions on land use planning and development related matters.

2. GOALS
The goals of the partnership between the City and the Conservation Authorities shall include but not be limited to:

- To ensure that matters of provincial interest are addressed in the decision-making process on Planning Act applications and documents which the City prepares, is the Approval Authority, or otherwise comments on.
- To ensure that the CAs are included in pre-consultation discussions and meetings pertaining to Planning Act applications, especially where an application may trigger the requirement for an approval or permit under Section 28 of the Conservation Authorities Act.
- To share information which could assist and expedite decision-making.
- To ensure that the Plan Review process is complementary, adds value to the decision-making process and does not result in the duplication of efforts.
- To provide comments on Natural Hazards, select Natural Heritage features and functions for features of provincial interest, and Water Quantity and Quality identified in this agreement.
- To co-ordinate where appropriate, comments regarding the implications of the Conservation Authority Act (CA Act) as it relates to the Planning Act review process. In the review of development applications under the Planning Act, Conservation Authorities will:
  i. Ensure that the proponent and the City are aware of the applicable Section 28 regulations and requirements under the CA Act.
  ii. Assist with the coordination of applications under the Planning Act and the CA Act to streamline the processes and eliminate unnecessary delay or duplication of the approval.
3. DEFINITIONS
In this document:

“Board” – The Board of Directors of the Conservation Authority (CA)

“Conservation Authority” – The Upper Thames River Conservation Authority

“Lead” – The decision maker on a particular matter.

“Development” or “redevelopment” - The creation of a new lot, a change in land use or the construction of buildings and structures which require approval under the Planning Act. Redevelopment is defined as the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites. The CA may make regulations applicable in the area under its jurisdiction, but for the purposes of this MOU, “development” shall be determined by the Provincial Policy Statement and the Planning Act.

“Plan Review” - The review of applications/studies as set out in the Planning Act or other relevant legislation; identifying the need for and assessing the adequacy of technical surveys, studies and reports relating to the watershed natural hazards, natural heritage and water policies for natural environment features or functions, and specifying and clearing conditions of approval. It also includes the review of municipal planning documents, such as Official Plans and amendments and may include studies associated with infrastructure development, such as Environmental Assessment Reports.

“Provincial Plan” means,
(a) a development plan approved under the Ontario Planning and Development Act, 1994,
(b) a growth plan approved under the Places to Grow Act, 2005,
(c) a designated Great Lakes policy or a significant threat policy, as those terms are defined in subsection 2 (1) of the Clean Water Act, 2006, or
(d) a prescribed plan or policy or a prescribed provision of a prescribed plan or policy made or approved by the Lieutenant Governor in Council, a minister of the Crown, a ministry or a board, commission or agency of the Government of Ontario;

“Technical Clearance” - Assessing technical reports submitted by a proponent to determine if the reports satisfy the CA conditions through a comprehensive study (e.g. master environmental servicing plans, secondary plans, etc.) or plan review process in order to clear the conditions.

“Technical Review” - Assessing technical reports submitted by a proponent’s consultants in terms of applicable and most recent technical guidelines and standards and the approved terms of reference; specifying modifications or additional technical studies required and conditions of acceptance; validating the technical methods used to determine potential environmental impacts, identifying the nature and extent of mitigation measures required; recommending modifications to or acceptance of the technical report.

4. LAND USE PLANNING ROLES AND RESPONSIBILITIES
Municipal governments are required to make planning decisions consistent with the Provincial Policy Statement (PPS) and pertinent provincial plans. Specifically, Sections 2.1, 2.2 and 3.1 of the PPS require particular expertise in order to provide defensible planning advice. The commenting roles of the CA are provided in Schedule 1. (Note: CAs have a delegated responsibility from the Province to represent the provincial interests regarding natural hazards encompassed by Section 3.1 of the PPS (excluding wildland fire) which requires CAs to review and provide comments on municipal policy documents and applications submitted pursuant to the Planning Act). Beyond those for Section 3.1 “Natural Hazards” where CAs have delegated responsibility, these comments should not be construed by any party as representing the provincial position.

a) The City and the Conservation Authority agree that the Conservation Authority will provide comments / advice as to whether planning and development applications are
consistent with Section 3.1 of the Provincial Policies for the following applications that are located within Regulated Areas:

1. OP and ZBL Comprehensive Reviews and Amendments
2. Plans of Subdivision/Condominium
3. Community Planning Permit System
4. Secondary Plans
5. Consents
6. Minor Variances
7. Site Plan Control
8. Part Lot Control

And for policy initiatives related to:
- Watershed/Subwatershed Studies
- Guideline Documents
- Site Alteration Agreements
- Environmental Assessments involving regulated lands
- City-led Development Applications for Industrial Lands, Intensification etc.

b) As needed, the Conservation Authority will also provide comments to the City regarding:

i. Assessing the adequacy of technical studies in meeting PPS (S. 3.1) policy requirements and objectives, including:
   - Hazardous Lands (flooding, erosion and dynamic riverine hazards);
   - Hazardous Sites (unstable soils);
   - Special Policy Areas for Natural Hazard lands;
   - Impact and mitigation measures related to natural hazards.

b) As needed, the Conservation Authority will also provide comments to the City regarding:

i. Assessing the adequacy of technical studies in meeting PPS (S. 3.1) policy requirements and objectives, including:

   - Hazardous Lands (flooding, erosion and dynamic riverine hazards);
   - Hazardous Sites (unstable soils);
   - Special Policy Areas for Natural Hazard lands;
   - Impact and mitigation measures related to natural hazards.

   - Watershed/Subwatershed Studies
   - Guideline Documents
   - Site Alteration Agreements
   - Environmental Assessments involving regulated lands
   - City-led Development Applications for Industrial Lands, Intensification etc.

   - Stormwater Management infrastructure adjacent to a provincially significant natural heritage feature or regulated areas.
   - Lot Grading and Drainage adjacent to a provincially significant wetland or regulated area.
   - Geotechnical as it relates to Slope Stability within hazard lands.
   - Hydrogeological as it relates to Water Balance associated with a Natural Heritage Feature and Source Water Protection.
   - Erosion and Sediment Control on sites adjacent to Regulated Areas.
   - Environmental Impact Studies - related to natural heritage impacts and mitigation measures of provincially significant features.
   - Fluvial Geomorphology in a regulated watercourse.

ii. Where requested by the City, reporting/confirming base line conditions and defining natural heritage features and assessing the long-term ecological function and biodiversity of natural heritage systems and identify opportunities for restoration or enhancements in order to achieve a net environmental benefit.

iv. Where requested by the City, review documents that assess impacts on the natural environment related to:
   - Significant Wildlife Habitat.
vii. Provide broader comments that pertain to impacts on/related to CA watershed planning studies and Report Card recommendations. Conservation Authorities produce Watershed Report Cards. These report cards characterize subwatersheds and offers actions for maintenance and enhancement. The City will be encouraged to embrace their recommendations.

viii. Assisting with the interpretation of the Source Water Protection Plan; and

ix. Assisting with projects, initiatives, and committees that fall outside of this agreement where the City has requested the CA’s advice.

d) The CA and City will share Geographical Information System (GIS) data related to the services provided in compliance with any applicable licensing agreements.

e) The CA and City will share water quality, surface flow and groundwater monitoring data in a WHISKI database related to the services provided in compliance with any applicable service agreements.

f) The City will forward Ontario Building Code Applications for properties located wholly or partially within Conservation Authority regulated areas.

5. IMPLEMENTATION

The City and the Conservation Authority agree to:

a) In consultation with industry stakeholders and with the assistance of the Conservation Authority, the City shall develop a process whereby CA input on development applications is considered in the context of the whole application. The process will consider input and output points through pre-consultation, application review, detailed technical assessments and approval by Municipal Council. The City shall lead this process.

b) The City agrees to circulate Planning Act applications that are within the Regulated Area to the Conservation Authority; and the Conservation Authority having jurisdiction agrees to provide comments in a timely manner, to ensure that the City meets its statutory timeline obligations, respective of the items listed under Schedule 1 provided in the appendix of this MOU. The Conservation Authority will review applications on both a site-specific and watershed basis.

c) Conservation Authorities may set fees to recoup plan review costs that would be the responsibility of the proponent. The City and local municipalities agree to advise proponents of the Conservation Authorities applicable fees to review development applications and the supporting technical studies.
d) The City agrees to make other arrangement for plan review and technical clearance services identified in the MOU, where in the opinion of either the City or the Conservation Authority, the services specified in this agreement could result in a conflict of interest.

e) Where a Planning Act application has been appealed to the Ontario Land Tribunal (OLT), or any other court, review, or appeal body, Conservation Authority staff will co-operate with the City and appear as technical witnesses in regard to those matters that they have provided technical or advisory comments to the City that were relied on for the application. Costs associated with Conservation Authority staff appearing as witnesses will be borne by the Conservation Authority. The Conservation Authority may also decide to appear as a Party to any appeal or review proceeding, in addition to the commitment to make staff available to appear as witnesses, in which case the Conservation Authority will bear their own costs with respect to participation as a Party or Participant. Additionally, Conservation Authorities may independently appeal a planning decision to the OLT and may participate in hearings to address their responsibilities, interests and mandates outside of this agreement.

f) Notwithstanding the specific details listed under the attached schedule(s), this agreement may be updated and revised from time to time, subject to changes in legislation and or policy.

g) Nothing in this agreement precludes the Conservation Authorities from providing comments to the City in accordance with their powers under the Planning Act, the Conservation Authorities Act and/or other applicable legislation.

h) Notwithstanding the items listed under the attached schedule(s) changes in the role may occur based on updated information, comprehensive studies, or legislative updates (e.g., subwatershed plans, secondary plans, community plans, Significant Valleylands delineation, Natural Heritage Systems studies, Significant Wildlife Habitat delineation).

i) The City and Conservation Authorities may seek additional technical expertise from a third party as required (e.g., peer review of an Environmental Impact Study, Hydrogeological Report, Fluvial Geomorphology Study, etc.), the cost of which would be at the expense of the proponent.

j) The City agrees to circulate decisions which have Conditions of Approval that reference the Conservation Authority having jurisdiction.

6. SERVICE DELIVERY STANDARDS
   a) The Conservation Authorities and the City shall mutually agree on the timeframes for responding to planning document amendments and development applications in keeping with the requirements of legislated timelines or outlined in this document. The committed timelines are identified in Schedule 4 of this document.

7. FEES
   The fees schedule is made pursuant to the Conservation Authorities Act, and as such, is approved by each of the Conservation Authority’s Board of Directors.
   The City shall inform applicants of the additional fees required by the Conservation Authority.
8. TERMS OF THE AGREEMENT

a) The City of London and the Conservation Authority agree that:

1. Each Party will make every effort to complete all actions and to do all things necessary, proper, or advisable to accomplish, make effective, and comply with all of the terms of this Agreement.

2. This Agreement supersedes and replaces the MOU 1997 [insert proper title] but does not have the effect of limiting or replacing any other MOUs that may exist between the City and the Conservation Authority.

3. The term of this Agreement shall be for a period of five (5) years from the date of execution by the City. The Agreement shall be automatically extended for an additional two (2) year period on the same terms and conditions as contained herein at the discretion of the City and the Conservation Authority until terminated by any of the parties in accordance with subsection 8(a)(3) herein.

4. The City and the Conservation Authority will review this Agreement, to consider changes in programs of the parties or changes in Provincial policies, at least six months prior to the expiry of each 5-year term. The City's Planning and Development Department will be responsible for monitoring the agreement and its expiry and renewal.

5. Any party may terminate this Agreement at any time upon delivering 6-months written notice of termination, by prepaid registered mail, to all of the other parties, which notice shall be deemed to be received on the third business day from the date of mailing.

6. Any notice to be given pursuant to this Agreement shall be delivered to the parties at the following addresses:

   The Corporation of the City of London
   Municipal Address
   Attention: Deputy City Manager, Planning and Economic Development.

   Upper Thames River Conservation Authority
   Municipal Address
   Attention: General Manager

The parties have duly executed this Memorandum of Understanding under the hands of their respective authorized Officers.

The Corporation of the City of London

(Name and Title) (Date)

Upper Thames River Conservation Authority

(Name and Title) (Date)
Schedule 1 – Conservation Authority Review Function Responsibilities

In participating in the review of development applications Conservation Authorities will:

I. Ensure that the proponent and municipal planning authority are aware of the Section 28 regulations and requirements under the Conservation Authorities Act.

II. Assist in the coordination of applications under the Planning Act and the Conservation Authorities Act to eliminate unnecessary delay or duplication in the process.

In the Upper Thames Watershed, the Conservation Authority provides both Plan Review and Technical Review functions. The level of review service may vary amongst the other CAs; LTVCA and KCCA may not provide Technical Review comments.

<table>
<thead>
<tr>
<th>NATURAL HAZARDS</th>
<th>Delegated Authority</th>
<th>Application Review</th>
<th>Regulatory Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flood Hazards</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Erosion Hazards</td>
<td>X</td>
<td></td>
<td></td>
</tr>
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<td>Provincially Significant Wetlands</td>
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<td>X</td>
</tr>
<tr>
<td>Conservation Authority Regulated Areas</td>
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</tr>
<tr>
<td>Hazardous Sites (1)</td>
<td>X</td>
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</table>

<table>
<thead>
<tr>
<th>NATURAL HERITAGE</th>
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</thead>
<tbody>
<tr>
<td>Significant Wetlands and Wetlands</td>
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<tr>
<td>Significant Woodlands and Woodlands</td>
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<tr>
<td>Significant Valleylands</td>
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<tr>
<td>Natural Heritage Systems</td>
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<td></td>
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<tr>
<td>Areas of Natural &amp; Scientific Interest ANSI(2)</td>
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<tr>
<td>Significant Wildlife Habitat</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Threatened/Endangered Species (2)</td>
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<td></td>
<td></td>
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<tr>
<td>Fish Habitat (3)</td>
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<tr>
<th>WATER RESOURCES (4)</th>
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</thead>
<tbody>
<tr>
<td>Regulated Surface Watercourses or Features</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Groundwater Management (as it relates to Regulated Natural Features)</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Subwatershed Study/Master Plan or EA involving Regulated Areas</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

* If not explicitly identified in the table above, the City will take the Lead. If requested by the City of London, the Conservation Authority may be invited to comment on these matters as they relate to enforcement, conservation, regulation or development within the city boundary where it overlaps with the Upper Thames watershed.

“Delegated Authority” – CA’s provide comments pursuant to the MOU between Conservation Ontario, Ministry of Municipal Affairs and Housing and Ministry of Natural Resources.
“Application Review” – includes screening development applications to determine when environmental studies (EIS, Hydrogeological Study) are triggered; developing/scoping and finalizing terms of reference for technical studies; assessing potential environmental and natural hazard impacts; identifying the nature and extent of mitigation and compensation measures required; recommending modifications to the development proposal or conditions of approval.

“Technical Review” – includes assessing technical reports submitted by a proponent’s consultants in terms of applicable and most recent technical guidelines and standards (protocols) and the approved terms of reference; specifying modifications and additional information and/or additional technical studies required and conditions of acceptance; validating the technical methods used to determine potential environmental impacts, identifying the nature and extent of mitigation measures and compensation required; recommending modifications to or acceptance of the technical report.

NOTES:

1. **Hazardous Sites** means property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (organic soils), or unstable bedrock (karst topography).

2. The Ministry of Environment Conservation and Parks (MECP) is responsible for the implementation of the *Endangered Species Act* and for the mapping and designation of Areas of Natural and Scientific Interest (ANSI). The City is responsible for the protection of these areas consistent with the Provincial Policy Statement.

3. Review of Fish Habitat is provided consistent with the Provincial Policy Statement and does not provide clearance on the required statues or legislation from either the MECP or the Federal Department of Fisheries and Oceans.

4. Review of Water Policies as per Section 2.2 of the Provincial Policy Statement and The London Plan shall be addressed by the party responsible for ensuring the longterm management and efficient and sustainable use of water as it relates to the resource features and ecological system or management objectives and infrastructure needs of users. Implementation of the Source Protection Policies is the responsibility of the City.

5. Water Resources Systems consist of groundwater features, hydrologic functions, natural heritage features and areas, and surface water features. These features are necessary for the ecological and hydrological integrity of watersheds. The water cycle includes flows on the surface and through the ground. Surface water can infiltrate into the ground, thereby recharging groundwater supplies. Groundwater can discharge into rivers and lakes and can also emerge from the ground through springs and seeps. The Provincial Policy Statement (PPS) recognizes the importance of clean and plentiful water and promotes the use of a *watershed* scale, systems approach to protecting, improving and restoring the quality and quantity of water and vulnerable.

6. Regulatory Floodplain Updates are the responsibility of the municipality. The municipality may choose to engage the Conservation Authorities to conduct floodplain updates within the municipal boundary. "In the MNRF technical guides, municipalities are delegated the responsibility under the *Emergency Management and Civil Protection Act* of identifying areas subject to natural hazards and to develop management plans (i.e., flood contingency plans) to limit exposure to public health and safety risks. This includes identifying floodplains in municipal plans and incorporating policies to address new development consistent with the PPS policy. It is up to the municipality to determine how best to achieve this requirement and the use of floodplain mapping is one tool available to demonstrate hazard areas. Municipalities can choose to involve their Conservation Authority in preparing floodplain mapping on the municipality’s behalf but are not required to.
SCHEDULE 2 – UTRCA and City of London Typical Reports and Studies for Planning Act Applications & Development Applications

These lists include some of the potential technical studies that could be required for a complete application submission. Through the pre-consultation process, requirements for technical studies which are appropriate for the project would be identified. These lists are intended to act as an example of potential technical studies and are not exhaustive.

Should consider requiring the applicant, as part of the covering letter, to have a professional attest that an application is complete. Municipality and CA should establish a mechanism to determine complete application requirements as outlined in the municipal Official Plan and to determine the technical checklist required for these studies. The CA and Municipality should discuss allowing the CA to pre-screen submissions prior to the municipality confirming that the application is complete.

Applicant must designate one primary contact as an agent for the application and technical reviews.

Planning Act Applications & Development Applications
- Covering Letter, which outlines the proposal, provides contact names and describes all preliminary consultation and submission contents
- Application Fee (See CA Fee Schedule)
- Appropriate Plans/Drawings
- Natural Systems Map (natural hazards and natural heritage features with requisite buffers, overlaid with existing site conditions, property boundaries, and proposed development and site alteration)
- Topographic Information

Potential technical requirements
- A list of supporting information and materials for Planning Act applications is typically provided in Official Plans; this list should be referred to for consideration.
- Conceptual Channel Crossings Assessment
- Subwatershed Study
- Scoped or Full Comprehensive Environmental Impact and Enhancement Study
- Functional Servicing Plan/Stormwater Management Study
- Floodline Delineation Study/Hydraulic Analysis
- Geotechnical/Slope Stability Study
- Preliminary Grading Plans
- Headwater Drainage Feature Evaluation
- FluvialGeomorphologyStudy
- Hydrogeological Assessment
- Low Impact Development Opportunity Assessment, as required by municipal policy
- Water Balance Analysis
- Watercourse Erosion Analysis
- Structural Elevations and Construction Details
- Topographic Information
- Other reports/studies identified through the checklists or staff consultation.
SCHEDULE 3

Guidelines for Engineering Reviews – Responsibilities of Each Organization

Certain projects may require further discussion of roles. Generally, the following will apply:

Approvals Lead = Decision Maker
X = Commenting Role

<table>
<thead>
<tr>
<th>Item</th>
<th>Issue/Concern</th>
<th>Conservation Authority</th>
<th>City of London</th>
</tr>
</thead>
<tbody>
<tr>
<td>Watercourses &amp; Valleys</td>
<td>Low Flow Channel Design &amp; Fluvial Geomorphological Considerations</td>
<td></td>
<td>Lead</td>
</tr>
<tr>
<td></td>
<td>Geotechnical Considerations (Slope Stability, Natural Hazards) within Regulated Areas</td>
<td>X</td>
<td>Lead</td>
</tr>
<tr>
<td>Road &amp; Utility Crossings</td>
<td>Hydraulics (Riparian Issues &amp; Channel Design) in Regulated Areas</td>
<td>X</td>
<td>Lead</td>
</tr>
<tr>
<td>Stormwater Management / Water Resources</td>
<td>Stormwater Management Facilities or LID Design and Construction</td>
<td></td>
<td>Lead</td>
</tr>
<tr>
<td></td>
<td>Location of facility with respect to Natural Hazards</td>
<td>X</td>
<td>Lead</td>
</tr>
<tr>
<td></td>
<td>Potential impacts on the receiving watercourse</td>
<td>X</td>
<td>Lead</td>
</tr>
<tr>
<td></td>
<td>Outlet structure and spillway</td>
<td>X</td>
<td>Lead</td>
</tr>
<tr>
<td></td>
<td>Outlet to watercourse (if necessary)</td>
<td>X</td>
<td>Lead</td>
</tr>
<tr>
<td>Erosion and Sediment Control</td>
<td>Review of Erosion and Sediment Control Plans</td>
<td>X</td>
<td>Lead</td>
</tr>
<tr>
<td>Water Balance</td>
<td>Related wetland features</td>
<td>X</td>
<td>Lead</td>
</tr>
</tbody>
</table>

* If not explicitly identified in the table above, the City will take the Lead and circulate the Conservation Authority for comment at their discretion.

Notes to the above:

1. Municipalities are responsible for municipal stormwater management (e.g. planning, engineering standards, design, establishment, operation and maintenance). Municipal stormwater management deals with the component of the urban surface runoff that is or would be collected by means of separate municipal storm sewers and, in some areas, by combined sewers. This also includes green infrastructure that captures (partially or fully) where snow melts or rain falls, reducing stormwater runoff that enters municipal storm sewers.

2. Municipalities also have an important role for managing surface runoff in rural areas. They, along with landowners, have responsibility for municipal drains that drain and convey surface runoff under the Drainage Act.
**Guidelines for Environmental Impact Study Reviews – Responsibilities of Each Organization**

Certain projects may require further discussion. Generally, the following will apply:

Approvals Lead = Decision Maker
X = Commenting Role

<table>
<thead>
<tr>
<th>Issue/Concern</th>
<th>Conservation Authority</th>
<th>City of London</th>
</tr>
</thead>
<tbody>
<tr>
<td>Significant Valleylands</td>
<td>Conservation Authority</td>
<td>Lead</td>
</tr>
<tr>
<td>Significant Wetlands and Other Wetlands</td>
<td>Conservation Authority</td>
<td>Lead</td>
</tr>
<tr>
<td>Significant Woodlands and Woodlands</td>
<td>Conservation Authority</td>
<td>Lead</td>
</tr>
<tr>
<td>Natural Heritage Systems</td>
<td>Conservation Authority</td>
<td>Lead</td>
</tr>
<tr>
<td>Areas of Natural &amp; Scientific Interest ANSI</td>
<td>Conservation Authority</td>
<td>Lead</td>
</tr>
<tr>
<td>Significant Wildlife Habitat</td>
<td>Conservation Authority</td>
<td>Lead</td>
</tr>
<tr>
<td>Threatened/Endangered Species</td>
<td>Conservation Authority</td>
<td>Lead</td>
</tr>
<tr>
<td>Fish Habitat and Aquatic Habitat</td>
<td>Conservation Authority</td>
<td>Lead</td>
</tr>
</tbody>
</table>

**Guidelines for Hydrogeology Reviews – Responsibilities of Each Organization**

Individual situation may require further discussion. Generally, the following will apply:

Approvals Lead = Decision Maker
X = Commenting Role

<table>
<thead>
<tr>
<th>Item</th>
<th>Issue / Concern</th>
<th>Conservation Authority</th>
<th>City of London</th>
</tr>
</thead>
<tbody>
<tr>
<td>Groundwater / Hydrogeology</td>
<td>As it relates to all Provincially Significant Wetlands</td>
<td>X</td>
<td>Lead</td>
</tr>
<tr>
<td></td>
<td>As it relates to all other wetlands, seeps water balance</td>
<td>X</td>
<td>Lead</td>
</tr>
<tr>
<td></td>
<td>As it relates to EAs, PTTW, LIDs, etc.</td>
<td>X</td>
<td>Lead</td>
</tr>
<tr>
<td></td>
<td>As it relates to water quality</td>
<td>X</td>
<td>Lead</td>
</tr>
<tr>
<td></td>
<td>As it relates to water quantity</td>
<td>X</td>
<td>Lead</td>
</tr>
</tbody>
</table>
SCHEDULE 4 – Review Timelines for Development Applications

To be discussed and populated in collaboration between UTRCA and City of London.

Timeline commitments will be consistent with the City’s agreed upon approach for subdivisions, site plan, Official Plan amendments and re-zonings established through the Innovation and Continuous Improvement office at the City. Other Planning Act applications will also be considered and appropriate time for review and comment assigned.
Appendix C – Definitions

Definition of development:

The definition of development is defined in a number of ways:

**Provincial Policy Statement (source: PPS):** means the creation of a new lot, a change in land use or the construction of buildings and structures which require approval under the Planning Act but does not include:

- a) activities that create or maintain infrastructure authorized under an environmental assessment process;
- b) works subject to the Drainage Act; or
- c) for the purposes of policy 2.1.4(a), underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act. Instead, those matters shall be subject to policy 2.1.5(a).

Further, **redevelopment** is defined as: the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites

**Conservation Authorities Act (source: UTRCA Environmental Planning Policy Manual, 2017):**

- a) the construction, reconstruction, erection or placing of a building or structure of any kind; or
- b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure, or increasing the number of dwelling units in the building or structure; or
- c) site grading; or
- d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

**Interference with Wetlands and Alterations to Shoreline Regulation (source: UTRCA Environmental Planning Policy Manual, 2017):**

The regulation under the Conservation Authorities Act that allows the UTRCA to:

- Prohibit, regulate or provide permission for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, watercourse or changing, or interfering with a wetland.
- Prohibit, regulate or provide permission for development if the control of flooding erosion, dynamic beaches, pollution or the conservation of land may be affected by the development.

Additional definitions that are pertinent to this topic (source: PPS):

**Ecological function:** means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

**Erosion hazard:** means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

**Flooding hazard:** means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:
a) along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave uprush and other water related hazards;

b) along river, stream and small inland lake systems, the flooding hazard limit is the greater of:
   1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
   2. the one hundred year flood; and
   3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry;

except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources and Forestry as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

Hazardous lands: means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes - St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

Ground water feature: means water-related features in the earth’s subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

Hydrologic function: means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water’s interaction with the environment including its relation to living things.

Natural heritage system: means a system made up of natural heritage features and areas, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include natural heritage features and areas, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. The Province has a recommended approach for identifying natural heritage systems, but municipal approaches that achieve or exceed the same objective may also be used.

Sensitive: in regard to surface water features and ground water features, means areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

Site alteration: means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

Surface water feature: means water-related features on the earth’s surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge
areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

**Wetlands**: means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

**Woodlands**: means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. Woodlands may be delineated according to the Forestry Act definition or the Province’s Ecological Land Classification system definition for “forest”.

Report to Planning and Environment Committee

To:    Chair and Members
       Planning & Environment Committee
From: George Kotsifas, P. Eng.
       Deputy City Manager, Planning and Economic Development
Subject: SoHo, Hamilton Road, and Lambeth Community
         Improvement Plans – Performance Measures and Indicators of Success
Meeting on: June 21st, 2021

Recommendation

That, on the recommendation of the Director, Economic Services & Support, the following actions be taken with respect to amending Community Improvement Plans to add performance measures and indicators of success:

(a) This staff report with respect to potential changes to the Lambeth, SoHo, and the Hamilton Road CIPs’ financial incentives programs. These programs are the Tax Grant (SoHo), Façade Improvement Loan (Lambeth, Hamilton Road, and SoHo), the Upgrade to Building Code Loan (Hamilton Road and SoHo), and the Forgivable Loans to Upgrade to Building Code and Façade Improvement Loans (Hamilton Road) for BE RECEIVED;

(b) Civic Administration BE DIRECTED to circulate this staff report for public review.

IT BEING NOTED that input received through the circulation will inform a recommendation on changes to the grant and loan programs that will be presented at a future meeting of the Planning and Environment Committee.

Executive Summary

This report outlines the proposed performance measures and indicators of success for the Rehabilitation and Redevelopment Tax Grant available in the SoHo CIP, Upgrade to Building Code Loan available in the Hamilton and SoHo CIPs, and the Façade Improvement Loan available in the Hamilton Road, SoHo, and Lambeth CIPs, and the Forgivable Building Code and Façade Improvement Loan available in Hamilton Road area.

Preliminary targets have also been identified that, when met, will inform Civic Administration to modify the incentive programs, including potentially reducing grant or loan funding, or to discontinue the incentive program.

This report also discusses:

• How the grant and loan programs work and the up-take;
• Consultation to date;
• Research and data collection to date;
• The COVID-19 pandemic impacts generally on businesses in the Hamilton Road, SoHo, and Lambeth Community Improvement Project Areas;

This report recommends the proposed performance measures, indicators of success, and targets be circulated to specific individuals and organizations who use the programs on a regular basis, the general public, and standard planning application circulation recipients.

A report and a Public Participation Meeting at a future Planning and Environment Committee will discuss the input received during the circulation process and recommend amending the Hamilton Road, SoHo, and the Lambeth Community
Improvement Plans to add the refined performance measures, indicators of success, and targets.

**2019-2023 Strategic Plan**

Municipal Council’s 2019-2023 Strategic Plan identifies “Building a Sustainable City” and “Growing our Economy” as strategic areas of focus. Directing growth and intensification to strategic locations by revitalizing London’s urban areas.

The Hamilton Road, SoHo, and Lambeth Community Improvement Plans’ grant and loan programs help to revitalize these areas through incentivizing and encouraging the development of new residential units and as a result, increasing the population of these neighbourhoods. Further, the loan and grant programs encourage and assist property owners in maintaining and improving the older building stock often found in these areas.

**Climate Emergency**

On April 23, 2019, Municipal Council declared a Climate Emergency. The grant and loan programs support the City’s commitment to reducing and mitigating climate change by encouraging and incentivizing residential intensification and adaptive re-use of existing buildings in the SoHo, Hamilton Road Area, and Lambeth Community Improvement Project Areas. These grants and loans help support more intense and efficient use of existing urban lands and infrastructure, and the regeneration of existing neighbourhoods. The loans also help ensure older buildings are more energy efficient and sustainable through renovations and upgrades to the structure and mechanical systems.

**Background**

**1.0 Previous Report Pertinent to this Matter**

Planning and Environment Committee – April 27, 2017 – Service Review of Community Improvement Plan Incentives

Planning and Environment Committee – December 4, 2017 – Updated Program Guidelines for Community Improvement Plan Financial Incentive Programs

Planning and Environment Committee – May 13, 2019 – New Measures and Indicators of Success

Strategic Priorities and Policy Committee – December 17, 2019 – Review of City Services for Potential Reductions and Eliminations – Downtown and Industrial Lands Community Improvement Plans (CIPs)

Planning and Environment Committee – November 16, 2020 – Community Improvement Plans Performance Measures and Indicators of Success

Planning and Environment Committee – March 29, 2021 – Downtown Community Improvement Plan – Performance Measures and Indicators of Success (O-9286)

Planning and Environment Committee – March 29, 2021 – Old East Village Community Improvement Plan – Performance Measure and Indicators of Success (O-9285)

**2.0 Community Improvement Plan (CIP) Service Review**

Civic Administration undertook an extensive Community Improvement Plan (CIP) Service Review in 2016 and 2017, which resulted in a May 2, 2017 Municipal Council resolution. The CIP Service Review recommended changes to existing financial incentive programs, introduced financial incentive programs to new or expanded areas, and requested the CIPs be amended to include performance measures and indicators of success.
This report will focus on the measures and indicators of success. The relevant clause of the May 2, 2017, Municipal Council resolution is provided below.

At its meeting held on May 2, 2017, Municipal Council resolved:

n) that Community Improvement Plans for the following Community Improvement Plan Project Areas BE AMENDED to include performance measures and indicators of success to align with current City policies and Council strategic directions:

i.) Airport Area Community Improvement Plan;
ii.) Brownfield Community Improvement Plan;
iii.) Downtown Area Community Improvement Plan (including the “Richmond Row” expansion area);
iv.) Heritage Community Improvement Plan;
v.) Industrial Community Improvement Plan;
vi.) Old East Village Community Improvement Plan; and
vii.) SoHo Area Community Improvement Plan.

This staff report will focus on clause n) vii.) and adding Hamilton Road Area CIP and Lambeth CIP to introduce performance measures and indicators of success for the grant and loan programs available through the Hamilton Road, SoHo, and Lambeth CIPs (see maps in Appendix A, B, and C).

3.0 Grant Programs

3.1 The Grant Program
The Rehabilitation and Redevelopment Tax Grant is available in the SoHo Community Improvement Plan. The objective of the program is to encourage residential development in the area.

The Tax Grant provides a grant equal to a portion of the increase in municipal property taxes that results from renovating or adding onto an existing building or constructing a new building. Upon completion of the development project and reassessment of the property by the Municipal Property Assessment Corporation, a 10-year grant schedule is calculated based on the incremental municipal property tax increase in pre-project and post-project assessment value. Only the municipal portion of property taxes is included (not the education portion).

3.2 Grant Applications to Date
As of writing this report, there was one (1) Tax Grant application in the SoHo area where a commitment letter was sent, but no grant was issued, and the file is now closed.

4.0 Loan Programs

4.1 The Three Loan Programs
The Upgrade to Building Code Loan is available in the Hamilton Road Area and SoHo Community Improvement Project areas. The objective of the two loan programs is to support the maintenance, improvement, beautification, and viability of the older building stock. Further, the Upgrade to Building Code Loan is often used to support the development of residential units through the renovation, conversion, or adaptive re-use of a property.

The Upgrade to Building Code Loan program provides loans to property owners who improve their buildings for items that relate to Ontario Building Code requirements, Fire Code requirements, addresses one or more health and safety issues, and accessibility and/or environmental sustainability issues. Loans are up to $200,000 or half the value of work, whichever is less. Loans are paid back at 0% interest over a 10-year period. In certain areas of Hamilton Road area, a portion of the loan may be forgivable.
The Façade Improvement Loan program is available in the Lambeth, SoHo, and Hamilton Road Area CIPs and provides loans to property owners for building façade improvements. For example, brick repair, lighting, signage, windows, doors, or a complete store-front reconstruction. The loan is up to a maximum of $50,000 or half the value of work, whichever is less. Loans are paid back at 0% interest over a 10-year period. In certain areas of Hamilton Road area, a portion of the loan may be forgivable.

Wharncliffe Road Corridor Sign Loan Program is available in the Lambeth Community Improvement Plan area. Matching financial assistance for eligible signage works to improve building signage and bring participating properties into conformity with the Property Standards By-law, Sign By-law, and applicable City Design Guidelines. The City may provide no-interest loans that are paid back to the City over a 10-year period. A maximum of $5,000 per eligible property for up to 50% of eligible works can be provided.

In 2020, the ability to defer loan repayment due to road construction projects was introduced. Further, for property owners who decided to defer, loan repayments have been deferred because of COVID-19 until January 2021.

4.2 Loan Applications to Date

As of writing this report, there were three (3) Upgrade to Building Code Loans issued in the SoHo CIP Area and four (4) Forgivable Upgrade to Building Code Loans issued in the Hamilton Road CIP Area. Six (6) of the Upgrade to Building Code Loans are currently in repayment and one (1) has been paid off. In addition, there were two (2) commitment letters issued in the Hamilton Road Area for Forgivable Upgrade to Building Code loans and administration is waiting for the construction work to be completed before issuing the loans.

At the time of writing, there has been three (3) Forgivable Façade Improvement Loans issued that are currently in repayment and two (2) commitment letters sent for Forgivable Façade Improvement Loans in the Hamilton Road area.

There have been no Façade Improvement Loan or Wharncliffe Sign Loan applications submitted in the Lambeth area at the time of writing.

Because of the COVID-19 repayment deferrals, many of these issued loans will take an additional 10 months to repay in full. City Planning staff continue to meet virtually and safely-distanced on-site with property owners who are interested in the City’s loan programs.

5.0 Consultation to Date

5.1 Development Industry

A meeting was held on September 11, 2020 with members of the London Development Institute, the London Home Builders’ Association, and representatives from The Tricar Group, and York Developments to discuss potential changes including reductions in the two grants program. There was a three-month comment period for Old East Village and Downtown Area CIP amendments to include performance measures and indicators of success. Further, a Planning and Environment Committee Public Participation meeting was held on March 29th, 2021 with no individuals speaking at the meeting and only one individual submitted a written response against the proposed amendment.

Discussions with the development industry will continue prior to the proposed changes to the grant programs for SoHo, Lambeth, and Hamilton Road areas being introduced at a future Planning and Environment Committee meeting.

5.3 Future Consultation

If the recommendation is approved by Municipal Council, this staff report will be circulated for public review to:
• City Councillors;
• City Staff;
• Property owners who have an active Community Improvement Plan loan and/or grant in Lambeth, SoHo, and Hamilton Road;
• Hamilton Road Village Business Improvement Areas;
• SoHo Community Network;
• Lambeth Community Network;
• London Development Institute;
• London Home Builders’ Association;
• London Economic Development Corporation;
• Housing Development Corporation, London;
• Developers who construct apartment buildings in the city; and
• General public notice, including a Get Involved London webpage.

A Public Participation Meeting at a future Planning and Environment Committee meeting will be required to amend the Lambeth, Hamilton Road Area, and SoHo Community Improvements Plans to introduce the performance measures and indicators of success, as well as any recommended changes to the grant and loan programs.

**Discussion**

### 6.0 Research and Data Collection

Research and data collection has been on-going since 2018, focused on:

- The annual collection of data related to the loan programs, including: ground floor vacancy rates and ground floor targeted uses;
- How other municipalities have approached the development of measures and indicators for Community Improvement Plans and Official Plans;
- How the Ministry of Municipal Affairs and Housing approached the development of measures and indicators for the Growth Plan for the Greater Golden Horseshoe, 2006;
- A review and analysis of pertinent Census of Canada data, including: population, population density, and growth rate; and
- The development of a Façade Evaluation Tool to help rate how well building façades meet design guidelines and policy.

Research and data collection continues for this project and will be an annual or biennial exercise.

### 7.0 Key Considerations

#### 7.1 COVID-19 Impacts

The City continues to support long term economic recovery though a wide range of community relief measures and programs, such as deferring Community Improvement Plan loan repayments. In addition, the City initialized the London Community Recovery Network (LCRN) to support businesses that were impacted by the Covid-19 pandemic. One of the LCRN initiatives is the Recovery Grant that was approved by Council on May 6th, 2021. The Recovery Grant is available to assist businesses in all CIP areas (Lambeth, SoHo, Hamilton Road, Downtown, and Old East Village) and is a temporary financial incentive program to encourage community beautification and to address safety concerns. The deadline for the first round of applications was June 11th, 2021, and at the time of writing there were no additional rounds of Recovery Grants approved. Staff will track the number of applications received, the amount of money issued for the Recovery Grants, and the amount of public to private sector return on investment.
7.2 Importance of Incentives to Development

The financial incentive programs are important for cultural heritage protection and conservation. Further, the programs incentivize desirable development in targeted areas. In previous consultations with the development community, the financial incentive programs were cited as one of the top three reasons for constructing in the Downtown and the Old East Village neighbourhoods, where the programs have been in place longer than in the CIP Areas subject of this report. Further, their BIAs have indicated that financial incentives are an effective way of attracting businesses to their areas. There is a BIA group for the Hamilton Road area, but not for the Lambeth and SoHo CIP area.

8.0 Grant Performance Measures

This Section outlines the two (2) measures being proposed for the Rehabilitation and Redevelopment Tax Grant program: population and assessment value. Population will also be separated into population density and growth rate, but total residential population will be the primary measure used to determine when the grant programs should be modified. Assessment value is also measured to help indicate the health and tax base growth of SoHo.

8.1 Population

Indicator
Residential population in SoHo.

Question
Does the SoHo residential population grow enough to support the needs — both daily and long-term — of the residential and commercial community?

Why it Matters
The SoHo area is identified as a Rapid Transit Corridor Main Street segment of The London Plan. Main Street segments will continue to provide local shopping and commercial options so that residents can walk to meet their daily needs. Further, the Strategic Direction #5 ‘Build a mixed-use compact City’ of The London Plan is to sustain, enhance, and revitalize main streets and urban neighbourhoods.

Baseline
SoHo:

- The 2016 Census of Canada indicated the population at 4,232 people;
- The 2016 residential population density is 22.73 people / hectare;
- The five-year residential population growth rate (2011 to 2016) is 5.83%

Proposed Targets
SoHo:

- A residential population of 6,000 people in the SoHo area has been identified as the target needed for the neighbourhood to have the ability to support the needs of the residential and commercial communities.
- A population of 6,000 people is 32.2 people / hectare.
- Five-year SoHo residential population growth rates:
  - 2021-2026: > 6 %
  - 2026-2031: > 6 %
  - 2031-2035: > 6 %

Note, that using the target percentages, the population target will be reached in 2046.
Considerations

The Protected Major Transit Station Areas Information Report presented at the August 10, 2020 meeting of the Planning and Environment Committee contained forecasted density (residents and jobs combined per hectare) for identified major routes for the City of London until 2034.

The City of London’s population and employment are forecast to grow by 77,000 new residents and 43,000 new jobs by 2035, according to the Protected Major Transit Station Areas Information Report (August 10, 2020, Planning and Environment Committee). In the South Rapid Transit Corridor where SoHo is located, the 2035 target is 48 jobs and residents per ha.

It is unknown how much the COVID-19 pandemic will affect residential population growth in Ontario and London. For example, will the recent drop in immigration to Canada be a blip in the short to mid-term or last much longer? Will housing price increases affect in-migration to London from other cities in Ontario and beyond?

Proposed Changes to Grant Programs

The Tax Grant program will reduce as the population targets are met.

As each population target is met as confirmed by Census of Canada data, a two-year grace period will be set before the grant percentage is reduced. The trigger for a development project to be included in the program is the submission of a building permit application and the payment of the required development charges prior to the end of the grace period. Upon reaching the final target population, the Residential Development Charges Grant program reduction will conclude. At that time, Staff will make a recommendation if the program should continue for affordable housing units only.

The SoHo Rehabilitation and Redevelopment Tax Grant Program will continue to operate as outlined in the program guidelines for the SoHo area until the population target is met.

8.2 Assessment Value

Indicator

The assessment value of the properties in the SoHo Community Improvement project area.

Question

Is the assessment value growing?

Why it Matters

An increasing assessment value can indicate that property values are increasing because of growth and investment in the community. This can help increase the tax base city-wide.

Proposed Target

A 1% per year assessment value growth rate in the SoHo area. The proposed target was derived from the analysis of the Downtown and Old East Village Community Improvement project areas as the sample size for the program uptake in SoHo is too small (1 commitment letter sent, but no grant issued) to determine appropriate assessment value increase specific to the area.

Considerations

None at this time.

Proposed Changes to Grant Programs

Not applicable.
9.0 Loan Performance Measures

This Section outlines the measures being proposed for the loan programs: façade condition, targeted uses, ground floor vacancy, and the existing loan measures (private-sector investment vs. public-section investment ratio and number of loans issued). The first three (3) measures will have targets that when met, may result in changes to the loan programs. The existing loan measures are used to report out on the success (or need for improvement) of the loan programs to contribute to the revitalization of the SoHo, Lambeth, and Hamilton Road area building stock and will help inform Civic Administration when undertaking any future Community Improvement Plan reviews.

9.1 Façade Condition

Indicator

Building façade condition.

Question

Are building façades being improved and upgraded?

Why It Matters

A well-maintained building façade provides an interesting and aesthetically pleasing environment for people to enjoy while living in or visiting a neighbourhood. The intent of the community improvement policies in the London Plan are to stimulate private sector property maintenance, repair, rehabilitation, redevelopment, and other forms of private sector investment and reinvestment activity. Within each of the CIP areas subject of this report, there are improvement policies meant to target specific areas, such as commercial corridors. Community improvement policies also encourage the conservation, restoration, adaptive re-use, and improvement of cultural heritage resources — including the façades of any heritage resource.

Baseline

A façade evaluation tool has been developed and will be tested to determine the baseline data. Data collection has been delayed due to COVID-19.

Proposed Target

90% of façade condition being rated ‘does not need improvement.’ This target will be refined once the baseline data has been collected.

Considerations

The evaluation of a façade’s condition tends to be subjective. City Staff developed the façade evaluation tool to mitigate the subjectivity of evaluating the façade condition. The calculation of the façade value will provide a percentage of applicable façade attributes that need improvement or not. Further, evaluations may include multiple individuals reviewing the same façade independently and taking the average of the results as the final value. At the time of writing, the façade evaluation tool has not been tested in the field.

It is also important to note that the façade evaluation tool is for purposes only related to the Façade Improvement Loan Program and does not replace or overrule the City of London’s Property Standards By-Law or a Heritage Alteration Permit process.

Proposed Changes to Façade Improvement Loan Program

Civic Administration will complete a comprehensive review of façade condition and compliance on a biennial basis for Lambeth, SoHo, and Hamilton Road areas.

Once the target is met for façade conditions that are rated ‘does not need improvement’, Civic Administration will begin to transition the loan program to:

- Focus on the areas that are rated as ‘needs improvement’;
• Focus on the parts of façades that are receiving the lowest scores (for example, upper façades, storefronts, or lighting); and
• Possible reduction in the amount of funds available for façade improvement loan program.

The Façade Improvement Loan amount will remain at a maximum of $50,000 until the next Community Improvement Plan Review for the 2024-2027 Multi-Year Budget.

9.2 Targeted Uses

Indicator
The percentage of targeted uses in the Hamilton Road community improvement project area.

Question
Are the financial incentive programs being used to establish businesses and uses that are in line with the objectives of the Hamilton Road CIP and key directions of The London Plan?

Why It Matters
Targeted Uses are uses that are considered pedestrian generators by helping increase the liveliness of a neighbourhood and encouraging shopping and eating in the Hamilton Road area. Common examples include, restaurants, retail stores, and support services for the surrounding residential community and people who work in the area.

Targeted Uses play an important role in the City’s Loan programs. In the Hamilton Road area, only properties with a Targeted Use are eligible to receive a Forgivable Loan. The London Plan Strategic Direction #5 discusses building a mixed-use compact city - mixing stores, restaurants, clean industry, live-work arrangements, and services in ways that respect the character of neighbourhoods, while enhancing walkability and generating pedestrian activity. By incentivizing for Targeted Uses, the City can help achieve this direction.

Baseline
Hamilton Road – 105 (40.2 %) of storefronts and properties were considered to have a targeted use in 2019 measured in the Targeted Incentive Zone of the CIP, see Appendix A.

2020 data was not collected due to COVID-19.

Proposed Targets
Hamilton Road Area – 70% to trigger a refinement; 90% to eliminate programs

Considerations
To reach the proposed targets in the Hamilton Road Area, properties that are vacant will require targeted use tenants and non-targeted uses will need to be replaced with targeted uses.

Proposed Changes to the Loan Programs
Civic Administration will complete a comprehensive review of the targeted uses in the Hamilton Road area on a biennial basis to determine the number of properties with a targeted use on the ground floor.

Once the 90% target is meet, eliminate the Forgivable Façade Improvement Loan. If the target is not met, continue the programs to encourage targeted uses where they are needed most.
The Forgivable Upgrade to Building Code Loan amount will remain at a maximum of $200,000 with 12.5% of the annual loan repayment being forgivable if the ground floor of the property is actively occupied by a Targeted Use. This will continue until the next Community Improvement Plan Review for the 2024-2027 Multi-Year Budget.

9.3 Ground Floor Vacancy Rate

A healthy ground floor vacancy rate in the Lambeth, SoHo, and Hamilton Road areas is a key aspect community improvement.

Question

Are the loan programs being used to renovate properties to help reduce ground floor vacancies?

Why It Matters

A healthy ground floor vacancy rate indicates there is choice in the market for interested business owners to locate in the neighbourhood.

A high vacancy rate may create gaps in the streetscape with little to no “eyes on the street” to help reduce undesirable behaviour.

<table>
<thead>
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<th>Baseline</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
<th>Average</th>
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<tr>
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<td>N/A</td>
<td>N/A</td>
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<td>12.7 %</td>
</tr>
</tbody>
</table>

2020 data was not collected due to COVID-19.

Proposed Target

A ground floor vacancy rate below 3%.

Considerations

The COVID-19 pandemic is having a significant impact on businesses across the city. At this time, it is too early to know how the pandemic, the resulting operating interruptions to local businesses, and the changing public behaviour around working from home, dining out, or gathering in large groups will affect the ground floor vacancy rate.

Civic Administration notes that the loan programs may contribute to reducing ground floor vacancies for property owners who are interested and motivated in finding tenants; however, there are property owners that do not always have that motivation.

Baseline data is a “snap-shot” of ground floor vacancies on the day the surveying was done.

Proposed Changes to the Loan Programs

Civic Administration will complete a comprehensive review of the ground floor businesses in Lambeth, Hamilton Road, and SoHo CIP areas on a biennial basis to determine the number of properties with a vacant ground floor.

If the target is not met, continue the program and refine the loan program to target areas seeing the highest level of vacancies where they are needed most, prior to the adoption of the 2024-2027 Multi-Year Budget.

If the target is met, focus the loan programs to ensure the ground floor businesses are filled with targeted uses.
9.4 Existing Loan Measures

Indicators

1. The private sector investment generated by offering public sector loans for building improvements; and
2. Number of loans issued per year.

Question

1. Are the loan programs generating a positive rate of return and incentivizing property owners to invest?
2. Are property owners and tenants continuing to use the loans?

Why It Matters

The City’s Façade Improvement, Upgrade to Building Code, and Wharncliffe Road Corridor Sign Loan Programs offer private property owners with access to inexpensive funding (0% interest) to incentivize them to improve their properties.

Quality facades and storefronts will help conserve the built heritage and the form of buildings in our communities. Renovating facades, storefronts, roofs, and interiors will help ensure a building’s long-term viability. Further, renovated buildings may result in fewer vacancies.

Baseline

The minimum ratio is $2 invested by the private sector for $1 invested by the City.

The loan values were increased beginning in 2018 to reflect the increase in construction costs for renovation projects and this increase in loan value has a negative impact on the ratio. For example, prior to 2018, a $200,000 investment in interior upgrades would result in a maximum $50,000 loan for a 4.0 ratio; whereas post-2018, a $200,000 investment would result in a $100,000 loan for a 2.0 ratio.

Proposed Targets

1. A minimum of $2.8 to $1 for both loan programs;
2. A minimum number of loans issued per year based on CIP area are:
   a. Lambeth: 2 loan applications/year
   b. Hamilton Road: 3 loan applications/year
   c. SoHo: 3 loan applications/year

Considerations

Though Civic Administration continues to meet with prospective applicants, the number of new applications has declined in 2020, likely due to the COVID-19 pandemic. Further, to date there has been little uptake on the number of loans for Hamilton Road and SoHo, and no loan applications for Lambeth.

Proposed Changes to the Loan Programs

Not applicable at this time, however, up-take of both loan programs is constantly monitored. As a result of the Community Improvement Plan Review for the 2024-2027 Multi-Year Budget, Civic Administration may consider the following depending on findings:

- Refining the loan programs to tackle other City priorities (for example, building retrofits to address climate change);
- Focusing the loan programs on areas of the SoHo, Lambeth, and Hamilton Road that have not seen much up-take; and
- Removing a loan program from the Hamilton Road, SoHo, and/or Lambeth.
Next Steps

The next steps include:

- Circulating this staff report for public review and input;
- Revising the measures, indicators, and targets (if warranted based on the public review and input) and bring to a future Public Participation Meeting at the Planning and Environment Committee to recommend formally amending the SoHo, Lambeth, and Hamilton Road Area Community Improvement Plans to add the framework for changing the grant and loan programs and to bring the Plans into AODA compliance;
- Removing the Airport CIP and its community improvement project area from the London Plan and the 1989 Official Plan. This project is already on the City Planning work program;
- Updating the Brownfield CIP and Heritage CIP. These projects are not on the City Planning work program yet. Both CIPs are dated and need to be refreshed. During this update would be the best time to add measures, indicators, and targets; and
- Engaging with the London Economic Development Corporation and the Industrial Lands Development Strategy Implementation Team on developing measures, indicators, and targets for the Industrial Lands CIP grant programs.

Conclusion

This report identifies the proposed performance measures, indicators of success, and targets for the loan and grant programs available in the SoHo, Lambeth, and Hamilton Road Community Improvement Project Areas. Further, the report outlines the work and consultation done to date on the project. As directed by Municipal Council, this staff report will be circulated to the public including specific individuals and organizations for input prior to a future Public Participation Meeting at the Planning and Environment Committee where the CIPs would be amended.
| Prepared by:                                      | Jasmine Hall, MCIP, RPP  
|                                                  | Planner II, Urban Regeneration |
| Reviewed by:                                     | Jim Yanchula, MCIP, RPP  
|                                                  | Manager, Core Area & Urban Regeneration |
| Recommended by:                                  | Mark Henderson  
|                                                  | Director, Economic Services & Supports |
| Submitted by:                                    | George Kotsifas, P. Eng.  
|                                                  | Deputy City Manager, Planning and Economic Development |

**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.
Appendix A – Hamilton Road Area Map

Area = 885.13 acres (358.20 hectares)
Appendix B – Lambeth Map

Area = 1,200.04 acres (485.64 hectares)
Appendix C – SoHo Area Map

Area = 460.23 acres (186.25 hectares)
Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions BE TAKEN with respect to the draft Argyle Core Area Community Improvement Plan (CIP):

(a) the attached draft Argyle Core Area Community Improvement Plan BE RECEIVED AND CIRCULATED for public review and comment to the Argyle Business Improvement Area, Argyle Community Association, the London Small Business Centre, the Urban League of London, all City advisory committees and stakeholders who have participated in the process to date, posted on the City's Get Involved website; and,

(b) based on the feedback received through the circulation process, the final Argyle Core Area Community Improvement Plan and any associated Community Improvement Plan By-law(s) and Official Plan amendment(s) BE PRESENTED at a future meeting of the Planning and Environment Committee for consideration and approval.

Executive Summary

The purpose of the recommended actions is to present a Draft Community Improvement Plan (CIP) with an overall direction and implementation approach that will achieve the improvement vision, goals, and objectives set for the Argyle Core Area, and to receive feedback to inform refinements resulting in the final Argyle Core Area CIP to be adopted pursuant to the Planning Act.

Linkage to the Corporate Strategic Plan

The Argyle Community Improvement Plan addresses three strategic areas of focus, as presented in Council’s Strategic Plan 2019-2023. These are:

- Strengthening our Community
- Building a Sustainable City
- Growing our Economy

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- June 2012: Designation of an Improvement Area under Section 204 of the Municipal Act, 2001 – Argyle BIA
- August 10, 2020: Argyle Regeneration Study Update
- December 14, 2020: Argyle Regeneration Study Recommendations

1.2 What is a Community Improvement Plan (CIP)?
A Community Improvement Plan is a tool that allows a municipality to take actions to support improvements and redevelopment within a specifically defined Community Improvement Project Area.

Section 28 of the Planning Act defines community improvement as “…the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces thereof, as may be appropriate or necessary.” CIP actions can include:

- identifying changes needed to land use planning policies, zoning, and/or other by-laws, policies, and practices;
- directing funds for improvements to public infrastructure and public space;
- acquiring, rehabilitating, and disposing of land;
- providing grants and loans to owners and tenants for specific actions (which would normally be unavailable);
- in consultation with stakeholders, establishing a long-term vision, goals, objectives and an implementation strategy to provide focus and direction for continuous community improvement;
- building community capacity; and,
- supporting and strengthening economic resilience.

1.3 Policy Framework

1989 Official Plan

Chapter 14 of the 1989 Official Plan establishes that the City can prepare a Community Improvement Plan to address community needs and improvement goals as identified by stakeholders. Some of the improvement goals that can be addressed by a CIP include: stimulating private property maintenance and reinvestment activity; encouraging the co-ordination of municipal expenditures and planning and development activity; promoting the long term stability and viability of the designated Community Improvement Project Area; enhancing the visual quality of the designated area through the recognition and protection of heritage buildings; promoting the improvement of energy efficiency standards for residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses within the designated Project Area; supporting the creation of Affordable Housing by considering any municipally-owned, undeclared surplus land for Affordable housing before any other use is considered (subject to policy 12.12.2.2. ix) of the Official Plan); supporting the implementation of measures that will assist in achieving sustainable development and sustainable living; supporting the retention of heritage properties or areas; reducing the detrimental effects of incompatible land uses; and, upgrading physical services and social and recreational facilities in the Project Area.

In addition, the 1989 Official Plan sets out criteria for designating community improvement project areas and initiatives which may be undertaken by Council to deal with existing deficiencies and to encourage private investment activity within the designated Project Area.

The London Plan, 2016

Consistent with the 1989 Official Plan, The London Plan outlines that community improvement project areas can be designated anywhere in the municipal boundary, and that Council may adopt a Community Improvement Plan for the project area to support community improvement goals and regeneration. Goals for community improvement are consistent with the 1989 Official Plan and include:

1. maintain and improve the public realm, including such things as streets, sidewalks, street lights, street trees, pathways, parks, open spaces, and public buildings;
2. maintain and improve municipal services including such things as the water distribution system, the sanitary and storm sewer systems, mobility network, transit services, and neighbourhood services;
3. encourage the coordination of municipal servicing expenditures with planning and
4. stimulate private sector property maintenance, repair, rehabilitation, redevelopment and other forms of private sector investment and reinvestment activity;

5. maintain and improve the physical and aesthetic amenities of streetscapes in both the public and private realms;

6. encourage the conservation, restoration, adaptive re-use and improvement of cultural heritage resources;

7. encourage the eventual elimination and/or relocation of incompatible and conflicting land uses and where this is not possible, encourage physical improvements to minimize the incompatibility/conflict;

8. promote the improvement of energy efficiency standards for residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses;

9. foster the revitalization and continued improvement of the Downtown and other existing commercial districts including but not limited to the Old East Village, the SoHo Area, and other established business districts;

10. upgrade social and recreational facilities and support the creation of affordable housing;

11. support the implementation of measures that will assist in achieving sustainable development and sustainable living;

12. improve environmental and social conditions;

13. promote cultural and tourism development;

14. facilitate and promote community economic development; and,

15. promote and improve long-term community stability, safety and quality.

As outlined in the previous Argyle Regeneration Study Recommendations, community improvement in the Argyle Area is desirable because of age, dilapidation, unsuitability of buildings, deficiencies in infrastructure, as well as other environmental, social and community economic development reasons consistent with the Planning Act. A CIP is warranted, given that:

• an Argyle CIP can provide tools to encourage (re)investment and collaboration which will assist with successfully implementing the CIP;

• the preparation of a long-term vision for the area would provide significant benefits such as a more positive neighbourhood image, enhancing the sense of place and further promotion of one of London’s unique neighbourhoods;

• there is potential for appropriate infill and intensification which could assist in revitalization and community economic development for the Dundas Street Corridor and surrounding area;

• during the engagement-process, concerns were raised about social challenges residents and businessowners are experiencing such as crime, people experiencing homelessness and drug addiction; and,

• the CIP can reveal local concerns and community needs regarding safety, mobility, quality streetscapes and a more pedestrian-friendly environment.

CIPs in London
At present, the City Council has adopted eleven (11) CIPs. The CIPs are intended to stimulate reinvestment and redevelopment, inspire appropriate infill and intensification, coordinate planning efforts, improve the physical infrastructure, support community economic development, preserve neighbourhood and cultural heritage value, and lead to the establishment of an improved neighbourhood. This may include incentives and targeted private and/or public investment and the ability to acquire, clear and dispose of land to support community improvement and economic development. The approved criteria-based CIPs include Affordable Housing, Airport, Brownfield, Heritage and Industrial. The approved neighbourhood CIPs are the Core Area, Downtown, Hamilton Road, Lambeth, Old East Village and SoHo.

1.4 Purpose of the Argyle Core Area Community Improvement Plan
The City of London has developed the attached draft Argyle Core Area CIP which will assist in achieving revitalization and redevelopment by:

- designating a draft Community Improvement Plan Project Area;
- identifying the strengths, weaknesses, opportunities, and threats to the Argyle Area as perceived by the community;
- establishing a vision and objectives for the Argyle CIP Project Area;
- researching and prioritizing action-items for community improvement in the Argyle Project Area; and
- developing incentive programs that can stimulate private sector investment in the area.

1.5 Process Used in Developing the Argyle Community Improvement Plan

In November 2019, Civic Administration was directed to undertake a comprehensive regeneration study of the Argyle Business Improvement Area (BIA) and surrounding areas. During 2020, City Planning Staff conducted the study including research, data collection, analysis, and consultation with stakeholders, other service areas and the public. Based on the research, consultation findings and applicable legislation, Staff found that a CIP is warranted for the Argyle Area. Municipal Council, at its meeting held on January 12, 2021 directed Civic Administration to undertake the development of a Community Improvement Plan for the Argyle Area.

Typically, a Terms of Reference is established at the beginning of the CIP-process to provide structure and help to guide the following key phases of the project:

- develop a vision for the CIP with the community;
- examine and evaluate the existing conditions;
- identify the gaps between existing conditions and the ideal situation (the vision); and,
- develop initiatives and a course of action to guide community improvement in the Argyle Area.

Since the Argyle Regeneration Study (presented at PEC on Dec. 14, 2020) included a detailed Community Profile, summary of consultation findings and a review of public and private investment over time, it was decided that a Terms of Reference was not necessary for the Argyle CIP project. Therefore, in the graphic underneath the first step of creating a Terms of Reference has been replaced by the Argyle Regeneration Study.

*Figure 1: Community Improvement Plan Process*
1.6 Consultation & Communication
Community consultation has remained a significant part of this project, and many people were involved in a number of ways. The section below provides a summary of the communication and consultation conducted for this project:

- **City Website Project Webpage:** Staff established an Argyle Area CIP webpage on the City’s website to provide the project background, study area, regular updates, opportunities for feedback, project-timeline and contact information. The website can be found at: [https://getinvolved.london.ca/Argyle](https://getinvolved.london.ca/Argyle)
- **Project Updates:** City Planning created a Contact List and emailed project updates which included information about upcoming Community Meetings, Meeting Summaries, Committee Report, and a link to the Project Webpage.
- **Argyle Business Improvement Area Meeting:** On February 11, 2021 Staff provided an update on the Argyle CIP process to the Argyle BIA board.
- **Virtual Community Information Meeting #1:** On February 17, 2021 Staff launched the Argyle CIP process, Ward-Councilor Lewis provided an update on approved infrastructure-projects in Argyle, and Staff received input from stakeholders on community needs, desired improvements, and a vision for the Argyle Area.
- **Argyle Community Association Survey:** A survey was included as part of the ACA email-list for April 2021 so members could provide feedback on their vision for the neighbourhood and regeneration efforts.
- **Virtual Planning Hours:** Between May 10 and May 14, 2021, Staff hosted eight (8) opportunities for a 1 on 1 conversation to talk about the project, ask questions and provide suggestions for the CIP project
- **Virtual Community Information Meeting #2:** On June 2nd, 2021 Staff hosted a virtual meeting to define the draft vision, objectives and goals, and confirm what stakeholders identify as requiring improvement.

Throughout the CIP process to date, staff have received five written correspondences (emails and letters) and two phone calls.

2.0 Argyle Area CIP Study Area

2.1 Study Area

When a CIP is being prepared, a Study Area is established early in the process to maintain a geographical focus and to help avoid “scope creep” as the project moves forward. The Argyle Regeneration Study applied to the whole Argyle Planning District, but for the Argyle CIP a smaller Study Area was established based on the existing Argyle BIA boundaries. This Study Area was chosen because stakeholders identified the Dundas Street Corridor as the location where the need for community improvement was the greatest. As Dundas Street is the main artery through the community where most businesses are located, regeneration and revitalization initiatives in this area will provide the most benefits for the overall community.

The Project Area for the Argyle Area CIP includes the properties fronting Dundas Street, and is bounded by Highbury Avenue to the west, Canadian Pacific Railway to the north, Wavell Street to the east and Whitney Street to the south. Important community amenities such as the Argyle Mall on Clarke Road are located within the Study Area.
From the Study Area, a Community Improvement Project Area (“Project Area”) is established. 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.”

2.2 Sub Project Area

The Project Area has been further divided into two Project Sub-Areas which as based on the existing conditions and characteristics during the preparation of this plan. The Sub-Areas include:

1. The Dundas Street Corridor
2. The Argyle Mall

Dundas Street Corridor

The recommended Project Sub-Area is located along Dundas Street, the corridor is the spine that runs through the Argyle community. Dundas Street is a main gateway to Downtown and provides access to the Veterans Memorial Parkway and from there to Highway 401. The large volumes of traffic that pass through have contributed to a decline in the quality of the urban corridor environment. Dundas Street and its many stores, restaurants and other businesses are conveniently located and provide residents with most of their day-to-day shopping needs.

The Argyle Mall

The Argyle Mall is located on the intersection of Dundas Street and Clarke Road, and comprises the Shopping Area adjacent to the Dundas Street Corridor. SmartCentres Real Estate Investment Trust (REIT) has full ownership of the 355,000 square feet shopping centre and leases to approximately 34 commercial tenants. The Argyle Mall provides for most day-to-day shopping needs and includes stores like Walmart, Winners, No Frills, Staples, Mark’s, CIBC, Burger King, LCBO and others. The Argyle Shopping Centre bus terminal is located in front of the mall, and includes LTC-routes 2, 3, 5, 7, 17, 35, 37 and 94.

3.0 Key Findings

3.1 Community-Identified Needs and Weaknesses in the Argyle Area
As part of the (virtual) community meetings, stakeholders were asked to identify issues that require action and/or improvement. These needs are perceived by the community as barriers to successful regeneration of the neighbourhood. A brief summary of issues people identified is provided below; more detail is provided in Appendix D of the Draft Argyle Core Area CIP.

Social
- Issues with crime and safety;
- Argyle doesn’t have unique characteristics/theme or ‘Argyle Village feel’;
- Better crime prevention and more police presence;
- More assistance for people dealing with addictions and homelessness;
- Perception of unsafe neighbourhood;
- Sidewalks along Dundas Street are narrow and close to traffic;
- Concerns about drug use and drug paraphernalia;
- Concern that the East Lions Community Centre is not finished;
- Need for affordable housing and retirement homes for seniors;
- Lack of lighting;
- More community events and outreach;
- Neighbourhood is poorly supported by services when things go wrong (Police, EMS);
- Argyle Mall is underused for events, e.g., children’s amusement park or spring/fall festival;
- Need a short-term night watch;
- More events for families at Kiwanis Park;
- Neighbourhood feels unsafe at night.

Economic
- Vacant and dated looking building facades;
- Lack of fresh food (food desert);
- Leverage visitors to Argyle Mall for whole neighbourhood;
- Area is stagnating due to disinterest, crime and homelessness;
- Businesses are dated but familiar;
- Opportunity for more mixed-use spaces;
- Incentives to reduce large lots to smaller lots and different functions;
- Perceived as low-income area;
- Lack of housing-options;
- Less big box-stores, more small businesses;
- Lack of support from the City for local businesses;
- Under resourced/ missing amenities such as movie-theatre and more grocery-store options;
- Need an anchor that draws people into Argyle from other parts of the City;
- Focus on successful narratives of small businesses;
- Lack of outdoor eating areas (especially during Covid-19).

Environmental
- Car-centric, Argyle is not perceived as a bike or pedestrian friendly area;
- Missing curbs and sidewalks on local streets;
- Older building stock has significant energy conservation/efficiency issues;
- Dundas Street is in poor condition, improve road quality and safety;
- High amount of environmental contamination, including Kiwanis Park and Pottersburg Creek;
- Too much traffic and congestion;
- Too many entrances onto Dundas Street;
- Better transit-amenities, currently no shelter, benches and too close to the road;
- No places to sit in the shade;
- Lack of trees and green spaces;
- Lack of bike lanes in the area;
- Poor heritage designations and protection;
- Need for pleasant and safe active transportation routes;
• Need better integration between commerce and greenscapes;
• Smaller blocks along Dundas Street and more pedestrian crossings: Dundas Street is a barrier between north and south;
• Entrance to Kiwanis Park is hard to find (no directional signs).

Other
• Loss of historic identity;
• Traffic lights are not convenient for cyclists (road sensor issue on Third Street);
• London Transit Commission routes are perceived as inconvenient;
• Build a narrative how Argyle serves London more broadly (businesses, industry, agriculture);
• Walkability should be a priority, e.g., wider sidewalks away from the street;
• Better marketing from the City for East London.

3.2 Issues Identified by Staff

In addition to the needs and issues addressed by stakeholders, City Planning staff identified items requiring attention. Staff’s findings are summarized below; more detail is provided in Appendix C of the Draft Argyle Core Area CIP.

• Pedestrian-oriented commercial corridor: The design of Dundas Street is currently auto-oriented, with many entryways towards businesses and narrow sidewalks. These design elements, coupled with large amounts of traffic, make the corridor unpleasant and unsafe for active mobility users such as pedestrians and cyclists. One of the CIP objectives is to improve the pedestrian environment along Dundas Street so the Dundas Corridor becomes a more pedestrian focused Main Street.

• Investment & Growth: The Argyle community has been largely stable in the last decades but is experiencing a population increase since 2016. The increasing population, coupled with low vacancy rates and rising housing prices indicate a clear need for more housing development. The private sector is making significant investments in the Argyle area; over $32 million has been invested in Residential, Commercial, Industrial and Institutional development since 2015. In that same timeframe, a total of 536 building permits were issued in Argyle, 80 of these permits occurred in the CIP Study Area (Argyle BIA). This indicated that the area is seen as a viable area for investment, however investment remains at a lower rate compared to the rest of the urban area of London.

• Length of Corridor: The Dundas Street Corridor spans approximately 3km from Highbury Avenue North to Wavell Street. The length of the CIP Study Area is long, with businesses spread out along the corridor. The exception is the concentration of businesses at the Argyle Mall, which is located near the eastern end of the corridor. The Argyle Mall can be considered an anchor and focal point for future growth. However, other amenities such as Kiwanis Park, the East London Library and the East Lions Community Centre are outside of the Dundas Street corridor, resulting in a long and somewhat disjointed corridor.

• Transitional Urban Corridor: The Dundas Street Corridor is primarily an Urban Corridor Place Type, intended to implement the Auto-Oriented Commercial Corridor designation in the 1989 Official Plan. This provides for a broad range of commercial uses, and it is intended that the Dundas Corridor is recognized as a unique commercial district accommodating this range of commercial uses on lot sizes which are generally smaller than normally required. The London Plan acknowledges the current development pattern and applies the Transitional Urban Corridor policies to the segment of Dundas Street from First Street to Crumlin Sideroad (located to the west of VMP). The purpose is to maintain, at a minimum, the existing intensity, while supporting the movement toward more intense forms and uses as permitted under the Urban Corridor Place Type.
Infrastructure renewal: Dundas Street is a major corridor and truck route connecting Veterans Memorial Parkway with Old East Village and Downtown London. Dundas Street has a daily average of 22,500 to 28,000 vehicles, and 36,000 vehicles on Highbury Avenue North at the intersection with Dundas Street. Congestion and the poor state of some roads and sidewalks in Argyle are a concern and contribute to the perceived poor condition of the corridor. The City is working on replacing aging infrastructure in Argyle. As part of the 2019 Arterial Road Rehabilitation, two road segments near the intersection were resurfaced: Dundas Street East; from McCormick Boulevard to Pottersburg Creek and Highbury Avenue North; South of Brydges Street to Dundas Street East. The upcoming Pottersburg Creek Sanitary Trunk Sewer (STS) project is an opportunity for road reconstruction including new curbs on another segment of Dundas Street; starting with the first phase between Pottersburg Creek to Burdick Place. Later phases that will also be renewed are between Burdick Place to Beatrice Street and between Merlin Street and Ronald Street.

4.0 Format and Content of the Community Improvement Plan

4.1. Vision

The Argyle Area Community Improvement Plan starts with a vision developed with the community during virtual community meetings. The vision for the Argyle area is:

By 2030, the Dundas Street Corridor will be a welcoming and safe destination with unique small businesses and shops, as well as a growing residential neighbourhood with modern appeal.

4.2. Community Objectives

Stakeholders were asked to rank objectives for community improvement in the Dundas Street corridor. The objective with the highest priority is listed first, the objective with the least perceived priority is last:

1. Support local businesses to create a vibrant and mixed-use main street.
2. Develop a high-quality public realm that is clean and accessible.
3. Provide opportunities for recreation and relaxation that encourages residents and visitors to leave their car and explore the neighbourhood.
4. Stimulate private sector investment in revitalizing the Argyle Area.
5. Improve the pedestrian environment along Dundas Street.
6. Improve the mobility and connections to other parts of the city.

The vision and objectives are followed by the areas for improvement. Through the consultation with the community, 12 areas for improvement were developed from the list of items identified as needing improvement in the Argyle Project Area. The 12 areas for improvement as prioritized by the community are:

1. Crime & homelessness prevention;
2. Safety;
3. Improvement of the public realm;
4. Supporting small businesses;
5. Improving the older and/or vacant building stock;
6. Enhancing Argyle identity and public perception;
7. Opportunities for infill development and redevelopment;
8. Cleanliness of Dundas Street corridor;
9. More stable and affordable housing options (aimed at seniors and below average market rent affordable);
10. Foster broader range of uses;
11. Improve active mobility;
12. Conserving natural heritage.
The 12 areas for improvement were summarized into 6 categories that form the basis for the Argyle Community Improvement Plan:

1. **Developing a High-Quality Public Realm**: The Dundas Street corridor will have a pedestrian-oriented streetscape and public spaces that are safe, clean, accessible and pleasant.

2. **A Safer Neighbourhood for All**: Argyle will be a safe, accessible and healthy place to live, visit and work by improving safety and accessibility related issues.

3. **Supporting Businesses**: Argyle will have strong, diverse and connected businesses and a business environment that attract visitors, serves the local community, and support business retention, expansion & investment.

4. **Enhancing Parks and Recreational Opportunities**: Natural features and neighbourhood parks will be enhanced, conserved and celebrated, and Argyle will have a range of recreational amenities and programs.

5. **Improved Mobility**: Argyle will have an interconnected community-wide transportation network that is safe, convenient, and prioritizes active mobility.

6. **Strengthening the Community**: The Argyle community will continue to develop and maintain strong connections within the community and the City, and build capacity to work strategically with stakeholders to achieve community goals.

The recommended community improvement actions fall under one of the above six categories.

4.3. **Community Improvement Plan Action Items**

All recommended CIP actions are identified in an Actions Item table in the Draft Argyle Area CIP, attached to this report as Appendix A. Action Items align with the Draft Vision, Goals and Objectives defined through the Argyle CIP process. The table identifies proposed lead(s) and partners, suggests a priority for implementation, and relative funding requirements (high, medium, low, no cost) for each Action Item.

There is not one organization or person solely responsible of managing and implementing CIP action items in the Argyle Area. Successful implementation of the Argyle Area Community Improvement Plan depends on many stakeholders working together, and ideally champions will emerge to lead different actions. Implementation depends on a number of factors such as priorities, costs, availability of funding and the willingness of the stakeholders and the community to lead projects.

The Action Items table is divided into the following two categories:

1. **Municipal Actions**: Leading these Action Items is the responsibility of Municipal Service Areas. Many of these Action Items are part of existing projects or programs.

2. **Community Opportunities**: Leading these Action Items is the responsibility of community stakeholders.

In terms of general implementation priorities for the Municipal Actions, Action Items identified as 1st priorities can be implemented with existing resources. Action Items identified as 2nd and 3rd priorities have higher costs and may require future budget considerations, longer-term implementation plans and/or coordination with stakeholders.

Additional feedback is anticipated as part of the draft CIP circulation process.

5.0 **Monitoring & Evaluation**

The Draft Argyle Area CIP features a Monitoring and Evaluation section which provides a framework for regularly tracking the progress of the CIP, and ensuring that priorities and assumptions remain relevant to achieving the Vision, Goals, and Objectives.

A number of baseline conditions were determined during the preparation of the Draft Argyle Area CIP against which future information can be compared. This provides a consistent framework for evaluating the ongoing change in the Argyle Area CIP Project Area. Variables/measures may be added to the baseline conditions. Any financial
incentive programs made available through the Argyle Area CIP will also be monitored and the information will be stored in a database.

Staff are recommending that a Monitoring Report is prepared every five years to evaluate the Community Improvement Plan and its individual programs. This report and evaluation will be based on the changes to the baseline conditions, feedback from stakeholders, and any new issues, conditions, or opportunities that have emerged.

6.0 Next Steps

Project participant comments will be received and addressed in the coming months to provide opportunity for stakeholder and community feedback. Based on comments and feedback received, Staff will modify the Draft Argyle Area CIP as required.

A public participation meeting is planned at a Planning & Environment Committee meeting in fall 2021 when the final Argyle Area CIP and applicable By-laws, Official Plan amendment(s) and Financial Incentive Program Guidelines will be brought forward for approval and adoption.

Conclusion

The attached Draft Argyle Core Area Community Improvement Plan combines the community's vision for improvement with issues identified by staff into one comprehensive plan. Staff recommends that the Draft Argyle Area CIP is circulated to stakeholders and the public for comments and feedback.

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Planner I, Long Range Planning & Research

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Manager, Core Area & Urban Regeneration

Recommended by: Gregg Barrett, AICP
Director, Planning & Development

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Deputy City Manager, Planning and Economic Development
City of London

Argyle Core Area
Community Improvement Plan
Acknowledgements

The Argyle Core Area Community Improvement Plan was prepared by City of London Planning and Development Services staff with assistance from representatives from other City Divisions and community.

The following people and organizations played an instrumental role in preparing this CIP.

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 Argyle Community Association (ACA)
 East London Public Library
 Family Centre Argyle

All those who participated in the community meetings and contributed throughout the preparation of this Plan.
Argyle Core Area Community Improvement Plan

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Section 1

Introduction
Community Improvement Plan Overview

What is a Community Improvement Plan?
A Community Improvement Plan (CIP) is a tool that allows a municipality to take actions to support improvements and redevelopment within a specifically defined project area. Section 28 of the Planning Act gives municipalities the ability to prepare CIPs. Through a CIP, municipalities are permitted to:

- identify changes needed to land use planning policies, zoning, and/or other by-laws, policies, and practices;
- direct funds for improvements to public infrastructure and public space;
- acquire, rehabilitate, and dispose of land; and,
- provide grants and loans to owners and tenants for specific actions.

Purpose of this Community Improvement Plan
In October 2019, the Argyle BIA submitted a request through the Planning and Environment Committee (PEC) for staff to undertake a comprehensive study of the Argyle BIA and surrounding area. Based on the Argyle Regeneration Study completed in December 2020, it was recommended that an Argyle Core Area Community Improvement Plan be undertaken during 2021. The purpose of this CIP is to:

- establish a vision, goals, and objectives for the Argyle Core Area;
- identify the strengths, weaknesses, opportunities, and threats to the Argyle Core Area;
- record and prioritize actions for how the Argyle Core Area will be improved; and,
- propose incentive programs to encourage and stimulate private property maintenance and reinvestment activity.

How this Plan was Prepared
The following key tasks were completed to build a comprehensive foundation for preparing the Argyle Area CIP:

- review of relevant Provincial legislation and City policy documents;
- review of existing City of London Community Improvement Plans and incentive programs;
- review of best practices used in CIPs provided by other Ontario municipalities;
- analysis of the Argyle Area based on:
  - secondary information (such as Statistics Canada data);
  - site visits and first-hand data collection;
  - input received from the Argyle Community Association (ACA), the Argyle Business Improvement Association and City of London staff.
  - information collected during (virtual) community meetings and project drop-in office hours.
Argyle Study Area

Argyle Study Area
Based on a request from the Argyle BIA, Staff have completed a regeneration study of the Argyle Business Improvement Area and surrounding area during 2020. This study included research, data collection and analysis, and consultation with stakeholders, other service areas and the public for the whole Argyle Planning District. As a result, the area the regeneration study focused on, will be referred to as the Argyle Study Area in this Report.

Argyle Study Area Description
The Argyle Study Area [Figure 2] identified in the Argyle regeneration study applies to lands in the east of London, generally bounded by Highbury Avenue, Oxford Street East, Clarke Road, Veterans Memorial Parkway, Canadian Pacific Railway and the Canadian National Railway.

The following section presents a summary of characteristics and statistics of the Argyle Study Area to provide context for the Argyle Project Area. Where possible, City-wide data has also been provided.

Existing zoning
Within the Argyle Study Area, the majority of land is zoned for residential uses (54%), followed by industrial (14%), institutional (13%), commercial (12%) and open space (7%).

Hectares of Parkland per 1000 people: As mentioned, 7% of the total Argyle Study Area is zoned as open space. The Argyle Study Area has a variety of parks and outdoor public spaces including Kiwanis Park, East Lions Park, Nelson Park, Admiral Park, Mildred Barons Park, Bonaventure Meadows Park and Vimy Ridge park. In total, 75.3 total hectares of green space or 2.1 hectares of parkland per 1000 people exists in the Argyle Study Area. This compares to 7.2 hectares of parkland per 1000 people City-Wide.
Figure 2: Argyle Study Area
Population
The current resident population in the Argyle Study Area is approximately 22,500 people within a total of 9,652 households. The largest population segment in the Argyle Study Area is the 25–29-year age range, comprising 8% of the total. The next largest population segments are the 55-59, 30-34, 20-24, 50-54 and 60-64 age ranges, each comprising approximately 8 or 7% of the total.

Average Household Income
Based on the 2015 National Census data, the Argyle Study Area has a lower average household income compared to the city-wide average. The average household income in the Argyle CIP Study Area is 21.8% lower than the city-wide average household income.

Education
The Educational Attainment profile for the Argyle Study Area is lower than the City-wide statistics. 43% of the Argyle Study Area residents have some form of post-secondary education, compared to 67% of residents City-wide. The most frequent credential earned is High School education (and Equivalency Diploma) for just over 35% of the population compared with just over 24% City-wide. Almost 22% of the residents have no certificate, compared to just 9% of the City-wide population. Additionally, 25% of the population has a College level education compared to 28% City-wide.
The main form of housing tenure in the Argyle Study Area is homeownership which totals 65%, compared to 59.7% City-wide. Conversely, the number of rent-occupied dwellings (35%) is lower than the rest of the City (40.3%).

Forty-six percent (56%) of dwellings in the Argyle Study Area are single detached residential units, compared to 49% City-wide. The second most frequent dwelling type are rowhouses, with 20% of dwellings compared to 13% City-wide. The remaining 24% of dwelling types in the Argyle Study Area is comprised of apartments in buildings less than 5 storeys (11%), apartments in a building with 5 or more storeys (5%), semi-detached dwellings (5%) and detached duplexes dwellings (3%).
**Argyle Project Area**

When a Community Improvement Plan is being prepared, a (proposed) Project Area is established early in the process to maintain focus and to help avoid scope creep as the project moves forward. From the proposed Project Area, a Community Improvement Plan Area is then identified as the specific area requiring improvement. The Community Improvement Plan Area is included in the final CIP document which is then adopted by Municipal Council. The Planning Act states that the Community Improvement Plan Area is to be 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 reason.

Because the Argyle Study Area is very large, approximately 1,362 hectares, the proposed Project Area (Figure 2) that will lead to an Argyle Core Area Community Improvement Plan is smaller to maintain focus on the area most in need of regeneration and improvement. The Argyle Project Area is situated in the east end of the city within the Urban Growth Boundary (UGB). It encompasses properties with frontages abutting the main corridor of Dundas Street, and the Argyle Mall at the most eastern portion of the study area. Parts of the north boundary are adjacent to the Canadian Pacific Railway line and the westerly boundary is Highbury Avenue North.

![Figure 8: Argyle Project Area](image)
Argyle Project Area Profile
This section presents a summary of characteristics and statistics of the Argyle Project Area to provide context for the CIP. Where possible, City-wide data has also been provided. Every effort has been made to align the data with consistent boundaries, however, data may be associated with variable boundaries.

Population
The current resident population in the Argyle Project Area is approximately 175 people within a total of 57 households; The largest population segment in the Argyle Project Area is the 30-34 year age range, comprising 12% of the total. The next largest population segments are the 20-24, 25-29 and 55-59 age ranges, each comprising approximately 11% of the total.

Average Household Income
Based on the 2015 National Census data, the Argyle Project Area has a lower average household income compared to the city-wide average. The average household income in the Argyle Project Area is 33% lower than the city-wide average household income.

Education
The Educational Attainment profile for the Argyle Project Area is lower than the City-wide statistics. 41% of the Argyle Project Area residents have some form of post-secondary education, compared to 67% of residents City-wide. The most frequent credential earned is High School education (and Equivalency Diploma) for just over 36% of the population compared with just over 24% City-wide. Almost 23% of the residents have no certificate, compared to just 9% of the City-wide population. Additionally, 23% of the population has a College level education compared to 28% City-wide.
Housing Tenure
The main form of housing tenure in the Argyle Project Area is renting which totals 56.1%, compared to 40.3% City-wide. Conversely, the number of owner-occupied dwellings (44%) is lower than the rest of the City (59.7%).

Dwelling Types
Forty-six percent (46%) of dwellings in the Argyle Project Area are single detached residential units, compared to 49% City-wide. The second most frequent dwelling type are apartments in a building with fewer than 5 storeys, with 42% of dwellings compared to 10% City-wide. The remaining 12% of dwelling types in the Project Area is comprised of detached duplex (7%), row housing (3.5%) and semi-detached dwellings (2%). The Argyle Project Area does not have apartment buildings of 5 or more storeys.
Although there is a variety of parks and outdoor public spaces in the Argyle neighbourhood, only a small portion of Kiwanis Park North is within the Argyle CIP Study Area. This equals 0.6 hectare of parkland, which equates to less than one percent (0.71%) of the total CIP Study Area. Based on a population of 175 people from the Census data, the Argyle CIP Study Area has 3.42 hectare per 1000 people, compared with 7 hectares of parkland per 1000 people City-wide in London.
Section 2

Vision, Goals & Objectives
**Vision**

A *vision* for a CIP is a long-term strategic statement that identifies how the community wants to look, feel and function. Establishing a vision is an important component of the CIP process as it provides the overarching foundation for the Action Items contained in the CIP. A vision also helps to focus and direct the improvements and incentive programs outlined in the CIP.

Through Community consultation, the following Vision Statement for the Argyle Project Area was created:

*By 2035, the Argyle Core Area will be a welcoming and safe destination with unique small businesses and shops, as well as a growing residential neighbourhood with modern appeal.*

**Objectives**

During the engagement-process, stakeholders provided feedback on their main objectives for regeneration and improvement in the Argyle Project Area. A summary of the comments received include the following:

- Crime & homelessness prevention;
- Improve long-term community safety to create a safe environment for all at all times of day;
- Foster great streetscapes with a visually interesting, accessible, and clean public realm.
- Build upon the success of the diverse business-community to create a vibrant and mixed-use main street;
- Encourage the restoration and redevelopment of the older and/or vacant building stock;
- Enhance Argyle’s identity and public perception;
- Create more opportunities for infill development and redevelopment along the Dundas Corridor;
- Create more stable and affordable housing options (aimed at seniors and below average market rent affordable);
- Foster a broader range of uses, such as access to fresh food and more entertainment-amenities within Argyle;
- Improve active mobility and coordinate municipal servicing infrastructure improvements with planning and development activity to help reduce disruptions in the neighbourhood;
- Conserve natural heritage and support remediation of contaminated areas.
Areas for Improvement
Through consultation with the community, twelve areas for improvement in the Argyle Core Area were developed from the list of items identified as needing improvement in the Argyle Project Area:

- Support small businesses
- Improve Public Realm Dundas Street
- Crime prevention/ safety
- Deficiencies infrastructure
- More (residential) growth
- Enhancing Argyle’s identity
- Lack of affordable housing
- Lack of trees and greenery
- Create places to sit and linger
- General cleanliness
- Congestion
- Recreational programs & community gathering spaces

The 12 areas for improvement were summarized into six improvement categories:

1. Developing a High-Quality Public Realm: The Argyle Core Area will have a pedestrian-oriented streetscape and public spaces that are safe, clean, accessible, and pleasant.

2. A Safer Neighbourhood for All: The Argyle Core Area will be a safe, accessible, and healthy place to live, visit and work by improving safety and accessibility related issues.

3. Supporting Businesses: The Argyle Core Area will have strong, diverse, and connected businesses and a business environment that attract visitors, serves the local community, and support business retention, expansion & investment.

4. Enhancing Parks and Recreational Opportunities: Natural features and neighbourhood parks will be enhanced, conserved, and celebrated, and the Argyle Core Area will have a range of recreational amenities and programs.

5. Improved Mobility: The Argyle Core Area will have an interconnected community-wide transportation network that is safe, convenient, and prioritizes active mobility.

6. Strengthening the Community: The Argyle Core Area community will continue to develop and maintain strong connections within the community and the City, and build capacity to work strategically with stakeholders to achieve community goals.

The recommended actions for improvement found in Section 6 will fall under one of the above six categories.
Section 3

Argyle Community Improvement Plan
Project Area & Sub-Areas
The Argyle Project Area

Project Area Description
When a CIP is being prepared, a Project Area is established early in the process to maintain a geographical focus and to help avoid “scope creep” as the project moves forward. The Argyle Regeneration Study applied to the whole Argyle Planning District, but for the Argyle CIP a smaller Project Area was established based on the existing Argyle BIA boundaries. This Project Area was chosen because stakeholders identified the Dundas Street Corridor as the location where the need for community improvement was the greatest. As Dundas Street is the main artery through the community where most businesses are located, regeneration and revitalization initiatives in this area will provide the most benefits for the overall Argyle Core Area community.

Figure 14

Figure 15: Argyle Project Area

The Argyle CIP Project Area is generally defined as Highbury Avenue to the west, Canadian Pacific Railway to the north, Wavell Street to the east and Whitney Street to the south. The Project Area includes all properties fronting Dundas Street, as well as the Argyle Mall located at Clarke Road.

Project Sub-Areas
The Project Area has been further divided into two Project Sub-Areas which are based on the existing conditions and characteristics during the preparation of this Plan. The Sub-Areas include:

1. Dundas Street Corridor
2. Argyle Mall

Dundas Street Corridor
The Dundas Street Corridor contains lands fronting onto Dundas Street from Highbury Avenue north to Clarke Road. Dundas Street is the main commercial and transit corridor within the project area, connecting Veterans Memorial Parkway with the Argyle Mall and Highbury Avenue. The large volumes of traffic including trucks that pass through the neighbourhood on Dundas Street have contributed to a decline in the quality of the public realm and detract from the street environment policy objectives specified in the London Plan. Dundas Street and its many stores, restaurants and other businesses are conveniently located and provide residents with most of their day-to-day shopping needs. An effort to move away from the auto-dominated corridor to a more pedestrian friendly environment is a priority. A desire for more safety, cleanliness, additional public
spaces to rest and more greenery and street-trees were identified in the first community meeting.

The London Plan identifies the Dundas Street Corridor as an Urban Corridor Place Type. Urban Corridors permit a wide range of uses, encourage intensification and mixed-use buildings and support a high-quality pedestrian environment that is pleasant, accessible and safe. As the Dundas Street Corridor is the centre of the Argyle Core Area, it will be the focal point for improvement.

**Argyle Mall**
The Argyle Mall is comprised of the Shopping Area adjacent to the Dundas Street Corridor in the Project Area. The Argyle Mall is located on the intersection of Dundas Street and Clarke Road, on the eastern portion of the Project Area. SmartCentres Real Estate Investment Trust (REIT) has full ownership of the 355,000 square feet shopping centre and leases to approximately 34 commercial tenants. The Argyle Mall provides for most day-to-day shopping needs and includes stores like Walmart, Winners, No Frills, Staples, Mark’s, CIBC, Burger King, LCBO and others.
Within the London Plan, the Argyle Mall is designated as Shopping Area. This is the primary Place Type for commercial uses, and also allows for a broad range of retail, service, office, entertainment, recreational, educational, institutional and residential uses. Shopping Areas are to service their immediate neighbourhood and provide a walkable focal point that creates a neighbourhood identity.

Figure 18: Overview of the Argyle Mall looking east.
Section 4

Community Improvement Needs
Community Improvement Needs

To gain an understanding of key issues that should be addressed by this CIP, community improvement needs in the Argyle Project Area have been determined using the following methods:

- First-hand observations made during site-visits;
- Consultation with community members, organizations and other stakeholders;
- Research and analysis of applicable legislation, policies, regulations and census data; and,
- Consultation across City of London service areas.

Identified Strengths, Weaknesses, opportunities & Threats (SWOT)

Items seen as strengths, weaknesses, opportunities and threats (SWOT) in the Argyle Study Area that require action and/or improvement were identified through consultation with stakeholders throughout this project (community members, groups, organizations). These items are summarized below.

Strengths:
- Diverse collection of land uses.
- Rich history of independent businesses.
- Access to main shopping centre.
- Excellent parks.
- Industrial development close by (employment opportunities).
- Residential neighbourhood is stable.
- Gateway into the City, access to VMP.
- Argyle Mall has a large parking lot.
- Neighbourhood has full municipal services.
- Sense of community, lots of positive people.
- Presence of Argyle BIA.

Weaknesses
- Dated appearance.
- Poor image and perception that East London comes last.
- Social issues (crime, homelessness, arsons, vandalism).
- Urban blight.
- Concern that the East Lions Community Centre is not finished.
- Poorly serviced by emergency services (especially Police).
- Lack of city-wide destination.
- Low amount of heritage designations.
- Many businesses have their own lane-entrance, makes it hard to get in & out.
- Lack of fresh food.
- LMHC units are in poor condition.
- Poor sidewalks & streetlighting.
- Need pedestrian amenities (benches, bike racks, bus shelter).
- On-site parking is inconsistent, some businesses have issues providing parking.

Opportunities
- More infill and intensification along Dundas Street.
- More affordable housing.
- Development of Urban Design Guidelines to guide development.
- Promote greater mix of uses, including mixed-use development.
- Encourage property owners to improve their buildings (bring up to code) and attract tenants.
- LPH lands can be designed as urban village while conserving cultural heritage.
- Promote built heritage in Argyle through signage and educational outreach.
- Promote cycling and walking.
- Better balancing of vehicular and pedestrian traffic.
- Great need for roadwork, sewer and infrastructure improvements.
- East Lions Community Center when it opens.
• Crime prevention through better design (CPTED)
• Enhance by-law and police enforcement in Argyle
• Bring back Neighbourhood watch program
• Promote and expand the Active and Safe Routes to School Program.

Threats
• First impression when entering from VMP.
• Vacant buildings along corridor.
• Dilapidated buildings in visible locations threaten ability to attract new businesses.
• Lack of consideration for heritage features.
• Drug use is at all-time high.
• Lack of foot traffic.
• Accessibility issues (especially
• Loss of historic identity, no longer industry and agriculture in Argyle.
• Stagnation due to disinterest.
• Underused laneways contribute to crime.
• Many construction projects are disruptive for residents.
• High speed on Dundas Street.
• Feeling that Argyle is overlooked.
• Lack of lighting contributes to perceived unsafety.

Categories of Identified Community Improvement Needs
The following list groups identified needs for the Argyle Project Area that require community improvement consistent with the six categories shown in Section 2. The list is not in an order of priority, and is based on received feedback and engagement in community meetings.

Developing a High-Quality Public Realm:
• Lack of lighting
• Sidewalks along Dundas Street are narrow and close to traffic
• Car-centric, Argyle is not perceived as a bike or pedestrian friendly area
• Missing curbs and sidewalks on local streets
• Dundas Street is in poor condition, improve road quality and safety
• Too many entrances onto Dundas Street;
• No places to sit in the shade
• Lack of trees and green spaces
• Lack of bike lanes in the area
• Congestion
• Walkability should be a priority, wider sidewalks away from the street

A Safer Neighbourhood for All:
• Issues with crime and safety
• Better crime prevention and more police presence
• More assistance for people dealing with addictions and homelessness
• Neighbourhood feels unsafe at night
• Need a short-term night watch
• Neighbourhood is poorly supported by services when things go wrong (Police, EMS)
• Concerns about drug use and drug paraphernalia
• Perception of unsafe neighbourhood

Supporting Businesses:
• Vacant and dated looking building facades
• Leverage visitors to Argyle Mall for whole neighbourhood
• Businesses are dated but familiar
• Opportunity for more mixed-use spaces
• Need an anchor that draws people into Argyle from other parts of the City
• Focus on successful narratives of small businesses
• Less big box-stores, more small businesses
• Incentives to reduce large lots to smaller lots and different functions
• Lack of outdoor eating areas (especially during Covid-19)
• Older building stock has significant energy conservation/efficiency issues
• Build a narrative how Argyle serves London more broadly (businesses, industry, agriculture)

Enhancing Parks and Recreational Opportunities:
• More events for families at Kiwanis Park
• Argyle Mall is underused for events, e.g., children’s amusement park or spring/fall festival
• High amount of environmental contamination, including Kiwanis Park and Pottersburg Creek;
• Entrance to Kiwanis Park is hard to find (no directional signs)

Improved Mobility:
• Better transit-amenities, currently no shelter, benches and too close to the road
• Traffic lights are not convenient for cyclists (road sensor issue on Third Street)
• London Transit Commission routes are perceived as inconvenient
• Need for pleasant and safe active transportation routes;
• Smaller blocks along Dundas Street and more pedestrian crossings: Dundas Street is a barrier between north and south;

Strengthening the Community:
• Argyle doesn’t have unique characteristics/theme or ‘Argyle Village feel’
• More community events and outreach
• Lack of fresh food (food desert)
• Under resourced/ missing amenities such as movie-theatre and more grocery-store options;
• Need for affordable housing and retirement homes for seniors
• Area is stagnating due to disinterest, crime and homelessness
• Lack of housing-options
• Perceived as low-income area
• Loss of historic identity, limited heritage designation & protection
• Lack of support from the City for local businesses;
• Better marketing from the City for East London
Section 5

Incentive Programs
Incentive Programs
Together with proposed initiatives that can be undertaken by the public sector on municipal property, the private sector needs to be engaged in community improvement to achieve this CIP’s objectives. One method of achieving this is by providing Financial Incentive Programs to help stimulate private investment in buildings and properties. Community Improvement Plans enable municipalities to establish financial incentive programs to target different community needs. In accordance with the Planning Act and the City’s Official Plan, the City may offer grants or loans to property owners to help cover eligible costs and advance community improvement goals. Financial incentives and programs are subject to availability of funding, and Municipal Council can choose to implement, suspend or discontinue an incentive program at any time. The Argyle Area CIP is an enabling document, meaning that Municipal Council is under no obligation to activate and implement any part of a CIP including financial incentive programs. Finally, as mentioned in the Argyle Regeneration Study Recommendations (Dec. 14, 2020), a comprehensive review of existing CIP incentive programs was conducted, and Council directed updates and revisions to many of the existing programs and funding levels in 2016 and 2017. Included within that Council resolution, it is noted that funding for the existing programs will expire no later than December 31, 2023, pending a Municipal Council review of the program results to be provided prior to the adoption of the 2024-2027 Multi-Year Budget. Therefore, Staff is recommending that funding for any potential incentive programs or other financial requirements in the Argyle CIP be considered through the comprehensive review of funding levels for all CIPs prior to the next (2024-2027) Multiyear Budget.

Argyle Community Improvement Plan Project Area Incentive Programs
The Argyle Area CIP financial incentive programs represent a comprehensive ‘toolkit’ of programs designed to help improve a number of the key weaknesses and threats identified and to achieve the vision and objectives of the CIP. The financial incentive programs will encourage private sector investment, rehabilitation, adaptive re-use, redevelopment and construction along the Dundas Street Corridor and Argyle Mall Sub-Project Areas. The programs represent a ‘toolkit’ because once activated, these programs can be used individually or together by an applicant. In addition to the specific incentive programs in this CIP, the City of London also provides incentive programs in the Brownfield and Heritage CIPs, which may also be applicable to property-owners within the Project Area. Each CIP provides specific program requirements for each financial incentive program.

The following table 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 will be available in the detailed program requirements in the Argyle Area CIP financial incentive implementation information package that will be included in the final Argyle Core Area CIP.

<table>
<thead>
<tr>
<th>Program</th>
<th>Description</th>
<th>Program Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upgrade to Building Code Loan</td>
<td>A program designed to assist property owners with the financing of building improvements to ensure older buildings comply with contemporary Building Code requirements. The costs associated with these improvements often pose an issue for building owners wanting to upgrade their properties. City may provide no-interest loans that are paid back over a 10-year period.</td>
<td>As directed by Municipal Council</td>
</tr>
<tr>
<td>Façade Improvement Loan</td>
<td>A program designed to assist property owners with street façade improvements and bring participating properties into conformity with Property Standards By-law and applicable Urban Design Guidelines.</td>
<td>As directed by Municipal Council</td>
</tr>
</tbody>
</table>
City may provide no-interest loans that are paid back over a 10-year period.

**Rehabilitation & Redevelopment Tax Grant**

A program designed to provide economic incentive for the rehabilitation of mixed-use and commercial properties in areas where the building stock is older.

City may provide an annual grant to property owners over a 10-year period of declining scale. The effect of this program is to phase in the property tax increase, which results from a rehabilitation project, over a period of 10 years. The annual grant amount is calculated based on the property tax increase that results from the increase in assessment relating to an improvement project.

As directed by Municipal Council

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**Brownfield and Heritage Incentive Programs**

In addition to the incentive programs contained in this CIP, the City of London also provides incentive programs in both Brownfield and Heritage CIPs. As a result, depending on the specific project, a property owner may be eligible for a number of financial incentive programs. The following table provides a summary of these incentive programs. Specific program information is included in the relevant CIPs.

<table>
<thead>
<tr>
<th>Program</th>
<th>Description</th>
<th>Program Duration</th>
</tr>
</thead>
</table>
| Brownfield | • Contamination Assessment Study Grant Program  
    • Property Tax Assistance Program  
    • Development Charge Rebate  
    • Tax Increment Equivalent Grant | As directed by Municipal Council |
| Heritage  | • Tax Increment Grant  
    • Development Charge Equivalent Grant | As directed by Municipal Council |
Section 6

Implementing the Argyle Area Community Improvement Plan
The Argyle Community Improvement Plan (CIP) Action Items Table is organized into six improvement categories; Developing a High Quality Public Realm; A Safer Neighbourhood for All; Supporting Businesses; Enhancing Parks and Recreational Opportunities; Improved Mobility; and Strengthening the Community. Within each improvement category, there are community- and City-identified actions that arose during community and stakeholder consultation and have been developed through City Staff input. Action Items are aligned with the Objectives, Goals and Vision defined through the Argyle CIP process as presented in Section 4 of this CIP. Each action item identifies the lead (who is expected to coordinate implementing the action), the suggested partners (who can assist the lead), the priority (Do First, Do Second, and Do Third) and the relative cost associated with the action item.

### Actions Table

<table>
<thead>
<tr>
<th>Developing a High-Quality Public Realm</th>
<th>Action</th>
<th>Priority</th>
<th>Lead &amp; Suggested Partners</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Municipal Actions</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1 <strong>Develop a Streetscape Masterplan for the Dundas Street Corridor to support the London Plan vision for Urban Corridors as high-quality spaces with neighbourhood amenities including parks, civic spaces and attractive outdoor seating areas, accessible to the public.</strong></td>
<td>Do 1st</td>
<td>Environment &amp; Infrastructure – Transportation and Mobility Suggested Partners: Planning &amp; Economic Development – Community Planning, Urban Design &amp; Heritage</td>
<td>Low/Medium (future budget)</td>
<td></td>
</tr>
<tr>
<td>1.2 <strong>Seek opportunities to widen sidewalks as part of planned Infrastructure Renewal along Dundas Street</strong></td>
<td>Do 1st</td>
<td>Environment &amp; Infrastructure – Construction and Infrastructure Services Suggested Partners: Planning &amp; Economic Development – Community Planning, Urban Design &amp; Heritage</td>
<td>Medium (future budget)</td>
<td></td>
</tr>
<tr>
<td>1.3 <strong>Seek opportunities to include pedestrian scale lighting as part of existing and planned Infrastructure Renewal along Dundas Street.</strong></td>
<td>Do 2nd</td>
<td>Environment &amp; Infrastructure – Construction and Infrastructure Services Suggested Partners: Planning &amp; Economic Development – Community Planning, Urban Design &amp; Heritage Argyle BIA</td>
<td>Medium (future budget)</td>
<td></td>
</tr>
<tr>
<td>1.4 <strong>Make available the Upgrade to Building Code Loan, Façade Improvement Loan, and Rehabilitation and Redevelopment Tax Grant Incentive Programs</strong></td>
<td>Do 2nd</td>
<td>Planning &amp; Economic Development – Urban Regeneration Suggested Partners: Argyle BIA</td>
<td>High (future budget)</td>
<td></td>
</tr>
<tr>
<td>1.5 <strong>Ensure (where feasible) the immediate area around bus stops on Dundas Street are equipped with pedestrian friendly amenities including benches, bus shelters and waste receptacles.</strong></td>
<td>Do 1st</td>
<td>London Transit Commission Suggested Partners: Planning &amp; Economic Development – Community Planning, Urban Design &amp; Heritage Environment &amp; Infrastructure – Construction and Infrastructure Services</td>
<td>Medium (other budget)</td>
<td></td>
</tr>
<tr>
<td>1.6 <strong>Clean Dundas Street sidewalks on a more frequent schedule, and work in</strong></td>
<td>Do 1st</td>
<td>Argyle BIA Suggested Partners: Environment &amp; Infrastructure</td>
<td>Medium (future budget)</td>
<td></td>
</tr>
<tr>
<td>Action</td>
<td>Priority</td>
<td>Lead &amp; Suggested Partners</td>
<td>Cost</td>
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<tr>
<td>1.7 Develop a way-finding system with pedestrian-scale signs to allow visitors to explore the neighbourhood.</td>
<td>Do 3rd</td>
<td>Argyle BIA Suggested Partners: Argyle Community Association (ACA) Environment &amp; Infrastructure – Transportation and Mobility</td>
<td>Medium (future budget)</td>
<td></td>
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<tr>
<td>1.8 Seek opportunities to include street trees and greenery in the Dundas Corridor as part of existing and planned Infrastructure Renewal along Dundas Street.</td>
<td>Do 2nd</td>
<td>Argyle BIA Suggested Partners: Environment &amp; Infrastructure – Parks and Forestry/ Climate Change, Environment and Waste management</td>
<td>Medium (future budget)</td>
<td></td>
</tr>
<tr>
<td>1.9 Improve and support the streetscape and beautification projects that the Argyle BIA is implementing</td>
<td>Do 1st</td>
<td>Lead: Argyle BIA Suggested Partners: London Hydro &amp; Community Sponsors</td>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>2.1 Implement an annual ‘crime prevention through environmental design’ (CPTED) review of targeted areas along the Dundas Corridor.</td>
<td>Do 1st</td>
<td>Neighbourhood and Community-Wide Services (Neighbourhood Safety Audits) Suggested Partners: London Police Services Planning &amp; Economic Development – Community Planning, Urban Design &amp; Heritage Argyle BIA Argyle Community Association</td>
<td>Low (other budget)</td>
<td></td>
</tr>
<tr>
<td>2.2 Increase the frequency of proactive By-law Enforcement blitzes in the Dundas Street area.</td>
<td>Do 2nd</td>
<td>Planning &amp; Economic Development – Municipal Compliance Suggested Partners: Argyle BIA Planning and Economic Development – Community Planning, Urban Design &amp; Heritage</td>
<td>Low (future budget)</td>
<td></td>
</tr>
<tr>
<td>2.3 Continue to work with the Coordinated Informed Response initiative to identify neighbourhood issues and develop appropriate responses including proactive foot/bike patrols and targeted enforcement</td>
<td>Do 1st</td>
<td>Social and Health Development – Housing Stability Services Suggested Partners: London Police Services Argyle BIA London Cares Argyle Community Association</td>
<td>No cost</td>
<td></td>
</tr>
<tr>
<td>2.4 Continue to work with the Argyle BIA to install needle disposal bins along the Dundas Street Corridor.</td>
<td>Do 2nd</td>
<td>Neighbourhood and Community-Wide Services Suggested Partners: Argyle BIA London Cares Planning &amp; Economic Development – Community Planning, Urban Design &amp; Heritage</td>
<td>Low (existing budget)</td>
<td></td>
</tr>
</tbody>
</table>
2.5 Undertake a Safety Audit to identify and document specific safety concerns in the Argyle CIP Project Area. Do 2nd Lead: Argyle Community Association Suggested Partners: Neighbourhood and Community-Wide Services No cost

2.6 Engage Neighbourhood Watch London about expanding the Neighbourhood Watch Program to the Dundas Street Corridor. Do 1st Argyle BIA Suggested Partners: Neighbourhood Watch London Neighbourhood and Community-Wide Services (Neighbourhood Safety Audits) Argyle Community Association Low (other budget)

Figure 22: Actions Table improvement category 2 – A Safer Neighbourhood for All

<table>
<thead>
<tr>
<th>Supporting Businesses</th>
<th>Action</th>
<th>Priority</th>
<th>Lead &amp; Suggested Partners</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Actions</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.1 Provide and promote financial incentives including the Façade Improvement Loan, Upgrade to Building Code Loan and Rehabilitation &amp; Redevelopment Tax Grant Programs for the Dundas Street Corridor.</td>
<td>Do 1st</td>
<td>Planning &amp; Economic Development – Urban Regeneration Suggested Partners: Argyle BIA</td>
<td>High (future budget)</td>
<td></td>
</tr>
<tr>
<td>3.2 Create business support material to help businesses and entrepreneurs understand planning and development processes, and how to navigate City Hall.</td>
<td>Do 1st</td>
<td>Planning &amp; Economic Development – Economic Partnerships Suggested Partners: Argyle BIA Argyle Community Association Planning &amp; Economic Development – Urban Regeneration</td>
<td>Low</td>
<td></td>
</tr>
<tr>
<td>3.3 Incorporate Information, Communications &amp; Technology (ICT) infrastructure to “future ready” the Argyle CIP Project Area</td>
<td>Do 2nd</td>
<td>City of London Information Technology Services Suggested Partners: Argyle BIA Internet Service Providers Planning &amp; Economic Development – Urban Regeneration</td>
<td>Low (future budget)</td>
<td></td>
</tr>
</tbody>
</table>

Community Opportunities

<table>
<thead>
<tr>
<th>Community Opportunities</th>
<th>Action</th>
<th>Priority</th>
<th>Lead &amp; Suggested Partners</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.6 Strengthen the Argyle brand and work together with the Argyle BIA to improve the sense of place, stimulate investment and attract customers and visitors.</td>
<td>Do 1st</td>
<td>Argyle BIA Suggested Partners: ACA</td>
<td>Medium</td>
<td></td>
</tr>
<tr>
<td>3.7 Undertake a Business Attraction, Retention &amp; Expansion Strategy</td>
<td>Do 2nd</td>
<td>TBD Suggested Partners: Argyle BIA</td>
<td>Low</td>
<td></td>
</tr>
</tbody>
</table>

Figure 23: Actions Table improvement category 3 – Supporting Businesses
<table>
<thead>
<tr>
<th>Action</th>
<th>Priority</th>
<th>Lead &amp; Suggested Partners</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Municipal Actions</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.1 Promote and review the programs offered in the East Lions Community Centre (once finished) to ensure adequate programming is available to the neighbourhood.</td>
<td>Do 1st</td>
<td>Neighbourhood and Community-Wide Services Suggested Partners: Argyle ACA, Family Centre Argyle</td>
<td>Medium</td>
</tr>
<tr>
<td>4.2 Continue to support improvements in Kiwanis Park consider expanding the north entrance behind the Rexall pharmacy to improve accessibility by including landscaping, traffic movement, parking and lighting.</td>
<td>Do 2nd</td>
<td>Parks and Forestry – Parks Planning</td>
<td>Medium</td>
</tr>
<tr>
<td>4.3 Plant trees (where feasible) as per the Parks &amp; Recreation Masterplan to connect people and nature and build a sustainable city.</td>
<td>Do 1st</td>
<td>Parks &amp; Forestry Suggested Partners: ReForest London Neighbourhood and Community-Wide Services Environment &amp; Infrastructure</td>
<td>Medium</td>
</tr>
<tr>
<td>4.4 Install places to fill up water bottles along the Dundas Corridor.</td>
<td>Do 2nd</td>
<td>Water, Wastewater and Storm Water Suggested Partners: Neighbourhood and Community-Wide Services</td>
<td>Low</td>
</tr>
<tr>
<td>4.5 Continue to pursue additional sources for funding to support the UTRCA project of improving the habitat and water quality of the Pottersburg Creek</td>
<td>Do 3rd</td>
<td>Environment and Infrastructure – Climate Change, Environment &amp; Waste management Suggested Partners UTRCA Planning &amp; Economic Development Parks &amp; Forestry</td>
<td>No cost</td>
</tr>
<tr>
<td><strong>Community Opportunities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.6 Explore opportunities to organize ‘pop-up’ recreational programs and events on the parking lot of the Argyle Mall.</td>
<td>Do 1st</td>
<td>Argyle Community Association Suggested Partners: SmartCentres REIT Argyle BIA</td>
<td>No cost</td>
</tr>
<tr>
<td>4.7 Apply for the TreeME Tree Matching Fund program to secure funds for trees on private property</td>
<td>Do 1st</td>
<td>Individual Property-owners Suggested Partners: ReForest London Argyle Community Association</td>
<td>Low</td>
</tr>
<tr>
<td>4.8 Promote the annual Argyle specific Green and Clean Plan to encourage community clean-ups of the Dundas Corridor and parks.</td>
<td>Do 2nd</td>
<td>Argyle Community Association Suggested Partners: Parks &amp; Forestry Argyle BIA</td>
<td>No cost</td>
</tr>
<tr>
<td>4.9 Improve and expand recycling initiatives, e.g. identification of 'Street Ambassadors' who are interested in promoting cleanliness issues and help promote clean-ups, recycling and maintenance</td>
<td>Do 2nd</td>
<td>TBD Suggested Partners: Argyle Community Association Argyle BIA</td>
<td>No cost</td>
</tr>
</tbody>
</table>

Figure 24: Actions Table improvement category 4 – Enhancing Parks and Recreational Opportunities
### Improve Mobility

<table>
<thead>
<tr>
<th>Municipal Actions</th>
<th>Action</th>
<th>Priority</th>
<th>Lead &amp; Suggested Partners</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1</td>
<td>Seek opportunities to include a new pedestrian crossing (PXO) on Dundas Street near Beatrice St to create a safe pedestrian connection between Ontario Works Office, transit-stops and Service Ontario.</td>
<td>Do 1&lt;sup&gt;st&lt;/sup&gt;</td>
<td>Environment &amp; Infrastructure – Transportation and Mobility Suggested Partners: Argyle BIA Argyle Community Association</td>
<td>Medium</td>
</tr>
<tr>
<td>5.2</td>
<td>Continue to build and improve physical connections between the Dundas Corridor and the rest of London using roads, trails and pathways in accordance with the Parks &amp; Recreation Masterplan and Cycling Master Plan</td>
<td>Do 1&lt;sup&gt;st&lt;/sup&gt;</td>
<td>Environment and infrastructure – Transportation and Mobility</td>
<td>High</td>
</tr>
<tr>
<td>5.3</td>
<td>Review and consider increasing the walking signal time for pedestrians at intersections on Dundas Street</td>
<td>Do 2&lt;sup&gt;nd&lt;/sup&gt;</td>
<td>Environment and Infrastructure – Transportation and Mobility Suggested Partners: Argyle BIA – Randy Sidhu Argyle Community Association</td>
<td>Low</td>
</tr>
<tr>
<td>5.4</td>
<td>As part of the LTC service plans, a) identify opportunities to increase the frequency and convenience of bus service (in particular with Downtown and Fanshawe College) b) ensure that bus stops have the required infrastructure and amenities.</td>
<td>Do 2&lt;sup&gt;nd&lt;/sup&gt;</td>
<td>London Transit Commission Suggested Partners: Argyle BIA Argyle Community Association</td>
<td>High</td>
</tr>
<tr>
<td>5.5</td>
<td>Undertake an Infrastructure Renewal Project Needs Assessment for Dundas Street within the Argyle CIP Project Area.</td>
<td>Do 2&lt;sup&gt;nd&lt;/sup&gt;</td>
<td>Environment and Infrastructure – Construction and Infrastructure Services</td>
<td>High</td>
</tr>
</tbody>
</table>

### Strengthening the Community

<table>
<thead>
<tr>
<th>Municipal Actions</th>
<th>Action</th>
<th>Priority</th>
<th>Lead &amp; Suggested Partners</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1</td>
<td>Explore opportunities to construct purpose-built quality affordable housing that will contribute to the revitalization of the Argyle Core Area</td>
<td>Do 1&lt;sup&gt;st&lt;/sup&gt;</td>
<td>Housing Development Corporation Suggested Partners: Planning and Development – Community Planning, Urban Design &amp; Heritage Real Estate Developers and home builders Argyle BIA</td>
<td>High</td>
</tr>
<tr>
<td>6.2</td>
<td>Create information for services, projects and programs that foster support for cultural and natural heritage</td>
<td>Do 1&lt;sup&gt;st&lt;/sup&gt;</td>
<td>Argyle Community Association Suggested Partners: London Community Foundation Neighbourhood and Community-Wide Services Planning and Economic Development – Tourism London</td>
<td>Low</td>
</tr>
<tr>
<td>Community Opportunities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.3 Implement and update the Argyle Neighbourhood Action Plan</td>
<td>Do 1&lt;sup&gt;st&lt;/sup&gt;</td>
<td>Argyle Community Association Suggested Partners: Argyle BIA</td>
<td>No cost</td>
<td></td>
</tr>
<tr>
<td>6.4 Host a street festival in Kiwanis Park or the Argyle Mall by using the Block Party in a Box available through Neighbourhood and Community Services</td>
<td>Do 2&lt;sup&gt;nd&lt;/sup&gt;</td>
<td>Argyle Community Association Suggested Partners: Neighbourhood and Community Wide Services Argyle BIA</td>
<td>Low cost</td>
<td></td>
</tr>
</tbody>
</table>

Figure 26: Actions Table improvement category 6 – Strengthening the Community
Section 7

Monitoring & Evaluation
CIP Target Success Measures

The Argyle CIP was created to help achieve the Objectives as outlined in Section 2 of this report. The success of this CIP will be based on the Action Items being undertaken, achievement of the Objectives, alignment of results with areas of improvement and consistency with the London Plan. The table below provides target success measures that help to evaluate the success of the Argyle Core Area CIP.

<table>
<thead>
<tr>
<th>Targets</th>
<th>Indicator of Success</th>
</tr>
</thead>
</table>
| Quality Public Realm            | - Dundas Corridor is clean and well-maintained  
- Increased pedestrian traffic  
- Increased number of public spaces to sit and rest  
- Improvements in the ongoing beautification and streetscape project, including flower baskets, crosswalks, street banners, slogan signs and pole wraps.  
- Uptake of the Upgrade to Building Code Loan  
- Inclusion of missing amenities such as benches, waste receptacles                                                                                     |
| Crime Prevention & Safety       | - Improved pedestrian-oriented lighting  
- Increased awareness among Businesses about the Coordinated Informed Response initiative offering support to Londoners living unsheltered  
- Improvements to ensure compliance with property standards by-law including fencing issues  
- Petty crime (theft, trespassing) and drug-use occur less frequently in the Argyle CIP Project Area.                                                  |
| Support for businesses          | - Up-take of the Façade Improvement Loan Program  
- Argyle BIA will continue to expand its membership  
- Maximum of 5% vacancy on ground level commercial spaces incl. the Argyle Mall  
- Improved marketing material for potential new businesses  
- Targeted uses in key storefronts                                                                                                                       |
| Infrastructure                  | - As part of the Pottersburg Trunk Sewer Project, sidewalks are rehabilitated and where possible widened  
- Number of bicycle routes, connections and trails increases over time  
- Increased connectivity for pedestrians across the Dundas Corridor with a potential PXO or increased walking signal time |
| Identity                        | - Argyle’s distinct brand reflects its unique history and natural heritage  
- Increased number of businesses invest and participate in storefront Holiday Decorations  
- Implement a way-finding system with pedestrian-scale signs                                                                                           |
| Recreation & Community Events   | - Events are held to celebrate Argyle and foster social interaction  
- Increased number of public events in Kiwanis Park and the Argyle Mall                                                                                |
More (Residential) Growth
- Increase in building permit activity
- Uptake of the Rehabilitation & Redevelopment Tax Grant
- Number of residential units constructed within a consecutive four-year period exceeds the previous four-year period

Conserve Natural Heritage
- Increased tree planting and greenery within the Argyle CIP Project Area
- Entrance from Dundas Street to Kiwanis Park is more visible, accessible and landscaped

Baseline Conditions
For the indicators above, a number of Baseline Conditions were determined during the preparation of the CIP against which future information can be compared. These Baseline Conditions provide for a consistent and measurable framework for evaluating the ongoing regeneration in the Argyle Project Area. Variables and measures may be added to the Baseline Conditions.

<table>
<thead>
<tr>
<th>Measure</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Photo inventory of the condition of existing streetscapes</td>
<td>Streetscapes baseline appearance to be documented during 2021</td>
</tr>
<tr>
<td>Estimated vacancy rates at street level along the Dundas Corridor and Argyle Mall</td>
<td>5-6 vacancies in Mall, 10-15 in rest of BIA. During Covid vacancy rate was between 7.5%-10%, prior to Covid more between 5%-7.5%</td>
</tr>
<tr>
<td>Estimated vacancy rates at upper levels along the Dundas Corridor</td>
<td>Information to come</td>
</tr>
<tr>
<td>Building Rating: Poor Condition</td>
<td>Information to come</td>
</tr>
<tr>
<td>Building Rating: Fair Condition</td>
<td>Information to come</td>
</tr>
<tr>
<td>Building Rating: Good Condition</td>
<td>Information to come</td>
</tr>
<tr>
<td>Number of new businesses within the Argyle Project Area</td>
<td>14 openings in 2020</td>
</tr>
<tr>
<td>Number of members in the Argyle BIA</td>
<td>2020: 200 business members + 100 non-commercial properties 2021: 218 business members + 100 non-commercial properties</td>
</tr>
<tr>
<td>Incentive Activity</td>
<td>No incentive activity as no incentives were available</td>
</tr>
<tr>
<td>Residential Permit Activity</td>
<td>2 in last 6 years</td>
</tr>
<tr>
<td>Commercial Permit Activity</td>
<td>75 in last 6 years</td>
</tr>
<tr>
<td>Industrial Permit Activity</td>
<td>1 in last 6 years</td>
</tr>
<tr>
<td>Average Property Value</td>
<td>Information to come</td>
</tr>
<tr>
<td>Number of Activity generators in Dundas Corridor Sub-Area</td>
<td>Due to Covid 3 events, for 2021 at least 4</td>
</tr>
</tbody>
</table>
Number of Activity generators in Argyle Mall Sub-Area | 0
---|---
Estimated number of public parking spaces in Argyle CIP Project Area | Information to come
Number of listed Heritage Properties | 1
Number of Designated Heritage Properties | 1
Hectares of Parkland | 0.6 hectares

Figure 28: Baseline Conditions Argyle Core Area CIP

Argyle CIP Evaluation and Monitoring Report
A monitoring report will be prepared every five years to evaluate the status of the Argyle CIP and associated programs. The report and evaluation will be based on the changes to the Baseline Conditions as identified above, feedback from stakeholders, and any new issues or opportunities that have emerged. The report will recommend adjustments to the CIP if required and recommendations regarding the financial incentive programs based on the performance of the programs. Based on the experiences with administering other CIPs in London, the Monitoring Report will cover a four-year period. This four-year time span is sufficient to:
- Accumulate information on the uptake and monitoring of CIP incentive programs;
- Implement and assess impacts of capital projects and community actions;
- Incorporate projects into staff work plans; and,
- Implement the four-year budgeting cycle.

As part of the evaluation of the impact of the CIP, City staff has developed a database to monitor the implementation of the financial incentive programs. Information obtained through the Monitoring Database can be used to inform periodic adjustments to the incentive programs and used 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.

Façade Improvement Loan Program Monitoring
- Number of Applications (approved and denied);
- Approved value of the loan and the total construction cost (total public investment versus private investment);
- Pre-Assessment Property Value;
- Total Value of Building Permit (if required)
- Post-Assessment Property Value
- Increase in property taxes of participating property;
- Total Loan Amount
- Location of the façade being improved;
- Number of loan defaults; and,
- Cost/Value of loan defaults.

Upgrade to Building Code Loan Program
- Number of Applications (approved and denied);
- Approved value of the loan and the total construction cost (total public investment versus private investment);
- Pre-Assessment Property Value;
- Total Value of Building Permit (if required);
- Post-Assessment Property Value;
- Increase in property taxes of participating property;
- Total Loan Amount;
- Location of the façade being improved;
- Number of loan defaults; and,
- Cost/Value of loan defaults.
Tax Increment Grant
- Number of Applications (approved and denied);
- Pre-Assessment Property Value;
- Total Value of Building Permit
- Level of Grant (Type 1, Type 2 or Type 3);
- Post-Assessment Property Value;
- Number of residential units created;
- Increase in assessed property value of participating property;
- Total Grant Amount;
- Number of grant defaults; and,
- Cost/Value of grant defaults.

Data Collection
In addition to the quantitative, economic-based measures, monitoring of the Argyle CIP will include qualitative measures that characterize social and community benefits of implementing the CIP Action Items. Qualitative information illustrating the individual and cumulative impact of both public- and private-sector CIP projects should be collected on a regular basis. This could include the impact of public realm improvement projects on existing businesses and on community identity. Data can take many forms, including comments received by Staff from business owners, property owners and residents. The qualitative information and quantitative information from the Monitoring Database, will be reported to Council to provide a full, holistic picture of the impact of the CIP. The report will recommend any adjustments that might be needed to the CIP, and adjustments to incentive programs and/or eligibility criteria. The report will also provide budget-recommendations based on the performance of the programs.

Evaluation Outcomes
The summary report and evaluation will result in at least three types of outcomes:

1. **Amendments to the Argyle CIP**
   Changes to any of the content of this CIP, including the Vision and Objectives, boundaries of the Project Area of Sub-Project Areas, additions, deletions, or clarifications to the Actions Table or to the financial incentive programs. Amendments must follow the process described in the Planning Act. Consequential amendments may also be required to the London Plan and/or Zoning By-law.

2. **Adjustments to the Financial Incentive Programs**
   Changes to the terms, conditions and processes described in the financial incentive programs may be made without amending this CIP.

3. **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 Argyle 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 and reviewed as part of the multi-year budget requests, or any requested amendments made in consultation with the City Treasurer to approve four-year budgets.
Appendix A: Legislative Framework

This section provides an overview of the legislative authority for preparing and adopting the Argyle Area Community Improvement Plan.

Municipal Act, 2001

The Municipal Act, 2001 prohibits municipalities from directly or indirectly assisting any manufacturing business or other industrial or commercial enterprise through the granting of bonuses (Section 106 (1)). This prohibition is generally known as the “bonusing rule”. Prohibited actions include (Section 106 (2)):

- giving or lending any property of the municipality, including money;
- guaranteeing borrowing;
- leasing or selling any municipal property at below fair market value; and,
- giving a total or partial exemption from any levy, charge or fee.

However, Section 106 (3) of the Municipal Act, 2001 provides an exception to this “bonusing rule” for municipalities exercising powers under Subsection 28(6), (7) or (7.2) of the Planning Act or under Section 365.1 of the Municipal Act, 2001. This legislation states that Municipalities are allowed to prepare and adopt Community Improvement Plans (CIPs) if they have the appropriate provisions in their Official Plan.

Further, Sections 204-215 of the Ontario Municipal Act provide for the establishment of Business Improvement Areas, including their:

- purpose “to oversee the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the area beyond that provided at the expense of the municipality generally; and to promote the area as a business or shopping area”
- governance through a board of management consisting of the number of directors established by the municipality and functioning as a local board of the municipality for all purposes.
- membership consisting of persons who are assessed, on the last returned assessment roll, with respect to rateable property in the area that is in a prescribed business property class and tenants of such property

Planning Act

The Planning Act sets out the framework and ground rules for land use planning in Ontario, and describes how land uses may be controlled and who may control them. Section 28 of the Planning Act provides for the establishment of Community Improvement Project Areas where the municipality’s Official Plan contains provisions relating to community improvement and the Community Improvement Project Area is designated by a By-law pursuant to Section 28 of the Planning Act.

Community Improvement in Section 28 of the Planning Act is defined as “the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary.”

In addition, Section 28 of the Planning Act defines a Community Improvement Project Area to mean “a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason”.

Once a Community Improvement Plan has come into effect, the municipality may:

- acquire, hold, clear, grade or otherwise prepare land for community improvement (Section 28(3) of the Planning Act);
- construct, repair, rehabilitate or improve buildings on land acquired or held by it in conformity with the community improvement plan (Section 28 (6));
- sell, lease, or otherwise dispose of any land and buildings acquired or held by it in conformity with the community improvement plan (Section 28 (6)); and,
- make grants or loans, in conformity with the community improvement plan, to registered owners, assessed owners and tenants of land and buildings within the Community Improvement Project Area, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or any part of the eligible costs of the Community Improvement Plan (Section 28 (7)).

Section 28(7.1) of the Planning Act provides for grants and loans for eligible costs established in an approved CIP. This may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements, or facilities.

Section 28(7.3) of the Planning Act restricts the maximum amounts for grants and loans made under the Planning Act from exceeding the eligible costs defined in the CIP. Further, the total of all grants, loans and property tax assistance provided through financial incentive programs available in a CIP can’t exceed the cost of rehabilitating the lands and buildings.

**Official Plan**

The Official Plan includes policies to guide the development of CIPs for lands within the City as set out in Chapter 14. Consistent with these policies, the City may use CIPs as a planning tool to address deficiencies within designated areas in a coordinated and comprehensive manner. CIPs can also encourage private investment activity in these areas. Several community improvement objectives in the Official Plan relate to the Dundas Core Area including:

- Provide for the designation of “Community Improvement Project Areas” in areas of the City that exhibit problems of instability, building deterioration, inadequate municipal services and facilities, or inappropriate arrangement of land uses.
- Promote the long term stability and viability of designed “Community Improvement Project Areas”.
- Encourage the co-ordination of municipal expenditures and planning and development activity within designated “Community Improvement Project Areas”.
- Stimulate private property maintenance and reinvestment activity.
- Upgrade physical services and social and recreational facilities in designated "Community Project Areas”.
- Promote the improvement of energy efficiency standards for residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses within the designated community improvement project area.
- Support the implementation of measures that will assist in achieving sustainable development and sustainable living.
- Support the retention of heritage properties or areas.

**London Plan**

Approved by Municipal Council in June 2016 and by the Province in December 2016, The London Plan sets new goals and priorities to shape the growth, preservation and evolution of London over the next 20 years. As of June 2021, the majority of The London Plan is in full force and effect, with some policies and maps still under appeal to the Local Planning Appeal Tribunal.
Land Use & Urban Design Policies
In The London Plan, all lands within the City are assigned a Place Type that establishes policies that regulate the permitted development.

The properties fronting Dundas Street between Florence Street and Wavell Street are assigned the Urban Corridor Place Type. Urban Corridors will generally support mid-rise residential and mixed-use development. They will be places that encourage intensification over the life of The London Plan so that they can mature to support higher-order transit at some point in the future beyond 2035.

The most eastern section of Dundas Street is assigned the Shopping Area Place Type. Shopping Areas provide for a wide range of retail, service, business, recreational, social, education and government uses within easy walking distance from neighbourhoods. Shopping Areas will be well connected to public transit, local streets and other linkages allowing attractive options for walking and cycling to these destinations. These centres will be designed and developed to create a sense of place and identity and to establish an identifiable hub for commerce and neighbourhood services.

The most western section of Dundas Street is assigned the Rapid Transit Corridor. This Place Type support a similar form of development as the Urban Corridor, but at a slightly higher intensity. The Rapid Transit Corridors will be some of the most highly connected neighbourhoods in our City, linking to the Downtown and Transit Villages. Most of these corridors will be fundamentally walkable streetscapes, with abundant trees, widened sidewalks, and development that is pedestrian- and transit oriented.

East London Link- Bus Rapid Transit: This project is scheduled from 2022-2024 and has received funding support from the Government of Canada and the Government of Ontario. The East London Link will improve transit in East London: connecting Fanshawe College’s eastern and downtown campuses, support the revitalization of Old East Village and encourage development of the former London Psychiatric Hospital and McCormick’s lands. There is potential for buses to run every 15 minutes in mixed traffic along Oxford Street to the airport and an opportunity for a stronger link with the eastern industrial employment areas. In the East London Link, buses would be removed from mixed traffic with the goal of improving capacity in general traffic lanes and increasing transit frequency and reliability. On King Street, buses would travel in curbside transit lanes. Along the rest of the corridor, they would travel in centre-running transit lanes beside a small, curb-height median on the left and general traffic lanes on the right. Large concrete barriers would only be included near transit stations to enhance passenger safety. The project would coordinate necessary underground work, including replacing aging sewers and watermains. It would add dedicated turn lanes at signalized intersections to enhance driver safety and increase capacity, and active transportation infrastructure to support cycling and walking. To take advantage of environmental benefits and potentially lower operating costs, purchasing electric buses is being explored. Work required to complete this project:

- Revitalize 6.3 kilometers of road, from Downtown to Fanshawe College, while completing necessary underground work on sewers and watermains.
- Install transit stations
- Widen Highbury Bridge, Highbury Avenue and Oxford Street to establish continuous transit lanes. Install transit lanes on King and Dundas Street.
- Install smarter traffic signals to reduce intersection delays and shorten travel times, including transit signal priority, sensors and video.
Community Improvement Plan Policies

Community Improvement Plans are intended to provide City Council with the necessary tools to stimulate reinvestment and redevelopment, inspire appropriate infill and intensification, coordinate planning efforts, improve physical infrastructure, support community economic development, preserve neighbourhood and cultural heritage value, and lead to the establishment of an improved neighbourhood. The tools to implement community improvement plans may include incentives and targeted private and/or public investment to achieve the vision, key directions and policies in the London Plan. Council also may acquire, clear, and dispose of land to support community improvement and economic development, or use any other methods to support community improvement or environmental, social or community economic development that is permitted by the legislation.

Policy 1727 outlines the objectives community improvement is intended to meet. Several of these objectives relate to the Argyle Core Area including:

- Maintain and improve the public realm, including such things as streets, sidewalks, street lights, street trees, pathways, parks, open spaces, and public buildings.
- Maintain and improve municipal services including such things as the water distribution system, the sanitary and storm sewer systems, mobility network, transit services, and neighbourhood services.
- Encourage the coordination of municipal servicing expenditures with planning and development activity.
- Stimulate private sector property maintenance, repair, rehabilitation, redevelopment and other forms of private sector investment and reinvestment activity.
- Maintain and improve the physical and aesthetic amenities of streetscapes in both the public and private realms.
- Encourage the eventual elimination and/or relocation of incompatible and conflicting land uses and where this is not possible, encourage physical improvements to minimize the incompatibility/conflict.
- Promote the improvement of energy efficiency standards for residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses.
- Foster the revitalization and continued improvement of the Downtown and other existing commercial districts including but not limited to the Old East Village, the SoHo Area, and other established business districts.
- Upgrade social and recreational facilities and support the creation of affordable housing.
- Support the implementation of measures that will assist in achieving sustainable development and sustainable living.
• Improve environmental and social conditions.
• Promote cultural and tourism development.
• Facilitate and promote community economic development.
• Promote and improve long-term community stability, safety and quality.

Policy 1728 outlines the criteria used to identify an area for community improvement. Several of these criteria apply to the Argyle Core Area including:

• Deficiencies in physical infrastructure including but not limited to the sanitary sewer system, storm sewer system, and/or watermain system, streets, sidewalks, curbs, streetscapes and/or street lighting, and municipal parking facilities.
• Deficiencies in recreational, social or community facilities including public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities, and public social facilities.
• Commercial, residential, industrial and mixed-use areas with poor physical condition and/or poor visual quality of the built environment, including but not limited to building facades, building condition, streetscapes, public amenity areas and urban design.
• Vacant lots and/or underutilized properties and buildings which have potential for infill, redevelopment, expansion or development to better utilize the land base.
• Non-conforming, conflicting or incompatible land uses or activities that disrupt the predominant land use, function and/or viability of an area.
• A demonstrated interest in community improvement by the private firms within an area.
• Presence of potential or recognized cultural heritage resources.
• Known or suspected areas of environmental contamination.
• Lack or deficient affordable housing or mix of housing opportunities.
• Improvement to energy efficiency and/or renewable energy efficiency.
• Traffic and/or parking problems or deficiencies.
• Other significant barriers to the repair, rehabilitation, redevelopment or development of underutilized land and/or buildings.
• Other significant environmental, social or community economic development reasons for community improvement.

City of London By-law
The Argyle Core Area has a mix of zoning designations that reflects its range of existing and permitted uses including:

• Auto-oriented Commercial Corridor
• Multi-Family, High Density Residential
• Multi-Family, Medium Density Residential
• New Format Regional Commercial Node
• Open Space

Beyond the Argyle Core Area, the Argyle Study Area is primarily zoned for low density residential with General Industrial and Light Industrial zoning along the railway tracks and Veterans Memorial Parkway.

Existing Community Improvement Plans
The City of London has a variety of CIPs which are intended to stimulate targeted reinvestment, inspire infill and intensification opportunities, coordinate planning efforts, preserve neighbourhood and heritage character, enhance industrial, and other business opportunities, and aid in the cleanup of contaminated sites. Presently the City of London has 11 CIPs that have been adopted by Municipal Council, some of which are geographically based such as those for the Airport, Downtown, Hamilton Road, Lambeth Area, Old East Village and Soho, and some are based on site and/or building criteria including: Affordable Housing, Airport, Brownfield, Heritage and Industrial.
Appendix B: Land Use Maps

Figure 30: Land Use Argyle Study Area, 1989 Official Plan
Figure 31: Argyle Study Area Place Types, The London Plan
Figure 32: Land Use in Argyle, generalized zoning
Figure 33: Population Density in Argyle Study Area
Figure 34: Street Classifications London Plan
Appendix C: Study Area

Figure 35 illustrates the general boundaries for the Argyle Regeneration Study (The Argyle Study Area) and the Argyle Planning District. This Study Area was chosen for the following reasons:

- The Argyle Planning District was kept intact as much as possible, so the boundaries for the study area generally coincide with the boundaries of the Planning District. This allows for better data-comparison with existing demographic Argyle Trade Area Reports and the 2016 Census.
- The Canadian Pacific Railway, the Canadian National Railway, Veterans Memorial Parkway, Oxford Street East and Highbury Avenue North were viewed as existing boundaries that separate Argyle from other Planning Districts. These districts are East London and Carling Districts to the west, Huron Heights and Airport District to the north, Crumlin to the east and Hamilton Road to the south of the Argyle Area.
- Dundas Street is the main commercial and transit corridor within the study area, connecting Veterans Memorial Parkway with the Argyle Mall and Highbury Avenue. The Argyle BIA is located along Dundas Street, between Wavell Street and Highbury Avenue. In order to incorporate the full BIA and Dundas Corridor, the study area has been extended towards the west to include the Hale Street district.
- Another benefit of expanding the boundaries to the west, is that the study area will encompass the full Kiwanis Park North & Central and Pottersburg Creek instead of only half of the Park. This is a better reflection of the importance of this natural feature on the surrounding neighbourhood.

Based on the Argyle Area Regeneration Study, it was recommended that a Community Improvement Plan for the Argyle Area be undertaken. The Study identified that the Dundas Corridor was the core area of Argyle with the most pressing regeneration needs. Some of these reasons for community improvement are outlined below:

- The Dundas Street corridor and surrounding area can be described as an area in relatively poor condition; with an older building stock that was predominantly built before 1980, lack of landscaping and street trees in the streetscape, and significant issues around upkeep, security, littering and vandalism (graffiti). In addition, business-owners and residents have identified Dundas Street as an unpleasant public realm, especially for pedestrians and public transit users.
There are few places to sit, limited pedestrian crossings, garbage bins and/or transit amenities, and the large amount of hydro poles and numerous private driveway entrances further detract from the public realm.

- Although within Argyle relatively more building activity is concentrated along the Dundas Corridor, it can be concluded that there is less building activity density in Argyle and the Argyle BIA-area compared to the rest of the urban area of the city. There is a clear opportunity to redevelop and expand commercial, residential and employment options in Argyle and provide appropriate infill along Dundas Street, Clarke Road and on the London Psychiatric Hospital Lands. Financial and planning tools should be considered to incentivize quicker redevelopment.

- Argyle is a unique mixed-use area with significant amounts of commercial and industrial land uses. Especially along Clarke Road, First Street and Second Street, industrial and commercial industrial activities could threaten the surrounding residential character and amenity. A detailed analysis of the existing zoning and land use context could help to increase the viability and sustainability of these residential neighbourhoods by preventing adverse impacts from noise, odor and congestion and identifying opportunities for sensitive intensification.

- There is a strong need for more and better quality affordable housing in the Argyle area. The neighbourhood used to be known as more affordable and an area where young families could enter the housing market. This is rapidly changing, resulting in increasing average sold prices, low housing inventory and vacancy rates, and unfortunately also an increasing population of people experiencing homelessness. The lack of rent-geared-to-income housing and opportunities to age-in-place for senior residents are another indication of a need for more stable, and affordable housing options in Argyle.

- The older building stock in the area, with 70% built before 1980, indicates an opportunity to improve the energy efficiency of residential, institutional, commercial and industrial properties. This is further highlighted by the average residential electricity use & gas usage (measured in 2014), with Argyle predominantly in the red zones, meaning the highest 20% use (far above City average).

- There is a strong need for more and better quality affordable housing in the Argyle area. The neighbourhood used to be known as more affordable and an area where young families could enter the housing market. This is rapidly changing, resulting in increasing average sold prices, low housing inventory and vacancy rates, and unfortunately also an increasing population of people experiencing homelessness. The lack of rent-geared-to-income housing and opportunities to age-in-place for senior residents are another indication of a need for more stable, and affordable housing options in Argyle.

- The Argyle study area is experiencing deficiencies in the physical infrastructure. The pavement quality index on some streets is in poor to very poor condition, some streets are missing sidewalks and/or streetlights, and upgrades to sanitary services are necessary and on-going. Existing City programs do deal with infrastructure upgrade and renewal and the CIP study will provide an opportunity for the public to outline their preferences and priorities in the Argyle area.

- Argyle has significant areas with known environmental contamination, and some have undergone remediation measures, such as the large removal contaminated soil, sediment and debris from the former General Electric facility. More recently, the UTRCA released a Watershed Report Card for the Pottersburg Creek. Both the surface water quality and forest conditions were graded with a D (poor), which shows the necessity for more conservation efforts on private and public lands.

- Due to the high traffic volumes on major corridors such as Dundas Street, Highbury Avenue, Oxford Street, Clarke Road, Trafalgar Street and Veterans Memorial Parkway, automobile traffic patterns and congestion are an issue in Argyle. Many stakeholders raised concerns with the adverse impacts of congestion, such as time delays, increases in different forms of pollution, and frustrating driving conditions. The planned East Link of the Bus Rapid Transit system, additional sidewalks and bike lanes will alleviate some of the traffic issues in Argyle and shift to more sustainable and clean transportation options as an alternative to car-use. However, active transportation can only be a real alternative if the public realm is more attractive, pleasant and safe for all residents.

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The proposed Argyle Project Area is the area that has been determined to be in need of community improvement and represents the area where public realm improvement efforts will be focused and where financial incentive programs may be offered. The proposed Argyle Project Area includes all properties fronting Dundas Street, as well as the Argyle Mall located at Clarke Road. The proposed Argyle Project Area is generally defined as Highbury Avenue to the west, Canadian Pacific Railway to the north, Wavell Street to the east and Whitney Street to the south.

Figure 36: Argyle Project Area
Appendix D: Community Identified SWOT-analysis for the Argyle Study Area

<table>
<thead>
<tr>
<th>Category</th>
<th>Strengths</th>
<th>Weakness</th>
<th>Opportunities</th>
<th>Threats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Conditions</td>
<td>- Diverse Collection of land uses</td>
<td>- Lack of fresh food, Little residential growth</td>
<td>- Opportunities for residential infill and intensification</td>
<td>- Vacant buildings along the corridor</td>
</tr>
<tr>
<td></td>
<td>- Rich history of independent businesses</td>
<td>- Lack of a city-wide destination</td>
<td>- Development of urban design guidelines to help guide development</td>
<td>- Vacant/dilapidated buildings in visible locations threaten ability to attract businesses</td>
</tr>
<tr>
<td></td>
<td>- Main Street is good for business</td>
<td></td>
<td>- Rezone the Dundas Corridor to promote a greater mix of uses</td>
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<td></td>
<td>- Excellent Parks</td>
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<tr>
<td></td>
<td>- Residential Neighbourhood is stable</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Conditions</td>
<td>- Majority of buildings are in fair condition</td>
<td>- No financial incentive programs available to improve buildings</td>
<td>- Encourage &amp; incentivize property owners to improve their buildings and attract tenants</td>
<td>- Some buildings are in poor shape and contribute to negative atmosphere</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- LMHC are in poor condition/ vacant</td>
<td>- Opportunities for redevelopment</td>
<td></td>
</tr>
<tr>
<td>Heritage</td>
<td>- London Psychiatric Hospital Area is one of the most significant sites in history of mental health in Canada</td>
<td>- Low amount of designated heritage properties</td>
<td>- LPH-area can be designed as a more intensive urban village, while conserving cultural heritage</td>
<td>- Lack of consideration for heritage features</td>
</tr>
<tr>
<td>Public Realm &amp; Streetscape</td>
<td>- Kiwanis Park is one of the largest City Park</td>
<td>- Poor (or non-existing) sidewalks</td>
<td>- Promote walking and cycling in Argyle</td>
<td>- Underused laneways contribute to crime in area</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Bus stops are poor</td>
<td>- Improvements to the corridor to address many of the weaknesses and attempt to better balance vehicular and pedestrian traffic</td>
<td>- Many different construction projects could be disruptive for residents and road users</td>
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<tr>
<td></td>
<td></td>
<td>- Some local roads have no curbs</td>
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<td></td>
<td></td>
<td>- Poor streetlighting</td>
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<tr>
<td></td>
<td></td>
<td>- Hydro poles further limit public realm</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>- Limited pedestrian crossing</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>- Lack of street trees</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>- Lack of places to sit and linger</td>
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<tr>
<td></td>
<td></td>
<td>- Lack of garbage bins (garbage on sidewalks)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic &amp; Parking</td>
<td>- Some on street parking is available, Argyle Mall has large parking-lots</td>
<td>- Many businesses along Dundas have their own lane-entrance or egress point, hard to get in/out</td>
<td>- Provide additional off-street parking</td>
<td>- High vehicle-speeds on Dundas</td>
</tr>
<tr>
<td></td>
<td>- Many different bus-routes</td>
<td>- Heavy vehicle and truck traffic contribute to a reduction in pedestrian environment</td>
<td>- Analyze the requirements for on-site parking</td>
<td>- Lack of enforcement and police-presence</td>
</tr>
<tr>
<td></td>
<td>- Lots of traffic, so good exposure for businesses</td>
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</table>

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<table>
<thead>
<tr>
<th>Issues Providing Parking</th>
<th>Servicing</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Narrow sidewalks</td>
<td>- Neighbourhood has full municipal services</td>
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<tr>
<td></td>
<td>- Perception that snow-clearance of roads and sidewalks is lacking</td>
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<td></td>
<td>- No lighting on local streets</td>
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<td></td>
<td>- Roads in poor conditions</td>
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<td></td>
<td>- Great need for roadwork, sewer and infrastructure improvements</td>
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<td></td>
<td>- Opening East Lions Community Centre</td>
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<td></td>
<td>- Perceived feeling that Argyle is ‘overlooked’</td>
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<tr>
<td></td>
<td>- Need more garbage-emptying (Nov. &amp; Dec.)</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Crime &amp; Safety</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Sense of community, lot of positive people</td>
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<tr>
<td>- Loyal East-enders</td>
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<tr>
<td>- Issues with drugs and prostitution in the Neighbourhood</td>
</tr>
<tr>
<td>- Crime is common, including burglary, (vehicle) theft, arsons and robberies</td>
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<tr>
<td>- Residents feel unsafe in local parks and streets</td>
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<tr>
<td>- Crime prevention through better design (CPTED)</td>
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<tr>
<td>- Enhance by-law and police enforcement and patrols in Argyle</td>
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<tr>
<td>- Bring back Neighbourhood-watch program</td>
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<tr>
<td>- Promote and expand the Active and Safe Routes to School Program</td>
</tr>
<tr>
<td>- Underused or abandoned alley-ways contribute to crime in the area</td>
</tr>
<tr>
<td>- Argyle Mall feels unsafe at night</td>
</tr>
<tr>
<td>- Lack of Lighting contributes to perceived unsafety</td>
</tr>
</tbody>
</table>

Figure 37: Community identified SWOT-analysis for the Argyle Study Area
Recommendation

That, on the recommendation of the Director, Planning and Development, the attached background report, including draft proposed London Plan and Zoning By-law amendments to implement directions contained in the Council-approved Urban Agriculture Strategy, BE CIRCULATED for public review and comment in advance of a Public Participation Meeting to be scheduled at a later date.

Executive Summary

Purpose and Effect of Recommended Action

The proposed London Plan and zoning by-law amendments would provide more flexibility for the growing of food on City of London lands located within the Urban Growth Boundary. This will implement actions identified in the Urban Agriculture Strategy, adopted by Council in November 2017. This information is being circulated to provide for public consultation prior to final amendments being recommended at a future public participation meeting before the Planning and Environment Committee.

Rationale of Recommended Action

1. The draft amendments to the London Plan Food Systems chapter, and to Zoning By-law Z.1 provides more opportunities to allow for the growing of food within the City’s Urban Growth boundary (UGB).

2. Before the final amendments are recommended and considered by City Council, public and urban agriculture community input is required.

Linkage to the Corporate Strategic Plan

The proposed amendments implement three strategic areas of focus of Council’s Strategic Plan;

1. Strengthening Our Community;
2. Building a Sustainable City; and,
3. Growing Our Economy.

Analysis

1.0 Background Information

The Urban Agriculture Strategy was adopted by Council in November 2017. The Strategy identified five broad categories: growing, processing, distribution, food loss and recovery, and education and connection as the basis of the Strategy. Under each category, community-identified priorities were described, and a series of actions were identified for these priorities. For each action, roles were identified for each of the partners (Urban Agriculture community, Agencies and City).
The Goals of the Strategy are to:
1. Develop a strategy to direct urban agriculture efforts in the City of London;
2. Address all aspects of urban agriculture within the city and present policy and regulation amendments where necessary;
3. Determine the roles and responsibilities of the City and community in the implementation of the strategy;
4. Address gaps that may exist in providing for urban agriculture; and,
5. Outline criteria for pilot site selection and/or urban agriculture projects.

This review will address the second and fourth goals of the strategy.

After the Strategy was approved by Council and an Urban Agriculture Steering Committee was established to direct the implementing the Strategy, the urban agriculture community, agencies and the City started projects to implement directions of the Strategy. In 2019/2020 the City approved three zoning by-law amendments which focused on the distribution component of the Strategy; Farm Gate Sales (PEC - November 18, 2019), 21 Norlan Avenue (PEC- December 2, 2019) and Household Sales (PEC- July 15, 2020) which all provided improved access to fresh produce for City residents.

This review will consider changes in London Plan policies and Zoning By-law regulations to allow the growing of food on all lands within the UGB.

1.1 The Focus of this Study

This study will focus on urban agriculture which occurs on lands within the urban growth boundary as opposed to rural agriculture which occurs on lands outside the urban growth boundary (see below)
Both urban and rural agriculture involve the growing of food but the scale of the activity is typically different and the use of mechanical equipment for rural agriculture is needed because of the scale of operation. Urban agriculture tends to be more labour-intensive, and is most often for personal use.

The study is also only focused on the “Growing” component of the Urban Agriculture Strategy, specifically focusing on urban farms and urban foodscaping, and does not include livestock such as backyard chickens. The intent of the proposed draft amendments is to encourage growing on vacant lands, underutilized lands, vacant buildings, rooftops and converted shipping containers. Growing in parks and City rights of way will be reviewed, discussed with others and further additional changes may be recommended later.

Currently the London Plan policies and Zoning By-law regulations do not provide clear direction on where growing is allowed. Other City processes such as the Site Plan process, Streets By-law, Parks and Recreation Area By-law and Special Events Manual also can impact the growing of food. The Ontario Building Code also impacts the building of structures which are a component of urban agriculture. These by-laws and processes will also be reviewed, discussed with others and further additional changes may also be recommended later.

This study focuses on planning policies and zoning by-law regulations that impact the growing of food. As mentioned above there are other non-planning policies, regulations and processes which can impact urban agriculture, but these will not be part of this study. They will be briefly discussed because a number of them are interconnected with planning policies, but further discussions are required with others before changes are made.

Although the intent of this study is to make changes to encourage the growing of food there are other considerations, we must address in recommending any amendments. These include potential land use impacts, health and safety concerns, the undermining of other planned uses, impacts on natural heritage and hazards and on-going maintenance. All will be considered through the study.
1.2 Genesis of the Study

In 2020 the London Food Bank proposed to construct a greenhouse as part of their facility in London South to grow fresh food for their clients. In pursuing this initiative, they experienced a series of issues, including the need for a zoning by-law amendment to permit the greenhouse.

In August, 2020, representatives of the London Food Bank appeared before Planning and Environment Committee. The initial request from the Food Bank was to waive application fees for a greenhouse to be built on the Food Bank property; however, it was determined that policy and regulation changes were also required before building permits could be issued. As a waiver of fees was not possible, it was recommended that the City initiate an application on their behalf. It was also noted that staff resources were not available to lead this project. The London Food Bank, through their Consultant (John Fleming, former City Planner), would provide the staff resources to undertake the background research to support the application.

This review was combined with two urban agriculture related projects on the Long Range Planning and Research 2021 Work Program; allowing greenhouses within the Urban Growth boundary and a review of where growing of food is permitted within industrial areas in the regulations and zones of the Zoning By-law.

On August 25, 2020 Municipal Council resolved that:

The Civic Administration BE DIRECTED to initiate the requested City-wide application on behalf of the London Food Bank, with respect to the removal of barriers to growing food; it being noted that the Planning and Environment Committee reviewed and received a communication dated July 30, 2020, with respect to this matter.

Initial discussions between City staff and the Food Bank have led to a desire to complete a broad review of the London Plan policies and Zoning by-law regulations focused on the growing of food. The City is responsible for managing the project and for any final recommendations related to possible Official Plan and/or zoning by-law amendments. The consultant for the London Food Bank is providing the background research and draft recommendations that will be used by staff to support any future recommended policy or by-law amendments.

In the interim, the Food Bank was issued a temporary building permit for their greenhouse, which expires the end of December 2021. This will allow this study to be completed. A full building permit will be required later for the greenhouse.

1.3 Process to Date

The project was initiated in early March 2021. The Public Notice on the review was provided on March 31, 2021 to all internal City Departments, agencies and urban agricultural groups requesting initial comments. Londoner Notice was provided April 1, 2021.

During March and April, presentations by the consultant and staff were given at meetings with the Urban Agriculture Steering Committee (UASC), Friends of Urban Agriculture (FUAL), Agriculture Advisory Committee (AAC), Advisory Committee on the Environment (ACE) and Middlesex London Food Policy Council (MLFPC). An overview of the project, discussion with the members of the committees, and a request for initial comments on issues they had faced in the past doing urban agriculture projects.

In April a series of meetings were held between Long Range Planning and Research and staff from Zoning; Site Plan; Building; Parks and Recreation; Neighbourhood, Fire and Children’s Services, and Engineering to describe the project and get initial feedback on the proposed amendments and other ideas to reduce barriers to urban agriculture.
1.4 Other Municipalities Review

A number other Canadian municipalities have established approaches to urban agriculture.

The City of Toronto started to support urban agriculture in 1993. In 2002 policies were developed for rooftop gardens and by 2006 policies to support urban agriculture were approved in their Official Plan City-wide. In 2009 Council resolved to support urban agriculture efforts. An introductory report “Scaling up Urban Agriculture in Toronto: Building the Infrastructure-Opportunities and Barriers” was produced in 2010 and an Urban Agriculture Action Plan (Grow TO Process) was adopted in October 2012. In 2013 an Urban Agriculture Program was introduced, including a City Sector Steering Committee, a staff working group and a work plan.

Since that time the City has been allowing the growing of food by non-profit groups in public parks, community centres, housing co-ops, apartment buildings, community health centres, universities, schools and churches not only on the ground but also on rooftops. The City also allows growing in front yards and allows backyard gardens to be harvested by non-residents. Toronto has also allowed the construction of greenhouses at seniors’ residences, schools and community centres.

The City of Vancouver is another Canadian municipality which has a long history of supporting urban agriculture. A Food Policy Council was established in 2004, a Food Charter was adopted in 2007, the Greenest City 2020 Action Plan and Food Strategy were completed in 2013, a new urban agriculture policy was completed in 2015 and Vancouver is currently preparing urban farm guidelines. Vancouver permits “as-of-right” growing in your own personal garden, community gardens, urban farms and in some cases on boulevards: has a Urban Farming Guidebook and has a urban farming business license category.

The cities of Ottawa, Edmonton and Hamilton have also made policy and regulation changes to implement urban agriculture. Some highlights include:

- **Ottawa** has a Development Reserve (DR) Zone which allows agricultural uses within the urban area and has a separate Urban Agriculture By-law.
- **Edmonton** has had urban agriculture zoning since 2013 and requires a development permit and site plan application for urban outdoor farms, urban gardens and urban indoor farms.
- **Hamilton** prepared a report in 2013 on current policies and practise for urban agriculture, established an urban agriculture working group and co-ordinated changes through the Neighbourhood Development Strategy Office. They make a distinction of purpose for urban agriculture, ie. Non-profit vs. profit and limit scale of urban agriculture to less than 1 acre.

2.0 The Background Study

The attached Background Study prepared by the consultant outlines the intent and rationale for the study, some of the London Plan policies and Zoning By-law Z-1 regulations which have impacted urban agriculture activities and suggested possible amendments to address those impacts. Rationale for the proposed amendments is also provided.

The proposed amendments are to the London Plan and Zoning By-law Z-1. The Background Study also notes that other City processes, such as the Site Plan Approval process, may also require changes to be supportive of urban agriculture, however these require further discussion. A future report will include recommended final amendments to the London Plan and Zoning By-law Z-1 but may include possible changes to other City By-laws and processes arising from the consultation. Separate reviews and reports may be undertaken to address other related processes which impact the growing of food in urban areas.
3.0 Future Process

Following Council’s direction, the background report will be circulated to the urban agriculture community, agencies and other City Departments for comments, and possible further meetings, over the summer months.

For the general public, Londoner notice will be provided again. The City’s Urban Agriculture webpage is currently being updated for AODA compliance, and when completed, will serve as a “one-stop” resource for urban agriculture information and this project.

It is expected that a final report, with recommended amendments, will be presented to Planning and Environment Committee (PEC) at a public meeting in the fall of 2021.

Conclusion

The Background Study, which includes possible amendments to the London Plan and Zoning By-law Z-1 is intended to initiate discussion and lead to possible changes to encourage and support the growing of food within the City’s urban growth boundary.

Prepared by: W.J. Charles Parker, MA
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Making Urban Agriculture Easy

Creating an enabling policy and regulatory environment for urban agriculture in London
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   5.3 Growing Food in City Boulevards
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Prepared for the City of London
John M. Fleming
June, 2021
1.0 PURPOSE OF THIS STUDY

Growing food in urban areas is gaining momentum across Canada with the aim of helping to address climate resiliency, food security, social connectedness and food access equity. The City of London is committed to supporting urban forms of agriculture and has stated its desire to “create an enabling policy environment for urban agriculture by encouraging the development of supportive municipal policies, regulations and by-laws and removing policy barriers”.

The scope of this report is limited to policy and regulatory considerations. While there are many other factors to consider in support of urban agriculture - such as programming, investment, use of City lands and municipal fees, etc. - the purpose of this report is to identify existing barriers to growing food in London’s urban areas posed by policy and regulatory obstacles and to recommend changes necessary to eliminate them. The intent is to create a policy and regulatory structure that will allow urban agriculture to occur more easily within London’s Urban Growth Boundary. Additional issues outside of this scope, raised by various groups during the information gathering process for this study, are outlined at the end of this report.

This report is structured such that primary barriers to growing food are identified and recommended actions to address these barriers are outlined. The report brings together this analysis with specific proposed amendments to the London Plan, the Z-1 Zoning By-law and the Site Plan By-law amendments. The report will be tabled with Municipal Council and circulated for feedback. These proposed amendments will be modified accordingly and submitted by Staff to Council in the Fall of 2021 for their consideration, deliberation and approval.
2.0 BACKGROUND

2.1 The importance of growing food in urban areas of London

In November of 2017, Municipal Council for the City of London adopted an Urban Agriculture Strategy. This Strategy defined urban agriculture as “the practice of growing, processing, sharing and distributing food” specifically within the urban parts of London (the Urban Growth Boundary). This report will focus specifically on the growing of food in urban areas.

London is located within one of Canada’s most productive agricultural areas. Recognizing this, the Urban Agriculture Strategy acknowledged that growing food within urban areas of London is not intended in any way to supplant the primary function of growing food within the City’s rural areas. However, it recognized that growing, processing and distributing food within London’s Urban Growth Boundary has many important benefits as a supplementary means for providing food to Londoners:

• It can make London more resilient to food chain disruptions (like that seen through Covid-19)
• It can supply a meaningful amount of nutritious food to social enterprises that help vulnerable populations in London
• It can help London to adapt and be more resilient to climate change
• It can often reduce transportation requirements relating to fresh food grown in agricultural fields in and around London – “short circuiting” long distance transportation from field, to wholesaler, to retailer, to consumer
• By reducing transportation costs, it can significantly reduce the climate impact of food distribution
• It can allow for the utilization of unproductive urban buildings and sites, taking advantage of existing urban infrastructure and helping to revitalize urban areas
• It can create a sense of pride in local neighbourhood food production
• It can create employment and economic development opportunities
• It can create neighbourhood level (hyper local) food supply for nearby caterers, restaurants, social service organizations, institutions and other businesses within a community
2.2 The opportunity for growing food within urban areas of London

The value of growing food has been well recognized in Canada’s history. For example, during the Great Depression of the 1930’s and during both World War I and II, “Relief Gardens” and “Victory Gardens” were widely promoted and planted in urban areas. They provided significant amounts of food to Canadians, but also clearly demonstrate the powerful community impact of growing food together within urban neighbourhoods.

With a similar mindset, it is evident that there are plentiful opportunities to grow food in London’s urban areas:

- Underutilized parking lots
- Underutilized yards within industrial, institutional and commercial lands
- Residential backyards
- Within vacant buildings or portions of buildings
- Rooftops
- Balconies
- Open spaces that are often constrained from development – public and private
- Parks
- Municipal street right-of-ways

And, given current technologies, there are many different ways to grow food:

- Within existing ground soils
- In raised beds and planters
- In greenhouses of various types
- Within buildings using hydroponics and vertical growing infrastructure
- On top of buildings in green roofs
- In shipping containers specifically converted to grow food

Recognizing the wide range of opportunities for growing food in urban areas of London, it is important to identify and eliminate policy and regulatory barriers to doing so, so that we can unlock the tremendous benefits of growing food within our urban communities.
2.3 Important considerations for growing food in urban areas of London

There are several important considerations, when growing food within urban areas of London. These should not be seen as impediments to growing food, but rather must be identified and mitigated by shaping when, where and how food can be grown in urban areas—so that it occurs in the right places and in the right form.

1. It’s important that the potential land use impacts of growing food are recognized and addressed. For example, the stockpiling of nutrients/fertilizers would not be appropriate within an urban setting. This is well addressed through the Nutrient Management Act and the Ministry of Environments regulations and requirements relating to compost materials obtained from an off-site source for larger operations. Potential lighting impacts from greenhouses is another concern that needs to be addressed within certain contexts. And, built form considerations can be important, depending upon the location of a greenhouse or shipping container and its impact on the character of an area & its surrounding uses.

2. Health and safety issues are always paramount when considering the development and use of land—and this equally applies when considering growing food. All structures that may be used for growing food must meet the requirements of the Ontario Building Code and the National Farm Building Code of Canada. This is important when considering such things as rooftop gardens, growing food within existing buildings, or when constructing greenhouses of applicable types and sizes. It is also important to understand the potential for soil and water contamination when growing food in ground soils and to meet all applicable provincial and Health Unit requirements. And, it is important to protect groundwater and environmental integrity acting in conformity with the Ontario Pesticides Act. In summary, it is important for anyone growing food within an urban context to ensure that they are meeting all provincial and municipal requirements to produce safe and healthy food within a safe physical environment.

3.0 EXISTING BARRIERS AND RECOMMENDED SOLUTIONS

The following section addresses key policy and regulatory barriers to growing food in London. For each barrier, a solution is recommended. These solutions are expressed at a high level, with more detail provided in the “Recommended Amendments” section of this report.

Barrier #1 - Agriculture isn’t clearly permitted within urban areas of London

The London Plan is unique as an Official Plan in Canada, in that it includes a full chapter devoted to planning for “Food Systems” in London. These Food Systems policies emphasize the City’s goal to support and invest in a sustainable food system that contributes the “the economic, ecological and social well-being of our City and region.”

While the Food Systems policies of the London Plan are innovative on the Canadian landscape, they have some limitations that may present a barrier to growing food within the Urban Growth Boundary. They
do not establish agriculture as an explicitly permitted use, nor do they identify where this use would be permitted or how it would be regulated within urban areas. Furthermore, the Urban Place Type policies of the Plan are generally silent on agriculture as a permitted use, with the exception of the Neighbourhood Place Type which refers to urban agriculture within its vision and objective-related policies - but still does not list agriculture within its range of permitted uses.

The current definitions in the Zoning By-law also create some confusion as it relates to allowing for growing food within urban areas, leaving questions as to what is, and is not, permitted.

The definition of “Urban Agriculture” is helpful, but goes well beyond permissions for simply growing food. So, broadly allowing the growing of food across the City under this definition would also allow for the broad permission of other uses that have been bundled therein, such as “light” food processing and retail sales. This use is only permitted on one site in the entire City.

“URBAN AGRICULTURE” means the use of lands, buildings or structures for the purposes of growing, sharing, and distributing food or beverage and may include the processing of food or beverage by the use of hand tools or small-scale, light mechanical equipment. It can involve a range of different activities operating either together or individually, including the cultivation of plants, together with accessory uses including retail sales, composting plants grown onsite, outdoor storage, and buildings and structures ancillary to the operation of the site and for the extension of the growing season, but does not include the growing, processing, distribution or retail sales of cannabis. (Z.-1-182697)

The definition of Agricultural Use is similarly expansive and goes well beyond simply growing produce. It includes the raising of livestock. This is entirely appropriate within a rural setting and it is logical to expect that this use was defined with the rural part of London in mind. However, given the expansive range of activities included in this use, it would not be appropriately applied within urban parts of the City.

"AGRICULTURAL USE" shall mean the use of land, buildings or structures for; the tillage of soil, growing and harvesting of vegetables, fruits, field crops, mushrooms, berries, trees, flowers or landscaping materials; the grazing, breeding, raising, boarding or training of all kinds of livestock and poultry including but not limited to cattle, swine, sheep, deer, goats, rabbits, poultry, horses, ponies, donkeys, mules and fur bearing animals; aquaculture; apiaries; the erection and use of greenhouses, vine crops, woodlots and forest tree uses; and the packing, treating, storing and sale of produce produced on the premises and other similar uses customarily carried on in the field of general agriculture. (Z.-1-051390)

Similarly, several other agriculturally-related definitions in the Zoning By-law are targeted to rural areas and allow for a broader range of uses than simply growing food. They would not be appropriate for the broad permission of agriculture throughout the City.

**Recommended Solution:**

The Food System policies of the London Plan follow the structure of its other City Building policies. They begin by explaining what a food system is, explain why it is important to London’s future, outline the objectives of the policies, and then identify how the policy objectives will be achieved. This last section “How Are We Going to Achieve This?” is currently divided into four sub-sections:

1. Comprehensive Food System Planning – speaking to a broad range of actions that will be considered in an integrated way to support food systems
2. Community Benefit – speaking to food system actions that support community and social goals
3. Public/Private Partnerships – outlining the potential for partnerships to deliver urban agriculture in the community
4. City Investment – identifying the potential role of the City in investing in urban agriculture
It is recommended that a fifth sub-section be added to these policies that is explicitly devoted to growing food. This new sub-section should create a policy framework that establishes urban agriculture as a land use and identifies where this use will be permitted and how it will be planned for. To address land use impact and health and safety issues stemming from growing food within urban areas, the policies should indicate that such activity will be subject to all other policies of the London Plan, regulations of the Zoning By-law and all applicable legislation and regulations.

**Barrier #2 - It isn’t clear where growing food is, and is not, permitted within urban areas of London**

As noted above, the Food Systems chapter of the London Plan is generally silent on where urban agriculture, or the growing of food, is permitted within urban areas. The only Urban Place Type which includes policies relating to permissions for urban agriculture is the Neighbourhood Place Type. The “How Will We Realize Our Vision” Section of the Neighbourhood Place Type includes the following policy: “Facilities to support neighbourhood urban agricultural systems may be integrated into neighbourhoods”. However, there is no mention of urban agriculture or growing food within the list of permitted uses within the Neighbourhood Place Type. This is in contrast to the Farmland Place Type which explicitly lists “agricultural uses…and associated on-farm buildings and structures that support the farm operation...” as a permitted uses.

The Zoning By-law is also silent on permissions for growing food within most urban zones. A search was conducted for presence of agriculture-related permitted uses in all of the standard zones applied to urban areas of London. The following shows which zones explicitly list these permitted uses:

- “Agricultural Uses” - Environmental Review, Urban Reserve Zone and Waste Resource Management Zones
- “Cultivation of land for agriculture/horticulture” – Open Space (OS1, OS2 and OS4) Zones
- “Farms” – Resource Extraction Zone
- “Garden Store” – Restricted Service Commercial (RSC5) Zone

Furthermore, the Zoning By-law does not explicitly list “urban agriculture” or “greenhouses” as permitted uses within any of the standard zones applied to urban areas of London. In both cases, these uses are only permitted by special provisions that apply to a small number of specific sites.

**Recommended Solution:**

It is recommended that the aforementioned new sub-section, to be added to the Food Systems policies of the London Plan, establish that growing food will be permitted in all Urban Place Types. It should clarify that such permission will be subject to the regulations of the Zoning by-law and all applicable legislation and regulations. The policies should similarly clarify that greenhouses will be permitted within all Urban Place Types, also subject to Zoning and legislative regulations.
It is further recommended that the Zoning By-law be amended to broadly allow for growing food across all zones in the urban area. Section 4.26 – “Uses Permitted in Listed Zones” should be amended to allow for urban agriculture in all zones (with the exception of the Agricultural Zones). In doing so, urban agriculture can be broadly permitted in the urban area, without the need to amend the list of permitted uses within all of the standard urban zones. Furthermore, the regulations associated with each zone will be maintained relating to any structure to be used for urban agriculture – thus ensuring that size, set-backs, heights and other regulations of the relevant zone are maintained.

**Barrier #3 – The Zoning By-law severely restricts where greenhouses are permitted in urban areas**

As noted above, none of the standard zones applied to urban areas list greenhouses as a permitted use. Furthermore, the definition of greenhouse in the zoning by-law explicitly states that “A greenhouse of less than 10 square meters is considered an accessory structure in accordance with Section 4.1 of this by-law”. This has been interpreted to mean that any greenhouse larger than 10 square meters cannot be considered a permitted accessory use. 10 square meters (108 sq.ft.) is the size of a residential garden shed and precludes any reasonable sized greenhouses as an accessory use within any zone.

**Recommended Solution:**

The Zoning By-law includes a range of uses relating to greenhouses – “Greenhouse”; “Greenhouse, Commercial; and “Greenhouse Farm”. To avoid complications which could occur if the same definition for greenhouse is used in both the urban and rural parts of London, it is recommended that a fourth definition of greenhouse be added, called “Urban Greenhouse”. This use should be limited to greenhouses devoted to growing food and exclude “Greenhouse Commercial”. The Urban Greenhouse use can clearly preclude processing and sale of food, the raising of livestock or poultry and the growing of cannabis.

It is further recommended that this new “Urban Greenhouse” use should be permitted within all zones in the urban area through Section 4.26 of the Zoning by-law – “Uses Permitted in Listed Zones”. In doing so, urban greenhouses will be broadly permitted across the City, without the need to amend the list of permitted uses within all of the standard zones. Furthermore, the regulations associated with each zone will be maintained relating to greenhouse structures.
Barrier #4 - It isn’t clear when site plan is required for greenhouses

Greenhouses within rural areas are generally very large and take advantage of economies of scale to make them economically viable. Conversely, greenhouses within urban settings are comparatively small and their viability can be easily undermined by processes that are complex or impose additional costs. This can be the case, where site planning is required for a very small greenhouse, a greenhouse that is devoted to donating produce to vulnerable populations, or a greenhouse that is simply serving to extend the growing season through the Spring and Fall. Site plan processes come with application fees and the need for consultants to prepare engineering and landscape plans.

Recommended Solution:

The site plan review process is a mechanism to plan properly for new development and address a broad range of issues relating to servicing, compatibility and fit within its surrounding context. For a greenhouse within an urban setting, issues such as stormwater run-off, the impact of lighting on adjacent properties and visual impact can all be addressed through site planning.

That said, a variety of development types are exempt from site plan processes under London’s Site Plan Control By-law. For example, the construction of a single detached or semi-detached or duplex dwelling on a freehold lot generally does not require site plan approval. The Site Plan Control By also exempts “agricultural and farm related buildings, building additions, building alterations or structures that are utilized in farming operations...” It is speculated that this provision of the By-law was established with a rural setting, rather than urban setting, in mind.

Recognizing both of these perspectives, it is recommended that the Official Plan and Site Plan By-law include provisions that indicate a greenhouses will not be subject to site plan control where it is constructed without a foundation and:

- Is less than 200m2 in size if it is outside of the Neighbourhood Place Type OR
- Is less than 60m2 in size if it is inside the Neighbourhood Place Type.

It is important to establish a numerical measure that Staff can apply to invoke site plan processes. These are seen as reasonable sizes that balance the need to address the potential impact of a greenhouse vs. the cost and time of such a process that would make such greenhouses non-viable. It is important to recognize that this exemption from site plan for smaller greenhouses have no impact on any existing requirements for building permits. Furthermore, wastewater drainage would still need to remain on site through any greenhouse construction as required by the City of London’s WM-4 Drainage By-law.
Barrier #5 - Some requirements of the zoning by-law are too onerous for greenhouses in an urban context

The Zoning By-law includes the requirement for a minimum portion of any developed lot to be retained as landscaped open space. Landscaped open space can include impervious surfaces, such as concrete, asphalt or pavers – so this minimum landscaped open space requirement is not directly related to a desire to retain a certain amount of impervious surface on every developed lot. While gardens would be considered landscaped open space, gardens with a greenhouse covering over them (eg hoophouse) would be considered a structure and would not be considered landscaped open space. Accordingly, it would be very difficult to fit a greenhouse on an urban lot and still meet the minimum landscaped open space requirements of the Zoning By-law.

Similarly, maximum lot coverage requirements of the Zoning By-law could significantly constrain the opportunity for a greenhouse on an urban lot. Not only is there an overall lot coverage maximum, the Zoning By-law also includes maximum lot coverage provisions for accessory buildings. Section 4.1 (2) of the Zoning By-law indicates that accessory structures shall not exceed 10% of a lot’s total area.

There is currently no specific parking standard for a greenhouse in the Zoning By-law. Accordingly, it is uncertain as to what parking standard would be applied (with the exception of an existing standard for greenhouse farms). The general standard of 1 space per 45m2 for Parking Area 1, for example, would be very onerous and unnecessary as greenhouses used for growing food are low occupancy buildings and require very little parking. Similarly, a garden store standard of 1 space per 30m2 would be inappropriate, recognizing that garden stores accommodate a large volume of customers.

Recommended Solution:

So that the opportunity for greenhouses in urban areas is not undermined by minimum landscaped open space and maximum coverage requirements of the Zoning By-law, it is recommended that:
1. 50% of a greenhouse’s floor area be counted towards the minimum landscaped open space requirements of the Zoning By-law
2. Outside of any residential zone, only 50% of a greenhouse’s floor area be counted towards the calculation of lot coverage. This would also apply to restrictions on accessory building coverage.

Applying the second provision only to lands outside of any residential zone recognizes the need to limit the size of greenhouses in residential areas (eg. backyards) and that the full floor area of any greenhouse should be counted towards maximum lot coverage in such locations.

In addition, it is recommended that no parking should be required for a greenhouse that is less than 60m2. This will eliminate the need for additional parking spaces for small-sized greenhouses. Beyond 60m2, a parking standard equivalent to a Warehouse Establishment (1 space per 200m2) is proposed for greenhouses. This recognizes the low occupancy nature of greenhouses and avoids the potential for eliminating the opportunity for greenhouses through an onerous parking standard on constrained urban sites.
Barrier #6 - Zoning by-law regulations that apply to shipping containers could undermine the opportunity for converted shipping containers used for growing food within urban areas

There is a growing global trend towards using shipping containers to grow significant amounts of food within urban areas. Advanced technologies are used to equip shipping containers with hydroponic infrastructure, grow lighting and climate controls that are ideal for growing at all times of the day and all seasons of the year. These shipping containers use vertical growing techniques that can produce large amounts of foods within small spaces. They can be easily accommodated within a variety of urban environments and can take advantage of vacant and underutilized lots and parking facilities.

The Zoning By-law includes a variety of regulations that apply to shipping containers. In general, these provisions treat shipping containers as outdoor storage or temporary structures and, accordingly, apply many constraints to where they may be located. Shipping containers that are adapted for growing food should not be regulated as outdoor storage and should be accommodated in a variety of locations, allowing them to integrate into a broad range of urban contexts. At the same time, site plan control process should be employed to ensure that these structures are compatible and a good fit within their surround context.

Recommended Solution:
It is recommended that Section 2 of the Zoning By-law – “Definitions” be amended to create a new definition for a “Shipping Container Converted for Growing Food”. This will allow for the use to be regulated differently than other types of shipping containers. It should be clear that these uses are not considered open storage, but rather are primary permitted uses. It is further recommended that these uses should be permitted within all zones, with the exception of Residential Zones and the Open Space Zones that do not allow for structures. These uses should be subject to the usual site plan approval process.
4.0 BRINGING IT ALL TOGETHER - RECOMMENDED AMENDMENTS

The following section of this report identifies proposed amendments to the Official Plan, Zoning By-law and Site Plan By-law based on the above analysis. Due to the complexities and nuances of the proposed amendments, an explanation of each proposed change has been provided – this will allow each proposed change to be more clearly understood and easily linked to the above-identified barriers and recommended solutions.

4.1 Recommended Amendments to the London Plan

1. Add a new sub-section entitled “GROWING FOOD IN URBAN AREAS” to the Food Systems chapter of the London Plan.

<table>
<thead>
<tr>
<th>Proposed London Plan Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Create a new sub-section entitled “GROWING FOOD IN URBAN AREAS”, preceding the existing “PUBLIC/PRIVATE PARTNERSHIPS” section in the Food Systems Chapter of the London Plan.</td>
</tr>
<tr>
<td>Purpose</td>
</tr>
<tr>
<td>This new sub-section will create an enabling policy framework for growing food in urban areas and will identify where this use will be permitted and how it will be planned for.</td>
</tr>
</tbody>
</table>

2. Insert the following policies into the new Sub-section entitled “GROWING FOOD IN URBAN AREAS”

<table>
<thead>
<tr>
<th>Proposed London Plan Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Growing food on land, in containers, within buildings, and on rooftops may be permitted in all Place Types within the Urban Growth Boundary, subject to the policies of this Plan, the regulations of the Zoning By-law and all applicable legislation and regulations. Raising or keeping of livestock and poultry are not permitted within the Urban Growth Boundary</td>
</tr>
<tr>
<td>Purpose</td>
</tr>
<tr>
<td>To clarify that growing food, as a use, is permitted in all Place Types in the UGB. It also clarifies that such uses will be subject to the Zoning By-law and all other applicable regulations. Finally, it clarifies that livestock wont be permitted within urban areas.</td>
</tr>
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<table>
<thead>
<tr>
<th>Proposed London Plan Policy</th>
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</thead>
<tbody>
<tr>
<td>Greenhouses that are used exclusively for growing food may be considered as farm buildings and may be permitted in all Place Types within the Urban Growth Boundary, subject to the policies of this Plan, the regulations of the Zoning By-law and all applicable legislation and regulations.</td>
</tr>
<tr>
<td>Purpose</td>
</tr>
<tr>
<td>To clarify that greenhouses will be permitted in all Place Types and will be subject to all applicable policy, by-laws, and legislation.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Proposed London Plan Policy</th>
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<tbody>
<tr>
<td>To support urban greenhouses that are used for growing food, the Zoning By-law may establish specific regulations for such greenhouses within the Urban Growth Boundary.</td>
</tr>
<tr>
<td>Purpose</td>
</tr>
<tr>
<td>To identify that reduced standards may be applied to greenhouses to provide an enabling regulatory framework.</td>
</tr>
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</table>
### Proposed London Plan Policy

<table>
<thead>
<tr>
<th>Proposed London Plan Policy</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Except within the Neighbourhood Place Type, greenhouses that are less than 200m² and are constructed without a permanent foundation will be exempt from the site plan approval process.</td>
<td>To exempt small/medium sized urban greenhouses from site plan processes, except in Neighbourhood Place Types.</td>
</tr>
<tr>
<td>Within the Neighbourhood Place Type greenhouses that are less than 60m² and are constructed without a permanent foundation will be exempt from the site plan approval process.</td>
<td>To exempt small greenhouses from site plan in Neighbourhood Place Types.</td>
</tr>
<tr>
<td>Growing food in converted shipping containers may be permitted in all Place Types within the Urban Growth Boundary, subject to the policies of this Plan, the regulations of the Zoning By-law and all applicable legislation and regulations. Such uses will be subject to the site plan approval process</td>
<td>To allow for shipping containers converted for growing food within all Urban Place Types. To require site plan approval for such uses.</td>
</tr>
<tr>
<td>Growing food in converted shipping containers will only be permitted within the Neighbourhood Place Type subject to a site-specific zoning amendment application. The degree to which the proposed use fits, and is compatible with, the existing and planned context for the site will be reviewed in accordance with the evaluation criteria for planning and development applications in the Our Tools Part of this Plan.</td>
<td>To only allow shipping containers converted for growing food subject to a Zoning By-law amendment.</td>
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### 4.2 Recommended Amendments to the Z.-1 Zoning By-law

1. Amend “Section 2 – DEFINITIONS” of the Z.-1 Zoning By-law to add the following definitions.

<table>
<thead>
<tr>
<th>Proposed Amendment to Z.-1 Zoning By-law</th>
<th>Purpose</th>
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</thead>
<tbody>
<tr>
<td>“URBAN AGRICULTURE - GROWING” means the use of lands, buildings or structures for the purpose of growing food, but does not include the growing of cannabis or the raising of livestock or poultry. It may include the harvesting, cleaning, packaging and storing of the crop that is grown on-site and may include growing food within a greenhouse.</td>
<td>To establish a definition of urban agriculture that allows a narrower range of uses than the existing definition of urban agriculture. This definition doesn’t include such things as processing with light mechanical equipment or retail sales. The narrower range of uses allows it to be applied within urban areas city-wide.</td>
</tr>
</tbody>
</table>
### Proposed Amendment to Z-1 Zoning By-law

<table>
<thead>
<tr>
<th>Use</th>
<th>Zones Permitted</th>
<th>Governing General Provision</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>“SHIPPING CONTAINER CONVERTED FOR GROWING” – means a shipping</td>
<td>All Zones with the exception of the</td>
<td>4.38</td>
<td>To allow “Urban Agriculture – Growing” in all zones and point to a new Section 4.38 to establish zoning provisions for this use. Excludes Agricultural Zones which have a much broader agricultural function and allow for the raising of livestock &amp; poultry.</td>
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<tr>
<td>container that has been wholly converted with advanced growing</td>
<td>Agricultural Zones.</td>
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<tr>
<td>technologies specifically designed for growing food, including</td>
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<td>such things as climate controls, hydroponic infrastructure and</td>
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<td>grow lighting, but does not include the growing of cannabis or the</td>
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<td>raising of livestock or poultry. While actively being used for</td>
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<td>growing food, a converted shipping container will not be</td>
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<td>considered outdoor storage</td>
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<td>To distinguish the typical shipping containers from shipping</td>
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<td>containers that are converted with climate and lighting systems</td>
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<td>for growing food. This will allow for the creation of different</td>
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<td>zoning permissions for these two types of uses. Notably, these</td>
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<td>converted shipping containers will not be considered outdoor</td>
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<td>storage.</td>
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<tr>
<td>“URBAN GREENHOUSE” means a building in a non-Agricultural Zone,</td>
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<td>To establish a separate definition for urban greenhouses. It specifies that livestock and poultry are not permitted. It also specifies that it does not include a GREENHOUSE COMMERCIAL which has a commercial component. This new definition allows for greenhouses to be permitted more widely without allowing unintended uses, and leaves the current definition of greenhouse intact to be applied to agricultural areas where livestock and poultry may be permitted</td>
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<td>used exclusively for the growing of food in a climatically</td>
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<td>controlled environment, constructed primarily from a translucent</td>
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<td>building material. An Urban Greenhouse may include ancillary</td>
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<td>agricultural activities such as the harvesting, cleaning,</td>
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<td>packaging and storing of the crop that is grown within the building,</td>
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<td>but does not include a “Greenhouse, Commercial” use, the growing</td>
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<td>of cannabis nor the raising of livestock or poultry.</td>
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<tr>
<td>Amend the definition of “GREENHOUSE” in “Section 2 – Definitions”</td>
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<td></td>
<td>This size limitation is prohibitive for greenhouses (10 m² = 108 sq.ft.). Furthermore, this existing definition will primarily apply to rural areas, while the new definition will apply to urban areas. Size limitations for accessory uses are left to the applicable zone and Section 4.1 of the General Provisions.</td>
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<td>of the Z-1 Zoning By-law by deleting the following phrase: “A</td>
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<tr>
<td>greenhouse of less than 10 square meters is considered an accessory</td>
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<td>structure in accordance with Section 4.1 of this by-law”.</td>
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</table>

2. Amend the existing “Section 4.26 USES PERMITTED IN LISTED         |                                        |                             | This size limitation is prohibitive for greenhouses (10 m² = 108 sq.ft.). Furthermore, this existing definition will primarily apply to rural areas, while the new definition will apply to urban areas. Size limitations for accessory uses are left to the applicable zone and Section 4.1 of the General Provisions. |
| ZONES” to add the newly created permitted uses and allow them      |                                        |                             |                                                                                                                                                                                                         |
| broadly. This precludes the need to amend each standard zone and   |                                        |                             |                                                                                                                                                                                                         |
| provides the desired enabling regulatory framework, while still     |                                        |                             |                                                                                                                                                                                                         |
| managing planning issues. Note that these new rows in the         |                                        |                             |                                                                                                                                                                                                         |
| existing table, point to a new Section 4.38 of the Zoning By-law   |                                        |                             |                                                                                                                                                                                                         |
| as the governing general provisions for these uses.               |                                        |                             |                                                                                                                                                                                                         |
### Proposed Amendment to Section 4.26 of Zoning By-law

<table>
<thead>
<tr>
<th>Proposed Amendment to Section 4.26 of Zoning By-law</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Urban Greenhouse</strong></td>
<td><strong>4.38</strong>&lt;br&gt;To allow “Urban Greenhouses” in all zones and point to a new Section 4.38 to establish zoning provisions for this use. Excludes those Open Space zones that do not permit structures. Excludes Agricultural Zones which already permit rural forms of greenhouses and a broader range of uses.</td>
</tr>
<tr>
<td><strong>Shipping Container Converted for Growing Food</strong></td>
<td><strong>4.38</strong>&lt;br&gt;To allow “Shipping Container Converted for Growing Food” in all zones excluding residential zones. This is to allow lots of opportunity for these uses, while avoiding potential land use conflicts in the residential zones. Also excludes those Open Space Zones that do not permit structures.</td>
</tr>
</tbody>
</table>

3. Insert a new Section 4.38 – “URBAN AGRICULTURE” to provide a regulatory framework of general provisions for those uses that will be permitted broadly by the new Section 4.26, above.

### Proposed Amendment to Z.-1 Zoning By-law

<table>
<thead>
<tr>
<th>Proposed Amendment to Z.-1 Zoning By-law</th>
<th>Purpose</th>
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</thead>
<tbody>
<tr>
<td><strong>Add a new “Section 4.38 URBAN AGRICULTURE”</strong></td>
<td>This new Section 4.38 provides governing general provisions for “Urban Agriculture-Growing”, “Urban Greenhouse” and “Shipping Container converted for growing”. It is noteworthy that the amended table in Section 4.26 points to this new section.</td>
</tr>
<tr>
<td>1) “Urban Agriculture – Growing” will be permitted within all Zones, with the exception of the Agricultural Zones, subject to the regulations of the applicable zone.</td>
<td>To confirm that Urban Agriculture-Growing is permitted in all zones, except Agricultural Zones AND to establish that any structures that may be constructed in association with Urban Agriculture-Growing use will conform to the Zoning By-law regulations of the applicable zone.</td>
</tr>
<tr>
<td>2) “Urban Greenhouse” will be permitted within all Zones, with the exception of the Agricultural Zones, the Open Space (OS4) Zone and the Open Space (OS5) Zone, subject to the regulations of the applicable zone.</td>
<td>To confirm that Urban Greenhouses are permitted within all Zones, excepting Agriculture and two Open Space Zones that don’t permit structures. It establishes that the regulations of the applicable zone will apply to such structures.</td>
</tr>
<tr>
<td>Proposed Amendment to Z.-1 Zoning By-law</td>
<td>Purpose</td>
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<tr>
<td>3) “Shipping Container Converted for Growing Food” will be permitted within all Zones, with the exception of the Residential Zones, the Open Space (OS4) Zone and the Open Space (OS5) Zone, subject to the regulations of the applicable zone.</td>
<td>To confirm that Shipping Container Converted for Growing Food is permitted within all Zones, excepting Agriculture and two Open Space Zones that don’t permit structures. It establishes that the regulations of the applicable zone will apply to such structures. It also does not establish this use as permitted in the Residential Zones. Consistent with the proposed Official Plan policies, this use could be established within the Neighbourhood Place Type, but only through a site specific zoning amendment.</td>
</tr>
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<tbody>
<tr>
<td>4) Notwithstanding any other provisions of this By-law, only 50% of the area of an Urban Greenhouse shall be counted towards the calculation of lot coverage. This shall apply for all lot coverage calculations in this By-law, including those relating to accessory uses. This provision will not apply within any Residential Zone.</td>
<td>Because urban greenhouses are large, existing lot coverage regulations is prohibitive in most urban zones. This general provision establishes that only 50% of a greenhouse’s floor area will count towards coverage – thus ensuring that greenhouses together with other structures on a site are appropriately sized, without excluding the opportunity for a greenhouse through coverage regulations. It is notable that this provision does not apply to residential zones, where it could result in inappropriately sized greenhouses within residential backyards.</td>
</tr>
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<tr>
<th>Proposed Amendment to Z.-1 Zoning By-law</th>
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<tbody>
<tr>
<td>5) Notwithstanding any other provisions of this By-law, 50% of the area of an Urban Greenhouse will be counted towards the minimum landscaped open space requirement of the applicable zone.</td>
<td>Landscape open space requirements could pose a significant obstacle to the development of greenhouses within various zones. This provision mitigates this barrier.</td>
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<tr>
<th>Proposed Amendment to Z.-1 Zoning By-law</th>
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<tbody>
<tr>
<td>6) Notwithstanding any other parking regulations, no parking will be required for an Urban Greenhouse less than 60m². An Urban Greenhouse above 60m² will require 1 parking space per 200 m² of gross floor area.</td>
<td>While urban greenhouses can be large, they are generally low occupancy structures. Requiring more traditional commercial or residential parking standards would serve as a barrier to greenhouses and is not needed. This provision eliminates any such barriers and is generally consistent with the parking standard for a warehouse building. Small greenhouses will not require parking spaces, which could be an important factor for allowing small greenhouses in tight urban areas.</td>
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<tr>
<td>7) Notwithstanding any other provisions in this By-law, a “Shipping Container Converted for Growing Food” will not be subject to the general provisions for “Shipping Container” and will not be considered outdoor storage while actively and exclusively being used for growing food. “Shipping Container Converted for Growing Food” will be subject to Site Plan Control.</td>
<td>Shipping containers are generally considered outdoor storage. This poses a significant barrier to the emergence of “shipping container converted for growing food” uses throughout the City. This provision ensures that such uses are actively being used for growing food and also ensures that site plan control is implemented.</td>
</tr>
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</table>
4.3 Recommended Amendments to the Site Plan Control By-law

1. Amend Section 5 “Exempt Classes of Development” of the Site Plan Control By-law to insert the following before the current Clause 4.

<table>
<thead>
<tr>
<th>Proposed Site Plan Control By-law Amendment</th>
<th>Purpose</th>
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</table>
| Urban Greenhouses that are constructed without a permanent foundation and:  
1. are less than 2,000 m², if they are located outside of the Neighbourhood Place Type or  
2. are less than 60m², if they are located within the Neighbourhood Place Type. | To exempt small/medium greenhouse structures from the site plan process outside of residential areas. To exempt small greenhouse structures from the site plan process inside of residential areas |

5.0 ADDITIONAL ISSUES IDENTIFIED THROUGH ENGAGEMENT

Through the process of this study, several other related issues were identified which were outside of this report’s scope. However, the following section identifies some of these issues which Council may wish to investigate further in pursuit of the goal to provide a supportive environment that encourages urban agriculture in London.

5.1 Municipal Fees & Greenhouses
Through the circulation process, some raised the concern that planning application fees, parkland dedication requirements and development charges could significantly impact the financial viability of greenhouses.

5.2 Soil Testing Costs
Another issue raised through the information gathering process relates to the costs of soil testing. Some suggested that the City should provide incentives to assist with the costs of soil testing on urban lands where soil or groundwater conditions need further evaluation to show they are safe for growing food.
5.3 Growing Food in City Boulevards
Currently, under Section 6.1 of the Streets By-law, the lawful owner of a property can plant and maintain a grassed area on the portion of the street which abuts that owner’s property. There is no provision for any other kind of planting, including the growing of food, within the ROW. A report was prepared in April of 2016 by the City Engineer, which acknowledged that there was merit in alternative landscaping in the street right-of-way, where such things as access to utilities, damage to infrastructure, safety concerns, and other important issues can be addressed. The issue of growing food in the municipal right-of-way was not directly addressed. The recommendation from the report was that the Streets By-law not be altered, but that proposals for alternative landscaping in the street right-of-way be addressed in an informal and one-by-one fashion.

5.4 Community Gardens
London is home to 18 community gardens. Over 450 gardeners are active within the gardens, which are located on municipal green space in neighbourhoods across the city. Community gardens provide residents with many opportunities including access to healthy and low-cost food, healthy physical activity, skills enhancement, the development of meaningful relationships, and building cross-cultural partnerships.

Gardens were deemed essential in the pandemic and have a waiting list this year earlier then ever before. There has been an intentional focus on food insecurity initiated by the London Community Recovery Network. Now more than ever, Londoners are seeking an opportunity to grow food in their neighbourhoods.

There is currently limited capacity to broadly expand the community gardens program, noting that there are significant costs associated with creating, operating, coordinating and maintaining each community garden (beyond the work undertaken by members of the community to grow food).

5.5 Food Forests and Orchards
There is currently no formal program around urban orchards and food forests. There are several former orchards and food forests on publicly owned lands and members of the Public identified the desire to maintain and support the growth and production of these food bearing trees.

5.6 Pollinator Plans
Several municipal initiatives have been undertaken to make London pollinator friendly. The Official Plan includes policies to encourage pollinator friendly landscapes. Several parks projects have integrated pollinator habitat. Some members of the Public stated a desire for a pollinator health action plan to coordinate more deliberate and multi-layered action.
5.7 Food Hub
Several members of the Public expressed a desire for a City-sponsored food hub that would supply organic materials for pick-up, lend out gardening tools, and a venue for education and connecting through growing food.

5.8 Green Roof By-law
Some municipalities require that green roofs be constructed on top of all buildings of a certain type or size threshold (eg. City of Toronto). The City of London has no such requirement. Growing food within urban areas could be integrated into the requirements of such a by-law.

5.9 Neighbourhood Composting
The idea of neighbourhood composting was raised. The concept would allow for composting drop off at a neighbourhood level and the corresponding supply of garden ready compost materials within these neighbourhoods. The intent is to reduce organic waste at this hyper-local scale, while also providing gardening materials which are especially needed for urban gardening.
Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Drewlo Holdings Inc. for the subdivision of land over Concession 1, Part of Lots 15 and 16, situated east of Highbury Avenue North, southwest of Meadowgate Boulevard and north of Bradley Avenue;

(a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Drewlo Holdings Inc. for the Summerside Subdivision, Phase 17 (39T-92020_17) attached as Appendix “A”, BE APPROVED;

(b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues attached as Appendix “B”;  

(c) the financing for this project BE APPROVED as set out in the Source of Financing Report attached as Appendix “C”;  

(d) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

Executive Summary

This report is seeking approval of Special Provisions to be contained in a Subdivision Agreement between The Corporation of the City of London and Drewlo Holdings Inc. for the Summerside Subdivision Phase 17 (39T-92020_17)

Linkage to the Corporate Strategic Plan

Building a Sustainable City – London’s growth and development is well planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Property Description

The subject site consists of relatively flat, vacant lands that were previously cultivated farm fields. This subdivision phase (Phase 17) is approximately 14 hectares in area. Drewlo Holdings Inc. acquired all the remaining undeveloped and draft-approved phases within the Summerside Subdivision (previously known as Phases 10B and 15). They recently submitted a request for consideration of proposed red-line revisions consisting of minor adjustments to lot frontages for single detached dwelling lots, replacing cul-de-sac streets with ‘through street’ connections, and removing 15 single detached lots fronting the west side of the future extension of Evans Boulevard. The requested red-line revisions and accompanying zoning amendments were presented at a public participation meeting of the Planning and Environment Committee on March 1, 2021. The City of London Approval Authority granted draft plan approval of the red-line revisions on April 23, 2021.
1.3 Summerside Subdivision - Phase 17
2.0 Discussion and Considerations

2.1 Development Proposal
This phase will consist of one hundred seventy-four (174) single detached residential lots, two (2) multi-family, medium density residential blocks, five (5) new neighbourhood streets, and the extension of Evans Boulevard.

The recommended special provisions for the proposed Phase 17 Subdivision Agreement are found at Appendix A of this report. Staff has reviewed these special provisions with the Owner who is in agreement with them.

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

3.0 Financial Impact/Considerations

3.1 Financial Securities
Through the completion of the works associated with this application fees, development charges and taxes will be collected. Outside of the DC eligible items outlined in the attached Source of Financing (Appendix C), there are no direct financial expenditures associated with this application.

4.0 Key Issues and Considerations

The key issues and considerations have been reviewed and addressed through the previous draft plan review process and subdivision agreement conditions

Conclusion

Planning and Development staff are satisfied with the proposed special provisions for the Summerside Subdivision Phase 17, and recommend that they be approved; and, that the Mayor and the City Clerk be authorized to execute the Subdivision Agreement, any amending agreements and all documents required to fulfil its conditions.

Prepared by: Larry Mottram, MCIP, RPP
Senior Planner, Development Services

Recommended by: Gregg Barrett, AICP
Director, Planning and Development

Submitted by: George Kotsifas, P. Eng.
Deputy City Manager,
Planning and Economic Development

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, Subdivisions and Condominiums
Bruce Page, Manager, Subdivision Planning
Peter Kavcic, Manager, Subdivision Engineering

June 14, 2021
GK/GB/LM/jar
5. **STANDARD OF WORK**

Add the following new Special Provision:

1. The Owner shall register against the title of Lots which incorporate the third pipe storm system, as per the accepted engineering drawings, in this Plan and all other affected Lots shown on the accepted plans and drawings, and shall include this information in the Agreement of Purchase and Sale or Lease for the transfer of each of the affected Lots, a covenant by the purchaser or transferee to observe and comply with the minimum building setbacks and associated underside of footing (U.S.F.) elevations, by not constructing any structure within the setback areas, and not disturbing the third pipe storm system lead located in the setback areas. This protects these third pipe storm system from damage or adverse effects during and after construction. The minimum building setbacks from these works and associated underside of footing (U.S.F.) elevations have been established as indicated on the subdivision lot grading plan, attached hereto as Schedule “I” and on the servicing drawings accepted by the City Engineer.

2. **PROPOSED SCHOOL SITES**

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

15.2 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.

15.3 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.

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

15.5 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 was 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.

15.6 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) topsoiled 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.

15.7 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 Special Provisions:

3. Prior to Final Approval, the Owner shall make all necessary arrangements with any required owner(s) to have any existing easement(s) in this plan quit claimed...
to the satisfaction of the City and at no cost to the City. The Owner shall protect any existing private services in the said easement(s) until such time as they are removed and replaced with appropriate municipal and/or private services at no cost to the City.

Following the removal of any existing private services from the said easement and the appropriate municipal services and/or private services are installed and operational, the Owner shall make all necessary arrangements 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.

4. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make all necessary arrangements with the owner of Plan 33M-584, Plan 33M-756 and Plan 33M-789 to construct new services and make adjustments to the existing works and services on all existing adjacent streets in Plan 33M-584, Plan 33M-756 and Plan 33M-789 adjacent to this plan to accommodate the proposed works and services on these streets to accommodate this Plan (e.g. private services, street light poles, etc.) in accordance with the approved design criteria and accepted engineering 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.

5. It is hereby agreed by all parties that the terms and conditions outlined in the agreement dated December 5, 1994 between The Corporation of the City of London and Jackson Land Corp. and Jackson Summerside Land Corp., registered on January 27, 1995 as Instrument No. 374208 and annexed to this Agreement as Schedule ‘N’ are hereby transferred to this Agreement and will apply mutatis mutandis to all the lands within this Plan. The parties hereto agree that this Agreement and the agreement attached as Schedule ‘N’ Agreement will be read as one, and in the event of any conflicts between the provisions of this Agreement and the provisions of the Schedule ‘N’ Agreement then the provisions of the Schedule ‘N’ Agreement will prevail, except for the Insurance and Indemnity requirements as provided herein.

24.2 CLAIMS

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

(c) The Owner may, upon approval of this Agreement and completion of the works, make application to Development Finance for payment of the sum alleged to be owing, and as confirmed by the City Engineer (or designate) and the City Treasurer (or designate). Payment will be made pursuant to any policy established by Council to govern the administration of the said Development Charge Reserve Fund.

The anticipated reimbursements from the Development Charge Reserve Funds are:

(i) for the construction of oversized sanitary sewers in conjunction with this Plan, subsidized at an estimated cost of which is $6,105;

(ii) for the construction of oversized storm sewers in conjunction with this Plan, subsidized at an estimated cost of which is $72,458;

24.5 HYDROGEOLOGICAL WORKS

Add the following new Special Provisions:

7. The Owner shall maintain the water balance in the Summerside wetland by constructing a third pipe storm system to direct water flows to the wetland, as per the accepted engineering drawings to the satisfaction of the City Engineer and the Ministry of Natural Resources.
24.6 EROSION AND SEDIMENT CONTROL

Add the following new Special Provisions:

8. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct and have operational temporary sediment and erosion control works as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.

9. The Owner shall maintain the erosion and sediment control measures on Blocks 175 and 176 until these Blocks develop in future, to the satisfaction of the City.

10. The Owner shall maintain the erosion and sediment control measures, installed in conjunction with this Plan, to ensure no sediment affects the wetland, as per the accepted engineering drawings, to the specifications and satisfaction of the City. Should any sediment affect the wetland, the Owner shall be responsible for any clean-up and restoration of the wetland, to the satisfaction of the City, at no cost to the City.

11. All temporary erosion and sediment control measures, installed in conjunction with this Plan, shall be decommissioned and/or removed when warranted as per accepted engineering drawings, all to the satisfaction of the City Engineer and at no cost to the City.

12. The Owner shall develop an erosion and sediment control plan(s) (E&SC) for the subject lands in accordance with City of London and MECP standards and requirements, and the most recent available industry standards and guidelines, all to the specification and satisfaction of the City Engineer. These plan(s) shall clearly identify the following at a minimum:
   i) All erosion and sediment control measures, and potential adaptive controls; and
   ii) An erosion and sediment control inspection, monitoring, response, and maintenance program.

24.7 GRADING REQUIREMENTS

Add the following new Special Provisions:

13. The Owner shall have the common property line of Highbury Avenue South graded as per the accepted engineering drawings, to the satisfaction of the City Engineer, at no cost to the City.

14. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct a top soil berm abutting Highbury Avenue on Blocks 175 and 176 as per the accepted engineering drawings, to the satisfaction of the City.

15. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct temporary rock flow check dams, temporary berms, twin inlet catchbasins and any other necessary works on Blocks 175 and 176 as per the accepted engineering drawings, to the satisfaction of the City.

16. The Owner shall register against the title of Lots in this Plan, as per the accepted engineering drawings, and shall include in the Agreement of Purchase and Sale for the transfer of each of the said Lots, as an overland flow route is located on the said Lots identified on the accepted engineering drawings, a covenant by the purchaser or transferee to observe and comply with the following:
   i) The purchaser or transferee shall not alter or adversely affect the said overland flow route on the said Lots as shown on the accepted lot grading and servicing drawings for this subdivision.

The Owner further acknowledges that no landscaping, vehicular access, parking access, works or other features shall interfere with the above-noted overland flow route, grading or drainage.
17. The Owner shall maintain the existing overland flow routes as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.

18. Prior to the issuance of a Certificate of Conditional Approval, the Owner shall remove and relocate any existing earth stockpile within this Phase, as per the accepted engineering drawings, all to the satisfaction of the City and at no cost to the City.

19. Prior to the issuance of any Certificate of Conditional Approval, in order to develop this site, the Owner shall make arrangements with the adjacent property owners to regrade external lands, and provide permission for the adjacent property owners, 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:

20. The Owner shall ensure that the quality and quantity of stormwater flow from lands within the subdivision to the Class 1 wetland in the south-west corner of the site be controlled to protect wetland resources and functions. The Owner shall have his professional Engineer prepare a stormwater management plan to determine the limits of the post-development wetland drainage area, the facilities for directing storm flows to the wetland, the quantity of stormwater to be directed to the wetland and the facilities for controlling the quality and quantity of stormwater entering the wetland to the satisfaction of the City of London Environmental and Engineering Services Department, the City of London Environmental and Parks Planning Division, and the Upper Thames River Conservation Authority. The stormwater management plan for the wetland drainage area shall be approved by these agencies prior to the final approval of any portion of the subdivision that is located within the pre-development drainage area of the wetland.

21. The Owner shall convey minor storm runoff from Summerside Subdivision Phase 17 to the storm outlet which is the existing Summerside SWM Facility via Evans Boulevard storm sewers. Furthermore, the Owner shall convey drainage from the rear yards within and exterior to these lands through a third pipe storm system to the wetland area in the southwest portion of this plan and to maintain any external clean flows to the wetland during all phases of construction. The outlet is located within the Dingman Creek Subwatershed and these lands are tributary to both the South Thames and to Dingman Creek via proposed servicing and/or Stormwater Management (SWM) Facilities.

22. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct the storm/drainage servicing works for the relevant portions of the approved third pipe storm system to maintain the water balance in the existing wetland area located at the southwest corner of the Summerside lands, to the satisfaction of the City. The Owner shall immediately accommodate upstream flows from portions of the third pipe storm system already constructed and currently using temporary outlets to existing minor flow systems, all to the specifications and satisfaction of the City.

23. The Owner shall ensure that the third pipe storm system for the subject site conveys drainage from rear yards within and exterior to these lands specified in the Summerside District Stormwater and Stormwater Management Master Plan (updated 2004) to the wetland area in the southwest portion of this plan, to the satisfaction of the City.

24. The Owner shall discharge these lands to the storm outlet which is the existing Summerside SWM Facility via Evans Boulevard storm sewers. Furthermore, the Owner shall convey drainage from the rear yards within and exterior to these lands through a third pipe storm system, to the wetland area in the southwest portion of this plan and to maintain clean flows to the wetland during all phases of construction as per the accepted drawings, to the satisfaction of the City, at no cost to the City. The outlet is located within the Dingman Creek Subwatershed.
and these lands are tributary to both the South Thames and to the Dingman Creek via proposed servicing and/or Stormwater Management (SWM) Facilities.

25 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.

26 All temporary storm works and servicing installed within the proposed Plan of Subdivision shall be decommissioned and/or removed when warranted, all to the satisfaction of the City, at no cost to the City.

26.5 SANITARY AND STORM SEWERS

27. Remove Subsection 24.9 (b) and replace with the following:

(b) The Owner shall construct storm sewers to serve this plan, located within the Dingman Creek Subwatershed, and outlet this plan to the existing and assumed Regional Summerside SWM facility via internal storm sewer servicing through this plan of subdivision that shall be connected to the existing 1350 mm diameter storm sewer on Evans Boulevard as per the accepted engineering drawings.

28. Remove Subsection 24.9 (j) and replace with the following:

(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 300 mm diameter sanitary sewer on Evans Boulevard as per the accepted engineering drawings.

Add the following new Special Provisions:

29. The Owner shall construct sanitary and storm private drain connections on Southport Crescent in Plan 33M-756 (Summerside Phase 13A) to service the proposed lots in this plan.

26.6 WATER SERVICING

Add the following new Special Provisions:

30. 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) Construct watermains to serve this Plan and connect them to the existing high-level municipal system, namely the existing 250 mm diameter watermain on Evans Boulevard, the 150mm diameter watermain on Cardinal Road, the 200mm diameter watermain on Green Gables Road, and the 150mm diameter watermain on Southport Crescent;

ii) Extend the existing 150 mm diameter watermain on Southport Crescent from Chelton Road east of this Plan in Plan 33M-756 and provide water services to service the proposed lots in this plan, at no cost to the City.

iii) Deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units; and

iv) Have their consulting engineer prepare a Certificate of Completion of Works to confirm to the City that the watermain connection(s) to the 250 mm diameter watermain on Evans Boulevard, the 150mm diameter watermain on Cardinal Road, the 200mm diameter watermain on Green Gables Road, and the 150mm diameter watermain on Southport Crescent has been constructed, is operational, and is complete.
31. The available fire flows for development Blocks within this Plan of Subdivision have been established through the subdivision water servicing design study as follows:

- Block 175 @ 105 l/sec
- Block 176 @ 105 l/sec

Future development of these Blocks shall be in keeping with the established fire flows in order to ensure adequate fire protection is available.

26.7 ROADWORKS

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

(p) Where traffic calming measures are required within this Plan:

(i) The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional Approval in this Plan.

(ii) The Owner shall register against the title of all Lots and Blocks 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 shall locate the driveways to the said Lots and Blocks away from the traffic calming measures on the said streets, including speeds cushions, to be installed as traffic control devices, to the satisfaction of the City Engineer.

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

(q) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Evans Boulevard via Chelton Road and Bradley Avenue or other routes as designed by the City. All trades and construction vehicles shall park within this Plan of Subdivision.

Add the following new Special Provisions:

34. The Owner shall remove the temporary turning circle on Evans Boulevard and adjacent lands, in Plan 33M-789 to the south of this Plan, and complete the construction of Evans Boulevard in this location as a fully serviced road, including restoration of adjacent lands, to the specifications of the City.

If funds have been provided to the City by the Owner of Plan 33M-789 for the removal of the temporary turning circle and the construction of this section of Evans Boulevard and all associated works, the City shall reimburse the Owner for the substantiated cost of completing these works, up to a maximum value that the City has received for this work.

In the event that Evans Boulevard in Plan 33M-789 is constructed as a fully serviced road by the Owner of Plan 33M-789, then the Owner shall be relieved of this obligation.

35. Barricades are to be maintained at north limits of Fairfield Road and Evans Boulevard until lands to the north of this Plan of Subdivision develop and other locations as determined by the City, or as otherwise directed by the City. At the time of assumption of this Plan or as otherwise directed by the City, the Owner shall remove the barricades and any temporary turning circles, restore the boulevards and complete the construction of the roadworks within the limits of both temporary turning circles, to the specifications of the City, all at no cost to the City.

The Owner shall advise all purchasers of land within this subdivision that any traffic to and from this subdivision will not be permitted to pass the barricade(s) until the removal of the barricade(s) is authorized by the City.
36. The Owner shall remove any existing infrastructure, including but not limited to, CICBs, DICBs, curbs, etc. in this Plan and relocate/restore/construct associated works as per the accepted engineering drawings, to the specifications and satisfaction of the City.

37. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct a sidewalk connection on Southport Crescent, the entire length of Southport Crescent, external to this draft plan, in Plan 33M-756, all to the specifications and satisfaction of the City.

38. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall reconstruct Southport Crescent between Chelton Road and this Plan to accommodate servicing of lots in this Plan and includes all restoration, to the satisfaction of the City Engineer, at no cost to the City.

39. Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on streets in this Plan adjacent to the speed cushion locations that indicate Future Speed Cushion Location, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.

40. Prior to assumption or when required by the City Engineer, the Owner shall install speed cushions on streets in this Plan, including permanent signage and pavement marking in a location, as per the accepted engineering drawings, to the satisfaction of the City Engineer.

24.xx PLANNING

41. The Owner shall provide the purchasers of all lots in the subdivision with a zoning information package pertaining to residential driveway locations and widths. The Owner shall obtain and provide to the City written acknowledgement from the purchaser of each lot in this plan that their driveway will be installed and maintained in accordance with the requirements of the Zoning By-law. The information package and written acknowledgement shall be in a form satisfactory to the City.

42. An approved parking plan is required for each registered phase of development and will form part of the subdivision agreement for the registered plan.

43. No construction traffic contracted by the Owner for the construction of services for this subdivision which are to be assumed by the City, shall utilize existing streets adjacent to this Plan, except as approved otherwise by the City. The Owner shall restrict the construction traffic to and from this subdivision to the accepted construction access route.

24.?? AGENCIES

45. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

46. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”

47. The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.

48. It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

49. If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.
SCHEDULE “C”

This is Schedule “C” to the Subdivision Agreement dated this ________ day of ________, 2021, between The Corporation of the City of London and Drewlo Holdings Inc. to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

− Evans Boulevard and Fairfield Road have a minimum road pavement with (excluding gutters) of 9.5 metres with a minimum road allowance of 21.5 metres.
− Karenana Road and Green Gables Road have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20 metres.
− Southport Crescent and Candice Road have a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 19 metres.
− Hesselman Place has a minimum road pavement width (excluding gutters) of 6.0 metres with a minimum road allowance of 18 metres.

Sidewalks

A 1.5 metre sidewalk shall be constructed on both sides of the following:

i) Evans Boulevard
ii) Fairfield Road
iii) Green Gables Road
iv) Karenana Road

A 1.5 metre sidewalk shall be constructed on one side of the following:

i) Candice Road – west boulevard
ii) Southport Crescent – west boulevard
iii) Hesselman Place – west boulevard

The Owner shall construct a sidewalk connection on Southport Crescent, the entire length of Southport Crescent on the west boulevard, external to this draft plan, in Plan 33M-756, all to the specifications and satisfaction of the City.

Pedestrian Walkways

There are no pedestrian walkways in this Plan.
SCHEDULE “D”

This is Schedule "D" to the Subdivision Agreement dated this ________ day of ________, 2021, between The Corporation of the City of London and Drewlo Holdings Inc. 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 177, 178 and 179
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 ________, 2021, between The Corporation of the City of London and Drewlo Holdings Inc. to which it is attached and forms a part.

The Owner shall supply the total value of security to the City is as follows:

<table>
<thead>
<tr>
<th>Portion</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>CASH PORTION:</td>
<td>$ 777,035</td>
</tr>
<tr>
<td>BALANCE PORTION:</td>
<td>$4,403,199</td>
</tr>
<tr>
<td>TOTAL SECURITY REQUIRED</td>
<td>$5,180,234</td>
</tr>
</tbody>
</table>

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 ________, 2021, between The Corporation of the City of London and Drewlo Holdings Inc. 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:

No multi purpose easements are required for this Plan of Subdivision.
SCHEDULE ‘N’

This is Schedule ‘N’ to the Subdivision Agreement dated ___________ between The Corporation of the City of London and Jackson Land Corp. to which it is attached and forms a part.

(NOTE: Schedule ‘N’ is the agreement dated December 5, 1994 between Jackson Land Corp and Jackson Summerside Land Corp. and The Corporation of the City of London, registered January 27, 1995, as Instrument No. 347208, covering the servicing and cost sharing of the entire Summerside Subdivision draft plan.)
## Appendix B – Claims and Revenues

### Estimated Costs and Revenues

<table>
<thead>
<tr>
<th>Estimated DC Claim Costs</th>
<th>Estimated Cost (excludes HST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Claims for Owner led construction from CSRF</td>
<td>$78,563</td>
</tr>
<tr>
<td>- Storm Sewer Oversizing Subsidy (DC19MS1001)</td>
<td>$72,456</td>
</tr>
<tr>
<td>- Sanitary Sewer Oversizing Subsidy (DC19WW1001)</td>
<td>$6,105</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$78,563</td>
</tr>
</tbody>
</table>

### Estimated DC Revenues

<table>
<thead>
<tr>
<th>Estimated DC Revenues (January 1, 2021 to December 31, 2021 Rates)</th>
<th>Estimated Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CSRF TOTAL</strong></td>
<td>$7,569,732</td>
</tr>
</tbody>
</table>

---

1. Estimated DC Claim Costs are for Owner led construction projects and do not include City led projects required to accommodate growth.

2. Estimated DC Revenues are calculated using current DC rates. The City employs a “citywide” approach to cost recovery for all eligible growth services, therefore the Estimated DC Claim Costs and Revenues in the table above are not directly comparable.

3. The Oversizing Subsidy costs are based on estimates from the accepted engineering drawings and the current DC By-law. Final claim payments will be approved based on constructed quantities in conjunction with the DC By-law.

Approved by:

_________________________
Paul Yeoman
Director, Capital Assets and Projects
Appendix C – Source of Finance

#21090
June 21, 2021
(39T-02020_17)

Chair and Members
Planning and Environment Committee

RE: Subdivision Special Provisions - Summerville Phase 17 Subdivision
Drewo Holdings Inc.
Capital Project ES514519-Wastewater Internal Oversizing (2523935)
Capital Project ES542919-Storm Sewer Internal Oversizing (2523936)

Finance Supports Report on the Sources of Financing:
Finance Supports confirms that the cost of this purchase can be accommodated within the financing
available for it in the Capital Budget, and that, subject to the approval of the Deputy City Manager, Planning and
Economic Development and Chief Building Official, the detailed source of financing is:

<table>
<thead>
<tr>
<th>Estimated Expenditures</th>
<th>Approved Budget</th>
<th>Committed To Date</th>
<th>This Submission</th>
<th>Balance for Future Work</th>
</tr>
</thead>
<tbody>
<tr>
<td>ES514519-Wastewater Internal Oversizing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Engineering</td>
<td>200,000</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
</tr>
<tr>
<td>Construction</td>
<td>866,453</td>
<td>52,932</td>
<td>6,213</td>
<td>807,308</td>
</tr>
<tr>
<td>Total ES514519</td>
<td>1,066,453</td>
<td>52,932</td>
<td>6,213</td>
<td>1,007,308</td>
</tr>
<tr>
<td>ES542919-Storm Sewer Internal Oversizing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Engineering</td>
<td>200,000</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
</tr>
<tr>
<td>Construction</td>
<td>7,577,079</td>
<td>2,098,702</td>
<td>73,734</td>
<td>5,404,643</td>
</tr>
<tr>
<td>Total ES542919</td>
<td>7,777,079</td>
<td>2,098,702</td>
<td>73,734</td>
<td>5,604,643</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>$8,843,532</td>
<td>$2,151,634</td>
<td>$79,947</td>
<td>$6,611,951</td>
</tr>
</tbody>
</table>

Sources of Financing

| ES514519-Wastewater Internal Oversizing |                 |                   |                 |                         |
| Drawdown from City Services - Wastewater Reserve Fund (Development Charges) (Note 1) | 1,066,453 | 52,932 | 6,213 | 1,007,308 |
| ES542919-Storm Sewer Internal Oversizing |                 |                   |                 |                         |
| Drawdown from City Services - Stormwater Reserve Fund (Development Charges) (Note 1) | 7,777,079 | 2,098,702 | 73,734 | 5,604,643 |
| Total Financing                         | $8,843,532      | $2,151,634        | $79,947         | $6,611,951              |

Financial Note

<table>
<thead>
<tr>
<th>ES514519</th>
<th>ES542919</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Price</td>
<td>$6,105</td>
<td>$72,458</td>
</tr>
<tr>
<td>Add: HST @13%</td>
<td>794</td>
<td>9,420</td>
</tr>
<tr>
<td>Total Contract Price Including Taxes</td>
<td>8,899</td>
<td>81,876</td>
</tr>
<tr>
<td>Less: HST Rebate</td>
<td>-656</td>
<td>-6,144</td>
</tr>
<tr>
<td>Net Contract Price</td>
<td>$6,243</td>
<td>$73,734</td>
</tr>
</tbody>
</table>

Note 1: Development Charges have been utilized in accordance with the underlying legislation and the approved 2019 Development Charges Background Study and the 2021 Development Charges Background Study Update.

Jason Davies
Manager of Financial Planning & Policy
Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P. Eng
Deputy City Manager
Planning and Economic Development

Subject: Application By: Vista Wood Estates Ltd.
751 Fanshawe Park Road West
Vista Wood Subdivision Phase 3 - Special Provisions

Meeting on: June 21, 2021

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Vista Wood Estates Ltd. for the subdivision relating to a portion of the property located on the southwest corner of Wonderland Road North and Sunningdale Road West (formerly 751 Fanshawe Park Road West)

(a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Vista Wood Estates Ltd. for the Vista Wood Subdivision, Phase 3 (39T-03505_3) attached as Appendix “A”, BE APPROVED;

(b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues attached as Appendix “B”;

(c) the financing for this project BE APPROVED as set out in the Source of Financing Report attached as Appendix “C”;

(d) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfil its conditions.

Executive Summary

Seeking approval of Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Vista Wood Estates Ltd. for the Vista Wood Subdivision, Phase 3 (39T-03505_3)

Linkage to the Corporate Strategic Plan

Building a Sustainable City – London’s growth and development is well planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Property Description

The subject site (Phase 3) is part of the existing 18.85 hectare block of land located at the southwest corner of Wonderland Road North and Sunningdale Road West (formerly 751 Fanshawe Park Road W). Phase 3 is located on the southerly portion of the site and is approximately 5.38 ha in size. The site abuts a vacant land condominium to the south and single detached dwellings to the west. North of the site will be future residential development and to the east is Wonderland Road N with low density residential on the other side.
1.2 Location Map
2.0 Discussion and Considerations

2.1 Development Proposal

Phase 3 of the plan of subdivision will consist of thirty-three (33) single detached lots (Lots 1-33) and one (1) multi family, medium density residential block (Block 34). The phase will be served by the extension of Eagletrace Drive (at Foxcreek Road) which will run east through the site to Wonderland Road North. A new local road, Buroak Crescent, will serve the remaining portion of the phase.

The recommended special provisions for the proposed Phase 3 Subdivision Agreement are found at Appendix A of this report. 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.

3.0 Financial Impact/Considerations

3.1 Financial Securities

Through the completion of the works associated with this application fees, development charges and taxes will be collected. Outside of the DC eligible items outlined in the attached Source of Financing (Appendix C), there are no direct financial expenditures associated with this application.

4.0 Key Issues and Considerations

The key issues and considerations have been reviewed and addressed through the draft plan of subdivision approval process and subdivision agreement conditions.

Conclusion

Planning and Development staff are satisfied with the proposed special provisions for the Vista Wood Subdivision – Phase 3, and recommend that they be approved, and that the Mayor and the City Clerk be authorized to execute the Subdivision Agreement, any amending agreements and all documents required to fulfill its conditions.

Prepared by: Mike Corby, MCIP, RPP
Senior Planner, Development Services

Recommended by: Gregg Barrett, AICP
Director, Planning and Development

Submitted by: George Kotsifas, P. Eng.
Deputy City Manager,
Planning and Economic Development

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.

ec: Matt Feldberg, Manager, Subdivisions and Condominiums
Bruce Page, Manager, Subdivision Planning
Peter Kavcic, Manager, Manager, Subdivision Engineering

June 10, 2021
GK/GB/MC/jar
Appendix A – Special Provisions

10. COMPLETION, MAINTENANCE, ASSUMPTION AND GUARANTEE

Add the following new Special Provision:

1. Notwithstanding the End of Warranty period indicated in an Assumption By-law, the warranty period shall be deemed not to have expired until an End of Warranty inspection has been completed by the City and an End of Warranty Certificate shall be issued by the City before the release of any remaining security, all to the satisfaction of the City.

2. 15. PROPOSED SCHOOL SITES

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

15.2 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.

15.3 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.

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

15.5 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 was 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.

15.6 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) topsoiled 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.

15.7 Where the Owner has been required to improve the site by grading, topsoil 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 Special Provisions:

3. Prior to Final Approval, the Owner shall make all necessary arrangements with any required owner(s) to have any existing easement(s) in this plan quit claimed to the satisfaction of the City and at no cost to the City. The Owner shall protect any existing private services in the said easement(s) until such time as they are removed and replaced with appropriate municipal and/or private services at no cost to the City.
Following the removal of any existing private services from the said easement and the appropriate municipal services and/or private services are installed and operational, the Owner shall make all necessary arrangements 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.

4. 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) Removal of automatic flushing device/blowoff in future, an amount of $10,000 as per accepted engineering drawings

24.2 CLAIMS

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

(c) The Owner may, upon approval of this Agreement and completion of the works, make application to Development Finance for payment of the sum alleged to be owing, and as confirmed by the City Engineer (or designate) and the City Treasurer (or designate). Payment will be made pursuant to any policy established by Council to govern the administration of the said Development Charge Reserve Fund.

The anticipated reimbursements from the Development Charge Reserve Funds are:

   (i) for the construction of channelization on Wonderland Road North as per the accepted engineering drawings, the estimated cost of which is $277,492, as per the approved Work Plan;

   (ii) for the engineering costs related to the channelization on Wonderland Road North, the estimated cost of which is $41,554, as per the approved Work Plan;

   (iii) for the construction of sidewalks on Wonderland Road North as per the accepted engineering drawings, the estimated cost of which is $55,605, as per the approved Work Plan;

   (iv) for the engineering costs related to the construction of the sidewalk on Wonderland Road North, the estimated cost of which is $8,327, as per the approved Work Plan;

   (v) for the construction of street lights on Wonderland Road North as per the accepted engineering drawings, the estimated cost of which is $47,300, as per the approved Work Plan;

   (vi) for the engineering costs related to the construction of street lights on Wonderland Road North, the estimated cost of which is $17,005, as per the approved Work Plan;

   (vii) for the construction of pavement widening on Eagletrace Drive at Wonderland Road North, the estimated cost of which is $21,100 as per the approved Work Plan.

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

24.6 EROSION AND SEDIMENT CONTROL

Add the following new Special Provisions:

6. 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:

7. The Owner shall grade the portions of Lot 8 and Lots 26, 27, 28, 29 and 30 inclusive, which have a common property line with Wonderland Road North, to blend with the ultimate profile of Wonderland Road North, in accordance with the accepted engineering drawings and at no cost to the City.

8. Prior to the issuance of a Certificate of Conditional Approval, the Owner shall remove and relocate any existing earth stock pile(s) within this Plan and if necessary, provide such measures as easements and catchbasins in conjunction with the implementation of the grading, erosion and sediment control measures, etc. to address any grading and/or drainage issues that may arise in this Plan, to the satisfaction of the City Engineer, at no cost to the City.

9. Prior to the issuance of any Certificate of Conditional Approval, in order to develop this site, the Owner shall make arrangements with the adjacent property owners to the north to regrade a portion of the property abutting this Plan, in conjunction with grading and servicing of this subdivision, as per the accepted engineering drawings, to the specifications of the City, at no cost to the City.

24.9 SANITARY AND STORM SEWERS

10. Remove Subsection 24.9 (b) and replace with the following:

(b) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Medway Creek Subwatershed, and connect them to the City’s existing storm sewer system being the 1200mm diameter storm sewer on Eagletrace Drive, as per the accepted engineering drawings, to the satisfaction of the City.

Remove Subsection 24.9 (j) and replace with the following:

(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 250 mm diameter sanitary sewer on Eagletrace Drive, as per accepted engineering drawings, to the satisfaction of the City.

Add the following new Special Provisions:

11. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make all necessary arrangements to construct new services and make adjustments to the existing works and services on Eagletrace Drive in Plan 33M-687 and Wonderland Road North, adjacent to this plan to accommodate the proposed works and services on this street to accommodate the lots in this plan fronting this street (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, at to the satisfaction of the City Engineer, 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.

24.10 WATER SERVICING

Add the following new Special Provisions:

12. 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) construct watermains to serve this Plan and connect them to the existing low-level/high-level municipal system, namely, the existing 200 mm diameter watermain on Eagletrace Drive and the 450 mm diameter watermain on Wonderland Road North, as per the accepted engineering drawings, to the satisfaction of the City.

ii) Have their consulting engineer confirm to the City that the watermain system has been constructed and is operational in Plan 33M-687 to the south.

13. The available fire flows for development Block 34 within this Plan of Subdivision has been established through the subdivision water servicing design study and as identified on the accepted engineering drawings.

Future development of this Block shall be in keeping with the established fire flows in order to ensure adequate fire protection is available.

14. If the Owner requests the City to assume Eagletrace Drive with the automatic flushing device still in operation, all as shown on this Plan of Subdivision, the Owner shall pay to the City at the time of the assumption of this subdivision by the City the amount estimated by the City at the time, to be the cost of removing the automatic flushing device and properly abandoning the discharge pipe from the automatic flushing device to the storm/sanitary sewer system at the east limit of Eagletrace Drive and restoring adjacent lands, all to the specifications of the City. The estimated cost for doing the above-noted work on this street is $5,000 per automatic flushing device 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.

15. If the Owner requests the City to assume Buroak Drive with the automatic flushing device still in operation, all as shown on this Plan of Subdivision, the Owner shall pay to the City at the time of the assumption of this subdivision by the City the amount estimated by the City at the time, to be the cost of removing the automatic flushing device and properly abandoning the discharge pipe from the automatic flushing device to the storm/sanitary sewer system at the north limit of Buroak Drive and restoring adjacent lands, all to the specifications of the City. The estimated cost for doing the above-noted work on this street is $5,000 per automatic flushing device 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.

24.11 ROADWORKS

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

(p) Where traffic calming measures are required within this Plan:

(i) The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional Approval in this Plan.

(ii) The Owner shall register against the title of all Lots and Blocks abutting the traffic calming circle 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 Lots and Blocks on Eagletrace Drive and Buroak Drive 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 shall locate the driveways to the said Lots and Blocks away from the traffic calming measures on the said streets, including a traffic calming circle and splitter islands, to be installed as traffic control devices, to the satisfaction of the City Engineer.

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

(q) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Eagletrace Drive via Wonderland Road North or as otherwise designated by the City.

Add the following new Special Provisions:

18. Barricades are to be maintained at the north limit of Buroak Drive and the future cul-de-sac known as Street ‘C’ until adjacent lands develop or as otherwise directed by the City. At the time 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 both temporary turning circles, to the specifications of the City, all at no cost to the City.

The Owner shall advise all purchasers of land within this subdivision that any traffic to and from this subdivision will not be permitted to pass the barricade(s) until the removal of the barricade(s) is authorized by the City.

19. Prior to the issuance of any Certificate of Conditional Approval, or as otherwise directed by the City Engineer, the Owner shall construct a roundabout, including splitter islands, at the intersection of Eagletrace Drive and Buroak Drive, including permanent signage and pavement markings, or provide alternative measures as determined by the City, to the satisfaction of the City Engineer, at no cost to the City.

20. The Owner shall remove existing infrastructure, including but not limited to, CICBs, DICBs, curbs, etc. on Wonderland Road North and relocate/restore/construct associated works as per the accepted engineering drawings, to the specifications and satisfaction of the City.

21. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall complete all necessary grading and construct storm sewers, catchbasins and all associated works on Wonderland Road North as per the accepted engineering drawings, to the specifications and satisfaction of the City.

22. Prior to the issuance of a Certificate of Conditional Approval, the Owner shall construct a gateway island on Eagletrace Drive from Wonderland Road North westerly with a right of way width of 28.0 metres for a minimum length of 45.0 metres tapered back over a distance of 30 metres to the standard secondary collector road right of way width of 21.5 metres, to the satisfaction of the City. The widened road on Eagletrace Drive is to be equally aligned from the centreline of the road and tapered back to the 9.5 metres of road pavement width (excluding gutters) and 21.5 metres of road allowance for this street with 30 metre tapers on both street lines, as per the accepted engineering drawings, to the satisfaction of the City.

23. The Owner shall construct Eagletrace Drive at the east boundary of the subject property such that its centreline aligns with the existing road to the east in Plan 33M-593, as per the accepted engineering drawings, to the satisfaction of the City.
24. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall install temporary street lighting at the intersection of Eagletrace Drive and Wonderland Road North, if necessary, as per the accepted engineering drawings, to the specifications of the City, at no cost to the City.

25. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct all associated works on Wonderland Road North (eg. repaint lane markings, locations of bike lanes, etc.) as per the accepted engineering drawings, to the satisfaction of the City Engineer.

26. The Owner shall construct noise walls along Wonderland Road North as per the accepted engineering drawings, all to the specifications of the City and at no cost to the City.

27. The Owner shall design and construct a sidewalk, street lighting and all associated works on Wonderland Road North across the frontage of this plan as per the accepted engineering drawings, all to the specifications and satisfaction of the City.

28. The Owner shall convey Future Development Block 38, to the existing property to the south, for access to their existing development, to the satisfaction of the City and at no cost to the City.

24.xx PLANNING

29. **School Board Caution Clauses:**

   i) The Owner shall advise purchasers that there is no commitment by the London District Catholic School Board to construct a permanent educational facility within the development area at this time. Sufficient pupil accommodation will not be available for all anticipated Catholic students residing within the development area. The London District Catholic School Board reserves the right to accommodate Catholic students in temporary (holding) facilities and/or bus students to educational facilities outside of the development area, and further, such students may later be transferred to a neighbourhood school should one be constructed.

   ii) The Owner shall inform all purchasers of residential lots and blocks by including a condition in a purchase agreement stating that there are no plans for the construction of an educational facility by the Thames Valley District School Board to serve the area in the foreseeable future. Educational facilities in the immediate vicinity are presently at capacity. The Board has designated the area a holding zone and students will be assigned to a holding school(s).

Add the following clauses:

30. Prior to Design Studies for the applicable phase, the Owner shall have a qualified acoustical consultant prepare a noise study concerning the impact of traffic noise from Wonderland Road North on this development. The Noise Study is to be reviewed and accepted by the City Planner. The final accepted recommendations shall be constructed or provisions made for installation by the Owner in the subdivision agreement with the City of London. (Planning)

31. The Owner shall include in all Purchase and Sale Agreements the requirement that the homes to be designed and constructed on all corner lots (Lot 1, 8, 9, 11, 15, 19, 30) in this Plan, are to have design features, such as but not limited to porches, windows 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 sideyard abutting the exterior side yard road frontage. Further, the owner shall obtain approval of their proposed design from the City prior to any submission of an application for a building permit for corner lots with an exterior sideyard in this Plan.
32. Prior to the occupancy for any of the following Lots 8, 26, 27, 28, 29 and 30 in this Plan, the Owner shall construct the entire proposed noise wall and/or berm fronting Wonderland Road North at the rear property lines of each of the said Lots as shown on the accepted engineering drawings and have its professional engineer certify that the said walls and/or berms were constructed in accordance with the accepted engineering drawings, all to the satisfaction of the City.

33. The Owner shall register against the title of Lots in this Plan, and include in the Agreement of Purchase and Sale for the transfer of the said Lots, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Lot and/or Block shall be responsible for the maintenance of the noise walls and/or berms in the future located on the said Lot and/or Block, at no cost to the City.

34. Prior to the construction of the noise attenuation barriers/walls, shop drawings for the barriers and footings are to be provided to MTE Consultants for review and approval.

35. Prior to assumption, the Owner’s professional engineer shall certify to the City, the noise walls on Lots in this Plan, as per the accepted engineering drawings, are in a state of good repair and functioning as intended, all to the satisfaction of the City.

36. The City of London shall not be responsible for the maintenance, repair and/or replacement of the noise attenuation barrier.

37. Prior to the issuance of a building permit application for Lots 8, 27, 28, 29 and 30, an individual lot noise assessment review of the building components (walls, doors and windows, etc.) shall be completed by MTE Consultants and any required STC ratings will be specified. The Owner shall ensure Lots 8, 27, 28, 29, 30 have special building components (windows, walls, doors) designed to achieve indoor sound level criteria (40 dBA for nighttime living spaces/45dBA for daytime living space) and verified by an Acoustical Professional to ensure the required sound transmission loss rating is acceptable. Prior to occupancy, the Owner shall ensure a central air conditioner shall be installed.

38. Prior to the issuance of a building permit application for Lots 7, 8, 26, 27, 28, 29 and 30, an individual outdoor living area noise assessment review will be completed by MTE to confirm adequate outdoor noise attenuation by noise attenuation barrier.

39. Prior to occupancy, the Owner shall ensure a central air conditioning unit shall be installed on Lots 8, 27, 28, 29 and 30 and the installation for the provision of an air conditioning unit on Lots 2 to 6, 12 to 15, 16 to 19 and 22 to 25, all inclusive, as per the accepted Environmental Noise Assessment, to the satisfaction of the City.

40. The Owner shall register against the title of Lots 2, 12, 16 and 22 in this Plan, and include in the Agreement of Purchase and Sale for the transfer of the said Lots, a warning clause as follows:

“This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation, and Parks.”

41. The Owner shall register against the title of Lots 3, 4, 5, 6, 13, 14, 15, 17, 18, 19, 23, 24 and 25 in this Plan, and include in the Agreement of Purchase and Sale for the transfer of the said Lots, a warning clause as follows:

“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of
the Environment, Conservation, and Parks. This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation, and Parks.”

42. The Owner shall register against the title of Lots 7 and 26 in this Plan, and include in the Agreement of Purchase and Sale for the transfer of the said Lots, a warning clause as follows:

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation, and Parks. This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation, and Parks.”

43. The Owner shall register against the title of Lots 8, 27, 28, 29 and 30 in this Plan, and include in the Agreement of Purchase and Sale for the transfer of the said Lots, a warning clause as follows:

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation, and Parks. This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation, and Parks.”

44. Prior to occupancy, the Owner’s Professional Engineer shall certify that any works as recommended in the accepted Environmental Noise Assessment prepared by MTE Consultants (MTE File No. 41794-134) are implemented by the Owner, to the satisfaction of the City, at no cost to the City Engineer.

25.xx. AGENCIES

45. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

46. The Owner agrees that should any conflict arise with existing Bell Canada facilities or easements within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

47. The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.

48. It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

49. If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.
SCHEDULE “C”

This is Schedule “C” to the Subdivision Agreement dated this ________ day of ________, 2021, between The Corporation of the City of London and Vista Wood Estates Limited to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways
- Eagletrace Drive and Buroak Drive (north of Eagletrace Drive) shall have a minimum road pavement width (excluding gutters) of 9.5 metres with a minimum road allowance of 21.5 metres.
- Buroak Crescent (South of Eagletrace Drive) from Eagletrace Drive to 30 metres south of Eagletrace Drive shall have a minimum road pavement width (excluding gutters) of 9.5 metres with a minimum road allowance of 21.5 metres. The widened road on Buroak Crescent shall be equally aligned from the centreline of the road and tapered back to the 6.5 metre road pavement width (excluding gutters) and 20.0 metre road allowance for this street, with 30 metre tapers on both street lines.
- Buroak Crescent (from 30 metres south of Eagletrace Drive) shall have a minimum road pavement width (excluding gutters) of 6.5 metres with a minimum road allowance of 18.0 metres. The widened road on Buroak Crescent shall be equally aligned from the centreline of the road and tapered back to the 6.5 metre road pavement width (excluding gutters) and 18.0 metre road allowance for this street, with 30 metre tapers on both street lines.
- Eagletrace Drive, from Wonderland Road North to 45 metres west of Wonderland Road North shall have a minimum road pavement width (excluding gutters) of 11.0 metres with a minimum road allowance of 28.0 metres. The widened road on Eagletrace Drive shall be equally aligned from the centreline of the road and tapered back to the 9.5 metre road pavement width (excluding gutters) and 21.5 metre road allowance for this street, with 30 metre tapers on both street lines.

Sidewalks
A 1.5 metre sidewalk shall be constructed on both sides of Eagletrace Drive and Buroak Drive (north of Eagletrace Drive).

A 1.5 metre sidewalk shall be constructed on one side of the following:
(i) Buroak Crescent – outside boulevard (west, east and south boulevard)
(ii) Wonderland Road North – across frontage of plan to connect to existing sidewalk on Wonderland Road North south of this plan as per the accepted engineering drawings

Pedestrian Walkways
There are no pedestrian walkways within this Plan of Subdivision.
This is Schedule "D" to the Subdivision Agreement dated this ________ day of ________, 2021, between The Corporation of the City of London and Vista Wood Estates 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:** Block 36, Block 37 and Block 39 plus one at north limit of Lot 30
- **Road Widening (Dedicated on face of plan):** Block 35
- **Walkways:** NIL
- **5% Parkland Dedication:** NIL or Cash payment in lieu of the 5% parkland dedication pursuant to City of London By-law C.P.-9.
- **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 ________, 2021, between The Corporation of the City of London and Vista Wood Estates 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:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>CASH PORTION:</td>
<td>$ 399,589</td>
</tr>
<tr>
<td>BALANCE PORTION:</td>
<td>$2,264,339</td>
</tr>
<tr>
<td>TOTAL SECURITY REQUIRED</td>
<td>$2,663,928</td>
</tr>
</tbody>
</table>

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 ACT, R.S.O. 1990.
SCHEDULE “F”

This is Schedule “F” to the Subdivision Agreement dated this ________ day of ________, 2021, between The Corporation of the City of London and Vista Wood Estates Limited to which it is attached and forms a part.

Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external easements as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all easements within this Plan to the City.

Multi-Purpose Easements:

(a) Multi-purpose easements shall be deeded to the City in conjunction with this Plan, over lands external to this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:

i) For servicing stubs and automatic flusher at the north limit of Buroak Drive external to this plan.
## Appendix B – Claims and Revenues

### Estimated Costs and Revenues

<table>
<thead>
<tr>
<th>Estimated DC Claim Costs</th>
<th>Estimated Cost (excludes HST)</th>
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<tbody>
<tr>
<td>Claims for Owner led construction from CSRF</td>
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<tr>
<td>- Construction - Road Oversizing Eagletrace Drive at Wonderland Road (DC19RS1009)</td>
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<td>- Construction - Channelization on Wonderland Road (DC19RS1001)</td>
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<td>- Engineering - Channelization on Wonderland Road (DC19RS1001)</td>
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<td>- Construction - Sidewalk on Wonderland Road (DC19RS1002)</td>
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<td>- Engineering - Streetlights on Wonderland Road (DC19RS1003)</td>
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<td><strong>Total</strong></td>
<td><strong>$468,363</strong></td>
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</table>

### Estimated DC Revenues (2021 Rates)  Estimated Revenue

| CSRF TOTAL                                            | $1,690,854                    |

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1. Estimated DC Claim Costs are for Owner led construction projects and do not include City led projects required to accommodate growth.

2. Estimated DC Revenues are calculated using current DC rates. The City employs a “citywide” approach to cost recovery for all eligible growth services, therefore the Estimated DC Claim Costs and Revenues in the table above are not directly comparable.

3. DC Claim Costs are based on the approved Work Plan cost estimates provided by the Owner for engineering and construction of the claimable works. Final claim payments will be approved based on actual costs incurred by the Owner in conjunction with the terms of the registered Subdivision Agreement, Work Plan and the DC By-law.

Approved by:

Date

Paul Yeoman
Director, Capital Assets and Projects

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## Appendix C – Source of Finance (1 of 2)

**#21094**

June 21, 2021

(30T-03050)

Chair and Members
Planning and Environment Committee

RE: Subdivision Special Provisions - Sunningdale Crossing (Vista Woods) Phase 3 Subdivision
Vista Woods Estates Ltd.
Capital Project TS137119- Road Class Oversizing City Share (2019-2023) (2509167)
Capital Project TS165119- Minor Roadworks - Channelizing (2019-2023) (2509159)
Capital Project TS165319- Minor Roadworks - Sidewalks (2019-2023) (2509165)
Capital Project TS165419- Minor Roadworks - Streetlights (2019-2023) (2524811)

**Finance Supports Report on the Sources of Financing:**

Finance Supports confirms that the cost of this purchase can be accommodated within the financing available for it in the Capital Budget, and that, subject to the approval of the Deputy City Manager, Planning and Economic Development and Chief Building Official, the detailed source of financing is:

<table>
<thead>
<tr>
<th>Estimated Expenditures</th>
<th>Approved Budget</th>
<th>Committed To This Submission</th>
<th>Balance for Future Work</th>
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<tbody>
<tr>
<td>TS137119- Road Class Oversizing City Share</td>
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<tr>
<td>Engineering</td>
<td>20,000</td>
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<td><strong>TS165119 - Minor Roadworks - Channelization</strong></td>
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<td><strong>TS165319 - Minor Roadworks - Sidewalks</strong></td>
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<td>Engineering</td>
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**Total Expenditures**

$6,311,565  $925,848  $476,627  $4,909,090

**Sources of Financing**

| TS137119- Road Class Oversizing City Share | 600,000         | 21,471                        | 578,529                 |
| **TS165119 - Minor Roadworks - Channelization** | 2,519,610       | 324,661                       | 1,593,834               |
| **TS165319 - Minor Roadworks - Sidewalks** | 1,333,200       | 65,058                        | 971,798                 |
| **TS165419 - Minor Roadworks - Streetlights** | 1,858,755       | 65,437                        | 1,764,929               |

**Total Financing**

$6,311,565  $925,848  $476,627  $4,909,090
Appendix C – Source of Finance (2 of 2)

#21094
June 21, 2021
(30T-03505)

Chair and Members
Planning and Environment Committee

RE: Subdivision Special Provisions - Sunningdale Crossing (Vista Woods) Phase 3 Subdivision
Vista Woods Estates Ltd.
Capital Project TS137119- Road Class Oversizing City Share (2019-2023) (2509167)
Capital Project TS165119- Minor Roadworks - Channelization (2019-2023) (2509159)
Capital Project TS165319- Minor Roadworks - Sidewalks (2019-2023) (2509165)
Capital Project TS165419- Minor Roadworks - Streetlights (2019-2023) (2524811)

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Note 1: Development Charges have been utilized in accordance with the underlying legislation and the approved 2019 Development Charges Background Study and the 2021 Development Charges Background Study Update.

Jason Davies
Manager of Financial Planning & Policy
Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P.Eng
Deputy City Manager
Planning and Economic Development

Subject: Application By: Sunningdale Golf and Country Ltd.
600 Sunningdale Road West
Sunningdale Court Subdivision Phase 1 - Special Provisions

Meeting on: June 21, 2021

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Sunningdale Golf and Country Ltd. for the subdivision of land legally described as RCP 1028 PT Lot 16 RP 33R13891, PT Part 1 RP 33R16774 Parts 3 to 10 IRREG), municipally known as 600 Sunningdale Road West, located on the south side Sunningdale Road West, between Wonderland Road North and Richmond Street;

(a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Sunningdale Golf and Country Ltd. for the Sunningdale Court Subdivision, Phase 1 (39T-18501_1) attached as Appendix “A”, BE APPROVED;

(b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues attached as Appendix “B”;

(c) the financing for this project BE APPROVED as set out in the Source of Financing Report attached as Appendix “C”, noting the Capital Budget adjustments;

(d) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

Executive Summary

Seeking approval of Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Sunningdale Golf and Country Ltd. for the Sunningdale Court Subdivision Phase 1 (39T-18501_1)

Linkage to the Corporate Strategic Plan

Building a Sustainable City – London’s growth and development is well planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Property Description

The subject site has a total area of approximately 20.6 ha and was previously operating as a part of the Sunningdale Golf courses with approximately 650 meters of frontage on Sunningdale Road West. Phase 1 is centrally located within the block and is 12.23 ha in size with one access point at Sunningdale Road from Street A. The subject site is located on the south, side of Sunningdale Road West between Richmond Street and Wonderland Road North. Sunningdale Golf Course is located to the north of the property, Medway Valley Heritage Forest Environmentally Significant Areas lay to the
east, south and west of the property with other subdivisions located past the boundaries of the Medway Valley Heritage Forest lands.

1.2 Location Map
1.3 Sunningdale Court Subdivision Phase 1
2.0 Discussion and Considerations

2.1 Development Proposal

Phase 1 of the plan of subdivision will consist of forty-two (42) single detached lots (Lots 1 to 42), Three (3) Open Space Blocks (Blocks 43, 44 and 45), and two (2) new local streets (Robbie’s Way and Creekview Chase).

The recommended special provisions for the proposed Phase 1 Subdivision Agreement are found at Appendix A of this report. Staff has reviewed these special provisions with the Owner who is in agreement with them.

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

3.0 Financial Impact/Considerations

3.1 Financial Securities

Through the completion of the works associated with this application fees, development charges and taxes will be collected. Outside of the DC eligible items outlined in the attached Source of Financing (Appendix C).

The Sunningdale SWMF 6A was included under the 2014 DC Background Study (2014-DC) following the preferred regional stormwater servicing solution for this area as identified in the 2008 Sunningdale Road Improvements – Wonderland Road to Adelaide Street Municipal Class EA. The 2014-DC allocated a budget of 1.7M in 2014 dollars for this wet SWMF 6A. In 2017, through a review by the Owner’s Consulting Engineer, an alternative design solution in lieu of SWMF 6A was identified which incorporated an Oil Grit Separator (OGS) with a preliminary budget that was carried forward of $300,000. Through detailed design, the OGS required downstream outlet works which were not included in the preliminary budget estimate. The 2021 updated budget estimate for the OGS and downstream outlet works is $407,743 plus $61,031 engineering fees (in 2021 dollars) which is recommended to be carried forward under this Subdivision Agreement and budget amendment.

4.0 Key Issues and Considerations

The key issues and considerations have been reviewed and addressed through the draft plan of subdivision approval process and subdivision agreement conditions.

Conclusion

Planning and Development staff are satisfied with the proposed special provisions for the Sunningdale Court Subdivision – Phase 1, and recommend that they be approved; and, that the Mayor and the City Clerk be authorized to execute the Subdivision Agreement, any amending agreements and all documents required to fulfill its conditions.

Prepared by: Mike Corby, MCIP, RPP
Senior Planner, Planning & Development

Recommended by: Gregg Barrett, AICP
Director, Planning and Development

Submitted by: George Kotsifas, P. Eng.
Deputy City Manager, Planning and Economic Development
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, Subdivisions and Condominiums
    Bruce Page, Manager, Subdivision Planning
    Peter Kavcic, Manager, Subdivision Engineering

June 14, 2021

GK/PY/MC/jar
5. STANDARD OF WORK

Add the following new Special Provision:

1. The Owner shall register against the title of Lots which are adjacent to a storm and sanitary sewer, which includes Lots 21 and 22 in this Plan and all other affected Lots shown on the accepted plans and drawings, and shall include this information in the Agreement of Purchase and Sale or Lease for the transfer of each of the affected Lots, a covenant by the purchaser or transferee to observe and comply with the minimum building setbacks and associated underside of footing (U.S.F.) elevations, by not constructing any structure within the setback areas, and not disturbing the storm, or sanitary sewer, lead located in the setback areas. This protects these sewers from damage or adverse effects during and after construction. The minimum building setbacks from these works and associated underside of footing (U.S.F.) elevations have been established as indicated on the subdivision Lot Grading Plan, attached hereto as Schedule "I" and on the servicing drawings accepted by the City Engineer.

6. SOILS CERTIFICATE/GEOTECHNICAL

Add the following new Special Provisions:

2. The Owner shall have its Professional Engineer ensure that all geotechnical issues, including erosion, maintenance and structural setbacks related to slope stability associated with the Medway Creek, existing ravines and Block 45 are adequately addressed for the subject lands, as per the accepted engineering drawings and all to the satisfaction of the City Engineer.

10. COMPLETION, MAINTENANCE, ASSUMPTION AND GUARANTEE

Add the following new Special Provision:

3. Notwithstanding the End of Warranty period indicated in an Assumption By-law, the warranty period shall be deemed not to have expired until an End of Warranty inspection has been completed by the City and an End of Warranty Certificate shall be issued by the City before the release of any remaining security, all to the satisfaction of the City.

15. PROPOSED SCHOOL SITES

4. 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 was 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
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 Special Provisions:

5. The Owner shall make all necessary arrangements with any required owner(s) to
have any existing easement(s) in this Plan quit claimed to the satisfaction of the
City and at no cost to the City. The Owner shall protect any existing private
services in the said easement(s) until such time as they are removed and
replaced with appropriate municipal and/or private services at no cost to the City.

Following the removal of any existing private services from the said easement
and the appropriate municipal services and/or private services are installed and
operational, the Owner shall make all necessary arrangements 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.

6. 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 Creekview Chase
outside this Plan, an amount of $5,000.

(ii) Removal of automatic flushing devices/blowoffs in future, an amount of
$5,000 for each flusher.

(iii) For the future removal of temporary works, an amount of $7,630.

24.2 CLAIMS

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

(c) The Owner may, upon approval of this Agreement and completion of the works,
make application to Development Finance for payment of the sum alleged to be
owing, and as confirmed by the City Engineer (or designate) and the City
Treasurer (or designate). Payment will be made pursuant to any policy
established by Council to govern the administration of the said Development
Charge Reserve Fund.

The anticipated reimbursements from the Development Charge Reserve Funds
are:

(i) for the construction of oversized sanitary sewers in conjunction with this
Plan, subsidized at an estimated cost of which is $96,825;

(ii) for the construction of the stormwater management OGS Treatment
System and Outlet which replaces the Sunningdale SWMF 6A, the
estimated cost of which is $407,743, as per the approved Work Plan;
(iii) for the engineering costs related to the construction of the stormwater management OGS Treatment System and Outlet which replaces the Sunningdale SWMF 6A, the estimated cost of which is $61,030, as per the approved Work Plan;

(iv) for the construction of the stormwater management works within Block 103 under Plan 33M-593 (Sunningdale SWMF 6B), the estimated cost of which is $113,332, as per the approved Work Plan;

(v) for the engineering costs related to the construction of the stormwater management works within Block 103 under Plan 33M-593 (Sunningdale SWMF 6B), the estimated cost of which is $21,915, as per the approved Work Plan;

(vi) for the construction of the Open Space Pathway Network on Blocks 34, 43 and 45, the estimated cost of which is $322,824, as per the approved Work Plan;

(vii) for the engineering costs related to the construction of the Open Space Pathway Network on Blocks 34, 43 and 45, the estimated cost of which is $49,756, as per the approved Work Plan;

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.

Add the following new Special Provision:

8. The Owner is advised that the stormwater management works within SWM Block 103 under this Plan of Subdivision shall replace the claimable works listed under section 24.2 of the Sunningdale West Phase 2 Subdivision Agreement (ER136002) and that a claim will not be accepted under the for Sunningdale West Phase 2 Subdivision Agreement (ER136002) once this Plan of Subdivision is registered.

24.5 EROSION AND SEDIMENT CONTROL

Add the following new Special Provisions:

9. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct and have operational temporary sediment and erosion control works in this Plan as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.

10. 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.

24.6 GRADING REQUIREMENTS

Add the following new Special Provisions:

11. The Owner shall grade the site in accordance with the Council approved Sunningdale Road Environmental Assessment (EA) as per the accepted engineering drawings, to the satisfaction of the City Engineer.

12. The Owner shall have the common property line of Sunningdale Road West graded in accordance with the City of London Standard “Subdivision Grading Along Arterial Roads” and the Sunningdale Road EA, as per the accepted engineering drawings, at no cost to the City.

13. The Owner shall register against the title of Lots 21 and 22 in this Plan, and shall include in the Agreement of Purchase and Sale for the transfer of each of the
said Lots, as an overland flow route is located between the said Lots, a covenant by the purchaser or transferee to observe and comply with the following:

i) The purchaser or transferee shall not alter or adversely affect the lot grading and drainage to impact the overland flow route, as shown on the accepted lot grading and engineering drawings for this subdivision.

The Owner further acknowledges that no landscaping, vehicular access, parking access, works or other features shall interfere with the above-noted overland flow route, grading or drainage.

14. The Owner shall maintain the existing overland flow route between Lots 21 and 22 as per the accepted engineering drawings, to the satisfaction of the City Engineer.

15. Prior to construction, the Owner shall have its Professional Engineer provide shop drawings, certified by a structural engineer, of the proposed noise walls fronting Sunningdale Road West, to the satisfaction of the City.

16. Prior to the issuance of a Certificate of Conditional Approval, the Owner shall remove and relocate any earth stockpile generally located in this Plan, if necessary, all to the satisfaction of the City and at no cost to the City.

17. Prior to occupancy for Lots 1 and 42 in this Plan, the Owner shall construct the proposed noise wall fronting Sunningdale Road West at the side property lines for Lots 1 and 42 and Lots 25-2 and 20-3 external to this Phase as shown on the accepted engineering drawings and have its Professional Engineer certify that the said walls were constructed in accordance with the accepted engineering drawings, all to the satisfaction of the City.

18. 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 for any regrading on external lands, in conjunction with grading and servicing of this subdivision, to the specifications of the City, at no cost to the City.

19. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall provide temporary interim grading, ditching, berms, swales, storm sewer and catchbasins at the rear of the lots in this Plan, external to this Plan, and provide all necessary easements, as per the accepted engineering drawings, all to the satisfaction of the City.

20. The Owner shall remove the temporary works when adjacent lands develop in the future, to the satisfaction of the City.

24.7 STORM WATER MANAGEMENT

Add the following new Special Provisions:

21. Prior to the issuance of any Certificate of Conditional Approval for this Plan, the Owner shall have the major overland flow chamber, the downstream outfall structure, rip rap open channel and headwall to Medway Creek constructed and operational in accordance with the accepted engineering drawings and the accepted Stormwater Management Report to the specifications and satisfaction of the City, at no cost to the City. The outfall structure will include the construction of a channel from the headwall to Medway Creek floodplain to the satisfaction of the City and UTRCA.

22. Prior to the issuance of any Certificate of Conditional Approval for this Plan, the Owner shall have implemented a grading and drainage system on Sunningdale Road West as per the accepted engineering drawings for Phase 1 and Blocks 43, 44 and 45 including all culverts and rip-rap protection constructed and operational in accordance with the accepted servicing drawings and accepted
Stormwater Management Report to the specifications and satisfaction of the City and UTRCA, at no cost to the City. Prior to the issuance of any Certificate of Conditional Approval or as otherwise directed by the City, dependant on seasonal constraints, the construction of asphalt maintenance access road associated with this grading and drainage system shall be connected to existing asphalt accesses as required.

23. Prior to the issuance of any Certificate of Conditional Approval for this Plan, the Owner shall have its consulting Professional Engineer submit a monitoring and maintenance strategy to the City for review and acceptance outlining a program for the monitoring and maintenance of the Oil grit separator (OGS) in this Plan, if any, all to the satisfaction of the City, at no cost to the City.

24. Prior to assumption, the Owner shall complete the following, at no cost to the City, all to the satisfaction of the City:
   i) Operate, maintain, inspect, monitor and protect the Oil Grit Separator (OGS), including correcting any deficiencies as soon as they are detected, in accordance with the accepted maintenance and monitoring program; and,
   ii) have its consulting Professional Engineer submit monitoring reports submitted quarterly in accordance with the accepted maintenance and monitoring program.

25. Prior to assumption, the Owner shall operate, monitor and maintain the stormwater works associated with this Plan. The Owner shall ensure that any removal and disposal of sediment is to an approved site in accordance with the Ministry of the Environment and the Ministry of Natural Resources.

26. The Owner shall restore any disturbed areas external to this Plan as a result of construction associated within this Plan to existing or better conditions, to the satisfaction of the City.

24.8 SANITARY AND STORM SEWERS

27. Remove Subsection 24.9 (b) and replace with the following:
   (b) The Owner shall construct storm sewers to serve this Plan, located within the Medway Creek Subwatershed, and outlet them to the Medway Creek via the internal storm sewer system and proposed 250 year storm chamber and outfall structures in accordance with the accepted engineering drawings, to the satisfaction of the City.

28. Remove Subsection 24.9 (j) and replace with the following:
   (j) The Owner shall construct sanitary sewers to serve this Plan, including external lands, and connect them to the existing municipal sewer system, namely, the 750 mm diameter Medway Trunk Sanitary Sewer in accordance with the accepted engineering drawings, to the satisfaction of the City.

Add the following new Special Provisions:

29. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall decommission the existing sanitary forcemain through this Plan and across Sunningdale Road and construct a new sanitary forcemain as per the accepted engineering drawings which connects to the 450 mm sanitary sewer north of Sunningdale located within 259 Sunningdale Road West lands, and provide any necessary easements, to the satisfaction of the City, at no cost to the City.
30. The Owner shall maintain the section of sanitary sewer within and external to this Plan described from CAP5 to S11, all to the satisfaction and at no cost to the City, until said works are assumed by the City through the development of the lands to the north of Sunningdale Road or at any earlier time, as directed by the City, in its sole discretion. At the time of assumption of the works contained in this subdivision, the City will not assume the section of the sanitary sewer works that are described above. No security shall be held for this section of sanitary sewer not assumed after End of Warranty, unless required as a result of construction defects or from City review. The Owner shall be responsible for all maintenance. The City shall not be liable for any maintenance of rehabilitation until lands to the north develop.

31. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall provide the City with shop drawings for the decorative headwall, handrail and grate for acceptance by the City.

32. The Owner shall remove and dispose of any existing sewers (eg. Interim sanitary forcemain) and manholes no longer required on Block 44 and external to this Plan, as per the accepted engineering drawings, all to the satisfaction of the City.

33. The Owner shall remove the existing irrigation lines south of Sunningdale Road West in this Plan and the existing irrigations lines on the north side of Sunningdale Road West shall be cut, capped and abandoned, as per the accepted engineering drawings, all to the specifications and satisfaction of the City.

34. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct an Oil Grit Separator, sanitary and storm servicing and all appurtenances and a maintenance access through Block 44 in this Plan, and provide the necessary easements, as per the accepted engineering drawings, all to the specifications and satisfaction of the City.

35. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct storm sewers, rip rap outlets, proposed ditching, grading, corrugated steel pipes (CSPs) and all other appurtenances on Sunningdale Road West, external to this Plan, as identified on the accepted engineering drawings for Phase 1, all to the specifications and satisfaction of the City, at no cost to the City.

36. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall provide an interim storm sewer and catchbasins at the rear of the lots in this Plan, external to this Plan, and provide any necessary easements, as per the accepted engineering drawings, all to the satisfaction of the City. The Owner shall remove the temporary works when adjacent lands develop in the future, to the satisfaction of the City.

37. The Owner shall remove any temporary catchbasins and the existing easements may be quit claimed, all to the satisfaction and specifications of the City Engineer and at no cost to the City.

38. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make all necessary arrangements to construct new services and make adjustments to the existing works and services on Sunningdale Road West, adjacent to this Plan to accommodate the proposed works and services on this street to accommodate the lots in this Plan (eg. private services, traffic calming, etc.) in accordance with the approved design criteria and accepted engineering drawings for Phase 1, all to the satisfaction of the City Engineer, 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.
39. The Owner shall connect all existing field tiles, if any, into the proposed storm sewer system as per the accepted engineering drawings, to the satisfaction of the City.

24.9 WATER SERVICING

Add the following new Special Provisions:

40. 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) construct watermains to serve this Plan and connect them to the existing low-level/high-level municipal system, namely, the existing 900 mm diameter watermain on Sunningdale Road West as per the accepted engineering drawings.

41. If the Owner requests the City to assume Creekview Chase with the automatic flushing device still in operation, all as shown on this Plan of Subdivision, prior to its extension to the north, the Owner shall pay to the City at the time of the assumption of this subdivision by the City the amount estimated by the City at the time, to be the cost of removing the automatic flushing device and properly abandoning the discharge pipe from the automatic flushing device to the sanitary sewer system on Creekview Chase and restoring adjacent lands, all to the specifications of the City. The estimated cost for doing the above-noted work on this street is $5,000 per automatic flushing device 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.

24.10 ROADWORKS

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

(p) Where traffic calming measures are required within this Plan:
   (i) The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional Approval in this Plan.
   (ii) The Owner shall register against the title of all Lots and Blocks on Robbie’s Way and Creekview Chase 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 shall locate the driveways to the said Lots and Blocks away from the traffic calming measures on the said streets, including speed cushions, to be installed as traffic control devices, as per the accepted engineering drawings, to the satisfaction of the City Engineer.
   (iii) The Owner shall install speed cushions in this Plan of Subdivision as per the accepted engineering drawings, to the satisfaction of the City.
   (iv) Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Robbie’s Way and Creekview Chase adjacent to the speed cushions locations that indicate Future Speed Cushion Location, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.
Prior to assumption or as requested by the City, the Owner has the opportunity to evaluate and provide a study to determine whether the speed cushions are required. The Owner may be required to add additional traffic calming measures as determined by the City.

Prior to assumption or when required by the City Engineer, the Owner shall install the speed cushions on Robbie’s Way and Creekview Chase, including permanent signage and pavement markings, as per the accepted engineering drawings, to the satisfaction of the City Engineer.

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

(q) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Sunningdale Road West. All trades and construction vehicles shall park within this Plan of Subdivision.

Add the following new Special Provisions:

44. The Owner shall construct a temporary turning circle at the east limit of Creekview Chase, to the satisfaction of the City Engineer and at no cost to the City.

If the Owner requests the City to assume Creekview Chase, all as shown on this Plan of Subdivision, prior to its extension to the north, the Owner shall pay to the City at the time of the assumption of this subdivision by the City the amount estimated by the City at the time, to be the cost of removing the temporary turning circle at the east limit of Creekview Chase and completing the curb and gutter, asphalt pavement, Granular ‘A’, Granular ‘B’, sodding of the boulevard, 1.5metre (5foot) concrete sidewalks on one 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.

45. Barricades are to be maintained at east and west limits of Creekview Chase and Valleystream Walk until lands to the east and west develop, or until assumption of this Plan of Subdivision or as otherwise directed by the City. When lands to the east and west develop At the time of assumption of this Plan or as otherwise directed by the City, the Owner shall remove the barricades and any temporary turning circles, restore the boulevards and complete the construction of the roadworks within the limits of both temporary turning circles, to the specifications of the City, all at no cost to the City.

The Owner shall advise all purchasers of land within this subdivision that any traffic to and from this subdivision will not be permitted to pass the barricade(s) until the removal of the barricade(s) is authorized by the City.

46. Prior to any work on the site, the Owner shall install signage advising construction traffic that loads on Sunningdale Road West are restricted to a maximum weight of five (5) tonnes per axle for any vehicle travelling on this road during the period March 1 to April 30, inclusive in any year.

47. Within 6 months of the issuance of any Certificate of Conditional Approval, the Owner shall install temporary street lights at the intersection of Robbie’s Way
and Sunningdale Road West, to the satisfaction of the City Engineer and at no cost to the City.

48. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall undertake all work necessary and complete any required road works to establish adequate sight decision distance at the intersection of Robbie’s Way and Sunningdale Road, if required, based on the timing of any City led works, to the satisfaction of the City Engineer, at no cost to the City.

49. The Owner acknowledges that the City, in accordance with the City’s current Growth Management Implementation Strategy (GMIS) may be reconstructing Sunningdale Road West. Both the Owner and the City shall co-operate, as necessary, and co-ordinate the work associated with this Plan with the City’s proposed construction of Sunningdale Road West, adjacent to the north boundary of this Plan, to complete the project, to the satisfaction of the City and at no cost to the City.

50. In conjunction with registration of this Plan, the Owner shall provide a road widening dedication on Sunningdale Road West in accordance with the Council approved Sunningdale Road Environmental Assessment (EA) to the satisfaction of the City Engineer.

51. The Owner shall construct a gateway treatment on Robbie’s Way, from Sunningdale Road West to the south, as per the accepted engineering drawings, all to the specifications and satisfaction of the City Engineer.

52. The Owner shall remove existing infrastructure, including but not limited to, CICBs, DICBs, ditching, curbs, etc. on Sunningdale Road West and relocate/restore/construct associated works as per the accepted engineering drawings for Phase 1, all to the specifications and satisfaction of the City.

53. The Owner shall maintain the storm and sanitary sewer and maintenance access (to service the storm and sanitary sewer) over lands external to this Plan as required herein until the said sewers and maintenance access are assumed by the City, all to the satisfaction of the City Engineer and at no cost to the City.

24.12 PARKS

Add the following new Special Provisions:

Parks

54. The Owner shall dedicate Blocks 43, 44, and 45 to the City as partial fulfillment of the required parkland dedication. The Owner acknowledges that there is a deficiency of parkland dedication in the amount of 0.206 ha and that this deficiency shall be fulfilled through dedications associated with the future development of lands by the Owner north of Sunningdale Road and east of Wonderland Road.

55. Within one (1) year of registration, the Owner shall construct fencing without gates in accordance with the approved engineering drawings, to the satisfaction of the City. The Owner agrees that the City of London will not participate, either financially or otherwise, in any maintenance, repair or replacement associated with the fences constructed, as they will be constructed wholly on private lands. The Owner agrees to register on title restrictive covenants for lots abutting park and open space blocks that are to have fencing constructed wholly on private property to acknowledge and agree that the City of London will not participate, either financially or otherwise, in any maintenance, repair or replacement associated with the fences constructed, as per the servicing drawings approved by the City Engineer.
56. Within one (1) year of registration of this Plan, the Owner shall grade, service and seed Blocks 43 and 44 in accordance with the approved engineering plans, to the satisfaction of the City.

57. The Owner shall not grade into any open space areas. 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 exiting 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.

58. Prior to any construction, site alteration or installation of services, robust silt fencing/erosion control measures must be installed and certified with site inspection reports submitted to the Development Services monthly during development activity along the edge of the woodlot.

59. All parkland/open space blocks shall be sufficiently protected from sediment throughout the construction period. A sediment barrier shall be established along the park block limits to the satisfaction of the City.

60. Within one (1) year of registration, the Owner shall construct a multi-use path, maintenance access and corrugated steel pipes (CSPs) on Open Space Blocks and all associated works as per the accepted engineering drawings, all to the specifications and satisfaction of the City.

61. Within one (1) year of registration, the Owner shall remove a portion of existing asphalt access and reconstruct a portion of the existing asphalt access external to this Plan to match new path grades and construct all necessary works, as per the accepted engineering drawings, all to the specifications and satisfaction of the City.

62. The Owner shall prepare and deliver to all homeowners an education package which explains the stewardship of natural area, the value of existing tree cover and the protection and utilization of the grading and drainage pattern on these lots. The educational package shall be prepared to the satisfaction of the City.

24.13 PLANNING

Add the following new Special Provisions:

63. The Owner shall include in all Purchase and Sale Agreements a warning clause advising future residents of nearby agricultural operations and its potential impact on residential uses by owners.

64. The Owner shall install a 1.8 metre high noise barrier, on lots 1 and 42 as recommended in the Noise Assessment prepared by LDS Consultants Inc. dated April 17, 2019. Property Owners of these lots are to be advised that they shall not tamper with the barrier and will be responsible for its long term maintenance.

65. The Owner shall register against the title of Lots 1-2 and 41-42 in this Plan, and include in the Agreement of Purchase and Sale for the transfer of the said Lots, a warning clause as follows:

“This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality’s and the Ministry of the Environment’s noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MOE Publication NPC-216, Residential Air Conditioning
Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)"

“Purchasers / tenants are advised that sound levels due to increasing road (rail) (air) traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality’s and the Ministry of the Environment’s noise criteria.”

66. The Owner shall register against all residential lots and Blocks, and include in the Agreement of Purchase and Sale for the transfer of the said Lots, a warning clause as follows:

“The City of London assumes no responsibility for noise issues which may arise from the existing or increased traffic of Sunningdale Road West as it relates to the interior or outdoor living areas of any dwelling unit within the development. The City of London will not be responsible for constructing any form of noise mitigation for this development.”

67. The Owner shall register on title and include in all Purchase and Sale Agreements the requirement that the homes to be designed and constructed on lots 1 and 42 in this Plan, are to have design features, such as but not limited to porches, windows or other architectural elements that provide for a street oriented design except where a required noise wall has been approved abutting the exterior side yard, (Sunningdale Road West road frontage). Further, the Owner shall obtain approval of their proposed design from the Director, Development Services and/or his/her designate prior to any submission of an application for a building permit for lots 1 and 42.

Ecology

68. In accordance with the approved rehabilitation plan, the Owner shall complete and submit to the City an annual qualitative vegetation monitoring report to be completed for a period of two (2) years following the rehabilitation of the buffer area to ensure the viability and healthy establishment of the seeded areas and (trans)planted specimens to the satisfaction of the City.

69. In accordance with the approved Tree Preservation Plan, the Owner shall install six (6) bat boxes, within Block 45, as per the approved design drawings. The Owner shall provide an additional nine (9) bat boxes to the City for their future use / installation in appropriate locations city-wide, at no cost to the City.

70. Prior to the commencement of development and the removal of the old structures (restmoom and rain shelter) associated with the existing golf course use, an environmental professional will confirm if barn swallow nests exist within these structures as they have been observed foraging on the subject lands. The environmental professional will report their findings to the City of London. If barn swallow nests exist, Notice of Activity must be provided pursuant the Endangered Species Act and O. Reg 242/08 and the nest cannot be disturbed / structures demolished during the “barn swallow active season” (generally May 1 to August 31). For each nest removed / destroyed, a substitute nest cup must be installed within a suitable building or structure, as per O. Reg 242/08.
SCHEDULE “C”

This is Schedule “C” to the Subdivision Agreement dated this ________ day of ________, 2021, between The Corporation of the City of London and Corlon Properties Inc. to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

- Robbie’s Way shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres.
- Creekview Chase and Valleystream Walk shall have a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 19 metres.
- Robbie’s Way, from Sunningdale Road West to 45 metres south of Sunningdale Road West shall have a minimum road pavement width (including concrete island, excluding gutters) of 11.0 metres with a minimum road allowance of 28.0. The widened road on Robbie’s Way shall be equally aligned from the centreline of the road and tapered back to the 8.0 metre road pavement width (excluding gutters) and 20.0 metre road allowance for this street, with 30 metre tapers on both street lines.

Sidewalks

A 1.5 metre (5 foot) sidewalk shall be constructed on both sides of Robbie’s Way.
A 1.5 metre (5 foot) sidewalk shall be constructed on one side of the following:
   (i) Creekview Chase – south 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 ________, 2021, between The Corporation of the City of London and Corlon Properties Inc. 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 47, 48, 49 and 50
Road Widening (Dedicated on face of plan): Block 46
Walkways: NIL
5% Parkland Dedication: Block 43, 44 and 45
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
This is Schedule “E” to the Subdivision Agreement dated this ________ day of _______, 2021, between The Corporation of the City of London and Corlon Properties Inc. to which it is attached and forms a part.

The Owner shall supply the total value of security to the City is as follows:

<table>
<thead>
<tr>
<th>Portion</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash Portion</td>
<td>$722,519</td>
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<tr>
<td>Balance Portion</td>
<td>$4,094,273</td>
</tr>
<tr>
<td>Total Security</td>
<td>$4,816,792</td>
</tr>
</tbody>
</table>

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 ACT, R.S.O. 1990.
SCHEDULE “F”

This is Schedule “F” to the Subdivision Agreement dated this ________ day of ________, 2021, between The Corporation of the City of London and Corlon Properties Inc. to which it is attached and forms a part.

Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external easements as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all easements within this Plan to the City.

Multi-Purpose Easements:

(a) Multi-purpose easements for servicing shall be deeded to the City in conjunction with this Plan, within this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:
   (i) On Lot 21 for sanitary servicing in Block 44
   (ii) On Lot 22 for storm servicing in Block 44

(b) Multi-purpose easements shall be deeded to the City in conjunction with this Plan, over lands external to this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:
   (i) Temporary easement for external grading, storm sewers, etc. at the rear of Lots 1 to 9 and 23 to 42 all to the phase limit.
   (ii) Temporary easement on external lands, north of Sunningdale Road on 259 Sunningdale Road West, around the 450mm sanitary cap as per the accepted engineering drawings.

(c) Temporary turning circle easements shall be deeded to the City in conjunction with this Plan over lands outside this Plan east limit of Creekview Chase.
## Appendix B – Claims and Revenues

### Estimated Costs and Revenues

<table>
<thead>
<tr>
<th>Estimated DC Claim Costs</th>
<th>Estimated Cost (excludes HST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sanitary Sewer Over-sizing Subsidy (DC190W61001)</td>
<td>$90,825</td>
</tr>
<tr>
<td>Engineering - Stormwater Management - OGS Treatment System and Outlet (DC14-653000077)</td>
<td>$61,030</td>
</tr>
<tr>
<td>Construction - Stormwater Management - OGS Treatment System and Outlet</td>
<td>$407,743</td>
</tr>
<tr>
<td>Engineering - Stormwater Works within Block 103 under Plan 33M-593 (Sunningdale SWMM668)</td>
<td>$21,915</td>
</tr>
<tr>
<td>Construction - Stormwater Works within Block 103 under Plan 33M-593 (Sunningdale SWMM668)</td>
<td>$113,332</td>
</tr>
<tr>
<td>Engineering - Parks - Open Space Network Blocks 34, 43 and 45 (DC18PR50046)</td>
<td>$48,756</td>
</tr>
<tr>
<td>Construction - Parks - Open Space Network Blocks 34, 43 and 45 (DC18PR50046)</td>
<td>$322,824</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,073,425</strong></td>
</tr>
</tbody>
</table>

### Estimated DC Revenues (January 1, 2021 to December 31, 2021 Rates)

<table>
<thead>
<tr>
<th>Estimated Revenue</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>CSRF TOTAL</td>
<td><strong>$1,454,635</strong></td>
</tr>
</tbody>
</table>

1. Estimated DC Claim Costs are for Owner-led construction projects and do not include City led projects required to accommodate growth.
2. Estimated DC Revenues are calculated using current DC rates. The City employs a "citywide" approach to cost recovery for all eligible growth services, therefore the Estimated DC Claim Costs and Revenues in the table above are not directly comparable.
3. DC Claim Costs are based on the approved Work Plan cost estimates provided by the Owner for engineering and construction of the claimable works. Final claim payments will be approved based on actual costs incurred by the Owner in conjunction with the terms of the registered Subdivision Agreement, Work Plan and the DC By-law.
4. The Over-sizing Subsidy costs are based on estimates from the accepted engineering drawings and the current DC By-law. Final claim payments will be approved based on constructed quantities in conjunction with the DC By-law.

Approved by:

Date: ____________________________  
Paul Yeoman
Director, Capital Assets and Projects
Appendix C – Source of Finance (1 of 2)

I2198
June 21, 2021
(267/18581_1)

Chief and Members
Planning and Environment Committee

RE: Subdivision Special Provisions - Sunningdale Court Phase 1
Cortina Properties Inc
Capital Project ESS/SM-55A - Wastewater Internal Oversizing (2525156)
Capital Project ESS/WM-55A – SWM Facility - Sunningdale No. 6A (2525178)
Capital Project ESS8010 - UWRF Transition to CSRF - SWM (2525185)
Capital Project PK204319 - New Major Open Space (2525181)

Finance Supports Report on the Sources of Financing:

Finance Supports confirms that the cost of this project cannot be accommodated within the financing available for it in the Capital Budget, but can be accommodated by an additional drawdown from City Services - Stormwater Reserve Fund, and that, subject to the approval of the Deputy City Manager, Planning and Economic Development and Chief Building Official, the detailed source of financing is:

<table>
<thead>
<tr>
<th>Estimated Expenditures</th>
<th>Approved Budget</th>
<th>Additional Requirement (Note 1)</th>
<th>Revised Budget</th>
<th>Committed To Date</th>
<th>This Submission</th>
<th>Balance for Future Work</th>
</tr>
</thead>
<tbody>
<tr>
<td>ESS/14619 - Wastewater Internal Oversizing</td>
<td>200,000</td>
<td>0</td>
<td>200,000</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
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<tr>
<td>Construction</td>
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<td>868,453</td>
<td>227,364</td>
<td>86,529</td>
<td>540,560</td>
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<td>Total ESS/14619</td>
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<td>1,068,453</td>
<td>227,364</td>
<td>86,529</td>
<td>740,560</td>
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<tr>
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<td>0</td>
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<tr>
<td>Construction</td>
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<tr>
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<td>1,854,680</td>
<td>513,894</td>
<td>9,784</td>
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<td>390,889</td>
<td>51,790</td>
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<td>379,197</td>
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Total Expenditures $12,052,753 $177,024 $12,269,777 $6,438,131 $956,203 $4,835,443

Sources of Financing

<table>
<thead>
<tr>
<th>Description</th>
<th>Approved Budget</th>
<th>Additional Requirement (Note 2)</th>
<th>Revised Budget</th>
<th>Committed To Date</th>
<th>This Submission</th>
<th>Balance for Future Work</th>
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<tbody>
<tr>
<td>ESS/14619 - Wastewater Internal Oversizing</td>
<td>200,000</td>
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<td>200,000</td>
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<td>ESS/WM-55A – SWM Facility - Sunningdale No. 6A</td>
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<tr>
<td>ESS/610 - UWRF Transition to CSRF - SWM</td>
<td>1,854,680</td>
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<td>PK204319 - New Major Open Space</td>
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<td>390,889</td>
<td>51,790</td>
<td>50,691</td>
<td>288,188</td>
</tr>
</tbody>
</table>

Total Financing $12,052,753 $177,024 $12,269,777 $6,438,131 $956,203 $4,835,443

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Note 1: The total amount includes the approved budget and any additional requirement.

Note 2: The total amount includes the approved budget and any additional requirement.
## Appendix C – Source of Finance (2 of 2)

<table>
<thead>
<tr>
<th>Financial Note - Engineering</th>
<th>ESSWM-SD6A</th>
<th>ES6610</th>
<th>PK204319F</th>
<th>Subtotal</th>
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<table>
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<th>ESS14519</th>
<th>ESSWM-SD6A</th>
<th>E56610</th>
<th>PK204319F</th>
<th>Subtotal</th>
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<td>Net Contract Price</td>
<td>$98,559</td>
<td>$414,920</td>
<td>$31,519</td>
<td>$316,605</td>
<td>$573,703</td>
</tr>
</tbody>
</table>

Total - Engineering and Construction $596,263

Note 1: The additional requirement is available as a drawdown from the City Services - Stormwater Reserve Fund (Development Charges). The uncommitted balance of the reserve fund will be approximately $3.1M with the inclusion of this project.

Note 2: Development Charges have been utilized in accordance with the underlying legislation and the approved 2019 Development Charges Background Study and the 2021 Development Charges Background Study Update.

Kyle Munny
Director, Financial Planning and Business Support
Report to Planning and Environment Committee

To: Chair and Members
   Planning & Environment Committee
From: George Kotsifas, P. Eng.
   Deputy City Manager, Planning and Economic
   Development
Subject: Application By: JNF Group Inc.
   355 Marconi Boulevard
   Marconi Court Subdivision - Special Provisions
Meeting on: June 21, 2021

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and JNF Group Inc. for the subdivision municipally known as 355 Marconi Boulevard;

(a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and JNF Group Inc. for the Marconi Subdivision, (39T-20501) attached as Appendix “A”, BE APPROVED;

(b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues attached as Appendix “B”;

(c) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

Executive Summary

Seeking approval of Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and JNF Group Inc. for the Marconi Court Subdivision (39T-20501)

Linkage to the Corporate Strategic Plan

Building a Sustainable City – London’s growth and development is well planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Property Description
The subject site is a 1.47 hectare parcel of land located on the east side of Marconi Boulevard south of Trafalgar Street, north of Julia Court. The subject site consists of flat, vacant land that was previously used as an outdoor soccer field and a portion of a parking lot associated with the Marconi Club of London. Surrounding land uses consist of single detached, semi-detached, townhouses and low-rise apartments.
1.3 Marconi Court Subdivision
2.0 Discussion and Considerations

2.1 Development Proposal

A proposed plan of subdivision consisting of thirty (30) single detached dwelling lots fronting on a local street with connections to existing municipal services on Marconi Boulevard.

The recommended special provisions for the proposed Subdivision Agreement are found at Appendix A of this report. Staff has reviewed these special provisions with the Owner who is in agreement with them.

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

3.0 Financial Impact/Considerations

3.1 Financial Securities

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

4.0 Key Issues and Considerations

The key issues and considerations have been reviewed and addressed through the draft plan of subdivision approval process and subdivision agreement conditions.

Conclusion

Planning and Development staff are satisfied with the proposed special provisions for the Marconi Court Subdivision, and recommend that they be approved; and, that the Mayor and the City Clerk be authorized to execute the Subdivision Agreement, any amending agreements and all documents required to fulfill its conditions.

Prepared by: Larry Mottram, MCIP, RPP
Senior Planner, Development Services

Recommended by: Gregg Barrett, AICP
Director, Planning and Development

Submitted by: George Kotsifas, P. Eng.
Deputy City Manager,
Planning and Economic Development

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, Subdivisions and Condominiums
    Bruce Page, Manager, Subdivision Planning
    Peter Kavcic, Manager, Subdivision Engineering

June 14, 2021
GK/GB/LM/jar
5. **STANDARD OF WORK**

Add the following new Special Provision:

1. The Owner shall provide minimum side yard setbacks as specified by the City for buildings which are adjacent to rear yard catch basin leads which are not covered by an easement on Lots in this Plan.

The Owner shall register against the title of Lots which incorporate rear yard catchbasins, which includes Lots 1, 7, 8, 16, 17, 21, 22, 27 and 28 in this Plan and all other affected Lots shown on the accepted plans and drawings, and shall include this information in the Agreement of Purchase and Sale or Lease for the transfer of each of the affected Lots, a covenant by the purchaser or transferee to observe and comply with the minimum building setbacks and associated underside of footing (U.S.F.) elevations, by not constructing any structure within the setback areas, and not disturbing the catchbasin and catchbasin lead located in the setback areas. This protects these catchbasins and catchbasin leads from damage or adverse effects during and after construction. The minimum building setbacks from these works and associated underside of footing (U.S.F.) elevations have been established as indicated on the subdivision lot grading plan, attached hereto as **Schedule “I”** and on the servicing drawings accepted by the City Engineer.

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 was 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 Special Provisions:

3. 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) Removal of automatic flushing devices/blowoffs in future, an amount of $5,000 each flusher

4. Prior to Final Approval, the Owner shall make all necessary arrangements with any required owner(s) to have any existing easement(s) in this plan quit claimed to the satisfaction of the City and at no cost to the City. The Owner shall protect any existing private services in the said easement(s) until such time as they are removed and replaced with appropriate municipal and/or private services at no cost to the City.

Following the removal of any existing private services from the said easement and the appropriate municipal services and/or private services are installed and operational, the Owner shall make all necessary arrangements 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.

24.2 CLAIMS

5. Remove Subsection 24.2 in its entirety and Replace with the following provision:

(a) There are no eligible claims for works by the Owner paid for from the Development Charges Reserve Fund or Capital Works Budget included in this Agreement.

(b) 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.

(c) 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 water mains 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;

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.
24.7 GRADING REQUIREMENTS
Add the following new Special Provisions:

6. The Owner shall grade the portions of Lots 1 and 30, which have a common property line with Marconi Boulevard, to blend with the existing road grades on Marconi Boulevard, in accordance with the accepted engineering drawings, to the satisfaction of the City and at no cost to the City.

7. The Owner shall register against the title of all Lots in this Plan, and shall include in the Agreement of Purchase and Sale for the transfer of each of the said Lots, as an overland flow route is located at the rear of the said Lots, a covenant by the purchaser or transferee to observe and comply with the following:

i) The purchaser or transferee shall not alter or adversely affect the said overland flow route on the said Lots as shown on the accepted lot grading and servicing drawings for this subdivision.

The Owner further acknowledges that no landscaping, vehicular access, parking access, works or other features shall interfere with the above-noted overland flow route, grading or drainage.

8. The Owner shall maintain the existing overland flow route on all Lots in this Plan as per the accepted engineering drawings, to the satisfaction of the City Engineer.

9. The Owner shall obtain permission for the adjacent land owners (Municipal Address 114 Clarke Road and 120 Clarke Road) to accommodate the overland flow route from this Plan of Subdivision as per the accepted engineering drawings, to the satisfaction of the City.

24.8 STORM WATER MANAGEMENT
Add the following new Special Provisions:

10 Prior to assumption, the Owner shall operate, monitor and maintain the stormwater works associated with this Plan. The Owner shall ensure that any removal and disposal of sediment is to an approved site in accordance with the Ministry of the Environment and the Ministry of Natural Resources.

11. 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

12. Remove Subsection 24.9 (b) and replace with the following:

(b) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Pottersburg Creek Subwatershed, and connect them to the City’s existing storm sewer system being the 600 mm diameter storm sewer on Marconi Boulevard in accordance with the accepted engineering drawings, to the satisfaction of the City.

Remove Subsection 24.9 (j) and replace with the following:

(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 200 mm diameter sanitary sewer on Marconi Boulevard.

Add the following new Special Provisions:

13. The Owner shall remove existing sewer stubs and water services on Marconi Boulevard and make all restorations as per the accepted engineering drawings, to the satisfaction of the City.

14. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall install an outlet control device for storm servicing as per the accepted engineering drawings, to the satisfaction of the City.
15. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make all necessary arrangements to 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 facing this street (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.

24.10 WATER SERVICING

Add the following new Special Provisions:

16. 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) construct water mains to serve this Plan and connect them to the existing low-level/high-level municipal system, namely, the existing 250 mm diameter water main on Marconi Boulevard as per the accepted drawings, to the satisfaction of the City;

17. The Owner shall hold Lot 11 out of development until the automatic flushing device is decommissioned to the satisfaction of the City.

18. If the Owner requests the City to assume Marconi Court with the automatic flushing device still in operation, all as shown on this Plan of Subdivision, the Owner shall pay to the City at the time of the assumption of this subdivision by the City the amount estimated by the City at the time, to be the cost of removing the automatic flushing device and properly abandoning the discharge pipe from the automatic flushing device to the storm/sanitary sewer system on Marconi Court and restoring adjacent lands, all to the specifications of the City. The estimated cost for doing the above-noted work on this street is $5,000 per automatic flushing device 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.

19. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall cut and cap the existing 150 mm CI stub as per the accepted engineering drawings, to the satisfaction of the City.

24.11 ROADWORKS

20. Remove Subsection 24.11 (p) as there are no traffic calming measures in this Plan.

(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.
The Owner shall register against the title of all Lots and Blocks on ____(insert street names)____ 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 shall locate the driveways to the said Lots and Blocks away from the traffic calming measures on the said streets, including traffic calming circles, raised intersections, splitter islands and speeds cushions, to be installed as traffic control devices, to the satisfaction of the City Engineer.

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

21. (q) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Marconi Boulevard via Trafalgar Street. Marconi Boulevard at Trafalgar Street shall be the access point to and from site, for all trades and construction traffic.

Add the following new Special Provisions:

22. The Owner shall remove existing infrastructure, including but not limited to, CICBs, DICBs, curbs, water valve, sewer stubs, etc. on Marconi Boulevard and relocate/restore/construct associated works as per the accepted engineering drawings, to the specifications and satisfaction of the City.

23. The Owner shall reconstruct the sidewalk connections to the existing sidewalk on Marconi Boulevard as per the accepted engineering drawings, to the satisfaction of the City.

24.xx PLANNING

24. The Owner shall provide the purchasers of all lots in the subdivision with a zoning information package pertaining to residential driveway locations and widths. The Owner shall obtain and provide to the City written acknowledgement from the purchaser of each lot in this plan that their driveway will be installed and maintained in accordance with the requirements of the Zoning By-law. The information package and written acknowledgement shall be in a form satisfactory to the City.

25. The Owner agrees to register on title and include in all Purchase and Sale Agreements for Lot 1 and Lot 30 a requirement that the purchaser/home builder shall provide concept plans and elevations prior to the application for a building permit which demonstrates 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, to the satisfaction of the City.
This is Schedule “C” to the Subdivision Agreement dated this ________ day of ________, 2021, between The Corporation of the City of London and 2789959 Ontario Inc. to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways
- Marconi Court shall have a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 20.0 metres.

Sidewalks
A 1.5 metre sidewalk shall be constructed on one side of
(i) Marconi Boulevard – across frontage of plan to match existing as per accepted engineering drawings
(ii) Marconi Court – north boulevard

Pedestrian Walkways
There are no pedestrian walkways in this Plan.
SCHEDULE “D”

This is Schedule "D" to the Subdivision Agreement dated this ________ day of ________, 2021, between The Corporation of the City of London and 2789959 Ontario Inc. 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 31 and 32

Road Widening (Dedicated on face of plan): NIL

Walkways: NIL

5% Parkland Dedication: Cash payment in lieu of the 5% parkland dedication pursuant to City of London By-law C.P.-9.

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 ________, 2021, between The Corporation of the City of London and 2789959 Ontario Inc. to which it is attached and forms a part.

The Owner shall supply the total value of security to the City is as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>CASH PORTION:</td>
<td>$121,579</td>
</tr>
<tr>
<td>BALANCE PORTION:</td>
<td>$688,950</td>
</tr>
<tr>
<td>TOTAL SECURITY REQUIRED</td>
<td>$810,529</td>
</tr>
</tbody>
</table>

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 ACT, R.S.O. 1990.
SCHEDULE “F”

This is Schedule “F” to the Subdivision Agreement dated this ________ day of ________, 2021, between The Corporation of the City of London and 2789959 Ontario Inc. 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:

No multi-purpose easements are required in this Plan.
SCHEDULE “N”

This is Schedule “N” to the Subdivision Agreement dated this ________ day of __________, 2021, between The Corporation of the City of London and 2789959 Ontario Inc. to which it is attached and forms a part.

Parking Plan Required
Insert Plan
## Appendix B – Claims and Revenues

### Estimated Costs and Revenues

<table>
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<tr>
<th>Estimated DC Claim Costs</th>
<th>Estimated Cost (excludes HST)</th>
</tr>
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<tbody>
<tr>
<td>Claims for Owner led construction from CSRF</td>
<td></td>
</tr>
<tr>
<td>- Nil.</td>
<td>$0</td>
</tr>
<tr>
<td>Total</td>
<td>$0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Estimated DC Revenues (January 1, 2021 to December 31, 2021 Rates)</th>
<th>Estimated Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSRF TOTAL</td>
<td>$1,024,740</td>
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</tbody>
</table>

1. Estimated DC Claim Costs are for Owner led construction projects and do not include City led projects required to accommodate growth.
2. Estimated DC Revenues are calculated using current DC rates. The City employs a “citywide” approach to cost recovery for all eligible growth services, therefore the Estimated DC Claim Costs and Revenues in the table above are not directly comparable.
3. There are no anticipated claims associated with this development.

Approved by:

Date

Paul Yeoman
Director, Capital Assets and Projects
To: Chair and Members  
Planning & Environment Committee  

From: George Kotsifas, P. Eng  
Deputy City Manager  
Planning and Economic Development  

Subject: Application by Drewlo Holdings Inc.  
1635 Commissioners Road East and 2624 Jackson Road  
Parker Jackson Subdivision Phase 1 – Special Provisions  

Date: June 21, 2021  

Recommendation  

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Drewlo Holdings Inc. for the subdivision relating to the lands located on the east side of Jackson Road between Commissioners Road East and Bradley Avenue, municipally known as 1635 Commissioners Road East and 2624 Jackson Road;  

(a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Drewlo Holdings Inc. for the Parker Jackson Subdivision, Phase 1 (39T-06507_1) attached as Appendix “A”, BE APPROVED;  

(b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues attached as Appendix “B”;  

(c) the financing for this project BE APPROVED as set out in the Source of Financing Report attached as Appendix “C”;  

(d) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfil its conditions.  

Executive Summary  

Seeking approval of Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Drewlo Holdings Inc. for the Parker Jackson Subdivision, Phase 1 (39T-06507_1)  

Linkage to the Corporate Strategic Plan  

Building a Sustainable City – London’s growth and development is well planned and sustainable over the long term.  

Analysis  

1.0 Background Information  

1.1 Property Description  

The subject lands consists of open fields which were formally in agricultural use (cash crops), as well as a patch of woodland consisting of some wetland along the central and easterly portion of the subject site. A drainage tributary flows from the woodland west through the field towards Jackson Road and then south eventually crossing Bradley Avenue. At this point it is an open channel drain referred to as the Hampton-Scott Drain. The southwest corner of the site is traversed by a hydro corridor easement and a transmission tower. The site topography slopes gradually from the north to south.
1.2 Location Map

Location Map

Project Title: 39T-06507_1
Description: 1635 Commissioners Road East and 2624 Jackson Road
Created By: Larry Mottram
Date: 5/21/2021
Scale: 1:8000

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

Corporation of the City of London
2.0 Discussion and Considerations

2.1 Development Proposal

Phase 1 of the plan of subdivision will consist of two hundred and thirty (230) single detached dwelling lots (Lots 1 to 230), three (3) multi-family, medium density residential blocks (Blocks 231 to 233), one (1) school block (Block 234), two (2) neighbourhood park blocks (Blocks 235 & 236), two (2) park/multi-use pathway blocks (Blocks 237 & 238), one (1) open space/ buffer block (Block 239), one (1) road widening and several 0.3 metre reserve blocks, and five (5) new streets.

The recommended special provisions for the proposed Phase 1 Subdivision Agreement are found at Appendix A of this report. 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.

3.0 Financial Impact/Considerations

3.1 Financial Securities

Through the completion of the works associated with this application fees, development charges and taxes will be collected. Outside of the DC eligible items outlined in the attached Source of Financing (Appendix C), there are no direct financial expenditures associated with this application.

4.0 Key Issues and Considerations

The key issues and considerations have been reviewed and addressed through the draft plan of subdivision approval process and subdivision agreement conditions.

Conclusion

Planning and Development staff are satisfied with the proposed special provisions for the Parker Jackson Subdivision – Phase 1, and recommend that they be approved; and, that the Mayor and the City Clerk be authorized to execute the Subdivision Agreement, any amending agreements and all documents required to fulfill its conditions.

Prepared by: Larry Mottram, MCIP, RPP
Senior Planner, Development Services

Recommended by: Gregg Barrett, AICP
Director, Planning and Development

Submitted by: George Kotsifas, P. Eng.
Deputy City Manager,
Planning and Economic Development

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, Subdivisions and Condominiums
   Bruce Page, Manager, Subdivision Planning
   Peter Kavcic, Manager, Subdivision Engineering

June 14, 2021
GK/PY/MC/jar
Appendix A – Special Provisions

5. STANDARD OF WORK

Add the following new Special Provision:

1. The Owner shall provide minimum side yard setbacks as specified by the City for buildings which are adjacent to rear yard catch basin leads which are not covered by an easement on Lots in this Plan.

The Owner shall register against the title of Lots which incorporate rear yard catch basins, which includes Lots 70, 74, 75, 77, 78, 83, 84, 91, 94, 95, 97, 98, 103, 104, 144 148, 149, 154 162, 163, 169, 170, 172, 173, 179, 180, 185, 186, 187, 189, 190, 205 and 206 in this Plan and all other affected Lots shown on the accepted plans and drawings, and shall include this information in the Agreement of Purchase and Sale or Lease for the transfer of each of the affected Lots, a covenant by the purchaser or transferee to observe and comply with the minimum building setbacks and associated underside of footing (U.S.F.) elevations, by not constructing any structure within the setback areas, and not disturbing the catchbasin and catchbasin lead located in the setback areas. This protects these catchbasins and catchbasin leads from damage or adverse effects during and after construction. The minimum building setbacks from these works and associated underside of footing (U.S.F.) elevations have been established as indicated on the subdivision lot grading plan, attached hereto as Schedule “I” and on the servicing drawings accepted by the City Engineer.

15. PROPOSED SCHOOL SITES

2. Remove Subsection 15.3 and replace with the following:

15.3 The Owner shall set aside an area or areas (being Block 234) 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.

24.1 STANDARD REQUIREMENTS

Add the following Special Provisions:

3. Prior to assumption and in conjunction with the Final Lot Grading Certificate, the Owner shall make any amendments to the Plan required to adjust property boundaries consistent with as-built conditions (e.g. Part-Lot Control or Consent) as confirmed by an Ontario Land Surveyor for Blocks 231, 232 and 233 should they be developed as Street Townhouses, all at no cost to the City.

4. The Owner shall install servicing on streets in this plan of subdivision fronting proposed street townhouse blocks after site plan approval has been obtained for the proposed blocks by the City, all to the satisfaction of the City, at no cost to the City.

5. The Owner shall make all necessary arrangements with any required owner(s) to have any existing easement(s) in this plan quit claimed to the satisfaction of the City and at no cost to the City. The Owner shall protect any existing private services in the said easement(s) until such time as they are removed and replaced with appropriate municipal and/or private services at no cost to the City. Following the removal of any existing private services from the said easement and the appropriate municipal services and/or private services are installed and operational, the Owner shall make all necessary arrangements 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.
6. 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 south limit of Gatestone Road outside this Plan, an amount of $20,000
(ii) For the removal of the temporary turning circle on the north limit of Street ‘C’/Gatestone Road an amount of $20,000
(iii) Removal of automatic flushing devices/blowoffs in future, an amount of $5,000 each flusher, for a total amount of $15,000

24.2 CLAIMS

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

(c) The Owner may, upon approval of this Agreement and completion of the works, make application to Development Finance for payment of the sum alleged to be owing, and as confirmed by the City Engineer (or designate) and the City Treasurer (or designate). Payment will be made pursuant to any policy established by Council to govern the administration of the said Development Charge Reserve Fund.

The anticipated reimbursements from the Development Charge Reserve Funds are:

(i) for the engineering costs of the construction of a sidewalk on Jackson Road and boulevard works in conjunction with this Plan, the estimated cost of which is $24,064, excluding HST as per the accepted Work Plan;
(ii) for the construction of a sidewalk on Jackson Road and boulevard works in conjunction with this Plan, the estimated cost of which is $209,014, excluding HST as per the accepted Work Plan;
(iii) for the construction of oversized sanitary sewers in conjunction with this Plan, subsidized at an estimated cost of which is $165,310, excluding HST;
(iv) for the construction of oversized storm sewers in conjunction with this Plan, subsidized at an estimated cost of which is $797,003, excluding HST;
(v) for the construction of oversized watermains in conjunction with this Plan, subsidized at an estimated cost of which is $65,841, excluding HST;
(vi) for the engineering costs related to the construction of channelization on Commissioners Road, the estimated cost of which is $31,352, as per the approved Work Plan;
(vii) for the construction of channelization on Commissioners Road at Jackson Road, the estimated cost of which is $160,426, as per the approved Work Plan;

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

24.5 HYDROGEOLOGICAL WORKS

Add the following new Special Provisions:

8. The Owner shall provide appropriate short-term and/or long-term hydrogeological and ecological monitoring plan for the woodlot and wetland areas as outlined in document “Comment Responses from the UTRCA Letter Dated March 13, 2020 File 39T-06507 - Parker Jackson Subdivision, London, Ontario, Ref. No. Reference: LON-00015313-HG” dated September 1, 2020 prepared by EXP Services Inc., all to the satisfaction of the City Engineer.
24.6 EROSION AND SEDIMENT CONTROL

Add the following new Special Provisions:

9. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct and have operational temporary sediment and erosion control works (e.g. sediment basins, spillway channels, rock flow check dams) within this Plan, as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.

10. All temporary erosion and sediment control measures, including sediment basins, 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.

11. Within 6 months of the Certificate of Conditional Approval, the temporary sediment basins, spillway channels, rock flow check dams and associated works are to be decommissioned, to the satisfaction of the City.

12. Prior to the issuance of any Certificate of Conditional Approval, all temporary storm sewers and structures within this Plan will be required to be removed, to the satisfaction of the City. The temporary erosion and sediment pond 6 shall be removed when the Parker Jackson SWM Facility is constructed with a suitable sewer outlet, as per the accepted engineering drawings, to the satisfaction of the City.

24.7 GRADING REQUIREMENTS

Add the following new Special Provisions:

12. The Owner shall grade the portions of Lot 174 and Blocks 231, 232 and 233 inclusive, which have a common property line with Commissioners Road East and Jackson Sideroad, to blend with the ultimate profile of Commissioners Road East and Jackson Sideroad, in accordance with the City Standard “Subdivision Grading Along Arterial Roads” and at no cost to the City.

13. The Owner shall register against the title of Lots 70 to 75, 78, 83, 91 to 97, 98, 103, 130 to 133, 145 to 154, 155 to 173, 174 to 185 and 186 to 200, all inclusive, in this Plan, and shall include in the Agreement of Purchase and Sale for the transfer of each of the said Lots, as an overland flow route and swales are located on the said Lots, a covenant by the purchaser or transferee to observe and comply with the following:

a. The purchaser or transferee shall not alter or adversely affect the said swales and overland flow routes on the said Lots as shown on the accepted lot grading and servicing drawings for this subdivision.

The Owner further acknowledges that no landscaping, vehicular access, parking access, works or other features shall interfere with the above-noted overland flow route, grading or drainage.

14. The Owner shall maintain the existing swales and overland flow route between Lots 70 to 75, 78, 83, 91 to 97, 98, 103, 130 to 133, 145 to 154, 155 to 173, 174 to 185 and 186 to 200, as per the accepted engineering drawings, to the satisfaction of the City Engineer.

15. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct temporary berms at the north limit of Honeywood Drive and the east limit of Reardon Boulevard and curbs to contain the overland flow route as per the accepted engineering drawings, all to the specifications and satisfaction of the City.

16. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct swales on Medium Density Blocks 231, 232 and 233, inclusive, as per the accepted engineering drawings, all to the specifications and satisfaction of the City.
17. Prior to the issuance of a Certificate of Conditional Approval, the Owner shall remove and relocate any existing earth stockpile generally located in this Plan, all to the satisfaction of the City and at no cost to the City.

18. Prior to the issuance of any Certificate of Conditional Approval, in order to develop this site, the Owner shall obtain permission and make arrangements with the adjacent property owners to regrade a portion of the property abutting this Plan as per the accepted engineering drawings, 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:

19. The Owner’s professional geotechnical engineer shall ensure that all geotechnical issues including erosion, maintenance and structural setbacks related to slope stability associated with open watercourses that services an upstream catchment, are adequately addressed for the subject lands, all to the specification and satisfaction of the City Engineer and the Upper Thames Conservation Authority.

20. The Owner agrees that in accordance with the Ministry of Environment and City’s requirements, adequate setbacks will be maintained and allocated in accordance with the City Council approved Official Plan Policies relating to open watercourse setbacks.

21. Prior to assumption, the Owner shall operate, monitor and maintain the stormwater works associated with this Plan. The Owner shall ensure that any removal and disposal of sediment is to an approved site in accordance with the Ministry of the Environment and the Ministry of Natural Resources.

22. 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.

23. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct temporary hickenbottom drains and all necessary appurtenances at all locations as shown on the accepted engineering drawings, all to the specifications and satisfaction of the City.

24. Within 6 months of any Certificate of Conditional Approval, the Owner shall decommission the existing temporary sediment basin and all associated works (eg. headwall, etc.), all to the satisfaction of the City Engineer. The Owner is responsible for all costs related to the decommissioning and redirection of sewers and overland flow routes.

25. All temporary storm works and servicing installed within the proposed Plan of Subdivision shall be decommissioned and/or removed when warranted, all to the satisfaction of the City, at no cost to the City.

26. The Owner shall grade and drain the west boundary of Lots 61 to 69 and Darnley Boulevard boundary, Gatestone Road boundary and Jackson Road to blend in with the abutting SWM Facility external to this Plan, as per the accepted engineering drawings, to the satisfaction of the City.

27. Within one year of registration of this Plan, the Owner shall have all low impact development features installed and operational in this Plan to accommodate the storm servicing design in accordance with the accepted servicing drawings and the accepted Stormwater Management Report to the specifications and satisfaction of the City, at no cost to the City.
28. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall have its Professional Engineer submit a monitoring and maintenance strategy to the City for review and acceptance outlining a program for the monitoring and maintenance of the low impact development features in this Plan, all to the satisfaction of the City, at no cost to the City. This strategy is to be in accordance with the “Low Impact Development Stormwater Management Practice Inspection and Maintenance Guide” prepared by Toronto and Regional Conservation Authority.

29. Prior to assumption, the Owner shall complete the following, at no cost to the City, all to the satisfaction of the City:

(i) Operate, maintain, inspect, monitor and protect the low impact development features, including correcting any deficiencies as soon as they are detected, in accordance with the accepted maintenance and monitoring program;

(ii) have its consulting Professional Engineer submit monitoring reports in accordance with the accepted maintenance and monitoring program.

30. In the event that the Owner constructs temporary stormwater works and until said works are decommissioned, the Owner shall complete the following to the satisfaction of the City Engineer, and at no cost to the City:

(i) Operate, monitor and maintain the temporary works;

(ii) Remove and dispose of any sediment to an approved site.

(iii) Address forthwith any deficiencies of the temporary works and/or monitoring program.

(iv) Decommission the temporary works within six months of the permanent works being constructed and operational.

The Owner is responsible for all costs related to the temporary works including decommissioning and any redirection of sewers and overland flow routes.

24.9 SANITARY AND STORM SEWERS

31. Remove Subsection 24.9 (b) and replace with the following:

(b) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Dingman Creek Subwatershed, and connect them to the storm outlet which is the Parker Regional SWM Facility via the internal storm sewer servicing for this Plan of Subdivision and in accordance with accepted engineering drawings, to the satisfaction of the City.

32. Remove Subsection 24.9 (j) and replace with the following:

(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 375mm (15inch) sanitary sewer along the east side of Jackson Side Road that connects to the 825mm (32 inch) Parker trunk sanitary sewer located at the north end of Summerside SWM block 57, west of Jackson Road, Plan 33M-528 and in accordance with the accepted engineering drawings, to the satisfaction of the City.

Add the following new Special Provisions:

33. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct a third pipe system to convey minor and major flows from rear yards and roof areas of Lots 36 to 44 and Blocks 234 and 235 as part of the water balance strategy to recharge the wetland feature (Parker woodlot) abutting Block 239, all to the satisfaction of the City Engineer and UTRCA.
34. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct a storm sewer through Block 236 and part of Block 239 and all associated works as per the accepted engineering drawings, to the satisfaction of the City.

35. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall provide shop drawings for the concrete cradle support and headwalls for the Hampton Drain crossing, certified by a structural engineer, to the satisfaction of the City.

36. The Owner shall construct a Hampton-Scott Drain crossing under Gatestone Road outside of the limit of phase 1, as per the accepted engineering drawings, to the satisfaction of the City Engineer and UTRCA.

37. The Owner shall construct a headwall and all associated appurtenances at the south limit of Gatestone Road as per the accepted engineering drawings, all to the specifications and satisfaction of the City Engineer and the UTRCA.

38. The Owner shall connect the storm outlet into the existing SWM facility from Darnley Boulevard, as per the accepted engineering drawings, all to the specifications and satisfaction of the City Engineer.

39. The Owner shall either register against the title of Block 234 in this Plan or shall include in the agreement of purchase and sale for the transfer of each of the Blocks, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Blocks may be required to construct sewage sampling manholes, built to City standards in accordance with the City’s Waste Discharge By-law No. WM-2, as amended, regulating the discharge of sewage into public sewage systems. If required, the sewage sampling manholes shall be installed on both storm and sanitary private drain connections, and shall be located wholly on private property, as close as possible to the street line, or as approved otherwise by the City Engineer.

40. The Owner shall either register against the title of Block 234 or include in the agreement of purchase and sale for the transfer of Block 234, a covenant by the purchaser or transferee stating that the purchaser or transferee of Block 234 shall be required to connect to the third pipe system as per the accepted engineering drawings, to the satisfaction of the City.

41. Where street townhouses, as defined by the Z.-1 Zoning By-law, are planned for any blocks in this subdivision, the Owner shall make provisions for the installation of separate sanitary private drain connections connecting to municipal sanitary sewers and separate water services connecting to municipal watermains for each individual street townhouse unit, and for adequate storm private drain connections connecting to municipal storm sewers for the townhouse site, all in accordance with applicable City standards or to the satisfaction of the City Engineer.

42. The Owner shall install servicing on streets in this Plan of Subdivision fronting proposed street townhouse blocks after Site Plan Approval has been obtained for the proposed blocks by the City, unless otherwise permitted by the City, all to the satisfaction of the City, at no cost to the City.

43. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make all necessary arrangements to make adjustments to the existing works and services on Jackson Sideroad and Commissioners Road East, adjacent to this Plan to accommodate the proposed works and services on this street to accommodate the lots/blocks in this Plan in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City Engineer, at no cost to the City.

24.10 WATER SERVICING

Add the following new Special Provisions:

44. 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) Construct watermains to serve this Plan and connect them to the existing Southeast Pumping Station municipal system, namely the existing 600mm diameter watermain on Commissioners Road East and the 900mm diameter watermain on Jackson Road;

(ii) Deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units; and,

(iii) Have their consulting engineer prepare a Certificate of Completion of Works to confirm to the City that the watermain connection(s) to the 600 mm diameter watermain on Commissioners Road East and the 900mm diameter watermain on Jackson Side Road has been constructed, is operational, and is complete.

45. The available fire flows for development Blocks within this Plan of Subdivision have been established through the subdivision water servicing design study as follows:

- Block 231 @ 105 l/sec
- Block 232 @ 105 l/sec
- Block 233 @ 105 l/sec
- Block 234 @ 105 l/sec

Future development of these Blocks shall be in keeping with the established fire flows in order to ensure adequate fire protection is available.

46. All development Blocks shall be serviced off the water distribution system internal to this Plan of Subdivision.

47. If the Owner requests the City to assume Honeywood Drive with the automatic flushing device still in operation, all as shown on this Plan of Subdivision, prior to its extension to the Honeywood Drive, the Owner shall pay to the City at the time of the assumption of this subdivision by the City the amount estimated by the City at the time, to be the cost of removing the automatic flushing device and properly abandoning the discharge pipe from the automatic flushing device to the storm/sanitary sewer system at the north limit of Honeywood Drive and restoring adjacent lands, all to the specifications of the City. The estimated cost for doing the above-noted work on this street is $5,000 per automatic flushing device 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.

48. If the Owner requests the City to assume Tulloch Avenue with the automatic flushing devices still in operation, all as shown on this Plan of Subdivision, prior to its extension to the Tulloch Avenue, the Owner shall pay to the City at the time of the assumption of this subdivision by the City the amount estimated by the City at the time, to be the cost of removing the automatic flushing device and properly abandoning the discharge pipe from the automatic flushing device to the storm/sanitary sewer system at the east and west limits of Reardon Boulevard and restoring adjacent lands, all to the specifications of the City. The estimated cost for doing the above-noted work on this street is $5,000 per automatic flushing device 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.

49. If the Owner requests the City to assume Gatestone Road with the automatic flushing device still in operation, all as shown on this Plan of Subdivision, prior to its extension to the Gatestone Road, the Owner shall pay to the City at the time of the assumption of this subdivision by the City the amount estimated by the City at the time, to be the cost of removing the automatic flushing device and properly
abandoning the discharge pipe from the automatic flushing device to the storm/sanitary sewer system at the south limit of Gatestone Road and restoring adjacent lands, all to the specifications of the City. The estimated cost for doing the above-noted work on this street is $5,000 per automatic flushing device 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.

24.11 ROADWORKS

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

(p) Where traffic calming measures are required within this Plan:

(i) The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional Approval in this Plan.

(ii) The Owner shall register against the title of all Lots and Blocks abutting the traffic calming circle(s) in this Plan, and shall include in the Agreement of Purchase and Sale or Lease for the transfer of each of the said Lots and Blocks, a covenant by the purchaser or transferee stating the said owner that there may be some restrictions for driveway access due to diverter islands built on the road.

(iii) Where a traffic calming circle is located, the Owner shall install the traffic calming circle as a traffic control device, including the diverter islands, or provide temporary measures, to the satisfaction of the City prior to the issuance of a Certificate of Conditional Approval for that section of road.

(iv) The Owner shall register against the title of all Lots and Blocks on Reardon Boulevard, Gatestone Road, Honeywood Drive, Hobbs Drive, Tulloch Avenue and Darnley Boulevard 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 shall locate the driveways to the said Lots and Blocks away from the traffic calming measures on the said streets, including traffic calming circles, raised intersections, splitter islands and speeds cushions, to be installed as traffic control devices, to the satisfaction of the City Engineer.

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

(q) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Jackson Side Road via Commissioners Road East or other routes as designated by the City. All trades and construction vehicles shall park within this Plan of Subdivision.

**Add** the following new Special Provisions:

52. The Owner shall construct a temporary turning circle at the south limit of Gatestone Road, to the satisfaction of the City Engineer and at no cost to the City.

If the Owner requests the City to assume Gatestone Road, all as shown on this Plan of Subdivision, prior to its extension to the south, 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 south limit of Gatestone Road and completing the curb and gutter, asphalt pavement, 'Granular A', 'Granular B', sodding of the boulevard, 1.5metre (5 foot) concrete sidewalks on both sides, and restoring adjacent lands, including the relocation of any driveways, all to the specifications of the City. The
estimated cost, including legal fees for releasing easements and/or transferring blocks, and doing the above-noted work on this street is $20,000 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.

53. The Owner shall construct a temporary turning circle at the north limit of Street ‘C’/Gatestone Road, to the satisfaction of the City Engineer and at no cost to the City.

If the Owner requests the City to assume Street ‘C’/Gatestone Road, all as shown on this Plan of Subdivision, prior to its extension to the north, the Owner shall pay to the City at the time of the assumption of this subdivision by the City the amount estimated by the City at the time, to be the cost of removing the temporary turning circle at the north limit of Street ‘C’ and completing the curb and gutter, asphalt pavement, Granular ‘A’, Granular ‘B’, sodding of the boulevard, 1.5 metre (5 foot) concrete sidewalks on both sides, and restoring adjacent lands, including the relocation of any driveways, all to the specifications of the City. The estimated cost, including legal fees for releasing easements and/or transferring blocks, and doing the above-noted work on this street is $20,000 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.

54. Barricades are to be maintained at limits of all streets in this Plan until external lands develop or as otherwise directed by the City. At the time of assumption of this Plan or as otherwise directed by the City, the Owner shall remove the barricades and any temporary turning circles, restore the boulevards and complete the construction of the roadworks within the limits of both temporary turning circles, to the specifications of the City, all at no cost to the City.

The Owner shall advise all purchasers of land within this subdivision that any traffic to and from this subdivision will not be permitted to pass the barricade(s) until the removal of the barricade(s) is authorized by the City.

55. Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Darnley Boulevard, Honeywood Drive and Hobbs Drive adjacent to the speed cushion locations that indicate Future Speed Cushion Location, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.

56. Prior to assumption or when required by the City Engineer, the Owner shall install speed cushions on Darnley Boulevard, Honeywood Drive and Hobbs Drive, including permanent signage and pavement marking in a location, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.

57. Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Tulloch Avenue/Hobbs Drive and Gatestone Road adjacent to the raised intersection location that indicate Future Raised Intersection Location, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.
58. Prior to assumption or when required by the City Engineer, the Owner shall install the raised intersection at Tulloch Avenue/Hobbs Drive and Gatestone Road, including permanent signage and pavement marking in a location, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.

59. Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Gatestone Road adjacent to the raised pedestrian crosswalk location that indicate Future Raised Pedestrian Crosswalk Location, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.

60. Prior to assumption or when required by the City Engineer, the Owner shall install the raised pedestrian crosswalk on Gatestone Road, including permanent signage and pavement marking in a location, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.

61. Prior to the issuance of any Certificate of Conditional Approval, or as otherwise directed by the City Engineer, the Owner shall construct a roundabout, including splitter islands, at the intersection of Reardon Boulevard and Gatestone Road and at the intersection of Darnley Boulevard and Gatestone Road, including permanent signage and pavement markings, or provide alternative measures as determined by the City, to the satisfaction of the City Engineer, at no cost to the City.

62. The Owner shall construct a gateway treatment on Reardon Boulevard and Darnley Boulevard, from Jackson Road easterly, as per the accepted engineering drawings, to the specifications of the City Engineer.

63. The Owner shall remove existing infrastructure, including but not limited to, CICBs, DICBs, curbs, etc. on Jackson Road and Commissioners Road East and relocate/restore/construct associated works as per the accepted engineering drawings, to the specifications and satisfaction of the City.

64. The Owner shall construct the window street portion of Tulloch Avenue abutting Jackson Road in accordance with the City’s window street standard or as otherwise specified by the City Engineer, to the satisfaction of the City Engineer and at no cost to the City.

65. Prior to the issuance of any Certificates of Conditional Approval, the Owner shall construct a right turn lane on Commissioners Road East at Jackson Road and associated works, as per the accepted engineering drawings, to the satisfaction of the City Engineer.

66. Prior to the issuance of any Certificates of Conditional Approval, the Owner shall revise the pavement markings on Jackson Road to accommodate left turn lanes to Reardon Boulevard and Darnley Boulevard, to the satisfaction of the City.

67. The Owner shall ensure no vehicular access will be permitted to any Blocks fronting Jackson Road. All vehicular access is to be via the internal subdivision streets.

24.xx PLANNING

68. The Owner shall deliver to all purchasers and transferees of the lots in this Plan, a homeowner guide/education package as approved by the Manager of Parks Planning and Design that explains the stewardship of natural areas and the value of existing tree cover, as well as indirect suburban effects on natural areas.

69. 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.

70. 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 easterly and southerly property lines with the property at 1944 Bradley Avenue, 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.

71. Within one (1) year of registration of this Plan, the Owner shall grade, service and seed Blocks 235, 236, 237, 238, and 239 in accordance with the approved engineering plans, to the satisfaction of the City. All parkland/open space blocks shall be sufficiently protected from sediment throughout the construction period. A sediment barrier shall be established along the park block limits to the satisfaction of Development Services and the City.
SCHEDULE “C”

This is Schedule “C” to the Subdivision Agreement dated this ________ day of __________, 2021, between The Corporation of the City of London and 748094 Ontario Ltd./2624 Jackson Road Inc. to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

- Reardon Boulevard, Darnley Boulevard (from Jackson Road to Gatestone Road) and Gatestone Road (from Reardon Boulevard to south limit of plan) shall have a minimum road pavement width (excluding gutters) of 9.5 metres with a minimum road allowance of 21.5 metres.

- Honeywood Drive (from Gatestone Road to Hobbs Drive) and Darnley Boulevard (from Gatestone Road to Hobbs Drive) and Street ‘C’/Gatestone Road (Gatestone Road to north limit of plan) shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres.

- Honeywood Drive (from Gatestone Road to Tulloch Avenue), Hobbs Drive and Tulloch Avenue shall have a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 19 metres
  • Tulloch Avenue (window street portion) shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 15.5 metres
  • Reardon Boulevard and Darnley Boulevard at the intersection of Jackson Road shall have a right of way width of 28.0 metres for a minimum length of 45.0 metres tapered back over a distance of 30 metres to the standard secondary collector road right of way width of 21.5 metres, to the satisfaction of the City

Sidewalks

A 1.5 metre (5 foot) sidewalk shall be constructed on both sides of the following:
  i) Reardon Boulevard
  ii) Gatestone Road
  iii) Darnley Boulevard between Jackson Road and Honeywood Drive

A 2.4 metre sidewalk shall be constructed fronting the School Block 234 on Darnley Boulevard, Honeywood Drive and Gatestone Road, in accordance with City standards, to the satisfaction of the City Engineer.

Sidewalk links from Tulloch Avenue to the proposed sidewalk on Jackson Road shall be constructed in accordance with the City of London Window Street Standard Guidelines UCC-2M to the satisfaction of the City, at no cost to the City.

A 1.5 metre sidewalk shall be constructed on one side of the following:
  (i) Honeywood Drive – east and south boulevard
  (ii) Hobbs Drive – north boulevard
  (iii) Darnley Boulevard – east boulevard between Honeywood Drive and the north limit of the Plan
  (iv) Tulloch Avenue – north boulevard (north leg) and south boulevard (south leg)
  (v) Jackson Road – east boulevard along frontage of Plan
  (vi) Street ‘C’/Gatestone Road – west boulevard

Pedestrian Walkways

There are no pedestrian walkways within this Plan of Subdivision.
SCHEDULE “D”

This is Schedule "D" to the Subdivision Agreement dated this ________ day of ________, 2021, between The Corporation of the City of London and 748094 Ontario Ltd./2624 Jackson Road Inc. 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 240, 241, 242, 243, 244, 245, 246, 247 and 248

Road Widening (Dedicated on face of Plan): Block 249

Walkways: NIL

5% Parkland Dedication: Blocks 235, 236, 237, 238, 239

Dedication of land for Parks in excess of 5%: NIL

Stormwater Management: NIL

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site: Block 234

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 ________, 2021, between The Corporation of the City of London and 748094 Ontario Ltd./2624 Jackson Road Inc. 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**: $1,686,204
- **BALANCE PORTION**: $9,555,156
- **TOTAL SECURITY REQUIRED**: $11,241,360

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 ACT, R.S.O. 1990.
SCHEDULE “F”

This is Schedule “F” to the Subdivision Agreement dated this ________ day of ________, 2021, between The Corporation of the City of London and 748094 Ontario Ltd./2624 Jackson Road Inc. to which it is attached and forms a part.

Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external easements as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all easements within this Plan to the City.

Multi-Purpose Easements:

(a) Multi-purpose easements shall be deeded to the City in conjunction with this Plan, over lands external to this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:

(i) For sanitary and storm sewer stubs opposite Block 232 as per accepted engineering drawings
(ii) For sanitary and storm sewer stubs at the north limit of Honeywood Drive as per the accepted engineering drawings
(iii) For sanitary and storm sewer stubs at the south limit of Gatestone Road as per the accepted engineering drawings
(iv) For sanitary and storm sewer stubs at the east limit of Reardon Boulevard as per the accepted engineering drawings

(b) Temporary turning circle easements shall be deeded to the City in conjunction with this Plan over lands outside this Plan at the south limit of Gatestone Road.

(c) Temporary turning circle easements shall be deeded to the City in conjunction with this Plan over lands outside this Plan at the north limit of Street ‘C’/Gatestone Road.
### Appendix B – Claims and Revenues

#### Estimated Costs and Revenues

<table>
<thead>
<tr>
<th>Estimated DC Claim Costs</th>
<th>Estimated Cost (excludes HST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Storm sewer Oversizing Subsidy (DC19M51001)</td>
<td>$797,003</td>
</tr>
<tr>
<td>Watermain Oversizing Subsidy (DC19W01001)</td>
<td>$65,841</td>
</tr>
<tr>
<td>Sanitary Sewer Oversizing Subsidy (DC19W01001)</td>
<td>$165,310</td>
</tr>
<tr>
<td>Construction - Channelization at Commissioners Road &amp; Jackson Road (DC19R51001)</td>
<td>$160,426</td>
</tr>
<tr>
<td>Engineering - Channelization at Commissioners Road &amp; Jackson Road (DC19R51001)</td>
<td>$31,352</td>
</tr>
<tr>
<td>Construction - External Sidewalk on Jackson Road (DC19R51002)</td>
<td>$209,014</td>
</tr>
<tr>
<td>Engineering - External Sidewalk on Jackson Road (DC19R51002)</td>
<td>$24,064</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,453,010</strong></td>
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</table>

#### Estimated DC Revenues (January 1, 2021 to December 31, 2021 Rates)

<table>
<thead>
<tr>
<th>Estimated Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSRF TOTAL</td>
</tr>
</tbody>
</table>

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

Approved by:

Date

Paul Yeoman
Director, Capital Assets and Projects
Appendix C – Source of Finance (1 of 2)

June 21, 2021  
(39T-06507_1)

Chair and Members  
Planning and Environment Committee

RE: Subdivision Special Provisions - Parker Jackson Subdivision Phase 1 
Drewlo Holdings Inc.  
Capital Project ES514519-Wastewater Internal Oversizing (2524844)  
Capital Project ES542919-Storm Sewer Internal Oversizing (2524842)  
Capital Project EW381819-Watermain Internal Oversizing (2524943)

Capital Project TS165119-Minor Roadworks - Channelization (2019-2023) (2524845)  
Capital Project TS165319-Minor Roadworks - Sidewalks (2019-2023) (2524946)

Finance Supports Report on the Sources of Financing:
Finance Supports confirms that the cost of this purchase can be accommodated within the financing available for it in the Capital Budget, and that, subject to the approval of the Deputy City Manager, Planning and Economic Development and Chief Building Official, the detailed source of financing is:

<table>
<thead>
<tr>
<th>Estimated Expenditures</th>
<th>Approved Budget</th>
<th>Committed To Date</th>
<th>This Submission</th>
<th>Balance for Future Work</th>
</tr>
</thead>
<tbody>
<tr>
<td>ES514519-Wastewater Internal Oversizing</td>
<td>200,000</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
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<tr>
<td>Engineering</td>
<td>200,000</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
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<tr>
<td>Construction</td>
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<td>59,145</td>
<td>168,219</td>
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<td>Total ES514519</td>
<td>1,096,453</td>
<td>59,145</td>
<td>168,219</td>
<td>638,069</td>
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<tr>
<td>ES542919-Storm Sewer Internal Oversizing</td>
<td>200,000</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
</tr>
<tr>
<td>Engineering</td>
<td>200,000</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
</tr>
<tr>
<td>Construction</td>
<td>7,577,079</td>
<td>2,172,436</td>
<td>811,030</td>
<td>4,553,613</td>
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<tr>
<td>Total ES542919</td>
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<tr>
<td>EW381819-Watermain Internal Oversizing</td>
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<td>66,969</td>
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<tr>
<td>Construction</td>
<td>268,619</td>
<td>27,256</td>
<td>66,969</td>
<td>174,364</td>
</tr>
<tr>
<td>TS165119 - Minor Roadworks - Channelization</td>
<td>249,000</td>
<td>71,938</td>
<td>31,904</td>
<td>145,158</td>
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<tr>
<td>Engineering</td>
<td>249,000</td>
<td>71,938</td>
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<td>145,158</td>
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<tr>
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<td>78,852</td>
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<tr>
<td>Engineering</td>
<td>110,000</td>
<td>6,661</td>
<td>24,487</td>
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<tr>
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Sources of Financing

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<tr>
<th>ES514519-Wastewater Internal Oversizing</th>
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<tbody>
<tr>
<td>Drawdown from City Services - Wastewater Reserve Fund (Development Charges) (Note 1)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ES542919-Storm Sewer Internal Oversizing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drawdown from City Services - Stormwater Reserve Fund (Development Charges) (Note 1)</td>
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</table>

<table>
<thead>
<tr>
<th>EW381819-Watermain Internal Oversizing</th>
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<tbody>
<tr>
<td>Drawdown from City Services - Water Reserve Fund (Development Charges) (Note 1)</td>
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<table>
<thead>
<tr>
<th>TS165119 - Minor Roadworks - Channelization</th>
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<tbody>
<tr>
<td>Drawdown from City Services - Wastewater Reserve Fund (Development Charges) (Note 1)</td>
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</table>
Appendix C – Source of Finance (2 of 2)

#21091
June 21, 2021
(39T-06907_1)

Chair and Members
Planning and Environment Committee

RE: Subdivision Special Provisions - Parker Jackson Subdivision Phase 1
Drewlo Holdings Inc.
Capital Project ES514519-Wastewater Internal Oversizing (2524844)
Capital Project ES542919-Storm Sewer Internal Oversizing (2524842)
Capital Project EW381819- Watermain Internal Oversizing (2524843)
Capital Project TS165119- Minor Roadworks - Channelization (2019-2023) (2524845)
Capital Project TS165319- Minor Roadworks - Sidewalks (2019-2023) (2524846)

Sources of Financing Continued

<table>
<thead>
<tr>
<th>Approved Budget</th>
<th>Committed To Date</th>
<th>This Submission</th>
<th>Balance for Future Work</th>
</tr>
</thead>
<tbody>
<tr>
<td>TS165319 - Minor Roadworks - Sidewalks</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Drawdown from City Services - Roads Reserve Fund (Development Charges) (Note 1)</td>
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<tr>
<td>Total Financing</td>
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<td>$2,723,963</td>
<td>$1,470,581</td>
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Financial Note

<table>
<thead>
<tr>
<th>Financial Note</th>
<th>ES514519</th>
<th>ES542919</th>
<th>EW381819</th>
<th>TS165119</th>
</tr>
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<tbody>
<tr>
<td>Contract Price</td>
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<td>$797,003</td>
<td>$65,841</td>
<td>$31,352</td>
</tr>
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<td>Add: HST @13%</td>
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<td>8,559</td>
<td>4,076</td>
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<tr>
<td>Total Contract Price Including Taxes</td>
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<td>900,613</td>
<td>74,400</td>
<td>35,428</td>
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<td>Less: HST Rebate</td>
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<td>-3,524</td>
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<tr>
<td>Net Contract Price</td>
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<td>$31,904</td>
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</table>

Financial Note Continued

<table>
<thead>
<tr>
<th>Financial Note Continued</th>
<th>TS165119</th>
<th>TS165319</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Price</td>
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<tr>
<td>Add: HST @13%</td>
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<td>Total Contract Price Including Taxes</td>
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<td>Less: HST Rebate</td>
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</tr>
<tr>
<td>Net Contract Price</td>
<td>$163,249</td>
<td>$24,487</td>
<td>$212,883</td>
</tr>
</tbody>
</table>

Note 1: Development Charges have been utilized in accordance with the underlying legislation and the approved 2019 Development Charges Background Study and the 2021 Development Charges Background Study Update.

Jason Davies
Manager of Financial Planning & Policy

Ip
That, on the recommendation of the Director, Planning and Development, with respect to the application by Kenmore Homes (London) Inc., the attached proposed by-law BE INTRODUCED at the Municipal Council meeting on November 24, 2020 to exempt Block 95, Plan 33M-733 from the Part-Lot Control provisions of Subsection 50(5) of the Planning Act, for a period not exceeding three (3) years.

Executive Summary

Summary of Request
Request for approval to exempt Block 95, Plan 33M-733 from the Part Lot Control provisions of the Planning Act.

Purpose and Effect of Recommended Action
Exemption from Part-Lot Control will facilitate the creation of nine (9) street townhouse units, with access provided by way of Noah Bend.

Rationale for Recommended Action
The conditions for passing the Part-Lot Control By-law have been satisfied and it is appropriate to allow the exemption from Part-Lot Control. The cost of registration of the by-law is to be borne by the applicant, all in accordance with the previous Council Resolution.

Linkage to the Corporate Strategic Plan
Building a Sustainable City - London’s growth and development is well planned and sustainable over the long term.

Analysis

1.0 Background Information

On December 20, 2017, the City of London Approval Authority granted final approval to the phase 2 of draft plan 39T-08502. This phase contained ninety-seven (97) single detached residential lots, eight (8) multi-family residential blocks, served by four (4) new local streets. The subject lands were part of this phase being one of the multi-family residential blocks. The draft plan of subdivision 39T-08502 was registered in February 2018 as plan 33M-733.

1.1 Previous Reports Related to this Matter

January 2011 – Report to Built and Natural Environment Committee relating to the Subdivision, Official Plan amendment and Zoning By-law amendment applications by Kenmore Homes (London) Inc.
March 26, 2012 - Report to Built and Natural Environment Committee relating to the revised Subdivision, Official Plan amendment and Zoning By-law amendment applications by Kenmore Homes (London) Inc.

November 5, 2012 - Report to Planning and Environment Committee relating to the appeal of to the Ontario Municipal Board.

February 4, 2014 - Report to Planning and Environment Committee relating to the withdrawal of the appeal to the Ontario Municipal Board.

March 2016 - Report on Special Provisions for Phase I.

February 20, 2018 - Report to Planning and Environment Committee relating to the Zoning By-law amendment applications by Kenmore Homes (London) Inc., to allow for the subject lands to be developed for street townhouse uses with 45% coverage.

1.2 Previous Meeting

At its meeting held on May 25, 2021 Municipal Council resolved:

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Kenmore Homes (London) Inc., to exempt Block 95, Plan 33M-733 from Part-Lot Control:

(a) Pursuant to subsection 50(7) of the Planning Act, R.S.O. 1990, c. P.13, the attached proposed by-law BE INTRODUCED at a future Council meeting, to exempt Block 95, Plan 33M-733 from the Part-Lot Control provisions of subsection 50(5) of the said Act, IT BEING NOTED that these lands are subject to a registered subdivision agreement and are zoned Residential R4 Special Provision (R4-4(4)) which permits street townhouse dwellings;

(b) The following conditions of approval BE REQUIRED to be completed prior to the passage of a Part-Lot Control By-law for Block 95, Plan 33M-733 as noted in clause (a) above:

i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;

ii. The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;

iii. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London’s Digital Submission / Drafting Standards and be referenced to the City’s NAD83 UTM Control Reference;

iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;

v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;

vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;
vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;

viii. The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;

ix. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;

x. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;

xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;

xii. The applicant shall provide a draft transfer of the easements to be registered on title;

xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question; and

xiv. In accordance with condition v), the applicant provide servicing drawings of municipal servicing to each of the blocks created within 1620 Noah Bend to indicate that all municipal servicing can be provide to each property/block created without conflict.

1.3 Property Description

The subject site is located on Noah Bend, which is generally located southeast of Gainsborough Road and east of Hyde Park Road. The site has a mix of high and medium density residential located to the north, commercial to the west, low density residential to the east, and a mix of medium and low density residential to the south. The site has proximity to Maple Wood Park, and St. John French Immersion Catholic Elementary School.

1.4 Current Planning Information

- The London Plan Place Type – Neighbourhoods Place Type
- Official Plan Designation – Multi-Family Medium Density Residential
- Existing Zoning – Residential R4 Special Provision (R4-4(4))

1.5 Site Characteristics

- Current Land Use – vacant
- Frontage – 73.84
- Area – 0.21 hectares
- Shape – rectangular

1.6 Surrounding Land Uses

- North – residential
- East – residential
- South – residential
- West – residential
2.0 Discussion and Considerations

The Applicant, Kenmore Homes (London) Inc., has requested exemption from part-lot control to create a total of nine (9) street townhouse units. The plan of subdivision was registered in February 2018 as a multi-family medium density residential block. The dwellings will be street townhouse units, one or two storeys in height, and accessed off Noah Bend.
3.0 Financial Impact/Considerations

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

3.1 Community Engagement

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

3.2 Policy Context

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

Exemption from part-lot control is used to create street townhouse lots to ensure that the eventual lot lines match the foundation for the building and are constructed exactly on the property boundaries. Part-Lot Control may be exempted to allow a property owner to legally divide a block within their registered plan of subdivision.

4.0 Exemption from Part-Lot Control

The exemption from Part-Lot Control will allow for lot lines for individual units (lots) to be established on the registered block in a registered plan of subdivision. The conditions noted above have been satisfied as follows:

i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;

Acknowledged by the applicant on June 7, 2021.

ii. The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;

Satisfied by registration of reference plan 33R-21019 as the draft reference plan complies with the Zoning on the lands.

iii. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London’s Digital Submission / Drafting Standards and be referenced to the City’s NAD83 UTM Control Reference;

Satisfied by submission on June 7, 2021.
iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;

The applicant has indicated this condition was satisfied by approval from London Hydro through the subdivision process.

v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;

Satisfied by the acceptance of Lot Grading and Servicing Plans submitted as per Site Plan Application SPA18-049.

vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;

Satisfied as the subdivision agreement was registered and no further amendment was required.

vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;

The applicant agrees to fulfil this condition in its entirety related to the construction of all services and will be completed in accordance with the approved final designs of the lots through site plan approval.

viii. The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;

Satisfied by municipal numbering assigned on August 12, 2019.

ix. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;

Satisfied by reference plan 33R-21019.

x. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;

Satisfied by reference plan 33R-21019.

xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;

Building permits have been issued for this block as permit number 19023614.

xii. The applicant shall provide a draft transfer of the easements to be registered on title; and

Satisfied by the applicant’s Solicitor.
xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

Acknowledged by applicant on June 7, 2021.

xiv. In accordance with condition v), the applicant provide servicing drawings of municipal servicing to each of the blocks created within 1620 Noah Bend to indicate that all municipal servicing can be provide to each property/block created without conflict.

Engineering has confirmed June 8, 2021 this condition has been satisfied through the acceptance of lot grading and servicing plans submitted through Site Plan Approval.

Conclusion

The recommended exemption from Part-Lot Control is considered appropriate and in keeping with the planned intent of the Beirens (Westfield) Subdivision. In accordance with the Council Resolution, the conditions required to be completed prior to the passage of a Part-Lot Control By-law have been satisfied, and the applicant has been advised that the cost of registration of the by-law is to be borne by the applicant.

Prepared by: Sean Meksula, MCIP, RPP  
Senior Planner, Subdivision Planning

Reviewed by: Bruce Page, MCIP, RPP  
Manager, Subdivision Planning

Recommended by: Gregg Barrett, AICP  
Director, Planning and Development

Submitted by: George Kotsifas, P. Eng.  
Deputy City Manager, Planning and Economic Development

cc: Matt Feldberg, Manager, Subdivisions and Condominiums
cc: Bruce Page, Manager, Subdivision Planning
cc: Peter Kavcic, Manager, Subdivision Engineering
cc: Michael Pease, Manager, Site Plan

SM/
A by-law to exempt from Part-Lot Control, lands located at 1620 Noah Bend, legally described as Block 95 in Registered Plan 33M-733.

WHEREAS pursuant to subsection 50(7) of the Planning Act, R.S.O. 1990, c. P.13, as amended, and pursuant to the request from Kenmore Homes (London) Inc., it is expedient to exempt lands located at 1620 Noah Bend, legally described as Block 95 in Registered Plan 33M-733, from Part Lot Control;

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

1. Block 95 in Registered Plan 33M-733, located at 1620 Noah Bend, is hereby exempted from Part-Lot Control, pursuant to subsection 50(7) of the Planning Act, R.S.O. 1990, c.P.13, as amended, for a period not to exceed three (3) years; it being noted that these lands are zoned to permit street townhouse units in conformity with the Residential R4 Special Provision (R4-4(4)) Zone of the City of London Zoning By-law No. Z-1.

2. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on July 6, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – July 6, 2021
Second Reading – July 6, 2021
Third Reading – July 6, 2021
Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P. Eng
Deputy City Manager
Planning and Economic Development

Subject: Application By: 2560334 Ontario Limited (York Developments)
135 Villagewalk Boulevard

Meeting on: June 21, 2021

Recommendation

That, on the recommendation of the Director, Planning and Development, based on the application by 2560334 Ontario Ltd. (York Developments), relating to a portion of the property located at 135 Villagewalk Boulevard, the proposed by-law attached hereto as Appendix “A” BE INTRODUCED at the Municipal Council meeting on July 6, 2021 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning on a portion of the subject lands FROM a Holding Business District Commercial Special Provision (h*h-99*BDC(25)) Zone TO a Business District Commercial Special Provision (BDC(25)) Zone to remove the “h and h-99” holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the “h and h-99” holding symbols from the zone map to permit the development of commercial uses on the subject site.

Rationale of Recommended Action

The conditions for removing the holding provisions have been met, as security has been submitted, and the development agreement has been signed. Through site plan approval it has been determined that the proposed development is consistent with the policies of the Sunningdale North Area Plan and the “Upper Richmond Village-Urban Design Guidelines. All issues have been resolved and the holding provisions are no longer required.

Linkage to the Corporate Strategic Plan

Building a Sustainable City - London’s growth and development is well planned and sustainable over the long term.
Analysis

1.0 Background Information

The subject site is included within the Sunningdale North Community Plan and was subject to the plan of subdivision application submitted in 2004 by Sunningdale Developments Inc. & Sunningdale Golf & Country Club Ltd. The block was created through Phase 1 of the subdivision and was identified as Block 90 which was approved by the Approval Authority on August 30, 2011 and registered on September 19, 2011 as 33M-663.

1.1 Property Description

The subject property is approximately 5.94 ha (14.67 ac) in size and is situated on the northwest corner of Sunningdale Road West and Richmond Street and is bounded by Villagewalk Boulevard on the westerly and northerly portions of the site. Surrounding land uses include future medium density residential to the north and existing office and medium density residential uses to the west. To the south is a draft approved plan of subdivision with medium density residential uses and commercial uses identified as future land uses along Sunningdale Road W. The lands east of the subject site are identified for future residential uses.

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

- The London Plan Place Type – Shopping Area/Main Street
- Existing Zoning – Holding Business District Commercial Special Provision (h*h-99*BDC(25)) Zone

1.3 Site Characteristics

- Current Land Use – undeveloped
- Frontage – 305 metres (Sunningdale Road W) & 210 metres (Richmond St)
- Depth – irregular
- Area – 5.94 ha (14.67 acres)
- Shape – irregular

1.4 Surrounding Land Uses

- North – Future Residential
- East – Future Residential
- South – Future Residential/Commercial
- West – Office/Residential
1.5 Location Map

LOCATION MAP

Subject Site: 135 VillageWalk Boulevard
File Number: H-9650
Prepared By: Planning and Development
Prepared: 27/05/2021

Legend
- Subject Site
- Buildings
- Parks
- Draft Approved Subdivisions
- Driveways/Parking lots

Scale 1:2500
2.0 Discussion and Considerations

The applicant is requesting the removal of the “h” and “h-99” holding provisions from the Zone on the subject lands. The “h” holding provision requires that the securities be received, and a development agreement be executed by the owner. The “h-99” requires that new development be consistent with the policies of the Sunningdale North Area Plan and the “Upper Richmond Village-Urban Design Guidelines”.

The requested amendment will facilitate the development of four commercial buildings with multiple commercial units within them.

Site Plan
3.0 Financial Impact/Considerations

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

4.0 Key Issues and Considerations

Why is it Appropriate to remove this Holding Provision?

The “h” holding provision states:

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

The Applicant has provided the necessary securities and has entered into a subdivision agreement with the City. This satisfies the requirement for the removal of the “h” holding provision.

The “h-99” holding provision states:

Purpose: To ensure that new development is designed and approved consistent with the policies of the Sunningdale North Area Plan and the “Upper Richmond Village-Urban Design Guidelines”, to the satisfaction City of London, prior to removal of the “h-99” symbol.

Through the site plan approvals process staff ensured that the proposed development is consistent with the policies of the Sunningdale North Area Plan and the “Upper Richmond Village-Urban Design Guidelines. This satisfies the requirement for the removal of the “h-99” holding provision.
Conclusion

The Applicant has provided the necessary securities and has entered into a development agreement with the City. The applicant has also demonstrated that the development is consistent with the policies of the Sunningdale North Area Plan and the “Upper Richmond Village-Urban Design Guidelines. Therefore, the required conditions have been met to remove the “h” and “h-99” holding provisions. The removal of the holding provisions is recommended to Council for approval.

Prepared by: Mike Corby, MCIP, RPP
Senior Planner, Planning & Development

Reviewed by: Bruce Page, MCIP, RPP
Manager, Planning & Development

Recommended by: Gregg Barrett, AICP
Director, Planning and Development

Submitted by: George Kotsifas, P. Eng.
Deputy City Manager,
Planning and Economic Development

cc: Matt Feldberg, Manager, Development Planning (Subdivisions)
c: Bruce Page, Manager, Development Planning (Subdivisions)
c: Peter Kavcic, Manager, Development Planning (Subdivisions)
c: Michael Pease, Manager, Development Planning (Site Plan)
Appendix A

Bill No. (Number to be inserted by Clerk's Office)
2021

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 135 Villagewalk Boulevard.

WHEREAS 2560334 Ontario Limited has applied to remove the holding provisions from a portion of the zoning for the lands located at 135 Villagewalk 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 lands;

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 135 Villagewalk Boulevard, as shown on the attached map, to remove the h and h-99 holding provisions so that the zoning of the lands as a Business District Commercial Special Provision (BDC(25)) Zone come into effect.

2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on July 6, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – July 6, 2021
Second Reading – July 6, 2021
Third Reading – July 6, 2021
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)

File Number: H-9350
Planner: MC
Date Prepared: 2021/05/26
Technician: rc
By-Law No: Z.-1-

SUBJECT SITE

1:2,500

0 12.525 50 75 100
Meters

Zoning as of April 30, 2021
Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of the application was published in the Londoner on May 9, 2019

0 replies were received

Nature of Liaison: City Council intends to consider removing the holding (h-5 and h-99) provision which was put in place to: ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act (h-5); and ensure that new development is designed and approved consistent with the policies of the Sunningdale North Area Plan and the “Upper Richmond Village-Urban Design Guidelines”, to the satisfaction City of London (h-99). Council will consider removing the holding provision(s) as it applies to these lands no earlier than May 21, 2019. File: H-9050 Planner: Nancy Pasato.
Appendix C – Relevant Background

The London Plan – Place Type Map

Legend
- Downtown
- Transit Village
- Shopping Area
- Rapid Transit Corridor
- Urban Corridor
- Main Street
- Neighbourhood
- Future Community Growth
- Heavy Industrial
- Light Industrial
- Future Industrial Growth
- Commercial Industrial
- Institutional
- Environmental Review
- Farmland
- Rural Neighbourhood
- Waste Management Resource Recovery Area
- Urban Growth Boundary
- 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 Corridor is in progress. This map shows the Rapid Transit Corridor and Urban Corridor.

In recognition of potential refinements, these Place Types will be modified to align with the results of the O.A. process for the final version of The London Plan.

CITY OF LONDON
Planning Services / Development Services

LONDON PLAN MAP 1
PLACE TYPES -
Scale 1:30,000

File Number: H-8650
Planner: MC
Technician: RC
Date: May 27, 2021

Project Location: E:\Planning\Projects\plan\work\consol\02\maps\LondonPlan\maps\H-8650-Map1-PlaceTypes.mxd

327
Existing Zoning – Z.-1

CITY OF LONDON
PLANNING SERVICES / DEVELOPMENT SERVICES

FILE NO:
H-9350

MAP PREPARED:
2021/05/26

THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDITIONAL NOTATIONS.
Recommendation


Executive Summary

The Building Division is responsible for the administration and enforcement of the Ontario Building Code Act and the Ontario Building Code. Related activities undertaken by the Building Division include the processing of building permit applications and inspections of associated construction work. The Building Division also issues sign and pool fence permits. The purpose of this report is to provide Municipal Council with information related to permit issuance and inspection activities for the month of April 2021.

Linkage to the Corporate Strategic Plan

Growing our Economy
• London is a leader in Ontario for attracting new jobs and investments.

Leading in Public Service
• The City of London is trusted, open, and accountable in service of our community.
  o Improve public accountability and transparency in decision making.

Analysis

1.0 Background Information

This report provides information on permit and associated inspection activities for the month of April 2021. Attached as Appendix “A” to this report is a “Summary Listing of Building Construction Activity for the Month of April 2021”, as well as respective “Principle Permits Reports”.

2.0 Discussion and Considerations

2.1 Building permit data and associated inspection activities – April 2021

Permits Issued to the end of the month

As of April 2021, a total of 1,524 permits were issued, with a construction value of $593.0 million, representing 1,685 new dwelling units. Compared to the same period in 2020, this represents a 60.4% increase in the number of building permits, with a 233.2% increase in construction value and an 446.8% increase in the number of dwelling units constructed.
Total permits to construct New Single and Semi-Dwelling Units

As of the end of April 2021, the number of building permits issued for the construction of single and semi-detached dwellings is 428, representing an 116.8% increase over the same period in 2020.

Number of Applications in Process

As of the end of April 2021, 1,083 applications are in process, representing approximately $709 million in construction value and an additional 1,478 dwelling units compared with 806 applications, with a construction value of $750 million and an additional 1,761 dwelling units in the same period in 2020.

Rate of Application Submission

Applications received in April 2021 averaged to 28.1 applications per business day, for a total of 561 applications. Of the applications submitted 82 were for the construction of single detached dwellings and 38 townhouse units.

Permits issued for the month

In April 2021, 458 permits were issued for 901 new dwelling units, totalling a construction value of $203.5 million.

Inspections – Building

A total of 2,722 inspection requests were received with 2,928 inspections being conducted.

In addition, 2 inspections were completed related to complaints, business licenses, orders and miscellaneous inspections.

Of the 2,722 inspections requested, 100% were conducted within the provincially mandated 48 hour period.

Inspections - Code Compliance

A total of 621 inspection requests were received, with 834 inspections being conducted.

An additional 129 inspections were completed relating to complaints, business licences, orders and miscellaneous inspections.

Of the 621 inspections requested, 100% were conducted within the provincially mandated 48 hour period.

Inspections - Plumbing

A total of 1,410 inspection requests were received with 1,675 inspections being conducted related to building permit activity.

An additional 12 inspections were completed related to complaints, business licenses, orders and miscellaneous inspections.

Of the 1,410 inspections requested, 100% were conducted within the provincially mandated 48 hour period.
Conclusion

The purpose of this report is to provide Municipal Council with information regarding the building permit issuance and building & plumbing inspection activities for the month of April 2021. Attached as Appendix “A” to this report is a “Summary Listing of Building Construction Activity” for the month of April 2021 as well as “Principle Permits Reports”.

Prepared by: Angelo DiCicco
Manager, Plans Examination
Building Division
Planning and Economic Development

Submitted by: Peter Kokkoros, P.Eng., B.A.(Econ)
Director, Building & Chief Building Official
Building Division
Planning and Economic Development

Recommended by: George Kotsifas, P.Eng.
Deputy City Manager, Planning and Economic Development
## APPENDIX "A"

**Summmary Listing of Building Construction Activity for the Month of April 2021**

<table>
<thead>
<tr>
<th>Classification</th>
<th>No. of Construction Units to the End of April 2021</th>
<th>No. of Construction Units to the End of April 2020</th>
<th>Classification</th>
<th>No. of Construction Units to the End of April 2021</th>
<th>No. of Construction Units to the End of April 2020</th>
</tr>
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<tr>
<td><strong>TOTALS</strong></td>
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<td></td>
<td><strong>TOTALS</strong></td>
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<td>361</td>
<td>Construction</td>
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<td><strong>CONSTRUCTION</strong></td>
<td><strong>PROPERTY</strong></td>
<td><strong>INCOME</strong></td>
<td><strong>PROPERTY</strong></td>
<td><strong>INCOME</strong></td>
<td><strong>CONSTRUCTION</strong></td>
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<td>192</td>
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<tr>
<td>Residential</td>
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<tr>
<td>Institutional</td>
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<td>Institutional</td>
<td>59</td>
<td>59</td>
</tr>
<tr>
<td>Industrial</td>
<td>53</td>
<td>53</td>
<td>Industrial</td>
<td>53</td>
<td>53</td>
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<tr>
<td>Other</td>
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<td>21</td>
<td>Other</td>
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<tr>
<td><strong>NO. OF PERMITS</strong></td>
<td><strong>VALUE (UNITS)</strong></td>
<td><strong>PERMITS</strong></td>
<td><strong>VALUE (UNITS)</strong></td>
<td><strong>PERMITS</strong></td>
<td><strong>NO. OF PERMITS</strong></td>
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<tr>
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<tr>
<td>Other</td>
<td>20</td>
<td>20</td>
<td>Other</td>
<td>20</td>
<td>20</td>
</tr>
</tbody>
</table>

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Note: All data is rounded up.

(1) Administrative permits include: Change of Use and Transfer of Ownership, Partial Occupancy.
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<thead>
<tr>
<th>Description</th>
<th>Units</th>
<th>No. of Units Constructed</th>
</tr>
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<tbody>
<tr>
<td>Principal Permit Issued from April 1, 2021 to April 30, 2021</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of London - Building Division</td>
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<tr>
<td>Location</td>
<td>Work Description</td>
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</tr>
<tr>
<td>----------</td>
<td>----------------------------------------------------------------------------------</td>
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</tr>
</tbody>
</table>

The table above shows the principal permits issued from April 1, 2021 to April 30, 2021.
Commercial building permits issued - subject to Development Charges under By-law C.P. 1535-94

<table>
<thead>
<tr>
<th>Proposed Work</th>
<th>Project Location</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
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<td>60 Commercial Ave</td>
<td>London Water Board</td>
</tr>
<tr>
<td>Proposed site</td>
<td>40 Commercial Ave</td>
<td>London Water Board</td>
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<tr>
<td>Existing site</td>
<td>20 Commercial Ave</td>
<td>London Water Board</td>
</tr>
<tr>
<td>Proposed site</td>
<td>30 Commercial Ave</td>
<td>London Water Board</td>
</tr>
</tbody>
</table>

Total Permit is 40, units: 30, volume: 1,454.7 m³
Report to Panning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: George Kotsifas, P. Eng.
Deputy City Manager, Planning and Economic Development

Subject: 2781033 Ontario Inc.
915-919 Commissioner Road East, London, Ontario
Public Participation Meeting

Date: June 21, 2021

Recommendation

That, on the recommendation of the Director, Planning and Development, with respect to the application of 2781033 Ontario Inc. relating to the property located at 915-919 Commissioners Road East, London, Ontario, the proposed by-law attached hereto as Appendix "A" BE INTRODUCED at the Municipal Council meeting on July 6, 2021 to amend Zoning By-law No. Z.-1, in conformity to the Official Plan for the City of London, to change the zoning of the subject property FROM a Restricted Office/Highway Service Commercial (RO2/HS) Zone TO a Restricted Office Special Provision/Highway Service Commercial Special Provision (RO2(_)2/HS(_)2) Zone.

Executive Summary

Summary of Request

The applicant requested an amendment to Zoning By-law Z.-1 to allow a Retail Store in an existing building up to a maximum gross floor area (GFA) of 111 m² (1200 ft²) and a reduction of parking requirements to the existing fifty-one (51) on-site parking spaces. The existing range of permitted uses would continue to apply to the site.

The applicant is proposing to incorporate a Retail Store into the existing multiple-unit commercial building at 919 Commissioners Road East.

A Restricted Office Special Provision/Highway Service Commercial Special Provision (RO2(_)2/HS(_)2) Zone for the subject site is recommended. The two (2) special provisions are:

1. Retail Store up to a maximum gross floor area (GFA) of 111 m² (1200 ft²) as a permitted use within the existing building; and,
2. a minimum of fifty-one (51) on-site parking spaces for all permitted uses in the existing buildings.

Purpose and Effect of Recommended Action

The purpose and effect of the recommended amendment is to permit a limited amount of retail in an existing multi-unit commercial building and a reduction of required parking through recognition of the existing fifty-one (51) on-site spaces.

Rationale of Recommended Action

i) The recommended amendment to Zoning By-law Z.-1 is consistent with the Provincial Policy Statement (PPS) which encourages the following: accommodating an appropriate range and mix of employment; promoting economic development and competitiveness; supporting long-term economic prosperity; promoting the vitality and regeneration of settlement areas; supporting energy conservation, improved air quality, reduced greenhouse gas emissions (GHGs) and climate change adaptation; and, supporting and promoting intensification and redevelopment to utilize existing services.
The recommended amendment to Zoning B-law Z.-1 conforms to the Auto-Oriented Commercial Corridor policies of the 1989 Official Plan.

The recommended amendment to Zoning B-law Z.-1 conforms to the in-force policies of the Commercial Industrial Place Type of The London Plan.

The use of an existing developed site supports Council’s commitment to reducing and mitigating climate change by making efficient use of existing infrastructure and by focusing intensification and growth in already-developed areas.

The subject lands are an appropriate location for a small-scale retail use and a reduction in required parking. The recommended amendments are consistent with and appropriate for the site and context and will support opportunities for economic activity and employment.

### Linkage to the Corporate Strategic Plan

This application supports the Building a Sustainable City area of focus in the Corporate Strategic Plan by ensuring London's growth and development is well planned and sustainable over the long term.

### Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change by encouraging intensification and growth at appropriate locations. This includes efficient use of existing urban lands and infrastructure. It also includes aligning land use planning with transportation planning to facilitate transit-supportive developments and encourage active transportation.

### Analysis

#### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

This is the first application for a zoning by-law amendment on record for this site.

#### 1.2 Property Description

915-919 Commissioners Road East is a developed site and functions as an integrated, convenience commercial plaza with shared access and shared on-site parking spaces. The subject site is located on the south side of Commissioners Road East, approximately 50 metres east of Adelaide Street South.

There are two (2) buildings on the property.

1) 915 Commissioner Road East (west building) is comprised of a single-storey restaurant with a drive-through facility (Tim Hortons). This building has a total gross floor area of approximately 261.1 m².

2) 919 Commissioners Road East (east building) is comprised of a multiple-unit single-storey commercial building of four (4) individual units. Current occupants include convenience commercial uses and take-out restaurants (Aim Convenience, Wireless Shield, Panucci’s Pizza, Subway). This building has a total gross floor area of approximately 410.8 m².

The proposal is to permit a small-scale Retail Store in the existing multiple-unit commercial building at 919 Commissioners Road East.
On-site parking: There are fifty-one (51) on-site parking spaces.

Access:
- Vehicular: Two points of vehicular access: 1. from Commissioners Road East at the Adelaide Street South intersection; and 2. right-in/right-out access from Commissioners Road East at the easterly limit of the property.
- Pedestrian: There are sidewalks on both the south and north sides of Commissioners Road East.
- Public Transportation: London Transit Commission (LTC) bus service is provided along both the Commissioners Road East and the Adelaide Street South corridors.

The lands immediately surrounding the subject site consist of:
- single-storey carwash to the east (925 Commissioners Road East).
- 2-storey commercial building to the west (911 Commissioners Road East).
- multiple-tenant 1- and 2-storey commercial building to the north (920 Commissioners Road East).
- Glen Cairn Park to the south (behind the property).
- 14-storey residential apartment building to the northeast (940 Commissioners Road East).

Land uses in the broader area include:
- Open Space (Caesar's Park), 2-storey multi-tenanted building, and multi-storey residential buildings further to the east.
- Open Space to the west (Glen Cairn Park).
- Residential further to the northeast and west.
- Commercial buildings further to the northwest.
1.3 Current Planning Information
- 1989 Official Plan Designation – Auto-Oriented Commercial Corridor
- The London Plan Place Type – Commercial Industrial
- Existing Zoning – Restricted Office/Highway Service Commercial Zone

1.4 Site Characteristics
- Current Land Uses – commercial
- Frontage – 46 metres
- Depth – 66 metres
- Area – 0.3 hectares (ha)
- Shape - rectangular

1.5 Surrounding Land Uses
- North – Restricted Service Commercial
- East – Restricted Office/Highway Service Commercial/Restricted Service Commercial
- South – Open Space
- West – Restricted Office/Highway Service Commercial
1.6 Location Map
2.0 Discussion and Considerations

2.1 Development Proposal

The proposal is to add a small-scale retail store (maximum gross floor area of 111 m²/1200 ft²) within an existing multiple-unit building and allow a reduction of required parking to the existing fifty-one (51) on-site parking spaces.

Neither the height nor massing of the building will be changed; all work will be internal to the existing building at 919 Commissioners Road East.

2.2 Requested Amendments

Zoning Request

The applicant requested an amendment to Zoning by-law Z.-1 to change the existing Restricted Office/Highway Service Commercial Zone to a Restricted Office Special Provision/Highway Service Commercial Special Provision Zone to permit a Retail Store of up to 111 m² (1200 ft²) as an additional permitted use and permit a reduction of required parking to the existing fifty-one (51) on-site parking spaces for all permitted uses in the existing buildings. The range of currently permitted uses would continue to apply to the site.

2.3 Engagement

Information about the Planning Application and opportunities to provide comments and input were provided as follows:

- April 21, 2021: Notice of Application was sent to nine (9) property owners in the surrounding area and circulated via email to applicable agencies, organizations, committees, and City Staff.
- April 22, 2021: Notice of Application was published in the Public Notices and Bidding Opportunities section of The Londoner.
- April 22, 2021: Information about the Planning Application was posted on the City's website.

At the time of writing this report, no comments have been received from members of the public.

2.4 Internal and Agency Comments (see detail in Appendix B)

The application and associated materials were circulated to City Staff and Public Agencies for review and comment. All comments received were considered in the review and analysis of this application and are included in Appendix B of this report.

2.5 Policy Context

Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS) provides key policy directions on land use issues that affect communities in Ontario. In accordance with Section 3 of the Planning Act, all planning decisions shall be consistent with the PPS. The PPS is meant to be read in its entirety.

The subject site is a developed site in the settlement area, and the proposal is to incorporate a new use into an existing building. There are a wide range of commercial, residential, retail, and office uses on adjacent sites and in the surrounding area. This planning application is consistent with several PPS policies, summarized below.

The PPS prioritizes and directs growth to developed land and existing settlement areas. More specifically, the PPS supports efficient development and land use patterns and the wise and efficient use of existing infrastructure (1.1.1, 1.1.3.1, 1.1.3.2, 1.3.1, 1.6).
The *PPS* promotes economic development and competitiveness by increasing employment and business opportunities, supporting a diversified economic base, and encouraging mixed-use and compact development (2.6). Sections 1.3 and 1.7 of the *PPS* outline the employment, economic development and competitiveness, and long-term economic prosperity priorities and policies. The request to add retail as a permitted use will support the diversity of the area and provide a new opportunity for employment.

The *PPS* supports actions that reduce impacts on climate change and prepare us for the impacts of a changing climate. By focusing growth and development on an existing site, within an existing building, and using existing infrastructure and not expanding (i.e. reduction in required parking to the existing on-site parking spaces), this application is consistent with *PPS* goals and policies regarding preparing for the impacts of climate change (1.6.3 b.).

**The London Plan**

*The London Plan* is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). *The London Plan* sets out Key Directions which clarify priorities that must be considered to help the City effectively achieve its vision and provide planning strategies to guide planning and development over the next 20 years (54_).

The subject site is in the Commercial Industrial Place Type in *The London Plan*. This Place Type is intended to accommodate commercial uses that do not fit well within the other commercial and mixed-use place types of *The London Plan* (1112_).

Permitted uses in the Commercial Industrial Place Type are set out in Policy 1119_. In addition to permitted commercial uses, a limited number of secondary use permissions are prescribed for this Place Type which include a very limited amount of small-scale retail and service uses adjacent to a Civic Boulevard (1119_, 6.). Commissioners Road East is classified as a Civic Boulevard in *The London Plan*

The proposed small-scale retail use and reduction in required parking conform to the use and intensity policies for the Commercial Industrial Place Type. Specifically, as the proposed Retail Store will be contained within the existing building (i.e. no site modifications), the site will continue to be utilized efficiently continue to fit within the overall context in terms of both form and function (1110_, 1124_, 1125_). Addition of a limited small-scale retail use consistent with other uses on the site and land uses in the immediate area.

The proposal will diversify the range of supportive commercial services available within proximity of an established employment area and accessible by active transportation, transit services and the existing arterial road network.

**City of London 1989 Official Plan**

The 1989 *Official Plan* contains policies that guide the use and development of land within the City of London and is consistent with the policy direction set out in the *PPS*.

The subject site is designated Auto-Oriented Commercial Corridor in the 1989 *Official Plan*.

Commercial land designations provide the primary location for retail and service commercial land uses in the city (4.2). The Auto-Oriented Commercial Corridor designation is applied to areas along arterial roads that typically consist of a mix of retail, auto and commercial uses, office, and remnant residential uses (4.4.2). Section 4.4.2.4 identifies permitted uses for Auto-Oriented Commercial Corridors which includes a wide range of commercial, service, retail uses, including a limited amount and range of retail uses as a secondary use. The proposed addition of a Retail Store to a maximum of 111 m² within an existing commercial plaza conforms with the principles, policy direction, and permissions of the 1989 *Official Plan*. 

345
The proposed reduction in required parking to the existing fifty-one (51) on-site spaces is supported by Section 4.4.2.1 which promotes the grouping of uses that have common access points and parking facilities, Section 4.4.2.3 which promotes the clustering of similar uses to avoid the extension of strip commercial development, and Section 4.4.2.6.2 which encourages the provision of common parking areas and driveways.

Zoning By-law

The subject site is currently zoned Restricted Office/Highway Service Commercial which provides for and regulates a broad range of uses and activities. This compound zone structure does not allow for Retail Store as a permitted use or the reduction of required on-site parking spaces.

Required parking for a Retail Store in Parking Standard Area 3 of less than 2000 m² is 1 space per 15 m². This is the same requirement for a Convenience Store use and less than for Restaurant (Fast-Food, Drive-In, Take-Out) use, both of which are existing uses on the subject site. As the Retail Store will be incorporated into the existing multiple-unit building, there is no requirement for additional on-site parking spaces.

The Restricted Office Zone provides for and regulates new office uses outside of the Downtown area in small-scale office buildings. A Retail Store is not a permitted use in the RO2 Zone variation (18.2). The RO2 variation includes the following uses:
- Clinics
- Medical/dental offices
- Medical/dental laboratories
- Offices

The Highway Service Commercial Zone provides for and regulates a range of commercial and service uses which cater to the needs of the travelling public. Properties with this zoning tend to be on major arterial roads with high traffic volumes at major entrances to the City.

The requested zone is Restricted Office Special Provision/Highway Service Commercial Special Provision Zone to permit a Retail Store of a limited size (up to 111 m²) as an additional use and a reduction of required parking to the existing fifty-one (51) on-site parking spaces.

3.0 Financial Impact/Considerations

There are no financial impacts to the City of London associated with this application.
4.0 Key Issues and Considerations

4.1. Adding Retail Store as a Permitted Use

The subject site is developed and functions as an integrated commercial plaza with two buildings. Current uses include restaurants, service commercial uses, and convenience commercial uses. The on-site parking spaces and vehicular accesses are shared between all uses in both buildings. The current zoning does not permit a Retail Store as a use.

Although Retail Store is not a specific permitted use in any of the standard HS Zone variations, this use has been permitted through special provisions in the Highway Service Commercial Zone, illustrating its consistency the HS Zone. The scale of the proposed retail use also aligns with the commercial permissions in the Highway Service Commercial Zone.

Adding a Retail Store to the subject site as a permitted use is consistent with planning policies in the PPS, The London Plan, and the 1989 Official Plan. A Retail Store is compatible with the regulations and commercial provisions in the Highway Commercial Zone, the form, existing uses, and current function of the site and the form and existing wide range of uses in the surrounding area. Adding a Retail Store as a use also recognizes that diversification of land uses supports continuing economic vitality.

4.2 Supporting a Reduction in Required On-site Vehicular Parking Spaces

The applicant has requested a reduction of required on-site parking spaces to the existing fifty-one (51) on-site spaces. This is a reduction of twenty-one (21) from the seventy-two (72) spaces required for the requested uses under the current Zoning By-law parking standards. City of London Transportation do not have any objections to the requested reduction of requirements for on-site parking to the existing fifty-one (51) spaces.

The City of London policy framework supports and encourages Traffic Demand Management (TDM) which includes reducing vehicle use. The subject site is serviced by two LTC transit routes which provide an opportunity for reducing the use of private vehicles and therefore, demand for parking. The site is also accessible by active transportation as sidewalks are located on either side of Commissioners Road East. A reduction of required parking is consistent with the policy directions in the PPS, The London Plan, the 1989 Official Plan, and Council’s Climate Emergency Declaration.

Conclusion

It is recommended that City Council approve the requested amendment to change the zoning for 915-919 Commissioners Road East from Restricted Office/Highway Service Commercial (RO2/HS) Zone to a Restricted Office Special Provision/Highway Service Commercial Special Provision (RO2/HS(_)). This amendment would allow for a Retail Store as a permitted use on the site, and a reduction of required parking to the existing fifty-one (51) on-site parking spaces. The Retail Store is compatible with the uses on the site and in the surrounding area and will support the continued viability of the site. The reduction in required parking is consistent with Council’s Climate Emergency declaration, as it assists with reducing emissions and use of resources by reducing on-site parking (i.e., less vehicle trips, higher use of other modes of transportation).

Prepared by: Laurel Davies Snyder, MCIP, RPP
Planner II, Core Area & Urban Regeneration

Reviewed by: Michael Tomazincic, MCIP, RPP
Manager, Strategic Land Development

Recommended by: Gregg Barrett, AICP
Director, Planning and Development
Appendix A

Bill No. (number to be inserted by Clerk’s Office) (2021)

By-law No. Z.-1-21_______

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 915-919 Commissioners Road East.

WHEREAS 2781033 Ontario Inc. has applied to rezone an area of land located at 915-919 Commissioners 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 915-919 Commissioners Road East, as shown on the attached map comprising part of Key Map No. (insert map number), from a Restricted Office/Highway Service Commercial (RO2/HS) Zone to a Restricted Office Special Provision/Highway Service Commercial Special Provision (RO2(_)/HS(_) Zone.

2) Section Number 27.4 of the Highway Service Commercial Zone is amended by adding the following special regulations:

_) HS (_) 915-919 Commissioners Road East

a) Additional Permitted Use:
   i) Retail Store up to a maximum gross floor area of 111 m² (1200 ft²) in existing building at 919 Commissioners Road East.

b) Regulations:
   i) Off-street Parking for fifty-one (51) spaces all permitted uses in the existing buildings

3) Section Number 18.4 of the Restricted Office Zone is amended by adding the following special regulations:

_) RO2 (_) 915-919 Commissioners Road East

a) Regulations:
   i) Off-street Parking for fifty-one (51) spaces all permitted uses in the existing buildings

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 July 6, 2021.
Appendix B – Agency and Departmental Comments

CN Rail

Hello Laurel,

Thank you for circulating CN the proposed project mentioned in subject. This is to confirm that we have reviewed the information and site location. CN Rail does not have any comments with regards to this application.

Regards

Ashkan Matlabi, Urb. OUQ.

Urbaniste senior / Senior Planner (CN Proximity)
Planning, Landscape Architecture and Urban Design
Urbanisme, architecture de paysage et design urbain

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Montréal (Québec)
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wsp.com

City of London – Engineering

No comments for Z-9334, the proposed rezoning at 915-919 Commissioners Road East.

City of London - Transportation

Good afternoon,

Please find below Transportations comments regarding Z-9334 - 915-919 Commissioners Road East:

- Right of way widening dedication of 24.0 m from centre line required on 915-919 Commissioners Road East
- A parking study may be required
- Modify boulevard parking encroachment agreement may be required
- Licence for commercial encroachment agreement may be required

Rgs,

Juan C. Chamorro, CET
Senior Transportation Technologist
Transportation Planning & Design
City of London

300 Dufferin Ave ON N6A4L6
P: 519.661.CITY(2489) x 4737 | Fax: 519.661.4137
jchamorr@london.ca | www.london.ca
London Hydro Response:

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. **Note:** Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements & availability.

☐

This site is presently serviced by London Hydro. Contact the Engineering Dept. if a service upgrade is required to facilitate the new building. Any new and/or relocation of existing infrastructure will be at the applicant’s expense, maintaining safe clearances from L.H. infrastructure is mandatory. **Note:** Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements & availability.

☐

☐

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. **Note:** Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability.

☐

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.

☑

Signed:  

Hans Schreff  
Manager - Developer & Operations Support,  
Engineering & Operations Administration Dept.  
519-661-5800 ext. 5014

Committee of Adjustment ☐  Notice of Application ☑  Site Plan Consultation ☐  Site Plan Application ☐
Appendix C – Policy Context

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

**Provincial Policy Statement, 2020**
Section 1.0 Building Strong Healthy Communities
Section 2.0: Wise Use and Management of Resources

**The London Plan**
The Critical Importance of Transportation (11_, 12_)  
New Demands for Urban Living (13_)  
Climate Change (18_)  
City Building for Economic Growth and Prosperity (19_-23_)  
Key Directions (54_-62_)  
City Design  
Mobility  
Place Type

**1989 Official Plan**
Chapter 1 - Introduction  
Chapter 4 – Commercial Land Use Designations  
Chapter 7 – Industrial Land Use Designations  
Chapter 18 - Transportation

**Z.-1 Zoning By-law**
Section 4: General Provisions  
Section 18: Restricted Office (RO) Zone  
Section 27 – Highway Service Commercial (HS) Zone  
Schedule “B” – Key Maps (Parking)
Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas P. Eng.,
Deputy City Manager, Planning and Economic Development

Subject: Farhi Holdings Corporation
193 Queens Avenue
Public Participation Meeting

Date: June 21, 2021

Recommendation

That, on the recommendation of the Director, Planning and Development, with respect to the application of Farhi Holdings Corporation relating to the property located at 193 Queens Avenue, the proposed by-law attached hereto as Appendix "A" BE INTRODUCED at the Municipal Council meeting on July 6, 2021 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan for the City of London (1989), to change the zoning of the subject property from a Holding Downtown Area (h-3*DA1*D350) Zone and a Holding Downtown Area (h-3*DA2*D350) Zone to a Holding Downtown Area/Temporary (h-3*DA1*D350/T-_) Zone and a Holding Downtown Area/Temporary (h-3*DA2*D350/T-_) Zone.

Executive Summary

Summary of Request

The owner has requested a Zoning By-law amendment to recognize and permit the continued operation of the existing surface commercial parking lot for a period of three (3) years through the application of a new Temporary Use (T-_) Zone.

Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to apply a new Temporary Use (T-_) Zone to recognize and allow for the continued operation of the existing surface commercial parking lot on the subject lands for a period not to exceed three (3) years.

Rationale of Recommended Action

1. The recommended amendment is consistent with the PPS, 2020 as it ensures that sufficient parking is provided in the Downtown, promoting economic development by supporting existing economic activities and businesses that currently rely on this parking supply for workers;
2. The recommended amendment conforms to the 1989 Official Plan, including but not limited to, the Temporary Use By-law Policies;
3. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to, the Temporary Use Provisions;
4. The recommended Temporary Use (T-_) Zone does not compromise the ability to achieve the long-term goals of Our Move Forward: London’s Downtown Plan;
5. The recommended amendment is appropriate to help maintain an adequate supply of parking to service businesses in the Downtown pending the gradual transition away from the use of surface commercial parking lots as transit ridership increases and as alternative parking spaces are provided;
6. The recommended amendment supports the intent of the Downtown Parking Strategy; and,
7. The parking lot has existed for several years and has achieved a measure of compatibility with the surrounding land uses.
Linkage to the Corporate Strategic Plan

Building a Sustainable City – London’s growth and development is well planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None.

1.2 Property Description

The subject site is located on the south side of Queens Avenue, between Clarence Street and Richmond Street in the Central London Planning District. The site has been in use as a surface commercial parking lot since 2007. Approximately 0.17 hectares in area, the fully paved parking lot contains approximately 46 parking spaces. This parking lot services a variety of retailers, restaurants, offices and residences in the downtown core, particularly in the vicinity of the Dundas Street and Queens Avenue corridors. Trees and shrubs along the Queens Avenue frontage screen the parking lot from the street. The lot is visible from Clarence Street and the adjacent intervening commercial parking lot owned by others. Direct vehicular access is provided from and to Queens Avenue. Pedestrian access is directly available from Queens Avenue, and indirectly across intervening parking areas from Clarence Street and Richmond Street.

Figure 1: Parking Lot Viewed from Queens Avenue

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

- Official Plan Designation – Downtown Area
- The London Plan Place Type – Downtown Place Type
- Existing Zoning – Holding Downtown Area (h-3*DA1*D350) Zone and a Holding Downtown Area (h-3*DA2*D350) Zone

1.4 Site Characteristics

- Current Land Use – Surface commercial parking lot
- Frontage – 4.5 metres on Queens Avenue
- Depth – irregular
- Area – 0.17 hectares
- Shape – irregular
1.5 Location Map
1.6 Surrounding Land Uses

- North – Office, commercial, residential, institutional uses (with mixed-use formats), and Victoria Park
- East – Office, commercial, residential, institutional (with mixed-use formats)
- South – Dundas Street commercial corridor; office, commercial, residential, institutional uses (with mixed-use formats)
- West – Richmond Street commercial corridor; office, commercial, residential, institutional uses (with mixed-use format)

1.7 Intensification
There is no residential component to this request.

2.0 Discussion and Considerations

2.1 Proposal

The applicant is proposing to add a temporary zone to the existing zoning on the site to allow for three (3) years of surface commercial parking. The proposed Zoning By-law Amendment would recognize and continue the use of the site as a commercial parking lot, in addition to all other uses currently permitted. No new development is proposed on-site. Access to the site will remain from Queens Avenue.

2.2 Requested Amendment

The applicant has requested to rezone the land from a Holding Downtown Area (h-3*DA1*D350) Zone and a Holding Downtown Area (h-3*DA2*D350) Zone to a Holding Downtown Area/Temporary (h-3*DA1*D350/T__) Zone and a Holding Downtown Area/Temporary (h-3*DA2*D350/T__) Zone. The current permitted uses and regulations will remain the same. The only requested change is to add the Temporary Use (T) Zone to recognize and permit the operation of the existing surface commercial parking lot use for a period of three (3) years.

2.3 Community Engagement (see more detail in Appendix B)

One written response was received, from the Architectural Conservancy of Ontario.

2.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS), 2020 provides policy direction on matters of provincial interest related to land use planning and development. In accordance with Section 3 of the Planning Act, all planning decisions “shall be consistent with” the PPS.

Section 1.1 of the PPS encourages healthy, livable and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. The PPS directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities (1.1.3).

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 that are 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 subject site is in the Downtown Place Type of The London Plan on a Civic Boulevard, as identified on Map 1* — Place Types and Map 3* — Street Classifications. The vision for the Downtown allows for the broadest range of uses and the most intense forms of development in the City, within highly-urban, transit-oriented environments (798_). Queens Avenue is also identified as part of the Downtown Transit Loop, which will enhance Downtown as a critical hub for local transit and will serve as a connection point for bus service across the City.

The Our Tools section of The London Plan establishes a policy framework for the consideration of temporary use by-laws. Provided the general intent and purpose of The London Plan is maintained, City Council may pass by-laws to authorize the temporary use of land, buildings, or structures for a purpose that is otherwise prohibited by this Plan, for renewable periods not exceeding three (3) years, in accordance with the provisions of the Planning Act and subject to specific evaluation criteria (1671_ and 1672_). Additional criteria contained in Policy 1673A_ provide further direction on applications for temporary zoning to permit surface commercial parking lots in the Downtown Place Type.

1989 Official Plan

The subject lands are designated Downtown in the 1989 Official Plan. The Downtown designation is distinguished from other areas of the City by its concentration of employment and its intensive, multi-functional land use pattern. It is intended that the Downtown will continue to be the major office employment centre and commercial district in the city, and that its function as a location for new medium and high density residential development will be strengthened over time.

The 1989 Official Plan provides policy direction with regard to temporary uses under Section 19.4.5 of the Official Plan, stating that temporary use by-laws may be considered provided the general intent and purpose of the Official Plan is being maintained. These policies are essentially the same as the Temporary Use Provisions contained in the Our Tools section of The London Plan, which are not under appeal and are in force.

Section 4.1.10 of the 1989 Official Plan supports the provision of adequate and well-located off-street parking facilities that are sufficient to meet the demand generated by existing and proposed land uses in the Downtown. Policies specific to surface parking lots in the Downtown discourage the creation of new surface level commercial parking lots within the Downtown Shopping Area. Surface parking lots outside of the Downtown Shopping Area that require the demolition of significant heritage buildings will also be discouraged. With the severance of the parking area from the adjacent buildings located at 204 and 206 Dundas Street in 2009, these lands are considered to be outside the Downtown Shopping Area for the purposes of consideration of this application. These policies establish criteria for the evaluation of applications for temporary zoning to permit surface commercial parking lots.

Our Move Forward – London’s Downtown Plan

London’s City Council adopted Our Move Forward: London’s Downtown Plan, on April 14, 2015 as a guideline document under Chapter 19 of London’s 1989 Official Plan and has been carried forward in Our Tools policy 1717_ of The London Plan. The document identifies a number of strategic directions and “transformational projects”, along with implementation tools to assist in retaining and attracting businesses and investment to the downtown. Planning objective 5: “Build a great neighbourhood” encourages the redevelopment of vacant sites to increase the resident and worker population downtown by discontinuing temporary-use zoning on these sites (5.2, p. 63).

On May 8, 2018, Council resolved to include additional guidance in the Downtown Plan in regard to temporary surface parking lots, which included criteria for the evaluation of planning and development applications, as well as design considerations.
Downtown Parking Strategy, 2017

The provision, management and supply of parking was identified as an area of special relevance to the successful implementation of Our Move Forward: London’s Downtown Plan. The Downtown Parking Strategy was completed in 2017 and included a review of existing parking conditions and future development potential based upon the direction of The London Plan, the 2030 Transportation Master Plan and other relevant policy documents. The long-term goals of the abovementioned plans are to achieve a decrease in single occupant vehicle travel into the Downtown that will in turn reduce the long term need for parking, particularly employee and commuter related parking. The key to the future success of the downtown will be the replacement of existing surface parking lots with new developments.

Determining how much parking is necessary for the functional and economic viability of downtown, as well as the manner and location in which the parking is provided, are key considerations coming out of the Downtown Parking Strategy study. Determining how much parking is required, how it is provided, what role the City should play in meeting future parking demand, the financial implications associated with providing new parking and the most appropriate municipal service delivery model to employ in order to maximize the return on investment of public funds are critical considerations in the development of a future Parking Management Strategy for the downtown.

Downtown Heritage Conservation District

The subject property is located within the Downtown Heritage Conservation District and is subject to the objectives, policies and guidelines contained within the Downtown Heritage Conservation District Plan.

3.0 Financial Impact/Considerations

There are no direct municipal financial expenditures associated with this application.

4.0 Key Issues and Considerations

4.1 Issue and Consideration #1: Demonstrated Need for Parking

The Downtown Parking Strategy, 2017

The Council-approved Downtown Parking Strategy study provides direction on utilization rates of existing surface commercial parking lots operating in six sub-areas of the Downtown (figure 1). The Downtown Parking Strategy provides a number of recommendations for how the City should manage surface commercial parking lots in the downtown. One of these recommendations is a gradual approach to discontinuing temporary zone permissions for surface parking lots where utilization is low. The subject property is in sub-area 4, which has a high utilization rate of 81%.

To put this into perspective, 90% utilization is considered a maximum practical occupancy level at which there is still sufficient available parking across downtown, however certain areas may require drivers to search more for available parking and accept longer walking distances.

It should be noted that the occupancy rates in the central zones 3 & 4 are at 89% and 81% respectively, which may be making it difficult for visitors to conveniently find parking in these areas.
In order to understand the potential parking implications associated with new development, an estimate of future parking supply and demand across the downtown study area has been created by using future growth estimates based on the 2014 Development Charges study. While the estimates should be viewed as approximate, they do serve to provide an indication of the potential parking challenges associated with meeting the City’s desired development goals and objectives for the downtown as described in various planning documents.

An important factor regarding future parking requirements is the expected decrease in auto person trips from the existing level of 73.5% to 64% by year 2034 due to the substantial investment in new Bus Rapid Transit (BRT) service approved by Council. The expected increase in transit use equates to a decrease in parking demand of approximately 13%. Based on the estimated transportation mode split of 64% auto person use by 2034, sub-area 4 will have a projected parking supply deficit of 65 spaces by 2034.

Rapid Transit
The Rapid Transit Environmental Project Report was approved in 2019 and the detailed design for the Downtown Loop is currently underway. The detailed design for the East and South corridors are also underway. Investment is being made for cycling infrastructure including the implementation of an east-west cycle track on Dundas Street and improved connection to the Thames Valley Parkway. While these projects aim to shift mode-share away from automobiles, they will take time to fully implement. The construction of Rapid Transit is scheduled over multiple years, starting in 2021. Until the system is in place, there will still be demand for parking for both employees and customers in the Downtown. Similarly, at this time no public parking facilities are planned or have been developed in the area. If the existing commercial parking lot at 193 Queens Avenue is not recognized and permitted to continue for a period of three (3) years, the shortage of parking downtown could be exacerbated.

Based on the parking utilization data from 2014 and the rationale given by the applicant, it can be concluded that there is a demonstrated need for surface parking in sub-area 4. Although it is not intended to permit temporary uses to continue for an extended period of time, the Parking Strategy recommends a gradual approach to the discontinuation of temporary zone permissions, particularly in sub-areas of high demand. Since additional parking facilities and the implementation of Rapid Transit will not be completed in the short-term, staff is recommending the recognition of this parking lot through temporary zoning until additional facilities are provided.
Given that the parking lot has existed for many years and has significant screening with a low impact on the streetscape, staff is satisfied that the requested addition of a temporary zone on site to allow for three (3) years of surface commercial parking is appropriate.

4.2 Issue and Consideration #2: Use

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) 2020, provides policy direction on matters of provincial interest related to land use planning and development. All decisions affecting land use planning matters shall be "consistent with" the policies of the PPS. Section 1.1 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 directs cities to make sufficient land available to accommodate this range and mix of land uses to meet projected needs for a time horizon of up to 20 years. The PPS also directs planning authorities to promote economic development, the vitality and viability of Downtowns by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

Ensuring that sufficient parking is provided in the Downtown supports existing economic activities and businesses that currently rely on this parking supply for workers. While the long-term use of the subject properties as surface commercial parking lots would encourage vehicle trips, staff is satisfied the recommended application of a temporary use zone for a period of three (3) years would not undermine future redevelopment of a high density, transit-oriented development. The interim use as a surface commercial parking lot would contribute to the short-term availability of parking in the core to serve the variety of retailers, restaurants, offices and residences in the downtown core, while allowing for future redevelopment.

The London Plan and the 1989 Official Plan

Temporary Use Provisions (General)
The Our Tools policies of The London Plan provide guidance for temporary uses, in general, and provides criteria for the evaluation of all temporary uses (1672_). These criteria are carried over from the 1989 Official Plan with the addition of two additional considerations.

The following criteria are provided to evaluate the appropriateness of a temporary use:

1. **Compatibility of the proposed use with surrounding land uses.**
2. Any requirement for temporary buildings or structures in association with the proposed use.
3. Any requirement for temporary connection to municipal services and utilities.
4. **The potential impact of the proposed use on mobility facilities and traffic in the immediate area.**
5. **Access requirements for the proposed use.**
6. Parking required for the proposed use, and the ability to provide adequate parking on-site.
7. **The potential long-term use of the temporary use.**
8. In the case of temporary commercial surface parking lots in the Downtown, the impact on the pedestrian environment in the Downtown.
9. **The degree to which the temporary use may be frustrating the viability of the intended long-term use of the lands.**

The London Plan provides Key Directions that must be considered to help the City effectively achieve its vision for a highly urban and transit-oriented Downtown. The following uses may be permitted within the Downtown: a broad
range of residential, retail, service, office, cultural, institutional, hospitality, recreational and other related uses may be permitted in the Downtown Place Type (800_). The London Plan policy 800_4* identifies that new accessory parking lots should not be permitted in the Downtown and new surface commercial parking lots shall not be permitted. Policy 800_5* states that Where surface commercial parking lots have previously been established through temporary zoning and have been in place for an extended period of time, further extensions of such temporary uses should be discouraged where an adequate supply of parking exists in the vicinity of the subject lot. [Emphasis added]. While this site has not previously be recognized through the application of a temporary zone, physically this is not a new parking lot resulting from the recent demolition of existing buildings and structures, and has been used as parking for many years.

As shown in the discussion of the demonstrated need for parking above, there is not an adequate supply of parking in this particular area of the Downtown. In that case, The London Plan policies allow Council to enact temporary use by-laws, and also generally discourage the long term extension of temporary uses. However, it supports a pragmatic approach to evaluating the appropriateness of temporary uses based on site-specific context and criteria (1672_). An analysis of the subject site in relation to the temporary use provisions criteria is provided below.

The site fits reasonably well within its context. It is surrounded by surface parking lots, both privately and publicly-owned, to the east and west. It is located directly behind office and other commercial buildings that front Dundas Street, and is screened by plantings along the Queens Avenue frontage. The parking lot, while not previously recognized through a temporary use zone, is existing and no additional buildings, structures or connections to municipal services are proposed. The parking lot is located mid-block with existing vehicular and pedestrian access from Queens Avenue. The applicant is not proposing to increase the capacity of the lot, or provide any additional accesses, therefore there will be no additional impact on traffic or the streetscape.

While the existing surface parking lot has been operating for a number of years, there is a demonstrated need for parking in this area as illustrated in the Downtown Parking Strategy study and discussed above in this report.

With respect to the additional consideration of the impact on the pedestrian environment, the existing parking lot layout provides a suitable and easily identified pedestrian access to the sidewalk on Queens Avenue. It is also regularly accessed by pedestrians from Clarence Street and Richmond Street via other surface parking lots and spaces between buildings. This site technically has very little frontage on Queens Avenue which is taken up by the driveway providing access to the subject surface commercial parking lot and the private lot to the east (199 Queens Avenue) which serves 201 Queens Avenue. Existing landscape elements at 199 Queens Avenue including trees and bushes, serve to screen the view of parked cars from the street.

Finally, respecting the degree to which the temporary use may be frustrating the viability of the intended long-term use of the lands, Our Move Forward: London’s Downtown Plan identifies 193 Queens Avenue and the surrounding adjacent parking lots as a “redevelopment opportunity site”. The Plan notes that “…surface parking lots, in particular, present ideal locations for redevelopment, as there is little site work needed before new construction can begin. There is no net loss of the parking anticipated in the redevelopment of these parking lots, as parking can be regained by incorporating underground parking and structured parking into the design of the new development.” The Planning Justification Report submitted by the applicant states that “the site is being considered for future redevelopment opportunities, and Fahri Holdings Corporation will advance project planning for these lands in response to favourable market conditions. Until such time as a comprehensive development plan is designed for these lands, FHC intends to continue operating a commercial surface parking lot on this property to support local businesses,
including those located along the Dundas Street corridor”. The option of not recognizing the existing surface commercial parking lot through a temporary use by-law for a period of three (3) years will not encourage the comprehensive redevelopment of the subject site in the short term.

Temporary Surface Parking in the Downtown

Both the Downtown designation in the 1989 Official Plan, and Downtown Place Type in The London Plan encourage retail and service facilities at street level to contribute to a pedestrian-oriented shopping environment. Surface parking lots are discouraged. However, both plans support the provision of adequate and well-located off-street parking facilities that are sufficient to meet the demand generated by existing and proposed land uses in the Downtown, and provide criteria for the evaluation of applications for new or extensions to existing temporary surface commercial parking lots (4.1.10 iv) of the 1989 Official Plan and 1673A of The London Plan). (These criteria are identical in both plans, and are reproduced and analysed below.

1. The demonstrated need for surface parking in the area surrounding the subject site. Utilization rates for sub-areas of the Downtown may be used to evaluate this need.
2. The importance of any pedestrian streetscapes that are impacted by the surface commercial parking lot and the degree to which these streetscapes are impacted.
3. The size of the parking lot, recognizing a goal of avoiding the underutilization of Downtown lands.
4. The length of time that the surface commercial parking lot has been in place, recognizing it is not intended that temporary uses will be permitted on a long-term basis.
5. Applicable guideline documents may be used to provide further, more detailed guidance in applying these policies.
6. Site plan approval will be required for all temporary surface commercial parking lots in the Downtown.
7. Where Council does not wish to extend the temporary zoning for a surface commercial parking lot, a short-term extension of the temporary zone may be permitted for the purpose of allowing users of the lot to find alternative parking arrangements.

As noted in the previous discussion on the demonstrated need for parking, the site is located in sub-area 4 of the Downtown Parking Strategy study, where the parking utilization rate was the second highest (81%). A healthy utilization rate is 71%. Based on the estimated transportation mode split by 2034, sub-area 4 will have a projected parking supply deficit of 65 spaces by 2034. This demonstrates a need for parking in this area.

The site is softened by landscaping on adjacent lands consisting of a grass boulevard, shrubs and mature deciduous trees along Queens Avenue. This landscaping helps to create a streetwall and lessen the impacts of the parking lot on the public realm. With a size of roughly 0.17 hectares, the parking lot is relatively small but has a centralized rectangular shape that would lend itself to redevelopment in the future. There is future potential for a comprehensive development on the subject site in the long term.

The surface parking lot has been in place since 2007, serving the various businesses and residents in the surrounding core area. It has not previously been recognized through temporary zoning but currently provides an important role in providing parking to support these uses until such time as the BRT is constructed and operational and the modal shift toward alternative transit modes occurs.

Our Move Forward: London’s Downtown Plan was adopted under Chapter 19 of the 1989 Official Plan as a guideline document. Planning Policy 5.2 in the Tools section of the plan states: “Encourage the redevelopment of vacant sites to increase the resident and worker population downtown by discontinuing temporary-use zoning on these sites”. In May 2018, this section was amended to add planning and design criteria specific to create a safe,
attractive pedestrian environment. These criteria are addressed separately in this report under the parking lot design discussion, below.

The applicant will be required to obtain site plan approval and register a development agreement on title.

As this application does not represent an extension of an existing temporary use by-law, Council has the option to refuse the requested amendment, potentially resulting in enforcement activities since the use, as existing, is not permitted.

Considering the above, the application to establish a new Temporary Use Zone meets the criteria for temporary surface commercial parking lots in the downtown (1989 Official Plan policy 4.1.10 iv) and London Plan 1673A). A three (3) year Temporary Use Zone is appropriate in the short-term to serve area residents and businesses in the Downtown core. The gradual phasing out of surface commercial parking lots is recommended to avoid parking shortages while the Strategy comes to fruition. As such, the short-term extension would continue to provide parking in the core to serve area residents and businesses, until such time as the site is redeveloped and alternative parking and transportation options are available.

4.3 Parking Lot Design

In May 2018, Council resolved that design criteria be added to Our Move Forward: London’s Downtown Plan to assist in the planning and design of surface parking lots, when they are deemed to be appropriate in the Downtown, given the other evaluation criteria of the Official Plan.

The following criteria are provided to evaluate the physical design of surface parking lots in the downtown:

1. Site plan approval will be required for all temporary surface commercial parking lots in the Downtown.
2. The importance of any pedestrian streetscapes that are impacted by the surface commercial parking lot and the degree to which these streetscapes are impacted.
3. The location, configuration and size of the parking area will be designed to support the provision of, and enhance the experience of pedestrians, transit users, cyclists and drivers.
4. The impact of parking facilities on the public realm will be minimized by strategically locating and screening these parking areas. Surface parking should be located in the rear yard or interior side yard.
5. Surface parking lots should be designed to include a sustainable tree canopy with a target of 30% canopy coverage at 20 years of anticipated tree growth.
6. Surface parking located in highly-visible areas should be screened by low walls and landscape treatments.
7. Lighting of parking areas will be designed to avoid negative light impacts on adjacent properties.
8. Large surface parking lots shall be designed with areas dedicated for pedestrian priority including landscaping to ensure safe pedestrian connectivity throughout the site. Surface parking areas will be designed to incorporate landscape/tree islands for visual amenity and to help convey stormwater and reduce the heat island effect.
9. Large surface parking areas will be designed to incorporate low impact development measures to address stormwater management.

The Downtown Heritage Conservation District Plan also contains specific heritage guidelines for undeveloped lands and parking lots (Section 6.2.6). The guiding principle is that parking lots and permanent parking facilities respect the heritage aspects of the District through enhanced and carefully considered landscaping and screening. This can be achieved by the following guidelines relevant to this application:
• Landscape materials should have the same location as the front walls of adjacent buildings.
• Property owners are encouraged to enhance existing parking lots with appropriate landscape materials.

Heritage Alteration Permit (HAP) approval will be required as a condition of the required Site Plan approval.

The subject site is a temporary surface commercial parking lot that has been in operation for many years. Site Plan approval will be required and may include additional landscaping and other enhancements. These may be limited to improvements within the parking lot itself as the frontage of the property is limited to the vehicular access from Queens Avenue. The long-term intent is to have this property redeveloped, at which time on-site trees and landscape features and servicing infrastructure would have to be removed.

**Conclusion**

The recommended recognition of the existing surface commercial parking lot through a temporary use zone is consistent with the PPS in regard to ensuring sufficient land to accommodate a mix and range of uses, and to promote economic development and the vitality and viability of downtowns. It conforms to the 1989 Official Plan policies, including but not limited to the Downtown designation and the criteria for evaluating temporary surface commercial parking lots (4.1.10 iv)). It conforms to the in-force policies of The London Plan, including the criteria for evaluating temporary uses (1671_).

These provisions do not permit new surface commercial parking lots, and the extension of temporary zoning on existing surface commercial parking lots is discouraged. However, the subject site has operated as a surface parking lot since 2007 and, as there is a demonstrated need for additional parking in the central sub-areas, a gradual approach to the discontinuation of surface commercial parking lots in Downtown London is recommended. Staff is satisfied that the criteria that relate specifically to the review of a new temporary use zone for the existing surface commercial parking lot at 193 Queens Avenue have been met and will facilitate the necessary parking to serve the downtown core. The recommended Zoning By-law amendment will allow for an existing surface commercial parking lot which is compatible with surrounding land uses.

**Prepared by:** Barb Debbert  
Senior Planner, Development Services

**Reviewed by:** Michael Tomazincic, MCIP, RPP  
Acting Manager, Planning Implementation

**Recommended by:** Gregg Barrett, AICP  
Director, Planning and Development

**Submitted by:** George Kotsifas, P. Eng  
Deputy City Manager, Planning and Economic Development
WHEREAS Farhi Holdings Corporation has applied to rezone an area of land located at 193 Queens Avenue, 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 193 Queens Avenue, as shown on the attached map comprising part of Key Map No. A107, from a Holding Downtown Area (h-3*DA1*D350) Zone and a Holding Downtown Area (h-3*DA2*D350) Zone to a Holding Downtown Area/Temporary (h-3*DA1*D350/T-) Zone and a Holding Downtown Area/Temporary (h-3*DA2*D350/T-) Zone.

2) Section Number 50.2. of the Temporary Use (T) Zone is amended by adding a new Temporary Use (T) Zone for the property known as 193 Queens Avenue:

   ) T-_ 193 Queens Avenue

   A commercial surface parking lot is permitted at 193 Queens Avenue, as shown on the map attached hereto comprising part of Key Map No. A107, for a temporary period not exceeding three (3) years from the date of the passing of this By-law beginning July 6, 2021.

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 July 6, 2021.

Ed Holder
Mayor
Catharine Saunders
City Clerk

First Reading – July 6, 2021
Second Reading – July 6, 2021
Third Reading – July 6, 2021
Appendix B – Public Engagement

Community Engagement

Notice of Application (March 17, 2021):

On March 17, 2021, Notice of Application was sent to 84 property owners in the surrounding area. Notice of Application was also published in the Public Notices and Bidding Opportunities section of The Londoner on March 18, 2021. A “Planning Application” sign was also posted on the site.

One (1) reply was received.

Nature of Liaison: The purpose and effect of this zoning change is to recognize and permit the continued operation of the existing surface commercial parking lot use for a period of three years. Possible change to Zoning By-law Z.-1 FROM a Holding Downtown Area (h-3*DA1*D350) Zone and a Holding Downtown Area (h-3*DA2*D350) Zone TO a Holding Downtown Area/Temporary (h-3*DA1*D350/T-_) Zone and a Holding Downtown Area/Temporary (h-3*DA2*D350/T-_) Zone.

Responses:

The response received from the Architectural Conservancy of Ontario is reproduced below. The general concern was that when lands are being used for surface commercial parking lots, it creates greater pressure for the demolition of heritage properties in the Downtown to provide lands for redevelopment.

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

Written

Kelley McKeating
Architectural Conservancy of Ontario
Grosvenor Lodge
1017 Western Road
London ON N6G 1G5

Sandra Miller – contact Planner for e-mail address

Architectural Conservancy Ontario – London Region Branch
Grosvenor Lodge
1017 Western Road
London ON N6G 1G5

April 11, 2021

Barb Debbert, Planner – bdebbert@london.ca

Dear Ms. Debbert:

Re: Notice of Planning Application – Zoning By-Law Amendment Commercial Parking Lot at 193 Queens Avenue (TZ-9327)

The London Region Branch of Architectural Conservancy Ontario (ACO London) wishes to provide input regarding the application for a zoning by-law amendment to permit the continued operation of a surface parking lot at the above address.

Many developers are willing, even anxious, to construct high-rise apartment buildings
in downtown London to provide density as prescribed in The London Plan. Heritage buildings and heritage streetscapes are under routine threat from this development pressure. One of the key reasons for this is that owners of the surface parking lots in the downtown core appear unwilling to sell to interested developers. In response, these developers feel that they must purchase and then demolish heritage buildings.

According to a January 15, 2017 article in the London Free Press, “Developers in the city who declined to be identified have said they approached Farhi to buy land, but he will not sell”. (https://lfpress.com/2017/01/15/pressure-may-be-building-but-shmuel-farhi-isnt-yet)

Seemingly little has changed in the last four years, and the serial renewal of these “temporary” zoning provisions diminishes the letter and the spirit of temporary zones. We encourage city staff, the Planning & Environment Committee, and City Council, to put an end to temporary use provisions that encourage land owners to hold on to vacant land and profit from it, thereby steering development pressure to less desirable locations in the downtown core (e.g., land where construction cannot occur unless a heritage building is demolished).

In conjunction with the soon-to-be-constructed Bus Rapid Transit system, we Londoners must become accustomed to using public transit on a more consistent basis after the pandemic is behind us. As ridership increases, service frequency and scheduling will improve. Weaning us from our reliance on downtown parking is one step in the direction of improved public transit for all. Fewer parking spaces will encourage more public transit users and fewer automobile commuters. With less competition from surface parking lots, developers may become more interested in constructing high-quality parking garages (such as these primarily US examples: https://architizer.com/blog/practice/materials/house-of-cars/). Developers might also decide to include more extensive (commercial) underground parking in proposed developments.

Denial of this zoning application would be a helpful step towards encouraging more appropriate downtown development. At the same time, it may help – by encouraging more use of public transit – alleviate some of the considerable motor vehicle congestion in the downtown core, thus improving quality of life for those who live, work, and/or play downtown.

Thank you for considering our comments. If you would like to discuss this matter further, please contact me.

Yours truly,
Kelley McKeating
President,
London Region Branch
Architectural Conservancy of Ontario

From: [Sandra Miller]
Sent: Friday, June 11, 2021 12:40 PM
To: Kayabaga, Arielle <akayabaga@london.ca>; Cassidy, Maureen <mcassidy@london.ca>; Helmer, Jesse <jhelmer@london.ca>; Squire, Phil <psquire@london.ca>; Turner, Stephen <sturner@london.ca>; van Holst, Michael <mvanholst@london.ca>; Salihi, Mo Mohamed <msalihi@london.ca>; Morgan, Josh <joshmorgan@london.ca>; Hopkins, Anna <ahopkins@london.ca>; Van Meerbergen, Paul <pvannerbergen@london.ca>; Peloza, Elizabeth <epeloza@london.ca>; Hillier, Steven <shiller@london.ca>; Lewis, Shawn <slewis@london.ca>; Lehman, Steve <slehman@london.ca>; City of London, Mayor <mayor@london.ca>
Cc: Debbert, Barb <bdebbert@London.ca>; Maton, Catherine <cmdaton@london.ca>; Development Services <DevelopmentServices@london.ca>; Planning <Planning@london.ca>; PEC <pec@london.ca>; info@urbanleague.ca; info@downtownlondon.ca; London Environmental Network

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Dear City Council

In advance of the important Council discussion and vote on the proposed Ridout Street North high-rise project I am writing a follow-up to my previous message to members of the Planning and Environment Committee (see below).

I and many other London city-builders have been deeply disappointed and frustrated by recent decisions to continue protecting surface parking lots over riverfront parkland floodplain. Despite all the talk of creating a vibrant city through policies and documents, including the London Plan, decisions continue to be made that often do just the opposite by perpetuating the asphalt status quo that has eroded the heart of our city.

Your decisions on Tuesday, June 15th and the Monday, June 21st Planning and Environment Committee — related to yet another parking lot renewal for 193 Queens Ave — are critical in helping to re-build our post-COVID city for this 21st century. Maintaining undervalued core land for surface parking lots is a wasted opportunity and wasted money.

The Downtown Parking Strategy adopted by Council in 2017, like other planning documents or our city, clearly discourages temporary surface parking lots and yet too many of you continue to go against these directives by continuing to protect these decades-old shovel-ready sites from the active development we need. A reminder that the applicant also owns the 67,000 sq ft surface lot across the street: “This parcel of land can accommodate a mixed-use of commercial and a 500-unit residential tower development, all zoning approved for such use.” as well as the adjacent 43,000 sq ft lot at 74 Fullarton: “This parcel of land can accommodate a mixed-use of commercial and a 450-unit residential tower development, all zoning approved for such use.”

Incentivize these sites with the legislative and policy tools at your disposal, and help build the vibrant city in which we all want to live and invest. Build a city for the many people who already want to be downtown, not those you’ve been trying to entice downtown with heavily subsidized parking. Build a sustainable modern city with open riverfront green-space AND multi-unit infill, and people will come. People will most definitely come.

In anticipation of a bold new chapter in London’s history, I look forward to your inspired voting leadership. If you would like to talk about this issue please don’t hesitate to reach out.

Regards,
Sandra Miller

Member, Congress for the New Urbanism, Strong Towns, and Urban League of London

On May 31, 2021, at 2:06 PM, [Sandra Miller] wrote:

Dear members of Planning and Environment Committee

City building is a tricky thing isn’t it? Especially in these challenging times. Luckily we have the benefit of learning from best-practices from around the world — and hindsight close to home...

Progressive, visionary cities around the world have been leading the way for the rest of us as they rebuild and repair 20th century industrial and manufacturing cities. We can
tailor our local interpretations of those best-practices to what is best not only in the isolated context of individual proposals but what is best for our community as a whole, our children and grandchildren, our ecology, and ultimately the sustainability of our city.

The proposal to build a high-rise looming over our riverfront parkland floodplain is dangerous and irresponsible, and would prove to be costly in every possible way. It is especially egregious coming from Farhi Holdings who hoards acres of undervalued surface parking lots littering our downtown core, eroding its value and appeal along with the many deteriorating empty buildings they own.

I and many other Londoners were deeply disappointed and frustrated by the recent Council vote to extend yet again the licenses on three nearly 30 year old ‘temporary’ downtown surface parking lots owned by Mr. Farhi — lots that could be used to build housing, businesses, and — yes, would probably include parking. Sadly we were not surprised. Why would we be when parking is the addiction that our city has created and continues to perpetuate to rationalize our policies, budget allocation, and decision-making.

Our 20th century city building and thinking will never help us create the vibrant, thriving, 21st century city we could be — that we say we want to be. We will remain mired in a costly loop of self-imposed motor vehicle congestion and destruction of rich farmland and green space — unless we follow the vision of the London Plan and build the city our children need us to create.

Make the bold choice, make the right choice. Protect our fragile riverfront parkland floodplain from overdevelopment instead of protecting our wasteland of asphalt surface parking lots. Force the hand of land speculator(s) who continue to hoard shovel-ready sites where homes could be created. We do need urban infill, we do need housing, we do need some parking. We can have all of these AND protect the precious irreplaceable ecological assets that are shared by us all, not just those who hold real estate.

Regards,
Sandra Miller
Member, Congress for the New Urbanism, Strong Towns, and Urban League of London

Departmental and Agency Comments

Site Plan (April 6, 2021)
Site Plan Approval will be required. The applicant will be required to comply with the minimum standards of the Zoning By-law and Site Plan Control By-law, including providing parking area setbacks, standard drive-aisle and parking space dimensions, and landscaped islands.

Transportation (April 7, 2021)
Transportation has no comment regarding this application. Widenings are “As is” as per the Z1 in this section.
Sanitary (June 2, 2021)
The proposed is continued use of the existing surface commercial parking lot and has no sanitary component. Therefore, sewer engineering has no further comments.

Storm Drainage (June 4, 2021)
No comments

Water (March 18, 2021)
No comments

London Hydro (March 18, 2021)
London Hydro has no objection to his proposal or possible official plan and/or zoning amendment. Any new or relocation of existing service will be at the expense of the owner.
Appendix C – Policy Context

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

Provincial Policy Statement, 2020

1.1  
1.1.1  
1.1.3  
1.1.3.2  
1.1.3.3  
1.6.7.4  
1.7.1  

The London Plan

(Policies subject to Local Planning Appeals Tribunal, Appeal PL170100, indicated with asterisk.)

*Map 1  
Map 3  
799  
*800_  
1671_  
1672_  
1673A_

Official Plan (1989)

Schedule A  
4.1.10 iv)  
19.4.5
To: Chair and Members  
Planning and Environment Committee  

From: Gregg Barrett  
Director of Planning and Development  

Subject: Stoney Creek Commercial Centre (c/o York Developments)  
1810, 1820, 1840 and 1850 Adelaide Street North  

Public Participation Meeting Date: June 21, 2021  

Recommendation  

That, on the recommendation of the Director, Planning and Development, with respect to the application of Stoney Creek Commercial Centre c/o York Developments relating to the property located at 1810, 1820, 1840 and 1850 Adelaide Street North the proposed by-law attached hereto as Appendix “A” BE INTRODUCED at the Municipal Council meeting on July 6, 2021 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan for the City of London, to change the zoning of the subject property FROM a Neighbourhood Shopping Area (NSA1/NSA2/NSA5) Zone TO a Neighbourhood Shopping Area Special Provision (NSA1/NSA2/NSA4(_)/NSA5) Zone.  

Executive Summary  

Summary of Request  

The owner has requested to rezone the subject site to permit a maximum total commercial gross floor area of 5,104m² and a maximum gross floor area of 952m² for an individual retail use.  

Purpose and Effect of Recommended Action  

The purpose and effect of the recommended action is to permit an increase in the size of the total commercial development on the site and an increase in the size of individual uses. The special provision would recognize a maximum gross floor area of 952m² for all individual uses other than a food store or a restaurant, which are subject to other size restrictions in the zoning by-law.  

Rationale of Recommended Action  

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020, which encourages the regeneration of settlement areas by accommodating employment to meet long-term needs. The amendment also supports long-term economic prosperity by promoting economic development that takes into account the needs of existing and future businesses.  
2. The recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Neighbourhood Commercial Node designation.  
3. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Shopping Area Place Type.  
4. The recommendation amendment implements an appropriate intensity for the site which is compatible with the surrounding area and facilitates the viability of the commercial area for current and future uses.  

Analysis  

1.0 Background Information  

1.1 Property Description
The subject site is located at the southeast corner of the intersection of Adelaide Street North and Sunningdale Road East in the Stoney Creek Planning District. The subject site is designated for a variety of commercial uses and is serviced by existing transit. The site is partially developed and occupied.

Figure 1. Looking south from Sunningdale Road East (future development)

1.2 Current Planning Information (see more detail Appendix D)
- Official Plan Designation – Neighbourhood Commercial Node
- The London Plan Place Type – Shopping Area Place Type
- Existing Zoning – Neighbourhood Shopping Area (NSA1/NSA2/NSA5) Zone

1.3 Site Characteristics
- Current Land Use – Commercial
- Frontage – 30.5m
- Depth – 148.2m
- Area – 1.46 hectares
- Shape – Irregular

1.4 Surrounding Land Uses
- North – Commercial (vacant), YM/YWCA, London Public Library
- East – Residential (townhouses)
- South – Residential (townhouses)
- West – Commercial (Tim Hortons, car wash and gas bar), residential (low-rise apartment buildings and a nursing home)
1.5 Location Map
2.0 Discussion and Considerations

2.1 Development Proposal

The proposed development is a commercial plaza which consists of 4 separate buildings. Two buildings on the north portion of the site are constructed and partially occupied. The south portion is partially developed with Dollarama, which identified as Building 4 in Figure 2.

The southwest portion (Part 1 in Figure 2) of the property was severed through a consent application. Part 2 is the subject of the requested amendment for rezoning.

3.0 Relevant Background

3.1 Planning History

In 2000, the subject site was rezoned (Z-5695) from the Agricultural (A1) Zone to a compound Neighbourhood Shopping Area (NSA1/NSA2/NSA5) Zone through a subdivision process (39T-99506), which consists of a commercial block, a park block and residential blocks.

The subject site has been subject to three different Site Plan applications (SPA18-041, SPA19-109 and SPA20-096). SPA18-041 was submitted in May 2018 to facilitate the development of four separate commercial buildings on site. Two site plan amendment applications (SPA19-109 and SPA20-096) were submitted in 2019 and 2020, respectively.
The subject site has also been subject to two Minor Variance applications. On April 9, 2019, the Committee of Adjustment approved a minor variance (A.014/19) to increase the maximum gross floor area for a retail store (Dollarama), decrease drive-through stacked parking spaces from 12 to 10, and eliminate the 3m landscape strip in front of the noise attenuation wall along the east side of the site.

On January 31, 2020, the London Consent Authority issued a consent decision (B.044/19) to sever the west portion of the site (Part 1 of the Site Plan).

Most recently, a minor variance application (A.110/20) was submitted to permit an increase in a maximum gross floor area for an individual retail use (identified as Building 3 in Figure 2) of 584m² whereas 500m² is the maximum permitted. On January 6, 2021, this minor variance was approved by the Committee of Adjustment.

3.2 Requested Amendment

The applicant has requested to change the zoning on the subject site from a Neighbourhood Shopping Area (NSA1/NSA2/NSA5) Zone to a Neighbourhood Shopping Area Special Provision (NSA1/NSA2/NSA4(_)/NSA5) Zone to permit increases in maximum total gross floor area and maximum gross floor area for a retail store. A special provision for a maximum gross floor area of 952m² for an individual use is proposed.

3.3 Community Engagement and Department/Agency Comments (see more detail in Appendix B)

A notice of Application was distributed on March 31, 2021 and was published in The Londoner on April 1, 2021. 1 written response was received from one neighbouring property owner, which will be addressed later in this report.

Discussions with Site Plan staff include a request for a revised site plan to clarify special provisions that the applicant is requesting in order to mitigate the potential for future minor variances. Detailed layout and built form issues will be addressed through the site plan process.

3.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS), 2020, provides policy direction on matters of provincial interest relating to land use planning and development. In accordance with Section 3 of the Planning Act, all decision affecting land use planning matters shall be “consistent” with the policies of the PPS.

Section 1.1.1 of the PPS encourages healthy, liveable and safe communities that are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term and by accommodating employment, including commercial, to meet long-term needs. It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs.

The PPS states that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our community (1.1.3). The PPS further directs settlement areas to be the focus of growth and development.

Section 1.3.1 of the PPS promotes economic development and competitiveness by providing for an appropriate mix and range of employment and opportunities for a diversified economic base that take into account the needs of existing and future businesses.

The PPS also supports long-term economic prosperity by promoting opportunities for economic development and community investment-readiness (1.7.1a)).
The London Plan

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

The London Plan provides Key Directions (54_) that must be considered to help the City effectively achieve its vision. These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as a foundation to the policies of the plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below:

The London Plan provides direction to plan strategically for a prosperous city by planning for and promoting strong and consistent growth and a vibrant business environment that offers a wide range of economic opportunities (55_1).

The site is located in the Shopping Area Place Type, as identified on *Map 1 – Place Types. This Place Type is the primary Place Type that allows for commercial uses (873) and is intended to service their immediate neighbourhoods and provide a walkable focal point that creates a neighbourhood identity (874). Shopping Areas serve the regular needs of those who live near them as well as those who travel to them for goods and services (129).

1989 Official Plan

The site is designated Neighbourhood Commercial Node in accordance with Schedule ‘A’ of the 1989 Official Plan. In accordance with locational criteria (4.3.8.2), the site is located at the intersection of arterial roads (Adelaide Street North and Sunningdale Road East) which is close to transit services, and is large enough to accommodate all buildings plus parking, loading facilities and measures to provide adequate buffering and setbacks from adjacent residential uses.

Neighbourhood Commercial Nodes are intended to provide for the daily or weekly convenience shopping and service needs of nearby residents and, to a lesser extent, passing motorists. Uses are intended to be convenience-oriented and unlikely to draw customers from beyond the local area (4.3.8.1).

4.0 Key Issues and Considerations

4.1. Issue and Consideration #1: Use, Form, and Intensity/Scale

Provincial Policy Statement, 2020

The PPS promotes 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 (1.1.1e)).

The PPS directs land use patterns within settlement areas be based on densities and a mix of land uses which efficiently use land and recourse and are appropriate for, and efficiently use, the infrastructure and public service facilities, which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion (1.1.3.2).

The PPS also directs planning authorities to promote economic development and competitiveness by providing for an appropriate mix and range of employment to meet long-term needs (1.3.1a)) and by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses
which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses (1.3.1b)).

The recommended amendment facilitates the development of an additional unit on the existing commercial within a settlement area. The amendment also contributes to an appropriate range of commercial uses to the surrounding residential neighbourhoods, along with the surrounding infrastructure and public service facilities.

The London Plan

The Shopping Area Place Type permits a broad range of retail, service, office, entertainment, recreational, educational, institutional, and residential uses (877_1). Uses with large amounts of outdoor storage, large warehouse components, storage of heavy vehicles, and/or emitting noise, vibration, or dust are not permitted within the Place Type (877_3).

Large commercial blocks should be developed such that smaller-scale commercial uses are constructed with their front entrances oriented toward the primary street (879_3*). The blocks should also allow both pedestrians and motorists clear, safe, direct and comfortable access through parking lots, from the street to commercial buildings (879_5*). Landscaping, street furniture, patios and other amenities should be designed and provided on the site to attract pedestrian activity to the front of these buildings and screen parking lots from the street (879_4*). The newly constructed buildings are oriented to Sunningdale Road East to provide a pedestrian-oriented street wall and screen the existing parking lot. Landscaping and sidewalks currently exist on site to provide pedestrian connectivity through the parking lot between the buildings. No changes to permitted uses or form are proposed, as the requested special provision will recognize the increased maximum gross floor area for certain uses on site.

Office uses are permitted with a maximum total gross floor area of 2,000m² within the Shopping Area Place Type (878_6). In addition, a maximum building height of 4 storeys, or 6 storeys with Type II Bonusing, is permitted (878_2). The height and scale of the one-storey buildings conform to the London Plan, and are generally consistent with the existing one-storey commercial buildings along Adelaide Street North and residential buildings, including townhouses. The proposed development does not exceed the maximum permission for office uses.

1989 Official Plan

The Neighbourhood Commercial Node designation contemplates convenience-oriented uses. 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 (4.3.8.3). The applicant is not seeking to broaden the range of uses permitted for the site, and the proposal is in conformity with the 1989 Official Plan.

Neighbourhood Commercial Nodes generally have a 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. Free-standing structure 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 (4.3.8.4). The development of an additional unit beside the existing Dollarama structure would not alter the planned function and form of Neighbourhood Commercial Node designation in the 1989 Official Plan.
Commercial development within a Neighbourhood Commercial Node shall normally range in size from 1,000m² to 13,000m² gross floor area (4.3.8.5). The proposed development is of a suitable size for the site.

**Zoning By-law No. Z.-1**

The subject site is currently zoned a compound Neighbourhood Shopping Area (NSA1/NSA2/NSA5) Zone. The NSA zone is typically applied to neighbourhood-scale commercial lands and provides for and regulates a range of neighbourhood-scale retail, personal service and office uses which are primarily intended to provide for the convenience shopping and service needs of nearby residents.

The London Plan states that the Zoning By-law will include regulations to ensure that the intensity of development is appropriate for individual sites (878_7). Zone variations of the zone are differentiated based on uses and maximum permitted gross leasable floor area for certain defined uses (23.1). The NSA1/NSA2/NSA5 Zone permits bake shops, catalogue stores, clinics, convenience service establishments, day care centres, duplicating shops, financial institutions, food stores, libraries, medical/dental offices, offices, personal service establishments, restaurants, service and repair establishments, studios, video rental establishments, and brewing on premises establishments in either a shopping centre or a stand-alone form (23.2 1), 23.3 1)). In addition to these uses, an NSA4 Zone contemplates animal hospitals, commercial recreation establishments, funeral homes, grocery stores, and private clubs (23.2 3)). The recommended amendment would permit the full range of uses listed within the NSA4 Zone which supports the intent of the Shopping Area Place Type in the London Plan and the Neighbourhood Shopping Nodes designation in the 1989 Official Plan.

Section 23.3.2 requires the application of the maximum gross floor area requirements of the NSA Zone be to the zone and not to the individual properties contained within the zone. Gross floor area may be allocated in proportion to the parcel size as it relates to the total area zoned and to the total gross floor area assigned to the individual Neighbourhood Shopping Area Zone variations. The maximum aggregate gross floor area of development within the NSA1/NSA2/NSA5 Zone is 4,000m², while an NSA4 Zone permits the maximum of 6,000m² gross floor area (Table 23.3). The applicant does not own the westerly adjacent parcel that will contain a food store (Building 5 in Figure 2) and does not have authorization to include it in the requested amendment, however, the proposed aggregate gross floor area of 5,104m² is suitable within the NSA4 zone and will not impact the permitted floor area on the adjacent site.

The NSA4 and NSA5 Zone variations (23.3 5)) permit food stores to be a maximum of 3,200m² in size and limit restaurants and all other uses to a maximum of 500m². A special provision will allow a maximum gross floor area of 952m² for all permitted uses, with the exception of food stores and restaurants.

A property owner raised concern with respect to building height that would accommodate the proposed maximum gross floor area. They were concerned that the height of the one-storey buildings is excessive and that the gross floor increase would come in the form of a second storey. Within the NSA1/NSA2/NSA5 Zone, the maximum building height is 8 metres, while the NSA4 Zone permits the maximum of 12 metres. The proposed gross floor area does not indicate an increase in building height, and the one-storey buildings do not exceed 8 metres.

**Conclusion**

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the London Plan and the 1989 Official Plan policies. The requested amendment facilitates the development of an additional unit on the existing commercial development within settlement areas. The requested amendment will serve the surrounding neighbourhoods while recognizing the maximum gross floor area for certain commercial uses.
Appendix A

Bill No. (number to be inserted by Clerk’s Office)
2021

By-law No. Z.-1-21

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1810, 1820, 1840 and 1850 Adelaide Street North.

WHEREAS Stoney Creek Commercial Centre c/o York Developments has applied to rezone an area of land located at 1810, 1820, 1840 and 1850 Adelaide Street North, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

1) Schedule “A” to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1810, 1820, 1840 and 1850 Adelaide Street North, as shown on the attached map comprising part of Key Map No. A103, from a Neighbourhood Shopping Area (NSA1/NSA2/NSA5) Zone to a Neighbourhood Shopping Area Special Provision (NSA1/NSA2/NSA4(_)/NSA5) Zone.

2) Section Number 23.4 of the Neighbourhood Shopping Area (NSA4) Zone is amended by adding the following Special Provision:

NSA4(_) 1810, 1820, 1840 and 1850 Adelaide Street North

a) Regulation[s]
   i) Maximum Gross Floor Area of 952m² (10,247 sq.ft.) for all specific individual uses except for Food Stores and Restaurants

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 July 6, 2021.
Appendix B – Public Engagement

Community Engagement

Public liaison: On March 31, 2021, Notice of Application was sent to 154 property owners in the surrounding area. Notice of Application was also published in the Public Notices and Bidding Opportunities section of The Londoner on April 1, 2021. A “Planning Application” sign was also posted on the site.

One reply from an interested individual was received.

Nature of Liaison: The purpose and effect of this zoning change is to permit an increase in total commercial gross floor area and in maximum gross floor area for individual stores. Possible change to Zoning By-law Z.-1 FROM a Neighbourhood Shopping Area (NSA1/NSA2/NSA5) Zone TO a Neighbourhood Shopping Area Special Provision (NSA1/NSA2/NSA4(/)/NSA5) Zone. The requested amendment would allow an overall maximum gross floor area of 5,104m² and a maximum of 952m² of gross floor area for individual commercial uses, and would facilitate the development of an additional unit on the existing commercial development.

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

Concern for:
The interested individual expressed a concern on height increase and requested clarification of the requested amendment.

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

<table>
<thead>
<tr>
<th>Telephone</th>
<th>Written</th>
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<tr>
<td></td>
<td>Mike DeJager (The DeJagers)</td>
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</tbody>
</table>

From: The DeJagers
Sent: Wednesday, April 7, 2021 8:47 AM
To: Lee, Joanne <jolee@london.ca>
Subject: [EXTERNAL] 1830 Adelaide- zoning amendment

Good morning Joanne

I have just received the mail notification of another proposed amendment to the commercial development at 1830 Adelaide.

I attended a planning committee meeting many weeks ago that gave an approval of a similar amendment to increase the gross floor area, to accommodate an LCBO outlet.

This current amendment is to again increase the GFA, and the site plan included shows a pharmacy and good store (albeit proposed) and no LCBO.

So is this the same request with an old site plan?

I live in the condo area to the south and our concern with all this new development is the height of the new buildings. Floor area is no big deal. The height of these one floor buildings is overly excessive. We also hope that the floor area increase does not come in the form of a second storey.

Sorry to ramble a bit here. Your clarification of this amendment would be greatly appreciated.

Cheers
Be safe
Mike DeJager

Agency/Departmental Comments

London Hydro – April 19, 2021

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 & 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.

Engineering – May 3, 2021

Engineering has no comments for the proposed re-zoning at 1830 Adelaide Street. All engineering concerns were dealt with through the site plan application.

Urban Design – May 3, 2021

There are no Urban Design related comments with regard to the request for GFA increase for 1830 Adelaide St North. But, if there is any change in the elevation or site plan, that will be addressed through the site plan revision process.

Upper Thames River Conservation Authority (UTCA) – May 25, 2021

May 25, 2021
City of London – Development Services
P.O. Box 5035
London, Ontario N6A 4L9

Attention: Joanne Lee (via email)

Dear Ms. Lee:

Re: Application to Amend the Zoning By-law - File No. Z-9312
Applicant: Stoney Creek Commercial Centre (York Developments)
1830 Adelaide Street North, London, ON

The Upper Thames River Conservation Authority (UTRCA) has reviewed this proposal as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 157/06. The proposal has also been reviewed through our role as a public body under the Planning Act as per our Conservation Authority Board approved policies contained in Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006). Finally, UTRCA has provided advisory comments related to policy applicability and to assist with implementation of the Thames Sydenham Source Protection Plan under the Clean Water Act.

PROPOSAL & BACKGROUND

The applicant is proposing to rezone the lands to permit a commercial development of approximately 5000m² gross floor area total, and a special provision to permit a maximum gross floor area of 952 m² for an individual commercial use.

The UTRCA has been working with the applicant through various approvals through the Planning Act and Conservation Authorities Act.

CONSERVATION AUTHORITIES ACT
The UTRCA has the provincially delegated responsibility for the natural hazard policies of the PPS, as established under the “Provincial One Window Planning System for Natural Hazards” Memorandum of Understanding between Conservation Ontario, the Ministry of Natural Resources and Forestry (MNRF) and the Ministry of Municipal Affairs and Housing. This means that the Conservation Authority represents the provincial interest in commenting on Planning Act applications with respect to natural hazards and ensures that the proposal is consistent with the PPS.

The UTRCA’s role in the development process is comprehensive and coordinates our planning and permitting interests. Through the plan review process, we ensure that development proposals meet the tests of the Planning Act, are consistent with the PPS, conform to municipal planning documents as well as the policies in the UTRCA’s Environmental Planning Policy Manual. (2006) Permit applications must meet the requirements of Section 28 of the Conservation Authorities Act and our policies as set out in our Environmental Planning Policy Manual. This approach ensures that the principle of development is established through the Planning Act approval process and that subsequently, the necessary approvals can issued under Section 28 of the Conservation Authorities Act once all of the planning matters have been addressed.

Section 28 Regulations - Ontario Regulation 157/06
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 flooding hazard associated.

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 (2006)
The UTRCA’s Environmental Planning Policy Manual is available online at: http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/  

NATURAL HAZARDS
As indicated, the UTRCA represents the provincial interest in commenting on Planning Act applications with respect to natural hazards. The PPS directs new development to locate and avoid natural hazards. In Ontario, prevention is the preferred approach for managing hazards in order to reduce or minimize the risk to life and property. This is achieved through land use planning and the Conservation Authority’s regulations with respect to site alteration and development activities.

The UTRCA’s natural hazard policies are consistent with the PPS and those which are applicable to the subject lands include:

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 through lot creation which is consistent with the PPS.

3.2.3 Riverine Flooding Hazard Policies
These policies address matters such as the provision of detailed flood plain mapping, flood plain planning approach and uses that may be allowed in the flood plain subject to satisfying the UTRCA’s Section 28 permit requirements.

DRINKING WATER SOURCE PROTECTION: Clean Water Act
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 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: https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/
MUNICIPAL PLAN REVIEW FEES
Consistent with UTRCA Board of Directors approved policy, Authority Staff are authorized to collect fees for the review of Planning Act applications. For the review of the Zoning By-law Amendment application, the applicant will be invoiced $275 under separate cover.

RECOMMENDATION
As indicated, the subject lands are regulated by the UTRCA and a Section 28 permit has been issued for the proposed development. We remind the applicant to work within the approved the plans and contact UTRCA staff should any changes be proposed.

The UTRCA has no objections to this Zoning By-law Amendment application.

Thank you for the opportunity to comment.
Yours truly,

UPPER THAMES RIVER CONSERVATION AUTHORITY
Stefanie Pratt
Land Use Planner

Enclosure: UTRCA Regulation Limit mapping (please print on legal paper for accurate scales)
I have no official comments on this application.
Appendix C – Policy Context

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

**Provincial Policy Statement, 2020**

1.1.1a), b) and e)
1.1.3
1.1.3.1
1.1.3.2
1.3.1a) and b)
1.7.1a)

**The London Plan**

(Policies subject to Local Planning Appeals Tribunal, Appeal PL170100, indicated with asterisk.)

**Map 1 – Place Types**

55_1
129
873
874
877_1, 3
878_2, 6, 7
879_3*, 4*, 5*

**1989 Official Plan**

4.3.8.1
4.3.8.2
4.3.8.3
4.3.8.4
4.3.8.5

**Zoning By-law**

Section 23 – Neighbourhood Shopping Area (NSA) Zone
Appendix D – Relevant Background

Additional Maps
Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas P. Eng.,
Deputy City Manager, Planning and Economic Development

Subject: 1146-1156 Byron Baseline Road
File SPA21-009
2186121 Ontario Inc. (Birani Homes)

Date: Public Participation Meeting on June 21, 2021

Recommendation

That, on the recommendation of the Director, Planning & Development, the following actions BE TAKEN with respect to the application of 2186121 Ontario Inc. relating to the property located at 1146-1156 Byron Baseline Road:

(a) The Planning & Environment Committee REPORT TO the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Site Plan Approval to facilitate the construction of the proposed residential development; and

(b) Council ADVISE the Approval Authority of any issues they may have with respect to the Site Plan Application, and whether Council supports the Site Plan Application.

Executive Summary

Summary of Request

The development for consideration is a cluster townhouse development consisting of a three-storey stacked back-to-back townhouse and two-storey townhouse units, on the south side of Byron Baseline Road, west of Colonel Talbot Road. The site is to be developed with vehicular access from Byron Baseline Road. The proposed development is subject to a public site plan meeting in accordance with the h-5 holding zone regulations of the Z.-1 Zoning By-law.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to report to the Approval Authority any issues or concerns raised at the public meeting with respect to the application for Site Plan Approval.

Rationale of Recommended Action

1. The Site Plan, as proposed, is consistent with the Provincial Policy Statement, 2020, as it provides for development within an existing settlement area and provides for an appropriate range of residential uses within the neighbourhood.

2. The proposed Site Plan conforms to the policies of the Neighbourhoods Place Type and all other applicable policies of The London Plan.

3. The proposed Site Plan conforms to the policies of the Low Density Residential designation of the 1989 Official Plan

4. The proposed Site Plan conforms to the regulations of the Z.-1 Zoning By-law.

5. The proposed Site Plan meets the requirements of the Site Plan Control By-law.
Linkage to the Corporate Strategic Plan

Building a Sustainable City – London’s growth and development are well planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Z-8847 - Zoning By-law Amendment Application at Planning and Environment Committee December 21, 2018
Z-9172 – Zoning By-law Amendment Application at Planning and Environment Committee July 15, 2020

1.2 Property Description

The subject property is located on the south side of Byron Baseline Road, west of Colonel Talbot Road and east of Boler Road. The subject property is surrounded by low-density residential uses and is currently occupied by two (2) remnant accessory structures.

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

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods Place Type
- Existing Zoning – Holding Residential R5 Special Provision (h-5*h-183*R5-7(12)) Zone

1.4 Site Characteristics

- Current Land Use – Undeveloped
- Frontage – 73.7 metres (241.8 feet)
- Depth – 66.24 metres (217.32 feet)
- Area – 0.538 hectares (1.329 acres)
- Shape – Irregular

1.5 Surrounding Land Uses

- North – Low Density Residential
- East – Low Density Residential
- South – Low Density Residential
- West – Low Density Residential

1.6 Intensification

The proposed development is not located within the Primary Transit Area and constitutes infill development.
1.7 Location Map

[Location Map Image]

Subject Property: 1148 and 1156 Byron Baseline Road
Applicant: BIRANI HOMES (2014) INC., 21816121 ONTARIO INC.
File Number: SPA21-009
Created By: Melanie Vivian
Date: 2/18/2021
Scale: 1:1000

Corporation of the City of London

Legend
- Subject Property
- Parks
- Assessment Parcels
- Buildings
- Address Numbers
2.0 Discussion and Considerations

2.1 Development Proposal

The proposed development consists of one (1) three-storey stacked back-to-back townhouse building containing 20-units located adjacent to Byron Baseline Road at the front of the site and one (1) two-storey townhouse building containing 8-units located at the rear of the site for a total density of 28 units (52 units per hectare). The proposed site plan includes 42 parking spaces for all uses on site, including three (3) visitor parking spaces and two (2) barrier-free parking stalls. A landscaped common amenity area is proposed on the east side of the proposed stacked townhomes building.

Detailed plans of the development are contained in Appendix “A” of this report.

2.2 Planning History

A Zoning By-law Amendment (Z-8847) was submitted on the lands in 2017, requesting to rezone the site to allow for a four-storey, 38-unit apartment building with an increased height of 15 metres. The application was appealed to the Local Planning Appeal Tribunal (LPAT) for City Council’s failure to make a decision within 120 days of the submission of a complete application. Staff’s recommendation to Council in response to the appeal was to refuse the application on the basis that the requested amendment was not consistent with the Provincial Policy Statement and did not conform to the 1989 Official Plan or to The London Plan. In 2019, the LPAT issued an order dismissing the appeal and refusing the requested Zoning By-law Amendment.

On January 30, 2020, a subsequent Zoning By-law Amendment Application (Z-9172) was submitted for a three-storey stacked back-to-back townhouse consisting of 24 units along Byron Baseline Road and six (6) two-storey townhouse units at the rear of the site for a total of 30 units (55.8 units per hectare). The original proposal included the amenity area and garbage enclosure at the southerly end of the parking lot. Revisions to the original proposal were provided based on concerns raised by City staff in April 2020. Changes included reducing the number of units, addition of landscape islands, removal of parking spaces that extended beyond the façade of the stacked back-to-back townhouse units, relocation of the garbage location to the middle of the site and the proposed deep well system for garbage collection. Additional changes include a larger common amenity space, with a gazebo.

On July 15, 2020, a Public Participation Meeting was held before the Planning and Environment Committee, which recommended approval of the proposed Zoning By-law Amendment. On July 21, 2020, Municipal Council passed the Zoning By-law Amendment to change the zoning of the subject property from a Residential R1 (R1-7) Zone to a Holding Residential R5 Special Provision (h-5*h-183*R5-7(12)) Zone. The resolution of Council also noted that the provision of enhanced boundary landscaping along the east, west and south property boundaries that not only exceed the standards of the Site Plan Control By-law but also has screening/privacy qualities; location of a deep well waste storage system outside of the easement area; building orientation towards Byron Baseline Road; parking lot design, including landscape islands and a generous separation between the parking lot and easterly property line; provision of an adequately-sized outdoor amenity area in a central location; and, the retention of as many trees on the property as possible.

On February 18, 2021, a Site Plan Control Application (SPA21-009), was received by the City of London. Additional submissions are required to address comments provided with the previous review by staff, and further to address recommendations to the Approval Authority as part of the Site Plan public meeting. The comments from the first submission are attached herein as Appendix “C”. The identified matters that were included in the Council resolution (July 21, 2020) are integral to the proposal being considered at the June 21, 2021 public site plan meeting. The second submission comments from the City will be released to the applicant following the public site plan
meeting, which will incorporate the public comments considered at the public site plan meeting.

2.3 Community Engagement (see more detail in Appendix “B”)

On June 2, 2021, Notice of Public Meeting was sent to all property owners within 120 metres of the subject lands and those who made comments throughout the Zoning By-law Amendment Application, and Notice of Public Meeting was published in The Londoner on June 3, 2021. On March 3, 2021, Notice of Site Plan Control Application was sent to property owners within 120 metres of the subject lands and also to those individuals who made comments throughout the Zoning By-law Amendment application. Notice of Application was published in The Londoner on March 4, 2021.

On April 22, 2021, the Applicant, along with City staff and the Ward Councillor, held a Community Information Meeting to assist in addressing public comments, questions and concerns. Eight (8) members of the public attended the Community Information Meeting with a list of their questions, comments and concerns, which was submitted prior to the community meeting (included in Appendix “B”).

At the time this report was prepared, a total of ten (10) responses were received in response to the Notice of Site Plan Control Application.

Additional concerns raised at the Community Information Meeting include the following:

- Proximity to surrounding homes
- Lack of landscaping to provide privacy to surrounding homes
- Strains on the sewer and water systems, specifically for the homes that rely on well water, as well as the impacts the deep collection waste system will have on the existing well
- Height of the retaining wall
- Snow storage location

A summary of the comments is found in Appendix “B”, including the Community Information Meeting response sheet.

In general, the comments received from the public have raised concerns with respect to the following site matters:

- Garbage collection and storage
- On-site green space and tree planting
- Parking concerns including the overflow of parking onto neighbourhood streets
- Scale of development and the number of units
- Privacy concerns, including the existing cedar hedge
- Lighting from the parking area
- Safety concerns regarding traffic along Byron Baseline Road
- Boundary landscaping
- Impacts on sewer and water systems with the increased density

A discussion regarding the items below are found in Section 4.0 of this report.

2.4 Policy Context

Provincial Policy Statement, 2020 (PPS)

The Provincial Policy Statement, Section 1.1, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, encourages healthy, liveable, and safe communities which are sustained by accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, and open space to meet long-term needs (1.1.1.b)). The PPS
further directs settlement areas to be the focus of growth and development with land
use patterns being based on densities and a mix of land uses, further identifying that the
regeneration of settlement areas is critical to the long-term economic prosperity for
communities (1.1.3). Furthermore, land use patterns within settlement areas shall also
be based on a range of uses and opportunities for intensification while using land and
resources wisely to promote efficient development patterns and ensure effective use of
infrastructure and public service facilities (1.1.3).

The proposed development would facilitate the construction of 28 new residential units
within an existing settlement area. The previous consolidation of the lands provides a
parcel significantly larger than the existing lot fabric of the area, presenting the
opportunity for redevelopment at a higher density than what previously existed.

The proposed development is consistent with the PPS.

The London Plan

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

The London Plan provides Key Directions which encourages a mixed-use compact City
through looking “inward and upward” by planning for infill and intensification of various
types and forms to take advantage of the existing services and facilities (59.2 and
59.4). Additional Key Directions identified in The London Plan include ensuring a mix of
housing types within our neighbourhoods so that they are complete and support aging
in place (59.5). The proposed development provides for appropriate intensification on
existing, underutilized lands within the City boundaries which will utilize the existing
services and facilities of the area. The proposed development will provide for a mix of
housing within the immediate area as the residential uses surrounding the subject lands
are predominately single detached dwellings.

The subject lands are located within the Neighbourhoods Place Type along a Civic
Boulevard, as identified on *Map 1 – Place Types and Map 3 – Street Classifications. In
the Neighbourhoods Place Type, the following uses are contemplated which includes a
range of residential uses such as single detached, semi-detached, duplex, converted
dwellings, townhouses, stacked townhouses, fourplexes and low-rise apartments, in
accordance with Table 10 – Range of Permitted Uses in the Neighbourhoods Place
Type (921_). Intensity within the Neighbourhoods Place Type is measured based on
height. Along the Civic Boulevard, within the Neighbourhoods Place Type, a minimum
height of 2-storeys is required and permits a maximum height of 4-storeys (*Table 11 –
Range of Permitted Heights in the Neighbourhoods Place Type). The Neighbourhoods
Place Type encourages residential intensification within existing neighbourhoods to
assist in achieving the overall vision for diversity of built form and the effective use of
land in neighbourhoods (937_).

The proposed development is consistent with The London Plan.

The 1989 Official Plan

The subject lands are designated as Low Density Residential, in accordance with ‘Schedule A’ of the 1989 Official Plan which primarily permits single detached, semi-
detached, and duplex dwellings. The Low-Density Redenial designation also
contemplates multiple-attached dwellings, such as row houses or cluster houses as well
as residential intensification (3.2.1). The proposed development of townhouses and
stacked back-to-back townhouses are contemplated as multiple-attached dwellings and
are a form of residential intensification through infill development.
The proposed development is consistent with the 1989 Official Plan.

Zoning By-law Z.1

The subject lands are located within a Residential R5 Special Provision (R5-7(12)) Zone which permits the use of the lands for cluster townhouse dwellings, including stacked townhouse dwellings. Special provisions for the site regulate a maximum building height for a lot depth of 35 metres to be 12.0 metres; a maximum building height for a lot depth beyond 35 metres to be 8.0 metres; and a minimum parking area setback from the ultimate road allowance to be 7.5 metres.

Holding Provisions applied to the subject lands are required to be removed through a separate application under the Planning Act, prior to the issuance of permits. The following holding provisions are applicable to the subject lands:

- **h-5 holding provision** ensures that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the “h-5” symbol.

- **h-183 holding provision** ensures that development will not have any negative impacts on the groundwater in the area, with specific attention given to any negative impacts on existing wells, a Hydrogeological Study shall be prepared by a qualified professional and submitted to the City to evaluate the potential impact of the proposed development to area private wells and provide recommendations for monitoring post construction impacts and possible mitigation measures to the satisfaction of the City Engineer prior to the removal of the h-183 symbol. Any recommendations contained therein shall be incorporated into the development agreement to the satisfaction of the City of London.

As proposed, the Site Plan Application conforms to the provisions of the Zoning By-law.

### 3.0 Financial Impact/Considerations

There are no direct financial expenditures associated with this report.

### 4.0 Key Issues and Considerations

#### 4.1 Issue and Consideration # 1: Council Resolution

As part of the Zoning By-law Amendment to permit the proposed development, Council resolved the following:

**IT BEING NOTED** that the following Site Plan matters have been raised through the application review process for consideration by the Site Plan Approval Authority:

- i) enhanced provision of boundary landscaping along the east, west and south property boundaries that not only exceed the standards of the Site Plan Control By-law but also has screening/privacy qualities;
- ii) location of a deep well waste storage system outside of the easement area;
- iii) building orientation towards Byron Baseline Road;
- iv) parking lot design, including landscape islands and generous separation between the parking lot and easterly property line;
- v) provision of an adequately-sized outdoor amenity area in a central location; and,
- vi) the retention of as many trees on the property as possible;

As identified in Section 4.5 Tree Preservation and Landscaping below, a mix of 41 trees and 314 new plantings are proposed. Given the variety of proposed tree species and...
other vegetation mixes, the proposed landscaping provides for the screening/privacy qualities. It being noted that the Site Plan Control By-law calls for tree plantings 1 every 15 metres internal to the site and 1 every 12 metres along the public street. The proposed landscaping along the east, west and south property boundaries exceed the planting requirements set out in the Site Plan Control By-law. The provision for enhanced boundary landscaping that provides screening/privacy qualities and exceeds the standards of the Site Plan Control By-law has been satisfied.

A deep well waste storage system, which includes recycling, is proposed to be located internal to the site, away from any property boundaries. The deep well system is proposed within the parking area, outside of the City easement. Staff are satisfied with the current location of the deep well waste storage system.

The proposed three-storey stacked back-to-back townhouse is located along Byron Baseline Road with front doors facing the public street. Units fronting Byron Baseline Road also have sidewalks leading directly to the doors to provide an active street frontage with two extensions from the City sidewalk. The two-storey townhouses at the rear of the site are also oriented towards Byron Baseline Road with garages and main access internal to the site, facing the public right-of-way. Staff are satisfied that the current building orientation meets the intent of Council’s Resolution.

The parking lot is proposed to be setback 4.3 metres from the eastern property boundary and 5.9 metres from the southern property boundary. Landscaping is proposed along the eastern and southern property boundary around the parking lot as well as within the main drive aisle access. The Site Plan Control By-law regulates parking areas to be located a minimum setback of 1.5 metres to a property line and 3 metres to a street line. As such, the proposed parking lot setbacks provide for generous separation and exceeds the minimum requirements of the Site Plan Control By-law. Staff are satisfied that the current parking lot design meets the intent of Council’s Resolution.

An outdoor amenity space is proposed to be located immediately to the east of the stacked back-to-back townhouses and is proposed to contain a gazebo. The proposed outdoor amenity area is of sufficient size to accommodate all units on site and is located within a central area. Staff are satisfied that the current outdoor amenity space meets the intent of Council’s Resolution.

As identified in Section 4.5 Tree Preservation and Landscaping below, 50 trees on site are proposed to be retained, out of the existing 57 on-site trees. As a result of the proposed development only seven (7) trees are proposed to be removed. Staff are satisfied that the applicant has retained as many trees on the property as possible, meeting the intent of Council’s Resolution.

4.2 Issue and Consideration # 2: Use

The Residential R5 Special Provision (R5-7(12)) permits the development of cluster townhouse dwellings, including stacked townhouse dwellings, as per Zoning By-law Amendment (Z-9172). Through the Zoning By-law Amendment process, it was concluded that the proposed cluster townhouse uses are compatible with the surrounding residential neighbourhood and will not be out of character with the existing residential land uses.

4.3 Issue and Consideration # 3: Intensity

The Site Plan application proposes a total of 28 residential units with a density of 52 units per hectare whereas the R5-7(12) Zone permits a maximum density of 60 units per hectare. As such, the proposed density complies with the regulations of the Zoning By-law. On-site parking includes 42 spaces for all uses including three (3) visitor parking stalls and two (2) barrier-free parking stalls. In terms of lot coverage, the R5-7(12) Zone permits a maximum lot coverage of 45% whereas the proposed development proposes a lot coverage of 21.9%. Under the R5-7(12) Zone, the minimum landscape open space requirement is 30%. For the proposed development, the applicant is proposing a
landscape open space of 54.4%. While proposed to be built out to the minimum setback requirements, the proposal is under the maximum density and lot coverage while providing for more landscape open space than required.

4.4 Issue and Consideration # 4: Form

The subject lands are proposed to be developed in the form of cluster townhouses and stacked townhouses with heights of 7.0 metres (two-storey) and 12.0 metres (three-storey), respectively, within two (2) blocks.

As part of the Zoning By-law Amendment application process, concerns were raised regarding the compatibility of the proposed three-storey back-to-back stacked townhouses and the two-storey townhouses given the context of the existing neighbourhood immediately surrounding the subject lands being comprised of single detached dwellings and a one-to-two storey townhouse condo development. The proposed height of the back-to-back stacked townhouse dwelling is two-storeys (12.0 metres), and the proposed height of the townhouses is two-storeys (7.0 metres) which is permitted as of right within the Zoning By-law and is keeping with the intent of both The London Plan and the 1989 Official Plan. It is noted the lands surrounding the subject property are located within a Residential R1 (R1-7) Zone and Residential R1 (R1-9) which permits a maximum height of 10.5 metres and 12.0 metres, respectively.

With frontage along Byron Baseline Road, the proposed development has regard for the street frontage with street-facing units having direct connections out to the existing City sidewalk along Byron Baseline Road creating an active street frontage.

4.5 Issue and Consideration # 5: Tree Preservation and Landscaping

To accommodate the proposed development, seven (7) of the 57 trees on site are being removed to accommodate the proposed development that amounts to 12% of the total trees on site being removed. The seven (7) trees being removed are noted as being in good condition but are required to be removed to facilitate the proposed parking lot and foundation locations. Additionally, there is an existing row of cedars along the southern property boundary that is proposed to be retained, which assist in providing the privacy and screening qualities from the parking lot. Given the amount of vegetation being retained, a tree preservation fence is recommended to be erected along the east, south and west property boundaries.

As part of the proposed landscaping, 41 trees, of various sizes and species types, are proposed to be planted on site both along all property boundaries and internal to the site. The increased landscaping, as proposed, will result with more on-site trees than what previously existed prior to development.

Council requested the enhanced provision of boundary landscaping along the west, east, and south property boundaries that not only exceed the standards of the Site Plan Control By-law but also has screening/privacy qualities. Along with the additional 41 trees proposed to be planted, the applicant is proposing 104 trees to be planted as hedges to provide for the screening qualities. In total, 15 plant species are proposed to be planted for a total of 314 new plantings, including the proposed 41 trees. It being noted that there are a total of 50 trees being retained.

Concerns were raised regarding the health of the existing row of cedars along the southern property line, including the health of the cedars following construction. To provide enhanced screening, additional vegetation is proposed to assist in filling in any gaps that exist along the cedar hedge. Given the health of the existing row of cedars, a clause will be included within the Development Agreement regarding the care of the hedge.

Concerns were also raised about the maintenance of the landscaping, including the health of any existing and proposed vegetation following the development of the site. To address this, a clause will be included within the Development Agreement regarding the monitoring, assessment and replanting of any vegetation on site declining in health.
With the number of proposed plantings, ranging from trees to low shrubs and hedges along each property boundary, staff are satisfied the proposed landscaping plan meets the intent of Council’s Resolution.
4.6 Issue and Consideration # 6: Privacy

One of the common concerns raised through the Zoning By-law Amendment process and through the Site Plan Control Application process was the loss of privacy due to the proposed development. As previously mentioned in Section 4.5 Tree Preservation and Landscaping, the applicant is proposing to retain 50 of the existing trees on site as well as retaining the existing row of cedars along the southern property boundary. As noted, the health of the existing row of cedars was of concern to provide adequate privacy and screening. To ensure privacy along the southern property boundary is maintained, landscaping is proposed to fill in gaps along the existing row of cedars along with additional landscaping proposed in front of the row of cedars. Along the east and west property boundaries, additional landscaping is proposed to assist in filling in any gaps that exist. It being noted that clauses will be included within the Development Agreement relating to the health and maintenance of vegetation on site.

A board-on-board privacy fence was requested rather than the landscaping; however, the implementation of a board-on-board privacy fence would impact the roots of both the existing trees on site and boundary trees. Staff are satisfied that the proposed landscaping provides for privacy and screen qualities that exceed the Site Plan Control By-law and satisfy the intent of Council’s Resolution.

4.7 Issue and Consideration # 7: Parking and Lot Lighting

The proposed development complies to the regulations of the Zoning By-law Z.1, including the parking requirements. Under Section 4.19 of the Zoning By-law, 1.5 spaces per unit is required for cluster townhouse developments. As such, the proposed 42 parking spaces comply with the minimum requirements of the Zoning By-law.

Concerns were raised regarding overflow parking into surrounding neighbourhood streets and the impacts on safety the increased traffic will have along Byron Baseline Road. As the development complies with the parking requirements of the Zoning By-law, overflow parking should not occur. Any issues related to overflow parking onto side streets that are illegally parked would fall on the City’s By-law Enforcement to regulate. Through the development process, a Transportation Impact Assessment was not required to be submitted as the proposed development is not anticipated to increase the traffic volume on Byron Baseline Road to a point that would trigger safety concerns from Transportation Division.

Additional concerns related to the parking area, which includes the impacts light standards on abutting properties as well as the headlights of vehicles. As part of a complete application, a photometric plan was submitted (attached in Appendix “A”) where the applicant is proposing a total of 10 light standards. Four (4) of these light standards are proposed to be located in front of the two-storey townhouses with the remaining six (6) throughout the proposed parking lot. Of the six (6) parking lot light standards, four (4) are proposed along the eastern property boundary. Staff are currently reviewing the photometric plan and working with the applicant to ensure there are no lighting impacts on abutting properties due to light flooding.

4.8 Issue and Consideration # 8: Garbage and Snow Storage Collection

As per Council’s Resolution, garbage and recycling will be stored internally to the site using a deep well waste collection system. This will assist in keeping the site tidy rather than utilizing the City curbside collection system. Staff are satisfied with the garbage and recycling system, and are of the opinion that the internal location of the waste collection system addresses the intent of Council’s Resolution.

Snow storage is also proposed to be located on site with various storage locations. Currently, snow storage is proposed to the east of the drive aisle, to the south of the proposed parking area as well as to the north and south of the proposed barrier-free parking stalls. As one of the snow storage locations impacts the proposed landscaping, staff will continue to work with the applicant to explore alternative storage locations or explore opportunities to remove the snow from the site.
4.9 Issue and Consideration # 9: Hydrogeology and Site Services

The proposed development will utilize the existing services accessed from Byron Baseline Road. Concerns were raised by members of the public regarding the capacity of these services with the increased density. Planning and Development – Engineering staff have confirmed that the existing water, sewer, and sanitary services along Byron Baseline Road have adequate capacity for the proposed development. It is noted that there is an existing 18-metre-wide City storm sewer easement on site, under the proposed parking lot.

Questions were raised regarding the proposed retaining wall at the southern portion of the site. The retaining wall is proposed to be 1-1.5 metres in height and is being used to control the existing slope between the subject lands and the southern properties. The retaining wall will not be visible to the southern properties as it will be lower. The southern properties are higher than the subject lands.

As identified through the Zoning By-law Amendment application process, there is an existing well located on the adjacent property at 1158 Byron Baseline Road. Through the application process, the applicant submitted a Hydrogeological Assessment that concluded that the proposed development would have no significant or negative impacts on the hydrogeological setting for the broader area. The Assessment also provided recommendations, including a monitoring program and contingency plan which will be included in the Development Agreement. It is noted, a Holding Provision (H-183) was applied to the lands to ensure the recommendations are included in the Development Agreement. This process will address potential impacts to the well during and after construction.

4.10 Issue and Consideration # 10: Outstanding Site Plan Comments

Second submission documents are currently under review by staff and comments have yet to be finalized at the time of writing this report. Second submission comments and any red line drawings will be provided to the applicant in advance of the public meeting.

More information and detail are available in Appendix “B” and “C” of this report.
Conclusion

The Site Plan, as proposed, is consistent with the Provincial Policy Statement, has regard for The London Plan and is in conformity with the 1989 Official Plan. The application, as proposed, is consistent with the Zoning By-law and Site Plan Control By-law.

Prepared by: Melanie Vivian, Site Development Planner, Site Plans, Planning & Development
Reviewed by: Heather McNeely, Manager, Current Development,
Recommended by: Gregg Barrett, AICP, Director, Planning & Development
Submitted by: George Kotsifas, P.ENG, Deputy City Manager, Planning and Economic Development Planning & Development

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 and Development.

cc: Michael Pease, Manager, Site Plans, Planning and Development

MV/mv

Y:\Shared\ADMIN\- PEC Reports\2021 PEC Reports\9 - Jun 21\ 1146-1156 Byron Baseline Rd – SPA21-009 (MV)
Elevations – Stacked Back-to-Back Townhouse
Elevations – Townhouses
Appendix B: Public Engagement

Community Engagement

Public liaison: On March 3, 2021, Notice of Application was sent to all property owners within 120 metre radius of the subject lands and to those who made public comments during the Zoning By-law Amendment. Notice of Application was also published in the Public Notices and Bidding Opportunities section of The Londoner on March 4, 2021.

On April 22, 2021, the Applicant, along with City staff and the Councillor, held a Community Information Meeting to assist in addressing public comments, questions and concerns. Eight (8) members of the public attended the Community Information Meeting with questions, comments and concerns submitted prior to the meeting by other members of the public.

On June 2, 2021, Notice of Public Meeting was sent to all property owners within a 120 metre radius of the subject lands and to those who made public comments during the Zoning By-law Amendment. Notice of Application was published in The Londoner on June 3, 2021.

Ten (10) replies were received as part of the original circulation.

Nature of Liaison: Site Plan Approval to allow for the development of the subject lands on the attached plan. The Site Plan, as proposed, would result in 28 residential units.

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

Concern for:
- Proximity to surrounding homes
- Lack of landscaping to provide privacy to surrounding homes
- Strains on the sewer and water systems, specifically for the homes that rely on well water as well as the impacts the deep collection waste system will have on the existing well
- Height of the retaining wall
- Location of the snow storage
- Overflow of parking onto nearby neighbourhood streets
- Garbage collection and storage
- On site green space and tree planting
- Parking
- Scale of development and the number of units
- Privacy concerns, including the existing cedar hedge
- Lighting from the parking area
- Safety concerns regarding traffic along Byron Baseline Road
- Boundary landscaping
- Impacts on sewer and water systems with the increased density

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

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Good Day, Melanie.
I am both disappointed and discouraged to see that “here we are again” sending our concerns to city hall about the building proposal for the property located at 1146-1156 Byron Baseline Road. Seems as if this has been going on for quite some time and it appears the developer still “does not seem to get it!”
My 1st concern is that the developer wants to cram too much onto the property and it really looks “out of place” in the existing neighbourhood; perhaps fitting in better in a newer neighbourhood where the houses are really spaced minimally apart. It is just not the right fit where we have mature trees and a little space between houses with front yards. Why do we need the change to an already established neighbourhood? The few extra units picked up by really building two ugly buildings really doesn’t seem to be worth it overall in a city of 400,000. I feel some common sense should also go along with the city’s infill policy.
2nd concern is about optics. This building lot is the highest point for some distance along this stretch of Byron Baseline Road. Travelling east from Bolar Rd coming back towards this property is a much lower elevation where you would have to look up and the proposed three story buildings begin to take on the appearance of six stories. This again is showing that too much is being forced onto this size of property. An actual example of “too much, too big” is at 1355 Commissioners Rd West. Really looks out of place!
3rd concern is about overflow parking. It appears parking at this location has been designed to meet city guidelines for the 28 units. In real life today’s building units need to be designed for 2 sometimes 3 vehicles. Since Byron Baseline Rd is zoned no parking, those extra vehicles will be parked on nearby neighbourhood streets (Lansing Ave). In this specific case, I think this is unworkable due to the excessive speeds driven on this street as has been already reported to our councillor.
4th concern is about garbage collection from 28 units and where it is collected. This proposal has a suggested location for residents to place their trash out on garbage collection day. But with human nature what it is; this garbage will eventually be placed at the street and become an unsightly mess. Reference 1294 Byron Baseline Rd. on collection day.
5th concern deals with green space and tree planting. The existing neighbourhood has front yards and mature trees. This proposal leaves very little room for any green space or any room for tree planting; tree planting that will be needed to hide the size of the two buildings proposed here.
6th concern is trust in the developer. The city will do code checks of electrical and plumbing but who checks to make sure the builder does what he promises? There is no other three story residential units along Byron Baseline Rd. (the apartments at North St and Byron Baseline Rd don’t count due to elevation optics nor does the commercial building at Bolar Rd and Byron Baseline) and I feel there is reason for this as it was set out that way a long time ago. An example of what could possibly fit at this location can be found at 1499 Byron Baseline Rd. Or do we want another out of place situation like 940 Springbank Dr?

From: Robert E Toft
Sent: Tuesday, March 23, 2021 7:32 PM
To: Vivian, Melanie <mvivian@london.ca>
Subject: [EXTERNAL] Comments re File SPA21-009

File SPA21-009
Site Plan Control Application
1146-1156 Byron Baseline Road

We have several concerns regarding the proposed development of the site.
First, there doesn’t appear to be sufficient parking for the number of units proposed, particularly the units at the front. Each unit should have two of its own parking spots, plus spaces for visitors.

Second, we are concerned that the images presented in the notice “may change”. The document does not set out how and why the proposal could change. It is difficult to comment on something that is not in a final state.

Third, although the developer has reduced the scale of the buildings somewhat, the overall footprint of the development has increased. The footprint of the proposal has always been a major concern of residents in the area. The developer is trying to put far too many units on the site, and this continues to be a concern.

Sincerely,

Margaret Costello & Robert Toft
34 September Lane
London, ON N6K 3Y6

From: GREGORY THURSTON
Sent: Tuesday, March 23, 2021 9:26 PM
To: Vivian, Melanie <mvivian@london.ca>
Subject: [EXTERNAL] File # SPA21-009

My name is Greg Thurston and my family and I live directly behind the vacant lot on Byron Baseline road at 18 September Lane. We fought the initial proposal and with the support of the city were successful. This second proposal is not that dissimilar to the original proposal, yet the city somehow did an about face and granted the zoning change request. Now this monstrosity that does not fit the neighbourhood is going to be built. I have a number of concerns and will address the main ones here. My first priority is the row of cedar trees that separate our property from the vacant lot. It does provide some privacy, not enough mind you, but some. What is going to happen if these trees do not survive the construction? I am requesting, in writing, a plan of action that will be implemented when and if those trees perish. A plan that will sufficiently screen my neighbours and us from this unwanted development. Also, per the city’s own by-law, no equipment, digging and/or compaction may occur within 3.6 metres of these trees, who is going to monitor and enforce this by-law to ensure the health and welfare of these trees?

I have grave concerns about lighting from the parking area, the storage and collection of trash, runoff of melt water into my backyard from piled up snow, lights from vehicles shining into our backyard at all hours interfering with the enjoyment of our property among others.

I am looking forward to future meetings to discuss these concerns and the concerns of my neighbours, hopefully they don’t fall on deaf ears and the city recognizes how much opposition exists regarding this development. We have said loud and clear that we are not opposed to this parcel of land being developed, we are opposed to this proposal that clearly does not fit with the existing character of the area.

Sincerely
Greg Thurston

From: Crystal Thurston
Sent: Tuesday, March 23, 2021 9:17 PM
To: Vivian, Melanie <mvivian@london.ca>
Cc: Hopkins, Anna <ahopkins@london.ca>
Subject: [EXTERNAL] File SPA21-009 Byron Baseline Road

To whom it may concern,

My name is Crystal Thurston, and I live at 18 September Lane, directly behind the intended development.

Needless to say, I am disappointed that the application for zoning change was approved by the city. I am not entirely sure of how the process works going forward, but I am hopeful that there is room for modification of this proposal to better ensure that the development fits in with the current surroundings.
I have written twice before, so my concerns are on record, and I will not bother repeating them all in this communication. The intent of this email is to put some of my ideas in writing for the city and developer to seriously consider, along with those of my neighbours.

**Footprint**

One of my main concerns is regarding the footprint of the proposed development – more specifically the three storey stacked condo building. This is the primary reason that I do not like this proposal. To me, this building is too wide and imposing, and requires the second building of two storey townhomes to be pushed very close to the back property line. I think this will greatly impact the privacy of the adjacent properties in a negative way, as well as endanger the row of cedar trees along the fence line.

It is my suggestion that rather than this three storey building, the city and developer consider two rows of **two storey townhouses**. This would positively impact the overall appearance of the development in several ways:

- The second row of townhomes could be built further away from the back fence line to allow more privacy and protect the safety of the trees.
- These units would have garages, and therefore take away the need for a large, ugly parking lot and lighting.
- This would allow for more greenspace.
- This would be less imposing from the front view, and better fit with the surroundings.
- This would still be considered residential intensification.

**Privacy**

Considering the location of my own property, I am greatly concerned about the impact this development will have on the privacy of my family and that of my neighbours, and our ability to enjoy our property.

I would like to know how the developer intends on protecting our trees, protecting our privacy, and what will be put in place to ensure that this happens. How will the city ensure that they comply?

Please consider the addition of a thicker natural barrier around all sides by planting more trees and vegetation.

**Parking Lot**

The parking lot greatly concerns me. To me, this parking lot will be an eyesore from any direction. If it is not possible to build two rows of townhouses, and the parking lot is needed, I would like to know what will be done to protect our backyards from the light pollution of cars entering and exiting the property. Will there be a wall or fence put up to act as a barrier?

Also – will the lighting be appealing visually for a residential area, and not the tall, bright, ugly lights that are seen in many parking lots?

**Garbage**

I am concerned about the location of the proposed garbage bin, as it is located very close to our fence line. I am wondering what will be done to prevent the smell of garbage, garbage runoff, and vermin from entering our private space.

Can this garbage location be moved, or hidden in some way, so that it is not close to our, or our neighbours’ backyard? How will the garbage be blocked from our view?

I would greatly appreciate my comments and suggestions, as well as those of my neighbours, being considered when moving forward with this development. We all care about our neighbourhood and community.
We have chosen this neighbourhood to raise our families, and spend the rest of our lives, and so we would like to feel that we are involved and valued in this process.

Thank you,

Crystal Thurston

From: Angela Robinet  
Sent: Tuesday, March 23, 2021 9:31 PM  
To: Vivian, Melanie <mvivian@london.ca>; Hopkins, Anna <ahopkins@london.ca>  
Subject: [EXTERNAL] Planning Application - 1146-1156 Byron Baseline Rd

Hello Ms. Vivian and Ms. Hopkins;
I feel inclined to write another note to the city to further express how disappointed we are with the proposal for 1146-1156 Byron Baseline Road (file SPA21-009). It is surprising that the city is allowing a development of this size to proceed. The current traffic flow does not warrant this many new units to occupy this property. As residents on Byron Baseline Road, we have significant concerns about safety. There are a number of families with small children in the direct vicinity of this lot. The 4-way stop is often violated (standing there for one hour will allow you to witness this). Vehicles also drive quite quickly down this road, unfortunately, with little (to no) police presence. Also consider the fact that there is a bike lane here. By approving this proposal, it seems like the city has either spent inadequate time assessing a development of this nature, or there is something else going on. I am asking the city to please seriously consider the issue of safety along this very busy road. Adding 28 units will lead to even more issues. What is the city willing to sacrifice for one developer's incremental revenue?

Thank you.

Angela Robinet

From: McLay, John  
Sent: Friday, March 19, 2021 10:20 AM  
To: Vivian, Melanie <mvivian@london.ca>  
Cc: Melinda McLay  
Subject: [EXTERNAL] 1146 - 1156 Byron Baseline Road

Good afternoon,

Thank you for the notice in the mail this week. I believe the intent of the mail was a reminder that there will be a meeting in the future on the property plans for 1146 – 1156 Byron Baseline Road.

The mail contained a few images, but they were too small to provide any insight if there are new details available to the neighbourhood on Birani's sit plan. Without any new details, I can only repeat the concerns I have expressed multiple times before.

The re-zoning approval in July 2020 does not make sense. The revised plan put forward by Birani Group did not address the footprint concerns expressed by the City Of London when Birani's initial proposal was rejected in 2017. The footprint is no smaller, and likely larger now than the rejected proposal. If the proposal is a good fit, how were three provisions required? One for the height of the front row of townhomes, one for the height of the back row of town homes, and a third provision is obviously required for additional parking since we have too many people.

I am not opposed to property development, in fact, Birani does such a poor job of maintaining their property today that development will be an improvement. The design of the building is quite nice, I think Birani did a good job of the design. There are too many units for the property. Too many units impacts parking, garbage, puts environmental pressure on the surrounding vegetation and the well water source for the Heritage Property on the corner.
Also of primary concern is Birani's reliance on the existing cedars trees to provide privacy. The cedar trees do not provide privacy today after years of neglect by Birani. These trees do not and will not in the future provide privacy. An additional cedar hedge row is required to supplement the existing cedar trees.

I have attached a previous email I sent to the City; Catherine did respond to my email. At re-zoning time of my email, some of my observations of the Birani proposal were deemed to early and they would be addressed in the planning phase. I look forward to seeing how Birani and the City of London has accounted for these when the site plan is available.

Thanks,

John & Melinda McLay
14 September Lane
London, Ontario

From: Doug Landry
Sent: Wednesday, March 17, 2021 3:51 PM
To: Vivian, Melanie <mvivian@london.ca>
Cc: Hopkins, Anna <ahopkins@london.ca>
Subject: [EXTERNAL] File SPA21-009 (1146-1156 Byron Baseline Road)

Hi Melanie, we are writing in response to the most recent document we have received with respect to the lands at 1146-1156 Byron Baseline Road. This pertains to a Site Plan Control Application.

Last year’s approval (July 2020) by the planning committee of the Zoning By-Law application of these lands appeared to many of us to lack transparency. Many of us noted that there was not a significant change in the application in 2020 compared to the previous 2017 application, as far as the footprint of this development went. Although the original 2017 proposed a 4 storey apartment building, the 2020 proposal now includes 20 - 3 story townhouse units and 8 - 2 story townhouses. The overall footprint in the 2020 proposal is actually larger now than the 2017 proposal. It’s hard to comprehend how our neighbouring community, the Planning department, Planning and Environment Committee and City of London lawyers and urban designer were dead set against the 2017 proposal and fought tooth and nail to have this denied. But yet the 2020 proposal appeared to seamlessly go through and be passed without a misstep. It was felt, by many, that the outcome of the July meeting was set very early on in the introductions of the meeting and throughout.

It was a very disappointing process to say the least. We have said over and over again, we have absolutely no issue with this land being developed. We feel the proposals for the use of this land, as set forth by this applicant, does not conform to the neighborhood. There are other ways this land can be infilled which would conform better to the neighborhood, ie. single floor detached condo type homes.

Having said that, we will offer the following comments for this Site Plan Control Application.

There will not be enough parking (especially in winter months) for the residents (and their visitors) which will affect the flow of traffic on an already very busy street. No amount of NO Parking or NO Stopping signs will deter people from using the street. Overflow will spill to neighbouring streets, making these streets clogged and congested.

The boundary landscaping along the East, West and South property boundaries MUST provide for better screening/privacy than what it provides for now. We face south and even with the current vegetation, we have a clear site line to the back of the houses which back on to this land, especially in the winter months. The landscaping MUST provide for privacy/screening for ALL 12 months of the year.
We are concerned with the extra strain that 28 resident dwellings will have on our sewer and water systems and especially for the heritage house who rely on well water for their supply.

We are also not comfortable that the applicant will build according to their proposal, as it states "the above images represent the applicant’s proposal as submitted and may change"...it’s the “may change” that has our neighbouring community on edge as well. They currently use the garages on this land as their warehouse and storage for building supplies for their business, whereas, they had noted in their 2020 proposal that this land was vacant, except for two garages, that are no longer in use.

Many thanks for your time...

Kindest Regards,
Patti and Doug Landry

From: Dini
Sent: Monday, March 8, 2021 10:25 AM
To: Vivian, Melanie <mvivian@london.ca>
Cc: Hopkins, Anna <ahopkins@london.ca>
Subject: [EXTERNAL] Site Plan Byron Baseline Road..File SPA21-009

Hi Vivian,

We are Roland and Dini Dobler and we live on 1142 Byron Baseline Road since 1971.

We would appreciate an enlarged plan of the East Part landscape drawing with details if possible.

We would also like to know if there will be a community meeting in the future about the Site Plan?

Sincerely,

Roland and Dini Dobler
1142 Byron Baseline Road.

Sent from my iPad

From: Jacquelyn Burkell
Sent: Saturday, March 6, 2021 1:18 PM
To: Vivian, Melanie <mvivian@london.ca>
Subject: [EXTERNAL] SPA21-009

Hi Melanie:

We just received notice of the planning application for the property next door -- 1146-56 Byron Baseline Road. The images -- and particularly the landscape plan -- are too small to read, and I’d like access to electronic copies or to larger images, along with any other additional information that you have.

Can you provide?

Thanks,
From: Barb Botten  
Sent: Monday, April 12, 2021 11:18 AM  
To: Vivian, Melanie <mvivian@london.ca>  
Subject: [EXTERNAL] RE: 1146-1156 Byron Baseline Road  

Thanks Melanie.  
Once there is something to report, can you let me know?  
Barb  
Barb Botten  
Editor/Publisher/Owner  
Villager Publications  
www.villagerpublications.com

Community Meeting  
1146-1156 Byron Baseline Road  
April 22, 2021 @ 6:30pm  
Questions & Answers

<table>
<thead>
<tr>
<th>Question/Concern</th>
<th>Answer/Comment</th>
<th>Contact for more information</th>
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<tbody>
<tr>
<td>Traffic volume and speeds area already high. How will the City manage this increase?</td>
<td>Speeding concerns are best addressed with the London Police.</td>
<td>Visit the Traffic and Road Safety page to find a contact form the bottom left or call the non-emergency number 519-661-5670.</td>
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<tr>
<td>How will cyclists be protected considering the increased traffic?</td>
<td>- Our staff did not cite a concern between the cycling infrastructure in the area and the proposed development.</td>
<td></td>
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<td>Vehicles don’t come to a full complete stop at Griffith St, how will this be managed?</td>
<td>Traffic concerns are best addressed with the London Police.</td>
<td>Visit the Traffic and Road Safety page to find a contact form the bottom left or call the non-emergency number 519-661-5670.</td>
</tr>
<tr>
<td>Visually will look out of place, single floor detached condo type would be better fit.</td>
<td>- Use, Intensity &amp; Form was evaluated as part of the Zoning By-law Amendment</td>
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<td>Proximity to surrounding homes. Is there any way to adjust this?</td>
<td>The Zoning By-law provides for setbacks. The setbacks proposed comply with the Zoning By-law and have been established.</td>
<td>Speeding concerns are best reported to the LPS. Visit the <a href="#">Traffic and Road Safety</a> page to find a contact form the bottom left or call the non-emergency number 519-661-5670.</td>
</tr>
<tr>
<td>Seems there is a lack of visitor parking, who will be forced onto neighbourhood streets where vehicles are speeding and will cause additional congestion.</td>
<td>The parking requirements for the site a meeting the regulations of the Zoning By-law. Visitor Parking is also provided on-site which meets the requirements of the By-law.</td>
<td>Per Council direct, the proposed garbage location is in the middle of the site and will be stored in a deep well waste storage system.</td>
</tr>
<tr>
<td>Where will garbage be stored and collected?</td>
<td>Per Council direct, the proposed garbage location is in the middle of the site and will be stored in a deep well waste storage system.</td>
<td>Per Council direction, enhanced landscaping will be considered along the east, west and south property boundaries.</td>
</tr>
<tr>
<td>Lack of trees in front of building to help disguise appearance. Will additional landscaping be provided?</td>
<td>Landscaping is meant to compliment the building and to work together to create an interesting streetscape. Currently there are four (4) trees proposed to be planted in front of the building along with other landscaping.</td>
<td>Current application was not supported by staff because it was not consistent with the Provincial Policy Statement and did not conform to the 1989 Official Plan nor The London Plan. The application was appealed by the applicant for</td>
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<tr>
<td>Lack of vegetation to provide privacy to surrounding homes. How is this being addressed?</td>
<td>Per Council direction, enhanced landscaping will be considered along the east, west and south property boundaries.</td>
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<td>Will there be inspections during the build process?</td>
<td>The Building Department will be completing inspections during the construction of the building. Following completion of construction, the Development Compliance team will conduct a site visit to ensure the site was constructed in accordance with the approved construction plans from the site plan process.</td>
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<td>Why did the proposal change? 2017: 4 storey building. 2020: 20-3 story townhouse units and 8-2 story town houses.</td>
<td>The first application in 2017 was not supported by staff because it was not consistent with the Provincial Policy Statement and did not conform to the 1989 Official Plan nor The London Plan. The application was appealed by the applicant for</td>
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<td>non-decision and was heard at the Local Planning Appeal Tribunal. The appeal was refused. The second application in 2020 was support by staff as it was consistent with the Provincial Policy Statement, 1989 Official Plan and The London Plan. The application was then approved by Council.</td>
<td></td>
</tr>
<tr>
<td>Additional strains will be placed on sewer and water systems with increased residents, concern especially for heritage homes who rely on well water. How will this be managed?</td>
<td>Through the review process, Development Services – Engineering will review the submitted proposals and ensure it complies to City Standards. For the homes who rely on well water, a Hydrogeological Study was submitted and is currently being reviewed by staff. There is also a Holding Provision (h-183) to ensure that development will not have any negative impacts on the groundwater in the area, with specific attention given to any negative impacts on existing wells, a Hydrogeological Study shall be prepared by a qualified professional and submitted to the City to evaluate the potential impact of the proposed development to area private wells and provide recommendations for monitoring post construction impacts and possible mitigation measures to the satisfaction of the City Engineer prior to the removal of the h-183 symbol. Any recommendations contained therein shall be incorporated into the development agreement.</td>
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<tr>
<td>Design plans may change, how will community be updated?</td>
<td>There may be minimal changes however, the overall site layout and design is in place. As per the Holding Provision (h-5) a public site plan</td>
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<td>meeting is required to be held where the most recent plans will be circulated in advance of the Notice of Public Meeting.</td>
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<td>Will wood-on-wood fencing be installed around the property?</td>
<td>If one is installed, it could impact the root zone of the existing vegetation. This can be considered, however it is noted that it may result in the removal of existing landscaping.</td>
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<td>How will surrounding homes be protected from light pollution, from cars entering/exiting the property as well as lighting for the property?</td>
<td>As part of a complete application, a photometric plan has been submitted to evaluate any light trespass on existing properties. The photometric plan does not take into account the hedges and landscaping which will help mitigate any light trespassing.</td>
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<tr>
<td>What were the Urban Design Peer Revew Panel recommendations? How many times does the application go to the Urban Design Peer Review Panel?</td>
<td>Recommendations from the Urban Design Peer Review Panel included positive feedback regarding the continuous frontage along the Byron Baseline Road with the typical setback of existing buildings and the screening of parking; exploring options to develop the exterior elevations; include an amenity space with a gazebo to be more integrated with the trees and landscaping along the lot line to buffer it from the parking; provide landscaping to enhance tree planting along south, east and west property boundary; provide landscaping between the building and the street; and consideration of different hard surface materials. The application is only required to be heard at the Panel once.</td>
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<tr>
<td>Provide elevations showing the sides of the proposed buildings</td>
<td>Elevations showing all four (4) sides of the proposed buildings are required as part of the Site Plan Approval process.</td>
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<td>Rental units or owned units?</td>
<td>City staff are not involved with this process. As mentioned by the applicant, it is unknown at this time.</td>
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<tr>
<td>The row of cedars at the rear are not in the best of health. What is going to happen to the cedar hedge? What would replace the hedges?</td>
<td>Tree protection fencing is being installed around the property to protect the cedars during construction. Staff will also explore opportunities to include special provisions in the Development Agreement regarding the cedars. There are challenges with planting mature trees as they don’t always take. This is also something to be explored as a special provision within the Development Agreement.</td>
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<td>Screening the vegetation would provide during the non-summer months</td>
<td>Increased planting along the property line that provides screening at the ground level can be explored as an option. Staff will take this into consideration during the review process.</td>
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<tr>
<td>What is the proposed fence around the property?</td>
<td>No fencing is proposed. The fencing shown on the plans indicate the tree protection fence. The fence would be removed following the construction and would be in place prior to any construction starting on site. It is noted that sediment and erosion control measures are also in place to protect neighbouring properties along with the trees.</td>
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<td>The existing trees and hedge at the rear do not provide privacy at the right level and are not in good health.</td>
<td>Staff are still working with the applicant through the process. Additional landscaping is being taken into consideration along this property edge to provide for additional privacy. At the time of construction, work will be required to be completed in accordance with the accepted plans.</td>
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<tr>
<td>Are the trees in the southwest corner being retained? Specifically, the walnut trees.</td>
<td>Two (2) black walnuts are proposed to be removed due to the proposed development. The remaining 7-8 walnuts are being retained.</td>
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<tr>
<td>How tall is the retaining wall? Any further details on the retaining wall?</td>
<td>At the lower point, the retaining wall is 1-1.5 metres in height and is proposed along the rear of the townhouse dwellings.</td>
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<td>retaining wall is being used to control the ground on abutting properties. From the abutting properties at the rear, the retaining wall will not be visible (as it will be lower).</td>
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<tr>
<td>Concern for parking overflow on neighbourhood streets.</td>
<td>The proposed development complies with the Zoning By-law in terms of parking. All parking can be accommodated on site.</td>
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<td>Where will the snow storage location be?</td>
<td>This will be addressed throughout the process. Staff have provided comments to the applicant to confirm the snow storage location.</td>
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<tr>
<td>Is the easement through the site a City-owned easement?</td>
<td>Yes, the easement underneath the parking location is a City-owned easement.</td>
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<td>Liked the cedars and the proposed green area and happy with the landscaping proposal.</td>
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<td>Concern for reduced property values associated with the possibility of rental housing or subsidized housing.</td>
<td>This is not within the scope of development application review.</td>
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<td>How will the deep collection waste system impact the existing well?</td>
<td>The proposed deep well collection system are lower in the ground to reduce the well. For the existing well in close proximity, a hydrogeological study has been submitted and is currently being reviewed by staff. The deep collection waste system is encased to mitigate any leeching and keeping it contained.</td>
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<td>How will the traffic and headlights of cars coming in will impact the existing dwellings at the rear?</td>
<td>Enhanced landscaping is being provided along the rear property line to help mitigate any headlights on the abutting properties. The parking area is currently setback 5.9 metres from the property line to assist in reducing the impacts of headlights on the abutting properties.</td>
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<tr>
<td>Why is there the need to have the deep garbage well when you have others paying taxes for garbage collection? Why can’t the</td>
<td>The garbage chutes for these types of developments do not work as each unit is individual, there is no common hallway element like</td>
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<tr>
<td>stacked townhomes keep it internally to the building then bring it out to the road on garbage day?</td>
<td>in an apartment building. Should each unit have to put their garbage out at the road, there would be 28-units worth of garbage at the road which would not be visually appealing. The deep well system keeps the garbage contained internal to the site.</td>
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<tr>
<td>What is the process from here?</td>
<td>The item will be heard at the Planning and Environment Committee. Staff are currently targeting June 21, 2021 as the public participation meeting to satisfy the Holding Provision (h-5). A Notice of Public Meeting will be sent out to advise residents of the meeting date and time. Staff are still in conversations regarding the June Planning and Environment Committee meeting an we are continuing to work with the applicant with the comments provided. A second notice will be sent out for the Removal of Holding Provision (h-5) at a later date following the Public Site Plan Meeting.</td>
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<td>When is construction proposed to start?</td>
<td>Unknown at this time. Depends on the process of the approvals and the applicant’s development schedule.</td>
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### Appendix C: Agency/Departmental Comments

The following comments were provided as the first submission responses. Second submission comments are currently being completed and will be provided to the applicant prior to the Public Site Plan Meeting.

2188121 Ontario Inc.  
1899 Jubilee Drive  
London, ON N6G 5K5

March 15, 2021

Re: Site Plan Control Approval for 1146-1156 Byron Baseline Rd, London ON – File Number SPA21-005

The City’s appointed officers have the following comments regarding your above Application for Site Plan Control Approval. The Applicant is to provide a response to all City comments and submit it with their next Site Plan Control Approval submission.

Please see enclosed: Memos from Canada Post, London Hydro & Bell Canada.

<table>
<thead>
<tr>
<th>General Comments:</th>
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<tbody>
<tr>
<td>1. The applicant is highly encouraged to hold a Community Information Meeting prior to the public participation meeting at the Planning and Environment Committee. Development Services staff can be present at the meeting for questions, but the onus is on the applicant to hold the meeting.</td>
</tr>
<tr>
<td>2. The road widening dedication is required to be completed prior to site plan approval.</td>
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<tr>
<td>3. Parkland dedication, in the form of cash-in-lieu, is required prior to site plan approval at a rate of $1150 per unit ($32.200) (2021 Rate)</td>
</tr>
<tr>
<td>4. Provide a completed Accessibility Checklist. The provided checklist was checked off as N/A throughout. There are components of the checklist applicable to the subject lands.</td>
</tr>
<tr>
<td>5. See attached memo from London Hydro. A blanket easement is required.</td>
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<tr>
<td>6. Please note that if the development is for rental housing purposes then the DC is deferred over 6 annual installments. An Alternative Payment Agreement (APA) would be needed to pay the DC at time of permit issuance. Please confirm as part of your next submission.</td>
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<tr>
<td>7. Ensure all plans match with the second submission.</td>
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<tr>
<td>8. The holding provisions are required to be removed as part of a separate application. Please submit the holding removal application to Bruce Page, Manager Development Planning.</td>
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<th>Response:</th>
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<tr>
<td>1. See attached red-line drawing.</td>
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<td>2. Remove the “existing” layer from the Site Plan.</td>
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<td>3. Provide dimensions to the following:</td>
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<tr>
<td>• Lot width</td>
</tr>
<tr>
<td>• Lot depth</td>
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<tr>
<td>• Garage and driveway width</td>
</tr>
<tr>
<td>• Parking stall widths</td>
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<tr>
<td>4. As per Council Resolution, the concrete pad for waste collection should be a deep well waste system. Please provide a detail of the deep waste collection system. Please note that if the applicant is looking for City collection of garbage, our trucks can only collect Enviroworx or Earth Bin deep waste bins. Recycling will need to be hired privately as our contract with Miller Waste does not include deep waste collection.</td>
</tr>
<tr>
<td>5. Provide two (2) more parking stalls to accommodate the required barrier-free spaces. One Type A and one Type B space is required. See attached red-line drawing. Dimension the proposed barrier-free stalls and indicate the location of the barrier-free parking signs. Refer to Figure 7.1 and 7.2 in the Site Plan Control By-law for further details on the barrier-free spaces.</td>
</tr>
<tr>
<td>6. Demonstrate a viable fire route in accordance with the Site Plan Control By-law.</td>
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<tr>
<td>7. Visitor parking spaces are required at a rate of 1 space per 10 units. The visitor parking is included in the overall parking total. Identify on the plan which spaces will be for visitor parking.</td>
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<tr>
<td>8. Consider removing the sidewalk adjacent to the retaining wall and add a grassed or landscaped area. The sidewalk currently leads to nowhere.</td>
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<td>9. Indicate on the site plan the front walkways to access the units.</td>
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<tr>
<td>10. Identify the proposed snow storage location on the site plan.</td>
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<tr>
<td>11. To provide for full accessibility, the sidewalk width is to be 2.1m where parking abuts the sidewalk.</td>
</tr>
<tr>
<td>12. Provide details on the proposed gazebo to ensure zoning compliance. Refer to Section 4.1 of the Zoning By-law for the Accessory Uses regulations.</td>
</tr>
<tr>
<td>13. Provide a setback to the closest townhome patio (from the nearest property line) to ensure</td>
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</table>
compliance with the Zoning By-law. Additionally, confirm if the patios are to be at grade or raised.
14. Identify the proposed Canada Post mailbox location on the site plan.
15. Provide a curb at the end of the driveways.

Response:

Landscape Comments:
The City Landscape Architect has reviewed the Proposal Summary for the above noted address and provides the following comments consistent with the Official Plan, applicable by-laws, City design requirements and specifications:

1. Clarification is required on protective measures for the row of cedars growing along the southern property line. The Tree Preservation Plan indicates that the hedge is 3.5m wide yet the tree protection fencing is to be installed at 2.5m. Will the fencing be installed at the dripline of the trees? Or within the foliage?
2. During installation of all tree protection and silt fencing along this row of cedar trees, roots need to be located by hand digging or low pressure hydro-vac/compressed air. Roots need to be hand pruned to the face of excavation or fence alignment to leave a clean-cut surface. Include in construction notes.
3. Reminder, no tree removals arising from demolition, construction, or any other activity shall take place on the subject property prior to Site Plan Approval.
4. On the landscape plan:
   1. Replace Euonymus alatus and miscanthus sinensis. Both plant species are included on the OMNR and MNRF Alert Species List.
   2. Consider replacing juniper with a native species that supports pollinators.
5. To meet Council’s resolution for enhanced landscaping along the East, West and Southern property lines a row of dogwoods is proposed adjacent to the northside of the row of existing cedars. The dogwoods are not by definition trees and do not meet the Site Plan Control Bylaw requirements for tree planting. It is very improbable that the dogwoods would survive in this restricted location between the new retaining wall and the cedars. As an alternative to the dogwood planting, the hedge should be augmented with cedar infill planting in gaps and to replace damaged or sick trees. As compensation for the lack of planting along this property line, additional trees could be planted along the west, east and north property lines.

Response:

Building Design Comments:
1. Provide matching site plan, elevation and landscape drawings and show all proposed elements on all plans.
2. Are the doors, on the elevations along Base Line Road, below the steps a drawing error?

Response:

Engineering Comments:
See attached red line drawing.

GRADING COMMENTS:
1. The ultimate property line/boulevard to be graded to accommodate the future Byron Baseline Road widening of two through lanes, turn lane, bike lane, C&G, and sidewalk; Provide the draft cross section. City of London Standard 9.3.1, “Subdivision Grading along Arterial Roads” Figure 9.1 shall be used to establish these grades.
2. Please show the existing CL of Shore Road elevations on grading plan and ensure proposed building opening elevation is min 300mm higher than CL of road elevations.
3. Roof water leaders should be identified on the drawings.

SERVICING COMMENTS:
4. Services fronting stacked townhouses are designed too close to the property line. It appears that all services cannot be maintained without interrupting and encroaching on the future R.O.W. Ensure construction/future maintenance of water service and Sanitary PVC won’t impact city boulevard.
5. The proposed 200mm PDC connected directly to the 200mm main sewer on Byron Baseline Rd will not be acceptable as depicted in submitted site plan drawing. As per City standard 200mm PDCs for Multi-Family to be connect to main sewer at maintenance holes.
6. The 250mm storm connection to the 1200mm storm sewer should be revised to provide a perpendicular connection.
7. MH shall not be installed over sidewalk for pedestrian. Sidewalk for pedestrian should AODA compliance.

8. As per City Standards inspection maintenance hole is required downstream of proposed OGS unit.

9. Confirm that the properties do not have an existing water service or well on site. If they do, please abandon water service to city standards and/or MOECP guidelines.

10. Proposed water valve at property line can be removed as there is already a valve at the tapping sleeve and valve.

11. Ensure meter pits for the 3 storey stacked townhouse are to have adequate separation from the stairs. Curb stops may need to be relocated as well.

12. Ensure curb stops are a minimum 3.0m from the face of the building.

13. Provide crossing clearances for the proposed water service over the 600mm watermain and sanitary sewer on Byron Baseline.

14. Avoid placing trees on top of services.

**SWED COMMENTS:**

15. As per City Standards, all site plan blocks are to be self-contained. Drainage area U201 should be revised and the report and servicing updated. Roof drainage should be directed internally and controlled on the site.

16. As per the MECP Stormwater Management Planning and Design Manual, a minimum setback of 4 metres should be provided from building foundations and infiltration measures. SWED would suggest a more standard swale with catchbasins and storm sewer be proposed to service the southerly portion of the property.

17. Post development time of concentration should be revised. Figure 5.3 shall be used to establish the time of concentration for any site uses other than single family residential.

18. As per City Standards and in order to properly inform the grading plan, the consultant is to include all existing and proposed major overland flow arrows on all grading drawings. The grading plan should clearly indicate the safe conveyance of major overland flows in and off the site.

**TRANSPORTATION COMMENTS:**

19. TMP is acceptable

20. Applicant is required to register a draft reference plan and dedicate land for the required widening as shown on the plans. Dedication requirements to achieve 18.0m from centrelines a widening dedication of 7.942m is required along Byron Baseline Road. Prior to depositing the plan, please provide a draft Reference Plan to Development Services for review.

Response:

Notwithstanding the above comments, nothing referenced herein shall contravene the Ontario Building Code.

Please include with the next submission:

- 1 x Site Plans
- 1 x Engineering Plans
- 1 x Landscape Plans
- 1 x Elevations
- 1 x Cost Estimates
- 1 x Update Reports
- 1 x Digital Copy of Submission (pdf)
- 1 x Response to Comments

Should you have any questions regarding your request for site plan approval please contact myself at 519-661-2480 x 7547 or mvivian@london.ca.

Yours truly,

Melanie Vivian
Site Development Planner

COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

1) LEGEND FOR ZONING BY-LAW Z-1

- 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 - SENIORS HOUSING
- R8 - MEDIUM DENSITY LOW RISE APARTS.
- R9 - MEDIUM TO HIGH DENSITY APARTS.
- 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
- HSC - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- ASC - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL
- O - OFFICE
- OR - OFFICE RESIDENTIAL
- OC - OFFICE CONVERSION
- RG - RESTRICTED OFFICE
- OF - OFFICE
- 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
- RE - RESOURCE EXHAUSTIVE
- UR - URBAN RESERVE
- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RCS - RURAL SETTLEMENT COMMERCIAL
- TSS - 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:
SPA20-009
MV

MAP PREPARED:
2021/06/02
RC

1:1,250
0 5 10 20 30 40
Meters

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

Stacked Back-to-Back Townhouses

2-Storey Townhouses
Development Proposal

• Rezoned in 2020 to permit cluster townhouse dwellings

• Maximum Density: 60 units per hectare
  • Proposed: 52 units per hectare (28 units)

• Parking: 1.5 spaces per unit provided
  • Conforms to the regulations of the Zoning By-law
  • 3 visitor parking spaces provided on site

• Lot Coverage: 45% maximum
  • Proposed: 21.9%

• Landscape Open Space: 30% minimum required
  • Proposed: 54.4%
Council Resolution

• Enhanced boundary landscaping
• Deep well waste storage system
• Building orientation towards Byron Baseline Road
• Landscape islands and separation between the parking lot and easterly property line
• Adequately-sized outdoor amenity area
• Retention of as many trees on the property as possible
Request for Delegation status: Planning and Environment Committee

We request that the Planning and Environment Committee designate the properties associated with the Kent Brewery independent of a planning application.

The Heritage Act intends that designation be based on merit. The Act has built-in provisions to protect built heritage from political interference. These provisions include:

(a) designation does not require property owner approval;
(b) designation does not require public approval;
(c) structural integrity is not considered;
(d) only one of the designation criteria must be met.

This last point is to protect buildings from aesthetic bias (i.e., to protect buildings that are plain, but rich in cultural heritage).

The Ontario government has introduced changes to the Heritage Act that require municipalities to bring forward Notices of Intention to Designate within 90 days of a "Prescribed Event" (i.e., the Notice of a Complete application under the Planning Act). Other jurisdictions such as the City of Toronto have already adopted a 'designate first' approach with all new planning applications.

The London Plan clearly states that heritage preservation is policy. In such circumstances, Bonus Zoning should not be awarded for preserving heritage. If it is policy to protect built heritage, then that policy should be upheld as practice.

Council solidified this idea when they rejected a demolition request by Old Oak Properties of 93-95 Dufferin Street, citing both policy in the London Plan and the Provincial Policy Statement as rationale for not approving the demolition. The Bonus Zone awarded to Old Oak Properties was given under the 1989 Official Plan.

Bonus Zones should not be awarded for adhering to stated policies. The public loses opportunities for community benefits that would be hard to gain otherwise.

We request that designation be an independent process as intended by the Heritage Act.

Despite the London Plan, a fundamentally unsease persists as to how the Civic Administration and Council are approaching heritage preservation in this city. Several MFIPPA requests were filed because of this nagging unease that pits the public’s desire to preserve their heritage and Council’s desire to intensify development. The London Plan was intended to erase this competition but it has only intensified with the Kent Brewery designation.

Attached are emails released through the MFIPPA process that provide some credence to the 'unease' expressed above and for an independent designation process. What is not released here is the large volume of research documents and reports associated with the Kent Brewery Buildings on Ann Street.

Sincerely,

AnnaMaria Valastro

133 John Street, Unit 1

London, Ontario N6A 1N7
Michael and Barb,

To follow up, we did not request a revised HIA due to the big discrepancy between the initial research being done by the LACH (which identified significance), and the conclusions of the HIA from the applicant which found none. I did prepare formal comments on the HIA (2020-Jan-20) that was sent to the applicant’s representative, so they were aware of the errors and omissions that were identified. These comments also indicated that the LACH would be pursuing further research for possible heritage designation:

“At its meeting on December 11, 2019, the LACH referred further research and evaluation of 197 Ann Street along with properties located at 175, 179 and 183 Ann Street and 84 and 86 St. George Street to the Stewardship Sub-Committee for possible heritage designation.” (pp3-4)

I prepared an additional memo/report (2020-Feb-26) to Barb was in response to this discrepancy and to inform her report to PEC; a 9/06 evaluation was done by staff which found that:

the property retains historical associations and contextual value that are sufficiently significant to warrant support for Part IV heritage designation of 197 Ann Street.

No recommendation was made.

a+LiNK did prepare a peer review of the HIA indicating that the buildings have both heritage value and integrity. a+LiNK noted some deterioration – which isn’t unusual for a building of this age – but that this could be repaired through varied conservation techniques and approaches; “many of the modifications to the exterior and interior elements can likely be reversed through rehabilitation and restoration plans.”

This report is referred to in my HIA response (pp7, Section 3.5) but the executive summary and full report has remained internal to City staff. It has not been made available to the applicant/representative or even LACH and Stewardship Sub-Committee in preparation of their heritage designation report.

For referencing convenience, I have included staff’s response to the HIA, staff’s Memo to Barb, and executive summary for peer review by a+LiNK.

In preparation for PEC tonight, perhaps we should be connect behind the scenes through TEAMS so that we can better coordinate responses.

Best,
Laura

Laura E. Dent, M.Arch, PhD, MCIP, RPP
Heritage Planner
Development Services
City of London

300 Dufferin Avenue, PO Box 5035, London, ON N6A 4L9
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ldent@london.ca | www.london.ca
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From: Debbert, Barb
Sent: Monday, October 19, 2020 12:02 PM
To: Tomazincic, Michael <mtomazin@London.ca>; Dent, Laura <ldent@london.ca>
Subject: RE: URGENT: LACH recommendation for Ann Street properties

My recollection is that they did not submit a revised HIA. In all fairness, I don’t think we requested one because we knew we would not get a different result as it would affect their development proposal significantly. Laura did have a peer review completed at+Link Architecture which partially formed the basis for her heritage memo which will be included in the final report.

Laura, do you have anything to add?

Barb Debbert
Senior Planner
Development & Compliance Services
City of London

300 Dufferin Avenue, 6th Floor, N6A 4L9
P: 519.661.CITY (2489) ext. 5345 | Fax: 519.930.3501
bdebbert@london.ca | www.london.ca

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From: Tomazincic, Michael
Sent: Monday, October 19, 2020 11:57 AM
To: Debbert, Barb <bdebbert@London.ca>; Dent, Laura <ldent@london.ca>
Subject: FW: URGENT: LACH recommendation for Ann Street properties

Barb/Laura,
Can you advise whether a revised HIA has been submitted?

Michael Tomazincic, MCIP, RPP
Manager, Current Planning
Development Services
City of London

206 Dundas Street, London, Ontario N6A 1G7
P: 519.661.CITY (2489) x 4693
mtomazin@london.ca | www.london.ca

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From: Yeoman, Paul
Sent: Monday, October 19, 2020 11:36 AM
To: Tomazincic, Michael <mtomazin@London.ca>
Subject: RE: URGENT: LACH recommendation for Ann Street properties

I’ve taken a scan through our March staff report and noted Laura’s concern (and that of LACH) about the deficiencies in the HIA and its conclusions. Has a revised HIA been submitted since that time or have the discussions been primarily related to form/intensity?

Hope you had a good weekend,
As part of our ongoing efforts to stop the spread of COVID-19, the City of London has made changes to many City services. Visit our website for the latest information about City services and COVID-19.
Hello,
A request for delegation status was not received. I will include you in the Added Agenda as there are two communications relating to this.

From: Debbert, Barb
Sent: Wednesday, November 11, 2020 2:02 PM
To: Lysynski, Heather <hlysynsk@London.ca>
Cc: Tomazincic, Michael <mtomazin@London.ca>; Dent, Laura <ldent@london.ca>
Subject: 183 and 197 Ann Street

Hi Heather,
If AnnaMaria Valastro requests delegation status for this report on the November 16th PED agenda, would you please let me know ASAP?
Thanks!

Barb Debbert
Senior Planner
Development & Compliance Services
City of London

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bdebbert@london.ca | www.london.ca
As part of our ongoing efforts to stop the spread of COVID-19, the City of London has made changes to many City services. Visit our website for the latest information about City services and COVID-19.
Hi Paul,

We did not request a revised HIA due to the big discrepancy between the initial research being done by the LACH (which identified significance), and the conclusions of the HIA from the applicant which found no significance.

Laura did prepare formal comments on the HIA (2020-Jan-20) that was sent to the applicant’s representative, so they were aware of the errors and omissions that were identified in their HIA. These comments also indicated that the LACH would be pursuing further research for possible heritage designation:

“At its meeting on December 11, 2019, the LACH referred further research and evaluation of 197 An Street along with properties located at 175, 179 and 183 Ann Street and 84 and 86 St. George Street to the Stewardship Sub-Committee for possible heritage designation.”

Thanks for providing this, Michael. All very helpful. I’ve also taken a scan through our March staff report and noted Laura’s concern (and that of LACH) about the deficiencies in the HIA and its conclusions. Has a revised HIA been submitted since that time or have the discussions been primarily related to form/intensity?

Hope you had a good weekend,

Paul
Hi Paul,

This timing was the result of a series of events including CoViD and the potential North Talbot HCD.

You may recall that the Ann St application was discussed at PEC shortly before the Declared Emergency. It was during the review of this application, and the public debate about the buildings’ potential demolition, that brought these properties to the attention of the LACH and the Stewardship Subcommittee.

The Stewardship Subcommittee typically meets on the last Wednesday of each month. Due to CoViD, the Subcommittee did not meet during the Declared Emergency. With the re-start of the LACH meetings, the Subcommittee was finally able to meet for the first time on the last Wednesday of September. It was at this time that Laura let me know that the designation of these properties was on the Stewardship Subcommittee radar but there was no indication that the timing of the LACH recommendation was imminent. The other thing that was happening separately but concurrently was that the Subcommittee held another un-scheduled on the following week to talk about the properties in the North Talbot neighbourhood in anticipation of creating a new Heritage Conservation District and adding properties to the Register. Since this property is also located within the North Talbot community it was inherently included in that broader conversation. As part of the HCD study, the heritage consultants retained by the City found that the buildings were worthy of designation. So, as you can see, it was a series of unrelated but serendipitous events that resulted in the LACH recommendation.

PEC/Council have options. These include:
- Council take no action – could be deferred until the Planning application is brought before the PEC (anticipated for late November)
- Council could refuse to designate – although this could be confusing because it
would remain on the Register and would also effectively oppose the findings of the City’s consultant for the North Talbot HCD

- Council could refer the matter to staff to undertake its own research and come back with a Staff recommendation vs the Committee recommendation (the recommendation would likely be to support designation)
- Council could indicate their intent to designate – this would require a Staff report for a future PEC

I hope this helps.

Michael Tomazincic, MCIP, RPP
Manager, Current Planning
Development Services
City of London

206 Dundas Street, London, Ontario N6A 1G7
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mtomazin@london.ca | www.london.ca

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From: Yeoman, Paul
Sent: Thursday, October 15, 2020 2:05 PM
To: Tomazincic, Michael <mtomazin@London.ca>
Subject: RE: URGENT: LACH recommendation for Ann Street properties

Thanks for the heads up, Michael. I’m not as familiar with the process for LACH recommended designations – what are the next steps after receiving LACH’s report and recommendation on Monday night?

I also noted that we had Kyle, Michael and Laura attending almost all of the stewardship meetings (per the report) and that the recommendations seem to have been discussed and voted on. Did our staff not provide us with an FYI about the stewardship sub-committee discussion prior to the LACH meeting? I’m thinking that the designation discussion would also have mentioned the development proposal, hence there’d be a follow up flag?

Greatly appreciate Barb’s and your outreach to York on this as a courtesy.

Best,

Paul

Paul Yeoman, RPP, PLE
Director, Development Services
Development and Compliance Services
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From: Tomazincic, Michael  
Sent: Thursday, October 15, 2020 1:43 PM  
To: Kotsifas, George <gkotsifa@London.ca>; Yeoman, Paul <pyeoman@london.ca>  
Cc: Debbert, Barb <bdebbert@London.ca>; Dent, Laura <ldent@london.ca>  
Subject: URGENT: LACH recommendation for Ann Street properties  
Importance: High

Good afternoon George and Paul,

I was advised this morning that the Stewardship Subcommittee for LACH voted last night to recommended the designation of 197 and 183 Ann Street under the Ontario Heritage Act. You may recall this is the York St property currently being processed for a Zoning By-law amendment for a high-rise apartment near the Ceeps.

LACH’s recommendation will appear on Monday’s PEC agenda as part of the LACH report. The Stewardship Subcommittee is an internal committee of LACH and the timing of this recommendation was not anticipated at this time.

As soon as I was advised of the LACH recommendation, I asked that Barb inform Ali to allow him to request delegation status at Monday’s meeting. You can see from his response below that he believes the timing to be “underhanded”. I will let him know that this was initiated by a committee of LACH and not Staff since we do not oversee the Committee’s work program.

But I wanted to make you both aware of this very recent development…

Michael Tomazincic, MCIP, RPP  
Manager, Current Planning Development Services  
City of London

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mтомазин@london.ca | www.london.ca

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Hi Ali,

I have been advised that at its meeting last night, the LACH recommended the designation of 197 and 183 Ann Street under the Ontario Heritage Act. The LACH report will be presented to the Planning and Environment Committee for a recommendation to Council on Monday, October 19, 2020. Should Council wish to designate these lands, the actual designation is subject to the designation process requirements of the Ontario Heritage Act.

This recommendation arose from work completed by the Stewardship Sub-Committee of LACH following LACH meetings held on November 18, 2019 and January 1, 2020. The Council Resolutions from these meetings are attached for your information.

Should you wish to appear as a delegate at PEC on Monday night, please contact PEC@london.ca.

Best regards,

Barb Debbert
Senior Planner
Development & Compliance Services
City of London

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bdebbert@london.ca | www.london.ca

As part of our ongoing efforts to stop the spread of COVID-19, the City of London has made changes to many City services. Visit our website for the latest information about City services and COVID-19.
Good Afternoon Tara,

Could you please send me a digital copy of the above report.

I know the report went through some drafts (back and forth from me to you to me) and I want to make sure I reference the FINAL copy.

Right now I have several copies/iterations in my files.

I am pulling together information for the applicant’s heritage planner.

Thanks,

Laura

Laura E. Dent, M.Arch, PhD, MCIP, RPP Heritage Planner Development Services City of London

300 Dufferin Avenue, PO Box 5035, London, ON N6A 4L9 P: 519.661.CITY (2489) x 0267 ldent@london.ca | www.london.ca

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Evaluation of Cultural Heritage Value or Interest:
179 Ann Street

1.0 Background

1.1 Property Location
The property at 179 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 179 Ann Street was added to the Inventory of Heritage Resources in 2020. The property at 179 Ann Street is a potential cultural heritage resource.

1.3 Description
179 Ann Street is a side-hall plan vernacular cottage with typical symmetry, hipped roof and local London buff brick of the mid-19th century, built prior to 1881.

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 daylit (i.e., visible) between Waterloo and Colborne near Pall Mall. The property at 179 Ann Street backs on to the former creekbed.

1.4.1 Joseph Hamilton’s house at 179 Ann Street
The property at 179 Ann Street was owned by brewer John Hamilton, and lived in by his son, brewer Joseph Hamilton, following his marriage to Susannah Fletcher, and before he took the reins of the Kent Brewery. John Hamilton and his son Joseph Hamilton ran the Kent Brewery at 197 Ann Street (the third most significant historic brewery in London after Carling’s and Labatt’s). Between them, John and Joseph Hamilton ran the Kent Brewery for 55 years.

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 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
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, a brewer and maltster who had run the Knabbie Street Brewery in 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." 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 assumed 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 179 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 179 Ann Street.
3.0 Cultural Heritage Evaluation

3.1 Evaluation
The property at 179 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 179 Ann Street using the criteria of Ontario Heritage Act Regulation 9/06.

<table>
<thead>
<tr>
<th>Cultural Heritage Value</th>
<th>Criteria</th>
<th>Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical/Design Values</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The property has design value or physical value because it,</td>
<td>Is a rare, unique, representative or early example of a style, type, expression, material, or construction method</td>
<td>No ×</td>
</tr>
<tr>
<td></td>
<td>Displays a high degree of craftsmanship or artistic merit</td>
<td>No ×</td>
</tr>
<tr>
<td></td>
<td>Demonstrates a high degree of technical or scientific achievement</td>
<td>No ×</td>
</tr>
<tr>
<td>Historical/Associative Values</td>
<td></td>
<td></td>
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<tr>
<td>The property has historical value or associative value because it,</td>
<td>Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community</td>
<td>Yes</td>
</tr>
<tr>
<td>Yields, or has the potential to yield, information that contributes to an understanding of a community or culture</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community</td>
<td></td>
<td>No</td>
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<tr>
<td>Contextual Value</td>
<td></td>
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<tr>
<td>------------------</td>
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<tr>
<td>The property has contextual value because it,</td>
<td>Is important in defining, maintaining, or supporting the character of an area</td>
<td>Yes</td>
</tr>
<tr>
<td>Is physically, functionally, visually, or historically linked to its surroundings</td>
<td>Yes</td>
<td>This property (179 Ann St) is valued because it is historically linked to two properties immediately to the east: the Kent Brewery building (197 Ann Street), and a house built by brewer Joseph Hamilton (183 Ann Street). This property is valued because it is visually, physically, and functionally linked to 197 Ann Street, tangibly demonstrating the 19th Century pattern where owners (and the family of 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. This, in turn, was similar to the brick used for 179 Ann Street. Thus, the brick used for 183 and 197 Ann Street echoes that used for 179 Ann Street, which was also owned by the Hamilton family. 179 Ann Street was the first of the three structures to be clad in brick. 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.</td>
</tr>
<tr>
<td>Is a landmark</td>
<td>No</td>
<td>The property would not be considered a landmark.</td>
</tr>
</tbody>
</table>
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 179 Ann Street. The basic elements of the vernacular cottage style are all extant: the side door, the symmetrical segmental arch windows with brick voussoirs, the hipped roof line, the transom over the front door, and the bay window to the east with window lintels distinctive of the North Talbot area. The historic London buff brick is intact, and the symmetry of the windows is maintained on the west elevation.

3.5 Authenticity
Authenticity speaks to whether the design of the structure communicates today as an expression of its period and architectural style. This is a very typical and largely unaltered example of a workman's cottage of mid 19th century London: simple front elevation, basic layout and neat size with plain doors and windows, with the slight stylistic flourish of a handsome bay on the east elevation.

4.0 Conclusion
The property at 179 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 179 Ann Street is worthy of conservation.

179 Ann Street, together with 183 Ann Street and 197 Ann Street comprise a distinct and authentic group, even though of different architectural styles, partly united by what appears to be almost identical brick.

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. The property is sited abutting the former creek bed.

This property is valued because it is important in defining, maintaining and supporting the early residential character of the Talbot North neighbourhood, 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. Talbot North has the highest priority for consideration as a potential Heritage Conservation District according to Heritage Places 2.0.

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 lived at 179
Ann Street at later 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 179 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


Census. Various years.

City Directory. Various years.

Death records.


List of Breweries in Canada: https://en.wikipedia.org/wiki/List_of_breweries_in_Canada

Land Registry Records. Various years.

London City Directories 1856-2013. Ivey Family London Room.


Tax Assessment Records. Various years.
Appendix A – Location

Figure 1: Property location of 179 Ann Street
Appendix B – Images

Front of 197 Ann Street, illustrating original voussoirs above door and the two front windows. (Photo Credit: Hayley Caldwell).

Front of cottage at 197 Ann Street, showing profile of bay window on left.
Side of 179 Ann Street, illustrating bay window.

Closeup of front doorway of 179 Ann Street, showing voussoir in detail.
Close-up of bay window on the left side of 179 Ann Street, showing North Talbot lintel.
Kent Brewery building at 197 Ann Street (left) with the two residences associated with the Hamilton family, 183 Ann Street and 179 Ann Street in background right, illustrating Kent Brewery site looking west.
The Kent brewery (far left) and the two residences associated with it, 183 Ann Street (centre) and 179 Ann Street (right), illustrating Kent Brewery site looking east. The brick on 183 and 197 echoes the brick on the cottage at 179. 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)
Photograph of the Kent Brewery after “extensive alterations and additions were made” by Joseph Hamilton “near the end of the [19th] century” (Phillips, 155).

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
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)).
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.

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.
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.
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 193 Ann Street.
Table 2: City Directory listings for the property at 179 Ann Street

[House built in 1893 by brewer Joseph Hamilton of the Kent Brewery]

1881 Havercroft Mrs, t
1884 Coin Wm / Private grounds
1888 Hamilton Joseph
1890 Hamilton Joseph
1891 Ralph, Richard
1894 (p. 32 Turner Wm
1895 Stockdill Frederick
1900 Dalton John J
1905 Wilson Spencer H
1910 Mrs C Crawford
1915 Crawford Mrs C
1916 Crawford Mrs C
1920 Endall F W
1925 Clark, I Wilbert
1930 Clark, Wilbert I
1935 Clark, Wilbert 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 residence
Adaptively reused buildings near the Kent Brewery
The following examples from the near neighbourhood of 197 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.

Double houses and row houses are a characteristic feature of the neighbourhood.

146-154 Ann St. today, with extra story added.
724 Talbot Street (home to Edward Boles, labourer and later foreman of Carling's Brewery). Note the bay window with a Talbot North lintel, similar to 197 Ann Street.

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 179 Ann Street (blue dot).
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 179 Ann Street is located on the south side of Ann Street east of St. George Street. The property at 179 Ann St. is a side-hall plan vernacular cottage with typical symmetry, hipped roof and local London buff brick of the mid-19th century, built prior to 1881.

Statement of Cultural Heritage Value or Interest

The property at 179 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.

The property at 179 Ann Street was owned by brewer John Hamilton, and lived in by his son, brewer Joseph Hamilton, following his marriage to Susannah Fletcher, and before he took the reins of the Kent Brewery. John Hamilton and his son Joseph Hamilton ran the Kent Brewery at 197 Ann Street (the third most significant historic brewery in London after Carling's and Labatt's). Between them, John and Joseph Hamilton ran the Kent Brewery for 55 years.

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 daylit (i.e. visible) between Waterloo and Colborne near Pall Mall. The property at 179 Ann Street is in near proximity to the former creekbed.

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 (179 Ann Street) is valued because it is historically linked to the Kent Brewery building and to the house built by Joseph Hamilton (183 Ann Street) immediately to the east. 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. The brick used for 183 echoes that used for 179 Ann Street, which was also owned by the Hamilton family.

Taken together, these three structures (179 Ann Street, 197 Ann Street, and 183 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. Side door
2. Symmetrical segmental arch windows with brick voussoirs
3. Hipped roof line
4. Bay window to the east with lintel distinctive of Talbot North neighbourhood
5. Symmetry of windows maintained on west elevation
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 daylit (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." 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.

<table>
<thead>
<tr>
<th>Cultural Heritage Value</th>
<th>Criteria</th>
<th>Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical/Design Values</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The property has design value or physical value because it,</td>
<td>Is a rare, unique, representative or early example of a style, type, expression, material, or construction method</td>
<td>No, ×</td>
</tr>
<tr>
<td>Displays a high degree of craftsmanship or artistic merit</td>
<td>No, ×</td>
<td>The property at 183 Ann Street is not believed to demonstrate a high degree of craftsmanship or artistic merit.</td>
</tr>
<tr>
<td>Demonstrates a high degree of technical or scientific achievement</td>
<td>No, ×</td>
<td>The property at 183 Ann Street is not believed to demonstrate a high degree of technical or scientific achievement.</td>
</tr>
<tr>
<td>Historical/Associative Values</td>
<td></td>
<td></td>
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<tr>
<td>-------------------------------</td>
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</tr>
<tr>
<td>The property has historical value or associative value because it,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community</td>
<td>Yes ×</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
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<tr>
<td>Yields, or has the potential to yield, information that contributes to an understanding of a community or culture</td>
<td>Yes ×</td>
<td></td>
</tr>
<tr>
<td>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). 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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Demonstrate or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community</td>
<td>No ×</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Contextual Value

| The property has contextual value because it, | Is important in defining, maintaining, or supporting the character of an area | Yes | 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 | 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. 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. 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. |
| Is a landmark | No | 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 site—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.

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Census. Various years.

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Death records.


List of Breweries in Canada: https://en.wikipedia.org/wiki/List_of_breweries_in_Canada

Land Registry Records. Various years.


London City Directories 1856-2013. Ivey Family London Room.


Tax Assessment Records. Various years.
Appendix A – Location

Figure 1: Property location of 183 Ann Street
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)


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
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)).
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.

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.
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.
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>
<thead>
<tr>
<th>Year</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1894</td>
<td>Hamilton Joseph</td>
</tr>
<tr>
<td>1895</td>
<td>Hamilton Joseph</td>
</tr>
<tr>
<td>1900</td>
<td>Hamilton Joseph</td>
</tr>
<tr>
<td>1905</td>
<td>Hamilton Joseph</td>
</tr>
<tr>
<td>1910</td>
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<tr>
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<tr>
<td>1920</td>
<td>Wright Q E</td>
</tr>
<tr>
<td>1925</td>
<td>Nurden, Albt</td>
</tr>
<tr>
<td>1930</td>
<td>Schroeder, Gustav</td>
</tr>
<tr>
<td>1935</td>
<td>McMullin, J J</td>
</tr>
</tbody>
</table>
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.

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.
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 daylit (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.
Heritage attributes of the property at 183 Ann Street (page one of two).
Heritage attributes of the property at 183 Ann Street (page two 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-leaved 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.
Evaluation of Cultural Heritage Value or Interest:  
179 Ann Street

1.0 Background

1.1 Property Location
The property at 179 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 179 Ann Street was added to the Inventory of Heritage Resources in 2020. The property at 179 Ann Street is a potential cultural heritage resource.

1.3 Description
179 Ann Street is a side-hall plan vernacular cottage with typical symmetry, hipped roof and local London buff brick of the mid-19th century, built prior to 1881.

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 daylit (i.e., visible) between Waterloo and Colborne near Pall Mall. The property at 179 Ann Street backs on to the former creekbed.

1.4.1 Joseph Hamilton's house at 179 Ann Street
The property at 179 Ann Street was owned by brewer John Hamilton, and lived in by his son, brewer Joseph Hamilton, following his marriage to Susannah Fletcher, and before he took the reins of the Kent Brewery. John Hamilton and his son Joseph Hamilton ran the Kent Brewery at 179 Ann Street (the third most significant historic brewery in London after Carling's and Labatt's). Between them, John and Joseph Hamilton ran the Kent Brewery for 55 years.

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 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

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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, a brewer and maltster who had run the Knabbie Street Brewery in 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." 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 assumed 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 179 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 179 Ann Street.
3.0 Cultural Heritage Evaluation

3.1 Evaluation
The property at 179 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 179 Ann Street using the criteria of Ontario Heritage Act Regulation 9/06.

<table>
<thead>
<tr>
<th>Cultural Heritage Value</th>
<th>Criteria</th>
<th>Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical/Design Values</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The property has design value or physical value because it,</td>
<td>Is a rare, unique, representative or early example of a style, type, expression, material, or construction method</td>
<td>No ×</td>
</tr>
<tr>
<td>Displays a high degree of craftsmanship or artistic merit</td>
<td>No ×</td>
<td>The property at 179 Ann Street is not believed to demonstrate a high degree of craftsmanship or artistic merit.</td>
</tr>
<tr>
<td>Demonstrates a high degree of technical or scientific achievement</td>
<td>No ×</td>
<td>The property at 179 Ann Street is not believed to demonstrate a high degree of technical or scientific achievement.</td>
</tr>
<tr>
<td>Historical/Associative Values</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------------------</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td><strong>The property has historical value or associative value because it,</strong></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community</td>
<td>×</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yields, or has the potential to yield, information that contributes to an understanding of a community or culture</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>This property is valued for its potential to yield information on the history of the Talbot North neighbourhood (prioritized in <em>Heritage Places 2.0</em> as the area of highest importance for a future potential Heritage Conservation District).</td>
<td>×</td>
<td></td>
</tr>
<tr>
<td>This property is valued for its potential to yield information on the nationally-significant brewing history of London-Middlesex.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>The property at 179 Ann Street is not known to demonstrate or directly reflect the work or ideas of an architect, artist, builder, designer, or theorist.</td>
<td>×</td>
<td></td>
</tr>
</tbody>
</table>
## Contextual Value

<table>
<thead>
<tr>
<th>The property has contextual value because it,</th>
<th>Is important in defining, maintaining, or supporting the character of an area</th>
<th>Yes</th>
<th>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, housing lived in by people who worked in the four major industries that grew up around Carling’s Creek, from workers to foremen to owners.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is physically, functionally, visually, or historically linked to its surroundings</td>
<td>Yes</td>
<td>This property (179 Ann St) is valued because it is historically linked to two properties immediately to the east: the Kent Brewery building (197 Ann Street), and a house built by brewer Joseph Hamilton (183 Ann Street). This property is valued because it is visually, physically, and functionally linked to 197 Ann Street, tangibly demonstrating the 19th Century pattern where owners (and the family of 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. This, in turn, was similar to the brick used for 179 Ann Street. Thus, the brick used for 183 and 197 Ann Street echoes that used for 179 Ann Street, which was also owned by the Hamilton family. 179 Ann Street was the first of the three structures to be clad in brick. 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.</td>
<td></td>
</tr>
<tr>
<td>Is a landmark</td>
<td>No</td>
<td>The property would not be considered a landmark.</td>
<td></td>
</tr>
</tbody>
</table>
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 179 Ann Street. The basic elements of the vernacular cottage style are all extant: the side door, the symmetrical segmental arch windows with brick voussoirs, the hipped roof line, the transom over the front door, and the bay window to the east with window lintels distinctive of the North Talbot area. The historic London buff brick is intact, and the symmetry of the windows is maintained on the west elevation.

3.5 Authenticity
Authenticity speaks to whether the design of the structure communicates today as an expression of its period and architectural style. This is a very typical and largely unaltered example of a workman's cottage of mid 19th century London: simple front elevation, basic layout and neat size with plain doors and windows, with the slight stylistic flourish of a handsome bay on the east elevation.

4.0 Conclusion
The property at 179 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 179 Ann Street is worthy of conservation.

179 Ann Street, together with 183 Ann Street and 197 Ann Street comprise a distinct and authentic group, even though of different architectural styles, partly united by what appears to be almost identical brick.

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. The property is sited abutting the former creek bed.

This property is valued because it is important in defining, maintaining and supporting the early residential character of the Talbot North neighbourhood, 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. Talbot North has the highest priority for consideration as a potential Heritage Conservation District according to Heritage Places 2.0.

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 lived at 179

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Ann Street at later 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 179 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.

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Census. Various years.

City Directory. Various years.

Death records.


List of Breweries in Canada: https://en.wikipedia.org/wiki/List_of_breweries_in_Canada

Land Registry Records. Various years.

London City Directories 1856-2013. Ivey Family London Room.


Tax Assessment Records. Various years.
Appendix A – Location

Figure 1: Property location of 179 Ann Street
Appendix B – Images

Front of 197 Ann Street, illustrating original voussoirs above door and the two front windows. (Photo Credit: Hayley Caldwell).

Front of cottage at 197 Ann Street, showing profile of bay window on left.
Side of 179 Ann Street, illustrating bay window.

Closeup of front doorway of 179 Ann Street, showing voussoir in detail.
Close-up of bay window on the left side of 179 Ann Street, showing North Talbot lintel.
Kent Brewery building at 197 Ann Street (left) with the two residences associated with the Hamilton family, 183 Ann Street and 179 Ann Street in background right, illustrating Kent Brewery site looking west.
The Kent brewery (far left) and the two residences associated with it, 183 Ann Street (centre) and 179 Ann Street (right), illustrating Kent Brewery site looking east. The brick on 183 and 197 echoes the brick on the cottage at 179. 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)
Photograph of the Kent Brewery after “extensive alterations and additions were made” by Joseph Hamilton “near the end of the [19th] century” (Phillips, 155).

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
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)).
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.

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.
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.
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 193 Ann Street.
Table 2: City Directory listings for the property at 179 Ann Street

[House built in 1893 by brewer Joseph Hamilton of the Kent Brewery]

<table>
<thead>
<tr>
<th>Year</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1881</td>
<td>Havercroft Mrs, t</td>
</tr>
<tr>
<td>1884</td>
<td>Coin Wm / Private grounds</td>
</tr>
<tr>
<td>1888</td>
<td>Hamilton Joseph</td>
</tr>
<tr>
<td>1890</td>
<td>Hamilton Joseph</td>
</tr>
<tr>
<td>1891</td>
<td>Ralph, Richard</td>
</tr>
<tr>
<td>1894</td>
<td>Turner Wm</td>
</tr>
<tr>
<td>1895</td>
<td>Stockdill Frederick</td>
</tr>
<tr>
<td>1900</td>
<td>Dalton John J</td>
</tr>
<tr>
<td>1905</td>
<td>Wilson Spencer H</td>
</tr>
<tr>
<td>1910</td>
<td>Mrs C Crawford</td>
</tr>
<tr>
<td>1915</td>
<td>Crawford Mrs C</td>
</tr>
<tr>
<td>1916</td>
<td>Crawford Mrs C</td>
</tr>
<tr>
<td>1920</td>
<td>Endall F W</td>
</tr>
<tr>
<td>1925</td>
<td>Clark, Wilbert</td>
</tr>
<tr>
<td>1930</td>
<td>Clark, Wilbert</td>
</tr>
<tr>
<td>1935</td>
<td>Clark, Wilbert</td>
</tr>
</tbody>
</table>
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 residence
Adaptively reused buildings near the Kent Brewery

The following examples from the near neighbourhood of 197 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.

Double houses and row houses are a characteristic feature of the neighbourhood.

146-154 Ann St. today, with extra story added.
724 Talbot Street (home to Edward Boles, labourer and later foreman of Carling's Brewery). Note the bay window with a Talbot North lintel, similar to 197 Ann Street.

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 179 Ann Street (blue dot).
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 179 Ann Street is located on the south side of Ann Street east of St. George Street. The property at 179 Ann St. is a side-hall plan vernacular cottage with typical symmetry, hipped roof and local London buff brick of the mid-19th century, built prior to 1881.

Statement of Cultural Heritage Value or Interest

The property at 179 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.

The property at 179 Ann Street was owned by brewer John Hamilton, and lived in by his son, brewer Joseph Hamilton, following his marriage to Susannah Fletcher, and before he took the reins of the Kent Brewery. John Hamilton and his son Joseph Hamilton ran the Kent Brewery at 197 Ann Street (the third most significant historic brewery in London after Carling's and Labatt's). Between them, John and Joseph Hamilton ran the Kent Brewery for 55 years.

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 daylit (i.e. visible) between Waterloo and Colborne near Pall Mall. The property at 179 Ann Street is in near proximity to the former creekbed.

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 (179 Ann Street) is valued because it is historically linked to the Kent Brewery building and to the house built by Joseph Hamilton (183 Ann Street) immediately to the east. 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. The brick used for 183 echoes that used for 179 Ann Street, which was also owned by the Hamilton family.

Taken together, these three structures (179 Ann Street, 197 Ann Street, and 183 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. Side door
2. Symmetrical segmental arch windows with brick voussoirs
3. Hipped roof line
4. Bay window to the east with lintel distinctive of Talbot North neighbourhood
5. Symmetry of windows maintained on west elevation
June 17, 2021

By email:

Chair Phil Squire; Members of City of London Planning and Environment Committee
City of London
300 Dufferin Avenue
PO Box 5035
London, ON N6A 4L9

Dear Chair Squire and Committee Members:

Re: Request for Delegation Status (Item 4.1; June 21, 2021 Agenda)
Proposal for Heritage Act Designation
183 and 197 Ann Street, London
St. George and Ann Block Limited (c/o York Developments)

We have reviewed information submitted in conjunction with the above-referenced delegation request and wish to offer the following comments in response:

- Our cultural heritage consultant (MHBC) is currently updating the Heritage Impact Assessment (HIA) completed for the Official Plan Amendment and Zoning By-law Amendment applications pertaining to these lands (City File: OZ-9127). The HIA submitted with the application, dated July 5, 2019, provided a heritage assessment of 197 Ann Street, which was listed as in the City’s Register of Cultural Heritage Resources (the ‘Register’) at that time. This report is being updated to assess the heritage resources of additional properties within the proposed development site that were subsequently added to the Register in October 2020 (175, 179 and 183 Ann Street; 84 and 86 St. George Street). The HIA update has been carried out in consultation with City staff, and should be available for staff review by June 30, 2021.

- York Developments has not submitted a demolition application for 183 or 197 Ann Street, and has previously committed to the Committee that an application would not be submitted until a Council decision is received for OZ-9127.

It is our opinion that any decision on the designation of these properties should be delayed until the updated HIA is reviewed, and a revised development application is brought forward to the Committee for consideration.
In light of our concerns, we respectfully request delegation status at the June 21, 2021 Committee meeting to address the request to designate 183 and 197 Ann Street under Part IV of the Ontario Heritage Act. Our team is available to assist in any way to address any questions you may have regarding the matters discussed. I may be contacted at 519-433-7587.

Yours Truly,

[Signature]

Ali Soufan
President, York Developments

Cc: M. Tomazincic, B. Debbert; City of London
    Mayor E. Holder, Council Members; City of London
Advisory Committee on the Environment

Report

5th Meeting of the Advisory Committee on the Environment
June 2, 2021
Advisory Committee Virtual Meeting - during the COVID-19 Emergency

Attendance

PRESENT: R. Sirois (Chair), N. Beauregard, M. Bloxam, J. Howell, K. May, M.T. Ross, J. Santarelli, D. Szoller, and B. Vogel and J. Bunn (Committee Clerk)

ABSENT: R. Pate, M.D. Ross, A. Thompson and A. Tipping


The meeting was called to order at 12:15 PM.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

2.1 Ontario's Growing Climate Crisis

That the City of London Municipal Council BE ASKED to request that the Government of Ontario place an interim cap of 2.5 megatonnes per year on the greenhouse gas pollution from Ontario’s gas-fire power plants and develop and implement a plan to phase-out all gas-fired electricity generation by 2030 to help Ontario and the City of London meet their climate targets; it being noted that 28 other municipalities have previously made this request of the provincial government; it being further noted that the presentation, as appended to the Agenda and a verbal delegation from J. Gibbons, Ontario Clean Air Alliance, with respect to Ontario's Growing Climate Crisis, were received.

3. Consent

3.1 4th Report of the Advisory Committee on the Environment

That it BE NOTED that the 4th Report of the Advisory Committee on the Environment, from its meeting held on May 5, 2021, was received.


That it BE NOTED that the Municipal Council resolution, from its meeting held on May 4, 2021, with respect to the 3rd Report of the Advisory Committee on the Environment, was received.

3.3 Municipal Council Resolution - Current Advisory Committee Appointments

That it BE NOTED that the Municipal Council resolution, from its meeting held on May 4, 2021, with respect to the Current Advisory Committee Appointments, was received.
3.4 Notice of Public Information Centre: Municipal Class Environmental Assessment - Pottersburg Sanitary Trunk Sewer

That it BE NOTED that the Notice of Public Information Centre: Municipal Class Environmental Assessment for the Pottersburg Sanitary Trunk Sewer from A. Corpodean, Technologist II, was received.

4. Items for Discussion

4.1 Update - Development of the Climate Emergency Action Plan

That it BE NOTED that the staff report dated April 27, 2021, with respect to an update on the Development of the Climate Emergency Action Plan, was received.

4.2 Advisory Committee Review - Interim Report VI

That it BE NOTED that the staff report dated May 17, 2021, with respect to the Advisory Committee Review Interim Report VI, was received.

5. Adjournment

The meeting adjourned at 1:42 PM.
London Advisory Committee on Heritage

Report

6th Meeting of the London Advisory Committee on Heritage
June 9, 2021
Advisory Committee Virtual Meeting - during the COVID-19 Emergency

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

ABSENT: L. Fischer


The meeting was called to order at 5:30 PM.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

T. Jenkins discloses a pecuniary interest in Item 2.1 of the 6th Report of the London Advisory Committee on Heritage, having to do with the Notice of Study Commencement and Resident Townhall for the Arva Pumping Station to Huron Street Transmission Main Municipal Class Environmental Assessment Master Plan, by indicating that her employer is involved in this matter and she is presenting at the meeting on this matter.

2. Scheduled Items

2.1 Notice of Study Commencement and Resident Townhall - Arva Pumping Station to Huron Street Transmission Main Municipal Class Environmental Assessment Master Plan

That the following actions be taken with respect to the Arva Pumping Station to the Notice of Study Commencement and Resident Townhall, dated June 5, 2021, from S. Romano, City of London and J. Haasen, AECOM Canada Ltd., the Final Report, dated April 2021, from AECOM Canada Ltd., the Cultural Heritage Report, dated May 2021, from AECOM Canada Ltd. and the presentation, dated June 9, 2021, from T. Jenkins, AECOM Canada Ltd., related to the Huron Street Transmission Main Municipal Class Environmental Assessment Master Plan:

a) the Civic Administration BE ADVISED that the London Advisory Committee on the Heritage supports the cultural heritage mitigation measures presented in the above-noted documents; and,

b) the above-noted documents and the verbal presentation from T. Jenkins, AECOM Canada Ltd., BE RECEIVED.

3. Consent

3.1 5th Report of the London Advisory Committee on Heritage

That it BE NOTED that the 5th Report of the London Advisory Committee on Heritage, from its meeting held on May 12, 2021, was received.
3.2 Municipal Council Resolution - Property Located at 88 Wellington Road
That it BE NOTED that the Municipal Council resolution, from its meeting held on May 4, 2021, with respect to the property located at 88 Wellington Road, was received.

3.3 Municipal Council Resolution - Property Located at 92 Wellington Road
That it BE NOTED that the Municipal Council resolution, from its meeting held on May 4, 2021, with respect to the property located at 92 Wellington Road, was received.

3.4 Municipal Council Resolution - Current Advisory Committee Appointments
That it BE NOTED that the Municipal Council resolution, from its meeting held on May 4, 2021, with respect to the Current Advisory Committee Appointments, was received.

3.5 Advisory Committee Review - Interim Report VI
That it BE NOTED that the staff report, dated May 17, 2021, with respect to the Advisory Committee Review Interim report VI, was received.

3.6 Ontario Heritage Act Amendments and New General Regulation
That it BE NOTED that the Ontario Heritage Act Amendments and New General Regulation document, as appended to the Agenda, was received.

3.7 Windermere Road Improvements - City of London - Municipal Class Environmental Assessment Study - Notice of Public Information Centre #1
That it BE NOTED that the Windermere Road Improvements City of London Municipal Class Environmental Assessment Study Notice of Public Information Centre #1, dated May 26, 2021, from P. Yanchuk, City of London and K. Welker, Stantec Consulting Ltd., was received.

3.8 Notice of Planning Application - Zoning By-law Amendment - 496 Dundas Street
That the following actions be taken with respect to the Notice of Planning Application, dated May 19, 2021, from I. de Ceuster, Planner I, with respect to a Zoning By-law Amendment, related to the property located at 496 Dundas Street and the Heritage Impact Assessment, dated December 15, 2020, from MHBC with respect to the property located at 496 Dundas Street:

a) I. de Ceuster, Planner I, BE ADVISED that the London Advisory Committee on Heritage is satisfied with the research, assessment and conclusion of the above-noted Heritage Impact Assessment (HIA) for the property located at 496 Dundas Street and supports the mitigation and conservation recommendations within the HIA; and,

b) the above-noted documents BE RECEIVED.
3.9 Public Meeting Notice - Official Plan and Zoning By-law Amendments - 435-451 Ridout Street North

That it BE NOTED that the Public Meeting Notice, dated May 12, 2021, from C. Maton, Senior Planner, with respect to Official Plan and Zoning By-law Amendments related to the properties located at 435-451 Ridout Street North, was received.

3.10 Public Meeting Notice - Zoning By-law Amendment - 1634-1656 Hyde Park Road and Other Properties

That the following actions be taken with respect to the Public Meeting Notice, dated May 12, 2021, from B. Debbert, Senior Planner, with respect to a Zoning By-law Amendment related to the properties located at 1634-1656 Hyde Park Road and other properties:

a) B. Debbert, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage believes that this project is a good example of heritage conservation as part of a development application; and,

b) the above-noted Public Meeting Notice, BE RECEIVED.

4. Sub-Committees and Working Groups

4.1 Stewardship Sub-Committee Report

That it BE NOTED that the Stewardship Sub-Committee Report, from its meeting held on May 26, 2021, was received.

5. Items for Discussion

5.1 Heritage Alteration Permit Application by J. Forbes at 827 Elias Street, Old East Heritage Conservation District

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act, seeking retroactive approval for the removal and replacement of the windows and front door on the heritage designated property located at 827 Elias Street, within the Old East Heritage Conservation District, BE REFUSED.

5.2 Heritage Alteration Permit Application at 330 St. James Street, Bishop Hellmuth Heritage Conservation District by P. Brown

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking approval and retroactive approval for alterations to the heritage designated property located at 330 St James Street, in the Bishop Hellmuth Heritage Conservation District, BE PERMITTED with the following terms and conditions:

• the porch skirt be painted to minimize the plastic and faux wood appearance of the material;
• the property owner be encouraged to plant and maintain vegetation, such as coniferous shrubs, to minimize the visibility of the porch skirt; and,
• the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.
5.3 Heritage Alteration Permit Application for the Heritage Designated Property at 2096 Wonderland Road North by S. Saltaji

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 33 of the Ontario Heritage Act, seeking approval to alter the heritage designated property located at 2096 Wonderland Road North BE PERMITTED with the following terms and conditions:

- prior to any alteration or construction, full documentation of the building including photo-documentation and a set of as-built drawings be provided to the City;

- prior to any alteration or construction, Heritage Planning Staff be consulted and the following details be provided:
  - double hung vinyl replacement windows with simulated divided lites to be installed throughout, and replicate current muntin patterning;
  - vinyl replacement entry door surround with simulated divided lites to be installed, and replicate current surround details and muntin patterning; and,
  - proposed fieldstone finish for the exterior surface of exposed new concrete foundation walls and on the new concrete entry porch and steps;

- prior to building permit approval, an addendum to the Conservation Plan be submitted, to the satisfaction of the City, which includes:
  - a monitoring program; and,
  - a detailed strategy to conserve the chimneys;

- direction be given to the Site Plan Approval Authority that the following clauses be added to the Development Agreement (DA) for Site Plan Approval (SPA20-022):
  - during pre-construction, construction, and post-construction activity, the assessment, stabilization, bracing, and monitoring of the building must be consistent with the Conservation Plan prepared by a+LiNK Architecture Inc. (dated March 26, 2021);
  - if the building or any of the identified heritage attributes are accidentally damaged during the raising and final setting onto the new foundation, or during ongoing construction of the surrounding townhouse development, construction will cease immediately, and the City will be notified; qualified experts will be contacted to conduct an assessment of the damage and determine an appropriate course of action; damaged heritage attributes will be assessed to determine if repairs can be made; if repairs are possible, the applicant will retain, at their cost, the appropriate professionals to conduct repairs; if repairs to damaged heritage attributes are not possible, the applicant will replace the heritage attribute in kind, at their cost, based on information contained in the as-built drawings and photographs; if irreparable damage is done to the building or heritage attributes, such that none can be salvaged, the applicant will reconstruct the building with sympathetic materials; this shall include using salvaged buff bricks or appropriate new materials from other sources and reconstructing heritage attributes identified in the designating by-law; reconstruction will be based on the as-built drawings and photographs of the building and heritage attributes; should this situation occur, reconstruction plans will be prepared for the City's review and approval; and,
the applicant will provide the City with a security in the form of an irrevocable Letter of Credit, in order to secure the applicant’s obligations related to the heritage alteration permit (HAP21-031-L); the amount of the Letter of Credit is the full estimated cost for raising and holding the building, demolition of the existing foundation and construction of the new foundation; the Letter of Credit will be released when the applicant has completed the work outlined in the heritage alteration permit to the satisfaction of the City;

- the Heritage Alteration Permit shall be displayed in a location visible from the street until the work is completed;

it being noted that the London Advisory Committee on Heritage (LACH) appreciates the efforts of the developer and the City of London staff to come to a solution for this project and the LACH supports the reuse of materials of the existing property in the new development.

5.4 Heritage Planners' Report

That it BE NOTED that the Heritage Planners' Report, dated June 9, 2021, from the Heritage Planners, was received.

6. Adjournment

The meeting adjourned at 7:12 PM.
Environmental and Ecological Planning Advisory Committee Report

The 5th Meeting of the Environmental and Ecological Planning Advisory Committee June 17, 2021
2021 Meeting - Virtual Meeting during the COVID-19 Emergency
Please check the City website for current details of COVID-19 service impacts. Meetings can be viewed via live-streaming on YouTube and the City website

Attendance

PRESENT: S. Levin (Chair), I. Arturo, L. Banks, A. Bilson Darko, A. Boyer, S. Esan, S. Hall, B. Krichker, K. Moser, B. Samuels, S. Sivakumar, R. Trudeau and I. Whiteside and H. Lysynski (Committee Clerk)

ABSENT: P. Ferguson, L. Grieves, S. Heuchan, J. Khan and M. Wallace

ALSO PRESENT: C. Creighton, K. Edwards, C. Saunders, M. Schulthess and E. Williamson

The meeting was called to order at 5:00 PM

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Consent

2.1 4th Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the 4th Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on May 20, 2021, was received.

3. Sub-Committees and Working Groups

3.1 Advisory Committee Review

That the following recommendations of the Environmental and Ecological Planning Advisory Committee, with respect to the Advisory Committee Review and draft Terms of Reference Report dated May 17, 2021, BE PROVIDED to the Governance Working Group for consideration:

a) the reduction in membership to 19 is supported;

b) quorum as a requirement for committee business be maintained;

c) the existing Terms of Reference be maintained with one alteration highlighted below:

Add to the existing mandate:

“to provide advice on any global (e.g climate change), regional or local issue related to the long-term sustainability of the Natural Heritage System.”;

d) the existing name be maintained;
e) as the technical expertise needed is sometimes hard to obtain, term limits may not be suitable; this could be addressed by one or more of the following:

i) no term limits;
ii) three council cycles (12 year limit); and,
iii) current limit be continued but extensions be permitted on the advice of the Chair

f) given the specialized knowledge required for membership:

i) the City be asked to circulate application information to the relevant Department Chairs at Western University and Course Coordinators at Fanshawe. The Chair and Vice Chair can provide assistance in identifying the appropriate contacts; and,
ii) the information circulated include a contact name from EEPAC so that potential applicants can ask questions about membership prior to applying;

g) in the selection process, consideration be given to asking the current Chair and Vice Chair for assistance.

3.2 Arva Pumping Station to Huron Street Water Transmission Main EIS
That the Arva Pumping Station Working Group comments, appended to the Environmental and Ecological Planning Advisory Committee Agenda, BE FORWARDED to the Civic Administration for consideration.

4. Items for Discussion

4.1 Climate Emergency Action Plan
That a Working Group BE ESTABLISHED consisting of A. Boyer, S. Hall, B. Krichker, K. Moser, B. Samuels and I. Whiteside, with respect to the Climate Emergency Action Plan; it being noted that the Environmental and Ecological Planning Advisory Committee reviewed and received the Discussion Primer for the Climate Emergency Action Plan - 2020.

5. Adjournment
The meeting adjourned at 5:17 PM.