

Planning and Environment Committee

Report

5th Meeting of the Planning and Environment Committee
February 28, 2022

PRESENT: Councillors A. Hopkins (Chair), S. Lewis, S. Lehman, S. Turner, S. Hillier

ABSENT: Mayor E. Holder

ALSO PRESENT: PRESENT: H. Lysynski and M. Ribera

REMOTE ATTENDANCE: Councillor J. Fyfe-Millar; L. Livingstone, G. Belch, J. Bunn, M. Corby, A. Curtis, M. Feldberg, K. Gonyou, M. Greguol, J. Hodgins, M. Johnson, J. Kelemen, P. Kokkoros, S. Mathers, L. Mottram, B. O'Hagan, M. Pease, B. Westlake-Power, M. Wu and P. Yeoman

The meeting was called to order at 4:01 PM, with Councillor A. Hopkins in the Chair, Councillors S. Lewis and S. Lehman present and all other members participating by remote attendance

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Consent

Moved by: S. Lehman
Seconded by: S. Hillier

That Items 2.1 to 2.9, inclusive and Item 3.4, BE APPROVED.

Yeas: (5): A. Hopkins, S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

2.1 1284 and 1388 Sunningdale Road West (39T-04510-4)

Moved by: S. Lehman
Seconded by: S. Hillier

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 Foxhollow North Kent Developments Inc. and Claybar Developments Inc., for the subdivision of land over Part of Lot 23, Concession 5, (Geographic Township of London), City of London, County of Middlesex, situated on the south side of Sunningdale Road West, between Wonderland Road North and Hyde Park Road, and on the north side of the Heard Drain, municipally known as 1284 and 1388 Sunningdale Road West:

a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London, Foxhollow North Kent Developments Inc. and Claybar Developments Inc., for the Foxhollow North Kent Subdivision, Phase 4 (39T-04510_4) appended to the staff report dated February 28, 2022 as Appendix "A", BE APPROVED;

b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues appended to the staff report dated February 28, 2022 as Appendix “B”; and,

c) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfill its conditions. (2022-D09)

Motion Passed

2.2 Development Charge Claimable Works for Sunningdale Court Subdivision Phase 1 (39T-18501)

Moved by: S. Lehman
Seconded by: S. Hillier

That, on the recommendation of the Deputy City Manager, Finance Supports, the Source of Financing appended to the staff report dated February 28, 2022 as Appendix ‘A’ BE APPROVED with respect to the subdivision agreement between The Corporation of the City of London and Sunningdale Golf and Country Ltd., for the Development Charge claimable works related to the Sunningdale Court Subdivision Phase 1. (2022-D04))

Motion Passed

2.3 472 Richmond Street - Heritage Alteration Permit (HAP22-003-L)

Moved by: S. Lehman
Seconded by: S. Hillier

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 for the alteration of the beaver fence, a heritage attribute of the heritage designated property at 472 Richmond Street, individually designated and located within the Downtown Heritage Conservation District, BE APPROVED as submitted and consistent with the Conservation Plan appended to the staff report dated February 28, 2022 as Appendix C;

it being noted that the Heritage Planner will be circulated on any submittals to assist in ensuring compliance with the Conservation Plan for the beaver fence. (2022-R01)

Motion Passed

2.4 516 Elizabeth Street - Heritage Alteration Permit (HAP22-006-L)

Moved by: S. Lehman
Seconded by: S. Hillier

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 on the heritage designated property at 516 Elizabeth Street, within the Old East Heritage Conservation District, BE PERMITTED with the following terms and conditions:

- a) the installation of the proposed exterior grilles be installed in a manner that replicates the muntins of the former wood windows;
- b) the windows and exterior grilles be painted to match the existing trim work on the building;
- c) the installation of the proposed exterior grilles be completed within six months of Municipal Council's decision on this Heritage Alteration Permit; and,
- d) the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed. (2022-R01)

Motion Passed

- 2.5 346, 370 and 392 South Street, 351, 373 and 385 Hill Street and 124 Colborne Street (H-9462)

Moved by: S. Lehman
 Seconded by: S. Hillier

That, on the recommendation of the Director, Planning and Development, based on the application by SoHo Vision Alliance, relating to the property located at 346, 370 and 392 South Street, 351, 373 and 385 Hill Street and 124 Colborne Street, the proposed by-law appended to the staff report dated February 28, 2022 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Holding Residential R4 Special Provision and R8 Special Provision (h*h-5*R4-6(13)/R8-4(59), h*h-5*R8-4(56), h*h-5*R8-4(57), h*h-5*R8-4(58)) Zone TO a Residential R4 Special Provision and R8 Special Provision (R4-6(13)/R8-4(59), R8-4(56), R8-4(57), and R8-4(58)) Zone to remove the "h" and "h-5" holding provisions. (2022-D09)

Motion Passed

- 2.6 1738, 1742, 1752 and 1754 Hamilton Road (H-9466)

Moved by: S. Lehman
 Seconded by: S. Hillier

That, on the recommendation of the Director, Planning and Development, based on the application by Baker Planning Group, relating to lands located at 1738, 1742, 1752 and 1754 Hamilton Road, the proposed by-law appended to the staff report dated February 28, 2022 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R1 (h•h-100•R1-3) Zone, a Holding Residential R1 Special Provision (h•h-100•R1-3(19)) Zone, a Holding Residential R1 Special Provision (h•h-100•R1-3(20)) Zone, a Holding Residential R4 Special Provision (h•h-100•R4-6(9)) Zone, and a Holding Residential R6 Special Provision (h•h-100•R6-5(55)) Zone TO a Residential R1 (R1-3) Zone, a Residential R1 Special Provision (R1-3(19)) Zone, a Residential R1 Special Provision (R1-3(20)) Zone, a Residential R4 Special Provision (R4-6(9)) Zone, and a Residential R6 Special Provision (R6-5(55)) Zone to remove the h and h-100 holding provisions. (2022-D09)

Motion Passed

2.7 695 and 585 Sovereign Road (H-9467)

Moved by: S. Lehman
Seconded by: S. Hillier

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Southwest Sun Property Corporation, relating to the property located at 695 and 585 Sovereign Road:

- a) the proposed by-law appended to the staff report dated February 28, 2022 as Appendix "A", BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022, to deem Lot 19-1 and Lot 28-1, Registered Plan No. M21, City of London, County of Middlesex, not to be a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*;
- b) the City Clerk BE DIRECTED to provide notice of the by-law passing and undertake registration of the Deeming By-law, in accordance with the provisions in subsections 50(28) and 50(29) of the *Planning Act*; and,
- c) the applicant BE REQUIRED to pay for any costs incurred to register the deeming by-law at the Land Registry Office. (2022-D09)

Motion Passed

2.8 34 Princeton Terrace - Limiting Distance (No-Build) Agreement

Moved by: S. Lehman
Seconded by: S. Hillier

That, on the recommendation of the Director, Building and Chief Building Official, the following actions be taken with respect to a Limiting Distance (no-build) Agreement between The Corporation of the City of London and Chantal McQueen and Paul McQueen, for the property located at 34 Princeton Terrace, London, Ontario:

- a) the proposed Limiting Distance Agreement appended to the staff report dated February 28, 2022 for the property at 34 Princeton Terrace between The Corporation of the City of London and Chantal McQueen and Paul McQueen BE APPROVED; and,
- b) the proposed by-law appended to the staff report dated February 28, 2022 BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022, to approve the Limiting Distance Agreement between The Corporation of the City of London and Chantal McQueen and Paul McQueen for the property at 34 Princeton Terrace, and to delegate authority to the Deputy City Manager, Environment and Infrastructure to execute the agreement on behalf of the City of London as the adjacent property owner. (2022-D09)

Motion Passed

2.9 Building Division Monthly Report - January, 2022

Moved by: S. Lehman
Seconded by: S. Hillier

That the Building Division Monthly report for January, 2022 BE RECEIVED for information. (2022-A23)

3. Scheduled Items

3.1 493 Springbank Drive - Demolition Request

Moved by: S. Lewis
Seconded by: S. Hillier

That, on the recommendation of the Director, Planning and Economic Development, with the advice of the Heritage Planner, with respect to the demolition request for the former gate house and maintenance garage on the heritage listed property at 493 Springbank Drive, the Chief Building Official BE ADVISED that Municipal Council consents to the demolition of the former gate house and maintenance garage on the property; it being noted that the property located at 493 Springbank Drive should remain on the Register of Cultural Heritage Resources as it is believed to be of cultural heritage value or interest;

it being further noted that no individuals spoke at the public participation meeting associated with this matter. (2022-R01)

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

Additional Votes:

Moved by: S. Hillier
Seconded by: S. Turner

Motion to open the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

Moved by: S. Hillier
Seconded by: S. Lewis

Motion to close the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

3.2 2631 Hyde Park Road / 1521 Sunningdale Road West - Request to Remove Property from the Register of Cultural Heritage Resources

Moved by: S. Lehman
Seconded by: S. Lewis

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, that the property located at 2361 Hyde Park Road/1521 Sunningdale Road West BE REMOVED from the Register of Cultural Heritage Resources;

it being noted that the Planning and Environment Committee received the staff presentation with respect to this matter;

it being pointed out that the following individuals made verbal presentations at the public participation meeting held in conjunction with this matter:

A. Jomaa, no address provided; and,

M. Moussa, 155 Thornton Avenue. (2022-R01)

Yeas: (3): S. Lewis, S. Lehman, and S. Hillier

Nays: (2): A. Hopkins , and S. Turner

Absent: (1): E. Holder

Motion Passed (3 to 2)

Additional Votes:

Moved by: S. Lehman

Seconded by: S. Turner

Motion to open the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

Moved by: S. Lewis

Seconded by: S. Lehman

Motion to close the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

3.4 3rd Report of the Environmental and Ecological Advisory Committee

Moved by: S. Lehman

Seconded by: S. Hillier

That Items 2.1 to 2.9, inclusive and Item 3.4, BE APPROVED.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

That, the following actions be taken with respect to the 3rd Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on February 17, 2022:

a) the Adelaide Wastewater Treatment Plant Working Group comments BE FORWARDED to the Civic Administration for consideration; it being noted that the Environmental and Ecological Planning Advisory Committee

heard a verbal presentation from M. McKillop, Environmental Services Engineer and P. De Carvalho, Restoration Specialist and S. Braun, Water Resource Engineer, Matrix Solutions Inc., with respect to the Adelaide Wastewater Treatment Plant Climate Change Resiliency Class Environmental Assessment;

b) the Greenway Wastewater Treatment Plant Working Group comments BE FORWARDED to the Civic Administration for consideration; it being noted that the Environmental and Ecological Planning Advisory Committee heard a verbal presentation from M. McKillop, Environmental Services Engineer and P. De Carvalho, Restoration Specialist and S. Braun, Water Resource Engineer, Matrix Solutions Inc., with respect to the Greenway Wastewater Treatment Plant Climate Change Resiliency Class Environmental Assessment;

c) the Working Group report relating to the Oxford Street West/ Gideon Drive Intersection Improvements Environmental Assessment BE REFERRED to the Civic Administration for consideration; it being noted that additional comments may be provided to the Civic Administration by the Working Group;

d) the Working Group report relating to the Windermere Road Improvements Municipal Class Environmental Assessment - Environmental Impact Study BE REFERRED to the Civic Administration for consideration; and,

e) clauses 1.1, 2.3, 2.4, 3.1 and 3.2, BE RECEIVED for information.

3.3 655 - 685 Fanshawe Park Road West (Z-9396)

Moved by: S. Turner

Seconded by: S. Hillier

That, on the recommendation of the Director, Planning and Development, based on the application by SAB Realty Limited, relating to the property located at 655-685 Fanshawe Park Road West, the proposed by-law appended to the staff report dated February 28, 2022 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on March 22, 2022 to amend Zoning By-law No. Z.-1, (in conformity with The London Plan, 2016 and the 1989 Official Plan), to change the zoning of the subject property FROM a Restricted Service Commercial Special Provision (RSC1(21)/RSC4(19)) Zone TO a Neighbourhood Shopping Area Special Provision (NSA5(_)) Zone;

it being pointed out that the following individual made verbal presentations at the public participation meeting held in conjunction with this matter:

B. McCauley, Zelinka Priamo Ltd.;

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

- the recommended amendment is consistent with the Provincial Policy Statement, 2020;
- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and Shopping

Area Place Type;

- the recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Neighbourhood Commercial Node (NCN) designation; and,
- the recommended amendment provides additional uses that are appropriate and compatible with the surrounding area and provides an increased opportunity to effectively utilize the existing buildings. (2022-D09)

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

Additional Votes:

Moved by: S. Lehman

Seconded by: S. Hillier

Motion to open the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

Moved by: S. Turner

Seconded by: S. Lehman

Motion to close the public participation meeting.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

4. Items for Direction

4.1 2nd Report of the London Advisory Committee on Heritage

Moved by: S. Lewis

Seconded by: S. Lehman

That, the following actions be taken with respect to the 2nd Report of the London Advisory Committee on Heritage, from its meeting held on February 9, 2022:

- a) 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 for the alteration of the beaver fence, a heritage attribute of the heritage designated property located at 472 Richmond Street, individually designated and located within the Downtown Heritage Conservation District, BE APPROVED as submitted and consistent with the Conservation Plan appended to the staff report dated February 9, 2022;

it being noted that the Heritage Planner will be circulated on any

submittals to assist in ensuring compliance with the Conservation Plan for the beaver fence;

b) M. Johnson, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage (LACH) does not object to the conclusions and recommendations of the Heritage Impact Assessment (HIS), dated September 27, 2021, from Zelinka Priamo Ltd., with respect to the McCormick's Biscuit Company located at 1156 Dundas Street; it being noted that the proponent is encouraged to attend a meeting of the LACH early in the site design process to ensure meaningful consultation on the adaptive reuse of the former McCormick Biscuit Factory structure; it being further noted that the Notice of Planning Application, dated December 17, 2021, from M. Johnson, Senior Planner, with respect to a Notice of Planning Application related to a Draft Plan of Subdivision for the property located at 1156 Dundas Street, and the above-noted HIS, were received;

c) the matter of updating City of London Public Meeting Notices and Notices of Planning Applications to include heritage notifications BE REFERRED to the Civic Administration for consideration; it being noted that the Planning and Policy Sub-Committee reviewed the Planning Act (O.Reg. 543/06 (15)) requirements for planning notices, as well as a number of sample notices from other jurisdictions, and identified the following:

- while not explicitly required in the Planning Act, the Sub-Committee believes the identification of designated heritage status on applicable notices would benefit the City's overall engagement and communications strategy and this would give the public important information on planning applications and would allow more meaningful and informed public participation;
- the Sub-Committee understands that the Civic Administration may have an existing template used for planning notices, but would like to encourage consideration of including designated heritage status on notices during the next review of this template;
- the Sub-Committee recommends, for simplicity, identifying heritage designated status (e.g. Part IV or Part V designations and associated Heritage Conservation District) and not properties listed on the City's heritage register although additional criteria may also be considered; and,
- the Sub-Committee notes that the Planning Act requirements are minimums, and the City can choose to go above and beyond on notice requirements; it being noted that this is consistent with London Plan Policies 1615-16 which emphasize the importance of meaningful dialogue, and empowering residents to participate in the planning process;

it being further noted that the Planning and Policy Sub-Committee Report, from its meeting held on January 27, 2022, was received;

d) 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 on the heritage designated property located at 516 Elizabeth Street, within the Old East Heritage Conservation District, BE PERMITTED with the following terms and conditions:

- the installation of the proposed exterior grilles be installed in a manner that replicates the muntins of the former wood windows;
- the windows and exterior grilles be painted to match the existing trim work on the building;
- the installation of the proposed exterior grilles be completed within six

months of Municipal Council's decision on this Heritage Alteration Permit;
and,

- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

e) on the recommendation of the Director, Planning and Economic Development, with the advice of the Heritage Planner, with respect to the demolition request for the former gate house and maintenance garage located on the heritage listed property at 493 Springbank Drive, the Chief Building Official BE ADVISED that Municipal Council consents to the demolition of the former gate house and maintenance garage on the property; it being noted that the property located at 493 Springbank Drive should remain on the Register of Cultural Heritage Resources as it is believed to be of cultural heritage value or interest;

f) on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the property located at 2361 Hyde Park Road/1521 Sunningdale Road West BE REMOVED from the Register of Cultural Heritage Resources;

g) clauses 1.1, 2.2, 3.1 to 3.5, inclusive, 3.7 to 3.9, inclusive, 4.1, 5.3 and 5.5 BE RECEIVED for information.

Yeas: (5): A. Hopkins , S. Lewis, S. Lehman, S. Turner, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

5. Deferred Matters/Additional Business

None.

6. Adjournment

The meeting adjourned at 4:50 PM

Report to Planning and Development Committee

To: Chair and Members
Planning & Environment Committee

From: Scott Mathers, MPA, P. Eng.
Deputy City Manager, Planning and Economic Development

Subject: Application by: Foxhollow North Kent Developments Inc.
1284 and 1388 Sunningdale Road West
Foxhollow North Kent Subdivision Phase 4 - Special Provisions

Meeting on: February 28, 2022

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 Foxhollow North Kent Developments Inc. and Claybar Developments Inc. for the subdivision of land over Part of Lot 23, Concession 5, (Geographic Township of London), City of London, County of Middlesex, situated on the south side of Sunningdale Road West, between Wonderland Road North and Hyde Park Road, and on the north side of the Heard Drain, municipally known as 1284 and 1388 Sunningdale Road West;

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London, Foxhollow North Kent Developments Inc. and Claybar Developments Inc. for the Foxhollow North Kent Subdivision, Phase 4 (39T-04510_4) 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 Foxhollow North Kent Developments Inc, and Claybar Developments Inc. for the Foxhollow North Kent Subdivision, Phase 4 (39T-04510_4).

Linkage to the Corporate Strategic Plan

Building a Sustainable City – London’s growth and development is well planned and sustainable over the long term.

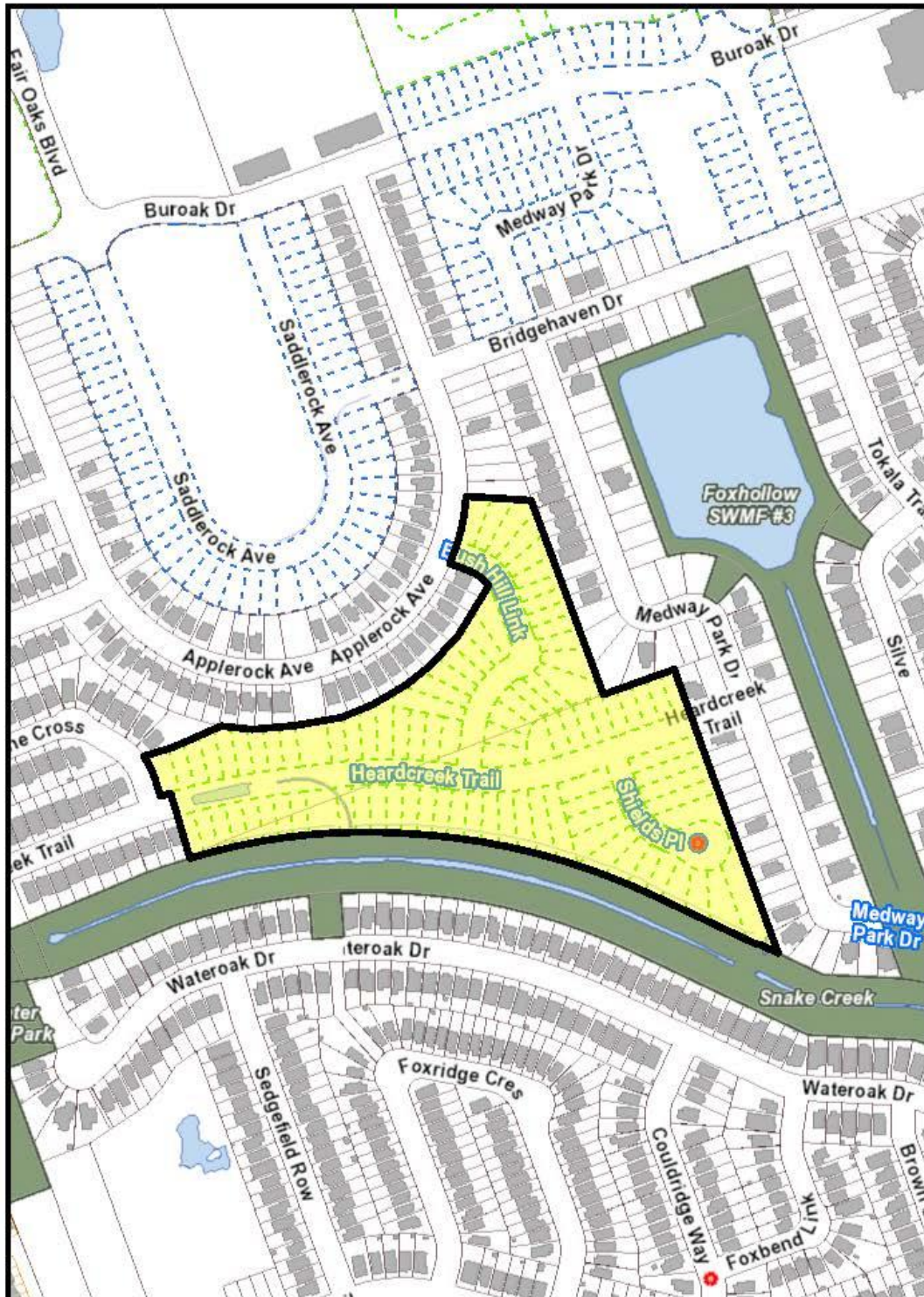
Analysis

1.0 Background Information

1.1 Property Description

The subject lands are located in the northwest quadrant of the city and are included in the Foxhollow Community Plan. The lands are on the south side of Sunningdale Road West along the edge of the Urban Growth Boundary. Phase 4 of the subdivision will provide the connection of Heardcreek Trail from the existing subdivisions to the east and west. This phase of development will consist of ninety-three (93) single detached lots with approximately 12m frontages and two park blocks, Block 94 and 95, which will provide parkland from Applerock Avenue through to the Snake Creek Corridor.

1.2 Location Map



Location Map

Project Title: 39T-04510
 Description: Foxhollow North Kent Subdivision Phase 4
 Created By: June-Anne Reid
 Date: 2/1/2022
 Scale: 1:4000

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 4 of the plan of subdivision will consist of ninety-three (93) single detached lots (Lots 1 to 93), and two (2) park blocks to be dedicated to the City, all served by the two (2) new local streets, Bush Hill Link and Shields Place, and the connection of the existing local street, Heardcreek Trail.

The recommended special provisions for the proposed Phase 4 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 Foxhollow North Kent Subdivision Phase 4, 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: Mark Johnson, MCIP, RPP
Senior Planner, Planning and Development

Reviewed by: Bruce Page
Manager, Subdivision Planning

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

Submitted by: Scott Mathers, 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 Development Inspections
Matt Davenport, Manager, Manager, Subdivision Engineering

February 18, 2022
GK/GB/MJ/jar

Appendix A – Special Provisions

5. STANDARD OF WORK

Add the following Special Provisions:

1. The Owner shall comply with conditions set out in the existing reciprocal agreement (Agreement between Claybar Developments Inc., Foxhollow Developments Inc., Fox Hollow North Kent Developments Inc., Landea Developments Inc. and Landea North Developments Inc. dated November 30, 2009) between the adjacent property owners to construct adequate municipal services, grading, drainage and accesses over the external lands, to develop this Plan, all to the satisfaction of the Deputy City Manager, Environment and Infrastructure, at no cost to the City.

15. PROPOSED SCHOOL SITES

3.

Remove Subsections 15.3 to 15.8 as there are no school blocks in this Plan.

~~15.3 The Owner shall set aside an area or areas (being Block(s) _____) as a site or sites for school purposes to be held subject to the rights and requirements of any School Board having jurisdiction in the area.~~

~~15.4 The School Boards shall have the right, expiring three (3) years from the later of the date on which servicing of the relevant site is completed to the satisfaction of the City or the date on which seventy percent (70%) of the Lots in the subdivision have had building permits issued, to purchase the site and may exercise the right by giving notice to the Owner and the City as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than two (2) years from the date of giving notice.~~

~~15.5 The School Boards may waive the right to purchase by giving notice to the Owner and the City as provided elsewhere in this Agreement.~~

~~15.6 Where all School Boards have waived the right to purchase, the City shall then have the right for a period of two (2) years from the date on which the right to purchase by the School Board has expired or has been waived as the case may be, to purchase the site for municipal purposes and may exercise the right by giving notice to the Owner as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than sixty (60) days from the date of giving notice.~~

~~15.7 The Owner agrees that the school blocks shall be:~~

- ~~(a) graded to a one percent (1%) grade or grades satisfactory to the City, the timing for undertaking the said works shall be established by the City prior to the registration of the Plan; and~~
- ~~(b) top soiled and seeded to the satisfaction of the City, the timing for undertaking the said works to be established prior to assumption of the subdivision by the City.~~

~~15.8 Where the Owner has been required to improve the site by grading, top soil and seeding, the responsibility of the Owner for the maintenance of the site shall cease upon completion by the Owner of its obligations under this Agreement.~~

24.1 STANDARD REQUIREMENTS

Add the following Special Provisions:

4. 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 Heardcreek Trail and Applerock Avenue in Plans 33M-730, 33M-750 and 33M-767, adjacent to this plan to accommodate the proposed works and services on these streets to accommodate the lots in this plan (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted engineering drawings, all to the satisfaction of the Deputy City Manager, Environment and Infrastructure, 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. 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

6.

Add the following:

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

7.

Remove Subsections 24.2 (a) to (g):

~~(a) Where the proposed development calls for the construction of works, and where the Owner is of the opinion that such works are eligible to be funded in whole or in part from Development Charges as defined in the Development Charges By-law, and further, where such works are not oversized pipe works (sanitary, storm or water the reimbursement of which is provided for in subsidy appendices in the Development Charges By-law), then the Owner shall submit through their Professional Engineer, a Work Plan for the proposed works to be approved by the Deputy City Manager, Environment and Infrastructure (or designate) and Deputy City Manager, Finance Supports (or designate). The Owner acknowledges that:~~

- ~~i) no work subject to a Work Plan shall be reimbursable until both the Deputy City Manager, Environment and Infrastructure (or designate) and Deputy City Manager, Finance Supports (or designate) have reviewed and approved the proposed Work Plan; and~~
- ~~ii) in light of the funding source and the City's responsibility to administer Development Charge funds collected, the City retains the right to request proposals for the work from an alternative consulting engineer.~~

~~(b) Where the Owner undertakes construction of works as a capital cost incurred on behalf of the City in accordance with this Agreement, and which are eligible for a claim made against a Development Charge Reserve Fund or the Capital Works Budget, the Owner must conform with the Development Charges By-law and policies in effect at the time the claim is made including but not limited to, requirements for a Work Plan, tendering of construction works and completeness of claims.~~

~~(c) The Owner may, upon approval of this Agreement and completion of the works, make application to Development Finance for payment of the sum alleged to be owing, and as confirmed by the Deputy City Manager, Environment and Infrastructure (or designate) and the Deputy City Manager, Finance Supports (or designate). Payment will be made pursuant to any policy established by Council to govern the administration of the said Development Charge Reserve Fund.~~

~~The anticipated reimbursements from the Development Charge Reserve Funds are:~~

- ~~(i) for the construction of _____, the estimated cost of which is \$_____;~~
- ~~(ii) for the construction of oversized sanitary sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$_____;~~

- ~~(iii) for the construction of oversized storm sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$_____;~~
- ~~(iv) for the construction of oversized watermains in conjunction with this Plan, subsidized at an estimated cost of which is \$_____~~
- ~~(v) for the construction of left turn channelization on _____ at _____, the estimated cost of which is \$_____, as per the approved Work Plan;~~
- ~~(vi) for the engineering costs related to the construction of _____ the estimated cost of which is \$_____, as per the approved Work Plan;~~
- ~~(vii) for the installation of street lights on _____, from _____ to _____, the estimated cost of which is \$_____, as per the approved Work Plan;~~
- ~~(viii) for the installation of traffic signals at the intersection of _____ and _____, when deemed warranted by the Deputy City Manager, Environment and Infrastructure (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.~~

24.6 EROSION AND SEDIMENT CONTROL

Add the following new Special Provisions:

8. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall decommission the existing sediment basin located within this Plan, to the satisfaction of the City, at no cost to the City.
9. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall install filter socks and all associated works at all locations as per the accepted

engineering drawings, all to the specifications and satisfaction of the City, at no cost to the City.

10. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct all the necessary works on Park Blocks 94 and 95 and external lands as per the accepted engineering drawings, all to the specifications and 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 Deputy City Manager, Environment and Infrastructure and at no cost to the City.

24.7 GRADING REQUIREMENTS

Add the following new Special Provisions:

12. 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.
13. 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 owners to regrade a portion of the property abutting this Plan, in conjunction with grading and servicing of this subdivision, to the specifications of the City, at no cost to the City.
14. The Owner shall ensure any grading on Lots in this Plan shall be compatible with the Heard Drain interface, all to the specifications and satisfaction of the Deputy City Manager, Environment and Infrastructure.
15. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall obtain all necessary permits from the Upper Thames River Conservation Authority prior to the commencement of any soil disturbance within the regulated area under the jurisdiction of the Upper Thames River Conservation Authority.

24.8 STORM WATER MANAGEMENT

Add the following new Special Provisions:

16. The Owner acknowledges that the ultimate minor storm outlet for this subdivision is the existing and operational regional Fox Hollow SWM Facility # 3 via the existing minor storm system provided by Plan 33M-750. The ultimate major storm outlet for the north portion of this plan is the existing and operational regional Fox Hollow SWM Facility # 3 via Applerock Avenue while the ultimate major storm outlet for the south portion of this plan is the Heard Drain.
17. 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 low impact development (LID) features in this Plan, if any, 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.
18. Prior to the issuance of any Certificate of Conditional Approval for this Plan, the Owner shall have low impact development (LID) features, if any, installed and operational in this Plan 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.
19. 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 low impact development features, if any, 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 in accordance with the accepted maintenance and monitoring program.

20. 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.
21. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall decommission the existing temporary sediment basin and all associated works (eg. headwall, etc.) and quit claim any existing easements, all to the satisfaction of the Deputy City Manager, Environment and Infrastructure. The Owner is responsible for all costs related to the decommissioning and any redirection of sewers and overland flow routes.
22. The Owner shall restore any disturbed area within the Heard Drain to as good or in better condition than existing, to the satisfaction of the City, at no cost to the City.

24.9 SANITARY AND STORM SEWERS

23.

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 outlet the major and minor flows to the proposed regional Fox Hollow SWM Facility # 3 and connect them to the City's existing storm sewer system being the 750 mm diameter storm sewer on Heardcreek Trail and the 1050 mm diameter storm sewer on Applerock Avenue as per the accepted engineering drawings, to the satisfaction of the City.

24.

Remove Subsection 24.9 (i) and **replace** with the following:

- (i) 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 Heardcreek Trail (east and west limits) and the 250 mm diameter sanitary sewer on Applerock Avenue in accordance with the accepted engineering drawings, to the satisfaction of the City.

Add the following new Special Provisions:

25. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall remove the existing headwall on Heardcreek Trail and any other associated works (eg. existing construction access) on lands in this Plan and quit claim any existing easements, all to the satisfaction of the Deputy City Manager, Environment and Infrastructure, at no cost to the City. The Owner is responsible for all costs related to the decommissioning and any redirection of sewers and overland flow routes.
26. The Owner shall remove the temporary DICBS, etc. and the existing easements on Lots in this Plan may be quit claimed, all to the satisfaction and specifications of the Deputy City Manager, Environment and Infrastructure and at no cost to the City.

24.10 WATER SERVICING

Add the following new Special Provisions:

27. Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the Deputy City Manager, Environment and Infrastructure, 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 200 mm diameter watermain on Heardcreek Trail to the west of this phase, the existing 200mm diameter watermain on Heardcreek Trail to the east of this phase; and the existing 200mm diameter watermain stub off Applerock Avenue in accordance with the accepted engineering drawings;
 - ii) Deliver confirmation that the watermain system has been looped to the satisfaction of the Deputy City Manager, Environment and Infrastructure when development is proposed to proceed beyond 80 units;

24.11 ROADWORKS

28.

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 on Heardcreek Trail 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 away from the traffic calming measures on the said streets, including raised pedestrian crosswalks, to be installed as traffic control devices, to the satisfaction of the Deputy City Manager, Environment and Infrastructure.

29.

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 via Fair Oaks Boulevard. All trades and construction vehicles shall park within this Plan of Subdivision.

Add the following new Special Provisions:

- 30. 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.
- 31. Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Heardcreek Trail adjacent to the raised crosswalk locations that indicate Future Raised Crosswalk Locations, as identified on the accepted engineering drawings, to the satisfaction of the Deputy City Manager, Environment and Infrastructure.
- 32. Prior to assumption or when required by the Deputy City Manager, Environment and Infrastructure, the Owner shall install raised crosswalks on Heardcreek Trail, including permanent signage and pavement marking as identified on the accepted engineering drawings, to the satisfaction of the Deputy City Manager, Environment and Infrastructure.
- 33. Barricades are to be maintained at east and west limits of Heardcreek Trail until assumption of this Plan of Subdivision 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.

24.xx PLANNING

34. Within one (1) year of registration of this Plan or otherwise approved by the City, the Owner shall grade, service and seed Blocks 94 and 95 pursuant to current City Park development standards and the approved engineering drawings, to the satisfaction of City, and at no cost to the City. Block 94 and 95 shall not be used for stockpiling of any kind.
35. 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 the approved engineering drawings and City Standard S.P.O.-4.8, to the satisfaction of the City, and at no cost to the City. Any alternative fencing arrangements shall be to the approval and the satisfaction of the City.

Within one (1) year of registration of this Plan, the Owner shall have its consultant provide a certificate to the City that identifies that the fencing has been installed as per the approved engineering drawings.
36. The Owner shall not grade into any open space area without City approval. Where lots or blocks abut an open space area, all grading of the developing Lots or Blocks at the interface with the open space areas are to match grades to maintain existing slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the Manager of Parks and Open Space Design and City Engineer.
37. At the time of registration of this plan, the Owner shall convey Blocks 94 & 95 to the City to satisfy the required 5% parkland dedication for this plan of subdivision.
38. Within one (1) year of registration of the plan, the Owner shall prepare and deliver to all homeowners adjacent to lands zoned as Open Space, 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 Director, Development and Compliance Division.
39. Within one (1) year of registration of the plan, the Owner shall prepare and deliver to all homeowners an education package which advises potential purchasers of the ongoing agricultural activities occurring in the vicinity. The educational package shall be prepared to the satisfaction of the Director, Development and Compliance Division.
40. The Owner shall obtain all necessary permits from the UTRCA prior to the commencement of any soil disturbance within the regulated area under the jurisdiction of the UTRCA.
41. The Owner agrees to register on title and include in all Purchase and Sale Agreements the requirement that the homes to be designed and constructed on all corner lots in this Plan (lots 1, 19, 30, 46, 70, 86, 93), 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.
42. Prior to any works on site, the owner shall ensure all open space blocks are sufficiently protected from sediment throughout the construction period. A robust sediment barrier and other erosion control measures, as shown on the approved Engineering drawings, shall be installed and maintained along all identified block limits to the satisfaction of the City. The Owner's consulting engineer shall provide written certification of the barrier installation and monthly site inspection reports to the City.

SCHEDULE "C"

This is Schedule "C" to the Subdivision Agreement dated this _____ day of _____, 2022, between The Corporation of the City of London and Foxhollow North Kent Developments Inc./Claybar Developments Inc. to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

- Heardcreek Trail shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres.
- Bush Hill Link shall have a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 19 metres.
- Shields Place shall have 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 one side of the following streets:

- (i) Heardcreek Trail – south boulevard
- (ii) Shields Place – west 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 _____, 2022, between The Corporation of the City of London and Foxhollow North Kent Developments Inc./Claybar Developments 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:	NIL
Road Widening (Dedicated on face of plan):	NIL
Walkways:	NIL
5% Parkland Dedication:	BLOCKS 94 AND 95
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site:	NIL
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LANDS TO BE HELD IN TRUST BY THE CITY:

Temporary access:	NIL
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SCHEDULE "E"

This is Schedule "E" to the Subdivision Agreement dated this _____ day of _____, 2022, between The Corporation of the City of London and Foxhollow North Kent Developments Inc./Claybar Developments 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:	\$ 279,540
BALANCE PORTION:	<u>\$1,584,060</u>
TOTAL SECURITY REQUIRED	\$1,863,600

The Cash Portion shall be deposited with the Deputy City Manager, Finance Supports prior to the execution of this agreement.

The Balance Portion shall be deposited with the Deputy City Manager, Finance Supports 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 _____, 2022, between The Corporation of the City of London and Foxhollow North Kent Developments Inc./Claybar Developments 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:

There are no multi-purpose easements required in this Plan.

Appendix B – Claims and Revenues

Estimated Costs and Revenues

Estimated DC Claim Costs	Estimated Cost (excludes HST)
Claims for Owner led construction from CSRF - None.	\$0
Total	\$0
Estimated DC Revenues (January 1, 2022 to December 31, 2022 Rates)	Estimated Revenue
CSRF TOTAL	\$3,545,160

- 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:

February 3, 2022
Date

Paul Yeoman
Director, Capital Assets and Projects

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee
From: Anna Lisa Barbon, Deputy City Manager, Finance Supports
Subject: Development Charge Claimable Works for Sunningdale Court
Subdivision Phase 1
Date: February 28, 2022

Recommendation

That, on the recommendation of the Deputy City Manager, Finance Supports, the attached Source of Financing outlined in Appendix 'A' **BE APPROVED** with respect to the subdivision agreement between The Corporation of the City of London and Sunningdale Golf and Country Ltd., for the Development Charge claimable works related to the Sunningdale Court Subdivision Phase 1.

Linkage to the Corporate Strategic Plan

This report supports the 2019-2023 Strategic Plan for the City of London through the Building a Sustainable City strategic area of focus by ensuring infrastructure is built to support future development.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

June 21, 2021, Planning and Environment Committee, 600 Sunningdale Road West, Sunningdale Court Subdivision Phase 1 - Special Provisions - 39T-18501 (Agenda Item 2.8)

2.0 Discussion

Sunningdale Golf and Country Ltd. entered into a subdivision agreement with the City of London to develop forty-two (42) single detached lots at 600 Sunningdale Road West. This development includes the construction of Development Charge (DC) claimable infrastructure required to facilitate the development and serve a regional benefit to growth. The DC claimable infrastructure includes construction of stormwater management works within the Sunningdale 6B SWMF block and an Oil Grit Separator (OGS) treatment system approved as an alternative design solution in lieu of the Sunningdale 6A SWMF identified in the 2014 DC Background Study. Council approved the subdivision special provisions and committed funding to enable a claim payment associated with these works on July 6, 2021.

The DC By-law requires that claimable works with an estimated amount in excess of \$100,000 be undertaken by public tender which aligns with the City's Procurement of Goods and Services Policy. Sunningdale Golf and Country Ltd. issued a public tender for the claimable works which closed on September 17, 2021 and received three competitive bids. The lowest accepted bid was higher than the estimated claim amounts included in the approved Work Plan. The construction scope and individual tender items have not changed, only the tendered unit rates have increased for various items including the flow inlet chamber, headwall, spillway, box culvert and associated labour for construction. The engineering budget has not changed from the approved Work Plan estimates.

3.0 Financial Impact

Revisions to the anticipated reimbursement from the DC reserve funds excluding HST to address the unit price increases associated with the claimable works for Sunningdale Court Subdivision Phase 1 are as follows:

- (i) for the construction of the stormwater management OGS Treatment System and Outlet which replaces the Sunningdale 6A SWMF, the estimated cost of which is \$548,947 (previously approved \$407,743);
- (ii) for the construction of the stormwater management works within Block 103 under Plan 33M-593 (Sunningdale 6B SWMF), the estimated cost of which is \$186,336 (previously approved \$113,332).

A revised Source of Financing containing the adjustments noted above can be found in Appendix 'A'.

Conclusion

The DC claimable infrastructure associated with the Sunningdale Court Subdivision Phase 1 was publicly tendered in accordance with the DC By-law, however the lowest successful bid resulted in a need to increase to the approved funding.

Staff are recommending that Council approve the attached Source of Financing in Appendix 'A' to enable a claim payment to Sunningdale Golf and Country Ltd.

Prepared by: Jason Senese, CPA, CGA, MBA
Manager, Development Finance

Submitted by: Paul Yeoman, RPP, PLE
Director, Capital Assets and Projects

Recommended by: Anna Lisa Barbon, CPA, CGA
Deputy City Manager, Finance Supports

Cc.: Jason Davies, Manager, Financial Planning & Policy

Appendix 'A': Source of Financing

Appendix A – Source of Financing

Appendix "A"

#22016
February 28, 2022
(39T-18501_1)

Chair and Members
Planning and Environment Committee

RE: Subdivision Special Provisions - Sunningdale Court Phase 1
Corlon Properties Inc.
Capital Project ESSWM-SD6A - SWM Facility - Sunningdale No. 6A (2539704)
Capital Project ES6610 - UWRF Transition to CSRF - SWM (2539706)

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, Finance Supports, the detailed source of financing is:

Estimated Expenditures	Approved Budget	Additional Requirement (Note 1)	Revised Budget	Committed To This Date	This Submission	Balance for Future Work
ESSWM-SD6A - SWM Facility - Sunningdale No. 6A						
Engineering	62,104	0	62,104	62,104	0	0
Construction	414,920	143,690	558,610	414,920	143,690	0
ESSWM-SD6A Total	477,024	143,690	620,714	477,024	143,690	0
ES6610 - UWRF Transition to CSRF - SWM						
Engineering	1,854,660	0	1,854,660	521,193	0	1,333,467
Land Acquisition	1,142,246	0	1,142,246	1,142,246	0	0
Construction	4,517,394	0	4,517,394	4,063,238	74,289	379,867
ES6610 Total	7,514,300	0	7,514,300	5,726,677	74,289	1,713,334
Total Expenditures	\$7,991,324	\$143,690	\$8,135,014	\$6,203,701	\$217,979	\$1,713,334

Sources of Financing

ESSWM-SD6A - SWM Facility - Sunningdale No. 6A						
Drawdown from City Services - Stormwater Reserve Fund (Development Charges) (Note 2)	477,024	143,690	620,714	477,024	143,690	0
ES6610 - UWRF Transition to CSRF - SWM						
Drawdown from City Services - Stormwater Reserve Fund (Development Charges) (Note 2)	7,514,300	0	7,514,300	5,726,677	74,289	1,713,334
Total Financing	\$7,991,324	\$143,690	\$8,135,014	\$6,203,701	\$217,979	\$1,713,334

Financial Note - Construction

	ESSWM-SD6A	ES6610	Subtotal
Contract Price	\$548,947	\$186,336	\$735,283
Less: Amount Previously Approved	407,743	\$113,332	521,075
Contract Price	\$141,204	\$73,004	\$214,208
Add: HST @13%	18,357	9,491	27,847
Total Contract Price Including Taxes	159,561	82,495	242,055
Less: HST Rebate	-15,871	-8,206	-24,076
Net Contract Price	\$143,690	\$74,289	\$217,979

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 \$4.1M 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 Murray
Director, Financial Planning and Business Support
lp

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P. Eng.,
Deputy City Manager, Planning and Economic Development

Subject: Heritage Alteration Permit application by the Incorporated
Synod of the Diocese of Huron at 472 Richmond Street, Part
IV and Downtown Heritage Conservation District

Date: Monday February 28, 2022

Recommendation

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 for the alteration of the beaver fence, a heritage attribute of the heritage designated property at 472 Richmond Street, individually designated and located within the Downtown Heritage Conservation District, **BE APPROVED** as submitted and consistent with the Conservation Plan attached as Appendix C.

It being noted that the Heritage Planner will be circulated on any submittals to assist in ensuring compliance with the Conservation Plan for the beaver fence.

Executive Summary

St. Paul's Cathedral, 472 Richmond Street, is a significant heritage landmark designated pursuant to the *Ontario Heritage Act*. The beaver fence, along the property's Queens Avenue and Richmond Street frontages, is an important heritage attribute. The construction of the Downtown Loop Phase 2 will directly impact the beaver fence, therefore requiring mitigation. The proposed mitigation solution is to relocate the beaver fence along a new alignment. As this alteration directly affects a heritage attribute of the heritage designated property, Heritage Alteration Permit approval is required.

To inform the relocation of the beaver fence, a Conservation Plan has been developed and was submitted as part of the Heritage Alteration Permit application. The Conservation Plan provides direction on how the beaver fence will be conserved through the relocation process. The Heritage Alteration Permit, with the appended Conservation Plan, should be approved.

Linkage to the Corporate Strategic Plan

This recommendation supports the following 2019-2023 Strategic Plan area of focus:

- Strengthening Our Community:
 - Continue to conserve London's heritage properties and archaeological resources

Analysis

1.0 Background Information

1.1 Location

The property at 472 Richmond Street is St. Paul's Anglican Cathedral. It is located on the northeast corner of Richmond Street and Queens Avenue (Appendix A).

1.2 Cultural Heritage Status

The property at 472 Richmond Street is "double designated" pursuant to both Parts IV and V of the *Ontario Heritage Act*. It was designated pursuant to Part IV of the *Ontario Heritage Act* by By-law No. L.S.P.-3373-297, which was passed on August 29, 2005 (Appendix B). The property is also designated pursuant to Part V of the *Ontario*

Heritage Act as part of the Downtown Heritage Conservation District by By-law No. L.S.P.-3419-124, which came into force and effect on June 27, 2013. The property is A-rated by the *Downtown Heritage Conservation District Plan*. The property's entry in the *Downtown Heritage Conservation District Plan* refers to the property's individual heritage designating by-law.

1.3 Description

St. Paul's Cathedral, located at 472 Richmond Street, is the seat of the Diocese of Huron of the Anglican Church of Canada. It is a well recognized landmark in London (Appendix C). In 1832-1833, a wooden church building was moved from its original location at Dundas Street/Ridout Street North to the current location at 472 Richmond Street. In 1834, a new wooden church was constructed on the site, but was destroyed in a fire on Ash Wednesday in 1844. Architect William Thomas, of Toronto, was awarded the design and contract for a new brick church. Since the completion of the church in 1846, several alterations have been completed and has retained its English Gothic Revival architectural style in the Cathedral building, tower and bells, windows, and hall. Cronyn Hall was built in 1894, and the Huron Church House (Synod Office) building built in 2000.

The churchyard was an active cemetery prior to a by-law prohibiting the interment of the dead within the City limits in 1849. While it was reported that burials were moved to St. Paul's Cemetery (now Western Fair area) and ultimately Woodland Cemetery (493 Springbank Drive), previous disturbance in historic or former cemeteries has indicated this is not always accurate.

In addition to the Cathedral and Synod buildings on the site, a portion of the present property was formerly the Customs House. The Customs House was built in 1872-1873, to the design of architect William Robinson, on land acquired from the Diocese of Huron at the corner of Richmond Street and Queens Avenue by the Federal government. The Customs House was designed in the Second Empire style, popular for institutional and government buildings at the time. In 1884, the Customs House was enlarged. In its later history, the Customs House was used by the Canadian army. Following its demolition in 1971, the property was re-acquired by Diocese of Huron.

1.3.1 Beaver Fence

The grounds of St. Paul's Cathedral are surrounded on its Richmond Street and Queens Avenue frontage by a metal fence set on a stone and concrete foundation, which features a beaver motif in its medallion ("beaver fence"). The fence is short but demarcates the Cathedral's ground from the public sidewalk.

Specifically regarding the "beaver fence," the heritage designating by-law states, *The cast-iron fence with the beaver motif owes its origin to the federal Customs House building, which was located at the corner of Richmond Street and Queens Avenue, and was demolished in 1971. The fence was purchased by the Cathedral in 1887 and moved to demarcate the property along Richmond Street. In 1974, after the purchase of the property where the Customs House stood, the Cathedral extended the fence, continuing the original design, to mark the entire frontage on Richmond Street and Queens Avenue.*

The beaver motif, featured on the medallion of the beaver fence, is an important symbol. Owing to fur trade origins, the beaver is recognized as the official national animal of Canada. Its representation on the fence at the Customs House symbolized the Canadian government and trade in Canada. The beaver is also featured on the Diocese of Huron's coat of arms, as well as appearing in the arms of the Bishopric of Huron and as a totem animal of the Huron-Wendat Nation.

2.0 Discussion and Considerations

2.1.1 Legislative and Policy Framework

Cultural heritage resources are to be conserved and impacts assessed as per the fundamental policies of the *Provincial Policy Statement (2020)*, the *Ontario Heritage Act*, and *The London Plan* and the *Official Plan (1989, as amended)*.

2.1.2 Provincial Policy Statement

Heritage conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement (2014)* promotes the wise use and management of cultural heritage resources and directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

“Conserved” is defined in the *Provincial Policy Statement (2020)*, “means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.”

2.1.3 Ontario Heritage Act

Where a property is designated under both Parts IV and V of the *Ontario Heritage Act*, the process of Part V is followed for alterations per Section 41 (2.3) of the *Ontario Heritage Act*.

Section 42 of the *Ontario Heritage Act* requires that a property owner not alter, or permit the alteration of, the property without obtaining Heritage Alteration Permit approval. The *Ontario Heritage Act* enables Municipal Council to give the applicant of a Heritage Alteration Permit:

- a) The permit applied for,
- b) Notice that the council is refusing the application for the permit, or
- c) The permit applied for, with terms and conditions attached (Section 42(4), *Ontario Heritage Act*)

Municipal Council must make a decision on the Heritage Alteration Permit application within 90 days or the request is deemed permitted (Section 42(4), *Ontario Heritage Act*).

2.1.4 The London Plan

The policies of *The London Plan* found in the Cultural Heritage chapter support the conservation of London’s cultural heritage resources. Policy 554_ of *The London Plan* articulates one of the primary initiatives as a municipality is to “ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources.” To help ensure that new development is compatible, Policy 594_ (under appeal) of *The London Plan* provides the following direction:

1. *The character of the district shall be maintained by encouraging the retention of existing structures and landscapes that contribute to the character of the district.*
2. *The design of new development, either as infilling, redevelopment, or as additions to existing buildings, should complement the prevailing character of the area.*
3. *Regard shall be had at all times to the guidelines and intent of the heritage conservation district plan.*

2.1.5 Downtown Heritage Conservation District Plan

The Downtown Heritage Conservation District was designated pursuant to Part V of the *Ontario Heritage Act*, by By-law No. L.S.P.-3419-124, and came into force and effect on June 27, 2013. The *Downtown Heritage Conservation District Plan* provides policies and guidelines to help manage change.

The cultural heritage value of the Downtown Heritage Conservation District is articulated in the Heritage Character Statement in Section 2.2 of the *Downtown Heritage Conservation District Plan*. St. Paul's Cathedral is noted as part of "the concentration of key public buildings within the Downtown" in Section 2.2 of the *Downtown Heritage Conservation District Plan*, defining its architectural character, as well as being noted as part of the "public open spaces" within the Downtown.

While the goals of Section 3.2 of the *Downtown Heritage Conservation District Plan* focus on buildings, spaces are also recognized for their contributions to the Downtown Heritage Conservation District. The principles of Section 3.1 equally apply to attributes (character defining elements) and spaces, as well as buildings.

St. Paul's Cathedral is identified as having a civic/institutional landscape (institutional and public realm) character by Section 6.2 of the *Downtown Heritage Conservation District Plan*. This character is distinguished from the residential, commercial, and industrial/warehouse landscape characters as "a composite of several parks, plazas, gardens, green spaces and public gathering areas that have evolved in London's Downtown over time and are important to its character" (Section 6.2, *Downtown Heritage Conservation District Plan*).



Figure 1: Extract from Section 6.2 of the *Downtown Heritage Conservation District Plan* highlighting the institutional/public realm landscape character of St. Paul's Cathedral (472 Richmond Street).

The policies of Section 6.2, *Downtown Heritage Conservation District Plan*, support the preservation and reinforcement of features and characteristics of significant cultural gardens and landscapes, as well as their conservation and re-introduction.

The significant view of St. Paul's Cathedral, looking eastwards along Fullarton Street, is also identified in Section 6.2.7, *Downtown Heritage Conservation District Plan*.

2.2 Rapid Transit

2.2.1 Cultural Heritage Screening Report

A Cultural Heritage Screening Report (CHSR; WSP, 2019) was prepared as part of the Transit Project Assessment Process (TPAP) for Rapid Transit. The CHSR identified the recognized (heritage listed properties and heritage designated properties) and potential cultural heritage resources within and adjacent to the proposed rapid transit corridors. The CHSR recommended further cultural heritage studies, including a Heritage Impact Assessment for specific properties and Heritage Conservation Districts.

2.2.2 Downtown Loop Heritage Impact Assessment

As part of the assignment for the Detailed Design of the Downtown Loop segment of the Rapid Transit system, a Heritage Impact Assessment (HIA; AECOM, 2021) was prepared. The HIA identified and assessed the potential impacts of the proposed Downtown Loop construction on the cultural heritage resources present within the area. The HIA identified potential adverse impacts to the heritage designated property at 472 Richmond Street, primarily a dedicated right turn lane for vehicles turning north onto Richmond Street from Queens Avenue and its direct impacts to the beaver fence. Therefore, a Conservation Plan was recommended to mitigate those impacts on the property's heritage attributes.

2.2.3 Conservation Plan

Recognizing the significance of the beaver fence as a heritage attribute to the St. Paul's Cathedral property, a Conservation Plan (AECOM, 2022) was prepared and is included as Appendix D. The Conservation Plan provides direction on how to conserve the beaver fence, through refinement of the relocation alignment and construction-level drawings for the beaver fence. "This Conservation Plan identifies and promotes change that will retain the historical association of the beaver fence within 472 Richmond Street, and will provide guidance in order to avoid damaging its significant cultural heritage value" (AECOM, 2022, p.3). The scope of the Conservation Plan is focused on the impacts arising from the Downtown Loop construction project.

2.2.3.1 Engagement

Representatives of St. Paul's Cathedral/Diocese of Huron were engaged in consideration of alternatives for the beaver fence, including its alignment, and consulted in the development of the Conservation Plan.

2.3 Heritage Alteration Permit Application (HAP22-003-L)

As the beaver fence is a heritage attribute of the St. Paul's Cathedral property at 472 Richmond Street and it will be directly affected by the Phase 2 of the Downtown Loop construction project, Heritage Alteration Permit approval is required.

A Heritage Alteration Permit (HAP22-003-L) was received for the proposed alterations to the beaver fence on January 19, 2022. The Incorporated Synod of the Diocese of Huron has authorized the City of London to make the Heritage Alteration Permit application on its behalf. Given the significance of the beaver fence to the cultural heritage value of St. Paul's Cathedral, this Heritage Alteration Permit application requires consultation with the LACH and a decision by Municipal Council.

The Heritage Alteration Permit application seeks approval to:

- Remove approximately 50m of the beaver fence, including the cast iron, sandstone coping, and concrete foundation, from approximately the chamfered corner of the fence at Richmond Street and Queens Avenue to the gate post along Queens Avenue.
- Restore the cast iron railing, including beaver medallions.
- Reinststate the beaver fence, including the cast iron, sandstone coping and gate posts, and concrete foundation, along the new alignment.

Other repairs and restoration to the beaver fence will be completed as feasible but do not include the relocation of any portions of the fence.

The Conservation Plan was submitted to accompany the Heritage Alteration Permit application and provide direction the relocation and restoration of the beaver fence (see Appendix D).

The work on the beaver fence will be undertaken by the City's contractor as part of the Downtown Loop Phase 2 construction project. Per the Conservation Plan (see Section 8.1) and Special Provisions for the project, the contractor will be required to provide the following for approval prior to commencement of work on the beaver fence:

1. Removal Plan
2. Refinishing/Refurbishment Plan
3. Concrete Placement Plan

These submission requirements are intended to ensure that the contractor's plans and approach for work to the beaver fence adheres to the Conservation Plan.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

The Downtown Loop Phase 2 construction project will directly affect a significant heritage attribute of the St. Paul's Cathedral property. The widening of Queens Avenue and the construction of a new northbound turning lane will directly affect the beaver fence, therefore requiring mitigation to ensure that this heritage attribute is conserved.

To mitigate the adverse impact of the road widening, the beaver fence is proposed to be relocated on the St. Paul's Cathedral property.

To ensure that the relocation of the beaver fence is appropriately completed, a Conservation Plan was required.

Staff have been consulted in the development of the Conservation Plan and have reviewed its details and recommendation. Staff concur with the recommendations and strategies of the Conservation Plan as an appropriate articulation of how to conserve the beaver fence of St. Paul's Cathedral in accord with the guidelines of the *Downtown Heritage Conservation District Plan* and best practice in heritage conservation. The proposed realignment of the beaver fence maintains the civic/institutional landscape (institutional and public realm) character by planning for the appropriate reinstatement of the beaver fence as described in the details of the Conservation Plan.

The Conservation Plan also articulates the steps and processes required to conserve the beaver fence. Section 1.3 of the Conservation Plan notes the following steps in the conservation process:

1. *Identifying the relocation alignment.*
2. *Documenting its existing condition.*
3. *Preparing Special Provisions and construction level drawings.*
4. *Methodologically removing and storing heritage components of the beaver fence prior to construction.*
5. *Rehabilitating the beaver fence (repairing and replacing missing heritage elements).*
6. *Reinstating the beaver fence at its new location, including the completion of new work.*

The preferred alignment minimizes awkward deflections, bends, and angles of some of the proposed alignments. The beaver fence will remain parallel to Richmond Street and transition at appropriate points in the fence's alignment.

The Conservation Plan has documented the existing condition of the beaver fence, but to assist in the restoration project detailed documentation of the existing condition of the beaver fence will be completed as part of the Removals Plan by the contractor. Documentation in the Removals Plan will include a catalogue all the components of the beaver fence, including dimensions, to assist in their successful reinstatement.

Special Provisions and construction level drawings, articulating the general arrangement of the beaver fence in its new alignment are included in the Conservation Plan.

Strategies to rehabilitate the beaver fence off-site are included within the Conservation Plan, as well as strategies for the reinstatement of the beaver fence in its new alignment. The Refinishing/Refurbishment Plan and Concrete Placement Plan, as required submittals, will be reviewed for compliance with the Conservation Plan.

For a comprehensive articulation of how the beaver fence will be conserved, see the Conservation Plan in Appendix C.

To mitigate the risk of unintended discoveries during ground disturbing activities, a Stage 3 archaeological assessment was completed. Through thorough historical research and on-site assessment, it was determined that the area for the realignment of the beaver fence presents no further archaeological concern as it has been "extensively

and deeply disturbed” (TMHC 2020, 16). The area for the relocation of the beaver fence has been affected by the construction and subsequent demolition of the former Customs House. No archaeological resources are anticipated to be encountered during the realignment.

The LACH was consulted on this Heritage Alteration Permit application at its meeting on February 9, 2022.

Conclusion

The beaver fence is a heritage attribute of St. Paul’s Cathedral (472 Richmond Street). It is an important historic symbol that contributes to an understanding of the history of the property and a Canadian national identity. The Conservation Plan demonstrates how the beaver fence will be conserved during Phase 2 of the Downtown Loop construction project for Rapid Transit in a manner that is consistent with best practice and the *Downtown Heritage Conservation District Plan*. The Heritage Alteration Permit for the required changes to the beaver fence should be approved as submitted and consistent with the Conservation Plan.

Prepared by: Kyle Gonyou, CAHP
Heritage Planner

Reviewed by: Britt O’Hagan, MCIP RPP
Manager, Community Planning, Urban Design and Heritage

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

Submitted by: Scott Mathers, P. Eng.
Deputy City Manager, Planning and Economic Development

CC: Jennie Dann, Director, Construction and Infrastructure Services
Ted Koza, Division Manager, Major Project Engineering
Jaden Hodgins, Construction Administration Engineer, Major Projects

Appendices

Appendix A Property Location
Appendix B By-law No. L.S.P.-3373-297
Appendix C Images
Appendix D Conservation Plan (AECOM, 2022)

Selected Sources

AECOM. *Conservation Plan: 472 Richmond Street, St. Paul’s Cathedral – the Beaver Fence*. Downtown Loop Bus Rapid Transit and Infrastructure Improvement. January 2022.

City of London. *Downtown Heritage Conservation District Plan*.

City of London. Property file – 472 Richmond Street.

Miller, O. *Gargoyles and Gentlemen: A history of St. Paul’s Cathedral, London, Ontario 1834-1964*. 1966.

Ministry of Culture. *Ontario Heritage Toolkit: Heritage Resources in the Land Use Planning Process, HIAs and Conservation Plans – InfoSheet #5*. 2006.

Timmins Martelle Heritage Consultants. *Stage 3 Archaeological Assessment London Rapid Transit Corridor Lands Adjacent to St. Paul’s Anglican Church, 472 Richmond Street*. June 26, 2020. P324-0491-2020.

Appendix A – Property Location

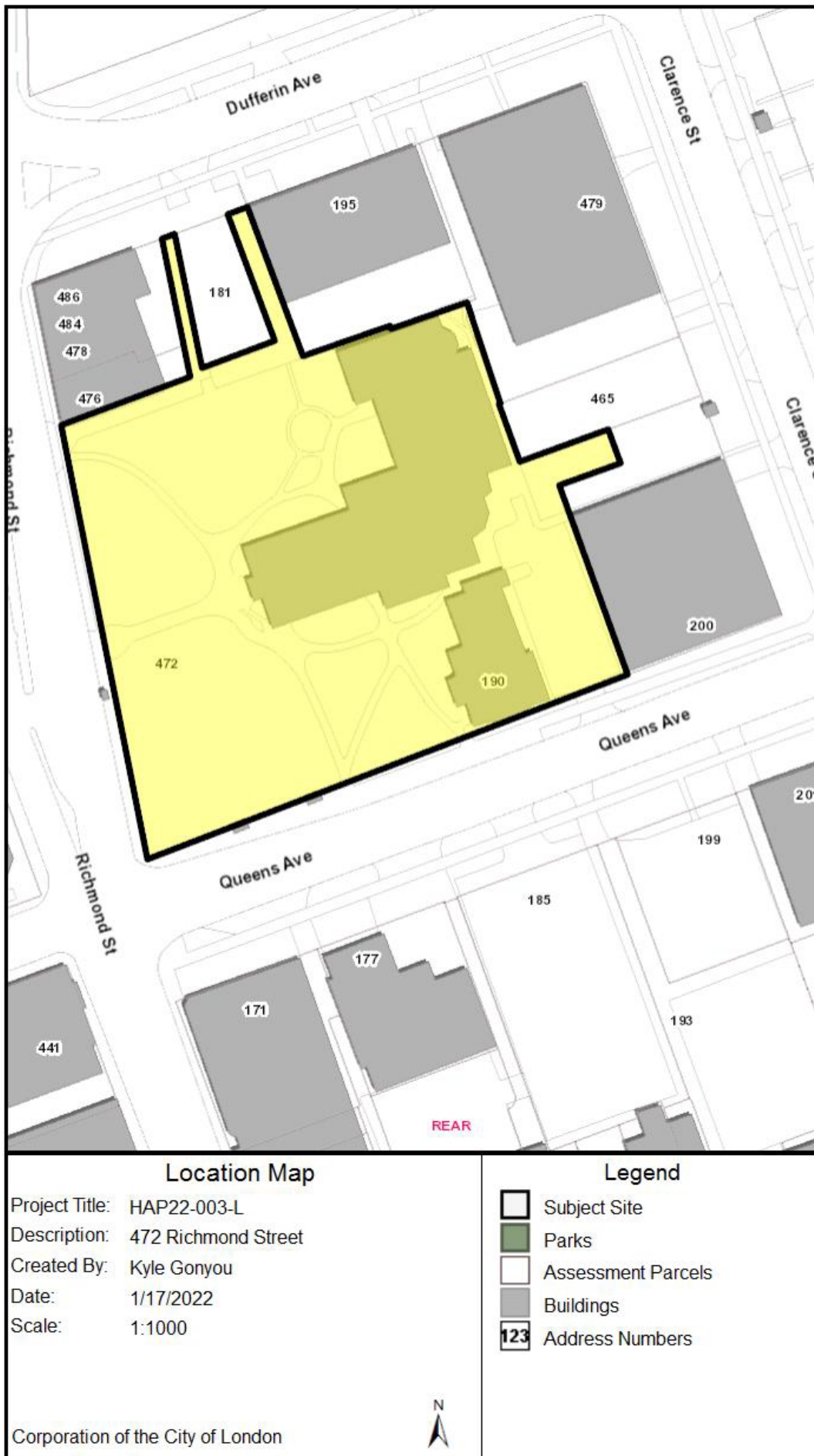



Figure 2: Location map of the subject property at 472 Richmond Street, St. Paul's Cathedral.

Appendix B – By-law No. L.S.P.-3373-297

 Province of Ontario	Document General Form 4 — Land Registration Reform Act	DYE & DURHAM CO., INC.—Form No. 985 Amended NOV. 1992										
FOR OFFICE USE ONLY CITY OF LONDON PLANNING DIVISION SEP 16 2005 <i>cn</i> ER 381570 <i>Sept 8/05.</i>	(1) Registry <input type="checkbox"/> Land Titles <input checked="" type="checkbox"/> (2) Page 1 of 4 pages											
	(3) Property Identifier(s) Block Property ALL of PIN 08264-0102											
	(4) Nature of Document By-law No. L.S.P.-3373-297											
	(5) Consideration TWO 2.00 <small>Dollars \$</small>											
	(6) Description All of St. Paul's Plot, except Parts 1, 2 and 3 on Reference Plan 33R-2867; Parts 1 and 2 on Reference Plan 33R-3851, Instruments W38035, LC144897, LC145693, W33878 and W33879; subject to Instruments 769161, 732214 and 683099, also being the northerly 21 feet 4 inches of Queens Avenue (formerly North Street) lying between Clarence Street and Richmond Street, as vested in St. Paul's by Statutes of Canada 1863, Chapter 40 in the City of London and County of Middlesex.											
	(7) This Document Contains: (a) Redescription New Easement Plan/Sketch <input type="checkbox"/> (b) Schedule for: Description <input type="checkbox"/> Additional Parties <input type="checkbox"/> Other <input type="checkbox"/>											
	(8) This Document provides as follows: <p style="text-align: center;">TO: THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF MIDDLESEX EAST (NO. 33)</p> <p>The Corporation of the City of London has an unregistered estate, right, interest or equity in the lands described herein and registered in the name of The Corporation of the City of London and hereby applies under Section 71 of the Land Titles Act, R.S.O. 1990, for the entry of a Notice of By-law in the register for the said parcel.</p>											
(9) This Document relates to instrument number(s) Continued on Schedule <input type="checkbox"/>												
(10) Party(ies) (Set out Status or Interest) Name(s) Signature(s) Date of Signature <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; border-bottom: 1px dotted black;">THE CORPORATION OF THE CITY OF LONDON</td> <td style="width:20%; border-bottom: 1px dotted black;"><i>Kevin Bain</i></td> <td style="width:10%; border-bottom: 1px dotted black;">Y</td> <td style="width:10%; border-bottom: 1px dotted black;">M</td> <td style="width:10%; border-bottom: 1px dotted black;">D</td> </tr> <tr> <td style="border-bottom: 1px dotted black;">Kevin Bain, City Clerk</td> <td style="border-bottom: 1px dotted black;"></td> <td style="border-bottom: 1px dotted black;">2005</td> <td style="border-bottom: 1px dotted black;">09</td> <td style="border-bottom: 1px dotted black;">07</td> </tr> </table>		THE CORPORATION OF THE CITY OF LONDON	<i>Kevin Bain</i>	Y	M	D	Kevin Bain, City Clerk		2005	09	07	
THE CORPORATION OF THE CITY OF LONDON	<i>Kevin Bain</i>	Y	M	D								
Kevin Bain, City Clerk		2005	09	07								
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Municipal Address of Property <div style="border: 1px solid black; padding: 5px; text-align: center;">N/A</div>	(15) Document Prepared by: CITY CLERK'S OFFICE CITY OF LONDON P.O. BOX 5035 LONDON ON N6A 4L9	FOR OFFICE USE ONLY <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2">Fees and Tax</th> </tr> <tr> <td style="width:50%;">Registration Fee</td> <td style="width:50%;"></td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td>Total</td> <td> </td> </tr> </table>	Fees and Tax		Registration Fee						Total	
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Bill No. 297
2005

By-law No. L.S.P.-3373-297

A by-law to designate 472 Richmond Street to be of historical and contextual value or interest.


WHEREAS pursuant to the *Ontario Heritage Act, R.S.O. 1990, c. 0.18*, the Council of a municipality may by by-law designate a property including buildings and structures thereon to be of historic and contextual value or interest;

AND WHEREAS notice of intention to so designate the property known as 472 Richmond Street has been duly published and served and no notice of objection to such designation has been received;

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

1. There is designated as being of historical and contextual value or interest, the real property at the 472 Richmond Street, more particularly described in Schedule "A" hereto, for the reasons set out in Schedule "B" hereto.
2. The City Clerk is authorized to cause a copy of this by-law to be registered upon the title to the property described in Schedule "A" hereto in the proper Land Registry Office.
3. The City Clerk is authorized to cause a copy of this by-law to be served upon the owner of the aforesaid property and upon the Ontario Heritage Foundation and to cause notice of this by-law to be published in the London Free Press, and to enter the description of the aforesaid property, the name and address of its registered owner, and short reasons for its designation in the Register of all properties designated under the *Ontario Heritage Act*.
4. This by-law comes into force on the day it is passed.

PASSED in Open Council on August 29, 2005.



Thomas C. Gosnell
Deputy Mayor



Kevin Bain
City Clerk

First Reading - August 29, 2005
Second Reading - August 29, 2005
Third Reading - August 29, 2005

Reasons for Designation

St. Paul's Cathedral - 472 Richmond Street

St. Paul's (Anglican) Cathedral, seat of the Diocese of Huron is the oldest and one of the most historically and architecturally interesting churches in the City of London.

Historical Attributes

The first resident missionary to serve the London area was the Rev. E.J. Boswell who arrived in 1829. The first frame church of St. Paul's was opened by Reverend Benjamin Cronyn in 1834. The church was destroyed by fire on Ash Wednesday 1844, and the cornerstone of the present structure was laid in June of the same year. On Ash Wednesday 1846 the new church was opened for worship. The Diocese of Huron was separated from the Diocese of Toronto in 1857. The Rev. Benjamin Cronyn was first Bishop of Huron and the church of St. Paul's was declared his Cathedral Church. It was here for the first time in the British Empire that an Anglican synod elected a bishop.

On Cronyn's death in 1871, Rev. Isaac Hellmuth, Rector and Dean of Huron, became the second Bishop. Hellmuth conceived the idea of building a great Cathedral (Holy Trinity) on the corner of Richmond and Piccadilly; only the Chapter House was completed where the Bishopric was moved to in 1873. It remained there until 1883, on Hellmuth's resignation. The third Bishop, Very Rev. M.S. Baldwin (Dean of Montreal) returned the seat to St. Paul's in 1883. In 1894/95 the Cathedral was enlarged to its present proportions and Cronyn Hall was built.

The Cathedral has hosted many illustrious visitors to London including the Archbishop of Canterbury (1963), the Governor General of Canada, the Right Honourable Jeanne Sauve (1989) and the Most Reverend Desmond Tutu, Archbishop of Cape Town and Metropolitan of South Africa (1990).

Architectural Attributes

The nave and tower of this church were designed in the English Gothic Revival style by the architect William Thomas and was constructed in 1844-46. Thomas was a distinguished Toronto architect who designed many well known Ontario buildings including St. Michael's Cathedral in Toronto and Brock's Monument at Queenston.

The Tower

The dominant tower on the west end is crowned by a coffered brick cornice and four large, slender pinnacles. The date 1845 is on a shield high up on the outside. A multiple of pinnacles decorate other parts of the building. Details include label stops over the main entrance, side doorways and windows of the nave. The gargoyles on the pinnacles and doorways are carved from stone quarried at Portland Bill, the same quarry that Sir Christopher Wren used to build St. Paul's Cathedral in London, England. Some of the decorations represent kings and queens, some grotesque faces (gargoyles) and some acanthus leaves. The overall effect of the spires and pinnacles create an elaborate silhouette against the sky.

An important tradition in downtown London is the peal of bells housed in the tower of St. Paul's. The first bells, a peal of six, were cast by C&G Mears of London, England in 1851. The bells were shipped across the Atlantic and then conveyed from Port Stanley to London by oxcart. In 1901, the Meredith Family commissioned casting of a chime of ten bells by the English firm of Gillette and Johnson. In addition, a weight-driven Gillette and Johnson clock was donated. The clock, each of its three faces measuring over 5 feet, was installed along with the 1901 chime of bells. It plays the full Westminster Chimes on the hour, the quarter, half and three-quarters as well as striking the hours. In 1935, the six original bells were recast to make the present peal of

eleven. The bells are operated from a carillon console on the first floor tower room and they are played before and after Sunday services as well as for special weekday services.

The Windows

The stained glass windows are perhaps one of the most outstanding aspects of the Cathedral. Perhaps the most significant of the windows were those created by the Louis Tiffany Company. The two windows next to the Nativity window and the two opposite were all created by Louis Tiffany in the late nineteenth century. In 1996, the 150th anniversary of the Cathedral, four new memorial stained glass windows, designed and made by Christopher Wallis, were placed in the remaining locations in the nave. Three windows depict the life of St. Paul, the fourth is a Nativity window.

Other Structures

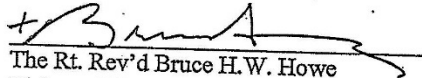
In 1894/95 Cronyn Hall was built complete with a small tower in the same style as the Cathedral tower, to house church and synod offices and provide a hall for meetings. At the same time, the present wide transepts and spacious chancel and sanctuary were built. Because red brick was used for this massive building project, the original yellow brick of the tower and front (west) wall were painted red to match.

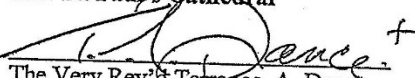
The cast-iron fence with the beaver motif owes its origin to the federal Customs House building, which was located at the corner of Richmond Street and Queens Avenue, and was demolished in 1971. The fence was purchased by the Cathedral in 1887 and moved to demarcate the property along Richmond Street. In 1974, after the purchase of the property where the Customs House stood, the Cathedral extended the fence, continuing the original design, to mark the entire frontage on Richmond Street and Queens Avenue.

Contextual Attributes

The open space around the Cathedral provides a welcome vantage point to view the Cathedral and the surrounding architecture. The grounds of the Cathedral once served as a graveyard for the village of London. Eventually most of the interred and their grave markers were transferred to Woodland Cemetery, which is owned and operated by the Cathedral.

We agree with the above Reasons for Designation for St. Paul's Cathedral


The Rt. Rev'd Bruce H. W. Howe
Bishop of Huron


The Very Rev'd Terrance A. Dance
Dean of Huron, Rector of St. Paul's

DATED THIS 12th day of May, 2005

Appendix C – Images



Image 1: Detail of an aerial image, showing St. Paul's Cathedral and the Customs House (Series 5, A1229, 1951-1952).



Image 2: Showing the Customs House, located on the northeast corner of Richmond Street and Queens Avenue, prior to 1971. Courtesy Mrs. Somerville, citing F. Little, Building Committee, Anglican Synod (City of London file).



Image 3: View of St. Paul's Cathedral, and the beaver fence, from the southwest corner of Richmond Street and Queens Avenue.



Image 4: Detail view of a typical panel of the beaver fence, composed of its cast iron posts, rails, and medallions, sandstone cap stones, and concrete foundation.

Appendix D – Conservation Plan

Conservation Plan (AECOM, 2022) attached separately

Conservation Plan: 472 Richmond Street, St. Paul's Cathedral – the “Beaver Fence”

Downtown Loop Bus Rapid Transit and Infrastructure
Improvement

City of London

60619570

January 2022

Statement of Qualifications and Limitations

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City of London

Conservation Plan: 472 Richmond Street, St. Paul's Cathedral - the "Beaver Fence"
Downtown Loop Bus Rapid Transit and Infrastructure Improvements

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Revision History

Rev #	Revision Date	Revised By:	Revision Description
0	September 9, 2021	Tara Jenkins	Draft of Conservation Plan
1	November 2021	Tara Jenkins	Revised Conservation Plan based on City Heritage Planner comments
2	December 16, 2021	Liam Ryan	Revised Conservation Plan based on City Heritage Planner comments
3	January 10, 2022	Tara Jenkins	Revised Conservation Plan based on St. Paul's Cathedral comments

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City of London

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Downtown Loop Bus Rapid Transit and Infrastructure Improvements

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Abbreviations

CHSR - Cultural Heritage Screening Report

TPAP - Transit Project Assessment Process

BRT - Bus Rapid Transit

LACH - London Advisory Committee on Heritage

HCD - Heritage Conservation District

HIA - Heritage Impact Assessment

CHER - Cultural Heritage Evaluation Report

EPR - Environmental Project Report

MHSTCI - Ministry of Heritage, Sport, Tourism and Culture Industries

PEC - Planning and Environment Committee

1. Introduction

1.1 Project Context

In 2018, a Cultural Heritage Screening Report (CHSR) was completed by WSP for the Transit Project Assessment Process (TPAP) for the London Bus Rapid Transit (BRT) system (the 'Project'). The CHSR was written to establish a developmental history of the proposed BRT study area. The CHSR identified properties with known and potential cultural heritage value or interest that may be impacted by the Project. With the recommendation of London Advisory Committee on Heritage (LACH), Municipal Council added 347 potential cultural heritage resources identified in the CHSR to the Heritage Register as 'Listed'. In addition, the CHSR determined that the Downtown London and West Woodfield Heritage Conservation Districts (HCD) would be directly and/or indirectly impacted by the project and Heritage Impact Assessments (HIA) were required to address the impacts on the HCDs (WSP 2019:21).

In October 2018, the TPAP process was paused in a "Time Out" Process to strengthen the project's cultural heritage strategy. A total of 66 potential cultural heritage resources were identified as having potential cultural heritage value or interest and were determined to have the potential to be physically impacted by the construction of the BRT. As the project footprint was refined and reduced, the number of properties requiring further work was reduced and as a result, 51 cultural heritage resources required Cultural Heritage Evaluation Reports (CHER). The CHERs determined that 10 properties would require a HIA prior to construction. The Environmental Project Report (EPR) document for the BRT recommends HIAs for properties potentially impacted by the project post-TPAP, in the Detailed Design phase. The EPR states that during Detailed Design, mitigation measures will be addressed to minimize impacts to heritage properties.

As of October 2020, the City of London is in the Detailed Design phase of the Downtown Loop portion of the Project. The Downtown Loop will frame Dundas Place, with buses running along Queens Avenue, King Street, Ridout Street North, and Wellington Street. These corridors have been proposed to accommodate current and future traffic demands, support dedicated transit implementation, and have regard for both pedestrians and cyclists.

In March 2021, a Downtown London HCD-based HIA was completed by AECOM for the Downtown Loop. As part of the HCD-based HIA, an impact assessment was completed based on the 50% Detailed Design that determined that the property at 472 Richmond Street, the subject of this report, is anticipated to be directly impacted by the Project, and that relocation of a heritage attribute within the property, the beaver fence, will be required prior to construction.

In August 2021, a work plan was developed by AECOM's Cultural Heritage team based on the recommendation of the Downtown London HCD-based HIA for the completion of a Conservation Plan focused on the relocation of the beaver fence. The Conservation Plan was to include input from AECOM's structural engineering team and Dillon Consulting Limited, responsible for the Project's detailed design and the landscape plan. The Conservation Plan would include the relocation alignment and construction level drawings and the Special Provisions of the beaver fence for its new location.

1.2 Property Impacts of the Project on 472 Richmond Street

The property at 472 Richmond Street, known as St. Paul's (Anglican) Cathedral, is a Part IV and V designated property under the *Ontario Heritage Act*, which is situated at the northeast corner of the intersection of Richmond Street and Queens Avenue, in the City of London. The property is owned by the Incorporated Synod of the Diocese of Huron. The beaver fence, the subject of this Conservation Plan, is a heritage attribute of the property (Part IV designation By-Law: L.S.P. -3373-297). In addition, the public space in which the beaver fence encloses, is a public realm feature of the Downtown London HCD (Part V designation By-Law: L.S.P.-3419-124).

Based on the 90% Detailed Design, the design impacts approximately 0.3m x 46m of the property along its southern boundary. The detailed design also indicates that Queens Avenue will be widened at the corner of Queens Avenue and Richmond Street to accommodate a bus transit lane and a dedicated right turn lane for vehicles turning north onto Richmond Street and therefore a portion of the property will be acquired for this Project (approximately 6m²) (**Figure 1**). As the beaver fence sits along the property line boundary of Queens Avenue and Richmond Street, the impact of the road widening as proposed in the 90% Detailed Design poses a direct impact to the beaver fence. As such, and in accordance with the recommendation in the final Downtown London HCD-based HIA (AECOM 2021), the beaver fence requires removal and relocation during the construction process and must be set back to the edge of the new right-of-way within the property of 472 Richmond Street.

1.2.1 Alignment Options- The Preferred Option

Four options were explored for the new alignment of the beaver fence. Each of the options were reviewed by AECOM, Dillon Consulting Limited, and staff at the City of London including Heritage Planner, Kyle Gonyou, and the Major Projects Team. **Figure 1** and **Appendix A** (the construction level drawings), provide the preferred alignment option, which moves most of the Queens Avenue portion of the fence north of the new right-of-way boundary and into the property boundary of 472 Richmond Street¹. This alignment option includes the removal and relocation of the most western pair of end posts on Queens Avenue. The option allows the end posts to be reinstalled square to the sidewalk. This option considers laying the fence in a more direct line from the Richmond Street corner to the westerly side of the Cathedral sidewalk entrance, generally parallel with the existing fence/street. Therefore, this option avoids an awkward deflection as much as possible. This option results in a wide boulevard area in front of the fence that will include a hard surface treatment.

1.3 Need for a Conservation Plan

A Conservation Plan is a document that details how a cultural heritage resource can be *conserved* (MHSTCI, 2006). 'Conservation' is defined in the Parks Canada *Standards and Guidelines for the Conservation of Historic Places in Canada* as all actions or processes that are aimed at safeguarding the heritage attributes of a historic place, so cultural heritage value is retained and its physical life extended (Parks Canada, 2010).

As noted in **Section 1.2** above, the final Downtown London HCD-based HIA determined that 472 Richmond Street will be directly impacted by the Project, specifically causing displacement of the beaver fence, a heritage attribute of the property (AECOM, 2021). The beaver fence encloses the public space of St. Paul's Cathedral. The public space is a heritage attribute of the Downtown London HCD as it contributes to the overall public realm of the District.

A meeting with Kyle Gonyou, City of London Heritage Planner, determined a Conservation Plan was required in order to best protect and manage the impacts of the Project on the beaver fence.

Typically, a Conservation Plan is to provide direction on repairs, stabilization, and preservation activities, as well as long-term conservation, monitoring, and maintenance measures (MHSTCI, 2006). This Conservation Plan, however, is scoped to provide a short-term conservation plan for the property focused on measures required to relocate the beaver fence for the Project. This Conservation Plan provides direction on ensuring the cultural heritage value of the beaver fence is conserved during the relocation process. This report does not include a long-term maintenance plan for the property.

¹ Note, Figure 1 reflects the IFT Civil Drawings (in final review) to keep the fence alignment straight a small portion of the property will be south of the relocated fence.

This Conservation Plan is written in such a way that when work is being completed on any component of the beaver fence for the Project, those responsible for undertaking the physical work will understand:

- a) The reason why the beaver fence constitutes a significant heritage attribute of the property;
- b) The appropriate strategies required for its preservation and conservation during the relocation process; and
- c) The municipal approval processes.

Successful conservation is concerned with the effective management of change. This Conservation Plan identifies and promotes change that will retain the historical association of the beaver fence within 472 Richmond Street, and will provide guidance in order to avoid damaging its significant cultural heritage value. The proposed relocation will involve two conservation strategies; heritage preservation and heritage rehabilitation (see **Section 6** and **Section 7** for more detail). In general, the conservation work for the beaver fence involves the following steps:

- Identifying the relocation alignment;
- Documenting its existing conditions;
- Preparing Special Provisions and construction level drawings;
- Methodologically removing and storing the heritage components of the beaver fence prior to construction;
- Rehabilitating the beaver fence (repairing and replacing missing heritage elements); and,
- Reinstating the beaver fence at its new location, including the completion of new work.

This Conservation Plan will recommend the appropriate conservation measures and an action plan to achieve the conservation objectives (see **Section 1.3.1** below). This Conservation Plan will also be a support document in the Municipal Heritage Alteration Permit package.

1.3.1 Objectives of the Conservation Plan

Based on the current 90% Detailed Design of the Project, the beaver fence within 472 Richmond Street requires removal prior to construction. Based on this direct impact, the following are the objectives of this Conservation Plan:

- Objective 1:** Provide the requirements necessary for the beaver fence's preservation and rehabilitation, including all new work required with construction level drawings.
- Objective 2:** Outline a sustainable approach to its relocation that will manage this change in the least disruptive way.
- Objective 3:** Provide a document that creates awareness and promotes its cultural heritage value to ensure the beaver fence continues to be enjoyed by all.

1.4 Current Property Ownership

Currently, the property at 472 Richmond Street is owned and managed by the Incorporated Synod of the Diocese of Huron.

1.5 Physical Description of the Property

The property 472 Richmond Street is the location of St. Paul's Cathedral (**Image 1**). The property is on the east side of Richmond Street between Queens Avenue to the south and Dufferin Avenue to the north, in the downtown area of the City of London (**Figure 1**). The two-storey red brick Cathedral was constructed in 1846. A painted red brick addition was constructed between 1894 and 1895; 12 grave markers are located on the property. There is an open park-like space around St. Paul's Cathedral consisting of lawns with trees and garden beds, separating the property

City of London

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Downtown Loop Bus Rapid Transit and Infrastructure Improvements

from the surrounding urban landscape. The property is enclosed by the cast-iron beaver fence, which is the focus of this Conservation Plan.



Image 1:
St. Paul's Cathedral Property at 472 Richmond Street, London
(Photographed by AECOM, July 20, 2021)

1.6 Cultural Heritage Status

472 Richmond Street is considered the oldest and one of the most historically interesting places of worship in the City of London (By-law L.S.P.-2534-582). It was designated Part IV of the *Ontario Heritage Act* on August 29, 2005, for its design, historical and contextual value. It is also located within the Downtown London Heritage Conservation District and therefore, designated Part V of the *Ontario Heritage Act*. The property is also listed on the Canadian Register of Historic Places. The reasons for designation associated with this property are listed below with its hyperlink:

- By-law No. L.S.P.-2534-582 (Individual designation, Part IV)
<https://www.heritagetrust.on.ca/en/oha/details/file?id=6046>
- Canadian Register of Historic Places
<https://www.historicplaces.ca/en/rep-reg/place-lieu.aspx?id=15473>

There is an Ontario Heritage Trust historical plaque that focuses on the history of St. Paul's Cathedral building. The plaque was erected in the lawn of the Cathedral in 1969.

1.7 Methodology

The content of this Conservation Plan is guided by the Ministry of Heritage, Sport, Tourism, and Culture Industries' *Info Sheet #5 Heritage Impact Assessments and Conservation Plans* (MHSTCI, 2006) and guided by the Ontario Heritage Trust's Tools for Conservation: *Conservation Plans for Heritage Properties* which provides a brief outline that includes topics to be discussed within a conservation plan.

The goals and objectives of this Conservation Plan by the MHSTCI *Eight Guiding Principles in the Conservation of Built Heritage Properties* (hereafter, the *Eight Guiding Principles*; MHSTCI, 2007) and the methods (treatments and interventions) for conservation are based on Parks Canada *Standards and Guidelines for the Conservation of Historic Places in Canada* (hereafter, the *Standards and Guidelines*; Parks Canada, 2010).

Field reviews of the beaver fence within 472 Richmond Street were undertaken by Tara Jenkins, AECOM's Cultural Heritage Specialist, in February, April, and May 2021 to document the existing conditions of the beaver fence. In addition, a site visit was conducted on August 4, 2021, by the AECOM structural engineering team and Dillon Consulting to develop a relocation alignment and construction level drawings and specifications of the beaver fence for its new location. On November 23, 2021, John Pucchio, AECOM's Senior Structural Engineer, returned to the property to evaluate the condition of the beaver fence.

2. Legislature and Policy Considerations

2.1 Planning Act and the Provincial Policy Statement

The *Planning Act* (1990) and the associated Provincial Policy Statement (2020) provide a legislative framework for land use planning in Ontario. The *Planning Act* requires that all decisions affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. In general, the Provincial Policy Statement recognizes that Ontario's long-term prosperity, environmental health, and social well-being depend on protecting natural heritage, water, agricultural, mineral, cultural heritage, and archaeological resources for their economic, environmental, and social benefits.

Pursuant to Section 2.6 of the 2020 Provincial Policy Statement, Policy 2.6.1 states "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." The 2020 Provincial Policy Statement, issued under the authority of the *Planning Act* defines "conserved" as "means the identification, protection, management, and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision designated and available for the purposes of this definition."

To conserve a cultural heritage resource, a municipality or approval authority may require a heritage impact assessment and/or a conservation plan to guide the approval, modification, or denial of a proposed development or site alteration that affects a cultural heritage resource. Using tools such as heritage impact assessments, municipalities and approval authorities can further enhance their own heritage preservation objectives.

Furthermore, a policy in Section 2.6 of the 2020 Provincial Policy Statement, Policy 2.6.3, states "Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it had been demonstrated that the heritage attributes of the protected heritage property will be conserved."

2.2 Ontario Heritage Act

St. Paul's Cathedral, located at 472 Richmond Street, was designated on August 29, 2005, under Part IV of the *Ontario Heritage Act*. The property is also designated Part V of the *Ontario Heritage Act*, as part of the Downtown London HCD.

The *Ontario Heritage Act* enables the protection and conservation of resources that are of cultural heritage value or interest. The property at 472 Richmond Street, St. Paul's Cathedral, is "double designated" pursuant to Parts IV and V of the *Ontario Heritage Act*. The property was designated on August 29, 2005, pursuant to Part IV of the Ontario Heritage Act by By-law No. L.S.P.-3373-297. The property was included within the Downtown HCD, which came into force and effect on June 27, 2013, pursuant to Part V of the *Ontario Heritage Act* by By-law No. L.S.P.-3419-124. Both heritage designating by-laws are registered on the title of the property.

Heritage Alteration Permit approval is required for changes that are likely to affect any of the property's heritage attributes in compliance with Section 33(1), Section 41(2.1), and Section 42(2.1) of the *Ontario Heritage Act*. Consultation with the LACH is required, and Municipal Council may decide to approve, approve with terms and conditions, or refuse the Heritage Alteration Permit application. The Heritage Alteration Permit approval, or approval with terms and conditions, must be obtained prior to alterations commencing. The refusal of a Heritage Alteration

Permit, or the terms and conditions on the approval of a Heritage Alteration Permit, may be appealed to the Ontario Land Tribunal.

2.3 The London Plan

The London Plan is the City of London's new Official Plan (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). *The London Plan* sets out a new approach for planning in London which emphasizes growing inward and upward so that the City can reduce the costs of growth, create walkable communities, revitalize urban neighbourhoods and business areas, protect farmlands, and reduce greenhouse gases and energy consumption. The plan sets out to conserve the City's cultural heritage resources so they can be passed on to future generations.

Specifically related to heritage conservation, *The London Plan* outlines a number of policies related to the conservation of cultural heritage resources within the city. The General Cultural Heritage Policies ensures that new development is compatible, and the following policies provide direction:

(565_) New development, redevelopment, and all civic works and projects on and adjacent to heritage designated properties and properties listed on the Register will be designed to protect the heritage attributes and character of those resources, to minimize visual and physical impact on these resources. A heritage impact assessment will be required for new development on and adjacent to heritage designated properties and properties listed on the Register to assess potential impacts, and explore alternative development approaches and mitigation measures to address any impact to the cultural heritage resource and its heritage attributes.

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

(594_) Within heritage conservation districts established...

- 1. The character of the district shall be maintained by encouraging the retention of existing structures and landscapes that contribute to the character of the district.*
- 2. The design of new development, either as infilling, redevelopment, or as additions to existing buildings, should complement the prevailing character of the area.*
- 3. Regard shall be had at all times to the guidelines and intent of the heritage conservation district plan.*

2.3.1 Heritage Conservation District

The Downtown is recognized for its cultural heritage value through its designation as a HCD. Physical goals of the designation of the Downtown as a HCD include:

- Encouraging rehabilitation and restoration of heritage buildings that are sensitive and respectful of their historical significance; and,
- Encouraging alterations to heritage resources that are complimentary to the District character and streetscape (Section 3.2.1, Downtown HCD Plan).

Relevant guidelines of the Downtown HCD Plan that apply to this Conservation Plan include:

Section 6.1.3.5 Materials and Section 6.2.4 Institutional and Public Realm. St. Paul's Cathedral grounds is documented in the HCD Plan. Since the 1830s the land surrounding St. Paul's Cathedral has been a landmark and an important public space for Londoners (pg. 6.58).

2.3.2 Municipal Regulatory Context for Designated Heritage Property Alterations and Easements

Since 472 Richmond Street is designated Part IV and Part V of the *Ontario Heritage Act*, the proposed work on the property requires a Heritage Alteration Permit. A Heritage Alteration Permit is required as part of any construction activity completed on the property. Any alteration work completed must align with the requirements of the heritage designation, as outlined in designation by-law, unless agreed upon in the Heritage Alteration Permit process. The completion of this Conservation Plan is a requirement as part of the Heritage Alteration Permit application with the City of London.

3. Conservation Principles

3.1 Introduction

Standards and guidelines for the conservation of cultural heritage resources are available at the federal, provincial, regional, and municipal level. These bodies of government have provided guidance regarding the identification as well as the conservation of cultural heritage resources through the publication of documents that outline best practices. This includes standards and guidelines specifically related to drafting Conservation Plans for cultural heritage resources. The following provides a review of these resources.

The City of London does not have specific Terms of Reference for the preparation of Conservation Plans. The *Ontario Heritage Toolkit, Info Sheet # 5: Heritage Impact Assessment and Conservation Plans* (MHSTCI 2006) was reviewed to provide direction on content in the development of this plan. In addition, the methods for conservation approach in this Conservation Plan are based on the Parks Canada *Standards and Guidelines* (2010), along with the MHSTCI *Eight Guiding Principles* (2007).

3.1.1 Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada

The Parks Canada *Standards and Guidelines* provide an overview of the principles of conservation and can be used as a reference when drafting conservation plans. They provide a general guideline for properties that are listed as part of the Canadian Register of Historic Places as National historic sites. These guidelines are often established as conservation strategies, provide a framework that can be adopted and applied to many heritage properties that are not listed as part of the register but designated by municipalities in Canada. The Parks Canada Standards and Guidelines are available online at:

<http://www.historicplaces.ca/en/pages/standards-normes>

As outlined in the *Standards and Guidelines* there are three stages involved in the conservation process as it relates to historic places: understanding, planning, and intervening. This Conservation Plan for 472 Richmond Street uses these three stages as a tool for conservation review, evaluation, and implementation.

The first part of this Conservation Plan examines the **Understanding** stage with regards to the beaver fence, its context, and its condition.

The second part of this Conservation Plan is structured such that the primary treatment options are considered with an appropriate approach determined for the relocation of the beaver fence. This represents the **Planning** stage.

The third part of this Conservation Plan involves the detailed recommendations for intervention, by prescribing the methods and actions to address the conservation requirements, using the conservation approaches. This represents the **Intervening** stage.

3.1.2 Eight Guiding Principles in the Conservation of Built Heritage Properties

The *Eight Guiding Principles* were established by the MHSTCI to provide a basis for best practice decisions regarding heritage conservation based on international charters. These are similar to *the Standards and Guidelines* and provide an intellectual framework for decision making in architectural conservation. They also provide conservation rationale for activities or interventions that may affect the character, features or context of a heritage property. The *Eight Guiding Principles* are attached in **Appendix C**.

4. Statement of Significance

The following Statement of Significance has been excerpted from the City of London By-Law L.S.P.-3373-297.

4.1 Reasons for Designation – 472 Richmond Street

St. Paul's Cathedral, seat of the dioceses of Huron is the oldest church in London and one of the most historically interesting churches in the City of London.

Historical Attributes

The first resident missionary to serve the London area was the Rev. E.J. Boswell who arrived in 1829. The first frame church of St. Paul's was opened by Reverend Benjamin Cronyn in 1834. The church was destroyed by fire on Ash Wednesday 1844, and the cornerstone of the present structure was laid in June of the same year. On Ash Wednesday 1846 the new church was opened for worship. The Diocese of Huron was separated from the Diocese of Toronto in 1857. The Rev. Benjamin Cronyn was first Bishop and the church of St. Paul's was declared his Cathedral Church. It was here for the first time in the British Empire a synod elected a bishop.

On Cronyn's death in 1871, Rev. Isaac Hellmuth, Rector and Dean of Huron, became the second Bishop. Hellmuth conceived the idea of building a great Cathedral (Holy Trinity) on the corner of Richmond and Piccadilly; only the Chapter House was completed where the Bishopric was moved to in 1873. It remained there until 1883, on Hellmuth's resignation. The third Bishop, Very Rev. M.S. Baldwin (Dean of Montreal) returned the seat to St. Paul's in 1883. In 1894/95 the Cathedral was enlarged to its present proportions and Cronyn Hall was built.

The Cathedral has hosted many illustrious visitors to London including the Archbishop of Canterbury (1963), the Governor General of Canada, the Right Honourable Jeanne Sauve (1989) and the Most Reverend Desmond Tutu, Archbishop of Cape Town and Metropolitan of South Africa (1990).

Architectural Attributes (Exterior)

The nave and tower of this church were designed in the English Gothic Revival style by the architect William Thomas and was constructed in 1844-46. Thomas was a distinguished Toronto architect who designed many well-known Ontario buildings including St. Michael's Cathedral in Toronto and Brock's Monument at Queenston.

The Tower

The dominant tower on the west end is crowned by a coffered brick cornice and four large, slender pinnacles. The date 1845 is on a shield high up on the outside. A multiple of pinnacles decorate other parts of the building. Details include label stops over the main entrance, side doorways and windows of the nave. The gargoyles on the pinnacles and doorways are carved from stone quarried at Portland Bill, the same quarry that Christopher Wren used to build St. Paul's Cathedral in London, England. Some of the decorations represent kings and queens, some grotesque faces (gargoyles) and some acanthus leaves. The overall effect of the spires and pinnacles create an elaborate silhouette against the sky.

An important tradition in downtown London is the peal of bells housed in the tower of St. Paul's. The first bells, a peal of six, were cast by C&G Mears of London, England in 1851. The bells were shipped across the Atlantic and then conveyed from Port Stanley to London by oxcart. In 1901, the Meredith Family commissioned casting of a chime of ten bells by the English firm of Gillett and Johnson. In addition, a weight-driven Gillett and Johnson clock was donated. The clock, each of its three faces measuring over 5 feet, was

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installed along with the 1901 chime of bells. It plays the full Westminster Chimes on the hour, the quarter, half and three-quarters as well as striking the hours. In 1935, the six original bells were recast to make the present peal of eleven. The bells are operated from a carillon console on the first-floor tower room and they are played before and after Sunday services as well as for special weekday services.

The Windows

The stained-glass windows are perhaps one of the most outstanding aspects of the Cathedral. Perhaps the most significant of the windows were those created by the Louis Tiffany Company. The two windows next to the Nativity window and the two opposite were all created by Louis Tiffany in the late nineteenth century. In 1996, the 150th anniversary of the Cathedral, four new memorial stained-glass windows designed and made by Christopher Wallis, were placed in the remaining locations in the nave. Three windows depict the life of St. Paul, the fourth is a Nativity window.

Other Building

In 1894/95 Cronyn Hall was built complete with a small tower in the same style as the Cathedral tower, to house church and synod Offices and provide a hall for meetings. At the same time, the present wide transepts and spacious chancel and sanctuary were built. Because red brick was used for this massive building project, the original yellow brick of the tower and front (west) wall were painted red to match.

The cast-iron fence with the beaver motif owes its origins to the federal Customs House building, at the corner of Richmond Street and Queens Avenue, which was demolished in 1971. The fence was purchased by the Cathedral in 1887 and moved to demarcate the property along Richmond Street. In 1974 the Cathedral extended the fence, continuing the original design, to surround the whole grounds after the purchase of the property where the Customs House stood.

Contextual Attributes

The open space around the Cathedral provides a welcome vantage point to view the Cathedral and the surrounding architecture. The grounds of the Cathedral once served as a graveyard for the village of London. Eventually most of the interred and their grave markers were transferred to Woodland Cemetery, which is owned and operated by the Cathedral.

5. Historical Overview

5.1 The Property

St. Paul's Cathedral is located at 472 Richmond Street on the east side of Richmond Street, between Queens Avenue to the south and Dufferin Avenue to the north. Historically, 472 Richmond Street was in Lot 15, Concession 1, in the Geographic Township of London, Middlesex County. The property is now situated in the City of London's downtown core, within the Downtown London Heritage Conservation District.

The property includes a two-storey red brick building with a tower. The building is surrounded by open public space which includes a cemetery with 12 grave markers. The public space is enclosed by the cast-iron beaver fence.

The cultural heritage value of the beaver fence is rooted in its historical association with the former Customs House, now the site of St. Paul's Cathedral, a seat of the Diocese of Huron. The following provides a brief historical overview of each of the buildings.

5.2 St. Paul's Cathedral

In 1834, The Anglican congregation held services on the property of 472 Richmond Street in a wooden structure (Ontario Provincial Plaque). In 1844 the wooden structure was destroyed by fire on Ash Wednesday. After the fire, the present brick church was built and opened for worship on Ash Wednesday in 1846. The nave and tower of the new church was designed in the Gothic Revival style by Toronto architect William Thomas. The main tower features six peal of bells that were cast by Mears Company of London England in 1851 and then shipped across the Atlantic Ocean. In 1901, the clock and chimes of 10 bells, made by Gillett and Johnston of England and donated by the Meredith family, were installed (Parks Canada, 2005). In 1887, the picket fence was replaced with the cast-iron beaver fence (see **Section 2.4**, below for further details on the beaver fence).

In 1893, the congregation began an ambitious building program, raising the chancel and building the present wide transepts, spacious chancel and apse (London Free Press, November 17, 1966). The old side galleries were removed, and an elaborate system of roof beams were devised to make pillars unnecessary (London Free Press, November 17, 1966). One of the most outstanding aspects of the church is its stained-glass windows, including the windows created by Louis Tiffany Company in the late 19th century (City of London, by-law L.S.P. -33373-297). In 1894-1895, the church was expanded to house church offices and hold meetings (City of London, by-law L.S.P. -33373-297). This expansion also included the construction of Cronyn Hall which was dedicated to the first Bishop of the Dioceses of Huron, Reverend Benjamin Cronyn. Cronyn Hall was built with a small tower in the same style as the church tower (City of London, by-law L.S.P. -33373-297). The total cost of the building program, in which the fence was a part, was \$50,000, four times the cost of the original church (London Free Press, November 17, 1966). Today, St. Paul's Cathedral is the oldest church in the City of London (City of London, By-law L.S.P. -33373-297).

5.3 The Customs House

In 1869, the Minister of Public Works recommended the purchase of land from Dean Hellmuth for the site of a Customs House (LAC, 1869-0704). In 1872, the Diocese of London, at the behest of Bishop Isaac Hellmuth, sold the southwest corner of 472 Richmond Street East to the Canadian federal government (John Lutman, Archivist, Diocese of Huron, 2021). After the sale of the land, in 1872-1873, the Department of Public Works built the Customs House on the property (John Lutman, Archivist, Diocese of Huron, 2021). It was designed by a London architect, William Robinson, in a restrained Second Empire Style (Ivey Family London Room Digital Collections, description of PG L17). The Customs House was opened in 1873 as the area's military headquarters (London Free Press, August 2, 1971).

In 1884, the Minister of Public Works recommended purchasing more land from St. Paul's Cathedral in the amount of \$5,000 needed for the enlargement of the Customs House (LAC, 1884-0988). In the same year, the land was purchased, London architect George Durand designed an addition on the rear of the Customs House building and doubled its size (John Lutman, Archivist, Diocese of Huron, 2021). In 1966, the Customs House was the headquarters for the Western Ontario region of the Canadian army (London Free Press, November 17, 1966). The building was demolished in 1971 and the Diocese of Huron re-acquired the property.

5.4 The Beaver Fence

The cast-iron beaver fence encloses the grounds of St. Paul's Cathedral, and is a heritage attribute of the property. The fence was originally associated with the federal Customs House building which opened in 1873 and was demolished in 1971. The earliest known image that depicts the beaver fence is a photograph of Customs House dating to about 1875 (**Image 2** and **Image 3**). The beaver fence is shown on the Richmond Street (front) façade of the Customs House. It appears the cast-iron beaver fence is extending on either side of the stone steps of the Customs House entrance. An examination of photographs from the late nineteenth century suggests that the beaver fence was only on the Customs House property along Richmond Street and a wood picket fence demarcated the grounds of St. Paul's Cathedral along Richmond Street and Queens Avenue (**Images 2-5**).

At the time of this Conservation Plan, it is unclear if the fence was designed by William Robinson or it was a standard Department of Public Works design (John Lutman, Archivist, Diocese of Huron, 2021). On July 12, 2021, a request was made by AECOM to the Library and Archives of Canada (LAC) that hold select 1872 architectural drawings of the City of London Customs House. The design drawings for the front façade were requested to see if the original design plans included the beaver fence (RG11M 80103/11; 2171432). The drawing was received, however only features the clock tower design details. At the time of the completion of this Conservation Plan, no design drawings on the front elevation of the Customs House were acquired.

In 1875, the beaver fence spanned the width of the front façade of Custom House along Richmond Street (**Image 2**). A 1966 London Free Press article documents that the fence had been extant since about 1870 (London Free Press, November 17, 1966). In 1887, the beaver fence was purchased by the Cathedral for \$250 from the Canadian Government and was moved to demarcate the property along Richmond Street (London Free Press, 1966, p. 49; City of London, by-law L.S.P. -33373-297). This fence replaced the picket fence which had become rotten (London Free Press, November 17, 1966). The fence, which was part of a renovation project, is noted as a monumental work in Reverend Orio Miller's book *Gargoyles and Gentlemen*, a history of the Cathedral dating from 1834 (London Free Press, November 17, 1966).

A lithograph postcard of St. Paul's Cathedral in 1907 shows the beaver fence extant, with a tall masonry foundation (**Image 6** and **Image 7**). In addition, the 1907 image shows a fence extending along the north boundary of the Cathedral property. A picture of Custom House taken in 1927 shows the view of the front façade from Richmond Street after the beaver fence was removed (**Image 8**). **Image 9** and **Image 10** are photographs in the mid-twentieth century which shows the beaver fence with its stone foundation.

In November of 1966, the Cathedral spent \$900 to repair the beaver fence. The London Free Press noted the winters had rusted the iron and cracked the mortar between the stone. On November 17, 1966, sandblasters were used to clean the iron and stone (**Image 11**). A primer coat of paint was then applied and was topped with a finish coat of black paint. Cracks in the stone foundation were filled and then covered with a clear waterproofing liquid. The repair work was undertaken over the course of a couple of days (London Free Press, November 17, 1966).

A 1971 photograph on the day of the demolition of Custom House shows that the beaver fence has not yet been built along Queens Avenue (**Image 12**). It was not until 1974 when the Cathedral extended the beaver fence, continuing

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its original design, to surround the whole grounds after the purchase of the property where the Customs House once stood (Parks Canada, 2005).

Correspondence with John Lutman, Archivist, Diocese of Huron, indicates the St. Paul's Cathedral fonds located at the Diocese of Huron Archives at Huron University may contain detailed information concerning the installation of the beaver fence along its full length along Richmond Street and Queens Avenue, but he did not have access to those specific archives at the time of this Conservation Plan due to the COVID-19 pandemic restrictions. Currently, the Diocese of Huron have not located the cast of the beaver medallion.



Image 2:

View of the Custom House in 1875 from Richmond Street illustrating the beaver fence²

² Ivey Family London Room Digital Collections: PG L17

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Image 3:

Close-up of the beaver fence in 1875, also depicting the column and picket fence along the Cathedral property³



Image 4:

Image looking on Queens Avenue (circa. 1875-1880) illustrating the absence of the beaver fence along Queens Avenue near the Custom's House⁴

³ Ivey Family London Room Digital Collections: PG L17

⁴ Ivey Family London Room Digital Collections: PG F76a

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Image 5:
Picture of St. Paul's Cathedral, taken 1870-1875 with a picket fence⁵

⁵ *Ivey Room London Room Digital Collections, PG L55*

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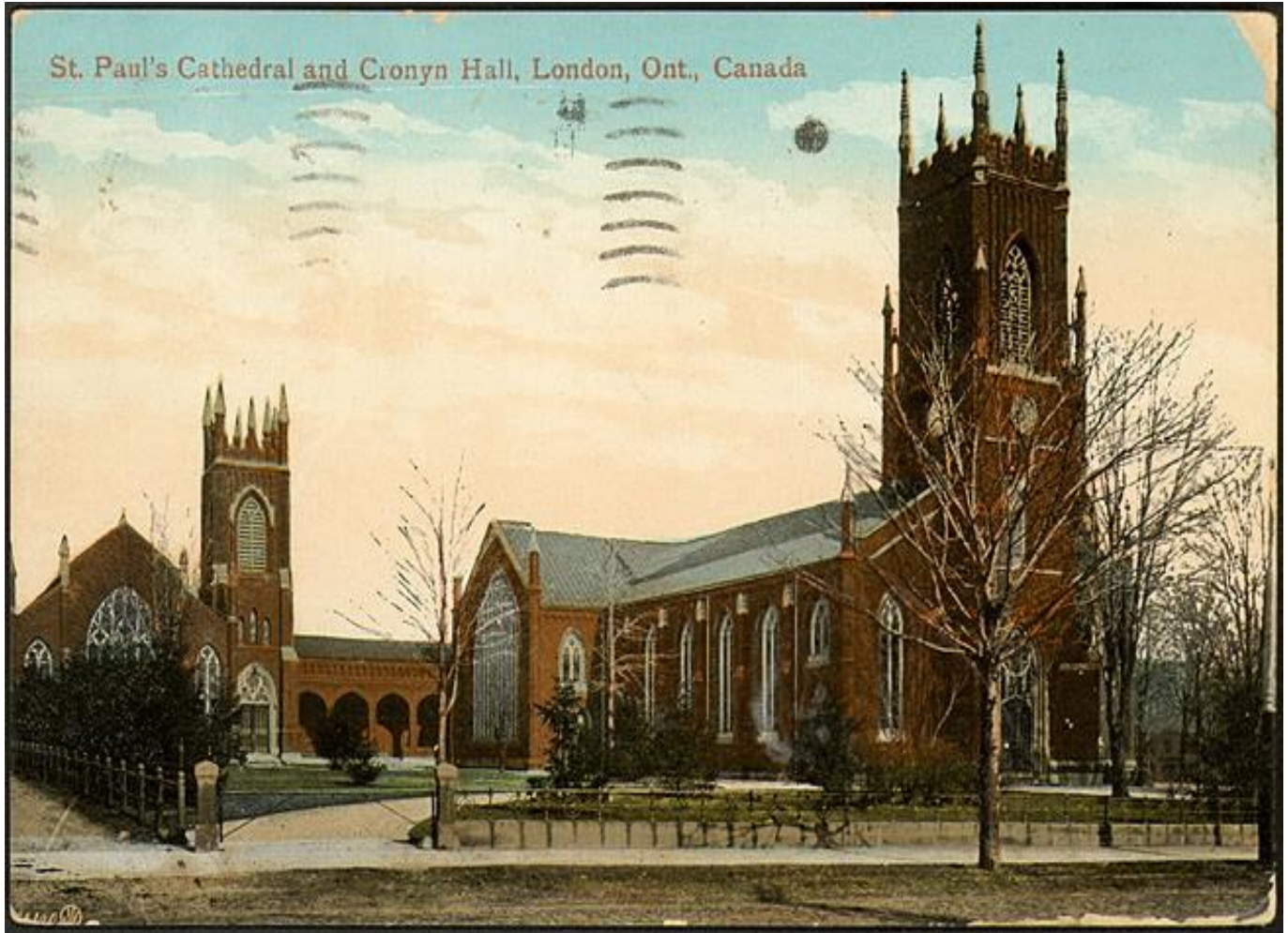


Image 6:

Image of the St. Paul's Cathedral in 1907 illustrating the cast-iron beaver fence and stone posts enclosing the property⁶

⁶ Posted on Vintage London Facebook group

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Image 7:

Zoomed image of the St. Paul's Cathedral in 1907 illustrating the cast-iron beaver fence and stone posts enclosing the property⁷

⁷ Posted on Vintage London Facebook group

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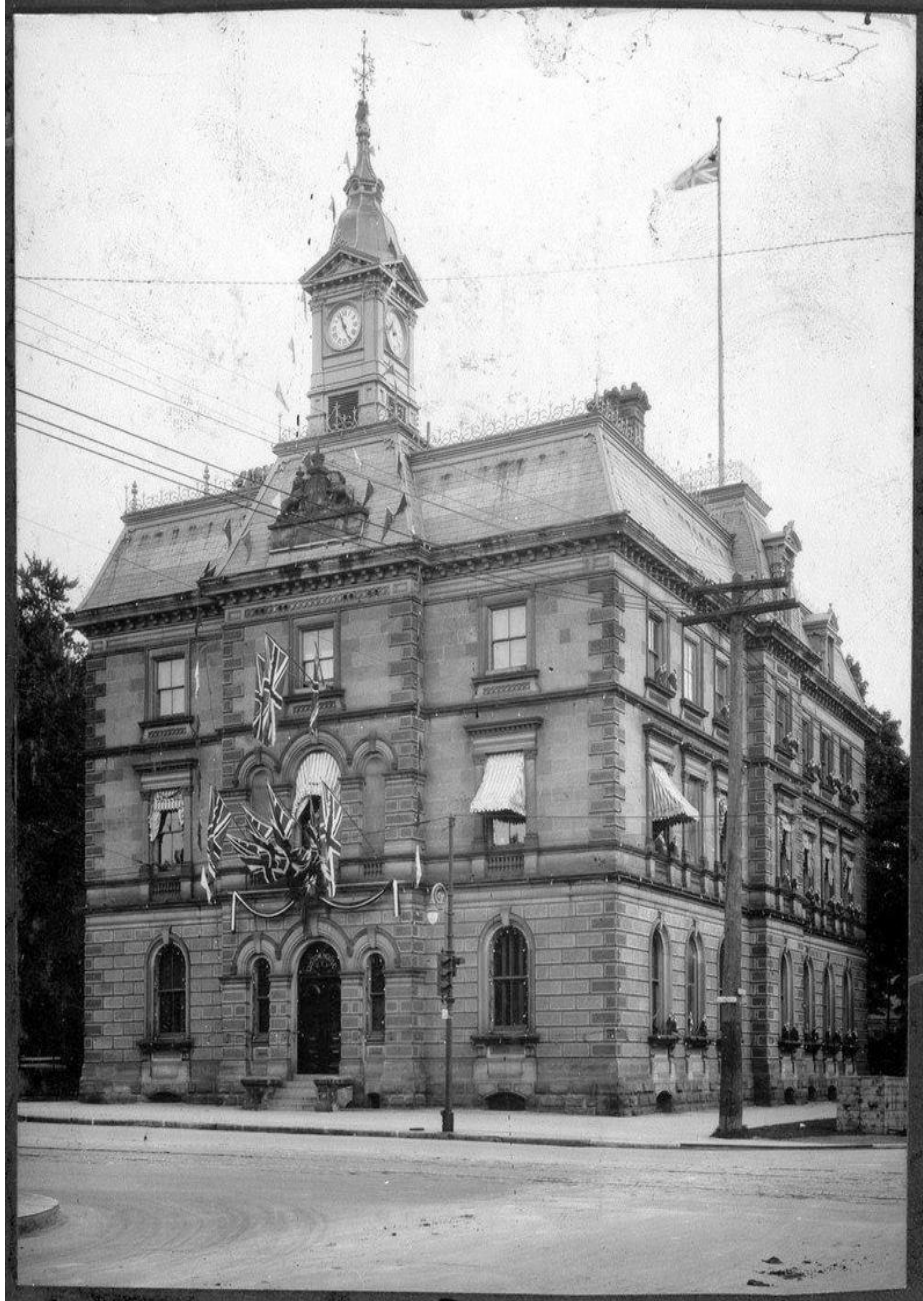


Image 8:

Image of the Customs House, ca. 1927, showing the beaver fence along the Richmond Street façade had been removed⁸

⁸ *Library & Archives Canada*

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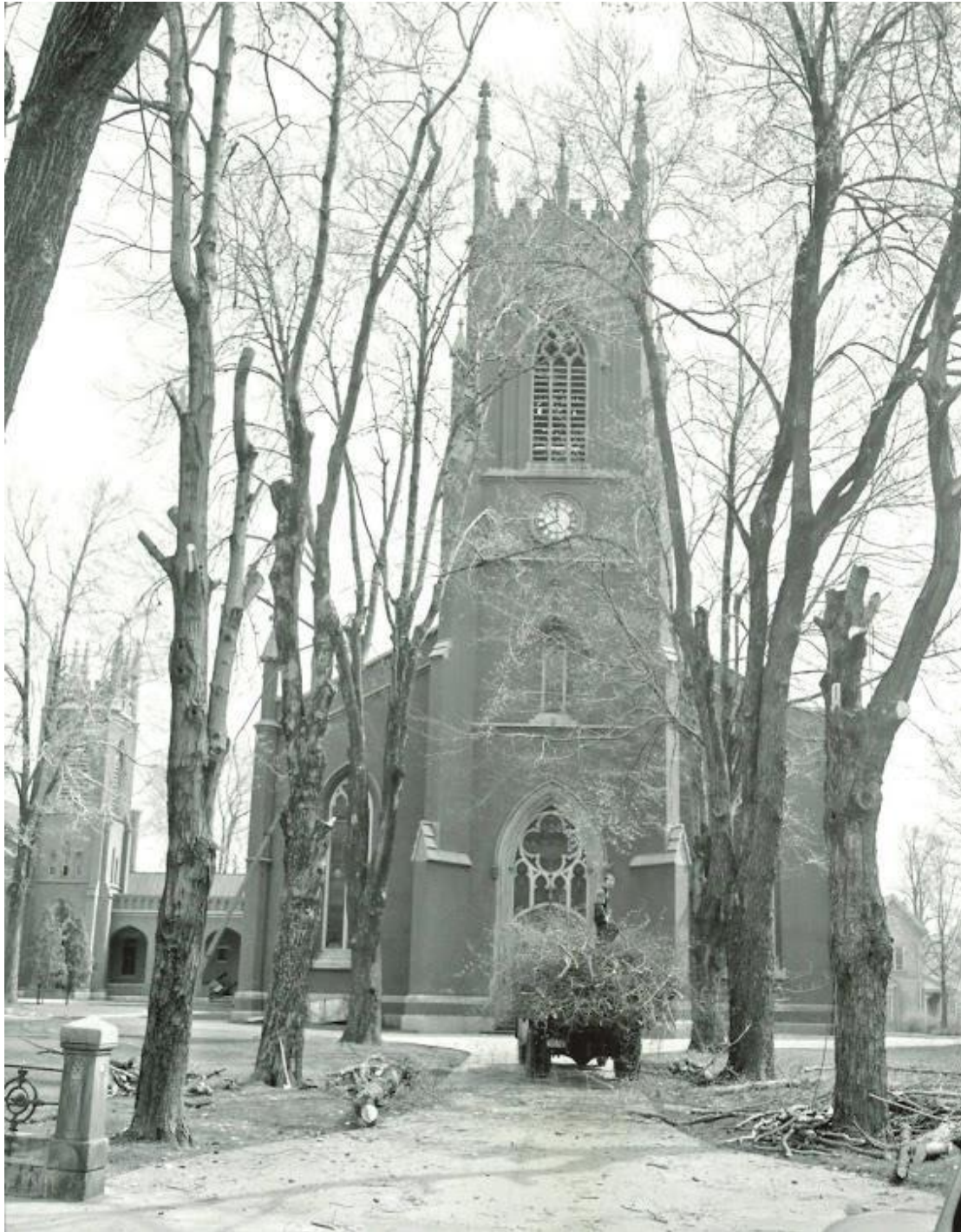


Image 9:

View for St. Paul's Cathedral in 1948 from Richmond Street, including a small portion of the beaver fence⁹

⁹ *London Free Press*, April 26, 1948

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Image 10:
St. Paul's Cathedral in the early to mid-1950s, with a view of the beaver fence¹⁰

¹⁰ Posted on Vintage London Facebook group

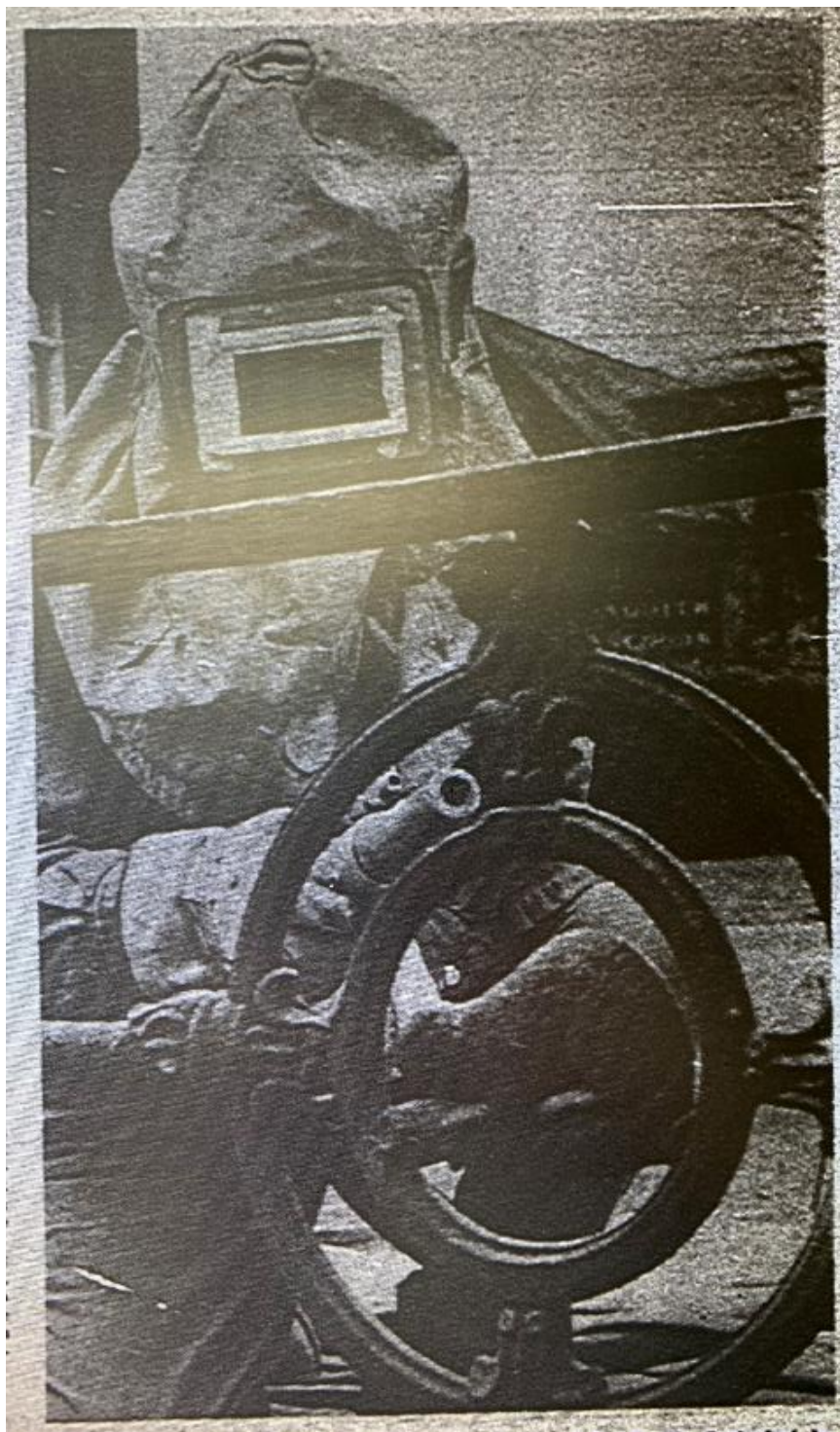


Image 11:
Sandblasting and painting the beaver fence in 1966¹¹

¹¹ *London Free Press, Thursday November 17, 1966*

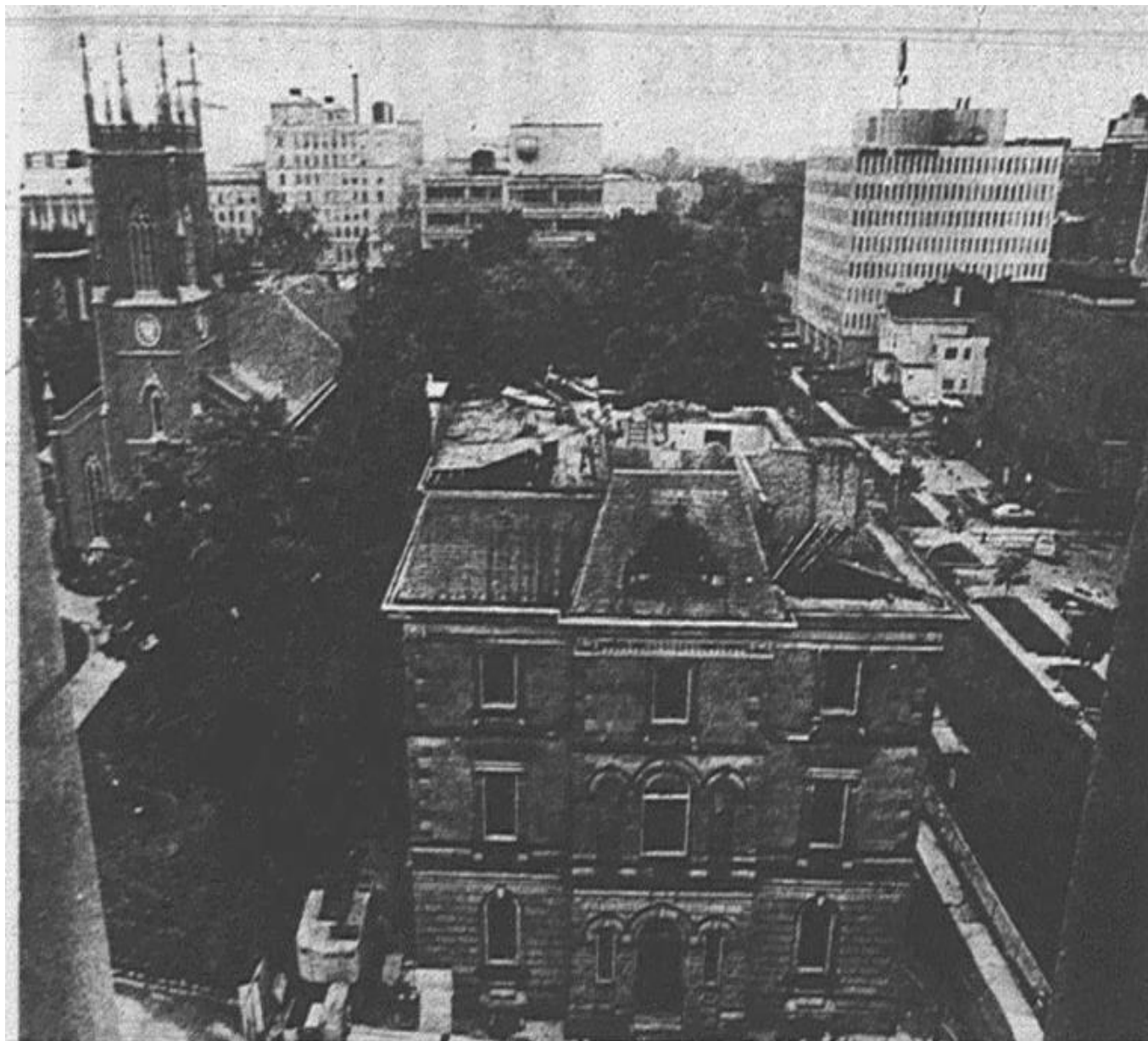


Image 12:

Image depicting the demolition of the Custom Building illustrating the beaver fence on the north side of the building in 1971¹²

5.5 Historical Significance of the Beaver

In the late 1600s and early 1700s, fur hats were in fashion which dramatically increased demand for the acquisition of beaver pelts (Government of Canada, 2020). King Henry IV of France saw the fur trade as an opportunity to acquire much-needed revenue and to establish a North American empire. Both English and French fur traders were soon selling beaver pelts in Europe at 20 times their original purchase price (Government of Canada, 2020).

¹² *London Free Press: August 21, 1971*

Given the trade for beaver pelts was so profitable, some Euro-Canadians felt compelled to pay tribute to the beaver in Canada (Government of Canada, 2020). For example, in 1621, Sir William Alexander, who was granted title to Nova Scotia, was the first to include the beaver in a coat of arms. In 1678, the Hudson's Bay Company put four beavers on the shield of its coat of arms to show how important the hard-working rodent was to the company.

There were an estimated six million beavers in Canada before the start of the fur trade, but by the mid-19th century, the beaver had become close to extinction. During its peak, 100,000 pelts were being shipped to Europe each year. Luckily, as the beaver was coming close to extinction, Europeans had taken a liking to silk hats and the demand for beaver pelts disappeared. Today, thanks to conservation and silk hats, the beaver – the largest rodent in Canada – is alive and well across the country (Government of Canada, 2020).

Given the history of companies and governments using the image of the beaver for representative and monetary purposes, as well as the fact the beaver actually lives in every province of Canada, the beaver was given official status as an emblem of Canada when the *National Symbol of Canada Act* received Royal Assent on March 24, 1975 (Government of Canada, 2020)¹³. This made the beaver Canada's official national animal.

As noted above, the beaver fence was first associated with the Customs House. The Customs House was where goods were stored, inspected and their duties assessed. Given the beaver's historical significance, it is only fitting that a beaver is represented on the fence associated with the Custom House, a building associated with Canadian trade. As a building built by the federal government, the beaver motif in the fence of the Customs House provided a decorative element to the front façade of the building and symbolized not only the Canadian government, but also Canadian trade.

As well as being Canada's national animal, the beaver motif also reflects the Diocese of Huron's coat of arms (historicplaces.ca; St. Paul's Cathedral) (**Image 13** and **Image 14**). The beaver is thought of as an ancient totem animal of the Huron-Wendat Nation and appears in the arms of the Bishopric of Huron. Therefore, the beaver motif in the fence as it was relocated from the Customs House property and is now associated with St. Paul's Cathedral is still fitting since it reflects the Diocese of Huron's Coat of Arms.



Image 13:
Image depicting the arms of the Diocesan of Huron ¹⁴

¹³ *The historical significance of the beaver is from a Euro-Canadian perspective and the Indigenous communities may attribute different values to the beaver.*

¹⁴ <http://www.heraldry-wiki.com/heraldrywiki/wiki/File:Huron.rel.jpg>

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Image 14: Diocese of Huron on Twitter

6. Existing Conditions

6.1 Study Area Existing Conditions

As part of good conservation practices, an assessment of the condition of the beaver fence was completed to inform the conservation treatments and interventions developed for this Conservation Plan.

Site visits at 472 Richmond Street were completed on February 10, April 19, May 12, and July 20, 2021, by Tara Jenkins, Cultural Heritage Specialist, at AECOM, in order to document the existing conditions of the beaver fence. Measurements provided below were taken with a hand-held measuring tape by Tara Jenkins and Sam Mansor, a Structural Engineer at AECOM. In addition, on August 4, 2021, a structural review was completed by AECOM's team and Dillon Consulting in order to determine the fence's realignment and draft construction level drawings and the construction specifications. On November 23, 2021, John Pucchio, AECOM's Senior Structural Engineer, returned to the site to evaluate the condition of the beaver fence. Select photographs from all the site visits are included in **Section 11** of this report (**Photographs 1-42**).

The construction level drawings with construction specifications are attached in **Appendix A** and the Special Provisions on the beaver fence provided for Tender are attached in **Appendix B**.

6.1.1 The Fence

The beaver fence is located on the property of 472 Richmond Street in Downtown London. The fence is not there to guard the public against a safety hazard but rather to delineate a property boundary. It encloses St. Paul's Cathedral and its grounds, a public space. The fence spans the south property boundary along Queens Avenue, measuring 98.08 metres in length including the corner and spans the west property boundary along Richmond Street for 83.5 metres. There is evidence in **Image 6**, above, that the beaver fence extended along the north property boundary and has been since removed with only the foundation remaining. The remaining foundation can be seen in **Photograph 5**.

The beaver fence is made up of four main components:

- 1) The railing system
- 2) The foundation cap stones
- 3) The foundation and footings
- 4) The end posts

6.1.2 The Railing System

The railing system is constructed of cast-iron. This ornamental railing system comprises of horizontal and vertical members held in place by sandstone cap stones. The cap stones are supported on a cast-in-place concrete foundation. Basic measurements of the railing system are presented in **Photograph 42**.

Overall, the cast-iron railing system is in fair condition. The railing system is in need of physical repair and a new coat of paint, especially in the portion that requires relocation. In general, there is evidence of localized surface corrosion, many detached components, broken welds, and missing components. Approximately 7.3 m (23.9 ft) of the fence along Richmond Street, in two locations, is missing a portion of the railing system (**Photograph 26**, **Photograph 28**, **Photograph 30**). In addition, the fence appears relatively unstable and prone to horizontal movement with any significant lateral force. In many locations, the base of the rail posts is not in contact with the top of the cap stone.

The stability of the post and railing depends on firm contact. The lack of contact may be a major contributing factor reducing its overall stability. In many locations, caulking has been placed below the base of the rail post as a measure to increase contact and to potentially seal the area below (**Photograph 27**). It is possible the posts may have been "frost jacked" from their original position, given the susceptibility of unprotected sandstone and mortar to moisture penetration. In addition, the quality of welding appears to be poor. For example, in some locations there was a limited past attempt of grinding the welds smooth.

During the site visit, it was documented that the Diocese of Huron has in their possession three beaver medallions, several vertical posts, 10 finials, and other parts in the basement of the St. Paul's Cathedral (photographic inventory on file with AECOM).

6.1.2.1 Rail Posts

The cast-iron vertical members, referred to as the rail posts in the construction level drawings, include two sections welded to two horizontal rails. In total each rail post is 57.2 cm (2.5 inches) in height. The rail posts are decorated with a floral motif at the rail joint and a leaf motif between the bottom and top rail (**Photograph 38**). The posts are topped with finials that have rounded points (**Photograph 37**). In general, the rail posts are spaced 1.22 m (4 feet) apart from the centre point of the finials. In some cases, posts are attached to the cap stone by a pintle, visible at the joint locations between each cap stone, specifically in the newer section of the fence that was installed in 1974.

6.1.2.2 Horizontal Rails

The cast-iron horizontal rails run between the rail posts near the tops and bottoms. They hold the whole fence together and create the housing for the decorative medallions. The lower horizontal rail, referred to the mid rail in the construction level drawings, is rounded in shape (25 cm diameter)(**Photograph 31**). The top rail is rectangular in shape (20x40 cm) (**Photograph 32**).

Metal back supports have been attached to the top rail at uneven intervals, hidden by the beaver medallions, to provide additional support to the fence (**Photograph 40**). Each brace is welded to the top rail and attached to the cap stone by an anchor with a nut and washer. It is unclear if the braces were added after its construction as the fence became less stable.

6.1.2.3 Medallions

The cast-iron fence is unique in that the rails include a round medallion relief of a beaver spaced evenly between each of the rail posts, currently reflecting the Diocese of Huron's coat of arms (**Photograph 33**). The beaver relief is 30.5 cm in diameter (1 ft). Joining the inner circle to the outer circle around the beaver appears to be a variation of the fleur-de-lis. Typically, the fleur-de-lis motif is associated with the Catholic saints of France and a symbol of the French presence in North America. The beaver medallion does not connect to the foundation of the fence like the rail posts, but just to the two horizontal rails.

The existing cast-iron portion of the fence differs slightly in design from the original fence located in front of Customs House. The original fence included a simple decorative embellishment on the rail post below the horizontal top rail where it connects with the rail post (see **Image 3**, above). The fence that encloses the property today does not include this decorative element.

6.1.3 The Foundation Cap Stones

The cast-iron railing system is connected to the foundation cap stones by metal anchor pins which extend from each vertical post (**Photograph 29**). The caps within the proposed relocation section of the fence appear to be a sandstone type material. The sandstone cap stones have a bevelled edge and are generally 1.2 m (4 ft) in length and are 25 cm (9.8 inches) wide and 20 cm (7.87 inches) in height.

There are mortared joints at each vertical rail post location (**Photograph 24**). The cap stone was cut and notched at each joint location to accommodate the rail post attachment (**Photograph 25**). The joint thickness varies, and several cap stones were noted to be butted against each other with minimal mortar thickness. The mortar was in good condition in some locations and was missing/deteriorated in other locations (**Photograph 25**).

The cap stones are also connected by a mortared joint to a concrete foundation (**Photograph 24**). The mortared joint varies in thickness and was also used for levelling the fence. The mortar was noted to be in fair condition. The mortar was in good condition in some locations, while in other locations was missing/deteriorated in other locations (**Photograph 25**).

Overall, the cap stones are in fair condition with typical observations of medium weathering. There are localized areas of poor conditions, with severe weathering (**Photograph 22**), cracking, spalling (**Photograph 23**), and disintegration. There is some wear and minor damage to the roadside elevations of the caps.

6.1.4 The Foundation and Footings

The cast-in-place concrete foundation of the beaver fence is situated along the length of the property and appears to be in good condition where nominally exposed above grade (**Photograph 12**). The visible portion of the foundation shows some cracking/gaps located near the joints of the cap stone and verticals.

The concrete foundation varies in height (above grade) since it is the element of the fence that keeps the fence system appearing level for its entire length. The foundation appears to be a standard concrete mix design with a coarse aggregate. Given the age of the foundation, the concrete is unlikely to have air entrainment, as required for durability in today's mixes. The arrangement and depth of the concrete foundation is unknown. A foundation footing is likely situated at the base of the foundation wall but is not visible and its condition is unknown.

6.1.5 The End Posts

The end posts are found at four separate openings along the length of the fence which allow entrance to the public space of the property. Two openings are located on the western boundary of the property along Richmond Street and two openings are located on the southern boundary of the property along Queens Avenue. The two most western end posts on Queens Avenue are the focus of this existing conditions survey since they require relocation for the Project (**Photograph 14**).

The end posts affected by the Project along Queens Avenue are made of sandstone (**Photograph 15**). The end posts including the caps are approximately 121.7 cm (47.8 inches) in height. The posts themselves are squared, and they are 97.3 cm (38.3 inches) in height and 28 cm (11 inches) in length and width. Basic measurements of the end post are presented in **Photograph 41**. The street facing façade of the posts include a floral pattern and below a fluted pattern which appear to be worked and tooled into the sandstone. The posts are typically medium weathered with localized severe weathering (particularly around the corners). There has been some minor localized patching on the posts with a cementitious material.

The posts also include sandstone caps which appear to be original and are separate from the end posts. The caps are placed on a mortar layer with the end posts (**Photograph 16**). Any connection between the end posts and caps is currently concealed. The main end posts are placed on a mortar layer above the concrete foundation (**Photograph 17**). Any connection with the main end post and foundation is concealed. The caps of the end posts are pointed pyramidal. The stone caps are 24.1 cm (9.5 inches) in height and 35.6 cm (14 inches) in length and width.

Holes were drilled into the posts to receive the horizontal rails. The original arrangement appears likely consisted of horizontal rails mortared into the post holes (**Photograph 18**). Later modifications and repairs appear to place reinforcing steel bars into the holes with mortar (or potentially epoxy adhesive) and the welding of the reinforcing steel bars to the horizontal rails (**Photograph 19**). Some holes in the end posts for horizontal rail attachment were patched, potentially indicating the post was turned during previous repairs (**Photograph 20**). Other forms of strengthening of the horizontal rail attachment were noted (**Photograph 21**).

6.1.6 Assembly Method

The following section proposes how the beaver fence may have been constructed based on observations made by John Pucchio, AECOM's Senior Structural Engineer, of the components, joints and deterioration.

Based on Mr. Pucchio's observations, the fencing was assembled in place (on-site) in pieces, and not in sections, per the following:

- The vertical posts were positioned in the cap stone without a horizontal railing and without the finials.
- Middle horizontal railing:
 - The beaver medallions were originally separate.
 - The short round tube pieces (or mid rail) are inserted into the ends of the medallions and into the receiving ends at the posts. The tube is welded at each location. (**Photograph 31**)
 - There appears to be a weld at each connection location. It is possible that these are shop welds, but given the number of visual detachments and repairs, it is more likely they were field assembled and welded.
- Top horizontal railing:
 - The flat bar was placed over the top of the post and welded (**Photograph 32**). The joint is visual at numerous locations. The flat bar is also continuous over some vertical post locations.
 - The finials are then welded over the posts, so that piece appeared to be independent until installation. The welds are cracked, broken or repaired in many locations.
 - The beaver medallions are also welded to the top rail (**Photograph 33**). The welds are cracked, broken or repaired in many locations.
- This piece-by-piece construction is particularly evident in later period modifications such as the corner (Richmond and Queen). This would not have been possible in the shop, so it would have been field welded (**Photograph 34**). All those welds are cracked.

6.1.7 Other Landscape Features

In July 2021, the proposed new boundary of the right-of-way was staked within 472 Richmond Street. The new right-of-way will impact other features within the property including a garden south of the St. Paul's Cathedral sign (**Photograph 36**), two pine trees and two deciduous trees.

7. Recommended Approach of Heritage Conservation

7.1 Determining the Primary Treatment

The conservation treatments, including all restoration and preservation work, for the beaver fence, abide by the Parks Canada *Standards and Guidelines* to ensure the relocation of the beaver fence will adhere to conservation best practices and will lead to the development of a detailed Removal Plan and Refinishing/Refurbishment Plan.

Conservation is an all-inclusive term that refers to all forms of conservation treatment. It pertains to all the processes of looking after a place to retain its cultural heritage significance (Kalman and Létourneau 2021:218). Determining the primary treatment is considered stage two of the conservation process known as *Planning*. According to Parks Canada's *Standards and Guidelines*, before conservation activities begin, the primary treatment must be defined. Three primary conservation treatments are recognized in the *Standards and Guidelines* and are as follows:

Preservation: means maintaining a building or structure in its existing state. It is a program of maintenance and intervention designed to prevent further deterioration and to keep a building or structure 'as is' – that is, to respect the present form, material, and integrity. Emphasis is placed on the conservation of existing material. Preservation is similar to maintenance and repair (Kalman and Létourneau 2021:221).

Rehabilitation (or Adaptation): is the process of returning a property to a useable state through repair or alteration. Rehabilitation makes possible an efficient contemporary use while preserving those portions and features that are significant to the property's historic, architectural, and cultural values. Rehabilitation has also been referred to as 'new work and alteration' (Kalman and Létourneau 2021:223).

Restoration: is the process of returning a building or structure to the appearance of an earlier time by removing later material and by replacing missing elements and details. The intention of restoration is to reveal the appearance of the place at its period of greatest cultural significance. Restoration may involve the permanent loss of material that is later in date from the restoration period (Kalman and Létourneau 2021:221).

In addition, **reconstruction** may be required which means returning a place to an earlier state but distinguished from restoration by the prevalence of newly introduced material. A building or structure may require the rebuilding of one or more components within a larger restoration project (Kalman and Létourneau 2021:226).

7.1.1 Conservation Treatments of the Beaver Fence

The recommended primary conservation treatment is: **Restoration**. Based on the existing conditions assessment of the beaver fence, the fence requires repair and possible replacement of deteriorated or missing features prior to its reinstatement at a new location within the property of 472 Richmond Street. **Restoration** involves the sensitive repair of the beaver fence while protecting its cultural heritage value. Damaged or missing features will be **restored** or **reconstructed**. The replacement of missing features should be an accurate replica of the feature that keeps in character with the restoration period of the beaver fence (i.e. back to its original appearance).

The secondary conservation treatment of the beaver fence is: **Preservation**. The secondary conservation treatment is used for individual components. Given the beaver fence requires relocation for the Project, the removal process requires interim measures to protect the fence, conserve all components that are salvageable, and prevent components from damage during relocation. The missing parts and deteriorated features of the beaver fence will be **restored**, including **preserving** the main components.

7.1.2 Goals of Conservation

The following goals have been developed to include applicable aspects of the MHSTCI *Eight Guiding Principles* (**Appendix C**) for the restoration and preservation of the beaver fence:

Goal 1: Ensure the means and methods of removal of the beaver fence preserve the integrity of this heritage attribute.

Goal 2: Design all conservation interventions to respect the historic material of the beaver fence by:

- repairing rather than replacing components of the beaver fence. If parts are too deteriorated, then replace with like materials that match the forms, materials, and detailing of the sound versions of the same elements, and,
- repair the beaver fence to its restoration period before it is reinstated in its new location.

Goal 3: All conservation interventions must preserve the relocated portion of the beaver fence to be physically and visually compatible with the beaver fence that is remaining *in-situ*, including re-establishing the spatial arrangement (proportions) of all its components and the consistent elevation of the railing system.

Goal 4: Document all conservation interventions. Ensure that documentation is available for future interventions.

8. Conservation Measures- Proposed Conservation Interventions

Change is necessary to repair and restore the beaver fence during its relocation. The amount of change (or alteration) should be guided by appropriate conservation interventions. This section represents the *Intervening* stage of this Conservation Plan which includes detailed recommendations for intervention, by prescribing recommendations for the methods required in order to address the conservation requirements, using the conservation treatments (restoration and preservation).

Intervention is defined as: *Any action, other than demolition or destruction, that results in a physical change to an element of a historic place* (Parks Canada, 2010:254). To alter, means to change in any manner and includes restore, renovate, repair or disturb (MHSTCI, 2010).

AECOM's structural engineering team led by John Pucchio, with alignment input from Dillon Consulting Limited, have prepared construction level drawings, presented in **Appendix A**, and Special Provisions to assist in the relocation of the beaver fence (**Appendix B**), to support the conservation of the beaver fence, and to reflect the conservation strategies and policies outlined above. Based on the construction level drawings and the Special Provisions, the following section provides specific conservation interventions that will be undertaken to preserve and restore the beaver fence, thus preserving the cultural heritage value of 472 Richmond Street.

The City of London will be responsible for the costs related to the beaver fence relocation, including the restoration for the relocated section. The fence will be entirely relocated within the boundary of 472 Richmond Street, so it maintains its private ownership and subsequently, its long-term management and maintenance by the Diocese of Huron and St. Paul's Cathedral. Therefore, the following proposed conservation interventions in **Table 1** are short-term and include only the interventions required for the duration of the Project. However, it should be noted that the conservation interventions proposed in this Conservation Plan are developed so they do not create any long-term adverse implications to the fence.

8.1 Responsibility

The **Contractor** is responsible for protecting the beaver fence and the property during the relocation process for this Project. In conjunction with the Contractors heritage construction specifications outlined in **Table 1**, below, the Contractor shall carry out the following work:

- Develop the means and methods for removal of the beaver fence and its rehabilitation and reinstatement.
- Create a Removal Plan and Refinishing/Refurbishment Plan to outline all means and methods after review of this Conservation Plan and the specifications outlined in the construction level drawings and the Special Provisions.

All restoration and preservation work should be completed in such a way that all salvageable individual components are not damaged. Appropriate conservation interventions should be established by the Contractor prior to the removal of the beaver fence. **Table 1** outlines the requirements of the Contractor. To ensure appropriate conservation interventions are undertaken, the Removal Plan and Refinishing/Refurbishment Plan must be approved by the **Contract Administrator** prior to the fence removal.

Work for the masonry and cast-iron must be completed by **Qualified Persons**. A Qualified Person is an individual that has relevant, recent experience in the conservation of historic structures. A Qualified Mason will be required for the work related to the sandstone cap stones and the concrete foundation. A Qualified Custom Metal Specialist will

be required for the work related to the cast-iron railing system. The Qualified Persons will be required for the development of the Removal Plan and Refinishing/Refurbishment Plan, including the development of shop drawings. Work must be performed by firms having not less than 5 years of successful experience in comparable masonry and iron restoration projects, and must employ personnel with skills in the restoration process.

Three (3) weeks prior to the commencement of work for the beaver fence, the Contractor shall provide the following submissions:

1. Removals Plan:

- Outline the methodology, equipment, cutting details, protection of components, transportation details, extents of removal and storage.
- Detailed plans on how all components will be catalogued prior to removals.
- Existing conditions including all elevations (top of cap stone and adjacent grade) and all dimensions (including the spacing of each post).

2. Refinishing/Refurbishment Plan:

- Fencing: Outline methodologies for all work, connection details, welding details, shop details, coating systems and staff experience (who are undertaking the work).
- Cap Stone and end posts: Outline methodologies for all work, new materials (including samples), connections, shop and staff undertaking the work.
- Provide in sufficient detail the location/capacity of facilities, proposed equipment for all components of the work and proposed staff (with certifications).
- Detailed plans for mockup assemblies.
- Detailed plans of the relocation layout including site staking/marketing, drawings, dimensions.

3. Concrete Placement Plan:

- Reinforcing steel shop drawings
- Formwork details and design
- Concrete mix design.
- Cold and Hot weather protection measures.
- Location of all control and construction joints.

Table 1: Proposed Conservation Interventions- Specifications

Material Component	Responsibility	Removal Plan Specifications	Refinishing/Refurbishment Plan Specifications
Entire Fence: Prior to Removal	The Contractor is responsible for the protection the beaver fence and the property during the duration of this Project.	<p>The Contractor is required to complete the following:</p> <ul style="list-style-type: none"> ▪ A Pre-Conditions Survey and verify all dimensions and elevations, as shown on the construction level drawings (Appendix A). <ul style="list-style-type: none"> ○ Discrepancies shall be submitted to the Contractor Administrator and those changes should be reflected in the submittals and shop drawings. ▪ A survey of existing and new grades <ul style="list-style-type: none"> ○ Vertically align the top elevation of the fence—minimize elevation changes. ▪ Mark the preliminary layout arrangement in the new railing location ▪ Complete a trial removal (demonstration) of a 3-metre section of the beaver fence. <ul style="list-style-type: none"> ○ Ensure removal techniques in the Removal Plan do not damage any components of the beaver fence that are in salvageable condition. ▪ Include a cataloguing plan in the Removal Plan. Each railing section and cap stone shall be catalogued and marked with non-permanent construction crayon. Cataloguing should match the cap stone with the post/railing sections for similar reinstatement along the new fence alignment. ▪ After the trial, approval of the Removal Plan and the fence arrangement, in writing, is required from the Contractor Administrator and the Diocese of Huron/St. Paul's Cathedral prior to full removal of the beaver fence. 	<p>The Contractor is required to complete the following:</p> <ul style="list-style-type: none"> ▪ A shop drawing and special provisions in the Refinishing/Refurbishment Plan to show how the relocated fence members will be laid out in the new arrangement and the integration of the corner between the relocated fence and the existing fence will be completed. There should be a careful regard for spacing, keeping the appearance of the fence proportional. A shorter panel distance is acceptable, if required. ▪ Reinstatement should be proportional (noting that not all sections will be identical). Adjust proportions as needed to make it appear proportional with the beaver medallion located at the centre between two rail posts. ▪ Complete a trial (demonstration) on reinstatement. Reinstall a length of 3 metres. The section must be inspected by the Contract Administrator prior to full installation.

Material Component	Responsibility	Removal Plan Specifications	Refinishing/Refurbishment Plan Specifications
Cast-Iron Railing System	The removal and restoration of the cast-iron railing system should be carried out by a Qualified Custom Metal Specialist, subcontracted by the Contractor.	<ul style="list-style-type: none"> ▪ Removal Plan shall stipulate that all elements of the railing system to be salvaged (with a requirement to catalogue during removal) ▪ Include detailed methods on how to dismantle and detach the fence from the cap stones and along the railing system itself in the Removal Plan. Specify all cut locations and locate cuts at locations that may be concealed in its reassembled form. Although saw cutting is required for the railing system removal, minimize the number of cut components and maximize the length of the removed railing section to suit movement and restoration. Minimizing cuts will avoid additional repairs and damage. <p>If back braces are required on a new fence, keep back braces attached in removal.</p>	<ul style="list-style-type: none"> ▪ Review the condition of all fence components and document in the Refinishing/Refurbishment Plan. <ul style="list-style-type: none"> ○ If parts are too deteriorated for repair, use the railing parts in St. Paul's Cathedral basement whenever possible. All parts deemed unsuitable for reuse shall be retained for review until approval for disposal is granted. ○ If there are no existing parts to replace deteriorated components, fabricate replacement components in replicate existing, materials and detailing (with the possibility of constructing new moulds for casting the beaver motif and/or the vertical rail posts, if the past moulds cannot be located by the Diocese of Huron). ▪ Review and document the condition of all connections and component joints. Grind all existing welds smooth and reweld connections for increased competency. Grind all new welds smooth. Welding shall conform to the American Welding Society AWS A5.15 (Specification for Welding Electrodes and Rods for Cast Iron). Grind all sharp edges by hand or power tools prior to preparation for coatings. ▪ Unless required to facilitate on-site assembly, shop weld all components. ▪ The relocated portion of the fence should meet a minimum standard of care (for example if a person leans on it). The intention of the refurbished design and reinstated posts is to provide a similar lateral point load capacity (as possible) to the OBC, or 1 kN (225 lbs). ▪ Where field welding has the potential to damage surface preparation, reduce extents of coating for application of coating in the field. ▪ Allow unlimited access to the City of London or representative officials for observations and quality control reviews.

Material Component	Responsibility	Removal Plan Specifications	Refinishing/Refurbishment Plan Specifications
			<p>Coating (paint):</p> <ul style="list-style-type: none"> ▪ Review appropriate methods, protection and disposal requirement to remove the existing coating finish. Incorporate all proposed work in the Refinishing/Refurbishment Plan submission. ▪ As part of the Refinishing/Refurbishment Plan, Metal Specialist shall propose paint products to achieve one prime coat and flat top coat, suitable for cast iron, including sample paint colours. The flat top coat shall be black similar to the current paint colour. ▪ Surface preparation for paint systems shall be according to SSPC-SP15 – Industrial Grade Power Tool Cleaning or better, to suit a 1 mil surface profile. ▪ Final surface preparation for coating application (shop and field) shall be complete when the temperature, moisture and humidity satisfies SSPC-PA1 ▪ Application related failures in coatings shall be corrected prior to application of a subsequent coat or after the application of the flat top coat, as applicable. Where excessive coating thickness shall be scraped back and sanded to a soundly bonded coating and the area recoated to match the surrounding coating. ▪ All components coated off-site shall be protected from handling or shipping damage through the use of padded slings, separators, tie downs and other similar devices.

Material Component	Responsibility	Removal Plan Specifications	Refinishing/Refurbishment Plan Specifications
Sandstone cap stones	The removal and restoration of the cap stones should be carried out by a Qualified Heritage Mason, subcontracted by the Contractor.	<ul style="list-style-type: none"> ▪ Removal Plan shall stipulate that all cap stones should be salvaged (with requirement to catalogue in removal) ▪ Do not damage in removal. Saw cut mortar joints for removal, gently pry and carefully lift cap stones for removal. ▪ Employ multiple lift and support points along the length of each cap stone to provide uniform support in lifting and transportation. ▪ Gently grind all bonded mortar to original stone surfaces. ▪ Store off-site: For transportation after removal, caps should be placed on timber skids and stacked no more than 3 rows high per skid, with each row separated by 2 layers of plywood. A top layer of plywood should also be used for protection during transportation. Each skid should be well bound with heavy duty polyester or metal banding for transportation. Upon delivery to a storage and refurbishment location, each cap shall be reviewed for condition and damage documented. Transportation back to site shall have similar care and procedures. 	<ul style="list-style-type: none"> ▪ If sandstone cap stones become damaged in removal, procure a sandstone source to replace if needed. <ul style="list-style-type: none"> ○ Replacement stone should be similar in form, materials and detailing to the existing cap stone. ○ Provide a sample of new sandstone to the Contract Authority for review and approval prior to installation. ▪ Specify in the Refinishing/Refurbishment Plan if cap stone cleaning is required and/or appropriate. If cleaning is appropriate, use the gentlest means possible to obtain satisfactory results. Clean before reinstating with low-pressure clean water and soft natural bristle brush. ▪ Provide the Design for attachment of the cap stones to the new concrete foundation (see mortar specifications). Adhesive dowels may be required to firmly anchor the cap stone. The holes shall be free of dust and debris immediately prior to placement of the anchoring agent. When the anchoring agent fails to fill the hole after insertion of the dowel, additional anchoring agent shall be added to fill the hole.

Material Component	Responsibility	Removal Plan Specifications	Refinishing/Refurbishment Plan Specifications
Sandstone End Posts and Caps	The removal and restoration of the end posts and caps should be carried out by a Qualified Heritage Mason, subcontracted by the Contractor.	<ul style="list-style-type: none"> ▪ Removal Plan shall indicate that the two sandstone end posts should be salvaged and relocated. Salvage the caps of the sandstone posts, even if the posts themselves cannot be salvaged. ▪ Prior to Removal Plan submission, excavate around end posts to demonstrate how the posts should be removed for salvage and re-use. ▪ Do not damage in removal. Cover the entire perimeter in plywood and secure with banding. Saw cut mortar joints for removal, gently pry and carefully remove end posts. ▪ Employ multiple lift and support points along the length of each cap stone to provide uniform support in lifting and transportation. ▪ Gently grind all bonded mortar to original stone surfaces. ▪ A construction method for the end post relocation should be developed in the Removal Plan. 	<ul style="list-style-type: none"> ▪ Should it become necessary to replace the end posts, procure a sandstone source to replace them if needed. <ul style="list-style-type: none"> ○ Replacement stone should be similar in form, materials and detailing to the existing cap stone. ○ Provide a sample of new sandstone to the Contract Administrator for review and approval prior to installation. ○ Replicate the tooled pattern on the street façade side of the new posts ▪ Provide the Design on the methods of attachment of the end posts to the railing system and to the new concrete foundation (see mortar specifications). Adhesive dowels may be required to firmly anchor the cap stone. The holes shall be free of dust and debris immediately prior to placement of the anchoring agent. When the anchoring agent fails to fill the hole after insertion of the dowel, additional anchoring agent shall be added to fill the hole. ▪ Clean end posts and caps, if appropriate, utilizing the gentlest means possible to obtain satisfactory results. Clean before reinstating with a low-pressure clean water and soft natural bristle brush.

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Conservation Plan: 472 Richmond Street, St. Paul's Cathedral - the "Beaver Fence"
 Downtown Loop Bus Rapid Transit and Infrastructure Improvements

Material Component	Responsibility	Removal Plan Specifications	Refinishing/Refurbishment Plan Specifications
Concrete Foundation and Footings	The removal of the foundation and the installation of the new foundation should be carried out by the Contractor.	<ul style="list-style-type: none"> ▪ Allow for the visual review of the existing foundation arrangement for documentation purposes. ▪ Excavate, remove and dispose of concrete foundation according to OPSS 510. 	<ul style="list-style-type: none"> ▪ Construct the new foundation and footings to suit the modified fence arrangement and cap stone width. The exact configuration of the concrete foundation will be governed by the shop drawings produced by the Contractor of the layout of the fence members. ▪ Provide a concrete mix design conforming to OPSS 1350. <ul style="list-style-type: none"> ○ Since historic concrete mixes cannot be recreated with today's concrete technology, consider a coating or additive to change the colour of the new concrete, if appropriate, to help transition the new and the old foundation (which will be apparent at the corner joint) ▪ Construct the concrete according to OPSS 904 including cold and hot weather protection. Concrete shall have a compressive strength of 32 MPa at 28 days (exposure class C-1). ▪ Reinforcing steel for concrete shall be Grade 400W according to OPSS 905. ▪ Provide submissions for reinforcing steel placement and formwork design according to OPSS 904 and 919, respectively.

Material Component	Responsibility	Removal Plan Specifications	Refinishing/Refurbishment Plan Specifications
Mortar Mix	A Qualified Heritage Mason, subcontracted by the Contractor, should determine the appropriate mortar mix to be used in the installation of the new fence.	<ul style="list-style-type: none"> ▪ No mortar mix specifications are required in the Removal Plan. 	<p>This specification is to apply to all mortar joints required for the Project:</p> <ul style="list-style-type: none"> ▪ In the absence of costly testing, an acceptable historical mortar mix should be used and matched as closely as possible through visual and physical comparison onsite. <ul style="list-style-type: none"> ○ Determine if the mortar mix in the Special Provisions of the acceptable mortar mix CSA A179, consisting of Type SA Hydrated Lime is acceptable. ▪ Mortar to be pre-packaged in correct colour, texture and profile to match original mortar. Mortar is to be designed to be: workable and compatible (similar to the existing mortar in compressive strength and deformability, water transmission of mortar and water absorption of masonry) with the materials to be bonded and with service conditions; durable (resistance to frost action and salt crystallization, and controlled shrinkage and bond); breathable (permeable, water absorption and vapour transmission); lower in compressive strength and sacrificial to the stone masonry units with faster initial setting as needed in Canada's cold climate. ▪ Provide a sample of mortar prior to completion of the Refinishing/Refurbishment Plan for approvals.

City of London

Conservation Plan: 472 Richmond Street, St. Paul's Cathedral - the "Beaver Fence"
 Downtown Loop Bus Rapid Transit and Infrastructure Improvements

Material Component	Responsibility	Removal Plan Specifications	Refinishing/Refurbishment Plan Specifications
Entire Fence- Reinstall	The Contractor, the Qualified Heritage Mason and the Qualified Heritage Metal Specialist are required for the installation of the fence in its new location.	<ul style="list-style-type: none"> ▪ Not applicable. 	<ul style="list-style-type: none"> ▪ Include procedure and methods for installment in the Refinishing/Refurbishment Plan: <ul style="list-style-type: none"> ○ Cast-in-place reinforced concrete foundation footing and walls. Excavate and backfill as necessary. ○ Install and connect cap stone to foundation walls ○ Install and connect railing system to cap stone ○ Refer to the Landscape Plan, however, install grass inside boundary new fence and a hard surface outside the boundary of the new fence (similar to existing conditions). ▪ Reference the Pre-Condition Survey and ensure the top elevation of the fence vertically aligns with the existing fence. ▪ Include a schedule of the sequence of work (i.e., ideal timing of when to complete the reinstallation)
Entire Fence- Post-Construction	The 1-year warranty makes the Contractor contractually responsible and liable for defects related to poor materials or workmanship.	<ul style="list-style-type: none"> ▪ Not applicable. 	<ul style="list-style-type: none"> ▪ Prior to the expiry warranty period, an inspection should be completed by the Contract Administrator and the Diocese of Huron/St. Paul's Cathedral to review condition and implement repairs to defective work.

9. Action Plan and Implementation

This final section of the Conservation Plan in regard to the relocation of the beaver fence at 472 Richmond Street provides an outline of the actions that are required in order to implement this Conservation Plan in full. It assumes a prior series of discussions in which the various levels of government and stakeholders achieve a consensus as to the objectives and goals of this Conservation Plan.

The Contractor is required to review this Conservation Plan and implement all the conservation interventions in the Removal Plan and Refinishing/Refurbishment Plan. Once the Contractor has completed the Removal Plan and Refinishing/Refurbishment Plan and the plans are approved, all submissions and drawings will be appended to this Conservation Plan. **Section 9.1** outlines the approval process after the Plans have been approved.

9.1 Approvals Process

The following approvals are required for this Project, prior to the removal of the beaver fence at 472 Richmond Street:

1. Consult with the Property Owner.
2. Complete a Heritage Alteration Permit, under Section 42 of the *Ontario Heritage Act*. Municipal Council must make a decision on the Heritage Alteration Permit application within 90 days or the request is deemed permitted (Section 42(4), *Ontario Heritage Act*). Section 42 of the *Ontario Heritage Act* requires that a property owner not alter, or permit the alteration of, the property without obtaining Heritage Alteration Permit approval.
3. As part of the Heritage Alteration Permit application, this Conservation Plan will be reviewed by LACH. The review of this report with LACH will provide input in the Planning and Environment Committee (PEC).
4. The recommendations made by LACH on the Heritage Alteration Permit application will be presented at the PEC monthly meeting.
5. City Council considers LACH recommendation and makes a decision on approval of the Heritage Alteration Permit.

9.2 Monitoring

As recommended in **Table 1**, above, the relocation of the beaver fence requires monitoring at all stages of its relocation process including:

- All trials recommended in **Table 1** shall be reviewed and approved by the Contract Administrator.
- The conservation intervention methods of the beaver fence may be periodically reviewed by a qualified heritage professional and/or the City of London Heritage Planner, Kyle Gonyou. Any issues encountered during the relocation process should be discussed with the Contract Administrator. Consultation with a qualified heritage professional and the City of London Heritage Planner, Kyle Gonyou, may be required.
- At completion of the restoration and relocation of the beaver fence, the condition of the relocated portion of the beaver fence, after it has had time to settle, should be inspected by a qualified heritage professional and/or a City of London Heritage Planner to ensure that the conservation interventions recommended in this Conservation Plan were applied and there are no cracks or concrete failure etc.
- Prior to the expiry warranty period, an inspection should be completed by the Contract Administrator and the Diocese of Huron/St. Paul's Cathedral to review condition and implement repairs to defective work.

The Diocese of Huron/St. Paul's Cathedral will monitor and maintain the beaver fence long-term after the completion of this Project.

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11. Select Photographs



Photograph 1:

View of beaver fence along Richmond Street in the winter illustrating the length of the fence, looking south
(AECOM, February 2021)

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Photograph 2:

View of the beaver fence along Richmond Street in the summer illustrating the length of the fence, looking south (AECOM, May 2021)

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Photograph 3:
View of the Cathedral grounds in early spring, looking north (AECOM, April 2021)

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Photograph 4:

Manicured lawn within the Cathedral grounds, looking south towards Queens Avenue (AECOM, May 2021)

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Photograph 5:

Northern boundary of the property, showing the foundation of the former fence (AECOM, July 2021)

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Photograph 6:
Cathedral grounds, looking southwest towards the beaver fence (AECOM, May 2021)

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Photograph 7:
Hedge marking the northern boundary of the property (AECOM, July 2021)

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Photograph 8:
Stone foundation of the north side of the northern entrance to the property (AECOM, July 2021)

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Photograph 9:
Stone column of the north entrance path (AECOM, July 2021)

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Photograph 10:
View towards Richmond Street of the stone column of the north entrance path (AECOM, July 2021)

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Photograph 11:
Details of the cast-iron fence (AECOM, July 2021)

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Photograph 12:
Sandstone cap stones and concrete foundation of the fence on Richmond Street, south side of the main entrance path
(AECOM, July 2021)

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Photograph 13: View of the beaver fence on Richmond Street, looking north (AECOM, May 2021)

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Photograph 14: The most western end posts on Queens Avenue proposed for relocation (AECOM, May 2021)

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Photograph 15: End post proposed for relocation on Queens Avenue, showing signs of weathering and localized weathering on corners (AECOM, November 2021)



Photograph 16: View of the separate top cap of the end post with mortar layer with the end post (AECOM, November 2021)



Photograph 17: End post placed on a mortar layer with a concrete foundation (AECOM, November 2021)

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Photograph 18: Original arrangement with where horizontal rails mortared into end posts (AECOM, November 2021)



Photograph 19: Modified horizontal rails which place reinforcing steel bars into holes with mortar and welding of reinforcing steel bars to horizontal rails (AECOM, November 2021)



Photograph 20: Former holes in the end posts (for horizontal rail attachment) that were patched up, potentially indicating the end post was turned for repairs (AECOM, November 2021)

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Photograph 21: End post with localized repairs (AECOM, November 2021)

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Photograph 22: Example of a cap stone in poor condition (AECOM, November 2021)



Photograph 23: Capstone cracking and spalling (AECOM, November 2021)



Photograph 24: View of mortar joint between cap stone and concrete foundation and mortar joint at each vertical rail post location (AECOM, November 2021)



Photograph 25: Example of mortar joint missing and the cap stone cut and notched at each joint to accommodate the post attachment (AECOM, November 2021)

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Photograph 26:Missing section of the beaver fence on Richmond Street (AECOM, May 2021)

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Photograph 27: Caulking below the base of the post to increase contact and seal area below (AECOM, November 2021)

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Photograph 28: Details of a corner of the beaver fence (AECOM, May 2021)

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Photograph 29: Pin tie of a vertical rail post (AECOM, May 2021)

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Photograph 30: Damaged section of the beaver fence on Richmond Street (AECOM, May 2021)



Photograph 31: The mid horizontal rail inserted into the ends of the beaver medallion and into the receiving ends of the vertical posts. The tube is welded at each location (AECOM, November 2021)



Photograph 32: The flat horizontal bar was placed over the vertical rail post and welded (AECOM, November 2021)



Photograph 33: Beaver medallion welded to top horizontal rail (AECOM, November 2021)



Photograph 34: Welding with cracks, illustrating piece by piece on-site construction of fence (AECOM, November 2021)

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Photograph 35: View of the beaver fence on Queens Avenue with buried foundation (AECOM, May 2021)

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Photograph 36: View of the Cathedral sign and garden from Queens Avenue, looking north (AECOM, May 2021)

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Photograph 37: Example of a vertical rail post with finial with a rounded point (AECOM, July 2021)

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Photograph 38: Floral motif of the vertical rail post (AECOM, July 2021)

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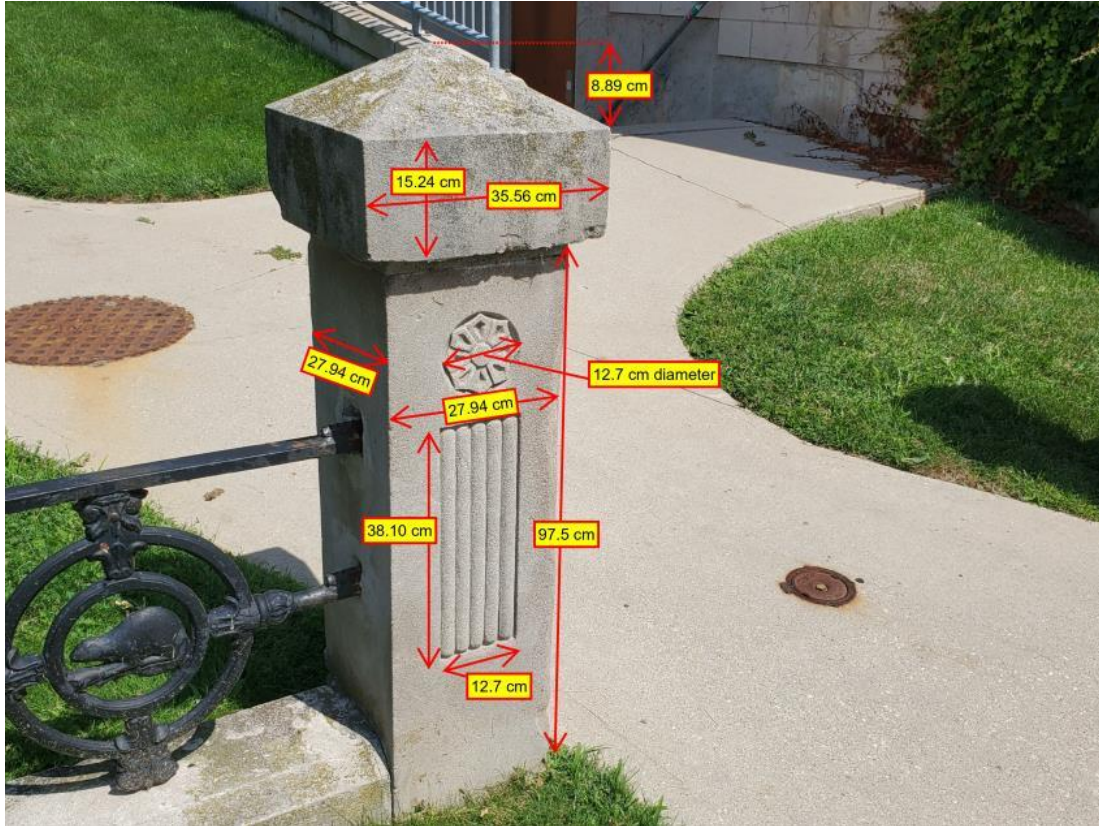
Photograph 39: Section of fence on Richmond Street with a modified top horizontal bar (AECOM, May 2021)



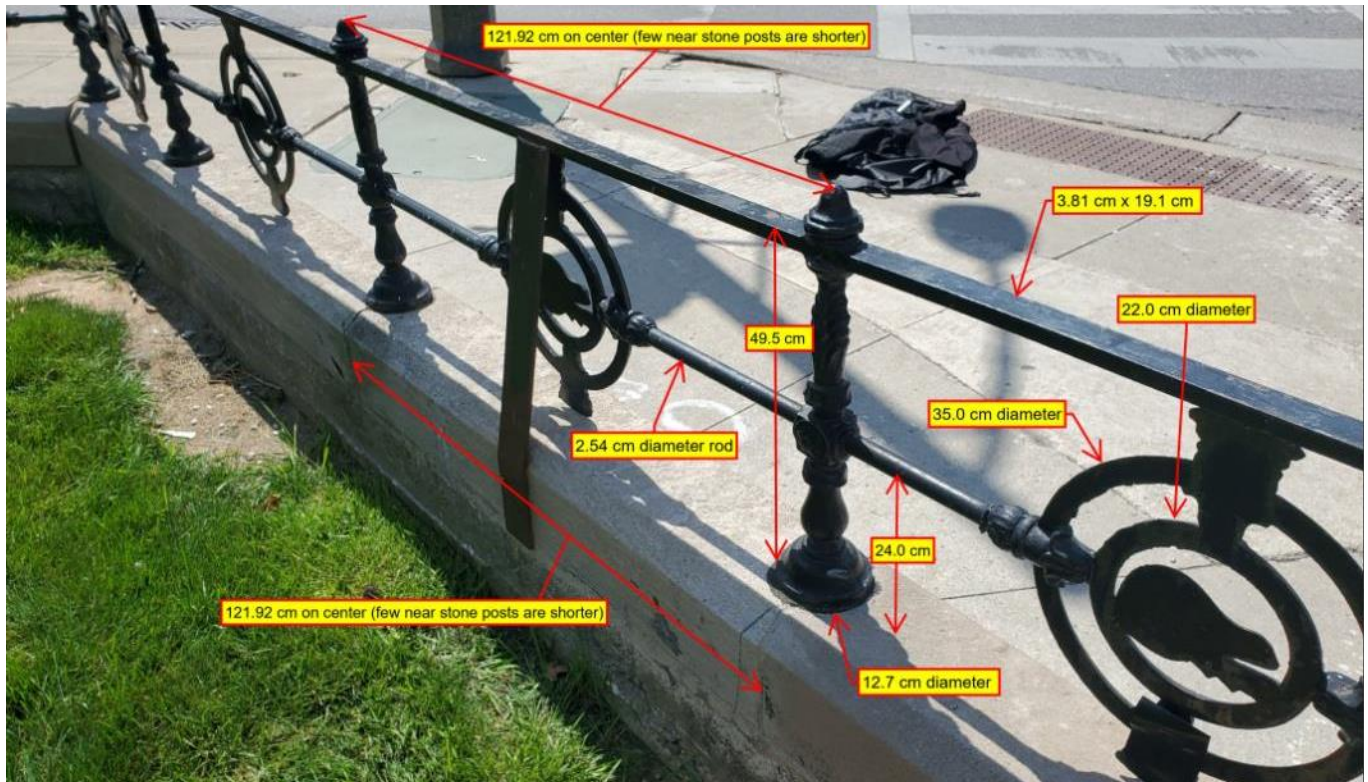
Photograph 40: Example of the back-support brace (AECOM, February 2021)

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Photograph 41: Measurements of the end posts documented on July 20, 2021 (AECOM, July 2021)



Photograph 42: Sketch of the dimensions of the cast-iron railing system based on the July 20, 2021 site visit (AECOM, July 2021)

12. Qualifications

This Conservation Plan has been prepared by an accredited, qualified, multidiscipline team of professionals with demonstrated experience in the field of heritage conservation.

Tara Jenkins, M.A., CAHP

Tara Jenkins holds a Master's Degree in Anthropology and a Graduate Professional Certificate in Cultural Heritage Studies- Heritage Planning Option. As part of the Graduate Professional Certificate program, Tara completed a Conservation Plan course which included the completion of a Conservation Plan for the Fugitive Slave Chapel, located at 432 Grey Street, in the City of London. Tara has over 20 years of experience working in cultural resource management (CRM) and is a member of the Canadian Association of Heritage Professionals (CAHP). She has gained practical experience as a Cultural Heritage Specialist and has been the acting Project Manager for various projects including Cultural Heritage Evaluation Reports, Heritage Impact Assessments, and Cultural Heritage Resource Assessments. In her role as a Project Manager, Tara provides specialized advice and expertise to clients and stakeholders on heritage matters. She is also a voting member on London's Advisory Committee on Heritage. Project work includes the application of legislation, policy framework, and tools such as the *Ontario Heritage Act*, Provincial Policy Statement, the *Ontario Heritage Tool Kit*, Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada*, and other policies and processes outlined by the Ontario Ministry of Heritage, Sport, Tourism, and Culture Industries. Recently, Tara has completed applications for heritage alteration permits for municipalities and the Ontario Heritage Trust, as well as prepared Minister's Consent packages for properties of provincial significance.

John Pucchio, P. Eng.

John Pucchio is a Senior Structural Engineer at AECOM and member of the National Trust for Canada, with a broad range of civil engineering design experience with bridges, heavy civil, dams, building structures, marine facilities and water-retaining structures, including inspection / rehabilitation of heritage / historically significant structures such as Memorial Gardens historic wall in the City of Guelph and the historic Meadowlily Footbridge in the City of London.

Liam Ryan, B.A.

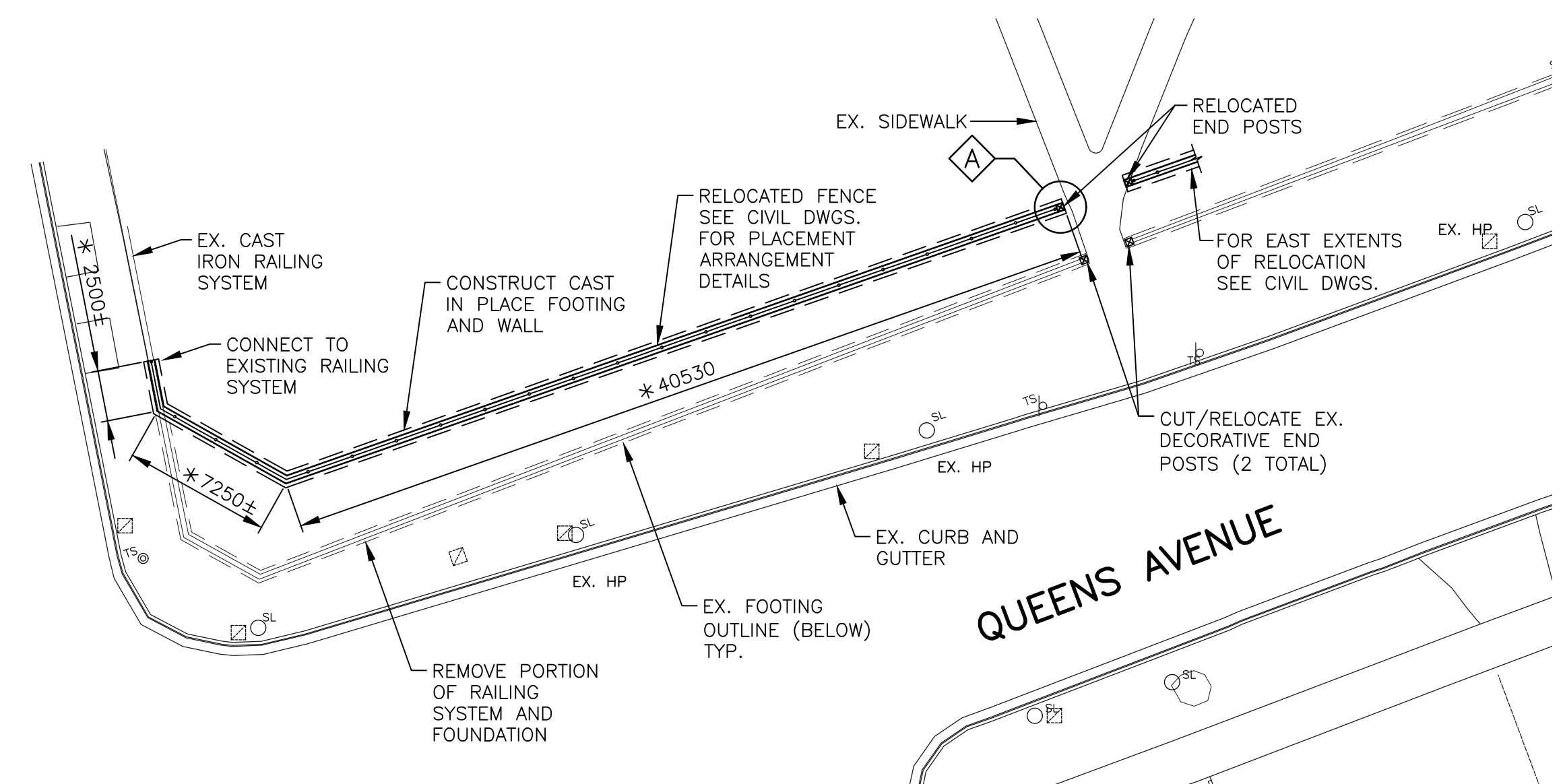
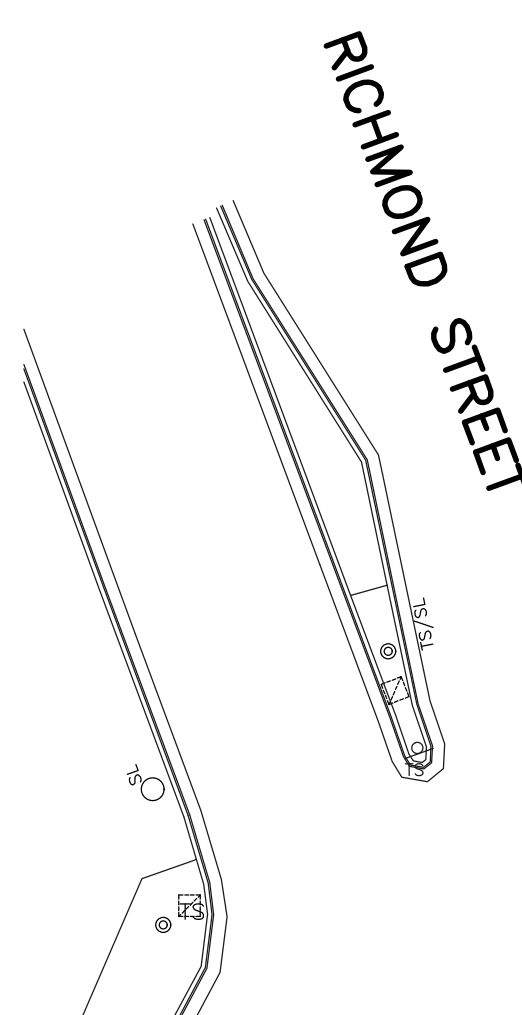
Liam Ryan holds a Bachelor of Arts Degree in Anthropology from the University of Waterloo and is currently pursuing a Master's in Environmental Studies: Planning at York University. He has two years of experience in cultural resource management (CRM) as a Field Archaeologist for Archaeological and Cultural Heritage Services (ASI). He is now working at AECOM as a Junior Cultural Heritage Specialist. In his role as a Cultural Heritage Specialist, Liam has completed Cultural Heritage Assessment Reports, Cultural Heritage Evaluation Reports and contributed to Heritage Impact Assessments.

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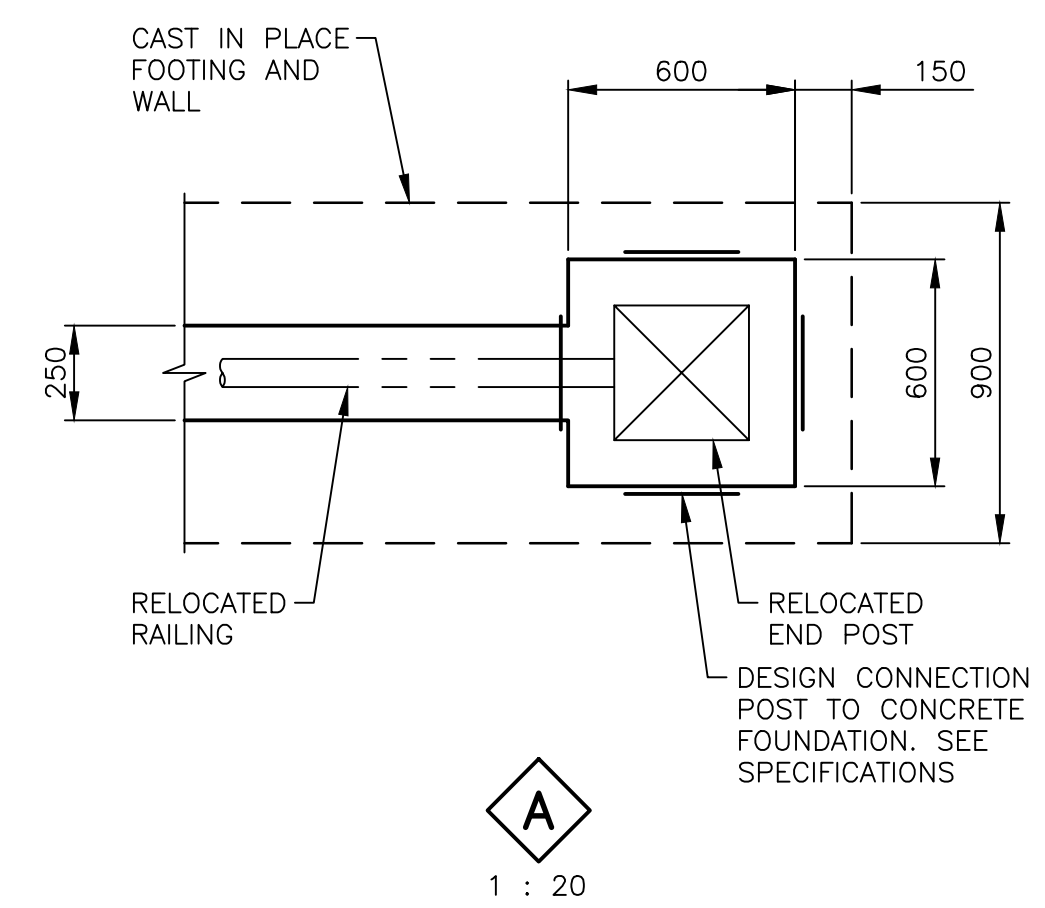
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Appendix A: Construction Level Drawings

DRAWING FILE: L:\DCS\Projects\60641336 - SHEETS\60641336-SHT-30-S100



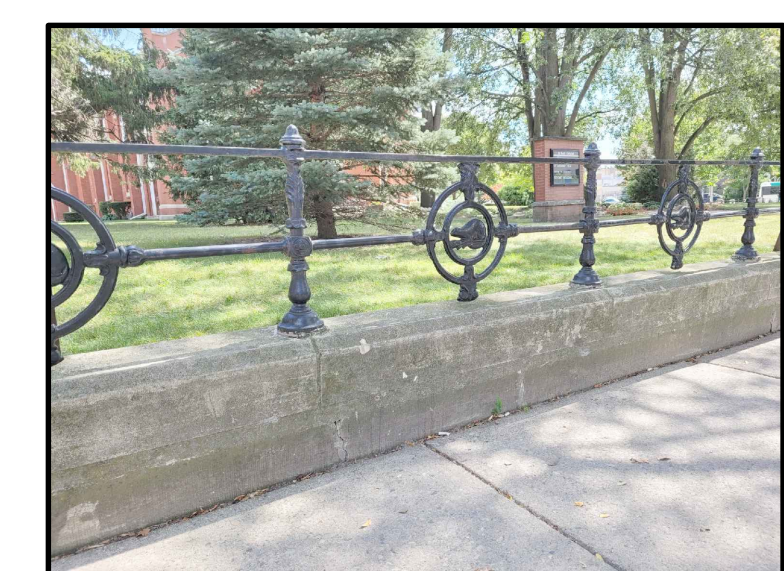
PLAN (* FOR REFERENCE ONLY SEE CIVIL DRAWINGS FOR DETAILS)
N. T. S. (FIELD VERIFY ALL DIMENSIONS)



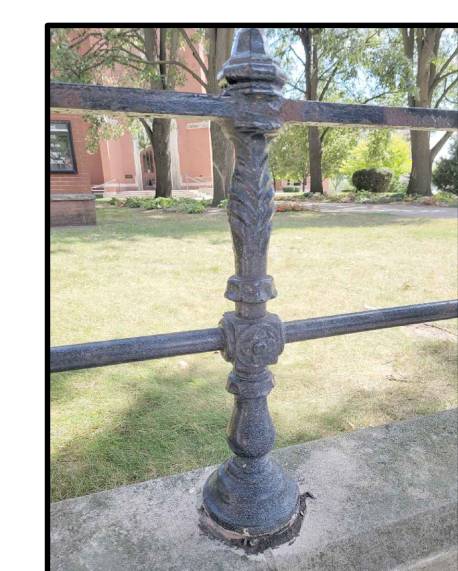
A
1 : 20



EXISTING END POST



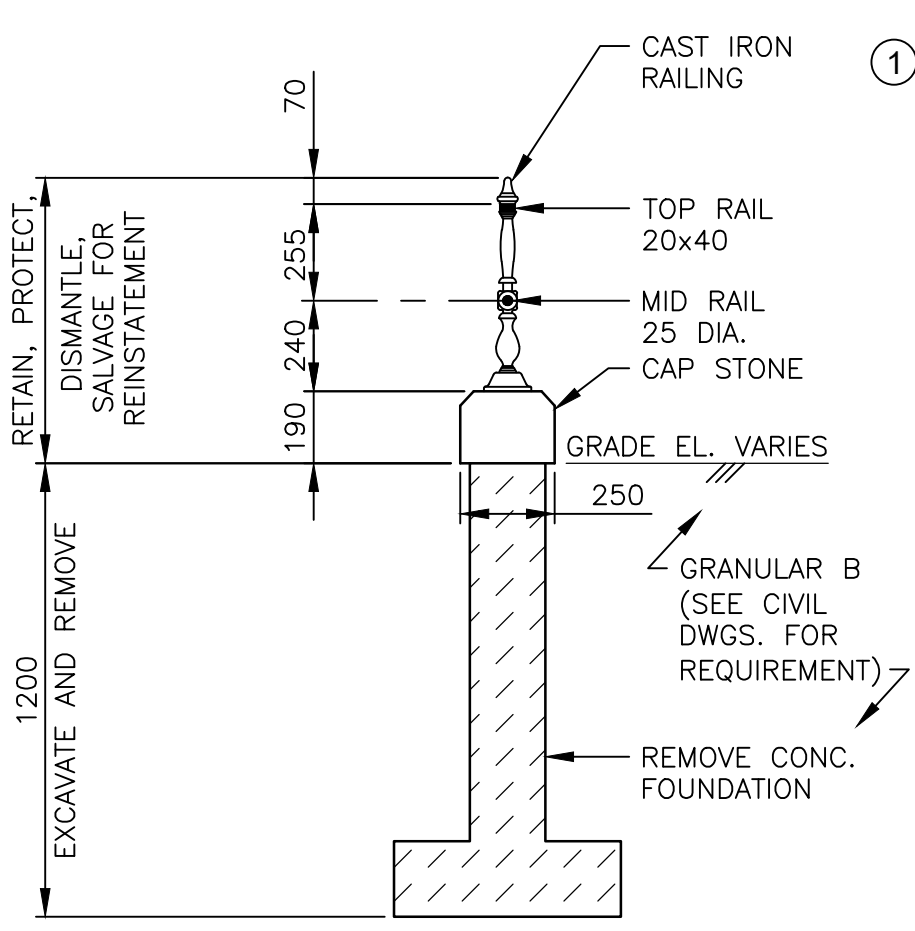
EXISTING RAILING ELEVATION



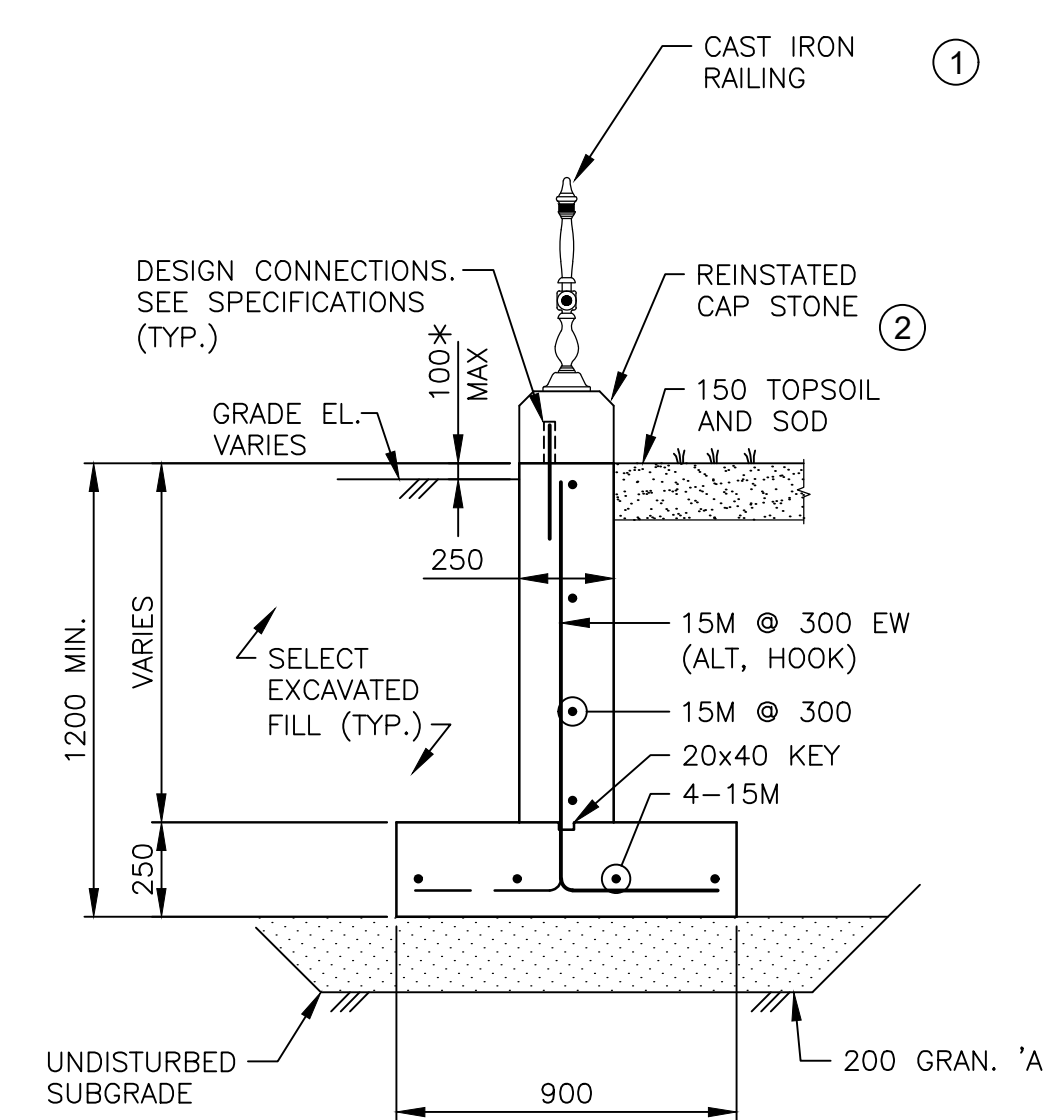
EXISTING RAILING POST



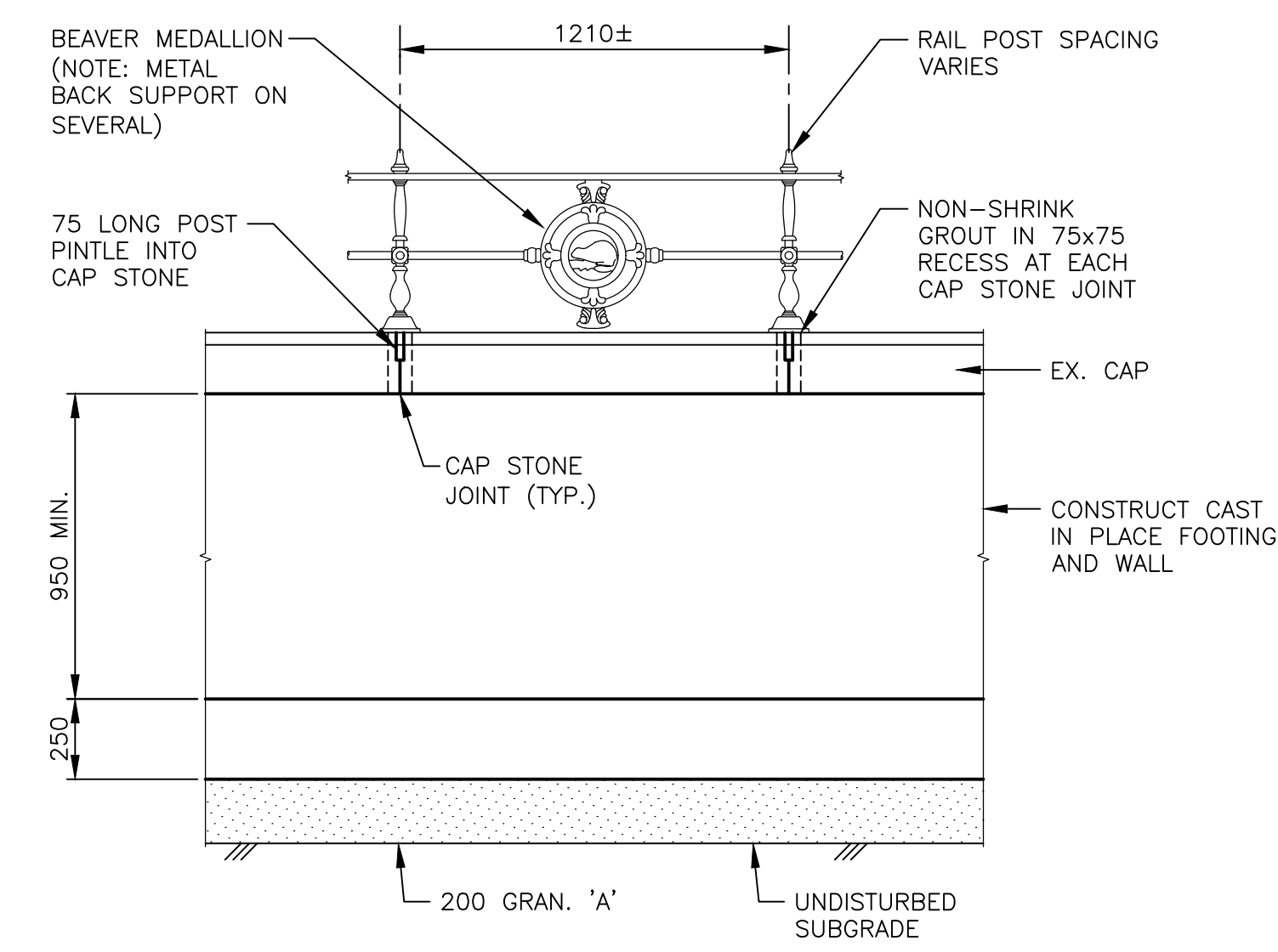
EXISTING BEAVER MEDALLION



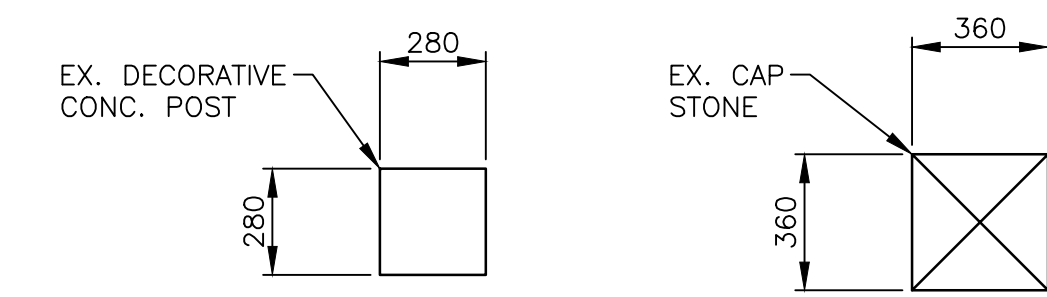
EXISTING AND REMOVALS SECTION



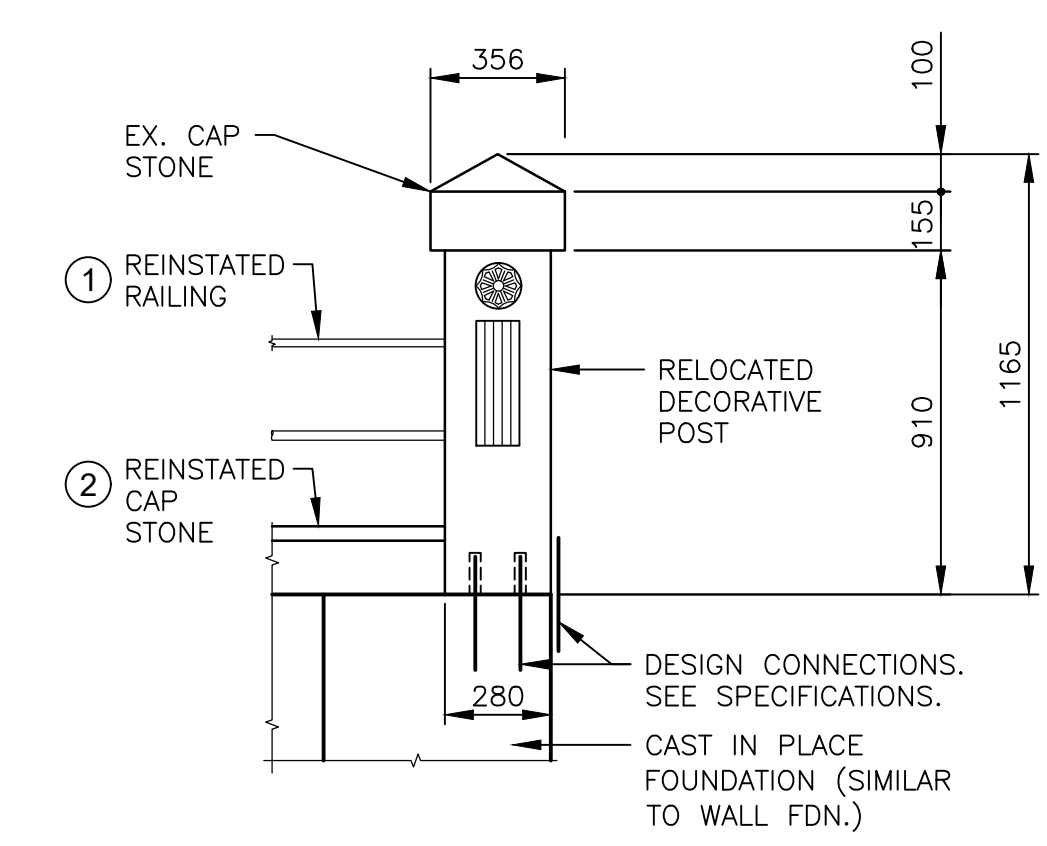
CAST IRON RAILING DETAILS
1 : 20



REHABILITATED ELEVATION



POST PLAN CAP STONE PLAN



ELEVATION END POST DETAILS - REHABILITATED
1 : 20

- GENERAL NOTES :**
- THIS DRAWING TO BE READ IN CONJUNCTION WITH CIVIL DRAWINGS.
 - THE CONTRACTOR SHALL FIELD VERIFY EXISTING UTILITIES AND SERVICES, PRIOR TO CONSTRUCTION.
- MATERIAL NOTES :**
- CLASS OF CONCRETE : CSA-A23.1 EXPOSURE CLASS, C1, 32 MPa.
 - REINFORCING STEEL : CSA -G30.18, GRADE 400W. CLEAR COVER 60mm ± 20mm.
- CONSTRUCTION NOTES :**
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS THAT ARE RELEVANT TO THE WORK SHOWN ON THE DRAWINGS PRIOR TO COMMENCEMENT OF THE WORK. ANY DISCREPANCIES SHALL BE SUBMITTED TO THE CONTRACT ADMINISTRATOR AS WELL AS THE PROPOSED ADJUSTMENT REQUIRED TO MATCH CONDITIONS FOR REVIEW.
 - PROVIDE ADEQUATE MEANS OF DEWATERING TO ENSURE EXCAVATIONS ARE DRY AT ALL TIMES. PLACEMENT OF CONCRETE SHALL ONLY BE MADE IN DRY EXCAVATIONS.
 - REMOVE TOPSOIL, ORGANIC AND OTHER POOR MATERIAL FROM THE PROJECT AREA. BACKFILL WALL WITH SELECT SUITABLE NATIVE MATERIAL AND GRANULAR B.
- SEQUENCE OF WORK :**
- REVIEW SITE CONDITIONS. MEASURE ALL DIMENSIONS AND SURVEY ELEVATIONS.
 - CAREFULLY REMOVE AND DISMANTLE EXISTING FENCE, PILLARS AND CAP STONES IN SECTIONS. SAWCUT HORIZONTAL AND VERTICAL MORTARED JOINTS OF THE CAP STONE TO FACILITATE REMOVALS. STRATEGICALLY CUT HORIZONTAL RAILS IN LOCATIONS FOR LATER REINSTATEMENT BUT MINIMIZE TOTAL NUMBER OF CUTS.
 - BACKFILL EXISTING LOCATIONS WITH GRANULAR B AND ACCORDING TO ROADWAY DRAWINGS.
 - MOVE RAILING SYSTEM AND REHABILITATE ALL CONNECTIONS AND JOINTS TO ENSURE COMPETENCY OF FENCING SYSTEM. RECOAT RAILING SYSTEM.
 - REVIEW COMPETENCY AND CONDITIONS OF CAP STONES AND REPLACE DAMAGED STONES WITH SIMILAR PIECES OF SIMILAR STONE, WHERE REQUIRED.
 - MEASURE REHABILITATED RAILING / CAP STONES. MARK/STAKE ON SITE THE PRELIMINARY LAYOUT ARRANGEMENT IN THE NEW RAILING LOCATION. REVIEW ARRANGEMENT WITH CONTRACT ADMINISTRATOR. MODIFY ARRANGEMENT AS REQUIRED TO SUIT CONDITIONS.
 - CONSTRUCT REINFORCED CONCRETE FOUNDATION FOOTING AND WALLS. EXCAVATE AND BACKFILL TO SUIT.
 - INSTALL AND CONNECT CAP STONE TO FOUNDATION WALLS.
 - INSTALL AND CONNECT RAILING SYSTEM TO CAP STONE.
 - RESTORE AREA AND INSTALL TOPSOIL AND SOD.

- SCOPE OF HERITAGE RESTORATION WORK :**
- CAST IRON BEAVER RAILING SYSTEM :**
 - REMOVE, REHABILITATE AND REINSTATE.
 - SHOP REVIEW CONDITION OF COMPONENTS. REHABILITATE ALL CONNECTIONS AND UTILIZE EXTRA AVAILABLE COMPONENTS AS REQUIRED. FABRICATE EXTRA COMPONENTS AS REQUIRED TO REPLACE DETERIORATED COMPONENTS.
 - REMOVE EXISTING COATING FINISH AND SHOP RECOAT WITH BLACK FINISH. (MINIMUM PRIMER AND FLAT TOP COAT).
 - COORDINATE LAYOUT OF REINSTATED FENCE WITH SITE CONDITIONS AND CAP STONE. MATCH CORNERS IN WALL ALIGNMENT TO MATCH TYPICAL RAILING POST SPACING. PLUMB AND REINSTATE FENCE SECURELY INTO GROUT BASE.
 - NATURAL CAP STONE :**
 - REMOVE, REHABILITATE AND REINSTATE.
 - CAREFULLY CUT CAP STONE AT MORTARED JOINTS TO FACILITATE REMOVAL. REMOVE, GRIND AND CLEAN OLD MORTAR FROM CAP STONE AS POSSIBLE.
 - CATALOGUE EXISTING CAP STONES INCLUDING EXISTING PIECES NOT SUITABLE FOR REUSE. CUT/MODIFY CAP STONES TO SUIT. FABRICATE NEW CAP STONE PIECES TO SUIT RECONSTRUCTED LAYOUT.
 - REVIEW CONDITION OF COMPONENTS. REHABILITATE ALL CONNECTIONS AND UTILIZE EXTRA AVAILABLE COMPONENTS AS REQUIRED. FABRICATE EXTRA COMPONENTS AS REQUIRED TO REPLACE DETERIORATED COMPONENTS.
 - REVIEW, DESIGN AND IMPLEMENT ATTACHMENT REQUIREMENTS OF THE CAP STONE TO THE CONCRETE FOUNDATION. UTILIZE A LIME MODIFIED MORTAR FOR ALL JOINTS. INSTALL NON-SHRINK GROUT FOR ALL RAILING POST ATTACHMENTS.
 - COORDINATE LAYOUT OF REINSTATED CAP STONE WITH SITE CONDITIONS AND RAILING SYSTEM.

EXISTING SERVICES	DRAWING #, SOURCE	DATE	AS CONSTRUCTED SERVICES	COMPLETION	DETAILS	No.	REVISIONS	DATE	CONSULTANT
					DESIGN J.P.	A	ISSUED FOR	09-XX-2021	AECOM/DILLON
					DRAWN BY				
					CHECKED				
					APPROVED				
					DATE	SEPT. 2021			

 London, Ontario 519-870-0510				SCALE AS NOTED	PROJECT No.
					DOWNTOWN LOOP AND MUNICIPAL INFRASTRUCTURE IMPROVEMENTS - PHASE 1
QUEENS AVENUE RAILING (QUEENS AND RICHMOND ST. INTERSECTION) GENERAL ARRANGEMENT				SHEET No.	S100
				PLAN FILE No.	

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Appendix B: Special Provisions

Suggested Tender Items

1.1	Beaver Fence	
	a) Removals	LS
	b) Refinish / Reinstall Fence	LS
	c) Modify / Reinstall Cap Stone	LS
	d) Concrete Foundations	LS

ITEM x.xx BEAVER FENCE

- a) Removals
- b) Refinish / Reinstall Fence
- c) Modify / Reinstall Cap Stone
- d) Concrete Foundations

SCOPE

This specification covers the removals, refinishing, and reinstatement of the Beaver Fence around the private property at 472 Richmond Street, including general design requirements and new concrete foundations.

The work shall be undertaken by skilled workers in the field of metal fence fabrication, masonry and concrete, with more than 10 years experience in their fields.

REFERENCES

This specification refers to the following standards, specifications or publications:

Ontario Provincial Standard Specifications, Construction:

OPSS 510	Removals
OPSS 902	Excavating and Backfilling for Structures
OPSS 904	Concrete Structures
OPSS 905	Reinforcement for Concrete

SUBMISSIONS AND DESIGN REQUIREMENTS

Identify the names and experience of staff proposed for the work, as well as the location of the shop undertaking the metal work.

Three (3) weeks prior to the commencement of work for each segment of the work, the Contractor shall provide the following submissions.

1. Removals Plan:
 - Outline the methodology, equipment, cutting details, protection of components, transportation, extents of removal and equipment.
2. Refinishing/Refurbishment Plan:
 - Fencing: Outline methodologies for all work, connection details, welding details, shop details, coating systems and staff experience (who are undertaking the work).
 - Cap Stone and end posts: Outline methodologies for all work, new materials (including samples), connections, shop and staff undertaking the work.
3. Concrete Placement Plan:
 - Reinforcing steel shop drawings, formwork details, concrete mix design.

The Contractor is responsible for the connections and methodology of working with the cast iron fence work. Utilized staff who are experienced working with cast iron.

Design Intent: Although the railing system will not perform the function as a "guard" as defined in the OBC, the railing system should provide a suitable lateral strength to prevent injury to the public. The intention of the refurbished design and reinstated posts is to provide a similar lateral point load capacity (as possible) to the OBC, or 1 kN (225 lbs).

With assistance provided by the Contract Administrator, the Contractor shall obtain approval from the property owner to enter the property.

MATERIALS

Reuse existing fence materials. Addition pieces of the fence will be provided to the contractor for use in the refurbishment. New components may be fabricated to suit deteriorated / missing pieces and shall be cast iron to match the existing fencing.

Concrete shall have a compressive strength of 32 MPa according to OPSS 1350 (exposure class C-1). Reinforcing steel for concrete shall be Grade 400W according to OPSS 905.

As applicable, dowels into the stone cap units shall be chemical adhesive type (according to the MTO designated sources list) and stainless steel dowels.

Non-shrink grout shall be non-gassing.

Mortar used bedding and pointing for stonework shall conform to CSA A179, consisting of Type SA Hydrated Lime.

Grout for post to cap connections shall be non-shrink, cementitious grout, non-metallic, with no chlorides (SikaGrout-212 or equal).

CONSTRUCTION

Adequate access shall be provided to the work area for general construction, inspection of work (by the Contract Administrator), and in the performance of the Contractor's work.

Provide to removals, review site conditions, measure all dimensions and survey elevations of the cap stone. Modify proposed methodologies to suit the conditions.

Carefully remove and dismantle existing fence, pillars and cap stones in sections. Sawcut horizontal and vertical mortared joints of the cap stone to facilitate removals. Strategically cut horizontal rails in locations for later reinstatement but minimize total number of cuts. Catalogue all components of the fencing and cap stone. Clean old mortar from the caps by grinding or other means which will not damage the stone.

Excavate according to OPSS 902 and remove the existing concrete wall according to OPSS 510.

Mark and stake on site the proposed layout arrangement of the new railing location. Modify arrangement as required to suit conditions. Schedule a meeting with the Contract Administrator and property owner to review and signoff on the arrangement. Elevations shall be based on a survey of existing grades and suit straight vertical alignment between end sections.

Undertake rehabilitation of the railing system (in a shop setting) including all connections and joints to ensure overall competency of the fencing system. Remove the existing coating system by abrasive blast cleaning or mechanical means. Modify (by utilizing extra railing, extra owner supplied pieces and new fabrications), the existing railing to ensure that each section contains the beaver emblem and provides a

consistent / similar aesthetic appearance. Recoat railing system with a durable prime and top cop suitable for the material and surface.

Review competency of cap stones and replace damaged stones with similar stone pieces where required. Modify existing cap stone as required to suit the new arrangement and post locations. Cut new cap stone pieces to the same geometry as the existing piece.

Construct reinforced concrete foundation walls according to OPSS 904 and 905. Dowel ends of wall into existing walls with 15M@300 dowels placed vertically in the centre of the wall. Cure concrete wall. Backfill wall according to OPSS 902.

Install and connect cap stone to foundation walls according to the proposed and accepted Refinishing/Refurbishment Plan. Install and connect railing system to cap stone with pintles placed at the cap stone joints. according to the proposed and accepted Refinishing/Refurbishment Plan. Install all components plumb.

MEASUREMENT FOR PAYMENT

There will be no measurement for these lump sum tender items.

Payment shall be in accordance with the following schedule, subject to any applicable holdbacks:
Payment shall be according to the percentage complete at any progress draw.

BASIS OF PAYMENT

Payment at the contract price for the above item shall be full compensation for all labour, equipment and material to do the work, including all design and quality control activities.

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Appendix C: Eight Guiding Principles in the Conservation of Built Heritage Properties



Eight Guiding Principles in the Conservation of Built Heritage Properties

The following guiding principles are ministry statements in the conservation of built heritage properties and are based on international charters which have been established over the century. These principles provide the basis for all decisions concerning good practice in heritage conservation around the world. Principles explain the "why" of every conservation activity and apply to all heritage properties and their surroundings.

1. RESPECT FOR DOCUMENTARY EVIDENCE:

Do not base restoration on conjecture.

Conservation work should be based on historic documentation such as historic photographs, drawings and physical evidence.

2. RESPECT FOR THE ORIGINAL LOCATION:

Do not move buildings unless there is no other means to save them.

Site is an integral component of a building or structure. Change in site diminishes cultural heritage value considerably.

3. RESPECT FOR HISTORIC MATERIAL:

Repair/conservé - rather than replace building materials and finishes, except where absolutely necessary.

Minimal intervention maintains the heritage content of the built resource.

4. RESPECT FOR ORIGINAL FABRIC:

Repair with like materials.

Repair to return the resource to its prior condition, without altering its integrity.

5. RESPECT FOR THE BUILDING'S HISTORY:

Do not restore to one period at the expense of another period.

Do not destroy later additions to a building or structure solely to restore to a single time period.

6. REVERSIBILITY:

Alterations should be able to be returned to original conditions. This conserves earlier building design and technique.

e.g. When a new door opening is put into a stone wall, the original stones are numbered, removed and stored, allowing for future restoration.

7. LEGIBILITY:

New work should be distinguishable from old.

Buildings or structures should be recognized as products of their own time, and new additions should not blur the distinction between old and new.

8. MAINTENANCE:

With continuous care, future restoration will not be necessary.

With regular upkeep, major conservation projects and their high costs can be avoided.

For more information, please call the Ministry of Culture at (416) 212-0644 or Toll Free at 1-866-454-0049 or refer to the website at www.culture.gov.on.ca.

Spring 2007

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The information contained in this InfoSheet should not be relied upon as a substitute for specialized legal or professional advice in connection with any particular matter.

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Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P. Eng.
Deputy City Manager, Planning and Economic Development

Subject: Heritage Alteration Permit application by R. Gilmore at 516 Elizabeth Street, Old East Heritage Conservation District

Date: Monday February 28, 2022

Recommendation

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 on the heritage designated property at 516 Elizabeth Street, within the Old East Heritage Conservation District, **BE PERMITTED** with the following terms and conditions:

- a) The installation of the proposed exterior grilles be installed in a manner that replicates the muntins of the former wood windows;
- b) The windows and exterior grilles be painted to match the existing trim work on the building;
- c) The installation of the proposed exterior grilles be completed within six months of Municipal Council's decision on this Heritage Alteration Permit; and,
- d) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

Executive Summary

During a compliance inspection, unapproved alterations were identified to the heritage designated property at 516 Elizabeth Street, in the Old East Heritage Conservation District. The front windows of the house were removed and replaced without Heritage Alteration Permit approval. To bring the replacement windows into better compliance with the policy and guideline direction of the *Old East Heritage Conservation District Plan and Guidelines*, exterior grilles should be applied to better replicate the muntins of the former wood windows and painted to match the existing trim work. The application of the exterior grilles should be completed by September 22, 2022 (i.e. within six-months of Municipal Council's decision on this Heritage Alteration Permit application).

Linkage to the Corporate Strategic Plan

This recommendation supports the following 2019-2023 Strategic Plan areas of focus:

- Strengthening Our Community:
 - Continuing to conserve London's heritage properties and archaeological resources.

Analysis

1.0 Background Information

1.1 Location

The property at 516 Elizabeth Street is located on the east side of Elizabeth Street, between Lorne Avenue and Dufferin Avenue/Queens Avenue (Appendix A).

1.2 Cultural Heritage Status

The property at 516 Elizabeth Street is located within the Old East Heritage Conservation District, which was designated pursuant to Part V of the *Ontario Heritage Act* by By-law No. L.S.P.-3383-111. The Old East Heritage Conservation District came

into force and effect on September 10, 2006. The property is noted as a C-ranked property within the *Old East Heritage Conservation District Plan*. C-ranked properties are described as being “of value as part of the environment” (Section 4.2, *Old East Heritage Conservation District Study*).

1.3 Description

The house located at 516 Elizabeth Street was built circa 1885. The house is a one-storey vernacular buff brick cottage (Appendix B). It follows the side hall plan type, which features a doorway to one side of the front façade with two window openings on the other side.

The front door was previously replaced. The transom was recently reinstated (Heritage Alteration Permit HAP21-078-D). The front windows were segmented arch two-over-two painted wood sash windows.

2.0 Discussion and Considerations

2.1 Legislative and Policy Framework

Cultural heritage resources are to be conserved and impacts assessed as per the fundamental policies in the *Provincial Policy Statement (2020)*, the *Ontario Heritage Act*, *The London Plan* and the *Official Plan (1989 as amended)*.

2.1.1 Provincial Policy Statement

Heritage Conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement (2020)* promotes the wise use and management of cultural heritage resources and directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved” (Policy 2.6.1, *Provincial Policy Statement 2020*).

“Significant” is defined in the *Provincial Policy Statement (2020)* as, “resources that have been determined to have cultural heritage value or interest.” Further, “processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.”

Additionally, “conserved” means, “the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained.”

2.1.2 Ontario Heritage Act

The *Ontario Heritage Act* enables municipalities to protect properties of cultural heritage value or interest. Properties of cultural heritage value can be protected individually, pursuant to Section 29 of the *Ontario Heritage Act*, or where groups of properties have cultural heritage value together, pursuant to Section 41 of the *Ontario Heritage Act* as a Heritage Conservation District (HCD). Designations pursuant to the *Ontario Heritage Act* are based on real property, not just buildings.

2.1.2.1 Contravention of the Ontario Heritage Act

Pursuant to Section 69(1) of the *Ontario Heritage Act*, failure to comply with any order, direction, or other requirement made under the *Ontario Heritage Act* or contravention of the *Ontario Heritage Act* or its regulations, can result in the laying of charges and fines up to \$50,000 for an individual and \$250,000 for a corporation.

2.1.2.2 Heritage Alteration Permit

Section 42 of the *Ontario Heritage Act* requires that a property owner not alter, or permit the alteration of, the property without obtaining Heritage Alteration Permit approval. The *Ontario Heritage Act* enables Municipal Council to give the applicant of a Heritage Alteration Permit:

- a) The permit applied for;
- b) Notice that the council is refusing the application for the permit; or,
- c) The permit applied for, with terms and conditions attached. (Section 42(4), *Ontario*

Heritage Act)

Municipal Council must make a decision on the heritage alteration permit application within 90 days or the request is deemed permitted (Section 42(4), *Ontario Heritage Act*).

2.1.3 The London Plan/Official Plan

The London Plan is the new official plan for the City of London (Municipal Council adopted, approved by the Ministry of Municipal Affairs and Housing with modifications, and the majority of which is in force and effect).

The policies of *The London Plan* found in the Key Directions and Cultural Heritage chapter support the conservation of London's cultural heritage resources for future generations. To ensure the conservation of significant cultural heritage resources, including properties located within a Heritage Conservation District, the policies of *The London Plan* provide the following direction:

*Policy 594_ * Within heritage conservation districts established in conformity with this chapter, the following policies shall apply:*

- 1. The character of the district shall be maintained by encouraging the retention of existing structures and landscapes that contribute to the character of the district.*
- 2. The design of new development, either as infilling, redevelopment, or as additions to existing buildings, should complement the prevailing character of the area.*
- 3. Regard shall be had at all times to the guidelines and intent of the heritage conservation district plan.*

Policy 596_ A property owner may apply to alter a property within a heritage conservation district. The City may, pursuant to the Ontario Heritage Act, issue a permit to alter the structure. In consultation with the London Advisory Committee on Heritage, the City may delegate approvals for such permits to an authority.

2.1.4 Old East Heritage Conservation District

The *Old East Heritage Conservation District Conservation and Design Guidelines* provides direction for alterations and replacement of and installation of windows within the Old East Heritage Conservation District.

Section 4.2, Alteration, *Old East Heritage Conservation District Plan*:

- Avoid "new" materials and methods of construction if the original is still available.*
- "Restore" wherever possible rather than "replace," particularly for features such as windows, doors, porches, and decorative trim.*
- Where replacement features (e.g. doors, windows, trim) is unavoidable, the replacement components should be of the same general style, size and proportion.*

Section 3.6 Doors and Windows, *Old East Heritage Conservation District Guidelines*:

The replacement of original wood framed windows by vinyl or aluminum clad windows is discouraged. If this is the only reasonable option, the replacement windows should mimic the original windows with respect to style, size and proportion, with a frame that is similar in colour, or can be painted, to match other windows.

Section 4.3.1.f Guidelines for Alterations, *Old East Heritage Conservation District Guidelines*:

Where replacement of features (e.g. doors, windows, trim) is unavoidable, the replacement components should be of the same general style, size and proportions.

2.2 Heritage Alteration Permit (HAP22-006-L)

During a compliance inspection for the transom (HAP21-078-D), staff identified non-compliant alterations. The two front windows were removed and replaced without Heritage Alteration Permit approval.

Staff contacted the property owner and advised of the non-compliance. The property owner subsequently submitted a Heritage Alteration Permit application which was received on January 25, 2022. The property owner has applied for a Heritage Alteration Permit for:

- Retroactive approval of the removal of the painted wood sash windows;
- Retroactive approval for the installation of vinyl sash windows;
- Installation of exterior grilles, to replicate the muntins (fenestration) pattern of the former windows.

As the alterations commenced prior to obtaining Heritage Alteration Permit approval, this application has met the terms and conditions for referral requiring consultation with the London Advisory Committee on Heritage (LACH).

Per Section 42(4) of the *Ontario Heritage Act*, the 90-day timeline for this Heritage Alteration Permit application will expire on April 25, 2022.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

Window removal, replacement or additions on street facing facades are identified as a class of alterations that requires Heritage Alteration Permit approval in Table 7.1 of the *Old East Heritage Conservation District Plan*.

It is unfortunate that the wood windows were removed and replaced without Heritage Alteration Permit approval, particularly as wood windows can be repaired and restored. Restoration, as opposed to replacement, is the preferred approach for windows, doors, porches, decorative trim, and other important elements, identified in the policies and guidelines of the *Old East Heritage Conservation District Plan*.

When considering a Heritage Alteration Permit application for window replacement, the style, size, and proportion are important consideration in accordance with the direction of Section 4.2 of the *Old East Heritage Conservation District Plan* and Section 4.3.1.f of the *Old East Heritage Conservation District Guidelines*. Further, material considerations are pertinent for compliance with Section 3.6 of the *Old East Heritage Conservation District Guidelines*, where vinyl is discouraged as a replacement material.

The replacement windows are similar to the former windows in general size, but not shape as the replacement windows do not replicate the segmented arch of the former wood windows. The replacement windows are the same in style as the former windows, maintaining the sash or hung style which is predominant in the Old East Heritage Conservation District. The replacement windows are somewhat similar in proportion as the former windows, but the faux grilles between the glass panes are of limited success in replicating the two-over-two proportions of the former windows.

The application of exterior grilles replicating the muntin pattern of the former windows as “simulated divided lights,” will bring the replacement windows of the house at 516 Elizabeth Street into better compliance with the policy and guideline direction of the *Old East Heritage Conservation District Plan and Guidelines*. The windows and the exterior grilles should be painted to match the existing trim work of the house. The application of the exterior grilles should be completed within six months of Municipal Council’s approval (anticipated on March 22, 2022), with a deadline of September 22, 2022.

Conclusion

Wood windows should be restored and retained as important heritage attribute of the Old East Heritage Conservation District.

To bring the replacement windows installed on the heritage designated property at 516 Elizabeth Street into better compliance with the policy and guideline direction of the *Old East Heritage Conservation District Plan and Guidelines*, exterior grilles should be applied to the replacement windows to replicate the two-over-two fenestration pattern of the former windows. The exterior grilles should be installed within six months.

Prepared by: Kyle Gonyou, CAHP
Heritage Planner

Reviewed by: Britt O'Hagan, MCIP RPP
Manager, Community Planning, Urban Design and Heritage

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

Submitted by: Scott Mathers, MPA, P. Eng.
Deputy City Manager, Planning and Economic Development

Appendices

Appendix A Property Location

Appendix B Images

Appendix C Heritage Alteration Permit application details

Sources

Corporation of the City of London. *Old East Heritage Conservation District Conservation Plan* 2005.

Corporation of the City of London. *Old East Heritage Conservation District Conservation and Design Guidelines*. 2005.

Corporation of the City of London. *Register of Cultural Heritage Resources*. 2019.

Corporation of the City of London. *The London Plan*. 2019 (consolidated).

Ontario Heritage Act. 2019, c.9, Sched. 11. Retrieved from <https://www.ontario.ca/laws/statute/90o18>.

Appendix A – Property Location

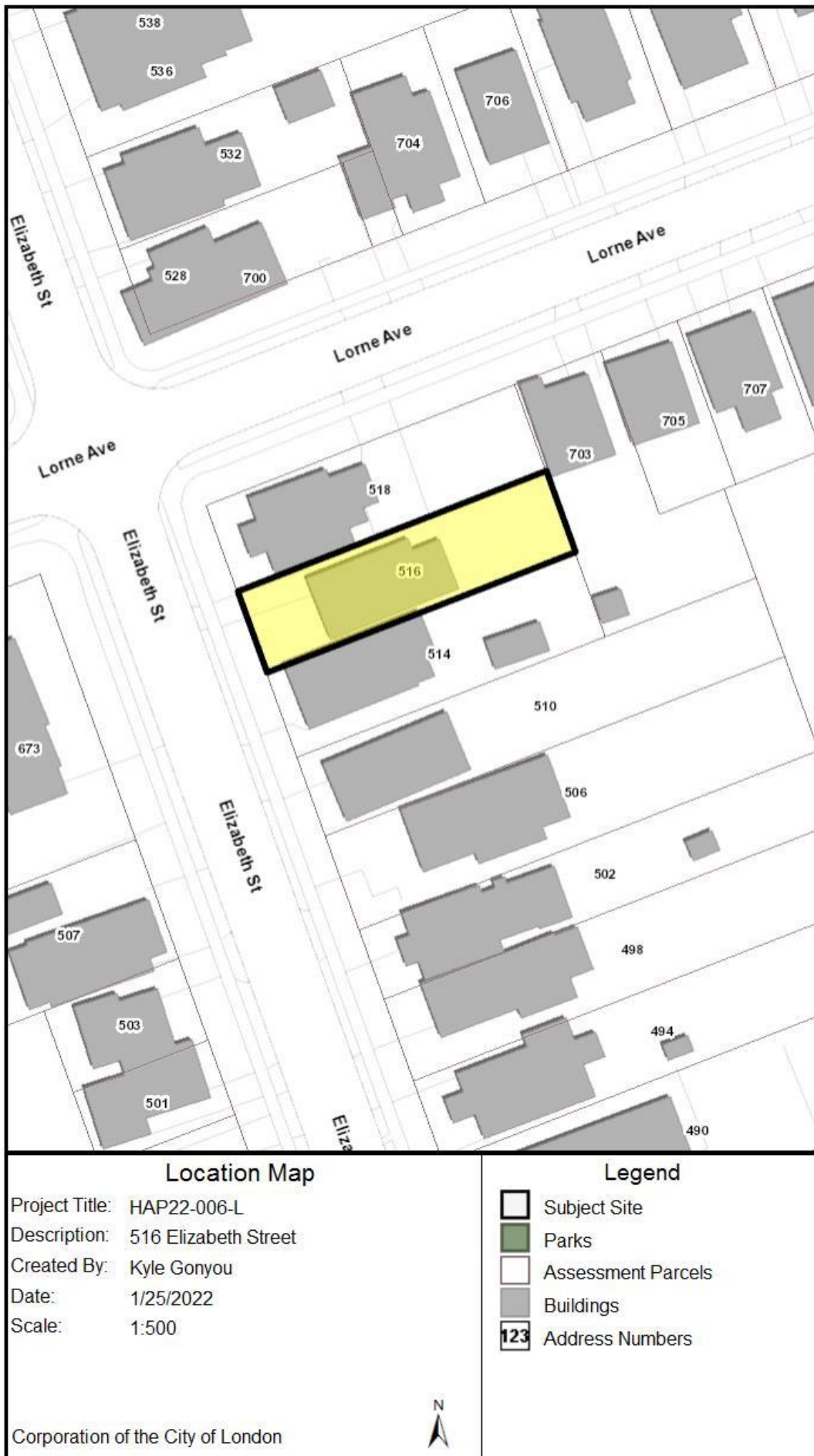


Figure 1: Property location map showing the subject property at 516 Elizabeth Street, located within the Old East Heritage Conservation District.

Appendix B – Images



Image 1: Photograph of the house at 516 Elizabeth Street in 2019.



Image 2: Photograph of the house at 516 Elizabeth Street on April 24, 2020. Note the painted wood, two-over-two wood windows.



Image 3: Photograph of the house at 516 Elizabeth Street on January 13, 2022. Note the reinstated transom and replacement of the front windows.

Appendix C – Heritage Alteration Permit application details

House pre-windows



House with new windows



Exterior grilles added to two cross style windows



Two cross style windows installed

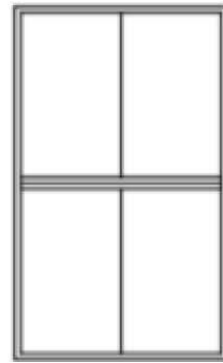


Figure 2: Details submitted as part of the Heritage Alteration Permit application showing the proposed exterior grilles for the replacement windows.

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development

Subject: Removal of Holding Provisions on the Submission by Vision SoHo Alliance c/o Indwell for 346, 370 and 392 South Street, 351, 373 and 385 Hill Street and 124 Colborne Street

Date: February 28, 2021

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of SoHo Vision Alliance relating to the property located at 346, 370 and 392 South Street, 351, 373 and 385 Hill Street and 124 Colborne Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting March 22, 2022, 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 Holding Residential R4 Special Provision and R8 Special Provision (h*h-5*R4-6(13)/R8-4(59), h*h-5*R8-4(56), h*h-5*R8-4(57), h*h-5*R8-4(58)) Zone, **TO** a Residential R4 Special Provision and R8 Special Provision (R4-6(13)/R8-4(59), R8-4(56), R8-4(57), and R8-4(58)) Zone to remove the "h" and "h-5" holding provisions.

Executive Summary

Purpose and Effect of the Recommended Action

The purpose and effect of this zoning change is to remove the "h" and "h-5" holding provisions so that the development of a Vacant Land Condominium comprised of six (6) units, each containing one (1) low-rise or mid-rise apartment building, to proceed in accordance with the approved zoning.

Rationale of the Recommended Action

1. The conditions for removing the "h" and "h-5" have been met and the recommended amendment will allow development of a Vacant Land Condominium in compliance with the Zoning By-law.
2. A Development Agreement has been entered into and securities have been provided.

Linkage to the Corporate Strategic Plan

This application supports the Building a Sustainable City area of focus in the Corporate *Strategic Plan* by ensuring that the City of 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

June 13, 2011 – Report to Built and Natural Environment Committee regarding SoHo Community Improvement Project Area and SoHo Community Improvement Plan.

September 25, 2012 – Report to Investment and Economic Prosperity Committee regarding redevelopment of the South Street Campus Lands.

June 9, 2014 – Report to Investment and Economic Prosperity Committee to initiate Request for Proposal for the Old Victoria Hospital Lands.

June 17, 2014 – Report to Planning and Environment Committee regarding Old Victoria Hospital Secondary Plan and Associated Official Plan Amendments and Zoning.

October 7, 2014 – Report to Planning and Environment Committee and Public Participation Meeting regarding Zoning By-law Amendments to implement the Old Victoria Hospital Secondary Plan (Z-8344).

September 21, 2020 – Report to Planning and Environment Committee regarding area-wide amendments to the Old Victoria Hospital Lands Secondary Plan (O-9223 and Z-9224).

November 22, 2021 – Report to Planning and Environment Committee on proposed Official Plan and Zoning By-law Amendments relating to vacant land condominium application (OZ-9418).

November 22, 2021 – Report to Planning and Environment Committee and Public Participation Meeting on proposed Site Plan relating to vacant land condominium application (SPA21-081).

1.2 Planning History

When the South Street (Old Victoria Hospital) closed in 2013, the buildings were owned by London Health Sciences Center (LHSC), but the majority of the lands were owned by the City of London. An arrangement was made between the City and LHSC in which LHSC contributed costs for the demolition and remediation of the site. The lands were transferred back to the City in stages. Phase one included the lands south of South Street and the Colborne Building. This allowed for the current development of a tower on these lands. The second phase included the lands subject to this application and the lands at 124 Colborne Street.

The Old Victoria Hospital Secondary Plan was adopted in June of 2014 to guide redevelopment of the former hospital complex. Official Plan and Zoning By-law Amendments (O-9223 and Z-9224) were applied for by the City in June of 2020 to address bonusing provisions, which could not be implemented due to Provincial changes, and to establish zoning for the subject lands. These amendments were passed by Council on September 29, 2020.

An application for Official Plan and Zoning By-law Amendments were submitted by the SoHo vision Alliance to help facilitate this proposed development. They included: amendments to the *1989 Official Plan* and *The London Plan* to allow for a Draft Plan of Vacant Land Condominium to proceed as multiple apartment buildings above a shared underground parking garage; amendments to the Old Victoria Hospital Secondary Plan to allow for apartment buildings no-taller than 5-storeys along Hill Street, re-designated the lands to Mid-Rise Residential and policy changes to The Four Corners designation; and, zoning amendments to allow for the technical details of the proposed design to proceed.

Applications for Site Plan Approval (SPA21-081), Official Plan and Zoning By-law Amendments, and Removal of Holding Provisions has been submitted to facilitate this proposed development. These applications are being processed concurrently with the Draft Plan of Vacant Land Condominium, which was accepted as a complete application on November 22, 2021.

1.3 Property Description

The subject property is located north of South Street and West of Colborne Street and was previously the site of the Old Victoria Hospital. The site has low density residential to the north; offices and low density residential to the west; future high-density residential the south; and, proposed residential and existing neighbourhood facilities to the east. The proposal consists of one high density residential block, described as: Lots 21 to 25 and 36 to 40 on Plan 172; Lots 6 to 8 on Plan NIL HSE and SSE; and, Parts 1 and 2 on RP 33RI17942.

The site is approximately 2.033 hectares, and two buildings remain on site, the Victoria Health Services Building and the War Memorial Children's Hospital. Designation under Part IV of the *Ontario Heritage Act* is proposed for the remaining buildings, and they are to be conserved, repurposed, and integrated into the proposed development. The site has full access to municipal services and is in an area which is planned for future growth.

1.4 Current Planning Information

- *The London Plan* Place Type – Neighbourhoods
- (1989) *Official Plan* Designation – Multi-Family, High Density Residential
- Old Victoria Hospital Secondary Plan: Four Corners and Mid-Rise Residential
- Existing Zone – Holding Residential R4/R8 Special Provision (h*h-5*R4-6(13)/R8-4(59)), Holding Residential R8 Special Provision (h*h-5*R8-4(56)), Holding Residential R8 Special Provision (h*h-5*R8-4(57)), and Holding Residential R8 Special Provision (h*h-5*R8-4(58))

1.5 Site Characteristics

- Current Land Use – Vacant
- Frontage – 203 meters on Hill Street
- Depth – Varies
- Area – 2.033 hectares
- Shape – Irregular, Rectangular

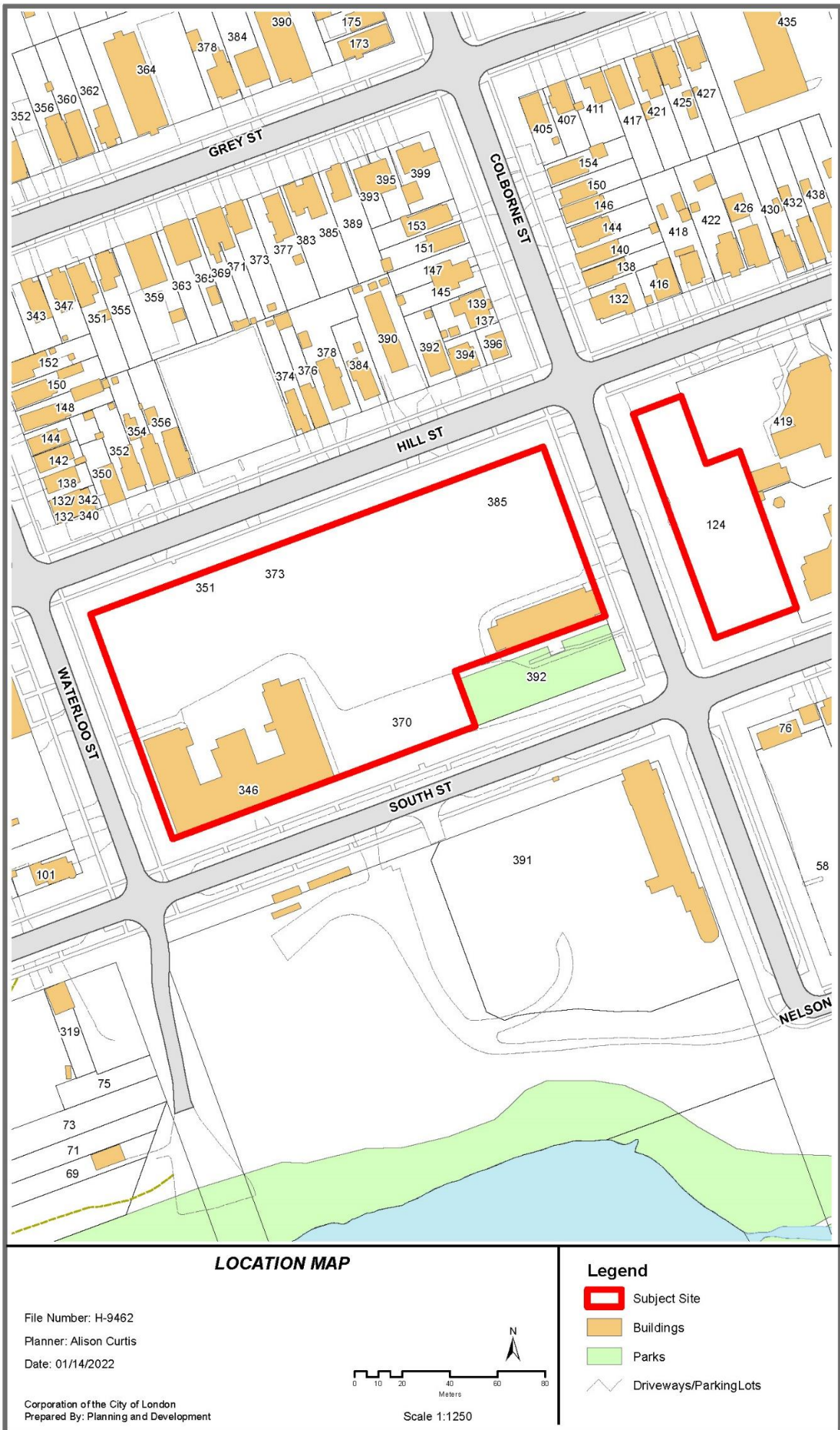
1.6 Surrounding Land Uses

- North – Low density residential
- East – Future residential and existing neighbourhood facilities
- South – future high-density residential development
- West – Office space and low density residential

1.7 Intensification

- The 6 Vacant Land Condominium units will contain 494 residential apartment units, which is approximately 243 units per hectare. The development is located within the Built-Area Boundary and Primary Transit Area.

1.8 Location Map



2.0 Discussion and Considerations

The purpose of this application is to remove the “h” and “h-5” holding provisions from the subject lands. The h holding provision requires the orderly development of the lands and the adequate provision of municipal services through the execution of a subdivision or development agreement. Holding provision h-5 requires a public site plan review and development agreement to ensure that the development takes a form that is compatible with adjacent land uses.

2.1 Consultation (see more detail in Appendix B)

Information regarding the application to remove Holding Provisions was provided to the public as follows:

- Notice of Intent to Remove Holding Provisions was published in the Public Notices and Bidding Opportunities section of the *Londoner* on January 20, 2022.
- Notice of Intent to Remove Holding Provisions was circulated to the relevant internal and external agencies on January 20, 2022.

There was no response from the public.

2.2 Policy Context (see more detail in Appendix C)

Section 36 of the *Planning Act* permits the use of holding provisions to restrict future uses until conditions for removing the holding provision are met. To use this tool, a municipality must have approved Official Plan policies related to its use (Section 36(2) of the *Planning Act*), a municipal council must pass a zoning by-law with holding provisions, an application must be made to council for an amendment to the by-law to remove the holding symbol, and council must make a decision on the application within 90 days to remove the holding provision(s).

The *London Plan* and the *1989 Official Plan* contain policies with respect to holding provisions, the process, notification and removal procedures.

3.0 Financial Impact/Considerations

Fees, development charges and taxes will be collected through the completion of the works associated with this application. There are no direct financial expenditures associated with this application.

4.0 Key Issues and Considerations

4.1. Why is it appropriate to remove this holding provision?

h Holding Provision

The h Holding Provision states that:

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

The applicant has provided the necessary securities to the City of London and the Development Agreements have been executed by the parties involved. This satisfies the requirements for the removal of the “h” holding provision.

h-5 Holding Provision

The h-5 Holding Provision states that:

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, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol. Permitted Interim Uses: Existing uses. (Z.-1-94236)

A public site plan review was held on November 22, 2021, to identify concerns relating to the development agreement and a Council Resolution (2021-12-08 Resolet 3.5-17-PEC) was issued on December 8, 2021. The Resolution advised the Approval Authority that there were no concerns expressed by the public and indicated that Council supported the Site Plan Application. This satisfied the requirements for the removal of the "h-5" holding provision.

Conclusion

It is appropriate to remove the "h" and "h-5" holding provisions from the subject lands at this time as: the necessary securities have been received; the Development Agreement has been executed; and, a Public Site Plan Review has been held and received a Council Resolution.

Prepared by: Alison Curtis, MA
Planner 1, Planning and Development

Reviewed by: Bruce Page, MCIP, RPP
Manager, Planning and Development

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

Submitted by: Scott Mathers, MPA, P. Eng.
Deputy City Manager,
Planning and Economic Development

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections
cc: Michael Pease, Manager, Development Planning (Site Plan)

Appendix A

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

2022

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 346, 370 and 392 South Street, 351, 373 and 385 Hill Street and 124 Colborne Street.

WHEREAS the SoHo Vision Alliance have applied to remove the holding provision from the zoning for the lands located at 346, 370 and 392 South Street, 351, 373 and 385 Hill Street and 124 Colborne Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said land;

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 346, 370 and 392 South Street, 351, 373 and 385 Hill Street and 124 Colborne Street, as shown on the attached map, to remove the h and h-5 holding provision so that the zoning of the lands as a Residential R4 Special Provision and R8 Special Provision (R4-6(13)/R8-4(59), R8-4(56), R8-4(57), R8-4(58) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

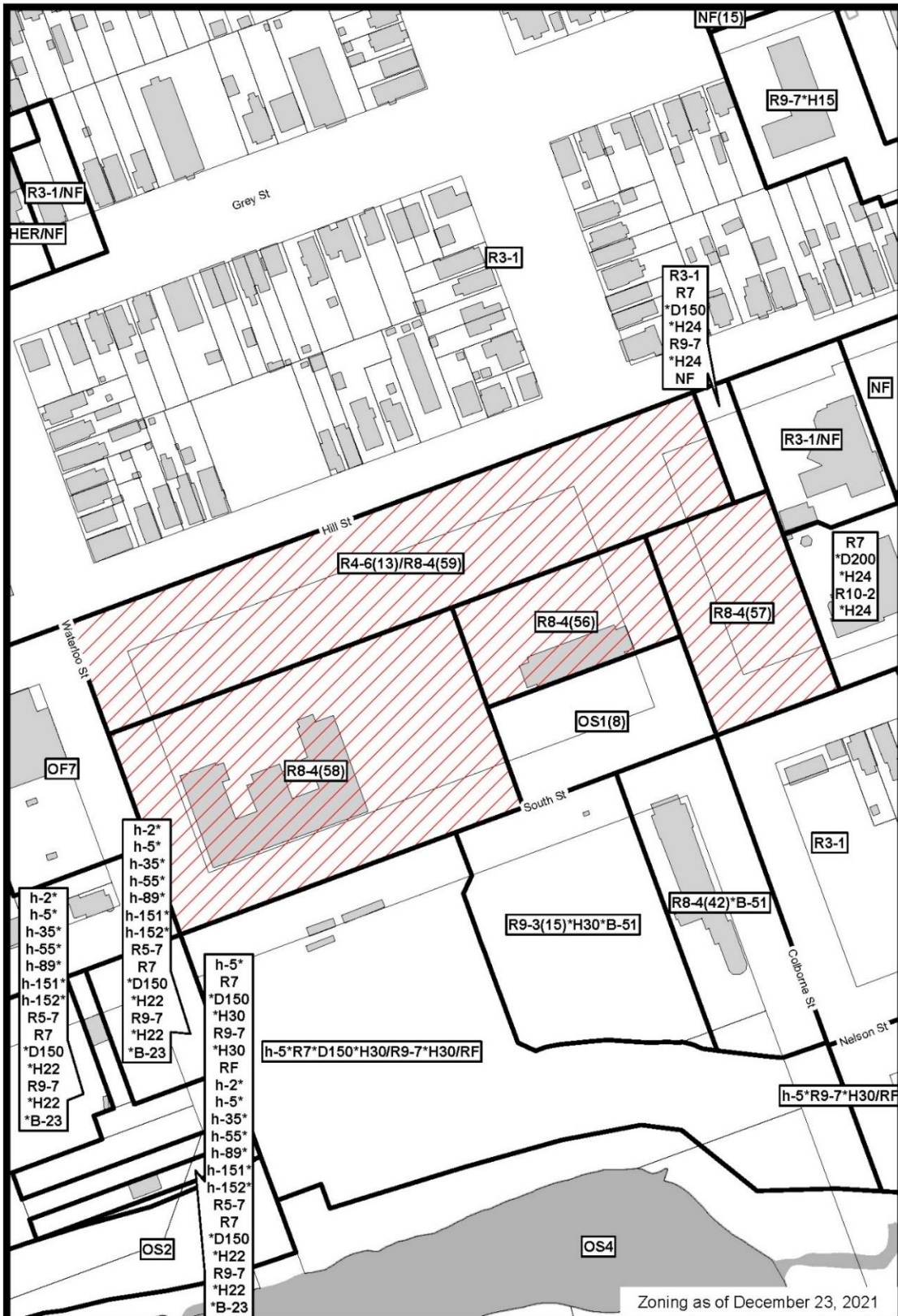
PASSED in Open Council on March 22, 2022

Ed Holder
Mayor


Michael Schulthess
City Clerk

First Reading - March 22, 2022
Second Reading – March 22, 2022
Third Reading - March 22, 2022

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




File Number: H-9462
 Planner: AC
 Date Prepared: 2022/01/14
 Technician: RC
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,000

0 10 20 40 60 80 Meters



Appendix B – Consultation

Community Engagement

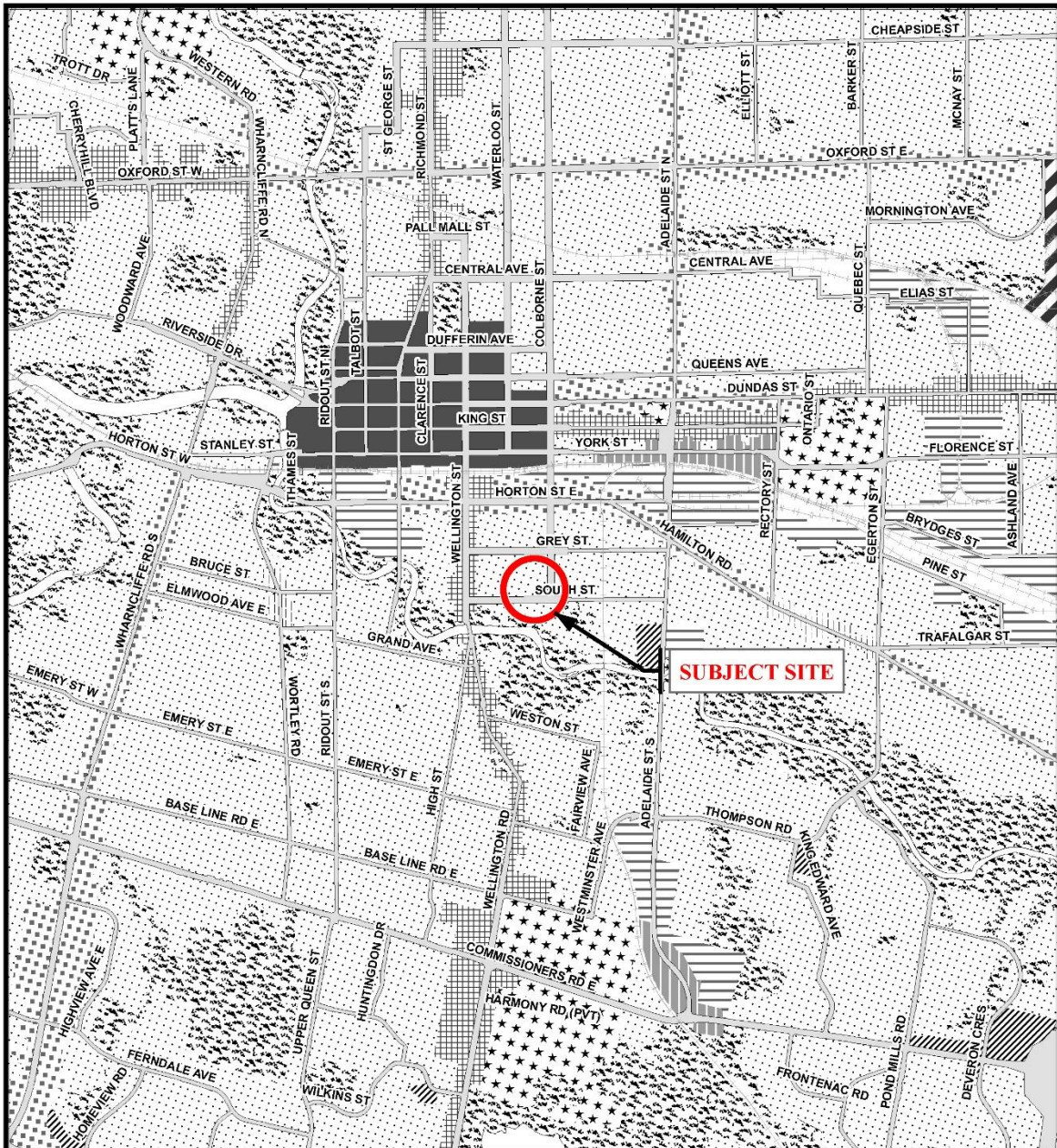
Public Liaison: Notice of the Intent to Remove Holding Provisions was published in the Londoner on January 20, 2022, and notice of the application were circulated to the relevant internal and external agencies.

No replies were received.

Londoner Notice: City Council intends to consider removing the h, h-5 holding provisions from the subject lands to allow for the development of a Draft Plan of Vacant Land Condominium consisting of 6 units, each unit containing one (1) low rise or one (1) mid-rise residential apartment building, to be registered as one Condominium Corporation, as well as a 11-storey apartment building at 124 Colborne Street. The purpose of the “h” provision is to ensure the orderly development of lands and adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided and/or a subdivision agreement has been entered into for the subject lands. The purpose of the “h-5” provision is to ensure the proposed development is compatible with the surrounding land uses. Agreements shall be entered into following a site plan review prior to the removal of the symbol. Council will consider removing the holding provision as they apply to these lands no earlier than February 7, 2022. **For the lands under consideration, the following applications have also been submitted: Site Plan Approval – Application File No. SPA21-081; Draft Plan of Vacant Land Condominium – 39CD-21522; Official Plan and Zoning By-law Amendments – Application File No. OZ-9418 and Z-9224.*
File: H-9462 Planner A. Curtis x.4497

Appendix C: Policy Context

The London Plan Excerpt



Legend

Downtown	Future Community Growth	Environmental Review
Transit Village	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street	Institutional	
Neighbourhood	Green Space	

This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

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

CITY OF LONDON

Planning Services /
Development Services

LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



Scale 1:30,000

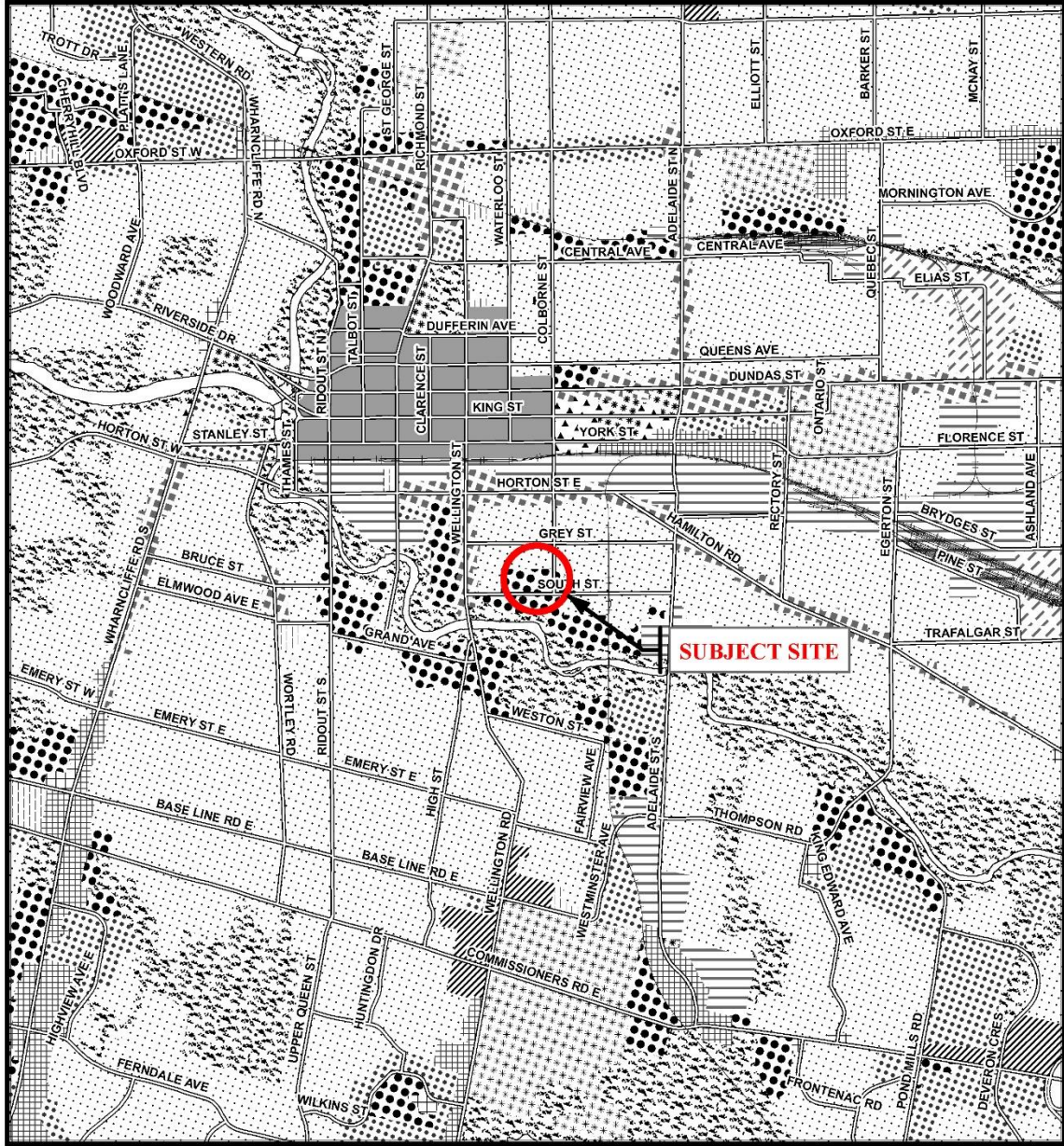


File Number: H-9462

Planner: AC

Technician: RC

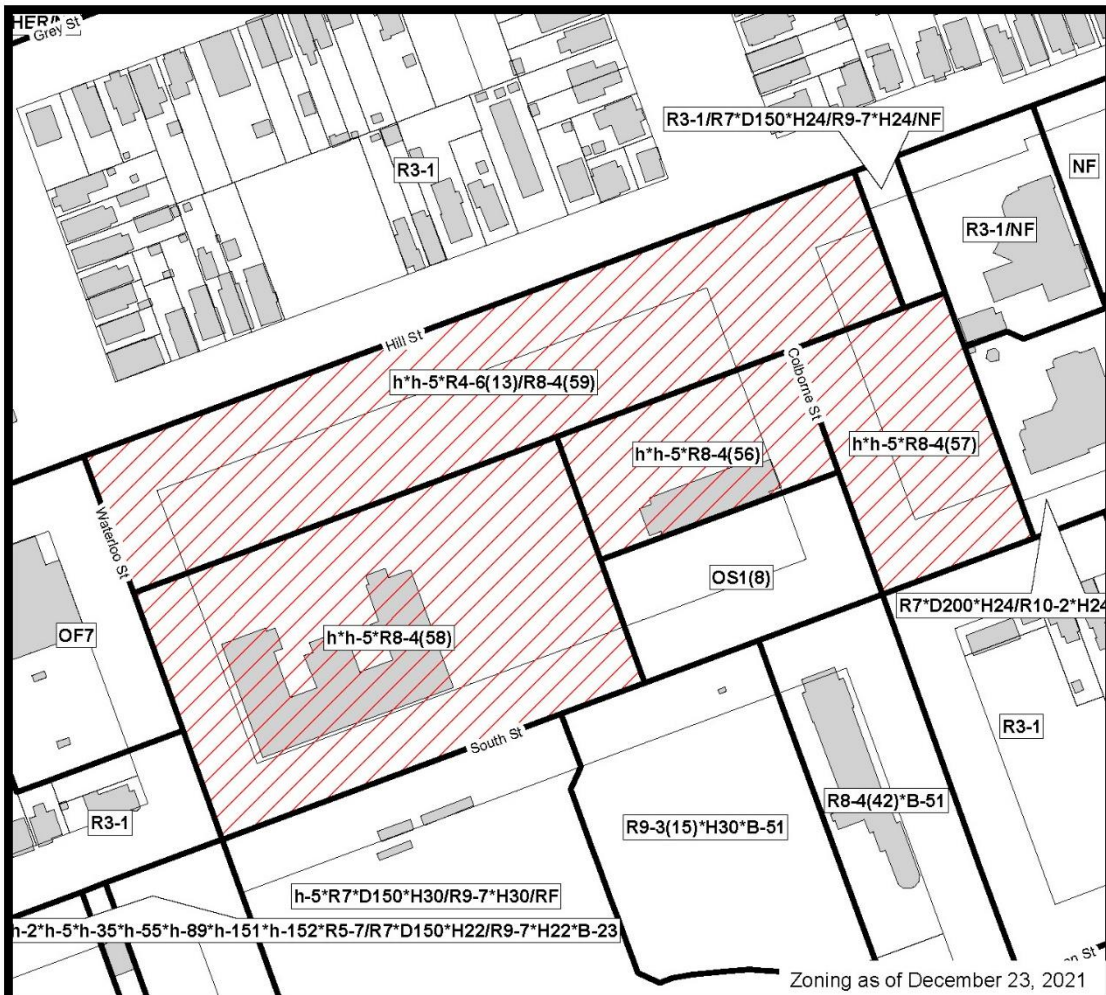
Date: January 14, 2022



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

<p>CITY OF LONDON</p> <p>Planning Services / Development Services</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>0 150 300 450 600 750 900 1050</p> <p>Meters</p>	FILE NUMBER: H-9462
		PLANNER: AC
		TECHNICIAN: RC
		DATE: 2022/01/14

Zoning Excerpt



Zoning as of December 23, 2021



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| | LI - LIGHT INDUSTRIAL |
| DA - DOWNTOWN AREA | GI - GENERAL INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | UR - URBAN RESERVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | |
| AC - ARTERIAL COMMERCIAL | AG - AGRICULTURAL |
| HS - HIGHWAY SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| SS - AUTOMOBILE SERVICE STATION | RT - RAIL TRANSPORTATION |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

H-9462

CP

MAP PREPARED:

YYYY/MM/DD

CK

1:2,000

0 10 20 40 60 80

Meters

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Scott Mathers, MPA, P. Eng.
Deputy City Manager, Planning and Economic Development

Subject: Application by Baker Planning Group
1738, 1742, 1752 and 1754 Hamilton Road
Removal of Holding Provisions

Date: February 28, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, based on the application by Baker Planning Group, relating to lands located at 1738, 1742, 1752 and 1754 Hamilton Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on March 22, 2022 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Holding Residential R1 (h•h-100•R1-3) Zone, a Holding Residential R1 Special Provision (h•h-100•R1-3(19)) Zone, a Holding Residential R1 Special Provision (h•h-100•R1-3(20)) Zone, a Holding Residential R4 Special Provision (h•h-100•R4-6(9)) Zone, and a Holding Residential R6 Special Provision (h•h-100•R6-5(55)) Zone **TO** a Residential R1 (R1-3) Zone, a Residential R1 Special Provision (R1-3(19)) Zone, a Residential R1 Special Provision (R1-3(20)) Zone, a Residential R4 Special Provision (R4-6(9)) Zone, and a Residential R6 Special Provision (R6-5(55)) Zone to remove the h and h-100 holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the h and h-100 holding symbols to permit the development of a residential subdivision consisting of 68 single detached lots, 1 street townhouse block, and 2 cluster housing blocks.

Rationale of Recommended Action

1. The conditions for removing the holding (h & h-100) provisions have been met and the recommended amendment will allow development of a residential plan of subdivision to proceed in compliance with the Zoning By-law.
2. Subdivision security has been posted with the City in accordance with City policy, and the Subdivision Agreement has been executed by the subdivider and the City.
3. Provision has been made for a looped watermain system to ensure adequate water service, as well as provision for a second public road access to the satisfaction of the City.

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

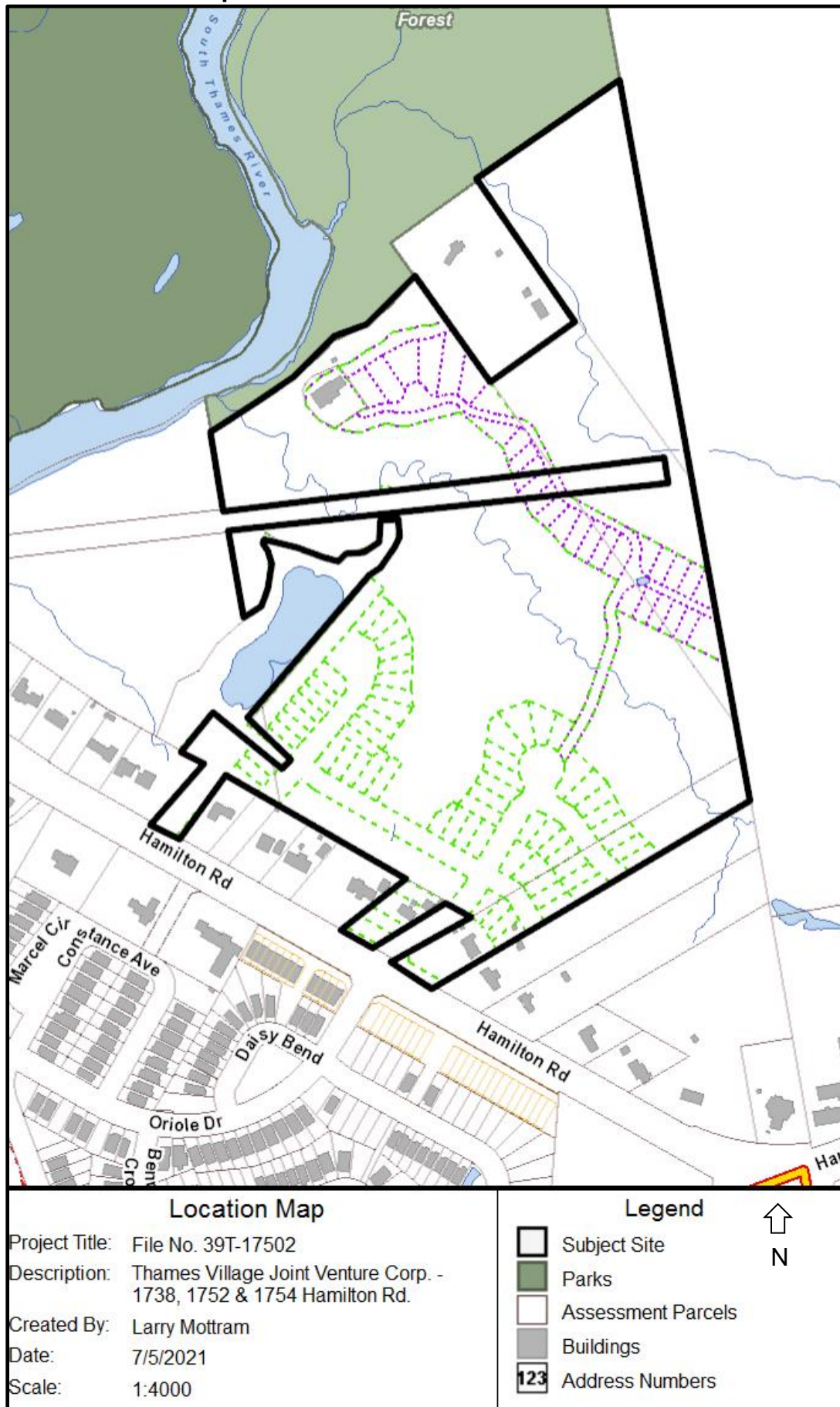
1.0 Background Information

1.1 Previous Reports Related to this Matter

July 26, 2021 – Report to Planning and Environment Committee - 1738, 1752 and 1754 Hamilton Road – Thames Village Joint Venture Subdivision Phases 1 and 2 – Special Provisions – Thames Village Joint Venture Corporation (File No. 39T-17502).

2.0 Discussion and Considerations

2.1 Location Map



2.2 Description of Proposal

This proposal is for consideration of a request to remove the holding provisions to permit development of a residential plan of subdivision consisting of 68 single detached lots, two (2) cluster housing blocks, one (1) street townhouse block, seven (7) open space blocks, two (2) road widening blocks, four (4) reserve blocks, two (2) temporary turning circles, and three (3) local streets (Bobolink Lane, Oriole Drive and Chickadee Trail).

2.3 Planning History

On August 15, 2018, the City of London Approval Authority approved a draft plan of subdivision for lands located at 1738, 1742, 1752 and 1754 Hamilton Road submitted by Thames Village Joint Venture Corporation. Municipal Council previously advised the Approval Authority of its support for the draft plan and related zoning by-law amendments at their meeting held June 26, 2018. The Approval Authority issued final approval of the subdivision plan on December 22, 2021 registered as Plan No. 33M-814.

2.4 Community Engagement (see more detail in Appendix B)

There were no responses received to the Notice of Application.

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 Conclusions

4.1 Have the conditions for removal of the holding (h & h-100) provisions been met?

Section 36(1) of the Planning Act allows municipalities to place holding provisions on properties to ensure that certain requirements have been addressed to the satisfaction of Council, prior to development. Through the Zoning By-law amendment and Draft Plan of Subdivision application process, two holding provisions were added to the subject site to ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development, and to ensure that there is adequate water service and appropriate access. The holding provisions, and confirmation as to how each requirement has been satisfied, are noted below:

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

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

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

A Subdivision Agreement has been executed between Thames Village Joint Venture Corporation and the City of London registered as Instrument No. ER1439731. Thames Village Joint Venture Corp. has also posted security as required by City policy and the Subdivision Agreement. Therefore, the condition has been met for removal of the h provision.

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

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

Permitted Interim Uses: A maximum of 80 residential units.

The subdivision servicing drawings have been reviewed and accepted by City staff. Thames Village Joint Venture Corp. has commenced with the installation of services, including the watermains and water looping of the subdivision with connections to the existing 250 mm diameter PVC watermain on Hamilton Road at both Bobolink Lane and Oriole Drive. A second public road access is also provided to the subdivision street network with separate road connections to Hamilton Road via Bobolink Lane and Oriole Drive. Therefore, the condition has been satisfied for removal of the h-100 provision.

Conclusion

The requirements for two holding provisions on the subject lands have been addressed which will allow the issuance of residential building permits. In the opinion of Staff, the holding zone requirements have been satisfied and it is appropriate to proceed to lift the holding symbols from the zoning map.

Prepared by: Larry Mottram, MCIP, RPP
Senior Planner, Subdivisions and Condominiums

Reviewed by: Bruce Page
Manager, Subdivision Planning

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

Submitted by: Scott Mathers, MPA
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 Development Inspections

February 18, 2022
SM/GB/BP/LM/lm

Y:\Shared\ADMIN\1- PEC Reports\2022 PEC Reports\1_Current Cycle (Feb 28)\FINAL - 1738, 1742, 1752 and 1754 Hamilton Road - Baker Planning Group - H-9466 LM.docx

Appendix A

Bill No. (Number to be inserted by
Clerk's Office)
2022

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 1738, 1742,
1752 and 1754 Hamilton Road.

WHEREAS Baker Planning Group has applied to remove the holding provisions from the zoning on lands located at 1738, 1742, 1752 and 1754 Hamilton Road, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1738, 1742, 1752 and 1754 Hamilton Road, as shown on the attached map, to remove the h and h-100 holding provisions so that the zoning of the lands as a Residential R1 (R1-3) Zone, a Residential R1 Special Provision (R1-3(19)) Zone, a Residential R1 Special Provision (R1-3(20)) Zone, a Residential R4 Special Provision (R4-6(9)) Zone, and a Residential R6 Special Provision (R6-5(55)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

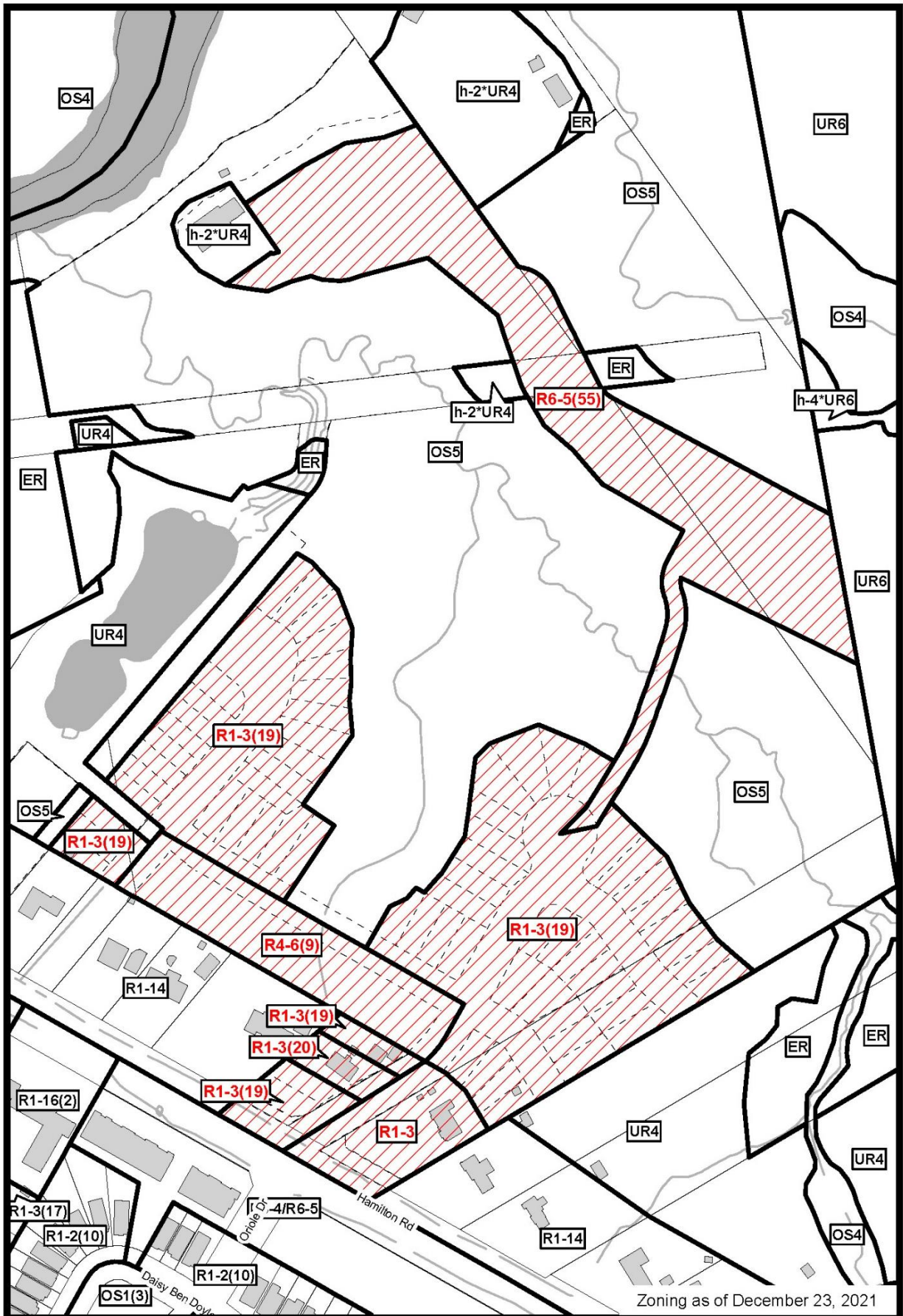
PASSED in Open Council on March 22, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – March 22, 2022
Second Reading – March 22, 2022
Third Reading – March 22, 2022

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



File Number: H-9466
 Planner: LM
 Date Prepared: 2022/02/02
 Technician: RC
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,500

0 12.525 50 75 100
 Meters



Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of the application was published in the *Public Notices and Bidding Opportunities* section of The Londoner on February 3, 2022.

Responses: No replies

Nature of Liaison: 1738, 1742, 1752 and 1754 Hamilton Road; located on the east side of Hamilton Road, north of Commissioners Road East and south of the Thames River – City Council intends to consider removing the Holding (“h” and “h-100”) Provisions from the zoning of the subject lands to allow development of a residential plan of subdivision. The purpose of the “h” provision is to ensure the orderly development of lands and the adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development. The purpose of the h-100 symbol is to ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer. Interim uses may be permitted up to 80 units maximum. Council will consider removing the holding provision as it applies to these lands no earlier than **March 22, 2022**.

Response to Notice of Application and Publication in “The Londoner”

Telephone:
None

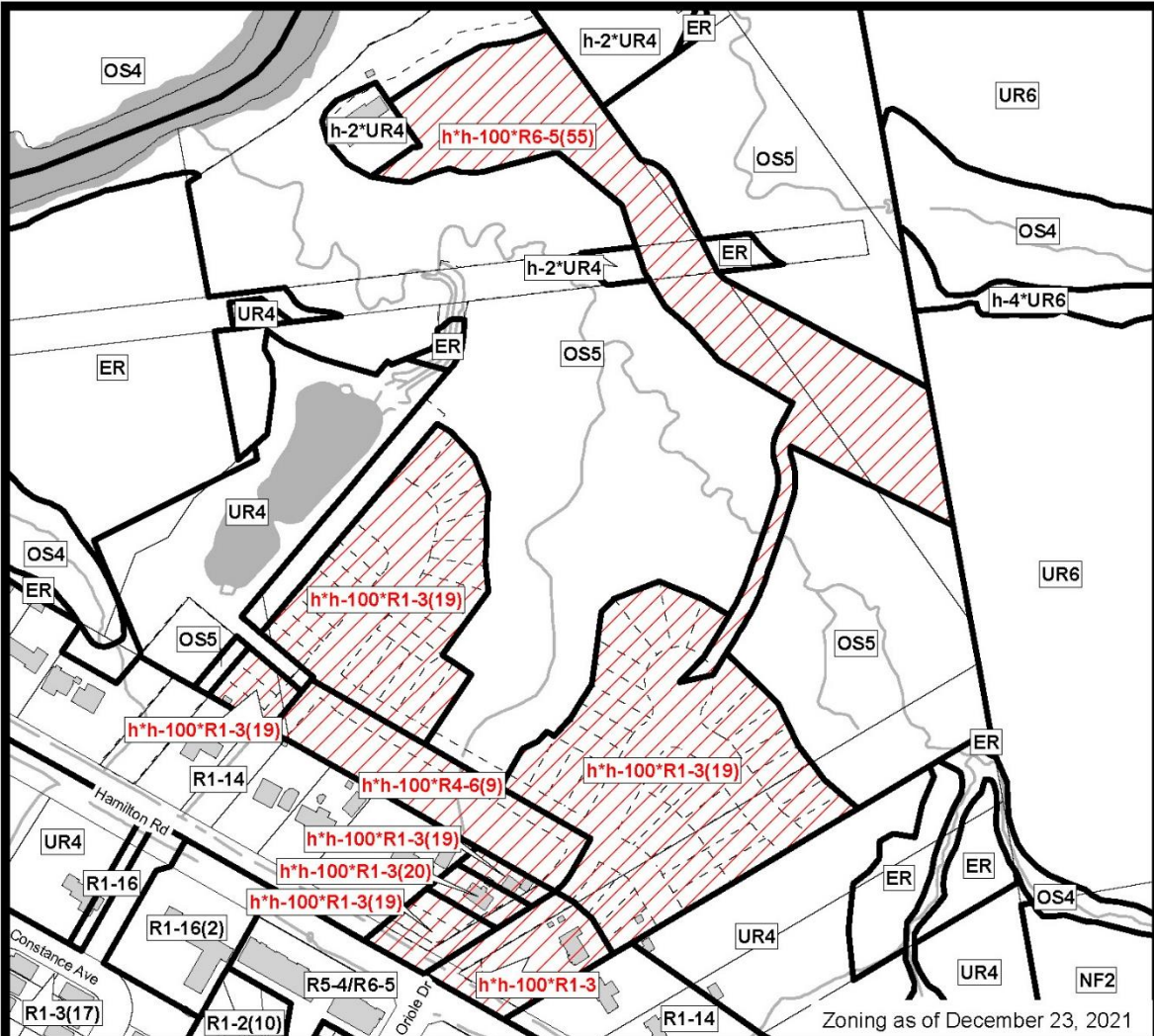
Written:
None

Significant Agency/Departmental Comments:

None

Appendix C – Relevant Background

Existing Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:
H-9466 LM

MAP PREPARED:
2022/02/02 RC

1:3,500
0 15 30 60 90 120 Meters

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P. Eng.
Deputy City Manager, Planning and Economic Development

Subject: Application by Southwest Sun Property Corporation
695 and 585 Sovereign Road
Deeming By-law

Date: February 28, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Southwest Sun Property Corporation relating to the property located at 695 and 585 Sovereign Road:

- (a) the proposed by-law attached as Appendix “A”, **BE INTRODUCED** at the Municipal Council meeting on March 22, 2022, to deem Lot 19-1 and Lot 28-1, Registered Plan No. M21, City of London, County of Middlesex, not to be a registered plan of subdivision for the purposes of subsection 50(3) of the Planning Act;
- (b) the City Clerk **BE DIRECTED** to provide notice of the by-law passing and undertake registration of the Deeming By-law, in accordance with the provisions in subsections 50(28) and 50(29) of the Planning Act; and,
- (c) the applicant **BE REQUIRED** to pay for any costs incurred to register the deeming by-law at the Land Registry Office.

Executive Summary

Purpose and Effect of the Recommended Action

The purpose and effect of this recommended action is to consolidate two contiguous properties, known municipally as 695 and 585 Sovereign Road, into one parcel by deeming the subject lands not to be within a registered plan of subdivision. This action will effectively remove the lot line between the two parcels and allow for a proposed expansion of the existing industrial building to accommodate an office, a craft brewery and a warehouse.

Rationale of Recommended Action

The application for approval of a by-law to deem the subject lands at 585 and 695 Sovereign Road not to be part of a registered plan of subdivision under the *Planning Act* is appropriate and will allow site development plans to proceed for a proposed expansion to an existing industrial building in conformity with the Zoning By-law.

Linkage to the Corporate Strategic Plan

This application supports the Building a Sustainable City area of focus in the Corporate *Strategic Plan* by ensuring that the City of 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

June 18, 2012 – Report to Planning and Environment Committee – 585, 613, 687 & 604-650 Sovereign Road - Application for Approval of Official Plan and Zoning By-law Amendments – City of London (File No. OZ-8034).

1.2 Planning History

An application for combined Official Plan and Zoning By-law Amendments for 585, 613, 687, and 604 to 650 Sovereign Road was accepted on March 27, 2012. The intent of the proposed amendments was to allow for the expansion of the existing industrial uses on the west side of Sovereign Road, which were designated as woodlands and zoned Light Industrial. These amendments were recommended for approval, and were passed in Open Council on June 26, 2012.

This application for a Deeming By-law was accepted as complete on January 10, 2022, and is being processed concurrently with applications for Site Plan Approval (SPA21-094) and Removal of Holding Provisions (P-9461).

1.3 Current Planning Information

- The *London Plan* Place Type – Light Industrial
- (1989) *Official Plan* Designation – Light Industrial
- Existing Zoning – Holding Light Industrial (h*h-148*LI2/LI7)

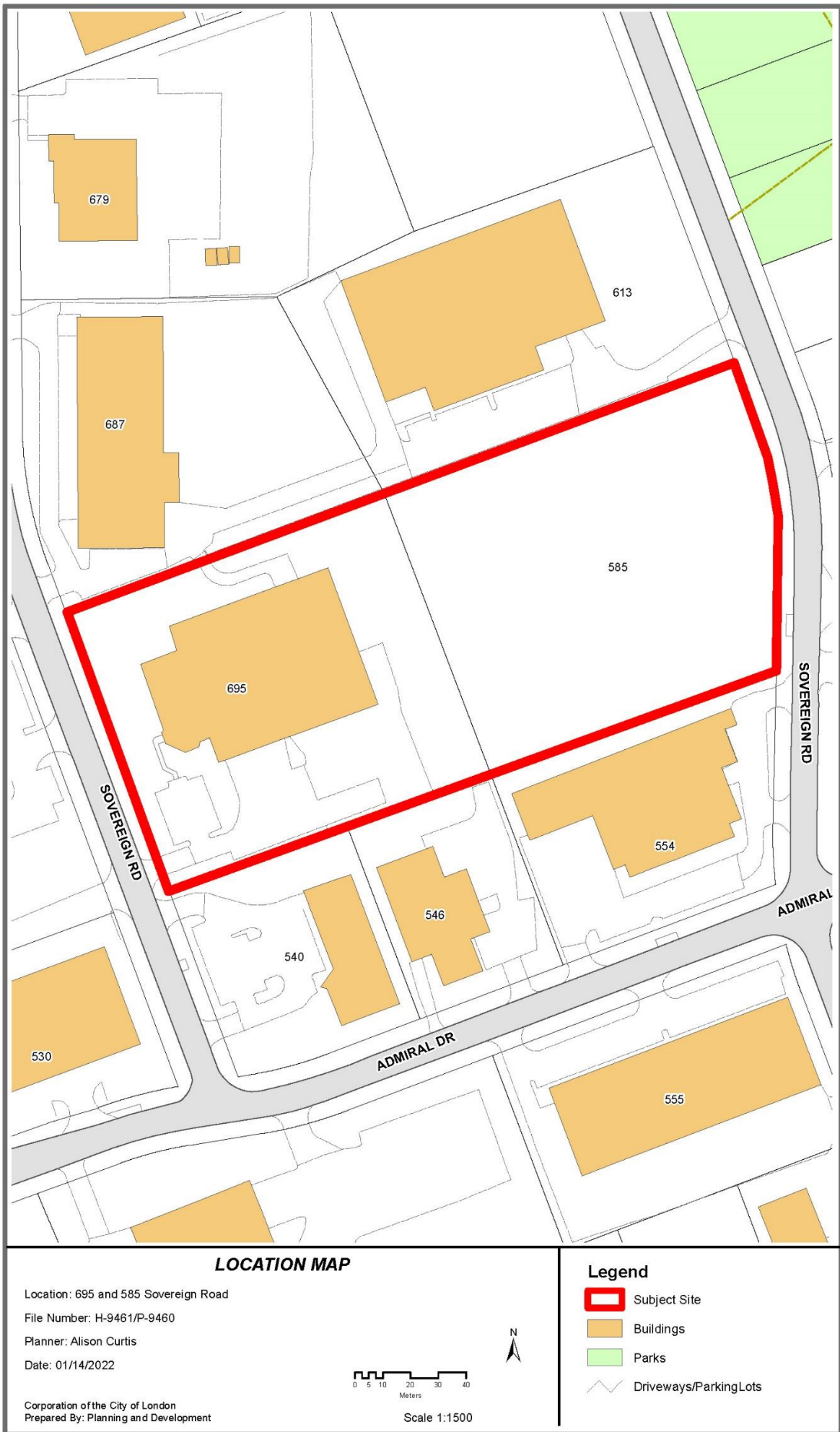
1.4 Site Characteristics

- Current Land Use – Industrial office, warehouse and brewery
- Frontage – 132 meters
- Depth – Various
- Area – 2.7 hectares
- Shape – Square

1.5 Surrounding Land Uses

- North – Light Industrial
- East – Vacant/Light Industrial
- South – Light Industrial
- West – Light Industrial

1.6 Location Map

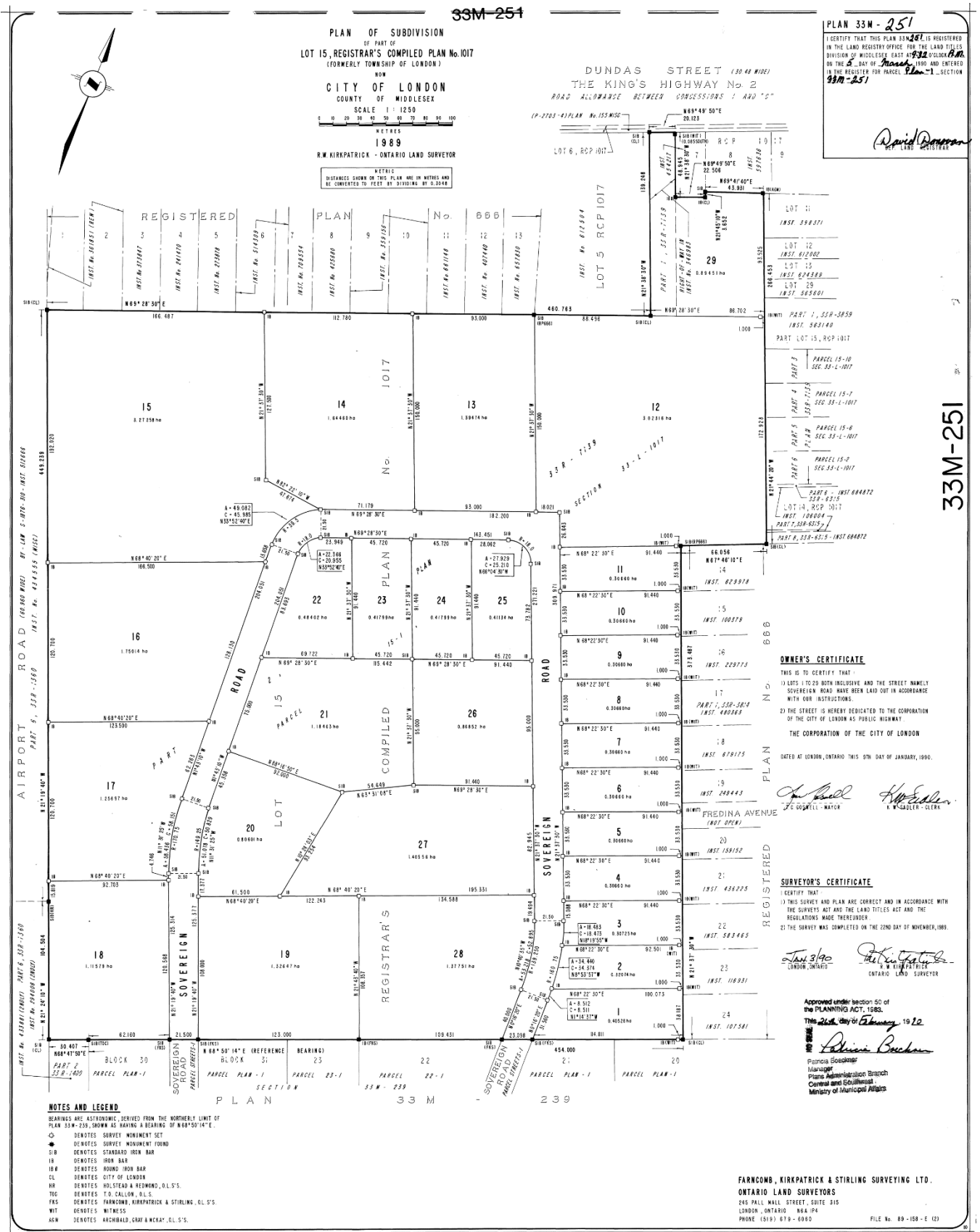


2.0 Discussion and Considerations

2.1 Deeming By-law Request

The subject lands are within the Trafalgar Industrial Park Subdivision, which is located in the northeast quadrant of the City, and situated on Sovereign Road, north of Admiral Drive and east of Veterans Memorial Parkway. The Plan of Subdivision was registered on March 5, 1990, as Registered Plan No. 33M-251. 695 Sovereign Road (described as Part 19 on Registered Plan 33M-251) is approximately 1.52 hectares in area and is occupied by a building approximately 3290 square meters, which houses the Equals Brewing Company. 585 Sovereign Road is approximately 1.37 hectares in area and is currently vacant.

2.2 Registered Plan 33M-251



Under Section 50(4) of the *Ontario Planning Act*, municipalities may by by-law deem any plan of subdivision, or part thereof, that has been registered for eight (8) or more years to not be registered as a measure of subdivision control. The *1989 Official Plan* and *The London Plan* contain similar provisions under Sections 19.6.5 and 1695_, respectively. The effect of this deeming by-law application would be to merge the two parcels, that are within a registered plan of subdivision, into one legally conveyable lot.

Deeming By-laws are often used to merge lots from old plans of subdivisions, which no longer meet current development or zoning standard. The current zoning standards under the Light Industrial LI2/LI7 Zone require a minimum lot area of 2000 square meters and a minimum lot frontage of 30 meters. Merging these two parcels and approval of the deeming by-law will provide for development that conforms with the current zone standards.

Section 50(4) of the *Planning Act* does not require notice or hearing prior to the passing of the deeming by-law. Notice of the passing of the by-law must be given within 30 days to the assessed owner of the land to which the by-law applies, and the owner can make representations to Council concerning the by-law within 20 days of the notice being issued.

4.2 Holding Provisions

There are currently two holding provisions applied to the subject lands, the general “h” provision and “h-148”. The purpose of the “h” provision is to ensure the orderly development of lands and adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided and/or a development agreement has been entered into for the subject lands. Holding provision “h-148” requires that a tree management plan prepared by a Registered Professional Forester (R.P.F.) that includes the supervision of the removal of trees on the subject lands and that the removal and movement of topsoil and other materials are in accordance with the City-led Forest Management plan, which includes revegetation for the area on the east side of Sovereign Road.

Conclusion

The application for approval of a by-law to deem the subject lands at 585 and 695 Sovereign Road not to be part of a registered plan of subdivision under the *Planning Act* is appropriate and will allow site development plans to proceed for a proposed expansion to an existing industrial building in conformity with the Zoning By-law.

Prepared by: Alison Curtis, MA
Planner 1, Planning and Development

Reviewed by: Bruce Page, MCIP, RPP
Manager, Planning and Development

Recommended by: Gregg Barrett, ACIP
Director, Planning and Development

Submitted by: Scott Mathers, MPA
Deputy City Manager,
Planning and Economic Development

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections
cc: Michael Pease, Manager, Development Planning (Site Plan)

BP/ac

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2022\P-9460 - 695 and 585 Sovereign Road (A. Curtis)

Appendix A

Bill No. (Number to be inserted by
Clerk's Office)
2022

By-law No. _____

A by-law to deem a portion of
Registered Plan No. 33M-251 not to be
a registered plan of subdivision for the
purposes of subsection 50(3) of the
Planning Act, R.S.O. 1990, c. P13.

WHEREAS subsection 50(4) of the *Planning Act* provides that the Council of a local municipality may by by-law designate any plan of subdivision or part thereof that has been registered for eight years or more, and deem it not to be a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*;

AND WHEREAS Lot 19 and Lot 28, Registered Plan No. 33M-251, City of London, County of Middlesex, are currently separate lots within a registered plan of subdivision;

AND WHEREAS Registered Plan No. 33M-251 has been registered for more than eight years;

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

1. That Lot 19 and Lot 28, Registered Plan No. 33M-251, City of London, County of Middlesex, shall be deemed not to be a registered plan of subdivision for the purposes of Section 50(3) of the *Planning Act*.

2. This By-law shall come into force on the day it is enacted by the Council of the Corporation of the City of London, subject to the provisions of subsection 50(27) of the *Planning Act*.

PASSED in Open Council on March 22, 2022.

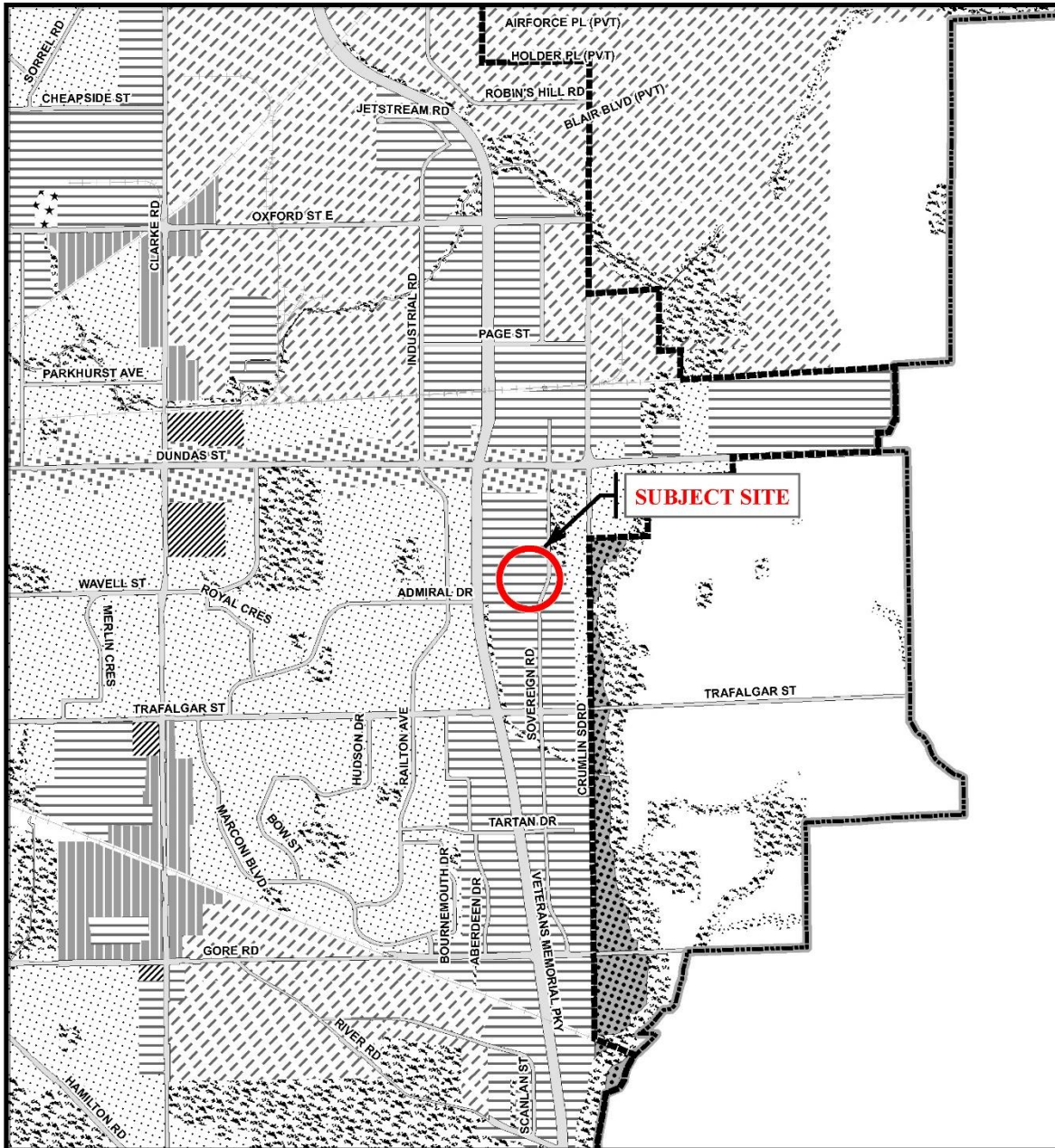
Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – March 22, 2022
Second Reading – March 22, 2022
Third Reading – March 22, 2022

Appendix B: Policy Context

London Plan Excerpt



Legend

Downtown	Future Community Growth	Environmental Review
Transit Village	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street	Institutional	
Neighbourhood	Green Space	

This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

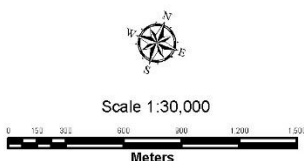
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services /
Development Services

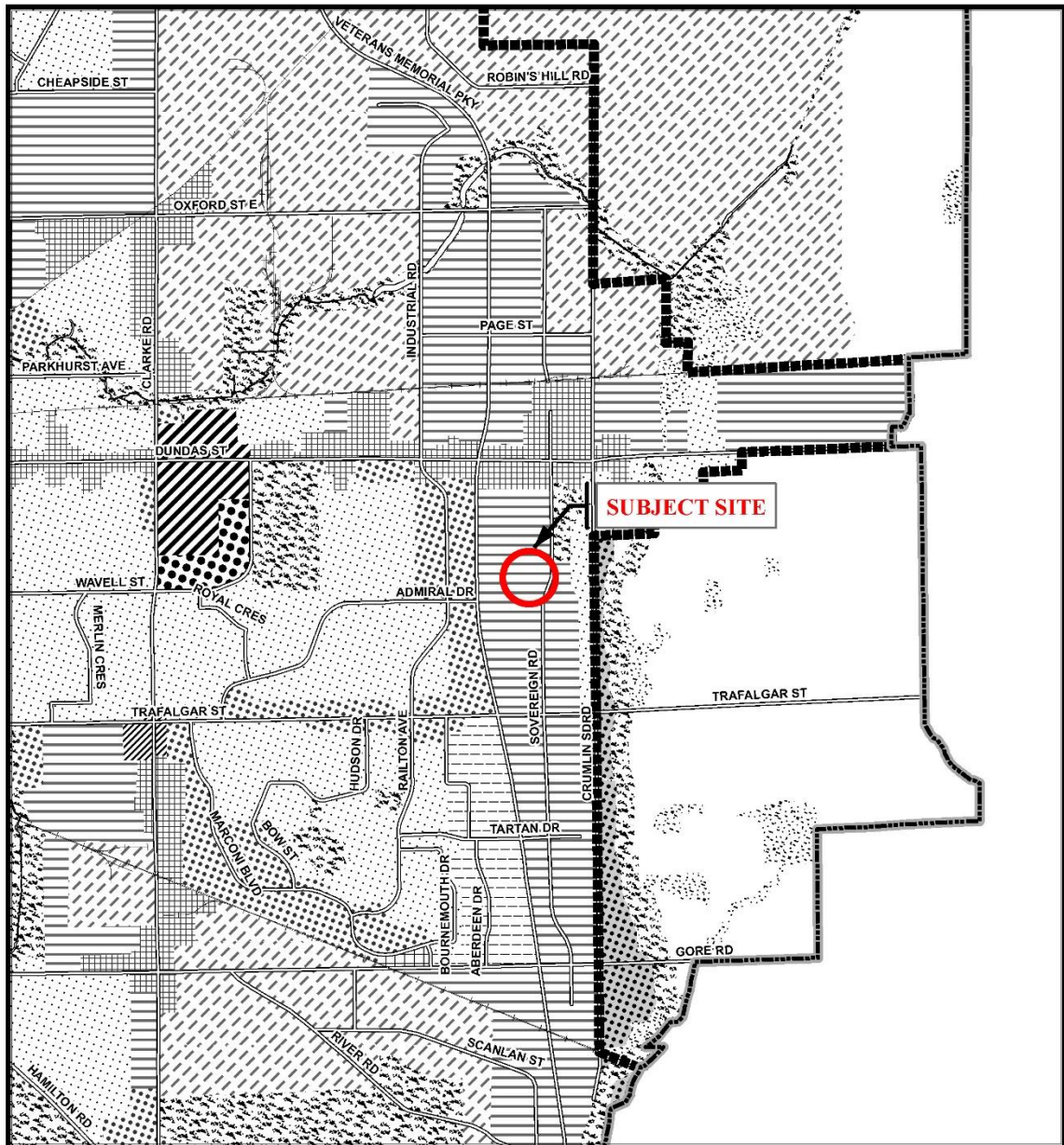
LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



File Number: H-9461
Planner: AC
Technician: RC
Date: January 21, 2022

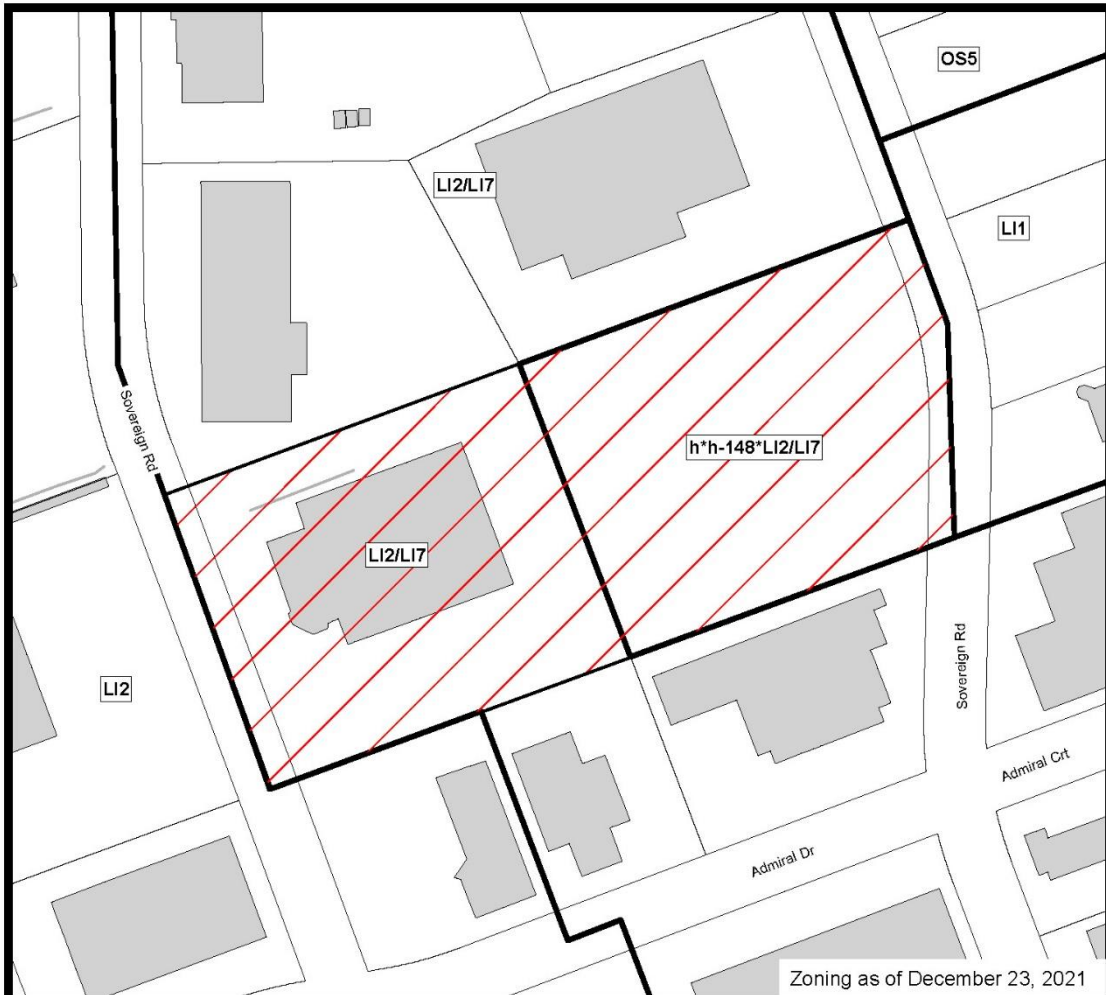
1989 Official Plan Excerpt



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

<p>CITY OF LONDON</p> <p>Planning Services / Development Services</p> <p>OFFICIAL PLAN SCHEDULE A - LAND USE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>0 150 300 600 900 1200 1500</p> <p>Meters</p>	<p>FILE NUMBER: H-9461</p> <p>PLANNER: AC</p> <p>TECHNICIAN: RC</p> <p>DATE: 2022/01/21</p>
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Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| | LI - LIGHT INDUSTRIAL |
| DA - DOWNTOWN AREA | GI - GENERAL INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | UR - URBAN RESERVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | |
| AC - ARTERIAL COMMERCIAL | AG - AGRICULTURAL |
| HS - HIGHWAY SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| SS - AUTOMOBILE SERVICE STATION | RT - RAIL TRANSPORTATION |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

H-9461

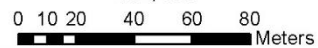
AC

MAP PREPARED:

2022/1/21

RC

1:2,000



Report to Planning & Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Peter Kokkoros, P.Eng., B.A. (Econ)
Director, Building and Chief Building Official

Subject: Limiting Distance (No-Build) Agreement between the Corporation of the City of London and the owners of 34 Princeton Terrace

Date: February 28, 2022

Recommendation

That, on the recommendation of the Director, Building and Chief Building Official, the following actions be taken in respect of a limiting distance (no-build) agreement between the Corporation of the City of London and Chantal McQueen and Paul McQueen (34 Princeton Terrace, London, Ontario):

- a) the attached proposed limiting distance agreement for the property at 34 Princeton Terrace between the Corporation of the City of London and Chantal McQueen and Paul McQueen **BE APPROVED**; and
- b) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting of March 22, 2022, to approve the limiting distance agreement between the Corporation of the City of London and Chantal McQueen and Paul McQueen for the property at 34 Princeton Terrace, and to delegate authority to the Deputy City Manager, Environment and Infrastructure to execute the agreement on behalf of the City of London as the adjacent property owner.

Executive Summary

The purpose of this report is to authorize the Deputy City Manager, Environment and Infrastructure, to execute into a limiting distance agreement on behalf of the Corporation of the City of London (Corporation) as the owner of the adjacent property. The Corporation is the owner of the lot to the south of 34 Princeton Terrace.

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.
- Improve public accountability and transparency in decision making.

Analysis

1.0 Background Information

Previous report:

January 28, 2009 – Report to Board of Control, submitted by the Director of Building

Controls to amend the Appointment By-law authorizing the Chief Building Official to bind the Corporation of the City of London while exercising his duties in executing limiting distance agreements.

2.0 Discussion and Considerations

The owners of the property situated at 34 Princeton Terrace namely, Chantal McQueen and Paul McQueen will be applying to obtain a building permit for the construction of a new single detached dwelling.

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

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

The virtual property line, for the purposes of the limiting distance agreement is proposed to be established at 1.90 m to the south of the property line between 34 Princeton Terrace and the lands owned by the City of London (BLOCK 45).

Chantal McQueen and Paul McQueen (referred to in the agreement as ‘Owners’), concur with the Building Division to enter into such an agreement which would eliminate the need to have the south wall openings protected and the south wall face designed with a fire resistance rating.

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

Articles (4) and (5) state:

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

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

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

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

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

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

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

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

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

The Corporation (referred to in the agreement as 'Adjacent Owner'), is the owner of the property to the south. Considering the south property is open undeveloped space, entering into this agreement with both the Owners and the Corporation of the City of London is considered a feasible option. This would result in the elimination of the need to protect the south exposed building face wall openings and would also eliminate the need for the south wall to have a fire resistance rating.

The Building Division consulted with the Deputy City Manager, Environment and Infrastructure, with respect to the agreement, and was advised that there was no objection with this proposal.

A site plan depicting the proposed building at 34 Princeton Terrace as well as a south wall elevation are included in Appendix 'A' of this report.

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

Conclusion

The purpose of this report is to authorize the Deputy City Manager, Environment and Infrastructure, to execute a limiting distance agreement on behalf of the Corporation in its capacity as the Adjacent Owner. The Corporation is the owner of the lot to the south of 34 Princeton Terrace.

The agreement, a provision under the Ontario Building Code, would allow the owner of 34 Princeton Terrace to eliminate the need to protect the south wall openings and also eliminate the need for the proposed south wall face to have a fire resistance rating.

Submitted by: **Peter Kokkoros, P.Eng.**
Director, Building & Chief Building Official
Planning and Economic Development

c.c:
Kelly Scherr, Deputy City Manager, Environment and Infrastructure
Aynsley Anderson, Solicitor II
Jeff Bruin, Manager, Parks Planning and Design

Bill No.

By-law No.

A By-law to approve a limiting distance agreement between the Corporation of the City of London and Chantal Jacoba McQueen and Paul Matthew McQueen for the property at 34 Princeton Terrace and to delegate authority to the Deputy City Manager, Environment and Infrastructure, to execute the agreement on behalf of the City of London as the adjacent property owner.

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

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

AND WHEREAS it is deemed expedient for The Corporation of the City of London (the "City") to enter into a limiting distance agreement with Chantal Jacoba McQueen and Paul Matthew McQueen for the property at 34 Princeton Terrace (the "Agreement");

AND WHEREAS it is appropriate to delegate authority to the Deputy City Manager, Environment and Infrastructure, to execute the agreement on behalf of the City of London as the adjacent property owner;

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

1. The Agreement substantially in the form attached as Schedule "A" to this by-law and to the satisfaction of the Deputy City Manager, Legal Services, being limiting distance agreement between the Corporation of the City of London and Chantal Jacoba McQueen and Paul Matthew McQueen for the property at 34 Princeton Terrace, is hereby APPROVED.
2. The Deputy City Manager, Environment and Infrastructure, is hereby authorized to execute the Agreement approved under section 1 of this by-law on behalf of the City of London as the adjacent property owner.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council, March 22, 2022

Ed Holder
Mayor

Michael Schulthess
City Clerk

First reading – March 22, 2022
Second reading – March 22, 2022
Third reading – March 22, 2022

SCHEDULE "A"

Chantal and Paul McQueen: Owners of lands which require the no-build agreement to allow for an unrated wall construction and unprotected glazed openings.

The Corporation of the City of London: Adjacent property owner granting no-build on their property.

THIS AGREEMENT made in duplicate this 07 day of February 2022

BETWEEN:

Chantal and Paul McQueen (hereinafter called the "OWNER") of the FIRST PART
and

The Corporation of the City of London (hereinafter called the "CITY") of the SECOND PART
and

The Corporation of the City of London (hereinafter called "ADJACENT OWNER") of the THIRD PART.

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

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

AND WHEREAS the Owner's Lands abut and are immediately to the north and west of the Adjacent Lands;

AND WHEREAS the Owners have applied to the City for permission to be exempted from certain provisions of the Ontario Building Code pertaining to glazing and fire rating in the wall of a house to be constructed on the Owners' Lands;

AND WHEREAS the south property line of the Owners' Lands will abut the Adjacent Lands;

AND WHEREAS the City wishes to ensure that no building will be erected on the Adjacent Lands within 1.9 metres from the south property line of the Owners' Lands;

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the sum of TWO DOLLARS (\$2.00) and other good and valuable consideration now paid by each of the parties hereto to the other, the receipt and sufficiency of which is hereby acknowledged, the City, the Owner and Adjacent Owner hereby covenant and agree as follows:

1. The Adjacent Owner irrevocably agrees with the Owner not to construct any building or structure within 1.9 metres from the south property line of the Owners' Lands; failing which, the Adjacent Owner shall be fully liable for all costs of the work to be performed pursuant to the requirements of the Ontario Building Code.
2. The Adjacent Owner acknowledges and agrees that the 1.9 metre line as established by this agreement shall be the "limiting distance" for the purposes of the determining glazing or fire rating on the wall as required by the Building Code, of the north face of any building subsequently erected on the Adjacent Lands.
3. For the purposes of this agreement, "limiting distance" shall mean a line 1.9 metres from the south property line of the Owners' Lands
4. This restriction shall run with the Owners' Lands and the Adjacent Lands and shall bind all Parties hereto, their successors and assigns.

5. The Owners covenant and agree with the City that the Owners will forthwith bring the south wall of the house into compliance, as is prescribed by the Ontario Building Code then in effect, coincidental with the construction of any building or structure upon the Adjacent Lands, which is located 1.9 metres from the south property line of the Owners' Lands

6. Removal of this agreement from the title of either property shall require the written agreement of all parties (or their heirs or assigns) to this agreement.

IN WITNESS WHEREOF the parties hereto have hereunto duly executed this agreement.

SIGNED AND DELIVERED in the presence of:

OWNERS





THE CORPORATION OF THE CITY OF LONDON

Per:

Peter Kokkoros, P.Eng. Director, Building and Chief Building Official
Authorized Officer

ADJACENT OWNER: THE CORPORATION OF THE CITY OF LONDON

Per:

Kelly Scherr, Deputy City Manager, Environment and Infrastructure
Authorized Officer

Schedule "A"

Owner's Lands: 34 Princeton Terrace, London, ON, N6K 0L5
Lot 38, Plan 33M-811; London

Adjacent Lands: Block 45, Plan 33M-811, part of CON 1 PT LOT 44; London

Report to Planning & Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Peter Kokkoros, P.Eng., B.A. (Econ)
Director Building & Chief Building Official

Subject: Building Division Monthly Report
January 2022

Date: February 28, 2022

Recommendation

That the report dated February 28, 2022 entitled “Building Division Monthly Report January 2022”, **BE RECEIVED** for information.

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 January 2022.

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.
- 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 January 2022. Attached as Appendix “A” to this report is a “Summary Listing of Building Construction Activity for the Month of January 2022”, as well as respective “Principle Permits Reports”.

2.0 Discussion and Considerations

2.1 Building permit data and associated inspection activities – January 2022

Permits Issued to the end of the month

As of January 2022, a total of 311 permits were issued, with a construction value of \$58.3 million, representing 144 new dwelling units. Compared to the same period in 2021, this represents a 4.0% increase in the number of building permits, with a 8.1% decrease in construction value and an 17.1% increase in the number of dwelling units constructed.

Total permits to construct New Single and Semi-Dwelling Units

As of the end of January 2022, the number of building permits issued for the construction of single and semi-detached dwellings was 87, representing a 15.5% decrease over the same period in 2021.

Number of Applications in Process

As of the end of January 2022, 960 applications are in process, representing approximately \$1.43 billion in construction value and an additional 2,650 dwelling units compared with 1,044 applications, with a construction value of \$812 million and an additional 1,957 dwelling units in the same period in 2021.

Rate of Application Submission

Applications received in January 2022 averaged to 14.9 applications per business day, for a total of 298 applications. Of the applications submitted, 21 were for the construction of single detached dwellings and 8 townhouse units.

Permits issued for the month

In January 2022, 311 permits were issued for 144 new dwelling units, totaling a construction value of \$58.3 million.

Inspections – Building

A total of 2,536 inspection requests were received with 2,453 inspections being conducted.

In addition, 14 inspections were completed related to complaints, business licenses, orders and miscellaneous inspections.

Of the 2,536 inspections requested, 98% were conducted within the provincially mandated 48 hour period.

Inspections - Code Compliance

A total of 544 inspection requests were received, with 483 inspections being conducted.

An additional 147 inspections were completed relating to complaints, business licences, orders and miscellaneous inspections.

Of the 544 inspections requested, 98% were conducted within the provincially mandated 48 hour period.

Inspections - Plumbing

A total of 1,085 inspection requests were received with 1,375 inspections being conducted related to building permit activity.

An additional 3 inspections were completed related to complaints, business licenses, orders and miscellaneous inspections.

Of the 1,085 inspections requested, 100% were conducted within the provincially mandated 48 hour period.

2020 Permit Data

To the end of January, a total of 289 permits were issued, with a construction value of \$50.3 Million, representing 78 new dwelling units. The number of single/semi detached dwelling units was 51.

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 January 2022. Attached as Appendix "A" to this report is a "Summary Listing of Building Construction Activity" for the month of January 2022 as well as "Principle Permits Reports".

Prepared by: Peter Kokkoros, P.Eng.
Director, Building and Chief Building Official
Planning and Economic Development

Submitted by: Scott Mathers, P.Eng.
Deputy City Manager
Planning and Economic Development

Recommended by: Scott Mathers, P.Eng.
Deputy City Manager
Planning and Economic Development

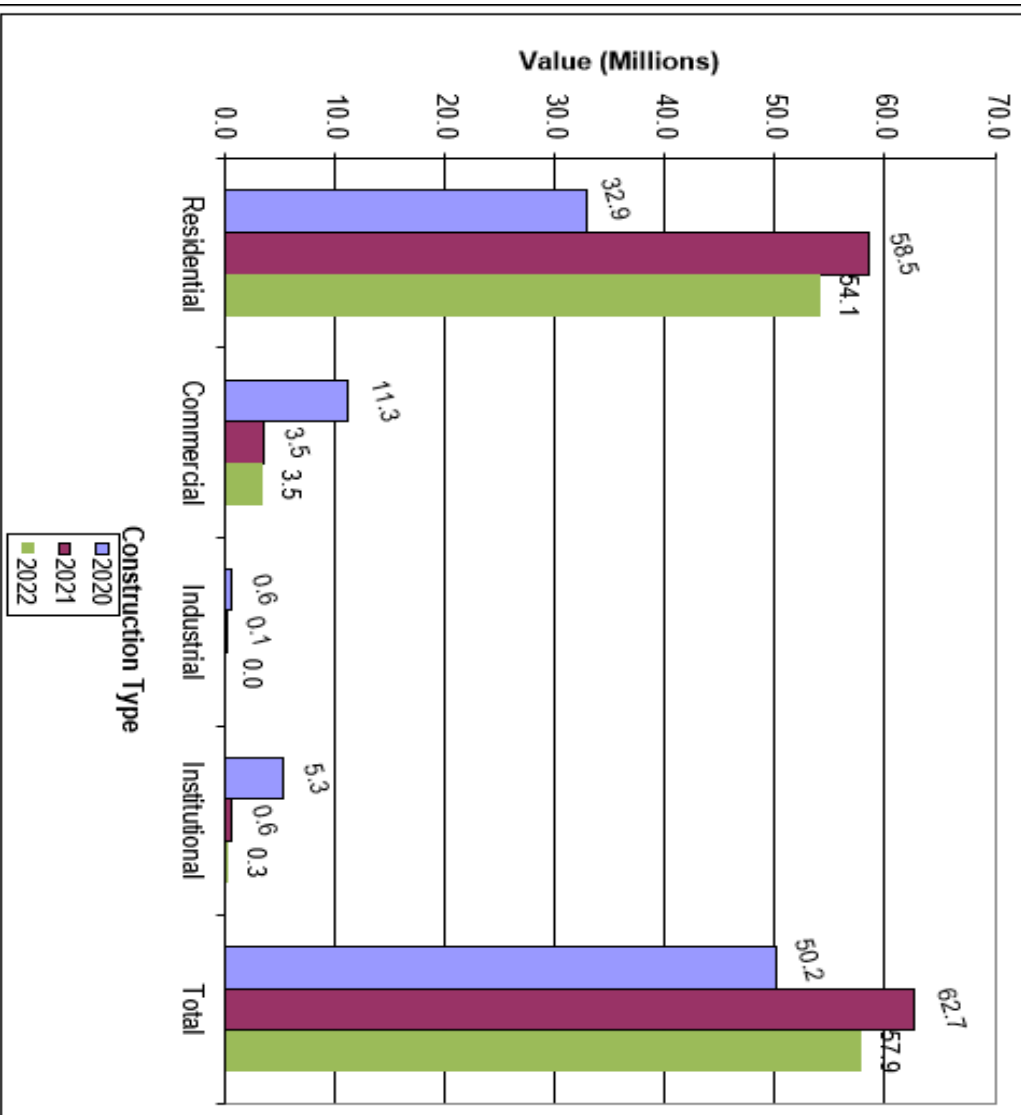
CITY OF LONDON

SUMMARY LISTING OF BUILDING CONSTRUCTION ACTIVITY FOR THE MONTH OF January 2022

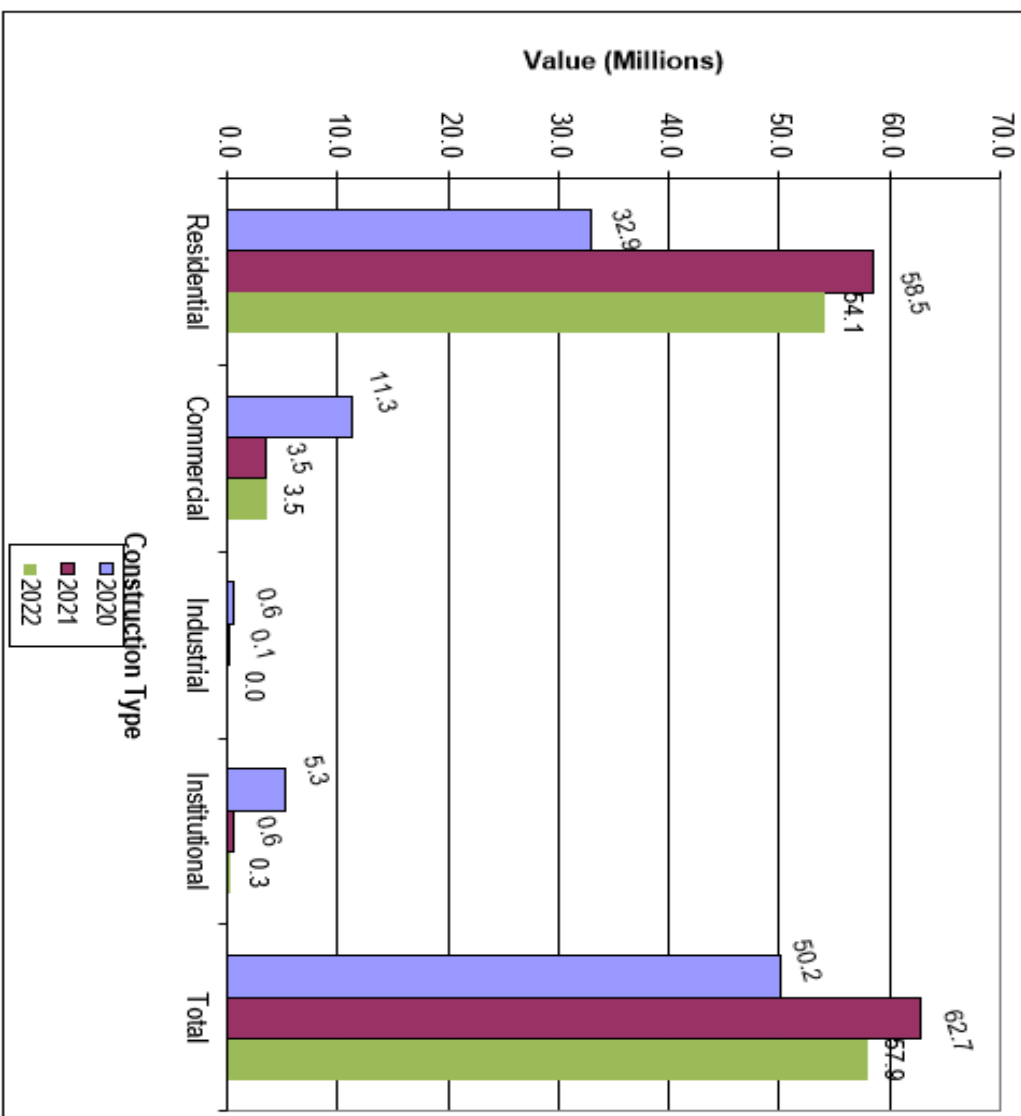
CLASSIFICATION	January 2022				to the end of January 2022				January 2021				to the end of January 2021				January 2020				to the end of January 2020			
	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS			
SINGLE DETACHED DWELLINGS	87	36,774,520	87	87	36,774,520	87	102	44,093,300	102	102	44,093,300	102	51	23,106,520	51	51	23,106,520	51	51	23,106,520	51			
SEMI DETACHED DWELLINGS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
TOWNHOUSES	15	12,446,800	44	15	12,446,800	44	9	4,200,800	12	9	4,200,800	12	10	4,679,400	16	10	4,679,400	16	10	4,679,400	16			
DUPLEX, TRIPLEX, QUAD, APT BLDG	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
RESALTER & ADDITIONS	132	4,878,695	13	132	4,878,695	13	111	10,190,060	9	111	10,190,060	9	97	5,105,900	6	97	5,105,900	6	97	5,105,900	6			
COMMERCIAL - ERECT	0	0	0	0	0	0	1	976,500	0	1	976,500	0	0	0	0	0	0	0	0	0	0			
COMMERCIAL - ADDITION	1	500,000	0	1	500,000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
COMMERCIAL - OTHER	22	3,004,259	0	22	3,004,259	0	23	2,533,200	0	23	2,533,200	0	48	11,328,506	0	48	11,328,506	0	48	11,328,506	0			
INDUSTRIAL - ERECT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
INDUSTRIAL - ADDITION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
INDUSTRIAL - OTHER	0	0	0	0	0	0	4	108,800	0	4	108,800	0	8	629,500	0	8	629,500	0	8	629,500	0			
INSTITUTIONAL - ERECT	0	0	0	0	0	0	0	0	0	0	0	0	1	575,000	0	1	575,000	0	1	575,000	0			
INSTITUTIONAL - ADDITION	0	0	0	0	0	0	1	100,000	0	1	100,000	0	1	2,000,000	0	1	2,000,000	0	1	2,000,000	0			
INSTITUTIONAL - OTHER	5	324,000	0	5	324,000	0	5	530,000	0	5	530,000	0	10	2,754,500	0	10	2,754,500	0	10	2,754,500	0			
AGRICULTURE	0	0	0	0	0	0	0	0	0	0	0	0	1	100,000	0	1	100,000	0	1	100,000	0			
SWIMMING POOL FENCES	9	339,000	0	9	339,000	0	9	293,500	0	9	293,500	0	2	45,000	0	2	45,000	0	2	45,000	0			
ADMINISTRATIVE	6	50,000	0	6	50,000	0	5	0	0	5	0	0	4	0	0	4	0	0	4	0	0			
DEMOLITION	5	0	5	5	0	5	0	0	0	0	0	0	8	0	5	8	0	5	8	0	5			
SIGN/CANOPY - CITY PROPERTY	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0			
SIGN/CANOPY - PRIVATE PROPERTY	29	0	0	29	0	0	27	0	0	27	0	0	48	0	0	48	0	0	48	0	0			
TOTALS	311	58,317,274	144	311	58,317,274	144	299	63,026,160	123	299	63,026,160	123	289	50,324,326	78	289	50,324,326	78	289	50,324,326	78			

Note: 1) Administrative permits include Tents, Change of Use and Transfer of Ownership, Partial Occupancy.
 2) Mobile Signs are no longer reported.
 3) Construction Values have been rounded up.

Construction Value of Building Permits January



Construction Value of Building Permits January



City of London - Building Division
Principal Permits Issued from January 1, 2022 to January 31, 2022

Owner	Project Location	Proposed Work	No. of Units	Construction Value
HOMESTEAD LAND HOLDINGS LTD. HOMESTEAD LAND HOLDINGS LTD.	1 Grosvenor St 110 Lincoln Pl	Alter Apartment Building STRUCTURAL REPAIRS TO PARKING GARAGE Alter Duplex ALTER ALL FLOORS OF EXISTING 2 UNIT DWELLING w/ NEW HVAC	0 0	350,000 150,000
CALLOWAY REIT (LONDON N) INC. CALLOWAY REIT (LONDON N) INC.	1250 Fanshawe Park Rd W 2318836 Ontario Inc	Alter Retail Store CM - INTERIOR ALTERATIONS UNIT B-02 OLD NAVY Alter Beauty Parlours CM - INTERIOR FITUP FOR HAIR SALON *****A CITY OF LONDON BUSINESS LICENCE IS REQUIRED*****	0 0	161,231 150,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1547 Moe Norman Pl	Erect-Townhouse - Cluster SDD ERECT SDD TOWNHOUSE CLUSTER, 1 STOREY, 2 CAR GARAGE, 2 BEDROOMS, UNFINISHED BASEMENT, REAR COVERED PORCH, A/C INCLUDED, HOT2000, HRV&DWHR REQUIRED.	1	364,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1608 Ed Ervasti Lane	Erect-Townhouse - Cluster SDD ERECT NEW CLUSTER SDD, 1 STOREY, 3 CAR GARAGE, 3 BEDROOM, PARTIALLY FINISHED BASEMENT, COVERED PORCH, NO DECK, A/C INCLUDED, HOT2000, 33R-20077 Part 24, HRV & DWHR REQUIRED, SOILS REPORT REQUIRED	1	394,500
YORK DEVELOPMENTS YORK DEVELOPMENTS	1876 Oxford St W	Alter Retail Store ALTER INTERIOR FOR UNIT 5 RETAIL STORE	0	116,100
IRONSTONE COMPANY INC. IRONSTONE BUILDING COMPANY INC.	234 Edgevalley Rd G	Erect-Townhouse - Condo ERECT 3 STOREY TOWNHOUSE, BLOCK G, 8 UNITS DP1s 74, 76, 78, 80, 82, 84, 86, 88	8	2,400,000
Thames Valley District School Board Thames Valley District School Board	2435 Buroak Dr	Alter Schools Elementary, Kindergarten IS - CHILD CARE KITCHEN UPGRADE	0	150,000
WESTHAVEN HOMES (2008) INC. WESTHAVEN HOMES (2008) INC.	2835 Sheffield Pl 26	Erect-Townhouse - Cluster SDD ERECT SDD, 2 STOREY, 2 CAR GARAGE, 4 BEDROOMS, FINISHED WALKOUT BASEMENT, NO DECK, NO A/C, SB12-A1, HRV&DWHR REQUIRED.	1	421,500
WESTHAVEN HOMES (2008) INC. WESTHAVEN HOMES (2008) INC.	2835 Sheffield Pl 28	Erect-Townhouse - Cluster SDD ERECT NEW CLUSTER SDD, 3 STOREY, 2 CAR, 4 BED, UNFINISHED WALKOUT BASEMENT, NO DECK, W/ A/C, SB12 A1, 33M782 LOT 14, UTRCA, HRV AND DWHR REQUIRED, SOILS REPORT REQUIRED.	1	511,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	2835 Sheffield Pl 30	Erect-Townhouse - Cluster SDD ERECT TOWNHOUSE CLUSTER SDD, 2 STOREY, 3 CAR GARAGE, 4 BEDROOM, PARTIALLY FINISHED BASEMENT, NO DECK, NO A/C, SB-12 A1, HRV & DWHR REQUIRED	1	502,000

City of London - Building Division
Principal Permits Issued from January 1, 2022 to January 31, 2022

Owner	Project Location	Proposed Work	No. of Units	Construction Value
DOMDAY DEVELOPMENTS INC DOMDAY DEVELOPMENTS INC	2835 Sheffield Pl 44	Erect-Townhouse - Cluster SDD ERECT SDD TOWNHOUSE CLUSTER, 2 STOREY, 2 CAR GARAGE, 4 BEDROOMS, FINISHED BASEMENT, NO DECK, NO A/C, SB12-A1, HRV&DWHR REQUIRED.	1	433,000
PULSE COMMUNITIES (RHYTHM 1) INC. PULSE COMMUNITIES (RHYTHM 1) INC.	3575 Southbridge Ave C	Erect-Townhouse - Condo ERECT 6 UNIT TOWNHOUSE BLOCK C, 2 STOREYS, DPNS 18, 20, 22, 24, 26, 28 SOILS REPORT REQUIRED.	6	1,194,000
PULSE COMMUNITIES (RHYTHM 1) INC. PULSE COMMUNITIES (RHYTHM 1) INC.	3575 Southbridge Ave F	Erect-Townhouse - Condo ERECT 4 UNIT STREET TOWNHOUSE BLOCK F, 2 STOREYS, DPNS 51, 53, 55, 57, SOILS REPORT REQUIRED.	4	1,200,000
PULSE COMMUNITIES (RHYTHM 1) INC. PULSE COMMUNITIES (RHYTHM 1) INC.	3575 Southbridge Ave H	Erect-Townhouse - Condo ERECT 6 UNIT STREET TOWNHOUSE BLOCK H, 2 STOREYS, DPNS 32, 34,36,38,40,&42 SOILS REPORT REQUIRED.	6	1,194,000
PULSE COMMUNITIES (RHYTHM 1) INC. PULSE COMMUNITIES (RHYTHM 1) INC.	3575 Southbridge Ave I	Erect-Townhouse - Condo ERECT 6 UNIT STREET TOWNHOUSE BLOCK I, 2 STOREYS, DPNS 44,46, 48, 50, 52 & 54, SOILS REPORT REQUIRED.	6	1,800,000
PULSE COMMUNITIES (RHYTHM 1) INC. PULSE COMMUNITIES (RHYTHM 1) INC.	3575 Southbridge Ave K	Erect-Street Townhouse - Condo ERECT 5 UNIT TOWNHOUSE BLOCK K - 2 STOREY, 1 CAR, 3 BED, UNFINISHED BASEMENT, W/ DECK, SB12 PERFORMANCE HOT2000 DPN 3565, 3563, 3561, 3559, 3557	5	994,800
YORK DEVELOPMENTS YORK DEVELOPMENTS	6990 Clayton Walk 17	Erect-Townhouse - Cluster SDD ERECT SDD, 1 STOREY, 2 CAR GARAGE, 2 BEDROOMS, UNFINISHED BASEMENT, NO DECK, NO A/C, SB12-A5, HRV&DWHR REQUIRED	1	326,000
YORK DEVELOPMENTS YORK DEVELOPMENTS	6990 Clayton Walk 31	Erect-Townhouse - Cluster SDD ERECT CLUSTER SDD, 1 STOREY, 3BEDROOM, UNFINISHED BASEMENT, NO DECK, NO A/C, SB-A5, HRV&DWHR REQUIRED	1	326,000
YORK DEVELOPMENTS YORK DEVELOPMENTS	6990 Clayton Walk 53	Erect-Townhouse - Cluster SDD ERECT CLUSTER SDD, 1 STOREY, 2 CAR GARAGE, FINISHED BASEMENT, 4 BEDROOMS, NO DECK, NO A/C, SB-12 A5, UNIT 27 DPN 53, HRV & DWHR REQUIRED, SOILS REPORT REQUIRED	1	386,000



City of London - Building Division

Principal Permits Issued from January 1, 2022 to January 31, 2022

Owner	Project Location	Proposed Work	No. of Units	Construction Value
CAPREIT APARTMENTS INC	740 Wonderland Rd S	Alter Apartment Building Balconies and exterior wall repairs	0	485,000

Total Permits 22 Units 44 Value 14,009,131

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

Commercial building permits issued - subject to Development Charges under By-law C.P. -1551-227

OWNER

Commercial Permits regardless of construction value

Report to Planning and Environment Committee

To: Chair and Members
London Advisory Committee on Heritage

From: Scott Mathers, MPA, P. Eng.,
Deputy City Manager, Planning and Economic Development

Subject: Demolition Request by Woodland Cemetery for the former Gate House and Maintenance Garage on the Heritage Listed Property at 493 Springbank Drive

Public Participation Meeting: Monday February 28, 2022

Recommendation

That, on the recommendation of the Director, Planning and Economic Development, with the advice of the Heritage Planner, with respect to the demolition request for the former gate house and maintenance garage on the heritage listed property at 493 Springbank Drive, that:

- a) The Chief Building Official **BE ADVISED** that Municipal Council consents to the demolition of the former gate house and maintenance garage on the property.

IT BEING NOTED that the property located at 493 Springbank Drive should remain on the Register of Cultural Heritage Resources as it is believed to be of cultural heritage value or interest.

Executive Summary

All cemeteries in the City of London are listed on the Register of Cultural Heritage Resources. A demolition request was received from Woodland Cemetery to demolish the former gate house and maintenance garage on the property. When received, a demolition request for a building or structure on a heritage listed property triggers a formal review process pursuant to the requirements of the Ontario Heritage Act and the Council Policy Manual. A preliminary evaluation of the property was completed using the criteria of Ontario Regulation 9/06, Criteria for Determining Cultural Heritage Value or Interest for the purposes of considering this demolition request. Although the property's cultural heritage value or interest is apparent, the former gate house and maintenance garage were not identified as potential heritage attributes of the property.

The demolition request for the former gate house and maintenance garage on the property would not result in adverse impacts to the potential cultural heritage value or interest of the property.

Linkage to the Corporate Strategic Plan

This recommendation supports the following 2019-2023 Strategic Plan areas of focus:

- Strengthening Our Community:
 - Continuing to conserve London's heritage properties and archaeological resources.

Analysis

1.0 Background Information

1.1 Property Location

The Woodland Cemetery property at 493 Springbank Drive is an irregularly shaped lot located on the north side of Springbank Drive between Wonderland Road South and Trowbridge Avenue (Appendix A).

1.2 Cultural Heritage Status

The property at 493 Springbank Drive is a heritage listed property. All cemeteries in the City of London have been included on the Register of Cultural Heritage Resources (the Register). The listing of the property on the Register came into force and effect on March 26, 2007, however, the property was included on earlier versions of the Register including the *Inventory of Heritage Resources* (2006).

1.3 Description

The property at 493 Springbank Drive consists of the Woodland Cemetery. The cemetery was first established in 1878 when the former St. Paul's Anglican Cemetery, which was previously located in what is now Queen's Park, was closed. The Woodland Cemetery property includes the burial grounds, private and public mausoleum structures, a crematorium, an administrative office, as well as the former gate house (and administration office), and maintenance garage.

1.3.1 Former Gate House

The former gate house is located just within the gates to Woodland Cemetery, accessed from Springbank Drive. The original portion of the building has a footprint of approximately 32' by 32' with a small rear addition, and a front addition also with a footprint of approximately 32' x 32'.

The original portion of the gate house is a vernacular two storey dwelling with a hipped roof with a buff brick exterior on the first storey, and aluminum siding on the second storey. The small rear addition is also clad with buff brick. The front addition consists primarily of buff brick exterior cladding with the exception of the east (front) elevation which includes vertically arranged wood siding as well as a large entryway including a door flanked by sidelights and a transom, as well as a bay window. The front addition has a noticeably more "office"-like appearance compared to the original portion of the former gate house.

Most of the windows in the former gate house, including the original portion of the building as well as the front and rear additions, consist of wood sash windows with red brick lintels and sills. Most exterior doors have been replaced. The roofing materials on the building consist of asphalt shingles.

1.3.2 Maintenance Garage

The maintenance garage is located immediately north of the former gate house and had a footprint of approximately 52' x 60'. The building is a single storey with buff brick cladding, and a flat roof. The east (front) elevation includes three bay (or garage) doors, as well as a small casement window, and an access door. The west (rear) elevation is also characterized by the large bay doors to provide access to the cemetery's maintenance equipment. The north and south elevations consist primarily of solid brick walls punctuated with small casement windows.

The on-going repair and maintenance of the building is evident in the use of various types of brick on the side and rear elevations of the building. The building's design is as a utilitarian structure, expressive of its function as a maintenance garage.

1.4 History

1.4.1 Woodland Cemetery History

Woodland Cemetery was first established in 1878, however its history is rooted in a longer narrative of St. Paul's Cathedral's numerous cemeteries and burial grounds in London in the mid-19th century. Early graveyards associated with St. Paul's Cathedral existed within the vicinity of the cathedral itself. However, by the 1840s the burial grounds at St. Paul's Cathedral had become overcrowded and the Town of London prohibited the burial of human remains within town limits. As a result, St. Paul's obtained approximately 20 acres of land outside of the town for a new cemetery.

The new St. Paul's Cemetery located outside of town limits, was located within what is now Queen's Park, known commonly as the Western Fairgrounds. The first recorded

interment at that location was in 1852. In the following years, the burials and gravestones from the cathedral burial grounds were relocated to the new St. Paul's Cemetery.¹

By the 1870s, St. Paul's Cemetery was forced to close and relocate again due to growing town limits. The boundaries of London continued to extend eastwards towards St. Paul's Cemetery and bylaws still prohibited cemeteries within town limits. In the summer of 1879 St. Paul's Cathedral formed a committee to find a new site for the cemetery resulting in the purchase of a 56-acre lot outside of town known as "Woodland Park". The property was previously owned by William Blinn and Eli Griffith² (Appendix B).

The first burial at Woodland Cemetery took place on December 5, 1879, for Charles Dunn, a harness maker. In 1880 St. Paul's Cathedral sold the old cemetery lands and began the difficult task of relocating nearly 4,500 burials to the newly-established Woodland Cemetery. Most of the burials were transferred to Woodland Cemetery, however in some instances family members requested that their loved ones remain be relocated to Mount Pleasant Cemetery. When family members could not be located or reached, St. Paul's relocated the burials to a portion of Woodland Cemetery known as the Potter's Fields. By 1886, the relocation of nearly 4,440 remains to Woodland Cemetery was complete.³

Woodland Cemetery was established towards the end of a period known as the "cemetery beautification movement" in the 19th century. The movement originated in Europe and was characterized by the shift away from urban graveyards and fenced family plots towards more "park style" burial grounds and cemeteries. Starting in France and England in the early-19th century, the movement resolved many of the urbanization and public health concerns associated with burial grounds within urban settings. The movements played on the romanticized ideas of the countryside landscape. The cemetery beautification era reached the United States first in the founding of Mount Auburn, near Boston where the cemetery was established on a hilly, marshy landscape with a weaving network of roads and pathways within a picturesque natural setting. Woodland Cemetery was established later in this movement, but reflected the "park-style" cemetery with its mature trees, fountains, and winding paths along with its north edge overlooking the Thames River.⁴

Woodland Cemetery is the resting place of many notable figures from London's past. Notable Londoners buried at Woodland Cemetery include John Harris and Ameila Harris, John Hayman, Henry Hayman, Charles Hyman, John Kinder Labatt, Bishop Benjamin Cronyn, John McClary, and John W.C. Meredith.

In addition, the cemetery is the burial site for the unfortunate victims of various tragedies in London's history. Woodland Cemetery is the resting place of 52 of the victims who lost their lives on Victoria Day, May 24, 1881 during the sinking of the *Victoria* in the Thames River. The cemetery is also the resting places of many of the Londoners who lost their lives in the Flood of 1883 and the City Hall collapse of 1898.⁵

The design and construction of various monuments and commemorative structures are also woven into the history of Woodland Cemetery, many of which are "firsts" in London. The Pixley-Fulford Mausoleum was constructed in 1895 and was the first private mausoleum in London. Designed by the London architectural firm of Moore and Henry, the structure is set on a 50' by 100' plot purchased by Robert Fulford, the husband of Annie Pixley, a famous American stage actress. Though not from London, the son of

¹ MacKenzie Brash et. al. *Life and Death at Woodland Cemetery*". Unpublished manuscript. London: Western University, 2020 p. 43-48; Woodland Cemetery, "Historical Walking Tours" <https://woodlandcemetery.ca/63/History.html>; Zelinka Priamo, Heritagae Impact Assessment, Woodland Cemetery, July 2016.

² *Life and Death at Woodland Cemetery*, p. 50.

³ *Life and Death at Woodland Cemetery* p.51; L.A. Hope Atkinson, et al, *Finding Those Once Lost: The Analysis of the Potter's Field at Woodland Cemetery, London, ON*, London: Western University, 2020.

⁴ *Life and Death at Woodland Cemetery*, p.43-46; *Finding Those Once Lost*.

⁵ *Life and Death at Woodland Cemetery*, p.73-80.

Annie and Robert tragically drowned in Port Stanley in 1886 and was buried at Woodland Cemetery. Annie was seriously affected by the death of her son, herself passing away in 1893 at the age of 38. Robert Fulford had the mausoleum commissioned in her honour, and together her remains were interred within the mausoleum along with her son Tommy. The intricate design and detailing of the mausoleum also includes three statues representing “Music”, “Drama”, and “Victory”, sculpted by Walter Seymour Allward, one of Canada’s greatest monumental sculptors known most for his Canadian National Vimy Memorial in Vimy, France.

In 1920, Woodland retained Windsor architect Albert H. McPhail to design London’s first public mausoleum. The mausoleum was constructed and is composed of a granite exterior, white marble interior and includes many stained-glass windows along with its large brass doors.⁶

A veteran’s plot was laid out in 1939 in a quiet sloped area of the cemetery, located northwest of the maintenance garage.

London’s first crematorium was designed to look like a historic English chapel and was built at Woodland Cemetery, operating by 1964. By the 1990s with the rise in cremations, a new crematorium was constructed and the old stone crematorium was turned into an indoor columbarium, now known as Woodland Sanctuary.

1.4.2 Gate House and Maintenance Garage History

The mid-20th century marks a period of facility and infrastructure upgrades for Woodland Cemetery. In 1939, the trustees of Woodland Cemetery began to contemplate the replacement of a former gatehouse and barn on the property with a newer residence with on-site offices and a garage. The former gatehouse and barn are visible on a 1922 aerial photograph, located within the same vicinity as the existing gate house and garage.

In 1947, the cemetery retained Frank Wilson of R.G. Wilson and Sons Ltd. to construct the new gate house with offices and a garage. Aerial photography indicates that a front addition had been constructed onto the gate house by the 1960s. Woodland Cemetery continued to use the gate house for administrative office purposes until its new administrative building was opened in 2004. The maintenance garage continues to be used.

2.0 Discussion and Considerations

2.1 Legislative and Policy Framework

Cultural heritage resources are to be conserved and impacts assessed as per the fundamental policies of the *Provincial Policy Statement (2020)*, the *Ontario Heritage Act*, and *The London Plan*.

2.1.1 Provincial Policy Statement

Heritage Conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement (2020)* promotes the wise use and management of cultural heritage resources and directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved” (Policy 2.6.1, *Provincial Policy Statement 2020*).

“Significant” is defined in the *Provincial Policy Statement (2020)* as, “resources that have been determined to have cultural heritage value or interest.” Further, “processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.”

Additionally, “conserved” means, “the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained.”

⁶ Woodland Cemetery, “Historical Walking Tours”; *Life and Death at Woodland Cemetery*, p. 110.

2.1.2 Ontario Heritage Act

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

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

Section 29 of the *Ontario Heritage Act* enables municipalities to designate properties to be of cultural heritage value or interest. Section 29 of the *Ontario Heritage Act* also establishes consultation, notification, and process requirements, as well as a process to appeal the designation of a property. Objections to a Notice of Intention to Designate are referred back to Municipal Council. Appeals to the passing of a by-law to designate a property pursuant to the *Ontario Heritage Act* are referred to the Ontario Land Tribunal (OLT).

2.1.3 The London Plan

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

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

2.1.4 Register of Cultural Heritage Resources

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

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

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1. Demolition Request

Written notice of intent to demolish the gate house and maintenance garage on the Woodland Cemetery property at 493 Springbank Drive was submitted to the City on January 24, 2022.

Municipal Council must respond to a notice of intention to demolish a building or structure on a heritage listed property within 60 days, or the request is deemed consented. During this 60-day period, the London Advisory Committee on Heritage

(LACH) is consulted and, pursuant to Council Policy, a public participation meeting is held at the Planning and Environment Committee (PEC).

The 60-day period for the demolition request for the property at 126 Price Street expires on March 25, 2022.

4.2 Cultural Heritage Evaluation

4.2.1 Criteria for Determining Cultural Heritage Value or Interest

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

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

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

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

4.3 Evaluation

A preliminary evaluation of the property at 493 Springbank Drive was completed using the criteria of O.Reg. 9/06. The preliminary evaluation was completed for the purposes of evaluating the gate house and maintenance garage that are the subject of this demolition request.

Cultural Heritage Value	Criteria	Evaluation
The property has design value or physical value because it,	Is a rare, unique, representative or early example of a style type, expression, material, or construction method	The property at 493 Springbank Drive includes various buildings and structures that can be considered rare, unique, or early examples of commemorative or monumental structures associated with cemetery grounds. The Pixley-Fulford Mausoleum, the public mausoleum, the various hillside monuments, and the lay-out of the cemetery itself may be understood as meeting these criteria in their own respective ways. The former gate house and maintenance garage on the property are vernacular and utilitarian structures that are not rare, unique, representative or early examples of a style, type, expression, material, or construction method.
	Displays a high degree of	Many of the buildings and structures on the Woodland Cemetery property display a high

	craftsmanship or artistic merit	degree or craftsmanship and artistic merit, however the former gate house and maintenance garage at Woodland Cemetery do not meet the criteria.
	Demonstrates a high degree of technical or scientific achievement	The former gate house and maintenance garage on the property at 493 Springbank Drive do not demonstrate a high degree of technical or scientific achievement.
The property has historical value or associative value because it,	Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community	<p>The Woodland Cemetery is the resting place of many notable individuals, as well those who lost their lives in some of London's historic tragedies. The cemetery has direct associations with themes, events, and individuals significant to London's history.</p> <p>The former gate house and maintenance garage are not directly associated with a theme, event, belief, person, activity, organization or institution that is significant to London.</p>
	Yields, or has the potential to yield information that contributes to an understanding of a community or culture	The property does not appear to yield, or, have the potential to yield information that contributes to an understanding of a community or culture.
	Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	<p>Many of the buildings and monuments in Woodland Cemetery were designed by well-known architects and artists in London's history. The Pixley-Fulford Mausoleum was designed by the London firm of Moore and Henry, and includes the early sculpting work of Walter S. Allward, one of the most prominent sculptors in Canada's history. In addition, the public mausoleum was designed by Albert McPhail of Windsor.</p> <p>The former gate house and maintenance garage do not reflect the work or ideas of an architect, builder, designer or theorist who is significant to London.</p>
The property has contextual value because it,	Is important in defining, maintaining, or supporting the character of an area	The Woodland Cemetery property is a large park-style cemetery located on the north side of Springbank Drive. The former gate house and maintenance garage do not contribute to the contextual value of the cemetery's size and park-like character.
	Is physically, functionally, visually, or historically linked to its surroundings	<p>As a large, park-style cemetery located on Springbank Drive, the Woodland Cemetery is physically, functionally and historically linked to its surroundings in that it was established in this particular area in 1878 in order to address historic administrative and spatial needs in late-19th century London.</p> <p>The former gate house and maintenance garage are not physically, functionally, visually, or historically linked to the surroundings.</p>

	Is a landmark	<p>Woodland Cemetery includes many monuments and structures that may be understood as landmarks.</p> <p>The former gate house and maintenance garage are not landmarks.</p>
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It is apparent that the Woodland Cemetery property 493 Springbank Drive has potential cultural heritage value or interest. The potential heritage attributes of the property are represented primarily in the park-style landscape of the burial grounds, as well as in many of the structures on the property including the Pixley-Fulford Mausoleum, and the public mausoleum. The former gate house and maintenance garage that are the subject of this demolition request are not understood to be heritage attributes.

Given the short legislative timelines for Municipal Council to consider a demolition request for buildings or structures on a heritage listed property, the evaluation of the property according to O. Reg. 9/06 above should be considered preliminary. A more comprehensive evaluation of the property should be undertaken should designation pursuant to Part IV of the *Ontario Heritage Act* be considered.

4.4 Consultation

Pursuant to Council Policy for the demolition of buildings or structures on heritage listed properties, notification of the demolition request was sent to property owners within 120m of the subject property on February 9, 2022, as well as community groups including the Architectural Conservancy Ontario – London Region Branch, London & Middlesex Historical Society, and the Urban League of London. Notice was also published in *The Londoner*.

The LACH was consulted on this demolition request at their meeting held on February 9, 2022.

Conclusion

All cemeteries in the City of London are listed on the Register of Cultural Heritage Resources. A demolition request was received from Woodland Cemetery to demolish the former gate house and maintenance garage on the property. When received, a demolition request for a building or structure on a heritage listed property triggers a formal review process pursuant to the requirements of the *Ontario Heritage Act* and the Council Policy Manual. A preliminary evaluation of the property was completed using the criteria of Ontario Regulation 9/06, Criteria for Determining Cultural Heritage Value or Interest for the purposes of considering this demolition request.

The demolition request for the former gate house and maintenance garage on the property would not result in adverse impacts to the potential cultural heritage value or interest of the property. Municipal Council should consent to the demolition request for the former gate house and maintenance garage. Given the property still retains potential cultural heritage value or interest, the property should remain on the Register of Cultural Heritage Resources.

Prepared by: Michael Greguol, CAHP
Heritage Planner

Submitted by: Britt O’Hagan, MCIP, RPP
Manager, Community Planning, Urban Design, and Heritage

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

Submitted by: Scott Mathers, P. Eng.

Deputy City Manager, Planning and Economic Development

Appendices

Appendix A Property Location

Appendix B Images

Sources

- Atkinson, L.A. Hope et. al. "Finding Those Once Lost: The Analysis of the Potter's Field at Woodland Cemetery, London, ON", London: Western University, 2020.
- Brash, MacKenzie, et. al. *Life and Death at Woodland Cemetery*. Unpublished manuscript. London: Western University, 2020.
- Brock, Daniel J. *Fragments from the Forks: London, Ontario's Legacy*. London: London and Middlesex Historical Society. 2011
- Corporation of the City of London. *Register of Cultural Heritage Resources*. 2019.
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- Corporation of the City of London. *The London Plan*. 2019 (consolidated).
- Ontario Heritage Act*. 2019, c.9, Sched. 11. Retrieved from <https://www.ontario.ca/laws/statute/90o18>.
- Dombowksy, Philip. *Walter S. Allward: Life and Work*. Toronto: Art Canada Institute. 2021.
- Page, H.R. & Co. *Illustrated Historical Atlas of Middlesex County*. 1878
- Tausky, Nancy Z. and Lynne DiStefano. *Victorian Architecture in London and Southwestern Ontario: Symbols of Aspiration*. Toronto: University of Toronto Press, 1986.
- Zelinka Priamo. Heritage Impact Assessment. Woodland Cemetery. July 2016.

Appendix A – Property Location

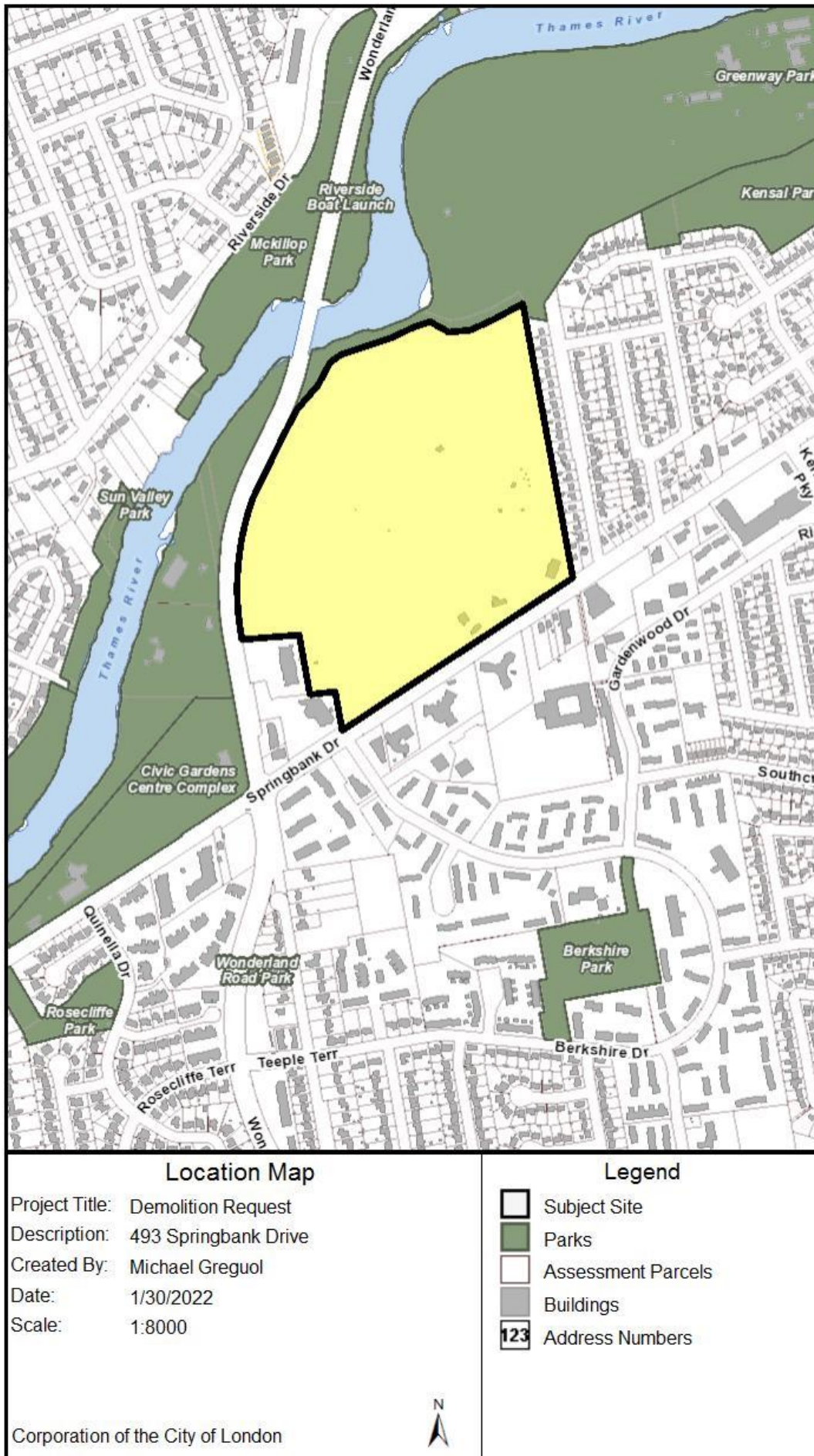


Figure 1: Location Map showing the subject property at 493 Springbank Drive.

Appendix B - Images

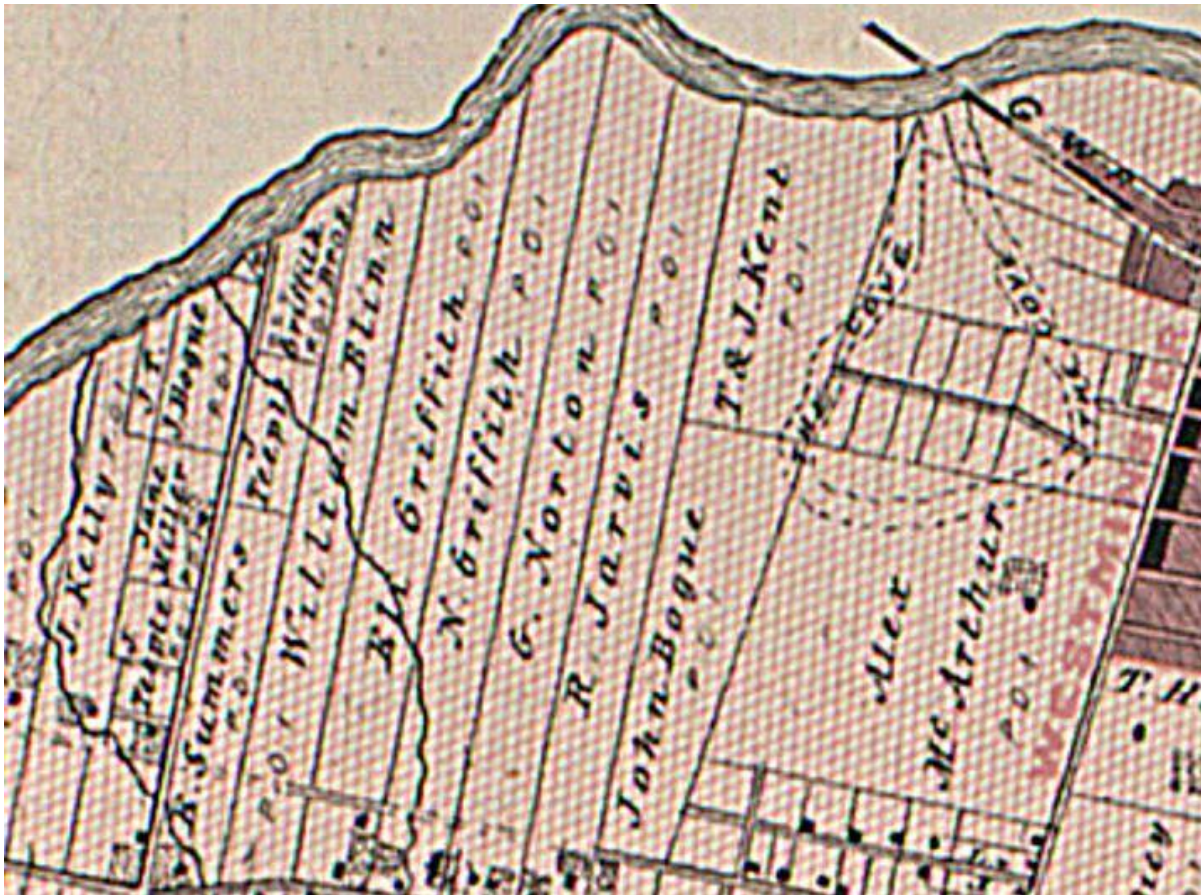


Image 1: Excerpt from the 1878 Illustrated Atlas of Middlesex County, showing the properties under the ownership of William Blinn and Eli Griffith prior to the purchase of Woodland Cemetery by St. Paul's Cathedral.

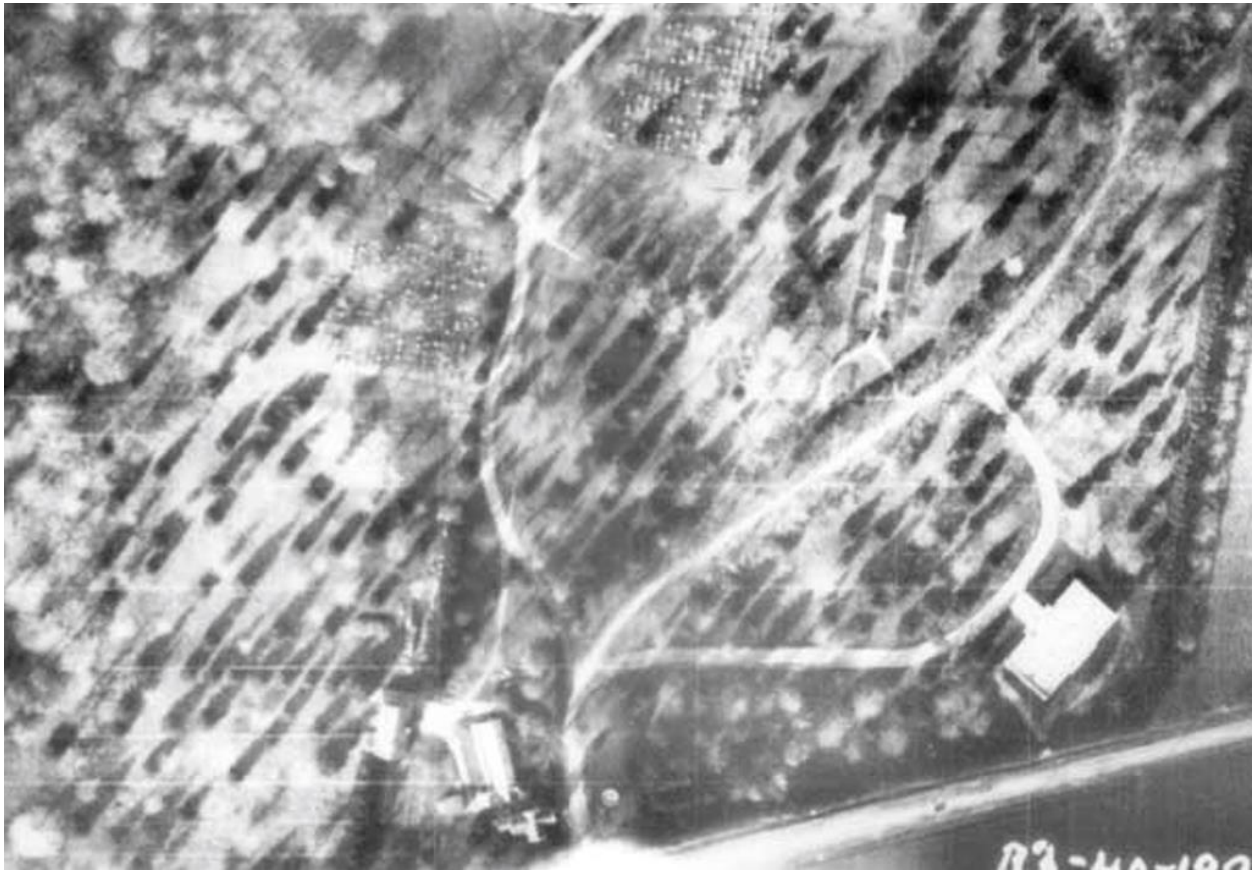


Image 2: 1922 Aerial photograph of the south portion of Woodland Cemetery showing a previous gate house and barn at bottom left, the recently completed public mausoleum at bottom right and the Pixley-Fulford Mausoleum at centre-right (Western University Aerial Photograph Collection).



Image 3: 1965 aerial photograph of the south portion of Woodland Cemetery showing the subject gate house and maintenance garage at bottom (Western University Aerial Photograph Collection).



Image 4: Pixley-Fulford Mausoleum as depicted in an 1897 copy of the *Canadian Architect and Builder*.



Image 5: East (front) elevation of the former gate house at Woodland Cemetery (2022).



Image 6: South elevation showing front addition and original portion of the former gate house (2022).



Image 7: Photograph showing the west (rear) elevation of the former gate house (2022).



Image 8: Photograph showing north elevation of the former gate house (2022).



Image 9: Photograph showing the front elevation of the maintenance garage (2022).



Image 10: Photograph showing the side elevation of the maintenance garage and the new administrative office at left (2022).



Image 11: Photograph showing the rear elevation of the maintenance garage (2022).



Image 12: Photograph of the Pixley-Fulford Mausoleum (2022).

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P. Eng.,
Deputy City Manager, Planning and Economic Development

Subject: Request to Remove Property from the Register of Cultural Heritage Resources by Auburn Developments Inc. for the Property at 2631 Hyde Park Road/1521 Sunningdale Road West

Public Participation Meeting: Monday February 28, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, that the property located at 2361 Hyde Park Road/1521 Sunningdale Road West **BE REMOVED** from the Register of Cultural Heritage Resources.

Executive Summary

All cemeteries in London are included on the Register of Cultural Heritage Resources. The property at 2631 Hyde Park Road/1521 Sunningdale Road West is included on the Register of Cultural Heritage Resources, as it was intended to be used as the future Fox Hollow of Mount Pleasant Cemetery. However, it currently has no interments. Mount Pleasant Cemetery no longer owns the property and the City has received a planning application for the proposed development of the property (39T-21506). The current owner of the property has submitted a request to remove the property from the Register of Cultural Heritage Resources as it is no longer intended to be used as a cemetery.

The property at 2361 Hyde Park Road/1521 Sunningdale Road West should be removed from the Register of Cultural Heritage Resources.

Linkage to the Corporate Strategic Plan

This recommendation supports the following 2019-2023 Strategic Plan area of focus:

- Strengthening Our Community:
 - Continue to conserve London's heritage properties and archaeological resources.

Analysis

1.0 Background Information

1.1 Property Location

The property at 2631 Hyde Park Road/1521 Sunningdale Road West is located on the northeast corner of Hyde Park Road and Sunningdale Road West (Appendix A). The property is located in the former London Township, annexed by the City of London in 1993.

1.2 Cultural Heritage Status

All cemeteries in the City of London have been included on the Register of Cultural Heritage Resources (Register), and its predecessors, since 2006 to recognize their potential cultural heritage value or interest.

In 1993 the City of London annexed a large area of land in the former London Township, including the subject lands. Following the annexation and as a result of an extensive public process, Official Plan Amendment 88 established an Urban Growth

Boundary and numerous Community Plan areas which also required additional review and study prior to development.

In 1996, the Fox Hollow Community Plan review was initiated to review land and servicing needs for the areas bound by Sunningdale Road West, Hyde Park Road, Fanshawe Park Road West and Wonderland Road. At the time, the subject property was not included within the Urban Growth Boundary. However, Mount Pleasant Cemetery, the owners of the land at the time appealed the Official Plan Amendment and in 1998 the Ontario Municipal Board (OMB) provided a verbal decision to include the subject property within the Urban Growth Boundary. The lands were originally designated and zoned for the sole purpose of cemetery use.

As the future Fox Hollow of Mount Pleasant Cemetery had been intended for future use as a cemetery since the 1990s, the property was included on the Register of Cultural of Heritage Resources as a heritage listed property, pursuant to Section 27 of the *Ontario Heritage Act*.

1.3 Description

The property at 2631 Hyde Park Road/1521 Sunningdale Road West was previously intended to be used as the Fox Hollow of Mount Pleasant Cemetery. The property consists primarily of cultivated fields, vacant land and a small pond. No burials or interments are currently located on the property. A number of adjacent residential properties abut the property fronting onto Hyde Park Road and Sunningdale Road West.

The subject property is approximately 51 acres in size.

2.0 Discussion and Considerations

2.1 Legislative and Policy Framework

Cultural heritage resources are to be conserved and impacts assessed as per the fundamental policies of the *Provincial Policy Statement (2020)*, the *Ontario Heritage Act*, and *The London Plan*.

2.1.1 Provincial Policy Statement

Heritage Conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement (2020)* promotes the wise use and management of cultural heritage resources and directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved” (Policy 2.6.1, *Provincial Policy Statement 2020*).

“Significant” is defined in the *Provincial Policy Statement (2020)* as, “resources that have been determined to have cultural heritage value or interest.” Further, “processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.”

Additionally, “conserved” means, “the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained.”

2.1.2 Ontario Heritage Act

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

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

Section 27(8), *Ontario Heritage Act*, requires that when an objection to a property's inclusion on the Register is received, Municipal Council must make a decision as to whether the property should continue to be included on the Register or whether it should be removed, and provide notice of Municipal Council's decision to owner of the property within 90 day after decision.

Section 29 of the *Ontario Heritage Act* enables municipalities to designate properties to be of cultural heritage value or interest. Section 29 of the *Ontario Heritage Act* also establishes consultation, notification, and process requirements, as well as a process to appeal the designation of a property. Objections to a Notice of Intention to Designate are referred to Municipal Council. Appeals to the passing of a by-law to designate a property pursuant to the *Ontario Heritage Act* are referred to the Ontario Land Tribunal (OLT).

2.1.3 The London Plan

The Cultural Heritage chapter of *The London Plan* recognizes that our cultural heritage resources define our city's unique identity and contribute to its continuing prosperity. It notes, "The quality and diversity of these resources are important in distinguishing London from other cities and make London a place that is more attractive for people to visit, live or invest in." Policies 572_ and 573_ of *The London Plan* enable the designation of individual properties under Part IV of the *Ontario Heritage Act*, as well as the criteria by which individual properties will be evaluated. In addition, policies 565_ and 586_ of the London Plan requires that new development or site alteration on and adjacent to heritage designated properties and properties listed on the Register will be designed to conserve the heritage attributes and character of those resources.

3.0 Financial Impact/Considerations

None

4.0 Key Issues and Considerations

4.1. Request to Remove Property from the Register of Cultural Heritage Resources

A request to remove the property at 2631 Hyde Park Road/1521 Sunningdale Road West from the Register of Cultural Heritage Resources was received by the City on January 24, 2022.

Pursuant to Section 27(8) of the *Ontario Heritage Act*, when considering a request to remove a property from the Register of Cultural Heritage Resources, Municipal Council must make a decision as to whether the property should continue to be included on the register or whether it should be removed and provide notice of decision to the owner of the property within 90 days after the decision.

Cemeteries are included on the Register of Cultural Heritage Resources to recognize their potential cultural heritage value or interest. The property at 2631 Hyde Park Road/1521 Sunningdale Road West was therefore included on the Register of Cultural Heritage Resources, as it was intended to be used as the future Fox Hollow of Mount Pleasant Cemetery. However, it currently has no burials and interments. As a result of high ground water levels the lands are no longer intended for use as a cemetery. A planning application has been received by the City of London (39T21-506). An Archaeological Assessment will be completed as a part of the associated planning application.

Due to the change in the planned land use, the property no longer retains potential cultural heritage value or interest. Therefore, the property at 2631 Hyde Park Road/1521 Sunningdale Road West no longer warrants inclusion on the Register of Cultural Heritage Resources.

4.2 Consultation

Pursuant to the Council Policy Manual, notification of the request to remove the subject property from the Register of Cultural Heritage Resources has been sent to property owners within 120m of the subject property on February 9, 2022, as well as community groups including the Architectural Conservancy Ontario – London Region Branch, London & Middlesex Historical Society, and the Urban League of London. Notice was published in *The Londoner* on February 10, 2022.

The LACH was consulted on this request at their meeting held on February 9, 2022.

Conclusion

The property at 2631 Hyde Park Road/1521 Sunningdale Road West is included on the Register of Cultural Heritage Resources, as it was intended to be used as the future Fox Hollow of Mount Pleasant Cemetery. However, it currently has no interments.

As a result of high ground water levels, the physical conditions of the property were deemed not suitable for a cemetery. Mount Pleasant Cemetery has relinquished their interest in developing the property as a cemetery. The property will no longer be used for future cemetery purposes.

The subject property should be removed from the Register of Cultural Heritage Resources.

Prepared by: Michael Greguol, CAHP
Heritage Planner

Submitted by: Britt O'Hagan, MCIP, RPP
Manager, Community Planning, Urban Design, and Heritage

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

Submitted by: Scott Mathers, P. Eng.
Deputy City Manager, Planning and Economic Development

Appendices

Appendix A Property Location

Appendix B Images

Sources

Corporation of the City of London. *Register of Cultural Heritage Resources*. 2019.

Corporation of the City of London. *2019-2023 Strategic Plan*.

Corporation of the City of London. *The London Plan*. 2019 (consolidated).

Lincoln Environmental Consulting Corp. Stage 1-2 Archaeological Assessment of 1521 Sunningdale Road in part of Lot 24, Concession 6, Township of London, Now City of London, Middlesex County, Ontario

Report to the Planning and Environment Committee. Auburn Developments Inc. 2361 Hyde Park Road and 1521 Sunningdale Road West Official Plan Amendment. May 2021

Appendix A – Property Location

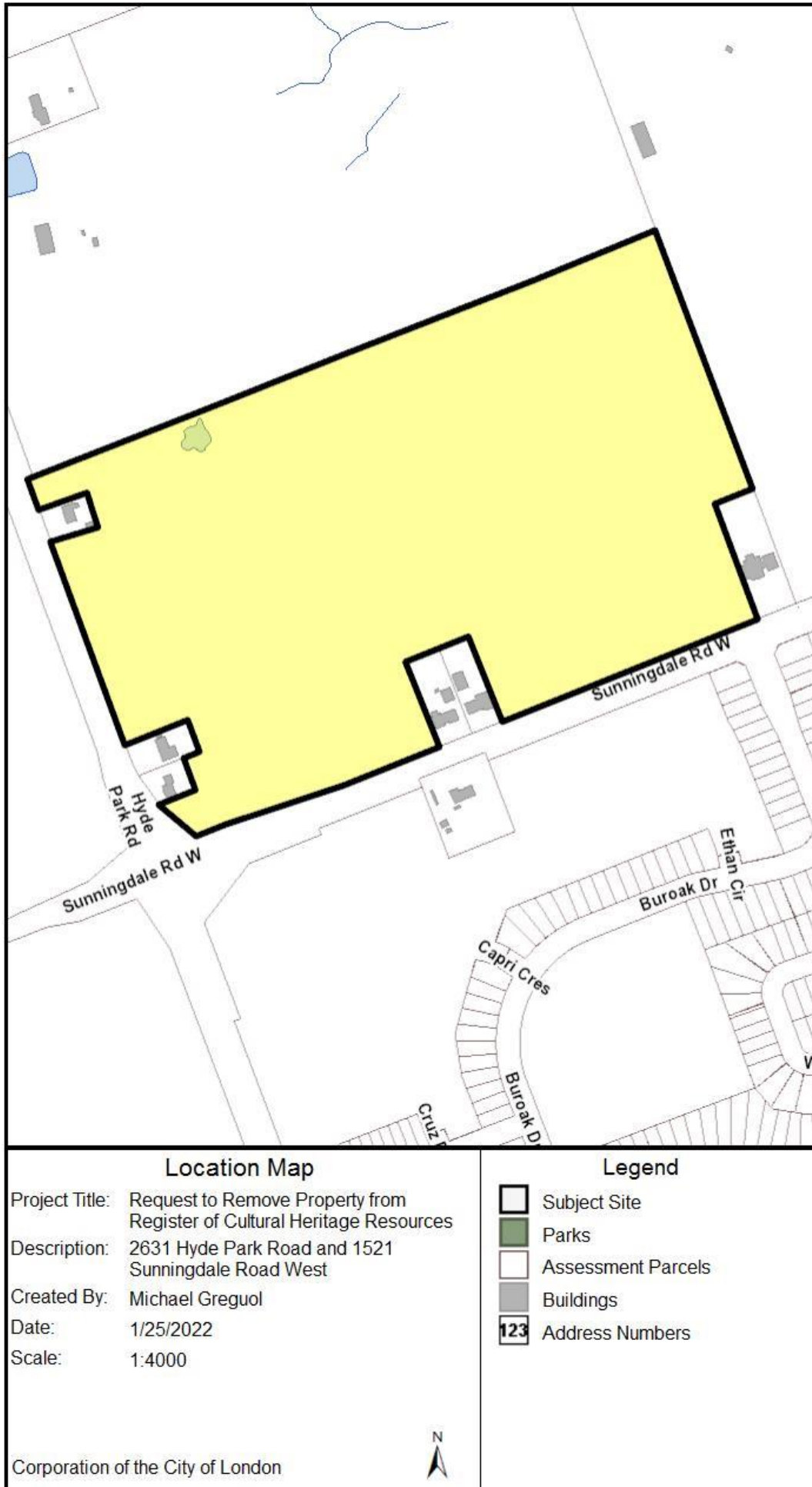


Figure 1: Location map of the subject property at 2631 Hyde Park Road/1521 Sunningdale Road West.

Appendix B - Images



Image 1: Photograph looking east from Hyde Park Road, showing the subject property (2022).



Image 2: Photograph looking north from Sunningdale Road West showing the subject property (2022).

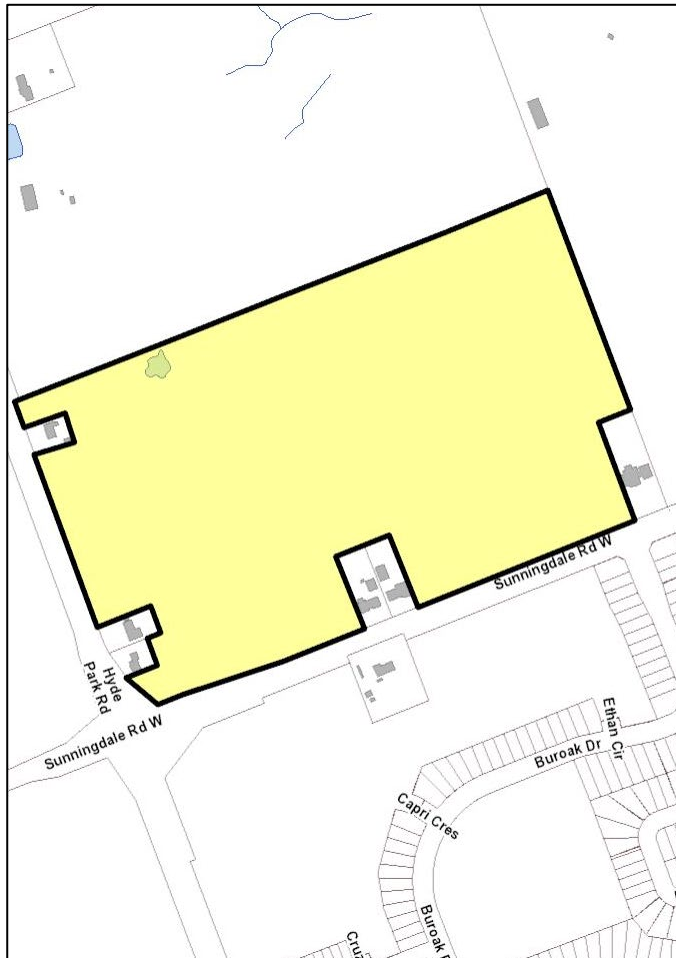


Request to Remove Property from the Register for the Property at 2631 Hyde Park Road/1521 Sunningdale Road West

Planning and Environment Committee
Monday February 28, 2022



Location Map





Request to Remove Property from the Register

- All cemeteries in London are included on the Register of Cultural Heritage Resources
- Following annexation of the subject lands in the 1990s, the property was designated and zoned for the sole purpose of cemetery use
- No burials or interments
- Due to high ground water levels, the subject property is no longer intended for future cemetery use
- Due to change in the planned land use, the property longer retains potential cultural heritage value or interest



Draft Plan of Subdivision 39T21-506

- Application was opened in mid-December 2021
- Circulation period completed in mid-January 2022
- Public and stakeholder comments and concerns have been received and are being actioned.
- City staff and applicant are working on the draft plan along with associated engineering and planning matters.
- Plan to report back to PEC in late Spring on the application



Consultation

- Mailed notice to property owners within 120m
- *The Londoner*
- City website
- ACO – London Region, London & Middlesex Historical Society, and Urban League
- London Advisory Committee on Heritage – February 9, 2022



Recommendation

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, that the property located at 2361 Hyde Park Road/1521 Sunningdale Road West **BE REMOVED** from the Register of Cultural Heritage Resources.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Scott Mathers, MPA, P. Eng.,
Deputy City Manager, Planning and Economic Development

Subject: 655-685 Fanshawe Park Road West
Public Participation Meeting

Date: February 28, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of SAB Realty Limited relating to the property located at 655-685 Fanshawe Park Road West:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting March 22, 2022 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan for the City of London (The London Plan, 2016) and the Official Plan for the City of London (1989), to change the zoning of the subject property **FROM** a Restricted Service Commercial Special Provision (RSC1(21)/RSC4(19)) Zone, **TO** a Neighbourhood Shopping Area Special Provision (NSA5(_)) Zone.

Executive Summary

Summary of Request

The requested amendment would permit an increased range and intensity of neighbourhood-scale commercial uses.

Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to permit an increased range and intensity of neighbourhood-scale commercial uses and to facilitate the infill and intensification of an existing commercial centre through the construction of an addition.

Special provisions are required to add commercial recreational establishment as an additional permitted use; to permit a greater intensity of restaurant and retail uses; to permit a reduced parking rate; and to establish an appropriate built form along Fanshawe Park Road West.

Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020;
2. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and Shopping Area Place Type;
3. The recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Neighbourhood Commercial Node (NCN) designation;
4. The recommended amendment provides additional uses that are appropriate and compatible with the surrounding area and provides an increased opportunity to effectively utilize the existing buildings.

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 Planning History

655, 665, 675, and 685 Fanshawe Park Road West (the "subject lands") consist of three separate parcels that, collectively, have been the subject of numerous minor variance, site plan, and building permit applications related to the changing needs and development of the site. Specific developments within the last 20 years include the following:

- An addition to the former furniture shop at 655 Fanshawe Park Road West in 2002;
- A change of use permit to allow a toy store (now Mastermind Toys) in place of the furniture store (permitted by Township By-law #5000) at 685 Fanshawe Park Road West in 2002;
- The construction of a new building (now Deluxe Paints) at 665 and 685 Fanshawe Park Road West, and newly addressed as 675 Fanshawe Park Road West in 2007.

In 2010, the subject lands received site plan approval (SP09-030519) to allow the reconfiguration and addition of shared parking on-site. The proposed uses included a mix of restaurant, retail and financial institution uses. A concurrent minor variance application (A.007/10) was submitted to apply the shopping centre parking rate of 1 space per 20 square metres for all permitted uses based on a total gross floor area of 3,403 square metres. That same year, Municipal Council approved a zoning by-law amendment (Z-7739) for the subject lands to permit medical/dental offices and to apply the same standard parking rate approved through the minor variance application.

1.3 Property Description

The subject lands are located at the northwest corner of the intersection of Fanshawe Park Road West and Wonderland Road North in the Fox Hollow Planning District. The subject lands are comprised of three separate parcels with a combined lot area of 1.49 hectares and a lot frontage of approximately 165.3 metres along Fanshawe Park Road West.

The existing uses on the subject lands include two multi-tenanted commercial buildings (655 and 665 Fanshawe Park Road West) and two stand-alone commercial buildings (675 and 685 Fanshawe Park Road West) containing a mix of restaurant, retail, medical/dental office, business, service and professional office, duplicating shop, and personal service uses. The remainder of the subject lands is comprised of shared surface parking and loading areas, pedestrian pathways, landscaped areas, and a telecommunication tower at the rear of 685 Fanshawe Park Road West.

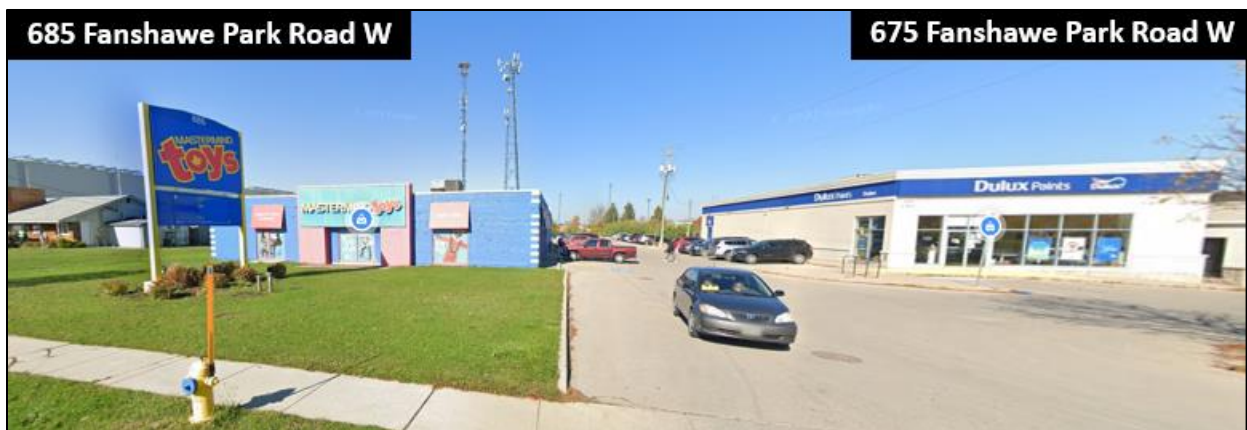


Figure 1: Subject lands and current uses (June 2021) – view from Fanshawe Park Road West, facing northeast



Figure 2: Subject lands and current uses (June 2021) – view from Fanshawe Park Road West, facing northeast



Figure 3: View of 685 Fanshawe Park Road West – facing north, towards the rear

1.4 Current Planning Information (see more detail in Appendix C)

- The London Plan Place Type – Shopping Area
- Official Plan Designation – Neighbourhood Commercial Node (NCN)
- Existing Zoning – Restricted Service Commercial Special Provision (RSC1(2)/RSC4(19))

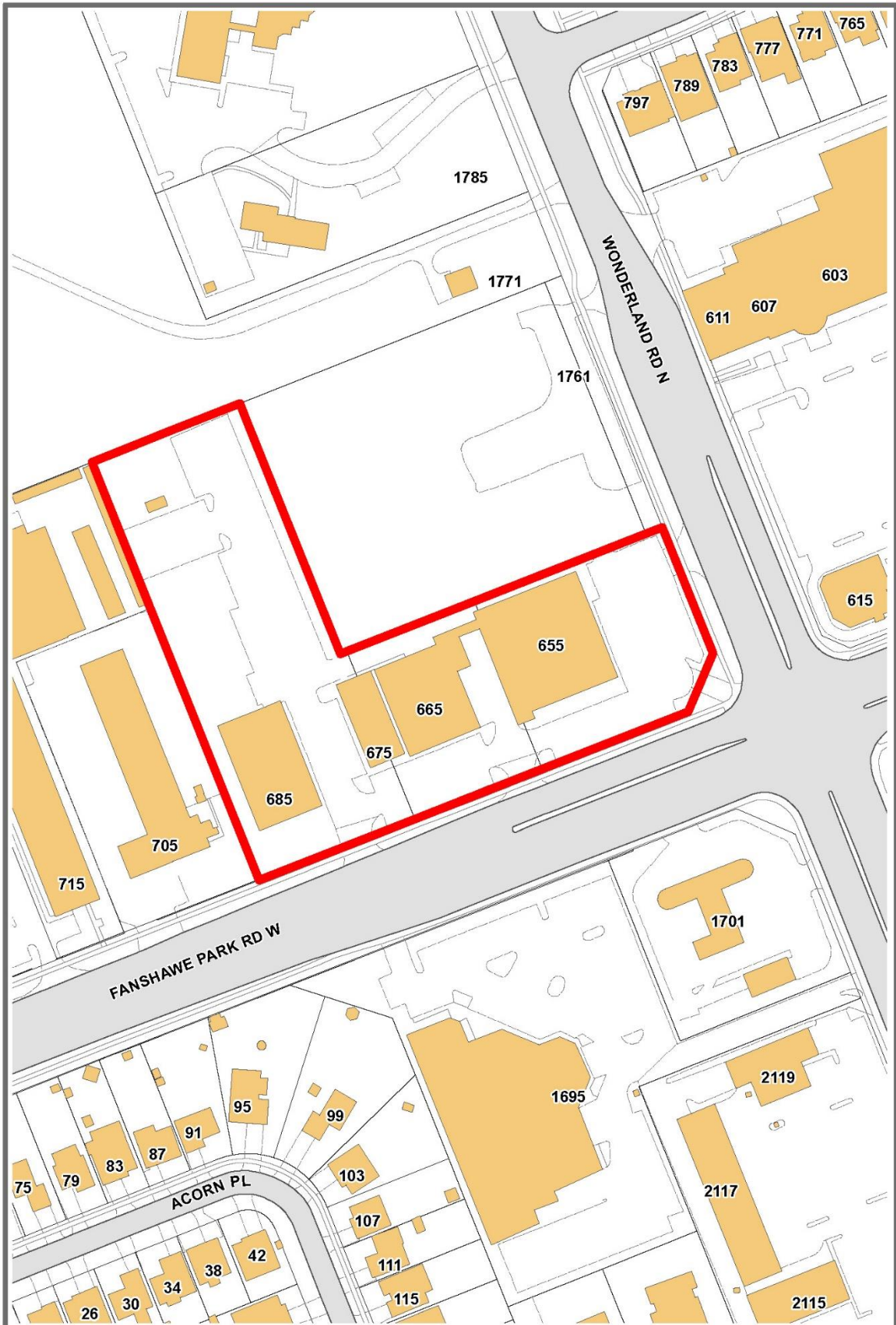
1.5 Site Characteristics

- Current Land Use – Four commercial buildings containing retail/office/restaurant/personal service uses
- Frontage – 165.3 metres (542.3 feet) on Fanshawe Park Road West
- Depth – Varies to a maximum of 152.0 metres (498.7 feet)
- Area – 1.49 hectares (3.68 acres)
- Shape – Irregular

1.6 Surrounding Land Uses

- North – Bell communications facility, vacant commercial, medical/dental offices/laboratories and clinics
- East – Commercial/retail plaza
- South – Gas station, service commercial plaza, low density residential
- West – Motel and restaurant, Commercial/retail plaza

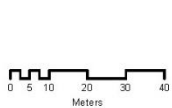
1.7 Location Map



LOCATION MAP

Address: 655-685 Fanshawe Park Road West
 File Number: Z-9396
 Planner: Monica Wu
 Date: 2022/02/09

Corporation of the City of London
 Prepared By: Planning and Development



Scale 1:1500



Legend

-  Subject Site
-  Buildings
-  Driveways/Parking Lots
-  Assessment Parcels

2.0 Discussion and Considerations

2.1 Development Proposal

The applicant has requested to rezone the subject lands to allow for a broader range of neighbourhood-scale retail, personal service and office uses catering to nearby residents. A one-storey addition with a gross floor area of approximately 325 square metres is proposed to be constructed at the front of the existing building (Mastermind Toys) at 685 Fanshawe Park Road West. Additional site alterations are proposed at the rear of 685 Fanshawe Park Road West to convert the existing grassed area into additional parking spaces and a loading area.

Special provisions are proposed to add commercial recreational establishment to the range of permitted uses; to require a minimum front yard depth of 1.0 metre; to permit a parking rate of 1 parking space per 20 square metres for all permitted uses in the NSA5 Zone variation in all buildings with a total gross floor area of 3,698 square metres; and to permit an increase in the maximum permitted gross floor area for restaurant and retail uses to 750 square metres and 875 square metres, respectively.

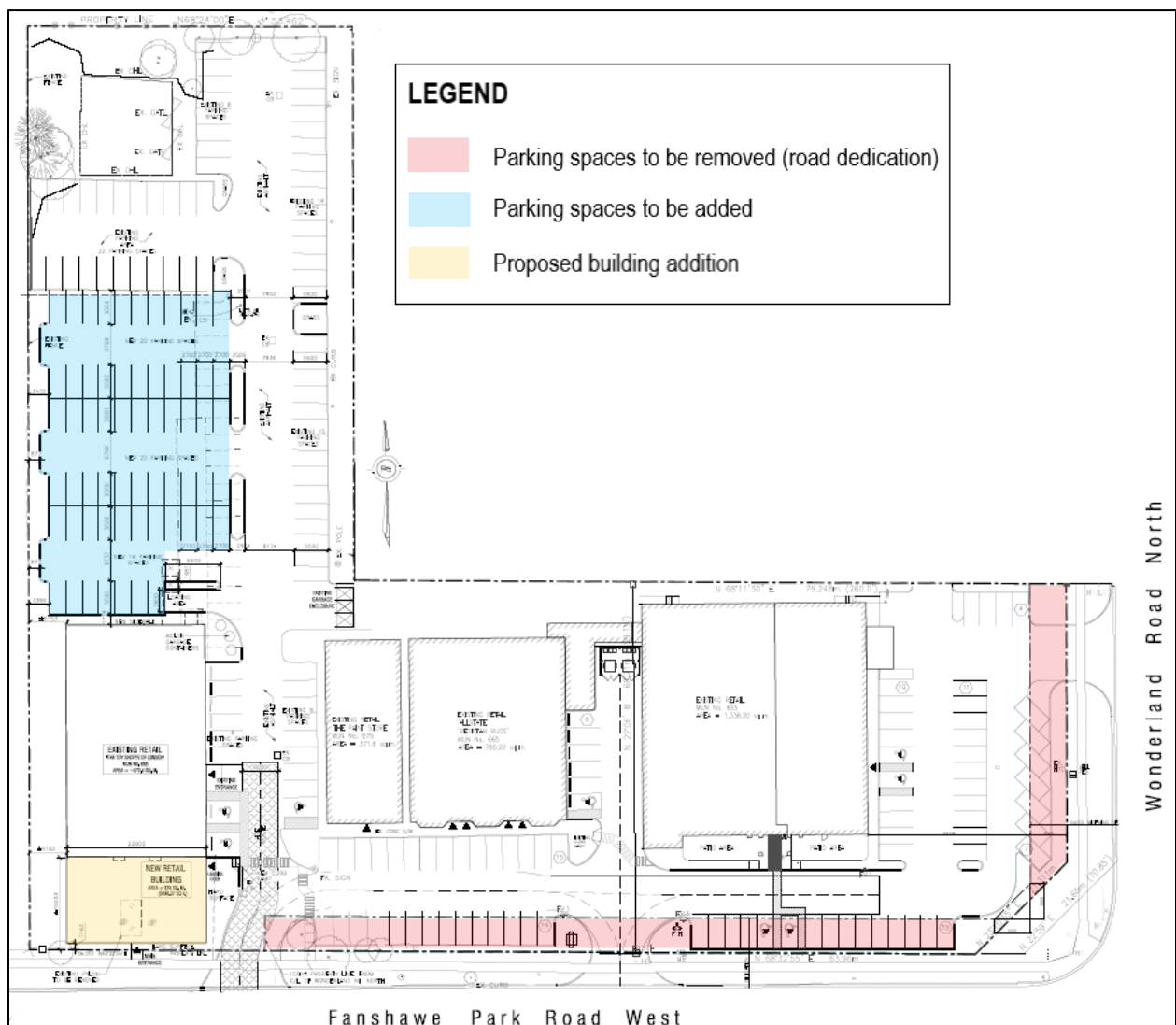


Figure 4: Site concept plan

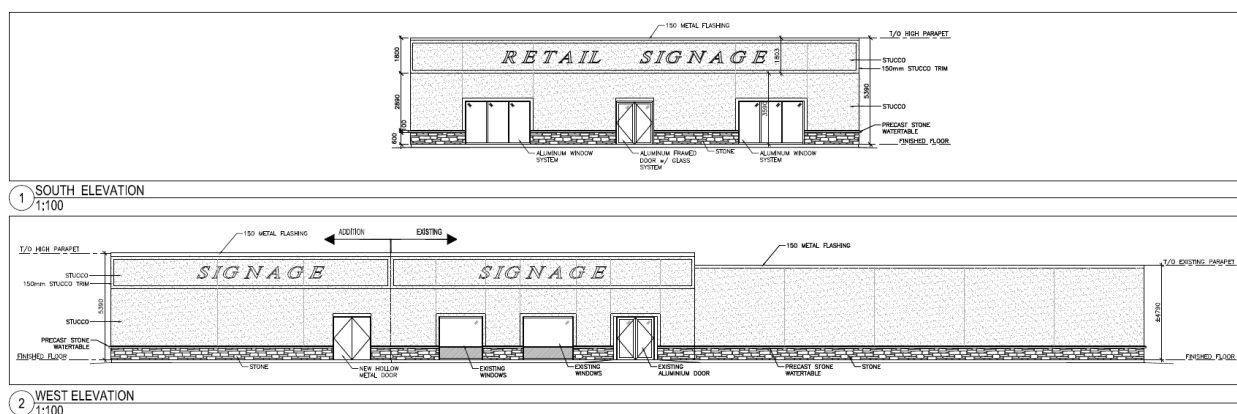


Figure 4: South (front) and west elevations of the proposed building addition at 685 Fanshawe Park Road West

2.2 Requested Amendment

The applicant has requested to rezone the lands FROM a Restricted Service Commercial Special Provision (RSC1(21)/RSC4(19)) Zone TO a Neighbourhood Shopping Area Special Provision (NSA5(_)) Zone to add commercial recreational establishment as an additional permitted use and to allow the following special provisions:

- a minimum front yard depth of 1.0 metres WHEREAS 0.0 metres is permitted;
- a parking rate of 1 per 20 square metres for all permitted uses in all buildings with a total gross floor area of 3,698 square metres WHEREAS the existing parking rate is 1 space per 20 square metres for all permitted uses [in the RSC1/RSC4 Zone] in all buildings with a total gross floor area of 3,403 square metres is permitted;
- a maximum gross floor area of 750 square metres for restaurants, excluding patios, WHEREAS a maximum of 500 square metres is permitted; and
- a maximum gross floor area of 875 square metres for retail stores WHEREAS a maximum of 500 square metres is permitted.

2.3 Community Engagement (see more detail in Appendix B)

Through the community engagement process, one written response was received requesting confirmation of the height of the proposed building addition.

2.4 Policy Context

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.

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 (1.1.1 e)). Settlement areas are intended to be the focus of growth and development where land use patterns shall be based on densities and a mix of land uses which efficiently use land and resources, are transit-supportive, and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (1.1.3.2). Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment (1.1.3.2).

Planning authorities shall also promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs (1.3.1). Lastly, the PPS encourages long-term economic prosperity to be supported by promoting opportunities for economic development and community investment-readiness (1.7.1 a)).

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 that must be considered to help the City effectively achieve its vision (54). 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, as follows:

Key direction #5: Build a mixed-use compact city

- Planning to achieve a compact, contiguous pattern of growth (looking “inward and upward”) (54_2);
- Planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward (54_4).

Key direction #6 Place a new emphasis on creating attractive mobility choices

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

Key direction #7: Build strong, healthy and attractive neighbourhoods for everyone

- Design complete neighbourhoods by meeting the needs of people of all ages, incomes and abilities, allowing for aging in place and accessibility to amenities, facilities and services (61_2).

The subject lands are located in the Shopping Area Place Type, as identified on *Map 1 – Place Types. The Shopping Area Place Type permits a wide range of retail, service, office, entertainment, recreational, institutional, and residential uses to service nearby residents (871; 874; 877_1). Within Shopping Areas, the repurposing, reformatting, infill and intensification of existing centres is encouraged to take advantage of existing services, use land more efficiently, and reduce the need for outward expansion (876_4). The Place Type policies direct that these centres be re-formatted over time to become mixed-use areas that are more pedestrian, cycling, and transit-oriented and less auto-dominated in their design (871).

1989 Official Plan

The subject lands are designated Neighbourhood Commercial Node (NCN) in accordance with Schedule ‘A’ of the 1989 Official Plan. Areas designated NCN are intended to provide for the daily or weekly convenience shopping and service needs of nearby residents, and to a lesser extent, passing motorists (4.3.8.1). They should contain use that are convenience-oriented and unlikely to draw customers from beyond the local area, such as small retail stores, small-scale restaurants, convenience commercial uses, commercial recreation establishments, personal services, service-oriented and medical/dental offices, and community facilities (4.3.8.3).

Zoning By-law Z.-1

The subject lands are currently zoned Restricted Service Commercial Special Provision (RSC1(21)/RSC4(19)). The RSC Zone provides for and regulates a range of moderate intensity commercial uses and trade service uses that are catered to vehicular traffic and single purpose shopping trips. Permitted uses within the RSC1 and RSC4 Zone variations include but are not limited to: various auto-oriented uses, duplicating shops,

personal service establishments, and restaurants (28.2). Although retail uses are not permitted within the RSC Zone, a change of use permit was approved for 685 Fanshawe Park Road West in 2002 to allow the use of the retail sales of toys and children's products in place of the retail sales of furniture, which was permitted under the former Township of London Zoning By-law (Township By-law #5000).

The existing special provisions allow for a parking rate of 1 space per 20 square metres for all permitted uses within the RSC1/RSC4 Zone variations based on the combined gross floor area of all four existing buildings. As well, medical/dental offices are permitted within the existing buildings up to a maximum gross floor area of 465 square metres.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1 Issue and Consideration #1: Use and Intensity

Provincial Policy Statement, 2020 (PPS)

The PPS requires municipalities to provide for an appropriate mix and range of land uses and needs and encourages efficient development and land use patterns that are transit-supportive and minimize land consumption and servicing costs (1.1.3.2 a); 1.1.3.2 b)). To achieve this, appropriate development standards should be promoted which facilitate intensification, redevelopment, and compact form (1.1.2; 1.1.3.4). The PPS defines "intensification" as "*the development of a property, site or area at a higher density than currently exists through: a) redevelopment, including the reuse of brownfield sites; b) the development of vacant and/or underutilized lots within previously developed areas; c) infill development; and d) the expansion or conversion of existing buildings*".

The PPS also requires municipalities to promote economic development and competitiveness 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 (1.3.1 b)).

The recommended amendment represents a form of intensification by facilitating the development of an underutilized commercial lot within an established settlement area and providing an increased opportunity to effectively utilize the existing buildings. No new roads or infrastructure are required to service the site. The recommended amendment also provides for additional uses on the subject lands that are appropriate and compatible with the surrounding area and contribute to an appropriate range and mix of employment uses, helping to meet long-term needs.

The London Plan & 1989 Official Plan

The subject lands are located within the Shopping Area Place Type in The London Plan and are designated Neighbourhood Commercial Node NCN in the 1989 Official Plan. Both the Shopping Area Place Type and NCN designation are intended to provide for the daily and weekly convenience shopping and service needs of their immediate neighbourhoods (The London Plan, 874; 1989 Official Plan, 4.3.8.1.). Permitted uses include a broad range of retail, service, office, entertainment, recreational, institutional, and residential uses (The London Plan, 877_1; 1989 Official Plan, 4.3.8.3.).

The existing buildings on site are currently occupied by a mix of uses including restaurant, retail, medical/dental and service office, duplicating shop, and personal service uses. The proposed Neighbourhood Shopping Area (NSA5) Zone would provide for a broader range of neighbourhood-scale retail, personal service, and office use at this location as compared to the existing Restricted Service Commercial (RSC1/RSC4)

Zone, bringing the subject lands into greater conformity with the Shopping Area Place Type and NCN policies.

Special Provision: Commercial Recreational Establishment as an Additional Permitted Use

A special provision is being requested to allow commercial recreational establishment as an additional permitted use under the NSA5 Zone variation. The Zoning By-law defines “commercial recreational establishment” as: *“a building, or part thereof, used for the purposes of an arena, assembly hall, billiard or pool room, bingo hall, bowling alley, dance hall, gym or fitness centre, ice or roller rink, indoor racquet courts, indoor swimming pool, or sports simulation, but not including a place of entertainment, an amusement games establishment, cinema, theatre, drive-in theatre, amusement park or any other place of entertainment or amusement otherwise defined or classified herein.”*

Commercial recreational establishment uses are contemplated in the Shopping Area Place Type and are explicitly permitted in the NCN designation. As with all permitted uses under the NSA5 Zone variation (with the exception of food stores), the additional commercial recreation establishment use would be restricted to a maximum gross floor area of 500 square metres. A minimum parking rate of 1 per 20 square metres is required for commercial recreational establishments, which is in keeping with the proposed parking rate for the subject lands. Therefore, Planning staff are of the opinion that the addition of a commercial recreational establishment use at this location is appropriate and is not anticipated to result in adverse impacts on the surrounding area.

Special Provisions: Increase in the Gross Floor Area (Maximum) for Retail and Restaurant Uses, excluding Patios

In general, the NSA Zone restricts the individual size of permitted uses to encourage multiple commercial uses within a shopping centre development and does not allow one use to dominate the total permitted gross floor area. Although shopping centres are the primary form of development within the NSA Zone, the NSA5 Zone variation recognizes stand-alone buildings at appropriate locations (23.1; 23.3 6)). Specifically, a maximum gross floor area of 500 square metres is permitted for all permitted uses (with the exception of food stores) within the NSA5 Zone variation (23.3 5)).

The applicant is requesting special provisions to permit a maximum gross floor area of 750 square metres for restaurants (excluding patios) and 875 square metres for retail stores. Where possible, the Shopping Area Place Type policies encourage the repurposing, reformatting, infill and intensification of existing centres and encourage flexibility in use in order to take advantage of existing services, use land more efficiently, and reduce the need for outward expansion (The London Plan, 876_3; 876_4). The proposed increase in the maximum permitted gross floor area for restaurant and retail stores would allow for greater flexibility in the future use and intensification of the subject lands helping meet the evolving needs of the surrounding community, while maintaining an appropriate mix and intensity of uses.

Building Addition

In addition to the above-noted special provisions, the proposed development includes a one-storey front addition to the existing building on 685 Fanshawe Park Road West. The addition is intended to accommodate additional retail uses and will have a gross floor area of 325 square metres, resulting in a total combined gross floor area of 3,697.4 square metres for the entire site.

The London Plan policies contemplate a minimum building height of one-storey and a maximum building height of four-storeys at this location (The London Plan, 878_5; 878_2). Within the 1989 Official Plan, commercial development within the NCN designation shall generally range in size from 1,000 square metres to 13,000 square metres in gross floor area. The proposed addition represents infill development at an appropriate scale and intensity that is in keeping with the Official Plan policies for this area.

4.2 Issue and Consideration #2: Form

The London Plan & 1989 Official Plan

The City Building policies in The London Plan encourage buildings to be sited with minimal setbacks from public streets to create an inviting, active, and comfortable pedestrian environment while maintaining and reinforcing the prevailing street line of existing buildings (256; 257). Within the Shopping Area Place Type, large commercial blocks shall be developed such that smaller-scale commercial uses are constructed on pads at the front of the lot to create, to the greatest extent possible, a pedestrian-oriented street wall, with the front entrances oriented toward the primary street (879). As well, parking facilities are to be strategically located and screened to minimize visual impacts on the public realm (*272).

Similarly, the NCN designation encourages free-standing structures along the street frontage to be developed in a manner that improves the design of the street edge, provides access to transit stops, and reduces the visual impact of large open parking lots (4.3.8.4.).

The original development proposal that was submitted by the applicant was for a one-storey building addition located at the rear of the existing building at 685 Fanshawe Park Road West. A revised site plan was subsequently provided to Planning staff showing the proposed one-storey building addition at the front of the existing building, with the main entrance oriented towards Fanshawe Park Road West to establish an active street frontage. The re-location of the addition to the front of the building will allow for additional parking spaces to be strategically located at the rear of the site, hidden from the street view. The building addition is proposed to be setback from the front lot line by approximately 1.0 metres, which will maintain a similar setback to those newer developments situated along Fanshawe Park Road West, including 595 Fanshawe Park Road West and 745 Fanshawe Park Road West. Under the proposed Neighbourhood Shopping Area Special Provision (NSA5(_)) Zone, a minimum front yard setback of 0.0 metres is permitted. To ensure that sufficient space is provided for door swings and overhangs, Planning staff are recommending that a special provision be added to require a minimum front yard setback of 1.0 metres, as shown on the applicant's site plan.

Further refinement of the site and building design will occur at the Site Plan Approval stage.

4.3 Issue and Consideration #3: Reduced Parking Rate

The applicant is requesting that a special provision be added to the proposed NSA5(_) Zone to permit a parking rate of 1 per 20 square metres for all permitted uses in all buildings with a total gross floor area of 3,698.0 square metres, or 184 total parking spaces.

This would be consistent with the existing special provisions under the current RSC1(21)/RSC4(19) Zone, which permits a blanket parking rate of 1 space per 20 square metres, or 171 parking spaces, based on the existing gross floor area. The parking rate of 1 space per 20 square metres is intended to implement the standard parking rate applied to shopping centres as all three properties currently operate as a single unit with shared on-site parking areas and driveways. Under the proposed NSA5 Zone variation, a minimum of 293 parking spaces are required based on the most onerous parking rates for all permitted uses under the Zone with a gross floor area of 3,698.0 square metres.

Currently, there are 182 functional parking spaces available on site. Approximately 38 of the existing on-site parking spaces encroach into the City's future road allowance along Fanshawe Park Road West and Wonderland Road North. While the continued use of these spaces would be permitted in the interim subject to a Commercial Boulevard Parking Agreement, their long-term availability is not guaranteed due to planned future road improvements. As such, these spaces cannot be recognized as legal parking

spaces to satisfy the Zoning By-law requirement. To supplement the loss of the parking spaces located in the road dedication, 40 additional parking spaces are proposed to be located at the rear of the existing building at 685 Fanshawe Park Road West. In total, a net increase of two parking spaces is proposed.

The transportation objectives in the 1989 Official Plan direct that parking facilities be provided that are appropriately located, adequate for the uses they support, and compatible with adjacent land uses (18.1 ix)). The London Plan calls for parking areas to be appropriately sized, configured, and located to support the planned vision for the place type and enhance the experience of all users, including pedestrians, transit-users, cyclists, and drivers alike (270). To achieve this, parking standards should ensure that excessive amounts of parking are not required (271).

Planning staff are of the opinion that the demand for parking is not expected to be significantly higher than has previously been experienced as a result of the proposed building addition and modest increase in the maximum permitted gross floor area for restaurant and retail uses. The existing retail, restaurant, personal service, and office uses operate in a manner where parking demands are variable and staggered throughout hours of operation. The site has functioned with the current parking rate of 1 space per 20 square metres for several years, with no known impacts on neighbouring properties or the surrounding neighbourhood.

Furthermore, it is not unreasonable to consider the use of the buildings by tenants or patrons who would not require access by a motorized vehicle. The subject lands are located within walking distance to nearby residential areas and are serviced by two direct bus routes on Fanshawe Park Road West, with transit stops located less than 150 metres away. Dedicated cycling lanes exist along Fanshawe Park Road West and along Wonderland Road North. Given these alternative transportation options, the demand for parking on-site at this particular location may be reduced.

It is noted that Transportation Planning and Design staff are supportive of the proposed parking rate. Should future development or expansions to the existing buildings be proposed, additional planning approvals will be required to permit reduced parking on-site.

For these reasons, Planning and Development are satisfied that the request to maintain the existing parking rate of 1 space per 20 square metres is appropriate and will be sufficient to accommodate the proposed addition and increase range of uses and intensity.

Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the in-force policies of The London Plan and the 1989 Official Plan.

The recommended amendment represents appropriate infill development that is compatible within its surrounding context and will allow for greater flexibility in the future use and intensification of the subject lands to meet the evolving needs of the surrounding neighbourhood.

Prepared by: Monica Wu, MCIP, RPP
Planner II

Reviewed by: Mike Corby, MCIP, RPP
Manager, Planning Implementation

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

Submitted by: Scott Mathers, MPA, P. Eng.
Deputy City Manager, Planning and Economic
Development

Appendix A

Bill No. (number to be inserted by Clerk's Office)
2022

By-law No. Z.-1-22_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 655-
685 Fanshawe Park Road West

WHEREAS SAB Realty Limited has applied to rezone an area of land located at 655-685 Fanshawe Park Road West, 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 the lands located at 655-685 Fanshawe Park Road West, as shown on the attached map comprising part of Key Map No. A101, from a Restricted Service Commercial Special Provision (RSC1(21)/RSC4(19)) Zone to a Neighbourhood Shopping Area Special Provision (NSA5(_)) Zone;
- 2) Section Number 23.4 e) of the Neighbourhood Shopping Area (NSA) Zone is amended by adding the following Special Provision:

NSA5(_) 655-685 Fanshawe Park Road West

a) Additional Permitted Uses:

i) Commercial Recreational Establishment

b) Regulations

i) Front yard depth (minimum)	1.0 metres
ii) Gross floor area, restaurants (excluding patios) (maximum)	750.0 square metres
iii) Gross floor area, retail (maximum)	875.0 square metres
iv) Parking Rate (minimum)	1 per 20 m ² for all permitted uses with a total gross floor area of 3,698 square metres

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

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

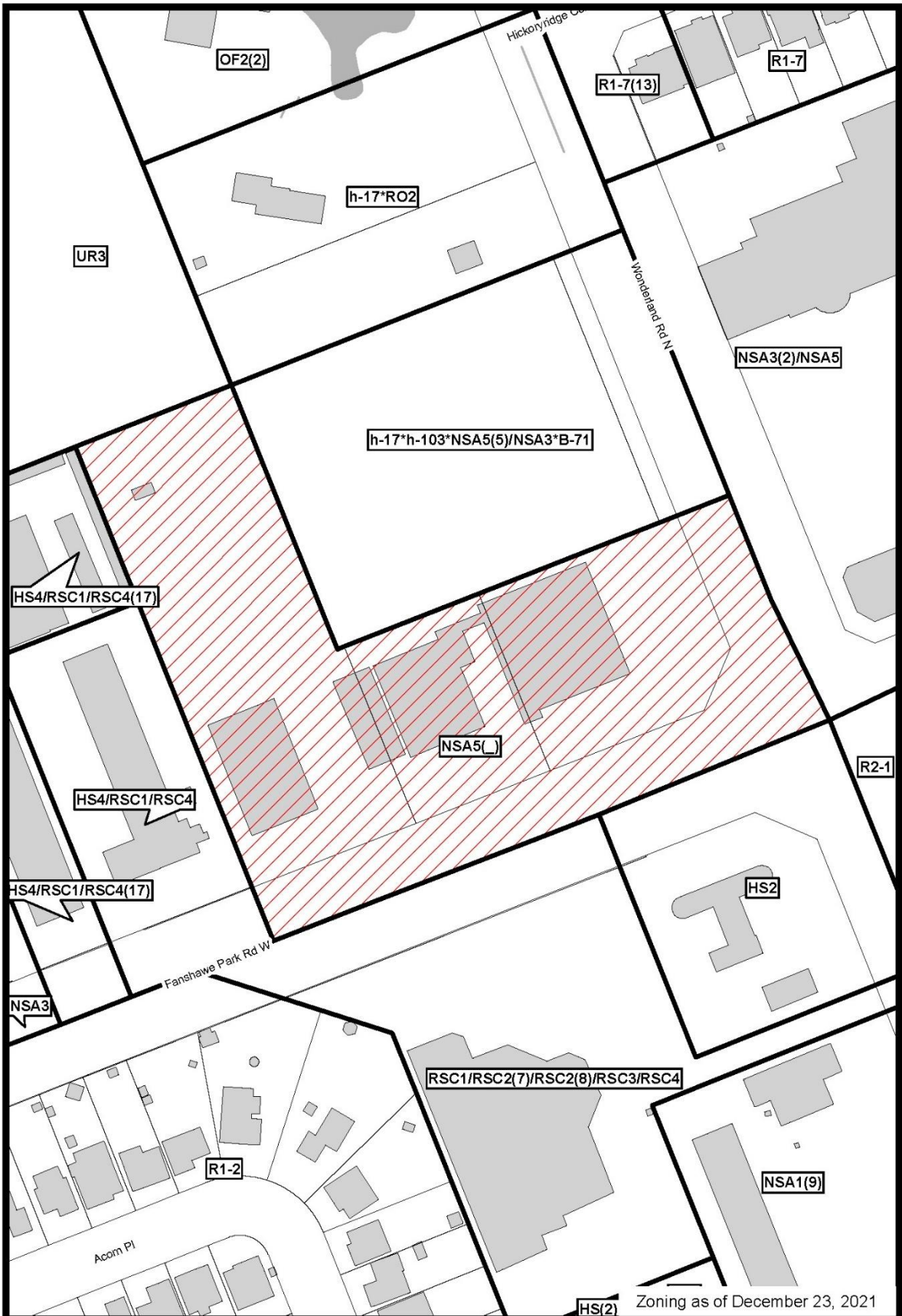
PASSED in Open Council on March 22, 2022.

Ed Holder
Mayor

Michael Schultuss
City Clerk

First Reading – March 22, 2022
Second Reading – March 22, 2022
Third Reading – March 22, 2022

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




Zoning as of December 23, 2021

File Number: Z-9396
 Planner: MW
 Date Prepared: 2022/01/27
 Technician: rc
 By-Law No: Z.-1-

SUBJECT SITE 

1:1,500

0 5 10 20 30 40
 Meters



Appendix B – Public Engagement

Community Engagement

Public liaison: On August 26, 2021, Notice of Application was sent to 45 property owners and tenants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 26, 2021.

Nature of Liaison: The purpose and effect of this zoning change is to permit a building addition and to permit an additional Commercial Recreational Establishment use. Possible change to Zoning By-law Z.-1 **FROM** a Restricted Service Commercial Special Provision (RSC1(21)/RSC4(19)) Zone **TO** a Neighbourhood Shopping Area Special Provision (NSA5(_)) Zone. Special provisions are required to permit commercial recreational establishment uses; a parking supply of 227 spaces for all permitted uses in all buildings with a total gross floor area of 3,697.4m²; a maximum gross floor area of 750m² for restaurants, excluding patios; and a maximum gross floor area of 875m² for retail stores.

Public liaison: On December 17, 2021 and February 9, 2022, Notice of Revised Application and Public Meeting Notice was sent to 45 property owners and tenants in the surrounding area. Notice of Application and Notice of Public Meeting was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 23, 2021 and February 10, 2022, respectively. A “Planning Application” sign was also posted on the site.

Nature of Liaison: The purpose and effect of this zoning change is to permit a building addition and to permit an additional Commercial Recreational Establishment use. Possible change to Zoning By-law Z.-1 FROM a Restricted Service Commercial Special Provision (RSC1(21)/RSC4(19)) Zone TO a Neighbourhood Shopping Area Special Provision (NSA5(_)) Zone. Special provisions are required to permit commercial recreational establishment uses; a parking rate of 1 per 20 m² for all permitted uses in all buildings with a total gross floor area of 3,697.4m²; a maximum gross floor area of 750m² for restaurants, excluding patios; and a maximum gross floor area of 875m² for retail stores.

Responses: One email requesting clarification about the proposed height of the addition was received.

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

Telephone	Written
N/A	One (1)

Agency/Departmental Comments

London Hydro

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.

Transportation

- Right-of-way dedication of 24.0 m from the centre line be required along Wonderland Road North.
- Right-of-way dedication of 24.0 m from the centre line be required along Fanshawe Park Rd North within 150 m of Wonderland/Fanshawe intersection.
- From this point to the West 18.0 metres from centre line.

6.0m x 6.0m daylight triangle may be required at the widened limit of the intersection of Fanshawe Park Road West and Wonderland Road North.

Based on the applicant's justification, there are no further comments from Transportation at this time regarding the parking rates proposed.

Engineering

A sanitary brief was requested for this application during pre-consultation. I've reviewed it and don't have any concerns with the proposed peak flows identified (325 sq.m building addition).

Site Plan

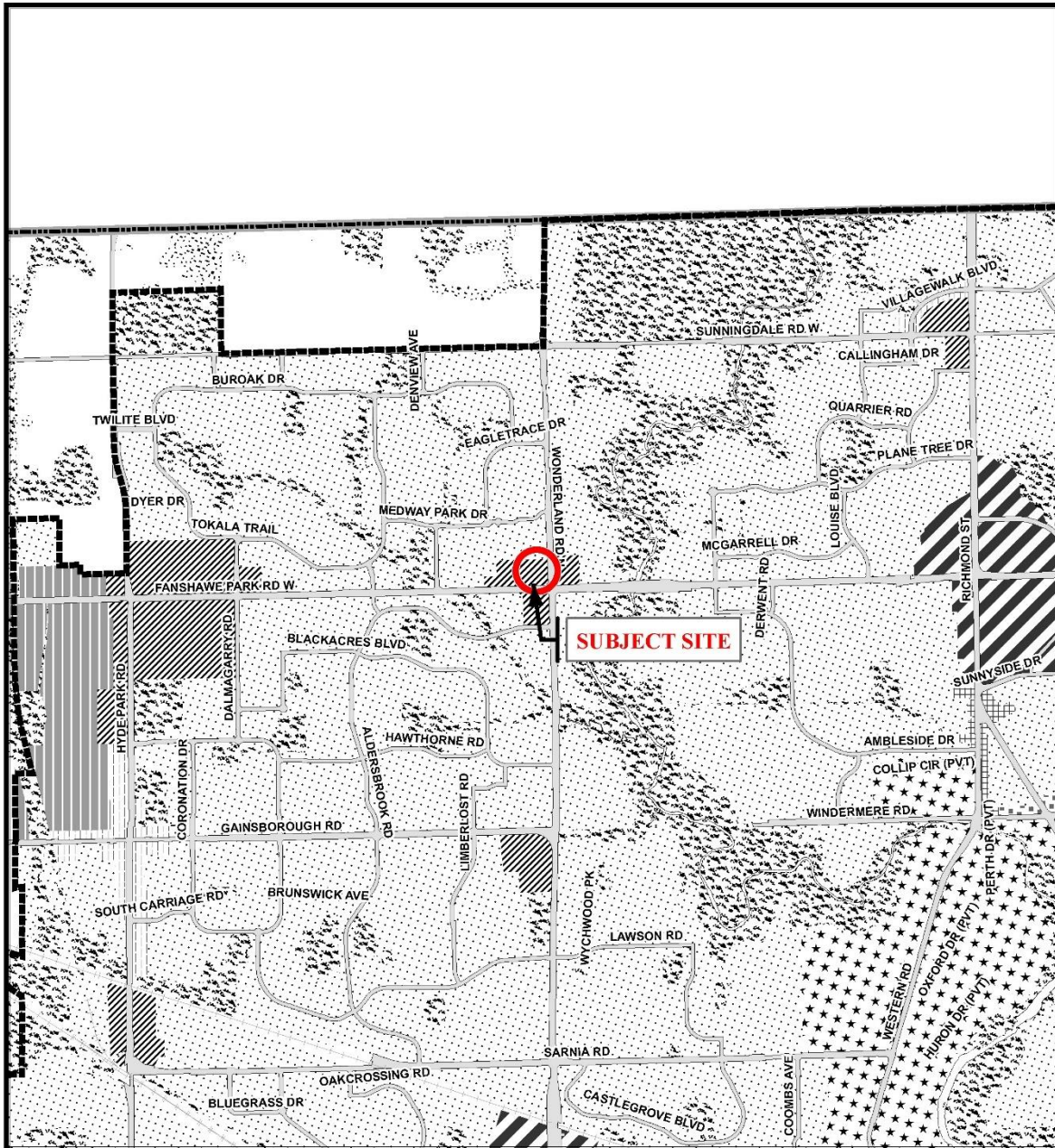
- Applicant to verify if there is an entrance along the eastern wall of the new retail building. If not, a sidewalk is to be provided from the barrier-free stalls to the entrance along Fanshawe Pk Rd W
- The 1.5 metre setback along the west property boundary is to include the end of the drive-aisles. These are also to be 1.5m from the property boundary to provide landscaping in accordance with the Site Plan Control By-law
- The parking stalls directly along the edge of the parking area do not function well for egress.
- The parking end aisles are to be a minimum of 3.0 metres and landscaped
- Provide access aisles/pedestrian crossings internal to the site for better pedestrian movement

Urban Design

- Ensure that the proposed building is oriented to Fanshawe Park Road West and should include active frontages (Principal entrance, transparent glazing, canopies, awnings, etc.) facing the street in order to activate the street edge
 - Ensure that the principal entrance of the building is oriented to Fanshawe Park Road West. Provide walkway connection from the entrance to the City Sidewalk.
- Ensure to include a 1-2m setback from Fanshawe Park Road West frontage in order to avoid the requirement for encroachment agreements for building elements such as canopies, balconies, steps, opening of doors, etc.

Appendix C – Relevant Background

Additional Maps



Legend

Downtown	Future Community Growth	Environmental Review
Transit Village	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street	Institutional	
Neighbourhood	Green Space	

This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

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

CITY OF LONDON

Planning Services /
Development Services

LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



Scale 1:30,000

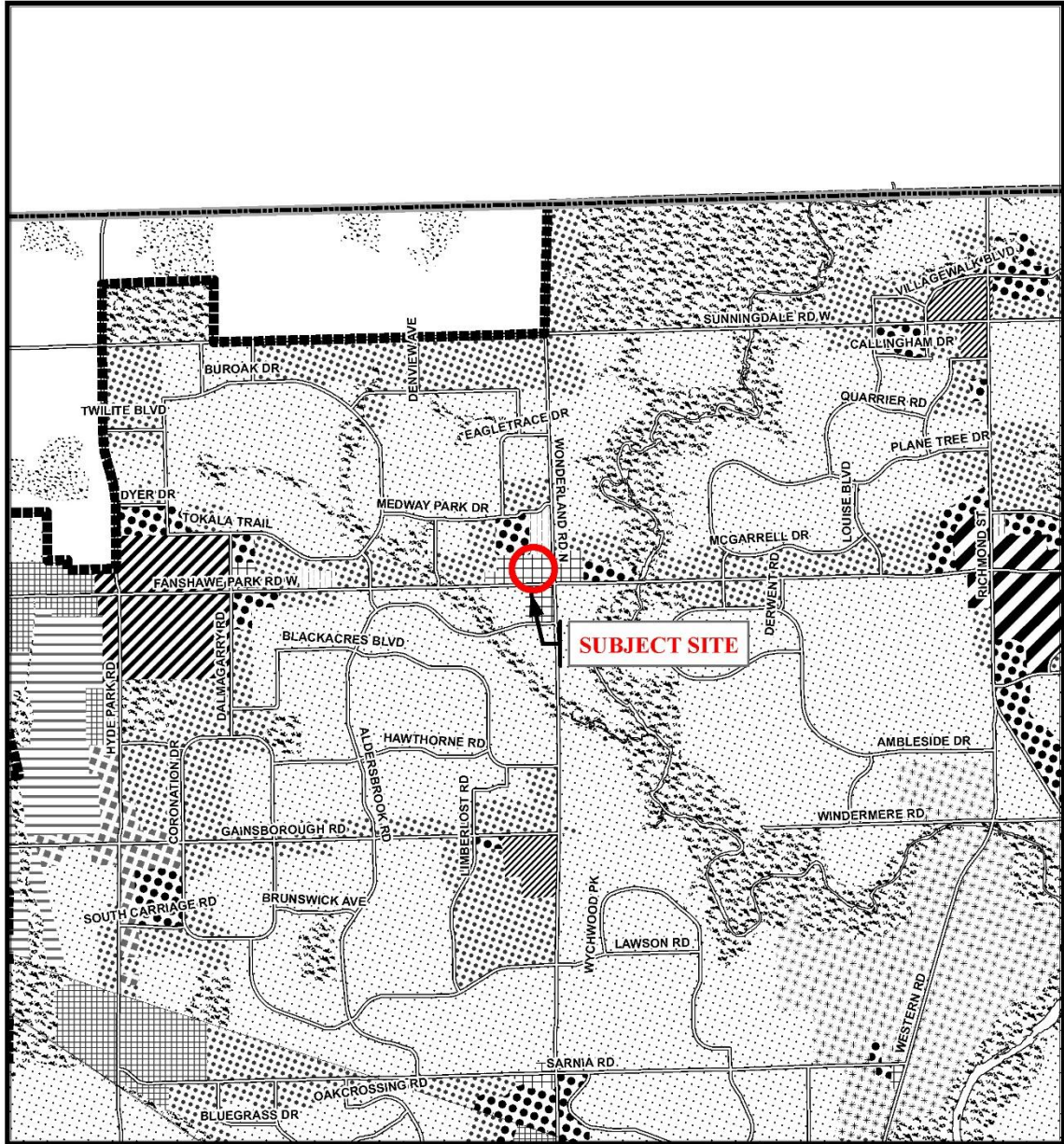


File Number: Z-9396

Planner: MW

Technician: RC

Date: January 27, 2022



Legend

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

CITY OF LONDON

Planning Services /
Development Services

OFFICIAL PLAN SCHEDULE A
- LANDUSE -

PREPARED BY: Graphics and Information Services



Scale 1:30,000



FILE NUMBER: Z-9396

PLANNER: MW

TECHNICIAN: RC

DATE: 2022/01/27



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | OS - OPEN SPACE |
| R7 - SENIOR'S HOUSING | CR - COMMERCIAL RECREATION |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | ER - ENVIRONMENTAL REVIEW |
| R9 - MEDIUM TO HIGH DENSITY APTS. | |
| R10 - HIGH DENSITY APARTMENTS | OB - OFFICE BUSINESS PARK |
| R11 - LODGING HOUSE | LI - LIGHT INDUSTRIAL |
| DA - DOWNTOWN AREA | GI - GENERAL INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | UR - URBAN RESERVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | |
| AC - ARTERIAL COMMERCIAL | AG - AGRICULTURAL |
| HS - HIGHWAY SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| SS - AUTOMOBILE SERVICE STATION | RT - RAIL TRANSPORTATION |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-9396

MW

MAP PREPARED:

2022/1/27

RC

1:2,500

0 12.525 50 75 100 Meters

Environmental and Ecological Planning Advisory Committee

Report

The 3rd Meeting of the Environmental and Ecological Planning Advisory Committee
February 17, 2022

Advisory Committee Virtual Meeting - during the COVID-19 Emergency

Please check the City website for current details of COVID-19 service impacts.

Attendance PRESENT: S. Levin (Chair), I. Arturo, L. Banks, A. Bilson Darko, S. Esan, P. Ferguson, L. Grieves, S. Hall, S. Heuchan, B. Krichker, K. Moser, B. Samuels, S. Sivakumar and I. Whiteside and H. Lysynski (Committee Clerk)

ABSENT: A. Boyer, J. Khan, I. Mohamed, R. Trudeau and M. Wallace

ALSO PRESENT: S. Butnari, K. Edwards, M. Fabro, J. MacKay, M. McKillop, P. Lupton and B. Page

The meeting was called to order at 5:02 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 Adelaide Wastewater Treatment Plant Climate Change Resiliency Class Environmental Assessment

That the Adelaide Wastewater Treatment Plant Working Group comments BE FORWARDED to the Civic Administration for consideration; it being noted that the Environmental and Ecological Planning Advisory Committee heard a verbal presentation from M. McKillop, Environmental Services Engineer and P. De Carvalho, Restoration Specialist and S. Braun, Water Resource Engineer, Matrix Solutions Inc., with respect to the Adelaide Wastewater Treatment Plant Climate Change Resiliency Class Environmental Assessment.

2.2 Greenway Wastewater Treatment Plant Climate Change Resiliency Class Environmental Assessment

That the Greenway Wastewater Treatment Plant Working Group comments BE FORWARDED to the Civic Administration for consideration; it being noted that the Environmental and Ecological Planning Advisory Committee heard a verbal presentation from M. McKillop, Environmental Services Engineer and P. De Carvalho, Restoration Specialist and S. Braun, Water Resource Engineer, Matrix Solutions Inc., with respect to the Greenway Wastewater Treatment Plant Climate Change Resiliency Class Environmental Assessment.

2.3 Huron Watermain Environmental Impact Study

That a Working Group BE ESTABLISHED consisting of S. Levin (lead), L. Grieves, K. Moser and B. Samuels, with respect to the Huron Watermain Environmental Impact Study; it being noted that the Environmental and

Ecological Planning Advisory Committee (EPPAC) received the attached presentation from D. Eusebi, Stantec, with respect to this matter.

2.4 Draft Climate Emergency Action Plan

That a Working Group BE ESTABLISHED consisting of I. Arturo, S. Heuchan and B. Samuels, relating to the draft Climate Emergency Action Plan; it being noted that the Environmental and Ecological Planning Advisory Committee heard a presentation from M. Fabro, Manager, Climate Change Planning, with respect to this matter.

3. Consent

3.1 2nd Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the 2nd Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on January 20, 2022, was received.

3.2 Municipal Council Resolution - 1st Report of the Environmental and Ecological Planning Advisory Committee

That, it BE NOTED that the Municipal Council resolution, at its meeting held on January 25, 2022, with respect to the 1st Report of the Environmental and Ecological Planning Advisory Committee, was received.

4. Sub-Committees and Working Groups

4.1 Working Group comments - Oxford Street West and Gideon Drive Intersection Improvements Environmental Assessment

That the Working Group report relating to the Oxford Street West/ Gideon Drive Intersection Improvements Environmental Assessment BE REFERRED to the Civic Administration for consideration; it being noted that additional comments may be provided to the Civic Administration by the Working Group.

4.2 Working Group comments - Windermere Road Improvements Municipal Class Environmental Assessment - Environmental Impact Study

That the Working Group report relating to the Windermere Road Improvements Municipal Class Environmental Assessment - Environmental Impact Study BE REFERRED to the Civic Administration for consideration.

5. Items for Discussion

None.

6. Adjournment

The meeting adjourned at 7:10 PM.



Huron Street Watermain Decommissioning – Thames River Crossing – EIS Results

February 17, 2022



Huron Watermain EIS Addendum

Topics

- EIS Addendum Scope
- EIS results
- Key Ecological Considerations and Potential impacts
- Mitigation Measure and Construction Design Plan



Huron Watermain EIS Addendum

Background

- 2012 the City of London completed the Huron Watermain Crossing Environmental Assessment (EA)
- identified preferred alternative solution was to install a new watermain crossing the Thames River between Huron Street and Philip Aziz Avenue
- continue monitoring of the abandoned concrete watermain
- City of London has initiated the detailed design for the remediation of the abandoned concrete watermain in the Thames River.
- In 2009, an emergency repair was completed which involved placing stone riprap and aggregate over the exposed portion of the watermain and adjacent valve chamber.
- An EIS was completed in 2012 as part of the Huron Street Crossing EA.
- 2021 Update/addendum to the Environmental Impact Study (EIS) undertaken in 2012
- Reviewing alternatives for remediation of the abandoned concrete watermain in the Thames River
- Agency and Stakeholder
- Historical and ongoing monitoring of erosion of the abandoned Watermain (ongoing).



Huron Watermain EIS Addendum

EIS Scope

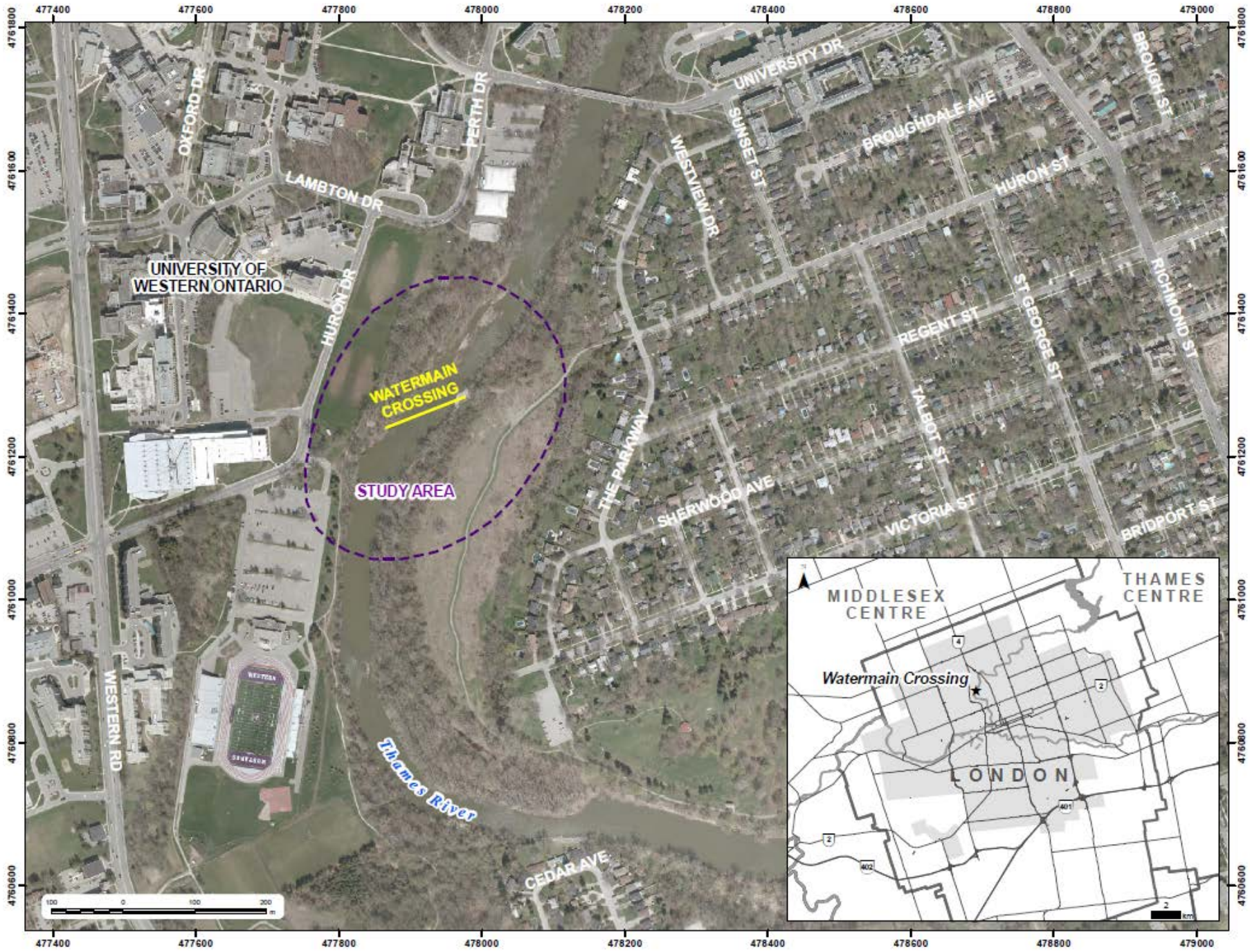
- Addendum Terms of Reference EEPAC, London, UTRCA January 2021
- Update the findings of the 2012 EIS/EA to document ecological (terrestrial and aquatic) features in the Study Area,
- Assess the potential impacts to the natural environment of the proposed watermain removal,
- Identify appropriate measures to avoid or mitigate impacts where possible,
- Work closely with the design team concurrently with development of the EIS and incoming details of the site conditions to develop a feasible and effective construction design plan
- Facilitate permitting and other authorizations.

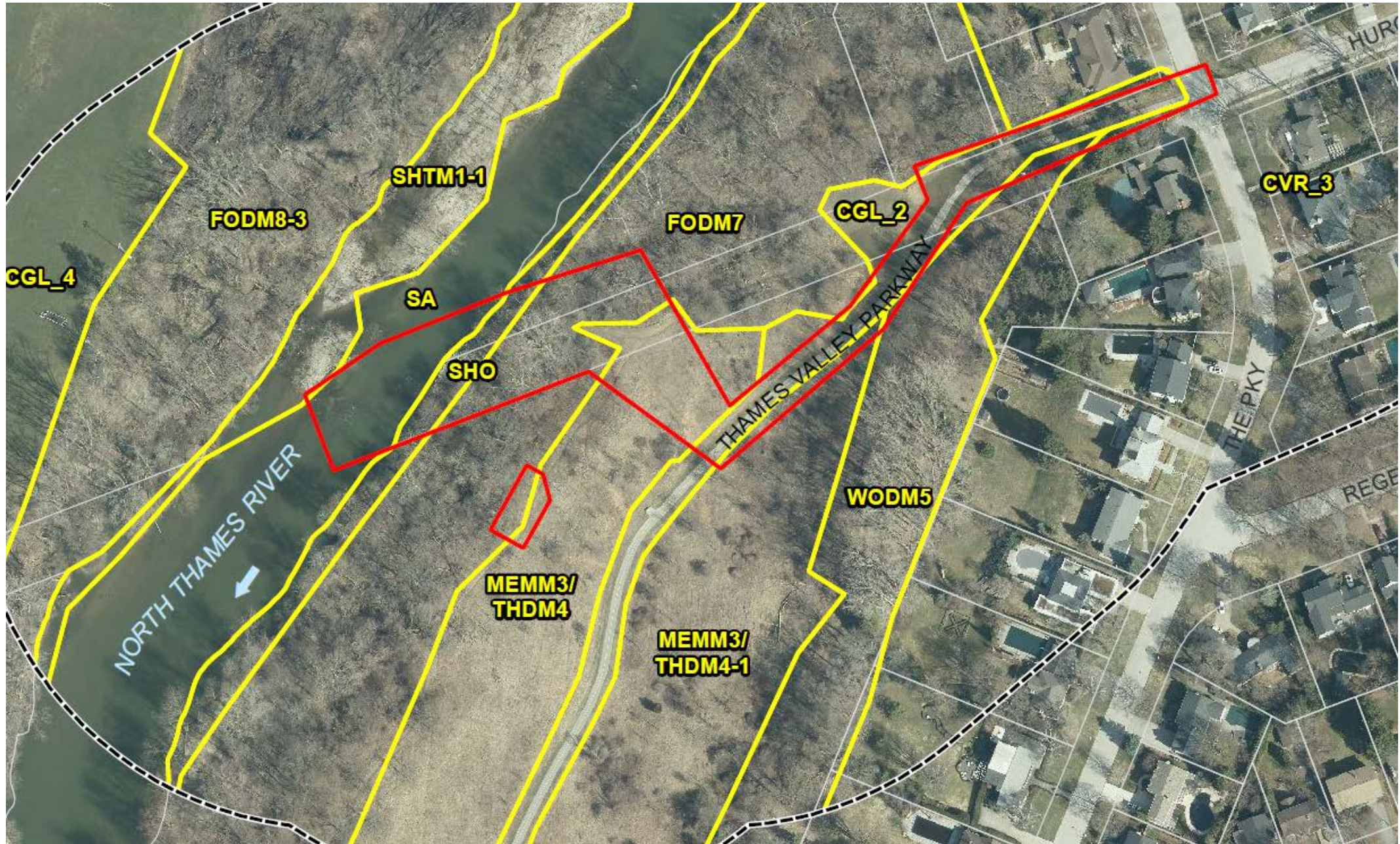


Huron Watermain EIS Addendum

EIS Scope Field Study Program ToR

- Habitat assessment/snag tree inventory for bat species at risk during leaf-off (once, Nov- April)
- Two (2) season flora inventory and vegetation community mapping using Ecological Land Classification (spring and summer)
- Canid survey of known coyote den using trail camera, to confirm activity (May)
- Reptile habitat assessment and basking surveys (five surveys late May to early July), with a focus on Queensnake, Eastern Spiny Softshell and Northern Map Turtle
- Aquatic habitat assessment at low flow conditions (once, July-August)
- Mussel habitat assessment at crossing and downstream, to confirm presence/absence and identify potential relocation areas (once, July-August)
- Breeding bird surveys (two surveys, late May to early July)
- Incidental wildlife observations and documentation of wildlife evidence (all site visits)
- Documentation of significant wildlife habitat (SWH) using the Ecoregion (7E) Criteria Schedule (summer)







Huron Watermain EIS Addendum

EIS Findings - SAR

COMMON NAME	SCIENTIFIC NAME	Provincial S-rank	SARO	SARA
Terrestrial Species				
Monarch ^{1,7,9}	<i>Danaus plexippus</i>	S4B, S2N	SC	SC
Eastern Spiny Softshell ^{1,2,8}	<i>Apalone spinifera spinifera</i>	S3	END	END
Northern Map Turtle ^{1,2,8}	<i>Graptemys geographica</i>	S3	SC	SC
Snapping Turtle ^{1,2,8,9}	<i>Chelydra serpentina</i>	S3	SC	SC
Queensnake ^{2,8}	<i>Regina septemvittata</i>	S2	END	END
Eastern Wood-Pewee ^{1,3,10}	<i>Contopus virens</i>	S4B	SC	SC
Small-footed Myotis ⁴	<i>Myotis leibii</i>	S2S3	END	
Little Brown Myotis ⁴	<i>Myotis lucifugus</i>	S4	END	END
Northern Myotis ⁴	<i>Myotis septentrionalis</i>	S3?	END	END
Tri-colored Bat ⁴	<i>Perimyotis subflavus</i>	S3?	END	END
Eastern False Rue-anemone ⁸	<i>Isopyrum biternatum</i>	S2	THR	THR
Aquatic Species				
Black Redhorse ⁶	<i>Moxostoma duquesnei</i>	S2	THR	THR
Silver Shiner ^{6,8}	<i>Notropis photogenis</i>	S2/S3	THR	THR
Wavy-rayed Lampmussel ^{1,6,8}	<i>Lampsilis fasciola</i>	S1	THR	SC



2009 – Emergency Rip-Rap Protection and Tree Removal

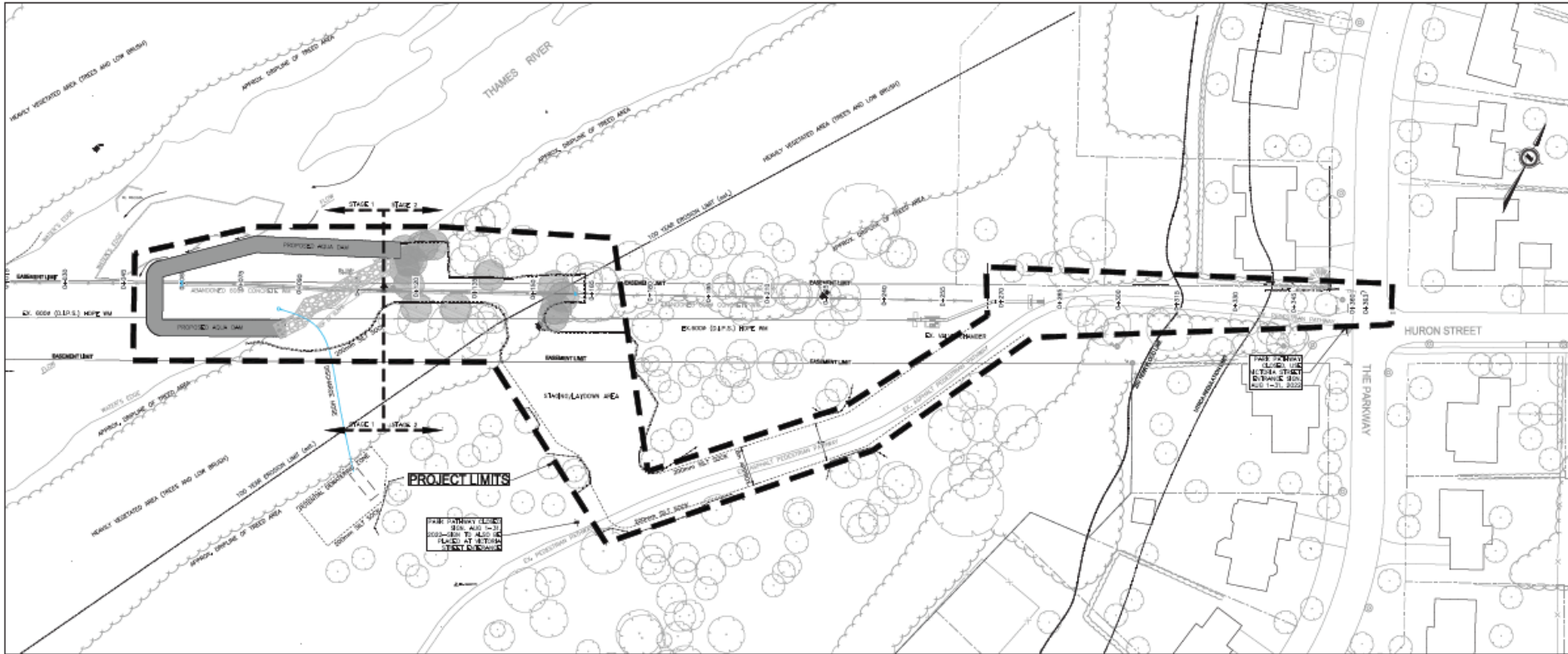
- Riverine erosion causing exposure of the watermain has resulted in an ongoing effort to protect the infrastructure at this site.







Huron Watermain Plan



LEGEND

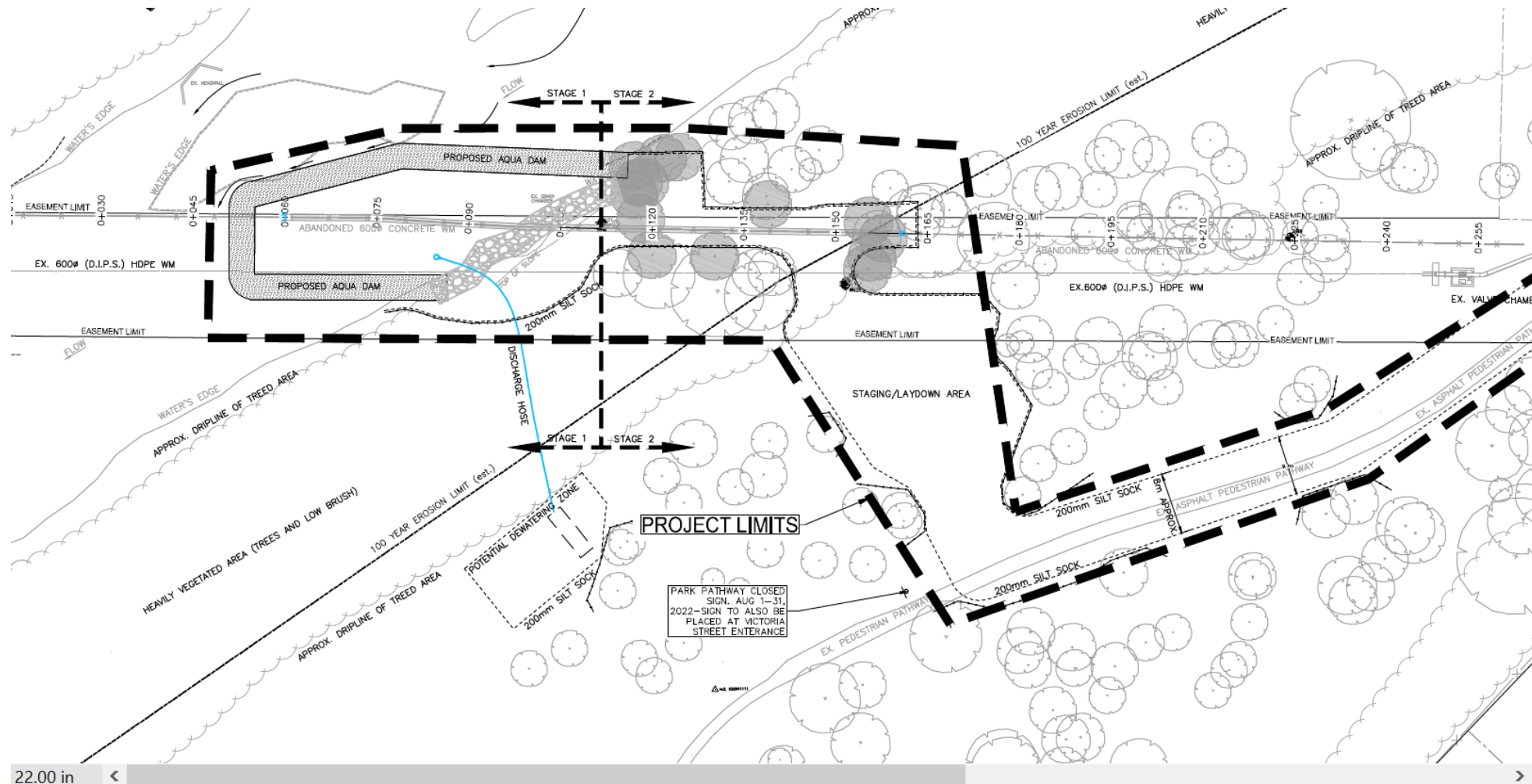
100 MM	EXISTING WATERMAIN	EXISTING TREE
PROPOSED WATERMAIN CAP		EXISTING TREE TO BE REMOVED
EXISTING FIRE HYDRANT AND VALVE		EXISTING BURIED GAS MAIN
HYDRANT #101		EXISTING UNDERGROUND TELEPHONE CABLE
		EXISTING HYDRO PULL/STREET LIGHT
		EXISTING SILL / TV PEGS/TAL
		EXISTING BONE HOLE
		PROPOSED BLENDED
		SILT SOLE
		TREE PROTECTION FENCING

DISCLAIMER BY THE CONTRACTOR: THE CONTRACTOR IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES AND PUBLIC AREAS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL AREAS TO ORIGINAL OR BETTER CONDITION AFTER COMPLETION OF THE WORK. ALL CONDITIONS AND OBLIGATIONS TO BE COMPLIED WITH SHALL BE GOVERNED BY THE TERMS AND CONDITIONS OF THE CONTRACT DOCUMENTS.

NOTE: THIS PLAN IS THE PROPERTY OF THE CONTRACTOR AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE CONTRACTOR.



Huron Watermain Plan







Huron Watermain EIS Addendum

Permit and Approvals

Regulatory Agency	Applicable Legislation	Permit Type	Permit Application Documents
Department of Fisheries and Oceans	Fisheries Act	Fisheries Act Authorization or Letter of Advice	Request for Review (RfR)
MECP	Endangered Species Act (ESA)	Huron Watermain Removal Natural Heritage Permitting, Standard Authorization or registration of Notice of Activity	Information Gathering Form and Alternative Assessment Form and 17(2)(c) Overall Benefit Application or Registration under Section 23.18 Threats to Health and Safety – Not-Imminent
MNRF	Fish and Wildlife Act	Fish Collection Permit Wildlife Collection Permit	Licence to collect fish for Scientific Purposes Wildlife Scientific Collectors Authorization
UTRCA	Conservation Authority Act	Ontario Regulation 157/06 – Development Interference with Wetlands and Alterations to Shorelines and Watercourse	Section 28 Application



Huron Watermain EIS Addendum

Vegetation Protection & Mitigation

- Delineate and/or sediment fence the boundaries of the Project work area to avoid accidental encroachment, protect areas of vegetation retention, as well as provide erosion and sediment control
- Monitored and maintained in-place until the end of construction activities
- Implement Clean Equipment Protocol for Industry (Halloran et al., 2013).
- Prepare Protection and Planting Plan - native species diverse selection of locally sourced native plant species to accommodate flood flows, recreation and wildlife migration.
- Stabilized all exposed soils (native seed mixes; sourced locally if possible) and re-vegetated, through the placement of seed and mulching or seed and an erosion control blanket, promptly upon completion of construction activities
- Accommodate paths and pathway connections within the constructed area for recreational purposes



Huron Watermain EIS Addendum

Wildlife and SAR Protection & Mitigation

ESC erosion control fencing (geotextile fences) are effective for the temporary exclusion of amphibians and reptiles.

Primary principles ESC protection measures:

- (1) minimize the duration of soil exposure;
- (2) retain existing vegetation where feasible;
- (3) encourage re-vegetation;
- (4) divert runoff away from exposed soils;
- (5) keep runoff velocities low; and
- (6) trap sediment as close to the source as possible.





Huron Watermain EIS Addendum

Specific Mitigation Measures

- Remove vegetation outside the breeding bird window, not between April 3 and August 15
- Geotextile fencing with nylon mesh should be avoided due to the risk of entanglement by snakes.
- Fencing will be installed in accordance with 'Reptile and Amphibian Exclusion Fencing: Best Practices, Version 1.0' (OMNR 2013; Appendix F):
- The recommended height of fencing is a minimum of 60 cm and adjusted in consideration of topography. To deter digging it is recommended that the fence be buried 10 cm below grade with an additional 10 cm horizontal lip ('keyed in') on the species side
- Re-fuel minimum of 30 m from all watercourses Spill control materials, including absorbent barriers and mats, kept on site to immediately address any accidental spills
- ESC monitored regularly and properly maintained as required. Controls removed only after the soils of the construction area have been stabilized and adequately protected or until cover is re-established
- Disturbed natural areas and the existing hard shoreline area found in the vicinity of the valve chamber should be restored to pre-construction conditions, or new naturalized shoreline
- Silt fencing and/or barriers such as sediment logs (i.e., SiltSoxx™) and or critical habitat appropriate fencing in areas with potential for sedimentation of watercourses or wetlands
- Dust could be controlled by using water instead of chemical suppressants in dust-sensitive areas such as the mapped natural heritage features
- ESC Plan specific to the site will be developed, to be approved by the City and will be kept on site pre and during construction activities





Huron Watermain EIS Addendum

In-Water Construction Mitigation Measures

- In-water activities have been scheduled outside the restricted activity timing windows for the protection of spring spawning species. In-water activities will be completed between July 15 and March 15 of the following year
- Work will be completed during low flow conditions
- A fish rescue and mussel transfer will be completed by qualified staff under a NDMNRF license to collect fish
- In-water work will be completed in the dry by isolating the work area using an AquaDam water filled coffer dam. (Plan View Construction Plan) Flow will be maintained through the section of the channel that is not isolated
- Water quality monitoring for turbidity (NTU) during in-water construction activities. If the water downstream of the construction activities become visibly turbid then work will be halted, and adjustments made. Water quality & visual observations will be documented.
- All observations of Queensnake, Northern Map Turtle and Spiny Softshell on site should be recorded and submitted to MECP and UTRCA, with any observed fatalities reported to MECP immediately
- In the unlikely event that a Queensnake, Northern Map Turtle or Spiny Softshell enters the work area and is in immediate danger, a 30 m buffer should be placed on the work area and construction activities should cease until the turtle or snake has vacated the work area on its own accord before recommencing construction activity. Alternately, the turtle or snake should be relocated by a qualified biologist if permissible with approval through consultation with MECP
- If a nesting Spiny Softshell is observed or if a turtle nest is identified in the Project Area either during construction or operation of the Project, the MECP should be contacted immediately. A 5 m buffer should be applied to the nest site, or 30 m to a nesting female, and maintained until the MECP provides additional direction. Turtle nests should not be touched as it can damage eggs



Huron Watermain EIS Addendum

In Water Construction Mitigation Measures (Con't)

- Mussel move using manual method of feeling through the substrate will be used to gather Spiny Softshell's buried in the substrate.
- Critical Timing - AquaDam will be installed as soon as possible following mussel and turtle transfer. Additional racooning will be completed for Spiny Softshell prior to AquaDam installation
- Once AquaDam is installed and prior to working in the area, additional turtle search will be conducted by manual feel through substrate in areas that offer good silty habitat or areas where turtles were observed during the mussel relocation effort
- All persons entering the site to be provided training about Queensnake and Spiny Softshell and proper steps to take upon encountering these individuals. Continual awareness and avoidance of Spiny Softshells nesting on, or crossing, roadways will be encouraged through training programs for those individuals with access to the Project Location
- The relocation timing window based on mussel species and habitat present restricts handling of mussels to a period when water temperatures are above 16°C, which typically occurs between June 15 and September 30 in any given year.
- Follow-up monitoring of relocated SAR mussels one month, one year and two years post-relocation may also be required (Mackie et al. 2008) as a condition of ESA or SARA permitting.



Questions?



London Advisory Committee on Heritage

Report

2nd Meeting of the London Advisory Committee on Heritage

February 9, 2022

Advisory Committee Virtual Meeting - during the COVID-19 Emergency

Please check the City website for current details of COVID-19 service impacts.

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

ABSENT: S. Gibson

ALSO PRESENT: L. Dent, M. Fontaine, K. Gonyou, J. Hodgins, M. Greguol, L. Jones, D. MacRae, A. Pascual and P. Yanchuk

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 2nd Report of the London Advisory Committee on Heritage, having to do with a Heritage Alteration Permit Application by the Incorporated Synod of the Diocese of Huron at 472 Richmond Street, Part IV and Downtown Heritage Conservation District, by indicating that her employer is involved in this matter.

J. Dent discloses a pecuniary interest in Item 3.8 of the 2nd Report of the London Advisory Committee on Heritage, having to do with a Public Meeting Notice - Zoning By-law Amendment - 100 Kellogg Lane, by indicating that he is a tenant of this location.

2. Scheduled Items

2.1 Heritage Alteration Permit Application by the Incorporated Synod of the Diocese of Huron at 472 Richmond Street, Part IV and Downtown 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 approval for the alteration of the beaver fence, a heritage attribute of the heritage designated property located at 472 Richmond Street, individually designated and located within the Downtown Heritage Conservation District, BE APPROVED as submitted and consistent with the Conservation Plan appended to the staff report dated February 9, 2022;

it being noted that the Heritage Planner will be circulated on any submittals to assist in ensuring compliance with the Conservation Plan for the beaver fence.

2.2 Mobility Master Plan

That it BE NOTED that the presentation, dated February 9, 2022, and the verbal delegations from D. MacRae, Director, Transportation and Mobility and M. Fontaine, Manager, Public Engagement, with respect to the Mobility Master Plan, was received.

3. Consent

3.1 1st Report of the London Advisory Committee on Heritage

That it BE NOTED that the 1st Report of the London Advisory Committee on Heritage, from its meeting held on December 8, 2021, was received.

3.2 2021 Heritage Planning Program

That it BE NOTED that the Memo, dated February 2, 2022, from K. Gonyou, L. Dent and M. Greguol, Heritage Planners, with respect to the 2021 Heritage Planning Program, was received.

3.3 National Trust for Canada - Insurance and Heritage Properties

That it BE NOTED that the communication, as appended to the agenda, with respect to National Trust for Canada - Insurance and Heritage Properties, was received; it being noted that the London Advisory Committee on Heritage indicated their support for the efforts of the association to address the insurance-related challenges facing the owners of heritage designated homes.

3.4 Letter of Resignation - D. Dudek

That it BE NOTED that the Letter of Resignation from the London Advisory Committee on Heritage, dated November 24, 2021, from D. Dudek, was received.

3.5 Letter of Resignation - J. Manness

That it BE NOTED that the Letter of Resignation from the London Advisory Committee on Heritage, as appended to the agenda, from J. Manness, was received.

3.6 Notice of Planning Application - Draft Plan of Subdivision - 1156 Dundas Street

That M. Johnson, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage (LACH) does not object to the conclusions and recommendations of the Heritage Impact Assessment (HIS), dated September 27, 2021, from Zelinka Priamo Ltd., with respect to the McCormick's Biscuit Company located at 1156 Dundas Street; it being noted that the proponent is encouraged to attend a meeting of the LACH early in the site design process to ensure meaningful consultation on the adaptive reuse of the former McCormick Biscuit Factory structure; it being further noted that the Notice of Planning Application, dated December 17, 2021, from M. Johnson, Senior Planner, with respect to a Notice of Planning Application related to a Draft Plan of Subdivision for the property located at 1156 Dundas Street, and the above-noted HIS, were received.

3.7 Notice of Planning Application - Draft Plan of Vacant Land Condominium - REVISED - 346, 370 and 392 South Street and 351, 373 and 385 Hill Street

That it BE NOTED that the Notice of Planning Application, dated December 22, 2021, from A. Curtis, Planner I, with respect to a Revised Draft Plan of Vacant Land Condominium, related to the properties located at 346, 370 and 392 South Street and 351, 373 and 385 Hill Street, was received.

3.8 Public Meeting Notice - Zoning By-law Amendment - 100 Kellogg Lane

That it BE NOTED that the Public Meeting Notice, dated December 23, 2021, from B. Debbert, Senior Planner, with respect to a Zoning By-law Amendment related to the property located at 100 Kellogg Lane, was received.

3.9 Notice of Planning Application - Intent to Remove Holding Provision - 695 and 585 Sovereign Road

That it BE NOTED that the Notice of Planning Application, dated January 30, 2022, from A. Curtis, Planner I, with respect to an Intent to Remove a Holding Provision related to the properties located at 695 and 585 Sovereign Road, was 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 January 26, 2022, was received.

4.2 Planning and Policy Sub-Committee Report

That the matter of updating City of London Public Meeting Notices and Notices of Planning Applications to include heritage notifications BE REFERRED to the Civic Administration for consideration; it being noted that the Planning and Policy Sub-Committee reviewed the Planning Act (O.Reg. 543/06 (15)) requirements for planning notices, as well as a number of sample notices from other jurisdictions, and identified the following:

- while not explicitly required in the Planning Act, the Sub-Committee believes the identification of designated heritage status on applicable notices would benefit the City's overall engagement and communications strategy and this would give the public important information on planning applications and would allow more meaningful and informed public participation;
- the Sub-Committee understands that the Civic Administration may have an existing template used for planning notices, but would like to encourage consideration of including designated heritage status on notices during the next review of this template;
- the Sub-Committee recommends, for simplicity, identifying heritage designated status (e.g. Part IV or Part V designations and associated Heritage Conservation District) and not properties listed on the City's heritage register although additional criteria may also be considered; and,
- the Sub-Committee notes that the Planning Act requirements are minimums, and the City can choose to go above and beyond on notice requirements; it being noted that this is consistent with London Plan Policies 1615-16 which emphasize the importance of meaningful dialogue, and empowering residents to participate in the planning process;

it being further noted that the Planning and Policy Sub-Committee Report, from its meeting held on January 27, 2022, was received.

5. Items for Discussion

5.1 Heritage Alteration Permit Application by R. Gilmore at 516 Elizabeth 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 on the heritage designated property located at 516 Elizabeth Street, within the Old East Heritage Conservation District, BE PERMITTED with the following terms and conditions:

- the installation of the proposed exterior grilles be installed in a manner that replicates the muntins of the former wood windows;
- the windows and exterior grilles be painted to match the existing trim work on the building;
- the installation of the proposed exterior grilles be completed within six months of Municipal Council's decision on this Heritage Alteration Permit; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

5.2 Demolition Request by Woodland Cemetery for the former Gate House and Maintenance Garage on the Heritage Listed Property Located at 493 Springbank Drive

That, on the recommendation of the Director, Planning and Economic Development, with the advice of the Heritage Planner, with respect to the demolition request for the former gate house and maintenance garage located on the heritage listed property at 493 Springbank Drive, the Chief Building Official BE ADVISED that Municipal Council consents to the demolition of the former gate house and maintenance garage on the property; it being noted that the property located at 493 Springbank Drive should remain on the Register of Cultural Heritage Resources as it is believed to be of cultural heritage value or interest.

5.3 Cultural Heritage Report - Existing Conditions and Preliminary Impact Assessment - Oxford Street West/Gideon Drive Environmental Assessment

The following actions be taken with respect to the Cultural Heritage Report, dated February 1, 2022, from Golder Associates Ltd., related to a Schedule 'B' Municipal Class Environmental Assessment for the Oxford Street West and Gideon Drive Intersection Improvements:

- a) the properties located at 80 Gideon Drive, 14 Gideon Drive and 2085 Oxford Street West, BE REFERRED to the Stewardship Sub-Committee for the consideration of a recommendation to list the properties on the Register of Cultural Heritage Resources; and,
- b) the above-noted Cultural Heritage Report, BE RECEIVED.

5.4 Request to Remove Property from the Register of Cultural Heritage Resources by Auburn Developments Inc. for the property located at 2631 Hyde Park Road/1521 Sunningdale Road West

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the property located at 2361 Hyde Park Road/1521 Sunningdale Road West BE REMOVED from the Register of Cultural Heritage Resources.

5.5 Heritage Planners' Report

That it BE NOTED that the Heritage Planners' Report, dated February 9, 2022, from the Heritage Planners, was received.

6. Adjournment

The meeting adjourned at 7:36 PM.