

# Agenda Including Addeds

## Planning and Environment Committee

9th Meeting of the Planning and Environment Committee

April 25, 2022, 4:00 PM

Virtual Meeting during the COVID-19 Emergency

Please check the City website for current details of COVID-19 service impacts.

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

Members

Councillors A. Hopkins (Chair), S. Lewis, S. Lehman, S. Turner, S. Hillier, Mayor E. Holder

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## 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:** Removal of Holding Provisions on the Submission of Sifton  
Properties Limited for 1300 Riverbend Road  
**Date:** April 25, 2022

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Sifton Properties Limited relating to the property located at 1300 Riverbend Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting May 3, 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 Business District Commercial BDC (h\*h-206\*BDC(31)) Zone, **TO** a Business District Commercial BDC (BDC(31)) Zone to remove the "h" and "h-206" 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-206" holding provision so that the development of an entertainment pavilion and associated green space can proceed in compliance with the Zoning By-law.

### Rationale of the Recommended Action

1. The conditions for removing the "h" have been met and the recommended amendment will allow an entertainment pavilion and associated green space to be developed in compliance with the Zoning By-law.
2. A Site Plan has been approved and a Development Agreement has been entered into to ensure that the West Five Urban Design Guidelines have been met, satisfying the conditions for the "h-206" holding provision.

## 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 21, 2001** – Approval of the Riverbend Community Plan

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**March 31, 2022** – Report to Committee of Adjustment regarding requests for front yard, exterior side yard and building height variances (A.030/22).

## **1.2 Planning History**

The subject lands are within the Riverbend Community Planning Area, which identified the lands as Community Shopping Area (CSA). Sifton Properties Limited submitted a Zoning By-law Amendment Application for the lands bounded by Lumen Drive, Riverbend Road, Oxford Street West and Westdel Bourne in 2005 to delete the Rural Holding (A2) Zone from a portion of the subject lands and apply the Holding Community Shopping Area (h\*h-25\*CSA5) Zone and Open Space (OS(3)) Zones. This request was passed by Council on May 2, 2005.

In 2014, Sifton Properties Limited submitted a Draft Plan of Subdivision and a combined Official Plan and Zoning By-law Amendment that would permit the development of a mixed-use community consisting of commercial, office, and medium and high-density residential uses. The lands included in this application are approximately 30 hectares and were bounded by Oxford Street West, Westdel Bourne, Shore Road and Kains Road. The long-term development plans for these lands are known as “West Five”, which are planned as a sustainable, mixed-use community providing a range of office, retail, residential and public uses and is promoted as a model of “smart” community design through the incorporation of renewable energy technologies and initiatives. Draft Approval was granted on January 8<sup>th</sup>, 2016, subject to conditions, and Subdivision Agreements have been registered for all three (3) phases.

While the review process for the subdivision application was under way, Municipal Council adopted an amendment to the Zoning By-law on June 10, 2015, to remove the holding provisions to allow for the development of three (3) storey mixed-use buildings for the new head offices for Sifton Properties Limited and two additional building floor plates for development that would be compliant with the CSA(5) Zone.

The Official Plan and Zoning By-law Amendments submitted with the Draft Plan of Subdivision were adopted by Council and included specific-area policies to guide the development of the “West Five” Community. During this process, the CSA5 zone was amended to the Business District Commercial Special Provision BDC(31) Zone to reflect the specific area-policies and community visions. The adoption of the “h” and “h-206” in the zoning implement urban design guidelines prepared and approved by Council.

A minor variance application was brought forward to the Committee of Adjustment on March 31, 2022, requesting the following variances:

- To permit a front yard setback of 73.9m whereas 8.0m is the maximum permitted;
- To permit a north exterior side yard setback of 75.9m whereas 8.0m is the maximum permitted;
- To permit a west exterior side yard setback of 19.2m whereas 8.0m is the maximum permitted; and,
- To permit a building height of 4.2m whereas 8.0m is the minimum required.

Site Plan Consultation took place on August 24, 2021, and an application for Site Plan Approval was submitted on December 14, 2021. This application for Removal of the “h” and “h-206” was received on December 1, 2021, accepted as complete on December 7, 2021, and processed concurrently with the application for Site Plan Approval.

### **1.3 Property Description**

The subject lands are located in the northeast quadrant of the City in the West Five Community, and are generally located north of Oxford Street West and east of Westdel Bourne. The Plan of Subdivision was registered on April 19<sup>th</sup>, 2018, and the lands are part of Block 3 on registered plan 33M-743. The subject lands are approximately 1.87 hectares in size and are currently vacant. Removal of the holding provisions would permit the development of an entertainment pavilion and associated open space.

### **1.4 Current Planning Information**

- The *London Plan* Place Type – Neighbourhoods
- (1989) *Official Plan* Designation – Community Commercial Node and Multi-Family, High Density Residential
- Existing Zoning – h\*h-206\*BDC(31)

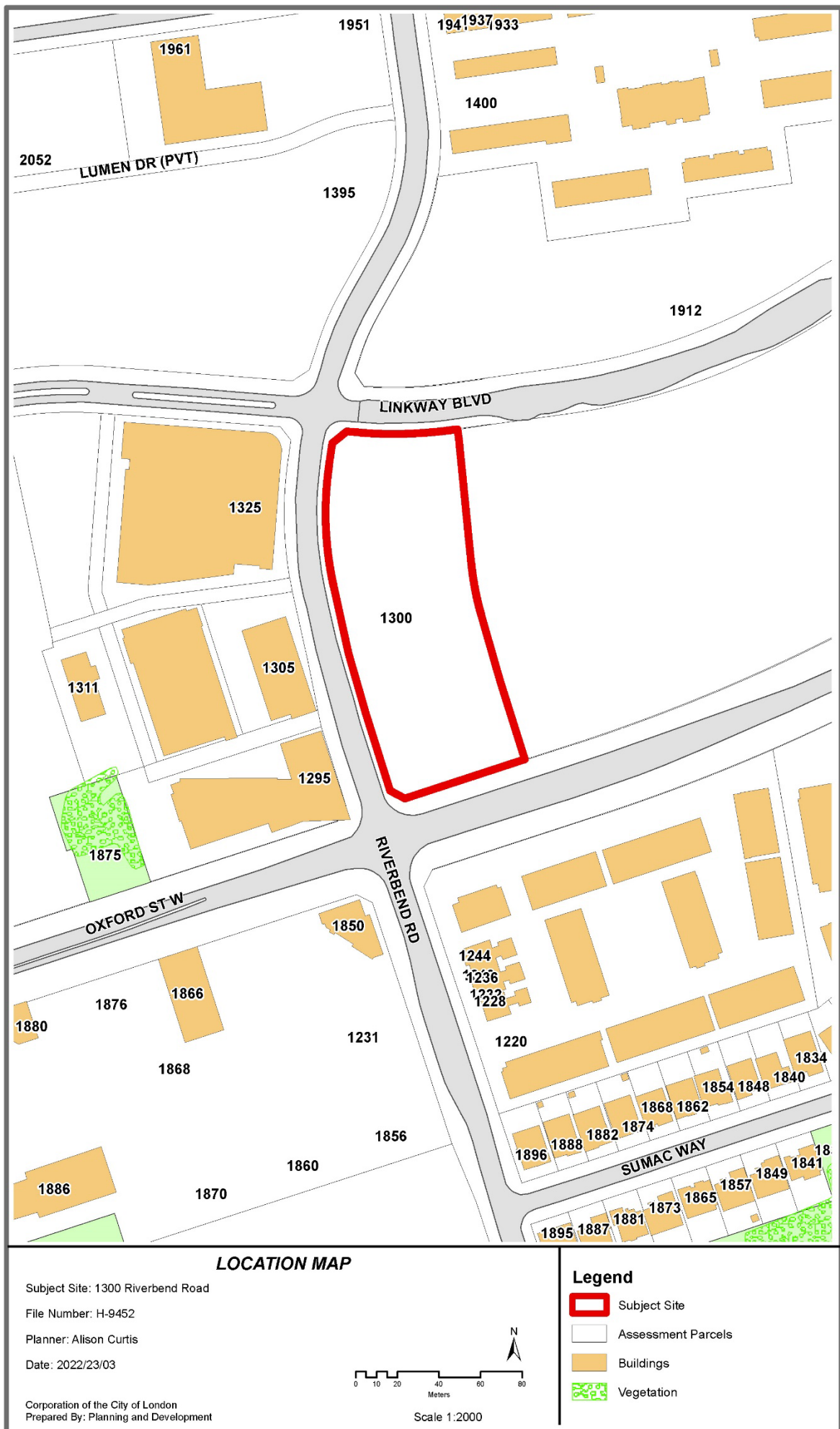
### **1.5 Site Characteristics**

- Current Land Use – vacant
- Frontage – 45.27 meters
- Depth – varies
- Area – 0.89 hectares
- Shape – Rectangular

### **1.6 Surrounding Land Uses**

- North – Medium and high density residential
- East – Medium and high density residential
- South – Low and high density residential
- West – Community commercial node, mixed-use apartment buildings

## 1.7 Location Map



## 2.0 Discussion and Considerations

The purpose of this amendment application is to remove the “h” and “h-206” holding provisions from the subject lands. The purpose of the “h” provision is to ensure the orderly development of lands and adequate provision of municipal services. This 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. Holding Provision “h-206” shall not be removed until there is an approved site plan, and a development agreement has been entered into to ensure the development is in keeping with the design principles identified in the West Five Urban Design Guidelines.

### 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 April 7, 2022.
- Notice of Intent to Remove Holding Provisions was circulated to the relevant internal and external agencies on **Month Day**, 2022.

**There was no response from the public.**

### 2.2 Policy Context

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 Agreement has been executed. This satisfies the requirements for the removal of the “h” holding provision.

## **h-206 Holding Provision**

The h-206 Holding Provision states that:

*“h-206 Purpose: To ensure that urban design objectives established through the subdivision review process are being met, a site plan shall be approved and a development agreement shall be entered into which ensures that future development of the lands is in keeping with the design principles and concepts identified in the West Five Urban Design Guidelines, and subject to further refinement through the subdivision Design Studies and/or Site Plan Approval process, to the satisfaction of the City of London prior to the removal of the h-206 symbol. Permitted Interim Uses: Existing Uses (Z.-1-162444)”*

The Site Plan Approval application has been approved and a Development Agreement has been entered into which will ensure that the design objectives established through the subdivision review process have been met. This satisfies the requirements for the removal of the “h-206” holding provision.

## **Conclusion**

It is appropriate to remove the “h” and “h-206” holding provisions from the subject lands at this time as a development agreement has been executed, the required securities have been received, and the urban design concepts identified in the West Five Urban Design Guidelines have been met.

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

**Reviewed by:** Bruce Page,  
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)

GB/BP/AC/ac

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2021\H-9452 - 1300 Riverbend Road (AC)



## 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 1300 Riverbend road

WHEREAS Sifton Properties Limited have applied to remove the holding provision from the zoning for the lands located at 1300 Riverbend 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 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 1300 Riverbend Road, as shown on the attached map, to remove the h and h-206 holding provisions so that the zoning of the lands as a Business District BDC (BDC(31)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

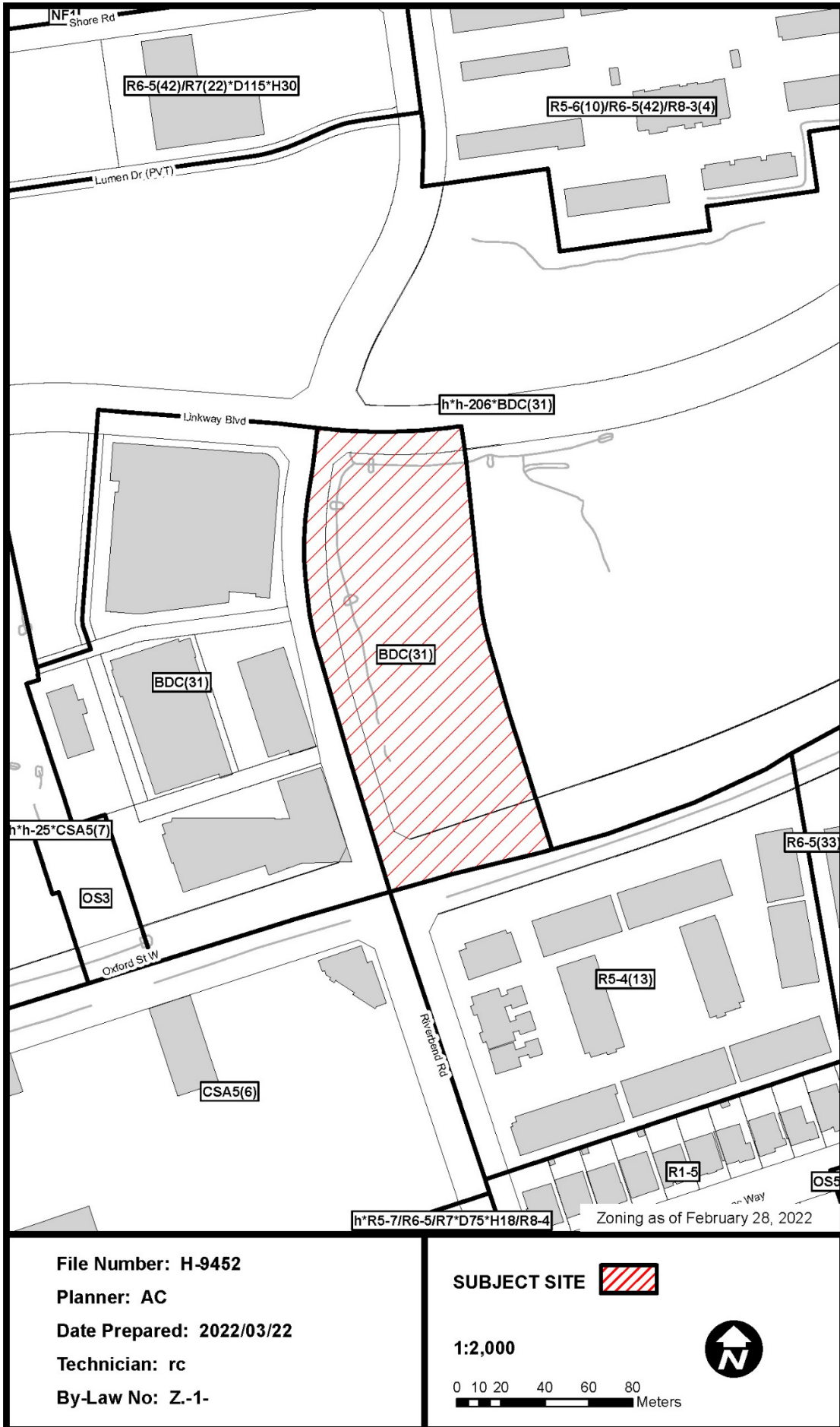
PASSED in Open Council on May 3, 2022

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading - May 3, 2022  
Second Reading – May 3, 2022  
Third Reading - May 3, 2022

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



Geodatabase

## Appendix B – Consultation

### Community Engagement

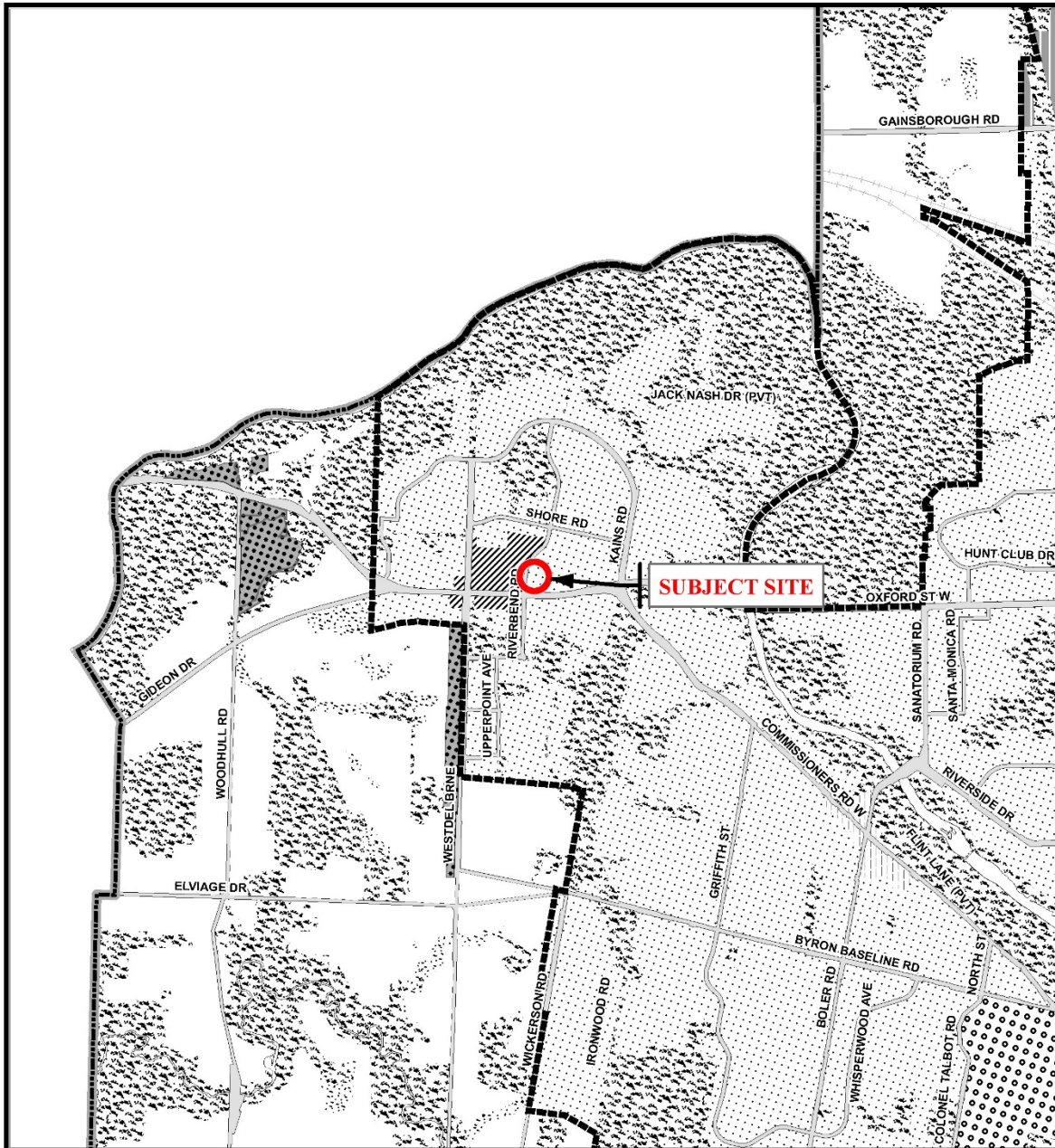
**Public Liaison:** Notice of the Intent to Remove Holding Provisions was published in the Londoner on April 7, 2022, and notice of the application were circulated to the relevant internal and external agencies.

**No replies were received.**

**Londoner Notice:** City Council intends to consider removing the h and h-206 holding provisions from the subject lands to allow for the development of an entertainment pavilion and associated open space. 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. Holding Provision “h-206” shall not be removed until there is an approved site plan, and a development agreement has be entered into to ensure the development is in keeping with the design principles identified in the West Five Urban Design Guidelines. Council will consider removing the holding provisions as they apply to these lands no earlier than April 25, 2022. *\*For the lands under consideration, a separate application for Site Plan Approval – Application File No. SPA21-114 – has been submitted by Sifton Properties Limited.*  
File: H-9452 Planner: A. Curtis x.4497

# Appendix C: 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



Scale 1:30,000



File Number: H-9452

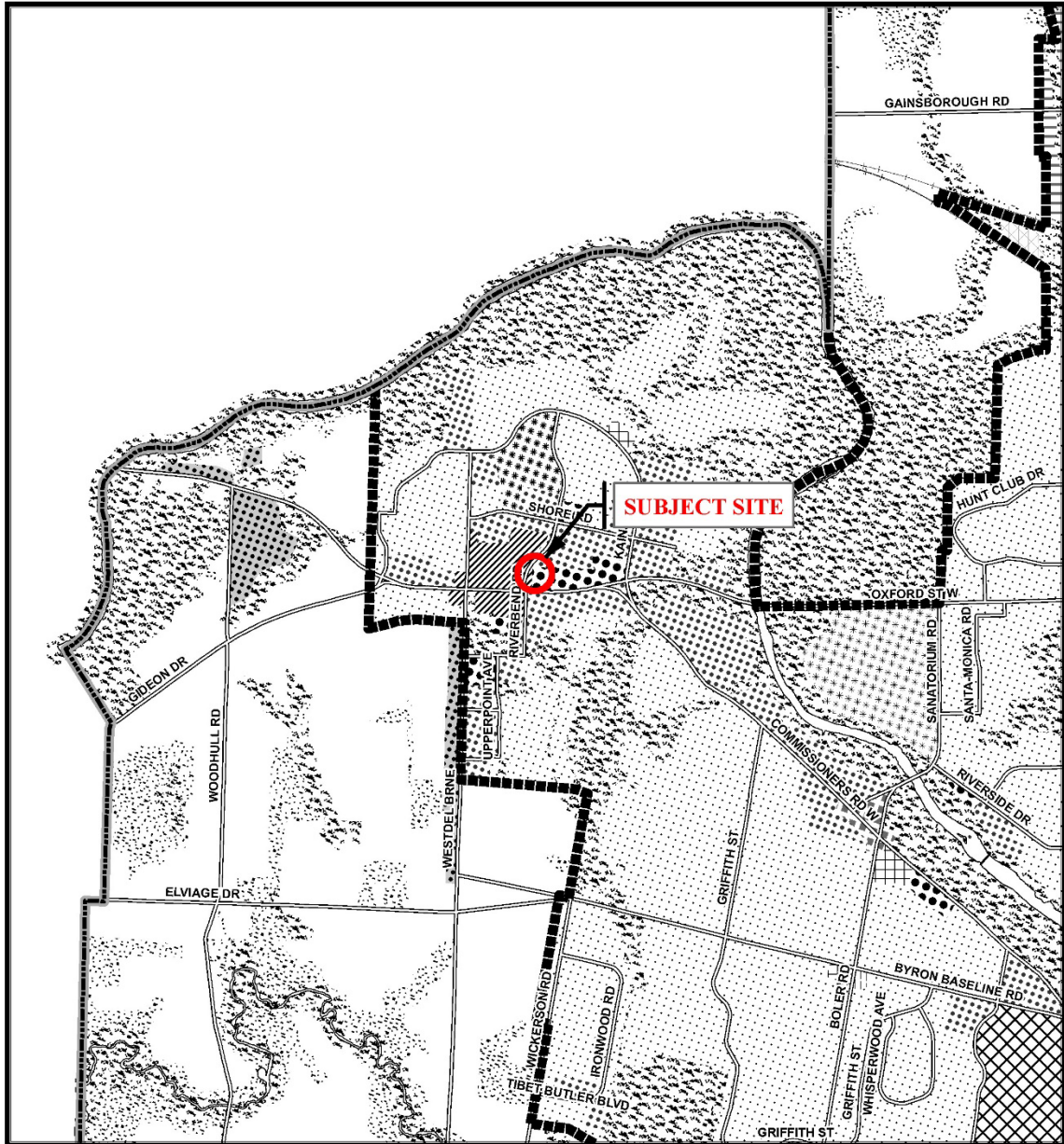
Planner: AC

Technician: RC

Date: March 23, 2022

Project Location: E:\Planning\Projects\p\_officialplan\workconsol\00\excerpts\_LondonPlan\mxd\H-9452-Map1-Place Types.mxd

# 1989 Official Plan Excerpt

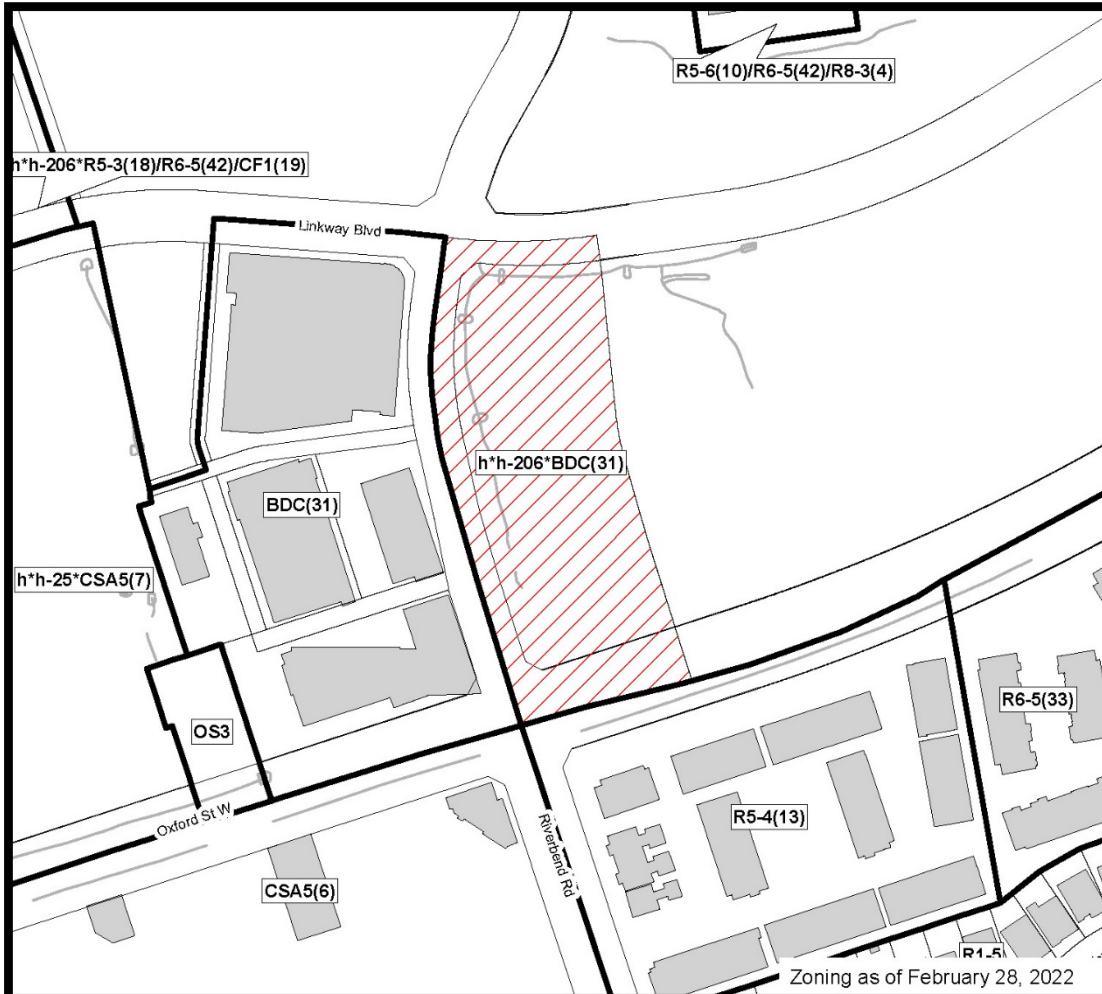


Legend					
	Downtown		Multi-Family, Medium Density Residential		Office Business Park
	Wonderland Road Community Enterprise Corridor		Low Density Residential		General Industrial
	Enclosed Regional Commercial Node		Office Area		Light Industrial
	New Format Regional Commercial Node		Office/Residential		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><b>CITY OF LONDON</b></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>Meters</p>	<p>FILE NUMBER: H-9452</p>
		<p>PLANNER: AC</p> <p>TECHNICIAN: RC</p> <p>DATE: 2022/03/23</p>

PROJECT LOCATION: e:\planning\projects\p\_officialplanwork\consol\00\excerpts\mxd\_templates\scheduleA\_b&w\_8x14\_with\_SWAP.mxd

# Zoning By-law Excerpt



## COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

R1 - SINGLE DETACHED DWELLINGS  
 R2 - SINGLE AND TWO UNIT DWELLINGS  
 R3 - SINGLE TO FOUR UNIT DWELLINGS  
 R4 - STREET TOWNHOUSE  
 R5 - CLUSTER TOWNHOUSE  
 R6 - CLUSTER HOUSING ALL FORMS  
 R7 - 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

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-9452

AC

MAP PREPARED:

2022/03/23

rc

1:2,500

0 12.525 50 75 100 Meters

## Report to Planning and Environment Committee

**To:** Chair and Members  
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**From:** Scott Mathers, MPA, P.Eng.,  
Deputy City Manager, Planning and Economic Development  
**Subject:** Removal of Holding Provisions on the Submission of Sifton  
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### **1.4 Current Planning Information**

- The *London Plan* Place Type – Neighbourhoods
- (1989) *Official Plan* Designation – Community Commercial Node and Multi-Family, High Density Residential
- Existing Zoning – h\*h-206\*BDC(31)

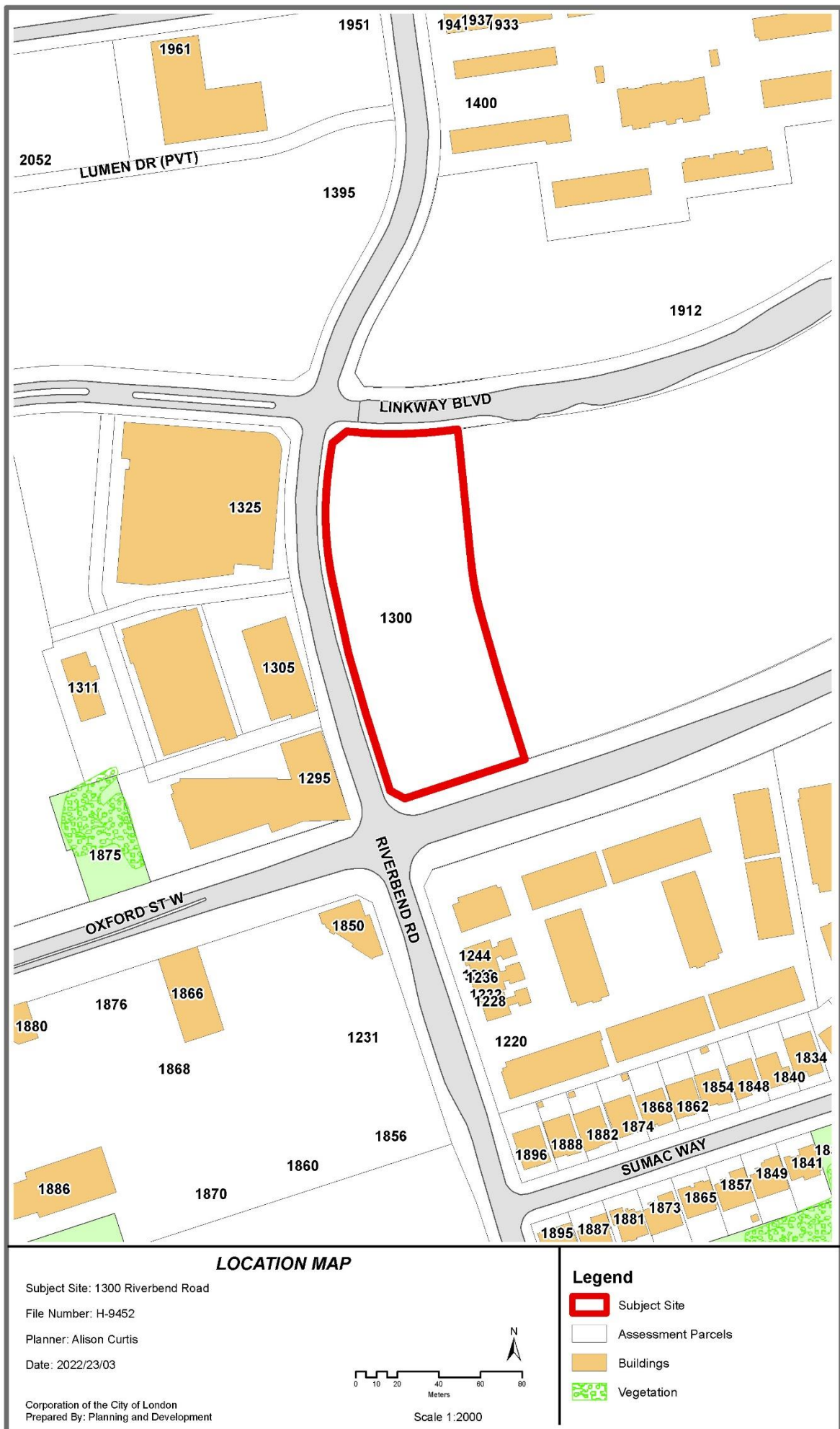
### **1.5 Site Characteristics**

- Current Land Use – vacant
- Frontage – 45.27 meters
- Depth – varies
- Area – 0.89 hectares
- Shape – Rectangular

### **1.6 Surrounding Land Uses**

- North – Medium and high density residential
- East – Medium and high density residential
- South – Low and high density residential
- West – Community commercial node, mixed-use apartment buildings

## 1.7 Location Map



## 2.0 Discussion and Considerations

The purpose of this amendment application is to remove the “h” and “h-206” holding provisions from the subject lands. The purpose of the “h” provision is to ensure the orderly development of lands and adequate provision of municipal services. This 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. Holding Provision “h-206” shall not be removed until there is an approved site plan, and a development agreement has been entered into to ensure the development is in keeping with the design principles identified in the West Five Urban Design Guidelines.

### 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 April 7, 2022.
- Notice of Intent to Remove Holding Provisions was circulated to the relevant internal and external agencies on April 7, 2022.

There was no response from the public.

### 2.2 Policy Context

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 Agreement has been executed. This satisfies the requirements for the removal of the “h” holding provision.

## **h-206 Holding Provision**

The h-206 Holding Provision states that:

*“h-206 Purpose: To ensure that urban design objectives established through the subdivision review process are being met, a site plan shall be approved and a development agreement shall be entered into which ensures that future development of the lands is in keeping with the design principles and concepts identified in the West Five Urban Design Guidelines, and subject to further refinement through the subdivision Design Studies and/or Site Plan Approval process, to the satisfaction of the City of London prior to the removal of the h-206 symbol. Permitted Interim Uses: Existing Uses (Z.-1-162444)”*

The Site Plan Approval application has been approved and a Development Agreement has been entered into which will ensure that the design objectives established through the subdivision review process have been met. This satisfies the requirements for the removal of the “h-206” holding provision.

## **Conclusion**

It is appropriate to remove the “h” and “h-206” holding provisions from the subject lands at this time as a development agreement has been executed, the required securities have been received, and the urban design concepts identified in the West Five Urban Design Guidelines have been met.

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

**Reviewed by:** Bruce Page,  
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)

GB/BP/AC/ac

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2021\H-9452 - 1300 Riverbend Road (AC)

## 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 1300 Riverbend road

WHEREAS Sifton Properties Limited have applied to remove the holding provision from the zoning for the lands located at 1300 Riverbend 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 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 1300 Riverbend Road, as shown on the attached map, to remove the h and h-206 holding provisions so that the zoning of the lands as a Business District BDC (BDC(31)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on May 3, 2022

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading - May 3, 2022  
Second Reading – May 3, 2022  
Third Reading - May 3, 2022

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



File Number: H-9452  
 Planner: AC  
 Date Prepared: 2022/03/22  
 Technician: rc  
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,000

0 10 20 40 60 80 Meters



Geodatabase

## Appendix B – Consultation

### Community Engagement

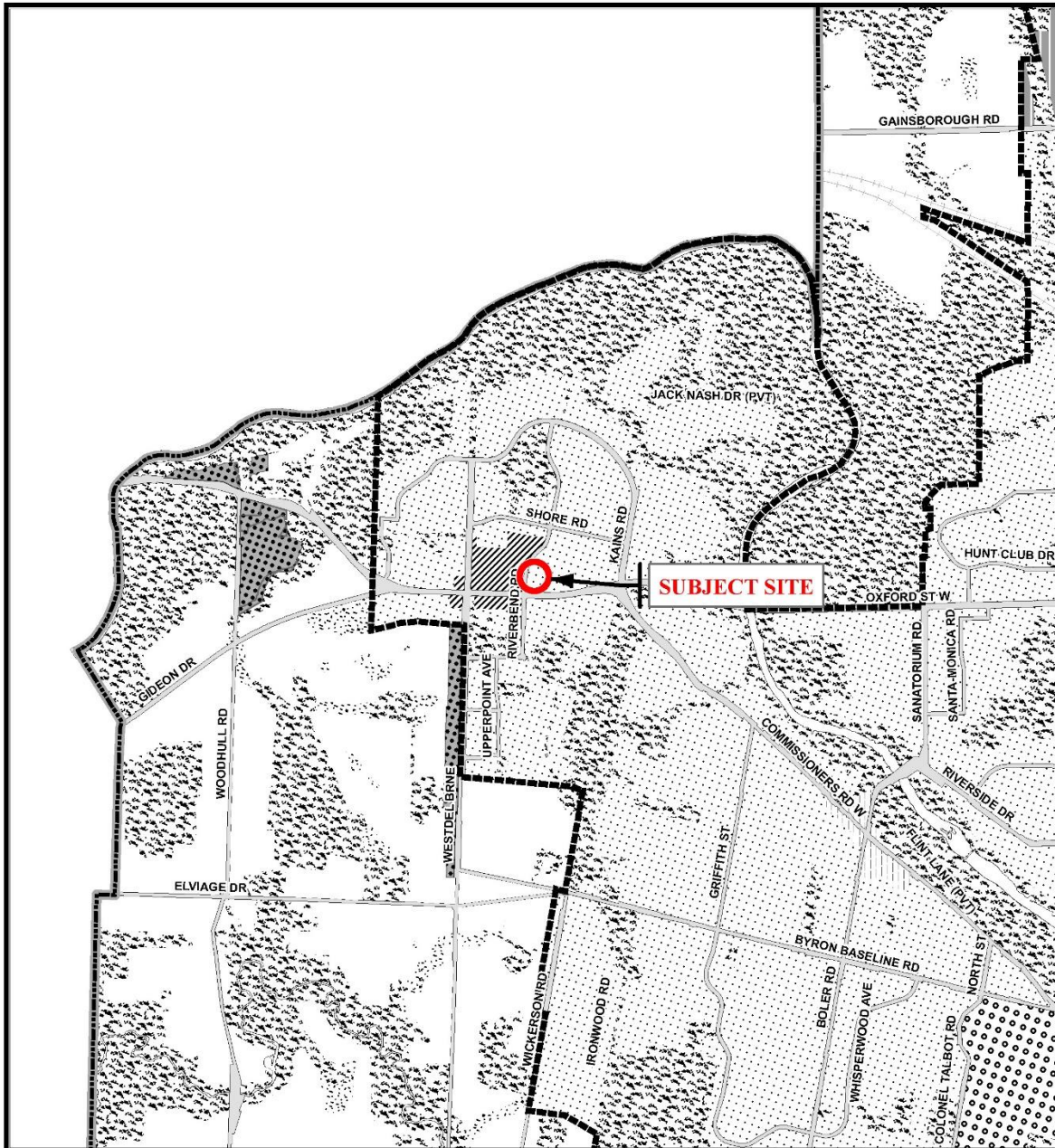
**Public Liaison:** Notice of the Intent to Remove Holding Provisions was published in the Londoner on April 7, 2022, and notice of the application were circulated to the relevant internal and external agencies.

No replies were received.

**Londoner Notice:** City Council intends to consider removing the h and h-206 holding provisions from the subject lands to allow for the development of an entertainment pavilion and associated open space. 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. Holding Provision “h-206” shall not be removed until there is an approved site plan, and a development agreement has been entered into to ensure the development is in keeping with the design principles identified in the West Five Urban Design Guidelines. Council will consider removing the holding provisions as they apply to these lands no earlier than April 25, 2022. *\*For the lands under consideration, a separate application for Site Plan Approval – Application File No. SPA21-114 – has been submitted by Sifton Properties Limited.*  
File: H-9452 Planner: A. Curtis x.4497

# Appendix C: 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

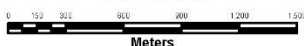
Planning Services /  
Development Services

### LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



Scale 1:30,000



**File Number:** H-9452

**Planner:** AC

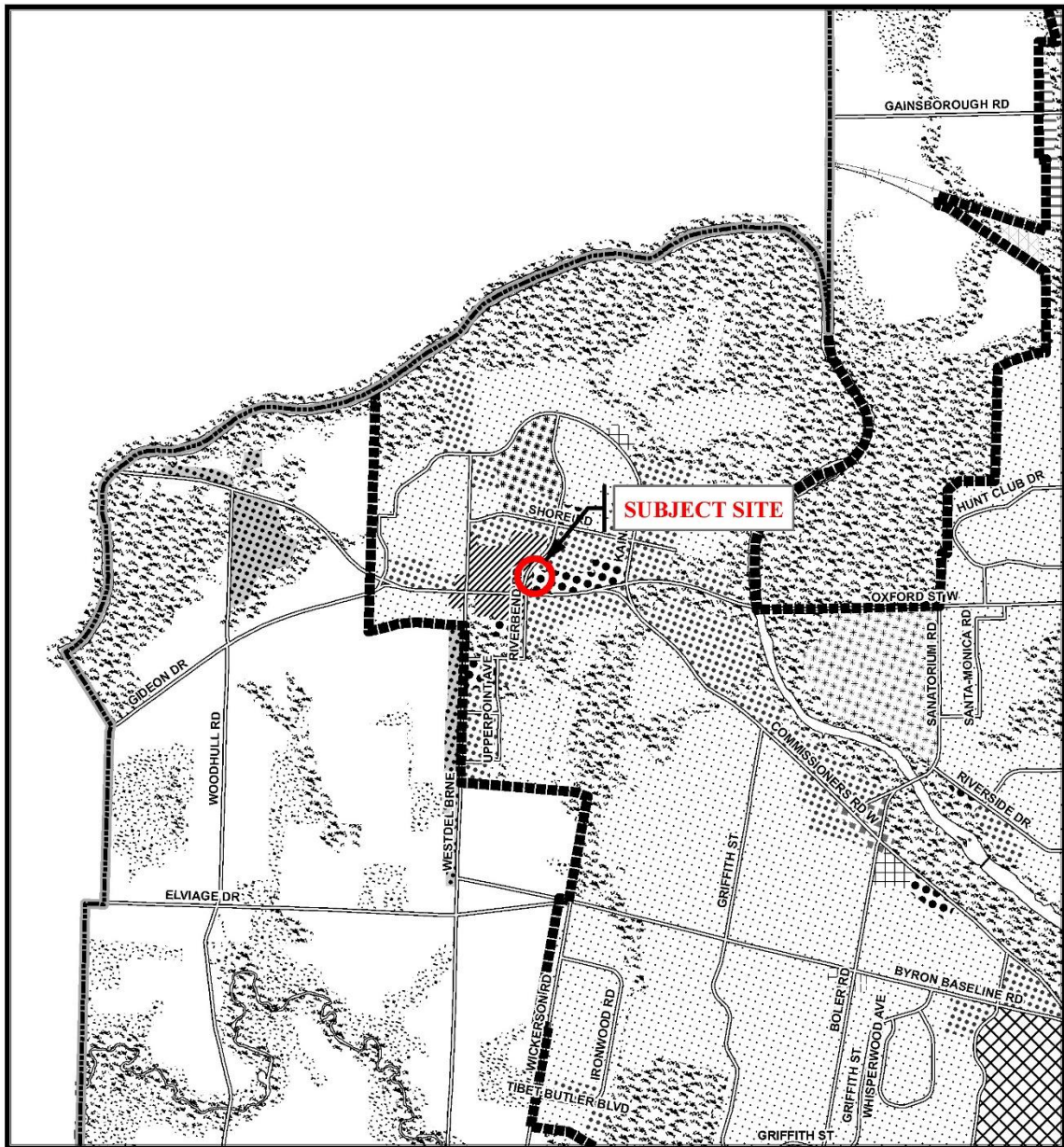
**Technician:** RC

**Date:** March 23, 2022

Project Location: E:\Planning\Projects\p\_officialplan\workconsol\00\excerpts\_LondonPlan\mxd\H-9452-Map1-PlaceTypes.mxd



# 1989 Official Plan Excerpt

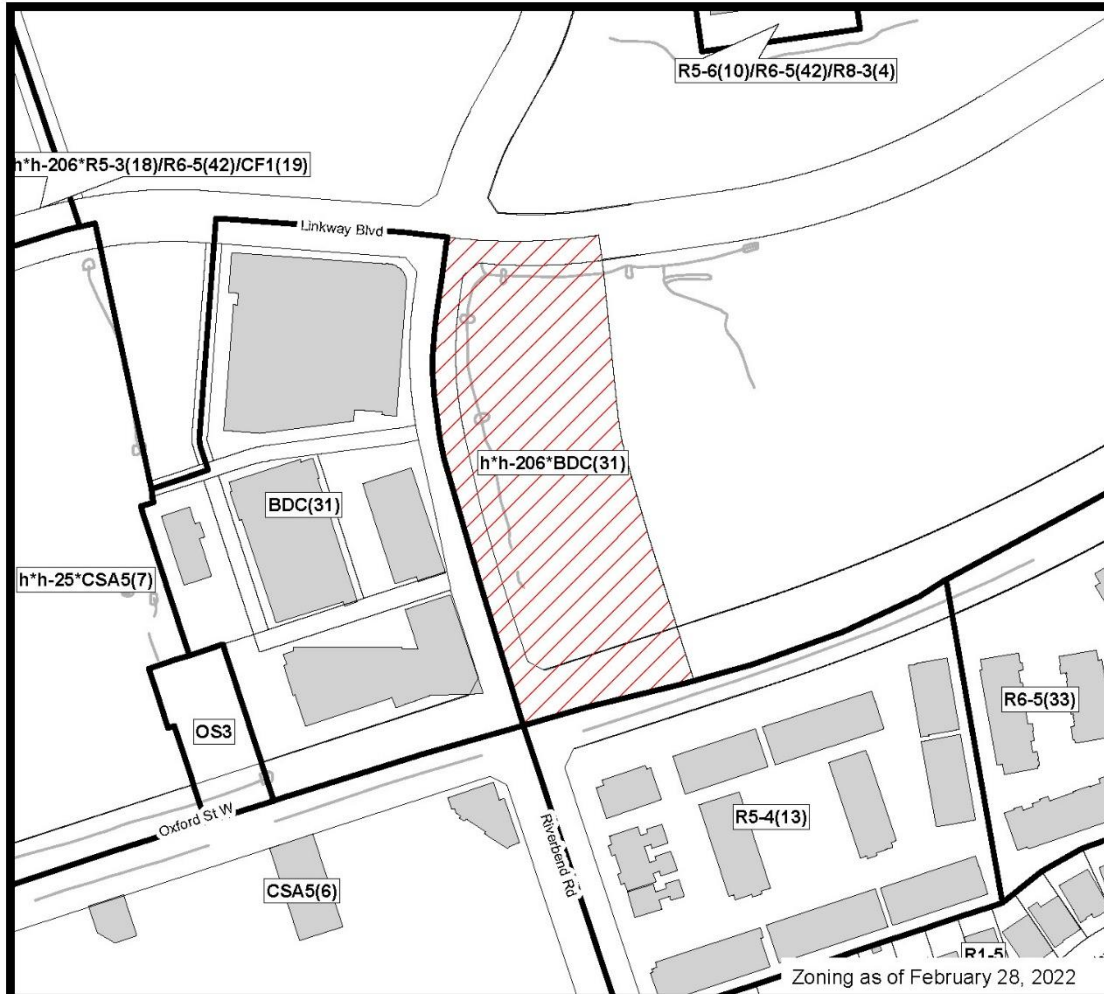


Legend					
	Downtown		Multi-Family, Medium Density Residential		Office Business Park
	Wonderland Road Community Enterprise Corridor		Low Density Residential		General Industrial
	Enclosed Regional Commercial Node		Office Area		Light Industrial
	New Format Regional Commercial Node		Office/Residential		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><b>CITY OF LONDON</b>                  Planning Services /                  Development Services                  OFFICIAL PLAN SCHEDULE A                  - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	FILE NUMBER: H-9452
		PLANNER: AC TECHNICIAN: RC DATE: 2022/03/23

PROJECT LOCATION: e:\planning\projects\p\_officialplanwork\consolid00\excerpts\mxd\_templates\scheduleA\_b&w\_8x14\_with\_SWAP.mxd

# Zoning By-law Excerpt



## COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

R1 - SINGLE DETACHED DWELLINGS  
 R2 - SINGLE AND TWO UNIT DWELLINGS  
 R3 - SINGLE TO FOUR UNIT DWELLINGS  
 R4 - STREET TOWNHOUSE  
 R5 - CLUSTER TOWNHOUSE  
 R6 - CLUSTER HOUSING ALL FORMS  
 R7 - 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

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-9452

AC

MAP PREPARED:

2022/03/23

rc

1:2,500

0 12.525 50 75 100 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:** Audit and Accountability Fund – Intake 3:  
Continuous Improvement of Development Approvals -  
Single Source Award for the Site Plan Resubmission  
Process Review

**Meeting on:** April 25, 2022

## Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following report **BE RECEIVED** for information.

## Executive Summary

The City of London processes approximately 130 Site Plan applications yearly for approval. Follow-up review by the City ranges up to five, or more times, for an approximate total of 160 resubmissions in addition to the total number of applications received each year. The additional resubmissions result in delays to obtain a development agreement and ultimately a building permit to commence construction. The number of resubmissions may also have a direct impact on the front end of the review process where Site Plan staff are expected to balance the workload and manage priority deadlines. Inefficiencies of the resubmission process is a burden to the developer, the City and the end user given the amount of rework involved. There is also an added cost to the developer with each submission. Undertaking this process review will allow us to identify and address deficiencies within the process, helping us to improve the overall site plan application and resubmission process to the benefit of both the development community and our internal stakeholders.

## Linkage to the Corporate Strategic Plan

Council's 2019 to 2023 Strategic Plan for the City of London identifies "Leading in Public Service" as a strategic area of focus. This includes increasing the efficiency and effectiveness of service delivery by conducting targeted service reviews and promoting and strengthening continuous improvement practices.

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

**February 15, 2022** - Overview of the new Streamlining Development Approvals fund and seeking direction to enter into the Ontario Transfer Payment Agreement between Her Majesty the Queen in Right of Ontario as represented by the Minister of Municipal Affairs and Housing (the "Province") and The Corporation of the City of London (the "Recipient").

#### 1.2 Streamlining Development Approvals

On February 7, 2022, London received the Transfer Payment Agreement and high-level

program guidelines for this program. The agreement has been executed. Eligible expenses financed through this funding must be incurred between January 19, 2022, and February 28, 2023, the project completion date. The final report on the use of this funding is due February 28, 2023, and must include a publicly posted staff report.

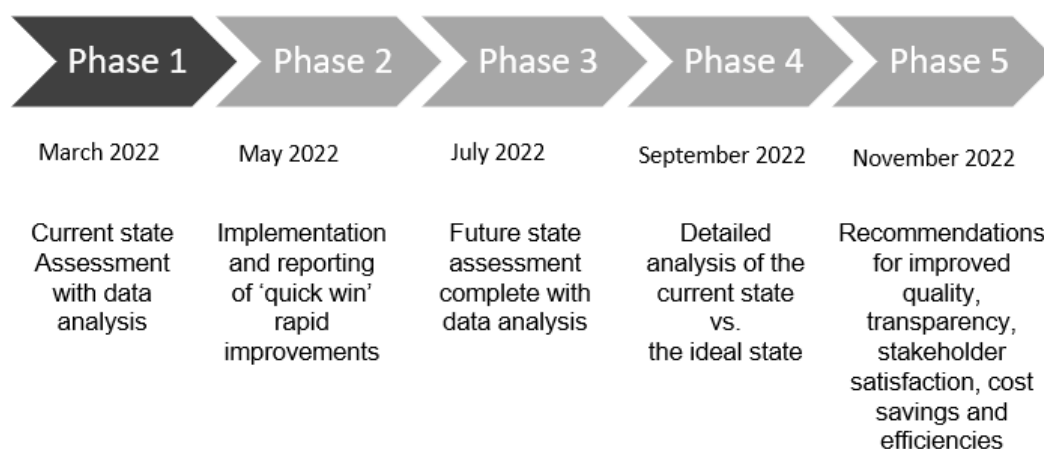
The Site Plan Resubmission Process Review project is being undertaken in coordination with the Streamline Development Approval Fund granted to the City by the Province of Ontario in an effort to align associated Planning and Development’s process reviews and ensure the processes are integrated, where deemed appropriate. The City of London is eligible to receive up to \$1,750,000 through the Streamline Development Approval Fund to implement streamlining development approval initiatives such as e-permitting systems, temporary staff (including interns) to address backlogs, online application portals, and other projects aimed at unlocking housing supply.

## 2.0 Discussion and Considerations

### 2.1 Project Overview

The projects key milestones include:

- 1) Current state Assessment with Data Analysis
- 2) Implementation and reporting of ‘quick win’ Rapid Improvements within the Site Plan Approval Process
- 3) Future State Assessment Complete with Data Analysis
- 4) Detailed Analysis of the Current State versus the Ideal State
- 5) Final Report out the provides Specific and Actionable Recommendations for Improved Quality, Transparency, Stakeholder Satisfaction Cost Savings and Efficiencies, including a Summary of Actions Undertaken.



### 2.2 Project Update

The project is on target based on the identified milestones for the scope of project review. Validation and updates to the current state of the Site Plan process has been completed as well as an analysis of application workload and performance in turnaround times of previous years.

The current state assessment has also been completed on the Official Plan and Zoning By-law amendment (OPA/ZBA) application processes. The intent of this part of the review is to evaluate the earlier stages of the planning process, before Site Plan review, for identification of potential opportunities between the OPA/ZBA and Site Plan stages of review that better aligns and integrates the two processes.

Preliminary results of the current state assessment have identified opportunities at pre-application consultation completed under the OPA/ZBA application review may ultimately reduce the number of Site Plan resubmissions. The quality of application package at the consultation stage that is intended to inform the conversation in the early stages of the planning process has also been identified as a potential opportunity to streamline the

application review process.

### 3.0 Financial Impact/Considerations

There is no financial impact to the City of London of the award the consulting services for this project. This project will be 100% funded by the Province of Ontario through the \$305,280 (including HST) granted through the Audit and Accountability (Intake 3) Fund.

## Conclusion

The demands for quality submissions throughout the planning review process and increased pressures on turnaround times have never been greater. The expectations and needs of our community demand this. This project provides the City with an opportunity to assess the changing landscape of Provincial and Municipal regulations and guidelines and our ability to meet and exceed expectations and timelines. Through engagement with the Development community and other internal and external stakeholders, a goal is to improve service delivery timelines, while continuing to provide Londoners with great neighbourhoods and places and spaces that are well designed and function sustainably, effectively, and are safe for all Londoners.

**Prepared by:** Mike Norman  
Manager, Continuous Improvement

**Reviewed by:** Heather McNeely  
Manager, Current Development

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

**Submitted by:** Scott Mathers, MPA, 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: Mike Pease, Manager, Site Plans

April 14, 2022

## 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:** Single Source Procurement of Consultant for an update to the  
Site Plan Control By-Law and Manual  
**Date:** April 25, 2022

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions **BE TAKEN** with respect to the award of contracts through Single Source procurement requiring Committee and City Council approval for awards greater than \$50,000:

- A. A Single Source Procurement in accordance with section 14.4(e) of the Procurement of Goods and Services Policy **BE AWARDED** to SvN Architects + Planners in collaboration with HDR to conduct consulting services for the City of London to update the Site Plan Control By-law and Manual at a cost of up to \$153,235.00 (excluding HST).
- B. The financing for this project **BE APPROVED** as set out in the Sources of Financing Report attached, hereto, as Appendix 'A'

## Executive Summary

The Site Plan Control By-law (SPCB) was created to designate a site plan control area and to delegate Council's power under Section 41 of the *Planning Act*. The whole of the City of London is designated as a site plan control area. The SPCB is intended to guide and shape development within the City and as a tool to guide both development applications and the development review process.

Provisions have been identified in the current SPCB that are outdated and no longer in conformity with site and building design policies of The London Plan. Undertaking this update to the SPCB will allow the project team to identify and address such inefficiencies, implement measures for high quality development, and to improve the overall development application process. The update to the SPCB is intended to benefit public stakeholders, including the development community and applicants, as well as internal stakeholders that will be implementing the SPCB.

## Linkage to the Corporate Strategic Plan

Council's 2019 to 2023 Strategic Plan for the City of London identifies "Leading in Public Service" as a strategic area of focus. This includes increasing the efficiency and effectiveness of service delivery by conducting targeted service reviews and promoting and strengthening continuous improvement practices.

### The London Plan and ReThink Zoning

The update to the SPCB and Manual will review and incorporate policies from The London Plan and specifically the City Building Policies to ensure the SPCB and Manual better align with The London Plan policies. Certain site matters that may be better implemented through the Zoning By-law will also be identified for consideration through the ReThink Zoning project.

### Other City Documents

The following documents will be reviewed to ensure that they are not conflicting with the SPCB and incorporate any modifications or new regulations/guidelines to the update:

- (a) Design Specifications and Requirements Manual
- (b) Climate Emergency Action Plan
- (c) Draft Urban Design Guidelines
- (d) Other applicable City documents as may be identified

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

**February 15, 2022** - Overview of the new Streamline Development Approval Fund and seeking direction to enter into the Ontario Transfer Payment Agreement between Her Majesty the Queen in Right of Ontario as represented by the Minister of Municipal Affairs and Housing (the “Province”) and The Corporation of the City of London (the “Recipient”).

#### 1.2 Streamline Development Approval Fund

In January 2022, the Province of Ontario held an Ontario Housing Affordability Summit. On January 19, 2022, the Province of Ontario announced an investment of \$45 million in a new Streamline Development Approval Fund to help Ontario’s 39 largest municipalities implement actions to unlock housing supply by streamlining, digitizing, and modernizing their approach to managing and approving applications for residential developments. The fund can also be used to support diversity internship programs within planning and building departments.

The City of London is eligible to receive up to \$1,750,000 through the Streamline Development Approval Fund to implement streamlining development approval initiatives such as e-permitting systems, temporary staff (including interns) to address backlogs, online application portals, and other projects aimed at unlocking housing supply.

On February 7, 2022, London received the Transfer Payment Agreement and high-level program guidelines for this program. The agreement has been executed. Eligible expenses financed through this funding must be incurred between January 19, 2022, and February 28, 2023, the project completion date. Municipalities are required to provide details of their project(s) in an interim report due April 22, 2022. The final report on the use of this funding is due February 28, 2023 and must include a publicly posted staff report.

### 2.0 Discussion and Considerations

#### 2.1 Overview of the Project

The purpose of updating the Site Plan Control By-law is to provide a current document that better represents The London Plan and assists with the submission and review of development applications. The objectives of updating the Site Plan Control By-law include:

- Ensure the SPCB is up to date and aligns with current guidelines, regulations, and best practices.
- Incorporate the policies of The London Plan, particularly the City Building Policies which influence site design and development.
- Provide information that assists with development application process.

The document can be utilized by the development community, members of the public, and various City departments in the submission and review of development proposals. The update will help to streamline the development review process and incorporate policies of The London Plan and other applicable City documents. It will also set better expectations for the development community to ensure appropriate development proposals. The new SPCB will incorporate both regulatory and guideline or performance-based standards for site development.

A Project Resource Team will be available consisting of City staff and commenting agencies including, but not limited to, the following areas of expertise: development planning, landscape architecture, parks planning, engineering, transportation, ecology, heritage, and the conservation authorities.

Consultation on the draft SPCB will occur with the following groups: Building Development Liaison Forum, London Area Planning Consultants, London Society of Architects, London Home Builders' Association, London Development Institute. Possible consultation with City Advisory Committee(s) or other stakeholder groups as identified during the project.

## **2.2 Procurement Process**

Based on the opportunity and the parameters (including deadlines) set out in Streamline Development Approval Fund, Civic Administration is recommending a single source contract award for the proposed consulting engagement, in accordance with the City's Procurement Policy 14.4 (e). The required goods and/or services are to be supplied by a particular supplier(s) having special knowledge, skills, expertise, or experience.

This is based on the following rationale:

- The team assembled by SvN Architects + Planners in collaboration with HDR has qualifications, competencies and expertise conducting and facilitating related continuous improvement process reviews as well as a productive and collaborative rapport with internal stakeholders.
- SvN Architects + Planners in collaboration with HDR possesses a clear understanding of the business requirements and deliverables of this project, which will enable the City to meet the requirements of the Streamline Development Approval Fund, including the project completion deadline of February 2023.

## **3.0 Financial Impact/Considerations**

There is no financial impact to the City of London to award the consulting services for this project. This project will be 100% funded by the Province of Ontario through the \$1,750,000 granted through the Streamline Development Approval Fund.

## **Conclusion**

This report recommends that the City of London enter into a Purchase of Service Agreement with SvN Architects + Planners in collaboration with HDR to provide an update to the Site Plan Control By-law and Manual.

**Prepared by:** **Amanda Lockwood**  
**Urban Designer, Planning & Development**

**Reviewed by:** **Heather McNeely**  
**Manager, Current Development**

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

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

Attach: Appendix A – Source of Financing

cc: Jana Kelemen, Manager, Urban Design and Heritage  
cc: Michael Pease, Manager, Development Planning (Site Plans)



**Appendix "A"**

**#22059**

April 25, 2022  
(Appoint Consultant)

Chair and Members  
Planning and Environment Committee

RE: Single Source Procurement of Consultant  
Update to the Site Plan Control By-law and Manual  
(Subledger NT22GG05)  
Capital Project PD1024 - Streamline Development Approval Fund  
SvN Architects + Planners in collaboration with HDR - \$153,235 (excluding HST)

**Finance Supports Report on the Sources of Financing:**

Finance Supports confirms that the cost of this purchase can be accommodated within the financing available for it in the Capital Budget, and that, subject to the approval of the recommendation of the Deputy City Manager, Planning and Economic Development the detailed source of financing for this purchase is:

<b>Estimated Expenditures</b>	<b>Approved Budget</b>	<b>Committed To Date</b>	<b>This Submission</b>	<b>Balance for Future Work</b>
Consulting	1,750,000	454,104	155,932	1,139,964
<b>Total Expenditures</b>	<b>\$1,750,000</b>	<b>\$454,104</b>	<b>\$155,932</b>	<b>\$1,139,964</b>

**Sources of Financing**

Provincial Grant - Streamline Development Approval Fund	1,750,000	454,104	155,932	1,139,964
<b>Total Financing</b>	<b>\$1,750,000</b>	<b>\$454,104</b>	<b>\$155,932</b>	<b>\$1,139,964</b>

**Financial Note:**

Contract Price	\$153,235
Add: HST @13%	19,921
Total Contract Price Including Taxes	173,156
Less: HST Rebate	-17,224
Net Contract Price	\$155,932

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Alan Dunbar

Manager of Financial Planning & Policy

lp

## 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:** Streamline Development Approval Fund:  
Continuous Improvement of Development Approvals  
Single Source Contract Award  
**Meeting on:** April 25, 2022

## Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following actions be take:

- a) A Single Source Procurement in accordance with section 14.4(e) of the Procurement of Goods and Services Policy **BE AWARDED** to EZSigma Group, 61 Wellington Street East, Aurora, ON, L4G 1H7, to guide the continuous improvement process for the Streamline Development Approval Fund in partnership with the City of London at a cost of up to \$446,250.00 (excluding HST).
- b) the financing for this project **BE APPROVED** as set out in the Sources of Financing Report attached, hereto, as Appendix 'A'

## Executive Summary

In response to the Streamline Development Approval Fund, Planning & Development have outlined a series of Continuous Improvements to streamline the approach to electronic record keeping, filing, data consistency and naming conventions. In the short-term, this will improve customer service delivery times by creating consistent and standardized approaches that all staff use and understand. Over the longer term these initiatives align with the software implementation project (Strategic Business Case #11) intended to track all Planning Act applications from consultation through build-out.

## Linkage to the Corporate Strategic Plan

Council's 2019 to 2023 Strategic Plan for the City of London identifies Leading in Public Service as a strategic area of focus. This includes increasing the efficiency and effectiveness of service delivery by conducting targeted service reviews and promoting and strengthening continuous improvement practices.

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

**February 15, 2022** - Overview of the new Streamline Development Approval Fund and seeking direction to enter into the Ontario Transfer Payment Agreement between Her Majesty the Queen in Right of Ontario as represented by the Minister of Municipal Affairs and Housing (the "Province") and The Corporation of the City of London (the "Recipient").

#### 1.2 Streamlining Development Approvals Fund

In January 2022, the Province of Ontario held an Ontario Housing Affordability Summit. On January 19, 2022, the Province of Ontario announced an investment of \$45 million in a new Streamline Development Approval Fund to help Ontario's 39 largest municipalities implement actions to unlock housing supply by streamlining, digitizing, and modernizing

their approach to managing and approving applications for residential developments. The fund can also be used to support diversity internship programs within planning and building departments.

The City of London is eligible to receive up to \$1,750,000 through the Streamline Development Approval Fund to implement streamlining development approval initiatives such as e-permitting systems, temporary staff (including interns) to address backlogs, online application portals, and other projects aimed at unlocking housing supply.

On February 7, 2022, London received the Transfer Payment Agreement and high-level program guidelines for this program. The agreement has been executed. Eligible expenses financed through this funding must be incurred between January 19, 2022, and February 28, 2023, the project completion date. Municipalities are required to provide details of their project(s) in an interim report due April 22, 2022. The final report on the use of this funding is due February 28, 2023, and must include a publicly posted staff report.

### **1.3 Overview of Projects to the Province**

Throughout the remote work period that started in March 2020, the volume of applications and complexity has increased. In addition to filling out existing vacancies, bringing on resources in focused areas will assist in addressing any backlog in applications. Although the transition to digital application submissions has been quite well received, update to policies, bylaws, operating procedures, and knowledge base articles that support the improved customer service can be looked at more holistically to find opportunities to optimize service delivery.

The list below provides a summary of the projects that have been proposed to the Province:

- Two technology projects focused on buying more licenses for drawing review software and offsetting some costs associated with Strategic Business Case #11.
- One project to hire resources to assist with reviews of historical information associated with street names from an equity and diversity perspective.
- Two standardization and continuous improvement projects focused on untangling 20+ years of organizational structure and creating “one source of truth” for development approval data addressed through this Single Source project.
- Four standardization projects focused on aligning corporate systems and putting historical data “at your fingertips”.
- Five different recruitments focused on reducing any existing backlogs to bring on temporary staff to assist with applications, inspections, etc. Twelve staff positions have been identified in five different jobs.
- Three streamlining projects focused on hiring consultants to update Terms of Reference, bylaws and guidelines.

## **2.0 Discussion and Considerations**

### **2.1 Overview of the Project**

Prior to March 2020, the City’s Strategy and Innovation group has been assisting Planning and Development with reviewing and streamlining development approval processes. To date, the site plan approval process has gone through a deep dive including business reporting and analytics and a series of improvements, with the assistance of the local development industry. The proposed scope of work will take from existing work and expedite the completion of eight of the major Planning Act processes at the same level of detail and develop business analytics to identify performance on a regular basis.

At a high level, the milestones will include:

Define and Measure – engagement with key stakeholders, current state validation, identification of opportunities for improvement.

Analyze – deep dive into the process inputs that are causing challenges on process performance and customer satisfaction.

Improve – Research analysis and implementation of potential solutions for each of the key inputs that are affecting the process output.

## **2.2 Procurement Process**

Based on the opportunity and the parameters (including deadlines) set out in Streamline Development Approval Fund, Civic Administration is recommending a single source contract award for the proposed consulting engagement, in accordance with the City's Procurement Policy 14.4 (e). The required goods and/or services are to be supplied by a particular supplier(s) having special knowledge, skills, expertise, or experience.

This is based on the following rationale:

- The City of London began its continuous improvement journey in 2015 and engaged EZSigma Group to assist in developing internal capacity through Green Belt training and certification and to lay the foundation for a sustainable continuous improvement system. Engaging EZSigma Group will allow the City to leverage the skills, expertise, and experience gained during this foundational work.
- The EZSigma team has demonstrated qualifications, competencies and expertise conducting and facilitating related continuous improvement process reviews as well as a productive and collaborative rapport with internal stakeholders.
- EZSigma possesses a clear understanding of the business requirements and deliverables of this project, which will enable the City to meet the requirements of the Streamline Development Approval Fund, including the project completion deadline of February 2023.

## **3.0 Financial Impact/Considerations**

There is no financial impact to the City of London to award the consulting services for this project. This project will be 100% funded by the Province of Ontario through the \$1,750,000 granted through the Streamline Development Approval Fund.

## **Conclusion**

The project with EZ Sigma will provide benefits to the day-to-day activities in Planning and Development along with improving the understanding and level of effort required to transition to the new software identified in Strategic Business Case #11. Work will include the “voice of the customer” and engage with the local development industry to obtain their feedback on where improvements on eight major Planning Act processes are most needed and can be achieved.

**Prepared by:** Matt Feldberg, MPA, CET  
Manager, Subdivision and Development Inspections

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

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

cc: Mike Norman, Manager, Strategy and Innovation

April 14, 2022

**Appendix "A"**

**#22058**

April 25, 2022  
(Award Contract)

Chair and Members  
Planning and Environment Committee

RE: Streamline Development Approval Fund  
Continuous Improvement of the Development Approvals  
(Subledger NT22GG04)  
Capital Project PD1024 - Streamline Development Approval Fund  
EZSigma Group - \$446,250.00 (excluding HST)

**Finance Supports Report on the Sources of Financing:**

Finance Supports confirms that the cost of this purchase can be accommodated within the financing available for it in the Capital Budget, and that, subject to the approval of the recommendation of the Deputy City Manager, Planning and Economic Development the detailed source of financing for this purchase is:

<b>Estimated Expenditures</b>	<b>Approved Budget</b>	<b>Committed To Date</b>	<b>This Submission</b>	<b>Balance for Future Work</b>
Consulting	1,750,000	0	454,104	1,295,896
<b>Total Expenditures</b>	<b>\$1,750,000</b>	<b>\$0</b>	<b>\$454,104</b>	<b>\$1,295,896</b>

**Sources of Financing**

Provincial Grant - Streamline Development Approval Fund	1,750,000	0	454,104	1,295,896
<b>Total Financing</b>	<b>\$1,750,000</b>	<b>\$0</b>	<b>\$454,104</b>	<b>\$1,295,896</b>

**Financial Note:**

Contract Price	\$446,250
Add: HST @13%	58,013
Total Contract Price Including Taxes	504,263
Less: HST Rebate	-50,159
Net Contract Price	\$454,104

Alan Dunbar  
Manager of Financial Planning & Policy

lp

## Report to Planning & Environment Committee

**To:** CHAIR AND MEMBERS  
PLANNING & ENVIRONMENT COMMITTEE  
**From:** SCOTT MATHERS, MPA, P. ENG.,  
DEPUTY CITY MANAGER, PLANNING AND ECONOMIC  
DEVELOPMENT  
**Subject:** ANNUAL REPORT ON BUILDING PERMIT FEES  
**Date:** APRIL 25, 2022

## Recommendation

That, on the recommendation of the Director, Building & Chief Building Official, the attached report on building permit fees collected and costs of administration and enforcement of the Building Code Act and regulations for the year 2021, **BE RECEIVED** for information purposes.

## Previous Reports Related to this Matter

April 19, 2021 – Planning & Environment Committee

## Background

The Building Code Act (“Act”) and the regulations made thereunder (Ontario’s Building Code) require that a report be prepared annually on building permit fees collected, and the costs incurred in the administration and enforcement of the Building Code Act and regulations. Specifically, Division C, Section 1.9.1.1., of the regulations state:

- (1) The report referred to in subsection 7(4) of the Act shall contain the following information in respect of fees authorized under clause 7(1)(c) of the Act:
  - (a) total fees collected in the 12-month period ending no earlier than three months before the release of the report,
  - (b) the direct and indirect costs of delivering services related to the administration and enforcement of the Act in the area of jurisdiction of the principal authority in the 12-month period referred to in Clause (a),
  - (c) a breakdown of the costs described in Clause (b) into at least the following categories:
    - (i) direct costs of administration and enforcement of the Act, including the review of applications for permits and inspection of buildings, and
    - (ii) indirect costs of administration and enforcement of the Act, including support and overhead costs, and
  - (d) if a reserve fund has been established for any purpose relating to the administration or enforcement of the Act, the amount of the fund at the end of the 12-month period referred to in Clause (a).
- (2) The principal authority shall give notice of the preparation of a report under subsection 7(4) of the Act to every person and organization that has requested that the principal authority provide the person or organization with such notice and has provided an address for the notice.

## **Revenues Collected**

Building permit fees collected during 2021 totalled \$8,155,312. However, consistent with revenue recognition principles governed by generally accepted accounting principles (GAAP), Building fee revenue recognized by the City of London for 2021 equated to \$6,742,073 on an accrual basis.

As shown below, subject to completion of the 2021 year-end financial statement audit, the net revenue of building permit fees for 2021 was:

Deferred Revenue from 2020 - permits issued in 2021	\$1,418,058
2021 Building Permit Fees	\$8,155,312
Deferred Revenues to 2022 - permits not issued in 2021	<u>\$(2,831,297)</u>
<b>2021 NET REVENUE</b>	<b>\$6,742,073</b>

## **Costs Incurred**

The total costs, both direct and indirect, incurred during 2021 were \$6,898,887, as shown in the Table below (subject to completion of the 2021 year-end financial statement audit).

	<b>Costs (\$)</b>	<b>Positions</b>
<b><u>DIRECT COSTS</u></b>		
Administration	\$390,367	2
Permit Issuance	\$1,304,645	15
Inspection	\$1,282,468	24
Zoning Review & Code Compliance	\$721,384	9
Operational Support	\$727,878	14
Operating Expenses (supplies, equipment, etc.)	\$992,662	
<b>TOTAL DIRECT COSTS</b>	<b>\$5,419,404</b>	<b>64</b>
<b><u>INDIRECT COSTS</u></b>		
Corporate Management and Support	\$1,188,467	
Risk Management	\$102,016	
Office Space	\$189,000	
<b>TOTAL INDIRECT COSTS</b>	<b>\$1,479,483</b>	
<b>TOTAL COSTS</b>	<b>\$6,898,887</b>	

## **Net Financial Position**

At 2021 year-end, the net revenue was \$6,742,073. By deducting the total direct and indirect costs of \$6,898,887 for administration and enforcement of the Building Code Act and the Building Code, this results in a \$156,814 withdrawal from the Building Permit Stabilization Reserve Fund.

Total Net Revenue	\$6,742,073
Total Cost of Enforcement	<u>\$-6,898,887</u>
<b>YEAR END CONTRIBUTION (withdrawal if negative)</b>	<b>(\$156,814)</b>

It should be noted that a contributing factor resulting in a withdrawal from the BPSRF, was the fact that the deferred revenue amount to 2022 was rather high (double)

compared to the previous year. For the month of December alone, based on building permit applications received, the building permit fee revenue amounted to \$1.6 million of the total \$2.8 million that was deferred.

### **Building Permit Stabilization Reserve Fund (BPSRF)**

During the building permit fee review in 2019, consultations occurred with industry stakeholders and the BPSRF target was increased to 100% of the annual operating costs.

The BPSRF 2021 opening balance was \$3,792,515 after interest allocations and any year-end adjustments. Considering a 2021 withdrawal of \$156,814 and 2021 interest income of \$74,761.32 included, the revised closing balance is \$3,635,701 in the reserve fund, which equates to 52.7% of the annual operating cost.

### **Building Permit Fees**

In 2019, a review was completed of the building permit fee structure in relation to volumes and effort, as well as a comparison of London fees in relation to other similar jurisdictions. Consequently, a new fee structure was adopted by Council which included an annual indexing component. Considering that base building permit fees were increased in August 2019, a further increase is not recommended at this time.

## **Conclusion**

In accordance with the legislation, building permit revenues are to be used for the cost of administration and enforcement of the Building Code Act. The balance of \$3,635,701 in the BPSRF equates to 52.7% of annual operating costs. As such, there is no recommendation to increase base permit fees at this time.

**Prepared & recommended by: Peter Kokkoros, P. Eng.  
Director, Building & Chief Building Official**

**cc: Kyle Murray, Director, Financial Planning & Business Support  
Nathan Asare-Bediako, Financial Business Administrator**



## 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:** Quincy Developments  
1055 Fanshawe Park Road West  
Public Participation Meeting

**Date:** April 25, 2022

## Recommendation

That, on the recommendation of the Director, Planning and Development the following actions be taken with respect to the application of Quincy Developments relating to the property located at 1055 Fanshawe Park Road West:

- a) The request to amend Special Area Policy 1074\_ of The London Plan to increase the maximum Gross Floor Area for medical/dental office uses to 6,342.4 square metres **BE REFUSED**;
- b) The request to amend the 1989 Official Plan by adding a Specific Area Policy to the existing Office Area land use designation to permit a maximum medical/dental office Gross Floor Area of 6,342.4 square metres **BE REFUSED**; and,
- c) The request to amend Zoning By-law No. Z.-1 **FROM** an Office Special Provision (OF5(6)) Zone **TO** an Office Special Provision (OF5(\_)) Zone, **BE REFUSED** for the following reasons:
  - i) The requested The London Plan, 1989 Official Plan, and Zoning By-law amendments exceed the maximum permitted amount of office space allowed outside of Downtown and office areas identified in suburban locations resulting in potential negative impacts on the Downtown office market and have adverse impacts on surrounding commercial and residential lands;
  - ii) The requested amendments to The London Plan, the 1989 Official Plan, and the Zoning By-law are not consistent with the Provincial Policy Statement that encourages development that enhances the vitality and viability of Downtown;
  - iii) The requested amendments to The London Plan, the 1989 Official Plan, and the Zoning By-law do not comply with the Key Directions, the City Structure Plan, the Downtown and Neighbourhood Place Types, and the Specific Area Policy policies of The London Plan; and,
  - iv) The requested amendments to The London Plan, the 1989 Official Plan, and the Zoning By-law do not comply with the 1989 Official Plan for Office uses and Specific Area Policies.

## Executive Summary

### Summary of Request

- An amendment to the existing Specific Area Policy 1074\_ of The London Plan to permit a maximum medical/dental office gross floor area of 6,342.4 square metres.

- A 1989 Official Plan amendment to add a Special Area Policy to the existing “Office Area” land use designation to permit a maximum medical/dental office gross floor area of 6,342.4 square metres.
- A Zoning By-law amendment to rezone from an Office Special Provision OF5(6) zone to an Office Special Provision OF5( ) zone that would recognize the existing site-specific regulations, including an exemption from Section 4.19.6d), increase the permitted gross floor area for all office uses from 5,000 square metres to 6,342.4 square metres, and to reduce the required parking spaces from 423 to 284 spaces.

### **Purpose and Effect of the Recommended Action**

The purpose and effect of the recommended action is to refuse the requested amendment to The London Plan, the 1989 Official Plan, and the Zoning By-law for a medical/dental office that exceeds the permitted gross floor area.

### **Rationale of Recommended Action**

1. The proposed development is not consistent with the Provincial Policy Statement 2020 which promotes long-term economic prosperity by maintaining and enhancing the vitality and viability of downtowns and main streets.
2. The proposed development does not conform to *The London Plan (2016)*, including, but not limited to, the Key Directions, the City Structure Plan, the Downtown and Neighbourhoods Place Types, and the criteria for Specific Area Policy.
3. The proposed development does not conform to the *Official Plan (1986)*, including, but not limited to, the Downtown and Office Space land use designation policies and the criteria for applying a Specific Area Policy.

### **Linkage to the Corporate Strategic Plan**

Directing growth and intensification to strategic locations. Revitalizing London’s Downtown and urban areas by directing the highest office use intensification towards Downtown.

### **Linkage to Climate Emergency Declaration**

On April 23, 2019, Municipal Council declared a Climate Emergency. The City of London is committed to reducing and mitigating climate change by encouraging intensification and growth at appropriate locations. This includes directing the most intensive office development towards Downtown.

## **Analysis**

### **1.0 Background Information**

#### **1.1 Property Description**

The subject site is located on the north side of Fanshawe Park Road West between Aldersbrook Gate and Dalmagarry Road. There is currently a Medical Office on the site that has a gross floor area of 4,559.8 square metres. In addition, there are 10 barrier free parking spaces and 290 paid parking spaces. There are two (2) accesses to the site, one east of the existing Medical Office that allows for left and right turns onto Fanshawe Park Road West and an access to the West of the building that is restricted to right-in/right-out access from Fanshawe Park Road West. Fanshawe Park Road West is classified as an Urban Thoroughfare Street Type, which provides for a pedestrian sidewalk within the road allowance.

## **1.2 Current Planning Information**

- The London Plan Place Type – Neighbourhoods (Specific Area Policy 1074\_)
- Official Plan Designation – Office Space
- Existing Zoning – Office OF5(6)

## **1.3 Site Characteristics**

- Current Land Use – Medical Office
- Frontage – approximately 201 metres
- Depth – approximately 85 metres
- Area – 1.89 hectares (4.68 acres)
- Shape – Irregular

## **1.4 Surrounding Land Uses**

- North – Residential, single-detached dwellings
- East – empty lot
- South – Residential, single-detached dwellings
- West – Sports field for Saint André Bessette Catholic Secondary School

1.5 Location Map

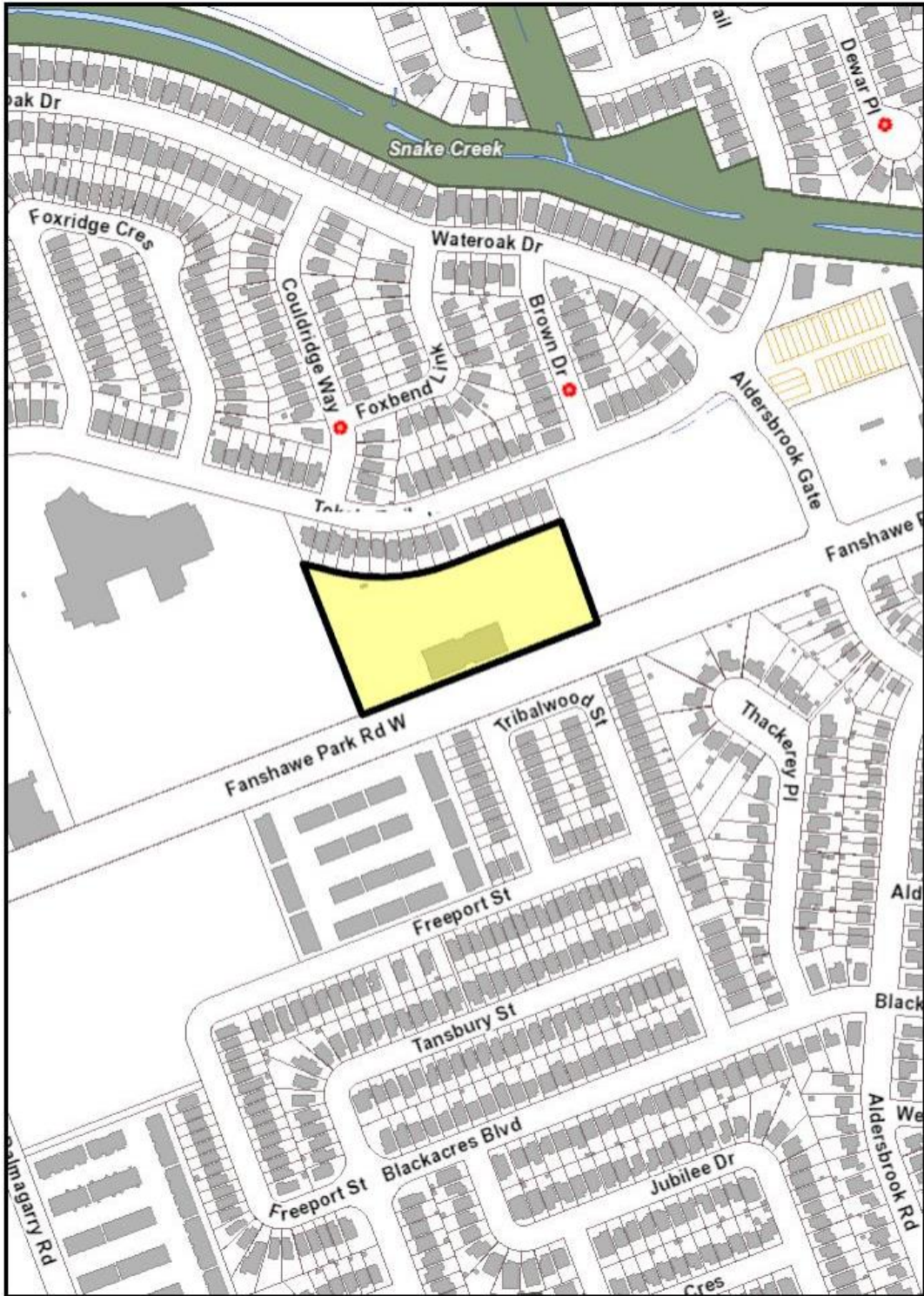


Figure 1: Location Map

## **1.6 Planning History**

The subject parcel was created as part of a Plan of Subdivision (39T-04503), Official Plan Amendment (O-7644) and Zoning By-Law amendment (Z-6717) which were reviewed in conjunction with the subdivision process.

OZ-8511: In October 2015, an Official Plan amendment to change the designation from Multi Family, Medium Density Residential (MFMDR) to Office Area was received along with a Zoning By-law amendment application to permit a three-storey medical/dental office with a total gross floor area of all uses of 5,000m<sup>2</sup> and a Residential R1 Special Provision/Residential R4 to permit single detached dwellings on the north of the subject site. Staff recommended approval of the Official Plan amendment from MFMDR to an Office Area designation; however, were not supportive of the exception to Section 4.19(6d) that prohibits barrier parking. The policy intent is to protect surrounding areas from undue adverse impacts related to individuals using on-street parking and to avoid paid parking to access amenities. At the meeting of Municipal Council held on October 27, 2015 the application to amend the Zoning By-law was approved.

The London Plan was approved by Council on June 23, 2016. The subject lands were placed in the Neighbourhoods Place Type with a Specific Policy Area to recognize the previous Official Plan amendment that permits medical/dental office uses up to 5,000 square metres.

Z-8903: The application was received on April 18, 2018, for a Zoning By-law amendment to rezone the subject site to expand the range of permitted uses to include clinics and medical/dental laboratories in association with a medical/dental office use. At the Municipal Council meeting held on June 12, 2018 this amendment application was approved.

## **2.0 Discussion and Considerations**

### **2.1 Development Proposal**

The applicant is now seeking to build an additional medical/dental office of 1,782.6 square metres in the parking area to the east of the existing medical/dental office building. The proposal is for a reduction of parking spaces with a total of 284 spaces, whereas according to the Zoning By-law Z-1, 423 spaces would be required. Eleven (11) parking spaces are proposed to be barrier free.

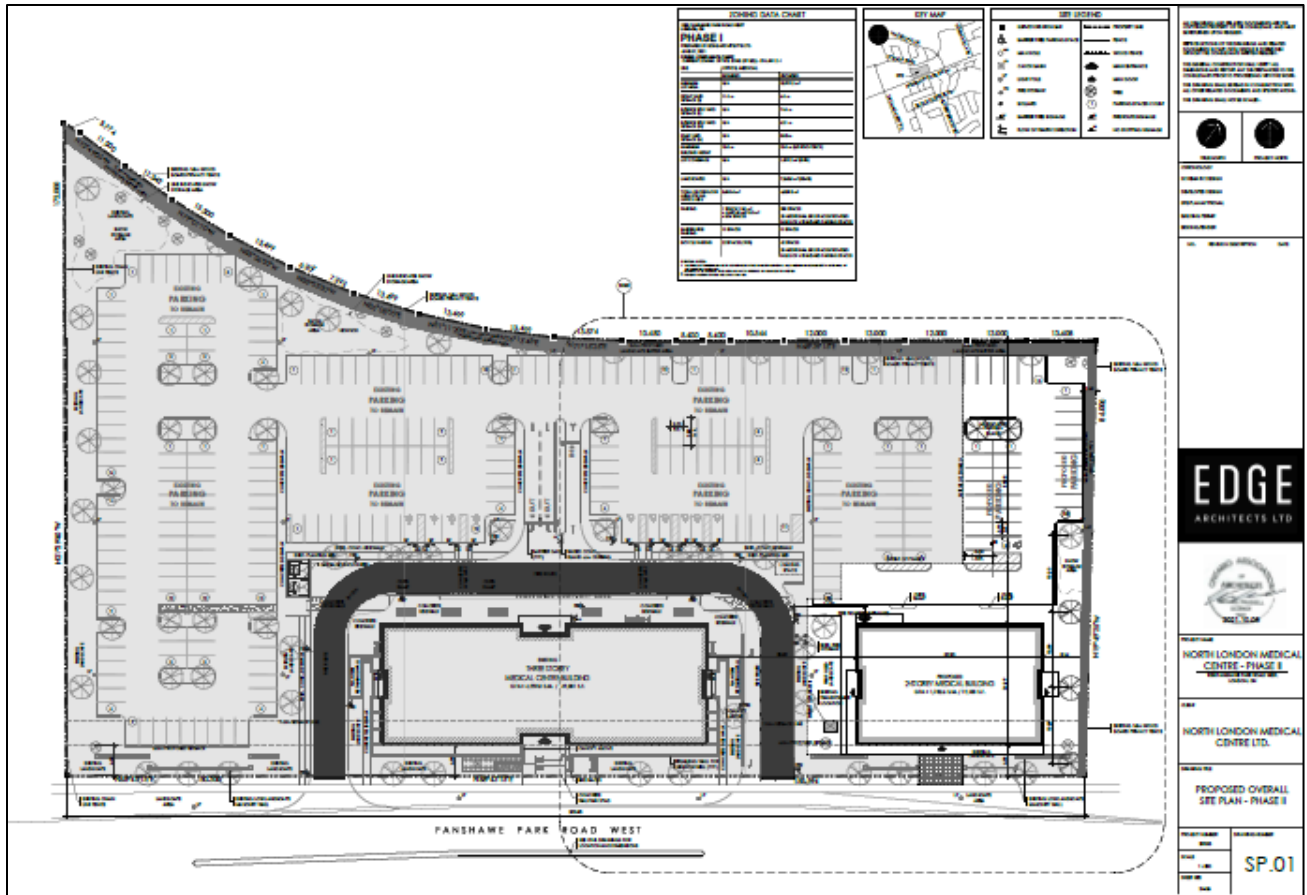


Figure 2: Site Plan – Overall Plan

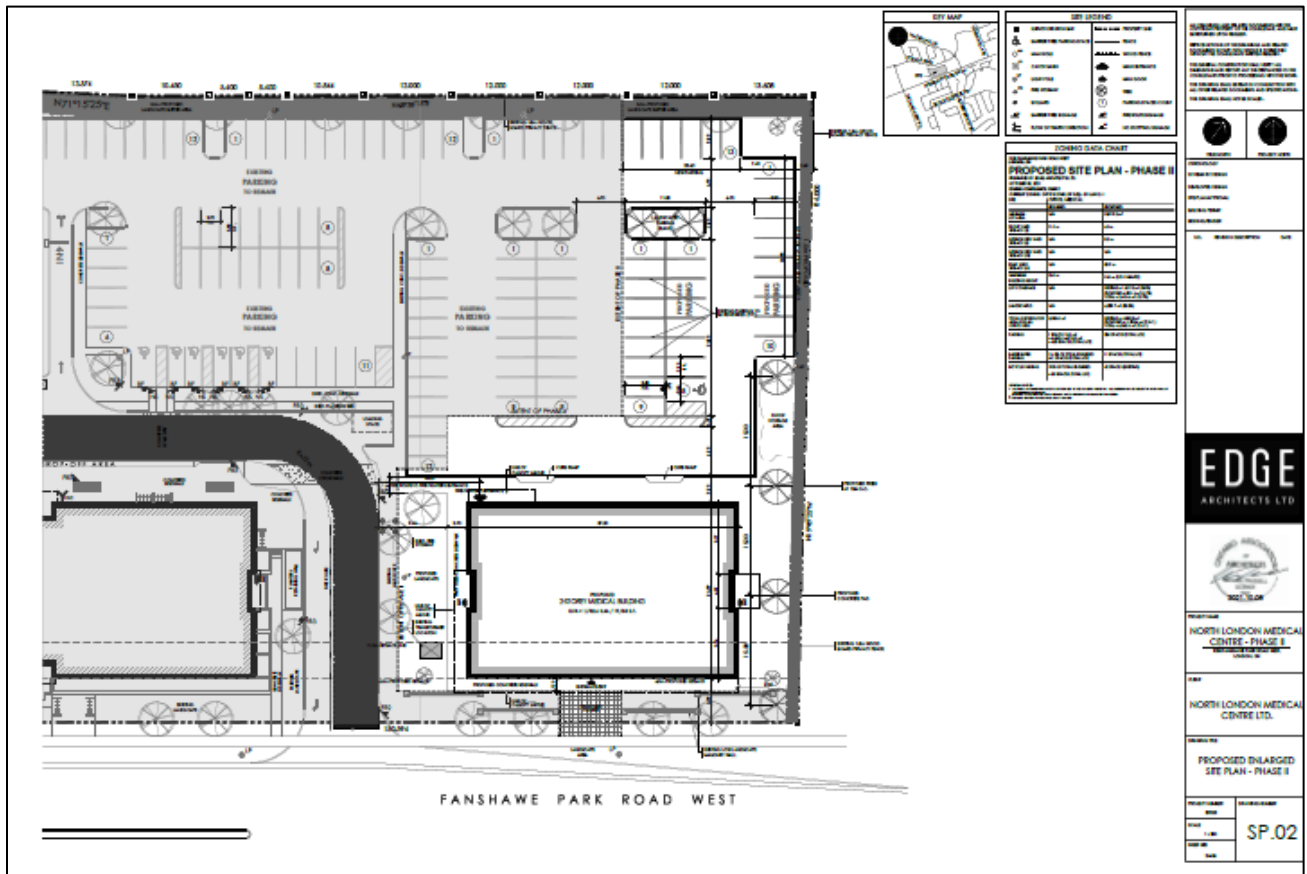
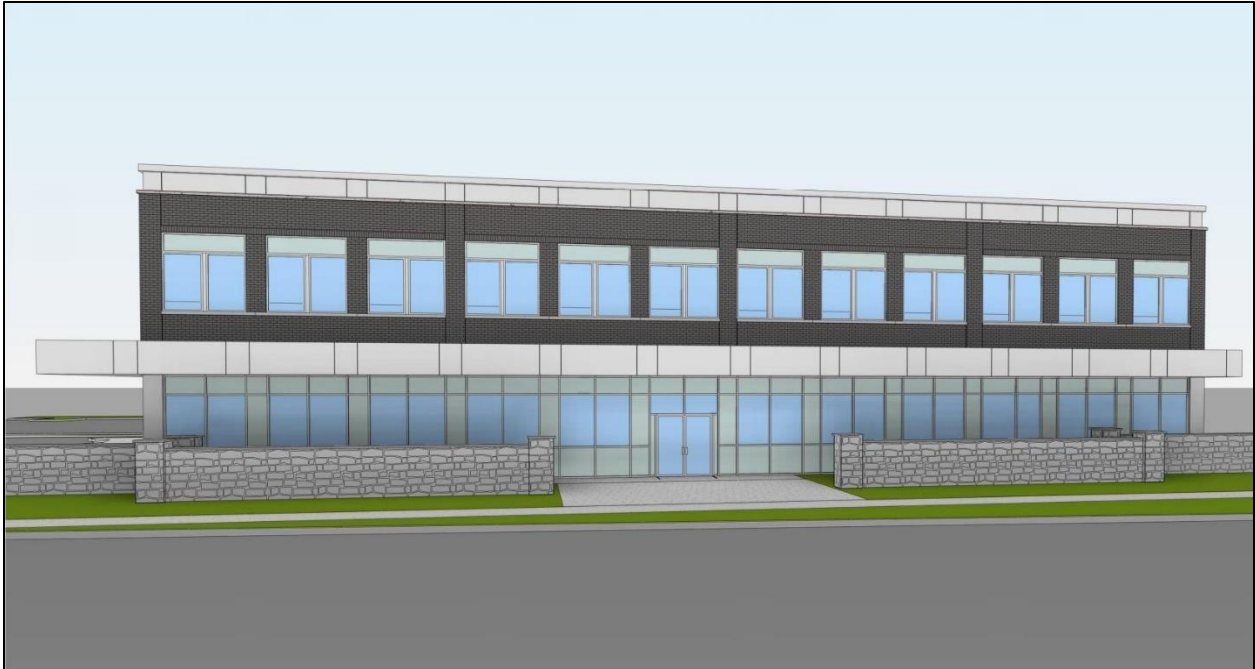


Figure 3: Site Plan – Phase 2 (Additional Building)



**Figure 4: Conceptual Rendering of the Front of the proposed building (Looking N from Fanshawe Park Road West)**



**Figure 5: Conceptual Rendering of the Rear of Proposed Building (Looking SE from the Rear Parking Area)**

## 2.2 Requested Amendment

An amendment to Specific Area Policy 1074\_ of The London Plan to increase the maximum medical/dental office Gross Floor Area from 5,000 square metres to 6,342.4 square metres.

An Official Plan amendment to the 1989 Official Plan to add a Specific Area Policy within the existing Office Area designation to increase the maximum medical/dental office Gross Floor Area from 5,000 square metres to 6,342.4 square metres.

A Zoning By-law amendment to rezone the subject lands from a Special Provision Office (OF5(6)) to a Special Provision Office (OF5(\_)):

- To carry forward the existing site-specific regulations:
  - Permitted uses: medical/dental offices, pharmacies in association with medical/dental office uses, clinics, and medical/dental laboratories;
  - A maximum height of 15.0 m;

- A maximum front yard depth of 11.0 m;
- The lot line which abuts an Arterial Road shall be interpreted as the front lot line; and,
- Exemption from Section 4.19.6 d) of the Zoning By-law Z.-1.
- To add a provision to increase the Gross Floor Area for all office uses from 5,000 square metres to 6,342.4 square metres; and,
- To reduce the required parking from 423 spaces to 284 spaces.

### 2.3 Community Engagement (see more detail in Appendix C)

One (1) person of the public provided comments and they were in support of the application.

### 2.4 Policy Context

#### *Provincial Policy Statement, 2020*

The *Provincial Policy Statement, 2020* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. In accordance with Section 3 of the Planning Act, all planning decisions “shall be consistent with” the PPS.

The PPS states that, healthy, liveable, and safe communities are sustained by promoting efficient development and land use patterns which sustain financial well-being of municipalities over the long term (1.1.1(a)). Further, intensive development is to be directed towards strategic locations (1.1.3.2(b) and 1.1.3.5).

The PPS states that the long-term economic prosperity should be supported by maintaining and enhancing the vitality and viability of downtowns and mainstreets (1.7.1(d)).

Land use patterns, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation (1.6.7.4).

#### *The London Plan*

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). The London Plan policies and maps under appeal to the Local Planning Appeals Tribunal (Appeal PL170100) are not in force and effect and are indicated with an asterisk throughout this report. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The London Plan provides Key Directions (54\_) that must be considered to help the City effectively achieve its vision. These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Key Direction #8 – Make wise planning decisions – by thinking ‘big picture’ and long-term when making planning decisions – consider the implications of a short-term and/or site-specific planning decision within the context of this broader view (62\_3).

The City Structure Plan gives a framework for London’s growth and change over the next 20 years (69\_). Further, all planning will be in conformity of the City Structure Plan (70\_). The City Structure – Downtown, Transit Villages, Rapid Transit Corridors and Shopping Areas: large office spaces will be direct to the Downtown to ensure its long-term health and vibrancy (128\_).

The Downtown Place Type is to be the hub for the economic business community and the area where office uses greater than 5,000 square metres are to be directed towards (795\_ and 799\_14). The defined office scales are as follows: small scale means a building containing 2,000m<sup>2</sup> of office uses or less, medium scale means a building



containing 2,000m<sup>2</sup> to 5,000m<sup>2</sup> of office uses, and large scale means a building containing more than 5,000m<sup>2</sup> of office uses.

The London Plan sets out conditions for consideration of applying the Specific Area Policy (1730\_). According to The Plan, Specific Area Policies are to be in the public interest and represent good planning (1730\_5). Further, policies for Specific Areas will not be permitted if there are no distinguishing or unique features of the site (1731\_).

#### *Official Plan 1989*

The proposed development is in the Office Area land use designation of the 1989 Official Plan which provides policies regarding the intensity of the office uses within certain locations of the City. The general objective of the Office land use designation is to provide appropriate locations for office space while maintaining Downtown as the primary office employment area in the City (5.1.1(i)). Further, the office uses in the Office Area designation are meant to accommodate general office uses that would not normally be in the Downtown. The amount and scale of development in Office Areas will be controlled to protect the Downtown's role as the primary office employment area (5.2.1). Medium scale office development is defined as being between 2,000 to 5,000 square metres (5.2.4).

The proposed 1989 Official Plan amendment intends to add a Specific Area Policy to the Office Area designation on the subject parcel, to increase the maximum permitted Gross Floor Area to 6,342.4 square metres from 5,000 square metres. There are criteria that need to be met to permit a Specific Area Policy on a land use designation. Adoption of policies for Specific Areas may be considered if the change of land use is site specific, is appropriate given the mix of uses in the area and cannot be accommodated within other land use designations (10.1.1(i)).

### **3.0 Financial Impact/Considerations**

There are no direct municipal financial expenditures associated with this application.

### **4.0 Key Issues and Considerations**

#### **4.1 Issue and Consideration #1: PPS**

##### *Provincial Policy Statement, 2020*

The PPS states that, healthy, liveable, and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of municipalities over the long term (1.1.1(a)). The proposed amendment to increase the medical/dental uses beyond 5,000 square metres in an area outside of the Downtown does not sustain development and land use patterns for financial well-being over the long term, as it detracts from office uses being provided in other areas of the community and potentially the Downtown.

The PPS has several policies that speak to directing development in strategic locations. Land use patterns within settlement areas shall be based on densities and a mix of land uses which are appropriate for the infrastructure and public service facilities that are available to avoid the need for unjustified and/or uneconomical expansion (1.1.3.2(b)). Further, Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas based on local conditions (1.1.3.5) and new development should have a compact form, mix of uses, and densities (1.1.3.6). Finally, the PPS states that the long-term economic prosperity should be supported by maintaining and enhancing the vitality and viability of downtowns and mainstreets(1.7.1(d)).

The previous Official Plan amendment has already provided for more intensive office uses at the maximum permissions outside of the Downtown area. The proposed development is not introducing additional uses to the site and the intensity of office uses

is substantially greater than 5,000 square metres permitted in an Office Area designation. Further, Fanshawe Park Road West, at this location, is not classified as a Main Street where higher levels of office space is directed and encouraged to be provided through mixed use developments. The London Plan policies only permits a maximum of 5000 square metres of office space outside of the Downtown area. The proposed additional GFA does not maintain or enhance the vitality and viability of Downtown, or any main street, and could detract from these strategic locations.

Land use patterns, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation(1.6.7.4). The subject lands provide limited access to barrier free parking while requiring many of its customers to drive to it.

## **4.2 Issue and Consideration #2: Intensity**

### *The London Plan*

The London Plan has Key Directions and City Structure Plan policies that do not support the proposed development, The London Plan provides “Key Directions” regarding how the City should grow. Key Direction #8 – Make wise planning decisions – by thinking ‘big picture’ and long-term when making planning decisions and consider the implications of a short-term and/or site-specific planning decision within the context of this broader view (62\_3). The City Structure Plan provides a framework for the City’s growth that all planning should conform to. The City Structure – Downtown, Transit Villages, Rapid Transit Corridors and Shopping Areas states that large office spaces will be directed to the Downtown to ensure its long-term health and vibrancy (128\_). The proposed development could have a negative impact on Downtown when considering the long-term broader view of increasing the office use beyond what is currently permitted outside of Downtown. Likewise, the proposed development will not ensure the long-term health and vibrancy of Downtown.

The proposed development is located within the Neighbourhoods Place Type that is intended to have an appropriate range of retail, service, and office uses (924\_). Stand alone office uses are only permitted along an Urban Thoroughfare Street when it intersects with a Civic Boulevard or another Urban Thoroughfare Street. In addition, stand alone office uses are encouraged to be implemented through mixed use buildings and intersections as opposed to mid block properties. Although the subject site has a special policy in the Neighbourhoods Place Type recognizing the existing office space approved under the 1989 Official Plan, this does not provide justification to increase the size of the use beyond the existing permissions. The existing land use is not contemplated through the vision of The London Plan nor the Neighbourhoods Place Type policies and its expansion is not considered appropriate.

The Downtown Place Type establishes Downtown as the hub for the economic business community, including office development (795\_). Further, development of office uses greater than 5,000 square metres are to be directed to the Downtown Place Type to prevent the deterioration of the important Downtown office market while still allowing for a reasonable supply of office uses outside of the Downtown (799\_14). According to the Hemson Office Policy Study (April 2016), a ‘healthy’ vacancy rate for office uses is 5-8%. By contrast, the 2019 State of the Downtown Report indicated that at the end of 2019 the overall office vacancy rate Downtown was 18.4%. Please note that COVID-19 has exasperated the conditions of the Downtown area. In a 2022 market lookout report by CBRE 2022, the Core area office space vacancy rate is at 28% (London Free Press, March 8, 2022). Permitting office uses greater than 5,000 square metres outside of Downtown would detract from Downtown and further contribute to core area vacancies. Therefore, refusal of the amendment to increase the Gross Floor Area past the threshold of 5,000 square meters conforms with the goals and the vision of The London Plan.

### *1989 Official Plan*

The proposed development is in the Office Area designation of the 1989 Official that has policies regarding the intensity of the office uses. The general objective of the Office designation is to provide locations for office space while maintaining the Downtown as the primary office employment area in the City (5.1.1(i)). Further, the office uses in the Office Area land use designation is meant to accommodate general office uses that would not normally be in the Downtown. The amount and scale of development in Office Areas will be controlled to protect the Downtown's role as the primary office employment area (5.2.1). In addition, the scale of the development is considered medium scale from 2,000 to 5,000 square metres and office development greater than 5,000 square metres is to be directed toward the Downtown (5.2.4). Through the 1989 Official Plan policy review, it was determined that the subject lands were an appropriate location for an Office Area designation which limited office use to the maximum of 5,000 square metres. There is no policy basis to contemplate the expansion of this use within the 1989 Official Plan. The proposal to increase the medical/dental uses beyond 5,000 square metres is well beyond what is intended for the Office Area designation and Official Plan policies identify that this intensity of office development should be directed to the Downtown Area.

### **4.3 Issue and Consideration #3: Specific Area Policies**

#### *The London Plan*

The London Plan sets out the criteria for the Specific Area Policies, and although a Specific Area Policy was previously appropriate through a review of the 1989 Official Plan, an amendment to the Specific Policy would not meet the criteria under the Plan.

The London states that applications for Specific Area Policies shall be evaluated based on the Planning and Development applications section in the Our Tools part of the Plan (1732\_). Special Areas Policies may be applied where the applicable place type policies would not accurately reflect the intent of City Council with respect to a specific site or area (Policy 1729\_). The criteria to adopt a Specific Area policy are:

- 1) the proposal meets all other policies of the Plan beyond that the specific policy identifies;
- 2) the proposed policy does not have an adverse impact on the integrity of the place type policies or other relevant parts of this Plan;
- 3) the proposed use is sufficiently unique and distinctive such that it does not establish an argument for a similar exception on other properties in the area;
- 4) the proposed use cannot be reasonably altered to conform to the policies of the place type; and,
- 5) the proposed policy is in the public interest and represents good planning.

Policies for Specific Areas will not be permitted if there are no distinguishing or unique features of the site (1731\_) and may restrict the range of permitted uses, to restrict the scale and intensity of development, or to direct the form normally allowed in a particular place type to protect other uses in an area from negative impacts (1733\_).

There is currently a Neighbourhoods Place Type Specific Area Policy on the subject parcel. This Policy (1074\_) permits medical/dental uses up to a maximum of 5,000 square metres and was put in place to reflect the permission of the previous Office Area designation. In Staff's opinion medical/dental uses are not unique and are already permitted in other Place Types. Approximately 250 metres west of the subject parcel, there is a large commercial node that is in the Shopping Area Place Type that provides for office uses up to 2,000 square metres. Like the Shopping Area Place Type, the Neighbourhoods Place Type is not intended to accommodate large scale office uses that are better suited in the Downtown Place Type. There are no distinguishing or unique features of the site that would justify an increase of Office uses beyond 5,000 square metres in the Neighbourhoods Place Type. Therefore, an amendment to the

Specific Area Policy 1074\_ to increase the maximum allowable Gross Floor Area to 6,342.4 square metres does not meet the criteria of Specific Area Policies.

*The Official Plan, 1989*

The 1989 Official Plan amendment intends to add a Specific Area Policy on the Office Area designation for the subject parcel to increase the maximum permitted Gross Floor Area to 6,342.4 square metres from 5,000 square metres. The Official Plan outlines criteria that need to be met to permit a Specific Area Policy within an existing land use designation. Adoption of policies for Specific Areas may be considered if the change of land use is site specific, is appropriate given the mix of uses in the area and cannot be accommodated within other land use designations without having a negative impact on the surrounding area (10.1.1(i)).

The subject parcel is surrounded by residential, institutional, and commercial uses. The commercial node to the west also permits office uses in addition to retail uses. Increasing the intensity of medical/dental uses beyond 5,000 square metres could have a negative impact of the surrounding uses as it could detract from the appropriate balance and distribution of office uses in the community. Further, a limited amount of barrier free parking spaces could negatively impact the surrounding residential uses as some patrons may prefer to use off-street parking instead of paying for parking to access the medical office. Finally, the intensity of office uses beyond 5,000 square metres can be, and is more appropriately, accommodated in the Downtown area. Therefore, the proposed amendment does not meet the criteria for Specific Areas Policies.

## **Conclusion**

The proposed amendments are not consistent with Provincial Policy Statement as the planned office uses intensity would negatively impact the viability of Downtown and mainstreets. The proposed amendments do not comply with the Key Directions, the City Structure Plan, Office uses policies, the Downtown and Neighbourhoods Place Type policies, and the criteria for Specific Area Policies of The London Plan. The proposed amendment does not comply with the Office Area and Downtown land use designation policies and the criteria for Specific Areas Policies. As such, it is recommended that the requested amendments be refused.

**Prepared by:** Jasmine Hall, RPP, MCIP  
Planner II, Core Area & Urban Regeneration

**Reviewed by:** Mike Corby, RPP, MCIP  
Manager, Planning Implementation

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

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

**cc:** Heather McNeely, Manager Current Development

Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning and Economic Development.

## Appendix A – Public Engagement

### Community Engagement

#### Notice of Application (December 16, 2021)

On December 16, 2021, the Notice of Application was sent to property owners in the surrounding area. The Notice of Application was also published in the Londoner on December 16, 2021. One reply was received that expressed support for the application.

**Nature of Liaison:** The purpose and effect of this Official Plan and Zoning change is to permit a second, two-storey medical/dental building east of the existing medical/dental building with a gross floor area of 1,782.6 square metres and a common surface parking supply of 284 spaces. Possible amendment to the Official Plan from Office Areas to a special area policy to permit office buildings with a maximum gross floor area of 6,342.4 square metres. Possible amendment to the Neighbourhoods Place Type Specific Area Policy 1074 to expand the maximum gross floor area permitted for medical/dental offices uses on the site to 6,342.4 square metres. Possible change to Zoning By-law Z.-1 **FROM** an Office OF5(6) **TO** an Office OF5( ) Zone to permit a total gross floor area for all office uses of 6342.4 square metres and a total parking supply of 284 spaces where 423 spaces are required. File: OZ-9444 Planner: J. Hall ext.7150.

#### Internal Comments:

Parks Planning and Design staff have reviewed the submitted notice of application and offer the following comments:

- Parkland dedication is required in the form of cash in lieu, pursuant to By-law CP-9 and will be finalized at the time of site plan approval.

Urban Design comments for OP/ZBA related to **1055 Fanshawe Park Road West**. These comments will be dealt with through the site plan process, but we wanted to make sure the applicant had them as soon as possible.

- Provide additional direct walkway connections from the unit entrances to the city sidewalk and the parking area. Remove portions of the existing landscape walls if necessary.
  - Extend walkways from the East and West entrance(s) to the city sidewalk.
  - Extend the walkway north of the building to connect to East entrance.

Water Engineering comments for 1055 Fanshawe Park Rd W:

- Municipal water is available from the 400mm PVC on Fanshawe Park Rd W. The site has an existing 150mm PVC water service.
- The applicant shall identify the ownership for the buildings (one single ownership or multi). Where all buildings will remain within one ownership, a single private watermain could provide municipal water servicing to the site (if this private watermain is suitably sized). Where there will be more than one ownership in the future of the buildings proposed, it will be necessary to have separate water servicing provided to each separately owned site and the buildings on that site in order to prevent the creation of a regulated drinking water system.

Engineering:

- No further comments.

Transportation:

- The parking reduction justification is accepted based on the ITE Parking Rate.

From Site Plan Consultation:

- Stormwater:

Specific comments for this site:

- As per the storm Drainage Area Plan for Claybar Subdivision Drawing No:(28128) and as-constructed Drawing No:(28132), the site at C=0.90 is

tributary to the existing 825mm diameter storm sewer on Tokala Trail. The applicant should be aware that any future changes to the C-value will require the applicant to demonstrate sufficient capacity in this pipe and downstream systems to service the proposed development as well as provide on-site SWM controls. On-site SWM controls design should include, but not be limited to required storage volume calculations, flow restrictor sizing, bioswales, etc.

- This application is within the Claybar Subdivision Phase 1, Plan 33M-623 as revised and accepted September 28, 2016. Drainage requirements/controls, SWM, etc. were addressed under this plan of subdivision.
- The owner is required to provide storm-drainage and stormwater management servicing for the subject lands in accordance with the Fox Hollow Development Area Municipal Class EA Schedule C for storm drainage and stormwater management servicing works report. Also, the owner is required to provide storm-drainage and stormwater management servicing for the subject lands in accordance with the Fox Hollow stormwater management system functional design report.
- Roof runoff from the proposed building should be directed to controlled areas of the property, and the owner shall ensure that stormwater flows are self-contained on site.
- The owner shall be required to have a consulting Professional Engineer confirming how the water quality will be addressed to the standards of the Ministry of the Environment, Conservation and Parks (MECP) with a minimum of 80% TSS (medway) removal to the satisfaction of the City Engineer. Applicable options could include, but not be limited to the use of oil/grit separators or any LID filtration/infiltration devices. The Engineer is to ensure the OGS is an adequately sized in order to accommodate the requested intensification. The engineer is to include all the details of the OGS design methodology.
- Any proposed LID solutions should be supported by a Geotechnical Report and/or hydrogeological investigations prepared with focus on the type of soil, it's infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high ground water elevation. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution. All LID proposals are to be in accordance with Section 6 Stormwater Management of the Design Specifications & Requirements manual.

#### General comments for sites within Medway Creek Subwatersheds

- The subject lands are located in the Medway Creek Subwatershed. The Owner shall provide a Storm/Drainage Servicing Report demonstrating compliance with the SWM criteria and environmental targets identified in the Medway Creek Subwatershed Study that may include but not be limited to, quantity/quality control (80% TSS), erosion, stream morphology, etc.
- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer.
- The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100-year event and safely conveys up to the 250 year storm event, all to be designed by a Professional Engineer for review.
- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.

- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site and that will be in accordance with City of London and MECP (formerly MOECC) standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.

Wastewater:

- The municipal sewer available for the subject lands is the 200mm sanitary sewer on Tokala Trail via an existing 200mm PDC. Servicing is to be consistent with the accepted plans for Claybar Subdivision Plan 33M-623 and accepted Sanitary Drainage Area Plans

Transportation:

- Right-of-way dedication of 18.0m m from the centre line be required along Fanshawe Park Road west.

External Comments:

London Hydro:

- Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining safe clearances from L.H. infrastructure is mandatory. **Note:** Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements & availability.
- 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.

Public Comments:

Please be advised that we support the Official Plan and Zoning By-law Amendments for 1055 Fanshawe Park Road, London.

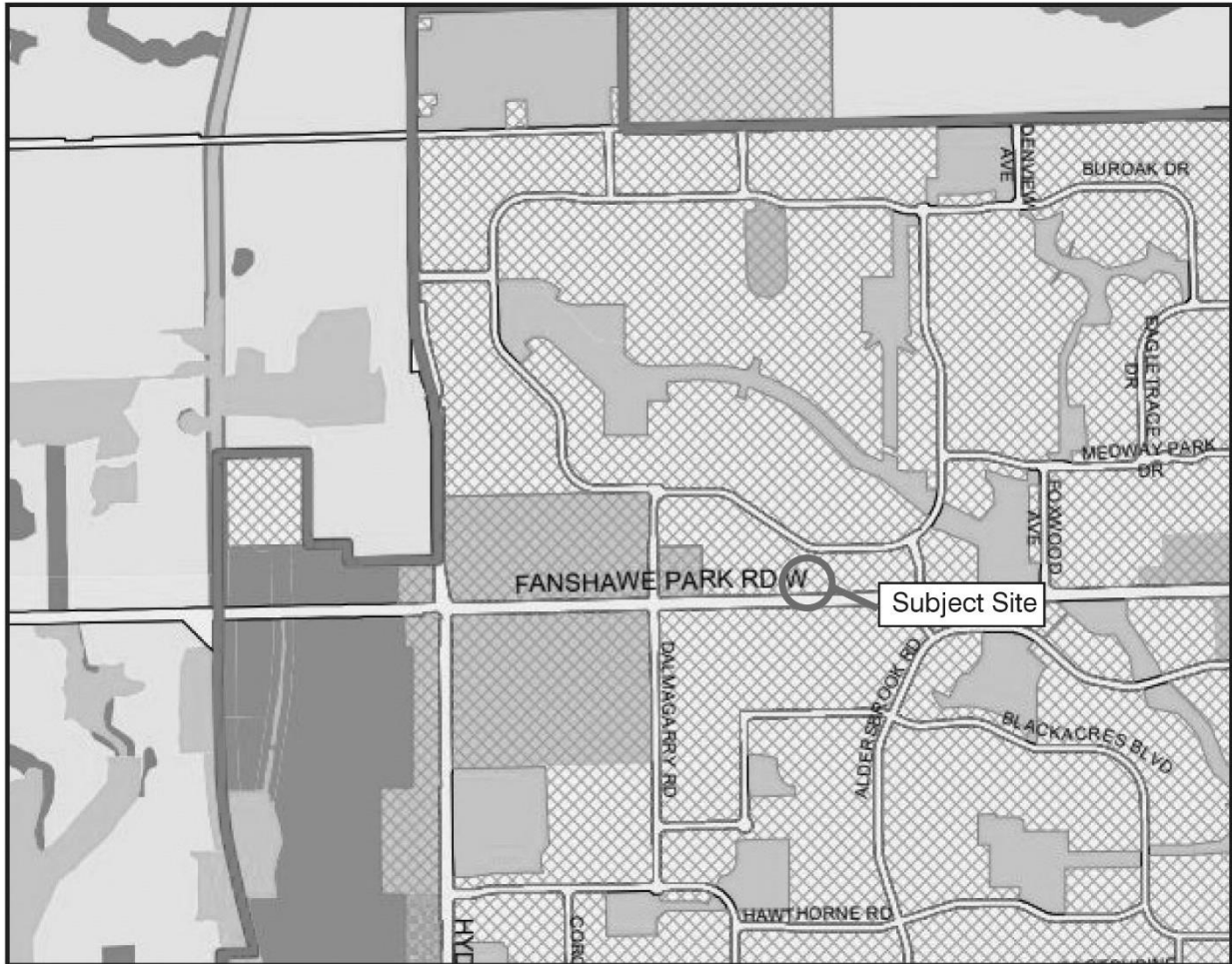
Thank you.

Regards,  
Southside Group

# Appendix B – Relevant Background

## Additional Maps

### THE LONDON PLAN - MAP 1 - PLACE TYPES

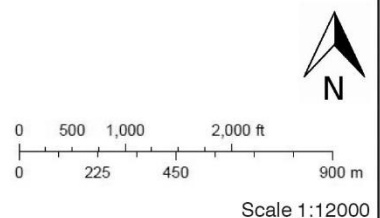


#### Legend - Place Types

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

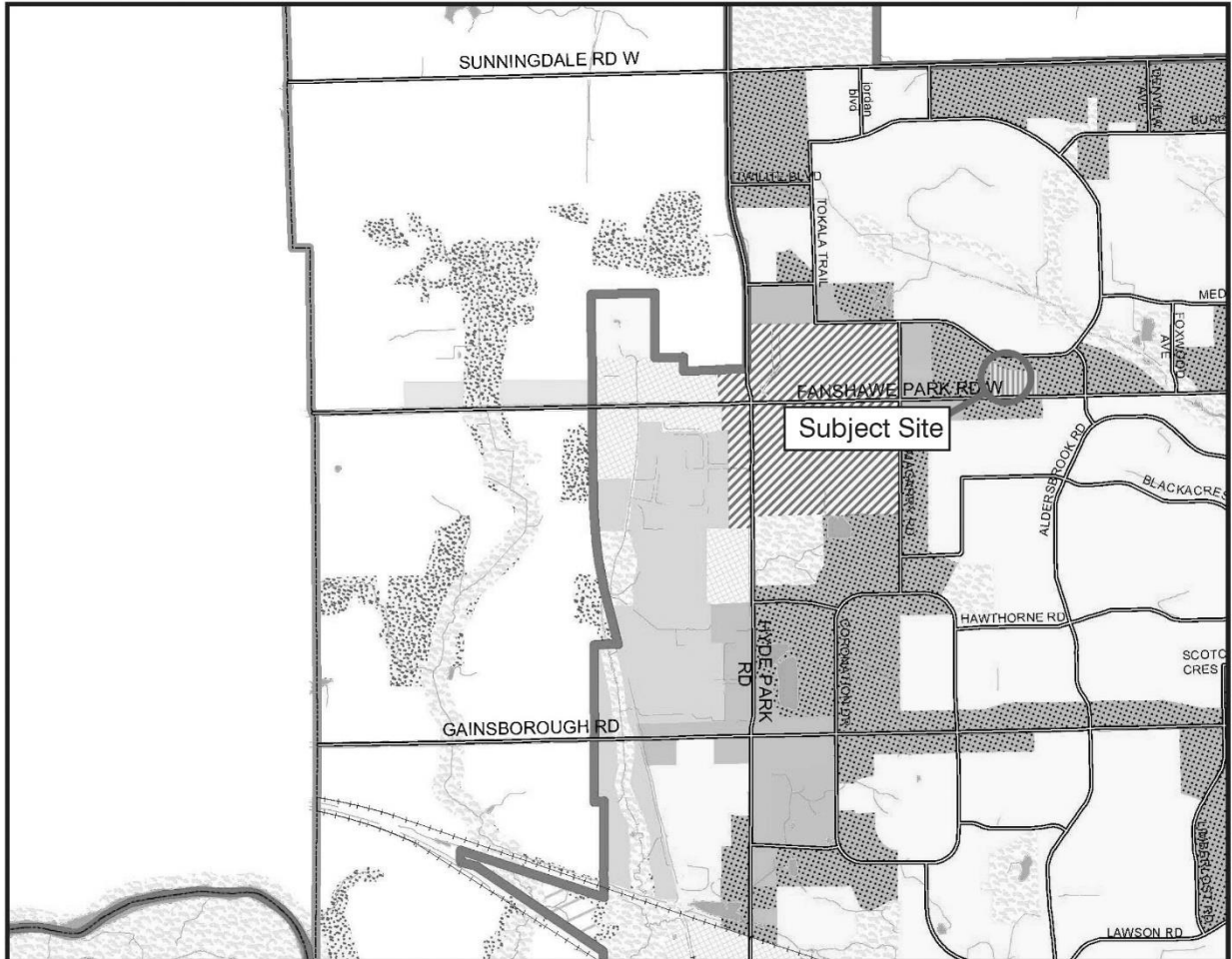
Subject Site: 1055 Fanshawe Park Road West  
 File Number: OZ-9444  
 Planner: Jasmine Hall  
 Created By: AM  
 Date: 02/11/2022

Corporation of the City of London  
 Prepared By: Planning and Development





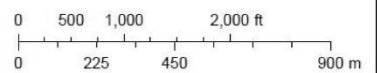
1989 OFFICIAL PLAN - SCHEDULE A - LAND USE



Legend - Land Use

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

Subject Site: 1055 Fanshawe Park Road W  
 File Number: OZ-9444  
 Planner: Jasmine Hall  
 Created By: AM  
 Date: 02/14/2022



Corporation of the City of London  
 Prepared By: Planning and Development

Scale 1:12000



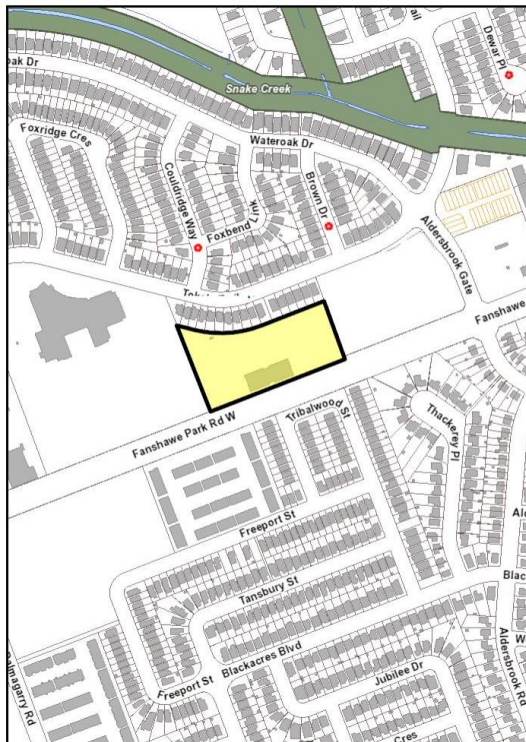


# 1055 Fanshawe Park Road West

OZ-9444/Quincy Developments



# Location of Site



- 1989 Official Plan – Office Area
- The London Plan – Policy 1074 medical/dental office uses are permitted up to 5,000 sq. m.
- Zoning By-law – Office (OF5(6)) Zone, exemption from barrier free parking



# Application





# Application

- The London Plan – amendment to 1074\_ to permit GFA up to 6,342.4 sq. m.
- 1989 Official Plan – add Specific Area Policy to permit GFA up to 6,342.4 sq. m.
- Zoning By-law – to permit GFA for office uses of 6,342.4 sq. m. and reduced parking of 284 (when 423 is required)
- Existing special provisions will be maintained



# Relevant Policies

- PPS, 2020 – direct intensive development Downtown to maintain it’s vitality (1.1.3.2(b), 1.1.3.5, and 1.7.1(d))
- The London Plan – large office spaces > 5,000 sq. m. directed Downtown (795\_ and 799\_14)
- Official Plan 1989 – Downtown to be the primary office area (5.1.1.(i)); criteria for Specific Area Policies (10.1.1(i))



# Recommendation

## Refusal

1. The proposed development is not consistent with the PPS, 2020;
2. The proposed development does not conform to *The London Plan (2016)*, including, but not limited to, the Key Directions and the policies of the Downtown and Neighbourhoods Place Types
3. The proposed development does not conform to the *Official Plan (1989)*, including, but not limited to, the Downtown and Office Space land use designation policies and the criteria for Specific Area Policies



# 1055 Fanshawe Park Road West

Planning and Environment Committee Meeting

Monday, April 25<sup>th</sup> 2022

# Site Context

**Figure 2 – Existing Building and Interface with Public Realm**



**Figure 3 – Existing Landscaping and Masonry Walls along Fanshawe Park Road West Frontage**



# Surrounding land uses

Figure 5 – Neighbourhood Land Uses

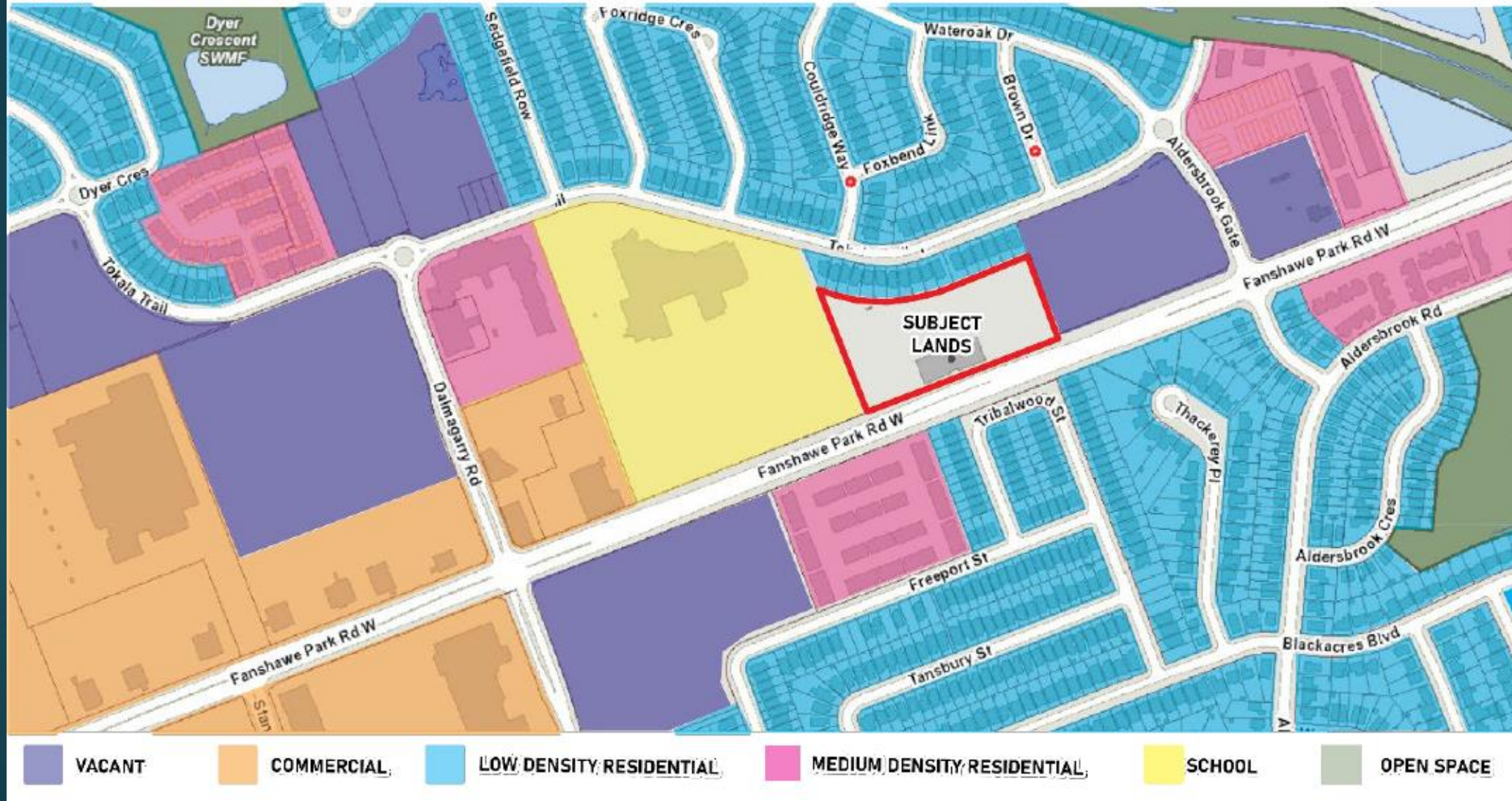
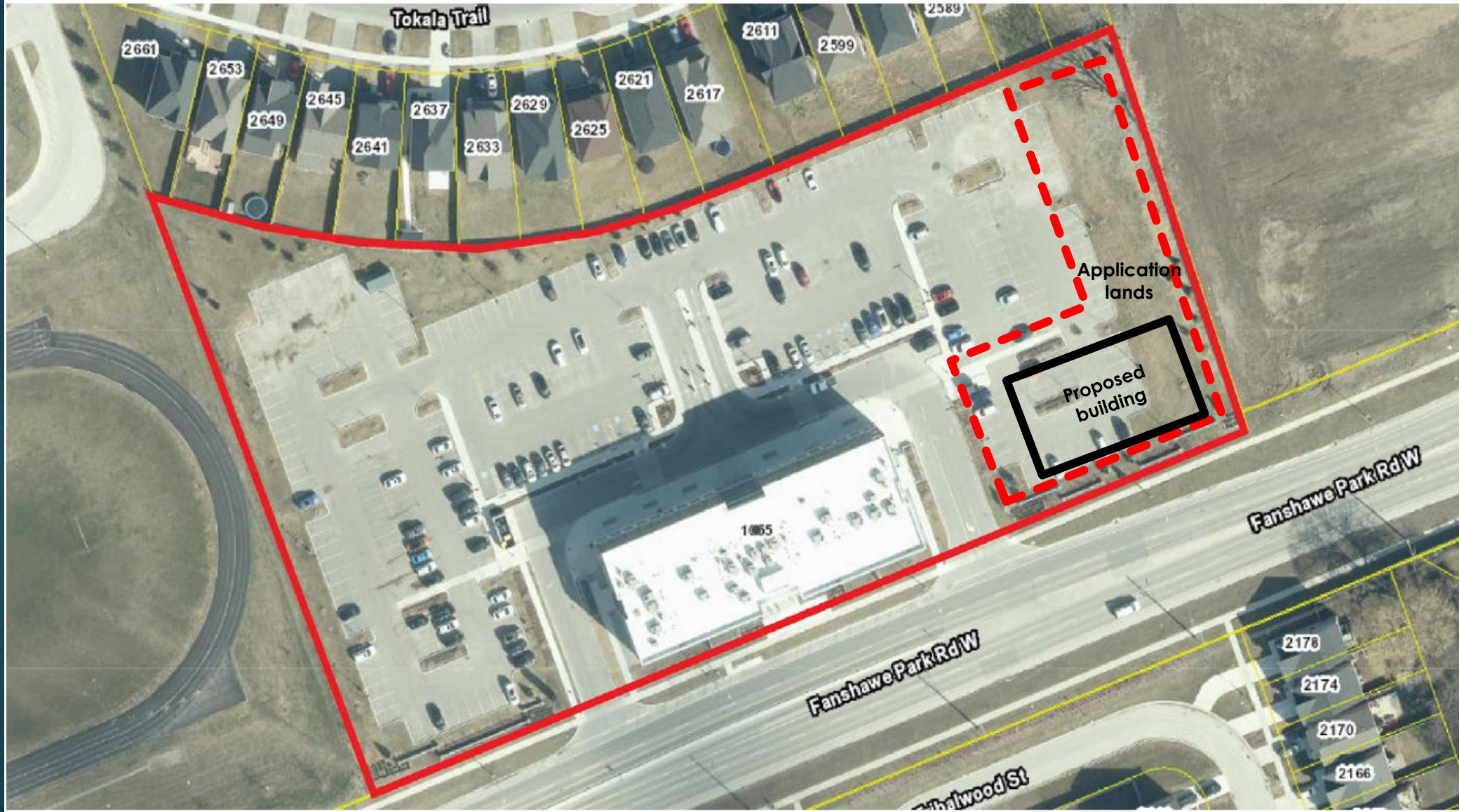
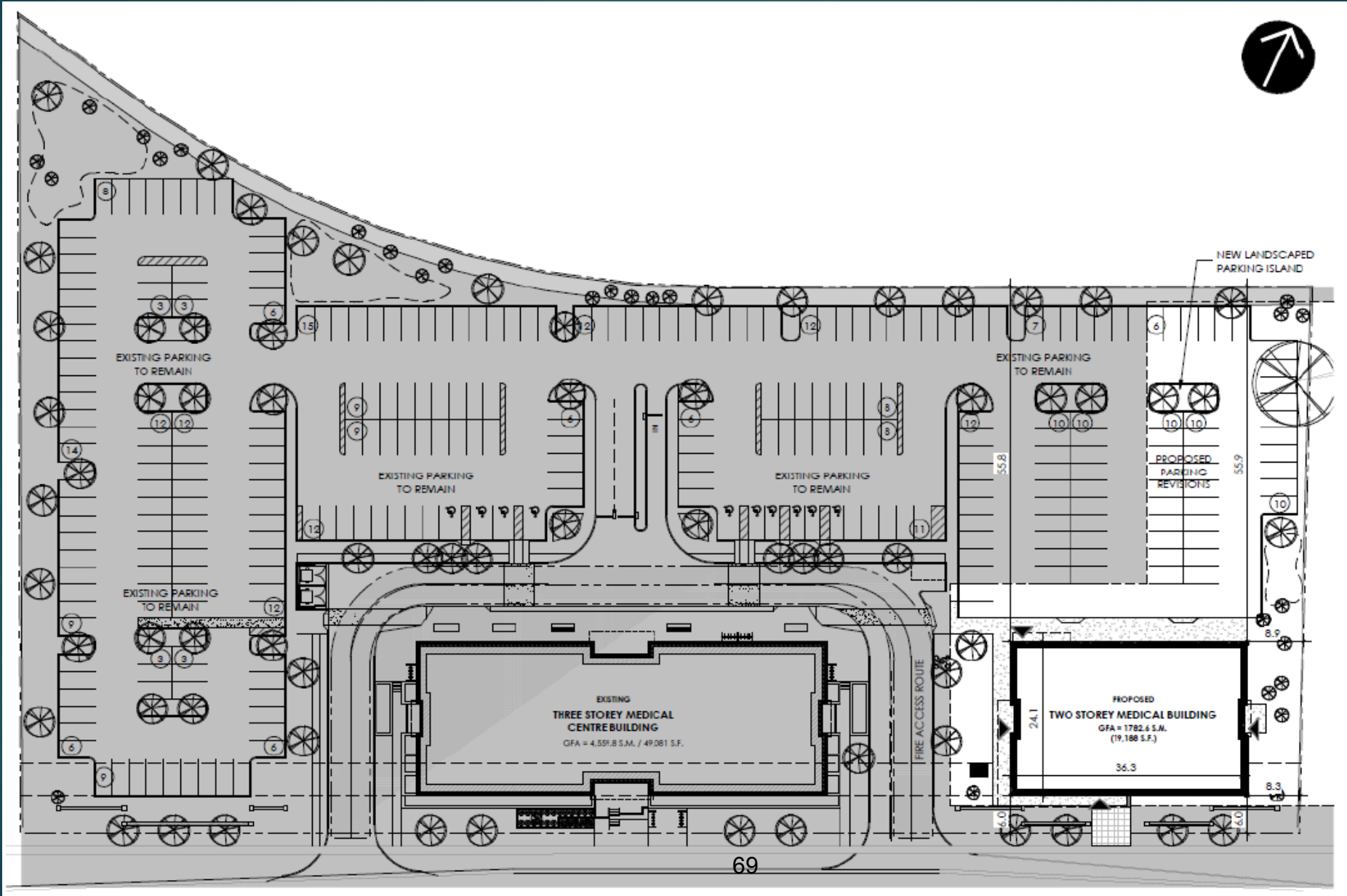


Figure 1 – The Subject Lands (Outlined in Red)



# Concept Site Plan



# Key Considerations

6

- The proposed development is in response to increased demand for additional medical/dental facilities in this area of the City of London and in our opinion is a natural extension to the existing permitted medical offices existing on the subject site.
- The new uses will be predominantly medical related, and will include space(s) for expanded family physicians (which are under serviced in London); expanded Rheumatology services and new Dermatology services.
- Modest parking reconfiguration works are proposed to the rear of the site at the easterly extent of the parking area, to accommodate the construction of 34 new parking spaces to replace the 31 parking spaces that are to be removed to accommodate the proposed building. The proposal is supported by a parking reduction justification prepared by Paradigm Transportation Solutions which City staff have reviewed and accepted based on the ITE Parking Rate.

- The proposed development seeks a revision to the existing specific area policy (i.e. Policy 1074), which permits the existing medical/dental office gross floor area maximum of 5,000 m<sup>2</sup>. The proposed development is in keeping with the purpose and intent of the broader plan and policy framework of The London Plan, particularly with the goals and objectives of the “Downtown” Place Type which speak to protecting the existing office environment in the Downtown and preserving these uses by restricting office development elsewhere in the City of London.
- The new offices would not compete with the Downtown for office space as the proposed “office uses” are specific to medical uses, and permitting the additional medical office gross floor area in this appropriate location will not prejudice the ability of other office uses from being located in the Downtown. Medical office uses are more appropriately located in convenient, neighbourhood settings within close proximity to large residential areas, providing opportunities for active transportation or automobile trips.
- The type of office uses that generally occupy purpose-built buildings in the Downtown are not permitted on the subject lands (e.g. professional office etc.), and as such, the proposed development does not directly compete with this office space.

- There is no change to the range of medical/dental office and related uses on the subject lands. These uses are already permitted and considered to be appropriate and compatible for their context. As such, there are no anticipated significant impacts on surrounding land uses. No objections have been received from the public.
- The proposed development is consistent with the 2020 Provincial Policy Statement as it promotes the efficient use of an underutilized site that is located centrally within a rapidly growing community in northwest London. The provision of a medical/dental office hub within close proximity to an increasingly populated residential area is a key contributor to healthy, liveable, and safe communities in the City. The proposed medical/dental building adds to the mix of medical/dental employment opportunities to those in the surrounding community, and further provides medical/dental services in a location that promotes a reduced number (and their length) of trips for individuals in the surrounding community to access health services/care, especially in with respect to reducing mobility barriers for persons with disabilities and/or older persons.



- The applications maintain the purpose and intent of the policies within the 1989 City of London Official Plan and the London Plan including a number of strategic objectives (e.g. planning for and promoting strong and consistent growth and a vibrant business environment; and planning to achieve a compact, contiguous pattern of growth, while sustaining, enhancing, and revitalizing our urban neighbourhoods) which do not speak against the proposed use of the lands for expanded medical/dental office uses.
- For the reasons outlined earlier, the proposed development will not unduly impact the Downtown.
- As such, the proposed Official Plan Amendment and the proposed Zoning By-Law Amendment represent good planning practice, is appropriate for the subject lands, and is in the public interest.

## 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 the Heritage Listed Property at 147-149  
Wellington Street by P. & S. Letsos  
**Public Participation Meeting on:** Monday April 25, 2022

## Recommendation

That, on the recommendation of the Director, Planning and Development, the property at 147-149 Wellington Street **BE REMOVED** from the Register of Cultural Heritage Resources.

## Executive Summary

The property at 147-149 Wellington Street was identified as a potential cultural heritage resource in 2018 and added to the Register of Cultural Heritage Resources by resolution of Municipal Council. As Municipal Council must believe a property to be of potential cultural heritage value or interest to be added to the Register of Cultural Heritage Resource, it must therefore be satisfied that a property is not of cultural heritage value or interest, through the completion of a comprehensive evaluation, prior to removing a property from the Register.

A Heritage Impact Statement was submitted in support of the request to remove the heritage listed property at 147-149 Wellington Street from the Register. The Heritage Impact Statement found that the property does not meet the criteria for designation under the *Ontario Heritage Act* in Ontario Regulation 9/06. Staff do not disagree with the evaluation of the property in the Heritage Impact Statement. As the property does not meet the criteria for designation, it should be removed from the Register.

While the property is recommended to be removed from the Register, that does not necessarily mean that the building will be demolished or removed.

## 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 property at 147-149 Wellington Street is located on the southwest corner of Wellington Street and Grey Street (Appendix A).

#### 1.2 Cultural Heritage Status

The property at 147-149 Wellington Street is a heritage listed property. The property was added to the Register of Cultural Heritage Resources by resolution of Municipal Council on March 28, 2018.

#### 1.3 Description

There is a two-and-a-half storey residential-type building located on the property at 147-149 Wellington Street (Appendix B). It is a brick structure with a hipped roof and a front

gable. It has a buff brick chimney on the south slope of the roof. Over its history, the building has evolved and changed in its function to accommodate a restaurant through an addition(s) built onto the structure.

The residential-type dwelling demonstrates architectural influences of the Queen Anne Revival architectural style, which were popular at the end of the nineteenth century in London. Elements contributing to this identification include the form and massing of the building, the wood shingle imbrication and bargeboard in the decorated front gable, the Queen Anne style windows in the front gable, and the Queen Anne style window on the north upper façade.

The building has been altered to accommodate its current use as a restaurant (the Family Circle Restaurant). The addition which wraps the east and north façades and which continues at the rear of the building was constructed circa 1994. In about 2021, the buff brick exterior of the building was painted grey. It is hypothesized that the building may have been somewhat similar in appearance to the adjacent house at 143 Wellington Street, which is another buff brick two-and-a-half storey residential Queen Anne Revival building.

#### **1.4 History**

The Euro-Canadian history of the property at 147-149 Wellington Street begins with the original survey of the town plot of London, completed by Colonel Mahlon Burwell in 1826 under the direction of Surveyor-General Thomas Ridout. The original town site was bounded by North Street (later Queens Avenue), Wellington Street, and the Thames River.

No structure is shown on the property in the *Map of the City of London, Canada West* (1855) by Samuel Peters. However, by the *Bird's Eye View of London, Ontario, Canada* (1872), structures are shown. The *Bird's Eye View of London, Ontario Canada* (1890) provides a good view of the property (see Figure 2, Appendix B). The residential form building at 147 Wellington Street was likely built circa 1890. There appears to have been buildings prior to the existing building on this property.

The 1912, revised 1915 *Fire Insurance Plan* records the forms and details of structures on this block, including the property at 147 Wellington Street, the buildings that have been demolished, and the other buildings still extant (see Figure 3, Appendix B). Further research is required to confirm when the buildings north of 147 Wellington Street, now comprising the property at 147-149 Wellington Street, were demolished.

The property is located within the SoHo area, which has been identified as an area for future study as a potential Heritage Conservation District. It is part of a historically commercial streetscape, including purpose-built commercial buildings, institutional buildings, and residential-form buildings having been adapted to commercial uses. Nearby heritage landmarks include the former Wellington Street Methodist Church (156 Wellington Street, heritage listed property), former Christ Church Anglican (138 Wellington Street, heritage designated property), and the Red Antiquities Building (129-131 Wellington Street). There are numerous adjacent and nearby heritage listed properties.

The Family Circle Restaurant was opened on Wellington Street in about 1982 and expanded in about 1994. It was purchased by the current property owner in 2001.

#### **1.5 Previous Zoning By-law Amendment**

In 2018, a Zoning By-law Amendment (Z-8905) application was received, which included the property at 147-149 Wellington Street as well as properties at 253 Grey Street, 255 Grey Street and 257 Grey Street. The requested amendment was to permit a site-specific bonus zone to allow for an 18-storey (63 metre) L-shaped apartment building which was proposed to include 246 dwelling units (560 units per hectare). Two levels of underground parking were proposed to provide 162 parking spaces with another 38 spaces being provided at ground level.

As noted in the staff report (see link at the end of this report), the London Advisory Committee (LACH) and Heritage Planner expressed concerns with the original proposal and how it fits within the community. The LACH was consulted at its meeting on June 27, 2018, with its comments included in the staff report. The comments from the Heritage Planner were also included in the staff report.

With the staff recommendation, the Zoning By-law Amendment was passed by Municipal Council at its meeting on October 16, 2018. No appeals to the Local Planning Appeal Tribunal were received.

## **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, *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), *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)<sup>1</sup> is consulted, and a public participation meeting is held at the Planning & Environment Committee. This process is used when a property owner requests the removal of their property from the Register.

Section 29, *Ontario Heritage Act* enables municipalities to designate properties to be of cultural heritage value or interest. Section 29, *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).

##### **2.1.2.1 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,

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<sup>1</sup> At its meeting on February 15, 2022, Municipal Council reconstituted its advisory committees including the London Advisory Committee on Heritage (LACH). Until the new Community Planning Advisory Committee is composed, the LACH will continue to serve as the City’s municipal heritage committee.

- 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 heritage listed property should be removed from the Register. These same criteria are in Policy 573\_ of *The London Plan*.

### **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. If a property is evaluated and found to not meet the criteria for designation, it should be removed from the Register of Cultural Heritage Resources.

The property at 147-149 Wellington Street is included on the Register of Cultural Heritage Resources as a heritage listed property.

## **3.0 Financial Impact/Considerations**

None.

## 4.0 Key Issues and Considerations

### 4.1. Request to Remove from the Register of Cultural Heritage Resources

A written request to remove the heritage listed property at 147-149 Wellington Street from the Register of Cultural Heritage Resources was submitted by an agent for the property owner and was received by the City on April 4, 2022.

Municipal Council must respond to remove a heritage listed property from the Register of Cultural Heritage Resources 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 request to remove the heritage listed property at 147-149 Wellington Street from the Register of Cultural Heritage Resources expires on June 3, 2022.

#### 4.1.1 Heritage Impact Statement

A Heritage Impact Statement (Zelinka Priamo, August 2018) was submitted as part of the planning application for the property (Z-8905). The same Heritage Impact Statement was re-submitted as part of the request to remove the heritage listed property at 147-149 Wellington Street from the Register of Cultural Heritage Resources. The Heritage Impact Statement is attached as Appendix C.

The LACH was previously circulated on the Heritage Impact Statement at its meeting on June 27, 2018. Comments from the LACH, as well as the Heritage Planner, are included in the staff report for the planning application (Z-8905) (link at the end of this report).

### 4.2 Consultation

Pursuant to intent of the Council Policy, notification of the request to remove the heritage listed property from the Register of Cultural Heritage Resources request was sent to property owners within 120m of the subject property on April 5, 2022, as well as community groups including the Architectural Conservancy Ontario – London Region Branch, London & Middlesex Historical Society, the Urban League of London, and the SoHo Community Association. Notice was also published in *The Londoner* and on the City's website.

The London Advisory Committee on Heritage was consulted at its meeting on Wednesday April 13, 2022.

### 4.3 Evaluation

An evaluation of the property at 147-149 Wellington Street was completed using the criteria of Ontario Regulation 9/06 in the Heritage Impact Statement (Zelinka Priamo, August 2018). See Appendix C.

Staff have reviewed the Heritage Impact Statement and its evaluation. Staff do not disagree with the evaluation of the property, finding that the property does not meet the criteria for designation under the *Ontario Heritage Act*.

## Conclusion

The property at 147-149 Wellington Street was identified as a potential cultural heritage resource and added to the Register of Cultural Heritage Resources in 2018. A Heritage Impact Statement was submitted in support of the request to remove the heritage listed property at 147-149 Wellington Street from the Register. Staff do not disagree with the evaluation of the property in the Heritage Impact Statement which found that the property does not meet the criteria for designation under the *Ontario Heritage Act*. The property at 147-149 Wellington Street is not a significant cultural heritage resource. As the property does not meet the criteria for designation, it should be removed from the Register of Cultural Heritage Resources.

**Submitted by:** Jana Kelemen, M.Sc.Arch., MUDS, MCIP RPP  
Manager, 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

**Link to Staff Report (Z-8905)**

Report to Planning and Environment Committee, JAM Properties Inc. 147-149  
Wellington Street, 253-257 Grey Street, October 9, 2018:

<https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=51207>

**Appendices**

Appendix A Property Location

Appendix B Images

Appendix C Heritage Impact Statement (Zelinka Priamo, August 2018)

**Selected Sources**

Corporation of the City of London. *2019-2023 Strategic Plan*.

Corporation of the City of London. *Heritage Places 2.0*. 2019.

Corporation of the City of London. Property file.

Corporation of the City of London. *Register of Cultural Heritage Resources*. 2020.

Corporation of the City of London. *The London Plan*. 2021 (consolidated).

Ministry of Culture. *Ontario Heritage Toolkit: Heritage Property Evaluation*. 2006.

*Ontario Heritage Act*. 2019, c. 9. Sched. 11.

Zelinka Priamo Ltd. Heritage Impact Statement, 147-149 Wellington Street, JAM  
Properties Inc. Revised August 2018.

# Appendix A – Property Location

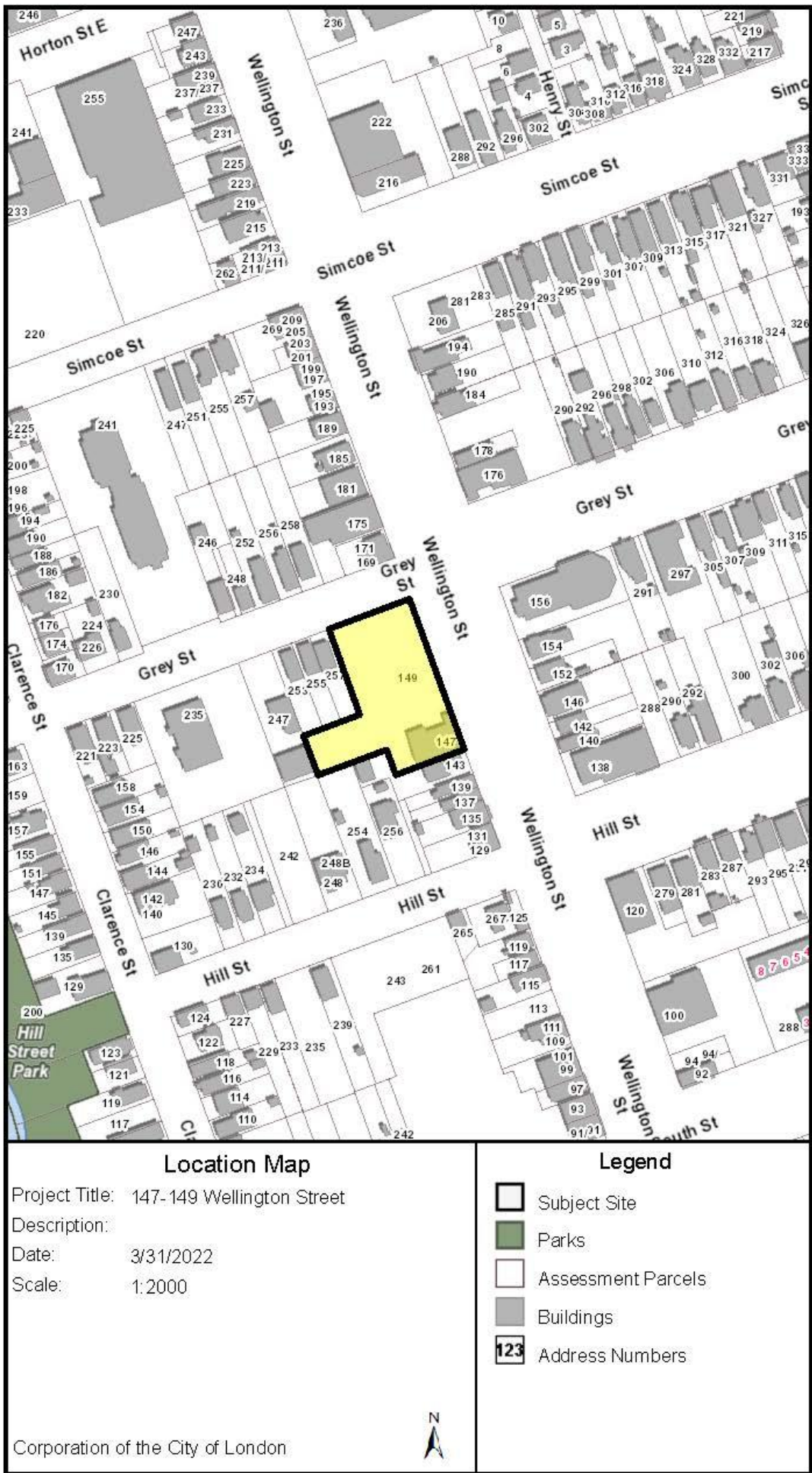


Figure 1: Location Map showing the property at 147-149 Wellington Street.



# Appendix B – Images

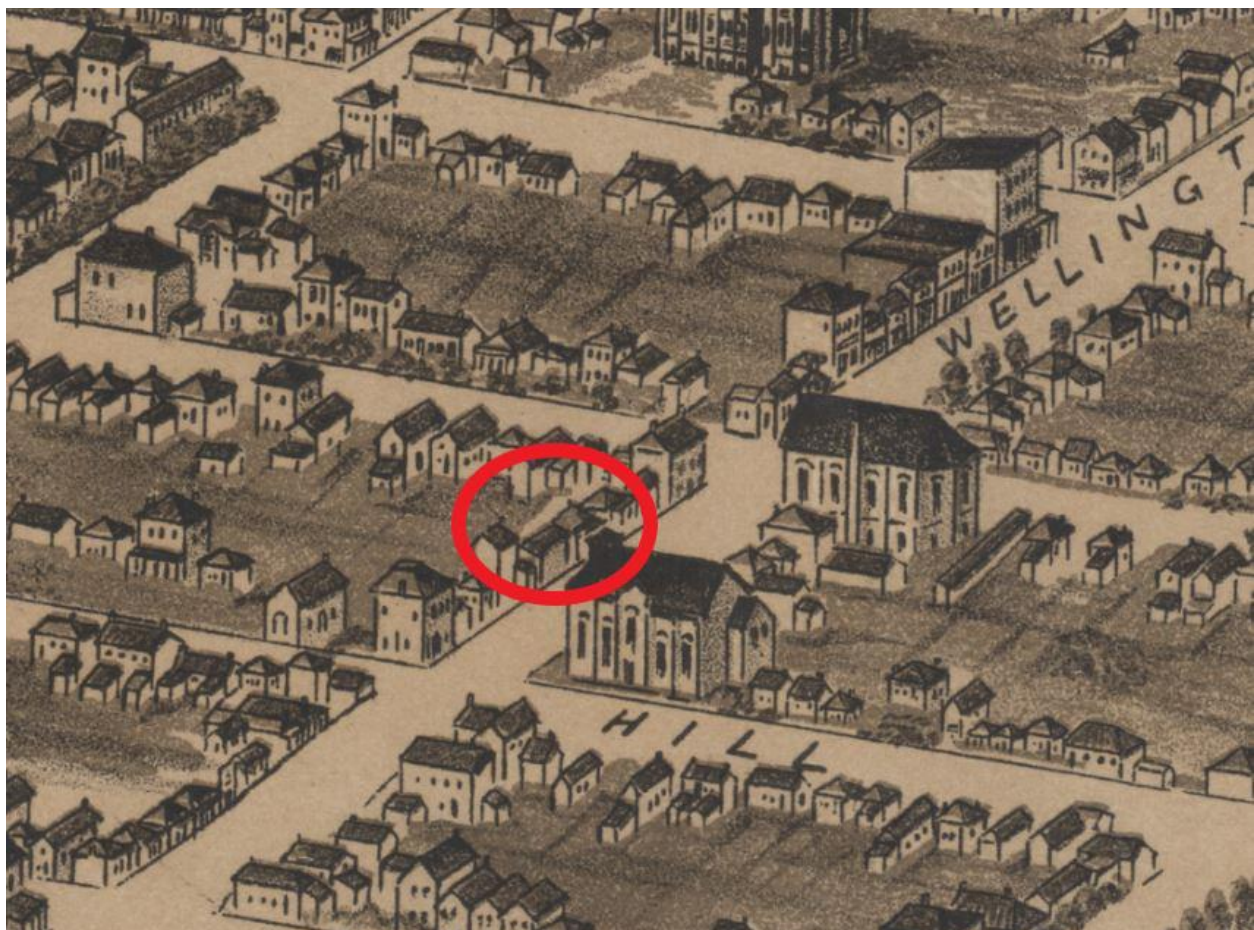


Figure 2: Excerpt from the Bird's Eye View of London, Ont. Canada (1890), showing the property at 147-149 Wellington Street (approximately circled in red). Where scale is often used to indicate importance, the large buildings across Wellington Street are Christ Church Anglican (138 Wellington Street, heritage designated property) and the Wellington Street Methodist Church (156 Wellington Street, heritage listed property). Courtesy Maps and Data Centre, Western University.

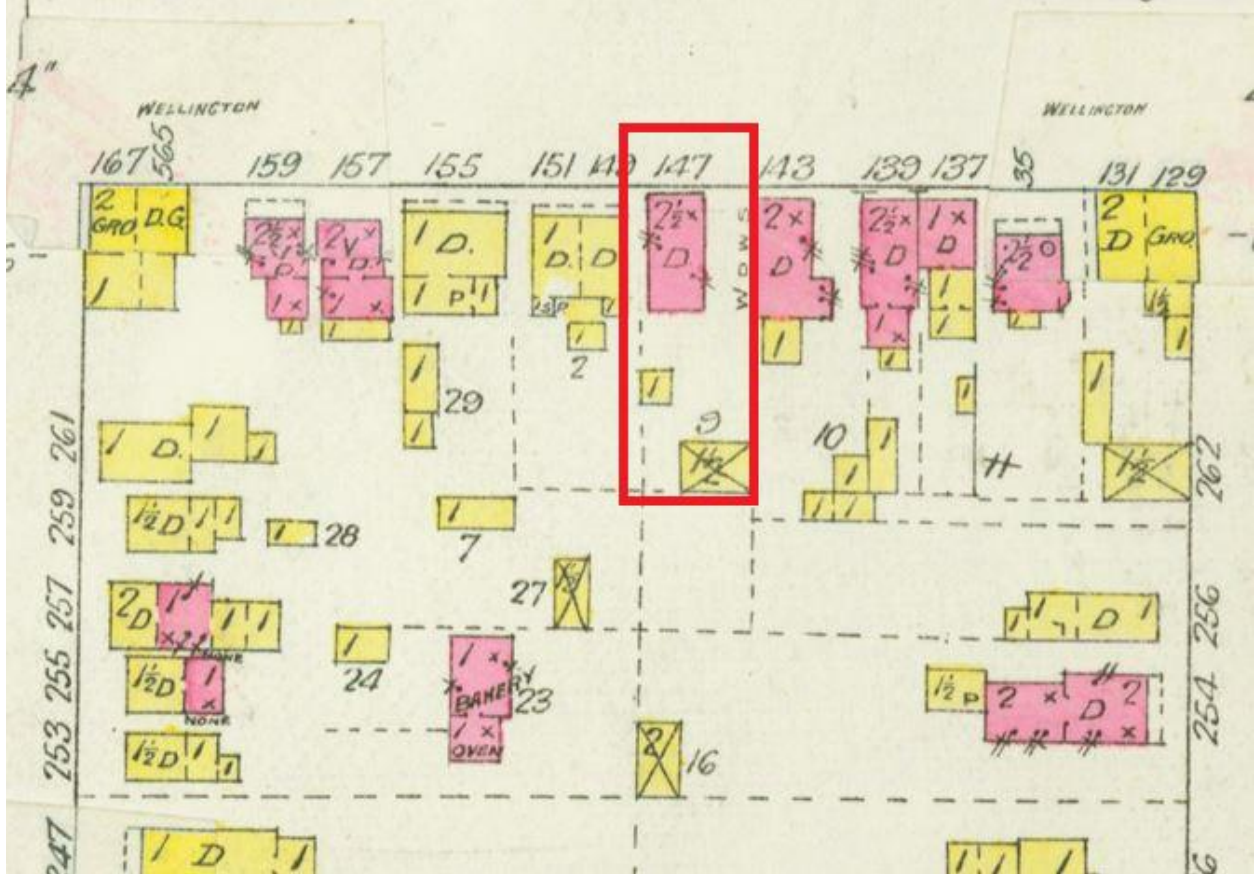


Figure 3: Detail of Sheet 28 from the 1912, revised 1915 Fire Insurance Plan, showing the property at 147 Wellington Street. The buildings shown to the left of 147 Wellington Street have been removed. To the far right of the property at 147 Wellington Street is the Red Antiquities Building at 129-131 Wellington Street (heritage designated property). Courtesy Maps and Data Centre, Western University.



Image 1: View looking northwest from Hill Street at Wellington Street, with the property at 147 Wellington Street on the far left.



Image 2: View of the historic front façade of the residential form building located at 147-149 Wellington Street.



Image 3: View showing the north elevation of the existing building at 147-149 Wellington Street, seen across the large parking lot.



Image 4: Detail of the Queen Anne Revival detailing of the front gable, including the wood shingle imbrication, brackets, bargeboard, dentil moulding, and sunburst motif in the apex. The fenestration of the upper sash of the window is also in the Queen Anne Revival style.



*Image 5: Detail of the Queen Anne Revival window on the north façade of the building at 147-149 Wellington Street.*

## **Appendix C – Heritage Impact Statement**

Heritage Impact Statement (Zelinka Priamo, dated August 2018) – *attached separately*

# Heritage Impact Statement

147-149 Wellington Street

JAM PROPERTIES INC.



Revised August 2018

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## **SECTION 1 - INTRODUCTION**

The requested revised Heritage Impact Statement (HIS) is in response to Mike Corby's email dated August 15, 2018 and Staff's memo dated July 31, 2018 regarding the April 2018 HIS for 147-149 Wellington Street (Z-8905).

The HIS that was submitted with the Zoning By-law Application on January 11, 2018 was prepared with the information that was available at that time. The subject lands were not listed on Register (Inventory of Heritage Resources) and the London Plan was under appeal. The subject lands were added to the Register (Inventory of Heritage Resources) and the London Plan partially came into effect between the time the application was submitted and deemed complete.

Below is an outline of the timing:

- Zoning By-law Application (Z-8905) submitted to City – January 11, 2018
- Subject Property (147 - 149 Wellington Street) and adjacent properties (152 and 143 Wellington Street) added to Register (Inventory of Heritage Resources) - Council Approval March 27, 2018
- The London Plan partially came into effect – March 29, 2018
- Revised material for application Z-8906 (including HIS) submitted to City – April 23, 2018
- Application Deemed Complete – April 25, 2018

The July 31, 2018 memo stated the April 2018 HIS was “exceedingly brief”, and the potential cultural heritage resource at 147-149 Wellington Street was not assessed. However, staff deemed the application complete on April 25, 2018 so we had no reason to believe the HIS was not sufficient. At the time the HIS was revised we were not aware 147-149 Wellington Street was added to the Registry. It was added through the London Advisory Committee of Heritage (LACH) review of the draft Cultural Heritage Screening Report (CHSR) – London Bus Rapid Transit System (WSP, February 6, 2018) which was not a public process; neither our office or our client were notified of this process.

Regardless, there were open discussions regarding the proposal between staff and the applicant well after 147-149 Wellington Street was added to the Registry and the London Plan Policy 586 came into effect. It is unclear why staff did not inform the applicant of these two items before the application was deemed complete.

## **SECTION 2 – SITE AND SURROUNDING AREA**

### **2.1 The Subject Lands**

The subject lands are located at the southwesterly corner of Grey Street and Wellington Street (Figure 1). The subject lands are comprised of four parcels of land known municipally as 147(149) Wellington Street, and 253-257 Grey Street, and have a combined area of approximately 0.44ha



(1.09ac), a frontage of approximately 72.2m (236.8 ft) on Wellington Street, and 66.9m (219.4 ft) on Grey Street.

Fire insurance plans show there were eleven structures on the subject lands that were mainly residential dwellings with the exception of a grocery store at the corner of Wellington and Grey Streets (Appendix 1).

Today, the subject lands consist of the Family Circle restaurant and three single-detached homes, as well as associated parking and open space.

None of the properties that make up the subject site are designated under the Ontario Heritage Act; however, 147(149) Wellington Street was added to the Register (Inventory of Heritage Resources) by Council on March 27, 2018. It was added as a result of the London Advisory Committee of Heritage (LACH) review of the draft Cultural Heritage Screening Report (CHSR) – London Bus Rapid Transit System (WSP, February 6, 2018).

The Stewardship Sub-Committee (SSC) of LACH reviewed the draft CHSR and recommended that further cultural heritage work be required for 439 properties that were identified by the draft CHSR. In addition, SSC recommended that further cultural heritage work be required for 30 properties which were not identified by the draft CHSR but which SSC believed to be of potential cultural heritage value or interest. The 147 - 149 Wellington Street lands were one of those 30 properties. In addition, 152 and 143 Wellington Street, which are adjacent to the subject lands, were added to the Registry.

Our client was not aware of this process nor was made aware by staff that 147-149 Wellington Street was added to the municipalities Register (Inventory of Heritage Resources).

An evaluation using Regulation 9/06 has been completed and it has been determined the property does not warrant designation under the Ontario Heritage Act. See Appendix 2 for Property Evaluation and Photo Review.

The existing restaurant at 147-149 Wellington Street has had several alterations and additions to all sides of the original structure; however, it was originally a two and a half storey, yellow brick, Queen Anne style single detached dwelling. The structure has a hip roof with an off centre front gable dormer and a tall chimney. Typically, the front elevation would consist of a front door with a small covered porch, with one window on the first floor, two on the second floor and small double windows in the attic gable.

Unfortunately, many changes that were done for the commercial use have resulted in the loss of many residential features. The first floor, including the front façade of the house, has undergone the largest transformation. It is hard to determine what the front of the house may have looked like or where the position of the original features, such as windows and the front door.

The second-floor façade remains intact with the original windows topped with a slight brick arch, with simple concrete sills.

The gable in the roof remains intact and contains bargeboards ornamented with rows of roundels and fields filled with scalloped wood shingles. The gable contains paired windows with wood

jamb and sills, rising from each jamb is a console bracket, fluted on the outside edge that supports a projecting board in the apex that features a sunburst design.

Some of the past owners of 147-149 Wellington Street are as follows:

- 1884 – John Morrison – Blacksmith @ 148 (150) Fullarton Street
- 1886 – Davide Chambers – Bookkeeper
- 1887 – Josiah Gould – Clerk @ J.H Chapman & Co. (Clothing Store) 126 Dundas Street
- 1895 – Frederick French – Cigar Maker
- 1900 – Ralph O'Neil – Shipper @ TB Escott & Co.
- 1901 – Henry G. Edsall – Clerk
- 1904 – Edward J Snider – Coremaker
- 1906 - 1910 – George Bawden – Plaster/clerk
- 1918 – 1955 – Olga and William Diplock – Seamstress and fish peddler
- 1955 – 1980 – Olga Diplock – Iris Shoppe/Yarn n Yarn Gardens
- 1990 – Present – Family Circle Restaurant

## 2.2 Surrounding Lands

The subject lands are located within the SoHo neighbourhood which has been identified as a potential Heritage Conservation District. A study of the neighbourhood has not been undertaken for the purposes of designating it as a heritage conservation district. See Appendix 3 for Images of Surrounding Areas.

The subject lands are not adjacent to any properties designated under Part IV Ontario Heritage Act but are adjacent to the following non-designated properties listed on the Register (Inventory of Heritage Resources):

- 171/169 Wellington Street – Commercial Building c. 1890
- 143 Wellington Street – Residential Building
- 146 Wellington Street – Residential Building c. 1879
- 152 Wellington Street – Residential Building
- 154 Wellington Street – Residential Building c. 1875
- 156 Wellington Street – Church – c. 1876
- 254 Hill Street – Residential Building – c. 1868

## SECTION 3 – POLICY REVIEW

### 3.1 Provincial Policy Statement 2014 (PPS)

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

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

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

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

#### 6.0 PPS Definitions:

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

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

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

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

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

### 3.2 The London Plan

The new City of London Official Plan (The London Plan) has been adopted by Council, but is subject of several appeals to the Ontario Municipal Board. Notwithstanding, consideration must be given to the following Cultural Heritage policies:

*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.” (Under Appeal)*

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

### 3.3 City of London Official Plan

Since policy 565 is subject to an appeal at the Ontario Municipal Board (LPAT) and is not in force, Section 13 of the existing in force Official Plan applies.

Section 13 provides policies regarding the cultural heritage value of properties in London. Consideration was given to the following policies in the Official Plan:

#### **Section 13.2.3. – Alteration, Removal or Demolition**

*"Where heritage buildings are designated under the Ontario Heritage Act, no alteration, removal or demolition shall be undertaken which would adversely affect the reason(s) for designation except in accordance with the Ontario Heritage Act."*

#### **Section 13.2.3.1 – Alteration or Demolition on Adjacent Lands**

*"Where a heritage building is protected under Parts IV, V or VI of the Ontario Heritage Act, development, site alteration or demolition may be permitted on adjacent lands where it has been evaluated through a Heritage Impact Statement, and demonstrated to the satisfaction of Council that the heritage values, attributes and integrity of the protected heritage property are retained. For the purposes of this section, adjacent lands shall include lands that are contiguous, and lands that are directly opposite a protected heritage property, separated only by a laneway or municipal road."*

### 3.4 Ontario Heritage Tool Kit

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

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

1. Destruction of any, part of any, significant heritage attributes or features;
2. Alteration that is not sympathetic, or is incompatible with the historic fabric and appearance;
3. Shadows created that alter the appearance of a heritage attribute or change the viability of a natural feature or plantings, such as a garden;
4. Isolation of a heritage attribute from its surrounding environment, context or a significant relationship;
5. Direct or indirect obstruction of significant views or vistas within, from, or of built and natural features;

6. A change in land use where the change in use negates the property's cultural heritage value; and
7. Land disturbances, such as change in grade that alters soils and drainage patterns that adversely affect cultural heritage resources.

#### **SECTION 4 – PROPOSED DEVELOPMENT & SUMMARY OF REVISIONS**

The development proposes the demolition of the three existing single detached dwellings and the existing restaurant for the construction of an, L-shaped, 18-storey residential apartment building.

The building will be composed of a 3 to 5-storey podium along Wellington Street, and a 4 storey podium along Grey Street stepping up to an 18 storey tower (See Appendix 4). A total of 246 apartment units are proposed within the building at a residential density of 556 UPH.

A total of 200 parking spaces are proposed at grade and within a two-level underground structure. The underground levels accommodate 162 spaces, while the ground level accommodates 36 spaces, which includes 26 visitor parking spaces and 7 accessible parking spaces. The ground level parking has a proposed green roof canopy to screen the views of some of the surface parking from the apartment building. Access to the site is proposed off Grey Street through a tunnel through the main floor of the proposed building. From the at grade parking there is a covered pedestrian walkway that leads to Wellington Street and the main entrance of the building. The ramp to the parking levels is located to the rear of the building, out of view from the public.

Amenity space for the occupants of the building in the form of rooftop terrace is provided on the 9<sup>th</sup> and 18<sup>th</sup> floors; with other 'private' terraces provided on the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, and 16<sup>th</sup> floors, with views of Wellington Street and Grey Street. Landscaping is proposed along the Wellington Street and Grey Street frontages, as well as along the interior property lines abutting neighbouring properties.

The proposed building has gone through several revisions since the application was submitted on January 11, 2018. Please review the attached memo from Zedd Architecture for a summary of those changes.

#### **SECTION 5 – ANALYSIS AND MITIGATION**

##### **5.1 Provincial Policy Statement 2014 (PPS)**

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

The alterations done to accommodate the commercial restaurant were not sympathetic to the potential heritage attributes and features of the single detached dwelling. The significant built heritage resource was altered and many of the principal residential features and elements that contribute to the property's cultural heritage value/ interest were lost.

The gable in the roof is the only potential heritage attributes that is intact; however, the feature is not rare and is out of context as the remaining portion of the structure has been greatly compromised.

There are no protected heritage properties adjacent to the subject lands as per the PPS definition of "protected heritage property".

Adjacent non-designated listed properties are not considered protected heritage properties. The PPS definition of a protected heritage property means *property designated under Parts IV, V, or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Site.*

## 5.2 The London Plan

The following consideration was given to the London Plan policy 586. Since policy 565 is subject to an appeal at the Ontario Municipal Board (LPAT) and is not in force, Section 13 of the existing in force Official Plan applies.

Policy 586 is a duplicate policy which was not appealed, and is in effect. It states that if a property is adjacent to heritage designated properties or properties listed on the Register the proposal must be evaluated to demonstrate that the heritage attributes of the heritage designated properties and properties listed on the Register are conserved.

There are no heritage designated properties adjacent to the subject lands; and the adjacent listed properties, being non-designated properties, do not have "heritage attributes". This is a defined term under the PPS, which does not apply to non-designated properties.

It is understood Section 4.9 of Provincial Policy Statement states the PPS represents minimum standards and a municipality may exceed those minimum standards provided doing so would not conflict with any policies of the Provincial Policy statements.

However, Policy 586 is not going beyond those standards, it is suggesting an arbitrary process that completely disregards the process of the Ontario Heritage Act.

In order to determine the heritage attributes of a property it must first be considered for protection under Section 29 of the Act. Listed non-designated properties are only candidates for protection and require further research and an assessment using a comprehensive evaluation that is consistent with Ontario Heritage Act Regulation 9/06.

The objective of Policy 586 is the protection, conservation and stewardship of cultural heritage resources.

Staff stated, in the July 31, 2018 memo, it is the obligation of the proponent to demonstrate that the potential heritage attributes of the adjacent non-designated properties are conserved.

Putting this obligation on the applicant of an adjacent property does not fit within the best practice for heritage conservation.

The key proponent in a designation of a property under the Ontario Heritage Act should be the property owner, not an applicant of a development that is adjacent.

### 5.3 City of London Official Plan

The proposed development is consistent with Section 13.2.3.1 of the City of London Official Plan. There are no lands that are contiguous, or that are directly opposite (separated only by a laneway or municipal road) that are protected under Parts IV, V or VI of the Ontario Heritage Act.

### 5.4 Ontario Heritage Tool Kit

As per the Ontario Heritage Tool Kit, there are no lands that are adjacent to the subject lands that are protected under Parts IV, V or VI of the Ontario Heritage Act. The tool kit states "...listing non-designated properties does not offer any protection under the Ontario Heritage Act..." It does state the Provincial Policy Statement does acknowledge listed properties, however, not adjacent listed properties. It acknowledges adjacent protected heritage property, which does not include listed non-designated properties.

The adjacent listed properties are not protected under the Ontario Heritage Act, therefore are not considered protected heritage properties as per the PPS.

## **SECTION 6 – RESPONSE TO JUNE 13, 2018 LONDON ADVISORY COMMITTEE ON HERITAGE (LACH)**

The following is a response to the comments from the June 13, 2018 meeting of the London Advisory Committee on Heritage regarding the Heritage Impact Statement dated April 2018:

### 6.1 **The lack of compatibility and sympathy with the adjacent heritage listed and designated properties with respect to setback, material and design, particularly as it relates to the property located at 143 Wellington Street.**

There are no designated properties adjacent to the subject lands. 131/129 and 138 Wellington Street are both designated under Part IV of the Ontario Heritage Act but are not considered adjacent as per the Provincial Policy Statement (PPS) definition of adjacent, which means those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

The definition of adjacent in the London Plan is subject to an appeal at the Ontario Municipal Board, therefore is not in force, Section 13 of the existing Official Plan shall apply.

As per Section 13.2.3.1 of the City of London Official Plan, 131/129 and 138 Wellington Street are protected under Part IV of the Ontario Heritage Act, but are not contiguous, and are not directly opposite (separated only by a laneway or municipal road) to the subject lands.

The subject property was adjacent to the following non-designated listed properties when the Zoning By-law Application was submitted to the City on January 11, 2018.

- 171/169 Wellington Street
- 146 Wellington Street
- 154 Wellington Street

- 156 Wellington Street
- 254 Hill Street

143 or 152 Wellington Street were not listed as a non-designated property on the Register (Inventory of Heritage Resources) at that time.

Regardless, adjacent non-designated listed properties are not considered protected heritage properties as per the definition in the PPS. Protected heritage property means *property designated under Parts IV, V, or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Site.*

PPS policy 2.6.3 does not apply to adjacent non-designated listed properties.

Policy 586 of the London Plan states that if a property is adjacent to heritage designated properties or properties listed on the Register the proposal must be evaluated to demonstrate that the heritage attributes of the heritage designated properties and properties listed on the Register are conserved.

There are no heritage designated properties adjacent to the subject lands; and the adjacent listed non-designated properties have not been evaluated.

Policy 586 states that "heritage attributes" of properties listed on the Register will be conserved, not "potential heritage attributes". Any heritage attributes identified by an evaluation can only be interpreted as draft or potential heritage attributes at this time.

## **6.2 It does not encourage active commercial uses at grade in order to continue to support the historically commercial streetscape.**

It is understood this area has been identified as a potential area for a Heritage Conservation District; however, a study has not been completed nor has a district plan been completed. Stating the area as a historically commercial streetscape is premature at this time.

Based on the research done for the HIS, historically this area of Wellington Street was not solely a commercial streetscape. Research of fire insurance mapping and business directories show some commercial uses in this area but it was not the dominant use. Other more dominating uses included single detached residential dwellings and institutional uses (churches). Historically this section of Wellington Street was a mixed-use streetscape of mostly residential with some commercial.

## **6.3 It does not properly consider the potential cultural heritage value of the on-site building at 147-149 Wellington Street.**

The subject property was not listed on the Register (Inventory of Heritage Resources) when the Zoning By-law Application was submitted to the City on January 11, 2018. It was added at a later time through the London Advisory Committee of Heritage (LACH) review of the



draft Cultural Heritage Screening Report (CHSR) – London Bus Rapid Transit System (WSP, February 6, 2018).

Our client was not aware of this process nor were made aware during discussions with staff prior to the acceptance of the Zoning By-law application.

An evaluation using Regulation 9/06 has been completed and it has been determined the property does not warrant designation under the Ontario Heritage Act.

## **SECTION 7 – CONCLUSION**

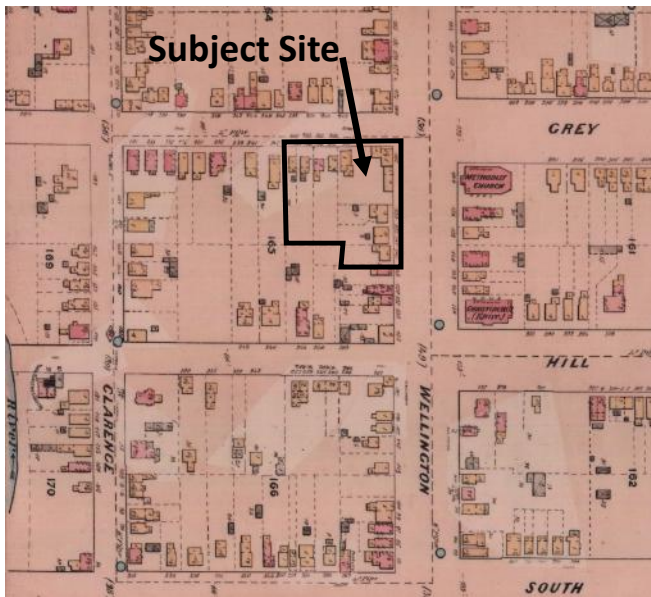
The proposed development is in keeping with the direction of the London Plan. It is not necessary that new development emulate existing built form or fabric; contrast is often an applauded solution, more so in an existing mixed-use context. The subject lands are situated within an area that is characterized by a mix of uses (residential, commercial, institutional, open space), densities (low-rise, high-rise residential), and architectural design. The subject lands are also within a Rapid Transit Corridor which are areas where intensification and higher densities are directed.

It is our opinion there are no cultural heritage resources on or adjacent to the subject lands.

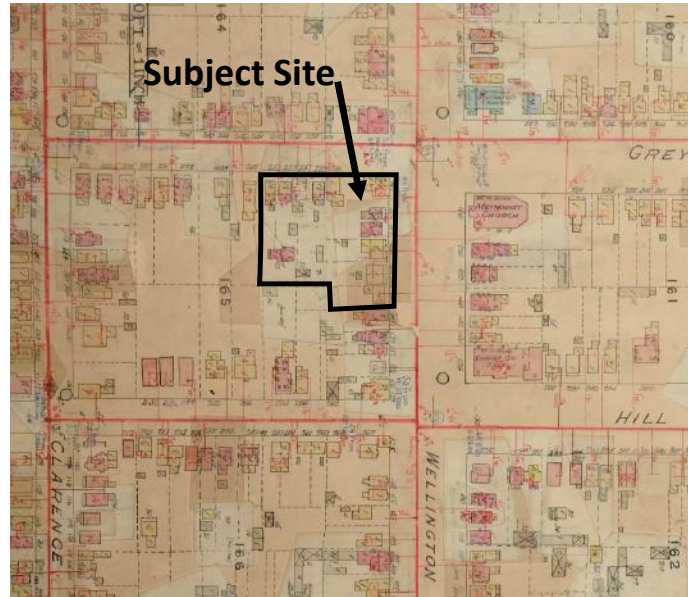
It has been demonstrated that none of the properties that make up the subject site are designated under the Ontario Heritage Act and 147–149 Wellington Street (Family Circle Restaurant) does not warrant designation under the Ontario Heritage Act. There is no heritage district plan in place, there are no adjacent designated heritage properties and the adjacent listed non-designated properties do not have heritage attributes because they have not been properly evaluated.

**Appendix 1-5**

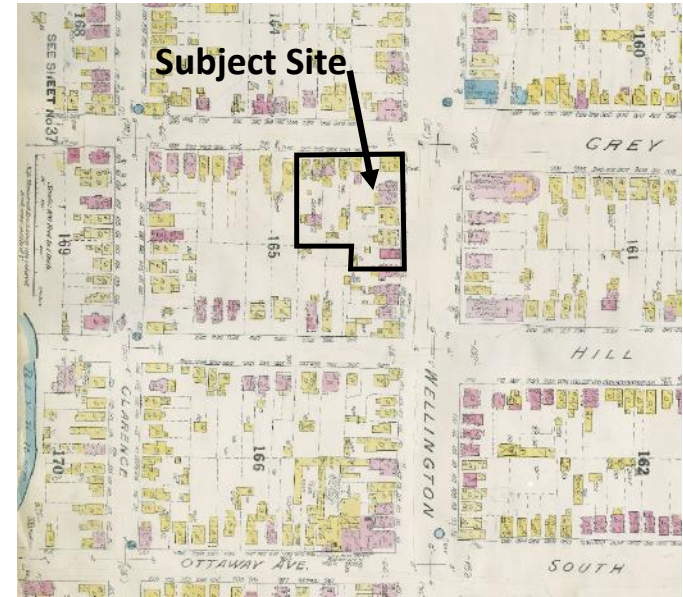
# Fire Insurance Mapping



1881 Rev. 1888 Insurance Plan



1892 Rev. 1902 Insurance Plan



1912 Rev. 1922 Insurance Plan

*Note: Boundaries of Subject Lands are Approximate*

Air Photos



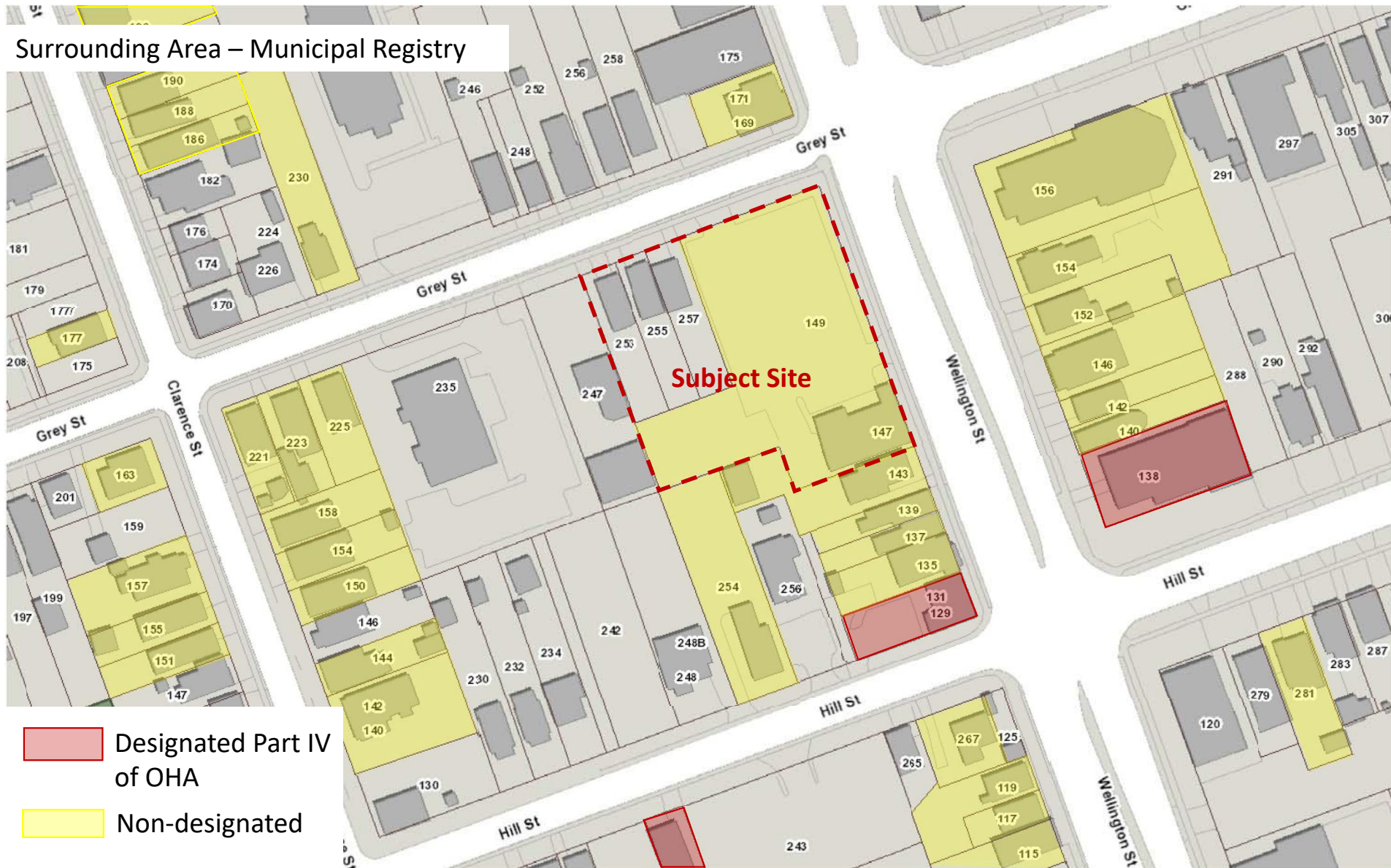
1922 Air Photo



1950 Air Photo

*Note: Boundaries of Subject Lands are Approximate*

### Surrounding Area – Municipal Registry



Evaluation of 147-149 Wellington Street using Ontario Heritage Act Regulation 9/06

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.	This type of architectural style is not a unique style in London and many better examples can be found throughout the City.
	Displays a high degree of craftsmanship or artistic merit	Any degree of craftsmanship or artistic merit that may have existed has been obscured or removed by the additions to the first-floor exterior. The gable in the roof remains intact and one of the only heritage features from the residential dwelling. It contains bargeboards ornamented with rows of roundels and fields filled with scalloped wood shingles. The gable contains paired windows with wood jambs and sills, rising from each jamb is a console bracket, fluted on the outside edge that supports a projecting board in the apex that features a sunburst design.
	Demonstrates a high degree of technical or scientific achievement	No evidence of a high degree of technical or scientific achievement was found.
	Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community	Other than its relationship as part of the broader SoHo Neighborhood and early development in London, the building is not known to have any significant historical associations.
	Yields, or has the potential to yield, information that contributes to an understanding of a community or cultural	The property is not believed to yield, or have the potential to yield, information that contributes to an understanding of a community or culture.
	Demonstrated or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	The property is not known to demonstrate or reflect the work of an architect, artist, builder, designer, or theorist who is significant to a community.
	Is important in defining, maintaining, or supporting the character of an area	147-149 Wellington Street is located in the SoHo Neighborhood (identified as a future HCD study area) and contributes to a common residential style of that area. However, the original residential structure has been altered to accommodate a commercial use. It is not the best example of the Queen Anne style in this area.
	Is physically, functionally, visually, or historically linked to its surroundings	This property does not display any unique, significant, or outstanding links to its surroundings.
	Is a landmark	The property is not believed to be a landmark.

147 -149 Wellington Street



Outline of Original Residential Dwelling



Gable Detail

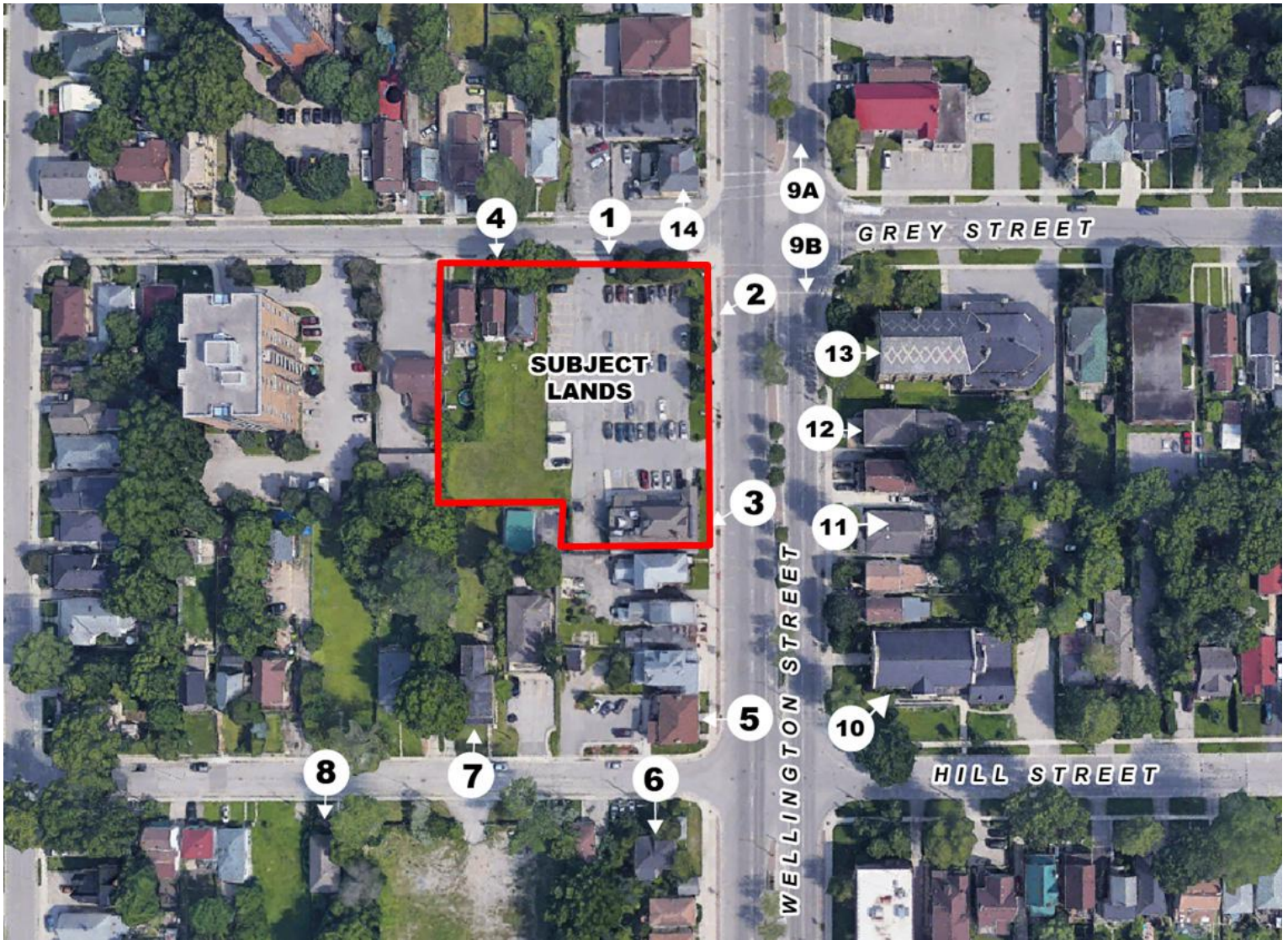


South side of Building showing original window



# PHOTO INDEX MAP

Heritage Impact Statement  
147 Wellington Street/253-257 Grey Street







1. Subject lands from Grey street, looking south



2. Subject lands from Wellington Street, looking southwest

## Appendix A - Photo Inventory

Page 1 of 8

Heritage Impact Statement – 147 Wellington Street/253-257 Grey Street



3. Family Circle restaurant in the south portion of the subject lands. To be demolished.



4. Single detached homes on Grey Street in the east portion of the subject lands. To be demolished.

## Appendix A - Photo Inventory

Page 2 of 8

Heritage Impact Statement – 147 Wellington Street/253-257 Grey Street



5. 129, 131 Wellington Street looking west



6. 267 Hill Street looking south



7. 254 Hill Street looking north



8. 239 Hill Street looking south



9A. Wellington Street corridor facing north



9B. Wellington Street corridor facing south

**Appendix A - Photo Inventory**

Heritage Impact Statement – 147 Wellington Street/253-257 Grey Street



10. 138 Wellington Street looking east



11. 146 Wellington Street looking east

**Appendix A - Photo Inventory**

Heritage Impact Statement – 147 Wellington Street/253-257 Grey Street



12. 152 Wellington Street looking east



13. Adjacent place of worship use to the east of Wellington Street

## Appendix A - Photo Inventory

Page 7 of 8

Heritage Impact Statement – 147 Wellington Street/253-257 Grey Street



14. Adjacent commercial use to the north of the subject lands





### Parking Calculations

Total Below Ground for Residences	162 Spaces
Total Above Ground for Residences	5 Spaces
Total Spaces for Visitors (1 per 10 units)	26 Spaces
Total Accessible Parking (1 + 3% of parking) 7 Required	7 Spaces
<b>Total Overall</b> (Area 2 = 1 per unit)	<b>200 Spaces</b>

Total Bike Storage (0.75 per unit)	1,660 SF (154 sq.m.)
Total Gross Area for Parking	74,900 SF (6,958 sq.m.)

### Site Stats

Building Height:	204' (62.2 m) [18 Storeys]
Building Footprint:	14,670sf (1,363 sq.m.)
Lot Area:	47,584sf (4,421 sq.m.)
Lot Coverage:	31%
Landscape Open Space:	17% (8,150 SF [757 sq.m.])

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17-019

ONE FORTY SEVEN

Jam Properties Inc.

CORNER PERSPECTIVE

AUGUST 23rd, 2018

A-002

zedd

363 horton street east london ontario N6B 1L6 519 518 9333  
www.zeddarchitecture.com info@zeddarchitecture.com



WELLINGTON STREET ELEVATION

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17-019 ONE FORTY SEVEN

Jam Properties Inc.

WELLINGTON PERSPECTIVE

AUGUST 23rd, 2018 A-003

zedd

363 horton street east london ontario N6B 1L6 519 518 9333  
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- MIXED BRICK - DARK
- RIBBED CONCRETE PROFILE - ORANGE TINT
- GLASS GUARD
- SAND TEXTURED CONCRETE FINISH
- RIBBED CONCRETE PROFILE - ORANGE TINT

- DECORATIVE METAL CANOPY
- SAND TEXTURED CONCRETE FINISH
- MIXED BRICK - DARK
- RIBBED CONCRETE PROFILE - ORANGE TINT
- SPANDREL PANEL - DARK WITH WHITE FEATURE
- GLAZING SYSTEM - DARK MULLIONS
- GLASS GUARD
- OFF-WHITE MASONRY CAP
- MIXED BRICK - DARK
- EXTERIOR LIGHT FIXTURE - UP/DOWN SCNCE
- POWDER COATED BLACK STEEL CANOPY FRAME

WELLINGTON STREET ELEVATION



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- SAND TEXTURED CONCRETE FINISH
- MIXED BRICK - DARK
- GLASS GUARD
- RIBBED CONCRETE PROFILE - ORANGE TINT
- POWDER COATED BLACK STEEL CANOPY FRAME

- DECORATIVE METAL CANOPY
- MIXED BRICK - DARK
- RIBBED CONCRETE PROFILE - ORANGE TINT
- GLAZING SYSTEM - DARK MULLIONS
- SAND TEXTURED CONCRETE FINISH
- GLASS GUARD
- OFF-WHITE MASONRY CAP
- SPANDREL PANEL - DARK
- EXTERIOR LIGHT FIXTURE - UP/DOWN SCENCE
- MIXED BRICK - DARK

GREY STREET ELEVATION



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17-019 ONE FORTY SEVEN

Jam Properties Inc.

PODIUM

AUGUST 23rd, 2018 A-006

zedd

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## UDPRP Response – 147-149 Wellington Street – Jam Properties

Date of UDPRP Review – Zoning By-law Amendment – Review Date May 16, 2018.

	<u>UDPRP Comments</u>	<u>Zedd Response</u>
1	<p>A The Panel commends the high level of the Applicant's submission documents. Furthermore, presenting the evolution of the project was very helpful and offered insight into opportunities that could be explored</p> <p>B further to assist in breaking down the proposed massing.</p>	<p>A No Action Required</p> <p>B Further refinements in the overall design have occurred where the physical massing has been reduced on both Grey and Wellington Streets reinforcing distinct and significant stepping in the building façade and reducing the massing and floor plate of the tower. Further refinements in the articulation of materials has also contributed to additional contextual scale reduction.</p>
2	<p>A The Panel has concern over the massing of the proposed building on the site and its significant presence at the corner of Wellington Street and Grey Street.</p> <p>B Consideration should be made for additional volume at the entrance, and possible glazing, to mitigate this concern.</p>	<p>A The building has been significantly modified on both street frontages to reduce the overall massing of the building and in turn decreasing the tower floor plate to approx. 1000 meters sq. and number of units.</p> <p>B Glazing at the entry façade as well as a glazed canopy have reinforced the entrance area that in turn assists in a strong identifying entry feature and in turn breaks the building massing.</p>
3	<p>The Panel noted that the length of the tower wings on both Wellington Street and Grey Street seem out of scale to the existing and planned context of the site and neighbourhood, resulting in a large street wall affecting the public realm.</p>	<p>The tower wings are limited to 8 storeys on Wellington Street as per Planning recommendations and reduced to 7 storeys on Grey Street.</p> <p>In both instances the major setbacks are 3 meters. The Wellington Street podium is 5 storeys and the tower wing 3 storeys providing a well proportioned hierarchy of form. This is repeated on Grey Street with a 4 storey podium and 3 level tower wing. In addition the tower itself has reduced in mass providing a more subtle composition of the podium and tower wings.</p> <p>Grey Street has a podium of 4 storeys to respond to the narrower street and residential nature heading west – stepping to the 7 storeys – which is well below the adjacent existing apartment building consisting of 10 storeys.</p> <p>Wellington Street, with the BRT planned intensification anticipated in the London Plan, would see the context evolve to larger building forms.</p> <p>This is the first building to be incorporated within the Intensification Plan – and the need for a future vision is a necessary instrument in assessing the project in this location.</p>



4	<p>The Panel noted that the size and height of the podium massing is large in comparison to the surrounding residential neighbourhood, creating a disconnect between this development and its context. It was noted the podium would benefit from further articulation, to breakdown its scale, making it relate more to the context and reduce its presence on the streetscape.</p>	<p>The podium wings have been provided further design detailing with additional façade planes to create shadow and distinctive breaks in the façade. This and a material change now undulates the former linear form of the wings into a scale that is in keeping with the context of the historical streetscape.</p>
5	<p>The Panel noted that the overall massing would cast significant shadowing for an extended period on the surrounding low-rise residential neighbourhoods outside of the planned transit corridor.</p>	<p>An appropriate shadow study would be necessary to verify this comment of a '<i>significant affect outside the planned transit corridor</i>'.  The overall footprint of the tower has also been decreased to approx. 1000 meters sq.  Noting that this is a planned higher density BRT Corridor then the results of shadow affect would be expected as part of the results of increased development and height.  The shadow study provided as part of the submission indicates that western cast shadows at summer solstice June 21 8:a.m. have little affect on the Grey Street residences on the north side of Grey Street. The easterly cast shadows summer solstice June 21<sup>st</sup>. 6 pm - fall primarily over Wellington Street and the commercial buildings on the east side of Wellington Street.  While the tower component shadow extends further affecting 1 or 2 houses at a time in an easterly direction – It should be noted that the tower component the development has now been reduced to a 10,000 sq. ft. footprint reducing its shadow affect south east and west. This footprint is a Planning recommended and preferred size in order to mitigate the shadow affect.  An updated shadow study would further define these parameters upon submission for SPA.</p>
6	<p>The Panel suggested considering warmer materials to better relate to the surrounding context.  The Panel commended the applicant on the design details that incorporate the orange accent colour and the texture, depth and articulation of the building.</p>	<p>The podium exterior will be brick in order to emulate the residential nature of the neighborhood that consists of a mixture of residential types both in brick and wood cladding.  As noted additional color and texture and depth in the materials and design will further articulate the building.</p>
7	<p>The Panel noted that the balcony features emphasize the horizontality of the building wings, seemingly extending the massing and length of the building – they may benefit</p>	<p>There are three or four types of exterior private spaces for the inhabitants of the building. The lower podium units incorporate a recessed balcony for the purposes of privacy to the street – cars and pedestrians. The</p>

	from emphasizing the verticality of the project, reducing its perceived width.	tower and tower wings have both traditional slab balconies where they can tuck partially into the corner of the building and the articulated C-shaped balconies that are designed as vertical elements that are staggered on the building façade to draw your eye upward. These more expressive balconies incorporate the textured and colored panels noted in item 6 above by the Panel. The podium as noted above has been re-designed and is much more segmented and articulated to reduce significantly the linear form of the podium.
8	The Panel noted that the building would benefit from a simplification of form and elements, to help reduce its massing and reduce its presence on the site.	The building as noted has been re-designed to reduce the overall massing and incorporate many of the comments received from the Panel while maintaining the essence of the design and maintain a level of articulation in form, color and texture.
9	There is concern from the Panel about the proposed “bonusable” features that would support an increase in height from the allowable 12 storeys to 16 storeys, per the London Plan, let alone the proposed 18 storeys. The panel appreciates the underground parking and the level of design attention and detail given to this project. However, the Panel would recommend that the massing reduce to better relate to the surrounding public realm and be in keeping with the allowable building heights outlined in the London Plan.	“The “bonusable” features for the proposed development have been subject to ongoing discussions with City Staff and will be determined once the specifics of the development (ie. height, density, etc.) have been finalized.  However, it should be noted that the bonusable features may extend beyond an enhanced building design, underground parking, etc. Other items or contributions that are deemed to be of benefit to the public may be included as well in order for the overall bonusing to be commensurate with the increased height and density for the project.

Diagram 1 – Revisions to Building Design – April – August 2018



APRIL 18 2018 SUBMISSION



262 UNITS



REVISIONS - POST UDPRP PANEL - MAY 16 2018



ELEVATIONS PRESENTED AT PUBLIC MEETING JUNE 26 2018 246 UNITS



REVISIONS - POST MEMO PLANNING - JULY 31 2018



240 UNITS



AUGUST 24 2018 FINAL ELEVATIONS

## POST PLANNING MEMO JULY 31 2018 – DESIGN REVISIONS

### Podium Review

The variation in height for the podium is integral to the building design and specifically to the corner entrance at Wellington and Grey Streets.

Wellington Street is over 3 times the width of Grey Street, it is and shall be a much busier street with commercial based activities that warrants and can incorporate a taller podium level. Grey Street is much narrower and will and should be more residential in nature and scale. The podium levels respond to these two conditions and look to consciously avoid a standard datum line around the building that reinforces a linear mass.

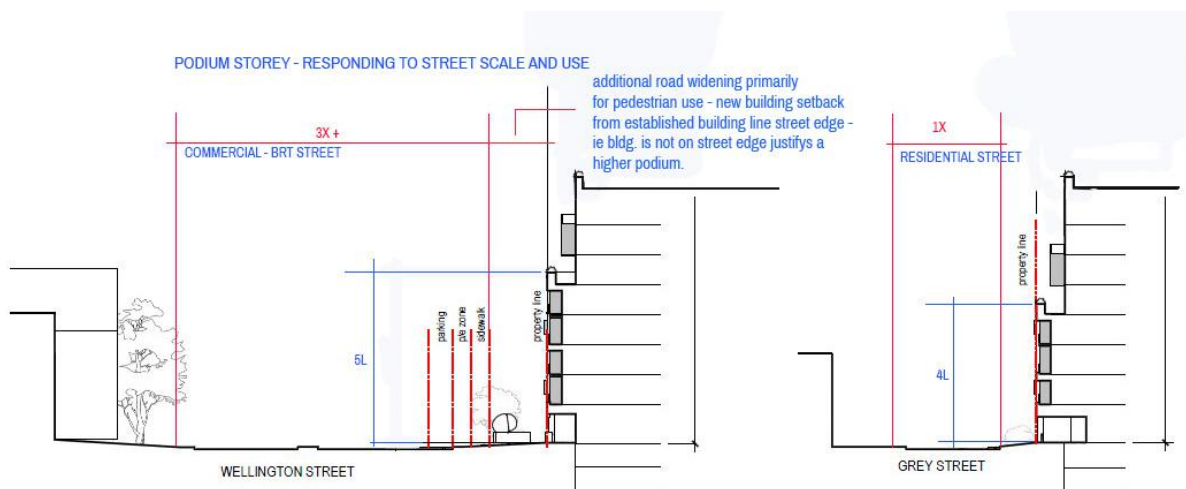
Further these two variations in levels are intentional in order to allow for an architectural transition at the entry that is fully glazed and in contrast to the brick faced podium. This creates tension and interest for the building and strengthens the corner building entry as a strong visual architectural statement.

The taller podium also serves to provide appropriate proportions to the massing elements along Wellington Street that would see a base of 5 storeys and the tower wings at 3 storeys running horizontally – that tie into the similar proportioned building cantilever running vertically. Changes to the podium to 4 storeys would simply cause an imbalance in this façade and has no merit in urban design nor architectural design as identified above. Grey Street podium maintains 4 storeys with a reduction to the tower wing to 3 storeys as well as being pronounced with an additional step in the façade.

The building has undergone several revisions responding to multiple requests for changes to address the massing while looking to maintain the integrity of the building design. These requests have been responded to with care noting that they have a significant domino affect on the design of the building which is now a very complex series of stepping forms both vertically and horizontally in elevation and plan that far exceeds any other building design in London to date. It is therefore imperative that an understanding of the design and the integrity of same is understood.

We trust the explanation and direction presented above as well as the diagrams below will provide that understanding.

Diagram 2 – showing Wellington and Grey Street – widths in comparison to podium heights.



**SOURCES**

City of London Fire Insurance Plans 1881 (revised 1888), 1892 (revised 1902) and 1912 (revised 1922), University of Western Ontario Libraries Map and Data Centre;

Aerial Photos, 1922 and 1950, University of Western Ontario Libraries Map and Data Centre;

Inventory of Heritage Resources 2006, City of London; and

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

## 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:** St. George and Ann Block Limited  
84-86 St. George Street and 175-197 Ann Street  
Public Participation Meeting

**Date:** April 25, 2022

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of St. George and Ann Block Limited relating to the property located at 84-86 St. George Street and 175-197 Ann Street:

- (a) the request to amend the *Official Plan (1989)* to change the designation of the western part of the subject lands **FROM** a Multi-Family, Medium Density Residential designation, **TO** a Multi-Family, High Density Residential designation, to identify the subject lands as a permitted location for convenience commercial uses, and to **ADD** a specific policy to allow for the proposed uses **BE REFUSED** for the following reasons:
- i) It is not consistent with the Provincial Policy Statement, 2020 (PPS) as it does not conserve significant built heritage resources;
  - ii) it is not consistent with the Provincial Policy Statement, 2020 (PPS) as the level of intensification proposed on the subject site does not provide for development at an appropriate density, and does not result in a sense of place by promoting well-designed built form and cultural planning by conserving features that help define the character of the area;
  - iii) it does not conform to the in force policies of the *Official Plan (1989)*, including but not limited to:
    - i. the Multi-Family, Medium Density Residential policies for lands fronting St. George Street;
    - ii. the evaluation criteria for consideration of the *Official Plan (1989)* and Zoning By-law amendments to permit the Multi-Family, High Density Residential designation;
    - iii. the density bonusing policies;
    - iv. the Planning Impact Analysis provisions regarding intensity and form of development;
    - v. the Urban Design policies;
    - vi. the Near-Campus Neighbourhoods policies;
    - vii. The locational and scale criteria for convenience commercial uses in neighbourhoods.
- (b) the request to amend *The London Plan* to **CHANGE** the Special Area Policy in the Neighbourhoods Place Type applicable to the subject lands to permit a maximum building height of 22 storeys, and to permit a maximum overall floor area of 500 square metres for retail, service and office uses within the podium base **BE REFUSED** for the following reasons:
- i) It is not consistent with the Provincial Policy Statement, 2020 (PPS) as it does not conserve significant built heritage resources;
  - ii) it is not consistent with the Provincial Policy Statement, 2020 (PPS) as the level of intensification proposed on the subject site does not provide for

development at an appropriate density, and does not result in a sense of place by promoting well-designed built form and cultural planning, and does not conserve features that help define the character of the area;

- iii) it does not conform to the in-force policies of *The London Plan*, including but not limited to:
  - i. the Key Directions relating to the protection of built and cultural heritage, building a mixed-use compact city, and ensuring new development that is a good fit within existing neighbourhoods;
  - ii. the design criteria contained in the City Design chapter;
  - iii. the Talbot Mixed-Use policies for lands fronting on St. George Street and the south side of Ann Street;
  - iv. the site specific special policy for 84-86 St. George Street and 175-197 Ann Street;
  - v. the Evaluation Criteria for Planning and Development Applications in the Our Tools chapter of *The London Plan*;
  - vi. the Bonusing policies;
  - vii. the Near-Campus Neighbourhoods policies;
  - viii. the Neighbourhoods Place Type policies for the location and gross floor area of commercial uses;
- (c) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Residential R9 (R9-3\*H12) Zone **TO** a Residential R10 Special Provision/Convenience Commercial Special Provision Bonus (R10-5( )/CC4( )\*B-\_\_\_) Zone, **BE REFUSED** for the following reasons:
  - i) the reasons noted in Clauses a) and b) above;
  - ii) a rezoning to permit the requested site-specific residential density and height does not conform to the in-force policies of the *Official Plan (1989)*;
  - iii) a rezoning to permit the requested site-specific residential density and height does not conform to the in-force policies of *The London Plan*;
  - iv) the use of the standard Residential R10 (R10-5) Zone variation does not conform to the in-force policies of the *Official Plan (1989)* as it would allow for a maximum density of 350 units per hectare, in excess of the maximum 250 units per hectare permitted by the existing Multi-Family, High Density Residential designation on the east part of the property, and in excess of the maximum 75 units per hectare permitted by the existing Multi-Family, Medium Density Residential designation on the west part of the property;
  - v) the requested amendment does not establish a well-designed built form that would warrant consideration for height and density bonusing;
  - vi) Insufficient development regulations are provided for in the requested Residential R10 (R10-5) Zone to control the form of development with respect to: a transition of building height from lower heights along the St. George Street frontage to taller heights at the east property boundary; podium heights and stepping back provisions; and, general building configuration and the floor plate area of tower components to minimize shadowing and loss of sunlight.
  - vii) A rezoning to permit convenience commercial and additional non-residential uses within the proposed apartment building does not conform to the in-force policies of the *Official Plan (1989)*; and,
  - viii) A rezoning to permit convenience commercial and additional non-residential uses within the proposed apartment building does not conform to the in-force policies of *The London Plan*.



## Executive Summary

### Summary of Request

The applicant proposes to construct a high-rise apartment building with a maximum of 214 residential units. The building is generally configured in an “H” shape, consisting of massing with 22 storeys at the east end of the property, 19 storeys in the centre, and 9 storeys along St. George Street. The proposal includes a variety of indoor and outdoor amenity areas intended to serve residents of the building. The proposed outdoor amenity areas are located on the rooftops of the first storey, 9<sup>th</sup> storey, and 19<sup>th</sup> storeys. The proposal also includes a range of convenience commercial uses with an additional use of craft brewery with a total gross floor area of 500 square metres on the ground floor. Parking is proposed to be provided in a multi-level parking structure with a request to provide 180 parking spaces for all uses, with bicycle storage and internal loading areas accessed from St. George Street.

The removal of structures that are on a listed property in the City’s heritage inventory would be required to allow the building to be constructed as proposed.

The applicant requested an amendment to the *Official Plan (1989)* to change the designation of the western part of the property from Multi-Family, Medium Density Residential to Multi-Family, High Density Residential, and to identify the site as a permitted location for convenience commercial uses.

The applicant requested an amendment to *The London Plan* to add a Specific Area Policy in the Neighbourhoods Place Type for this site to permit a maximum building height of 22 storeys, to permit a maximum overall floor area of 500 square metres for retail, service and office uses within the podium base.

The applicant also requested an amendment to Zoning By-law Z.-1 to change the zoning from a Residential R9 (R9-3\*H12) Zone to a Residential R10 Special Provision/Convenience Commercial Special Provision Bonus (R10-5( )/CC4( )\*B-\_\_\_) Zone to permit apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped apartment buildings, and continuum-of-care facilities, as well as convenience service establishments, convenience stores, financial institutions, personal service establishments, and craft breweries, all without drive through facilities, and restricted to a location within an apartment building. The requested special provisions were to permit a maximum height of 75 metres (22 storeys), a maximum density of 585 units per hectare, reduced 0 metre yard depths to all property lines, reduced minimum landscaped open space of 0 percent where 20 percent is required, increased maximum lot coverage of 97 percent where 50 percent is permitted, and reduced parking of 180 spaces where 225 spaces are required. Commercial special provisions were requested allowing one commercial use to be limited to a maximum commercial gross floor area of 500 square metres.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended refusal is to maintain the existing *Official Plan (1989)* designation, *The London Plan* Specific Policy, and the existing Residential R9 (R9-3\*H12) Zone on the property. The existing permissions allow apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped persons apartment buildings and continuum-of-care facilities with a maximum density of 100 units per hectare and a maximum height of 12 metres (3 – 4 storeys).

### Rationale of Recommended Action

It is recommended that this application be refused for the following reasons:

1. The proposed development is not consistent with the Provincial Policy Statement, 2020, which promotes intensification and redevelopment in appropriate locations, while conserving significant heritage resources.

2. The proposed development does not conform to the *Official Plan (1989)* as it does not meet the criteria to establish new lands as Multi-Family, High Density Residential designation and as a location for Convenience Commercial uses, does not conform to the policies of the Talbot Mixed Use Specific Residential Area, and does not conform to the Near Campus Neighbourhood Area policies.
3. The proposed development represents an over-intensification of the site and does not pass all of the criteria of the Planning Impact Analysis.
4. The proposed development does not conform to *The London Plan* policies as it does not meet the intent of the site specific policy to provide a significant building step-back along St. George Street, does not conform to the policies of the Talbot Mixed Use Specific Residential Area, and the Near Campus Neighbourhood Area;
5. The proposed development does not retain significant cultural heritage resources; and
6. The proposed development is located in proximity to a rail corridor and has not identified mitigative measures to protect against possible train derailment.

## Linkage to the Corporate Strategic Plan

The Strategic Plan provides direction for development through Building a Sustainable City and Strengthening Our Community. Building a Sustainable City includes growth and development that is well planned and directed to strategic locations. The subject site is within a location that contemplates growth and intensification, but that requires thoughtful design and a compatible built form. Strengthening our Community in the Strategic Plan includes achieving a strong character and sense of place by ensuring that new development fits within and enhances its surrounding community, and that London's heritage properties continue to be conserved.

## Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. Through this declaration, the City is committed to reducing and mitigating climate change by encouraging intensification and growth at appropriate locations. This includes intensification and efficient use of existing urban lands and infrastructure within strategic locations such as the downtown, transit villages and corridors. The site is centrally located and has proximity to transit services, and high-rise development on this site would support the response to the Climate Emergency.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site consists of one consolidated property located at the south-east corner of St. George Street and Ann Street. There are five existing single detached dwellings housing a number of residential rental units, and one industrial/service commercial building operating as both an autobody shop and a residential rental residential unit. The property addressed as 197 Ann Street, located at the east end of the property, is listed in the City's Register of Cultural Heritage Resources, and known historically as the Old Kent Brewery. Both Ann and St. George Streets are classified as local streets. The Ann Street road allowance terminates just east of the subject lands ending in surface parking areas servicing the surrounding land uses.



Figure 1: Northwest view of property – intersection of Ann Street and St. George St

The adjacent land uses include: on the west side of St. George Street, street-oriented three-storey condominium townhouses; to the south, street-oriented two storey condominium townhouses atop a parking structure and a 12 storey condominium apartment building; to the south-east, a 17 storey condominium apartment building with commercial uses in the main floor podium; to the east, a hydro substation and an 18 storey condominium apartment building; and on the north side of Ann Street, a multi-unit industrial building. The Principal Main Line for Canadian Pacific Railway runs diagonally just north of termination of Ann Street and behind the industrial building on the north site of Ann Street.

The broader surrounding neighbourhood to the north, west and south of the subject property is characterized by a variety of land uses including a mix of low-rise housing forms ranging from single detached dwellings, semi-detached dwellings and converted dwellings, up to mid-rise apartment buildings, storage facilities, retail, service and office uses. The Richmond Street commercial area lies half a block to the east of the subject property.



Figure 2: 197 Ann Street (left) and 183 Ann Street (right)

**1.2 Current Planning Information (see more detail in Appendix E)**

- *The London Plan* Place Type – Neighbourhoods Place Type: Talbot Mixed Use Area Specific Policy, and Specific Area Policy for 175-199 Ann Street and 84-86 St. George Street

- *Official Plan (1989)* – Multi-Family, High Density Residential, and Multi-Family, Medium Density Residential
- Existing Zoning – Residential R9 (R9-13\*H12) Zone

### **1.3 Site Characteristics**

- Current Land Use – Mixed residential and auto body shop
- Frontage – 45.3m (148.6 ft) along St. George Street
- Depth – 81.0m
- Area – 0.367ha (0.9ac)
- Shape – rectangular

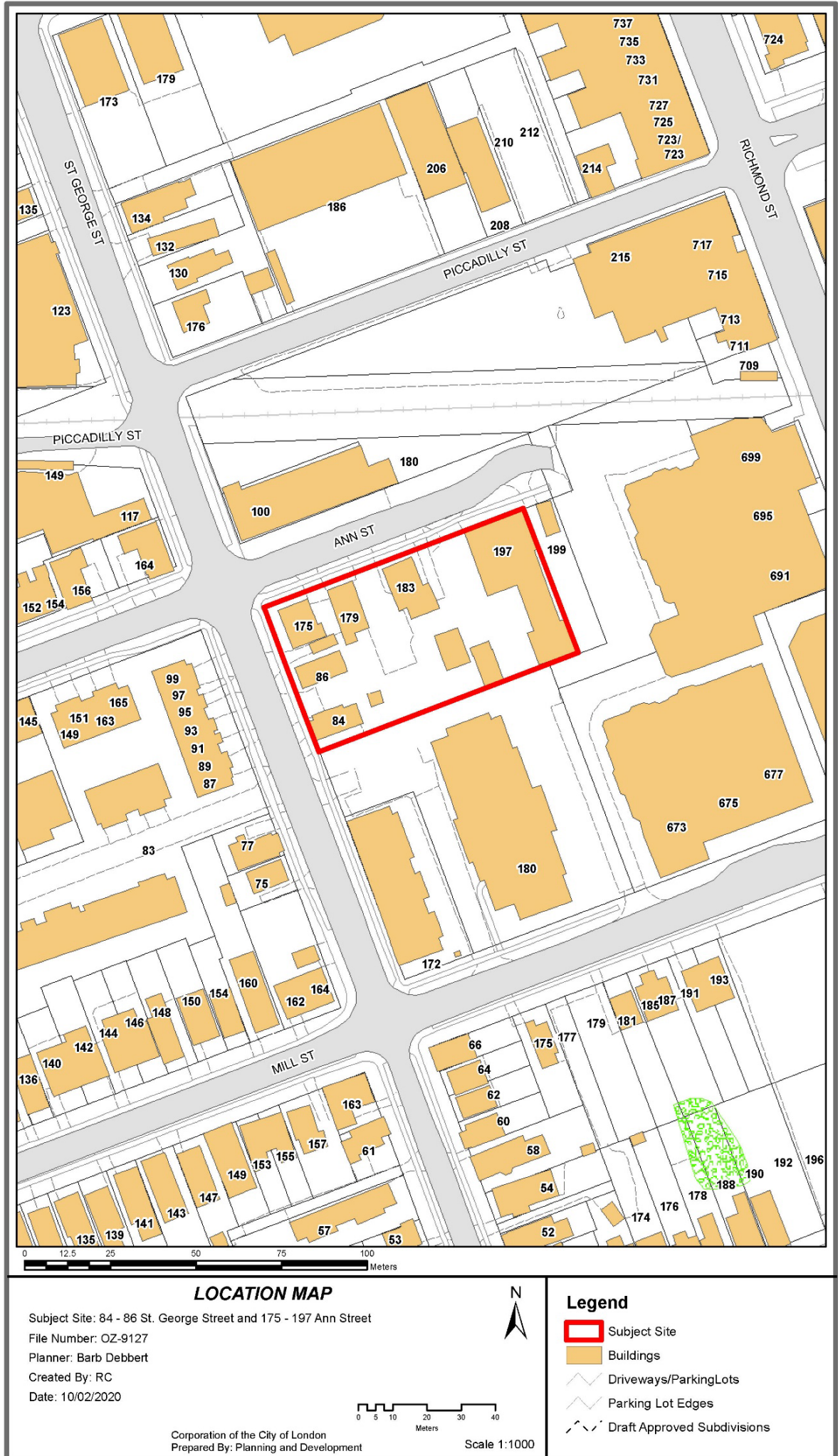
### **1.4 Surrounding Land Uses**

- North – industrial and rail corridor
- East – high-rise residential and commercial
- South – low and high-rise residential
- West – low-rise and mid-rise residential

### **1.6 Intensification**

- 214 proposed residential units represents intensification within the Built-area Boundary and Primary Transit Area

# 1.5 Location Map



## 2.0 Discussion and Considerations

### 2.1 Development Proposal

The request is to amend the Official Plan and zoning for the site to permit a mixed-use, high-rise building of 22 storeys with 214 residential units and a maximum density of 585uph. The building is generally in the configuration of an 'H' shape and comprised of a 22 storey component along the east boundary, which steps down to a 19 storey portion parallel to Ann Street, and then a 9 storey and 4 storey portion along St. George Street.



Figure 3: Northwest Rendering of Proposed Development – 22 storeys

There are three levels of underground parking with some at grade parking within the building for a total of 180 spaces, all accessed from St. George Street. A limited range of convenience commercial uses are proposed on the ground floor including a craft brewery.

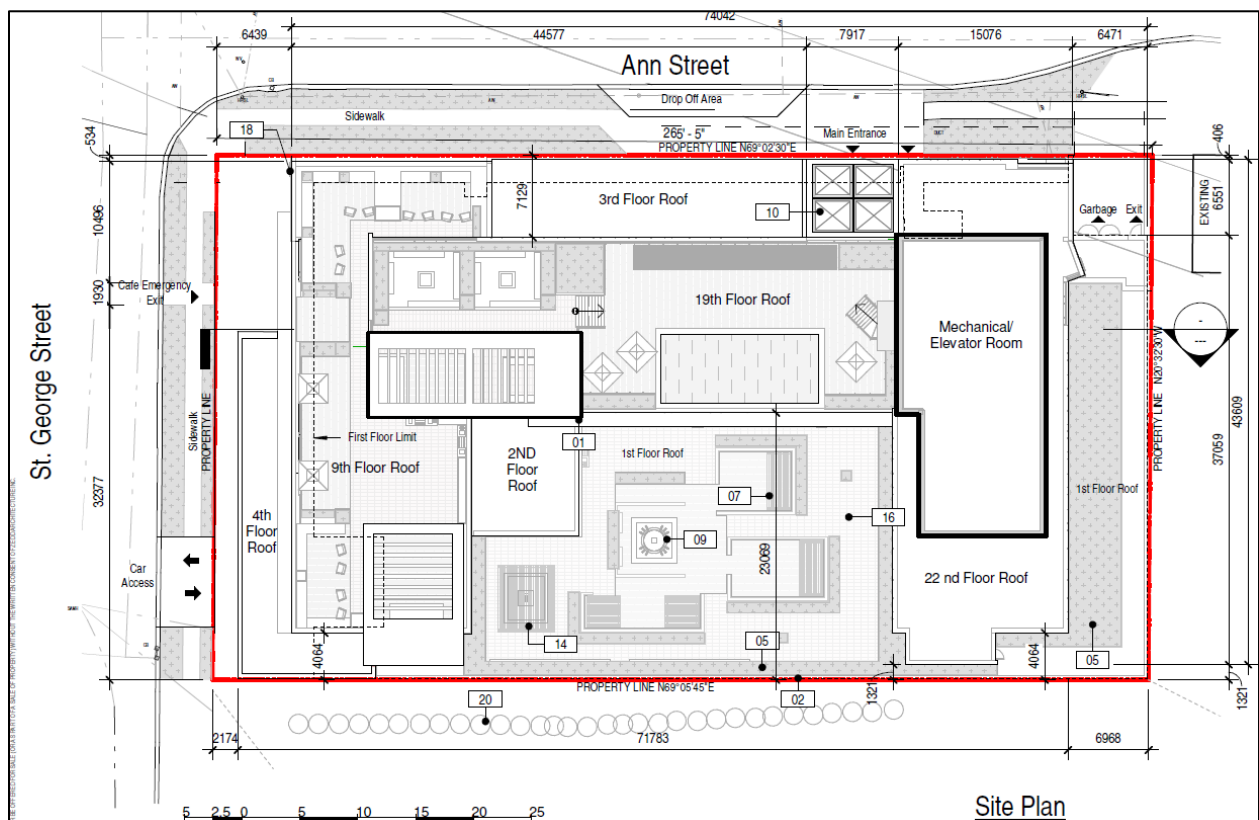


Figure 4: Site Concept Plan

## 2.2 Requested Amendment

An amendment to the *Official Plan (1989)* is requested to change the existing designation on the western portion of the site from a Multi-Family, Medium Density Residential designation to a Multi-Family, High Density Residential designation, and to permit convenience commercial uses on site. An amendment to *The London Plan* is requested to amend the existing specific policy to allow for the total height of 22 storeys and permit a range of local retail, commercial and office uses.

The requested Residential R10 (R10-5) Zone permits apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped apartment buildings, and continuum-of-care facilities. The requested bonus (B-\_\_\_) zone permits a maximum height of 75 metres (22 storeys) where the height is to be determined on the zone map by way of a zoning review process, a maximum density of 585 units per hectare in place of 250 units per hectare, and the relief required from the regulations including: reduced yard depths of 0 metre for all property lines, reduced minimum landscaped open space of 0 percent where 20 percent is required, increased maximum lot coverage of 97 percent where 50 percent is permitted, and reduced parking of 180 spaces where 225 spaces are required.

The requested Convenience Commercial (CC4) Zone permits convenience service establishments, convenience stores, financial institutions and personal service establishments, all without drive through facilities, and restricted to a location within an apartment building. The requested special provisions were to add the craft brewery use without drive-through facilities, restricted to a location within an apartment building, as well as allowing one commercial use to occupy a maximum commercial gross floor area of 500 square metres.

## 2.3 Initial Proposal

The initial proposed development was for a high-rise apartment building with a maximum of 274 residential units, generally configured in an “H” shape and consisting of a building massing of 28 storeys at the east end of the property, 26 storeys in the centre, and 12 storeys along St. George Street. A range of convenience commercial uses were requested up to 1,000 square metres of gross floor area on the ground floor. The application was amended in 2020 to the 22 storey form that removed the convenience commercial uses requested.



Figure 5: Northwest Rendering of Initial Proposal

## 2.4 Community Engagement (see more detail in Appendix A)

Members of the public were given an opportunity to provide comments on this application in response to the notice of application given on October 10, 2019. Written and verbal replies were received from 21 individuals, with the majority opposed to the proposal.

### Concern for:

- Heritage
  - Opposed to the demolition of heritage buildings
  - The whole block should be saved
- Retail/Commercial Use not appropriate for the location
- Intensity
  - Traffic volumes, noise and safety issues
  - Inadequate parking provided
  - Bonusing features are not beneficial
  - Increased number of pedestrians cutting through the area
- Form
  - Ignores the low-rise townhouse and single-family home characteristics of the neighbourhood
  - Inadequate on-site landscaped open space and inadequate parkland provision in the area – object to the use of cash-in-lieu of parkland
  - Inadequate provision of trees and boulevard space
  - Loss of sunlight, privacy and views
- Student Housing
  - Contributes to a pre-existing imbalance of student to non-student population in the neighbourhood
  - Does not meet the near campus neighbourhood policies
  - Neighbourhood is underpopulated in the summer which isolates long-term residents, creates social problems such as squatters, criminal activity, and hurts local businesses
  - Purpose-designed student housing is not diverting students from single family homes as intended
  - Allowing construction and marketing of housing geared to students is contrary to the Human Rights Code because it discriminates against protected groups
- Possible impacts on groundwater-based HVAC systems in surrounding buildings
- Possible impact on adjacent hydro transformer substation.
- Loss of property value

## 3.0 Relevant Background

### 3.1 Planning History

The property was the subject of a site-specific appeal to *The London Plan* which, in a broad sense, sought to recognize pre-existing permissions of the Multi-Family, High Density Residential (MFHDR) designation of the *Official Plan (1989)*. The MFHDR designation applies to the majority of the site with the exception of the St. George Street frontage where the designation is the Multi-Family, Medium Density Residential (MFMDR).

As a result of settlement discussions for appeals against *The London Plan*, the Local Planning Appeals Tribunal (LPAT) approved a new Special Area Policy within the Neighbourhoods Place Type for the subject site on August 27, 2018. The new policy permits heights in excess of 12 storeys through a bonus zone, where the Evaluation Criteria for Planning and Development Applications and the Bonus Zoning policies of this Plan can be met. The policies require development along the St. George Street frontage to include a significant step-back to provide a low-rise character that is



consistent with the streetscape.

The applicant requested an amendment to *The London Plan* to change the Special Area Policy in the Neighbourhoods Place Type for this site to permit the proposed development and effectively replace the Special Area Policy approved in 2018 by the LPAT.

### **3.2 Application History**

A brief timeline for some of the key dates of the Official Plan and Zoning By-law Amendment includes the following:

- Sept 20, 2019: Application deemed complete and file opened
- October 10, 2019: A notice of application was circulated for the 28 storey form with ground floor commercial uses
- March 9, 2020: A public participation meeting and information report was submitted to PEC to receive feedback. Council directed that the heritage and planning matters should be heard together at a future meeting.
- October 7, 2020: A revised notice of application was circulated for the 22 storey form with no commercial uses proposed
- October 27, 2020: The addresses on the parcel were added to the Register of Cultural Heritage Resources, (in addition to 197 Ann Street) through the North Talbot Cultural Heritage Inventory report prepared by Timmins Martelle Heritage Consultants
- November 4, 2021: A revised Heritage Impact Assessment was submitted
- April 1, 2022: A public participation meeting notice and revised notice of application was circulated for the 22 storey form with ground floor convenience commercial uses proposed.
- March 9, 2022: LACH reviewed the revised Heritage Impact Assessment
- April 13, 2022: LACH reviewed the Intent to Designate

### **3.2 Policy Framework**

#### *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. The PPS encourages settlement areas (1.1.3) to be the main focus of growth and development. Appropriate land use patterns within settlement areas are established by the Official Plan policies that designate areas of growth and development, and areas of preservation like the subject site. The PPS encourages healthy, livable and safe communities which are sustained by promoting efficient development and land use patterns (1.1.1.a.). The proposed development represents a high-rise and built form intensity that is inconsistent with the established land use pattern and nearby low-rise residential land use pattern.

The policies of the PPS also direct planning authorities to identify appropriate locations and promote opportunities for residential intensification and redevelopment (1.1.3.2.b) and 1.1.3.3) where this can be accommodated, while promoting appropriate development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4). The proposed development is located in a central area near the downtown and commercial corridor of Richmond Row, and is within an area that contemplates intensification. The proposed scale of development and commercial uses however, are directed towards and would be most beneficial along the corridor to enhance the vitality of the main street.

The PPS states that long-term economic prosperity should be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources (1.7.1.e). The built form requires further revision and refinement to result in a well-designed built form, and requires the demolition of a built heritage resource to facilitate the development.

Further, the PPS identifies that significant built heritage resources “shall be conserved” (2.6.1). The site is a heritage listed property which is being proposed to be a designated property. The proposed development would result in the demolition of the proposed designated structure, which the PPS directs to be conserved and retained, instead of removed.

### *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.

### Key Directions

*The London Plan* provides Key Directions (54\_) that must be considered to help the City effectively achieve its vision. These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as a foundation to the policies of the plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below:

In order to achieve the vision of an ‘exciting, exceptional and connected’ city, the following include the relevant key directions:

- Direction #3 – Celebrate and support London as a culturally rich, creative and diverse City
- Direction #5 – Build a mixed-use compact city
- Direction #7 – Build strong, healthy and attractive neighbourhoods for everyone
- Direction #8 – Make wise planning decisions

*The London Plan* direction to celebrate and support London as a culturally rich, creative, and diverse city by:

- Protecting our built and cultural heritage to promote our unique identity... (Direction #3, 57\_7);

*The London Plan* provides direction to build a mixed-use compact city by:

- Planning to achieve a compact, contiguous pattern of growth – looking “inward and upward”;
- Sustaining, enhancing and revitalizing our downtown, main streets, and urban neighbourhoods;
- Planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward;
- Mixing stores, restaurants, clean industry, live-work arrangements and services in ways that respect the character of neighbourhoods, while enhancing walkability and generating pedestrian activity (Direction #5, 59\_2, 3, 4 and 6);

*The London Plan* direction to build strong, healthy and attractive neighbourhoods for everyone by:

- Implementing “placemaking” by promoting neighbourhood design that creates safe, diverse, walkable, healthy and connected communities, creating a sense of place and character;
- Protect what we cherish by recognizing and enhancing our cultural identity, cultural heritage resources, and neighbourhood character... (Direction #7, 61\_3, 5)

*The London Plan* direction to make wise planning decisions by:

- Ensuring new development is a good fit within the context of an existing neighbourhood (Key Direction #8, 62\_9).

### City Structure Plan

The growth framework of the City Structure Plan establishes a clear hierarchy for development intensity inside the Urban Growth Boundary. It places a high level of importance on growing “inward and upward” (Policy 79\_), while directing the most intensive forms of development to the Downtown, Transit Villages and at station locations along the Rapid Transit Corridors (Policy 86\_\*). Intensification is to occur in appropriate locations and in a way that is sensitive to existing neighbourhoods and represents a good fit (Policy 83\_\*).

### Neighbourhoods Place Type

The subject site is located in the Neighbourhoods Place Type on \*Map 1 – Place Types in *The London Plan*. Neighbourhoods are envisioned to be vibrant, exciting places to live, that include a diversity of housing choices and easy access to daily goods, services and employment opportunities within walking distance (Policy 916\_\*). Residential uses including single detached, duplex, townhouse and apartment dwellings are permitted in the Neighbourhoods Place Type, generally up to a maximum of 4-6 storeys in select locations with bonusing. Mixed-use developments, and a limited range of stand-alone retail, service and offices uses are permitted as secondary uses at intersections of main roads (\*Table 10 and 11).

### High Density Residential Overlay (From 1989 Official Plan)

*The London Plan* directs high rise apartments to the Downtown, Transit Villages, and Rapid Transit Corridors to link land use and mobility planning. The plan also recognizes some High Density Residential areas that were designated in the previous Official Plan for greater development potential where not include in a targeted place type. Development consistent with the underlying place type is encouraged, however the height and intensity policies contemplating up to 12 storeys may be permitted in the overlay within the Primary Transit Area.

### Near Campus Neighbourhoods Areas

The site is located within the Near-Campus Neighbourhoods Specific Area Policy which provides a policy context for development in neighbourhoods that are in proximity to Western University and Fanshawe College (Policy 962\_\*). Near-Campus Neighbourhoods will be planned to enhance their livability, diversity, vibrancy, culture, sense of place, and quality of housing options for all residents (Policy 964\_\*).

### Talbot Mixed-Use Area Specific Policy Area

The site is within the Talbot Mixed-Use Area Specific Policy Area which is bounded by the Richmond Row commercial district to the east, the Downtown to the south, the Thames River to the west and Ann Street to the north. The policy anticipates proposals for conversion and redevelopment of lands for multi-family residential uses, commercial and office uses. It acknowledges that portions of this area are appropriate for conversion or redevelopment, though the scale and form of any change or redevelopment should not adversely impact the amenities and character of the surrounding area (1025).

The Talbot Mixed-Use Area policies recognize the High Density Residential Overlay, which may be considered for high and medium forms of development as determined through the zoning by-law amendment process, for sites that involve substantial land assembly and provide a high standard of site and building design (1027). The site is an amalgamation of individually held properties that could warrant greater development potential.

#### Mill, Hyman, John, Ann and Talbot Streets

Within the Talbot Mixed-Use Area, there is a sub-precinct which includes the subject site, where lands fronting onto “St. George Street and the south side of Ann Street shall retain their predominantly low-rise residential character” (1031). Additional permissions for these streets contemplate the creation of offices and a broader range of home occupations in existing buildings with at least one residential unit and minimal alteration to the external residential character.

#### 1038C - 175-199 Ann Street and 84-86 St. George Street

In the Neighbourhoods Place Type at 175-199 Ann Street and 84-86 St. George Street, the lands located within the High Density Residential Overlay (from the 1989 Official Plan) are appropriate for a greater intensity of development. Heights in excess of 12 storeys may be permitted on these lands through a bonus zone, where the Evaluation Criteria for Planning and Development Applications and the Bonus Zoning policies of this Plan can be met. Development along the St. George Street frontage will include a significant step-back to provide a low-rise character that is consistent with the streetscape (1038C\_).

#### *Official Plan (1989)*

#### Multi-Family, High Density Residential Designation

The Multi-Family, High Density Residential (MFHDR) designation permits a variety of residential housing forms, including low and high rise apartment buildings, as the main uses. The preferred locations for the Multi-Family, High Density Residential designation includes areas near the periphery of the Downtown that are appropriate for redevelopment, and lands abutting or having easy access to an arterial or primary collector road.

The subject site is located in Central London (the area bounded by Oxford Street on the north, the Thames River on the south and west, and Adelaide Street on the east). Excluding provisions for density bonusing (Section 3.4.3 iv), net residential densities in the Multi-Family, High Density Residential designation will normally be less than 250 units per hectare in Central London (Section 3.4.3). In addition to the ability to bonus to provide facilities, services and matters in return for greater height or density, the *Official Plan (1989)* contains criteria for increasing density on Multi-Family, High Density Residential lands, provided all of a series of criteria are met (Section 3.4.3 ii). The determination of appropriate height and density limitations for individual sites may be based on a concept plan showing how the area will be developed and integrated with surrounding land uses.

#### Multi-Family, Medium Density Residential Designation

Most of the subject site is within the Multi-Family, High Density Residential (MFHDR) designation, with the exception of the portion of the site fronting on and adjacent to St. George Street, which is in the Multi-Family, Medium Density Residential (MFMDR) designation. The Multi-Family, Medium Density Residential designation adjacent to St. George Street permits a variety of housing forms, including low-rise apartment buildings as the main uses, and may serve as a suitable transition between Low Density Residential areas and more intense forms of land use (Sections 3.3 and 3.3.1.).

#### Near Campus Neighbourhoods Areas

The site is located within the Near-Campus Neighbourhoods Specific Area Policy which provides a policy context for development in neighbourhoods that are in proximity to Western University and Fanshawe College (3.5.19.1). Near-Campus Neighbourhoods will be planned to enhance their livability, diversity, vibrancy, culture, sense of place, and quality of housing options for all residents (Policy 3.5.19.2).

#### Talbot Mixed-Use Area

The subject site is located within the Talbot Mixed-Use Area which encompasses lands bounded by the Richmond Row Commercial District on the east, the Downtown on the south, the Thames River on the west and Ann Street on the north. The policies recognize that there will be proposals for the conversion of existing dwellings to commercial and office use and for the redevelopment of lands for multi-family residential uses. The scale and form of any redevelopment or change in land use shall not adversely impact the amenities and character of the surrounding area. Proposals for the rezoning and/or redesignation of lands to permit a change in use shall be evaluated on the basis of a Planning Impact Analysis in addition to specific criteria based on the land use designation and/or geographic areas or street frontages.

#### Mill, Hyman, John, Ann and Talbot Streets

Within the Talbot Mixed-Use Area, there is a sub-precinct which includes the subject site, where lands in the Multi-Family, Medium Density Residential lands fronting onto “St. George Street and the south side of Ann Street...shall retain their predominantly low-rise residential character” (3.5.1.v). Additional permissions for these streets contemplate the creation of offices and a broader range of home occupations in existing buildings with at least one residential unit and minimal alteration to the external residential character.

### **4.0 Key Issues and Considerations**

The proposed development is within a central part of the City, and has a policy framework that contemplates development at a greater height and intensity than currently exists. In order to achieve the greater heights contemplated, an appropriately designed building and site that is sensitive and compatible with the surrounding area is required. There are a number of deficiencies and departures from the planning policies that do not support the proposed development in its current form, including:

- 1) Built Form
- 2) Intensity and Bonusing
- 3) Convenience Commercial Uses
- 4) Heritage
- 5) Proximity to Rail Corridor

This report will focus on these main issues which form the basis for the recommendation of refusal.

#### **4.1. Key Issue and Consideration #1 – Built Form**

The PPS is supportive of development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4). The PPS also identifies that long term economic prosperity should be supported by encouraging a sense of place by promoting a well-designed built form (Policy 1.7.1(e)). Intensification projects are assessed by how well they address matters such as height, scale and massing, building design, provision of landscaped open space, parking and access to determine whether it is an appropriate and well-designed built form. While the proposed development represents an intensification project within a settlement area and a compact form, it must also be appropriately designed to encourage a sense of place to be consistent with the PPS.

#### *Ann Street and St. George Street*

There is consistent policy direction within both the Official Plans to ensure any high-rise development of the subject site is designed to provide a compatible and sympathetic interface with the existing residential neighbourhood. There are three storey townhouses located along the west side of St. George Street, and two-storey townhouses to the south of the subject site. Though there are high-rise forms to the east and south of the site, it is the interface with the low-rise residential built form and character to the west that is the most sensitive.



Figure 6: West Side of St. George St (left) and East Side of St. George St (right)

The specific policy in *The London Plan* for the site contemplates an increase in height above 12 storeys, through a bonus zone, and where the evaluation criteria can be met. The policy also specifically states that “*Development along the St. George Street frontage will include a significant step-back to provide a low-rise character that is consistent with the streetscape*” (1038C). A building step-back refers to the tower portion or ‘middle’ of the building being setback from the edge of the podium or base to minimize the bulk and mass of the taller part of the building and ensure there is a pedestrian scale at street level. The portion of the building along St. George Street is provided at 9 storeys with a minimal four storey feature that does not extend the full length of the face, and does not meet the intent of the policy to maintain the low-rise residential character and streetscape in this area.



Figure 7: Rendering of St. George Street Façade at Base

Further, the policies of the subprecinct for Mill, Hyman, John, Ann and Talbot Streets within the Talbot Mixed-Use Area direct that “*the lands fronting onto Mill Street, Hyman Street, John Street, St. George Street, the south side of Ann Street, and the east side of Talbot Street, shall retain their predominantly low-rise residential character*” (1031). The

site is located within this subprecinct with frontage on St. George Street and the south side of Ann Street. The proposed development provides a 19 storey component with minimal setback along Ann Street connecting the 9 storey and 22 storey components at the ends of the block, neither of which provide a setback to Ann Street. The proposed design and lack of a significant setbacks do not achieve the retention of a “low-rise residential character” required by policy.

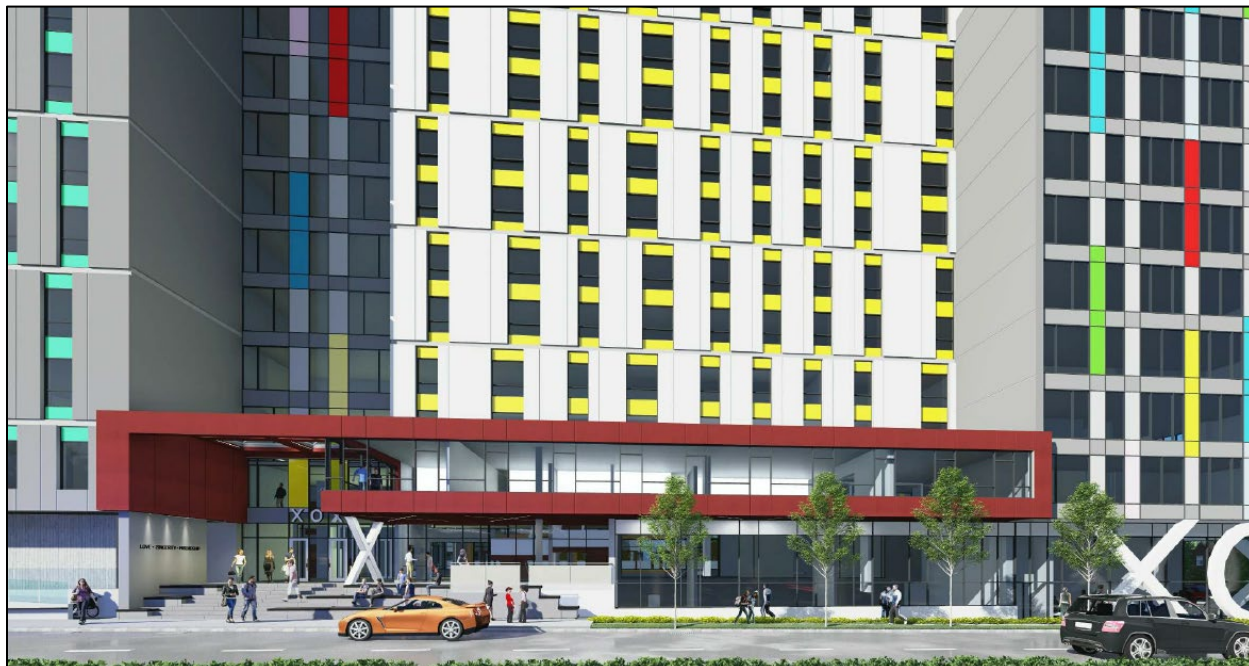


Figure 8: Rendering of Ann Street Façade at Base

#### Ann Street and St. George Street Summary

The massing proposed does not provide a significant step-back along St. George Street, as required by policy 1038C, and does not retain the predominantly low-rise residential character along the south side of Ann Street and St. George Street as required by policy 1031. The built form includes sheer walls along the 9 and 22 storeys which is the full extent of the building height directly to the street, without step-backs to provide relief. The sympathetic fit and compatibility of infill and intensification projects is paramount for established residential neighbourhoods, and without a sensitive transition in height and massing, nor the retention of a low-rise residential character, this is not achieved.

#### *Criteria to change the designation to Multi-Family, High Density Residential*

The majority of the subject site is within the Multi-Family, High Density Residential (MFHDR) designation, there is a portion along the St. George Street that is within the Multi-Family, Medium Density Residential (MFMDR) designation that is requested to be redesignated to MFHDR. Development in the MFMDR normally does not exceed 4 storeys, and serves as an appropriate transitional area from the high to mid heights that could occur on site and should be retained. The request to change the designation from the MFMDR designation to the MFHDR is based on the following criteria: i) compatibility, ii) municipal services, iii) traffic, iv) buffering and v) proximity to transit and service facilities.

- i) **Compatibility:** Development of the site or area for high density residential uses shall take into account surrounding land uses in terms of height, scale and setback and shall not adversely impact the amenities and character of the surrounding area.

The compatibility requirement in the *Official Plan (1989)* identifies that height, scale, and setbacks shall be compatible with the surrounding area, and must not detract from the character of the neighbourhood. The specific policies for the site require a ‘significant’ step-back along St. George Street, and retaining the low-rise residential character along Ann Street and St. George Street,

which would provide a sympathetic transition in building height and preserve the character of the surrounding area. The proposed development is not in keeping with the established character, scale or intensity of the area, will result in greater shadowing than a building with significant step-backs and does not satisfy the compatibility criteria of this policy.

- ii) Municipal Services: Adequate municipal services can be provided to meet the needs of potential development.

A Servicing Feasibility Study was required for the initial proposal and identifies there is sufficient water, wastewater and stormwater infrastructure available for the site. This criteria is not an issue.

- iii) Traffic: Traffic to and from the location should not have a significant impact on stable low density residential areas.

A Transportation Impact Assessment was submitted with the initial proposal evaluating the anticipated traffic to be generated by the development. Transportation Planning and Design staff have reviewed the proposed development and have no concerns. Detailed comments regarding access design and location would be made through a possible future planning application for Site Plan. This criteria is not an issue.

- iv) Buffering: The site or area is of suitable shape and size to accommodate high density housing and provide for adequate buffering measures to protect any adjacent low density residential uses.

Buffering relates to the transition from low to high density built forms and can include on-site measures or intervening land uses. The proposed development form has a requested lot coverage of 97% and does not provide opportunity for on-site buffering. The 4 storey component along St. George Street does not extend the length of the façade, there is very little step-back from the 4 storey base to the 9 storey portion along St. George Street, minimal setbacks to the 19 storey portion along Ann Street, and no setbacks to the 9 and 22 storey portions along Ann Street. The lack of podium or step-backs creates a sheer wall in these locations, no relief of the massing of the tower to the low density residential neighbourhood, and results in an abrupt change in height. Further, there is no landscaped open space provided on-site as the requested relief is to 0% where 20% minimum would be required, which could serve to provide at grade setbacks and softening to the nearby low-rise residential neighbourhoods from the bulk of the built form. The proposed development does not satisfy the buffering criteria.

- v) Proximity to Transit and Service Facilities: Public transit service, convenience shopping facilities and public open space should be available within a convenient walking distance.

The site is within a central location with convenient pedestrian access to quality public transit, commercial and retail along Richmond Row, and open spaces, however, it should be noted that there is no direct pedestrian or vehicular access to Richmond Street from Ann Street. Pedestrian movement would be to St. George Street to provide access to Oxford Street or to Piccadilly or Mill Street to provide access to Richmond Street. This criteria is not an issue.

#### Criteria to Change the Designation to MFHDR Summary

The proposed development meets a number of the criteria to redesignate part of the site to the Multi-Family, High Density Residential designation; but not all. The proposed development does not represent a compatible development form or provide sufficient buffering to the low density residential neighbourhood. One of the overall objectives for the Multi-Family, High Density Residential designation to promote the design of high



density residential developments that are sensitive to the scale and character of adjacent land uses, which is not being achieved (3.1.4.iii).

The *Official Plan (1989)* policies currently provide an intervening land use designation along the St. George Street frontage through the Multi-Family, Medium Density Residential (MFMDR) designation. The MFMDR designation serves as a suitable transition between Low Density Residential areas and more intense forms of land use such as the Multi-Family, High Density Residential designated lands (3.3). This would provide a mid-rise development form as a transition from high-rise building heights to low density residential areas through intervening land uses or building step-back. Amending the designation from the MFMDR to MFHDR allows greater height and building massing along St. George Street without an adequate step-back from the high-rise portion to the property boundary, and is not supported.

It is recommended that the Multi-Family, Medium Density Residential designation be maintained along the St. George Street frontage to provide an appropriate massing form to the adjacent Multi-Family, High Density Residential designation.

### *Bonusing and Form – City Design*

The requested amendment to facilitate the greater height of 22 storeys above the 12 storeys maximum and density of 585uph above the contemplated 250uph is through a bonus zone. The bonus zoning will only be permitted where it is demonstrated that the resulting intensity and form of the proposed development represents good planning within its context (1653\*).

The City Design policies of *The London Plan* provide direction on the design elements of a development and including the following:

199\_ All planning and development proposals within existing and new neighbourhoods will be required to articulate the neighbourhood's character and demonstrate how the proposal has been designed to fit within that context.

The lands to the west and south have a low-rise residential character, and the Talbot Mixed-Use area directs that the scale and form of any redevelopment shall not adversely impact the amenities and character of the surrounding area (1025). The proposed development does not provide sufficient transition in building massing to the low-rise neighbourhood and has not been designed to fit within the local context. The tower floorplate needs to be minimized and setback further from the base to provide a more sensitive fit with the low-rise residential context.



Figure 9: Rendering – Corner Perspective of St. George and Ann St

235\_Landscaping should be used to define spaces, highlight prominent features and landmarks, add visual interest, define pedestrian areas, delineate public and private spaces, add comfort and improve health, offer visual screening, and improve the aesthetic quality of neighbourhoods.

The standard minimum landscaped open space is for 20% for the requested R10-5 zone, and 30% in the existing R9-3 zone, and the request has been made to provide 0%. With 0% landscaped open space provided, there is no ability to add visual interest, add comfort through shade, offer visual screening or improve the aesthetic quality of neighbourhoods. Any landscaped space that occurs above grade on the rooftops of the building provide enhancement for the residents only and is expressly exempted by the definition of landscaped open space in the Z.-1 Zoning by-law. No private landscaping is permitted on City-owned boulevards as there are on-going maintenance costs and potential conflicts with infrastructure and utilities.

256\_Buildings should be sited so that they maintain and reinforce the prevailing street wall or street line of existing buildings.

The lands to the south and west have low-rise forms as the prevailing street wall. Consistent with the specific policy direction, policy 256 requires buildings maintain and reinforce this low-rise street wall and associated character. There is a way to achieve both a high-rise form on-site that steps down to a low-rise form along the street frontages, though this has not been satisfied with the proposed built form.

293\_High-rise building should be designed to minimize massing, shadowing, visual impact, and the obstruction of views from the street, public spaces, and neighbouring properties. To achieve these objectives, high rise buildings should take the form of slender towers. High rise buildings should not be designed with long axes where they create an overwhelming building mass.

An alternative design for the tower portion of the building is required in order to avoid a large and long floorplate slab building. The form as proposed impacts the view corridors to and from the site, access to sunlight for the proposed suites as well as neighboring developments and contributes to consistent shadow impacts to surrounding context. Any portion of the tower above eight storeys should be a point tower (up to approximately 1000m<sup>2</sup> within a 1.5:1 length: width ratio) in order to reduce the overall massing and consistent shadowing impacts and to ensure that shadows and loss of privacy on neighbouring properties are minimized.



Figure 10: Rendering – Southeast View

289\_High and mid-rise buildings should be designed to express three defined components: a base, middle and top.

The base of a building should establish a human-scale façade which is often achieved through the provision of a podium that provides a lower built form at the street edge while having the taller portions of the building stepped back. While there are lower portions of the building along Ann Street and St. George Street, they do not provide a meaningful or discernable building base, and parts of the high-rise portions of the building extend directly to the street edge without providing any relief and resulting in a sheer wall at the corner of Ann Street and St. George and at the eastern portion of the building. There is little distinction as to the three components of the building, and the 19 storey portion of the building is comprised of a large and long expanse in an east-west orientation which results in a 'slab' floorplate rather than a point tower.

298\_Design measures relating to building height, scale and massing should be used to provide a transition between development of significantly different intensities, considering the existing and planned context.

To ensure that the proposed building responds to its context in terms of height and massing, any portion of the building proposed along Ann Street and St. George Street should retain the predominantly low-rise character to respond to the low-rise residential character on the west side of the street, as well as the townhouses to the south, with a step down from the higher portions of the building. The angular plane shown in figure x, shows a 45° plane and the building massing proposed. To mitigate impacts on the street level and nearby residential neighbourhood, tower step-backs that fit within the angular plane are preferred, where the taller a building mass is, the further it will be setback from the street.



Figure 11: Angular Plane

### Bonusing and Form – City Design Summary

While the building provides a built edge along both Ann Street and St. George Street, there is not enough of a setback to provide a pedestrian-scale base, minimize the massing and shadows or provide space for landscaping and buffering. The City Design policies are intended to facilitate well-designed built forms that respect the context and provide a sensitive fit. In staff's opinion these have not been satisfied through the proposed development. More refinement and revision to the design is required to address the City Building policies and create a more appropriate built form. As has also been previously noted, the proposed design does not satisfy the Specific Area policies for these lands which were developed to provide specific direction on appropriate development forms in this location.

### *Bonusing and Chapter 11 Urban Design Principles*

In the *Official Plan (1989)*, height and density bonuses received “*should not result in a scale of development that is incompatible with adjacent uses*” (19.4.4.i). Bonusing will be used to support the City's urban design principles as contained in Chapter 11 and include:

- v) *Architectural Continuity: The massing and conceptual design of new development should provide for continuity and harmony in architectural style with adjacent uses which have a distinctive and attractive visual identity or which are recognized as being of cultural heritage value or interest.*

The proposed development represents a departure from the architectural style of adjacent uses. The area to the south and west is largely characterized by existing low density residential uses, save and except the existing high density apartment building to the east of the site, which is located along a transit corridor where greater heights are encouraged. The proposed development however fails to provide continuity and harmony with the existing residential neighbourhood and does not incorporate an appropriate base that provides a harmonious fit with the existing uses.

- viii) *Pedestrian Traffic Areas: In pedestrian traffic areas, new development should include street-oriented features that provide for the enhancement of the pedestrian environment, such as canopies, awnings, landscaped setbacks and sitting areas.*

The site is located on two local roads, in a central part of the City near the Oxford Street corridor to the north, Richmond Row to the east and the Downtown to the south. Though the area is predominantly residential in nature, it is a higher pedestrian traffic area given the location. The base of the building has made an effort to provide a pedestrian-scale environment, however Urban Design staff recommend greater tower setbacks from the edge of the podium be provided to assist in minimizing the building mass from the street level. The proposed building coverage of 97% and the 0% landscaped open space proposed results in minimal to no opportunity for landscaping at grade.

- ix) *Access to Sunlight: The design and positioning of new buildings should have regard for the impact of the proposed development on year-round sunlight conditions on adjacent properties and streets. In reviewing proposed developments, access to sunlight for adjacent properties should be maximized to enhance the potential for energy conservation and the amenity of residential areas and open space areas, such as parkettes and outdoor plazas.*

A Shadow Study was submitted as part of the complete application, demonstrating minor shadowing impacts on the low rise residential neighbourhood to the south throughout the year. However, shadows are cast on the adjacent high density residential property to the east, and on the low-rise residential uses to the west. The shadowing could be improved by the use of increased building setbacks, step-backs and a reduced mass. Images from the shadow modelling are contained in Appendix D.

- x) *Landscaping: Landscaping should be used to conserve energy and water, enhance the appearance of building setback and yard areas, contribute to the blending of new and existing development and screen parking, loading, garbage and service facilities from adjacent properties and streets.*

Limited to no landscaping is provided at grade with a requested reduction of 0%, which provides no ability to buffer the proposed development from adjacent sites, no enhancement of the building appearance and does not contribute to blending the new development in with its context.

- xiv) *Privacy: To the extent feasible, the design and positioning of new buildings should minimize the loss of privacy for adjacent residential properties.*

The form as proposed impacts neighbouring developments, and the overall massing should be reduced to help ensure that any loss of privacy on neighbouring properties is minimized. A separation distance of 25m should be considered between the high-rise portions of the proposed building and the adjacent high-rise developments to the east and south.

#### Bonusing and Chapter 11 Urban Design Principles - Summary

While it is acknowledged that efforts have been made to refine the built form and design from the initial proposal, the built form proposed is not appropriate in its current form, nor compatible within the context of the existing neighbourhood. Urban Design staff have provided several recommendations for design refinements to address the form-based concerns, which have not been incorporated into the design to date. In accordance with Policy 3.7, a Planning Impact Analysis is to be used to evaluate applications for an Official Plan amendment and/or zone change to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any

adverse impacts on surrounding uses. The Planning Impact Analysis is contained in Appendix D and addresses matters of both form and intensity.

### *Near Campus Neighbourhoods*

Development within neighbourhoods that are located within proximity to Western University and Fanshawe College are subject to the near-campus neighbourhood policies. *The London Plan* and the *Official Plan (1989)* establish a number of planning goals in an effort to support this vision for these neighbourhoods, and several are to ensure the compatibility of design and fit within the character of the neighbourhood, including:

9. Utilizing zoning to allow for residential intensification which is appropriate in form, size, scale, mass, density, and intensity (965\_9; 3.5.19.4.vii);
10. Ensuring that residential intensification projects incorporate urban design qualities that enhance streetscapes and contribute to the character of the neighbourhood while respecting the residential amenity of nearby properties (965\_10; 3.5.19.4.xi); and,
13. Ensure intensification is located and designed to respect the residential amenity of nearby properties (965\_13; 3.5.19.4.xiv).

The proposed development is seeking to maximize the zoning for the site which requires relief from many regulations related to built form and site layout including, front yard, exterior side yard, interior side yard and rear yard setbacks, height, density, landscaped open space and building coverage. Urban design qualities are to be incorporated into the design to ensure intensification projects contribute to the character of the neighbourhood while respecting the residential amenity of nearby properties. There is significant concern with the built form as it does not enhance the streetscape, contribute to, or respect, the character of the neighbourhood, requires significant relief from the zoning regulations and results in an over-intensification of the site.

Residential intensification within near-campus neighbourhoods may be permitted only where it has been demonstrated that the criteria in policy 968 and 3.5.19.9 have been met. In Staff's opinion there are two notable deficiencies for the proposed development:

*6. Mitigation measures are incorporated into the proposed building(s) and site design which ensure that the amenity of surrounding residential land uses is not negatively impacted.*

The proposed development does not adequately mitigate the impacts of the bulk and massing on the surrounding residential land uses, and the built form as proposed will have more impactful shadowing than a more slender tower that is setback from the street edge. There are a number of recommended refinements required to provide a better fit for the building within the residential neighbourhood context, including:

- Provide an alternative design for the tower portion of the building in order to avoid a large and long, slab-style floorplate.
- Any portion of the tower above eight storeys should be a point tower (up to approximately 1,000 square metres, within a 1.5:1 length: width ratio).
- A separation distance of 25m should be considered between the high-rise portions of the proposed building and the adjacent high-rise developments.
- Any portion of the building proposed along Ann Street and St. George Street should retain the predominantly low-rise character by responding to the low-rise residential built form to the west and south, while the east half of the building should respond to the high-rise buildings on the east and south, with a step down between both portions of the building.
- Provide a setback (a minimum of 5m is the standard requirement) above the 3<sup>rd</sup> or 4<sup>th</sup> storeys to provide a low-rise character.
- Reduce the building mass above the 3<sup>rd</sup> or 4<sup>th</sup> storey to a mid-rise form (up to 8 storeys) to create a comfortable pedestrian scale and character along St. George Street.

*7. Significant heritage resources are protected and conserved where appropriate and*

*necessary according to the Cultural Heritage policies of this Plan.*

The site is an existing listed property on the heritage inventory and the proposed development would result in the demolition of a heritage listed building which is being considered for designation. More information regarding heritage matters is provided in section 4.4 of this report, however the proposed development is predicated on the demolition of the heritage resource which is not in keeping with the intent to protect and conserve resources.

#### Near-Campus Neighbourhood Policies Summary

The near-campus neighbourhood policies provide additional direction and consideration for the fit and compatibility of new developments within areas located in proximity to the Western University and Fanshawe College campuses. The intent of the policies is to enhance the livability, diversity, vibrancy, culture, sense of place, and quality of housing options for all residents which is achieved through encouraging appropriate forms of intensification. The proposed development does not represent an appropriate form, size, scale, mass, or density and does not contribute to the character of the neighbourhood.

#### Key Issue and Consideration #1 Overall Built Form Summary

There are significant concerns associated with the built form for the proposed development associated with the volume, massing, height, setbacks and step-backs. The proposed development fails to provide a significant step-back along the St. George Street frontage, and does not retain the low-rise residential character of St. George or Ann Streets.

The proposed development meets a number of the criteria to redesignate part of the site to the Multi-Family, High Density Residential designation; but not all. It is recommended that the Multi-Family, Medium Density Residential designation be maintained along the St. George Street frontage to provide an intervening massing form to the Multi-Family, High Density Residential designation. The principles of Urban Design in Chapter 11 of the Official Plan (1989), the City Design policies in The London Plan, and the Near Campus Neighbourhood policies have not been satisfied. The discussion for bonusing begins with a well-designed building and as this element is not satisfied, no additional consideration can be given to facilitate a building with a height and density that is not appropriate, or compatible with the surrounding area.

#### **4.2 Key Issue and Consideration #2: Intensity**

The *Official Plan (1989)* intensity for the Multi-Family, High Density Residential designation includes heights that exceed those in the Multi-Family, Medium Density Residential designation, and density up to 250 units per hectare for lands within central London. Within *The London Plan*, the High Density Residential Overlay contemplates intensity up to 12 storeys in height within the Primary Transit Areas (958\_1\*). The Talbot Mixed-Use Special Policy area policies are found in both the *Official Plan (1989)* and *The London Plan*, and acknowledge that there will be demand for high-rise development forms in the area, including the subject site.

The MFHDR policies of the *Official Plan (1989)* contemplates bonusing for greater height and density above the specified maximums, and the specific policy for the site in *The London Plan* contemplates a greater intensity of development, and heights in excess of 12 storeys may be permitted through a bonus zone, where the evaluation criteria for planning and development applications and the bonus zoning policies of this plan can be met (1038\_C). A specific area policy to Chapter 10 was initially requested, which is not required as the bonus zone and CC zone achieve the requested outcome.

#### *Zoning*

The requested amendment requires significant relief from a number of regulations which represents an over-intensification of the site. The requested R10-5 zone allows for a

greater density (350uph) than contemplated in Central London (250uph) and would allow greater development potential as of right instead of utilizing a bonus zone as the policies require.

Special Provisions requested to facilitate the development include:

- A reduced minimum front yard depth of 0m, whereas 7m-9m is required;
- A reduced minimum exterior side yard depth of 0m, whereas 9m-13m is required;
- A reduced minimum interior side yard depth of 0m, whereas 5m-30m is required;
- A reduced minimum rear yard depth of 0m, whereas 30m is required;
- A reduced minimum landscaped open space of 0% whereas 20% is required;
- An increased maximum lot coverage of 97%, whereas up to 50% is permitted;
- A reduced number of parking spaces of 180 spaces, whereas 225 is required.

### Zoning Summary

The proposed development requires significant relief from the zoning regulations, which is indicative of a development zone that would be found in a Downtown or Main Street Commercial Corridor setting, and not the interior of a residential neighbourhood. The requested zoning does not provide adequate setbacks to adjacent apartment buildings, no on-site landscaping, buffering or at grade amenity space, and an increased lot coverage of almost double the established maximum for the R10-5 zone. While staff have supported some relief from the regulations for front yard and exterior side yard relief for infill projects to promote development near the street, the requested special provisions cumulatively represent an over-intensification of the site and a built form that is not appropriate for the neighbourhood context.

### *Bonusing and Intensity*

The bonusing policies of *The London Plan* allow Council to pass a by-law to authorize increases in the height and density of development beyond what is otherwise permitted in return for the provision of such facilities, services or matters as are set out in the bonus zone (1638\*). Bonus zoning may permit increases to the height and density in return for the provision of such facilities, services or matters. The bonus zoning will only be permitted where it is demonstrated that the resulting intensity and form of the proposed development represents good planning within its context (1653\*).

There are significant concerns with the proposed building form which is intended to form the basis of all bonus zones. While the policies allow for the contemplation of greater height and density, the built form has an overall volume, massing and height that is not sensitive and compatible with the surrounding context and residential neighbourhood. As such, there is no starting point to consider bonusing as the built form does not represent good planning and results in an over-intensification of the site.

It is the recommendation of planning staff that this application be refused for the reasons contained within this report, and the following section provides a review of the applicant's proposed bonusing facilities, services and matters as follows:

#### b) Common Open Space

- A common amenity area (exterior terrace) to be provided above the first floor
- Rooftop terraces proposed above the 9<sup>th</sup>, 19<sup>th</sup> and 22<sup>nd</sup> floors

Response: The provision of common open spaces for residents is a standard minimum requirement in *The London Plan* (295), and the Site Plan Control Area By-law, and not considered eligible for bonusing. Publicly-accessible common open spaces could potentially be considered for bonusing, though would likely be provided at grade where it is clear they could access and use the spaces, instead of being located on the top of the building where secure access would be required. The amenity spaces proposed may result in a positive design feature for residents, though is not acceptable or eligible



for the purpose of bonusing.

#### c) Underground Parking

- Structured parking provided to reduce surface parking areas (204 subsurface spaces provided)

Response: Underground parking formerly qualified as a bonusable element through the *Official Plan (1989)*, though *The London Plan* no longer considers underground parking as an eligible bonusable feature. Underground parking is transitioning from a design feature that was considered above and beyond the normal development process to a requirement that forms part of the standard development process. Underground parking is an eligible bonusable feature given the appeal status of *The London Plan* policies, though staff would recommend alternative matters such as the provision of affordable housing instead.

#### d) Enhanced landscaped Open Space

- Landscape enhancements would be provided above City design standards, including theme lighting and public seating at strategic locations

Response: The proposed development has requested a reduction of landscaped open space to 0% from the 20% minimum required. Landscaping provided above the grade on rooftop areas is not supported and expressly excluded in the Zoning By-law as it would not provide any beneficial screening, buffering or pedestrian amenity or enhancement at street level. All landscaping proposed must be provided on private lands and cannot include any of the City boulevard in order to ensure the City does not incur any unanticipated maintenance costs and obligations, and that there are no conflicts with above or below ground infrastructure and utilities. Enhanced landscaped open space where the provision of landscaped open space is 0% is not acceptable or eligible for the purpose of bonusing.

#### h) Innovative/Sensitive Design

- Four electric vehicle charging stations within the publicly accessible surface parking area, as well as 16 charging stations within the parking garage
- Provision of four publicly accessible bicycle share facilities at a convenient location along the Ann Street frontage

Response: It is uncertain how the public would be able to gain access or how clear it would be to utilize the vehicle charging stations or bicycle share facilities. These items would likely become only positive features of the building for the residents without any clear or continued public access or benefit. The bicycle share facilities could be considered as supporting active transportation and alternative mobility options, though staff would recommend alternative matters such as the provision of affordable housing be considered for any bonus zone instead.

#### j) Provide for Universal Accessibility

- 20% accessible dwelling units (above the 15% minimum accessible units required by the Ontario Building Code).

Response: the OBC sets out the minimum amount of accessible units required, and additional provision of accessible units could be considered as a bonusable feature, though staff would recommend alternative matters such as the provision of affordable housing be considered for any bonus zone instead.

#### a) Affordable Housing

- 5% affordable housing units (rounded to the nearest unit provided at 85% of CMHC average market rent for a duration of 10 years from the point of initial occupancy. Affordable units would be established by agreement with the City of London and would target students (as permitted).

Response: the provision of affordable housing units through bonusing is a preferred feature and a recent priority identified by Municipal Council to address the housing crisis. As part of the Roadmap to 3,000 Report, an immediate next step was identified to *“double the current rate at which affordable units are obtained through bonusing”* (p.11). This direction establishes the provision of affordable housing units above other potentially eligible bonusable features and should be the main component of the requested bonus zone if Municipal Council decides to approve the development.

The Housing Development Corporation has reviewed the proposed affordable housing bonus and provided the following parameters based on past bonusing approvals:

- 13 units with a unit bedroom mix representative of the bedroom mix of the overall development at a rate of 80% of the CMHC’s Average Market Rent for the affordable unit bedroom type at the time of initial occupancy. This represents 10% of the “lift”, or increase in the number of units requested beyond what would normally be permitted.
- An affordability period of 50 years from the date of the initial occupancy
- A requirement to enter into a Tenant Placement Agreement with the City

The HDC also noted that the proposed development would require the demolition of existing buildings known municipally as 197 Ann Street, 175 Ann Street and 84 St. George Street. City Map shows that there are a number of Active Residential Rental Licenses associated with these properties. While the “affordability” of these units is unknown to HDC, HDC would assume that the rent currently being charged for the existing units is more affordable than the rent that will ultimately be charged for the new units that will replace them in the new development. Recognizing the importance of maintaining our existing affordable housing stock, HDC would encourage the City and the owner to explore opportunities wherein the existing rental units that are to be demolished to make way for the current proposal be provided for in the new development (in addition to those affordable units to be secured through the affordable housing bonus zone identified).

#### 1. Exceptional site and Building Design

- High quality architectural design (building/landscaping) including a common design theme for podium (streetscape) elements
- Provision of structure parking facilities

Response: there are significant concerns with the built form and 0% landscaped open space proposed. Planning and Urban Design staff do not concur that the building as proposed represents exceptional site and building design, and do not accept this element as an eligible bonusable element. Also, as has been previously noted in this report, the proposed development is not consistent with the Specific Area policies related to design that apply to these lands.

#### 8. Sustainable development forms

- Landscape plans for common outdoor amenity areas to incorporate sustainable design elements, including hard landscape elements and drought resistant landscaping to reduce water consumption

Response: As per above, the provision of 0% landscaped open space makes this criterion unachievable and ineligible.

#### 9. Contribution to transit facilities

- Contribution to \$10,000 towards constructing transit shelters in close proximity to Richmond Street/Mill Street intersection to promote bus ridership. Again, as previously noted in this report, there is no direct pedestrian connection from this site to either Richmond Street or Oxford Street.

Response: It is unclear whether the LTC has had the opportunity to review this proposal and whether they have plans to upgrade to shelters and if \$10,000 would be a

meaningful contribution. Staff would recommend alternative matters such as the provision of affordable housing be considered for any bonus zone instead.

#### 10. Large quantities of secure bicycle parking and cycling infrastructure

- Dedicated areas for bicycle parking along the Ann Street and St. George frontages (with convenient access to building entrances)
- Secure bicycle storage within the structure parking facility

Response: The Z.-1 Zoning By-law sets out minimum bicycle parking standards which are being met, as well as the location of secure parking for apartment buildings. This criteria is ineligible for bonusing as it is simply meeting the minimum standards.

#### 15. Extraordinary Tree Planting

- Large caliper boulevard trees planted with a minimum 100mm caliper and a minimum distance of 10m between tree planting for the extent of the St. George and Ann Street frontages (where practical)

Response: As per above, the provision of 0% landscaped open space makes this criteria unachievable and ineligible. All landscaping proposed must be provided on private lands and cannot include any of the City boulevard in order to ensure the City does not incur any unanticipated maintenance costs and obligations, and that there are no conflicts with above or below ground infrastructure and utilities.

#### Key Issue and Consideration #2 – Bonusing and Intensity Summary

The proposed development has requested to support the increased in height and density with a bonus zone. Staff have significant concerns with the proposed building form which is intended to form the basis of all bonus zones. While the policies allow for the contemplation of greater height and density, the way the intensity manifests on the site does not result in a well-designed built form, and results in an over-intensification of the site. Further, staff is of the opinion that some of the facilities, services, and matters proposed in return for the requested increased intensity are ineligible and not commensurate for the requested increase in intensity. If Municipal Council wishes to consider the proposed development, staff recommend that any bonus zone associated with the proposed development be comprised of an affordable housing component commensurate to the increase in height and density requested to implement recent Council direction and ensure tangible benefits are provided in exchange for the greater height and density.

#### **4.3 Key Issue and Consideration #3 – Convenience Commercial Use**

The apartment building use proposed is a permitted use under the existing zoning, *Official Plan (1989)* designations, and *The London Plan High Density Overlay*. There is also a request for a range of convenience commercial uses under the CC4 zone, including convenience service establishments, convenience stores, financial institutions, personal service establishments and an additional craft brewery use.

The Talbot Mixed-Use Policy area contemplates a broader range of uses, including commercial and office uses, and more intensive home occupation type uses in the Mill, Hyman, John, Ann and Talbot area. These uses are generally more compatible with the residential use and character of the area. There is no policy basis or permissions that contemplate commercial uses under *The London Plan* in this location, though the *Official Plan (1989)* allows for a limited amount of convenience commercial uses within the Residential designations through consideration of policy 3.6.5.

The *Official Plan (1989)* contemplates the establishment of new Convenience Commercial uses through an Official Plan amendment and the policies of 3.6.5 based on: i) Function, ii) Permitted Uses, iii) Location, iv) Scale of Development, and v) Form of Development.

The preferred locations for convenience commercial uses is within the various commercial land use designations. The site is in proximity to the prominent Richmond Row commercial corridor which is where commercial uses should be located and concentrated to add to the vitality of the main street. While some of the policies of 3.6.5 are able to be satisfied, such as the range of permitted uses, two key aspects of the policies related to 'function' and 'location' have not been satisfied.

- i) *Function: Convenience Commercial uses and Service Stations should be designed to function at a neighbourhood scale while providing services to surrounding residential areas and the travelling public.*

The site is in proximity to the Richmond Row commercial corridor which provides a wide range of commercial, retail and service uses to the neighbourhood and travelling public. New commercial uses should be directed to Richmond Row to ensure the continued viability and vitality of that corridor, and to avoid a dilution and sprawl of commercial uses. The site is located within the interior of a neighbourhood which would not serve the travelling public as described in more detail under the location criteria in item iii). While the site would provide commercial uses to the surrounding residential area, it would likely function more as a destination point attracting patrons city-wide, in the same way as the Richmond Row commercial uses would.

- iii) *Convenience commercial uses and service stations will be located on arterial or primary collector roads where it can be demonstrated that such uses are compatible with surrounding land uses and will not have a serious adverse impact on the traffic-carrying capacity of roads in the area. the preferred locations for convenience commercial uses and service stations are at the intersections of major roads.*

St. George Street and Ann Street are both identified as local/neighbourhood streets, with St. George Street transitioning into a secondary collector north of Ann Street. The site is at the intersection of two local roads in both the *Official Plan (1989)* and *The London Plan*, and the intent of new convenience commercial uses is to be located along major roads including a primary collector or arterial, to preserve the interior of neighbourhoods, orient secondary permitted uses to the exterior parts of neighbourhoods, and cater to the travelling public.

#### Key Issue and Consideration #3 – Convenience Commercial Use Summary

The proposed craft brewery and other convenience commercial uses do not meet the criteria for Function or Location in the policies of 3.6.5 for establishing new Convenience Commercial Uses. While the Talbot Mixed-Use neighbourhood policies contemplate a broader range of uses, they are generally located within existing buildings to retain the existing character of the area. New commercial uses should be directed to the nearby Richmond Row corridor to concentrate the commercial presence and ensure the continued vitality of that Main Street and reduce traffic impacts within the community.

#### **4.4 Key Issue and Consideration #4 – Heritage**

The subject property is a heritage listed property, included on the City's *Register of Cultural Heritage Resources*. The parcel contains multiple built resources that have been identified as having potential cultural heritage value or interest that requires further research and evaluation prior to removal. The proposed development is predicated on the removal of all existing built resources on the subject property. At its meeting held on November 24, 2020, Municipal Council referred Civic Administration to report back regarding potential designation specifically of 183 and 197 Ann Street.

Both built resources have direct associations with the former Kent Brewery – one of the first breweries in London – and the Hamilton brewing family, notably John Hamilton (who ran the brewery from 1861– 1887), and his son, Joseph Hamilton (who ran the brewery from 1887–1917). The former Kent Brewery is one of the oldest existing brewery buildings in Canada and a rare example of an early brewery site where the brewery building remains (197 Ann Street), and the brewer's house (183 Ann Street) is also

intact.

As contemplated by the Provincial Policy Statement, 2020, the *Ontario Heritage Act*, and *The London Plan*, heritage resources are to be conserved and the impacts of development on these resources is to be evaluated. In policy 565 of The London Plan, an evaluation is required to determine if the built resources retain cultural heritage value or interest (CHVI) and to assess potential impacts of development. For CHVI evaluation purposes, a heritage impact assessment (HIA) was submitted by the applicant in 2021 as part of a revised complete application. The HIA determined that all built resources on the subject property have cultural heritage value, but that retention is not economically viable.

The London Advisory Committee on Heritage (LACH) provided comments regarding heritage impact assessments required as part of the planning application (OZ-9127), and in compliance with Section 29(2) of the Ontario Heritage Act, was consulted at its meeting on April 13, 2022, regarding potential designation of the built resources at 183 and 197 Ann Street.

A condition assessment of the built resource at 197 Ann Street was also prepared (2020) and concluded that although in fair condition and requiring attention expected for a building of this age, the condition and modifications made have not compromised the heritage value and integrity of the former brewery complex. Heritage staff's evaluation (using Ontario Heritage Act, O.Reg.9/06 criteria) of built resources at 183 Ann Street (Brewer's House) and 197 Ann Street (former Kent Brewery) found that they are significant cultural heritage resources that meet the criteria for designation under Section 29 the Ontario Heritage Act.

#### **4.5 Key Issue and Consideration #5 – CP Rail Corridor**

The site is located in close proximity to the Canadian Pacific (CP) rail corridor with the closest portion of the property at 197 Ann Street located approximately 23m from the CP rail property boundary, and approximately 30m from the centre of the tracks. The rail corridor is a Principal Main line in this location, and CP Rail notes that they are not in favour of residential developments adjacent or near the rail corridor as the land use is not compatible with rail operations. However, to ensure the safety and comfort of residents, and to mitigate as much as possible the inherent adverse environmental factors, the CP Standard Requirements are requested to be considered as part of the review.

An Environmental Noise Assessment Report and Vibration Study were prepared and reviewed by CP Rail, who supports the recommendations and requests the inclusion as conditions of approval.

Both The London Plan and the Official Plan (1989) direct that the development of sensitive lands uses on lands in close proximity to rail lines will have regard for potential impacts from noise, vibration and/or safety concerns and, where a proposed development does not comply with provincial guidelines, or where there is a concern over safety, mitigation measures may be required (1766 & 19.9.5). The proximity of the site to the rail corridor within a 30m setback requires a berm or alternative safety and protection measure. The applicant has identified that a crash wall is anticipated to be integrated into the building design and that a mitigation strategy is being prepared.

At the time of this report, there were no details provided in terms of what the crash wall would be comprised of, the extent of the wall, the integration with the building and/or the impacts on design. More information is required in order to determine the details of the proposed safety measures, how they would impact the built design and ground floor uses. A holding provision should be applied to ensure mitigation measures proposed are satisfactory to the City of London.

#### 4.6 Key Issue and Consideration #6 – Ground Water

Through the public consultation process, there were concerns about the interruption to ground water levels as some nearby properties rely on the ground water for heating and cooling purposes. This issue was raised with the Ministry, who reviewed the Permits To Take Water (PTTW) as well as the properties that qualified as part of the residential 'domestic use' exemption.

A Geotechnical Assessment was completed by EXP on March 4, 2022 regarding the proposed development and the impacts on groundwater. It was noted that a standard geotechnical investigation will not determine all the groundwater parameters, and that a detailed hydrogeological assessment may be required to estimate the quantity of water to be removed. A holding provision should be applied to ensure that the hydrogeological assessment is carried out prior to Site Plan Approval.

#### Summary and Recommendation

While it is acknowledged that the proposed development has undertaken revisions from the initial design, it is not currently in a form that satisfies the policies related to built form, intensity and bonusing, convenience commercial uses, and the near-campus neighbourhoods.

The proposed development is not supported and is recommended for refusal for the following reasons:

- There is no significant step-back provided along the St. George Street frontage, and no retention of the low-rise residential character along Ann Street or St. George Streets, which does not achieve the site specific policy of 1038C, or the subprecinct policies for Mill, Hyman, John, Ann and Talbot.
- The proposed development does not provide a compatible transition to the low-rise residential neighbourhood and has a large floorplate and massing that requires refinement through setbacks, step-backs and buffering.
- Bonusing discussions cannot begin without a starting point of good planning and design, and the bonusing proposed is not acceptable and is not consistent with recent Municipal Council decisions regarding the provision of affordable housing through bonusing.
- The proposed development does not meet all of the criteria to redesignate part of the site to the Multi-Family, High Density Residential designation, and the existing Multi-Family, Medium Density Residential designation should be maintained along the St. George Street frontage.
- The proposed craft brewery and other convenience commercial uses do not meet the criteria for Function or Location in the policies of 3.6.5 for establishing new Convenience Commercial Uses, and should be directed to the nearby Richmond Row corridor instead.
- The proposed development does not meet all of the policies of the Near-Campus Neighbourhood area which allow for intensification only when it is appropriate in form, size, scale, mass, density and intensity.
- There are unresolved issues related to the mitigation measures for safety associated with the CP rail corridor, and potential impacts to the ground water.
- The proposal results in the demolition of heritage resources.

In addition to the above, the following matters have not been addressed through the proposed development:

#### *Built Form and Design*

- Any portion of the tower above eight (8) storeys should be a point tower or other acceptable design response that provides for a smaller floorplate (typically up to 1,000sqm, with a 1.5:1 length to width ratio)
- Provide a minimum setback of at least 5m above the 3<sup>rd</sup> or 4<sup>th</sup> storeys along St. George and Ann Streets
- Reduce the building mass above the 3<sup>rd</sup> or 4<sup>th</sup> storey to a mid-rise form (up to 8 storeys maximum)

## *Bonusing*

The provision of affordable housing is prioritized above the other items submitted for consideration of bonusing and should consist of the following, which would typically be expected for the requested height and density, based on 10% of the lift:

- A minimum of thirteen (13) affordable residential rental units, including one (1) studio unit, one (1) one-bedroom unit, five (5) two-bedroom units, and six (6) three bedroom units (reflective of the unit mix proposed in the building).
- Rents not exceeding 80% of the Average Market Rent (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy;
- The duration of affordability shall be set at 50 years from the point of initial occupancy of all affordable units.
- Alignment of the bonus to a defined municipal priority – the owner shall be required to enter into a Tenant Placement Agreement with the City.

## *Zoning*

To address the safety concerns associated with the proximity to the CP rail tracks, and the potential disturbance to ground water, two holding provisions would be required to be incorporated:

h-183: Purpose: To ensure that development will not have any negative impacts on the groundwater in the area, with specific attention given to any negative impacts on existing wells, a Hydrogeological Study shall be prepared by a qualified professional and submitted to the City to evaluate the potential impact of the proposed development to area private wells and provide recommendations for monitoring post construction impacts and possible mitigation measures to the satisfaction of the City Engineer prior to the removal of the h-183 symbol. Any recommendations contained therein shall be incorporated into the development agreement to the satisfaction of the City of London.

h-( ) Purpose: To ensure there are no land use conflicts between the Canadian Pacific Rail corridor and the proposed residential and/or sensitive uses, mitigation measures for safety from possible derailments are required, as acceptable to the City of London.

## **Conclusion**

The proposed development is within a central part of the City and has a policy framework that contemplates development at a greater height and intensity than currently exists. While it is acknowledged that efforts have been made to refine the built form and design from the initial proposal, the proposed development in its current form is not appropriate, nor compatible with the context of the existing neighbourhood. In order to achieve greater heights contemplated, an appropriately designed building and site that is sensitive and compatible with the surrounding area is required.

The proposed development is not consistent with the Provincial Policy Statement, 2020, which promotes intensification and redevelopment in appropriate locations and retention of cultural heritage resources.

The proposed development does not conform to *The London Plan (2016)*, including, but not limited to, the Key Directions, City Design, the Near Campus Neighbourhoods policies, the HDR overlay policies, the Talbot Mixed-use policies, and the site-specific policy 1038C for the site. The proposed development does not conform to the *Official Plan (1989)*, including, but not limited to, the Permitted Uses, Density and Scale, of the Multi-Family, Medium and High Density Residential designation, Bonusing, Urban Design, Heritage, and Policies for Near Campus Neighbourhoods.

The proposed development and requested zoning represents an over-intensification of the site, does not satisfy the criteria of the Planning Impact Analysis, and the bonus zone and associated facilities, services, and matters proposed through the bonus zone are not acceptable for the requested height and density. Lastly, the proposed development would result in the removal of heritage resources. As such, it is

recommended the requested amendments be refused.

**Prepared by:**                   **Sonia Wise, MCIP, RPP**  
**Senior Planner, Site Plans**

**Reviewed by:**                   **Michael 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 - Community Engagement

**Public liaison:** On October 10, 2019, Notice of Application was sent to 732 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 October 10, 2019. A Revised Notice of Application was provided on October 7, 2020, and a Revised Notice of Application and Invitation to attend the Public Participation Meeting was provided on April 1, 2022. Two “Planning Application” signs were also posted on the site.

Replies from 21 submitters were received

**Nature of Liaison (initial):**

The purpose and intent of this application is to allow a 28 storey apartment building with 274 residential units, commercial uses such as retail, personal services, administration offices and restaurants on the main floor, and underground parking. The building height steps down toward St. George Street to 26 and 12 storeys.

The applicant requested an amendment to the *Official Plan (1989)* to change the designation of the western part of the property from Multi-family, Medium Density Residential to Multi-family, High Density Residential, to identify the site as a permitted location for convenience commercial uses, and to add a Specific Policy Area to permit a maximum residential density of 764 units per hectare within the Multi-family, High Density Residential designation for this site.

The applicant requested an amendment to *The London Plan* to add a Special Area Policy in the Neighbourhoods Place Type for this site to permit a maximum building height of 28 storeys, and to permit a maximum overall floor area of 1,000 square metres for retail, service and office uses within the podium base.

The applicant also requested an amendment to Zoning By-law Z.-1 to change the zoning from a Residential R9 (R9-3\*H12) Zone to a Residential R10 Special Provision/Convenience Commercial Special Provision (R10-5( )\*D764\*H93/CC4( )) Zone.

The requested Residential R10 (R10-5) Zone permits apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped apartment buildings, and continuum-of-care facilities. The requested special provisions were to permit a maximum height of 93 metres (28 storeys) where the height is to be determined on the zone map, a maximum density of 764 units per hectare in place of 350 units per hectare, reduced 0 metre yard depths to all property lines, reduced minimum landscaped open space of 0 percent where 20 percent is required, increased maximum lot coverage of 97 percent where 50 percent is permitted, and reduced parking of 209 spaces where 310 spaces are required.

The requested Convenience Commercial Zone permits convenience service establishments, convenience stores, financial institutions and personal service establishments, all without drive through facilities, and restricted to a location within an apartment building. The requested special provisions were to add food stores, take-out and eat-in restaurants, and brewing on premises establishments without drive-through facilities and restricted to a location within an apartment building, as well as allowing one commercial use to be limited to a maximum commercial gross floor area of 1,000 square metres where food stores are limited to a maximum of 500 square metres, take-out restaurants are limited to a maximum of 150 square metres and all other permitted uses are limited to a maximum of 300 square metres, and the maximum total commercial gross floor area is 1,000 square metres.

The notice also included the possibility that the City may also consider special provisions in Zoning By-law Z.-1 regulating the height transition of the proposed building, and the use of a less intensive base zone with bonus provisions to allow the requested height and density in return for certain facilities, services or matters.

### **Nature of Liaison (revised):**

The purpose and effect of this Official Plan and zoning change is to permit the redevelopment of the subject site for a mixed-use, high-rise tower, with a maximum height of 22 storeys (75m) and a maximum density of 585 units per hectare.

Possible amendment to the 1989 Official Plan for the western portion of the property from the Multi-family, Medium Density Residential Designation to the Multi-family, High Density Residential Designation, to identify the site as a permitted location for convenience commercial uses, and to add a Specific Area Policy to permit a mixed-use building with a maximum density of 585uph implemented by way of a bonus zone.

Possible change to The London Plan to change the Special Area Policy in the Neighbourhoods Place Type for this site to permit a mixed-use development with a maximum building height of 22 storeys, and 500 square metres of gross floor area permitted for retail, service and office use within the podium base. Possible change to Zoning By-law Z.-1 from a Residential R9 (R9-3\*H12) Zone to a Residential R10 Special Provision/Convenience Commercial Special Provision Bonus (R10-5(\_)/CC4(\_)\*B-\_ Zone.

Requested special provisions To permit a maximum height of 22 storeys (75 metres) where the height is to be determined on the zone map; to permit a maximum density of 585 units per hectare, whereas 350 units per hectare maximum is permitted; to permit a reduced front and exterior side yard depth of 0m whereas 15m is required; to permit a reduced rear and interior yard depth of 0m whereas 37.2m is required; to permit a reduced landscaped open space of 0% whereas 30% is required; to permit an increase lot coverage of 97% whereas 50% maximum is permitted; to permit a minimum of 180 parking spaces whereas 225 spaces are required; and to permit a maximum commercial gross floor area of up to 500sqm for all commercial uses, and as well as for an individual commercial use.

The City may also consider the use of holding provisions for the purpose of assessing hydrogeological conditions, and ensuring safety mitigation measures are implemented due to the proximity of the rail corridor. A bonus zone is requested for the increased height and density in return for certain facilities, services or matters.

**Responses:** One response was supportive of the proposed development, and the majority were opposed. A summary of the various comments received include the following:

#### **Concern for:**

- Heritage
  - Opposed to the demolition of heritage buildings
  - The whole block should be saved
- Retail/Commercial Use not appropriate for the location
- Intensity
  - Traffic volumes, noise and safety issues
  - Inadequate parking provided
  - Bonusing features are not beneficial
  - Increased number of pedestrians cutting through the area
- Form
  - Ignores the low-rise townhouse and single-family home characteristics of the neighbourhood
  - Inadequate on-site landscaped open space and inadequate parkland provision in the area – object to the use of cash-in-lieu of parkland
  - Inadequate provision of trees and boulevard space
  - Loss of sunlight, privacy and views
- Student Housing
  - Contributes to a pre-existing imbalance of student to non-student population in the neighbourhood

- Does not meet the near campus neighbourhood policies
  - Neighbourhood is underpopulated in the summer which isolates long-term residents, creates social problems such as squatters, criminal activity, and hurts local businesses
  - Purpose-designed student housing is not diverting students from single family homes as intended
  - Allowing construction and marketing of housing geared to students is contrary to the Human Rights Code because it discriminates against protected groups
- Possible impacts on groundwater-based HVAC systems in surrounding buildings
  - Possible impact on adjacent hydro transformer substation.
  - Loss of property value

**Responses to Public Liaison Letter and Publication in “The Londoner”**

Written Patrick John Ambrogio 1011 – 695 Richmond Street London ON N6A 5M8	Written Lydia Li and Brett Butchart 1804 – 695 Richmond Street London ON N6A 5M8
AnnaMaria Valastro North Talbot Community Association 133 John Street Unit 1 London ON N6A 1N7	Ken Owen St. George Grosvenor Neighbourhood Association 139 St. James Street London ON N6A 1W6
Ben Benedict 188 John Street London ON N6A 1P1	Jackie Farquahar 383 St. George Street London ON N6A 3A9
David Hallam & Catherine Ross 166 John Street London ON N6A 1P1	Dave Morrice 191 Hyman Street London ON N6A 1N4
Dalwinder Deol 18 Coastal Trail Nobleton ON L7B 0A5	Don Dickenson Dickenson Management for Condo Corp. No. 134, 695 Richmond Street PMB 133 – 611 Wonderland Road North London ON N6H 5N7
Eugene DiTrolio 14 St. George Street London ON N6A 2Z3	Mike Specht
Andrew Kent 3700 Kempt Road, Suite 100 Halifax, NS, B3K 4X8	Art Blumas 140 Ann Street
Sarah L. Kirshin-Neilans 295 Central Ave London ON N6B 2C9	Alice Martin
Rod McDowell	Noll Stevens
Louise White 133 Central Ave London ON	Steve Olivastri 141 Central Ave London
David Hallam	John Fooks 706-520 Talbot Street LONDON ON N6A6K4

**From:** Ben Benedict  
**Sent:** Thursday, October 10, 2019 11:31 AM  
**To:** Debbert, Barb <[bdebbert@London.ca](mailto:bdebbert@London.ca)>  
**Cc:**  
**Subject:** [EXTERNAL] RE: Please read: Notice of Application - 84-86 St George St and 175-197 Ann St (WARD 13) - OZ-9127 Barb Debbert  
Dear Barb Debbert

Can you explain what happens to the hydro substation for our community that is located within this development boundary?

Ben Benedict  
Benedict Creative Communications  
188 John Street, London, ON, N6A 1P1

.....

**From:** [<mailto:> ]  
**Sent:** Wednesday, October 07, 2020 11:46 AM  
**To:** Debbert, Barb <[bdebbert@London.ca](mailto:bdebbert@London.ca)>  
**Cc:** Barrios, Catalina <[cbarrios@london.ca](mailto:cbarrios@london.ca)>; Parker, Charles <[CParker@London.ca](mailto:CParker@London.ca)>; City of London, Mayor <[mayor@london.ca](mailto:mayor@london.ca)>  
**Subject:** [EXTERNAL] RE: OZ-9127- Notice of Planning Application - 84-86 St. George Street and 175-197 Ann Street - St. George and Ann Block Limited (WARD 13) -  
Planner: Barb Debbert  
**Importance:** High

Dear Barb Debbert, Senior Planner:

I am opposed as per the application – it violates the official plan. Second, from 100 to 585 units per hectare is clearly over intensification for that ‘postage stamp’ sized area. Third, it sits on a subterranean water source with a building already abutting its banks, where in the world would this be allowed to happen, two buildings abutting a river? – This is an environmental nightmare waiting to happen, under YOUR watch!!! How is this different than the first application other than it provides further disrespect to local residents and our community overall! And why the change of planners half way through the processes, what quasi-illegal move is this that the city is coordinating with the developer at the communities expense? I wonder?

Thank you for the opportunity to comment though I doubt it will have any effect given London’s extensive and unethical history of giving developers whatever they want in spite of the repercussions on neighbours! Please keep me in the loop, this should never be allowed to reach this point!

Ben Benedict, MA Comm.  
Benedict Creative Communications  
188 John Street, London, ON, N6A 1P1

.....

**From:** Lydia Li  
**Sent:** Thursday, October 24, 2019 4:13 PM  
**To:** Debbert, Barb <[bdebbert@London.ca](mailto:bdebbert@London.ca)>  
**Cc:** Lydia Li                                      Brett Butchart  
**Subject:** [EXTERNAL] Appeal Letter: File OZ-9127

Lydia Li and Brett Butchart  
1804-695 Richmond Street  
London, ON N6A 5M8  
October 24, 2019

City Planning and Environment Committee

**Re: Official and Zoning By-law Amendments,  
84-86 St. George Street and 175-197 Ann Street,  
File: OZ-9127**

I am writing to oppose the Official Plan and Zoning Amendments of allowing 28 Storey apartment building/student housing built on the above mentioned address. We want to make sure that the Committee considers the issues of parking and traffic, safety and noise level, and value of the properties in the area before it makes the decision.

There are a few apartment buildings within the area mentioned above: 695 and 675 Richmond Street, 172 and 180 Mill Street, MARQ at 83 St. George Street and other apartments and houses in surrounding area. If you approve this proposal we worry that there will be significant increases in the traffic on the peaceful street. Also because of the railroad, many commuters choose to drive to the busy Talbot Street to go either north or west side of the city. Having a 28 storey building built in this area the neighbors will get the overflow of vehicles onto the already busy street. Residents in the new building will take the short cut by walking through the parking lot of Richmond 695 in order to get to the Richmond Street which potentially increases the unnecessary traffic and garbage disposal, and create safety and security issues as well.

We have concerns about the noise level that this new building will create in the neighbourhood. As you know, it can get quite hot here in the summer and I can't afford air conditioning, so I keep my windows open most of the time. We are worried that the new building will make it very noisy and make it impossible to keep windows open during the summer. We also worry the safety of this area when the density of population increases dramatically in such small block.

We are also concerned that the value of our property, and the value of neighbours' properties, will be significantly reduced as a result of this development. We are not real estate appraiser, but we are certain a 28-storey student residency building which blocks the sunshine and light and the view of our apartment is going to dissuade prospective purchasers who would have otherwise been interested in our condo.

We hope that you will consider our perspective and the pitfalls of approving this proposal during the planning process. Thank you.

Sincerely,

Yan Lydia Li

Brett Butchart

-----Original Message-----

From: Catherine Louise Ross < >  
Sent: Thursday, October 31, 2019 5:47 PM  
To: Debbert, Barb <bdebbert@London.ca>  
Subject: [EXTERNAL] File OZ-9127

Dear Barb Debbert,

Since 1973, I have been a resident and home owner in the neighbourhood of concern, formerly at 66 St George St. and currently at 166 John St. Therefore I have an interest in creating a strong community in this area, where high density is balanced with green space. Therefore I am writing to express my concern

about certain aspects of the requested special zoning provisions being requested for St. George and Ann Block Limited.

Specifically it seems from the Notice of Planning Application that the proposers want, among other things, to weaken the city's official requirements for yard depths and landscaped open space and instead they wish to build a building with a larger footprint. This would be a mistake, I think, given that it is crucial for vibrant cities to preserve green space. Once the building is built, it is too late to realize that we should have provided more trees and more green natural areas for people where people can enjoy the natural world and sunshine without driving somewhere else (especially important given the asked for reduced parking that has been requested). The London core needs a balance, so that we have both high density housing but also public access for tenants to green space.

Many research studies have confirmed that cities that provide for public green spaces end up with healthier neighbourhoods and healthier citizens. So unless the plan is to provide the proposed apartment building with a green roof that include trees and plants, I urge the Planning and Environment Committee to reject this request to weaken existing requirements for landscaped open space.

Best wishes

Catherine Ross

166 John St., London

.....  
**From:** David Hallam < >  
**Sent:** Thursday, October 31, 2019 6:49 PM  
**To:** Debbert, Barb <bdebbert@London.ca>  
**Subject:** [EXTERNAL] File OZ-9127

Dear Ms Debbert:

I wish you to make note of my protest in respect of this application. In such a confined space, there can be no competent reason for reducing requirements for parking or green space. These two factors are absolutely essential to urban life and any site that cannot accommodate them is ill-advised in the first place and should not be considered.

respectfully

david hallam

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Poverty exists not because we can't feed the poor, but because we can't satisfy the rich.  
- Jeremy Ashton

.....  
March 4, 2020

Ms. Barb Debbert  
Development Services, City of London  
300 Dufferin Avenue, 6<sup>th</sup> floor  
London ON  
PO box 5035 N6A 4L9

Dear B. Debbert

Update to Comments on

Notice of Planning Application for 84 -86 St. George Street and 175 – 197 Ann Street

The purpose of this letter is to provide comments on the notice of planning application

The purpose of this letter is to provide an update to the comments on the notice of planning application for official plan and zoning By-law amendments related to 84 – 86 St. George Street and 175 – 197 Ann Street that were previously submitted on October 31, 2019. Please replace the previous letter with this letter.

The application for the zoning by-law amendments is to allow:

- 28 storey apartment building with 274 residential units, commercial uses on the main floor, and underground parking,
- Building height steps down toward St. George Street to 26 and 12 storeys,
- Includes such commercial uses as retail, personal service, administration offices and restaurants,
- Special zoning provisions are requested for reduced yard depths, reduced landscaped open space, reduced parking, and increased lot coverage.

Alone either the apartment building or the commercial use would be a lot for the site together they are too much. My concerns with the proposal are:

- 1) Inadequate parking for the residents of the 759 bedrooms in the apartment portion of the building.
- 2) Inadequate parking for the commercial portion of the building.
- 3) Inadequate loading and unloading zones for the apartment portion of the building.
- 4) Inadequate loading and unloading zones for the commercial portion of the building.
- 5) The 175 Ann Street Transportation Impact Statement failed to address a number of issues.
- 6) Inadequate setbacks
- 7) Excessive residential density
- 8) Excessive height for the residential area.

The applicant is proposing to reduce the total number parking spaces for the residents of the 759 bedrooms in the apartment portion and the commercial portion to only 209 when the city requires a minimum of 310 spaces. After subtracting the number of spaces required for the commercial use, this leaves less than 1 parking space for every 4 residents. Because of the large number of bedrooms per apartment the number of available parking spaces should be greater than the minimum not less. In addition to support the city of London initiative in reducing carbon and the switch to electric vehicles that is occurring in Canada all of the parking spaces should be capable of charging electric vehicles.

As per the sketches included in the package the small drop of area on Ann street would be insufficient to allow a vehicle to clear the traffic on Ann street. The length and the depth of the drop off area, needs to be increased substantially. This area needs to be able to accommodate multiply vehicles (including moving trucks) at the same time and to allow those vehicles to completely clear Ann street. There also needs to be a drop off area on St. George Street for the vehicles servicing the commercial portion of the building.

The 175 Ann Street Transportation Impact Statement failed to address the effects of delivery vehicles, moving trucks, garbage pickup, the limited amount of parking, the fact that this part of Ann street requires vehicles to enter and exit via St. George Street and that there is no place for vehicles (e.g. trucks) to turn around without blocking the road or entering private property. In addition the Transportation Impact Statement failed to account for the construction period and the impacts and frustrations it will have on the residents in the area.

The setbacks for the building should be increased to allow for adequate drop off areas on both Ann Street and St. George Street. In addition the width of the sidewalks should be increased for the increase pedestrian traffic and to allow for the city to put garbage containers on the street outside the commercial area so that garbage is not spread through the residential area.

A maximum density of 764 units per hectare in place of 350 units per hectare is unreasonable. A maximum density of 350 units per hectare (125 units) should not be exceeded.

A reduction to zero metre yard depths to all property lines is unreasonable. Yard depths to all property lines should be maintained or increased due the building size, the density of the units, and the introduction of commercial space. The yard depths should be such that it will allow for larger sidewalks and space for garbage's on the sidewalks as would be typically for comparable nearby commercial spaces e.g., Richmond Street or Oxford Street. The yard depths are also required to provide proper separation between the new building and the neighbouring buildings.

The increase in the maximum lot coverage to 97 percent where 50 percent is permitted is unreasonable. The maximum lot coverage should not exceed the 50 percent limit. This would help to address the required yard depths for proper sidewalks, areas for vehicles to pull off, areas for moving vehicles, areas for delivery vehicles and to provide proper separation between the new building and the neighbouring buildings.

Sincerely

Mike Specht

.....  
**From:** Ken Owen  
**Sent:** Thursday, November 14, 2019 12:44 PM  
**To:** Debbert, Barb <bdebbert@London.ca>  
**Subject:** [EXTERNAL] file OZ-9127

Good afternoon Barb  
Would it be possible for me to be included on notifications of public meetings associated with the 84-86 St George Street and 175-197 Ann Street project - your file #OZ-9127?

Ken Owen  
On behalf of the St. George Grosvenor Neighbourhood Association.  
139 St. James Street  
London N6A 1W6

.....  
**From:** jackie farquhar  
**Sent:** Thursday, November 14, 2019 4:05 PM  
**To:** Debbert, Barb <bdebbert@London.ca>  
**Subject:** [EXTERNAL] Appliotion # OZ-9127 York Developments - St. Geoge/Ann St. Block Ltd.

Hello Ms Debbert....please add my name to the list of persons interested in attending any public hearing on this development by York Developments.

I find it outrageous that York is applying to build 764 units per hectare in a 28 storey building with 100 fewer parking spots than required when the London Plan calls for 100 units per hectare and 4 storeys high. I implore the City to insist that the developer build in keeping with the City's plan.

Thank you Jackie Farquhar

--  
**Jackie Farquhar**  
**383 St. George Street**  
**London, ON. N6A 3A9**

.....  
**From:** jackie farquhar <>  
**Sent:** Monday, October 26, 2020 9:34 PM  
**To:** Debbert, Barb <bdebbert@London.ca>  
**Subject:** [EXTERNAL] York Developments project - 183 197 Ann Street.

Hello Barbara...please put on record that I support the designation of the above historic buildings on Ann Street.



I implore City Planners to ensure that York Developments, if given permission to develop, retains aspects of these historic buildings. .

Thanks for your attention to my request. Jackie

--

**Jackie Farquhar**

.....

**From:** AnnaMaria Valastro  
**Sent:** Thursday, November 21, 2019 7:37 AM  
**To:** Dent, Laura <[ldent@london.ca](mailto:ldent@london.ca)>; Fleming, John M. <[JmFlemin@london.ca](mailto:JmFlemin@london.ca)>; Bunn, Jerri-Joanne <[jbunn@London.ca](mailto:jbunn@London.ca)>; Saunders, Cathy <[csaunder@london.ca](mailto:csaunder@london.ca)>;  
**Subject:** [EXTERNAL] Corrected : Request for designation for 197 Ann Street  
**Importance:** High



North Talbot Neighbourhood Assoc.

\*\*\*\*\*

Dear Dr. Dent,

We live in the North Talbot Community, the oldest and most historically significant community in London. Many of us have been waiting patiently to have our community recognized as a Heritage Conservation District only to have it bypassed for heritage designation over and over again.

While we wait, we lose more and more buildings of historical value undermining its very history. We are once again fighting to preserve some of the most significant heritage buildings that define not only this neighbourhood but London's history as a significant industrial area.

We support the heritage designation of 197 Ann St. the site of the last remaining brewery in North Talbot - Kent Brewery. We also support the heritage designation of 179 and 183 Ann St. - the homes of John Hamilton (183 Ann St.) and his son Joseph Hamilton (179 Ann St.) - owners of Kent Brewery.

This end of North Talbot was home to Carling Brewery and Kent Brewery as well as a host of other mills along Carling Creek. The creek and adjacent pond provided both a source of energy, water and waste disposal for these industries - hence the street Mill St.

Just south and west of this area were the mansions of these entrepreneurs and south of this site were the homes of the many employees of these industries.

The entire area tells a complete story and we no longer support preserving a tiny remnant of history here and there. Instead we want complete histories preserved so people can place faces to places and spark a true appreciation for the history of the city. We want the whole story told and preserved.

**It is unique that the Hamilton Family lived next door to their business, whereas many other entrepreneurs chose to live in more affluent neighbourhoods. It is noteworthy that the "History of the County of Middlesex" first published in 1889 by Goodspeed states:**

W. A. & C. L. GOODSPEED, PUBLISHERS.

p. 373

says of Kent Brewery

"The premises form one of the oldest landmarks in the city, and are located on Ann Street."

*That comment was made in 1889. Therefore in 1889 Kent Brewery was already considered a historical landmark.*

[https://archive.org/stream/historyofcountyo00torouoft/historyofcountyo00torouoft\\_djvu.txt](https://archive.org/stream/historyofcountyo00torouoft/historyofcountyo00torouoft_djvu.txt)

Residents of North Talbot want the history of the community preserved as a whole. Time is running out.

Sincerely,

Eugene DiTrolio  
14 St George St.  
London ON N6A 2Z3

AnnaMaria Valastro  
133 John St. Unit 1  
London Ontario N6A 1N7

CC: Council, John Fleming, LACH, North Talbot Residents

.....  
**From:** Dave Morrice

**Sent:** Thursday, November 21, 2019 5:38 AM

**To:** Dent, Laura <[ldent@london.ca](mailto:ldent@london.ca)>

**Cc:** Fleming, John M. <[JmFlemin@london.ca](mailto:JmFlemin@london.ca)>; Bunn, Jerri-Joanne <[jbunn@London.ca](mailto:jbunn@London.ca)>; Saunders, Cathy <[csaunder@london.ca](mailto:csaunder@london.ca)>

**Subject:** [EXTERNAL] Fwd: Urgent: Please Read: Request for designation for 197 Ann Street

Good Morning I can't stress enough the importance of recognizing these sites. Our area has been inundated with developments that are starting a trend toward unsightly, "strictly for profit" buildings. We HAVE to save our heritage.

Dave Morrice  
191 Hyman St

.....  
**From:** Don Dickenson - Dickenson Management

**Sent:** Tuesday, December 10, 2019 10:51 AM

**To:** Debbert, Barb <[bdebbert@London.ca](mailto:bdebbert@London.ca)>

**Cc:** Patrick John Ambrogio, P.Eng.

'Sarah Kirshin

**Subject:** [EXTERNAL] File OZ-9127

Dear Ms. Debbert

I am the property manager of Middlesex Condominium Corp. 134, located at 695 Richmond Street, London which is adjacent to 175 and 197 Ann Street and 84-86 George Street. The Board of Directors has asked me to contact you regarding the above Planning Application because their property is going to be impacted by the development plans for these properties. Please add the condo corp to your mailing list for any notices related to this application.

**Don Dickenson**  
**Dickenson Management**

Phone:  
Fax:

Please note our new mailing address:  
PMB 133- 611 Wonderland Rd N  
London, ON N6H 5N7

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**From:** Patrick John Ambrogio, P.Eng.  
**Sent:** Tuesday, December 10, 2019 1:05 PM  
**To:** Debbert, Barb <[bdebbert@London.ca](mailto:bdebbert@London.ca)>  
**Subject:** [EXTERNAL] RE: File OZ-9127

If you are compiling specific concerns, I am happy to detail several to you.

These will include (but are not limited to):

- Interference with our building's critical underground aquifer geothermal heating & cooling system, for which we have Ministry permits to take water
- Excessive density for the already congested site
- Excessive height/scale for the existing site and the adjacent neighbouring buildings
- Proximity/privacy/sunlight blocking
- Commercial use should be denied as it fronts on minor & dead-end side streets, interior and removed from the main commercial artery
- Traffic congestion
- And much, much, more

Thank you.

695 Richmond Street  
Suite 1011  
London ON N6A 5M8  
Patrick

(added on Dec 10, 2019) The volatility of the critical underground aquifer is enormously concerning as the entire site is dynamic, and in flux, as is the natural environment. Geothermal HVAC reliability and performance is fundamental to our existing site and residential/commercial occupants.

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**From:** (AnnaMaria Valastro)  
**Sent:** Tuesday, January 14, 2020 7:30 AM  
**To:**  
**Cc:** Blazak, Gary <[gblazak@london.ca](mailto:gblazak@london.ca)>; Saunders, Cathy <[csaunder@london.ca](mailto:csaunder@london.ca)>; Campbell, Melissa <[mecampbe@london.ca](mailto:mecampbe@london.ca)>; Tomazincic, Michael <[mtomazin@London.ca](mailto:mtomazin@London.ca)>; Debbert, Barb <[bdebbert@London.ca](mailto:bdebbert@London.ca)>; Page, Bruce <[BPAGE@London.ca](mailto:BPAGE@London.ca)>; Barrett, Gregg <[GBarrett@London.ca](mailto:GBarrett@London.ca)>; Craven, Ryan <[rcraven@london.ca](mailto:rcraven@london.ca)>; ; ; Katolyk, Orest <[OKatolyk@London.ca](mailto:OKatolyk@London.ca)>  
**Subject:** [EXTERNAL] Re: correction - letter to council

Dear Ms Saunders,

In the letter below, I reference a February 20 2019 meeting of the Civic Works Committee. This should be corrected to the Community and Protective Services Committee. Both meetings were scheduled on February 20, 2019. The video que remains the same.

Even though I do not anticipate any councillor or staff person to review this information, it remains important that the error be corrected. I would appreciate if councillors were made aware of this correction.

Thank You

AnnaMaria Valastro

On 2020-01-02 02:17, [NorthTalbot@execulink.com](mailto:NorthTalbot@execulink.com) wrote:

Dear Ms Saunders,

Can you please forward to Members of Council including the Mayor's office?

Thank You

AnnaMaria

Re: Planning in North Talbot

Dear Members of Council,

This letter is to share our concerns with the proposed development by York Development at 197 through to 179 Ann Street and 86 and 84 St. George St in the neighbourhood of North Talbot.

The development being proposed by York Development makes no effort to integrate into the community. It is a bloated building which ignores the low rise townhouse and single family home characteristics of the neighbourhood and under values the heritage qualities of the site. It pays no attention to the residents of the adjacent tall building whose sunlight and privacy would be blocked by the oversized York development. It will be student housing which is over represented in the North Talbot neighbourhood and possibly violates the Human Rights Code by discriminating against protected groups.

Students as a 'group' are not protected or analogues to protected groups (1 and 2), and while the Ontario Human Rights Commission (OHRC) is 'generally' supportive of student housing, it warns landlords against discriminating against protected groups by refusing applicants who are not students.

1. Fodor v North Bay (City), 2018 ONSC 3722 at para 26.
2. London Property Management Association v City of London, 2011 ONSC 4710 at para 69-73

Other cities look at housing 'types' and make decisions on housing type "needs" including student housing. The city of London has the authority to develop a student housing strategy. It CAN discuss openly the impacts of too much student housing concentrated on one area. The city CAN ensure landlords do not discriminate against protected groups if they advertise exclusively to students without approval from the OHR Tribunal.

This can be done through enforcement of Rental Licensing and design of units to ensure a diversity of unit 'type' is being planned.

By ignoring the isolation of long term residents within a concentrated student housing area, the city risks destabilizing near campus neighbourhoods. Students are, for the most part, temporary residents who live in neighbourhoods for part of the year. In areas where student housing dominates such as Ann St., Mill St and John St, entire streets are empty for months at a time leaving long term residents vulnerable to squatters, criminal activity and a loss of community.

The London Plan does not allow for this proposed density on this site, and there is growing cynicism that the London Plan is not a serious document if every single development proposal is permitted to build outside the Plan. **We also wish to remind Council that North Talbot already has several student oriented high rises with another one being built by Drewlo on Talbot St. None have diverted students from single family homes.**

\*\*\*\*\*

There is a strong sense from North Talbot residents that a thread of bias and discrimination persist in matters of planning as it relates to the North Talbot Community. *We need an open and honest dialogue* of what we see as a discriminatory approach to policy as it relates to lower income communities. Whether this is intended to be discriminatory or not, that is certainly how it plays out.

I offer the following examples:

1. On December 23, 2019 the London Free Press published an article describing the proposed York Development on the Ann St. and St. George St block. Councillor Maureen Cassidy was quoted as stating that the York development “would be a 'gamechanger' for THAT neighbourhood”.

Councillor Cassidy has no unilateral authority deciding what is good for this community without first hearing from us. Similar comments were also credited to Councillor Phil Squire who suggested that a student highrise in North Talbot would alleviate student pressure from North London.

**These comments become doubly offensive when this development proposes to tear down a significant landmark heritage site, which in turn would remove any chances of North Talbot being recognized as a Heritage Conservation District. Even before we have an opportunity to assess the community heritage qualities, councilors are undercutting the opportunity to do so with unabashed swiftness.**

It can't be more disrespectful not just to dedicated residents of North Talbot but also to students. Students like any other person will rent the housing type that suits them best. For those that like to entertain often and loud, single family homes are the preferred housing.

2) In February 20, 2019 Orest Katolyk publicly stated at a Civic Works Public Participation Meeting (PPM) that establishments applying for patio amplified sound permits would be evaluated on a case by case basis. He reassured committee members that patios surrounded by single family homes will likely get a lower range in which to amplify sound than other residential areas.

Neither Committee Chair Maureen Cassidy or any other committee member including **Mayor Ed Holder** reprimanded the Chief By-law Officer for using demographics and economics in deciding the conditions under which a permit to release amplified sound on a patio would be issued. The Chief By-law Officer is making decisions on assumptions as to who lives in single family homes and why they would deserve greater protection from amplified sound than another person or a family that may not have the financial resources to afford a single family home. The 'law' is being applied prejudicially. CWC Video Queued at: 1.08

3) Planning applications for the downtown area are being approved without the required 'parkland' allocation and landscaping requirements. Instead 'cash-in-lieu' is being swapped out for green space.

The practice of completely removing a green space requirement (both parkland and landscape) at each new development is creating a downtown desert and depriving downtown residents of green streetscapes and private green amenities. We understand that land value, taxes and density are concerns for developers and politicians but not for the residents that have to live with these decisions. Quality of life should not be

sacrificed. We are as deserving of parkland, dog parks and playfields as anyone else living in this city.

\*\*\*\*\*

The residents of North Talbot have taken notice of what we see as a persistent discriminatory approach to planning as it relates to North Talbot and we have taken offense.

We are asking for a formal apology from Councillor Squire and Councillor Cassidy for their disparaging comments about our community.

Sincerely,

David Hallam  
166 John Street

Ben Benedict  
188 John Street

AnnaMaria Valastro  
133 John Street

CC: Orest Katolyk, Chief By-law Officer, Gary Blazak, Senior Advisor Mayor's Office, Barb Debbert, Senior Planner, Melissa Campbell, Manager Current Planning, Michael Tomarzincic Manager Current Planning, Bruce Page, Parks Planning, Ryan Craven, Neighbourhood Development and Support, Gregg Barrett, Long Range Planning

North Talbot Residents, Norman De Bono, Postmedia, Megan Stacey, Postmedia, Core Neighbourhood Associations

Ontario Ombudsman - File # 372995-001

Contact for the North Talbot Community: T.

.....  
**From:** Dalwinder Deol  
**Sent:** Friday, December 27, 2019 11:46 AM  
**To:** Debbert, Barb <bdebbert@London.ca>  
**Subject:** [EXTERNAL] Ann Street Housing

Hi Barb,

I received a notice of planning application for file OZ-9127. Just wanted to know what the status of this file is and when is the proposed completion date of the construction for this proposed apartment building.

Thanks in advance for your help!  
.....

**From:** AnnaMaria Valastro  
**Sent:** Wednesday, February 19, 2020 3:43 PM  
**To:** Giesen, Andrew <agiesen@london.ca>  
**Cc:** Debbert, Barb <bdebbert@London.ca>; Dales, Garfield <gdales@london.ca>; Tomazincic, Michael <mtomazin@London.ca>  
**Subject:** [EXTERNAL] Re: Discussion of proposed development at 84-86 St George Street, and 175-197 Ann Street

<http://www.london.ca/business/Planning-Development/land-use-applications/Documents/Development-Services/OZ-9127/OZ-9127-Noise-Assess-Rpt.pdf>

Hello Andrew,

The above link is to the Noise Report submitted by York development. The report states that this development will ensure INDOOR noise levels meet municipal and provincial because OUTDOOR noise DID NOT meet these standards in part because of anticipated increased traffic.

Noise has been a longstanding issue in this neighbourhood and we have been screaming to have this issue addressed through by-law enforcement, we fought the amplified sound by=law for the same reason. We met with your department recently to discuss traffic noise and have an ongoing discussion with London Police. None of this was reviewed by your department and I am so tired, as is everyone, to have to raise this issues each time. They should be automatically reviewed by any staff that is listening. I resent having to raise these issues over and over again.

But here we go again.

Thank You for meeting with me and I hope to bring along one or two neighbours.

AnnaMaria

.....  
**From:** AnnaMariaValastro  
**Sent:** Saturday, February 22, 2020 11:59 AM  
**To:** Saunders, Cathy <csaunder@london.ca>; Debbert, Barb <bdebbert@London.ca>; Tomazincic, Michael <mtomazin@London.ca>  
**Subject:** [EXTERNAL] letter to council re: student high rise housing

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Dear Ms. Saunders,

I would appreciate if this letter could be forwarded to Members of Council.

Thank You

AnnaMaria Valastro

\*\*\*\*\*

Feb. 21, 2020

**Re: Student High Rise Housing and the Human Rights Code**

Dear Members of Council;

Council promotes more high rise student housing because it believes it will redirect students away from single family homes and into closed, controlled buildings, freeing single family homes for 'families'. **This is a false premise that has only concentrated more students into small neighbourhoods tipping the balance of demographic diversity.**

Groups of highly socialized students desire single family homes because they have an absentee landlord, and can entertain loud and often without supervision. If the neighbourhood has a reputation as a 'student' neighbourhood, it is presumed this activity is accepted and even expected – a stereotype portrayal of students by students. Without stating it explicitly, council believes that removing students from single family homes will reduce noise, upgrade property standards, and diversify demographics. Articulating such a goal openly would be discriminatory as students have the right to live where they choose.

North Talbot has a disproportionate representation of student housing both in family homes and high rises. The presence of high rises has only 'weeded' out those students that prefer to entertain loud and often. In the North Talbot neighbourhood the majority of single family homes are now 'party houses' almost exclusively and that has intensified noise throughout the neighbourhood and large gatherings at those single family homes.

A high student population dominating a neighbourhood is also problematic because students, for the most part, are temporary residents. While they may live in the same apartment/ house for their entire student career, they are not present year round leaving entire streets empty for many months consecutively during the spring and summer.

In the North Talbot Neighbourhood, Central Ave., John, Mill, and St George streets are primarily student housing and the majority of houses sit empty from April to September. This would also be true for student high rises, as it is true for university student residences.

#### **London Police interactive crime map**

<https://communitycrimemap.com/?address=London,ON> shows that residential crime rates are the highest in university neighbourhoods such as North Talbot and the university gates area off Richmond St. in North London. While the map is a new tool and only as accurate as the crimes reported to police, it does show that home invasions can be higher in the summer months on streets such as Mill and St George because houses are empty but furnished. It also shows that car theft is rampant in the large parking lots behind student housing year round. In speaking with London Police, they acknowledge that the emptiness of streets likely contributes to an increase in theft because there are no 'eyes and ears'.

Empty houses also attract squatters. Squatters themselves may not be a problem as they tend to be quiet choosing not to attract attention. However, there are many individuals that wander into the neighbourhood anticipating its vacancy and trespass not realizing the house is occupied. For residents this can be very frightening.

There is a profound loss of community when a neighbourhood is dominated by temporary housing which is what student housing is for the most part and adding more of the same housing will not improve the emptiness and isolation of long term residents.

**Finally, building housing ONLY for, or advertising only to, students could also violate the Human Rights Act as the Act outlaws exclusive housing except for protected codes and then only if the housing offers special services for that protect code such as 'group homes' or 'assisted living'. Students as a 'group' are NOT a protected code nor are they analogous to a protected code and do not need 'special' housing. This has been well established by the Human Rights Tribunal.**

Fodor v North Bay (City), 2018 ONSC 3722 at para 26. **HEARD at Toronto: May 17, 2018**

26] Student status is not a protected ground under the [Code](#).

[27] The applicant argues that, while student status is not enumerated, it is analogous to the [Code](#) grounds. The applicant says that student status is a proxy for age, marital status and family status because students tend to be young, single, non-parents. On this basis, she argues that discrimination against students is discrimination on the basis of age, as well as marital and family status. The OHRC has endorsed this position, but it has yet to be adopted by the courts. This position was rejected in *London Property Management Association v. City of London*, [2011 ONSC 4710](#), at para. [93](#). Similarly, I find in this case that the applicant's argument does not withstand scrutiny.

**The city is being negligent** when promoting one type of housing to one type of group while restraining other housing to other groups such as boarding houses. The City of



London limits boarding houses through zoning – the ONLY housing type for the lowest income earners. It can't be a more hypocritical and discriminatory policy than if the city bused low income earners to the city limits with a one way ticket to no where.

**Student housing is NOT in short supply in North Talbot or across the city. It is a lucrative unchecked business that has grown exponentially marketing to Toronto and overseas residents and pushing rents to Toronto rates. This has shut out opportunities for other user groups, such as older individuals and has isolated non-student residents and as such, likely violates the Human Rights Act by decidedly promoting exclusive housing to a non-protected group and shutting people out.**

Sincerely,

AnnaMaria Valastro

133 John Street, Unit 1

London Ontario N6A 1N7

CC: Glenn Matthews, Western's Off-Campus Housing Service

Residents of North Talbot and area Neighbourhood Associations

Barb Debbert and Michael Tomazincic, Current Planning

.....  
**From:** AnnaMaria Valastro  
**Sent:** Monday, February 24, 2020 4:36 AM  
**To:** Debbert, Barb <bdebbert@London.ca>; Tomazincic, Michael <mtomazin@London.ca>  
**Subject:** [EXTERNAL] Lack of Green Space in New Developments - 197 Ann Street

Re: Lack of green space in new developments. 197 Ann Street to 84 St. George St Block - proposed York Development

Dear Ms. Debbert,

It has become the new 'norm' for developers to no longer include the legislated landscaping and/or parkette requirements in new developments. They just assume that city planners will accept cash-in-lieu for building designs that build to the outer boundary of a lot without any space of trees or landscaping. This appears to be unique to downtown spaces to maximizes profit in smaller lots.

I know that planners and councillors, at least in this city, 'roll their eyes' or grimace when residents claim this approach is discriminatory to downtown residents. They just don't want to confront the possibility that their policy could be hurting people. Green space is universally acknowledged as an vital component to human and mental health and every development should carry their fair share of the load to ensure the downtown remains green.

The absence of canopy trees creates a desert effect in urban environments increasing heat and accelerating wind speeds. There is no relief for residents when adequate green space is bypassed and disastrous when this practice accumulates across an entire district. The city has the power to require that green space be incorporated, as legislated at a minimum, in all new developments. It doesn't because it is easier to ignore residents' desire for more parks and green space than defend them.

The practice of cash-in-lieu has only contributed to the desertification of the downtown core. This practice of taking money from developers 'in-lieu' of the legislated requirement for green space has not be equally distributed. And I would go further and

state that there is a stereotyping of personalities in this practice where it is assumed that downtown residents don't want green space and prefer sleek vistas.

The situation is so bad that the Trees and Forestry Committee is revisiting the city's Urban Forestry Strategy to see if the 'strategy' does not apply to the downtown.

Please find a link to a recent news story from the CBC dated Feb. 14 2020 that looks at Urban Design and its impact of mental health.

[https://www.cbc.ca/radio/thesundayedition/the-sunday-edition-for-february-16-2020-1.5459411/how-urban-design-affects-mental-health-1.5462455?fbclid=IwAR3PxIE6qTe8Fx2grKVkKaVs-OCC7OrUivj1wSPnA\\_zEg63s9vFdVN7GtK](https://www.cbc.ca/radio/thesundayedition/the-sunday-edition-for-february-16-2020-1.5459411/how-urban-design-affects-mental-health-1.5462455?fbclid=IwAR3PxIE6qTe8Fx2grKVkKaVs-OCC7OrUivj1wSPnA_zEg63s9vFdVN7GtK)

I have also attached photographs of an older development in the downtown (Colborne and King streets), a recent development (Renaissance Place) in the downtown and a recent development on Riverside Drive, just west of Wonderland Rd.

I have also attached a photograph of a corner parkette at Richmond and Horton streets installed with cash-in-lieu funds diverted from new developments. While admittedly debatable, I think it is reasonable to say that this small space fails as a parkette. There is no bench for elderly or weary walkers to rest and realistically no one would sit in the middle of traffic. It is not a people place. A similar but better space was built at the corner of Sarnia Rd. and Wonderland with benches but again, it is not a people space as no one would, or does, sit in the middle of traffic. The city is using cash-in-lieu to 'beautify' streets corners rather than creating usable green space for people - which is what people need.

This small space would have been better served if attached to landscaped areas where people actually lived.

Thank You

AnnaMaria Valastr0

133 John Street, Unit 1

London, Ontario N6A 1N7







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**From:** Andrew Kent  
**Sent:** March 9, 2020 2:02 PM  
**To:** [bdebbert@london.ca](mailto:bdebbert@london.ca)  
**Cc:** [akayabaga@london.ca](mailto:akayabaga@london.ca)  
**Subject:** 84-86 George Street / 175-197 Ann Street

Good afternoon,

Our company – Killam Apartments – owns 180 Mill Street – the neighboring property to 84-86 George Street / 175-197 Ann Street. As such we are likely to be impacted the most by the proposed development. As property developers ourselves we are supportive of intensification and believe it is an important component of addressing affordability.

There are several components of this proposal we would like your team to consider carefully:

- Is there an opportunity to encourage the developer to target a mix of demographics? We believe the concentration of students into student housing does meet the intent of policies aimed at diverse, integrated communities.
- Does the scale of the proposal reflect your existing design policies regarding tall buildings? If those policies aren't in place does it meet the requirements of nearby municipalities like Kitchener or Waterloo?
- Are there requirements that can ensure a more careful transition to neighboring buildings, including setbacks, step backs, transition in height and elimination of blank walls?
- Is bike parking – and more importantly bike infrastructure to the University – adequate to support active transportation?

We appreciate the opportunity to provide feedback and look forward to reviewing a revised proposal.

Regards,  
Andrew

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**From:** art blumas [<mailto:> ]  
**Sent:** Thursday, August 20, 2020 2:11 PM  
**To:** Debbert, Barb <[bdebbert@London.ca](mailto:bdebbert@London.ca)>; Pelosa, Elizabeth <[epelosa@london.ca](mailto:epelosa@london.ca)>; Squire, Phil <[psquire@london.ca](mailto:psquire@london.ca)>; Cassidy, Maureen <[mcassidy@london.ca](mailto:mcassidy@london.ca)>; Morgan, Josh <[joshmorgan@london.ca](mailto:joshmorgan@london.ca)>; [pvanmeerberg@london.ca](mailto:pvanmeerberg@london.ca); Lehman, Steve <[slehman@london.ca](mailto:slehman@london.ca)>; Kayabaga, Arielle <[akayabaga@london.ca](mailto:akayabaga@london.ca)>; City of London, Mayor <[mayor@london.ca](mailto:mayor@london.ca)>; Lewis, Shawn <[slewis@london.ca](mailto:slewis@london.ca)>; Helmer, Jesse <[jhelmer@london.ca](mailto:jhelmer@london.ca)>; van Holst, Michael <[mvanholst@london.ca](mailto:mvanholst@london.ca)>  
**Subject:** [EXTERNAL] File :L OZ-9127 St George and Ann Block Limited

Hi Barb,  
I am the owner of 140 Ann St, a commercial building with multiple tenants. The proposed build of 28 stories at Ann St and St. George St by York Developments looks wonderful and would be a great asset to this area. The existing building are not of any special interest and the Williams Auto building is in bad shape. This is a area that needs more quality developments such as this to bring more people living in the City core.

Respectfully Yours  
Arthur Blumas  
Blucor Group Inc

-----Original Message-----

**From:** < >  
**Sent:** Thursday, October 29, 2020 1:13 PM  
**To:** Sarah Kirshin-Neilans < >  
**Cc:** Debbert, Barb <[bdebbert@London.ca](mailto:bdebbert@London.ca)>; Don Dickenson < >; Chris D < >; Laura C. Howard < >; Patrick John Ambrogio, P.Eng. < >  
**Subject:** RE: [EXTERNAL] Proposed Development - File OZ-9127

Thanks Sarah.

- > Good afternoon Ms. Debbert,
- >
- > In response to the city?s call for comments on this project, the
- > Board of MCC 134 would like to voice the following concerns:
- > · Interference with our building's critical underground
- > aquifer geothermal heating & cooling system, for which we have
- > Ministry permits to take water
- > · Excessive density and commercial use in this area will cause
- > further traffic congestion
- > We have engaged an engineering consultant to comment on some of the
- > technical aspects of these issues, please see the attached email
- > from Rebecca Walker.
- > In addition to the above, we have also heard from over 25% of our
- > condo owners who are very concerned about the excessive height/scale
- > of the proposed building, as it will impact on their view/natural
- > light and privacy.
- > The Board of MCC 134 would like the committee to take these issues
- > into consideration in further discussions of this project. Please
- > contact us if you require further information.
- > Thanks,
- > Sarah Kirshin-Neilans
- > President, MCC 134 Board of Directors
- >

**From:** Sarah Kirshin-Neilans < >  
**Sent:** Tuesday, October 27, 2020 4:57 PM  
**To:** Debbert, Barb <[bdebbert@London.ca](mailto:bdebbert@London.ca)>

**Cc:** Don Dickenson <>; Chris D <>; Laura C. Howard <>; Ozzie Buhrmann <>; Patrick John Ambrogio, P.Eng. <>  
**Subject:** RE: [EXTERNAL] Proposed Development - File OZ-9127

Good afternoon Ms. Debbert,

In response to the city's call for comments on this project, the Board of MCC 134 would like to voice the following concerns:

- Interference with our building's critical underground aquifer geothermal heating & cooling system, for which we have Ministry permits to take water
- Excessive density and commercial use in this area will cause further traffic congestion

We have engaged an engineering consultant to comment on some of the technical aspects of these issues, please see the attached email from Rebecca Walker.

In addition to the above, we have also heard from over 25% of our condo owners who are very concerned about the excessive height/scale of the proposed building, as it will impact on their view/natural light and privacy.

The Board of MCC 134 would like the committee to take these issues into consideration in further discussions of this project. Please contact us if you require further information.

Thanks,  
Sarah Kirshin-Neilans  
President, MCC 134 Board of Directors

.....  
**From:** Alice Martin <>  
**Sent:** Thursday, April 7, 2022 5:53 PM  
**To:** Schulthess, Michael <mschulth@London.ca>  
**Cc:** Wise, Sonia <swise@london.ca>  
**Subject:** [EXTERNAL] Kent Brewery

Please note my objection to York Development requesting demolition of yet another heritage site in London, Kent Brewery. It's really disgraceful to eliminate one by one the architectural heritage buildings located in the core of London in order to facilitate building which is aesthetically detrimental and fails to follow the London Plan. It seems the City works to evade London Plan restrictions while touting the Plan to the public whenever it's politically expedient.

.....  
**From:** J F <>  
**Sent:** Monday, April 11, 2022 8:00 AM  
**To:** Wise, Sonia <swise@london.ca>; Fyfe-Millar, John <jfmillar@london.ca>  
**Subject:** [EXTERNAL] Historic properties

It is with some sadness that I've discovered York Development is planning to tear down three historic properties on Ann Street, despite LACH recommending heritage distinction for these properties.

After witnessing the destruction of Camden Terrace, it is all the more surprising that some parties are eager to demolish other heritage properties in favour of graceless and nondescript high rises.

These properties represent an invaluable link to London's past and should be protected from reckless development.

John Fooks  
706-520 Talbot Street  
LONDON ON N6A6K4  
m +

.....  
From: <[NorthTalbot@execulink.com](mailto:NorthTalbot@execulink.com)>  
Date: Mon, Apr 11, 2022 at 11:48 AM  
Subject: Kent Brewery sign -on letter  
To:

**Dear Neighbours,**

Below is a sign-on letter regarding the proposed development at the Kent Brewery site on Ann and St. George streets in the North Talbot Community. People are exasperated by this on/off again proposal but it is worth signing on and showing support for heritage preservation and the North Talbot Community, even if you have already sent in your own letter. The letter below also addresses planning matters.

**This letter has already been submitted to the Planning and Environment Committee and the City Planner. All you need to do is forward the letter below to: [pec@london.ca](mailto:pec@london.ca); [swise@london.ca](mailto:swise@london.ca)**

**and state that you wish to sign onto the letter submitted by AnnaMaria Valastro, North Talbot Community with your name.**

**This development will be Appealed but it remains important that the public voice is heard and 'on the record'.**

**Thank you and have a beautiful day.**

\*\*\*

**From:** <>  
**Sent:** Monday, April 11, 2022 10:06 PM  
**To:** PEC <[pec@london.ca](mailto:pec@london.ca)>; Wise, Sonia <[swise@london.ca](mailto:swise@london.ca)>  
**Subject:** [EXTERNAL] revised: File: OZ9127 84-86 St. George St. and 175-197 Ann St.

There are typos in the original letter which have been corrected below. And revisions. Please use this letter to be placed on the public record.

Thank You

AnnaMaria Valastro

\*\*\*

Dear Council Members,

City Council delayed heritage designation of the Kent Brewery and the homes of its brewmasters, John and Joseph Hamilton, as recommended by the London Advisory Committee on Heritage, because they wanted to see what 'bonus offerings' York Development would bring to the table in exchange for demolishing a distinguished Heritage Site.

Is this development worth the demolition of the Kent Brewery and the homes of John and Joseph Hamilton?

With the demolition of the Kent Brewery, a larger area of London's industrial history will also be lost as the Kent Brewery is part of a cluster of repurposed heritage buildings along Richmond St and the CP Rail Tracks. This area was a 19th century industrial hub along Carling Creek and the railroad. Please see attached photo.



The number of active Ontario Land Tribunal Appeals alone should signal to Council that people are disapproving of Council decisions that ignore London's heritage.

The Kent Brewery and the homes of its brewmasters, John Hamilton and his son Joseph Hamilton, are a perfect example of 19<sup>th</sup> century craft brewery where the owners lived alongside the brewery itself. The Kent Brewery is only one of two examples left in Canada, the other being Alexander Keiths in Halifax, and yet we have a Council that is willing to 'horse trade' this history for a bus shelter and giant Xs and Os on the street that mean nothing to nobody.

Bike racks and electric vehicle charging stations are just practical and planning ahead and all new development should have these additions. Planting drought tolerant plants instead of native plants on a small strip along a new building is not a climate action item.

Are these 'bonusable' offerings enough to justify the demolition of our heritage?

Kent Brewery and the Hamilton Family homes deserve to be protected because they are special and they are the last ones standing. All three buildings tell the story – not just one. And as an ensemble tell an even larger story of the village.

But history doesn't matter if it is up against a large tax base. That's the bottom line. And these buildings suffer from deep rooted aesthetics bias. These buildings are beautiful – inside and out - in good condition (Laura Dent research) and currently are homes to many people and the homes on St. George St are homes to families with children.

This Council could raise the bar and uphold the intend of the London Plan as Londoners requested when they were asked to 'help shape' London's direction for the next 20 years. Council could reject this proposal and ask that new development maintain the integrity of the buildings and design a new development that '**shows off**' the history as the London Plan intended when it went through extensive public engagement.

Attached are before and after photos of heritage designated 93-95 Dufferin St. Council sacrificed Camden Terrace and the history of Talbot St. Banker's Row in exchange for high density towers. In return they designated 93-95 Dufferin St.

The fate of 93-95 Dufferin St. can longer be the standard for heritage horse trading. As you can see from the photos, 93-95 Dufferin St. has been butchered and there is little left of these once grand homes by architect Samuel L. Peters.

Is this acceptable to you? If not, ask for more. If you ask for more, will you get more.

#### [Near Campus Neighbourhood Policy](#)

This development is an over intensification of the land. This specific site was chosen for marketing purposes because it will be marketed as temporary student housing and the North Talbot Neighbourhood is already over-intensified with this sort of housing.

Near Campus Neighbourhood Policy recognizes saturation of student housing and aims to balance a diversity in housing so to invite a diversity of people. Therefore this development cannot to reviewed in isolation of the whole North Talbot neighbourhood.

The London Plan pages 263 - 265 and 273 - 275

This neighbourhood is losing housing diversity at an alarming rate primarily because intensification has focused exclusively on temporary housing. It is important to understand how these decisions contribute to the growing problem of exclusionary housing and unintentionally 'people zoning'. Recently, city staff recommended refusal of a Minor Variance in the same neighbourhood to increase density beyond the allowable zoning limit citing the neighbourhood had been over-intensified and offended provisions in the Near Campus Neighbourhood Policy. While this development likely argues that it is part of a transit corridor, ALL traffic will move through the neighbourhood because it has no direct access to a transit corridor, therefore the impacts on the neighbourhood are real.

The neighbourhood cannot be ignored because the neighbourhood will carry the brunt of what is being proposed. Local city traffic studies show that the North Talbot neighbourhood experiences greater through traffic than local traffic because of its proximity to Richmond

Street and the CP rail tracks. Traffic from this new development can only move through the neighbourhood and therefore cannot be said to be on a main transit corridor for traffic flow.

Also, The Near Campus Neighbourhood Policies are dominate over all overlaying policies in the London Plan.

In the London Plan, under Place Type Polices, section Near Campus Neighbourhood:

It states in Section 965 pg. 262.

3) Do not allow for incremental changes in use, density, intensity, and lot size through zoning amendments, minor variances and consents to sever that cumulatively lead to undesirable changes in the character and amenity of streetscapes and neighbourhoods.

5) In pursuit of balanced neighbourhoods, recognize areas that have already absorbed a significant amount of residential intensification and residential intensity and direct proposals for additional intensification away from such areas.

13) Ensure intensification is located and designed to respect the residential amenity of nearby properties.

It states in Section 969 pg. 265

969\_ For lands in the Neighbourhoods Place Type that are located within Near-Campus Neighbourhoods, the following forms of intensity and increased residential intensity will not be permitted:

- Development within neighbourhoods that have already absorbed significant amounts of residential intensification and/or residential intensity and are experiencing cumulative impacts that undermine the vision and planning goals for Near-Campus Neighbourhoods.

This neighbourhood has already experienced negative cumulative impacts from exclusionary housing intensification and wishes to seek relief. For example:

- For approximately 4-6 months, many of the rental units are empty because the tenants have moved back to their permanent residences. This has created dead zones of the neighbourhood – empty houses and streets that make permanent residents vulnerable to crime and reduces a sense of place and neighbourhood for those residents. The guidelines for Near Campus Neighbourhoods are intended to balance diversity in housing to invite a diversity of people. This neighbourhood is no longer balanced. It is now a dead zone which is a symptom of over-intensification of one housing type.
- Intensification has resulted in the denuding of trees and backyards to accommodate increased parking. The vast majority of new rentals are rooms within units but unlike a 'rooming house' whose occupants may not have cars, students – the primary market for rentals in this neighbourhood - arrive with their own personal vehicle as they travel between residences. Despite limits on parking space, investors tend to remove Landscape Open Space to accommodate tenant parking.
- This new development is reducing- not enhancing – Landscape Open Space

**This neighbourhood needs housing for families to balance the intended policy direction of the Near Campus Neighbourhood.**

The development will remove several **existing family affordable** units and they will not be replaced because the formula used by the City to calculate affordability is out of touch with the reality of people that cannot find housing and the percentage of units being offered applies only on the bonus areas being requested. The Unity Project has Appealed the City's approach on affordable unit swapping for bonusing. They appealed so a hard look can be had on whether the city 'swapping' isn't driven by a dense tax base rather than affordable housing that actually helps people in need.

**And the converted single family homes in North Talbot are desirable by students that like to entertain because they often have an entire house with a lot of parking and an absentee landlord. Therefore this new highrise will NOT free up older**

**family homes that are now student housing. Single family homes are preferred by students.**

[Trees](#)

Boulevard Trees cannot grow into shade trees because they do not have the soil or moisture to support them and are susceptible to road pollution. Unless the boulevard is setback enough to allow for full root expansion, shade trees cannot be realized and will not contribute to the overall tree canopy goals of the Urban Forest Strategy in the London Plan.

The City of London is struggling to meet its obligation under the Urban Forest Strategy and Climate Emergency Action Plan because of competing policies within the London Plan specific to intensification and planning designs. Intensification is removing private land for tree planting through reduced setbacks and open space requirements and the City Forestry Staff has concluded that there is no more public land for tree planting. These spaces have been exhausted and competing policies prevent or reduce private land to meet its tree canopy goals. Therefore, it becomes increasingly important that interior blocks contribute to the city's canopy goals.

**9th Meeting of the Trees and Forests Advisory Committee**

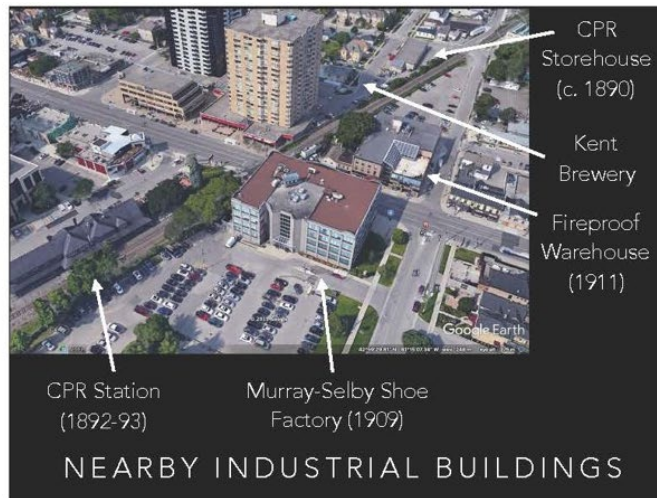
**November 24, 2021, 12:15 PM**

- 1. On-going Loss of Street Tree Planting Spaces The city is running out of vacant sites for trees on existing streets. Street trees are very important as they define community character. In addition to all their environmental benefits, street trees provide shade to pedestrians and can extend the lifespan of the asphalt roads. The city has planted most of the planting spaces identified through a recently completed tree inventory. In the process of creating annual planting plans, the city notifies residents via letter of the upcoming tree planting. Residents have the option to "opt out" and reject a street tree outside their home, even if one was there before. Over the past few years, this trend is increasing to as much as a 20% of the total tree planting numbers annually and has a cumulative impact. Private Land Approximately, 90% of tree planting opportunities are located on private lands. Encouraging tree planting on private land has the greatest impact to affect tree canopy cover goals.**

[Terraces](#)

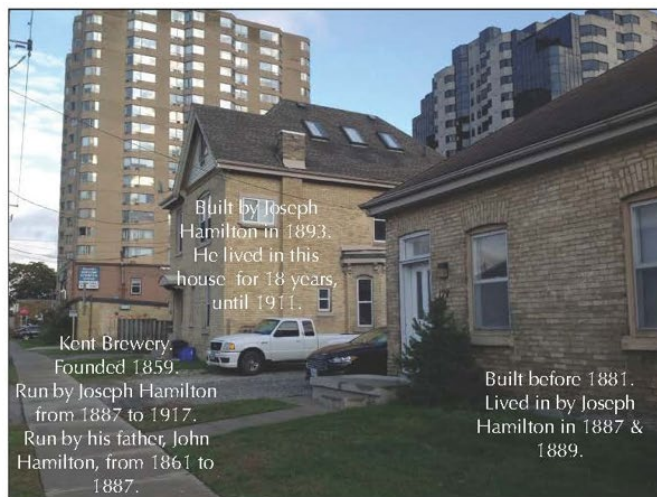
Large open terraces do not contribute to the Landscaped Open Space By-law but will increase noise in a neighbourhood that already has a noise issue. This building is brazen and is designed with no consideration of the neighbourhood – ***at all***. It completely ignores the fact that the neighbourhood already has an abundance of highrises, its traffic patterns will move through the small residential streets to get to a main streets, and ignores the impacts of a 'late night' commercial strip encroaching on a residential neighbourhood.

York Development already challenged the site zoning for this parcel of land in the London Plan which was zoned Neighbourhood Type Place in an effort to protect 'neighbourhoods'. The City then settled in 2018 and it reverted back to the 1989 Official Plan. York Development is back again, pushing harder still with zoning amendments that break all rules. Either the London Plan matters or it is irrelevant.



Three late 19th and early 20th century industrial buildings remain in near proximity, and are visible from the front door of the brewery building: the CPR instruction office/CPR storehouse (c. 1890), the Fireproof Warehouse building (1911), and the Murray-Selby Shoe Factory building (1909).

The presence of the 1892-1893 CPR train station is also notable, as a symbol of the railroad that enhanced the industrial potential of the area.



The brewers, John Hamilton, and his son, Joseph Hamilton, lived next to the brewery. The Labatts and the Carlings had once lived next to their breweries, however those houses are long gone. The brewery and the two residences associated with it are an example of how built assets can be contextually related. Additional research is needed to determine how unusual it is within Canada to have an intact brewers house next to a 19th century brewery building.

This property can be thought of as a small brewery district within the Carling's Creek industrial district, within the larger prospective Talbot North Heritage Conservation District.



Sincerely,

AnnaMaria Valastro

North Talbot Community – resident

Additional Signatories

+Louise White

+Noll Stevens

+Rod McDowell

+Steve Olivastri

+David Hallam

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**From:** <>  
**Sent:** Monday, April 11, 2022 1:57 PM  
**To:** PEC <pec@london.ca>; Wise, Sonia <swise@london.ca>  
**Subject:** [EXTERNAL] sign on to letter regarding Kent Breweries

Please add my name in agreement to letter from North Talbot Community Asss. addressing Kent Brewery and lack of heritage designation

Louise White,  
  
Resident  
  
133 Central Ave., London  
  
Ontario

---

**From:** Noll Stevens <>  
**Sent:** Monday, April 11, 2022 1:36 PM  
**To:** Wise, Sonia <swise@london.ca>  
**Subject:** [EXTERNAL] Kent

**I wish to sign onto the letter submitted by AnnaMaria Valastro, North Talbot Community**

**Thank you, Noll Stevens**

---

**From:** Rod McDowell <>  
**Sent:** Monday, April 11, 2022 1:34 PM  
**To:** PEC <pec@london.ca>; Wise, Sonia <swise@london.ca>  
**Subject:** [EXTERNAL] Fwd: Kent Brewery sign -on letter

Please accept this forwarded attachment as my support for the preservation of the Kent Brewery and adjacent home(s).  
Thank you,  
RodMcDowell

---

**From:** David Hallam <>  
**Sent:** Monday, April 11, 2022 5:28 PM  
**To:** PEC <pec@london.ca>; Wise, Sonia <swise@london.ca>  
**Subject:** [EXTERNAL] Fwd: Kent Brewery sign -on letter

Please add me to the attached petition.

David Hallam

---

**From:** Steve.O < >  
**Sent:** Monday, April 11, 2022 4:44 PM  
**To:** PEC <pec@london.ca>; Wise, Sonia <swise@london.ca>  
**Cc:** AnnaMaria Valastro < >; Louise White < >  
**Subject:** [EXTERNAL] Fwd: Kent Brewery

I wish to sign on to the letter submitted by AnnaMaria Valastro, North Talbot Community.

Steve Olivastri  
141 Central Ave  
London

## Appendix B - Agency/Departmental Comments

### *Heritage (January 20, 2020)*

DS-heritage planning staff has reviewed the Heritage Impact Assessment (MHBC Planning Ltd, July 2019) for the Official Plan + Zoning By-law Amendment (OZ-9127) at the above noted address, and provides the following comments. These comments are consistent with the *Provincial Policy Statement (PPS)*, the *Ontario Heritage Act (OHA)* and *Ontario Regulation 9/06*, and London's *Official Plan/The London Plan*.

#### **1. Overview + Scope of Work**

The subject lands of this official plan/zoning by-law amendment (OZ-9127) are located on the southeast corner of the St. George Street/Ann Street intersection and include six parcels measuring approximately 3,674 m<sup>2</sup> (39,547 ft<sup>2</sup>) in total area: 175, 179, 183, 197 Ann, and 84 and 86 St. George Streets. Buildings on the subject lands comprise low-rise residential buildings, several outbuildings, and a commercial building. The surrounding area is dominated primarily by residential uses at varying densities including high-rise apartment buildings to the immediate east and south and low-rise forms fronting the west side of St. George Street. A multi-unit industrial building fronts the north side of Ann Street with the Canadian Pacific Railway line also running very close to the north.

The subject lands are located within the area colloquially known as 'North Talbot' which is associated with very early urban development in London following its annexation in 1840. Over time, this area has transitioned to accommodate many of London's prominent business enterprises, often within historic buildings. Today, North Talbot still retains a predominantly residential character, clearly bordered by commercial main streets, and with a strong presence of the natural landscape.

This application is for development of a 28-storey apartment building with 274 residential units, with three 'massing components' that step down in building height toward St. George Street from 26 and 12-storeys. Commercial uses on the main floor, and underground parking are also included as part of the development proposal. Commercial uses could include retail, personal service, administration offices and/or restaurants. A heritage impact assessment (HIA) was submitted by MHBC Planning Ltd. (report date July 5, 2019) – on behalf York Developments – as a requirement of the *Official Plan-1989* (13.2.3.1) and *The London Plan* (Policy 586), and to satisfy requirements of a complete OP/ZBA application.

#### **2. Heritage Status and Adjacencies**

The subject lands are located within the North Talbot which is identified in *Heritage Places 2.0* (2019) as a prime area of interest for potential, future heritage conservation district designation. The heritage status of the subject lands includes one property (197 Ann Street) that is LISTED on the City's *Register* (2019) – *Inventory of Heritage Resources*. 197 Ann Street (c1883) is the last remnant of the Old Kent Brewery and exhibits Italianate styling.

#### **3. Policies + Requirements**

Heritage resources are to be conserved and impacts evaluated as/per fundamental policies in the *PPS-2014*, the *Ontario Heritage Act*, the *London OP-1989* and *The London Plan*. For evaluation purposes, a heritage impact assessment (HIA) was submitted to evaluate the potential cultural heritage value or interest of the cultural heritage resource on the subject lands and identify heritage attributes of interest, assess the impacts of the proposed development on that resource, and to make recommendations to mitigate any adverse impacts that may arise.<sup>1</sup>

Under Section 27(3) of the *Ontario Heritage Act*, demolition of LISTED properties on the City's *Register* requires consultation with the London Advisory Committee on Heritage (LACH) and Municipal Council approval. The proposed development is predicated on the demolition of 197 Ann Street, and as such a cultural heritage evaluation report (CHER) is required to determine if the property retains cultural heritage value or

interest. A CHER has been prepared as part of the heritage impact assessment submitted by MHBC Planning Ltd. (p33)

#### **4. Development Services – Heritage Planning Comments**

DS-heritage planning staff has reviewed the heritage impact assessment (HIA) and provides the following comments; these comments are pertinent to conclusions reached in the HIA:

- There are many errors and omissions in content throughout the HIA.
- Reference to historical sources are limited and key sources have not been cited.
- There is limited reference to North Talbot's significance to London's evolution.
- The contextual and historical significance of the subject site was not fully addressed.
- The context of adjacent buildings, related to the historic brewery-use at 197 Ann Street, is not acknowledged.
- The HIA notes significant building damage, and a compromised structure, with no conditions assessment being completed.
- The HIA doesn't recognize any physical design value and overlooks that this is an Italianate commercial building, which is unique in the City.
- The 9/06 evaluation was not comprehensive and was not presented in the standard chart format.

Note as well that the HIA did not assess impacts or suggest mitigation methods, because conclusions reached did not find the property at 197 Ann Street to have Cultural Heritage Value or Interest (CHVI). Consequently, the HIA also did not explore the potential of retention and integration of buildings on the property into the development proposal.

#### **5. Additional Comments – London Advisory Committee on Heritage (LACH)**

The Notice of Application, dated October 10, 2019, from B. Debbert, Senior Planner, with respect to Official Plan and Zoning By-law Amendments OZ-9127 was circulated to the London Advisory Committee on Heritage (LACH) and LACH is not satisfied with the research, assessment and conclusion of the Heritage Impact Assessment (HIA) for the property located at 197 Ann Street; it being noted that the LACH submitted the following comments with respect to the HIA (PEC – Nov 26, 2019 (e)):

- the HIA gives inadequate weight to the historical, associative and contextual values of the landmark brewery located at 197 Ann Street;
- the HIA contains errors and omissions within the historic research of the property and brewing history in London, e.g. incorrect derivation of the brewery name, date of building, reference to Westminster Township and evidence for the fire damage in the 19th Century;
- the properties located at 175, 179, 183 and 197 Ann Street and 84 and 86 St. George Street are recommended to be subject to 9/06 evaluation by the HIA because of strong associations with the Kent Brewery;
- the condition of the building has not been supported by an engineer's report;
- the LACH is opposed to the demolition of the property located at 197 Ann Street based on the current information available; and,
- the LACH encourages incorporating the built heritage resources associated with the historic Kent Brewery into any future developments.

At its meeting on December 11, 2019, the LACH referred further research and evaluation of 197 Ann Street along with properties located at 175, 179 and 183 Ann Street and 84 and 86 St. George Street to the Stewardship Sub-Committee for possible heritage designation.

#### **6. Summary**

In summary, DS-heritage planning staff finds the HIA insufficient primarily due to its lack of thoroughness and detail in its evaluation of cultural heritage value or interest (CHVI) of 197 Ann Street. Because of this, conclusions reached and recommendations made are not adequately substantiated by the research. Particularly, heritage planning staff does not support findings of the HIA determining: 1) that the subject property does not have significant cultural heritage value and interest; and therefore, 2) does not warrant



designation under the *Ontario Heritage Act*; and, 3) that the City approve demolition of the buildings at 197 Ann Street; and, 4) deem this report as sufficient documentation of the building for the archival record; and finally, 5) that this report be included in the archival record for this property for future research purposes. (pp4; 33). To reconcile contradictory opinions regarding the potential CHVI of the subject site (as expressed in statements made by the applicant's consultant, members of the LACH, and local heritage historians), DS-heritage planning staff will be preparing its own CHER evaluating the entirety of the subject site. Results from this report will inform recommendations in file planner's report to Council for this application.

#### **Heritage (February 24, 2020)**

A full copy of the heritage planning staff's CHER as noted above is contained in Appendix B.

#### **London Advisory Committee on Heritage (Council Resolution November 27, 2019)**

That the following actions be taken with respect to the 11<sup>th</sup> Report of the London Advisory Committee on Heritage, from its meeting held on November 13, 2019:

e) B. Debbert, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage (LACH) is not satisfied with the research, assessment and conclusion of the Heritage Impact Assessment (HIA) for the property located at 197 Ann Street, as it relates to the Notice of Application, dated October 10, 2019, from B. Debbert, Senior Planner, with respect to Official Plan and Zoning By-law Amendments for the properties located at 84 – 86 St. George Street and 175 – 197 Ann Street; it being noted that the LACH submits the following comments with respect to the HIA:

- the HIA gives inadequate weight to the historical, associative and contextual values of the landmark brewery located at 197 Ann Street;
- the HIA contains errors and omissions within the historic research of the property and brewing history in London; e.g. incorrect derivation of the brewery name, date of building, reference to Westminster Township and evidence for the fire damage in the 19<sup>th</sup> century;
- the properties located at 175, 179, 183 and 197 Ann Street and 84 and 86 St. George Street are recommended to be subject to 9/06 evaluation by the HIA because of strong associations with the Kent Brewery;
- the condition of the building has not been supported by an engineer's report;
- the LACH is opposed to the demolition of the property located at 197 Ann Street based on the current information available; and,
- the LACH encourages incorporating the built heritage resources associated with the historic Kent Brewery into any future developments;

it being noted that the presentation appended to the 11<sup>th</sup> Report of the London Advisory Committee on Heritage from M. Tovey, with respect to this matter, was received.

#### **London Advisory Committee on Heritage (Council Resolution January 15, 2020)**

That the following actions be taken with respect to the 1<sup>st</sup> Report of the London Advisory Committee on Heritage, from its meeting held on December 11, 2019:

e) the following actions be taken with respect to the requests for delegation from A. Valastro and M. Tovey related to the properties located at 197, 183 and 179 Ann Street:

- i) the properties located at 175, 179, 183 and 197 Ann Street and 84 and 86 St. George Street BE REFERRED to the Stewardship Sub-Committee for research and evaluation for a possible heritage designation; it being noted that a verbal delegation by A. Valastro, with respect to this matter, was received; and,

- ii) the request for delegation by M. Tovey BE APPROVED for the February 2020 meeting of the London Advisory Committee on Heritage;

### ***Urban Design Peer Review Panel (December 17, 2019) and applicant responses***

Considering that the submission pertains to a Zoning By-law Amendment application and that there are other factors to be addressed, including a building of heritage interest and proximity to the CP Rail line, the Panel provided comments at a high level with respect to the proposed scale, siting and massing of the proposed development. The Panel provides the following comments on the submission:

- The applicant is commended for the siting of the buildings to frame the public realm along St George Street and Ann Street, and the provision of below-grade structured parking.

Applicant response: agreed.

- The panel supports efforts to animate and bring activity to the streetscape and framing the at grade outdoor amenity area. Measures such as high degree of transparency at grade are supported.

Applicant response: agreed.

- The panel has concerns with the overall scale of the development, considering that the proposed height and scale would be out of context in the neighbourhood and could have negative impacts. Further refinement of the massing is needed to strike a better balance with the context and mitigate potential impacts to the localized and broader neighbourhood. Lower building heights should be considered.

Applicant Response: The 3 components of the building were originally designed with 28 floors | 26 floors | 12 floors – this has been modified to 22 floors | 19 floors | 9 floors | with a significant building setback above the 4th floor. The building has been setback from the west property line 3m and significantly at the northwest corner 6 meters. All of the above assist in reducing the mass – increasing the quality of the streetscape and integrating with the existing context at the street for a reduced building scale. We note the surrounding existing buildings are 12 – 16 – 19 storeys as indicated in the drawing package.

- The panel acknowledges the applicant's attempt to break down the overall mass of the development into three separate but connected slender tall tower forms. However, the panel flagged that the long joining tower is of particular concern because it has the potential to impact view corridors to and around the site, adds volume to the development, limits solar access to the site and suites within the proposed towers and contributes to shadow impacts to surrounding areas. Separation between the massing of the development is encouraged.

Applicant Response: In principle the subject building cannot be separated from the existing block that it is proposed to sit within that currently contains 3 large and bulky square or rectangular apartment buildings with very little articulation nor interest in their facades and that more or less fill their sites

The joining tower or 2nd volume noted by the panel - when viewed in plan is of a shorter length than any side of the existing 3 apartment building faces currently on the block. Sk-63 clearly highlights that the existing buildings are much larger in volume in square or rectangular form as was acknowledged by the panel when this drawing was shown at the meeting. The proposed building takes the form of 3 narrow shapes joined together creating building form setbacks and open space and courtyards between the buildings 3 volumes. The existing buildings on the block on the other hand take their entire sites with a single massive volume. The volume 2 in question is to the north side of the block and is separated from the other 3 apartment buildings on site a greater distance than the existing buildings are from each other. Given this volume is to the north of the block it is not a cause of shadow casting to these other buildings which currently cast shadows

limiting solar access to the subject site. The height in turn allows for suites to have solar access from the east and west and views to the south, while the rooftop amenities, a key component and amenity of the development, have access to solar gain through the building rising above their neighboring apartment buildings on the subject site. It should be noted that the depth of the 3 volumes that form the building are very narrow as the unit depths are 20' whereas the typical unit depth is 35' or more. This allows for a better quality interior environment for the inhabitants with more exterior wall glazing by 30% than a typical apartment building resulting in the 3 narrow stepped massing components making up the building form.

- The panel acknowledges the architectural detailing (fenestration, coloured/patterning) to break down the long sides of the buildings, however encourages the applicant to provide breaks in the massing and greater building articulation as well.

Applicant Response: The building massing is currently broken down into 3 narrow stepping elements creating street setbacks, open space courtyards, rooftop amenities and recessed covered walkways at grade. As noted the architectural detailing or articulation is significant with varying materials, colors, textures, patterning, signage, lighting day and night - that distinguishes the 3 building elements. At grade over the first 3 storeys significant glazing and activities within contribute to the street scape and provide transparency through the building and where there is a concentrated focus on building articulation, color and form at the eye level. The level of existing articulation and that proposed in the re-design now under consideration far exceeds any building in this category currently in the city, in particular in response to immediate neighbors. We would not wish to consider any additional articulation to this building.

- The panel expressed concerns with the 12 storey massing on the St. George Street edge of the site as an abrupt transition to the low rise neighbourhood to the west and being imposing in relation to human scale proportions along the sidewalk. The panel encouraged the applicant to provide a stepping down of built form from the interior of the site to at most a four storey height along the St. George Street edge of the site, as a more compatible interface with the established low rise residential form of development on the west side of St. George Street and as a more human scale proportion with the sidewalk.

Applicant Response: The proposed building fills the 4th quadrant of a mid-high rise block fronted by Richmond street – Mill Street – St. George and Ann Street that currently house 3 apartment buildings ranging in height from 12 – 16 – 19 storeys. The lower third volume of the proposed development facing St. George is 11 storeys in order to align with the buildings currently erected within the noted block and in doing so provides an appropriate frontage at a lower or aligning scale to the existing context.

- The panel expressed concerns about the usability of the interior at grade courtyard considering that it would be entirely in shade by the buildings of the proposed development.

Applicant Response: There was a comment from the panel pertaining to the usability of the southerly courtyard due to the existing buildings on the block that would put the courtyard in shadow for extended periods of the day. The courtyard would not be *entirely* in shadow noting that the courtyard would serve many functional requirements including escape from the direct sun as a cooler sanctuary with water features that would allow spilling out of students from the 2 storey café adjacent to the courtyard, especially in the summer months. There are several alternative outdoor spaces for various activities noting the courtyard is an bonus feature to the development and not the prime outdoor space. There are two other rooftop terraces, one, an outdoor lounge and one with a pool - that would invite all day sun exposure for those seeking this experience.

### **Concluding comments:**

- The Panel recognizes that the site is planned for high density development, however has some concerns with the expression of the form of high density in this development concept. The scale and heights of the proposed buildings are out of proportion for their context and could have negative impacts on both the local neighbourhood and broader area, given their scale. The Panel provided several suggestions on how best to refine the massing and scale of the proposed development to provide more sensitive transition to existing built form in the area and response to human scale proportions. The panel offered support for the measures incorporated in the design that provide for animation of St. George Street and Ann Street streetscapes, particularly the siting of the buildings near the street lines, provision of active uses at grade and high degree of transparency along the street facing elevations. As the application advances, further consideration of the panel's suggestions, together with any recommendations arising from other technical studies/reports (including noise and heritage impact assessments) is recommended.

### **Site Plan**

The following comments apply for the review of 175-197 Ann Street & 84-86 St George Street:

- Site Plan approval is required for the proposed development; prior to site plan application, the applicant is to submit the site and elevation plans for site plan consultation.
- A tree preservation report will be required as part of a complete site plan application.
- Reminder to include the retail GFA as part of the overall density calculation within the site data table.
- Include planting details of the roof tops and perimeter plantings on the site plan.

Detailed comments will be provided through site plan consultation.

### **Parks Planning & Design**

There is nothing significant from a Park's perspective. Parkland dedication will be required as a condition of site plan approval. If still in existence, the application would be subject to the cash-in-lieu requirements of By-law CP-9.

### **Development Services Review of Noise Study**

- The report assesses predicted noise levels resulting from road traffic (Richmond Street, Oxford Street East, and St. George Street), and railway traffic (Canadian Pacific Railway).
- Section 3.3 Projected Noise Levels provides a bullet point summary of the assumptions made for the noise prediction calculations. In reviewing the report I noticed a minor oversight in the third bullet point which indicates "Road gradient for Sunningdale Road East and Richmond Street North is 0%". Please have the consultant provide a corrected replacement page, and request that they re-confirm their assumptions for the purposes of this noise assessment.
- Section 4 - Recommendations in the last two sentences of the third bullet point states:  
"Additionally, acoustic screening at the OLA is required. Examples of such are glass railing, high solid parapets, fencing etc."
- Please request the consultant to provide information as to the appropriate length and height of the acoustic screening for the rooftop outdoor living areas. The site plan and elevations submitted with the application show outdoor common areas on both the 12<sup>th</sup> and 26<sup>th</sup> floors that would be exposed to potential road/rail noise.

- Also, under Section 4 - Recommendations in the third bullet point is a summary of the building components required to maintain indoor living areas to acceptable sound levels. Prior to issuance of building permits the acoustical consultant shall review and verify the wall, window and door recommendations noted in the report have been included in the building design, and that the indoor sound levels will comply with the MECP noise criteria.
- Please ensure the specific noise warning clauses (Warning Clauses: Types “B” and “D”, Canadian Pacific Railway, and City of London) as outlined in Section 4 – Recommendations, and identified on the Noise Study Plan (SBM-17-1297), are included within the Development Agreement for this site.
- I would also recommend that the noise assessment report be forwarded to CP Rail for their review.

***Engineering (December 13, 2019)***

The City of London’s Environmental and Engineering Services Department offers the following comments with respect to the aforementioned zoning application:

**The following items are to be considered during the development application approval stage:**

***Transportation:***

- Transportation has reviewed and accepted the TIA prepared in support of this application.
- 6.0m x 6.0m daylight triangle is required.
- Access to be located on Ann Street (\*transportation staff will accept an access from St. George Street)
- Detailed comments regarding access design and location will be made through the site plan process.

***Sewers:***

- The sanitary sewer available for the subject lands is the 750mm trunk sanitary sewer on St. George St. just south of Ann Street.
- As part of a future site plan application the Owner engineering consultant is to ensure adequate size of the PDC connection per City of London specifications & standards. The proposed development requires a sanitary inspection maintenance hole which should be located wholly on private lands but as close to streetline as possible or in a location to the satisfaction of the City Engineer.
- In addition the applicant’s Consulting Engineer is to provide a report with an inventory of the existing buildings being demolished and lots including:
  - All existing sanitary and storm outlets.
  - All existing connections to the 250mm diameter combined sewer, including but not limited to weeping tile connections, roof water leaders, catchbasins, reverse grade driveway, etc. In the case of uncertain connections, dye testing may be required to verify if the discharge is directed to the sanitary or storm sewer. In the report the applicant is to provide possible mitigating measures which would allow the zoning amendment and subsequent development to proceed.
  - No storm connections are permitted to the sanitary sewer.
  - All connections no longer in use are to be properly abandoned.

***Water:***

- All of the existing buildings on these properties would be demolished under this plan. Their existing services will need to be fully decommissioned to city standards.
- We anticipate that two new water services will be required under the OBC. OBC and city standards for separation between these services will apply.

- Water is currently available from the 300mm DI watermain on St. George Street and the 100mm PVC watermain on Anne Street
- We anticipate that the 100mm main on Anne Street is insufficient in size for utilization by this plan. In order to service off of Ann Street this main will need to be upsized.
- If the Ann Street main is not utilized for servicing this plan it would then create a water quality issue. This is because the removal of multiple existing services (current condition for these properties) from this main would leave only a single remaining service to a property on the north side of the road. This service and its anticipated usage would be insufficient to maintain turnover within the main.
- **\*\*Therefore, the main on Ann Street must be either be upsized and utilized for servicing this plan, or, abandoned and replaced with a smaller main that can continue to provide water to the sole remaining service.**

**Stormwater:**

- No storm sewers are currently established for the proposed site on Ann St. All storm servicing should be directed to St. George St. As per as-con 18324, only a portion of the proposed sites was designed tributary to the existing 375mm storm sewer at a C = 0.75. With the remainder of the site being directed to St. George St., the consultant would need to confirm capacity in the existing sewers and calculate any required storage.
- The proposed land use of a high density residential/commercial will trigger the application of design requirements of Permanent Private Storm System (PPS) as approved by Council resolution on January 18, 2010.
- The subject lands are located in the Central Thames Subwatershed. The Developer shall be required to provide a Storm/drainage Servicing Report demonstrating that the proper SWM practices will be applied to ensure the maximum permissible storm run-off discharge from the subject site will not exceed the peak discharge of storm run-off under pre-development conditions.
- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer. It shall include water balance.
- The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100 year event and safely conveys up to the 250 year storm event, all to be designed by a Professional Engineer for review.
- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site shall be prepared to the specification and satisfaction of the City Engineer and shall be in accordance with City of London and MECP (formerly MOECC) standards and requirements. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.

***Housing Development Corporation, March 28, 2022***

**Elements for the City's Consideration in an Affordable Housing Bonus Zone:**

- Affordable Units to be secured through the bonus (based on a defined lift provided by the City of 122 units) - 13 units;
- Affordable Unit Bedroom Mix (bachelor, one-, two-, three-bedroom, etc.) - should be representative of the bedroom mix of the overall development;
- Delivery of the Affordable Units - the affordable units should be in the first phase of the development;
- Affordability Period for the Affordable Units - 50 years from the date of initial occupancy;

- Rent for the Affordable Units – 80% of CMHC’s Average Market Rent for the London Census Metropolitan Area for the affordable unit bedroom type at the time of initial occupancy; and,
- Alignment of the bonus to a defined municipal priority – the owner shall be required to enter into a Tenant Placement Agreement with the City of London.

**For Further Consideration Beyond the Bonus:**

HDC would also note that the proposed development would require the demolition of existing buildings known municipally as 197 Ann Street, 175 Ann Street and 84 St. George Street. City Map shows that there are a number of Active Residential Rental Licenses associated with these properties. While the “affordability” of these units is unknown to HDC, HDC would assume that the rent currently being charged for the existing units is more affordable than the rent that will ultimately be charged for the new units that will replace them in the new development. Recognizing the importance of maintaining our existing affordable housing stock, HDC would encourage the City and the owner to explore opportunities wherein the existing rental units that are to be demolished to make way for the current proposal be provided for in the new development (in addition to those affordable units to be secured through the affordable housing bonus zone identified above). These units could be secured by the City in a manner similar to units secured through a bonus zone agreement in the DA and subject to elements similar to those defined above.

***Ministry of the Environment, Conservation and Parks***

This email is a response to your email of earlier today and per our telephone conversation, I have added additional information which we agreed would be helpful in your communications regarding the project before you. I have also attached a few links for your reference.

- <https://www.ontario.ca/environment-and-energy/map-permits-take-water>
- <http://www.ontla.on.ca/library/repository/mon/10000/251921.pdf>
- <https://www.ontario.ca/page/guide-permit-take-water-application-form>

The review and approval of water takings are governed by section 34 of the Ontario Water Resources Act (OWRA). Based on this legislation, water taking is regulated through a permit system to achieve environmental objectives. The program is also designed to minimize water supply and water quality interference problems and to provide for the settlement of interference complaints if they do occur. The Ministry recognizes that there are limits to the amount of water that can be taken without causing unacceptable adverse impacts. Permits will be controlled or not issued if current science standards indicate that additional or current takings will adversely impact existing users or the environment.

**SUMMARY**

- Within the block bounded by Richmond Street, Ann Street, St. George Street and Mill Street, the building located at 695 Richmond Street has an open loop geothermal HVAC systems that uses groundwater. In consultation with the Ministry of the Environment, Conservation and Parks staff, it is noted that PTTWs were also issued, in the past, for open loop geothermal systems at 685 Richmond Street and 180 Mill Street. It is likely that these buildings still have open loop geothermal systems despite not having a PTTW as ‘domestic use’ is now exempted from PTTWs.
- Documents in support of applications for PTTWs and ECAs is available as public information. Such information can be obtained through Freedom of Information or by consulting documents in person at the MECP Office in London.

For your information, here is a brief highlight of the available information:

- 695 Mill Street
  - Has an ECA and a PTTW from the Ministry of the Environment, Conservation and Parks for water taking and the operation of an open loop geothermal system.

- Water is taken from 2 wells and returned via a third well.
- The system was constructed in the 1980's and takes ~2 million litres/day.
- The wells are 7.6 m (25 ft), 9.75 m (32 ft) and 12.2 m (40 ft) deep, and are screened or completed in gravel overburden.
- The Permit to Take Water for this building was recently renewed and an observation well was scheduled to be installed in late 2019. This observation well could be used to measure changes in water levels.
- 675 and 685 Richmond Street
  - Used to have an PTTW (92-P-0081) but likely no longer exists because of the residential ("domestic use") exemption
  - At the time of the original PTTW, these two properties were serviced by an open loop system with 5 wells.
- 180 Mill Street
  - In 2008, the Ministry received an application for PTTW for an open loop geothermal system.
  - Water was taken from 2 wells and returned via a third well.
  - The wells were reported to be screened to a depth of 8.2 m (27 ft) and 7.9 m (26 ft).
  - The PTTW was issued for ~3.2 million litres/day. The PTTW was cancelled in 2013.
  - No construction dewatering permits records were found, after a cursory review, for the construction at 180 Mill Street.

The water table in the area is approximately 2.5 to 4 metres below the surface.

A permit for construction dewatering will be triggered and required by the proposed development if they take more than 50,000 litres of water per day. As part of the approval process, the proponent will need to assess the potential for impacts on the groundwater resources and other water users and provide a plan for mitigating impacts both over the short and long term. In addition, post-construction, if continual pumping of water is required in order to maintain dry conditions in the proposed underground parking facility, there could be a permanent impact on the water levels and the impact on the open loop geothermal HVAC systems for 675, 685 and 695 Richmond Street and 180 Mill Street. This impact, if any, would have to be assessed and be part of the application.

I hope this is helpful to you. Please let me know if you have any questions.

Have a good weekend.

Helene

Hélène Piérard, P.Geo | Hydrogeologist | Technical Support Section – Southwest Region | Ministry of the Environment, Conservation and Parks | Tel: (519) 873-5034 (**no voicemail**) | Fax: (519) 873-5020 | Email: [Helene.Pierard@ontario.ca](mailto:Helene.Pierard@ontario.ca)

**London Hydro (October 22, 2019)**

- Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense. Above-grade transformation is required.  
**Note: Transformation lead times are minimum 16 weeks.**  
**Contact Engineering dept. to confirm requirements & availability.**
- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

**Canadian Pacific Railway**

CP has reviewed the noted circulation. The proposed development is located in close proximity to our Windsor Subdivision, which is classified as a Principal Main line. Canadian Pacific Railway is not in favour of residential developments adjacent to



or near our right-of-way as this land use is not compatible with railway operations. The health, safety and welfare of future residents could be adversely affected by railway activities.

However, to ensure the safety and comfort of adjacent residents and to mitigate as much as possible the inherent adverse environmental factors, we request that CP's standard requirements are considered as part of the review. The attached requirements are based on a collaborative project by the Federation of Canadian Municipalities and the Railway Association of Canada entitled, the Guidelines for New Development in Proximity to Railway Operations (<http://www.proximityissues.ca>). Some of the requirements/comments may be premature for the current application, but we would appreciate the opportunity to review the site plan for this development when available.

Specifically:

1. CP has reviewed the Environmental Noise Assessment Report prepared by SBM Ltd. and note that certain recommendations have been made to mitigate the noise. CP supports the recommendations and requests the inclusion of these recommendations as conditions of approval.
2. CP has reviewed the Vibration study and notes that the levels are above CP requirements and that mitigation measures are required. The inclusion of these measures should be included as conditions of approval.
3. Please note that CP's setback of 30 metres includes a requirement for a berm or alternative safety measure. Although the noted development does provide for the setback, the applicant is requested to provide further information on how the berm or alternative safety measure will be achieved.

Regards,



**Josie Tomei SR/WA**  
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***Canadian Pacific Railway – Supplementary Comments April 11, 2022***

**RE: Comments on OZ-9127, 84 – 86 St. George Street and 175 – 197 Ann Street, London, ON, within 500m of CP Rail line**

Thank you for the recent notice respecting the captioned development proposal in the vicinity of Canadian Pacific Railway Company. The safety and welfare of residents can be adversely affected by rail operations and CP is not in favour of residential uses that are not compatible with rail operations. CP freight trains operate 24/7 and schedules/volumes are subject to change. CP's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. The 2013 Proximity Guidelines can be found at the following website address: <http://www.proximityissues.ca/>.

CP recommends that the below condition be inserted in all property and tenancy agreements and offers of purchase and sale for all dwelling units in the proposed building(s):

“Canadian Pacific Railway and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the

living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, Canadian Pacific Railway will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard.”

Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.

Thank you,

CP Proximity Ontario



**CP Proximity Ontario**  
**CP\_Proximity-Ontario@cpr.ca**  
7550 Ogden Dale Road SE, Building 1  
Calgary AB T2C 4X9

### **Urban Design – March 28, 2022**

Urban Design Comments for OP/ZBA Application related to **84-86 St George Street, 175-197 Ann Street.**

- The applicant is commended for providing a building design that incorporates the following design features; a building that provides a built edge along both fronting streets, active ground floor uses, design elements that addresses the corner location, all parking underground/within the building.
- The overall volume, massing and height of the proposed building is not sensitive and compatible with the context and beyond the policy framework of The London Plan and shall be redesigned with reduced massing, volume and adequate setbacks and separation distances. Consistent with the previous staff and panel comments, the following needs to be incorporated as part of the zoning application.
- As this development will require a bonus zone to access any height above 12 storey[**TLP 1038\_C**], the proposed building should demonstrate compatibility by responding to the context in terms of height, scale, massing, tower and building design, relationship to existing neighbourhood, adjacent streets and buildings[**TLP 1578\_6,7**].
  - Provide an alternative design for the tower portion of the building in order to avoid a large and long floorplate slab building resulting from the three tall connected tower forms. The form as proposed impacts the view corridors to and from the site, access to sunlight for the proposed suites as well as neighboring developments and contributes to consistent shadow impacts to surrounding context.
    - Any portion of the tower above eight storeys should be a point tower (up to approximately 1000m<sup>2</sup> within a 1.5:1 length: width ratio) in order to reduce the overall massing and consistent shadowing impacts and to ensure that shadows and loss of privacy on neighbouring properties are minimized.
    - A separation distance of minimum 25m should be considered between the high rise portions within the proposed building and the adjacent high-rise developments.
  - Ensure the proposed building responds to its context in terms of height and massing along adjacent properties, St George Street and Ann Street.
    - Any portion of the building proposed along Ann Street and St George should retain the predominantly low-rise character by responding to the low-rise residential on the west side of the street[**TLP 1038\_C**], as well as the existing townhomes to the south, while the east half of the building should respond to the high

rise buildings to the east and south with a step down between both portions of the building.

- Provide a step-back (a minimum of 5m) above 3rd or 4th stories to provide a low-rise character that is consistent with the streetscape along St. George and Ann Street
- Reduce the building mass above 3<sup>rd</sup> or 4<sup>th</sup> storey to a mid-rise (up to 8 stories) to create a comfortable pedestrian scale and character along St George Street.
- Please find attached the shadow studies and angular plan analysis to support the arguments regarding massing and consistent shadowing of adjacent streets and properties from the proposed building.

## Appendix C – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, by-laws, and legislation are identified as follows:

### Provincial Policy Statement, 2020

- 1.1.3 – settlement areas
- 1.1.1.a) – efficient development and land use patterns
- 1.1.13.2.b) – promote residential intensification
- 1.1.3.4 – appropriate development standards
- 1.7.1 e) – well-designed built form
- 2.6.1 – conserve heritage resources

### Official Plan (1989)

- 3.3 Multi-Family, Medium Density Residential
- 3.4. Multi-Family, High Density Residential
- 3.5.1 Talbot Mixed-Use Area
- 3.5.19 Policies for Near-Campus Neighbourhoods
- 3.7 Planning Impact Analysis
- 11 Urban Design
- 13 Heritage Resources
- 19.4 Bonus Zoning

### The London Plan (TLP)

- 54 – Key directions
- 91 – Built-area boundary
- 92\_2 – Primary transit area
- 189 City Design Policies
- 586
- 916 Neighbourhoods Place Type
- 954 High Density Residential Overlay
- 962 Near-Campus Neighbourhoods
- 1025 Talbot Mixed-Use Area
- 1038C Site Specific Policy for 175-199 Ann St and 84-86 St. George St
- 1578 Evaluation Criteria for Planning and Development Applications
- 1645-1655\* Bonus Zoning

## Appendix D – Planning Impact Analysis and Evaluation of Our Tools

### Planning Impact Analysis (3.7) and Evaluation of Our Tools Planning and Development Applications (1578)

Criteria	Response
3.7.a) Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area;	The proposed land use is contemplated in the current MFHDR designation and HDR overlay, however is of a scale and intensity that does not provide relief through building setbacks or stepbacks to the existing high-rise residential uses, impacting privacy, and the large tower floorplate can exacerbate shadowing on the neighbouring low-rise residential neighbourhood.
b) The size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;	The site is of an adequate size and shape to accommodate higher densities, however the proposed development requires significant relief from a number of regulations which is an indicator of over-intensification. The special provisions needed to accommodate the proposed development include reduced yard setbacks of 0 metres to all yards, a building coverage of 97%, and a landscaped open space of 0%, which does not provide on-site landscaping or outdoor at grade amenity areas.
c) The supply of vacant land in the area which is already designated and/or zoned for the proposed use;	There are vacant lands in the form of surface parking lots along Richmond Row and the Downtown which are appropriate and encouraged locations for the intensity proposed.
d) The proximity of any proposal for medium or high density residential development to public open space and recreational facilities, community facilities, and transit services, and the adequacy of these facilities and services;	The site has convenient access to public open space, recreational, community facilities, transit services, commercial and shopping areas due to the proximity to Richmond Row and the Downtown.
e) The need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 – Housing;	Affordable housing is a need identified City-wide, and any bonusing of development on the site should provide for affordable housing units within the parameters provided by the HDC.
f) The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses; 1578_6) g) privacy 1578_6) h) shadowing 1578_6) i) visual impact 1578_7) f) height 1578_7) g) density 1578_7) h) massing	Staff have major concerns with the height and massing of the proposed building as there is an inadequate stepdown of the massing to the low-rise residential neighbourhood to the west along St. George Street and no retention of the low-rise residential character along Ann Street. A more sympathetic transition is required for the proposed building to the low rise residential neighbourhood and provide additional separation to nearby existing high-rise buildings.

<p>1578_7) i) scale  1578_7) j) placement of buildings  1578_7) k) setback and step-back  1578_7) l) relationship to adjacent buildings</p>	<p>The proposed development does not adequately mitigate the impacts of the bulk and massing on the surrounding residential land uses, and the existing form will have more impactful shadowing than a more slender tower that is setback from the street edge.</p>
<p>g) The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;  1578_6) m) natural heritage features and areas  1578_6) k) trees and canopy cover  1578_6) n) natural resources  1578_7) p) landscaping and trees</p>	<p>A Tree Preservation Plan will be required as part of Site Plan Approval, though the proposed development will occupy almost the entire site which would not facilitate the retention of any trees or vegetation. There are no natural features, resources or significant vegetation that have been identified during the application review for this site.</p> <p>There is also 0% landscaped open space proposed, which provides no on-site space allocated for landscaped open space and no ability to provide tree planting or canopy cover. It is not permitted or desirable to have planting on city boulevard due to potential conflicts with utilities and infrastructure, and the maintenance required.</p>
<p>h) The location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties;  1578_6) a) traffic and access management  1578_7) q) coordination of access points and connections</p>	<p>Vehicular access is proposed from St. George Street. A Transportation Impact Assessment (TIA) was provided as part of the application submission. Transportation Planning and Design prefer the access from Ann Street, though are satisfied with the driveway location from St. George Street, and that the detailed access arrangement can be addressed at the site plan approval stage.</p>
<p>i) The exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;  1578_7) c) neighbourhood character  1578_7) d) streetscape character  1578_7) e) street wall  1578_7) m) proposed architectural attributes such as windows, doors and rooflines</p>	<p>The proposed development does not provide sufficient transition in building massing to the low-rise neighbourhood and has not been designed to fit within the local context. The tower floorplate needs to be minimized and setback further from the base to provide a more sensitive fit with the low-rise residential context.</p> <p>There are a number of recommended refinements required to provide a better fit for the building within the residential neighbourhood context, including:</p> <ul style="list-style-type: none"> <li>• Provide an alternative design for the tower portion of the building in order to avoid a large and long, slab-style floorplate</li> <li>• Any portion of the tower above eight storeys should be a point tower (up to approximately 1,000 square metres, within a 1.5:1 length: width ratio)</li> </ul>

	<ul style="list-style-type: none"> <li>• A separation distance of 25m should be considered between the high-rise portions of the proposed building and the adjacent high-rise developments</li> <li>• Any portion of the building proposed along Ann Street and St. George Street should retain the predominantly low-rise character by responding to the low-rise residential neighbourhood to the west and south, while the east half of the building should response to the high-rise buildings on the east and south, with a step down between both portions of the building.</li> <li>• Provide a setback (a minimum of 5m is the standard approach) above the 3<sup>rd</sup> or 4<sup>th</sup> storeys to provide a low-rise character</li> <li>• Reduce the building mass above the 3<sup>rd</sup> or 4<sup>th</sup> storey to a mid-rise form (up to 8 storeys) to create a comfortable pedestrian scale and character along St. George Street.</li> </ul>
<p>j) The potential impact of the development on surrounding natural features and heritage resources; 1578_6) l) cultural heritage resources 1578_7) o) relationship to cultural heritage resources on the site and adjacent to it</p>	<p>The site is a listed property with two heritage resources at 197 Ann Street and 183 Ann Street, which have been identified by heritage staff for future designation. The proposed development would demolish these resources and redevelop the site in their place.</p>
<p>k) Constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration and rail safety may limit development; 1578_6) b) Noise 1578_6) d) emissions generated by the use such as odour, dust or other airborne emissions</p>	<p>There is a nearby CP rail corridor to the north which has noise, vibration and safety implications for the development in the event of a derailment. Noise and vibration mitigation measures are acceptable, though the safety mitigation measures such as a berm or crash wall have not been determined or detailed at this time, and more information is required.</p> <p>The proposed craft brewery use may result in the generation of odours due to on-site production, however are not anticipated to be significant.</p>
<p>l) Compliance of the proposed development with the provisions of the City's <i>Official Plan (1989)</i>, Zoning By-law, Site Plan Control By-law, and Sign Control By-law; 1578_6) e) lighting 1578_6) f) garbage generated by the use</p>	<p>The requested amendment does not conform to the policies of the <i>Official Plan (1989)</i> or <i>The London Plan</i>. A number of special provisions to the proposed R10-5 Zone are required to facilitate the proposed development, with respect to setbacks, parking, building coverage, landscaped open space, height, and density. The proposed setback reductions and 0% landscape open space do not provide for permitter plantings or buffering and is not in keeping with the Site Plan Control By-law. Detailed functional aspects of lighting and garbage would be</p>

	encompassed as part of standard site plan review.
M) Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis;	<p>While some aspects of the built form have been revised such as the overall height and density, the proposal is still not acceptable in its current form. Additional refinement is required to the massing, building height, setbacks and step-backs to mitigate impacts and provide a more sensitive interface with the surrounding residential neighbourhood.</p> <p>Mitigation measures associated with the proximity to the CP rail corridor or ground water are not known at this time and require further detail and review.</p>
<p>3.7) n) Impacts of the proposed change on the transportation system, including transit</p> <p>1578_6) c) Parking on streets or adjacent properties</p>	<p>The residential intensification of the subject lands is in a central location which facilitates a transit-oriented development. There is a requested parking reduction, though no major impacts on the transportation system or transit are anticipated.</p>



# Shadow Analysis



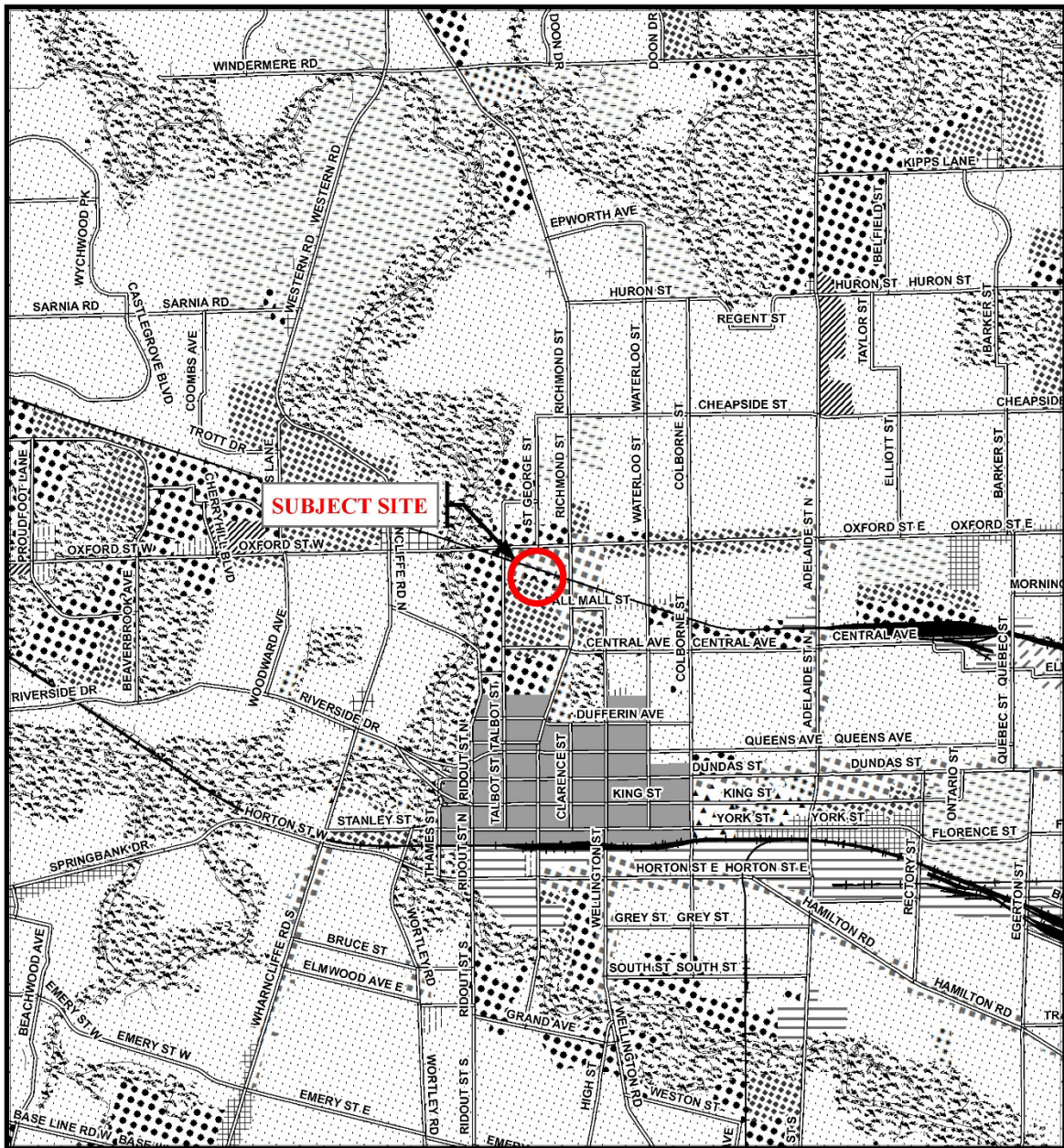
JUNE 21



SEPTEMBER 21

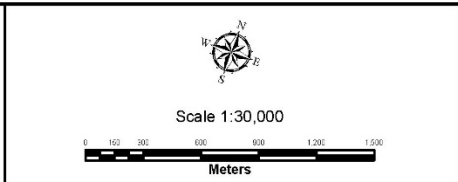


# Appendix E – Additional Maps



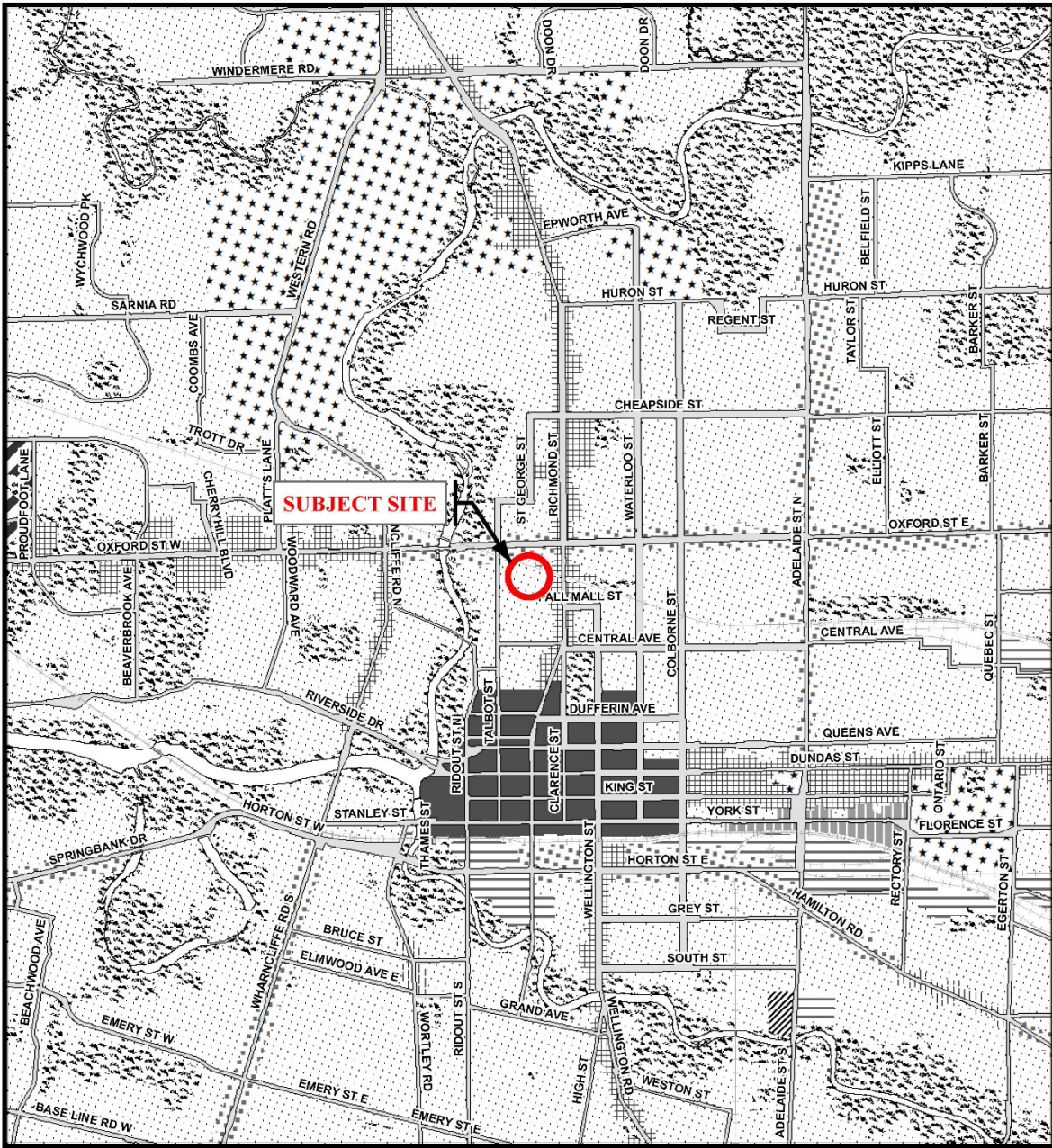
Legend	
	Downtown
	Enterprise
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential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

**CITY OF LONDON**  
 Department of  
**Planning and Development**  
 OFFICIAL PLAN SCHEDULE A  
 - LANDUSE -  
 PREPARED BY: Graphics and Information Services



**FILE NUMBER:** OZ-9127  
**PLANNER:** BD  
**TECHNICIAN:** RC  
**DATE:** 10/02/2020

PROJECT LOCATION: e:\planning\projects\p\_officialplan\workconso\00\excerpts\mxd\_templates\scheduleA\_NEW\_b&w\_8x14.mxd



**Legend**

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

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

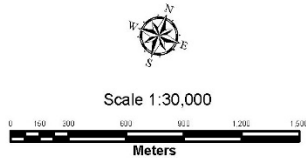
*At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.*

**CITY OF LONDON**

Planning Services /  
Development Services

**LONDON PLAN MAP 1  
- PLACE TYPES -**

PREPARED BY: Planning Services



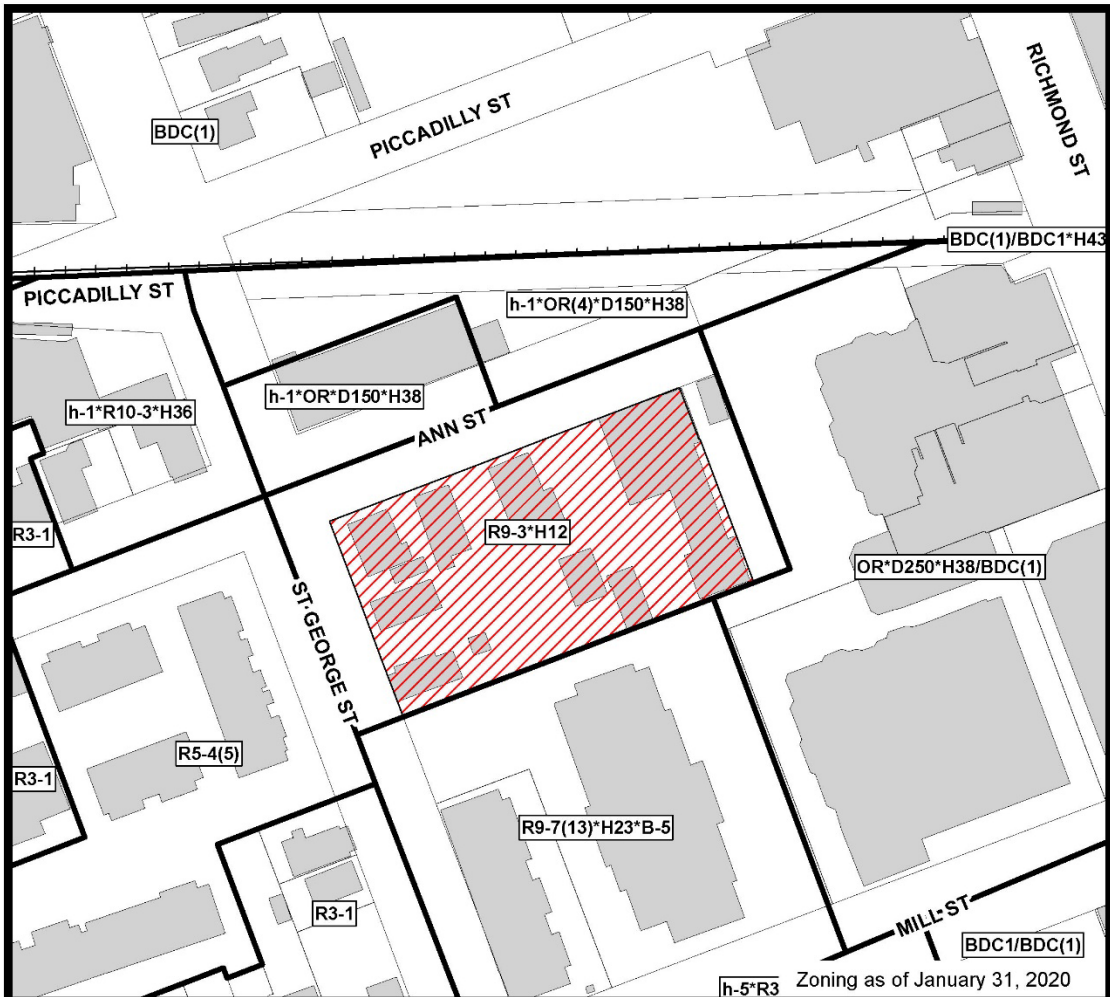
**File Number:** OZ-9127

**Planner:** BD

**Technician:** RC

**Date:** February 10, 2020

Project Location: E:\Planning\Projects\p\_officialplan\work\conso\00\excerpts\_LondonPlan\mxd\OZ-9127-Map1-PlaceTypes.mxd



**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:  
OZ-9127 BD

MAP PREPARED:  
2020/02/07 RC

1:1,250  
0 5 10 20 30 40  
Meters



# OZ-9127: 84-86 St. George Street & 175-197 Ann Street



Planning and Environment Committee  
April 25, 2022

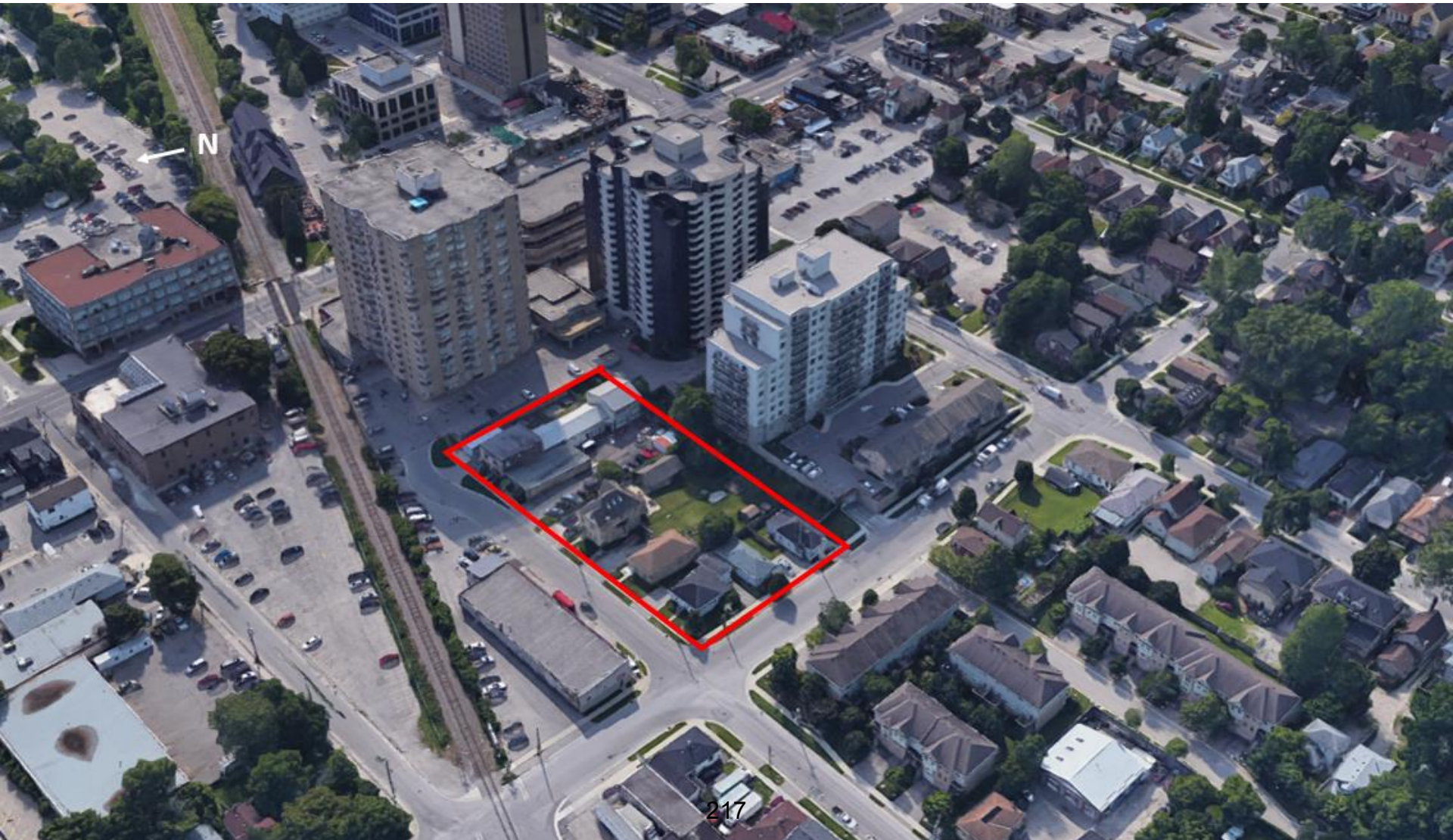


# Slide 1 – Location and Site Context





# Slide 2 – Existing Use and Surrounding Area



# Slide 3 – Policy Framework

## The London Plan

- Neighbourhoods Place Type
- HDR Overlay
- Near Campus Neighbourhoods
- Talbot Mixed Use Area Specific Policy Area
- Mill, Hyman, Ann and Talbot Street subprecinct
- 1038C – site specific policy

## Official Plan (1989)

- Multi-Family, High Density Residential & Multi-Family, Medium Density Residential
- Near Campus Neighbourhoods
- Talbot Mixed-Use Area Specific Policy Area
- Mill, Hyman, Ann and Talbot Street subprecinct

# Slide 4 – Proposed Development

## Proposed Development (22 storeys)



- 22 storeys (75m)
- 214 residential units
- 180 parking spaces
- Density of 585uph
- Ground floor commercial uses including craft brewery with 500sqm of GFA
- Reduced front yard, exterior side yard, interior side yard, and rear yard setbacks of 0m
- 0% landscaped open space
- 97% lot coverage



London  
CANADA

# Slide 5 – Past Iterations

Initial Proposal (28 storeys)



Revised (Current) Proposal (22 storeys)





# Slide 6 – Key Issues

- **Built Form:** Does not provide a significant setback along St. George St, and does not retain the low-rise residential character along Ann St or St. George St.
- **Intensity:** over-intensification of the site with reduced front, exterior, interior and rear yard setbacks of 0m, landscaped open space of 0% and increased lot coverage of 97%; providing no relief through building setbacks, stepbacks or opportunities for buffering.
- **Bonusing:** There is no opportunity to consider bonusing without first having an acceptable built form as the starting point, though the bonusing program as proposed is not acceptable.
- **Use:** Site is interior to the neighbourhood and convenience commercial uses are not contemplated on local roads.
- **Heritage:** Development requires the demolition of proposed heritage designated structures
- **CP Rail:** Proximity requires mitigation against derailment
- **Ground Water:** Requires hydrogeological study for impacts



# Slide 7 – Public Comments

**Notice of Application – October, 2019**

**Notice of Revised Application – October, 2020**

**Notice of PPM and Revised Application – April 2022**

- 21 submissions received, most opposed to the proposed development:

## **Concerns**

- Traffic, parking, safety and noise
- Loss of heritage resources
- Ignores low-rise form of neighbourhood
- Inadequate landscaping and parkland
- Possible impacts on groundwater-based HVAC systems
- Student housing and inconsistent with near-campus neighbourhood policies
- Commercial/retail use not appropriate in this location
- Loss of property value

# Slide 8 – Recommendation

## **Recommendation for Refusal based on:**

- Not consistent with the Provincial Policy Statement, 2020;
- Not conform to The London Plan;
- Not conform to the Official Plan (1989);
- Not compatible with surrounding neighbourhood: does not provide a significant stepback along St. George or retain the low-rise residential character of Ann Street;
- Represents an over-intensification of the site with regards to density, building massing, lot coverage, landscaped open space and setbacks;
- Does not satisfy the Planning Impact Analysis or Evaluation Criteria of policy 1578; and
- Does not adequately conserve cultural heritage value.

Dear Council Members,

City Council delayed heritage designation of the Kent Brewery and the homes of its brewmasters, John and Joseph Hamilton, as recommended by the London Advisory Committee on Heritage, because they wanted to see what 'bonus offerings' York Development would bring to the table in exchange for demolishing a distinguished Heritage Site.

Is this development worth the demolition of the Kent Brewery and the homes of John and Joseph Hamilton?

With the demolition of the Kent Brewery, a larger area of London's industrial history will also be lost as the Kent Brewery is part of a cluster of repurposed heritage buildings along Richmond St and the CP Rail Tracks. This area was a 19th century industrial hub along Carling Creek and the railroad. Please see attached photo.

The number of active Ontario Land Tribunal Appeals alone should signal to Council that people are disapproving of Council decisions that ignore London's heritage.

The Kent Brewery and the homes of its brewmasters, John Hamilton and his son Joseph Hamilton, are a perfect example of 19<sup>th</sup> century craft brewery where the owners lived along side the brewery itself. The Kent Brewery is only one of two examples left in Canada, the other being Alexander Keith's in Halifax, and yet we have a Council that is willing to '*horse trade*' this history for a bus shelter and giant Xs and Os on the street that mean nothing to nobody.

Bike racks and electric vehicle charging stations are just practical and planning ahead and all new development should have these additions. Planting drought tolerant plants instead of native plants on a small strip along a new building is not a climate action item.

Are these 'bonusable' offerings enough to justify the demolition of our heritage?

Kent Brewery and the Hamilton Family homes deserve to be protected because they are special and they are the last ones standing. All three buildings tell the story – not just one. And as an ensemble tell an even larger story of the village.

But history doesn't matter if it is up against a large tax base. That's the bottom line. And these buildings suffer from deep rooted aesthetics bias. These buildings are beautiful – inside and out - in good condition (Laura Dent research) and currently are homes to many people and the homes on St. George St are homes to families with children.

This Council could raise the bar and uphold the intend of the London Plan as Londoners requested when they were asked to 'help shape' London's direction for the next 20 years. Council could reject this proposal and ask that new development maintain the integrity of the buildings and design a new development that **'shows off'** the history as the London Plan intended when it went through extensive public engagement.

Attached are before and after photos of *heritage designated 93-95 Dufferin St.* Council sacrificed Camden Terrace and the history of Talbot St. Banker's Row in exchange for high density towers. In return they designated 93-95 Dufferin St.



The fate of 93-95 Dufferin St. can longer be the standard for heritage horse trading. As you can see from the photos, 93-95 Dufferin St. has been butchered and there is little left of these once grand homes by architect Samuel L. Peters.

Is this acceptable to you? If not, ask for more. If you ask for more, will you get more.

#### Near Campus Neighbourhood Policy

This development is an over intensification of the land. This specific site was chosen for marketing purposes because it will be marketed as temporary student housing and the North Talbot Neighbourhood is already over-intensified with this sort of housing.

Near Campus Neighbourhood Policy recognizes saturation of student housing and aims to balance a diversity in housing so to invite a diversity of people. Therefore this development cannot to reviewed in isolation of the whole North Talbot neighbourhood.

The London Plan pages 263 - 265 and 273 – 275

This neighbourhood is losing housing diversity at an alarming rate primarily because intensification has focused exclusively on temporary housing. It is important to understand how these decisions contribute to the growing problem of exclusionary housing and unintentionally 'people zoning'. Recently, city staff recommended refusal of a Minor Variance in the same neighbourhood to increase density beyond the allowable zoning limit citing the neighbourhood had been over-intensified and offended provisions in the Near Campus Neighbourhood Policy. While this development likely argues that it is part of a transit corridor, ALL traffic will move through the neighbourhood because it has no direct access to a transit corridor, therefore the impacts on the neighbourhood are real.

The neighbourhood cannot be ignored because the neighbourhood will carry the brunt of what is being proposed. Local city traffic studies show that the North Talbot neighbourhood experiences greater through traffic than local traffic because of its proximity to Richmond Street and the CP rail tracks. Traffic from this new development can only move through the neighbourhood and therefore cannot be said to be on a main transit corridor for traffic flow.

Also, The Near Campus Neighbourhood Policies are dominate over all overlaying policies in the London Plan.

In the London Plan, under Place Type Polices, section Near Campus Neighbourhood:

It states in Section 965 pg. 262.

3) Do not allow for incremental changes in use, density, intensity, and lot size through zoning amendments, minor variances and consents to sever that cumulatively lead to undesirable changes in the character and amenity of streetscapes and neighbourhoods.

5) In pursuit of balanced neighbourhoods, recognize areas that have already absorbed a significant amount of residential intensification and residential intensity and direct proposals for additional intensification away from such areas.

13) Ensure intensification is located and designed to respect the residential amenity of nearby properties.

It states in Section 969 pg. 265

969\_ For lands in the Neighbourhoods Place Type that are located within Near-Campus Neighbourhoods, the following forms of intensity and increased residential intensity will not be permitted:

- Development within neighbourhoods that have already absorbed significant amounts of residential intensification and/or residential intensity and are experiencing cumulative impacts that undermine the vision and planning goals for Near-Campus Neighbourhoods.

This neighbourhood has already experienced negative cumulative impacts from exclusionary housing intensification and wishes to seek relief. For example:

- For approximately 4-6 months, many of the rental units are empty because the tenants have moved back to their permanent residences. This has created dead zones of the neighbourhood – empty houses and streets that make permanent residents vulnerable to crime and reduces a sense of place and neighbourhood for those residents. The guidelines for Near Campus Neighbourhoods are intended to balance diversity in housing to invite a diversity of people. This neighbourhood is no longer balanced. It is now a dead zone which is a symptom of over-intensification of one housing type.
- Intensification has resulted in the denuding of trees and backyards to accommodate increased parking. The vast majority of new rentals are rooms within units but unlike a 'rooming house' whose occupants may not have cars, students – the primary market for rentals in this neighbourhood - arrive with their own personal vehicle as they travel between residences. Despite limits on parking space, investors tend to remove Landscape Open Space to accommodate tenant parking.
- This new development is reducing- not enhancing – Landscape Open Space

**This neighbourhood needs housing for families to balance the intended policy direction of the Near Campus Neighbourhood.**

The development will remove several ***existing family affordable*** units and they will not be replaced because the formula used by the City to calculate affordability is out of touch with the reality of people that cannot find housing and the percentage of units being offered applies only on the bonus areas being requested. The Unity Project has Appealed the City's approach on affordable unit swapping for bonusing. They appealed so a hard look can be had on whether the city 'swapping' isn't driven by a dense tax base rather than affordable housing that actually helps people in need.

**And the converted single family homes in North Talbot are desirable by students that like to entertain because they often have an entire house with a lot of parking and an absentee landlord. Therefore this new highrise will NOT free up older family homes that are now student housing. Single family homes are preferred by students.**

Trees

Boulevard Trees cannot grow into shade trees because they do not have the soil or moisture to support them and are susceptible to road pollution. Unless the boulevard is setback enough to allow for full root

expansion, shade trees cannot be realized and will not contribute to the overall tree canopy goals of the Urban Forest Strategy in the London Plan.

The City of London is struggling to meet its obligation under the Urban Forest Strategy and Climate Emergency Action Plan because of competing policies within the London Plan specific to intensification and planning designs. Intensification is removing private land for tree planting through reduced setbacks and open space requirements and the City Forestry Staff has concluded that there is no more public land for tree planting. These spaces have been exhausted and competing policies prevent or reduce private land to meet its tree canopy goals. Therefore, it is becoming increasingly important that interior blocks contribute to the city's canopy goals.

### **9th Meeting of the Trees and Forests Advisory Committee**

**November 24, 2021, 12:15 PM**

- 1. On-going Loss of Street Tree Planting Spaces** The city is running out of vacant sites for trees on existing streets. Street trees are very important as they define community character. In addition to all their environmental benefits, street trees provide shade to pedestrians and can extend the lifespan of the asphalt roads. The city has planted most of the planting spaces identified through a recently completed tree inventory. In the process of creating annual planting plans, the city notifies residents via letter of the upcoming tree planting. Residents have the option to "opt out" and reject a street tree outside their home, even if one was there before. Over the past few years, this trend is increasing to as much as a 20% of the total tree planting numbers annually and has a cumulative impact. Private Land Approximately, 90% of tree planting opportunities are located on private lands. Encouraging tree planting on private land has the greatest impact to affect tree canopy cover goals.

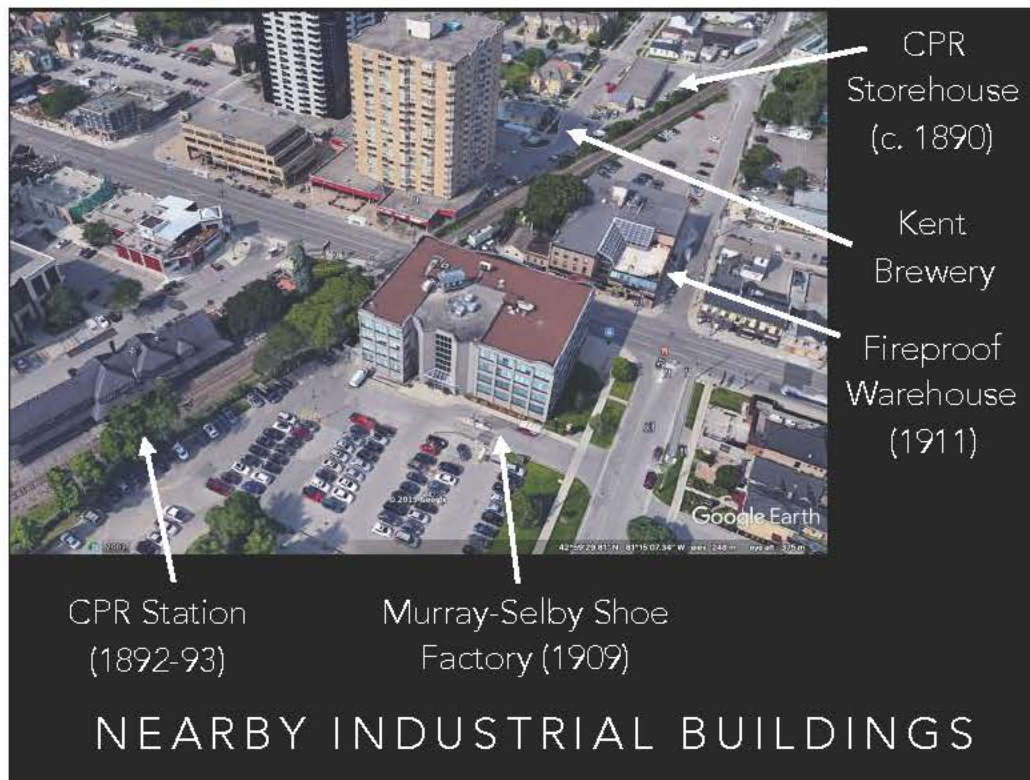
### Terraces

Large open terraces do not contribute to the Landscaped Open Space By-law but will increase noise in a neighbourhood that already has a noise issue. This building is brazen and is designed with no consideration of the neighbourhood – *at all*. It completely ignores the fact that the neighbourhood already has an abundance of highrises, its traffic patterns will move through the small residential streets to get to a main streets, and ignores the impacts of a 'late night' commercial strip encroaching on a residential neighbourhood.

York Development already challenged the site zoning for this parcel of land in the London Plan which was zoned Neighbourhood Type Place in an effort to protect 'neighbourhoods'. The City then settled in 2018 and it reverted back to the 1989 Official Plan. York Development is back again, pushing harder still with zoning amendments that break all rules. Either the London Plan matters or it is irrelevant.

Sincerely,

AnnaMaria Valastro  
North Talbot Community - resident



Three late 19th and early 20th century industrial buildings remain in near proximity, and are visible from the front door of the brewery building: the CPR instruction office/CPR storehouse (c. 1890), the Fireproof Warehouse building (1911), and the Murray-Selby Shoe Factory building (1909).

The presence of the 1892-1893 CPR train station is also notable, as a symbol of the railroad that enhanced the industrial potential of the area.



The brewers, John Hamilton, and his son, Joseph Hamilton, lived next to the brewery. The Labatts and the Carlings had once lived next to their breweries, however those houses are long gone. The brewery and the two residences associated with it are an example of how built assets can be contextually related. Additional research is needed to determine how unusual it is within Canada to have an intact brewers house next to a 19th century brewery building.

This property can be thought of as a small brewery district within the Carling's Creek industrial district, within the larger prospective Talbot North Heritage Conservation District.



**From:** J F

**Date:** Monday, April 11, 2022 at 8:01 AM

**To:** Wise, Sonia <[swise@london.ca](mailto:swise@london.ca)>, Fyfe-Millar, John <[jfmillar@london.ca](mailto:jfmillar@london.ca)>

**Subject:** [EXTERNAL] Historic properties

It is with some sadness that I've discovered York Development is planning to tear down three historic properties on Ann Street, despite LACH recommending heritage distinction for these properties.

After witnessing the destruction of Camden Terrace, it is all the more surprising that some parties are eager to demolish other heritage properties in favour of graceless and nondescript high rises.

These properties represent an invaluable link to London's past and should be protected from reckless development.

John Fooks

706-520 Talbot Street

LONDON ON N6A6K4

**From:** Lorraine Tinsley

**Sent:** Thursday, April 21, 2022 5:48 PM

**To:** PEC <pec@london.ca>

**Subject:** [EXTERNAL] Designation, 183 Ann Street and 197 Ann Street under Part IV of the Ontario Heritage Act

To the Chair and Members of the Planning and Environment Committee:

As a heritage and sustainability risk professional, I am writing to support the designation of 183 Ann Street and 197 Ann Street under Part IV of the Ontario Heritage Act, and the rejection of the York Developments proposal for the subject properties. The York Developments proposal lacks merit for two reasons: i) it violates the City's policies for heritage conservation and sound planning, and ii) fails to demonstrate sustainable value in the context of a climate emergency. Quite apart from its incompatibility with the Provincial Policy Statement 2020, the London Plan and the Official Plan, the York Developments proposal is not aligned with the City's Climate Emergency Action Plan, in which the City states its commitment to "taking action to protect our natural, built and social environments." By contrast, the designation and protection of the subject properties adds considerable societal, economic and environmental value to our built heritage asset landscape, thus meeting the triple-bottom line for sustainability.

*The case for heritage conservation* — A very strong case has been made by the Deputy City Manager, Planning and Development for recognizing the cultural heritage value of the subject properties, in his report to PEC (<https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=91711>). I fully support his recommendations to designate the subject property for all the reasons argued. The Statements of Cultural Heritage Value or Interest, based on impeccable in-depth research by Mark Tovey and members of LACH, lay out an unassailable argument for the protection of the historical or associative, physical or design, *and* contextual values of these properties, and their important heritage attributes. The arguments for their retention and preservation in the public interest could not be stronger. By contrast, the deliberate destruction of these properties for the personal profit of York Developments, or any other private interest, would represent a tragic and incalculable loss to our city, and must not be allowed to happen.

*The case for sustainability* — We are today facing a reckoning in the built asset landscape. Buildings account for nearly one-quarter of Canadian GHG emissions, and policymakers here in London and around the world have identified the reduction of GHGs from the construction sector as a major component in the global battle against climate change. In concert with these imperatives, green building proponents are fighting to decarbonise construction, and to prevent the environmental impacts that accompany demolition and unnecessary new builds. Some jurisdictions like Vancouver are even prohibiting construction waste in landfills, instead favouring deep energy retrofits and adaptive reuse of existing buildings. The current proposal, utterly lacking in such vision, appears to be oblivious to these imperatives, and blind to any opportunity for the sustainable conservation and adaptive re-use of the Kent Brewery complex.

We know that heritage buildings have "inherent sustainability" — and that it is demonstrably more energy-efficient to adapt and reuse existing buildings than to demolish and replace them. Their conservation prevents climate change impacts and avoids waste as a consequence of embodied carbon. What's more, as has been admirably argued by the Deputy City Manager, heritage buildings such as



those in the Kent Brewery complex and North Talbot District embody our living history. They hold stories of our past, and of the contributions to society of those who came before us. They provide identity and sense of place, and help people feel part of their community. In terms of economic value, their presence revitalizes communities, adds real estate value, and promotes investment and tourism. Imagine a thriving Kent Brewery District, comparable to Toronto's award-winning Distillery District, marrying commercial, industrial, and residential functions within a state-of-the-art historic complex which preserves and revitalizes the original 19th-century structures.\*

In this expanded understanding, the heritage buildings in the Kent Brewery District can be seen to hold significant *sustainable value* – that is, value for society, the economy, *and* the environment. As Carl Elefante has argued: *"The accumulated building stock is the elephant in the room: Ignoring it, we risk being trampled by it. We cannot build our way to sustainability; we must conserve our way to it."*

I appeal to the Chair and Members of the Planning and Environment Committee to think globally and act locally to make London a truly sustainable city. Adopt the Deputy City Manager's recommendations to designate 183 Ann Street and 197 Ann Street for the benefit of generations to come, and reject the short-sighted, self-interested proposal of York Developments as unworthy of a world-class city.

Sincerely,  
Lorraine Tinsley

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\* I would add that the Distillery District's success is in large part due to the preservation of the integrity of its historic buildings. In any future development proposals for the Kent Brewery district, facadomies must be prohibited, in accordance with Policy 568 of the London Plan. A case in point is 93-95 Dufferin Avenue, whose brutal facadomy for private gain has utterly destroyed its historical and architectural integrity and many of its heritage attributes — representing a clear and present violation of the public interest in this designated property. It is a terrible precedent for London.

\*\* Consent: I hereby consent to the placement of this email placed on the public agenda where it will become part of the public record and will be made available electronically through the City of London's website.

Lorraine Tinsley  
MA Public History  
MPA | Certificate Green Business Management

From: jhunten

Sent: Thursday, April 21, 2022 10:31 PM

To: PEC <pec@london.ca>

Subject: [EXTERNAL] concerning 84-86 St George Street and 175-197 Ann Street

Dear Chair and Members of the Planning and Environment Committee,

I support the staff recommendation of Refusal for OZ-9127: 84-86 St.

George Street & 175-197 Ann Street, noting its inconsistency with the Provincial Policy Statement, 2020; The London Plan; and the Official Plan (1989), and that it does not adequately conserve cultural heritage value.

I support the designation of 197 Ann Street (the Kent Brewery Building) and 183 Ann Street (the Brewer's House), noting the extreme rarity of the physical relationship of an extant brewery and adjacent brewer's house. Designation of 197 Ann Street and 183 Ann Street allows any future development on the site to proceed under the heritage alteration permit process.

I hereby give my consent for this to appear on the public agenda.

Janet Hunten

66 Palmer Street, London, N6H 1P7

**From:** Hazel Elmslie

**Sent:** Thursday, April 21, 2022 10:50 PM

**To:** PEC <[pec@london.ca](mailto:pec@london.ca)>

**Subject:** [EXTERNAL] 175-179 Ann St. and 84-86 St. George St. London Plan Appeals

By my count there are 12 outstanding site-specific appeals to the London Plan, for this site. They are for the following Policies:

826 Rapid Transit

923, 925, 926, 928, 929, 930, 931, 933, 934, 938, 947 Neighborhoods

A ruling by the Ontario Land Tribunal was issued on Nov 3, 2021 outlining the procedures for the remaining appeals, which include these. A Case Management conference is scheduled for May 2, 2022 and hearings start September 26, 2022.

I feel it is very wrong that this application be reviewed before the OLT has the opportunity to decide these appeals.

Whatever decision is made by Council, I expect it will be appealed.

However it would be, in my opinion, foolish for Council to approve what staff has recommended be refused. In this case, PLEASE, let the Ontario Land Tribunal do its work and refuse this planning application. If you refuse this, the applicant will have to appeal parts of the London Plan that have already been approved by the Ontario Land Tribunal as well.

This is not good planning as envisioned by the London Plan and the 1989 Official Plan, as well as the "1,000's of Londoners who took part in the London Plan process. Let's follow the rules, especially when this application is so far out of line.

I am not going to list everything that is wrong with this proposal, as staff have done it so very clearly.

Hazel Elmslie  
63 Arcadia Crescent,  
London, ON, N5W 1P5

Architectural Conservancy Ontario – London Region Branch  
Grosvenor Lodge  
1017 Western Road  
London, ON N6G 1G5

April 21, 2022

Members of Planning & Environment Committee:  
Anna Hopkins (Chair) – ahopkins@london.ca  
Steven Hillier – shillier@london.ca  
Steve Lehman – slehman@london.ca  
Shawn Lewis – slewis@london.ca  
Stephen Turner – sturner@london.ca

Mayor Ed Holder – mayor@london.ca

**Re: Designation of 183 Ann Street & 197 Ann Street under Part IV of the Ontario Heritage Act**

Dear Councillors and Mayor Holder,

On behalf of the London Region branch of Architectural Conservancy Ontario (ACO London), I am writing to express full support for the recommendation by City staff to designate **183 Ann Street and 197 Ann Street** under Part IV of the Ontario Heritage Act.

**197 ANN STREET** was built in 1859 and became known as the Kent Brewery in 1861, the year that the business was purchased by John Hamilton and a partner. John eventually became the sole owner. After his death in 1887, his son Joseph took over the business and the brewery continued to operate until it closed in 1917 due to Prohibition. The main brewery building has been referred to as the “largest surviving brewery artifact from Victorian London-Middlesex” (*On Tap: The Odyssey of Beer and Brewing in Victorian London-Middlesex*, by Glen Phillips). The brewery building has been adaptively re-used for 105 years and counting. It has housed a cigar factory, a cheese factory, a bicycle shop, and – at present – an automotive repair shop.

The property at **183 ANN STREET** was home to the Hamilton family from 1862 to 1911, according to city directories. The original frame structure where John Hamilton lived and died was completely rebuilt in local yellow brick by his son, Joseph, in 1893. Joseph lived in the current house from then until 1911.

These two buildings together, along with **179 Ann Street** (built before 1881 and home to Joseph Hamilton from 1887 to 1890), are a rare example of a brewery site with the brewery itself (197), a house built by the brewer (183), and a house in which the brewer lived (179) all still standing and in good condition.

In addition to their individual and collective importance in recalling and highlighting London's industrial past, these two properties sit within the expected study area for the North Talbot Heritage Conservation District. The Kent Brewery complex is an important component of this heritage neighbourhood. 183 and 197 Ann Street must be conserved and thoughtfully integrated *in situ* into any future development on the site.

Thank you for considering our comments.

Sincerely,

Dr. Wes Kinghorn  
President, Architectural Conservancy Ontario – London Region

Copies: Cathy Saunders, City Clerk - [csaunder@london.ca](mailto:csaunder@london.ca)  
Heather Lysynski, PEC Committee Secretary - [pec@london.ca](mailto:pec@london.ca)

**Sent:** Friday, April 22, 2022 1:30 AM

**To:** ppmclerks <[ppmclerks@london.ca](mailto:ppmclerks@london.ca)>

**Subject:** [EXTERNAL] submission: request for delegation status File # OZ9127

Dear Committee Members.

Professional Planners are bound by a Code of Ethics that requires them to represent a client **ONLY** if they can defend an application in good faith on Appeal. This Code of Ethics applies to all professional planners whether independent or working in the private and public sector.

The refusal of the zoning amendments by the Planning Department is understood as being a decision based on this Code of Ethics. The amendments are indefensible as good planning because they are too aggressive for the land, would have negative consequence for the neighbourhood and are completely disrespectful of the planning rules that were established by an extensive public process. And more importantly, offend provincial planning rules.

All zoning amendments were rejected because when considered as a whole they constitute bad planning and could not be defended on Appeal. The refusal is based on what is represented by the applicant.

Many residents of North Talbot felt that we were finally noticed as a true community and not just a hollow empty neighbourhood on the wrong side of the tracks. And are grateful that the Planning Department considered the policies that apply to this neighbourhood and the impacts on the people that live here.

It is understood that York Development dismissed concerns raised by planning staff and residents and decided to walk away and approach Council directly hoping that Council too would dismiss staff's recommendation and ignore resident's concerns.

And why not? Many members of Council have interpreted their role as redefining the London Plan on a case by case basis - the very antithesis of an Official Plan which is written to guide a city on a collective set of principles. This application breaks all the planning rules and not just a little bit. York Development is banking on Council - in an election year - that they will support their proposal. And that's why we are here today. So please do not accuse planning staff on not working with York development. York Development is not the only person in the room.

Any suggestion that the historical brewery and the homes of the brewmasters can be moved to another site is outrageous because the very history of the Kent Brewery is directly linked to the site next to Carling Creek, the CP Rail and the entire industrial area of the 'Richmond Village' where many of the original buildings still stand and repurposed.

This suggestion also steals the heritage of North Talbot away from the community who has long been proud champions of the diverse history of the area from mansions of the elite to cottage homes of laborer's of the 19th century.

Attached are two photos: 1) is the rear of the homes of John Hamilton and his son Joseph Hamilton - the brewmasters of the Kent Brewery and 2) a successful development on Queen Street, just around the corner from City Hall, where a heritage building was preserved and a graceful, complementary new development was built behind it. A similar approach could happen here with a thinner building, less

units - open to everyone - and where green space is preserved. This, of course, would be a much smaller development keeping within what is permissible under 'the rules'.

**And Council delayed designating these buildings under the Heritage Act until they saw what York brought to the table and we now expect Council to keep their promise. Please designate these buildings under the Act because they deserve it.**

Intensification will be an election issue - not because people oppose it - but because intensification only works well if carefully planned where the end result is a greener and livable city. Intensification if done badly does not result in a vibrant city so please stop interchanging the word 'vibrant' with 'intensification'.

No one 'buys' it anymore.

Sincerely

AnnaMaria Valastro



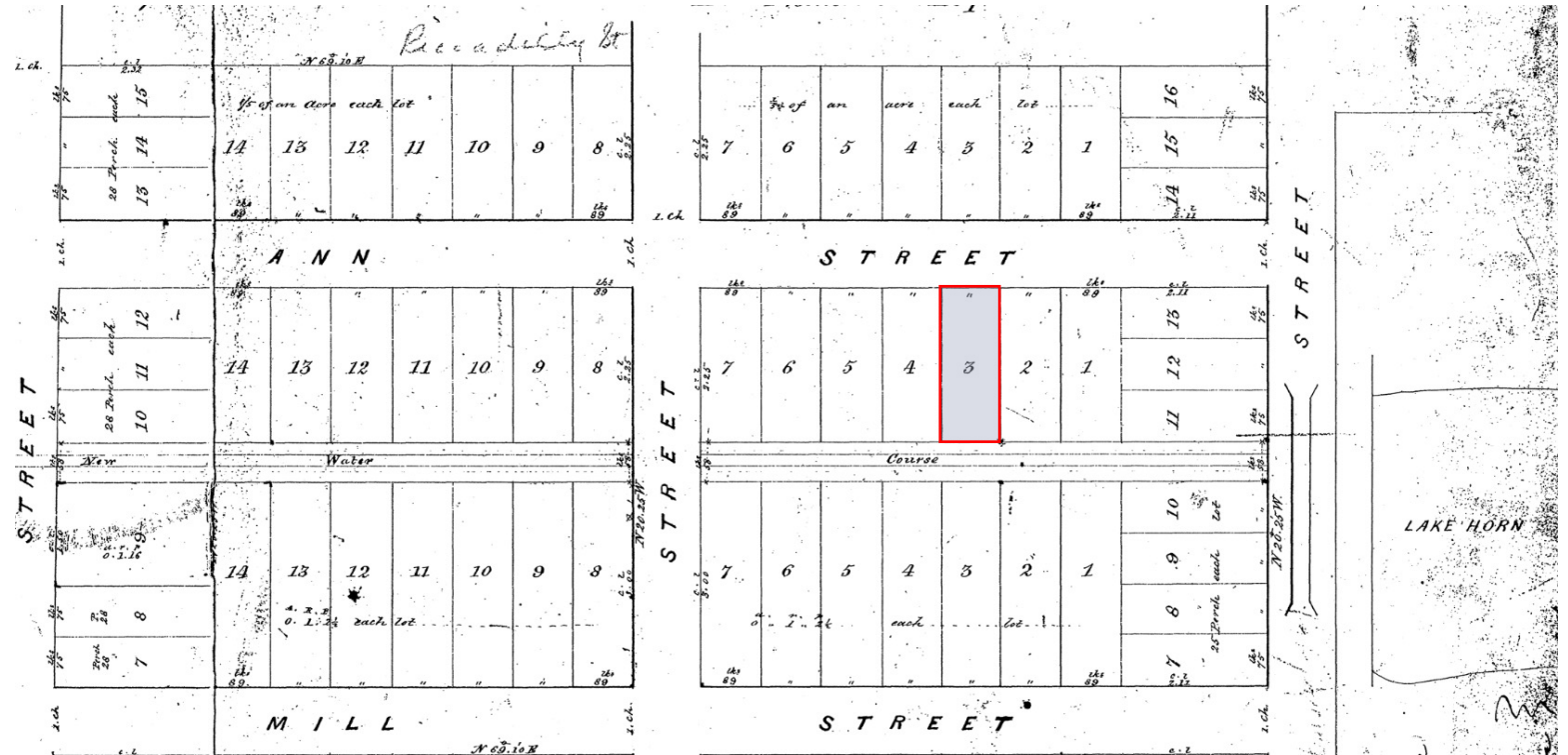




1859

# BREWERY ESTABLISHED IN ITS PRESENT LOCATION

Original brewers Marshall  
and Hammond on Lot 3  
South Side of Ann Street,  
Tax Assessment Rolls for  
1859



Plan: Detail of RP183(W)

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5 MARCH 1861

ALREADY KNOWN AS KENT  
BREWERY.

The London Prototype. Reprinted in *Western Ontario History Nuggets*, No. 13 (1947), London ON: Lawson Memorial Library, The University of Western Ontario.

“KENT BREWERY. Dundas and Phillips, proprietors Ann street, off Richmond street; formerly the firm of Marshall and Hammond. The brewery has been very successful since its establishment, and there are enlargements and additions being constantly made to it. With the present spirited proprietors, and the large demand for brown stout and amber ale, we have every reason to believe that the Kent Brewery will steadily and successfully progress. Private families and hotel keepers are supplied with the best ales and porter, at the shortest notice, and upon the most reasonable terms.”

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SEPTEMBER 1861

ALREADY INCLUDES A  
WASH HOUSE.

London and Provincial Exhibition Advertiser,  
London C.W., September 1861

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**IMPORTANT TO BREWERS**

**TO RENT.**

FOR A TERM OF FIVE YEARS, WITH IMMEDIATE  
POSSESSION,

**THE KENT BREWERY!**

SITUATED ON ANN-STREET,

Close to the God-rich Road,

IN THE CITY OF LONDON, C.W.

**T**HE BREWERY AND MALT HOUSE are in excellent condition, the whole having just undergone a thorough repair, with extensive improvements, and is now in working order. The Malt-house is complete, the floors being quite new, and just laid with water lime-cement, and is capable of putting through forty bushels at a time.—The Drying Kiln is almost new. The Fixtures, including Copper Piping, are perfectly new, and in excellent order. A capital Wash House, with extra Copper. The Water of the best quality, with a plentiful supply, and all the Pumps in the best working order.


The Stock can be taken, or not, at the option of the tenant.

To any person desirous of making money, the above is an opportunity rarely to be met with.

Terms easy, and may be known on application to F. L. DUNDAS, on the premises, or to

**F. B. BEDDOME,**

Agent Buildings, opposite the Bank of  
E. N. America, London.



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1861

BREWERY  
RENTED BY  
SCOTTISH  
BREWER &  
MALTSTER  
JOHN  
HAMILTON.

KENT  
BREWERY!

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*BEST GENUINE ALE AND PORTER.*

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**Hotels and Families Supplied.**

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JOHN HAMILTON,

*Ann Street, - - London, Ont.*

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1864

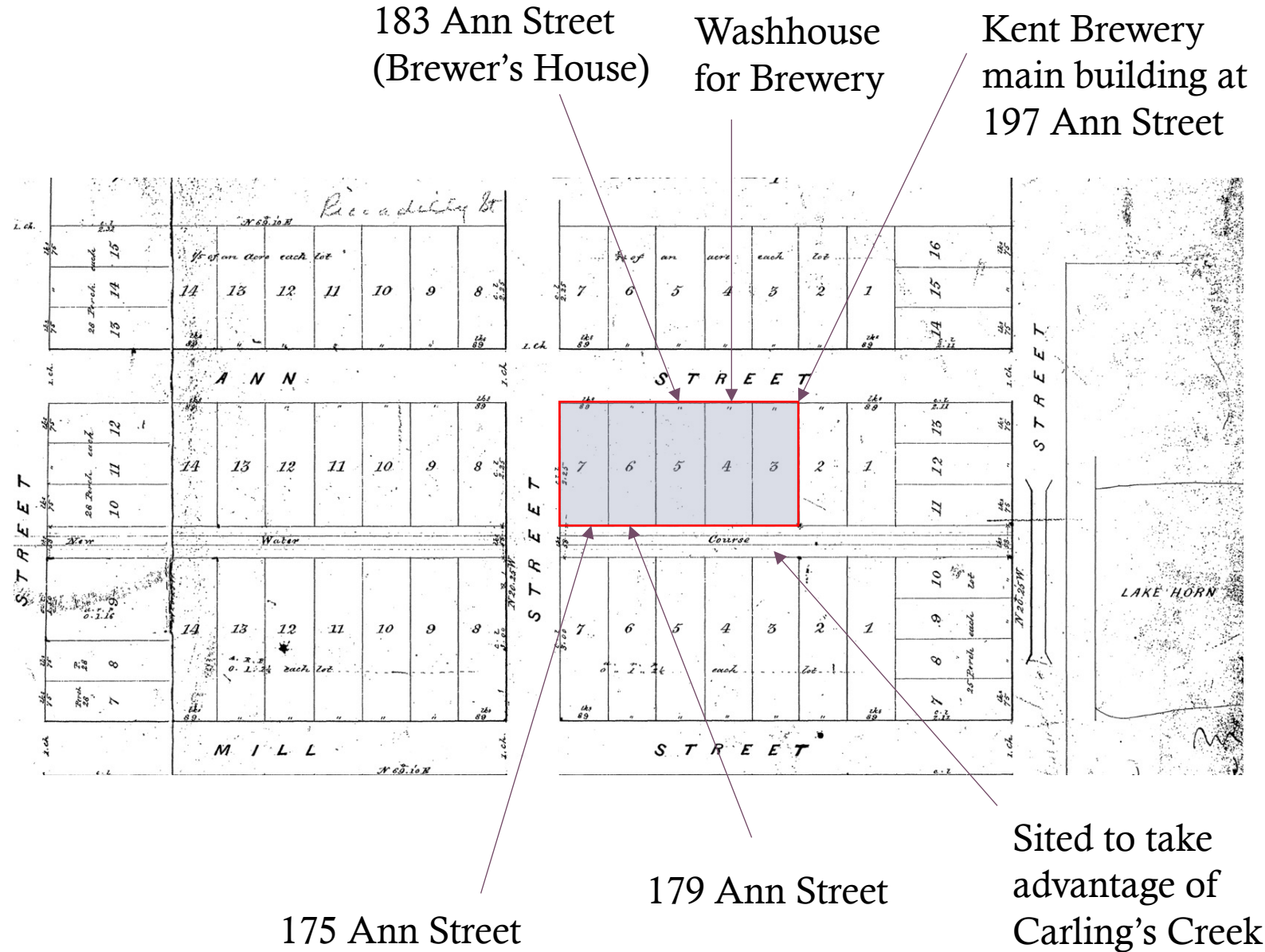
ALREADY  
LISTED IN  
CANADA  
GAZETTEER

“Kent Brewery,  
Hamilton & Morgan,  
propers., Ann”

1870s

PROSPERITY OF  
BREWERY  
ALLOWS  
FATHER TO  
PURCHASE  
LOTS 3-7,  
SOUTH SIDE OF  
ANN STREET.

Land Records Office



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1893

SON JOSEPH TRIPLES WORTH  
OF BREWERY.  
BUILDS BREWER'S HOUSE IN  
BUFF BRICK MATCHING  
BREWERY.  
TANGIBLE EVIDENCE OF HIS  
SUCCESS.

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BRANDING STRATEGY USING  
REGULARLY CHANGING  
SLOGANS. HUNDREDS OF  
ADS LIKE THESE RAN IN THE  
LONDON ADVERTISER FROM  
1900–1916.  
LAST BEER AD RUNS TWO  
DAYS BEFORE TEMPERANCE  
DECLARED.

---

**Hamilton's London  
Porter and Amber Ale**

Always in first-class condition.  
Brewed from finest foreign and  
Canadian hops and malt.

**The Kent Brewery**  
LONDON. ONT.

**Test It as  
You Will**  
**Hamilton's Porter.**

Look at it, smell it, taste it; the  
result is always the same—you pro-  
nounce it good.

There's quality that gives  
satisfaction, there's excellence  
that makes health, there's  
economy and comfort.

Be sure to have some on hand.

**KENT BREWERY,**  
Jos. Hamilton, Proprietor.

**HAMILTON'S**  
Ale and  
Porter

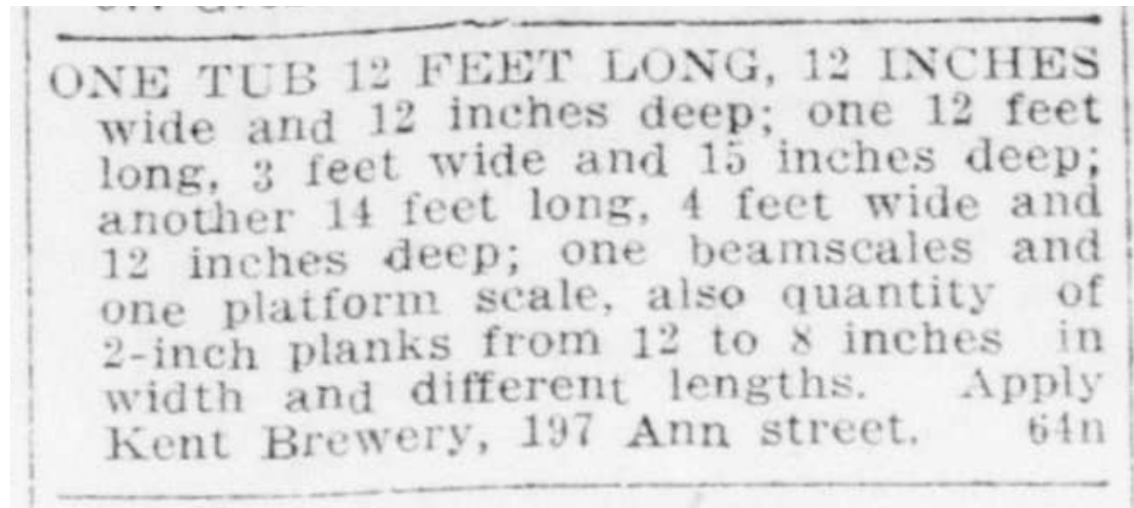
are not excelled. They have been made  
for years, and have become superior to  
all others. Try from your dealer.

**Kent Brewery** LONDON  
ONT.



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# BREWERY CLOSES IN SEPTEMBER 1916 DUE TO ONTARIO TEMPERANCE ACT.

A black and white photograph of a newspaper advertisement. The text is enclosed in a rectangular border. The text reads: "ONE TUB 12 FEET LONG, 12 INCHES wide and 12 inches deep; one 12 feet long, 3 feet wide and 15 inches deep; another 14 feet long, 4 feet wide and 12 inches deep; one beamscales and one platform scale, also quantity of 2-inch planks from 12 to 8 inches in width and different lengths. Apply Kent Brewery, 197 Ann street. 64n".

ONE TUB 12 FEET LONG, 12 INCHES wide and 12 inches deep; one 12 feet long, 3 feet wide and 15 inches deep; another 14 feet long, 4 feet wide and 12 inches deep; one beamscales and one platform scale, also quantity of 2-inch planks from 12 to 8 inches in width and different lengths. Apply Kent Brewery, 197 Ann street. 64n

First ad selling off Kent Brewery equipment runs in London Advertiser on September 15, 1916, on the day before Ontario Temperance Act is declared on September 16, 1916.

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# BREWERY FOR SALE A FEW DAYS AFTER TEMPERANCE ACT IS DECLARED

BREWERY PREMISES — SITUATED  
197 Ann street, in close proximity to  
C. P. R. Railroad. The building is  
heated by steam and lighted by elec-  
tricity; also has good cement cellars,  
and any quantity of spring water on  
the premises. Apply the Kent Brew-  
ery, 197 Ann street. 71h

London Advertiser, September 25, 1916

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PHYSICAL OR DESIGN  
VALUE

**9/06 CRITERION:**  
IS A **RARE**, UNIQUE,  
REPRESENTATIVE, OR  
**EARLY** EXAMPLE OF A  
STYLE, **TYPE**,  
EXPRESSION,  
MATERIAL, OR  
CONSTRUCTION  
METHOD.

EARLY

ONE OF THE  
OLDEST  
BREWERY  
BUILDINGS IN  
CANADA



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**RARE: HAVING A 19<sup>TH</sup> CENTURY BREWER'S HOUSE  
STANDING NEXT TO THE BREWERY LIKELY EXTREMELY  
RARE**

## 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 S. Thomson at 18  
Byron Avenue East, Wortley Village-Old South Heritage  
Conservation District

**Date:** Monday April 25, 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 proposed addition and alterations to the heritage designated property at 18 Byron Avenue East, within the Wortley Village-Old South Heritage Conservation District **BE REFUSED**.

**IT BEING NOTED** that the proposed addition and alterations do not comply with the *Wortley Village-Old South Heritage Conservation District Plan* policies, *The London Plan* policies, and the *Provincial Policy Statement*.

## Executive Summary

The property at 18 Byron Avenue East includes a one-storey cottage type dwelling which contributes to the heritage character of the Wortley Village-Old South Heritage Conservation District. As a “C-rated” property, the property’s form and massing belong to a historic grouping of buildings, that is noted for its representation as a modest design within the Wortley Village-Old South Heritage Conservation District. The owner of the property has submitted a Heritage Alteration Permit application seeking approval for the construction of a two-storey addition to the front, rear and side of the existing single storey cottage and attached garage. The alterations would result in irreversible impacts to the form, scale, mass, and style of the dwelling on the subject property, and would result in the construction of a dwelling that does not comply with the policies and guidelines of the Wortley Village-Old South Heritage Conservation District, *The London Plan*, and the *Provincial Policy Statement*. The recommended action is to refuse the 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 Property Location

The property at 18 Byron Avenue East is located on the north side of Byron Avenue East between Wharncliffe Road South and Birch Street (Appendix A).

## 1.2 Cultural Heritage Status

The property at 18 Byron Avenue East is located within the Wortley Village-Old South Heritage Conservation District, which was designated pursuant to Part V of the Ontario Heritage Act by By-law No. L.S.P.-3439-321 in 2015.

The property is identified within the Wortley Village-Old South Heritage Conservation District as a “C-rated” property. Properties located within the proposed boundary for the Wortley Village-Old South Heritage Conservation District were assessed and identified during the Study phase for the purposes of the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines*. “C-rated” properties were identified as:

- *The form and massing of the building belonged to a historical family of buildings; and,*
- *The building is a good example of a modest design representing the area or repeated in many locations.*

Further, Appendix A of the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines* notes that C-rated properties may “have been altered but still contribute to the overall streetscape” (Appendix A, *Wortley Village-Old South Heritage Conservation District Plan and Guidelines*).

## 1.3 Description

The existing dwelling at 18 Byron Avenue East was constructed between 1883 and 1889 and is a one storey cottage, built on a rusticated concrete block foundation, with a hipped roof. The front façade of the dwelling includes a well-proportioned and balanced facade, a characteristic of the cottages found in the Wortley Village-Old South Heritage Conservation District and elsewhere in London. The exterior cladding of the dwelling consists of horizontal vinyl siding. However, an investigation under the siding suggests that the original wood siding may be extant under layers of modern siding. The porch across the front façade of the dwelling consists of a covered front porch with a small, centered gable peak. The four posts supporting the porch roof have been clad with aluminum siding, with the lintel beam of the porch clad in vinyl siding. The railing systems consists of a metal railing system (Appendix B).

The windows on the dwelling have been replaced with vinyl double-hung window units but most of the historic window openings remain in place. The dwelling also includes two small rear additions, the first being a single storey gable roof addition, and the second a smaller addition with a shed roof. Based on an analysis of historic Fire Insurance Plans, the first addition appears to have been constructed shortly after the dwelling was constructed. The second smaller addition was constructed by 1915.

A detached garage is also located to the east of the house. Consisting of a frame structure with a gable roof, the exterior of the garage is clad with plywood on the front elevation and standing seam metal siding on the other three elevations. The garage is visible on the 1957 Geodetic Survey of London.

The dwelling on the property is one of several single storey cottages located on Byron Avenue East and within the Wortley Village-Old South Heritage Conservation District which contribute to the streetscape of the Heritage Conservation District. Although the dwelling has been subject to some alterations, its scale, form, mass, and style contribute to the streetscape and the cultural heritage value of the Wortley Village-Old South Heritage Conservation District.

## 2.0 Discussion and Considerations

### 2.1 Legislative and Policy Framework

Cultural heritage resources are to be conserved and impacts assessed as per the 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. Policy 2.6.1 of the *Provincial Policy Statement* (2020) directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

### **2.1.2 Ontario Heritage Act**

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

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

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

#### **2.1.2.1 Contraventions 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.

### **2.1.3 The London Plan**

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

### **2.1.4 Wortley Village-Old South Heritage Conservation District**

#### **2.1.4.1 Additions**

The relevant policies included within Section 4.2.1 (Alterations and Additions) of the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines* note:

*4.2.1.b Minor exterior alterations and additions to single detached dwellings may be permitted, consistent with the scale and character of the buildings on adjacent properties and the streetscape; such alterations within front or side yards are discouraged. Significant alterations and/or additions should be to the rear or in areas not visible from the street.*

*4.2.1.f Additions shall be subordinate to the original structure to allow the original heritage features and built form to take visual precedence on the street.*

*4.2.1.g Design guidelines provided in Section 8 and 9 of this Plan will be used to review and evaluate applications for additions and alterations to ensure that the proposed changes are compatible and do not result in*

*the irreversible loss of heritage attributes or adversely impact the cultural heritage value or interest of the HCD.*

Guidelines are included in Section 8.3.2 (Additions) to illustrate these policies. Specifically, Section 8.3.2.1 (Recommended Practices and Design Guidelines) states:

*Additions that are necessary should be sympathetic and complementary in design and clearly distinguishable from the original construction by form or detail. The use of traditional materials, finishes and colours rather than exact duplication of form, can provide appropriate transition between additions and original structures.*

Further, Section 8.3.2.2 (Case Studies) includes a list of guidelines to follow when designing additions to dwellings:

- a) *Additions should be located away from principal façade(s) of heritage properties, preferably at the rear, to reduce the visual impact on the street(s).*
- b) *Form and details of the addition should be complimentary to the original construction, with respect to style, scale, and materials but still distinguishable to reflect the historical construction periods of the property.*
- c) *The height of any addition should be similar to the existing building and/or adjacent buildings to ensure that the addition does not dominate or adversely impact the original building, adjacent properties, the streetscape, and the HCD.*
- d) *Additions should not obscure or remove important heritage attributes, including architectural features, of the existing building.*
- e) *Additions should not negatively impact the symmetry and proportions of the building or create a visually unbalanced façade*
- f) *New doors and window should be of similar style, orientation and proportion as on the existing building. The use of appropriate reclaimed materials should be considered.*
- g) *New construction should avoid irreversible changes to original construction.*

#### **2.1.4.2 Garages**

The Wortley Village-Old South Heritage Conservation District Plan and Guidelines does not contain policies specific to the construction of new garages on existing heritage properties. However, guidance is provided in Section 4.1.1 (Development Pattern) of the Heritage Conservation District Policies identifies that the area is primarily residential with consistent front yard setbacks and no front (attached) garages). The guidance includes the following policies related to construction of garages as a part of new builds or infill buildings:

*g) Parking for new or replacement dwellings is to be located in the driveways at the side of the dwelling or in garages at the rear of the main building, wherever possible. New attached garages at the front of the building are discouraged. Garages shall not extend beyond the main building façade.*

#### **2.1.4.3 Porches**

Porches in the Wortley Village-Old South Heritage Conservation District are important heritage attributes that are to be conserved. Consistent with the Section 8 (Architectural Design Guidelines), porches “deserve to be carefully conserved using adequate research to determine the original character and identify appropriate conservation and restoration techniques.”

Further, relevant guidelines are included within the Section 9.5 (Porches and Verandahs) of the Conservation Guidelines within the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines*. The relevant guidelines state:

- *Removal or substantial alteration to the size, shape and design of existing porches is strongly discouraged.*



- *Do not remove or cover original porches or porch details, except for the purpose of quality restoration. Prior to executing any repairs or restoration, photograph the existing conditions and research to determine whether the existing is original or an appropriate model for restoration. Use annotated photographs or drawings or sketches to represent the intended repairs.*
- *When restoring a porch that is either intact or completely demolished, some research should be undertaken to determine the original design which may have been much different from its current condition and decided whether to restore the original.*

#### **2.1.4.4 Siding**

Many of the original applications of wooden siding is noted in the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines* as being composed of horizontal clapboard, typically in widths of 4 to 6 inches, and often of tongue-and-groove. The document includes relevant guidelines included within Section 9.4.5 (Wooden Siding):

- *Natural wood siding can be acquired and milled to profiles identical to the original profile and nailed in place and painted or stained to replicate the original appearance. This is the optimum solution where feasible.*
- *Vinyl and aluminum siding are popular now for new construction and renovation because they are very inexpensive alternatives. They are inexpensive because they are very thin sheet materials formed into plank-shaped profiles and finished in a range of standard colours. They perform well at keeping rain and weather out of the building, but because of the thin nature of the sheet material, they are very fragile in use and prone to damage from impact of vehicles, toys, and ladders used for maintenance. These materials are not recommended to cover or replace original wood siding.*

#### **2.1.4.5 Windows**

Windows are an important part of the heritage character of the Wortley Village-Old South Heritage Conservation District and are identified as heritage attributes. The policies of Section 5.10.1 of the *Wortley Village-Old South Heritage Conservation District Plan* require Heritage Alteration Permit approval for major alterations, including replacement of windows.

Section 8.2.7, Heritage Attributes – Windows, Doors and Accessories, of the *Wortley Village-Old South Heritage Conservation District Plan* notes,

*Doors and windows are necessary elements for any building, but their layout and decorative treatment provides a host of opportunities for the builder to flaunt their unique qualities and character of each building.*

Section 8.3.1.1.e, Design Guidelines – Alterations, provides the direction to:

*Conserve; retain and restore heritage attributes wherever possible rather than replacing them, particularly for features such as windows, doors, porches and decorative trim.*

Section 8.3.1.1.f, Design Guidelines – Alterations, states,

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

Regarding potential replacement of windows, the Conservation and Maintenance Guidelines of Section 9.6 of the *Wortley Village-Old South Heritage Conservation District Plan* states,

*The preservation of original doors and windows is strongly encouraged wherever possible as the frames, glass and decorative details have unique qualities and characteristics that are very difficult to replicate.*

### **3.0 Financial Impact/Considerations**

None.

## 4.0 Key Issues and Considerations

### 4.1. Heritage Alteration Permit Application (HAP22-016-L)

The property owner at 18 Byron Avenue East initiated consultation with the Heritage Planner beginning in March 2021 to obtain initial advice on how to best plan for an addition to the dwelling on the subject property. In discussion with the property owner, and in follow-up email correspondence on March 10, 2021, the Heritage Planner noted that “one-and-a-half, or two-storey additions to one storey dwelling in a Heritage Conservation District can present a number of design challenges.” The Heritage Planner further noted that “additions need to be designed in a manner to not overwhelm the scale, mass, and type of the dwelling.”

Throughout the summer and fall of 2021, the Heritage Planner provided feedback and consultation to the property owner with regards to the Heritage Alteration Permit process, and Minor Variance requirements. In addition, the Heritage Planner also provided various examples of rear additions that have been successfully designed to accommodate additional living space, while still conserving the cultural heritage value of the subject dwellings. Examples that have applied the policies and design guidelines of the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines* were provided to demonstrate best practice for designing additions on single storey dwellings in a compatible manner. Several of the examples included in Appendix D of this report were noted.

A complete Heritage Alteration Permit application was submitted to the City on March 9, 2022. The applicant has applied for a Heritage Alteration Permit seeking approval for:

- Removal of the existing rear additions;
- Removal of the entire existing hipped roof on the dwelling;
- Construction of a two-storey addition to the front, rear, and side of the existing one storey cottage to increase the overall height of the dwelling to 28' 4 5/32" (8.64m) with the following details:
  - Hipped roof, finished with asphalt shingles;
  - Exterior cladding to consist of 4" horizontal wood siding, intended to be salvaged from the rear of the existing dwelling and restored;
  - 4" corner trim on the sidings of the dwelling;
  - Replacement of existing vinyl windows on the ground floor with new double hung wood windows;
  - Addition of six new double hung wood windows on the second storey of the front façade)
- Alteration to existing garage including:
  - Removal of existing plywood and steel siding;
  - Installation of exterior cladding with 4" horizontal wood siding;
  - Integration into the expanded dwelling to accommodate a two-car garage;
  - Installation of new insulated steel garage doors.
- Replacement of the front porch including:
  - Replacement of existing posts with new squared 6"x6" wood posts with decorative trim details, including a 3' brick base;
  - Replacement of porch railing systems with squared wood pickets set in between a top and bottom rail according to EC-1 connection details of the SB-7 Supplementary;
- Replacement of the existing concrete block foundation with 3' "white brick base" to be used throughout the existing dwelling and new addition.

Architectural design drawings and additional materials submitted with the Heritage Alteration Permit application can be found in Appendix E.

Conditional approval for a Minor Variance for the property was obtained in September 2021 to address front and side yard setback for the proposed addition. The Minor Variance was requested to permit lesser setbacks from the front yard, as well as from the east and west interior side yards, and the garage. Heritage Alteration Permit approval is required as a condition of the Minor Variance.

An Archaeological Assessment was also required as a condition of the Minor Variance. The Archaeological Assessment and compliance letter issued by the Ministry of Heritage, Tourism, Sport, and Culture Industries (MHTSCI) has been received by the City.

The LACH was consulted on this application at their meeting held on April 13, 2022.

#### **4.2 Heritage Impact Assessment**

As a condition of the Minor Variance application and as a requirement of the complete Heritage Alteration Permit application, a Heritage Impact Assessment (HIA) was completed. The Heritage Impact Assessment was required to assess the potential impacts of the proposed scope of work to the cultural heritage value of the property, adjacent heritage-designated properties, and the Wortley Village-Old South Heritage Conservation District. Where negative or adverse impacts are identified, mitigation strategies were to be identified.

The HIA was completed by a+LiNK Architecture Inc. titled *Heritage Impact Assessment, 18 Byron Avenue East, London, Ontario* (January 5<sup>th</sup>, 2022). In assessing the impacts of the proposed addition, the HIA states:

*“The historically integrated residential conversion at 18 Byron Avenue E. fits appropriately into the existing Wortley Village-Old South Heritage Conservation District. The addition has been designed to be contemporary, while being both subordinate to the original residence. Further, the addition respects the existing heritage fabric and characteristics of the district as a whole through the following design considerations: The rear addition will not conceal original parts of the building considered of value, as the elements that contribute to the streetscape and overall character of the HCD are found along the original/front/south elevation viewed from the street.”*

The Heritage Planner disagrees with much of the analysis, findings, and conclusions included within the Heritage Impact Assessment. In general, the HIA did not identify any potential impacts and did not recommend any appropriate mitigation measures. The following list includes several areas in which the Heritage Planner identified concerns with the HIA:

- The HIA does not adequately assess the potential impacts of the proposed addition and alterations on the cultural heritage value of the Wortley Village-Old South Heritage Conservation District as described in its Heritage Character Statement and its heritage attributes;
- The HIA inaccurately suggests that the single storey cottage is retained and incorporated into a larger addition. This is further positioned as a “mitigating factor” in the design of the addition.
  - The Heritage Planner disagrees with this conclusion because the single storey cottage is effectively lost with the addition of a second storey, and the rear and side addition overwhelm the existing dwelling. The original dwelling will no longer be visible or clearly distinguishable as a result of the addition and alterations.
- The HIA claims that the proposed addition will retain the “massing, form, and architectural merit” of the existing dwelling.
  - The Heritage Planner disagrees with this claim, as the massing and form of the existing dwelling will be extensively altered.
- The HIA suggests that the addition is “subordinate to the original residence.”
  - The proposed addition and alterations are much larger than the existing dwelling and will overwhelm the existing dwelling. The addition is not subordinate to the original residence.
- The HIA does not adequately assess the potential negative impacts included within Info Sheet #5 (Heritage Impact Assessments and Conservation Plans). Likewise, appropriate mitigation measures are not considered.

In general, the Heritage Planner disagrees with the findings and conclusions of the HIA, as the proposed addition and alterations will result in adverse impacts to the cultural heritage resources that have not been mitigated.

The Heritage Impact Assessment can be found in Appendix F.

### 4.3 Examples and Comparisons

As noted in consultation with the property owner and in previous applications, addition to one-storey cottages present a significant design challenge. In order to conserve the cultural heritage value of the subject dwelling the proposed addition or alteration must not overwhelm the cultural heritage resource of the property, and must be sympathetic and compatible with the scale, form, mass, and of the existing building.

Throughout the Wortley Village-Old South Heritage Conservation District, and elsewhere in London, best practices and policies and guidelines have been employed to achieve appropriate and compatibly designed additions that both conserves the cultural heritage value of a resource while also adding additional living space to existing homes. As previously noted, sensitively designing an appropriate addition to increase the living space of a one storey cottage is a careful design exercise that has been successfully achieved in many examples. The following properties are all good examples of single storey dwellings with large additions that appropriately conserve a cultural heritage resource. These properties have been altered with additions that are representative of the application of heritage conservation practices, policies, and guidelines:

- 43 Bruce Street, Wortley Village-Old South Heritage Conservation District;
- 41 Bruce Street, Wortley Village-Old South Heritage Conservation District;
- 34 Byron Avenue East, Wortley Village-Old South Heritage Conservation District;
- 44 Byron Avenue East, Wortley Village-Old South Heritage Conservation District;
- 50 Bruce Street, Wortley Village-Old South Heritage Conservation District;
- 33 Byron Avenue East, Wortley Village-Old South Heritage Conservation District;
- 139 Briscoe Street East, Part IV Designation;
- 198 Emery Street East, Part IV Designation;
- 479 Tecumseh Avenue East, heritage-listed.

Photographs of these dwellings can be found in Appendix D.

### 4.4 Analysis

Large additions to a one storey dwelling present various challenges for heritage designated properties, as noted in the policies and guidelines of the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines*. The review of the proposed addition at existing cottage 18 Byron Avenue East, included within this Heritage Alteration Permit application, considered the relevant policies and guidelines outlined in Section 4.2.1 (Alterations and Additions) and Section 8.3.2 (Additions) of the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines*. Further analysis of the proposed addition and its adherence to the relevant policies and guidelines is included below in Table 1.

*Table 1: Analysis of the relevant policies and guidelines of the Wortley Village-Old South Heritage Conservation District Plan and Guidelines for the proposed addition and alterations as a part of HAP22-016-L.*

<b>Section</b>	<b>Policy or Guideline</b>	<b>Analysis</b>
<b>4.2.1</b>	<i>b) Minor exterior alterations and additions to single detached dwelling may be permitted, consistent with the scale and character of the buildings on adjacent properties and the streetscape; such alterations within front or side yards are discouraged. Significant alterations</i>	b) The proposed second storey addition, rear addition and side addition to the single storey detached dwelling, and incorporation of the existing detached garage create a substantial addition to the existing cottage. The second storey addition effectively doubles the size of the dwelling, and the rear, side, and garage additions result in a massing that is not consistent with the scale

	<p><i>and/or additions should be to the rear or in areas not visible from the street.</i></p> <p><i>f) Additions shall be subordinate to the original structure to allow the original heritage features and built form to take visual precedence on the street.</i></p> <p><i>g) Design guidelines provided in Section 8 and 9 of this Plan will be used to review and evaluate applications for additions and alterations to ensure that the proposed changes are compatible and do not result in the irreversible loss of heritage attributes or adversely impact the cultural heritage value or interest of the HCD.</i></p>	<p>and character of the existing dwelling, adjacent properties or the Heritage Conservation District. The proposed addition and alterations include a side yard addition, which is discouraged by Policy 4.2.1 of the <i>Wortley Village-Old South Heritage Conservation District Plan</i>. The proposed addition and alteration are not limited to the rear of the dwelling, and is excessively visible from the street, a negative impact.</p> <p>f) The addition and alterations to the property are not subordinate to the original structure. The addition and alterations have not been designed in a in manner allowing the original heritage features (its size, scale, mass) of the existing dwelling to take visual precedence on the street. Contrary, they are substantial in nature. The addition results in the loss of the form, scale, and mass of the single storey dwelling. The construction of a two-storey dwelling with an attached garage, as proposed in this Heritage Alteration Permit application, is not consistent with the form of the Wortley Village-Old South Heritage Conservation District.</p> <p>g) The addition and alterations are not compatible with the design guidelines set out in Section 8 of the Wortley Village-Old South Heritage Conservation District Plan and Guidelines (see below). The addition and alterations will result in adverse impacts to the cultural heritage value or interest of the HCD that will not be mitigated.</p>
<p><b>8.3.2.1</b></p>	<p><i>Additions that are necessary should be sympathetic and complementary in design and clearly distinguishes from the original construction by form or detail. The use of traditional materials, finishes and colours rather than exact duplication of form, can provide appropriate transition between additions and original structures.</i></p>	<p>The proposed addition and alterations are not sympathetic and complementary in design to the existing dwelling, adjacent properties, or the Wortley Village-Old South Heritage Conservation District. The size, scale, and mass of the addition is overwhelming and will result in adverse impacts to the dwelling on the property, as well as adjacent properties. Though traditional materials and finishes are being proposed for the siding and windows, the application of those finishes on the substantial addition is not sufficient to mitigate the impacts of the proposed addition.</p>
<p><b>8.3.2.2</b></p>	<p>a) <i>Additions should be located away from</i></p>	<p>a) The proposed addition is not located at the rear of the existing</p>

	<p><i>principal façade(s) of heritage properties, preferably at the rear, to reduce the visual impact on the street(s).</i></p> <p>b) <i>Form and details of the addition should be complimentary to the original construction, with respect to style, scale, and materials but still distinguishable to reflect the historical construction periods of the property.</i></p> <p>c) <i>The height of any addition should be similar to the existing building and/or adjacent buildings to ensure that the addition does not dominate or adversely impact the original building, adjacent properties, the streetscape, and the HCD.</i></p> <p>d) <i>Additions should not obscure or remove important heritage attributes, including architectural features, of the existing building.</i></p> <p>e) <i>Additions should not negatively impact the symmetry and</i></p>	<p>building, nor is it away from the main façade. The addition has been designed in a manner that is situated on the principal façade with no intent to minimize the visibility from the street.</p> <p>b) The form and details of the addition are not complimentary to the original construction of the existing dwelling, with respect to style and scale. Though some of the proposed materials for the addition/alteration include traditional finishes (e.g. wood siding, wood windows), the proposed addition is substantial in size and will not result in a dwelling that clearly distinguishes the historic dwelling from a compatible addition. The historic single storey cottage will effectively be subsumed into the large addition to the dwelling.</p> <p>c) The height of the addition will not be similar to the existing building. Rather, it will result in the addition of a full second storey, as well as a two-storey side and rear addition that will dominate and adversely impact the original building. The original dwelling will no longer be visible or apparent as a direct result of the form, scale, and massing of the proposed addition. The height of the proposed addition is similar to the adjacent buildings; however, the massing of the proposed additions will result in a dwelling that will be much larger than the adjacent buildings. This is anticipated to be particularly evident in the roof form. The outcome of the proposed addition and alteration to the existing dwelling will disrupt the pattern of historic cottages and historic two-storey dwellings on Byron Avenue East, which characterizes an important streetscape of the Wortley Village-Old South Heritage Conservation District.</p> <p>d) The proposed addition will destroy the single storey form, scale, and mass of the existing dwelling, an important part of the property's C-rating and contribution to the Wortley Village-Old South Heritage Conservation District.</p> <p>e) The existing dwelling is symmetrical and balanced in its proportions as a cottage-type building. The proposed addition will negatively impact the</p>
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	<p><i>proportions of the building or create a visually unbalanced façade</i></p> <p>f) <i>New doors and window should be of similar style, orientation and proportion as on the existing building. The use of appropriate reclaimed materials should be considered.</i></p> <p>g) <i>New construction should avoid irreversible changes to original construction.</i></p>	<p>symmetry and the proportions of the existing dwelling. The addition will create a visually unbalanced façade which is contrary to the heritage character of the existing dwelling and part of its contributions to the cultural heritage value of the Wortley Village-Old South Heritage Conservation District.</p> <p>f) The new windows on the addition are proposed to be double-hung, wood windows in order to be consistent with the existing window style of the historic dwelling. Salvage and retention of historic siding is also intended to be used.</p> <p>g) The new construction of the addition will constitute an overwhelming alteration to the dwelling. It is difficult to determine how the substantial addition to the historic cottage could be reversible. The construction of the proposed addition and alterations to the existing dwelling at 18 Byron Avenue East will result in changes that are irreversible, and therefore the proposed addition and alterations do not comply with this direction.</p>
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It is the Heritage Planner’s opinion that the proposed addition and alterations are substantial in terms of their potential impacts to the existing dwelling on the heritage designated property at 18 Byron Avenue East. The proposed addition and alterations are not consistent with the policies and guidelines of the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines* for addition and alterations. The proposed addition and alterations will result in adverse impacts to the dwelling on the subject property and the streetscape of the Wortley Village-Old South Heritage Conservation District. The negative impacts have not been mitigated.

In addition, Policy 594\_ of *The London Plan* states:

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.*

The proposed addition and alterations do not comply with Policy 594\_ of the *London Plan* as they will not retain the existing structure that contributes to the character of the district, will not complement the prevailing character of the area, and will not have regard to the guidelines and intent of the heritage conservation district plan.

Lastly, the proposed addition and alterations to the heritage designated property at 18 Byron Avenue East do not conserve this built heritage resource in accordance with Policy 2.6.1 of the *Provincial Policy Statement (2020)*.

There are many examples of compatible and sensitive designs that accommodate addition living space while conserving significant cultural heritage resources. The policies and guidelines of the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines* are not intended to prevent or preclude change in the area, but to manage change in a way that respects and conserves its cultural heritage value. The proposed addition and alterations at 18 Byron Avenue East do not achieve this fundamental objective.

A new design that is more compatible with the dwelling and demonstrates the application of the policies and guidelines of the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines* is encouraged. The applicant is further encouraged to consider heritage designated properties that compatibly integrate the policies and guidelines of the Wortley Village-Old South Heritage Conservation District in design alternatives going forward.

## Conclusion

As a “C-rated” property the dwelling at 18 Byron Avenue East belongs to a historic grouping of buildings because of its form and massing. The building type is further noted as a “good example of a modest design representing the area” within the *Wortley Village-Old South Heritage Conservation District Study*. The proposed addition and alterations will result in irreversible alterations to the existing cultural heritage resource, as it will no longer be visible or discernible. The application would result in irreversible impacts to the form, scale, mass, and style of the existing dwelling at 18 Byron Avenue East, and would result in the construction of a dwelling that is not consistent with the policies and guidelines of the Wortley Village-Old South Heritage Conservation District. The Heritage Alteration Permit application should be refused as it is contrary to the policies and guidelines of the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines*, *The London Plan*, and the *Provincial Policy Statement*.

**Prepared by:** Michael Greguol, CAHP  
Heritage Planner

**Reviewed by:** Jana Kelemen, M.Sc.Arch., MUDS, MCIP RPP  
Manager, 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 Historic Documentation
- Appendix D Examples of Compatible Rear Additions
- Appendix E Drawings Submitted for Heritage Alteration Permit
- Appendix F Heritage Impact Assessment

### Selected Sources

- Corporation of the City of London. *Wortley Village-Old South Heritage Conservation District Plan and Guidelines*. 2014.
- Ministry of Culture. “Info Sheet #5: Heritage Impact Assessments and Conservation Plans” in *Heritage Resources in the Land Use Planning Process*. 2006.
- The London Plan*
- Provincial Policy Statement, 2020*.



# Appendix A – Property Location



Figure 1: Location of the subject property at 18 Byron Avenue East, located within the Wortley Village-Old South Heritage Conservation District.

## Appendix B – Images



*Image 1: Photograph of the dwelling located at 18 Byron Avenue East in the Wortley Village-Old South Heritage Conservation District (2021).*



*Image 2: Photograph showing the dwelling and existing detached garage located on the property at 18 Byron Avenue East (2021).*



*Image 3: Photograph of the subject dwelling located at 18 Byron Avenue East (2022).*



*Image 4: Photograph showing the subject property at 18 Byron Avenue East located within the Wortley Village-Old South Heritage Conservation District, showing adjacent property at 22 Byron Avenue East (2022).*



Image 5: Photograph of the rear of the dwelling at 18 Byron Avenue East showing the first rear addition on the existing dwelling (2022).



Image 6: Photograph of the rear of the dwelling at 18 Byron Avenue East showing the two rear additions, the detached garage, and the adjacent property at 16 Byron Avenue East (2022).



*Image 7: Photograph of the foundation of the dwelling at 18 Byron Avenue East, showing the rusticated concrete blocks (2022).*



*Image 8: View looking northeast along Byron Avenue East showing the context of the subject property including the small scale and massing of the dwelling within the surrounding area (2022).*

## Appendix C – Historic Documentation



Image 9: Excerpt from the 1892, Revised 1907 Fire Insurance Plan showing the subject property at 18 Byron Avenue East. Note, this version of the Fire Insurance Plan series is sometimes found to be in error. Nonetheless, the plan depicts the dwelling as a single storey frame structure (Courtesy of Archives and Special Collections, Western University).

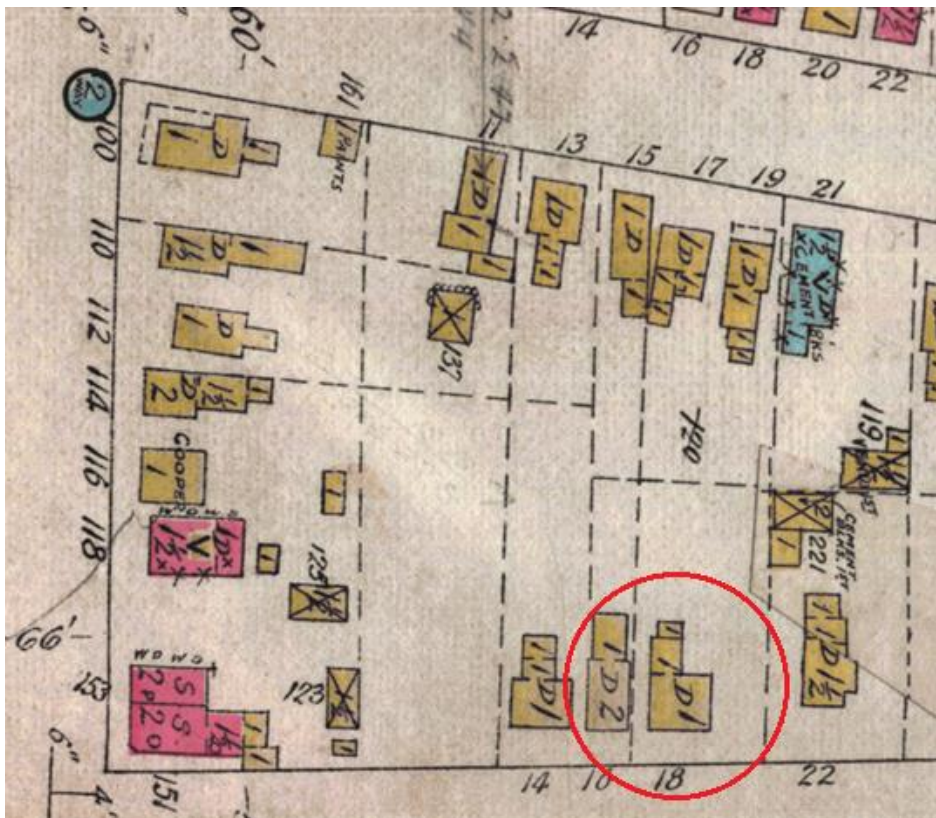


Image 10: Excerpt from the 1912, Revised 1915 Fire Insurance Plan showing the subject property at 18 Byron Avenue East. Note, by 1915 both additions on the rear appear to have been constructed (Courtesy of Archives and Special Collections, Western Archives).

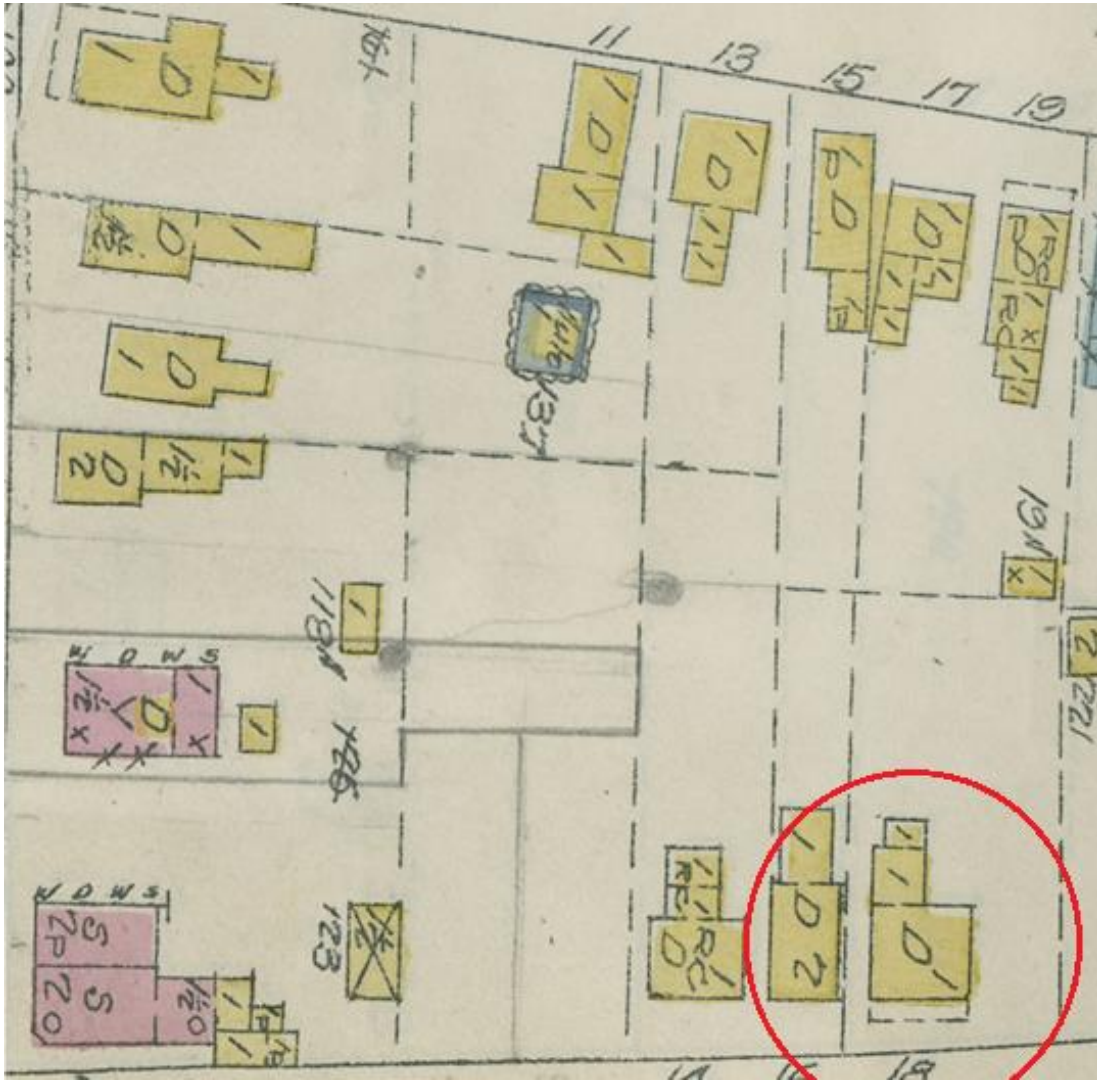


Image 11: Excerpt from the 1912 Revised 1922 Fire Insurance Plan showing the property at 18 Byron Avenue East. Note, by this time a porch has been added to the front of the dwelling (Courtesy of Archives and Special Collections, Western Archives).

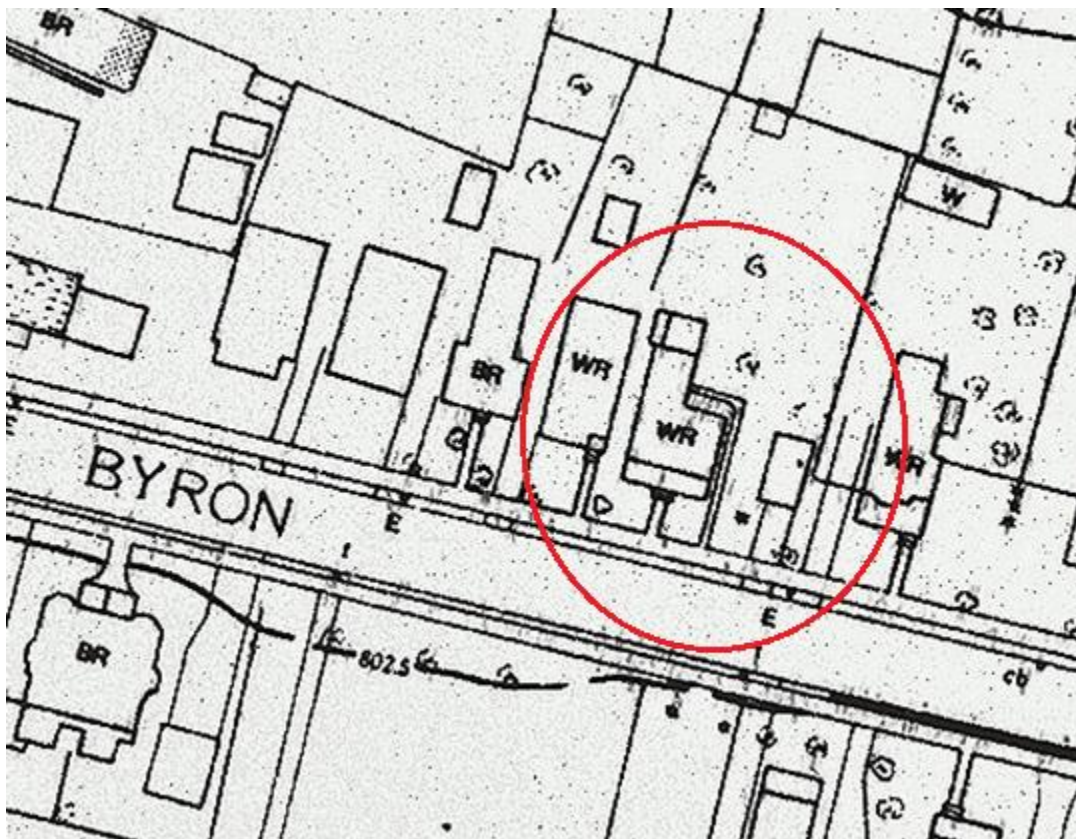


Image 12: Excerpt from the 1957 Geodetic Survey of London showing the subject property at 18 Byron Avenue East. Note, by this time a detached garage is shown on the property (Courtesy of Maps and Data Centre, Western University).

## Appendix D – Examples of Compatible Rear Additions



*Image 13: Photograph of the dwelling located at 43 Bruce Street showing a rear addition to the existing single storey cottage. In this compatible addition, the use of a cross-gable has been used to minimize the visibility of the increase in building height at the rear of the dwelling (2022).*



*Image 14: Photograph of the dwelling located at 41 Bruce Street showing a two-storey gable-roof addition added to the rear of the dwelling located at 41 Bruce Street. The side-hall plan cottage form of this property is clearly articulated through the massing of the building, and the addition at the rear is distinguishable from the original dwelling. The use of the roof shapes and forms help to minimize the visibility of the addition from street (2022).*





*Image 15: Photograph of the dwelling located at 34 Byron Avenue East showing a one storey cottage with a rear addition, well integrated and set back from the main portion of the dwelling. On this dwelling, the cottage's form has been retained while an addition has been added to the rear with a slightly taller roof height allowing the cottage to maintain its character and contribution to the streetscape (2022).*



*Image 16: Photograph of the dwelling at 44 Byron Avenue East showing a rear addition added to the existing one storey dwelling while also maintaining the scale, form, and mass of the single storey dwelling. In this example, a modest addition has been added to the rear of the cottage to add additional living space to the dwelling (2022).*



*Image 17: Photograph of the dwelling located at 50 Bruce Street showing a rear addition added to the rear of the dwelling in a manner that conserves the heritage attributes of the property. Though likely a historic addition, the cottage retains its form and the addition is situated at the rear of the dwelling (2022).*



*Image 18: 139 Briscoe Street East, a Part IV designated property with a compatible rear addition. In this example, the cottage form and type has been retained in its entirety and the addition has been added to the rear. Its location at the rear of the historic dwelling and its difference in colour helps to distinguish the original dwelling from the addition. The addition is clearly subordinate to the existing dwelling (2022).*



*Image 19: 198 Emery Street East, a Part IV designated property. In this example, the cross gable of the house helps to minimize the visibility of a rear addition (2021).*



*Image 20: 33 Byron Avenue East, located within the Wortley Village-Old South Heritage Conservation District. This example demonstrates the compatibility of a rear addition in that the historic two-storey dwelling maintains its articulation on Byron Avenue East. A small "pavilion"-like addition has been added to the rear of the dwelling to transition to a two-storey garage. In this example, the addition is clearly distinguishable from and subordinate to the historic portion of the dwelling (2022).*

## **Appendix E – Drawings Submitted for Heritage Alteration Permit**

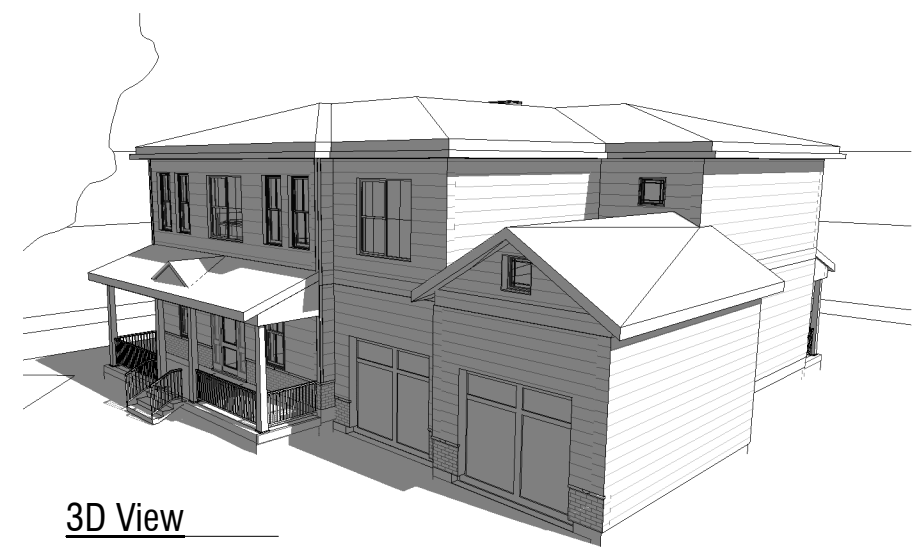
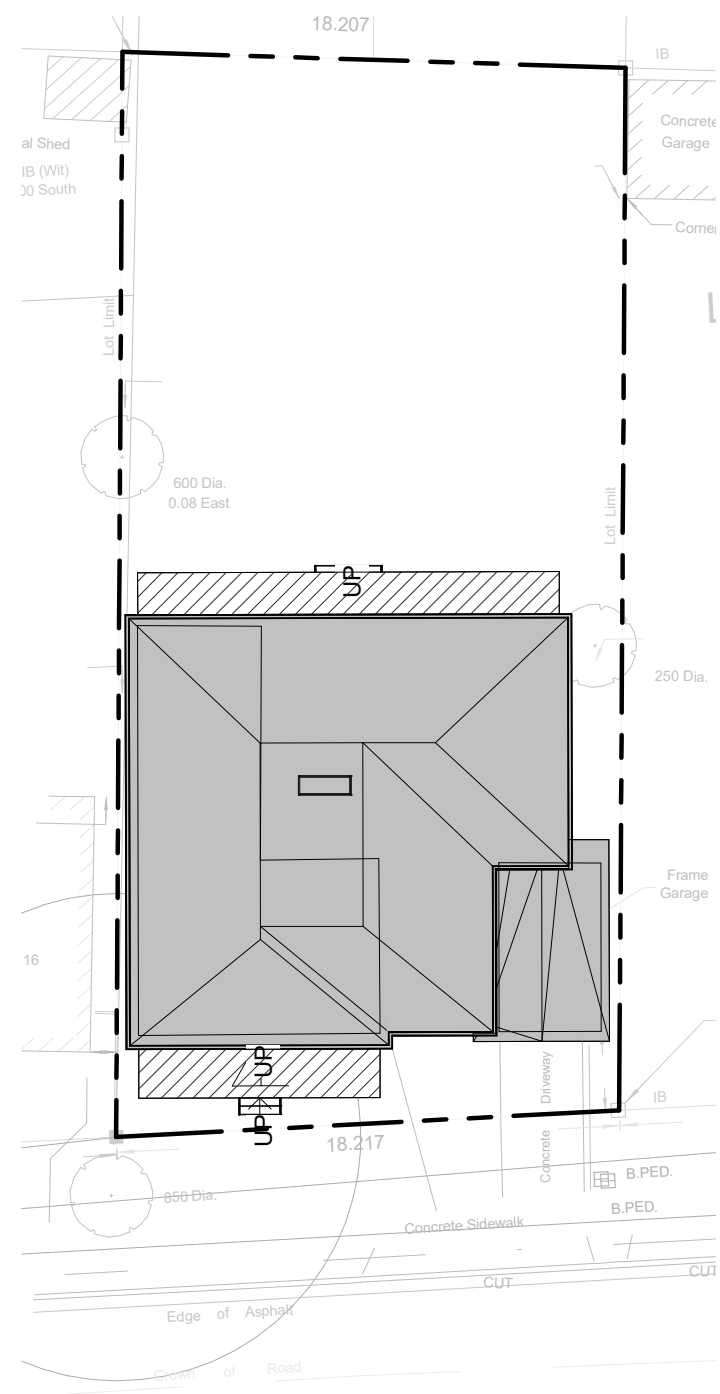
Drawings submitted for Heritage Alteration Permit, dated March 11, 2022 – *attached separately*

ZONING MATRIX: ZONNING R2-2

	REQUIRED SDD	PROPOSED SDD
(a) USE		
(b) LOT AREA (Min)	360 m2	697.8 m2
(c) Lot Frontage (SqM) (Min)	9 m	8.217 m
(d) Front Yard (Min) - PTA Section	4.3	2.88 m
Front Yard Garage (Min) - PTA Section 4.23	6.0 m	7.0 m
(e) Rear Yard (Min)	7 m	18.28 m
(f) Interior Yard (Min) - East	1.2 m	0.67 m
(g) Interior Yard (Min) - West	1.2 m	0.68 m
(h) Landscape Open Space (Min)	35%	. %
(i) Lot Coverage (%) (Max)	45%	43%
(j) Height 9m) (Max)	9 m	9 m
(k) Off-street Parking	2	2 (In garage)
(l) Parking Area Coverage (%) (Max)	25%	7.30 %
(m) Building Depth (%) (Max)	60%	16.61 m
(n) Garage Width (%) (Max)	50% of Frontage	7 m
(o) Driveway Width (Max) - Section 4.19	50% or 8m	7 m
(p) Yard Encroachments (Min) - Section 4.27		Porch is 1.90m Depth Setback is 1.22m from PL to Porch

BUILDING DATA:	PROPOSED
GROUND FLOOR AREA:	181.00 m2
GARAGE AREA:	51.30 m2
SECOND FLOOR AREA:	206.30 m2
BASEMENT AREA	
Existing to remain:	91.90 m2
New:	90.10 m2
TOTAL:	182.00 m2
TOTAL BUILDING AREA*:	387.30 m2
(EXCLUDING GARAGE and BASEMENT)	
FLOOR AREA RATIO:	55.50%

SITE DATA:	
18 Byron Ave. East - London (LOT#34)	
LOT DIMENSIONS:	
FRONT (SOUTH)	18.04 m
EAST SIDE	37.75 m
WEST SIDE	39.22 m
REAR (NORTH)	18.23 m
AREA	697.84 m2
LOT COVERAGE:	
LOT AREA:	697.84 m2



3D View

DRAWING LIST

A0.1	COVER SHEET
A0.2	GENERAL NOTES - WALL TYPES
A1.0	SITE PLAN
A1.2	BASEMENT FLOOR PLAN
A1.3	GROUND FLOOR LEVEL
A1.4	SECOND FLOOR LEVEL
A1.5	ROOF FLOOR LEVEL
A2.1	SOUTH ELEVATIONS
A2.2	NORTH ELEVATIONS
A2.3	EAST ELEVATION
A2.4	WEST ELEVATION
A4.1	SECTIONS
A4.2	SECTIONS
A4.3	SECTIONS
A4.4	SECTIONS
A5.1	WALL SECTIONS
A6.4	WINDOW SCHEDULE

# 18 BYRON AVE. EAST - LONDON, ONTARIO

18 BYRON AVE. EAST - LONDON, ONTARIO

## COVER SHEET

A0.1

Scale (ANSI B) 3/64" = 1'-0"

Project number	107	ISSUED FOR: BUILDING PERMIT
Date	2022-03-11	
Drawn by	-	
Checked by	-	

**EXCAVATION AND BACKFILL**

- EXCAVATION SHALL BE UNDERTAKEN IN SUCH A MANNER SO AS TO PREVENT DAMAGE TO EXISTING STRUCTURES, ADJACENT PROPERTIES AND UTILITIES.
- THE TOPSOIL AND VEGETABLE MATTER IN UNEXCAVATED AREAS UNDER A BUILDING SHALL BE REMOVED. THE BOTTOM OF EXCAVATIONS FOR FOUNDATIONS SHALL BE FREE OF ALL ORGANIC MATERIAL.
- IF TERMITES ARE KNOWN TO EXIST, ALL STUMPS, ROOTS AND WOOD DEBRIS SHALL BE REMOVED TO A MINIMUM DEPTH OF 11 3/4" EXCAVATED AREAS UNDER A BUILDING, AND THE CLEARANCE BETWEEN UNTREATED STRUCTURAL WOOD ELEMENTS AND THE GROUND SHALL BE NO LESS THAN 17 3/4".
- BACKFILL WITHIN 24" OF THE FOUNDATION WALLS SHALL BE FREE OF DELETERIOUS DEBRIS AND BOULDERS OVER 9 7/8" IN DIAMETER.

**DAMP PROOFING, WATERPROOFING AND DRAINAGE**

- IN NORMAL SOIL CONDITIONS, THE EXTERIOR SURFACES OF FOUNDATION WALLS ENCLOSING BASEMENTS AND CRAWL SPACES SHALL BE DAMPPROOFED OR WATERPROOFED. WHERE HYDROSTATIC PRESSURE OCCURS, A WATERPROOF SYSTEM MUST BE SPECIFIED (RUB-R-WALL, VOLCLAY OR EQUAL).
- CONCRETE MASONRY UNITS USED IN FOUNDATION WALLS SHALL BE PARGED USING RESIN TYPE DURABOND PARGING.
- 4" FOUNDATION DRAINS SHALL BE LAID ON LEVEL, UNDISTURBED GROUND ADJACENT TO THE FOOTINGS AT OR BELOW THE TOP OF THE BASEMENT SLAB OR CRAWL SPACE FLOOR, AND SHALL BE COVERED WITH 6" OF CRUSHED STONE. FOUNDATION DRAINS SHALL DRAIN TO A STORM SEWER, DRAINAGE DITCH, DRY WELL OR SUMP PIT.
- DOWNSPOUTS NOT DIRECTLY CONNECTED TO A STORM SEWER SHALL HAVE EXTENSIONS TO CARRY WATER AWAY FROM THE BUILDING, AND PROVISIONS SHALL BE MADE TO PREVENT SOIL EROSION.
- CONCRETE SLABS IN ATTACHED GARAGES SHALL BE SLOPED TO DRAIN TO THE EXTERIOR.
- THE BUILDING SITE SHALL BE GRADED SO THAT SURFACE, SUMP AND ROOM DRAINAGE WILL NOT ACCUMULATE AT OR NEAR THE BUILDING AND WILL NOT ADVERSELY AFFECT ADJACENT PROPERTIES.

**FOUNDATION WALLS FOOTINGS SLABS ON GRADE**

- REFER TO STRUCTURAL NOTES FOR STRUCTURAL DESIGN CAPACITIES AND SPECIFICATIONS.
- ALL FOUNDATION WALLS AND STRUCTURAL PIERS TO EXTEND A MINIMUM OF 8" ABOVE FINISHED GRADE.
- A DRAINAGE LAYER IS REQUIRED ON THE OUTSIDE OF FOUNDATION WALLS WHERE THE INTERIOR INSULATION EXTENDS MORE THAN 2'-11" BELOW EXTERIOR GRADE. REFER TO WALL SCHEDULE FOR WALL ASSEMBLY AND SYSTEM.
- FOOTINGS SHALL BE FOUNDED ON NATURAL UNDISTURBED SOIL, ROCK OR COMPACTED GRANULAR FILL WITH MINIMUM BEARING CAPACITY AS SPECIFIED IN STRUCTURAL NOTES.
- MAX. VERTICAL RISE FOR STEP FOOTINGS:  
FOR FIRM SOILS: 23 5/8"  
FOR SAND OR GRAVEL: 15 3/4"
- MIN. HORIZONTAL RISE FOR STEP FOOTINGS:  
23 5/8"
- REFER TO STRUCTURAL NOTES FOR CONCRETE SLAB DESIGN AND SPECIFICATIONS. REFER TO FLOOR ASSEMBLY FOR REQUIRED UNDERLYING GRANULAR MATERIAL.
- ALL FILL OTHER THAN COARSE CLEAN MATERIAL PLACED BENEATH CONCRETE SLABS SHALL BE COMPACTED TO PROVIDE UNIFORM SUPPORT.

**EXTERIOR WALLS**

- REFER TO WALL ASSEMBLY SCHEDULE FOR WALL CONSTRUCTION.
- 5/8" FIRE-RATED DRYWALL SHALL BE INSTALLED ON THE INSIDE FACE OF ATTACHED GARAGE EXTERIOR WALLS AND GABLE ENDS OF ROOFS WHICH ARE LESS THAN 3'-11" FROM PROPERTY LINES.
- REFER TO DRAWINGS FOR LOCATION OF REQUIRED NONCOMBUSTIBLE CLADDING AND CONSTRUCTION SPECIFICATIONS.

**WOOD FRAME CONSTRUCTION**

- REFER TO STRUCTURAL NOTES FOR LUMBER AND STRUCTURAL DESIGN SPECIFICATIONS.
- REFER TO WALL ASSEMBLIES AND STRUCTURAL LAYOUT FOR FRAMING AND SHEATHING DESIGN.
- MAXIMUM MOISTURE CONTENT 19% AT TIME OF INSTALLATION.
- WOOD FRAMING MEMBERS WHICH ARE SUPPORTED ON CONCRETE IN DIRECT CONTACT WITH SOIL SHALL BE SEPARATED FROM THE CONCRETE WITH 6 MIL POLYETHYLENE.

**ROOFING**

- FASTENERS FOR ROOFING SHALL BE CORROSION RESISTANT. ROOFING NAILS SHALL PENETRATE THROUGH OR AT LEAST 1/2" INTO ROOF SHEATHING.
- REFER TO ROOF ASSEMBLY NOTES FOR EAVE PROTECTION SPECIFICATIONS. EAVE PROTECTION SHALL CONSIST OF ROOFING MATERIAL LAID WITH MINIMUM 4" HEAD AND END LAPS CEMENTED OR ADHERED TOGETHER.
- OPEN VALLEYS SHALL BE FLASHED WITH 2 LAYERS OF ROLL ROOFING, OR 1 LAYER OF SHEET METAL MIN. 23 5/8" WIDE.
- FLASHING SHALL BE PROVIDED AT THE INTERSECTION OF SHINGLE ROOFS WITH EXTERIOR WALLS AND CHIMNEYS.
- SHEET METAL FLASHING SHALL CONSIST OF NOT LESS THAN 1/16" LEAD, 0.013" GALVANIZED STEEL 0.018" COPPER, 0.018" ZINC OR 0.019" ALUMINUM.

**INSULATION & WEATHERPROOFING**

CEILING WITH ATTIC	R-60
ROOF WITHOUT ATTIC	R-31
EXTERIOR WALL	R-19+5
FOUNDATION WALL	R-20
EXPOSED FLOOR	R-31
SLABS ON GRADE (UNHEATED)	R-10
SLABS ON GRADE (HEATED)	R-10
SUPPLY DUCTS IN UNHEATED SPACE	R-12

- INSULATION SHALL BE PROTECTED WITH GYPSUM BOARD OR EQUIVALENT INTERIOR FINISH, EXCEPT FOR UNFINISHED BASEMENTS WHERE 6 MIL POLY IS SUFFICIENT FOR FIBERGLASS TYPE INSULATIONS.
- DUCTS PASSING THROUGH UNHEATED SPACE SHALL BE MADE AIRTIGHT WITH TAPE OR SEALANT.
- CAULKING SHALL BE PROVIDED FOR ALL EXTERIOR DOORS AND WINDOWS BETWEEN THE FRAME AND THE EXTERIOR CLADDING.
- WEATHER STRIPPING SHALL BE PROVIDED ON ALL DOORS AND ACCESS HATCHES TO THE EXTERIOR, EXCEPT OVERHEAD DOORS AND DOORS FROM A GARAGE TO THE EXTERIOR.
- EXTERIOR WALLS, CEILINGS AND FLOORS SHALL BE CONSTRUCTED SO AS TO PROVIDE A CONTINUOUS BARRIER TO THE PASSAGE OF WATER VAPOR FROM THE INTERIOR AND TO THE LEAKAGE OF AIR FROM THE EXTERIOR.

**NATURAL VENTILATION**

- EVERY ROOF SPACE ABOVE AN INSULATED CEILING SHALL BE VENTILATED WITH UNOBSTRUCTED OPENINGS EQUAL TO OR NOT LESS THAN 1/300TH OF INSULATED OR CEILING AREA.
- INSULATED ROOF SPACES NOT INCORPORATING AN ATTIC SHALL BE VENTILATED WITH UNOBSTRUCTED OPENINGS EQUAL TO OR NOT LESS THAN 1/150TH OF INSULATED AREA.
- ROOF VENTS SHALL BE UNIFORMLY DISTRIBUTED AND DESIGNED TO PREVENT THE ENTRY OF RAIN, SNOW OR INSECTS.
- UNHEATED CRAWL SPACES SHALL BE PROVIDED WITH 1.1 FT² OF VENTILATION FOR EACH 538 FT².
- MINIMUM NATURAL VENTILATION AREAS, WHERE MECHANICAL VENTILATION IS NOT PROVIDED, ARE:  
BATHROOMS: 0.97 FT²  
OTHER ROOMS: 3 FT²  
UNFINISHED BASEMENT: 0.2% OF FLOOR AREA

**GARAGE GASPROOFING**

- THE WALLS AND CEILING OF AN ATTACHED GARAGE SHALL BE CONSTRUCTED AND SEALED SO AS TO PROVIDE AN EFFECTIVE BARRIER TO EXHAUST FUMES.
- ALL PLUMBING AND OTHER PENETRATIONS THROUGH THE WALLS AND CEILING SHALL BE CAULKED.
- DOORS BETWEEN THE DWELLING AND ATTACHED GARAGE SHALL BE WEATHER STRIPPED AND HAVE A SELF CLOSER.

**HANDRAIL & GUARDS**

- A HANDRAIL IS REQUIRED FOR INTERIOR STAIRS CONTAINING MORE THAN 2 RISERS AND EXTERIOR STAIRS CONTAINING MORE THAN 3 RISERS.
- GUARDS ARE REQUIRED AROUND EVERY ACCESSIBLE SURFACE WHICH IS MORE THAN 600mm ABOVE THE ADJACENT LEVEL.
- INTERIOR AND EXTERIOR GUARDS MINIMUM 900mm HIGH. EXTERIOR GUARDS SHALL BE 1070mm HIGH WHERE ABOVE ADJACENT SURFACE EXCEEDS 1800mm.
- GUARDS SHALL HAVE NO OPENINGS GREATER THAN 100mm, AND NO MEMBER BETWEEN 140mm AND 900mm THAT WILL FACILITATE CLIMBING.

**ACCESS TO ATTICS AND CRAWL SPACES**

- ACCESS HATCH MINIMUM 20" X 28" BE TO PROVIDED TO EVERY CRAWL SPACE AND EVERY ROOF SPACE WHICH IS 108 FT2 OR MORE IN AREA AND MORE THAN 23 5/8" IN HEIGHT.

**COLUMNS, BEAMS & LINTELS**

- REFER TO STRUCTURAL NOTES FOR ALL COLUMN, BEAM AND LINTEL DESIGN AND SPECIFICATIONS.
- PROVIDE SOLID BLOCKING THE FULL WIDTH OF THE SUPPORTED MEMBER UNDER ALL CONCENTRATED LOADS.

**ALARMS AND DETECTORS**

- AT LEAST ONE SMOKE ALARM SHALL BE INSTALLED ON OR NEAR THE CEILING ON EACH FLOOR AND BASEMENT LEVEL.
- SMOKE ALARMS SHALL BE INTERCONNECTED AND LOCATED SUCH THAT ONE IS WITHIN 16'-5" OF EVERY BEDROOM DOOR AND NOT MORE THAN 48'-3" TRAVEL DISTANCE FROM ANY POINT ON A FLOOR.
- A CARBON MONOXIDE DETECTOR SHALL BE INSTALLED ON OR NEAR THE CEILING IN EVERY ROOM CONTAINING A SOLID FUEL BURNING FIREPLACE OR STOVE.

**STAIRS**

MAXIMUM RISE	200 mm	MINIMUM RISE	125 mm
MAXIMUM RUN	355 mm	MINIMUM RUN	210 mm
MAXIMUM TREAD	355 mm	MINIMUM TREAD	235 mm
MAXIMUM NOSING	25 mm		
MINIMUM WIDTH	860 mm		
MINIMUM HEADROOM	1950 mm		

- A LANDING MINIMUM 2'-11" IN LENGTH IS REQUIRED AT THE TOP OF ANY STAIR LEADING TO THE PRINCIPAL ENTRANCE TO A DWELLING, AND OTHER ENTRANCES WITH MORE THAN 3 RISERS.

**DOORS AND WINDOWS**

- EXTERIOR HOUSE DOORS AND WINDOWS WITHIN 6'-7" FROM GRADE SHALL BE CONSTRUCTED TO RESIST FORCED ENTRY. DOORS SHALL HAVE A DEADBOLT LOCK.
- THE PRINCIPAL ENTRY DOOR SHALL BE EQUIPPED WITH DOOR BELL. SHOP DRAWINGS TO BE PROVIDED.
- INTERIOR DOORS SHALL BE UNDERCUT AS REQUIRED FOR MECH.

**MASONRY VENEER**

- MINIMUM 2 3/4" THICK IF JOINTS ARE NOT RAKED AND 3 1/2" JOINTS ARE RAKED.
- MINIMUM 1" AIR SPACE TO SHEATHING.
- PROVIDE WEEP HOLES @24" O.C. AT THE BOTTOM OF THE CAVITY AND OVER DOORS AND WINDOWS.
- DIRECT DRAINAGE THROUGH WEEP HOLES WITH 20 MIL POLY FLASHING EXTENDING MINIMUM 6" UP BEHIND THE SHEATHING PAPER.
- VENEER TIES MINIMUM 0.030" THICK X 7/8" WIDE CORROSION RESISTANT STRAPS SPACED @23 5/8" VERTICALLY AND 15 3/4" HORIZONTALLY.
- FASTEN TIES WITH CORROSION-RESISTANT 0.125" Ø SCREWS OR SPIRAL NAILS WHICH PENETRATE AT LEAST 1 3/16" INTO STUDS.

NOTE: IF ANY OF THE SPECIFICATIONS ALONG WITH THIS PACKAGE DIFFERS FROM THE MOST CURRENT VERSION OF THE ONTARIO BUILDING CODE, THE NEWEST VERSION OF THE OBC SHALL BE USED.

**W01**  
 - 1/2" Gybsum Wall Board  
 - Vapor Barrier  
 - 2x6 Wall Filled w/Insulation R-19  
 - 3/4" Sheathing  
 - Water Control Layer  
 - Continues Rigid Insulation R-5  
 - 1" Air Space  
 - White Cedar Wood Siding

**W02**  
 - 1/2" Type X Gybsum Wall Board  
 - Vapor Barrier  
 - 2x6 Wall Filled w/Insulation R-19  
 - 3/4" Sheathing  
 - Water Control Layer  
 - Continues Rigid Insulation R-5  
 - 1" Air Space  
 - White Cedar Wood Siding on 2'-4" High White Brick

**W03 (1HR minute Fire Rated)**  
 - 5/8" Type X Gybsum Wall Board  
 - Vapor Barrier  
 - 2x6 Wall Filled w/Insulation R-19  
 - 3/4" Sheathing  
 - Water Control Layer  
 - Continues Rigid Insulation R-5  
 - 1" Air Space  
 - White Cedar Wood Siding

**W04 (1HR minute Fire Rated)**  
 - 5/8" Type X Gybsum Wall Board  
 - Vapor Barrier  
 - 2x6 Wall Filled w/Insulation R-19  
 - 3/4" Sheathing  
 - Water Control Layer  
 - Continues Rigid Insulation R-5  
 - 1" Air Space  
 - White Cedar Wood Siding on 2'-4" High White Brick

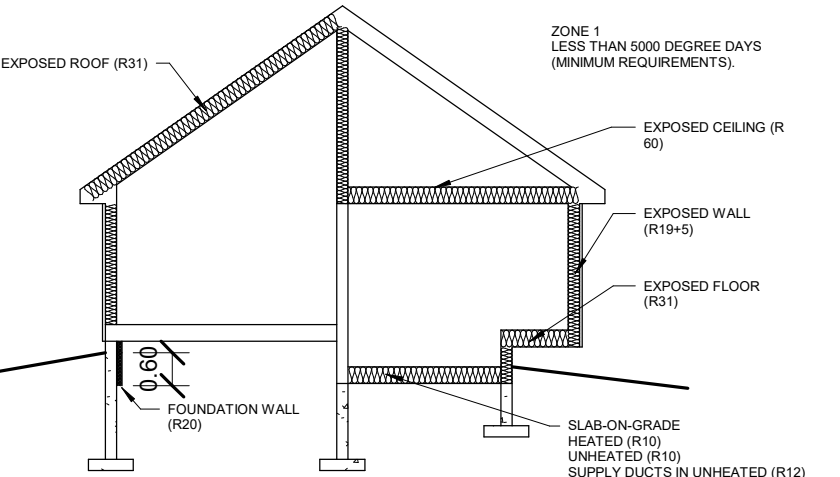
**W05 (1HR Fire Rated)**  
 - 5/8" Type X Gybsum Wall Board  
 - Vapor Barrier  
 - Existing Wall sisteder w/2x6 Wall Filled w/Insulation R-19  
 - 3/4" Sheathing  
 - Water Control Layer  
 - Continues Rigid Insulation R-5  
 - 1" Air Space  
 - White Cedar Wood Siding

**W06 (1HR Fire Rated)**  
 - 5/8" Type X Gybsum Wall Board  
 - Vapor Barrier  
 - Existing Wall sisteder w/2x6 Wall Filled w/Insulation R-19  
 - 3/4" Sheathing  
 - Water Control Layer  
 - Continues Rigid Insulation R-5  
 - 1" Air Space  
 - White Cedar Wood Siding on 2'-4" High White Brick

**W07**  
 - 1/2" Gybsum Wall Board  
 - Vapor Barrier  
 - 2x6 Wall Filled w/Insulation R-20  
 - New Foundation Wall

**W08**  
 - 1/2" Gybsum Wall Board  
 - Vapor Barrier  
 - 2x6 Wall Filled w/Insulation R-20  
 - New Foundation Wall  
 - Existing CMU Foundation Wall to Underpin

**Wall Types**  
 1/4" = 1'-0"



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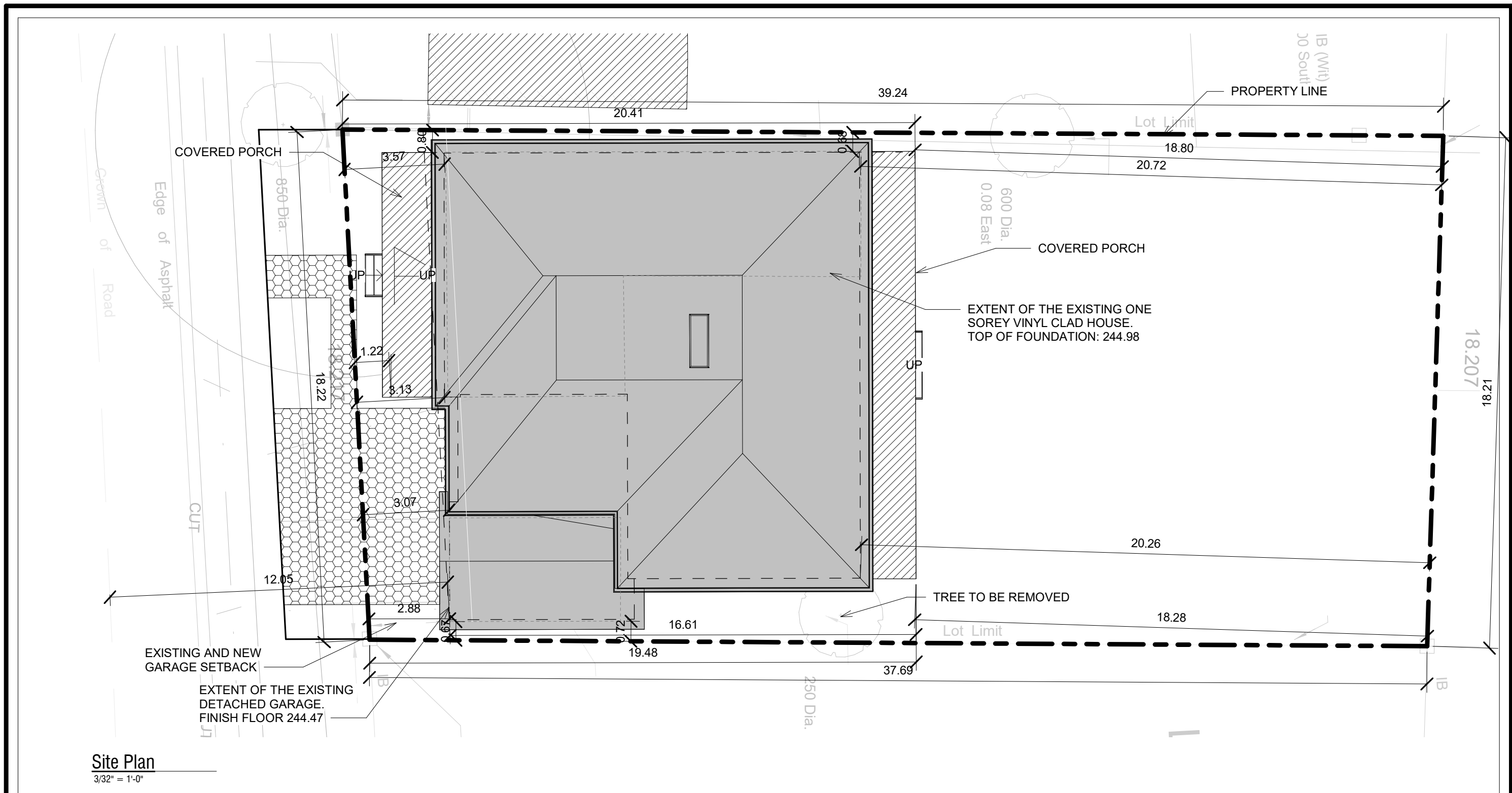
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**GENERAL NOTES - WALL TYPES**

**A0.2**

Scale (ANSI B) As indicated



Site Plan  
3/32" = 1'-0"

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## SITE PLAN

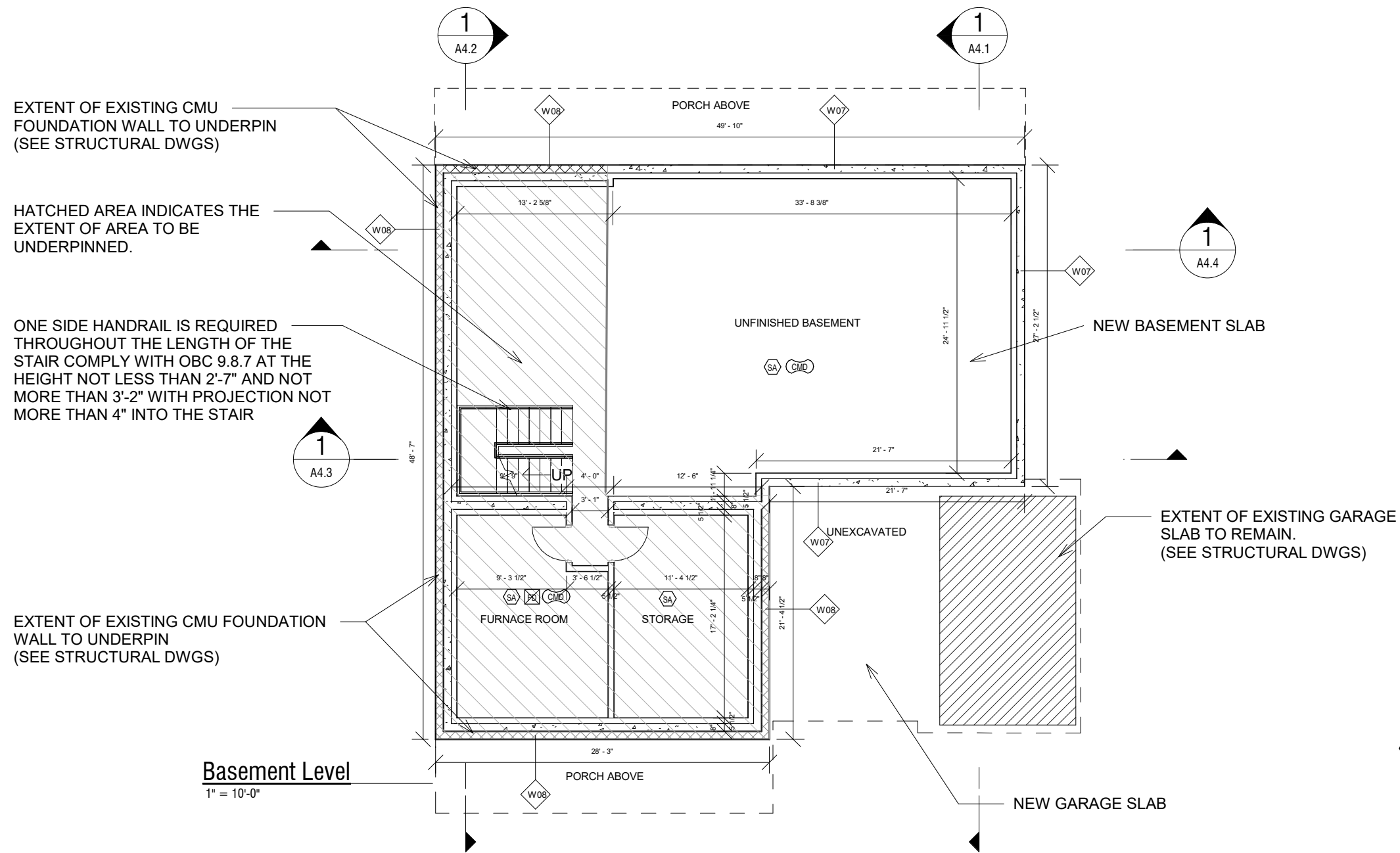
A1.0





Scale (ANSI B) 3/32" = 1'-0"

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NOTE: INTERIOR DIMENSIONS ARE FROM FACE OF WOODS AND EXTERIOR DIMENSIONS ARE FROM FACE OF EXTERIOR SHEATHING



-  SMOKE ALARM
-  FLOOR DRAIN
-  EXHAUST FAN
-  CARBON MONOXIDE DETECTOR

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## BASEMENT FLOOR PLAN

# A1.2

Scale (ANSI B) As indicated

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NOTE: INTERIOR DIMENSIONS ARE FROM FACE OF WOODS AND EXTERIOR DIMENSIONS ARE FROM FACE OF EXTERIOR SHEATHING

EXTENT OF EXISTING WALL TO REMAIN AND EXTEND TO UNDERSIDE OF THE SECOND FLOOR.  
(SEE STRUCTURAL DWGS)  
1HRmin FIRE RATED ASSEMBLY REQUIRED FOR THE ENTIRE WALL

ONE SIDE HANDRAIL IS REQUIRED THROUGHOUT THE LENGTH OF THE STAIR COMPLY WITH OBC 9.8.7 AT THE HEIGHT NOT LESS THAN 2'-7" AND NOT MORE THAN 3'-2" WITH PROJECTION NOT MORE THAN 4" INTO THE STAIR

INFILL EXISTING WINDOWS  
EXISTING WALL TO REMAIN

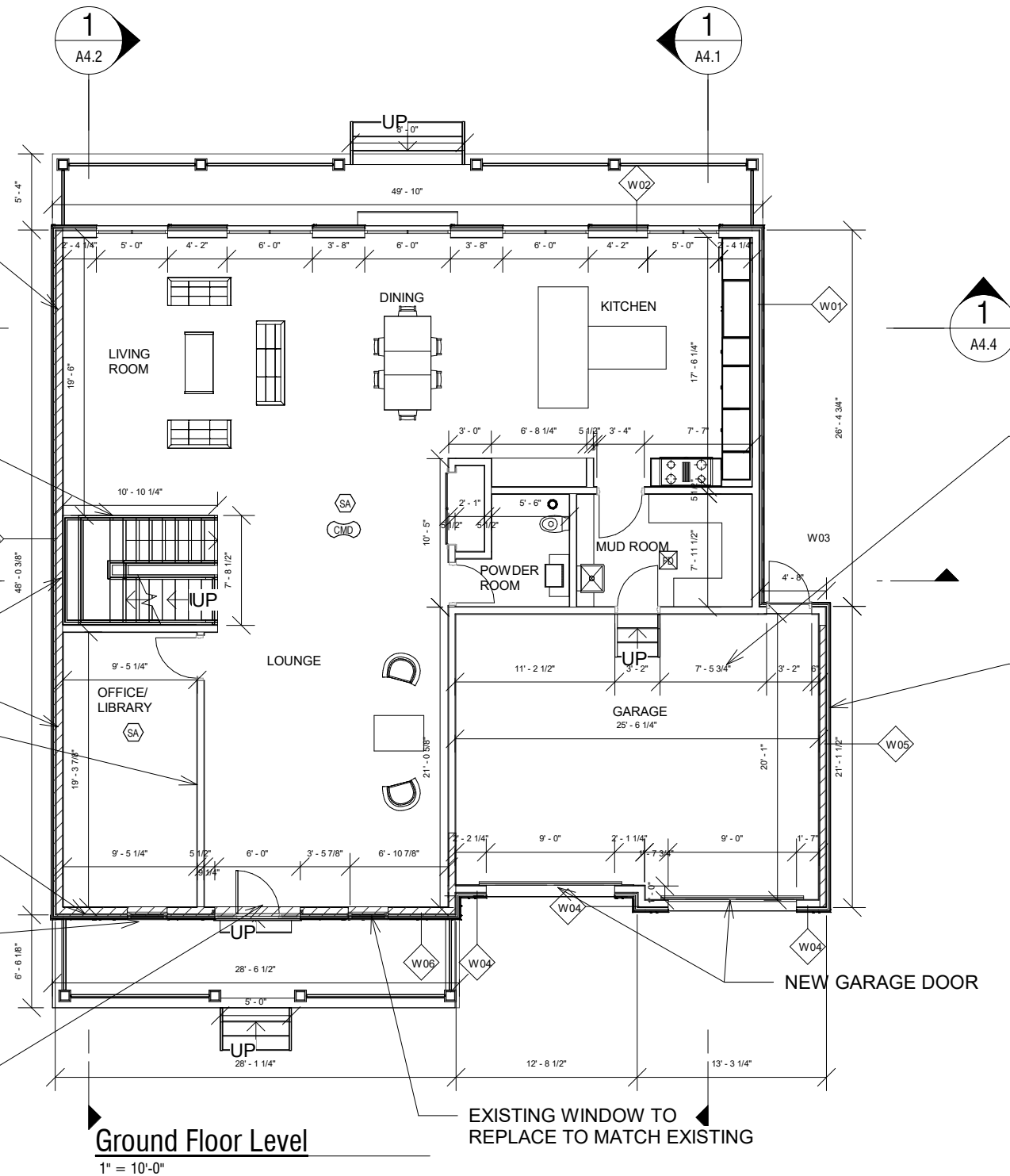
EXTENT OF EXISTING WALL TO REMAIN AND EXTEND TO UNDERSIDE OF THE SECOND FLOOR.  
(SEE STRUCTURAL DWGS)





EXISTING WINDOW TO REPLACE TO MATCH EXISTING

EXISTING WINDOW OPENING TO BE MODIFIED TO ACCOMMODATE NEW ENTRY DOOR.

NOT LESS THAN 5/8" TYPE X GYPSUM BOARD IN GARAGE. DOOR BETWEEN THE GARAGE AND DWELLING TO BE SMOKE SEALED W/SELF CLOSING DEVICE AND WEATHER STRIPPED. PENETRATION TO DWELLING TO BE CAULKED AND SMOKE SEALED.

EXTENT OF EXISTING WALL TO REMAIN AND REINFORCE TO ACCOMMODATE NEW ROOF STRUCTURE.  
(SEE STRUCTURAL DWGS)  
1HR FIRE RATED ASSEMBLY REQUIRED



-  SMOKE ALARM
-  FLOOR DRAIN
-  EXHAUST FAN
-  CARBON MONOXIDE DETECTOR

**Ground Floor Level**  
1" = 10'-0"

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## GROUND FLOOR LEVEL

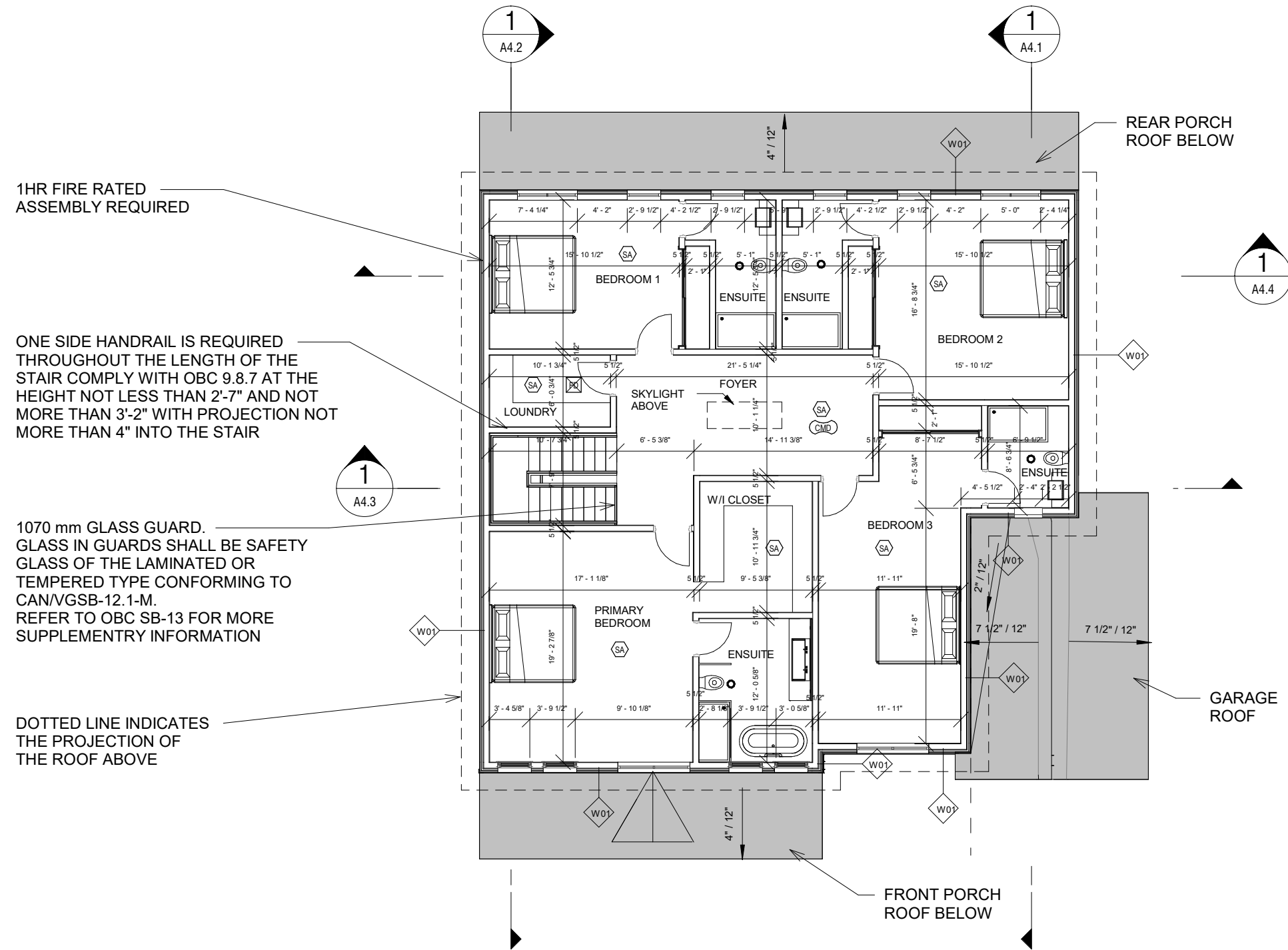
**A1.3**

Scale (ANSI B) As indicated

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NOTE: INTERIOR DIMENSIONS ARE FROM FACE OF WOODS AND EXTERIOR DIMENSIONS ARE FROM FACE OF EXTERIOR SHEATHING







1HR FIRE RATED ASSEMBLY REQUIRED

ONE SIDE HANDRAIL IS REQUIRED THROUGHOUT THE LENGTH OF THE STAIR COMPLY WITH OBC 9.8.7 AT THE HEIGHT NOT LESS THAN 2'-7" AND NOT MORE THAN 3'-2" WITH PROJECTION NOT MORE THAN 4" INTO THE STAIR

1070 mm GLASS GUARD. GLASS IN GUARDS SHALL BE SAFETY GLASS OF THE LAMINATED OR TEMPERED TYPE CONFORMING TO CAN/VGSB-12.1-M. REFER TO OBC SB-13 FOR MORE SUPPLEMENTARY INFORMATION

DOTTED LINE INDICATES THE PROJECTION OF THE ROOF ABOVE

-  SMOKE ALARM
-  FLOOR DRAIN
-  EXHAUST FAN
-  CARBON MONOXIDE DETECTOR

**Second Floor Level**  
1" = 10'-0"

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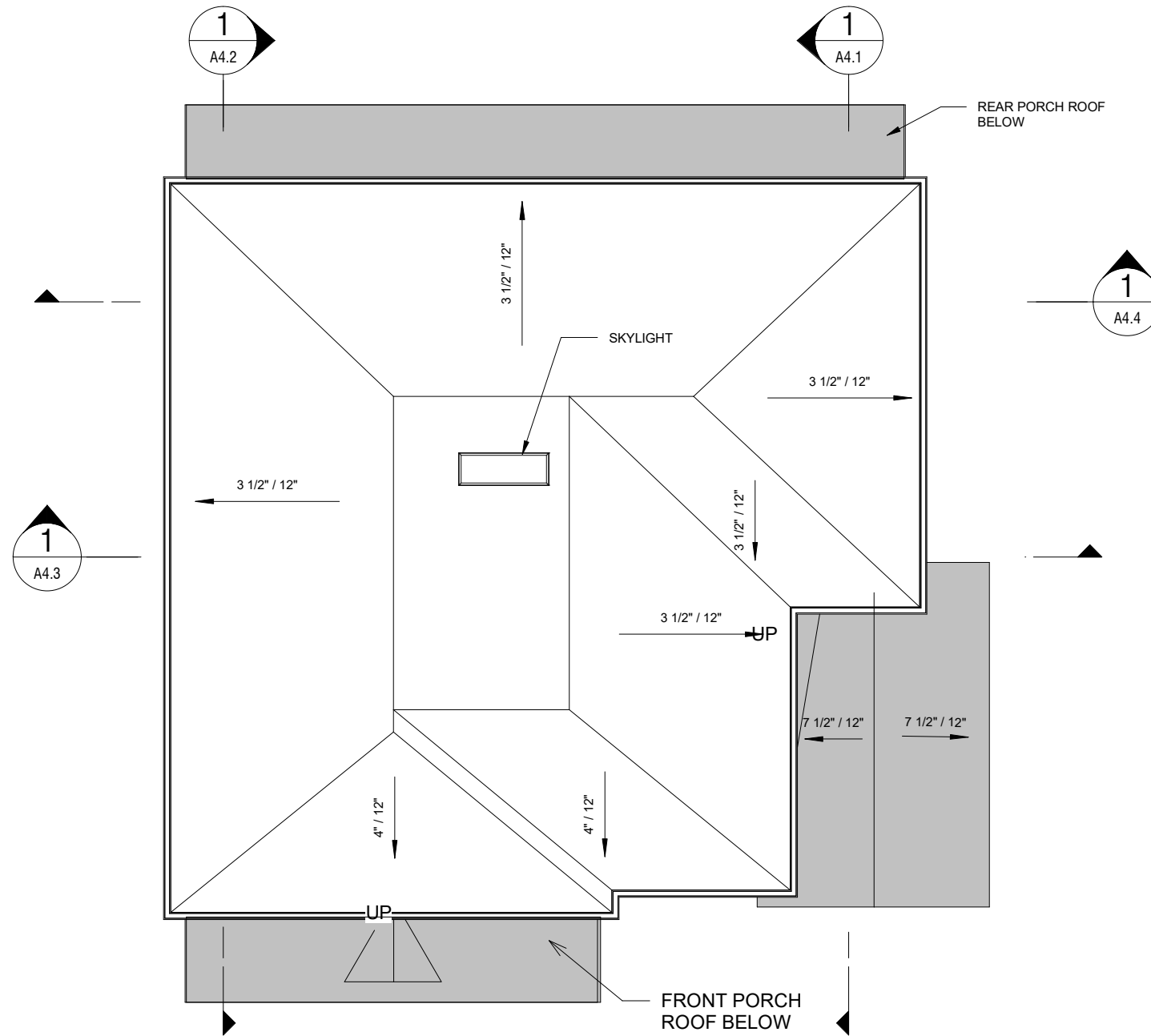
## SECOND FLOOR LEVEL

### A1.4

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NOTES: REFER ALSO TO TACBOC DETAIL W06A FOR SLOPED ROOF CONSTRUCTION.

- SKYLIGHT THERMAL RESISTANCE TO COMPLY WITH OBC SB-12, U VALUE NOT GREATER THAN 3.0 BETWEEN -15 AND 30 DEGREE CELCIOUS AND 2.7 AT TEMPATURE LOWER THAN -30 DEGREE CELECIIOUS. ALL ASPECTS TO COMPLY WITH OBC 9.7.1 THROUGH 9.7.6

- COLD PROCESS ROOF MEMBRANE TYPES ARE DEFINED AS ACCEPTABLE BY OBC TABLE 9.26.3.1 FOR ROOF SLOPES AS SHALLOW AS 1:25

- PROVIDE GUTTERS AND RAIN WATER LEADERS TO ENSURE WATER IS CONVEYED TO GRADE LEVEL.

- EVERY ROOF SPACE ABOVE AN INSULATED CEILING SHALL BE VENTILATED WITH UNOBSTRUCTED OPENINGS EQUAL TO OR NOT LESS THAN 1/300TH OF INSULATED OR CEILING AREA.

- ROOF VENTS SHALL BE UNIFORMLY DISTRIBUTED AND DESIGNED TO PREVENT THE ENTRY OF RAIN, SNOW OR INSECTS.

**Roof Level**  
1" = 10'-0"

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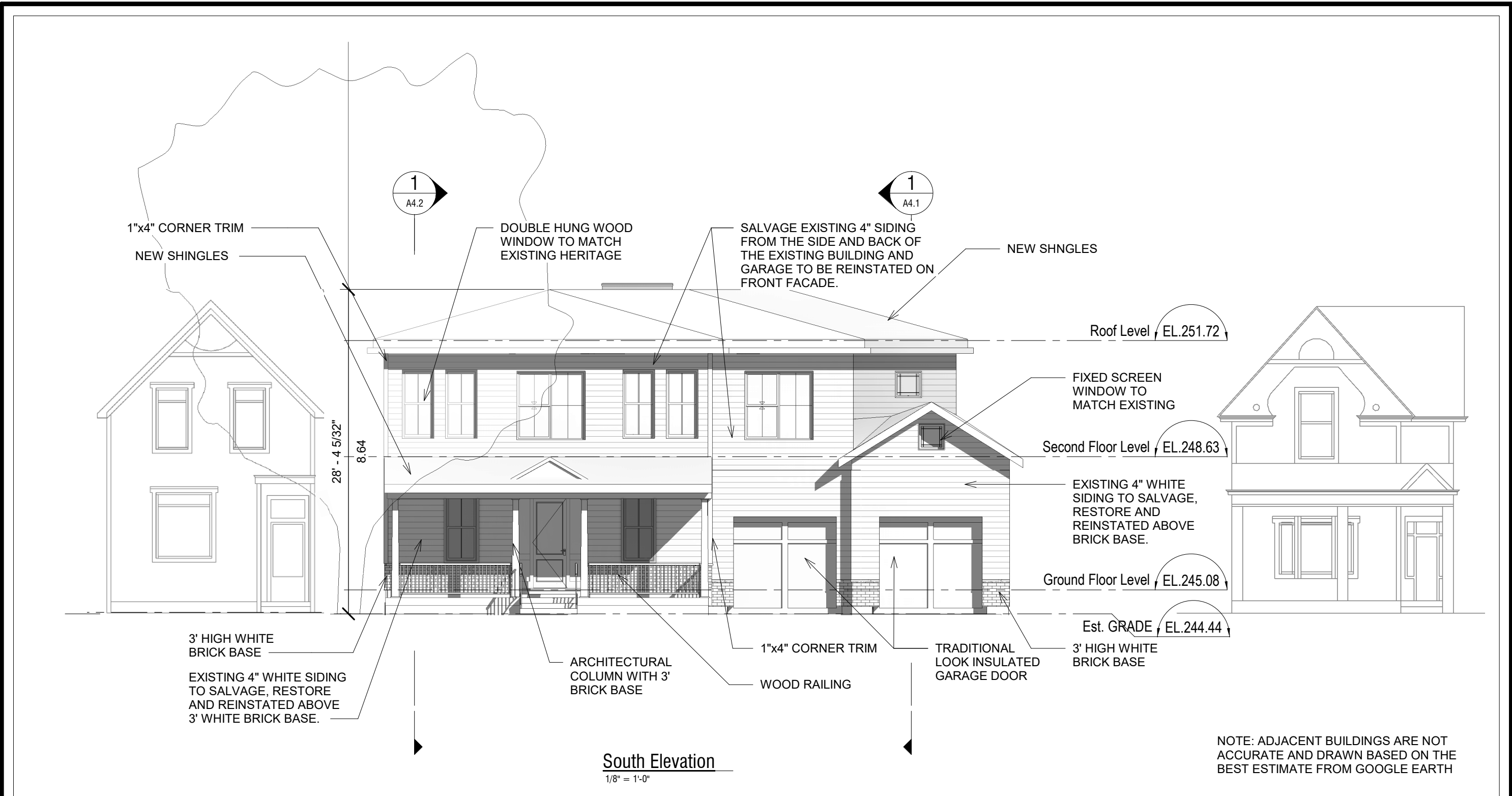
## ROOF FLOOR LEVEL

**A1.5**

Scale (ANSI B) 1" = 10'-0"

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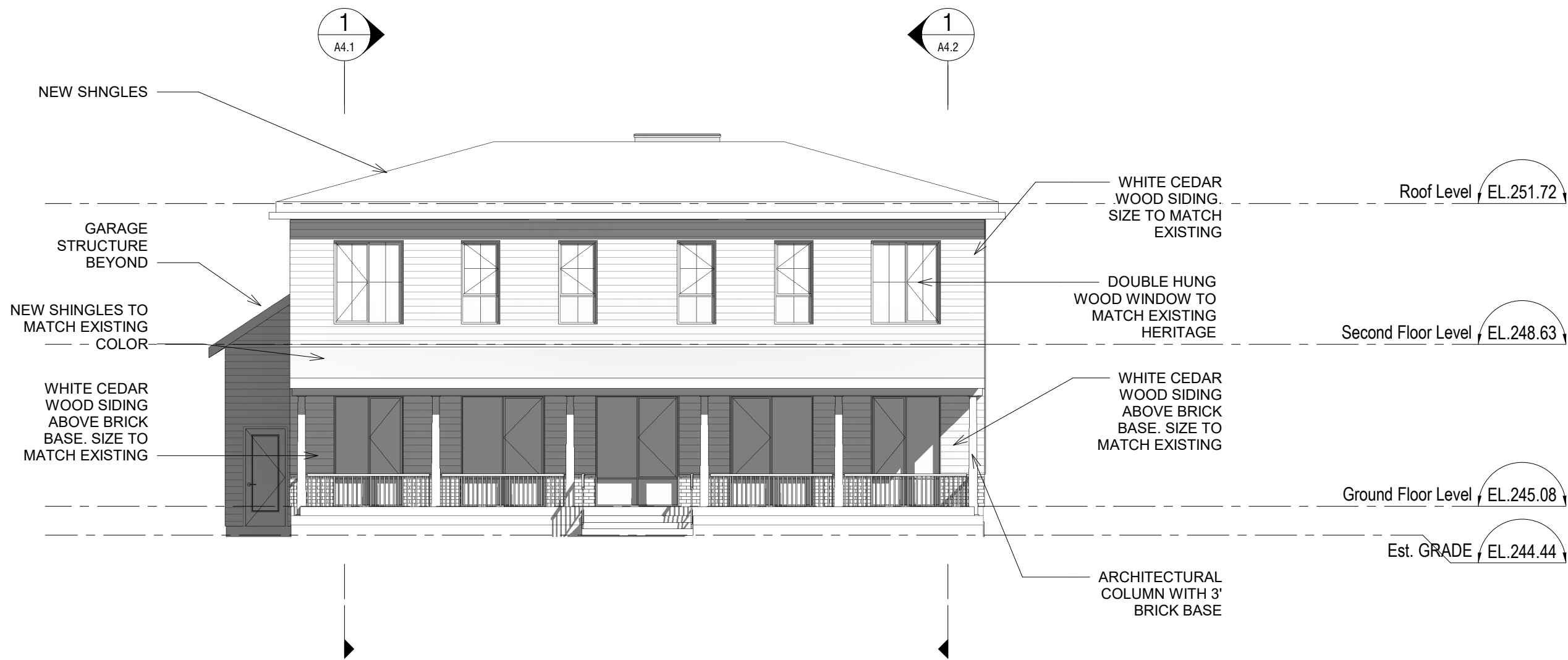
## SOUTH ELEVATIONS

**A2.1**

Scale (ANSI B) 1/8" = 1'-0"

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**North Elevation**

1/8" = 1'-0"

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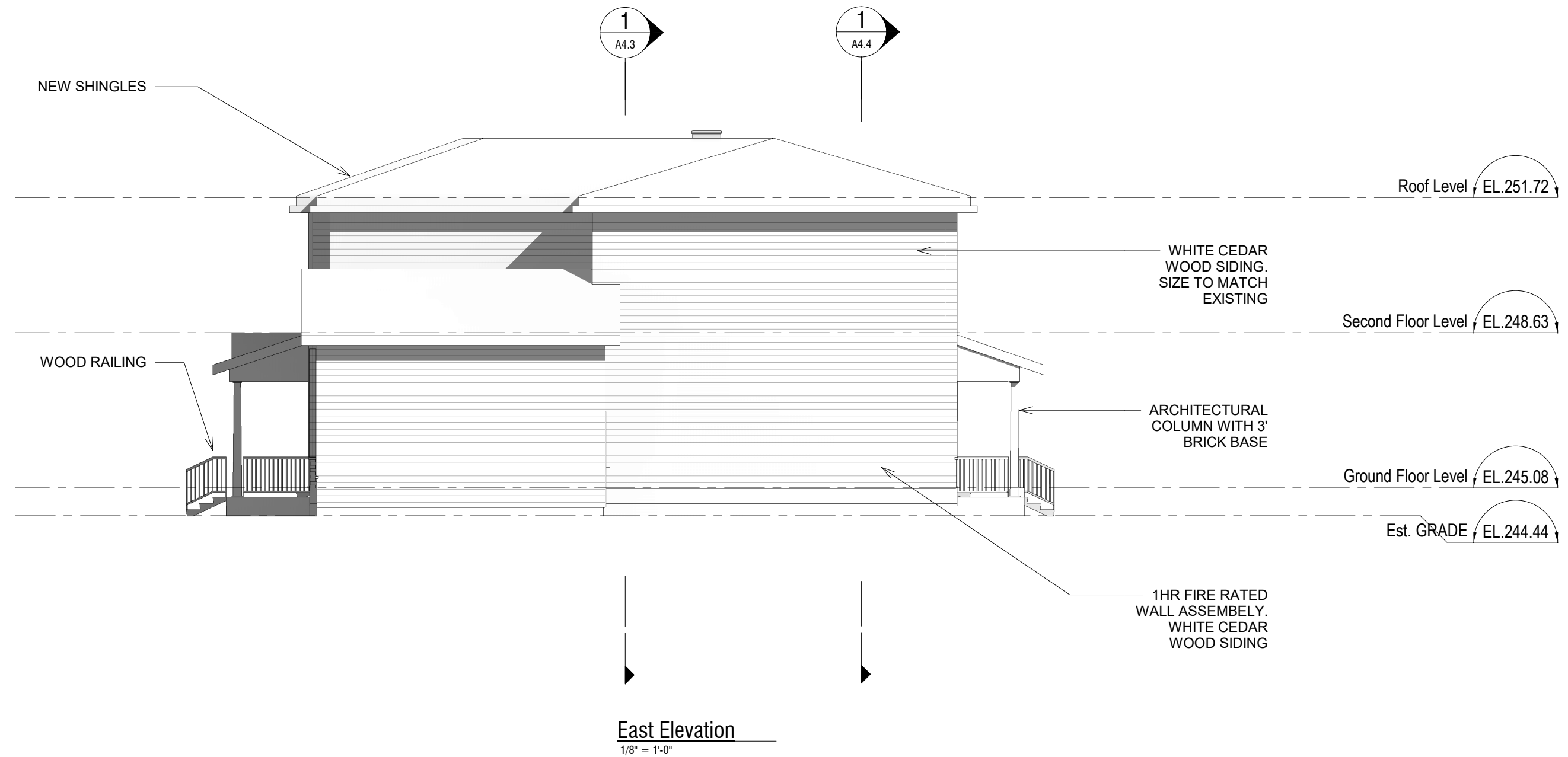
**NORTH ELEVATIONS**

**A2.2**

Scale (ANSI B) 1/8" = 1'-0"

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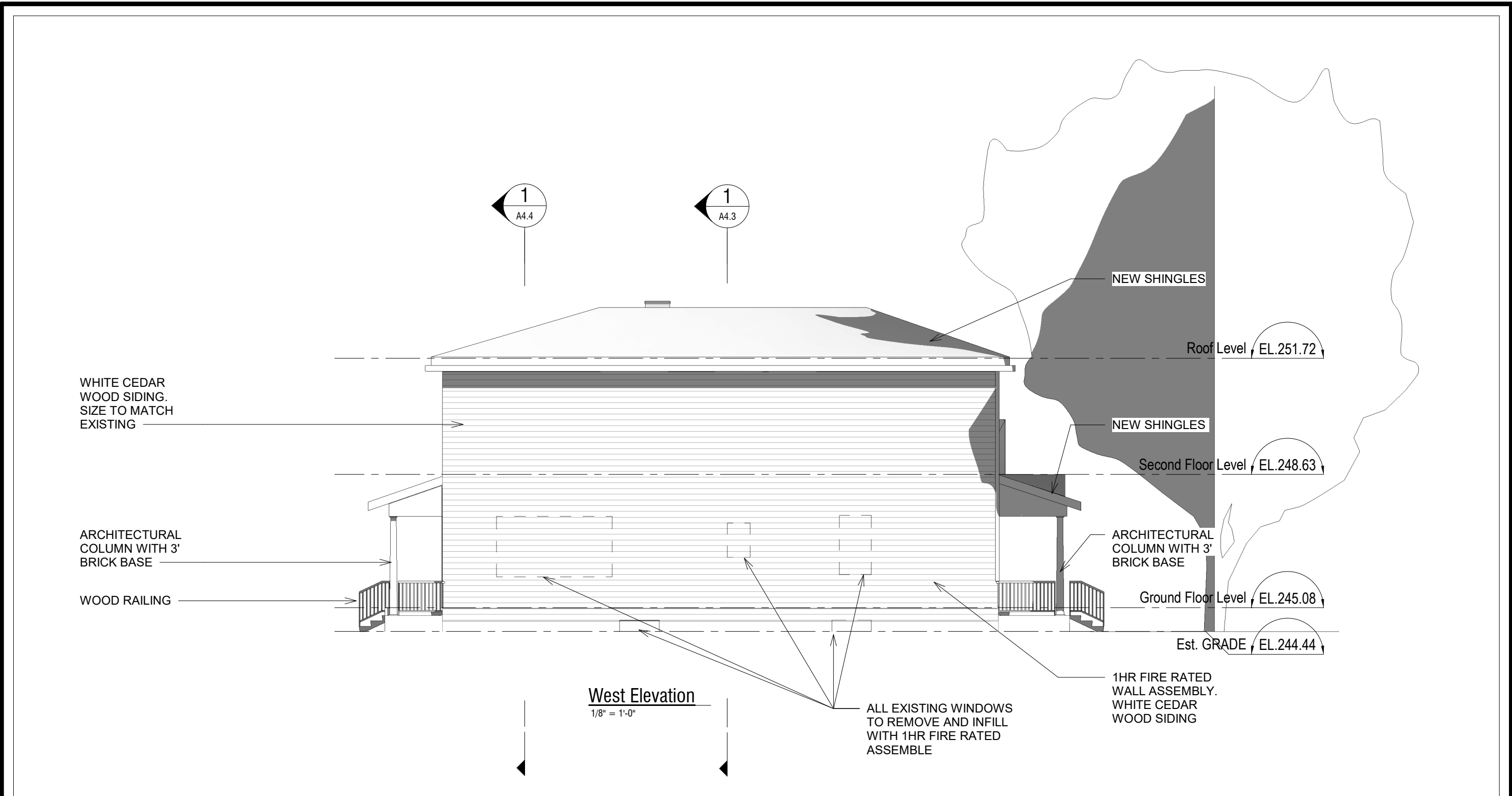
## EAST ELEVATION

**A2.3**

Scale (ANSI B) 1/8" = 1'-0"

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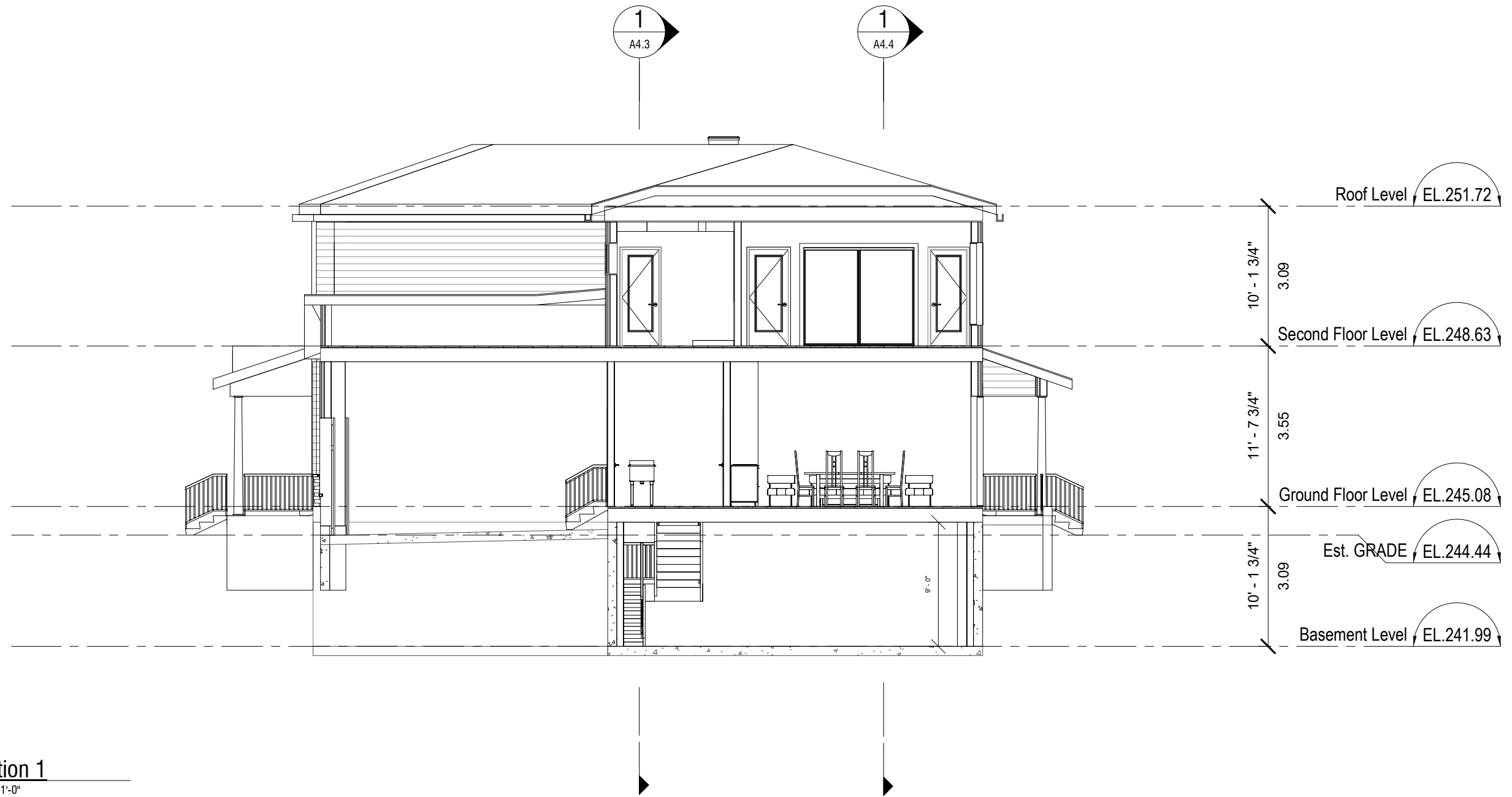
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**WEST ELEVATION**

**A2.4**

Scale (ANSI B) 1/8" = 1'-0"



**Section 1**  
1/8" = 1'-0"

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## SECTIONS

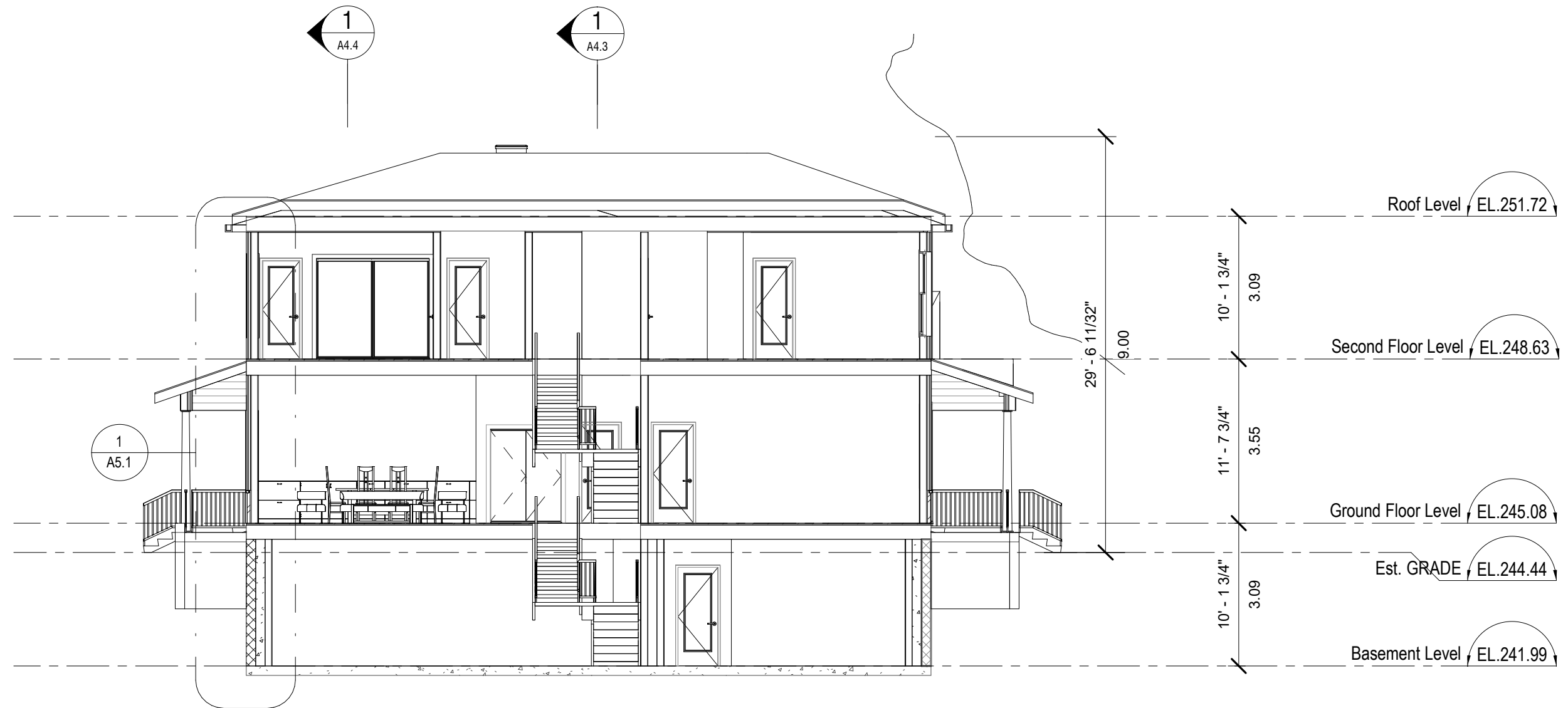
**A4.1**

Scale (ANSI B) 1/8" = 1'-0"

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**Section 2**  
1/8" = 1'-0"

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## SECTIONS

### A4.2

Scale (ANSI B) 1/8" = 1'-0"

Project number	107
Date	2022-03-11
Drawn by	-
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**Section 3**  
1/8" = 1'-0"

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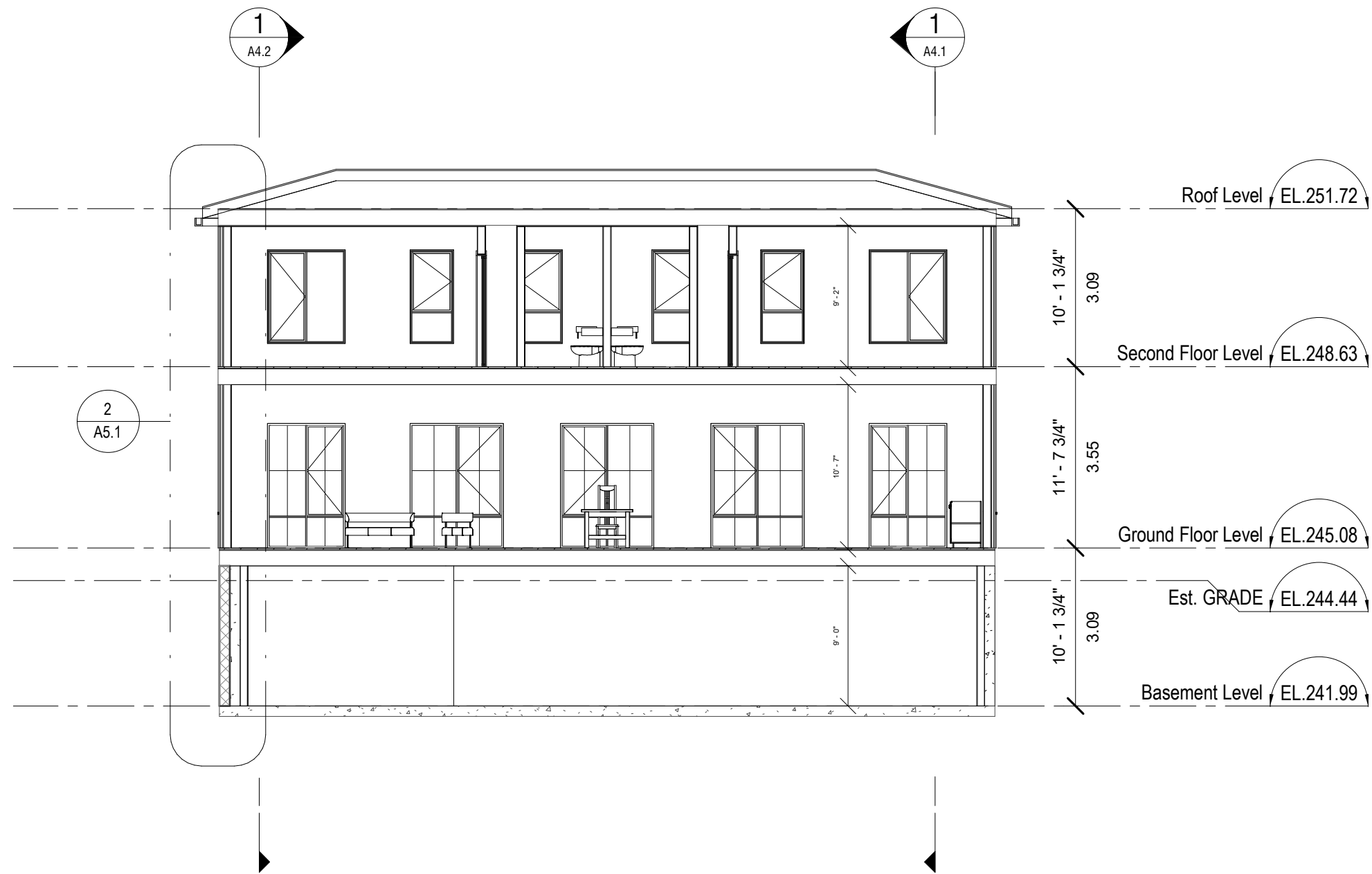
## SECTIONS

**A4.3**

Scale (ANSI B) 1/8" = 1'-0"

Project number	107
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**Section 4**  
1/8" = 1'-0"

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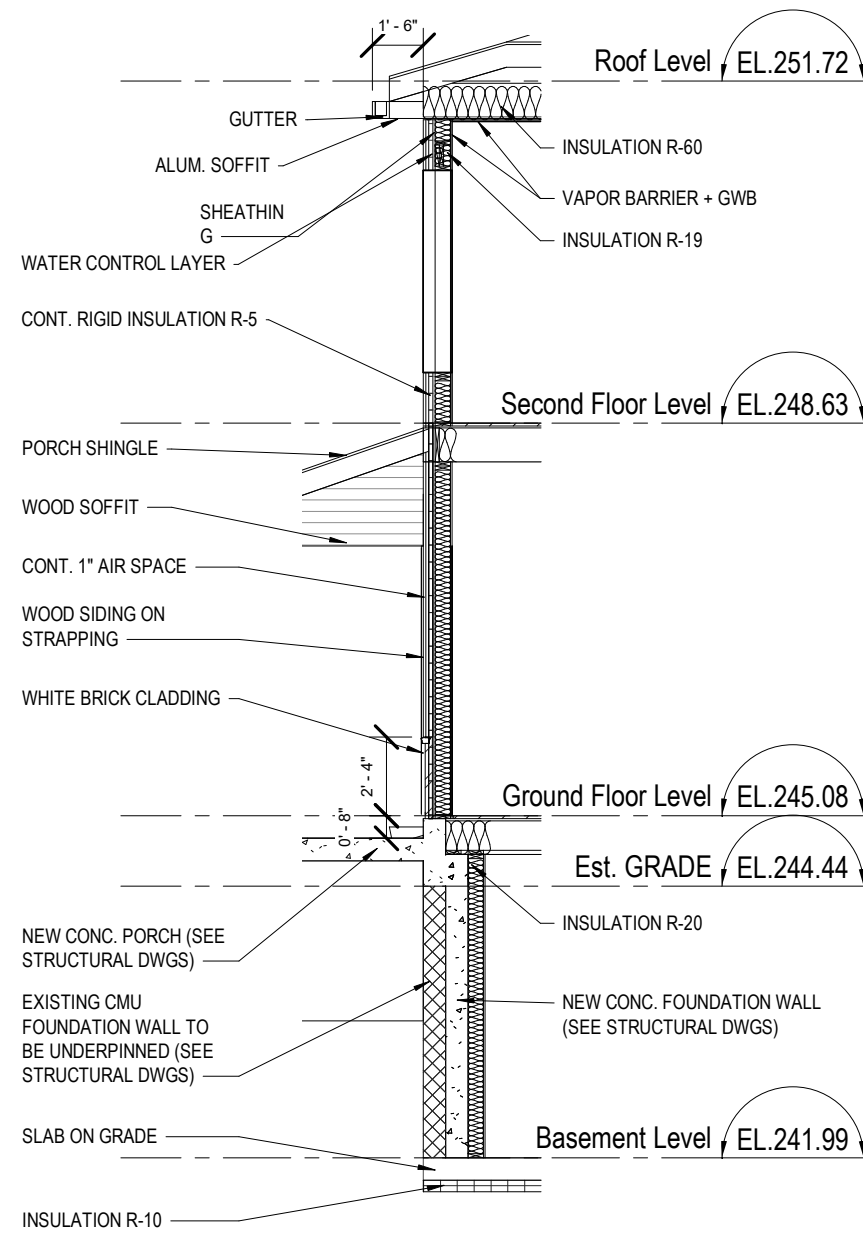
## SECTIONS

**A4.4**

Scale (ANSI B) 1/8" = 1'-0"

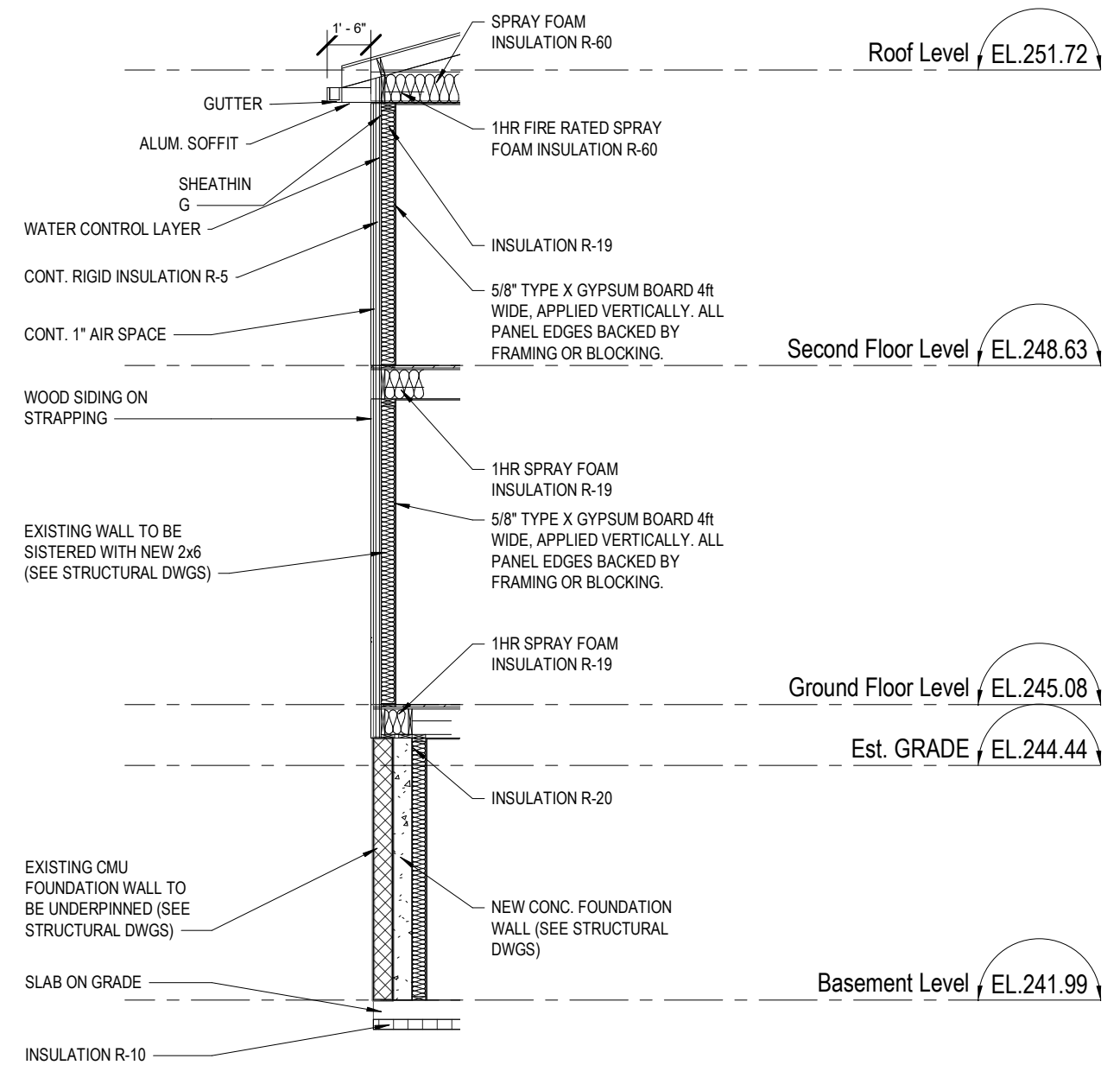
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**Wall Section 1**

3/16" = 1'-0"



**Wall Section 2**

3/16" = 1'-0"

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18 BYRON AVE. EAST - LONDON, ONTARIO

## WALL SECTIONS

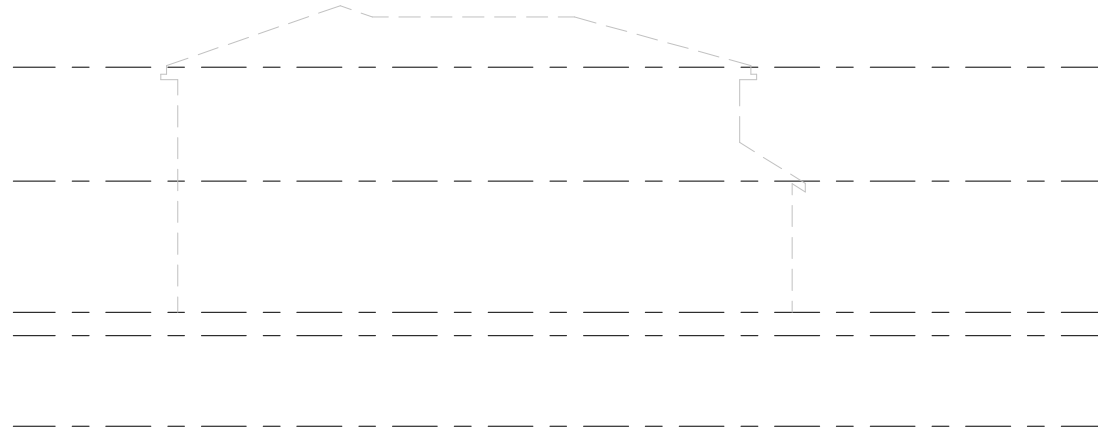
**A5.1**

Scale (ANSI B) 3/16" = 1'-0"

Project number	107
Date	2022-03-11
Drawn by	-
Checked by	-

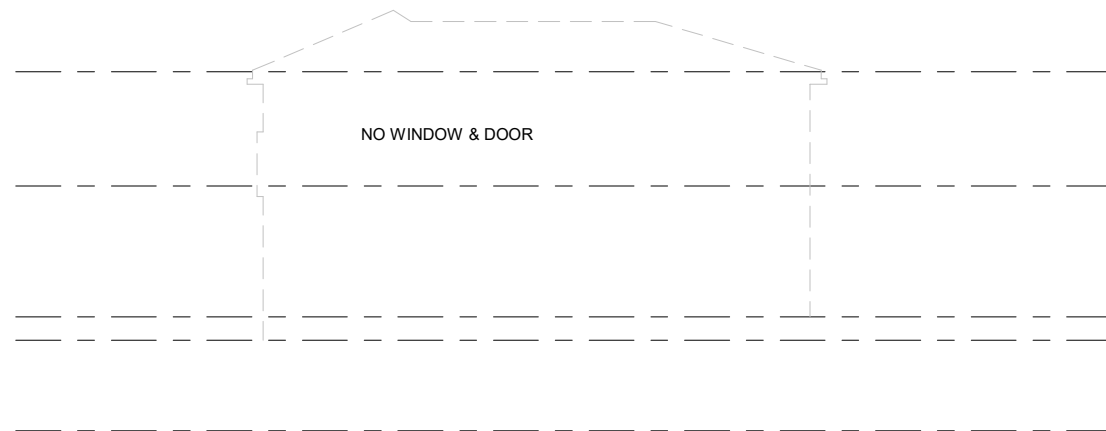
ISSUED FOR:  
BUILDING PERMIT

TOTAL AREA OF EXPOSING BUILDING FACE: 116 SqM  
 LIMITING DISTANCE: 12.05 M (to c/l of street)  
 AREA OF UNPROTECTED OPENING: 37.50 Sqm  
 AGGREGATE AREA OF UNPROTECTED OPENING: 32.32%



**South Elevation Windows**

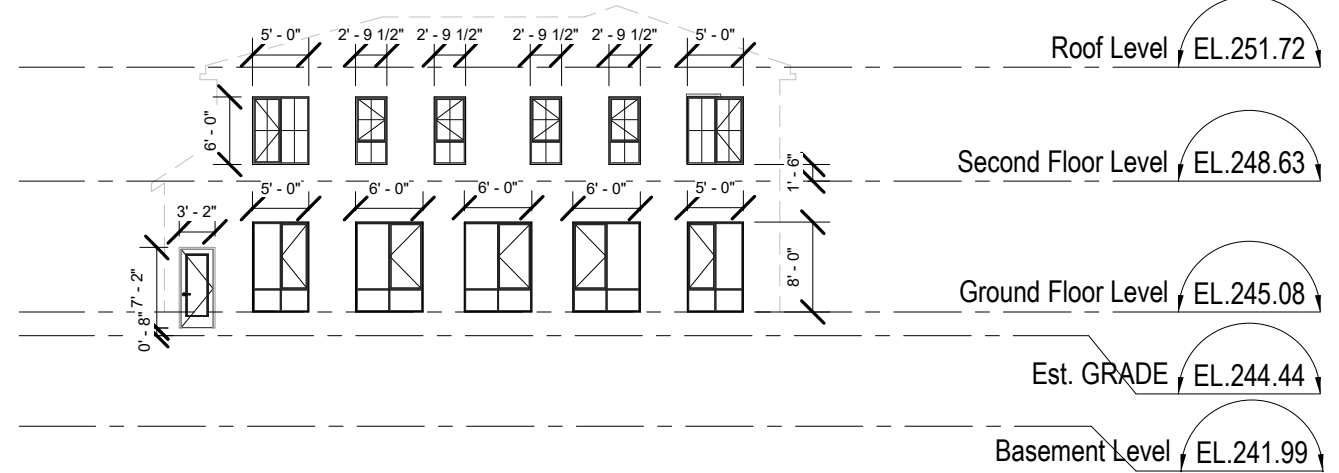
1/16" = 1'-0"



**East Elevation Windows**

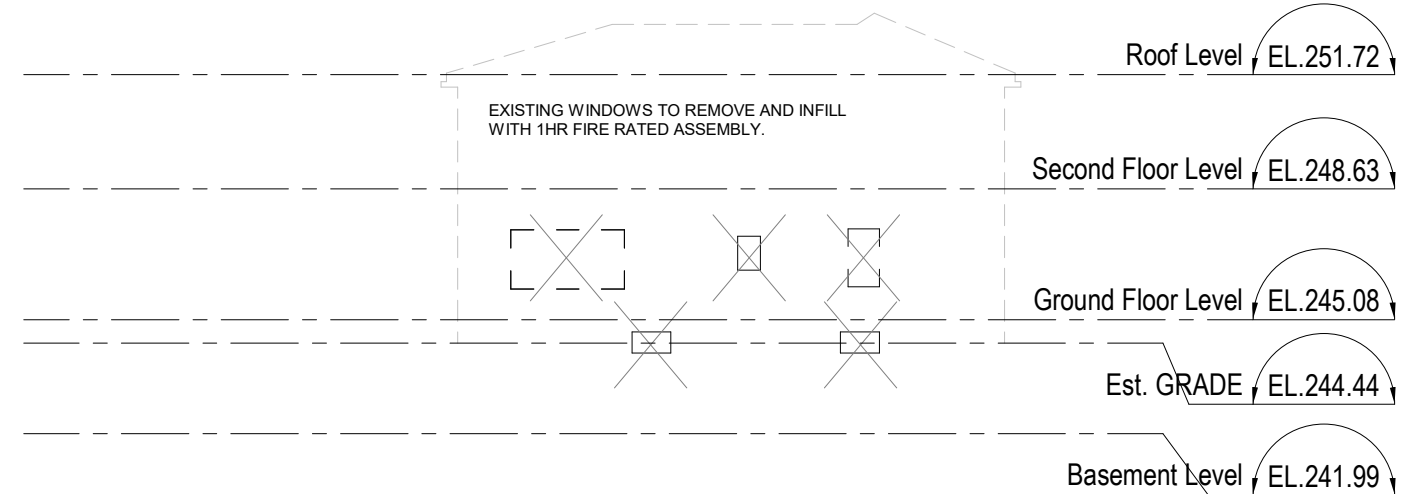
1/16" = 1'-0"

TOTAL AREA OF EXPOSING BUILDING FACE: 101 SqM  
 LIMITING DISTANCE: 20.26 M  
 AREA OF UNPROTECTED OPENING: 33.90 SqM  
 AGGREGATE AREA OF UNPROTECTED OPENING: 33.56%



**North Elevation Windows**

1/16" = 1'-0"



**West Elevation Windows**

1/16" = 1'-0"

Project number 107  
 Date 2022-03-11  
 Drawn by -  
 Checked by -

ISSUED FOR:  
 BUILDING PERMIT

**18 BYRON AVE. EAST - LONDON, ONTARIO**

18 BYRON AVE. EAST - LONDON, ONTARIO

**WINDOW SCHEDULE**

**A6.4**

Scale (ANSI B) 1/16" = 1'-0"

## **Appendix F – Heritage Impact Assessment**

Heritage Impact Assessment (a+LiNK Architecture Inc., dated January 5, 2022) –  
*attached separately*

# HERITAGE IMPACT ASSESSMENT

18 Byron Avenue East  
London, Ontario

Date:  
**Jan 5th, 2022**

Prepared for:  
**Mr. Scott Thomson**  
18 Byron Avenue East  
London, ON N6C 1C5

Prepared by:  
**a+LiNK Architecture Inc.**  
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a+LiNK Project: 2138

**a+LiNK**  
architecture inc.  
preserve + create + sustain

05 JAN 2022

Project No. 2138

**Mr. Scott Thomson**

18 Byron Avenue East  
London, ON N6C 1C5

Re: Heritage Impact Assessment  
18 Byron Avenue East  
London, Ontario N6C 1C5

Dear Mr.

Attached is the Heritage Impact Assessment for the property located at 18 Byron Avenue East in regards to the residential addition and renovation proposal incorporating the existing house and garage, located within the Wortley Village-Old South Heritage Conservation District in London, Ontario.

We look forward to the opportunity to present this report to the City as you may require. Please do not hesitate to contact us with any questions or comments regarding this report.

Sincerely,



Ed van der Maarel  
Partner, Principal Architect + Heritage Consultant  
dipl. Arch., OAA, dipl. Arch.Tech., CAHP, OAHP



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### APPENDIX A - *Existing Site Survey Drawing*

Archibald, Gray and McKay LTD. Plan, Survey, Engineer.  
October 15, 2020

### APPENDIX B - *Proposed Drawings*

Third Layer Architects  
October 13, 2021

### APPENDIX C - A-106-21: Report to London Committee of Adjustment.

City of London  
September 2, 2021

### APPENDIX D - Stage 1 and Stage 2 Archaeological Assessment of

18 Byron Avenue East, London, ON....

Thomas G. Arnold & Associates  
December 5, 2021

# 1. SUMMARY AND RECOMMENDATIONS

The client, Mr. Scott Thomson, owner of 18 Byron Avenue East in London, Ontario, has proposed an addition and renovation to the existing residence and garage, located in the Wortley Village-Old South Heritage Conservation District. The proposed alteration/addition retains and incorporates the existing one-storey residence and detached single-car garage into a larger addition. The addition connects the two existing structures and includes additional space by way of a new second storey and addition to the rear of the residence. The proposal retains the original structures, including the porch, in-situ and location of original doors and openings. The location of the site within the historic core of the Wortley Village-Old South Heritage Conservation District requires that a Heritage Impact Assessment of any potential impacts and mitigation strategies for those impacts be completed, as it relates to the property, surrounding heritage fabric and character of the area as a whole.

Significantly, the Stage 1 and Stage 2 Archaeological Assessment of 18 Byron Avenue East by Thomas G. Arnold & Associates did not recover any artifacts from the test pits completed during Stage 2. Therefore, the property no longer holds any archaeological potential or cultural heritage value.

The proposed addition and alteration to 18 Byron Avenue East, designated under Part V of the OHA, By-Law L.S.P.-3439-321, June 1, 2015., has been assessed through this HIA for potential impacts utilizing the Wortley Village-Old South Heritage Conservation District Plan Policies and Guidelines, and the mitigating approaches analyzed as per the Provincial Policy Statement (PPS) 2020. As with most additions and alterations to properties within a designated heritage district, location, height, density, and massing of proposed development provide the highest levels of impact on cultural heritage assets.

The proposed development will provide a low density, low scale addition and renovation to support the long term program of the property, improve its viability as a single family home, while also considering its impact on the streetscape of Byron Avenue East. Further, the proposal pays homage to the nearby and adjacent conditions of similar properties, with contemporary variations on the historical architectural detailing and massing through a sensitive addition linking the heritage residence and garage through an addition that continues on the second storey and at the rear. The proposed addition and renovation of the existing one storey home and garage into a larger, two storey residence, and the integration of the cultural heritage assets of the property within the proposed project provides the platform for the vibrancy and character desired within the Wortley Village-Old South Heritage Conservation District. The approach aims to reinforce the architectural merit of the C-Rated property, which although not individually designated, has a place in contributing to the historical, architectural and contextual value within the setting of the of the Wortley Village-Old South Heritage Conservation District.

The primary mitigating factors for the residential addition and renovation include; retaining the existing property as a key element contributing to the heritage of the streetscape along Byron Avenue East. Further, retaining its massing, form and architectural merit through retention of the original facade within the addition, maintaining the covered porch with triangular pediment at the entrance, and keeping the original location of openings. Further the addition is located between the existing residence and the existing garage, as well as above and beyond it to the north. The proposed height, massing and form are similar to that of the adjacent and nearby buildings, and in particular the use of a second storey datum that aligns with the property at 16 Byron Ave E. further helps to create references between existing heritage fabric and new design. The proposed design integrates the existing residence with a contemporary addition that is both subordinate to and steps back from the original buildings, utilizing modern cladding that is sympathetic to the heritage fabric of the original house and other properties nearby. The white cedar wood siding will improve the overall look of the renovated residence, removing the current vinyl cladding that is not in keeping with the goals of the HCD.

# 1. SUMMARY AND RECOMMENDATIONS

Importantly, the addition does not negatively affect the views, vistas or other heritage elements of nearby and adjacent properties outlined in Section 5.0 Heritage Context, specifically adjacent properties at 16 and 22 Byron Avenue East, or of the Victoria Public School yard, located opposite to the proposed site. While the proposed development achieves the majority of mitigation approaches identified in Section 7.0 of this document and of the PPS 2020, there are a few minor recommendations that would further assist in the mitigation process. New pedestrian and vehicular access as well as improved landscaping will contribute further to incorporating the proposed project into the cultural heritage context of the HCD. However, as per the HCD policies and guidelines, it is recommended that the proposed double lane driveway be instead considered as two single lane driveways with turf between the two to reduce the impact of the hard surface on the landscaping. It is also recommended that further clarification on the types of windows and the colours of trim and details be provided as required to further align the project with the character of the area.

In conclusion, the proposed addition and renovation meets the guidelines and mitigating measures for heritage properties outlined in the PPS 2020, the Ontario Heritage Act, the London Plan and, most importantly, the Wortley Village-Old South Heritage Conservation District Plan. While we recommend further refinements in the design details for consideration as the project proceeds, we believe the approach is a successful example of respecting and integrating an enlarged residence footprint within the surrounding heritage character of the district; the addition and renovation allows for a harmonious connection of the new and old, highlighting the role that heritage fabric and contemporary design can play within the HCD. Many low density, low scale residential addition and renovation projects have already been successfully integrated within the district to provide increased space for growing families. This project will join those in helping to provide longevity for an underutilized property that has great potential. The proposed addition and alterations to the C-Rated, Part V (OHA) designated property at 18 Byron Avenue East align with the key goals and principles of Wortley Village-Old South Heritage Conservation District and will contribute to the vibrancy and character of the historically significant area for years to come.

## 2. INTRODUCTION

a+LiNK architecture inc. was retained by the client, Mr. Scott Thomson, to provide a Heritage Impact Assessment (HIA) for the property located at 18 Byron Ave, London, Ontario, in regards to the proposed residential addition incorporating the original heritage house. This report has been prepared by Ed van der Maarel, Partner, Principal Architect and Heritage Consultant (OAA, CAHP). The proposal is being submitted as part of a Minor Variance for the property located at 18 Byron Ave, and the HIA is included as part of this process for the Committee of Adjustments.

The purpose of the Heritage Impact Assessment is to analyze the impact of the proposed addition and alteration on the heritage value of the property and the surrounding area. The building is designated under Part V of the Ontario Heritage Act (OHA), located within the Wortley Village-Old South Heritage Conservation District (HCD). The property itself is rated as a level C in terms of its significance on the Register of Cultural Heritage Resources for the City of London. Properties found within the HCD and listed on the Register are ranked as either A, B, C or D Rating in terms of significance, with A being most significant, and D being of lowest contributing value. There are also nearby and adjacent properties that are listed under Part V of the HCD under the OHA. These are also listed on the Register of Cultural Heritage Resources for the City of London and their value is similarly denoted utilizing the same aforementioned rating system.

The property and proposed addition are located approximately one block east of the Wharncliffe Road, in Old South/Wortley Village, on Byron Avenue East. Byron Avenue East runs east-west through the Wortley HCD; from Wortley Road, the avenue runs west across Wharncliffe to the west side, terminating at Orchard Street in the area known as *The Coves*. Currently the property houses the original one-storey residence and adjacent detached single-car garage, which are located on the south side of Byron Avenue East, across from Victoria Public School on the north side. The house was constructed circa 1881 in the vernacular/mixed style. Currently, the house is clad in a yellow-tone vinyl siding and the trim details are painted chocolate brown. The low roof is comprised of brown asphalt shingles and the windows appear to be vinyl and the door a replica, but the locations are original. The front porch extends the width of the house from east to west and a covered awing projects from the roofline sloped by triangular pediments that frame the east and west ends. A triangular pediment is located above the entrance to the porch. The lot is approximately 700.55 square meters, and the existing footprint of the one storey house and garage is approximately 115.26 square meters.

A renovation and addition is proposed for the property, which would convert the current one-storey residence with existing detached single-car garage into a two storey home with attached double garage. The proposed addition will incorporate the existing footprint of the home, and include rear and side additions, as well as a second storey, and inserts a second garage to create an attached double-car garage. The total building area proposed, excluding the garage and basement, is approximately 375.98 square meters. The original one-storey home and the existing covered porch along with the garage, will be retained in-situ, and included in the renovation proposed.

Because the property is located within a Heritage Conservation District (HCD), there are a number of policies and guidelines surrounding the proposed project on the site that deem the protection and integration of any proposed intervention as highly important. The design proposes changes to the property setbacks, requiring a Minor Variance. A Heritage Alteration Permit must also be obtained from the Municipality prior to the issuance of a building permit and the construction of the addition and alteration work.

This document outlines the observations of the proposed design and the impact of the development on the Part V designated property located at 18 Byron Avenue East, along with the impact on any nearby and adjacent designated Part V properties within the district. The document also provides insight into the context of the property, history and summarizes mitigation strategies that have been met by the proposal or suggested for implementation. The Stage 1 and 2 Archaeological Assessment by Thomas G. Arnold & Associates is also appended to this report.

### 3. POLICIES AND TERMS OF REFERENCE

The Provincial and the Municipality has set in place a number of policies and terms of reference for the purpose of protecting, preserving, and integrating cultural heritage resources within Ontario cities. The following Policies and Terms of Reference have been used in the preparation of the this Heritage Impact Assessment:

#### 1. THE PLANNING ACT AND PROVINCIAL POLICY STATEMENT (PPS) 2020

The Provincial Policy Statement (PPS) is the statement of the government's policies on land use planning. It applies province-wide and provides clear policy direction on land use planning to promote strong communities, a strong economy, and a clean and healthy environment.

The PPS is issued under Section 3 of the Planning Act and is utilized by municipalities to develop their official plans and to provide guidance and information in regards to planning matters. Specifically, and in regards to cultural heritage, the Planning Act has provisions respecting the province's cultural heritage. The PPS provides general guidance for municipalities for planning and development of communities in a number of ways by; encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.

Section 2.6 of the Act, specifically 2.6.1, 2.6.3, 2.6.4 and 2.6.5 provides municipalities with rules as to the cultural resources within the community.

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

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

2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.

2.6.5 Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

The PPS 2020 further provides definition to municipalities in regards to the terms used to describe cultural heritage.

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

**Conserved:** means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-Provincial Policy Statement, 2020 | 42 maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

### 3. POLICIES AND TERMS OF REFERENCE

**Cultural heritage landscape:** means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act, or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.

**Development:** means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act, but does not include:

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

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

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

While the property is not designated under Part IV of the Ontario Heritage Act, it is located within the Wortley Village-Old South Heritage Conservation District, designated under Part V of the Ontario Heritage Act. As per City of London By-law for Heritage Alteration Permits, a Heritage Impact Assessment is required when a property within a Heritage Conservation District (HCD) is altered, and the PPS 2020 provides the tools necessary as a Terms of Reference for the document.

#### 2. THE ONTARIO HERITAGE ACT

The Ontario Heritage Act (OHA), R.S.O, 1990, c.0.18 is the legislation for the conservation of significant cultural heritage resources in Ontario. Part V of the OHA references Heritage Conservation Districts. Part V outlines the requirements for designation of a district and requires that all HCD's within a municipality be registered under that section. The HCD also helps to manage changes within a specified district while also protecting the cultural heritage value of the HCD. This Heritage Impact Assessment (HIA) will refer to these policies to determine the potential impacts, mitigation approaches and any conservation recommendations for the development alterations at 18 Byron Ave E. as they relate to the Wortley Village-Old South HCD principles, policies and guidelines. Ultimately, the goal of the HIA is to ensure that the new additions maintain compatibility within the neighbourhood, as well as the visual streetscape and essence of the community within Wortley Village and Old South.

## 3. POLICIES AND TERMS OF REFERENCE

### 3. THE LONDON PLAN

The London Plan, Minister Approved, December 28, 2016, *'constitutes the Official Plan for the City of London, prepared and enacted under the authority of the provisions of Part III of the Planning Act, R.S.O. 1990, c. P.13. It contains goals, objectives, and policies established primarily to manage and direct physical change and the effects on the social, economic, and natural environment of the city.'*

The London Plan provides for provincial interest and is designed to include the requirements of the Provincial Policy Statement (PPS) 2014/2020. Section 24 of the Planning Act, R.S.O. 1990, c. P. 13, identifies that "no public work shall be undertaken and no by-law shall be passed for any purpose that does not conform with this Plan. This includes for approvals of planning and development applications such as official plan amendments, Zoning by-law Amendments, plans of condominium, site plans, consents to sever, and minor variances.

While 'The London Plan' is organized in nine (9) parts, Part 4 specifically outlines 'Cultural Heritage' in its City Building Policies. However other Parts, ie. Part 7 Secondary Plans contribute to the Planning Process and the preservation and integration of the City's cultural heritage.

The specific direction provided in The London Plan is to: *"Protect our built and cultural heritage, to promote our unique identity and develop links to arts and eco-tourism in the London region"* and *"Protect what we cherish by recognizing and enhancing our cultural identity, cultural heritage resources, neighbourhood character, and environmental features."*

The London Plan and its Policies apply to the proposed development site and there the preservation of the City's cultural heritage must align with these policies.

### 4. CITY OF LONDON - TERMS OF REFERENCE: HERITAGE IMPACT ASSESSMENTS AND HERITAGE CONSERVATION DISTRICTS

The proposed development for the property located at 551-555 Waterloo Street is being submitted for re-zoning as part of the Site Plan Application (pre-consultation), and as part of the application, a Heritage Impact Assessment is required.

#### ***City of London Heritage Impact Assessment***

The City of London does not have specific Terms of Reference for the preparation of Heritage Impact Assessments. Generally, municipal Terms of Reference are based on Provincial Policy Statements' Heritage Resources in the Land Use Planning Process, Cultural Heritage and Archaeology Policies of the PPS, and specifically Info Sheet #5. This document has provided the general terms of reference for this HIA.

#### ***City of London Heritage Conservation District - Wortley Village-Old South***

The City of London maintains By-Laws to protect areas considered of high heritage value within the city boundary. These areas are known as Heritage Conservation Districts. The site at 18 Byron Avenue is located within a Heritage Conservation District (HCD) called the *Wortley Village-Old South Heritage Conservation District*. The City of London Designated the area under Part V of the OHA, By-Law L.S.P.-3439-321, June 1, 2015. A Heritage Alteration Permit (HAP) is also required to adhere to the Heritage Conservation District Plan and By-Law when a proposed development permit is made for a property within the district. Presently there are policies and guidelines that

### 3. POLICIES AND TERMS OF REFERENCE

have been implemented to conserve the HCD, with the primary goal of the HCD to retain the original street facades of the historic homes and other buildings. The historical and architectural ‘Reasons for Designation’ (and the district boundary) identified under Part A, Section 2.0 of the HCD Plan are important in highlighting the specific conservation and preservation requirements for the site located at 18 Byron Avenue. Part A, Section 3.0 includes the key Heritage District Goals, Objectives and Principles. District Policies (4.0), Municipal Policies (5.0), and Heritage Alteration Permits (6.0) are provided in the plan under Part B, as well as Implementation (7.0). Part C, Sections 8.0, 9.0, and 10.0 detail the Guidelines for Architectural Design, Conservation and Landscape Conservation and Design, respectively. Finally, Part D provides resources, such as Homeowner’s Brochure, Draft Heritage Alteration Permit Application and Glossary and Definitions and Information and Reference Sources.

A summary of the Heritage District Goals, Objectives and Principles are listed below, as an overview to help inform this HIA. Specific District and Municipal policies (listed under Sections 4.0 and 5.0 of the HCD) as they relate to the property at 18 Byron Ave will be further outlined in the report, and applicable Architectural Design Guidelines found under Section 8.0 of the HCD. For the complete document, refer to the Wortley Village-Old South Heritage Conservation Plan.

#### Heritage District Goals, Objectives and Principles - Wortley Village-Old South

Section 3.1 of the HCD outlines the Goals and Objectives for the area. There are five key areas of goals and objectives that provide the framework for the conservation of the HCD over the longterm, including the conservation approach and the guidelines. The goals are listed below.

#### Goals and Objectives

##### *Overall Heritage Conservation District*

*Goal:* Recognize, protect, enhance and appreciate Wortley Village-Old South’s cultural heritage resources, including buildings, landscapes and historical connections, and value their contribution to the community by:

- Identifying an HCD that incorporates the key historical, architectural and contextual attributes of Wortley Village-Old South;
- Encouraging the retention, conservation and adaptation of the HCD’s cultural heritage resources and heritage attributes, as described in the Study and Plan, rather than their demolition and replacement;
- Providing guidance for change so that the heritage attributes and cultural heritage value of the HCD is conserved, maintained and, wherever possible, enhanced; and
- Identifying and building community awareness of unique or significant heritage attributes and appropriate means of conservation.

##### *Buildings*

*Goal:* Avoid the destruction and/or inappropriate alteration of the existing building stock, materials and details by:

- Establishing policies and design guidelines to ensure new development and alterations are sensitive to the heritage attributes and details of the District and are based on appropriate research and examination of archival and/or contextual information;
- Strongly discouraging the demolition of heritage buildings and the removal or alteration of distinctive architectural details;
- Encouraging individual building owners to understand the broader context of heritage preservation, and recognize that buildings should outlive their individual owners and each owner or tenant should consider



### 3. POLICIES AND TERMS OF REFERENCE

themselves stewards of the building for future owners and users;

- Encouraging sensitive restoration practices that make gentle and reversible changes, when necessary, to significant heritage buildings;
- Encouraging improvements or renovations to “modern era” resources that are complementary to, or will enhance, the HCD’s overall cultural heritage value and streetscape; and
- Providing homeowners with conservation and maintenance guidelines and best practices so that appropriate conservation activities are undertaken.

#### *Streetscape*

**Goal:** Maintain and enhance the visual, contextual and pedestrian oriented character of Wortley Village-Old South’s streetscape and public realm by:

- Recognizing that the HCD’s cultural heritage resources includes streets, parks, trees, open spaces, street furniture, signs and all manner of items that contribute to the visual experience of the community, whether public or privately owned;
- Maintaining existing street trees, vegetation and boulevards and develop replacement programs where necessary to ensure tree canopy retention over time;
- Establishing a common ‘language’ of streetscape elements that will complement the heritage attributes of the HCD and create greater continuity where disparate land uses and built forms exist; and
- Identifying opportunities for interpretive features that can bring awareness of the HCD’s heritage attributes to residents and visitors.
- Providing guidance for the development of new buildings to ensure that new development is compatible with, and supportive of the cultural heritage value or interest and heritage attributes of Wortley Village- Old South HCD.

#### *Land Use*

**Goal:** Maintain the low-density residential character of the Wortley Village-Old HCD as the predominant land use, while recognizing that certain areas of the HCD already have or are intended for a wider range of uses by:

- Ensuring that appropriate Official Plan policies, designations and zoning regulations are in effect that support the residential community;
- Establishing policies that will consider and mitigate the potential impacts of non-residential or higher intensity residential uses on the cultural heritage value or interest of low-density residential areas;
- Developing area or site-specific policies and guidelines for those areas intended for non- residential or higher intensity residential uses that will protect heritage attributes, while allowing greater latitude for potential alterations or redevelopment; and
- Ensuring that infill development or redevelopment is compatible with the cultural heritage value or interest and heritage attributes, and pedestrian scale of the HCD.

#### *Process*

**Goal:** Ensure that the Heritage Alteration Permit approvals process for the Wortley Village-Old South HCD is effective, streamlined and easily understood by:

- Describing which types of alterations or classes of alterations will and will not require a Heritage Alteration Permit.

### 3. POLICIES AND TERMS OF REFERENCE

- Providing property owners with relevant information (e.g. - terminology, checklists, graphics, etc.) to simplify applications for Heritage Alteration Permits, when required;
- Identifying potential funding, grant or rebate programs that exist or should be considered that will assist homeowners in completing heritage-appropriate conservation activities; and
- Clearly establishing the roles and responsibilities of those involved in the approvals and decision making process.

#### Principles

The following principles from the Wortley Village-Old South HCD outline the overall path to conservation that should be considered, particularly in situations where the policies and guidelines of the HCD do not specifically address a situation or issue. The principles provide the backbone for the plan, offering fundamental direction in lieu of applying specific guidelines or policies from the HCD. These have been adapted from the principles of both the *Venice Charter for Conservation* (1964), and Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada*.

*Conserve the Historic Context* - A cultural heritage resource or cultural landscape represents the individuals and periods from history that have been associated with it. The building or landscape records the original architect, landscape architect and builder's intentions as well as the historic forces that were at play when it was created or built. Subsequent alterations also record the historic context at the time of the alterations. It is appropriate to acknowledge that a building is both a functional enclosure and a vehicle for history, as a landscape is both setting and historical record. As such, historical context is to be considered when planning restorations, alterations or redevelopment.

*Maintain and Repair* - All cultural heritage resources and landscapes require some continuous methods of conservation and maintenance as they are exposed to the constant deteriorating effects of weather, wear from use, or succumb to their natural life span. Owners are encouraged to undertake appropriate repair and maintenance activities of heritage properties. Plans for alterations and restoration should also consider the amount and type of maintenance that will be required. All maintenance and construction activity should involve an appropriate amount of research and planning to avoid irreversible mistakes.

*Find a Viable Social or Economic Use* - Cultural heritage resources that are vacant or under-utilized come to be perceived as undeserving of care and maintenance regardless of architectural or historic merit. City Council and staff should actively encourage and support appropriate forms of adaptive reuse when necessary to conserve cultural heritage resources.

*Conserve Traditional Setting* - A cultural heritage resource is intimately connected to its site and to the landscape. Spatial organization, site circulation, viewsheds and individual designed elements form a setting that should be considered during plans for restoration or change. An individual cultural heritage resource is perceived as part of a grouping and requires its neighbours to illustrate the original design intent. When resources need to change there is a supportive setting that should be maintained.

*Conserve Original Decoration and Fittings* - A cultural heritage resource fits into its larger setting and at a smaller scale is the frame for the decorations and fittings that completed the original design. For example, the original exterior decorations such as bargeboards, veranda trim, wood, metal or brick cornices and parapets are all subject to weathering and the whim of style. Avoid removing or updating the style of these features or replacing them with poor reproductions of the originals. Their form and materials are an inextricable part of the original design

and should enjoy the same respect as the whole building. Where practical, fittings and equipment should be conserved or re-used.

*Restore to Authentic Limits* - Do not embellish a restoration and add details and decorations that would not have been part of the history of the landscape or cultural heritage resource.

*Employ Traditional Repair Methods* - Deteriorated elements and materials that cannot be salvaged should be repaired or replaced with the same materials and inserted or installed in a traditional manner. In some cases, some modern technologies ensure better and longer lasting repairs than traditional methods and should be employed if proven to be an improvement.

*Respect Historic Accumulations* - A landscape or cultural heritage resource is both a permanent and a changeable record of history. The alterations that have been made since the original construction also tell part of the history of the place and the resource. Some of those alterations may have been poorly conceived and executed and research may determine that they can be removed. Other alterations and additions may have merits that warrant incorporating them into its permanent history. In many cases, it is difficult and unrewarding to fix a point in history as the target date for restoration. It is more appropriate to aim for a significant period in the history of the building, but be flexible in accommodating more recent interventions that are sympathetic and have improved the historical or functional nature of the building. Respect does not mean rigid.

*Make New Replacements Distinguishable* - The construction eras and historical progression should be self-evident. Although new work should be sympathetic to the original and match or mimic as appropriate, it should not attempt to appear as if built as part of the original construction.

Wortley Village-Old South Heritage Conservation District Plan, ecoplans et. all

## 4. DESCRIPTION OF SITE

### 4.1 CITY CONTEXT + NEIGHBOURHOOD CONTEXT: WORTLEY VILLAGE-OLD SOUTH HERITAGE CONSERVATION DISTRICT

The site of 18 Byron Avenue is located in London, Ontario, approximately one block east of the Wharncliffe Road, in Old South/Wortley Village, on Byron Avenue. Byron Avenue runs east-west through the Wortley HCD; from Wortley Road, the avenue runs west across Wharncliffe to the west side, terminating at Orchard Street in the area known as The Coves. The property is located on the north side of Byron Avenue, across from Victoria Public School (on the south side). There are residential properties located to the east, north and west, all of which are designated within the Wortley Village-Old South HCD.

The site is located within the Wortley Village-Old South Heritage Conservation District, designated Part V of the OHA, under By-Law L.S.P.-3439-321, June 1, 2015. Wortley Village-Old South is considered to be one of the most significant areas within the City of London, and an area of high heritage value, encompassing a village character that is independent of the larger City context. Here there is a large proportion of residences constructed between circa 1850-1930 that are well preserved. There are also several significant commercial, retail, civic and institutional properties, and public spaces, particularly along Wortley Road. As described in the HCD, the boundary includes, "Horton Street and Thames Park to the north and to the properties located along Duchess Avenue and Tecumseh Avenue East to the south. The western boundary of the HCD follows the back property line of the properties fronting Wharncliffe Road South, while the eastern boundary jogs to incorporate properties fronting Ridout Street South from Ingleside Place to Elmwood Avenue East, where the boundary then turns to the west to follow the back of the properties fronting Ridout Street." (ecoplans et al, 2014, p7)



Image 1: City Context Map. Basemap: Google Earth, 2021.

## 4. DESCRIPTION OF SITE



## 4. DESCRIPTION OF SITE

### 4.2 SITE + PROPERTY CONTEXT

#### ***Existing Site - 18 Byron Avenue East - C Rating***

18 Byron Avenue East, lot #34, is located on the north side of Byron Avenue, across from Victoria Public School (on the south side). There are residential properties located to the east, north and west, all of which are designated within the Wortley Village-Old South HCD. Currently the property houses the original one-storey residence and adjacent detached single-car garage and double driveway. Walkways comprised of concrete sidewalk slabs connect the house to the garage and also lead north into the yard. The house was constructed between 1883 and 1889 by James O'Donnell and is the only house built on the lot. It was built in the vernacular style. Currently, the house is clad in a yellow-tone vinyl siding and the trim details are painted chocolate brown. The roof is comprised of brown asphalt shingles and the double-hung sash windows appear to be vinyl. The front porch extends the width of the house from east to west and a covered awing projects from the roofline sloped by triangular pediments that frame the east and west ends. Some original doors, windows, trimwork, and decorative elements may still be present on the property, while others appear to have been replaced with modern versions, such as the windows, siding and roofing material.

The lot is approximately 700 square meters, in a rectangular form with a deep yard and bounded by a fence on the north, east and west sides, with mature trees along the perimeter. The existing footprint of the one storey house and garage is approximately 115.26 square meters.

The site is currently zoned as R2-2. The property is owned by Mr. Scott Thomson. The property at 18 Byron Ave E is not designated under Part IV of the OHA, but is listed as a C-Rated property on the City of London's Register of Cultural Heritage Resources and in the HCD, and is designated under Part V of the OHA as part of the Wortley Village-Old South Heritage Conservation District.



Image 3: 18 Byron Avenue East, Front/South Elevation (present day). Note one storey massing, form, and covered porch with triangular pediment above the entrance steps to the porch as well as original location of double-hung sash windows, and wooden deck. While some original features appear to remain, many have been replaced, such as openings, roofing and cladding. Source: Google Streetview, 2021.

## 4. DESCRIPTION OF SITE

### **Nearby/Adjacent Properties - A + B Rating**

There are a few properties located adjacent to 18 Byron Ave E., that are designated as part of the HCD, and considered of heritage value. These properties have views from their side elevations to the existing site: 16 and 22 Byron Ave E. 16 Byron Ave E. is listed as a B-rated property on the City of London's Register of Cultural Heritage Resources, while 22 Byron Ave E. is listed as an A-rated property on the same register, and both are designated as part of the Wortley Village-Old South Heritage Conservation District, under Part V of the OHA. The two properties are historic residences built in the vernacular style, serving as either single-family and/or multi-tenant spaces. These two properties are of particular importance due to their close proximity and direct adjacency to 18 Byron Ave E.

### **Nearby/Adjacent Properties (Opposite Side of Byron Avenue East) - B Rating**

There is also one property located opposite 18 Byron Ave E., on the south side of the street that is included within the context of the site description, as the property is directly across from the proposed site. This property is Victoria Public School, listed as a B-Rated property within the HCD and on the City of London's Register of Cultural Heritage Value, and designated under Part V of the OHA. 18 Byron Ave E. can be seen from the rear of Victoria Public School and because of the size of the property and its prominent location, should be considered.

A site map identifying the nearby/adjacent properties in context of the existing property is provided below, as Image 4.

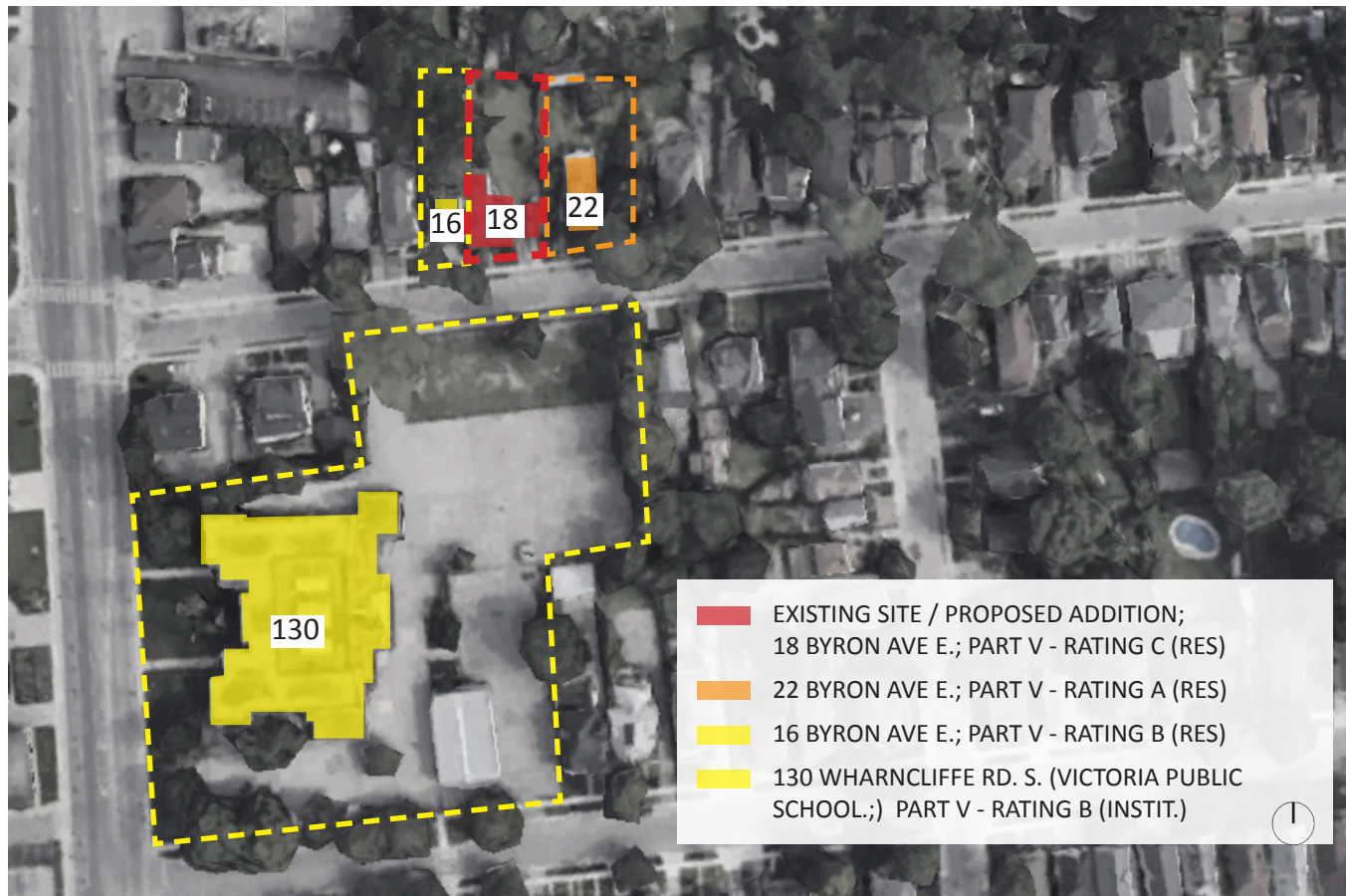


Image 4: Site + Property Context Map. Basemap: Google Earth, 2021.

## 5. HISTORICAL CONTEXT

### 5.1 NEIGHBOURHOOD HISTORICAL VALUE - WORTLEY VILLAGE-OLD SOUTH HERITAGE CONSERVATION DISTRICT (PART V, OHA)

The following Heritage Character Statement has been included in italics below, taken directly from the Wortley Village-Old South Heritage Conservation District Plan.

#### 5.1.1 HERITAGE CHARACTER STATEMENT

##### ***Historic Character***

*The area encompassed within the HCD has a long history as a residential suburb of London with an independent village character. This history is reflected in the concentration and stylistic mixture of historic properties dating from the area's formative years between circa 1850 and 1930. These generally well preserved historic homes and institutional buildings, along with the rather haphazardly incremental character of the Wortley Road commercial centre, give the area both visual and cultural distinctiveness required for an HCD.*

*From the time of London's founding just north of the Thames River, the area immediately south of the river, then in Westminster Township, functioned as a residential appendage to its more urban neighbour. First a pastoral home for the country estates of some of London's more privileged citizens, it gradually became a middle class suburb dominated by notably large houses built by the city's more successful entrepreneurs and stylish homes of a moderate size built to accommodate its successful civil servants and artisans; an Advertiser article dating from 1888 praised its "splendid residences," "fine views," and "magnificent grounds." By this time a process of intensification had begun which was to accelerate during the next half-century: one storey cottages began to proliferate along with more substantial two storey homes, all in then fashionable styles and usually on smaller lots as the older holdings were further subdivided. The lands within the boundaries of the HCD generally held recognizable suburban streetscapes by 1915 and had mainly achieved their present built form before World War II.*

*Commercial enterprises, mainly designed to cater to neighbourhood needs, began to be interspersed with homes along Wortley Road in the early 1870s. The HCD took on a more dominant commercial character during the second half of the twentieth century, with the interposition of more businesses, more large-scale buildings and, especially in recent decades, more enterprises seeking a city-wide clientele. Commercial activity developed somewhat later along Wharncliffe Road, to the west of the HCD, and catered earlier to citywide businesses depending on vehicular transport; buildings along Ridout Street, bordering the HCD to the east, are still largely residential.*

*With the exception of the modest Wortley Village Commercial Area, the surrounding neighbourhood has remained insistently residential. Most institutional and landmark buildings such as schools and churches were designed to service area residents. The most striking exception is the former Normal School, designed to educate teachers within the entire London region. It is perhaps somewhat ironic, therefore, that this impressive building has come to serve as the logo and its grounds as the gathering place for the Old South Community Organization.*

*Despite the fact that much of the area south of the Thames River was annexed to the City of London in 1890, Old South has retained a strong sense of its individual identity, and the Wortley Village area still serves as its focal point and gathering place. While most of the residential neighbourhood within the HCD is characterized by a high degree of architectural authenticity, the commercial strip along Wortley Road is a somewhat untidy mixture of altered residences and of old and new purpose-built structures built to differing scales. Unplanned and accidental as it appears, this very informality seems to foster the relaxed atmosphere that makes Wortley Village the social and commercial hub of the extended neighbourhood it serves and an increasingly inviting venue for the city beyond.*



## 5. HISTORICAL CONTEXT

### **Architectural Character**

*The architectural character of the HCD is established by the recurring use of consistent building materials, forms and details in the majority of the properties within the HCD. That character is to some extent shared with neighbouring areas of London that were built at the same time using similar materials and craftsmanship, but is also unique to the Wortley Village-Old South HCD, like a fingerprint or snowflake, with a combination of buildings and landmarks not repeated anywhere else. The building form and details are largely dictated by Victorian tastes, although there are many examples of other architectural styles.*

*Where there are exceptions to the consistent pattern, the exceptions are either not significant enough to detract from the prevailing pattern, or are noteworthy because of their added appeal to the architectural assets of the HCD.*

*The architectural character of the area is strengthened by the significant, large buildings forming the commercial area along Wortley, and the concentration of churches, schools and the London Normal School all close to the Wortley Road commercial area to form a visual core of landmark buildings. It is significant also that these major landmark buildings are all of the same vintage as each other and of the surrounding residential properties. The design details that embellish the exterior of the landmark buildings are repeated, sometimes in less grand scale, in the houses.*

*There is a slight concentration of the most significant buildings in the core area near Wortley Road, however, the presence of Victoria Public School on Wharncliffe provides a landmark bookend to identify the architectural and community western boundary to the HCD.*



Image 5: Views of the London Normal School from Wortley Road Circa 1920. The LNS is located just southeast of Wortley Road and the main village along Elmwood Ave. Source: Canada's Historic Places. London Normal School. <https://www.historicplaces.ca/en/rep-reg/place-lieu.aspx?id=8871>. Retrieved 2021.

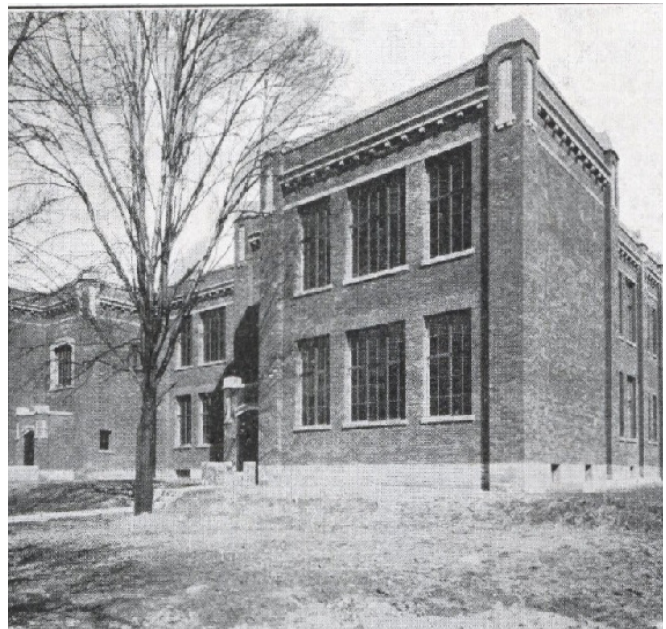


Image 6: Views of Victoria Public School at the west end of Askin Street, Circa 1922. Source: TVDSB - Victoria Public School. <https://victoria.tvdsb.ca/en/our-school/about-us.aspx>. Retrieved 2021.

## 5. HISTORICAL CONTEXT

### **Streetscape Heritage Character**

*With its grid of linear streets and generally consistent building scale and setbacks, there is a strong rhythm and coherent character within the streets of Wortley Village-Old South HCD. While the maturity and size of trees found on public property vary from large and majestic, to newly planted specimens, the combination of trees in the public realm and those that exist on private property contribute greatly to the leafy canopy lining the streets of the HCD; this combination of public and private trees gives most of the streets within the residential areas of the neighbourhood a generally enclosed feeling and contributes to the comfortable and friendly pedestrian environment of the neighbourhood.*

*Yards are well maintained with gardens and foundation plantings, trees and other landscape features including fences, hedges and pillars to delineate private space. The HCD contains a variety of open spaces, from the long standing neighbourhood parks located on Duchess Avenue and Victor Street, which provide green space for the local community, to the historical grounds associated with the Normal School and the Elmwood Lawn Bowling Club; there are also the gardens connected with many of the church properties, which offer smaller, more intimate places of outdoor refuge.*

*The exception to the consistent streetscapes within the HCD lies along Wortley Road itself. As the commercial spine of the village, it differs in use and appearance to the residential fabric of the neighbourhood. The commercial core is, however, congruent with the rest of the HCD in terms of its scale, its sense of place and its comfortable pedestrian character.*

*Overall, the Wortley Village-Old South HCD is rich with historical, architectural and landscape treasures that contribute to the cultural heritage value or interest of the HCD. The HCD has benefited from residents that highly value the history and the character of their neighbourhood, and the pride that they hold for their homes and their village is evident within its streetscapes. Change is, however, inevitable, and changes to built form and the streetscape have occurred for a number of reasons including adaptive re- use, infill, and utility upgrades; while often times these changes are sensitive to the cultural heritage value or interest of the HCD, there are also examples where the cultural heritage value or interest has been greatly altered and even lost. By designating the area as the Wortley Village-Old South HCD, valuable heritage resources can be both conserved and interpreted while still allowing for the necessary and appropriate evolution of the neighbourhood in a manner that links the past, present and future.*

### 5.1.2 KEY HERITAGE ATTRIBUTES OF THE DISTRICT

The following list of key attributes for residential properties is extracted from Section 8.2 Heritage Attributes of the Wortley Village-Old South Heritage Conservation District Plan. These are referenced in reviewing the heritage character of the property at 18 Byron Ave E., and nearby/adjacent properties in the following Sections 5.2 and 5.3 of this report.

- Building Form, Massing, Height, Width and Visible Depth
- Building Setting on Property
- Architectural Style
- Building Facade Elevation Layout and Shape, Projections and Reveals
- Porches
- Roof Style, Chimneys, Dormers, Gables, Eaves, Soffits and Turrets
- Windows, Doors and Accessories
- Building Materials, Textures, and Colours

## 5. HISTORICAL CONTEXT

### 5.1.3 HCD HISTORICAL VALUE - RATING SYSTEM

The Wortley Village-Old South Heritage Conservation District Plan provides the necessary references to help frame the understanding of the value of the property at 18 Byron Ave E., and nearby/adjacent properties, in relation to the HCD in a historical, architectural and streetscape context. The HCD also outlines the rating of each property within the district, using a scale of A, B, C and D. Properties listed as A or B meet at least one of the following criteria: maintain high heritage value, are designated under Part IV of the Heritage Act, or Listed on the Municipal Register of Cultural Heritage Resources, retain a fine level of architectural style and merit, exhibit unique qualities and details, are associated a significant event, person or storey, or contributes to the streetscape because of its sequence, grouping or location. The also have many of the key heritage attributes identified in Section 5.1.2, and are generally in good condition and well-maintained, even though they may not be individually designated under Part IV of the OHA. Properties with a C-Rating include buildings whose form and massing are historical as a part of a family of buildings, or the building is a good example of a modest design that is found repeated throughout the area. Finally, D-Rating includes those buildings in which the heritage qualities have been irreversibly lost or covered, or the original design lacks architectural merit to contribute to the HCD. This rating system helps to understand the historical value of 18 Byron Ave E., and of the nearby/adjacent properties in the context of heritage attributes and the contribution to the overall value of the Wortley Village-Old South HCD.

### 5.2 PROPERTY HISTORICAL VALUE: 18 BYRON AVENUE EAST (PART V, OHA)

#### 5.2.2 BRIEF HISTORY OF THE PROPERTY

According to the Archaeological Assessment of the property by Thomas G. Arnold and Associates, the property was originally owned by John Baptiste Askin. He had several children, including Charles James Stuart Askin, a prominent doctor and medical surgeon to whom his father bequeathed their lands upon his death. He subsequently subdivided the area into streets and buildings lots establishing the neighbourhood and the original name of Byron Avenue East was called Alma Street. Simpson Hackett Graydon, a barrister and councilor with the city completed the project for CJS Askin, and was then deeded parts of lot 4 (including now 18 Byron Ave E.). As per the report, "On June 17, 1872, he registered the plan of subdivision now known as Registered Plan 300. The study area is located on lot 34 of this plan. On July 17, 1872, twenty-two year old James O'Donnell purchased all of lot 34 on Plan 300 from Simpson H. Graydon (Table 1: Deed 11826 [of the Archaeological Report]). It was O'Donnell who eventually built the dwelling located today at 18 Byron Avenue East." (Arnold + Associates, 2021, p4)

The property has changed hands several times since the original home was constructed, having been deeded to children and then nieces of James O'Donnell, and then sold to new owners multiple times, and even rented out. Its was purchased by Scott Thomson on June 17, 2016 and he remains as the current owner.

#### 5.2.3 HERITAGE CHARACTER + ATTRIBUTES

The property located at 18 Byron Ave E. is rated as level C in terms of significance within the HCD and on the Register. Because it is not designated under Part IV, it is likely that the massing and form of the building at 18 Byron Ave E., highlights its program as a small cottage-like vernacular home typical of many modest residential homes found Byron Ave and in the area constructed in the late 1800's, and contributes to the overall streetscape of the HCD of Wortley Village-Old South because of its general architectural merit and its sequence, grouping or location, along the street.

# 5. HISTORICAL CONTEXT

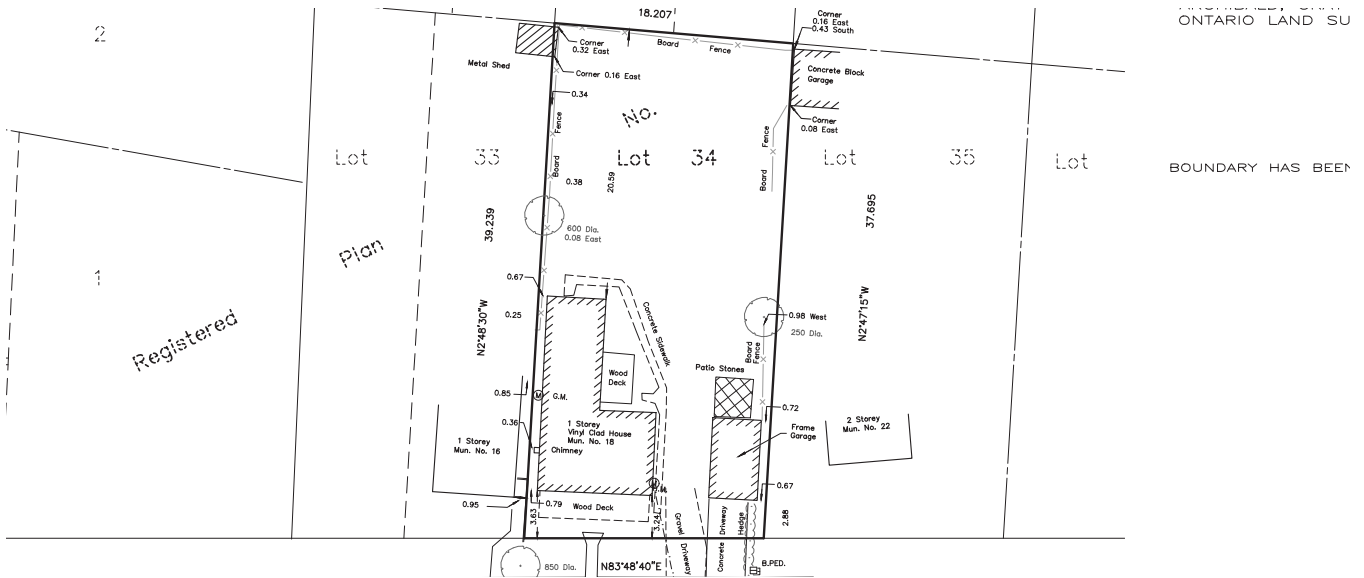
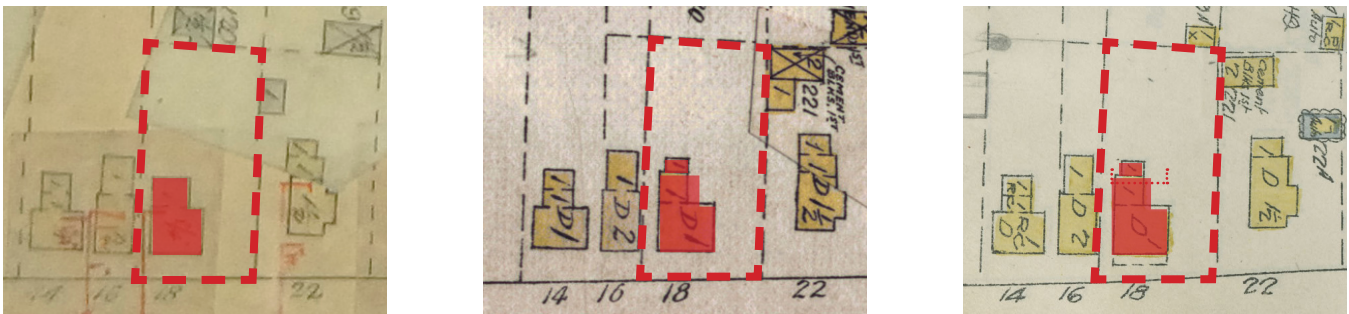


Image 7: 18 Byron Avenue East, existing site plan lot #34, showing location of the original one-storey residence and detached single garage (added later). Source: AGM Plan, Survey, Engineer. October 2020.

The residence maintains some of the key architectural characters of the district, as identified in Section 8.2 Heritage Attributes of the Wortley Village-Old South HCD plan. These include the form and massing (of a one storey, cottage-like residences) set in line with other, adjacent properties, the covered porch, simple wood details, small triangular pediment above the entrance, hipped roof, and window forms, style and details. The front porch dates to 1922, and extends the width of the house from east to west and a covered awing projects from the roofline sloped by triangular pediments that frame the east and west ends. The decking may be original along with some original doors, windows, trimwork, and decorative elements may still be present on the property, but the majority appear to have been replaced with modern versions, such as the windows, siding and roofing material, leaving the form as the major contributor to the HCD. The detached garage also appears to be original to the property but does not appear until 1922 and so was added after that time.

Refer to the Fire Insurance Maps below from Western University Archives (Images 8, 9, and 10), that indicate the presence of the home in 1907 as originally built by James O’Donnell in the earl 1880’s.



Images 8, 9 + 10: Fire Insurance Plans 18 Byron Ave E., 1892 (Rev 1907) , 1912 (Rev 1915) and 1912 (Rev 1922). Note that based on these records, the residence only included a smaller addition to the rear in 1892 and a second smaller addition added by 1922. A wooden covered porch (small dotted line) was also added by 1922. The garage does not appear on these plans, indicating it was added after 1922. Dashed red line indicates property boundary, and red blocking indicates building at 18 Byron Ave E. Source: Courtesy of Western University Archives, downloaded Dec 2021.

## 5. HISTORICAL CONTEXT

### 5.3 NEARBY/ADJACENT PROPERTIES HISTORICAL VALUE (PART V, OHA)

As noted previously, there are a few significant A-Rated and B-Rated properties located adjacent or opposite 18 Byron Avenue East, and listed on the Register; 16 Byron Ave E., 22 Byron Ave E. and 130 Wharncliffe Road S. (Victoria Public School). Their value must be considered in context of the historical value of the HCD and because of their vicinity to the property proposed to be developed at 18 Byron Ave E.

Refer to Image 3 for the site map indicating the location of the properties identified, their Rating as either A and B as part of the HCD (under Section 4.0 Description of Site), and their designation.

#### 5.3.1 HERITAGE CHARACTER + ATTRIBUTES

The properties located at 16 and 22 Byron Ave E. are rated as B and A, respectively, in terms of significance within the HCD and on the Register. The property at 130 Wharncliffe Road S. maintains a B-Rating in terms of its value within the HCD and on the Register. Although listed on the Municipal Register of Cultural Heritage Resources for their heritage character as part of the HCD (Part V, OHA), none of the aforementioned properties are designated under Part IV. Therefore it is likely that the properties are significant because they maintain many of the key characteristics of the district, as referenced in Section 8.2 Heritage Attributes of the Wortley Village-Old South HCD Plan.

It is likely that the age, massing and form of the building at 16 Byron Ave E. (1891), along with the architectural style as a two-storey vernacular home with well-maintained details along the exterior of the home regard it as warranted of a B-Rating, contributing to the overall streetscape of the HCD of Wortley Village-Old South. The home appears to be well kept and maintained, with several original features and details remaining. Similarly, the residence at 22 Byron Ave E. (Circa 1891) is in equally, if not better condition than 16 Byron Ave E., and maintains an excellent level of heritage value with many of its original features and details of a true vernacular-style home still intact. Decorative woodwork along the gable roofline and the triangular pediment above the entrance on the covered porch are in great condition and appear to be original, along with the cladding. Further, the landscaping along the front of the property is well maintained. Hence, this property has an A-Rating within the HCD for its architectural merit and contribution to the streetscape.

Finally, 130 Wharncliffe Road is considered within this report because of its prominence as a B-Rated Institutional Building within the community, service as Victoria Public School. The school is located along Wharncliffe road, but serves as the most westernly civic landmark to the village and is flanked by both Askin Street and Byron Ave E. The building was constructed in the Collegiate Gothic style in 1922, making it older than the other nearby heritage properties. The form, massing, details, uniqueness, scale, use of brick and stone, and significance as one of the earliest schools in the area warrants its B-Rating within the HCD. Its rear yard plays an important role in creating open space within the western edge of the HCD.

Refer to Image 11 on the following page, for the listing on the Register of Cultural Heritage Resources. Individual images with descriptions of the key heritage value of each property have also been provided after the Register excerpt as Images 12, 13, and 14.

# 5. HISTORICAL CONTEXT

## EXISTING SITE - 18 BYRON AVENUE EAST - C RATING

Row	Street Name	Address	Year Built	Architectural Style	Individual Designating By-law	Interior Attributes	Plaque	Heritage Conservation District	Designating By-Law	Rating	Property Name or Comment	Cultural Heritage Status	Alternate Addresses on the Property	Force and Effect Date
529	Byron Avenue East	18 Byron Ave E	1881					WV-OS	L.S.P.-3439-321	C		Part V Designated		June 1, 2015

## NEARBY / ADJACENT PROPERTIES - A + B RATING

Row	Street Name	Address	Year Built	Architectural Style	Individual Designating By-law	Interior Attributes	Plaque	Heritage Conservation District	Designating By-Law	Rating	Property Name or Comment	Cultural Heritage Status	Alternate Addresses on the Property	Force and Effect Date
528	Byron Avenue East	16 Byron Ave E	1891					WV-OS	L.S.P.-3439-321	B		Part V Designated		June 1, 2015
530	Byron Avenue East	22 Byron Ave E	1891	Vernacular				WV-OS	L.S.P.-3439-321	A		Part V Designated		June 1, 2015

## NEARBY / ADJACENT PROPERTY (SOUTH/OPOSITE SIDE OF BYRON AVENUE) - B RATING

587	Wharmcliffe Road South	130 Wharmcliffe Rd S	1922	Collegiate Gothic				WV-OS	L.S.P.-3439-323	B	Victoria Public School	Part V Designated		March 26, 2007
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Image 11: Excerpts from Register of Cultural Heritage Resources, City of London, 2021.

HERITAGE IMPACT ASSESSMENT  
18 BYRON AVENUE EAST, LONDON, ON

a+LiNK Architecture Inc.

## 5. HISTORICAL CONTEXT



Image 12: 16 Byron Ave E. South Elevation. Google Streetview, 2021.

### **16 BYRON AVE E.**

**Designation: PART V OHA (HCD), B-RATING**

Date: Constructed 1891

Form/Massing: Two storey gable roof

Architectural Style: Vernacular/Mixed

Character Elements: Decorative wood gables + details with quarter circle fan at gable peak; trim work around cladding, above door and inset/recessed covered porch appears original; some windows appear original: stained glass above ground level main window and sidelight above entrance door.

Contribution to HCD: Architectural and Contextual value to streetscape of Byron Ave E. and HCD



Image 13: 22 Byron Ave. E., South Elevation. Google Streetview, 2021.

### **22 BYRON AVE E.**

**Designation: PART V OHA (HCD), A-RATING**

Date: Constructed pre 1891

Form/Massing: Two storey, cross gable roof

Architectural Style: Vernacular

Character Elements: Horizontal wood cladding, Decorative wood gables + details with arched fan at gable; trim work original throughout exterior facade; wooden covered porch with original doric columns and triangular pediment above entrance, wood decking, double-hung sash window on second storey appear, sidelights above and around entrance door

Contribution to HCD: Architectural and Contextual value to streetscape of Byron Ave E. and HCD



Image 14: 130 Wharncliffe Road S. (Victoria Public School), West Elevation. Google Streetview 2021.

### **130 WHARNCLIFFE ROAD S.**

**Designation: PART V OHA (HCD), B-RATING**

Date: Constructed 1922

Form/Massing: Two and a half storey, flat roof with pilasters at corners, rectangular plan

Architectural Style: Collegiate Gothic

Character Elements: Red brick with decorative sandstone elements above windows and along roofline; arched windows and door openings, repetitive brackets along roofline, sandstone foundations, windows are not original but in keeping with style

Contribution to HCD: Architectural and Contextual value to streetscape of Wharncliffe Road S., Byron Ave E. and Askin Street; and HCD

# 6. PROPOSED DEVELOPMENT

## 6.1 PROPOSED DEVELOPMENT

The observations of this HIA are developed from the proposal documents for 18 Byron Avenue East, prepared by Third Layer Architects for the client, Mr. Scott Thomson. The proposal is seeking to allow for a renovation/addition in the form of a first (ground) and second storey addition, as well as a second garage connecting the current location of the detached garage, establishing an attached, two-car garage. The addition will also include an extension to the back of the house, and a rear porch. The overall usable space will be increased on the ground and second stories. The surrounding area is currently and historically comprised of single family and multi-residential dwellings, as well as some residences that have both been added to and renovated into larger homes. Others have been converted into commercial and retail spaces, while many have been adapted to commercial use, particularly within the corridor of Wortley Road (the village). Several properties within the Wortley Village-Old South HCD have utilized renovations/additions as a sensitive avenue to achieve enlarged homes within the district. The following outline provides the key concepts for the proposed design and addition for the property at 18 Byron Avenue East.

### 6.1.2 DESIGN CONCEPT - 18 BYRON AVENUE EAST

The proposed development combines the existing one storey residential home located within the Wortley Village-Old South Heritage Conservation District, with the existing detached single-car garage to the east of the home, by way of an addition on the first (ground) floor and the second floor. The renovation and addition proposes to retain the original foundations of the house, and fill in the connecting area with a new basement slab at the lower (basement) level. The main level will include the footprint of the original house, but the roof and the rear (north) elevation of the original house will be removed to accommodate the addition of the second storey and the addition to the north; a lounge and office will be included within the footprint of the original residence, while the main living/dining/kitchen and services, as well as staircase to the second level will be included in the rear addition. The stairs are located to the west side of the rear addition, and provide access to the second storey. The second storey proposes four separate bedrooms, including a primary bedroom, and a laundry room. All bedrooms upstairs will have en-suites. The total building area of the proposed project, including the existing house, addition and renovation is approximately 376 square meters.

On the exterior, the south elevation (front elevation) combines the original one storey residence with the proposed addition on the ground level and second storey. The addition and original house are tied seamlessly together through a brick base around the house up to three feet, with the remaining facade clad in white cedar wood siding. The existing front porch will remain in-situ, including the triangular pediment above the entrance steps to the porch; brick will be added to the supporting columns, and a new wood railing/guard provided around the porch replacing the existing modern metal railing/guard that is not original. Location of door and windows will be retained, but the windows and doors will be replaced with modern versions of the original style - double hung sash windows with grills. New shingles will be provided to “match existing”.

The existing garage will be retained in situ, and connected to the addition via the second garage (inserted between the existing garage and the original residence). The west and south walls of the garage will be removed to connect it with the second garage to the west, and to the house to the north through the mudroom. The exterior will be clad in white cedar wood siding to match the rest of the south facade. A double-lane driveway will be provided to accommodate the new two-car garage. A new square window will be provided to match the existing location of the window screen above the current garage.

The rear elevation includes a new covered porch and second storey windows that are similar to those found on the front elevation. The first storey of this north elevation includes five sets of glass windows that carry to the



## 6. PROPOSED DEVELOPMENT

floor. It is assumed that these will be doors. The rear addition will not be visible from the street. The distance from the rear addition to the houses behind the property to the north is significant, such that the rear addition will not negatively impact the views from those properties or from Euclid Ave to the north. The addition will be visible from east and west along Byron Ave E., from 16 Byron Ave E., and from 22 Byron Ave. E. The addition will be directly adjacent to the property at 16 Byron Ave E. It will also be visible from the rear school yard of Victoria Public School.

The addition will be sensitive to the existing residences and constructed in a way that is both subordinate to, and compatible with, the original property and nearby/adjacent properties. The massing of the addition aligns with the neighbouring two-storey residences to the east and the west. The massing is also consistent with that of the neighbourhood context in regards to elevation similarities, treatment of roof heights and existing site limitations/setbacks from the street. The design endeavours to use materials and colours that are common to the district, while also connecting the old with the new. The principle exterior cladding of the addition is horizontal cedar wood siding to maintain the existing architectural vocabulary of the original residence as well as the adjacent and nearby residences, and expressed in a white colour to align with many of the nearby properties that maintain lighter cladding. and blend into the background/rear of the property. The trim colours of the newly painted original residences will carry onto the addition to draw consistency between the two. Ultimately, improved streetscape presence, vibrancy and harmony with the HCD are conceptual goals within the proposed development.



Image 15: Site Plan of Proposed Addition/Renovation, 18 Byron Ave E. Green shaded area indicates new footprint of proposed residence (not include front and rear porches). Red dotted lines indicate location of original house and garage to be incorporated within the proposed addition and connected to create one larger residence. Diagram prepared by a+LiNK architecture inc (2021).

Sources; Basemap: Google Maps, 2021. Site Plan Drawing: Third Layer Architects, 2021.

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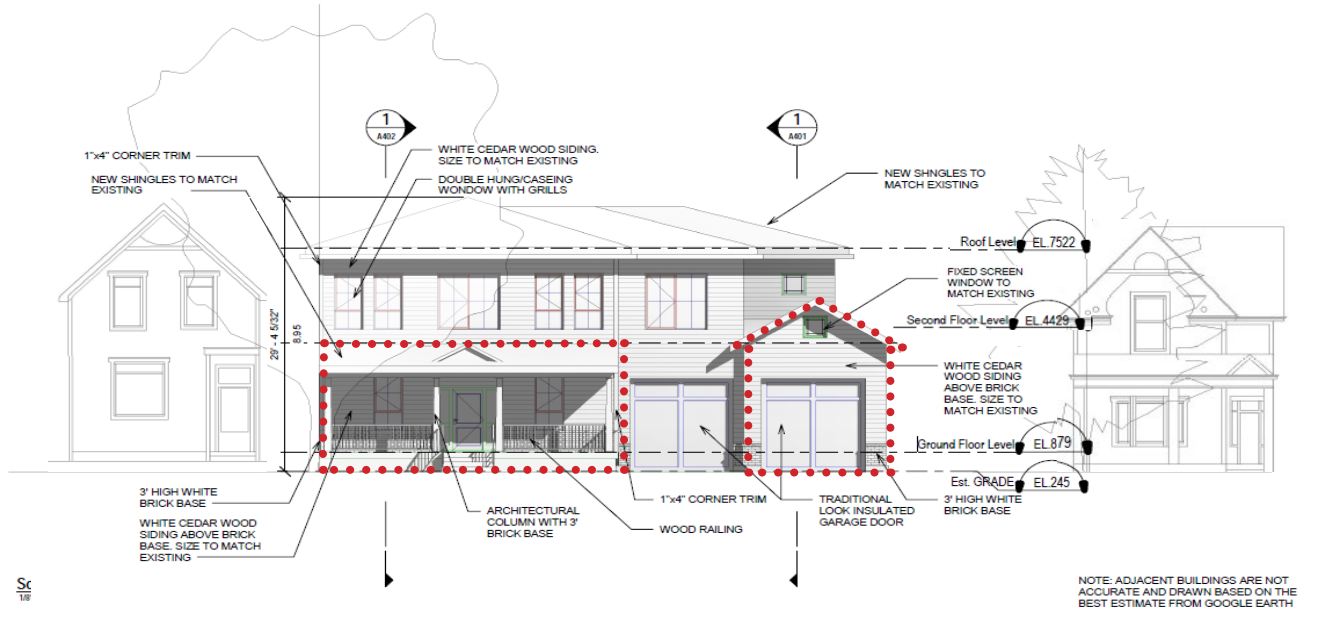


Image 16: Front/South Elevation. Red dotted lines indicate existing outline of original house and garage to be incorporated into proposed addition/renovation. Drawing by Third Layer Architects, 2021.

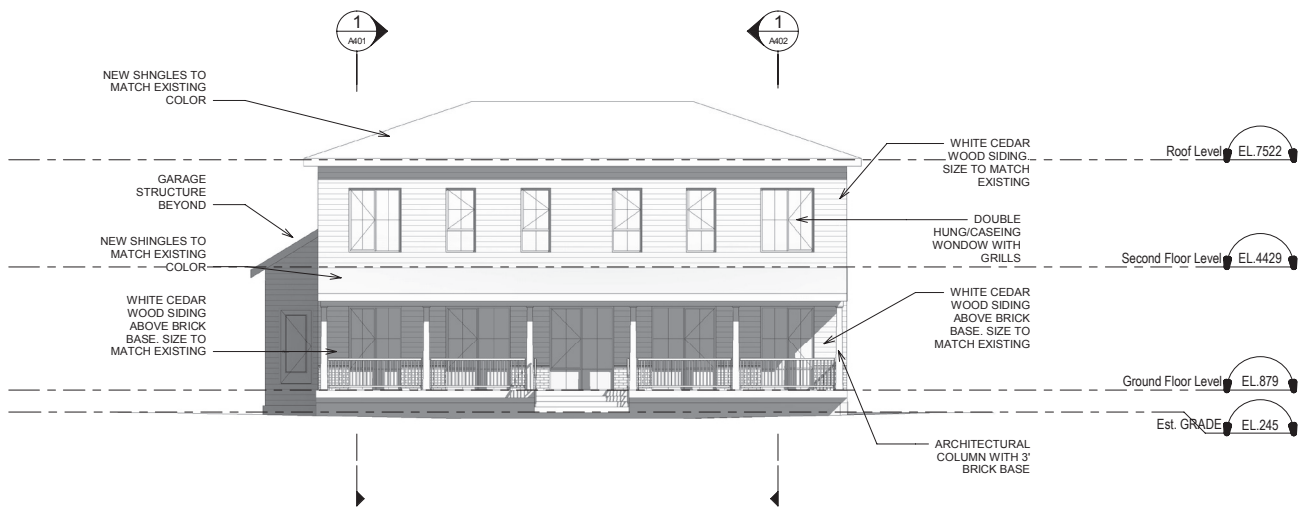


Image 17: Rear/North Elevation. New Addition at rear. Drawing by Third Layer Architects, 2021.

# 6. PROPOSED DEVELOPMENT

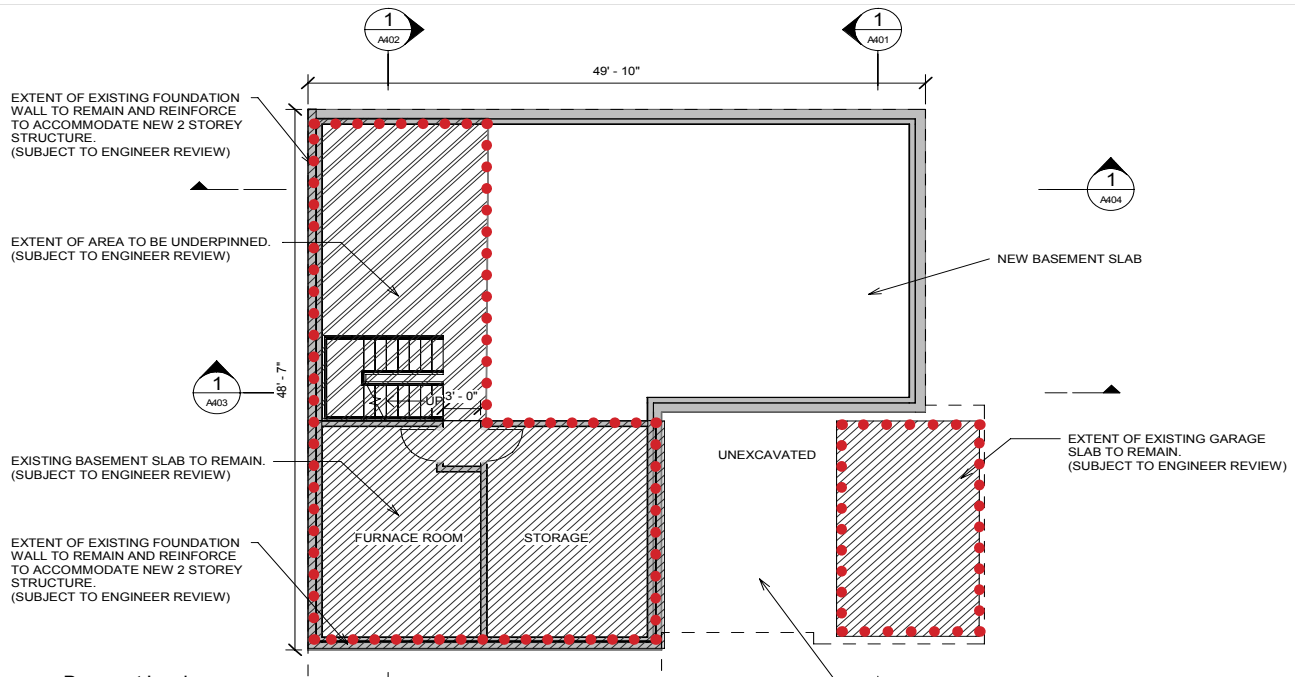


Image 18: Basement/Lower Level Floor Plan. Red dotted lines indicate existing footprint foundations to remain as part of proposed addition/renovation. Drawing by Third Layer Architects, 2021.

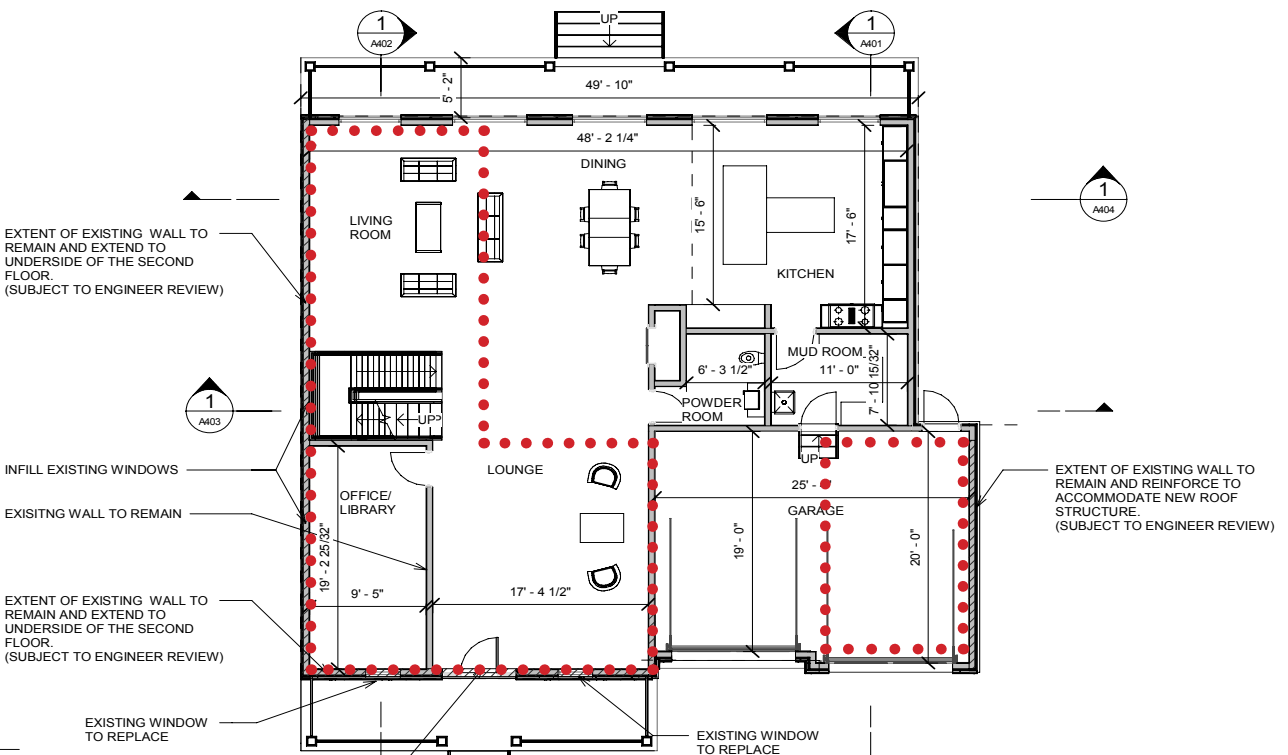


Image 19: Ground/First Level Floor Plan. Red dotted lines indicate location of original residence (footprint) to be incorporated into proposed addition/renovation. Drawing by Third Layer Architects, 2021.

# 6. PROPOSED DEVELOPMENT

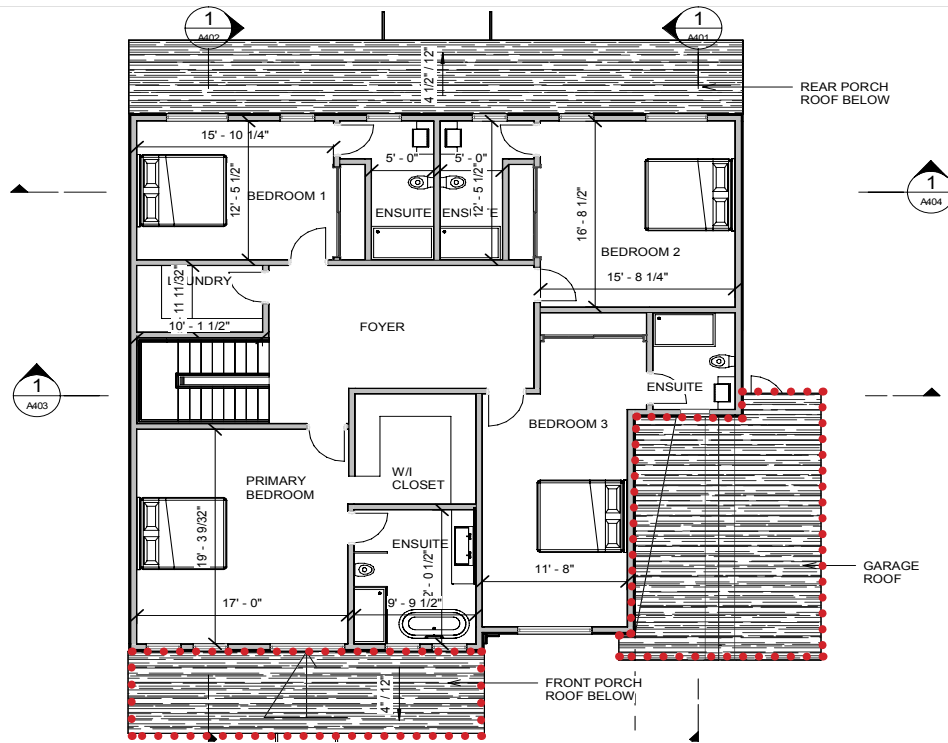


Image 20: Second Storey Floor Plan. New Addition. Red dotted line indicates location of existing roof of front and garage to be incorporated into addition/renovation. Roof lines appear below second storey. Drawing by Third Layer Architects, 2021.

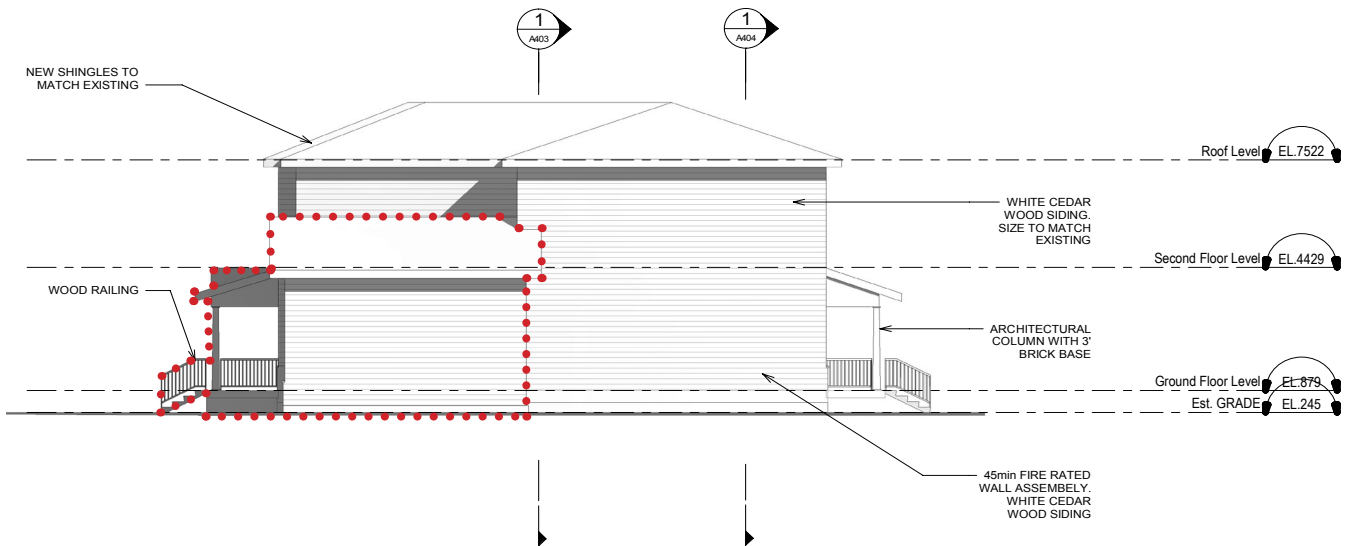


Image 21: East Elevation. Red dotted line indicates outline of existing garage and front porch (beyond) to be incorporated into proposed addition/renovation. Drawing by Third Layer Architects, 2021.

# 7. IMPACTS OF PROPOSED DEVELOPMENT

## 7.1 TREATMENT OF HERITAGE RESOURCES - WORTLEY VILLAGE-OLD SOUTH HERITAGE CONSERVATION DISTRICT PLAN

The property located at 18 Byron Ave E. is listed as a level C-Rating in terms of significance within the HCD and on the City of London's Register of Cultural Heritage Resources, and designated under Part V of the OHA. It is not a particularly strong individual example of architectural craftsmanship or historical value, and it has also been altered over time, which further diminishes its individual heritage value. This explains why it is not individually designated under Part IV of the OHA. However, in reviewing the existing site and historical context, it is understood that the property holds some heritage value, particularly in its age, scale and contribution to the streetscape of the HCD due to its sequence or location. It is also likely that its massing as an example of a cottage-like one storey home, typical of those found repeated throughout the area helps support its character. Beyond the property at 18 Byron Ave E., there are also other nearby and adjacent properties ranked as both A and B-Rating within the HCD, listed on the Register and designated under Part V of the OHA.

Given the two significant aspects of the proposed residential addition/renovation site: the C-Rating of 18 Byron Ave E., and the A+B-Rating of nearby/adjacent properties, all of which are designated under Part V of the OHA, a review of the impact of the proposed development on the existing property is necessary. Further, a understanding of the impact of the proposed development on those nearby/adjacent properties, and on the streetscape as a whole within the HCD, will be examined.

There are several sections within the Wortley Village-Old South Heritage Conservation District Plan that identify policies and guidelines applicable to the proposed addition/renovation for 18 Byron Ave E., in particular, aspects of Sections 4.0 District Policies, 5.0 Municipal Policies, 8.0 Architectural Design Guidelines, and 10.0 Landscape Conservation and Design Guidelines. A review of the key aspects of the HCD plan against the proposed design helps to identify areas of possible impact. The following is a summary of the impacts of the proposed design with specific reference to the aforementioned applicable sections of the HCD. For the complete guide, refer to the Wortley Village-Old South Heritage Conservation District Plan (WVOS HCD).

### 7.1.1 WVOS HCD - SECTION 4.0 HERITAGE CONSERVATION DISTRICT POLICIES

#### **4.1 Development Pattern**

There are several policies that fall into the category of Development Patterns. The proposed addition/renovation at 18 Byron Ave E. strives to adhere to these policies, including:

*Policies:*

*(a) Maintain the residential amenity and human scale by ensuring that the low rise, low density residential character remains dominant within and adjacent to the HCD.*

Proposal Impact (a): The proposed design supports low density residential land use in the form of a single family home with a sensitive addition that is low rise, and maintains the human scale.

*(b) New land uses that are not in keeping with the character of the residential area and/or may have a negative impact on the residential area are discouraged.*

Proposal Impact (b): The proposed use residential home is in keeping with the residential character of the HCD, with

## 7. IMPACTS OF PROPOSED DEVELOPMENT

several examples throughout the HCD of previous residences that have undergone additions/renovations and have successfully integrated within existing HCD.

*(c) Higher intensity uses or redevelopment opportunities shall be focused outside of the low rise residential area of the HCD, to areas designated by the City of London for higher density development (i.e. Ridout Street).*

Proposal Impact (c): The proposed use of the property does not include high intensity development.

*(d) Where new uses or intensification is proposed, adaptive reuse of the existing heritage building stock should be considered wherever feasible.*

Proposal Impact (d): The proposed program does not include new use; it will continue to be used as a residence.

*(e) Severances which would create new lots are strongly discouraged, unless the resulting lots are of compatible width and depth to adjacent lots.*

Proposal Impact (e): The proposed program does not include severing the property.

*(f) Where existing detached residential buildings are lost due to circumstances such as severe structural instability, fire or other reasons, the setback of replacement building(s) shall be generally consistent with the original building(s).*

Proposal Impact (e): The proposed program does NOT include replacing lost heritage fabric due to fire etc.

*(g) Parking for new or replacement dwellings is to be located in the driveways at the side of the dwelling or in garages at the rear of the main building, wherever possible. New attached garages at the front of the building are discouraged. Garages shall not extend beyond the main building façade.*

Proposal Impact (g): The design of the new garage blends into the facade; it is set back slightly from the original one-storey home that is being incorporated into the design, denoting its more prominent location on the site. The proposed design incorporates the existing detached garage along with an infill garage to connect the dwelling. The garage is aligned with the existing garage and does not extend beyond the main building facade of the original home.

### **4.3 Non-Heritage Properties**

#### **4.3.1 Alterations + Additions**

18 Byron Ave E. maintains a C-Rating, and is designated under Part V of the OHA, as it is located within the HCD. Therefore alterations and additions to the property must consider the policies related to alterations and additions, even though the property itself is not individually designated under Part IV of the OHA. These policies help to ensure that any alterations and additions do not detract from the heritage value of the property and the heritage context of the area, and should consider massing, scale, lot and street alignment. Design guidelines found in Section 8.0 of the HCD are also applicable to additions and alterations.

## 7. IMPACTS OF PROPOSED DEVELOPMENT

### *Policies:*

*(a) Exterior alterations and additions to commercial buildings may be permitted. These alterations or additions should maintain the scale and massing of the building on adjacent heritage properties, the character of the streetscape and HCD, and draw reference from nearby heritage properties. Additions that alter the streetscape shall be discouraged. New or additional front yard parking to support commercial uses shall not be permitted.*

Proposal Impact (a): N/A

*(b) Exterior alterations and additions to single detached dwellings may be permitted, consistent with the scale and massing of the buildings on adjacent heritage properties, the character of the streetscape and HCD, and draw reference from nearby heritage properties. Additions that alter the streetscape shall be discouraged.*

Proposal Impact (b): The proposed addition is consistent with the scale and massing of the buildings on adjacent heritage properties and does not alter the streetscape, but rather contributes to it.

The addition will be visible from the east and west of Byron Ave E., from 16 Byron Ave E., and from 22 Byron Ave. E. From 16 Byron Ave E., the addition will be directly adjacent to the property. To address the heritage style and scale of the adjacent residences, the datum line between the first and second storey of the proposed residence, along with the size and scale of the second storey windows, and the height of the proposed addition, will align with that of the residence at 16 Byron Ave E. The existing residence at 16 Byron Ave E. does not appear to have any major windows along the east elevation, so views of 18 Byron Ave addition will be minimal. Because the entrance porch is being retained, the setback and location of the entrance will be viewed the same as it is currently from the adjacent properties. The addition will also be visible from 22 Byron Ave E., located to the east of the proposed addition. The distance between the residences at 22 and 18 Byron Ave E., is greater than that between 16 and 18 Byron Ave E., and there is an existing driveway that helps buffer the distance, reducing the impact of the proposed addition. While the addition will create a second storey above the current one-storey garage, there are no windows proposed on the east elevation of the addition, and this will further help to reduce privacy concerns for the neighbouring property at 22 Byron Ave E. The proposed addition considers both residences adjacent at 16 and 22 Byron Ave in its design, scale and massing.

The addition will also be visible from the opposite side of Byron Ave East, specifically from the rear school yard of 130 Wharnccliffe Road S. (Victoria Public School). However, because this is an open space and not the front yards of opposing residences, the impact of the proposed addition on this property is low. The impact of views from across the property along Askin Street is minimal because of the significant distance from Askin Street to Byron Ave E. There is also a large tree located on the south side of Byron Ave within the school grounds opposite to 18 Byron Ave E., which helps to shield some views of the school from the yard towards the proposed site. The open space feel of the rear yard at Victoria Public School is not hindered by the integration of the proposed addition/renovation at 18 Byron Ave E. and the addition contributes to the overall streetscape by blending in with the surrounding heritage fabric.

*(c) Conversion of use will be permitted, if permitted by zoning. Conversions shall not significantly alter the street appearance of a building.*

Proposal Impact (c): The proposed program will not convert the use. It will remain as a single-family residence.

## 7. IMPACTS OF PROPOSED DEVELOPMENT

*(d) Major alterations to the exterior façade of non-heritage property facing a public street is permitted where the intent is to achieve the heritage objectives of either the HCD plan or the Official Plan.*

Proposal Impact (d): The intent of the proposed addition/renovation is to achieve the heritage objectives of the HCD, by retaining the location and form of the original heritage one-storey house and garage, and integrating it within the addition and renovation to create a larger and more livable family home. The cladding and form of the renovated home will help to blend into the surrounding context and character of the area, without competing with the adjacent and nearby heritage properties.

*(e) Design guidelines provided in Sections 8 and 9 of this Plan will be used to review and evaluate applications for additions and alterations to ensure that the proposed changes are compatible with the surrounding heritage properties and do not negatively impact the heritage attributes or the cultural heritage value or interest of the HCD.*

Proposal Impact (e): Sections 8 and 9 will be reviewed as applicable to determine and possible impacts of the proposed addition on the HCD.

*(f) Evaluation of additions and alterations to properties adjacent to the Wortley Village-Old South HCD will be required in order to demonstrate that the heritage attributes of the HCD will be conserved, in accordance with the Provincial Policy Statement. A Heritage Impact Assessment may be required.*

Proposal Impact (f): The proposed addition/renovation is within the HCD, and an HIA is being completed as part of the proposal.

### 7.1.2 WVOS HCD - SECTION 5.0 MUNICIPAL POLICIES

#### **5.3 Severances and Minor Variances**

Because the proposed addition/renovation requires changes to setbacks and zoning, a minor variance is required for the project. The following policies have been included to recognize the requirement for a minor variance.

*The Committee of Adjustment is responsible for addressing applications for minor variances and the Consent Authority is responsible for applications for severance in the City of London under the authority of the Planning Act and in consultation with various city departments. Applications for severances and minor variances should be considered in conjunction with the following policies:*

*Policies:*

*(a) The Heritage Planner shall be circulated with all severance and minor variance applications within the Wortley Village-Old South HCD and provide comments to be considered in the application process.*

Proposal Impact (a): Completed by the Municipality

*(b) Severances should not be considered where the result is a lot size and pattern not in keeping with the HCD and in accordance with the policies of the City's Official Plan.*

Proposal Impact (b): The proposed project does not include severing the property.



## 7. IMPACTS OF PROPOSED DEVELOPMENT

*(c) Where appropriate, in consultation with the Heritage Planner, a Heritage Impact Assessment, in accordance with the policies of the City of London, may be required in support of the creation of new lot(s) through Consent to Sever, depending on the context, location and potential impact of the severance.*

Proposal Impact (c): The proposed project does not include creating new lots.

*(d) The policies and guidelines of this plan shall be applied when reviewing applications for minor variances or consents to sever within the Wortley Village-Old South HCD.*

Proposal Impact (d): Completed by the Municipality

### 7.1.3 WVOS HCD - SECTION 8.0 ARCHITECTURAL DESIGN GUIDELINES

The recommendations provided in this section of the Wortley Village-Old South Heritage Conservation District Plan highlight considerations for major alterations and additions. These align with the objectives, principles and policies outlined in Section 3.0 of the same HCD Plan identified previously in this HIA under Section 3.0, Policies and Terms of Reference. Specifically, the Design Guidelines focus on 8.2.1 Alterations and 8.2.2 Additions, and reference the heritage attributes of the district outlined in Section 8.2 of the Wortley Village-Old South HCD Plan, and previously included in this HIA report under Section 5.0 Historical Context - 5.1.2 Key Heritage Attributes of the District. The heritage attributes have been reiterated below for reference:

#### **8.2 Heritage Attributes**

- *Building Form, Massing, Height, Width and Visible Depth*
- *Building Setting on Property*
- *Architectural Style*
- *Building Facade Elevation Layout and Shape, Projections and Reveals*
- *Porches*
- *Roof Style, Chimneys, Dormers, Gables, Eaves, Soffits and Turrets*
- *Windows, Doors and Accessories*
- *Building Materials, Textures, and Colours*

#### **8.3 Design Guidelines**

##### **8.3.1 Alterations**

Ensuring that alterations are mindful of and complementary to existing heritage fabric is essential to the survival of the heritage value in the context of an HCD. The following elements outline guidelines for consideration to alterations within the WVOS HCD and review of the proposed development at 18 Byron Ave E., with regards to impacts on heritage attributes in light of these guidelines:

##### Recommended Practices and Design Guidelines

*- Research the original style and appearance of the building to determine “authentic limits” of restoration or alteration so that the appropriate style is maintained.*

*- In the absence of historical data, use forensic evidence available from the building itself to suggest appropriate restoration or alteration.*

## 7. IMPACTS OF PROPOSED DEVELOPMENT

- *Seek similar properties (same age, same design, and same builder) for evidence of details that may still exist as samples for reconstruction.*
- *Avoid “new” materials and methods of construction if the original is still available. In some cases, after careful research, substitute materials may perform better than original materials, but beware of using materials that have not been tested for years in a similar application.*
- *C o n s e r v e ; Retain and restore heritage attributes wherever possible rather than replacing them, particularly for features such as windows, doors, porches and decorative trim.*
- *Where replacement of features (e.g. doors, windows, trim) is unavoidable, the replacement components should be of the same general style, size, proportions. and materials whenever possible.*
- *Incorporate similar building forms, materials, scale and design elements in the alteration that exist on the original building.*
- *Avoid concealing or irreversibly altering heritage attributes of property, such as entrances, windows, doors and decorative details when undertaking alterations.*
- *If in doubt, use discretion and avoid irreversible changes to the basic structure and architectural style.*
- *Keep accurate photos and other records, and samples of original elements that have been replaced.*

### Proposal Impact (Alterations):

Overall, the proposal strives to consider alterations only where necessary to accommodate the addition connecting the garage with the original house, on the second storey and at the rear of the property. The location of the original one-storey house and garage will remain, in-situ, with the addition built around it to tie the two together into a new residence. The proposal seeks to retain the original porch form, design and style, as well as the triangular pediment, but introduces new cladding and finishes to connect the new and old together, as the existing residence cladding is not original. The location of the original windows and door will also be retained, along with the location of the original window and garage door of the former detached garage.

Restoration will be preferred over replacement of existing and original elements wherever possible on the north, south and east (main) elevations and replacement when restoration is not possible. Any restoration work to original elements (if possible to determine originality) including porch and decorative woodwork will follow the HCD, Section 9.0 Conservation Guidelines. Changes that are proposed will be reversible to the front facade of the original house and detached garage, and the residences will be documented with samples of original elements retained where replaced (if required).

### *8.3.2 Additions*

Additions to dwellings within the HCD can have a significant impact on the residence as well as the heritage context of the HCD itself. Respecting scale, form, and surrounding context, while being complementary to the original building, are key components to a successful and contemporary addition that supports the values of the HCD. Guidelines for considering additions are provided below with a review of the impacts of the proposed development in light of these elements:

## 7. IMPACTS OF PROPOSED DEVELOPMENT

### Recommended Practices and Design Guidelines

- *Additions that are necessary should be sympathetic and complementary in design and, if possible, clearly distinguishable from the original construction by form or detail. The use of traditional materials, finishes and colours rather than exact duplication of form, can provide appropriate transition between additions and original structures.*
- *Additions should be located away from principal façade(s) of heritage properties, preferably at the rear of the building, to reduce the visual impact on the street(s).*
- *Form and details of the addition should be complementary to the original construction, with respect to style, scale, and materials but still distinguishable to reflect the historical construction periods of the building.*
- *The height of any addition should be similar to the existing building and/or adjacent buildings to ensure that the addition does not dominate the original building, neighbouring buildings or the streetscape.*
- *Additions should not obscure or remove important architectural features of the existing building.*
- *Additions should not negatively impact the symmetry and proportions of the building or create a visually unbalanced facade.*
- *New doors and windows should be of similar style, orientation and proportion as on the existing building. Where possible, consider the use of appropriate reclaimed materials.*
- *New construction should avoid irreversible changes to original construction.*

### Proposal Impact (Additions):

The historically integrated residential conversion at 18 Byron Ave E. fits appropriately into the existing Wortley Village-Old South Heritage Conservation District. The addition has been designed to be contemporary, while being both subordinate to the original residence. Further, the addition respects the existing heritage fabric and characteristics of the district as a whole through the following design considerations: The rear addition will not conceal original parts of the building considered of value, as the elements that contribute to the streetscape and overall character of the HCD are found along the original/front/south elevation viewed from the street.

The design of the addition/renovation also incorporates the style of windows and doors of the original residence within the fenestration of the overall appearance of the updated home to keep consistency with the heritage of the property and area. The design complements the construction of the adjacent heritage residences through geometry, scale and form, considering window lines and fenestration, and using traditional form, materials, finishes and colours to connect the new addition to the existing residence (as the existing residence cladding is not original). The cladding, brick base and new wood cedar siding will help to connect together the new addition with the existing heritage house.

The addition highlights the symmetry of the original house and creates a balanced facade along the south, west and north elevations with the introduction of contemporary glazing, windows and entrance. The proposal recognizes the importance of the streetscape and the visibility of the building from along Byron Ave E., from the nearby/adjacent properties of 16 and 22 Byron Ave E., and from the schoolyard of Victoria Public School located opposite to the proposed project on the south side of Byron Ave E.

## 7. IMPACTS OF PROPOSED DEVELOPMENT

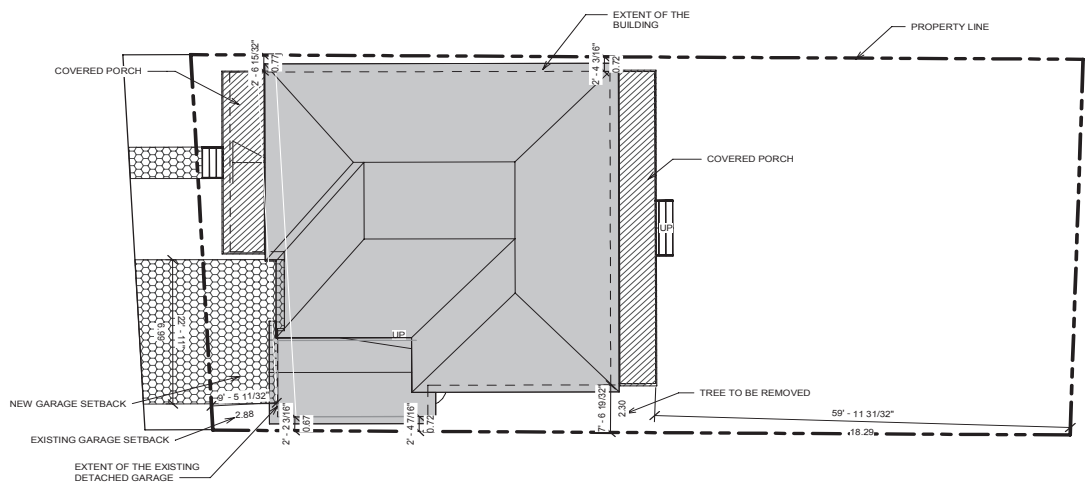


Image 22: 18 Byron Ave E. proposed site plan with parking for two vehicles to the south/front of the site. HCD plan recommends two single track driveways with turf installed between in order to minimize the impact of hard surfacing. Drawing by Third Layer Architects, 2021.

### 7.1.4 WVOs HCD - SECTION 10.0 LANDSCAPE CONSERVATION + DESIGN GUIDELINES

The character of the overall streetscape is imperative to the success of the HCD as an ongoing example of significant historical value by conserving heritage attributes identified in Section 10.4 of the HCD plan, which refers specifically to the landscape in the private realm of the district. These attributes include:

#### 10.4 Heritage Attributes

- Trees
- Front Gardens
- Plazas + Cafes
- Vehicle Parking
- Building Signage

#### 10.4.4 Vehicle Parking

The portion of the landscape in front of the proposed addition/renovation project at 18 Byron Ave E. will require area for a driveway/parking. There are recommendations for vehicle parking in residential settings, and the impacts of the proposed development at 18 Byron Ave E. is evaluated alongside these considerations:

- Views of vehicles while parked on site should be screened through the use of fencing or hedging.
- In residential applications, it is recommended that two single track driveways or parking areas be used, with turf installed between the gaps in order to minimize the impact of hard surfacing on the landscape.

#### Proposal Impact (Vehicle Parking):

The proposed design at 18 Byron Ave E. includes an existing double driveway to accommodate two vehicles utilizing interlocking stone/brick pavers. Based on the recommendations of the HCD plan, two single track driveways with turf installed between the gaps should be considered as a way to mitigate the impact of increased hard surfacing on the landscape and greater HCD.

# 7. IMPACTS OF PROPOSED DEVELOPMENT

## 7.2 MITIGATION APPROACHES

The Provincial Policy Statement (PPS 2005) on “Heritage Resources in the Land Use Planning Process, Cultural Heritage and Archaeology Policies of the Ontario Provincial Policy Statement, 2005”, was the resource utilized in the identification and development of the ‘Mitigation Approaches’ for the proposed development. Specifically, Heritage Impact Assessments and Heritage Conservation District Plans; Principles in The Conservation of Historic Properties was the main source of terms of reference.

The principles listed below were identified from the Heritage Tool Kit and expanded to include specific principles and mitigation related to the proposed addition/renovation at 18 Byron Ave E.

CRITERIA		DESCRIPTION
EVIDENCE	Respect for Documentary Evidence	Documentary evidence was researched in preparation of this HIA. The Wortley Village-Old South Heritage Conservation District Plan provides substantial information on policies and guidelines to help align the proposed design with the goals, objectives and principles of the HCD. The owner is maintaining all significant heritage elements as identified in the evidentiary documentation.
LOCATION	Respect for Original Location	18 Byron Ave E. is being preserved and incorporated into the addition/renovation project. The proposal does not include moving of the building on or off the site. The proposal respects the existing heritage residences’ location along Byron Ave by highlighting the original elements (porch and garage) and locating the proposed addition as a link between the two and on the second storey and rear of the residence.
MASSING	Respect for existing form and massing	The existing form and massing of 18 Byron Ave E. is respected by aligning the proposed addition, fenestration and new garage with the existing one storey home and garage. The roofline of the garage is retained, along with the existing porch and roofline. The form of the addition has been designed to complement the original one-storey home. The height and scale of the addition is consistent with the adjacent properties and nearby properties within the HCD. The size of the addition does not overpower the site but connects the existing and new together, creating a blended composition.
MATERIALS	Respect for Historic Material	The existing/original materials of the property have been replaced aside from some trim work and the wooden porch decking. The proposed addition and renovation will re-introduce cladding that is more sympathetic to that of the original house and those found in the area, as well as utilizing wooden railings along the porch and wood for the columns, removing the unsympathetic vinyl cladding that was installed previously. The colour of the cladding also considers those typically found on nearby residences in the HCD to blend into the surrounding environment.
FABRIC	Respect for Original Fabric	Because the original fabric has been replaced on much of the house, more sympathetic versions will be utilized that considers the original fabric. This includes the windows, door, soffit detailing, and wood trims. Roofing will be installed to match existing. Existing openings, windows and doors, will be utilized where new entrances are required.

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CRITERIA		DESCRIPTION
HISTORY	Respect for the Building's History. Do not restore to one period at the expense of another period.	The architectural and historical reasons for designation will be adhered to in order to preserve the unique history of the property within the Wortley Village-Old South Heritage Conservation District.
REVERSIBILITY	Reversibility of the new elements.	All proposed alterations to the existing property will be reversible and allow the resources to return to their original condition, particularly at the front of the house, as the primary aspect of historic value and contribution to the HCD is found in the main/south elevation and this will remain. The proposed addition ties into the existing building between the house and the garage as well as at the rear. Existing openings at the front/south windows and entrance will continue to be utilized as openings and entrances into the space. The south facade of the original home and the garage facade will remain as the original form with new cladding.
LEGIBILITY	Legibility of the new versus the old.	The materials of the proposed addition will be utilized to connect the new addition to the original house. Because the fabric of the existing residence have been replaced with unsympathetic vinyl cladding, the client proposes to use one cladding system that is more sympathetic to the area: white cedar wood siding. This will unify the original home and the addition but the addition will be set back from the original home so that the existing stands out as its own element within the design.
MAINTENANCE	Maintenance	The existing residence at 18 Byron Ave E. will undergo a complete addition/renovation project. This will contribute to its sustainability as an actively utilized building incorporating a single family residence, and will help ensure it's longevity. An actively used and well-kept home becomes easier to maintain and receives increased attention versus an under-utilized and/or vacant property.
DESTRUCTION	Destruction of any, or part of any, significant heritage attributes or features.	There is no plan of destruction to any of the significant heritage features, which are predominantly considered along the front/south elevation and contribute to the streetscape. The removal of openings, the top of the roof, and walls along the east and south to accommodate the addition will allow for increased living space but these areas are not significant to the value of the home. The residence and garage will be restored and integrated with the addition/renovation to make a more livable home for a larger family.
ALTERATION	Alteration must be sympathetic or is compatible, with the historic fabric and appearance;	There are no alterations that affect the 'Reasons for Designation'. New openings will be minimized and will respect the original fabric of the existing residence. The addition is located to link to the garage and residence, as well as create a second floor and add to the rear of the residence.

## 7. IMPACTS OF PROPOSED DEVELOPMENT

CRITERIA	DESCRIPTION
SHADOWS	<p>Shadows created that alter the appearance of a heritage attribute or change the viability of a natural feature or plantings, such as a garden;</p> <p>Refer to the “Report to London Committee of Adjustment” submitted by Mike Corby, Planner M. Wu, File A.106/21, September 2, 2021 for comments regarding the potential impact and mitigation of shadows on the adjacent property. As outlined in the report: <i>The neighbouring property to the west (16 Byron Avenue East) is occupied by a 2-storey single detached dwelling with an east interior side yard setback of approximately 0.95m (3.1ft). Adverse shadowing and privacy impacts on the abutting property to the west are not anticipated as a result of the proposed 2nd-storey addition.</i> (Wu, A.106/21, p7)</p>
ISOLATION	<p>Isolation of a heritage attribute from its surrounding environment, context or a significant relationship;</p> <p>The heritage attributes of the existing residence are primarily located along the streetscape, and are not isolated from this contextual relationship through the proposed addition/renovation.</p>
OBSTRUCTION	<p>Direct or indirect obstruction of significant views or vistas within, from, or of built and natural features;</p> <p>Views of the key south (front) elevation, as well as the east elevation of the garage remain intact. The pedestrian access to the front of the property from Byron Ave E also remains intact via the existing pathway. Because the addition is set back from the original datum/line of the one storey home, the views of the adjacent properties are not drastically affected. The view towards 16 Byron Ave E from the east, and the view towards 22 Byron Ave E. from west will be altered due to the second storey addition of the proposed addition at 18 Byron Ave E. However, the significant views directly south along Byron Ave E. of these two adjacent residences at 16 and 22 Byron Ave E. will not be impacted.</p> <p>There is also no impact on the views or obstruction of views that could impact 130 Wharnccliffe Road S. (Victoria Public School) due to its location closer to Wharnccliffe Road S.</p>
LAND USE	<p>A change in land use to allow new development or site alteration to fill in the formerly open spaces;</p> <p>There is no proposed land use change.</p>
LAND	<p>Land disturbances such as a change in grade that alters soils, and drainage patterns that adversely affect resources.</p> <p>The site is flat. All grading will be in accordance with local governing bodies. There is no significant change in grade that alters soils, and drainage patterns that adversely affect the area.</p>

## 7. IMPACTS OF PROPOSED DEVELOPMENT

CRITERIA		DESCRIPTION
CONTEXT	Retain important contextual values.	The Wortley Village-Old South Heritage Conservation District Plan policies include the conservation and protection of existing buildings and streetscapes within the district wherever possible. 18 Byron Ave E. retains its context within the proposed addition/renovation, and the alterations do not have negative impacts on adjacent and nearby properties at 16 and 22 Byron Ave E., or at 130 Wharnccliffe Road S. Views of the addition will be evident from the road, but the original one-storey residence and garage will be retained, in-situ. The contextual value of the street and area is maintained.
DETAIL	Heritage Attributes Identified and Retained	The location, sequence, grouping and overall massing, as well as the existing porch and architectural details of the residence at 18 Byron Ave E. contribute to the overall streetscape along Byron Ave E. and within the HCD. These key aspects of the property are retained, and where there are alterations and additions, these are mitigated by locating them to the side and rear of the property and replacing these existing, unsympathetic elements such as vinyl cladding and windows, with modern versions that are sensitive to the existing residences, nearby/adjacent residences, and contribute to an improved streetscape image.
LANDSCAPE	Buffer zones, site plan control, and other planning mechanisms.	The existing buffer zone between the adjacent property at 22 Byron Ave E. and 18 Byron Ave E. helps to create separate between the proposed addition. Further, an improved pedestrian walkway to the house and the existing double driveway, as well as new vegetation and landscaping provide buffer zones from the street, and create a compatible visual composition of the property at 18 Byron Ave E within the streetscape. While a double-lane brick/stone driveway is proposed, it is the HCD suggests two single-lane driveways with turf between the two be considered to reduce the impact of hard surface on the landscaping. Overall, the proposed addition/renovation will improve the site, provide manicured landscaping and relief from an underutilized and inactive site. The landscape and streetscape of the HCD will be improved by the features proposed by the addition/renovation at 18 Byron Ave E.



## 8. RESOURCES

### Government Documents

1. Her Majesty the Queen in Right of Canada. *Standards and Guidelines for the Conservation of Historic Places in Canada*. 2010.
2. Ministry of Municipal Affairs and Housing. *Ontario Provincial Policy Statement, Under the Planning Act*. 2014.
3. Ontario Ministry of Culture. *Heritage Resources in the Land Use Planning Process, Cultural Heritage and Archaeology Policies of the Ontario Provincial Policy Statement*. 'Info Sheet #5, Heritage Impact Assessments and Conservation Plans.' 2005.
4. Ontario Heritage Trust. *Ontario Heritage Act, R.S.O. 1990 c. O.18: Part IV and V Designated Properties*. Version July 1, 2019.

### Municipal Documents

1. City of London - The London Advisory Committee on Heritage Department of Planning and Development. *Inventory of Heritage Resources 2006*. 2005.
2. City of London. *The London Plan*. Minister Approved December 28, 2016.
3. City of London. *Strategic Plan for the City of London 2015-2019*.
4. ecoplans ltd, Nexus, , GSP, Golder Associates, and Nancy Tausky Heritage Consultant. *Wortley Village-Old South Heritage Conservation District Plan*. For the City of London. September 2014.
5. City of London. Report to London Committee of Adjustment. Mike Corby, Manager, Planning Implementation, Planning + Development. M. Wu, Planner. September 2, 2021.

### Other

1. Street Images: *London, Ontario*. Nov/Dec 2021. Google Maps, <https://www.google.ca/maps/place/London,+ON>
2. Map Images: *London, Ontario*. Nov/Dec 2021. Google Earth, <https://earth.google.com/web/search/London,+ON>
3. Third Layer Architects. Drawings: Proposed Site Plan 2021, Proposed Drawings: Floor Plans and Conceptual Elevations. 2021.
4. Archibald, Gray and McKay LTD. Plan, Survey, Engineer. Drawings: Existing Site Survey. October 15, 2020
5. Thomas G. Arnold & Associates. Stage 1 and Stage 2 Archaeological Assessment of 18 Byron Avenue East, London, ON....PIF & Project#: P006-0109-2021. December 5, 2021.

## 9. APPENDICES

*APPENDIX A - Existing Site Survey Drawing*

Archibald, Gray and McKay LTD. Plan, Survey, Engineer.  
October 15, 2020

*APPENDIX B - Proposed Site Plan, Floor Plans, Elevations*

Third Layer Architects  
October 13, 2021

*APPENDIX C - A-106-21: Report to London Committee of Adjustment.*

City of London  
September 2, 2021

*APPENDIX D - Stage 1 and Stage 2 Archaeological Assessment of*

18 Byron Avenue East, London, ON...  
Thomas G. Arnold & Associates  
December 5, 2021

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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:** Designation, 183 Ann Street and 197 Ann Street under Part IV  
of the *Ontario Heritage Act*

**Date:** April 25, 2022

## Recommendation

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, with respect to the designation of built resources at municipal addresses 183 Ann Street and 197 Ann Street, located on the consolidate parcel legally described as – LOTS 4, 5, 6 & 7 AND PART LOT 3, SOUTH SIDE ANN STREET PLAN 183(W)DESIGNATED AS PART 1, PLAN 33R-20622 – that the following actions **BE TAKEN**:

- a) Notice **BE GIVEN** under the provisions of Section 29(3) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18, of Municipal Council's intention to designate the built resource on the municipal address 197 Ann Street to be of cultural heritage value or interest for the reasons outlined in Appendix E of this report; and,
- b) Should no objections to Municipal Council's notice of intention to designate be received, by-laws to designate the built resource at 197 Ann Street to be of cultural heritage value or interest for the reasons outlined in Appendix E of this report **BE INTRODUCED** at a future meeting of Municipal Council within 90 days of the end of the objection period.
- c) Notice **BE GIVEN** under the provisions of Section 29(3) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18, of Municipal Council's intention to designate the built resource at 183 Ann Street to be of cultural heritage value or interest for the reasons outlined in Appendix F of this report; and,
- d) Should no objections to Municipal Council's notice of intention to designate be received, by-laws to designate the built resource 183 Ann Street to be of cultural heritage value or interest for the reasons outlined in Appendix F of this report **BE INTRODUCED** at a future meeting of Municipal Council within 90 days of the end of the objection period.

**IT BEING NOTED** that should an objection to Municipal Council's notice of intention to designate be received, a subsequent staff report will be prepared.

**IT BEING FURTHER NOTED** that should an appeal to the passage of the by-law be received, the City Clerk will refer the appeal to the Ontario Land Tribunal.

## Executive Summary

In 2019, an application for an Official Plan and Zoning By-law amendment (OZ-9127) was submitted by York Developments for a 28-storey apartment building complex on the subject property at 84 – 86 St. George Street and 175 – 197 Ann Street; in 2020, the proposal has been subsequently modified in height to 22-storeys. The proposal is predicated on the removal of all existing built resources on the subject property. The subject property, now a consolidated parcel including the municipal addresses 84 - 86 St. George Street and 175-197 Ann Street), is LISTED on the City's *Register of Cultural Heritage Resources*. Per Policy 565 of *The London Plan*, an evaluation is required to determine if the property retains cultural heritage value or interest (CHVI) and to assess potential impacts.

For CHVI evaluation purposes, a heritage impact assessment (HIA) was submitted by the applicant in 2021 as part of a revised complete application. The HIA determined that all built resources on the subject property have cultural heritage value, but that retention

is not economically viable. To date, no demolition requests have been submitted to the City by the applicant for the removal of any of the built resources on the subject property and Municipal Council is not being asked to consider a request for demolition at this time.

At its meeting held on November 24, 2020, Municipal Council referred Civic Administration to report back at a later date regarding potential designation of 197 and 183 Ann Street. Per Municipal Council's request, the focus of this report is specifically on heritage planning staff's evaluation of the built resources at 197 Ann Street (known as the former Kent Brewery) and 183 Ann Street (the adjacent Brewer's House). An evaluation was undertaken using the criteria of O. Reg 9/06, which determined that the built resources are significant cultural heritage resources that merit designation pursuant to Section 29 of the *Ontario Heritage Act*.

## Linkage to the Corporate Strategic Plan

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

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

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

November 16, 2020: OZ-9127 – Report to Planning and Environment Committee: 7<sup>th</sup> Report of the London Advisory Committee on Heritage 183 and 197 Ann Street. Agenda Item 4.1, pp205-208 [re: revise date to report back on heritage matter].

October 19, 2020 – Report to Planning and Environment Committee: 7<sup>th</sup> Report of the London Advisory Committee on Heritage, October 14, 2020. Agenda Item 4.1, pp486-556 [re: Designation of 183 and 197 Ann Street, LACH – 4.1c and 4.1d].

March 9, 2020 – Report to Planning and Environment Committee: St. George and Ann Block Limited, 84–86 St. George Street and 175–197 Ann Street (OZ-9127). Agenda Item 3.5, pp156-201 [re: request application be heard at future PPM].

February 19, 2020 – Report to London Advisory Committee on Heritage. LACH Stewardship Sub-Committee Report, Wednesday January 29, 2020. Agenda Item 1 [re: 197 Ann Street (referred by LACH, 2019-12-11)].

#### 1.2 Location of Subject Property

The subject property is a consolidated parcel of multiple municipal addresses located at the southeast corner of Ann and St. George Streets, just south of the Canadian Pacific Railway, and near to high-rise residential buildings to the southeast (Appendix A). The former course of the historic Carling's Creek can still be discerned immediately behind the property (Appendix B). The area surrounding the subject property is colloquially known as 'North Talbot' which is north of the city's downtown core. North Talbot is associated with very early urban development in London following its annexation in 1840. Over time, this area has transitioned to accommodate many business enterprises, often within historic buildings. Today, North Talbot still retains a predominantly residential character, clearly bordered by commercial main streets, and with a strong presence of the natural landscape (Heritage Places 2.0, p17). In 2020, a Cultural Heritage Inventory for the North Talbot Study Area was prepared to identify heritage listed and heritage designated properties within the North Talbot Study Area. This Cultural Heritage Inventory was completed in advance of the initiation of a Heritage Conservation District (HCD) Study for a potential district (TMHC, 2020).

For the purposes of this report, the consolidated parcel will be referred to as "the subject property"; legally described as – LOTS 4, 5, 6 & 7 AND PART LOT 3, SOUTH SIDE ANN STREET PLAN 183(W)DESIGNATED AS PART 1, PLAN 33R-20622. The following municipal addresses on this parcel will be referred to separately throughout the report and named by their address: 175 Ann Street, 179 Ann Street, 183 Ann Street,

197 Ann Street, 84 St. George Street and 86 St. George Street (Appendix A). Note that the properties previously identified by these addresses merged in December 2019 (2020, Oct 20, LACH). Figures 5 and 6 illustrate the individual lots and configurations comprising the consolidated parcel (Appendix A).

### **1.3 Cultural Heritage Status**

The subject property is a heritage listed property, included on the City's *Register of Cultural Heritage Resources*. The parcel contains multiple built resources that have been identified as having potential cultural heritage value or interest that requires further research and evaluation for designation under Part IV of the *Ontario Heritage Act*.

The built resource on LOT 4, PART LOT 3, now known as municipal address 197 Ann Street, is recognized as the last remnant of the former Old Kent Brewery and has been noted as a building of interest since 1987 in the City's Inventory (LACAC, p5). Since March 26, 2007, LOT 4, PART LOT 3 has been included on the City's *Register*. Based on the cultural heritage information presented in the *North Talbot Cultural Heritage Inventory*, the remaining municipal addresses comprising the parcel were added to the *Register of Cultural Heritage Resources* on October 27, 2020 (TMHC, 2020).

### **1.4 Description of Built Heritage Resources**

#### **1.4.1 197 Ann Street**

The built resource at 197 Ann Street (known as the former Kent Brewery) consists of a complex of buildings, representative of a mid-late 19th century vernacular, industrial commercial 'typology'. Sections of the building complex can be visually discerned from the exterior, and include a primary building, old wash house, south extension and contemporary garage (Appendix A, B). The building complex currently functions as an auto repair shop with (2) rental units – one on the first and second floors of the primary building.

The 2-storey primary building faces Ann Street and is a rectangular brick veneer building (9m x 13m approx.) – of local buff brick with a flat roof; a portion of the SW exterior has been clad with metal siding. The façade is relatively unadorned with the exception of a parapet composed of a row of single brick corbels, end-on, 3 brick deep, and 2 string courses along the front and halfway along the east side. There is a corbelled extension at the west end integral with the parapet. Many window and door openings are topped with brick voussoirs; some window and door openings have been filled-in or expanded. Interior features of note are several corbelled brick-support 'brackets' and several brick rounded arches in the basement. The first and second floor are currently rented and were only briefly viewed during the site visit (Feb 7, 2020).

A 1-storey 'old wash house' (9.88m x 20.45, approx.) with a buff brick exterior is positioned to the west of the primary building. It has a similarly unadorned façade, with a flat roof sloping from the front to the rear. From the interior, original beams, joists and cross bracing can be seen from the underside of the roof. This portion of the building complex first appears on the (1892, 1907r) insurance plan mapping and is noted as having an arched vault underground, but other than interior round arches between the basement of the primary building and the old bath house, no underground cellar was found during the site visit.

A 1-storey brick and clad wing (south extension) extends south from the primary building to the contemporary garage. It is a rectangular building (9.49m x 21.65m, approx.) with some exterior parging of brick along the western face. The interior is an open space, with exposed brick and wooden slat ceiling. The south extension exhibits considerable external and internal modifications completed during expansion years of the brewery.

A contemporary garage flanks the southern end of the south extension (10m x 11m, approx.).

The precise dates of the primary building, old wash house and south extension is unknown. What is known is the former Kent Brewery at 197 Ann Street was established in 1859 (O'Brien, p14) and as early as 1861 the brewery is noted as being "very successful since its establishment, and there are enlargements and additions being constantly made to it" (Tovey, Chronology, p3). Presumably, a building existed on this

property as early as 1859-1861 however it is inconclusive whether this is the primary building (or part of) that we see today. The earliest insurance plan mapping available dates from 1881 which indicates a 1½ storey primary building fronting Ann Street, and a south extension which generally fits the current footprint of the brewery complex. Subsequent mapping shows additions and improvements made over a period – from 1892 to 1922 – which includes changes in material and building heights. Confirming the extent and date of these alterations in comparison to as-built observation, will require further research and on-site investigation which was beyond the scope of this evaluation. Therefore, for this evaluation, a broad range of (c.1859-1881) has been assigned to the Kent Brewery for the dating purposes.

#### **1.4.2 183 Ann Street**

The built resource at 183 Anne Street (c.1893) is a two-and-a-half-storey, buff brick Queen Anne Revival style residence, built by Joseph Hamilton the brewer master at the adjacent Kent Brewery from 1887-1916 (Appendix B). A contemporary wooden structure is located at the rear of the lot and appears to function as a storage shed.

The form of the residence at 183 Ann Street is an intersecting hipped roof, and a front gable end which has horizontal siding and dentilled millwork detailing. The gable ends exhibit the specific style of wood shingling known as a staggered imbrication (Phillips, p99). The front façade gable is clad with siding, but the east gable exhibits the original bargeboard shingling and is outlined with moulded vergeboards.

The gable is supported by wooden end brackets and a modillion course beneath. There is a small square gable window under the eaves. There is a pilaster on each side of the window frame. The window is divided in two and surrounded by a border of small square panes.

The double front doors have a carved wood inset with two arched windows, a stained-glass transom, and are covered by a shallow overhang. Windows openings on all visible elevations have brick voussoirs, and remaining brick voussoirs on the first floor of the primary façade show where an original window was partially infilled and replaced with a smaller one.

On the west elevation is a bay window with stone lug sills. The bay is topped by a flat roof and the fascia board is decoratively supported by small brackets or modillions. The brackets and modillions adhere to a single character throughout the whole structure. (see TMHC pp-239-40; LACH Stewardship w/Tovey).

#### **1.4.3 179 Ann Street**

The built resource at 179 Ann Street (pre-1881) is a one-story, buff-brick, side hall plan vernacular cottage with a hipped roof (Appendix B). The front door has a transom, and the primary façade has window openings topped with brick voussoirs. The residence is a representative example of a late-19th-century worker's cottage but is somewhat unusual with its bay window with stone trim on the east elevation, seeming to echo a bay window on the west elevation of the adjacent 2-storey buff brick residence at 183 Ann Street (see TMHC pp-237-38; LACH Stewardship w/Tovey).

#### **1.4.4 175 Ann Street**

The built resource at 175 Ann Street (c.1892-1893) is a one-story, wood-frame residence, with a hipped roof (Appendix B). It is a representative example of a late-19th-century worker's cottage. It has a central hall plan, and a central entry flanked by windows and either side facing Ann Street. A shed-roof extension is at the rear. Most windows, exterior cladding and roofing material appear to be contemporary replacements (see TMHC pp235-36).

#### **1.4.5 86 St. George Street**

The built resource at 86 St. George Street (c.1930) is a one-story, wood-frame, residence, with a hipped roof (Appendix B). It is a representative example an early 20th-century worker's cottage. It has a side hall plan, and a front entry with a small, covered verandah situated on the southwest corner of the building, facing onto St. George Street. Most windows, exterior cladding and roofing material appear to be contemporary replacements (see TMHC p528-29).

#### **1.4.6 84 St. George Street**

The built resource at 84 St. George Street (c.1893) is a one-story, wood-frame, side hall plan cottage, with a hipped roof (Appendix B). It is a representative example of a late-19th-century worker's cottage. There is a recessed, covered front entry with a small balustrade situated on the northwest corner of the building, facing onto St. George Street. Most windows, exterior cladding and roofing material appear to be contemporary replacements (see TMHC pp526-27).

### **1.5 Historical Background**

#### **1.5.1 The Historical Landscape – Carling Creek and CPR Railway**

Though now largely underground (a "lost creek"), there are tangible remains of the historic Carling's Creek that are still visible and resonate in the community today. The creek still empties into the river just south of Ann Street Park, and is also daylight (i.e., visible) between Waterloo and Colborne near Pall Mall. 197 Ann Street slopes down towards the former creek bed, which is behind a fence immediately to the north of the lot.

The subject property is also linked to the era before the CPR railway, and to the industries that were attracted by the creek. Although several key industrial buildings have been preserved from the CPR era, the Kent Brewery is both the oldest remaining industrial structures in the area, and the only industrial building in North Talbot that retains that primary relationship to the creek.

Industrial buildings clustered near the CPR tracks are part of the visible landscape that surrounds the brewery to the west, south, and east. These include the CPR cold storage across the tracks to the northwest; the CPR warehouse to the north; the Fireproof Warehouse and the Murray-Selby Shoe Factory Building to the northeast; the former CPR passenger station; and the former Ford Factory at Pall Mall and Waterloo. (LACH Stewardship w/M. Tovey).

#### **1.5.2 The Kent Brewery and the Brewer's House at 197 and 183 Ann Street**

In Philips' seminal book on brewing in Victorian Middlesex-London (p76), his earliest account of a brewery located at 197 Ann Street is 1859 (see also O'Brien, p14; see Appendix C and D for historical images and documents). He notes that the formative years of the brewery were challenging, mirroring financial difficulties the brewing industry in London also encountered. Original owners, H. Marshall and J. Hammond soon went out of business as did subsequent owners F. Dundas and J. Philips. In 1861, John Hamilton purchased the business which was already known as the Kent Brewery – named after the well-known hop-growing regions of Kent, England, from which the brewery imported its hops (O'Brien, p14). By 1870, brewer John Hamilton was producing 8,000 gallons of porter and ale, generating a profit of \$500. The brewery's prosperity enabled Hamilton to buy not only the land on which the brewery stood<sup>1</sup>, but all of the other properties between the brewery and St. George Street, including the land on which 183 Ann Street now sits.<sup>2</sup>

John Hamilton continued to operate the brewery and also live at 183 Ann Street, adjacent to the brewery, until his death in 1887 (Tovey, 197 Ann St; Tovey, Chronology; see Philips, p155). Afterwards, John Hamilton's son, Joseph, grew the brewery business by fashioning the 'Hamilton' brand through consistent advertising, creative slogans, and by reproducing the beer labels on his advertising (Phillips, p154). In 1893, Joseph Hamilton made "extensive alteration to the Kent Brewery...doubling its capacity and rebuilding the family house at 183 Ann Street" (Phillips, pp154-155).

The house at 183 Ann Street was built by Joseph Hamilton, who lived there from 1887–1911. Joseph Hamilton built 183 Ann Street in c.1893, and lived there with his family for 18 years, until 1911. Joseph's father, brewer John Hamilton, had lived in a more modest frame structure on the same site. After taking the reins, Joseph Hamilton rapidly built up his local trade to a point where he had nearly tripled the commercial worth of the Kent

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<sup>1</sup> Bargain and Sale, \$3,500, Henry Marshall to John Hamilton, 22 Dec 1873, Lot 3 South Side of Ann Street, Registered 23 Feb 1874, Instrument #1102. Quoted from Tovey; 2020, Oct 27.

<sup>2</sup> Bargain and Sale, \$2,200, Joshua Dixon Dalton to John Hamilton, 1 April 1872, lots 4, 5, 6, 7, South Side of Ann Street, Registered 22 April 1872, Instrument #8810. Quoted from Tovey; 2020, Oct 27.



Brewery in the first five years of his tenure as brewer, thanks to a sophisticated new branding strategy and targeted local marketing. The size and scale of the Queen Anne styled house at 183 Ann Street, built six years after Joseph Hamilton took over as brewer, is tangible evidence of his success (LACH Stewardship w/M. Tovey). Between c1886 and 1916, the Kent Brewery was one of only three breweries in London, third to Labatt and Carling. In Caldwell's evaluation of 197 Ann Street, she notes that: "[i]n an era where other small scale local breweries were closing for reasons such as fires, temperance, and increased competition, the brewery was famous for its English-style porter and had a reputation for brewing good quality local beer" (Caldwell, p11).

News stories covering the Kent Brewery and owners were reported in *The Globe*, Toronto, suggesting that the brewery had more than local significance at the time (Tovey, Chronology, p1). It was listed in the *Canada Gazetteer* as early as 1864 (Mitchell's, p331). London was home to a number of small breweries in the mid-19th Century (Phillips, pp153-55), however these gradually disappeared, and the Kent Brewery remained (Caldwell, p11). Joseph Hamilton managed the brewery until it closed in 1917 (O'Brien, p14), like many breweries in Ontario, due to impacts of the Passage of the Canadian Temperance Act.

This is not the end of the Kent Brewery; for over 100 years following its closure, the now former Kent Brewery complex has remained viable by adapting and housing a wide variety of uses; from commercial business, winery, cheese and cigar production to the fabrication and sales of construction products and automotive businesses. Currently 197 Ann Street also contains (2) residential rental units. The primary building and adjacent old wash house still look much as they did during the peak of the brewery's business; and the massing, form and footprint of these parts complex building complex has remained the same. In the 100 years since its closure as a brewery, the building complex at 197 Ann Street has been vacant for only 10 (non-consecutive years); a testament to the adaptability of this modest vernacular industrial heritage resource and reminder that the greenest building is a heritage building retrofitted. Today, the building complex is considered to be the "largest surviving brewery artifact from Victorian London Middlesex" (Phillips, 155).

### **1.5.3 Cottages at 175 and 179 Ann Street and 84 and 86 St. George Street**

The built resources at 84 St. George Street and 175 Ann and 179 Ann Street are all representative examples of late-19th-century worker's cottages, with 86 St. George Street dating from c.1930. They are historically linked to the former brewery function on the subject property and industrial uses in the surrounding area (see Appendix C for historical images). The first occupant at 84 St. George Street, Phillip Lewis, was listed as a labourer in the 1900 City Directory, and John Arscott who served as a foreman of the C.S. Hyman & Co. Tannery on Richmond Street, is associated with 175 Ann Street. Finally, the property at 179 Ann Street was owned by brewer John Hamilton of the Kent Brewery, and lived in by his son, brewer Joseph Hamilton (from 1888-1890), following his marriage to Susannah Fletcher, and before he took the reins of the Kent Brewery (1887-1916) (TMHC, 2020).

## **1.6 Heritage Planning File Background and Current Proposal**

On Sept 20, 2019, an Official Plan and Zoning By-law amendment application (OZ-9127) was received for a 28-storey apartment building complex at 84 – 86 St. George Street and 175 – 197 Ann Street. At the time of this initial submission, the property specific to 197 Ann Street was identified as a LISTED property on the City's *Register of Cultural Heritage Resources*, being the last remnant of the former Kent Brewery (c1883). Per Policy 586 of *The London Plan*, a heritage impact assessment (HIA) was required as part of a complete application. A Notice of Application and HIA was circulated to the London Advisory Committee on Heritage (LACH) on October 10, 2019. At its meetings on November 13<sup>th</sup> and December 11<sup>th</sup> 2019, the LACH reported that it was not satisfied with the research, assessment, and conclusions of the heritage impact assessment (HIA) and referred the file for 197 Ann Street and other dwellings on the subject property of the application to the Stewardship Sub-Committee for further research. Heritage staff also provided comments to the file planner and applicant indicating that there was insufficient information in the report to support the conclusion that built resources on the property at 197 Ann Street have no significant cultural heritage value or interest (CHVI).

At the March 9, 2020, Planning and Environment Committee (PEC) meeting, an information report on the application (OZ-9127) was considered. Heritage staff prepared a 9/06 evaluation and found that the property at 197 Ann Street retains historical associations and contextual value that are sufficiently significant to warrant support for Part IV heritage designation. PEC referred the application and heritage matters back to the Civic Administration for a future report and recommendation.

On October 7, 2020, a revised Notice of Planning Application (OZ-9127) was circulated for a modified design with 22-stories; the LACH reviewed the revised application at its October 14, 2020 meeting. Based on this review, the LACH Report to PEC, included on the October 19, 2020 Planning & Environment (PEC) agenda, recommended the designation of 183 Ann Street and 197 Ann Street under the *Ontario Heritage Act* (OHA). At the October 19, 2020 PEC meeting, the Applicant requested that consideration of the LACH's request for designation be deferred to the November 30, 2020 PEC meeting. At its meeting held on November 24, 2020, Municipal Council then resolved that Civic Administration report back on this matter – deferred to November 30<sup>th</sup> – to a future meeting of PEC because of alterations being proposing to the building design (Resolution 4.1/8/PEC). This resolution also noted that the properties located at 175, 179, 183, and 197 Ann Street and 84 and 86 St. George Street had merged. As well at the same Municipal Council meeting per resolution (5.1/18/PEC) 175, 179, 183 Ann Street and 84 and 86 St. George Street properties were added to the *Register of Cultural Heritage Resources* based on the cultural heritage information presented in the *North Talbot Cultural Heritage Inventory* (TMHC, 2020)

On November 9, 2021, a revised HIA was received by the file planner, which responded to previous comments from the LACH and Civic Administration (Nov 13, Dec 11, 2019; Feb 26, 2020) that identified errors and omissions in the original HIA submitted (2019). The revised HIA also depicted the inclusion of a public brewery on the first floor on the east side of the proposed building.

At its meeting on March 9, 2022, the LACH was circulated on the revised HIA and reported that it was not satisfied with conclusions of revised HIA (Nov 4, 2021) and reiterated its previous comments (Oct 14, 2020 – LACH report) to retain and designate the properties located at 197 and 183 Ann Street.

On April 1, 2022, a newly revised application and a Notice of Application was circulated. The application again depicted a 22-storey apartment building including a range of convenience commercial uses including a 'craft brewery'; the proposal shows all existing buildings and structures are to be removed on the subject property.

To date, no demolition requests have been submitted to the City by the applicant for the removal of any of the built resources on the subject property, and Municipal Council is not being asked to consider a request for demolition at this time. Any demolition requests related to this subject property received in the future will require Municipal Council approval.

## **2.0 Discussion and Considerations**

### **2.1 Legislative and Policy Framework**

Cultural heritage resources are recognized for the value and contributions that they make to our quality of life, sense of place, and tangible link to our shared past. Cultural heritage resources are to be conserved as per the fundamental policies in the *Provincial Policy Statement* (2020), the *Ontario Heritage Act*, *The London Plan*. It is important to recognize, protect, and celebrate our cultural heritage resources for future generations.

#### **2.1.1 Provincial Policy Statement**

Heritage conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement (PPS-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." (Section 2.6.1)

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

Additionally, 'conserved' means, "[t]he identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*. To 'conserve' may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. [...] Mitigative measures and/or alternative development approaches can be included in these plans and assessments." (pp41-42)

### **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.

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 object to a Notice of Intention to Designate (NOID) and to appeal the passing of a by-law to designate a property pursuant to Section 29 of the *Ontario Heritage Act*. 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).

To determine eligibility for designation under Section 29 of the *Ontario Heritage Act*, properties are evaluated using the mandated criteria of Ontario Regulation 9/06.

#### **2.1.2.1 Ontario Regulation 9/06**

Regulation 9/06 of the *Ontario Heritage Act* establishes criteria for determining the cultural heritage value or interest of individual properties. These criteria are reinforced by Policy 573\_ of *The London Plan*. These criteria are:

1. Physical or design value:
  - i. Is a rare, unique, representative or early example of a style, type, expression, material or construction method;
  - ii. Displays a high degree of craftsmanship or artistic merit; or,
  - iii. Demonstrates a high degree of technical or scientific achievement.
2. Historical or associative value:
  - i. Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;
  - ii. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or,
  - iii. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
3. Contextual value:
  - i. Is important in defining, maintaining or supporting the character of an area;
  - ii. Is physically, functionally, visually or historically linked to its surroundings; or,
  - iii. Is a landmark.

A property is required to meet one or more of the abovementioned criteria to merit protection under Section 29 of the *Ontario Heritage Act*.

#### **2.1.2.2 Ontario Regulation 385/21**

Ontario Regulation 385/21 was proclaimed on July 1, 2021. This regulation prescribes certain requirements for a heritage designating by-law. The following information is a prescribed requirement of a heritage designating by-law, per Section 3(1), O. Reg. 385/21:

1. The by-law must identify the property by,
  - i. The municipal address of the property, if it exists;
  - ii. The legal description of the property, including the property identifier number that relates to the property; and,

- iii. A general description of where the property is located within the municipality, for example, the name of the neighbourhood in which the property is located and the nearest major intersection to the property.
2. The by-law must contain one or more of the following that identifies each area of the property that has cultural heritage value or interest:
  - i. A site plan.
  - ii. A scale drawing.
  - iii. A description in writing.
3. The statement explaining the cultural heritage value or interest of the property must identify which of the criteria set out in subsection 1(2) of Ontario Regulation 9/06 (Criteria for Determining Cultural Heritage Value or Interest) made under the Act are met and must explain how each criterion is met.
4. The description of the heritage attributes of the property must explain how each heritage attribute contributes to the cultural heritage value or interest of the property.

### 2.1.3 The London Plan

The Cultural Heritage chapter of *The London Plan* recognizes that cultural heritage resources define the City's unique identity and contribute to its continuing prosperity. *The London Plan* states that, "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." Importantly, "our heritage resources are assets that cannot be easily replicated, and they provide a unique living environment and quality of life. Further, "by conserving them for future generations, and incorporating, adapting, and managing them, London's cultural heritage resources define London's legacy and its future." (552\_)

The cultural heritage policies of *The London Plan* are to:

- "1. Promote, celebrate, and raise awareness and appreciation of London's cultural heritage resources.
2. Conserve London's cultural heritage resources so they can be passed onto our future generations.
3. Ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources. Generally, the policies of *The London Plan* support the conservation and retention of significant cultural heritage resources." (554\_)

Policies 572\_ and 573\_ of *The London Plan* enable the designation of individual properties under Section 29 of the *Ontario Heritage Act*, as well as the criteria by which individual properties will be evaluated.

Other relevant policies include:

- Policy 566\_: Relocation of cultural heritage resources is discouraged. All options for on-site retention must be exhausted before relocation may be considered.
- Policy 567\_: In the event that demolition, salvage, dismantling, relocation or irrevocable damage to a cultural heritage resource is found necessary, as determined by City Council, archival documentation may be required to be undertaken by the proponent and made available for archival purposes.
- Policy 568\_: Conservation of whole buildings on properties identified on the Register is encouraged and the retention of facades alone is discouraged. The portion of a cultural heritage resource to be conserved should reflect its significant attributes including its mass and volume.
- Policy 569\_ Where, through the process established in the Specific Policies for the Protection, Conservation and Stewardship of Cultural Heritage Resources section of this chapter and in accordance with the *Ontario Heritage Act*, it is determined that a building may be removed, the retention of architectural or landscape features and the use of other interpretive techniques will be encouraged where appropriate.
- 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 conserve the heritage attributes and character of those resources and to minimize visual and physical impact on these resources. A heritage impact assessment will be required for new development, redevelopment, and civic works and projects 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.

- Policy 586\_ of *The London Plan* requires that LISTED and designated properties be evaluated where development will occur adjacent to the property. The purpose is to demonstrate that the heritage attributes of the heritage designated properties or properties listed on the Register will be conserved. The City has directed that evaluation take the form of a heritage impact assessment, and where the conservation of attributes can be attained through mitigative measures.
- Cultural Heritage Guidelines (1721\_) which lists *Heritage Places 2.0* is a guideline document. The document describes potential heritage conservation districts and assigns a priority to these districts for consideration as heritage conservation districts (HCD). The parcel at 197 Ann Street is located in the North Talbot which has been identified as a future, potential HCD with the highest priority ranking of #1.

## 2.2 Additional Reports

### 2.2.1 Heritage Impact Assessment – 2019

Heritage resources are to be conserved and impacts evaluated per policies in the *Provincial Policy Statement-2020*, the *Ontario Heritage Act* and *The London Plan*. For evaluation purposes, heritage impact assessments (HIA) were submitted for this application (OZ-9127) by MHBC Planning Ltd. – on behalf York Developments – as a requirement of *The London Plan* (Policies 565, 586), and to satisfy requirements of a complete OP/ZBA application. The purpose of the HIAs have been to evaluate the potential cultural heritage value or interest (CHVI) of the built resources on the subject property; to identify potential heritage attributes of interest; assess the impacts of the proposed development on the built resources; and, to make recommendations to mitigate any adverse impacts that may arise. Further, under Section 27(3) of the *Ontario Heritage Act*, demolition of properties LISTED on the City's *Register* requires consultation with the London Advisory Committee on Heritage (LACH) and Municipal Council approval. Although this staff report considers potential designation of 183 and 197 Ann Street, the proposed development is predicated on the demolition of LISTED heritage resources on the subject property, and as such, an evaluation is required to determine if the property retains cultural heritage value or interest (CHVI).

A heritage impact assessment (HIA) was first submitted as part of the Planning Application (OZ-9127) received in September 2019 (MHBC, 2019). Heritage staff found the HIA insufficient primarily due to errors and omissions in its evaluation which concluded that 197 Ann Street<sup>3</sup> did not retain cultural heritage value or interest (CHVI) and that significant building damage compromised the structure and overall integrity of the resource. No condition assessment was completed as part of the HIA. A building condition assessment was then prepared by a+LiNK (2020) and found that many of the original built elements on the exterior remain in situ and are in fair condition, (requiring attention expected for a building of this age), and that the condition and modifications made have not compromised the heritage value and integrity of the Brewery complex. (See Section 2.2.2).

The HIA was circulated to the London Advisory Committee on Heritage (LACH), and members indicated that they were not satisfied with the report's research, assessment, and conclusions. In February 2020, an initial evaluation of 197 Ann Street by heritage staff found that the property retained historical associations and contextual value that

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<sup>3</sup> At that time of the preparation of the heritage impact assessment, the focus of the HIA was the built resource on the property at 197 Ann Street which was the only property LISTED on the City's Register.

are sufficiently significant to warrant support for Part IV heritage designation of 197 Ann Street.

### **2.2.2 Heritage Impact Assessment – revised 2021**

On November 9, 2021, a revised heritage impact assessment (HIA) was received by the file planner (MHBC, 2021). The HIA responded to previous comments from the LACH and Civic Administration that identified errors and omissions in the original HIA submitted (Nov 13, Dec 11, 2019; Feb 26, 2020). The revised HIA depicts the inclusion of a public brewery on the first floor on the east side of the proposed building and the removal of all built resources on the subject property

Heritage staff has reviewed the revised HIA and find it sufficient to fulfill the heritage planning requirements for a complete application (OZ-9127). Heritage staff does note though that the HIA did not address shadowing of the proposed development on heritage designated and LISTED properties that could be impacted, nor has the HIA identify potential impacts to Carling's Creek such as obscuration of the water course which is a critical land feature on the subject property.

The HIA report evaluated built resources on all six municipal addresses comprising the consolidated parcel: 175, 179, 183, 197 Ann Street and 84 and 86 St. George Street. Final determination through the evaluation under the prescribed Ontario Regulation 9/06, is that all properties on the subject property have cultural heritage value, but that retention of building(s) on-site is not feasible due to the size and density required for the proposed development to be economically viable (MHBC, 2021 p90).

Heritage staff notes that cost considerations are not determinative of heritage conservation outcomes, nor are they sufficient reasons to dismiss designation. Per regulation OHA 9/06 evaluation under Section 29 of the OHA "a property may be designated if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest." The built resources that were evaluated on the subject property met more than one criterion, most meeting 3-to 4 criteria.

Heritage impact assessment findings identify varying degrees of impacts due to removal of the heritage resources on the subject lands. Impacts related to the loss of contextual value associated with the built resources on the subject property and loss of heritage attributes associated with building typologies and architectural style.

Mitigative measures recommend documentation prior to removal of heritage resources, a plan to salvage materials (to be used in the construction of a new brewery on site), and the exploration of various interpretive and commemoration plans (MHBC, 2021 p91). Retention, even partial retention is not considered because the HIA did not find the built resource at 197 Ann Street to have physical/ design value under Ontario Regulation 9/06 and thus no specific built heritage attributes were identified for retention in the development proposal.

The HIA noted that removal of the Kent Brewery building complex would remove architectural features such as the brick voussoirs and Florentine arches and remnants of the original brick floor of the brewery. These impacts were described as negligible because they were deemed as not collectively providing a clear representation of an architectural style and are not identified heritage attributes.

Finally, at its meeting on March 9, 2022, the LACH was circulated on the revised HIA and reported that it was not satisfied with the conclusions and reiterated its previous comments to retain and designate the properties located at 197 and 183 Ann Street (Oct 14, 2020 – LACH report).

### **2.2.3 Condition of Built Resource at 197 Ann Street**

a+LiNK Architecture Inc. was retained by the City of London in 2020 to complete a Building Condition Assessment (BCA) for the building at 197 Ann Street. The report focused on the review and condition of architectural and built elements of the structures. A visual review of the site was completed, and only non-destructive observations were made.

The assessment indicated that the building has both heritage value and integrity. The overall massing, scale, and profile of the building, as well as several original openings

and the fenestration (albeit filled-in) appear to remain as the building was organized circa 1905.

While the building has experienced degradation, fallen into disrepair and many of the exterior and interior elements have been reworked, the heritage integrity of the building has not been wholly compromised. The overall integrity of the building composition remains. Many of the original built elements found on the exterior such as masonry, openings and architectural detailing remain in situ and in fair condition, requiring restoration through conservation methods.

While there have been changes to the fenestration, primarily related to the enlargement of a few openings and the replacement of windows on Buildings A and B, original voussoirs and sills remain in situ.

The modifications to the exterior elements do not discredit the overall integrity and heritage value of the building, its evolution and physical condition. It is possible that some of these elements could be reinstated, and the exterior returned to near original condition, depending on the future use of the building.

The condition of the masonry is fair, with some areas requiring more attention than others. The masonry has deteriorated overtime, resulting in areas with: stepped cracking, spalling and mortar decay, and staining/efflorescence (particularly around the masonry at grade). However, these are typical occurrences of buildings of this age that have not received consistent attention and conservation plans. This does not mean that the masonry cannot be rescued. Stabilizing, repointing and special cleaning techniques, respectively, are some of ways that these above-mentioned concerns can be combatted.

#### **2.2.4 North Talbot Cultural Heritage Inventory**

The subject property (consolidated parcel) is located in the area of the City known as North Talbot. Based on an initial review of fourteen areas in London undertaken in 2019 as part of a study entitled *Heritage Places 2.0*, North Talbot was ranked and prioritized as #1 (out of 14) for further study as a potential heritage conservation district.

North Talbot is a mid-Victorian neighbourhood that is now in a state of transition. The area has been noted for its history as London's first suburb, its connections to early community leaders, and its properties of cultural heritage value, such as the Talbot Street Baptist Church (now known as the Talbot Street Church) and a number of large residences along the Thames River. Particularly given an increase in properties that differ from its predominantly low-rise residential character, there is a need to facilitate the integration of old and new architecture as the area continues to evolve.

In 2020, Timmins Martelle Heritage Consultants Inc. (TMHC) was retained by the City of London to complete a Cultural Heritage Inventory for the North Talbot Study Area to identify heritage listed and heritage designated properties within the North Talbot Study Area. The North Talbot Inventory (NTI) was intended as a preliminary study of known and potential cultural heritage resources within the area, in advance of an initiation of a heritage conservation district (HCD) study for the area.

Evaluation of properties for the NTI utilized a standard 9/06 evaluation format, including three categories of cultural heritage value (i.e. design/physical value, historical/associative value, and/or contextual value). The evaluation undertaken was preliminary, but useful in determining if a property was found to have potential cultural heritage value to warrant consideration for designation with further research. Based on the NTI, Municipal Council approved 165 properties in the North Talbot study area for inclusion on the City's Register of Cultural Heritage Resources: municipal addresses 175, 179, 183 Ann Street and 84 and 86 St. George Street were added to the Register at this time (5.1/18/PEC). All municipal address comprising the consolidated parcel met two or more of the cultural heritage value criteria to warrant consideration for designation.

### **2.3 Consultation**

In compliance with Section 29(2) of the *Ontario Heritage Act*, consultation with the London Advisory Committee on Heritage (LACH) is required before Municipal Council may issue its notice of intent to designate the built resources at the municipal addresses

183 and 197 Ann Street. The LACH was consulted and provided comments regarding heritage impact assessments required as part of the planning application (OZ-9127). At its meeting on December 11, 2019, the LACH referred the properties at 175, 179, 183 and 197 Ann Street and 84 and 86 St. George Street to the Stewardship Sub-Committee for research and evaluation for possible heritage designation. Moreover, at its meeting held on October 14, 2020, the LACH recommended and provided further information to Municipal Council related to potential heritage designation specifically of the known as 183 and 197 Ann Street. Finally, the LACH will be consulted at its meeting on April 13, 2022; a staff report and heritage designating by-laws for built resources at municipal addresses 183 and 197 Ann Street will be presented for consideration.

Heritage planning staff accessed the subject site subject property on two occasions – February 7, 2020 and April 1, 2022 – for the purposes of photo-documenting building exteriors, the site landscape and surrounding context. Specific access to the interior of the Kent Brewery at 197 Ann Street and all additions was granted during the site visit on February 7, 2020.

### 3.0 Financial Impact/Considerations

None

### 4.0 Key Issues and Considerations

At its meeting held on November 24, 2020, Municipal Council referred Civic Administration to report back regarding potential designation of 197 and 183 Ann Street. Through other forms of evaluation (i.e. the North Talbot Inventory and heritage impact assessments) the built resources on the subject property at 175 and 179 Ann Street and 84 and 86 St. George Street were found to retain cultural heritage value. However, per Municipal Council's request, the focus of the following heritage staff's evaluation is specifically on evaluation of the built resources at 197 Ann Street (known as the Kent Brewery) and 183 Ann Street (known as the Brewer's House).

#### 4.1 Cultural Heritage Evaluation – 197 Ann Street

The built resource at the municipal address 197 Ann Street was evaluated using the criteria of O. Reg. 9/06 (see previous Section 2.1.2.2). The evaluation is included in Table 1 below.

	<b>Criteria</b>	<b>Evaluation</b>
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 built resource at 197 Ann Street (the former Kent Brewery) is one of the oldest existing brewery buildings in Canada, and a rare local example of a surviving industrial building from the mid-late 19th century.  It is a rare example of an early brewery site where the brewery building remains, and the brewer's house is also intact.
	Displays a high degree of craftsmanship or artistic merit	The built resource at 197 Ann Street is not believed to demonstrate a high degree of craftsmanship or artistic merit.
	Demonstrates a high degree of technical or scientific achievement	The built resource at 197 Ann Street is not believed to demonstrate a high degree of technical or scientific achievement.
The property has historical value or associative value	Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community	The built resource at 197 Ann Street has direct associations with the former Kent Brewery – one of the first breweries in London – and the Hamilton brewing family, notably John Hamilton (who ran the brewery from 1861– 1887), and his



because it,		<p>son, Joseph Hamilton (who ran the brewery from 1887–1917).</p> <p>The Kent Brewery's competitive association with the largest breweries in Canada (i.e. Labatt and Carling) – which have their roots in London – may also yield information on the Canadian beer industry and brewing history, at the local, provincial and national levels.</p> <p>The built resource at 197 Ann Street has direct associations with the adjacent Brewer's House at 183 Ann Street that was built by Joseph Hamilton around 1893 and occupied by him and his family until 1911.</p>
	Yields, or has the potential to yield, information that contributes to an understanding of a community or culture	The built resource at 197 Ann Street is linked to the culture and history of the North Talbot area and the Carling's Creek and CPR corridor, yielding information on the development of industries and the people who lived and worked in the area during the mid-late-19th-century and early-20th-century.
	Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	The built resource at 197 Ann Street is not believed to be associated with the work or ideas of an architect, artist, building, designer, or theorist who is significant to a community.
The property has contextual value because it,	Is important in defining, maintaining, or supporting the character of an area	<p>The built resource at 197 Ann Street is linked to the physical development of the surrounding area as a late-19th- and early-20th-century industrial and working-class neighbourhood.</p> <p>The longevity of the built resource at 197 Ann Street within the neighbourhood, and the fact that it is the last remaining industrial building in Talbot North sited to take advantage of Carling's Creek, makes it is one of the defining buildings of the Talbot North neighbourhood.</p> <p>Through its materiality (i.e. local buff brick exterior) and early Hamilton Family ownership, the built resource at 197 Ann Street, along with the Brewer's House at 183 Ann Street and house at 179 Ann Street, supports the visual character of the area.</p>
	Is physically, functionally, visually, or historically linked to its surroundings	<p>The built resource at 197 Ann Street is:</p> <p>a) visually linked to its surroundings (specifically 183 and 179 Ann Street) through its common use of local buff brick as an exterior material;</p> <p>b) physically and functionally linked to its immediate surroundings specifically to the lots immediately to the west that brewer John Hamilton owned, and brewer</p>

		Joseph Hamilton built for his family residence (at 183 Ann St.) and,  c) historically linked to its surroundings through its direct associations with the Hamilton Family that owned the Brewery, and its links to the culture, history, industries and people of the North Talbot area and the Carling's Creek and CPR corridor and its development during the mid-late-19th-century and early-20th-century.  The building complex represents one of the only remaining structures from the historic Ann Street industrial area. At one time, this area contained some of the most prosperous manufacturing enterprises in the City (i.e. Hyman's and Arscott's Tanneries and Carling Brewery).
	Is a landmark	Although the Kent Brewery at 197 Ann Street was once considered a landmark during the years of active beer production (Goodspeed, 373), currently the built resource at 197 Ann Street is not believed to be a landmark in the community.

As the built resource at 197 Ann Street has met the criteria for designation, a Statement of Cultural Heritage Value or Interest and heritage attributes have been identified (Appendix E).

#### 4.2 Cultural Heritage Evaluation – 183 Ann Street

The built resource at the municipal address 183 Ann Street was evaluated using the criteria of O. Reg. 9/06 (see previous Section 2.1.2.2). The evaluation is included in Table 2 below.

	<b>Criteria</b>	<b>Evaluation</b>
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 built resource at 183 Ann Street is a representative example of a late-19th-century residence with Queen Anne style influences, notably its front door details, side bay window, brick voussoirs, gable with dentilled millwork, and the use of decorative brackets or modillions.  The built resources at 183 Ann Street is a rare example of an extant brewery where the adjacent brewer's house is also intact.
	Displays a high degree of craftsmanship or artistic merit	The built resource at 183 Ann Street is not believed to demonstrate a high degree of craftsmanship or artistic merit.
	Demonstrates a high degree of technical or scientific achievement	The built resource at 183 Ann Street is not believed to demonstrate a high degree of technical or scientific achievement.
The property has historical value or associative	Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a	The built resource at 183 Ann Street has direct associations with the adjacent former Kent Brewery at 197 Ann Street and both John and Joseph Hamilton who operated the brewery from 1861-1916.

value because it,	community	John Hamilton occupied a frame structure on the property from 1862 until his death in 1887. The present brick residence on the property was built by Joseph Hamilton around 1893. Joseph Hamilton and his family continued to occupy the house until 1911. The residence functioned as the brewer's house for the brewery.
	Yields, or has the potential to yield, information that contributes to an understanding of a community or culture	Through its direct associations with the Kent Brewery at 197 Ann Street as the brewer's house, the built resource at 183 Ann Street yields information contributing to an understanding of the significant brewing history in London-Middlesex.  The built resource at 183 Ann Street is linked to the culture and history of the North Talbot area and the Carling's Creek and CPR corridor, yielding information on the development of industries and the people who lived and worked in the area during the mid-late-19th-century and early-20th-century.
	Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	The built resource at 183 Ann Street is not believed to be associated with the work or ideas of an architect, artist, building, designer, or theorist who is significant to a community.
The property has contextual value because it,	Is important in defining, maintaining, or supporting the character of an area	The built resource at 183 Ann Street is linked to the physical development of the surrounding area as a late-19th- and early-20th-century industrial and working-class neighbourhood. 183 Ann Street is characteristic of the variations in housing along Ann Street and in the near vicinity, reflecting the diversity of people who lived in the area and worked in the major industries around Carling's Creek.  Through its materiality (i.e. buff brick exterior) and early Hamilton Family ownership, the built resource at 183 Ann Street, along with the former Kent Brewery at 197 Ann Street and house at 179 Ann Street, supports the visual character of the area.
	Is physically, functionally, visually, or historically linked to its surroundings	The built resource at 183 Ann Street is: a) visually linked to its surroundings (specifically 197 and 179 Ann Street) through its common materiality (i.e. use of buff brick on exterior); b) physically and functionally linked to its surroundings as the brewer's house located adjacent for the former Kent Brewery; and c) historically linked to its surroundings through its direct associations with the former Kent Brewery and the Hamilton Family that owned the Brewery, and its links to the culture, history, industries and

		people of the NorthTalbot area and the Carling's Creek and CPR corridor its development during the mid-late-19th-century and early-20th-century.
	Is a landmark	The built resource at 183 Ann Street is not considered a landmark.

As the built resource at 183 Ann Street has met the criteria for designation, a Statement of Cultural Heritage Value or Interest and heritage attributes have been identified (Appendix F).

### 4.3 Comparative Analysis

Heritage staff reviewed the City's *Register of Cultural Heritage Resources* for properties specifically identified as 'industrial'. Industrial properties comprise less than 1% of the properties recorded, and of these properties, the original portion of the Kent Brewery at 197 Ann Street (1859-1881) ranks among the oldest if not the oldest industrial property in the City. A blacksmith shop at 429 Adelaide Street North is identified as dating from circa 1860 is the subsequent oldest.

Based on a scan of historic Canadian breweries in Wikipedia, the former Kent Brewery is the 8th oldest brewery established in Canada and may be one of the oldest extant brewery buildings, second only to Alexander Keith's current ironstone brewery building in Halifax which was built in 1837.

Based on a further scan to also include Canada's Historic Places, Alexander Keith's Brewery site may be the only example of another early brewery site in Canada where the brewery building remains, and the brewer's house is also intact.

The built resource (former Kent Brewery) at 197 Ann Street is undoubtedly an early example in the City of London of an industrial building typology reflected in a physically surviving brewery. The physical relationship of an extant brewery and adjacent brewer's house is likely extremely rare.

### 4.4 Integrity and Authenticity

Integrity is not a measure of originality, but a measure of whether the surviving physical features (heritage attributes) continue to represent or support the cultural heritage value or interest of the property. Likewise, the physical condition of a cultural heritage resource is not a measure of its cultural heritage value. Cultural heritage resources can be found in a deteriorated state but may still maintain all or part of their cultural heritage value or interest (Ministry of Culture, 2006).

A condition assessment (a+LiNK, 2020) of the built resource at 197 Ann Street found that many of the original built elements on the exterior remain in situ, and although in fair condition and requiring attention expected for a building of this age, the condition and modifications made have not compromised the heritage value and integrity of the brewery complex. (See Section 2.2.2). While maintenance is an on-going requirement for any cultural heritage resource, the surviving physical features continue to represent the cultural heritage value of the former Kent Brewery.

While integrity is not a measure of architectural design value, there is a high degree of retention of original elements found in the primary building and old wash house parts of the brewery complex. Their massing, scale, and overall form appear as they did at the peak of the brewery's business.

### 4.5 Designation Matters

#### *Focus of Staff Report*

Heritage planning staff recognizes that due to physical proximity, period of construction and supportive relationships with the Kent Brewery (e.g. worker's cottages), associations exist among the multiple built resources on the subject property. However, based on recommendations from the LACH, and direction from Municipal Council, the focus of this report has been specifically on the evaluation of built resources at 183 and 197 Ann Street to consider potential designation. Council may wish to have staff report back at a later date on potential designation of other built resources on the subject

property. Regardless, any demolition requests related to this subject property received in the future will require Municipal Council approval.

#### *Criteria Design-Physical value*

In February 2020, heritage staff prepared a preliminary 9/06 evaluation for information purposes and found that the property at 197 Ann Street retains historical associations and contextual value sufficient to warrant consideration for heritage designation. At the time, however, staff did not determine the property to retain physical or design value but did note that further comparative research would be required to confirm its potential uniqueness as a brewery site. Since 2020, heritage staff has: a) consulted with members of the LACH's Stewardship Sub-Committee regarding continuing research on the Kent Brewery (its historic and broader associations to London's industrial heritage); b) further reviewed historic brewery sites for comparative analysis purposes; c) accessed and reviewed updated research that has been expanded since staff's initial evaluation (Tovey, n.d. Chronology); and d) reviewed the North Talbot Cultural Heritage Inventory which found the property at 197 Ann Street to be "a rare local example of a surviving industrial building from the mid 19th century" thus meeting 9/06 criteria for design/physical value (TMHC, p241). It is heritage staff's opinion that the built resource at 197 Ann Street (the former Kent Brewery) retains physical or design value, in addition to previously identified historical or associative values, and contextual values.

#### *Kent Brewery Heritage Attributes*

The built resource at 197 Ann Street (the former Kent Brewery) consists of (4) parts, built at different periods and continuously adapted over time. The south extension exhibits considerable external and internal modifications completed during expansion of the brewery. It is not a predominant part of the complex as it does not front Ann Street and much of it is obscured behind the primary building and old wash house. The most recognizable features associated with the former Kent Brewery are associated with the primary building and the old wash house; these parts of the brewery contain the attributes with the strongest cultural heritage value. It is heritage staff's opinion that the south extension and contemporary garage do not exhibit sufficient cultural heritage value for retention; their removal would have minimal impacts on heritage attributes and allow for expanded opportunities for sensitive, compatible incorporation and integration of the built resource into the overall site re-development.

## **Conclusion**

The built resources at 183 and 197 Ann Street are physically, functionally, visually, and historically linked to their surroundings. They are integral to an industrial area in North Talbot that once sited some of the most prosperous manufacturing enterprises in the city. Today, the Kent Brewery complex at 197 Ann Street is considered to be the "largest surviving brewery artifact from Victorian London Middlesex" (Phillips, 155). Both resources at 183 and 197 Ann Street are a testament to the success of the Kent Brewery, and how adaptable and resilient heritage building can remain. They are already exemplar examples of adaptive reuse; there are many possibilities for retention and integration of both heritage resources in the proposed development.

The evaluation of the built resources at 183 Ann Street and 197 Ann Street found that the resources meet the criteria for designation under Section 29 the Ontario Heritage Act. The built resources at 183 Ann Street and 197 Ann Street are significant cultural heritage resources that are valued for their physical or design values, their historical or associative values, and their contextual values. The built resources at 183 Ann Street and 197 Ann Street should be designated pursuant to Section 29 of the *Ontario Heritage Act* to protect and conserve its cultural heritage value for future generations.

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### **Appendices**

Appendix A Property Location  
Appendix B Images  
Appendix C Historical Documentation and Research Materials  
Appendix D City Directory Listings – 197 Ann Street  
Appendix E Statement of Cultural Heritage Value or Interest – Municipal  
Address, 197 Ann Street  
Appendix F Statement of Cultural Heritage Value or Interest – Municipal  
Address, 183 Ann Street

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*With thanks to Mark Tovey and other members of the Stewardship Sub-Committee of the London Advisory Committee on Heritage.*

# Appendix A – Property Location

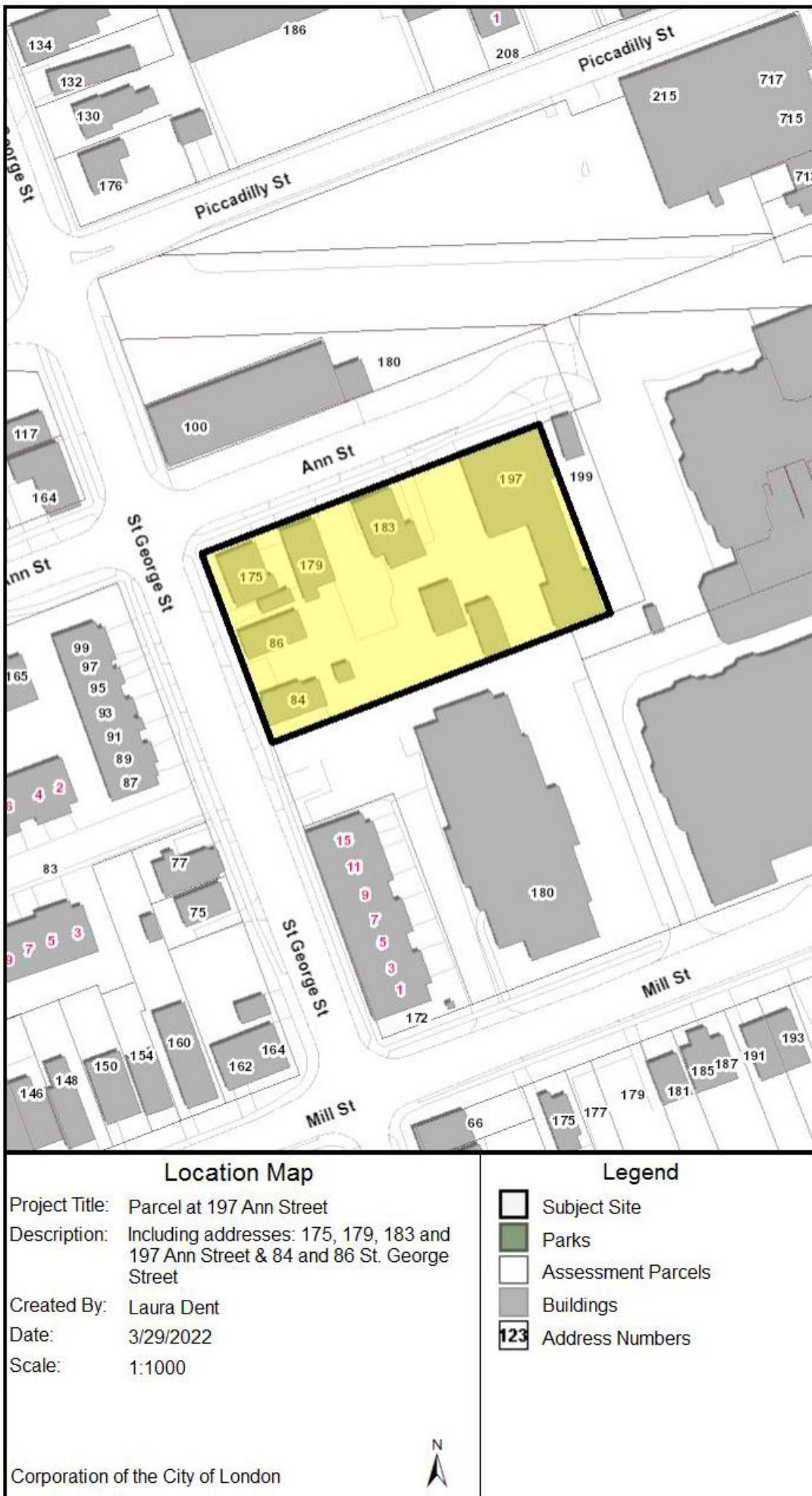


Figure 1: Location of subject property noting Consolidated parcel with municipal addresses: 175, 179, 183, and 197 Ann Street and 84 and 86 St. George Street

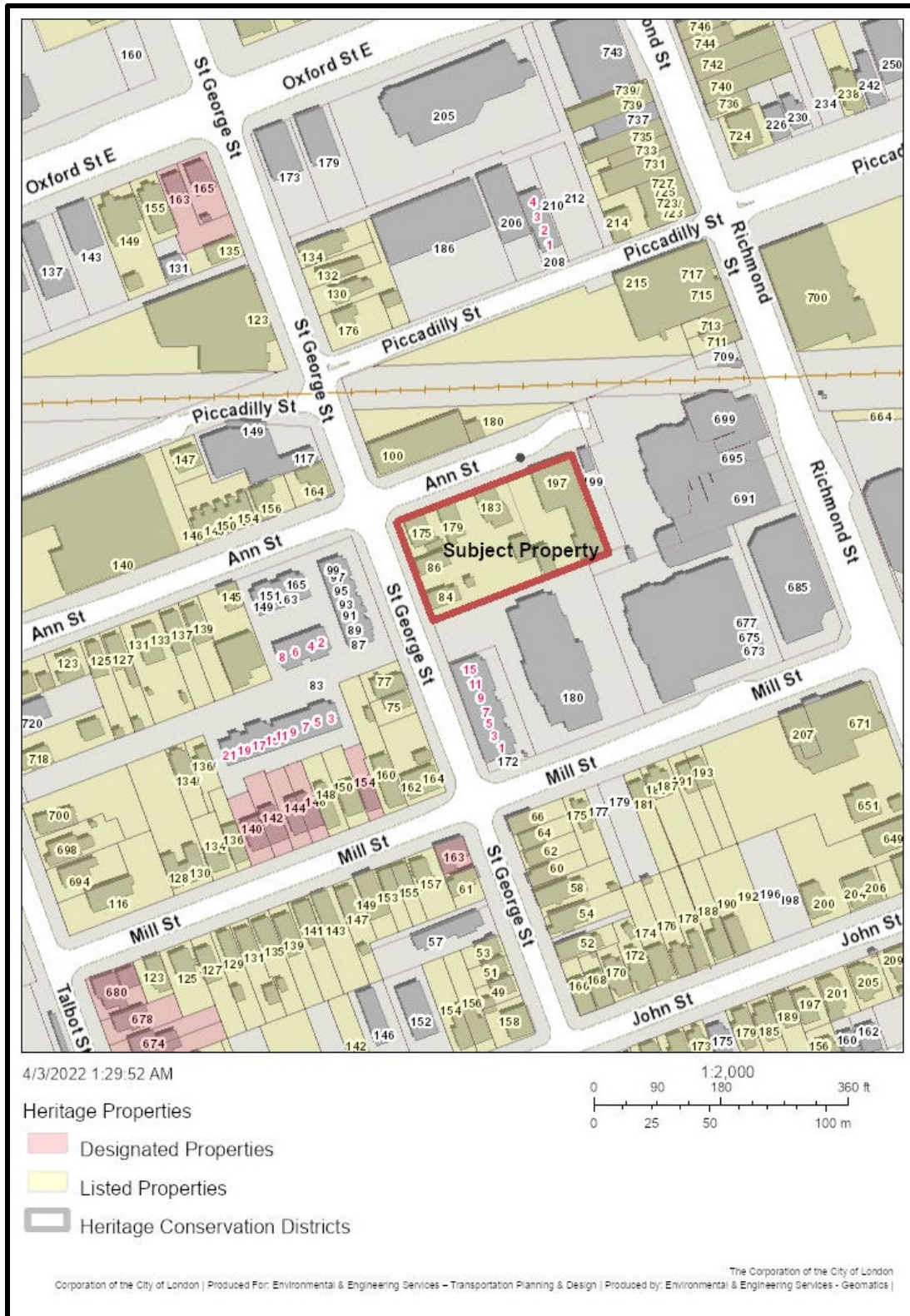


Figure 2: Heritage status of surrounding properties

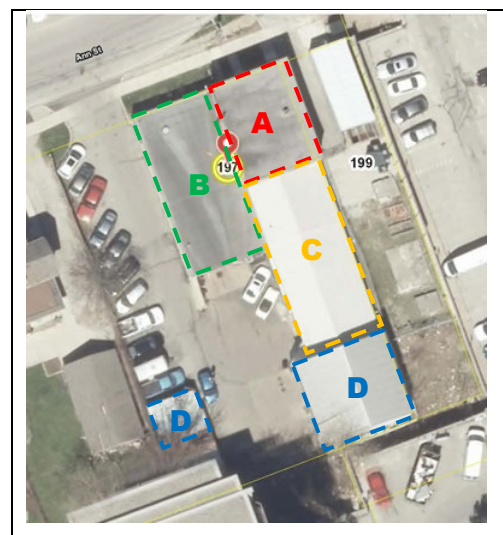


Figure 3: Aerial diagram of 197 Ann Street building complex components



Figure 4: Aerial view of the subject property

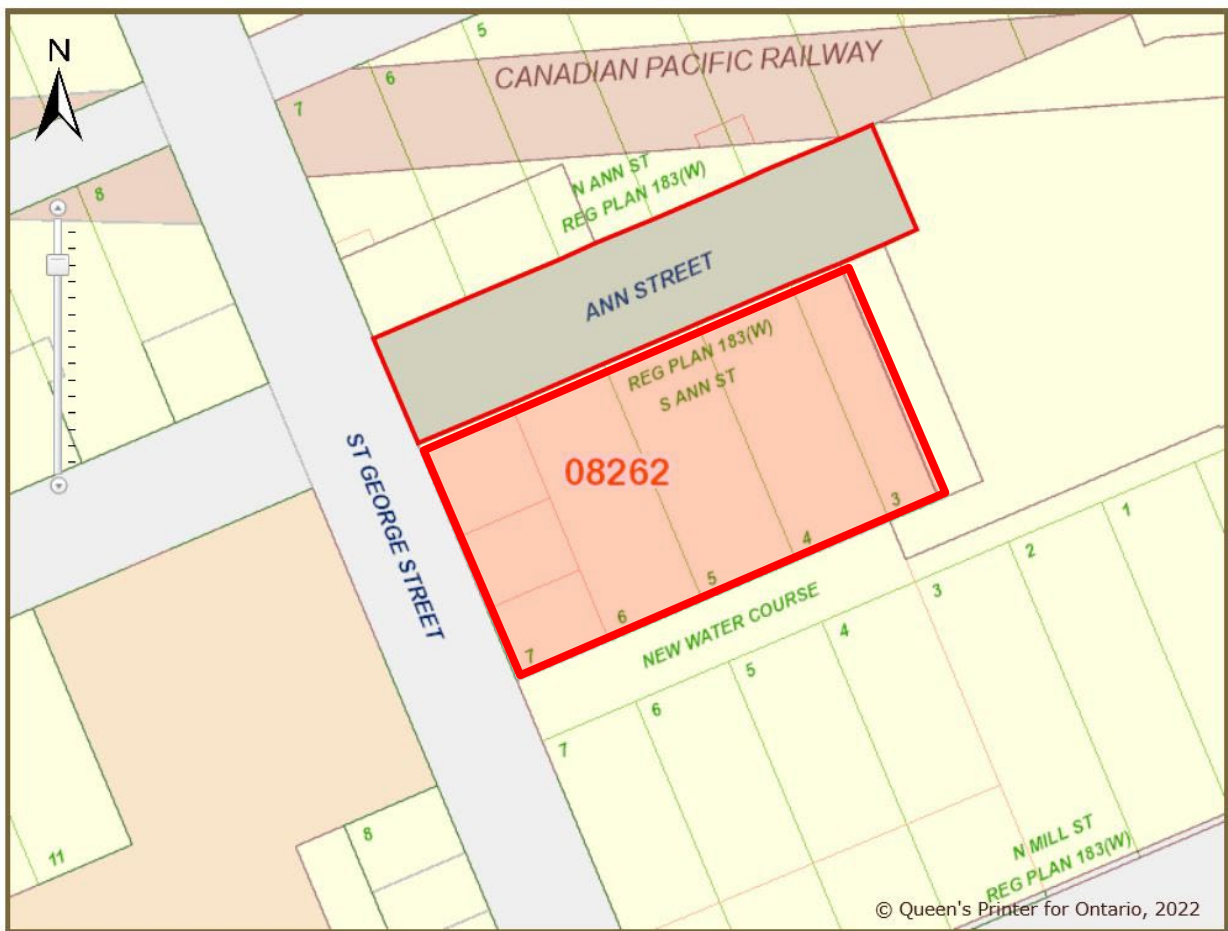


Figure 5: Property index map – Showing lot configuration of consolidated parcel



**Appendix B – Images**

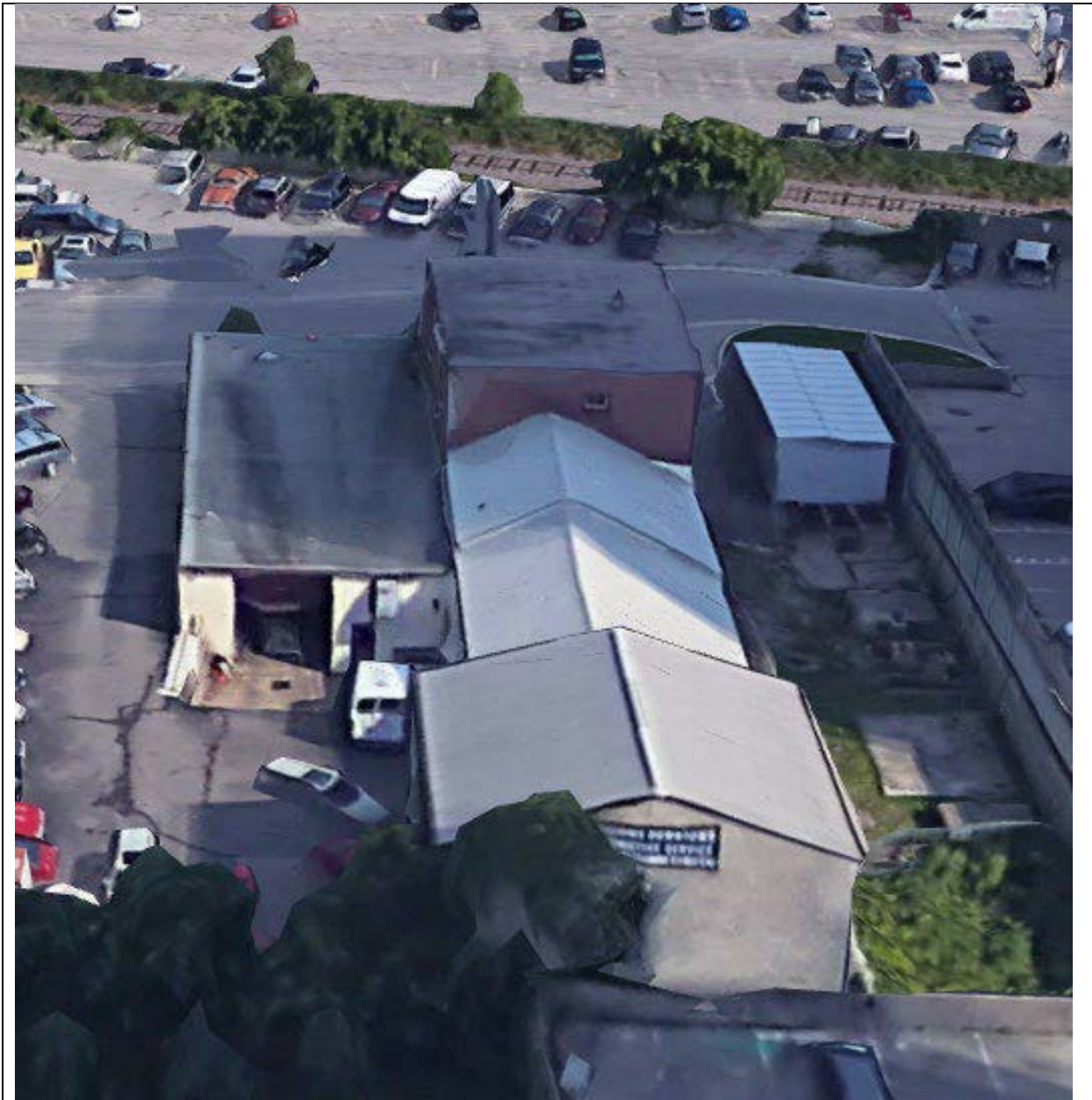


Image 1: Aerial-axo-view of built resource at 197 Ann Street, showing complex  
(Source: Google Earth Pro, 2019, from MHBC, 2021 p52)



Image 2: View of façade – primary building and adjacent 'old wash house'



Image 3: East side exterior view of primary building

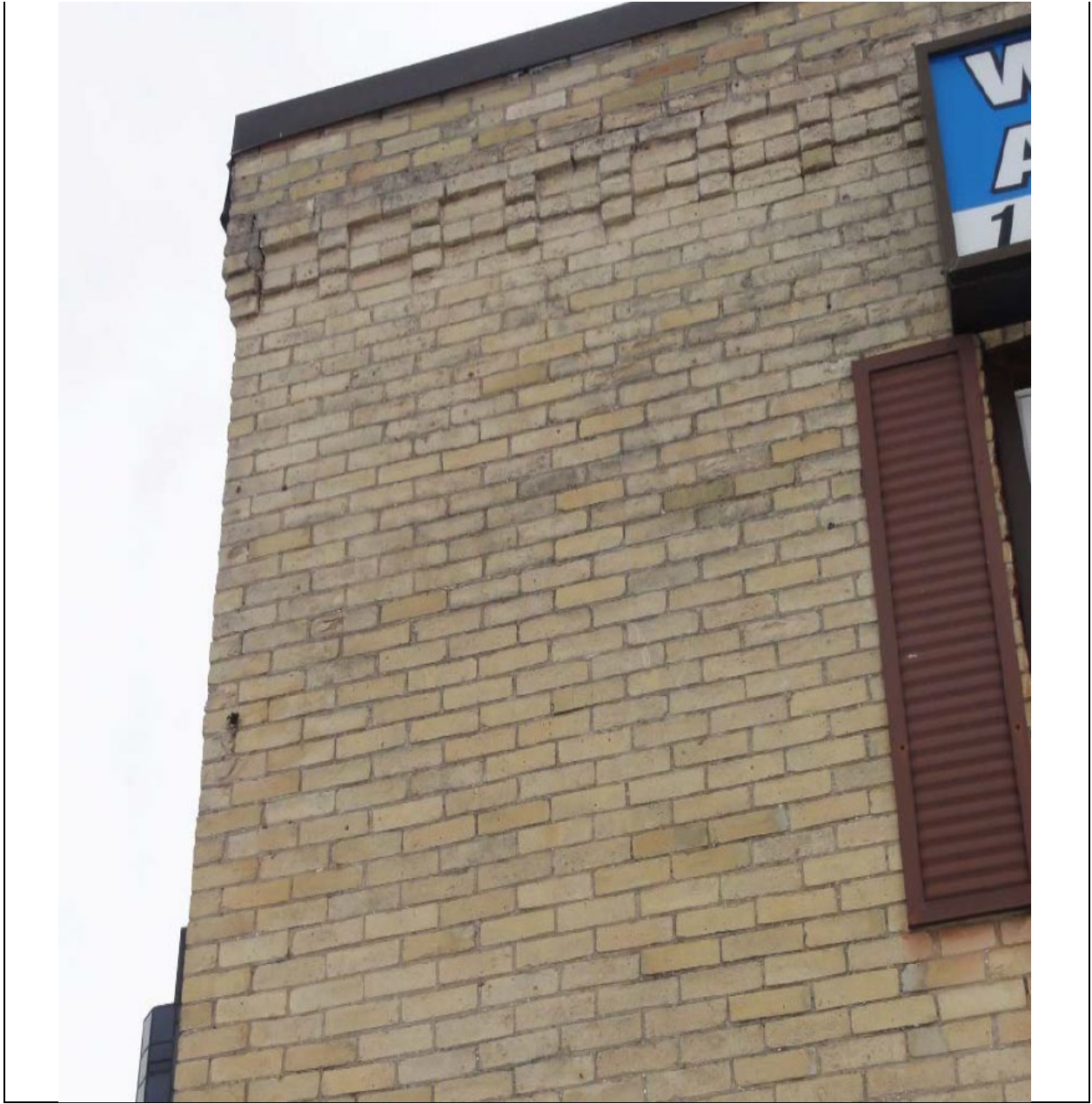


Image 4: Parapet detail, primary building facade

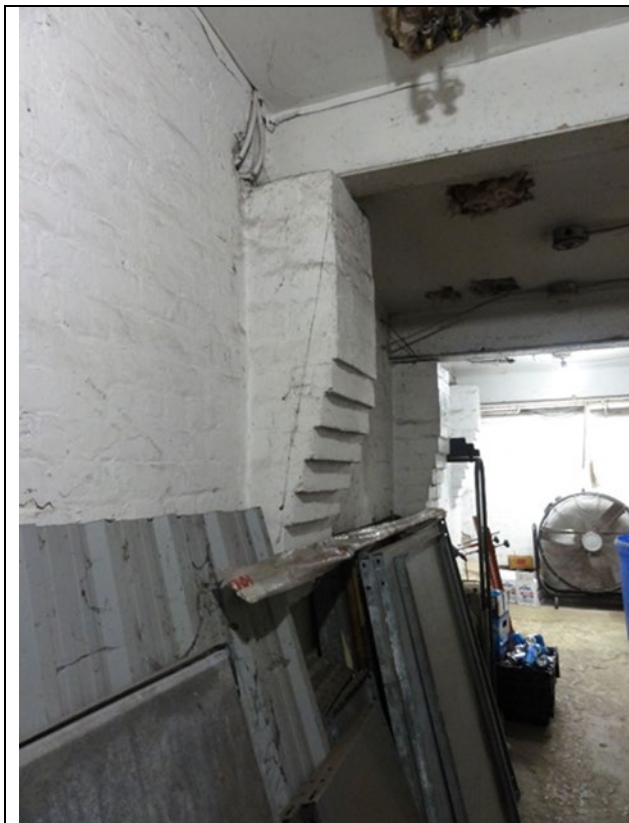


Image 5: Stacked corbelled brick support – primary building basement

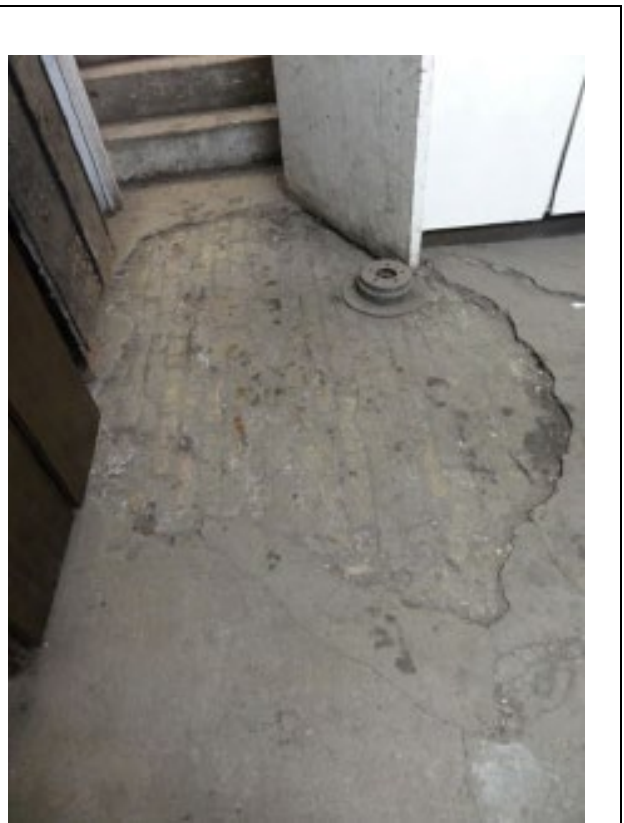


Image 6: Detail of partially exposed original brick floor – primary building





Image 7: Rounded arch opening – view, old washroom to primary building basement



Image 8: Rounded arch opening – south extension



Image 9: Interior view of underside of old washhouse roof and wall



Image 10: Path of Carling's Creek looking east from St. George Street



Image 11: Interior view of old wash house



Image 12: Exterior view of south extension – facing east



Image 13: Exterior view of contemporary garage – facing east



Image 14: Interior view of south extension – looking north towards primary building

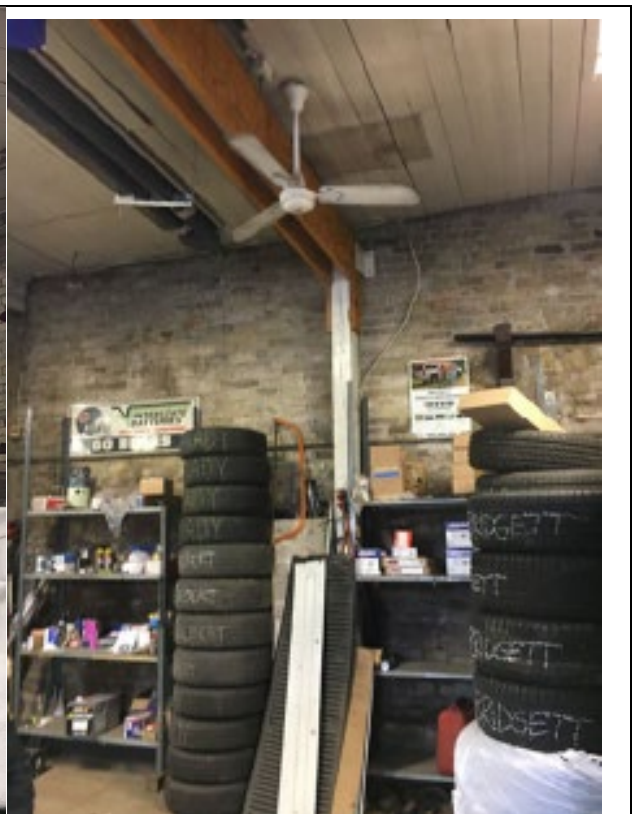


Image 15: Interior view of south extension showing brick wall and wood slat ceiling

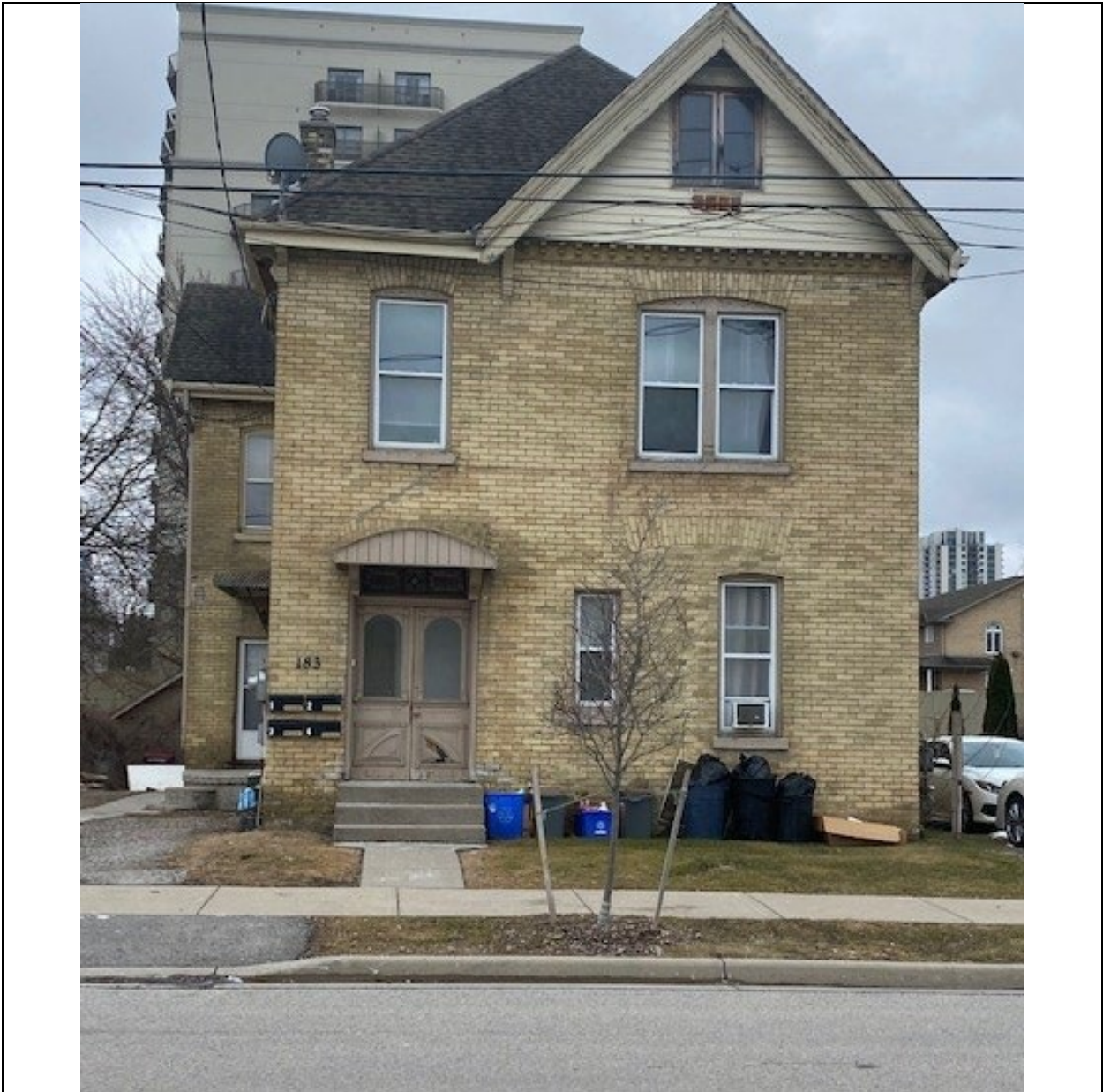


Image 15: 183 Ann Street – view of front elevation (L.E.Dent, Apr 1, 2022)



Image 17: 183 Ann Street – view of side and front elevation, facing southwest (L.E.Dent, Apr 1, 2022)



Image 18: 183 Ann Street – view of rear elevation (L.E.Dent, Apr 1, 2022)



Image 19: 183 Ann Street – view of side and partial front elevation, facing southeast (L.E.Dent, Apr 1, 2022)



Image 20: 183 Ann Street – front entrance door detail (K. Gonyou, Mar 22, 2019)

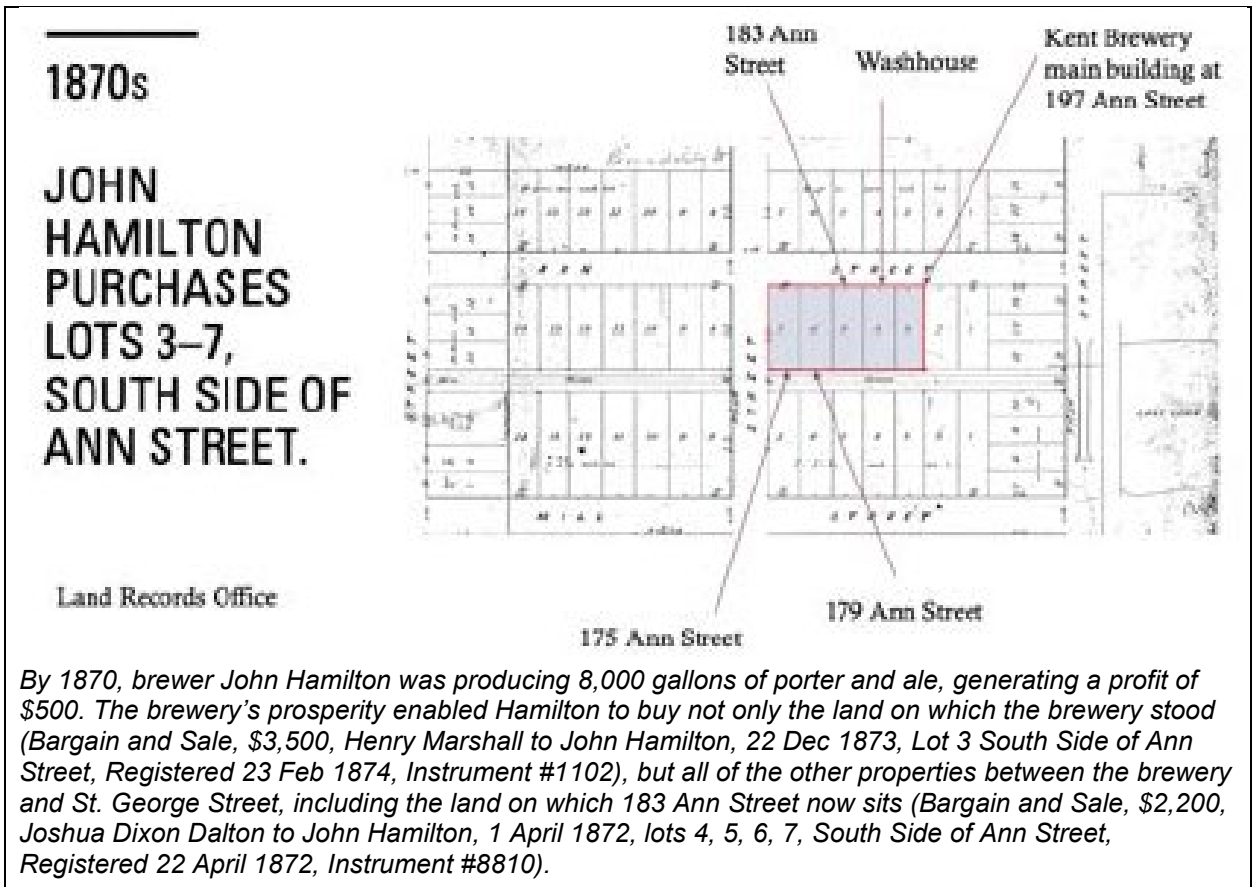


Image 21 Expansion of adjacent property ownership by Joseph Hamilton (M. Tovey, slide 7, Oct. 27, 2020 presentation to the Planning and Environment Committee)



Image 22: 179 Ann Street – view of front elevation (L.E.Dent, Apr 1, 2022)



Image 23: 179 Ann Street – view of side and partial front elevation, facing southwest (L.E.Dent, Apr 1, 2022)



Image 24: 175 Ann Street – view of front and partial side elevation, facing southwest (L.E.Dent, Apr 1, 2022)



Image 25: 175 Ann Street – view side elevation, facing east (L.E.Dent, Apr 1, 2022)





Image 26: 86 St. George Street – view of front and partial side elevation, facing northwest  
(L.E.Dent, Apr 1, 2022)



Image 27: 84 St. George Street – view of front and side elevation, facing southeast  
(L.E.Dent, Apr 1, 2022)



Image 28: Exterior view of proposed development showing entrance to new brewery using salvaged brick



Image 29: Interior concept for proposed brewery reflecting original arched features

**Appendix C – Historical Documentation and Research Materials**



Kent Brewery. London Old Boys Semi-Centennial 1855-1905, p. 49



Google Street View 2018

Image 1: Comparison of the Kent Brewery 1905 and 2018

Courtesy of Dr. M. Tovey, Adjunct Professor,  
Dept. of History, Western University

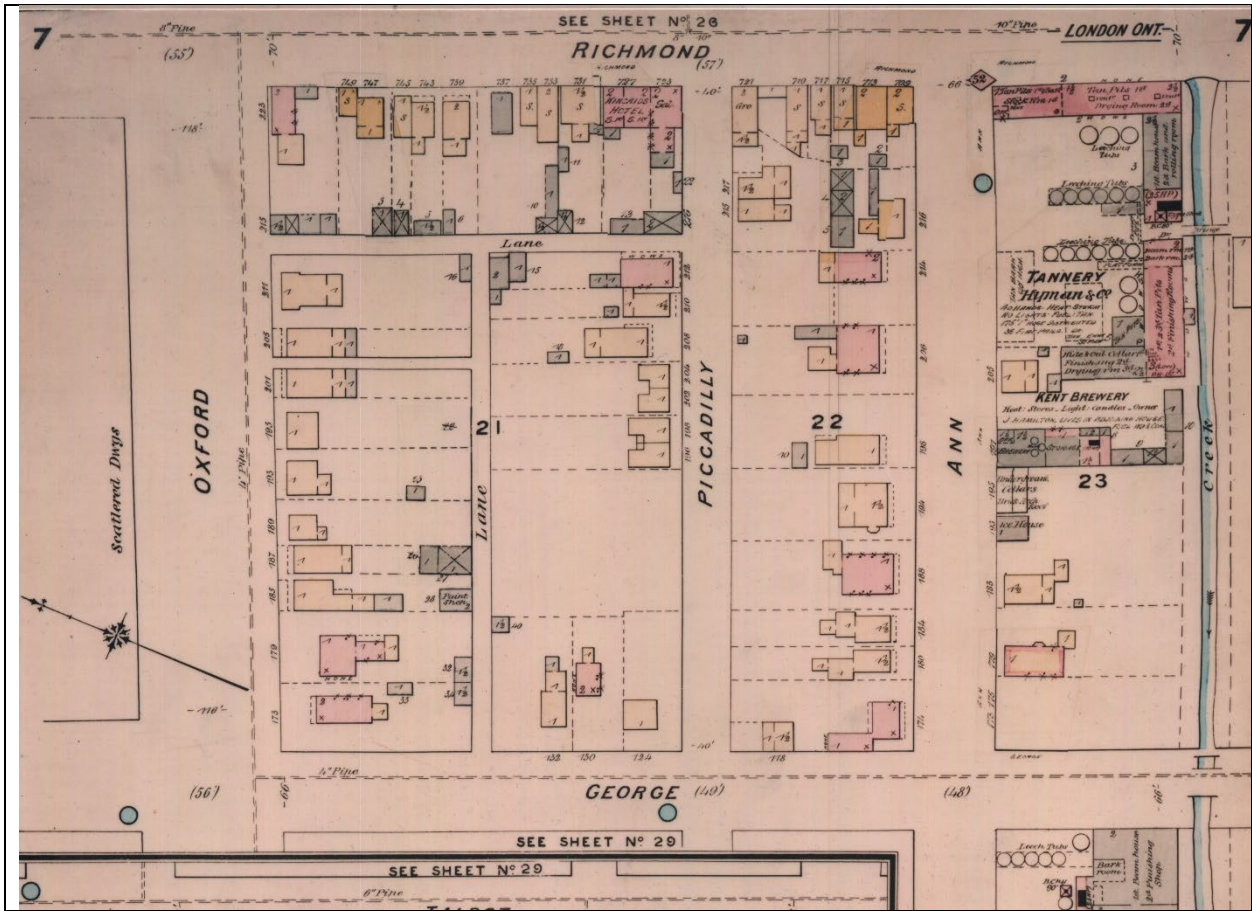


Image 2: (1881 rev. 1888) Insurance plan of the City of London

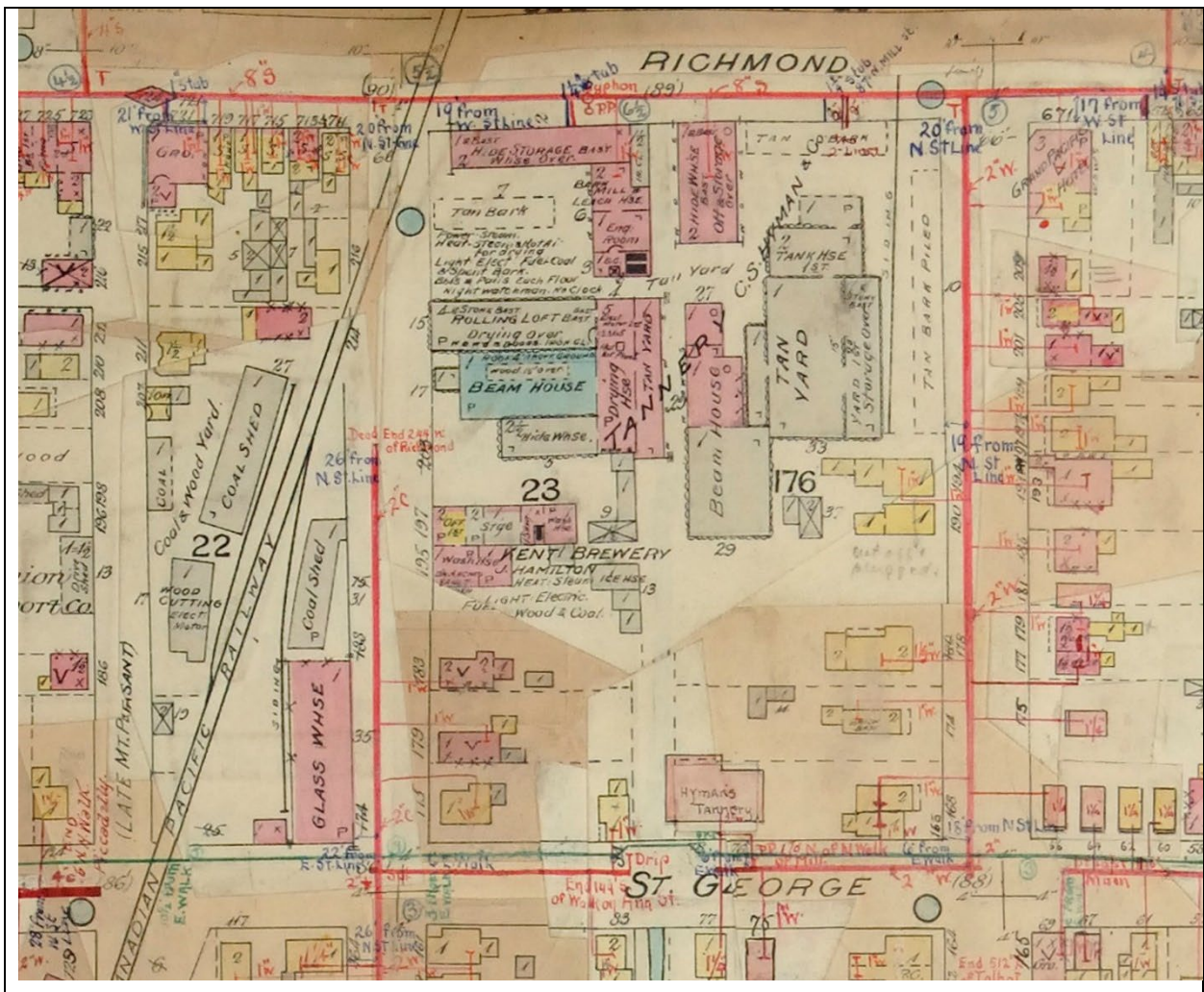


Image 3: (1892 rev. 1907) Insurance plan of the City of London

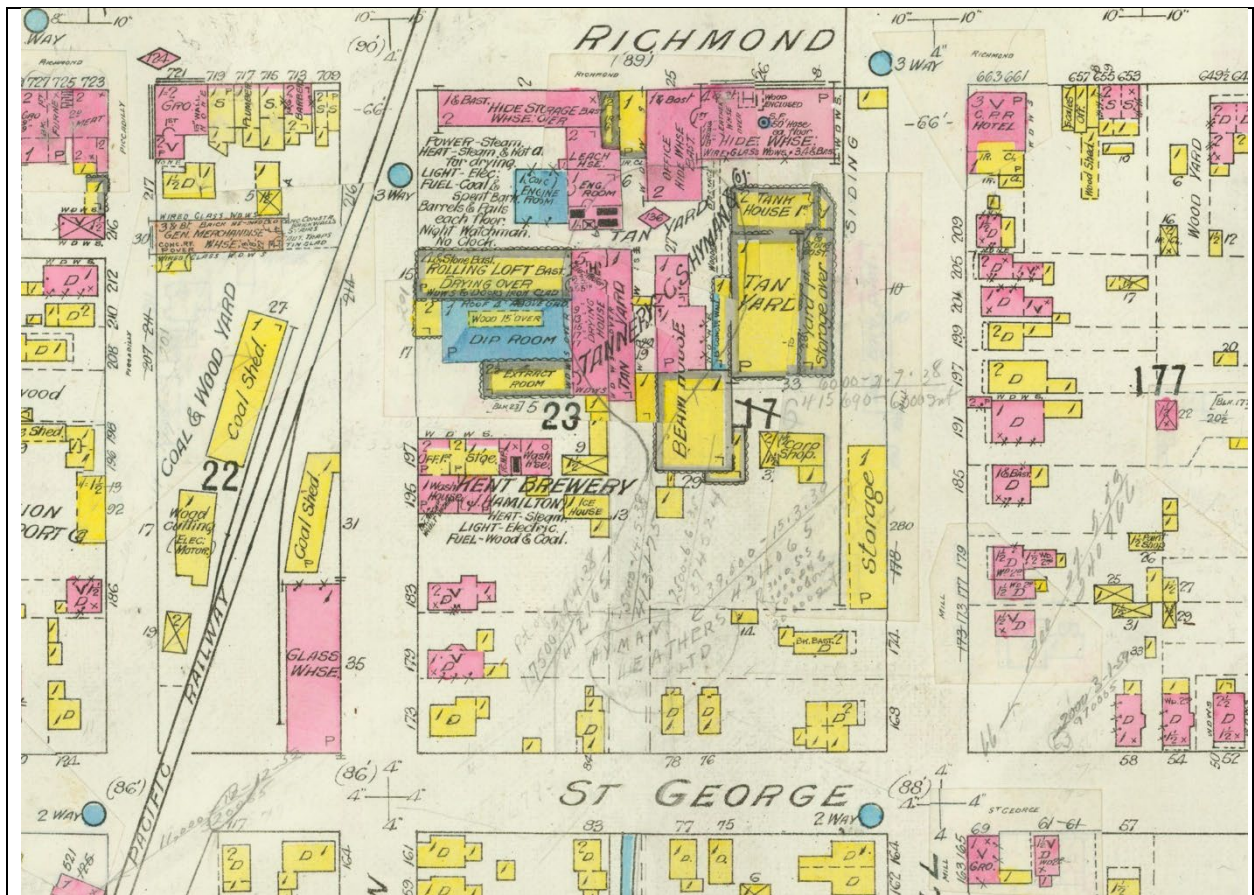


Image 4: (1912 rev. 1915) Insurance plan of the City of London

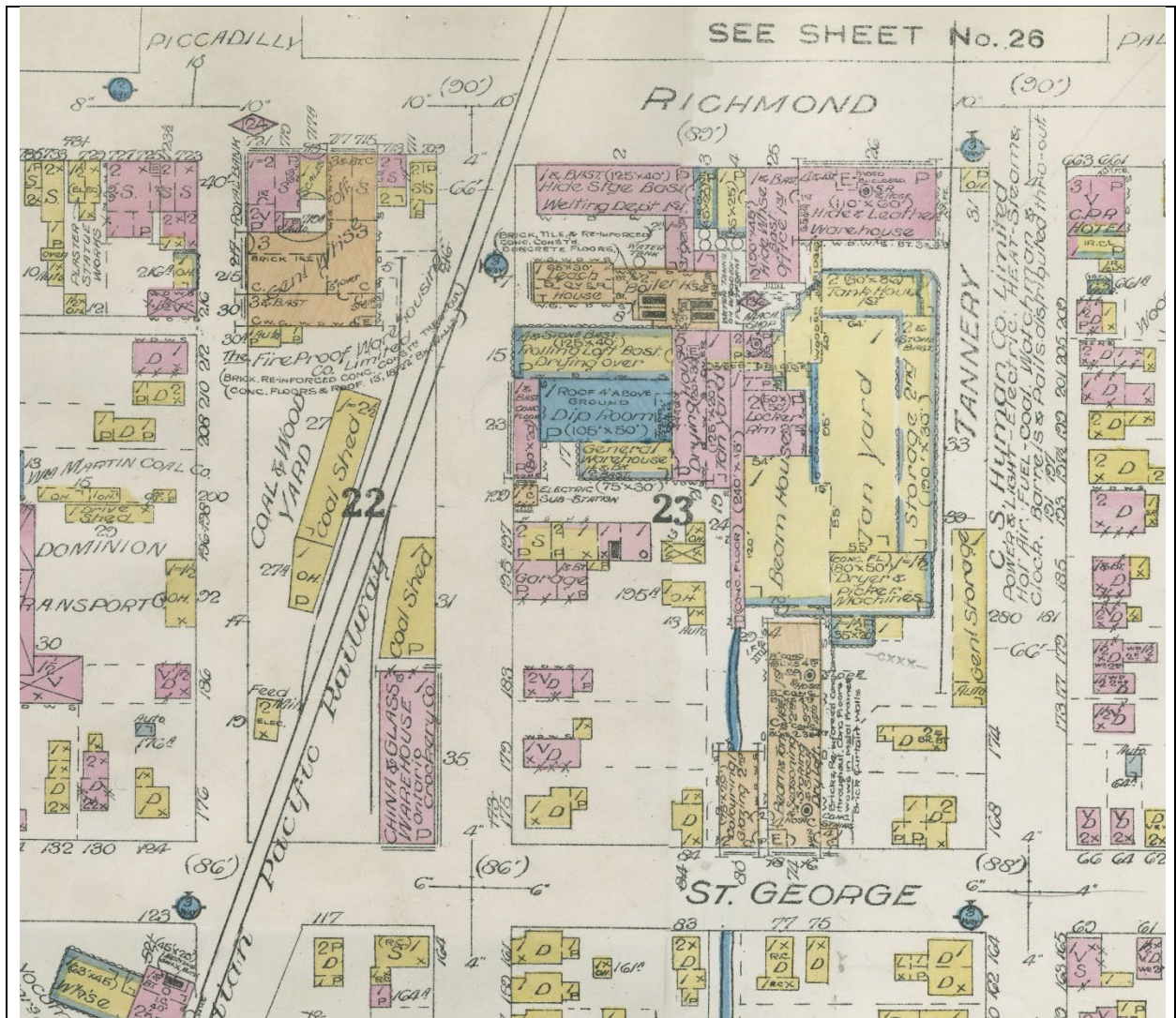


Image 5: (1912 rev. 1922) Insurance plan of the City of London

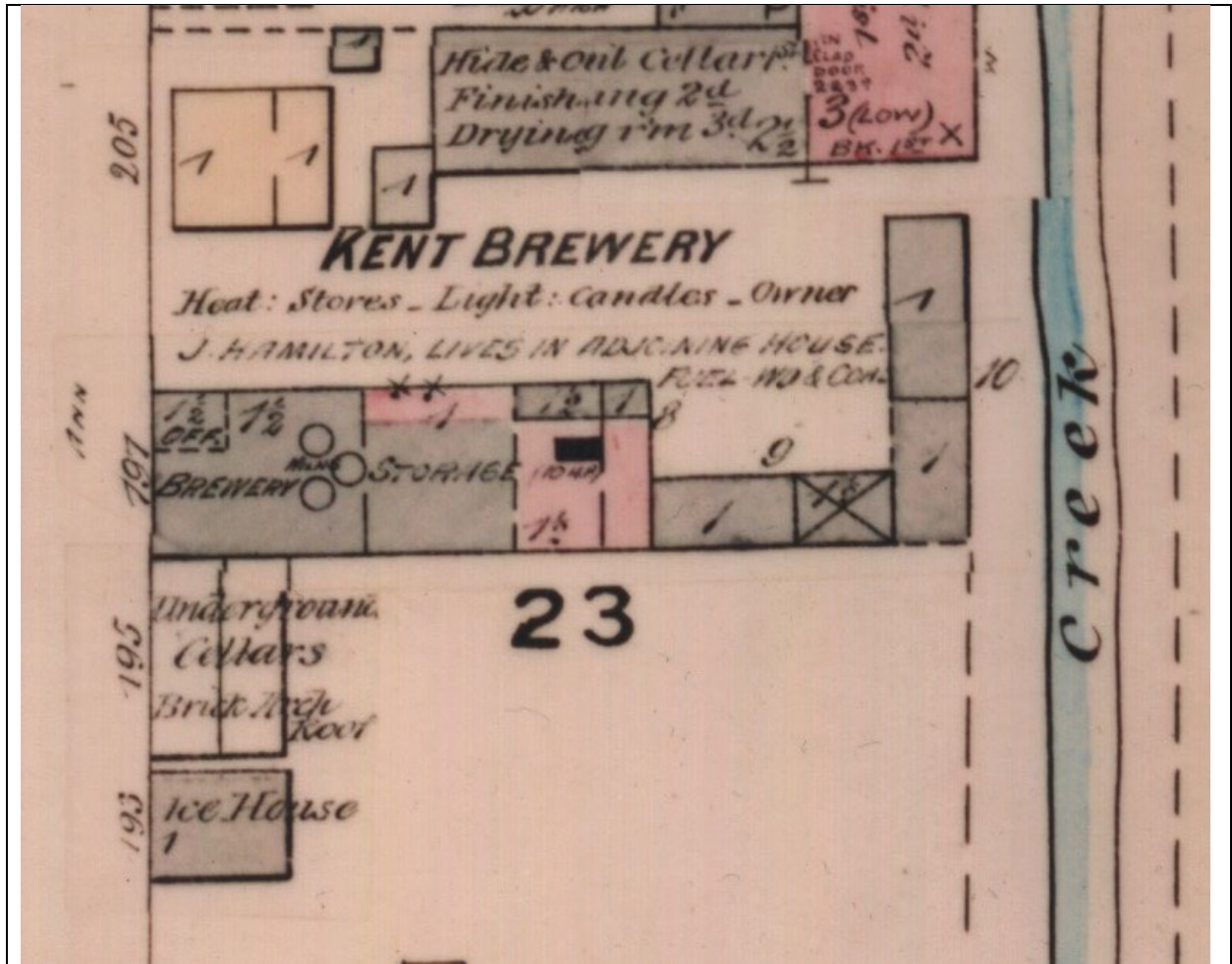


Image 6: (1881 rev. 1888) Insurance plan – Detail of Kent Brewery

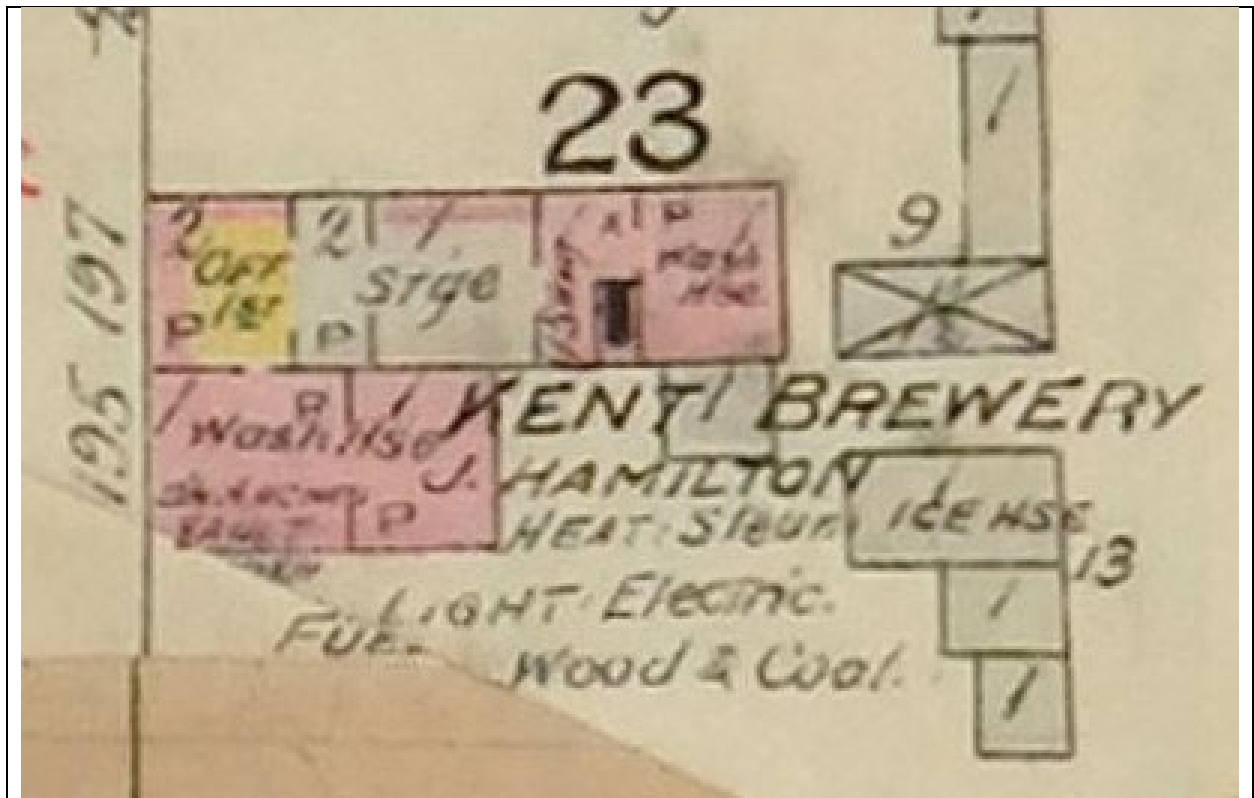


Image 7: (1892 rev. 1907) Insurance plan – Detail of Kent Brewery

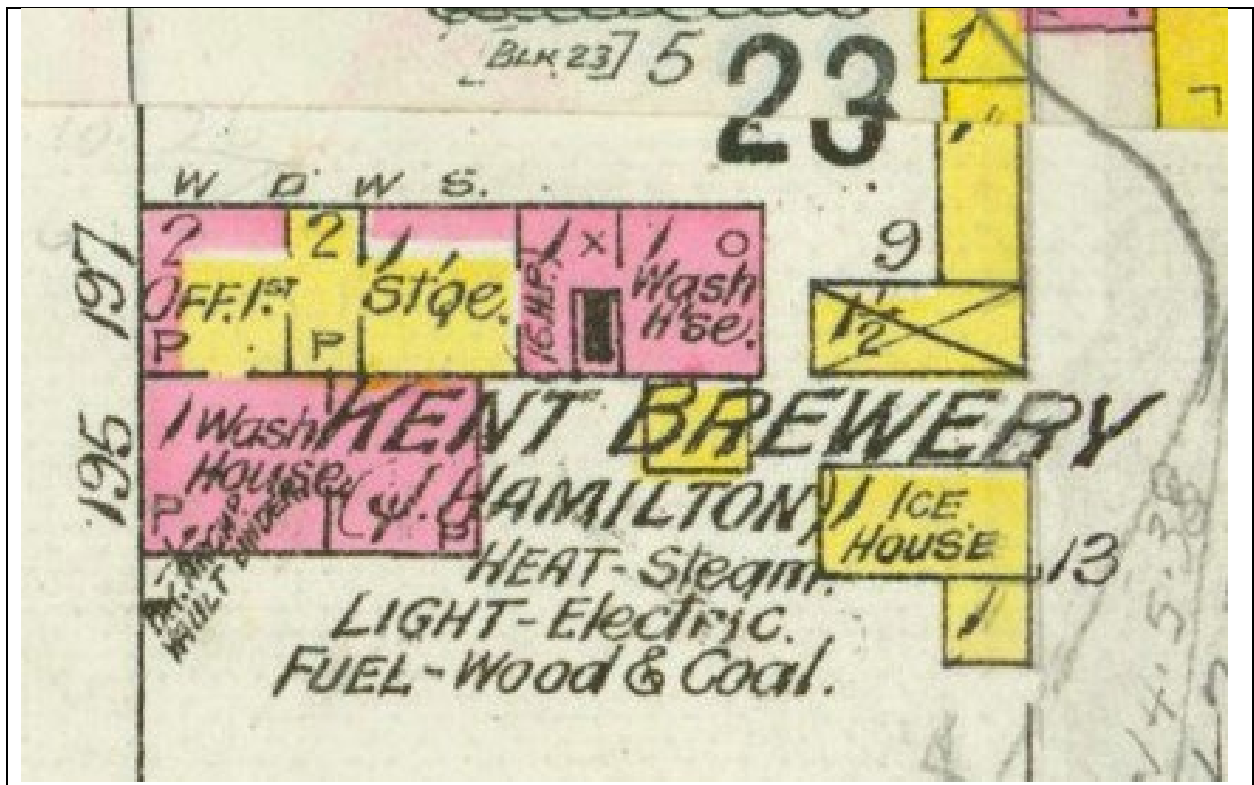


Image 8: (1912 rev. 1915) Insurance plan – Detail of Kent Brewery

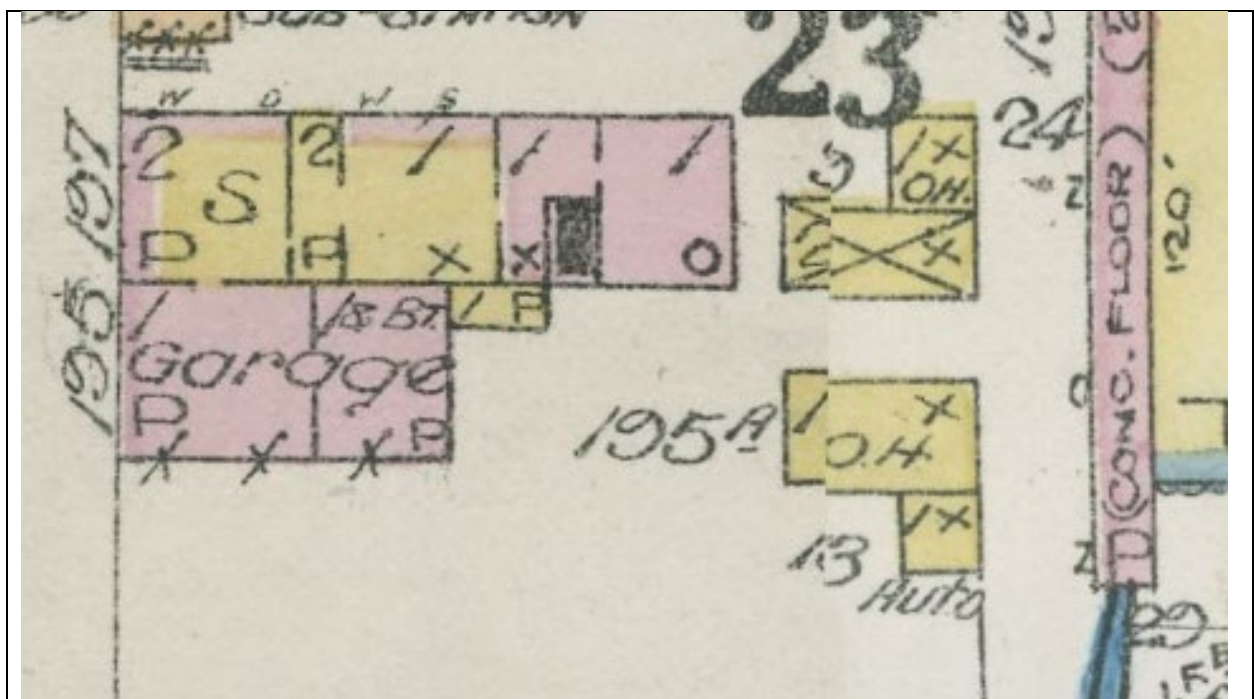


Image 9: (1912 rev. 1922) Insurance plan – Detail of Kent Brewery

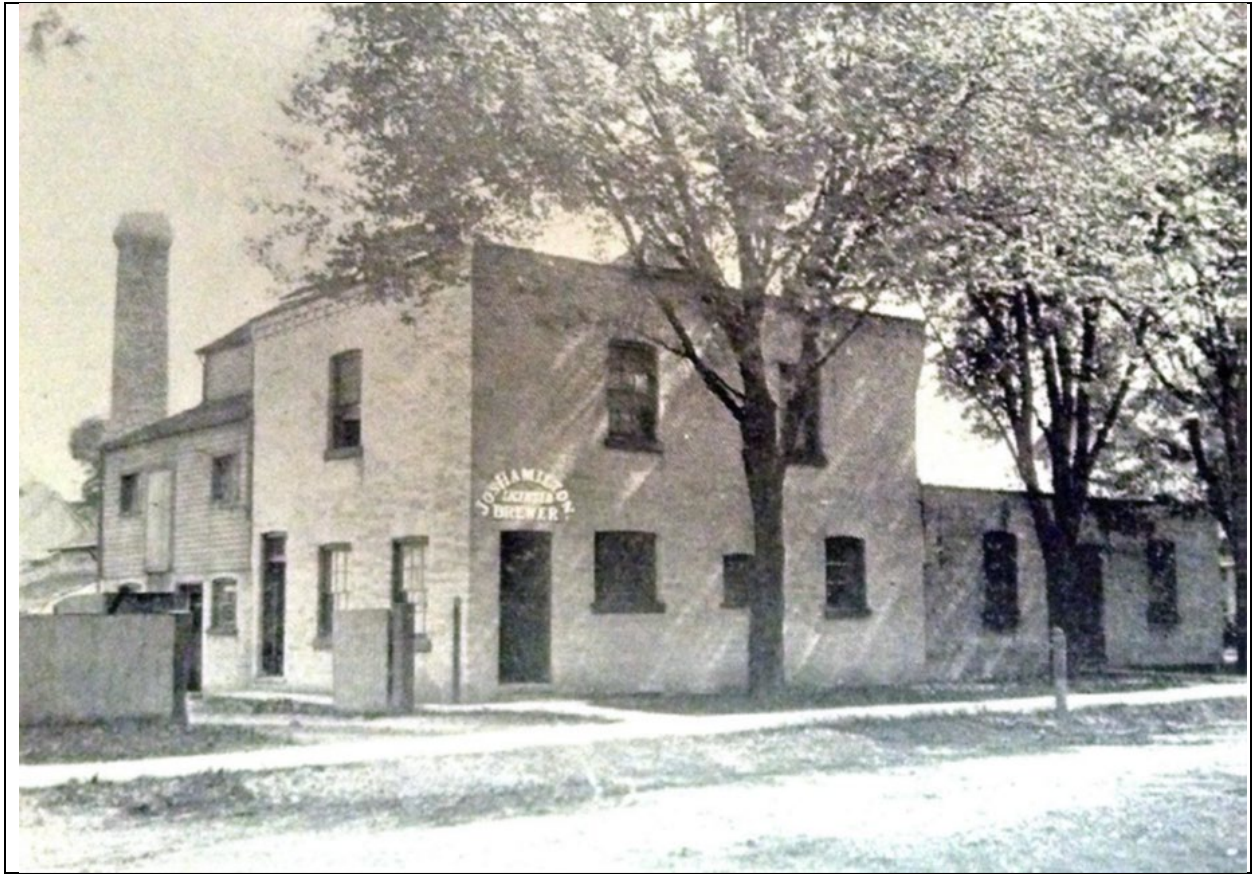


Image 10: Kent Brewery, c. 1905 (O'Brien, p14)



Image 11: Adelaide Winery at 197 Ann St (1934) – London Free Press, Sat, Nov 10, 1934

Courtesy of Dr. M. Tovey, Adjunct Professor, Dept. of History, Western University





Image 12: A1 Delivery at 197 Ann St (1955) – London Free Press, Aug 25, 1955  
 Courtesy of Dr. M. Tovey, Adjunct Professor, Dept. of History, Western University



*Caption: Labels for Joseph Hamilton's London Porter and London Amber Ale, 1889. While dark ale, porter and stout dominated most of Victorian Canada's beer world, brewers hardly ignored changes in public taste. Joseph Hamilton supplied steadfast traditionalists with his London Porter and accommodated those who wanted something a little lighter with his Amber Ale. (Phillips, 36) credit: Thomas Fisher Rare Book Library, U of Toronto, Toronto, ON*

Image 13: Labels for Joseph Hamilton's London Porter and Amber Ale, 1889  
 (see Tovey, Chronology, p8)

# KENT BREWERY!

*BEST GENUINE ALE AND PORTER.*

**Hotels and Families Supplied.**

JOHN HAMILTON,

*Ann Street, - - London, Ont.*

*Caption: John Hamilton bought the virtually bankrupt Kent Brewery from F.L. Dundas in 1861. With due diligence and a Scotsman's thrift, Hamilton was able to turn the brewery's fortunes around. (Philips, p76)*

Image 14: Kent Brewery Ad from the London City Directory from 1877-78  
(Philips, p76)

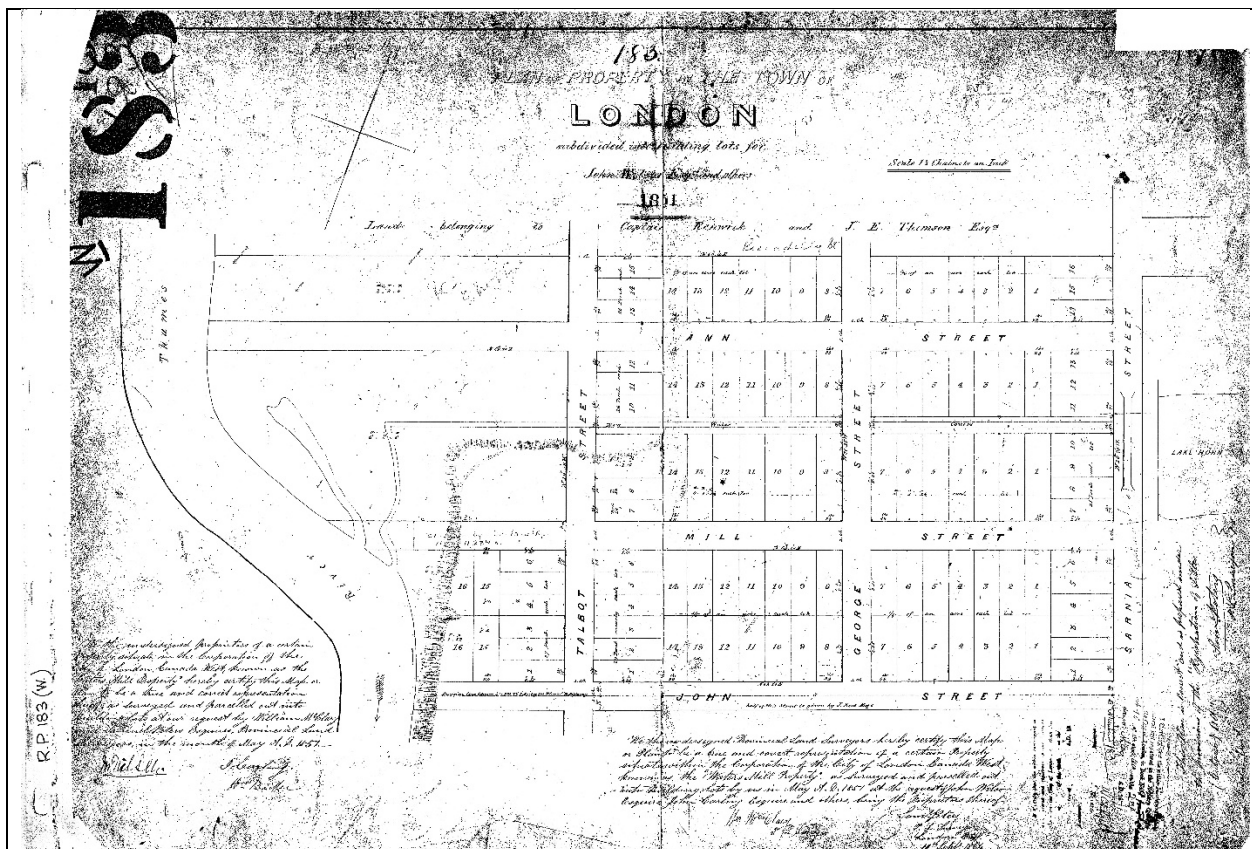


Image 15: Registered Plan – 1871, RP183(W)

## Appendix D – City Directory Listings – 197 Ann Street

Year	Resident, Occupation [Notes from other sources]
1858	[John Walsh, a merchant who lived on Ann Street east of the brewery, sold the land to Henry Marshall in 1858, LRO]
1859-1861	John Hammond, Henry Marshall, Brewers [location on lot 3 South Side Ann Street confirmed using 1859, 1860 tax assessment rolls] [Henry Marshall would later move to County of Kent, England]
1861	Francis Dundas, John Phillips, Kent Brewery. [1861 use of Kent Brewery name confirmed via article in the London Prototype, 5 March 1861] [location on lot 3 South Side Ann Street confirmed using 1861 tax assessment rolls]
1861-1864	Kent Brewery, Hamilton and Morgan, props, Ann [location on lot 3 South Side Ann Street confirmed using 1864 Collector's Roll]
1864-1887	John Hamilton, Kent Brewery [John Hamilton first appears as sole proprietor in Mitchell's Canada Gazetteer and Business Directory, 1864-65] [John Hamilton buys the land outright from Henry Marshall in 1873 (LRO)] [John Hamilton dies intestate, and his widow Agnes sells the brewery to her son, Joseph, who has already been working at the brewery for at least d.c. 14 years]
1887-1917	Kent Brewery, Joseph Hamilton, propr. The last City Directory entry for the Kent Brewery is in the 1917 directory. [John Hamilton's death certificate states that he retired in 1916. This accords well with the directory date, because names for directories were often collected in the year prior to publication]. [In 1897, Joseph Hamilton takes out a mortgage from Martha McMartin, the wife of hotel keeper James McMartin]
1918-1921	Vacant
1922	Liberty Garage auto reprs
1923-1926	Liberty Garage auto reprs, Harry North, auto trmr
1927-1928	Hydro Sub Station, Vacant
1929	Royal Winery, Hydro Sub Station
1930-1938	Adelaide Winery Ltd., Hydro Sub Station [In 1937, Joseph Hamilton sells the property to Philip Pensa (LRO).]
1939	Vacant, Hydro Sub Station
1940	London Cheese Production, Superior Wax Co., Etsol Synthetic Production
1941	Phil Penn Products, Hydro Sub Station
1942	Phil Penn Products, Hydro Sub Station, William Toohey, printer
1943-1944	Phil-Penn Products, Hydro Sub Station
1945-1946	Phil-Penn Products, Hydro Sub Station, Peter Balletto
1947	Phil-Penn Products, London Cigar Factory
1948-1949	Phil-Penn, London Cigar Factory, Peter Balletto
1950	Huron Insulating Co, Huron Roofing Co, Phil-Penn Products, London Cigar Factory, Hydro Sub Station
1951-1952	Phil-Penn Products, London Cigar, Hydro Sub Station
1953-1955	Phil-Penn Products, New Tile of Canada, Hydro Sub Station
1956	A1 Delivery, Renew Oil, Phil- Penn Products, Nu Tile, Hydro Sub Station
1957	Phil-Penn Products, Stark Truck Service Hydro Sub Station
1958-1959	Stark Truck, Hydro Sub Station
1960	Nu Tile, Hydro Sub Station
1961	Lon Precast Products Ltd, Bere's Fresh Nut Pack, Hydro Sub Station
1962-1964	Lon Precast Products, Vacant, Sub Station
1965	Vacant, Hydro Sub Station no. 8
1966-1967	Robert Smith T Ltd, mail contrs, Hydro Sub Station
1968-1969	Robert Smith T Ltd, mail contrs, William D Tomlin, driver for Robert Smith Ltd, Hydro Sub Station no.8
1970	Vacant, Hydro Sub Station no. 8
1971-1973	Smith's Garage, Smith RT Ltd., Hydro Sub Station no. 8
1974	Smith RT Ltd., G&G Auto Body, Hydro Sub Station no. 8

1975	The Bicycle Shop, The Speciality Enterprise welding Shop, Quintaman Group Inc., Frog Ind.
1976	The Bicycle Shop
1977-1979	Cardinal Fence Co.
1980	NO RETURN
1981	VACANT
1982	Wheeler Bern Communications Ltd., Equity Auto Sales, Equity Auto Centre, Equity Marketing & Leasing Ltd.
1983	Equity Marketing and Leasing, Equity Auto Sales, Equity Auto Centre
1984	Equity Marketing and Leasing, Equity Auto Sales, Equity Auto Centre, Florentine Matejcek, students, Lynn Powell, student
1985	Equity Marketing and Leasing, Equity Auto Sales, Equity Auto Centre, Florentine Matejcek, student
1986	Equity Marketing and Leasing, Equity Auto Sales, Equity Auto Centre, Florentine Matejcek, student, S Maloney
1987	Equity Marketing and Leasing, Equity Auto Sales, Elizabeth James, student, Frank Nynman, student
1988	Equity Auto Centre, Equity Marketing & Leasing Ltd, Equity Auto Sales, Black R, Gray D
1989	Equity Marketing and Leasing, Equity Auto Sales, R D Black, C Jacobson (upper)
1990	Equity Marketing and Leasing, Equity Auto Sales, Tom Artiss (Artiss), R D Black
1991	Equity Marketing and Leasing, Equity Auto Sales, R D Black
1992	Equity Marketing and Leasing, NO RETURN, R D Black, G Matlow (upper)
1993	Equity Marketing and Leasing, NO RETURN, NO RETURN, R D Black (owner)
1994	Equity Marketing and Leasing, R D Black, D Fioroni, M Wright (student)
1995	Equity Marketing and Leasing, R D Black
1996	Equity Marketing and Leasing, R D Black, Ean MacDonald, K Pearson, Scott Wilson
1997	Equity Marketing and Leasing, RD Black
1998	Equity Marketing and Leasing, RD Black, B S Keith
1999-2000	Equity Marketing and Leasing, R D Black
2001	Equity Marketing and Leasing, R D Black, Manning Automotive
2002	Equity Marketing and Leasing, R D Black
2003-2004	R D Black
2005-2009	Equity Marketing and Leasing, R D Black, Williams Downtown Automotive Service
2010-2013	Williams Downtown Automotive Service

The LACH Stewardship Sub-Committee w/M. Tovey (n.d.). Evaluation of Cultural Heritage Value or Interest: The Kent Brewery building at 197 Ann Street. LACH Stewardship Sub-Committee Report, September 23,30 and October 5,6, 2020

## Appendix E – Statement of Cultural Heritage Value or Interest Municipal Address, 197 Ann Street

### Legal Description

LOTS 4, 5, 6 & 7 AND PART LOT 3, SOUTH SIDE ANN STREET PLAN  
183(W)DESIGNATED AS PART 1, PLAN 33R-20622

### PIN

08262-0220

### Description of Property

The municipal address at 197 Ann Street is located in the North Talbot area of the City of London, on a consolidated parcel comprising multiple municipal addresses located, at the southeast intersection of Ann and St. George Streets.

197 Ann Street (known as the former Kent Brewery c. 1859-1881) is located on Lot 4 and Part Lot 3 of the consolidated parcel. The brewery complex consists of 4 building parts, built at different periods and continuously adapted over time.

- 2-storey brick building (primary building) – comprising some form of the original brewery with early modifications; 9m x 13m approx. with the short end fronting Ann Street.
- 1-storey brick building (old wash house) – located to the west of the primary building, c.1890s; 9.88m x 20.45m approx. with short end fronting Ann Street
- 1-storey brick and clad building (south extension) – located to the rear of the primary building exhibiting considerable external and internal modifications made during expansion years of the brewery; 9.49m x 21.65m approx. extending south from the primary building to the contemporary addition
- cinder block building with vinyl siding (contemporary garage) – added in the late 20<sup>th</sup> century for automotive services; 10m x 11m approx. at the south end of the south extension

### Statement of Cultural Heritage Value or Interest

The former Kent Brewery, at 197 Ann Street, is of cultural heritage value or interest because of its physical or design values, historical or associative values, and contextual values.

### Physical or Design Value

The former Kent Brewery at 197 Ann Street is one of the oldest existing brewery buildings in Canada. It is an early example in the City of London (and province) of an industrial building typology and a rare example of a physically intact brewery from the mid-late-19th century. It is also a rare example of an early brewery site where the brewery building remains, and the brewer's house is also intact.

The brewery complex is representative of a mid-late 19th century vernacular, industrial commercial 'typology'. Parts of the building complex are visually discernable from the exterior, and include a primary building, old wash house, south extension, and a contemporary garage. The 2-storey 'primary building' is a simple, rectangular brick veneer building, of local buff brick, with a flat roof. The façade is relatively unadorned except for corbelled brick detailing expressed in the parapet. Many window and door openings are topped with brick voussoirs. There are several brick rounded 'Florentine' arches in the basement. The 1-storey 'old wash house' is a simple, rectangular building with a buff brick exterior. It has a similarly unadorned façade, with a flat roof sloping from the front to the rear.

Much of what is currently recognized as the former Kent Brewery is exhibited in the original primary building as well as the old wash house. Their overall profile, massing, and scale, and modest detailing appears as they did in the at the peak of the brewery's business c1905. Collectively, both buildings retain an authentic utilitarian expression of a functioning mid-late-19th- century brewery.

### **Historical or Associative Values**

The Kent Brewery is one of the first breweries in London, and the third most significant historic brewery in the city after Carling's and Labatt's. The brewery is associated with the Hamilton brewing family, notably John Hamilton (who ran the brewery from 1861–1887), and his son, Joseph Hamilton (who ran the brewery from 1887–1917). There are also direct associations of the brewery with the adjacent Brewer's House at 183 Ann Street that was built by Joseph Hamilton around 1893 and occupied by him and his family until 1911. More broadly, the former Kent Brewery is closely tied to the culture and history of the North Talbot area and the Carling's Creek and CPR corridor. Its retention enhances our understanding and yields information on the development of industries and the people who lived and worked in the area during the mid-late-19th-century and early-20th-century.

### **Contextual Values**

Physically and functionally the Kent Brewery is strongly linked to its context specifically to the lots immediately to the west that brewer John Hamilton owned, and brewer Joseph Hamilton built for his family residence at 183 Ann Street. Through the use of local buff brick, the brewery along with the brewer's house at 183 Ann Street and cottage at 179 Ann Street, collectively support the visual character of the area.

The Kent Brewery at 197 Ann Street is tied to the physical development of the surrounding area as a late-19th- and early-20th-century industrial and working-class neighbourhood. Its longevity within the neighbourhood, and the fact that it is the last remaining industrial building in Talbot North that sited to take advantage of Carling's Creek, makes it is one of the defining buildings of the Talbot North neighbourhood.

Finally, the Kent Brewery is significant to the historical context of the area because of its direct associations with the Hamilton Family that owned the brewery, and its links to the culture, history, industries and people of the North Talbot area and the Carling's Creek and CPR corridor and its development during the mid-late-19th-century and early-20th-century.

### **Heritage Attributes**

Heritage attributes which support and contribute to the cultural heritage value or interest of the former Kent Brewery at 197 Ann Street include:

- Form, scale, massing and footprint collectively of the primary building and the old wash house
- Exterior buff brick throughout
- Brick voussoirs above principle windows
- Existing window and door openings on the façade and east elevation of the primary building and façade of the old wash house;
- Corbelled parapet detail on the primary building facade
- Interior rounded 'Florentine' arches in the basement

The south extension and contemporary garage are not considered to be heritage attributes.

## **Appendix F – Statement of Cultural Heritage Value or Interest Municipal Address, 183 Ann Street**

### **Legal Description**

LOTS 4, 5, 6 & 7 AND PART LOT 3, SOUTH SIDE ANN STREET PLAN  
183(W)DESIGNATED AS PART 1, PLAN 33R-20622

### **PIN**

08262-0220

### **Description of Property**

The municipal address at 183 Ann Street is located in the North Talbot area of the City of London, on a consolidated parcel comprising multiple municipal addresses located, at the southeast intersection of Ann and St. George Streets. The two-and-a-half-storey brick residence is located on Lot 5 of the consolidated parcel.

### **Statement of Cultural Heritage Value or Interest**

The Brewer's House at 183 Ann Street, is of cultural heritage value or interest because of its physical or design values, historical or associative values, and contextual values.

### **Physical or Design Value**

The Brewer's House at 183 Ann Street (c.1893) was built by Joseph Hamilton the brewmaster at the adjacent Kent Brewery from 1887-1916. It is a rare example of a house linked to an extant brewery where the adjacent brewer's house is also intact.

The house is a representative example of a late-19th-century residence with Queen Anne style influences. The form of the house comprises an intersecting hipped roof, and a front gable end which has horizontal siding and dentilled millwork detailing. The gable ends exhibit original bargeboard wood shingling outlined with moulded vergeboards, supported by wooden end brackets and a modillion course beneath. There is a small square gable window under the eaves with a pilaster. The double front doors have a carved wood inset with two arched windows, a stained-glass transom, and are covered by a shallow overhang. Windows openings on all visible elevations have brick voussoirs. On the west elevation is a bay window with stone lug sills. The bay is topped by a flat roof and the fascia board decoratively supported by small brackets/modillions.

### **Historical or Associative Values**

The Brewer's House at 183 Ann Street has direct associations with the adjacent former Kent Brewery at 197 Ann Street and both John and Joseph Hamilton who operated the brewery from 1861-1916. John Hamilton occupied a frame structure on the property from 1862 until his death in 1887. The present brick residence on the property was built by Joseph Hamilton around 1893. Joseph Hamilton and his family continued to occupy the house until 1911. The residence functioned as the brewer's house for the brewery. The size and scale of the house shows the increased prosperity the Kent Brewery attained under Joseph Hamilton's leadership after John Hamilton's death in 1887. Between c1886 and 1916, the Kent Brewery was one of only three breweries in London, third to Labatt and Carling. Today, the former Kent Brewery (c. 1859-1881) may be one of the oldest existing brewery buildings (c.1859-1881), second only to Alexander Keith's Brewery in Halifax whose current ironstone brewery building was built in 1837.

Through its direct associations with the Kent Brewery at 197 Ann Street, the Brewer's House at 183 Ann Street contributes to an understanding of the significant brewing history in London-Middlesex. It is also linked to the culture and history of the North Talbot area and the Carling's Creek and CPR corridor standing as visible remains of the development of industries and the people who lived and worked in the area during the mid-late-19th-century and early-20th-century.

### **Contextual Values**

The Brewer's House at 183 Ann Street is linked to the physical development of the surrounding area as a late-19th- and early-20th-century industrial and working-class neighbourhood. 183 Ann Street is characteristic of the variations in housing along Ann Street and in the near vicinity, reflecting the diversity of people who lived in the area and worked in the major industries around Carling's Creek. Through its materiality (i.e. buff

brick exterior) and early Hamilton Family ownership, the built resource at 183 Ann Street, along with the former Kent Brewery at 197 Ann Street and house at 179 Ann Street, all support the visual character of the area.

The Brewer's House at 183 Ann Street demonstrates: a) a visual link to its surroundings (specifically 197 and 179 Ann Street) through its common use of buff brick on the exteriors; b) a strong physical and functional relationship to its surroundings as the brewer's house located adjacent for the former Kent Brewery; and, c) a significant historical link to its surroundings through its direct associations with the former Kent Brewery and the Hamilton Family that owned the brewery, as well as its links to the culture, history, industries and people of the North Talbot area and the Carling's Creek and CPR corridor and to development during the mid-late-19th-century and early-20th-century.

### **Heritage Attributes**

Heritage attributes which support and contribute to the cultural heritage value or interest of the Brewer's House at 183 Ann Street include:

- Form, scale, and massing of the two-and-a-half storey Queen Anne Revival styled house
- Exterior buff brick throughout
- Two chimneys constructed of buff brick
- Shallow gabled roof profile with cross gable and two gable ends
- Brackets below roof at the principal corners
- Original bargeboard wood shingling on front and east facing gable, outlined with moulded vergeboards
- Front and east facing gables supported by wooden end brackets and a modillion course beneath
- Brick voussoirs above principle windows
- Small square window under the eaves of east facing gable including pilasters on each side of the frame detail border of small square panes
- Bay window on the west elevation topped by a flat roof and fascia board decoratively supported by small brackets/modillions
- Carved details of the original double-leafed door the principal doorway on the front façade including arched glass windows in the doors and dentil-moulded architrave above
- Rectangular stained-glass transom with coloured glass in two rectangular patterns and a diamond pattern in the centre

The detached wooden shed structure at the rear of the lot is not considered to be a heritage attribute



# London Advisory Committee on Heritage

## Report

4th Meeting of the London Advisory Committee on Heritage

April 13, 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, T. Jenkins, S. Jory, E. Rath, M. Rice and K. Waud and J. Bunn (Committee Clerk)

ABSENT: L. Fischer and S. Gibson

ALSO PRESENT: R. Armistead, L. Dent, K. Gonyou, M. Greguol, J. Kelemen and S. Wise

The meeting was called to order at 5:30 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 Request to Remove the Heritage Listed Property located at 147-149 Wellington Street by P. and S. Letsos

That, on the recommendation of the Director, Planning and Development, the properties located at 147-149 Wellington Street BE REMOVED from the Register of Cultural Heritage Resources; it being noted that, should demolition on the property occur, the London Advisory Committee on Heritage encourages the developer to salvage the gable and other heritage features.

#### 2.2 Heritage Alteration Permit Application by S. Thompson at 18 Byron Avenue East, Wortley Village-Old South 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 proposed addition and alterations to the heritage designated property located at 18 Byron Avenue East, within the Wortley Village-Old South Heritage Conservation District BE REFUSED; it being noted that the proposed addition and alterations do not comply with the Wortley Village-Old South Heritage Conservation District Plan policies, The London Plan policies, and the Provincial Policy Statement; it being further noted that the London Advisory Committee on Heritage encourages the applicant to continue to work with the Heritage Planners with respect to this matter.

#### 2.3 Designation, 183 Ann Street and 197 Ann Street under Part IV of the Ontario Heritage Act

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the following actions be taken with respect to the staff report, dated April 13, 2022, related to the designation of built resources at municipal addresses 183 Ann Street and 197 Ann Street, located on the consolidated parcel legally described as – LOTS 4,

5, 6 & 7 AND PART LOT 3, SOUTH SIDE ANN STREET PLAN  
183(W)DESIGNATED AS PART 1, PLAN 33R-20622:

a) notice BE GIVEN under the provisions of Section 29(3) of the Ontario Heritage Act, R.S.O. 1990, c. O. 18, of Municipal Council's intention to designate the built resource on the municipal address 197 Ann Street to be of cultural heritage value or interest for the reasons outlined in Appendix E of the above-noted staff report;

b) should no objections to Municipal Council's notice of intention to designate be received, by-laws to designate the built resource at 197 Ann Street to be of cultural heritage value or interest for the reasons outlined in Appendix E of the above-noted staff report, BE INTRODUCED at a future meeting of Municipal Council within 90 days of the end of the objection period;

c) notice BE GIVEN under the provisions of Section 29(3) of the Ontario Heritage Act, R.S.O. 1990, c. O. 18, of Municipal Council's intention to designate the built resource at 183 Ann Street to be of cultural heritage value or interest for the reasons outlined in Appendix F of the above-noted staff report; and,

d) should no objections to Municipal Council's notice of intention to designate be received, by-laws to designate the built resource 183 Ann Street to be of cultural heritage value or interest for the reasons outlined in Appendix F of the above-noted staff report, BE INTRODUCED at a future meeting of Municipal Council within 90 days of the end of the objection period;

it being noted that, should an objection to Municipal Council's notice of intention to designate be received, a subsequent staff report will be prepared;

it being further noted that should an appeal to the passage of the by-law be received, the City Clerk will refer the appeal to the Ontario Land Tribunal.

### **3. Consent**

#### **3.1 3rd Report of the London Advisory Committee on Heritage**

That it BE NOTED that the 3rd Report of the London Advisory Committee on Heritage, from the meeting held on March 9, 2022, was received.

#### **3.2 Notice of Revised Planning Application - Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments - 850 Highbury Avenue North**

That it BE NOTED that the Notice of Revised Planning Application, dated April 4, 2022, from M. Clark, Planner I, with respect to Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments, related to the property located at 850 Highbury Avenue North, was received.

#### **3.3 Public Meeting and Revised Application Notice - Official Plan and Zoning By-law Amendments - Revised - 84-86 St. George Street and 175-197 Ann Street**

That it BE NOTED that the Public Meeting and Revised Application Notice, dated April 1, 2022, from S. Wise, Senior Planner, with respect to Revised Official Plan and Zoning By-law Amendments, related to the properties located at 84-86 St. George Street and 175-197 Ann Street, was received.

3.4 Public Meeting Notice - Official Plan and Zoning By-law Amendments - 520 Sarnia Road

That it BE NOTED that the Public Meeting Notice, dated March 31, 2022, from A. Riley, Senior Planner, with respect to Official Plan and Zoning By-law Amendments related to the property located at 520 Sarnia Road, was received.

3.5 Notice of Revised Application and Public Meeting Notice - Zoning By-law Amendment - 551-555 Waterloo Street

That it BE NOTED that the Notice of Revised Application and Public Meeting Notice, dated March 16, 2022, from M. Vivian, Site Development Planner, with respect to a Zoning By-law Amendment for the properties located at 551-555 Waterloo Street, was received.

**4. Sub-Committees and Working Groups**

4.1 Education Sub-Committee Report

That it BE NOTED that the Education Sub-Committee Report, from the meeting held on March 29, 2022, was received.

**5. Items for Discussion**

5.1 Heritage Planners' Report

That it BE NOTED that the Heritage Planners' Report, dated April 13, 2022, from the Heritage Planners, was received.

**6. Adjournment**

The meeting adjourned at 6:53 PM.