

Planning and Environment Committee Report

16th Meeting of the Planning and Environment Committee
October 3, 2022

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

ABSENT: Mayor E. Holder

ALSO PRESENT: PRESENT: H. Lysynski and J.W. Taylor
REMOTE ATTENDANCE: Councillor J. Helmer; J. Adema, O. Alchits, A. Anderson, G. Barrett, J. Bunn, M. Campbell, M. Corby, L. Dent, K. Edwards, K. Gonyou, M. Hefferton, J. Kelemen, P. Kokkoros, S. Mathers, H. McNeely, N. Musicco, B. Page, M. Pease, A. Singh and B. Westlake-Power
The meeting was called to order at 4:02 PM, with Councillor A. Hopkins in the Chair, Councillors S. Lewis and S. Lehman present and all other members participating by remote attendance.

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Consent

Moved by: S. Lewis

Seconded by: S. Lehman

That Items 2.1 to 2.5, inclusive, BE APPROVED.

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

2.1 3rd Report of the Ecological Community Advisory Committee

Moved by: S. Lewis

Seconded by: S. Lehman

That the 3rd Report of the Ecological Community Advisory Committee, from its meeting held on September 15, 2022 BE RECEIVED for information. (2022-D04)

Motion Passed

2.2 5th Report of the Community Advisory Committee on Planning

Moved by: S. Lewis

Seconded by: S. Lehman

That the 5th Report of the Community Advisory Committee on Planning from its meeting held on September 14, 2022 BE RECEIVED for information. (2022-A02)

Motion Passed

2.3 3924 and 4138 Colonel Talbot Road - Heathwoods - Phase 5 (39T-12503)

Moved by: S. Lewis

Seconded by: S. Lehman

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Auburn Developments Ltd., for the subdivision of land situated on the east side of Colonel Talbot Road, north of Lambeth Walk, municipally known as 3924-4128 Colonel Talbot Road:

a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Auburn Developments Ltd., for the Heathwoods Subdivision, Phase 5 (39T-12503_5) appended to the staff report dated October 3, 2022 as Appendix "A", BE APPROVED;

b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues appended to the staff report dated October 3, 2022 as Appendix "B"; and,

c) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfill its conditions. (2022-D12)

Motion Passed

2.4 Heritage Alteration Permit Application - 870 Queens Avenue, Old East Heritage Conservation District

Moved by: S. Lewis

Seconded by: S. Lehman

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval for painting previously unpainted brick of the heritage designated property at 870 Queens Avenue, within the Old East Heritage Conservation District, BE REFUSED;

it being noted that removing the paint from the brick is necessary to restore the property to its former condition. (2022-R01)

Motion Passed

2.5 634 Commissioners Road West (Z-9541)

Moved by: S. Lewis

Seconded by: S. Lehman

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 designation of the property at 634 Commissioners Road West:

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 property to be of cultural heritage value or interest for the reasons outlined in Appendix D of the associated staff report dated October 3, 2022; and,

b) should no objections to Municipal Council's notice of intention to designate be received, a by-law to designate the property located at 634 Commissioners Road West to be of cultural heritage value or interest for the reasons outlined in Appendix D 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; and,

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. (2022-R01)

Motion Passed

3. Scheduled Items

3.1 2810 Roxburgh Road (Z-9525)

Moved by: S. Lehman

Seconded by: S. Lewis

That, on the recommendation of the Director, Planning and Development, based on the application by Harpreet Singh (2309529 Ontario Inc.), relating to the property located at 2810 Roxburgh Road, the proposed by-law appended to the staff report dated October 3, 2022 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on October 17, 2022, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan for the City of London (The London Plan, 2016)), to change the zoning of the subject property FROM a Light Industrial (LI2) Zone TO a Light Industrial Special Provision (LI6(_)) Zone;

it being noted that the following Site Plan matters have been raised through the application review process for consideration by the Site Plan Approval Authority:

- a) appropriate setbacks along the site boundaries, provide enhanced landscaping along the site borders, and use enhanced landscaping and street trees along Roxburgh Road to screen the development and meet City tree planting requirements; and,
- b) hard surfacing for the parking lot;

it being noted that no individuals spoke at the public participation meeting associated with this matter

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

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

Place Type;

- the recommended amendment would facilitate the reuse of an otherwise underutilized parcel of land within an existing Industrial Area;
- the proposed use is considered appropriate for the context of the site; and,
- the recommended amendment conforms to the in-force policies of the Southwest Area Secondary Plan, including but not limited to the Land Use Designations policies for Industrial Areas within the Brockley Industrial Neighbourhood. (2022-D21)

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

Additional Votes:

Moved by: S. Lehman

Seconded by: S. Hillier

Motion to open the public participation meeting.

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

Moved by: S. Hillier

Seconded by: S. Lehman

Motion to close the public participation meeting.

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

3.2 16 Wethered Street (Z-9309)

Moved by: S. Lehman

Seconded by: S. Lewis

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by 24457277 Ontario Inc. (Phil Pattyn), relating to the property located at 16 Wethered Street:

a) the proposed by-law appended to the staff report dated October 3, 2022 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on October 17, 2022 to amend Zoning By-law No. Z-1, (in conformity with the Official Plan for the City of London (The London Plan 2016)), to change the zoning of the subject property FROM a Residential R1 (R1-6) Zone TO a Residential R5-4 Special Provision (R5-4(_)) Zone; and,

b) the Site Plan Approval Authority BE REQUESTED to consider the following through the site plan process:

i) if board-on-board fencing will impact the existing trees, infill plantings will

be required;

- ii) provide an alternative site design to allow street facing units with garages at the rear units along the back to provide for the continued street-wall and have the rear block private amenity spaces abutting the other private amenity spaces;
- iii) any surface parking be buffered from the street by the building with the driveway located closer to the south property line;
- iv) centrally located amenity space that is safely and comfortably accessible from all units;
- v) retain as many trees on the property as possible, specifically on the eastern border of the property; and,
- vi) provide enhanced landscaping where trees are not able to be preserved;

it being noted that the Planning and Environment Committee received the following communications with respect to these matters:

- a communication dated September 19, 2022, from D. Lamont;
- the staff presentation; and,
- a communication dated September 28, 2022, from M. Leyland;

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

- M. Campbell, Zelinka Priamo Ltd.;
- J. Williams, 1171 Dobie Street;
- Joseph, one of the owners of 16 Wethered Street; and,
- M. Leyland;

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

- the recommended amendment is consistent with the Provincial Policy Statement, 2020, which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment;
- the recommended amendment conforms to the policies of the 1989 Official Plan, including but not limited to the Low-Density Residential Designation and Near-Campus Neighbourhoods;
- the recommended zoning conforms to the in-force policies of The London Plan, including, but not limited to, the Neighbourhoods Place Type, City Building and Design, Our Tools, and Near-Campus Neighbourhoods ; and,
- the recommended amendment facilitates the development of a site within the Built-Area Boundary and Primary Transit Area with an appropriate form of infill development. (2022-D04)

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

Additional Votes:

Moved by: S. Lehman

Seconded by: S. Lewis

Motion to open the public participation meeting.

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

Moved by: S. Lehman

Seconded by: S. Lewis

Motion to close the public participation meeting.

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

3.3 850 Highbury Avenue North

Moved by: S. Lehman

Seconded by: S. Lewis

That, on the recommendation of the Director, Planning and Development with the advice of the Heritage Planner, the demolition request for the removal of (3) non-designated built resources on the heritage designated property at 850 Highbury Avenue North, BE PERMITTED pursuant to Section 34(1) of the *Ontario Heritage Act* subject to the following terms and conditions:

- a) prior to demolition, photo-documentation of the (3) non-designated built resources be provided to the City;
- b) during demolition, construction fencing and buffering of sensitive areas be implemented per Project Site Plan in Appendix B of the staff report dated October 3, 2022;
- c) during demolition, restrict construction routes to areas outside the treed allée; and,
- d) conduct and implement recommendations of a pre-condition survey, specific to the (3) non-designated built resources, to mitigate the risk of vibration from demolition activity on heritage designated resources;

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

- B. McCauley, Old Oak Properties. (2022-R01)

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

Additional Votes:

Moved by: S. Lehman

Seconded by: S. Lewis

Motion to open the public participation meeting.

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

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

Motion to close the public participation meeting.

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

3.4 185 and 189 Wellington Street

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

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 request by 2698746 Ontario Inc. and 2700875 Ontairo Inc., to remove the properties located at 185 and 189 Wellington Street respectively, from the Register of Cultural Heritage Resources:

- a) the Chief Building Official BE ADVISED that Municipal Council consents to the demolition of the built resource on the property at 185 Wellington Street;
- b) the Chief Building Official BE ADVISED that Municipal Council consents to the demolition of the built resource on the property at 189 Wellington Street;
- c) the property at 185 Wellington Street BE REMOVED from the Register of Cultural Heritage Resources, and;
- d) the property at 189 Wellington Street BE REMOVED from the Register of Cultural Heritage Resources;

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

- C. Pretotto, Cspace Architecture. (2022-R01)

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

Additional Votes:

Moved by: S. Turner
Seconded by: S. Lehman

Motion to open the public participation meeting.

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

Moved by: S. Lehman
Seconded by: S. Turner

Motion to close the public participation meeting.

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

4. Items for Direction

4.1 ReThink Zoning Information Report - Update and Sample Place Type Zones

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

That the staff report dated October 3, 2022 entitled "ReThink Zoning Information Report - Update and Sample Place Type Zones", BE RECEIVED for information.(2022-D14)

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

4.2 Zoning By-law Amendment - Seasonal Outdoor Patios

Moved by: S. Turner
Seconded by: S. Lewis

That, the following actions be taken with respect to zoning regulations related to seasonal outdoor patios:

a) the proposed revised by-law as appended to the Planning and Environment Committee Added Agenda BE INTRODUCED at the Municipal Council meeting to be held on October 17, 2022, to amend Section 4.18 of the Zoning By-law Z.-1; and,

b) the Civic Administration BE REQUESTED to report back at a future meeting with respect to the capacity limits and to explore any opportunities to update the limits as they relate to Section 4.18.1 of the Zoning By-law. (2022-D14)

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

5. Deferred Matters/Additional Business

None.

6. Confidential (Enclosed for Members Only)

6.1 Personal Matters / Identifiable Individual

Moved by: S. Lehman
Seconded by: S. Turner

That the Planning and Environment Committee convene, in Closed Session, for the purpose of considering the following:

A personal matter pertaining to identifiable individuals, including municipal employees, with respect to the 2023 Mayor's New Year's Honour List.

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

The Planning and Environment Committee convened, in Closed Session, from 5:22 PM to 5:26 PM.

7. Adjournment

The meeting adjourned at 5:28 PM.

Ecological Community Advisory Committee

Report

The 3rd Meeting of the Ecological Community Advisory Committee
September 15, 2022

Attendance PRESENT: S. Levin (Chair), P. Almost, P. Baker, S. Evans, T. Hain, S. Hall, B. Krichker, K. Lee, M. Lima, K. Moser, S. Sivakumar and V. Tai and H. Lysynski (Committee Clerk)

ABSENT: R. McGarry, S. Miklosi and G. Sankar,

ALSO PRESENT: S. Butnari, C. Creighton, K. Edwards and M. Shepley

The meeting was called to order at 4:33 PM

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

None.

3. Consent

3.1 2nd Report of the Ecological Community Advisory Committee

That, the following actions be taken with respect to the 2nd Report of the Ecological Community Advisory Committee, from the meeting held on July 21, 2022:

a) clause 5.3 BE AMENDED to remove "September" and replace it with "August"; and,

b) it BE NOTED that the 2nd Report of the Ecological Community Advisory Committee, from the meeting held on July 21, 2022, as amended, was received.

3.2 Municipal Council Resolution - 1st and 2nd Reports of the Ecological Community Advisory Committee

That it BE NOTED that the Municipal Council resolution adopted at its meeting held on August 2, 2022, with respect to the 1st and 2nd Reports of the Ecological Community Advisory Committee, were received.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Notice of Planning Application - 146 Exeter Road

That a Working Group BE ESTABLISHED consisting of S. Baker, B. Krichker and S. Levin, to review the Notice of Planning Application for a Draft Plan of Subdivision and Zoning By-law Amendment for the Richardson North Subdivision, 146 Exeter Road; it being noted that the

Ecological Community Advisory Committee received a Notice dated July 27, 2022, from S. Meksula, Senior Planner, with respect to this matter.

5.2 Site Visit to 845-875 Commissioners Road

That it BE NOTED that the Ecological Community Advisory Committee held a general discussion with respect to the site visit to the property located at 845-875 Commissioners Road.

5.3 1176 Crumlin Sideroad - Severance Sketch

That it BE NOTED that the Ecological Community Advisory Committee held a general discussion with respect to the severance sketch for the property located at 1176 Crumlin Sideroad.

5.4 Conservation Authority Watershed Assessment Resampling/Monitoring

That the communication from P. Almost, dated July 8, 2022, with respect to the request for information on the Conservation Authority Watershed Assessment Resampling/Monitoring BE POSTPONED to a future meeting to allow the Upper Thames River Conservation Authority and Civic Administration an opportunity to respond; it being noted that the Ecological Community Advisory Committee held a general discussion with respect to this matter.

5.5 (ADDED) Bird Friendly Stakeholder Update

That it BE NOTED that the Ecological Community Advisory Committee held a general discussion with respect to the Bird Friendly Stakeholder update.

5.6 (ADDED) Notice of Public Meeting - 4452 Wellington Road South

That it BE NOTED that the Notice of Public Meeting dated September 14, 2022, relating to the Official Plan and Zoning By-law Amendments for the property located at 4452 Wellington Road South, was received.

6. Adjournment

The meeting adjourned at 5:26 PM.

Community Advisory Committee on Planning Report

5th Meeting of the Community Advisory Committee on Planning
September 14, 2022

Attendance PRESENT: K. Waud (Acting Chair), M. Bloxam, I. Connidis, J. Dent, A. Johnson, S. Jory, J.M. Metrailler, M. Rice, M. Wallace, M. Whalley and M. Wojtak and J. Bunn (Committee Clerk)

ABSENT: S. Ashman, S. Bergman, G. de Souza Barbosa and J. Wabegijig

ALSO PRESENT: L. Dent, K. Gonyou, M. Greguol, J. Kelemen and B. Westlake-Power

The meeting was called to order at 5:01 PM.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

M. Wallace discloses a pecuniary interest in clauses 3.3 and 5.3 of the 5th Report of the Community Advisory Committee on Planning, having to do with a Notice of Planning Application - Zoning By-law Amendment - 634 Commissioners Road West and the Demolition Request for Non-Designated Built Resources on the Heritage Designated Property located at 850 Highbury Avenue North - the former London Psychiatric Hospital Lands by Old Oak Properties, by indicating that the applicants are members of the association that employs him.

2. Scheduled Items

None.

3. Consent

3.1 4th Report of the Community Advisory Committee on Planning

That it BE NOTED that the 4th Report of the Community Advisory Committee on Planning, from the meeting held on August 10, 2022, was received.

3.2 Notice of Planning Application - Zoning By-law Amendment - 1208 Fanshawe Park Road East

That it BE NOTED that the Notice of Planning Application, dated August 31, 2022, from N. Pasato, Senior Planner, with respect to a Zoning By-law Amendment related to the property located at 1208 Fanshawe Park Road East, was received.

3.3 Notice of Planning Application - Zoning By-law Amendment - 634 Commissioners Road West

That the following actions be taken with respect to the Notice of Planning Application, dated August 31, 2022, from O. Alchits, Planner I, with respect to a Zoning By-law Amendment related to the property located at 634 Commissioners Road West:

- a) the above-noted Notice BE RECEIVED;

b) a verbal presentation from L. Dent, Heritage Planner, including references to the Heritage Impact Assessment, with respect to this matter, BE RECEIVED;

c) it BE NOTED that the Community Advisory Committee on Planning (CACP) held a general discussion with respect to the above-noted matters; and,

d) it BE NOTED that the CACP is supportive of the Civic Administration proceeding to designate the property under the Ontario Heritage Act.

3.4 Notice of Study Commencement - University Drive Bridge, Western University - Municipal Class Environmental Assessment

That it BE NOTED that the Notice Study Commencement, as appended to the Agenda, with respect to a Municipal Class Environmental Assessment for the University Drive Bridge at Western University, was received.

4. Sub-Committees and Working Groups

4.1 Stewardship Sub-Committee Report

That it BE NOTED that the Stewardship Sub-Committee Report, from the meeting held on August 31, 2022, was received.

5. Items for Discussion

5.1 Heritage Alteration Permit Application by D. Ramdihal for 870 Queens Avenue, Old East Heritage Conservation District

That it BE NOTED that the Community Advisory Committee on Planning (CACP) received a report, dated September 14, 2022, with respect to a Heritage Alteration Permit Application by D. Ramdihal for the property located at 870 Queens Avenue, Old East Heritage Conservation District and the CACP supports the staff recommendation; it being noted that the presentation, dated September 14, 2022, as appended to the Added Agenda, was received with respect to this matter.

5.2 Request to Remove Properties from the Register of Cultural Heritage Resources by 2698746 Ontario Inc. for the property located at 185 Wellington Street and by 2700875 Ontario Inc. for the property located at 189 Wellington Street

That it BE NOTED that the Community Advisory Committee on Planning (CACP) received a report, dated September 14, 2022, with respect to a Request to Remove Properties from the Register of Cultural Heritage Resources by 2698746 Ontario Inc. for the property located at 185 Wellington Street and by 2700875 Ontario Inc. for the property located at 189 Wellington Street, and the CACP supports the staff recommendation.

5.3 Demolition Request for Non-Designated Built Resources on the Heritage Designated Property located at 850 Highbury Avenue North – the former London Psychiatric Hospital Lands by Old Oak Properties

That it BE NOTED that the Community Advisory Committee on Planning (CACP) received a report, dated September 14, 2022, with respect to a Demolition Request for the Non-Designated Built Heritage Resources on the Heritage Designated Property located at 850 Highbury Avenue North - the former London Psychiatric Hospital Lands - by Old Oak Properties and the CACP supports the staff recommendation; it being noted that the

CACP noted concerns with potential demolition impacts to heritage resources on the property.

5.4 Heritage Planners' Report

That it BE NOTED that the Heritage Planners' Report, dated September 14, 2022, was received.

6. Confidential

6.1 (ADDED) Personal Matter/Identifiable Individual

The Community Advisory Committee on Planning convened in closed session from 6:17 PM to 6:41 PM after having passed a motion to do so, with respect to a personal matter pertaining to identifiable individuals, including municipal employees, with respect to the 2023 Mayor's New Year's Honour List.

7. Adjournment

The meeting adjourned at 6:42 PM.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application By: Auburn Developments Ltd.
3924 & 4138 Colonel Talbot Road
Heathwoods Subdivision Phase 5
Special Provisions

Meeting on: October 3, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Auburn Developments Ltd. for the subdivision of land situated on the east side of Colonel Talbot Road, north of Lambeth Walk, municipally known as 3924-4128 Colonel Talbot Road;

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Auburn Developments Ltd. for the Heathwoods Subdivision, Phase 5 (39T-12503_5) attached as Appendix “A”, **BE APPROVED**;
- (b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix “B”;
- (c) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

Executive Summary

Recommending approval of Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Auburn Developments Ltd. for the Heathwoods Subdivision, Phase 5 (39T-12503_5)

Linkage to the Corporate Strategic Plan

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

Analysis

1.0 Background Information

1.1 Property Description

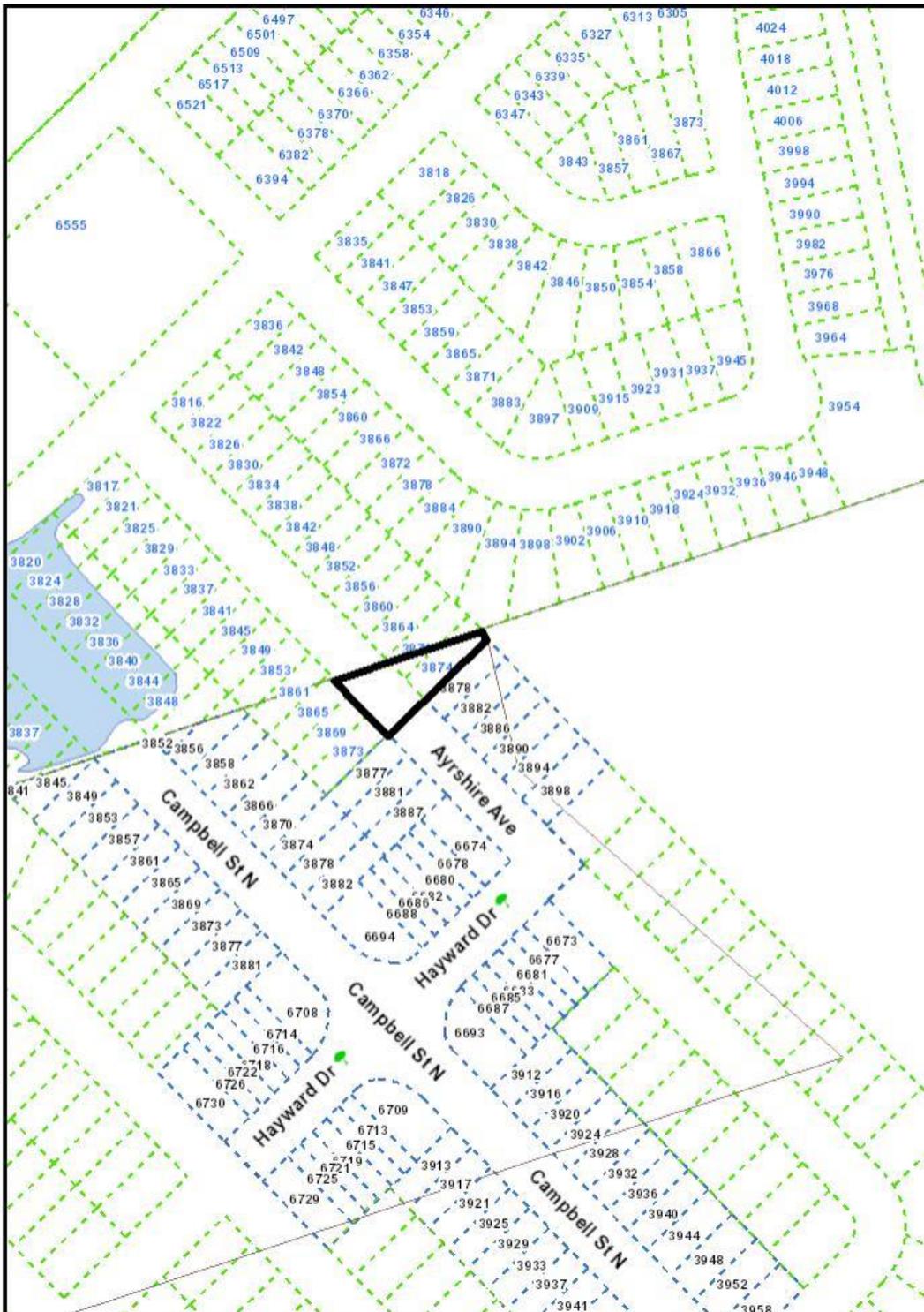
The subject lands are located in the southwest quadrant of the City and are included in the Lambeth Planning Area. The overall subdivision (39T-12503) is comprised of 64.7 hectares of land located east of Colonel Talbot Road and north of Lambeth Walk. The proposed Draft Residential Plan of Subdivision consisted of fifty-five (55) blocks for single detached lots, five (5) blocks for low density residential development, one (1) block for stormwater management & three (3) park blocks served by seventeen (17) new internal roads and an extension of South Routledge Road.

- Phase 1 registered on December 19, 2017 included the SWM Facility.
- Phase 2 registered on June 13, 2019. Phase 2 of the plan of subdivision will consist of 54 single detached lots (Lots 1 to 33, Lots 36 to 51, Lots 55 to 59, Lots 62 to 77, 88 and 89), part of Lots 34, 35, 52, 53, 54, 60 and 61, Blocks 78 to 81,

Blocks 257, 259, 260 and 262 served by the extension of Campbell Street North, Ayrshire Avenue and a new collector street (Hayward Drive).

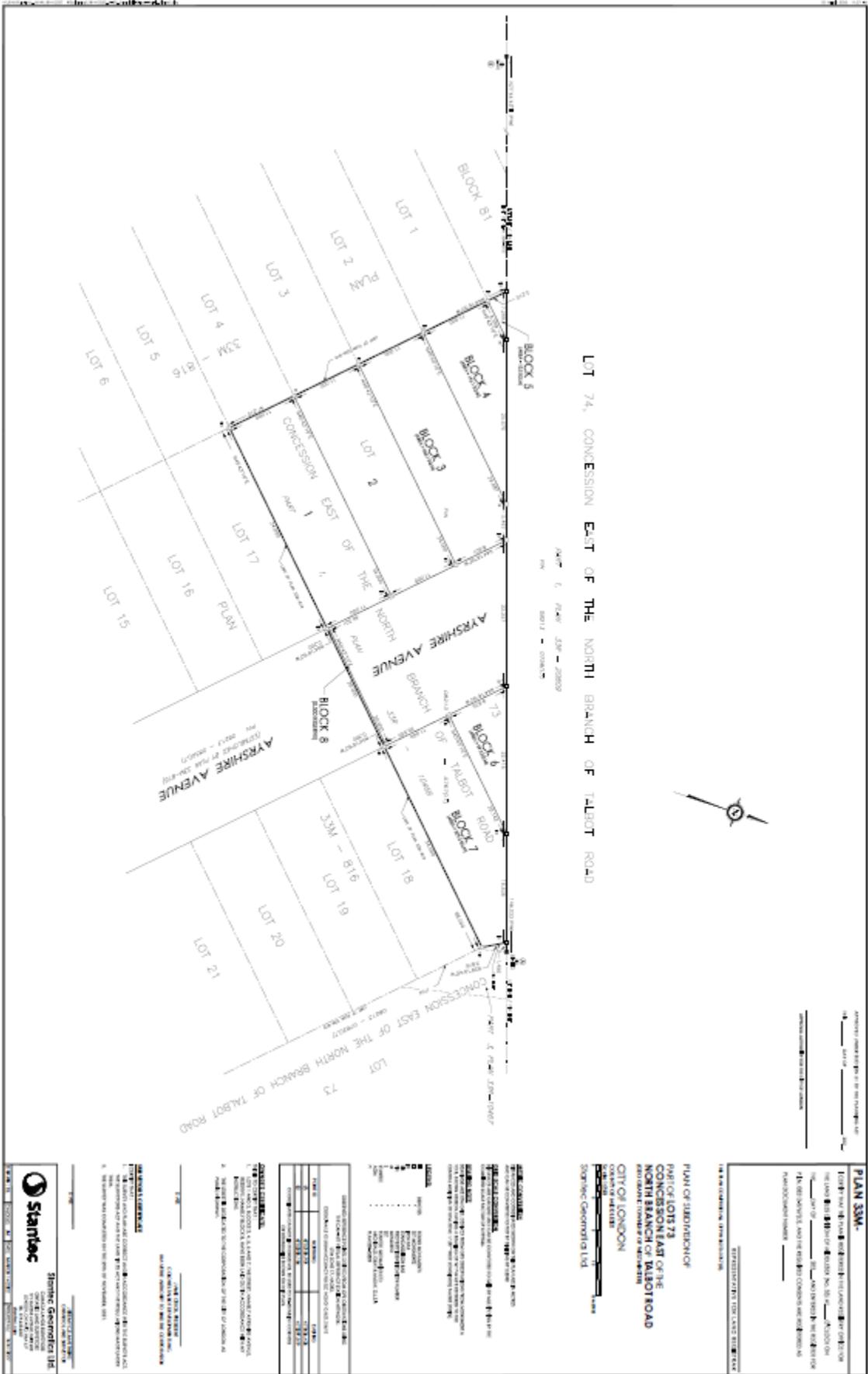
- Phase 3 registered on April 14, 2022. Phase 3 of this development is comprised of forty-eight (48) single family residents and twenty (20) street townhouse dwellings.
- Phase 5 of this development is comprised of Lots 1 and 2, Blocks 3,4,5,6, and 7, and the extension of Ayrshire Avenue.

1.2 Location Map



Location Map		Legend	
Subject Property:	3924 & 4138 Colonel Talbot Road		Subject Property
Applicant:	AUBURN DEVELOPMENTS INC.		Parks
File Number:	39T-12503		Assessment Parcels
Created By:	Sean Meksula		Buildings
Date:	5/17/2022		Address Numbers
Scale:	1:2000		
Corporation of the City of London			

1.3 Heathwoods Subdivision Phase 5



PLAN 33M
 THIS PLAN IS THE PROPERTY OF STANTEC GEOMETRICS LTD. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF STANTEC GEOMETRICS LTD.

PLAN OF SUBDIVISION
 PART OF LOTS 73
 CONCESSION EAST OF THE
 NORTH BRANCH OF TALBOT ROAD
 CITY OF LONDON
 STANTEC GEOMETRICS LTD

LEGEND

Lot	Lot Boundary
Block	Block Boundary
Concession	Concession Boundary
Road	Road Boundary
Water	Water
Other	Other

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 TEL: (416) 291-4000 FAX: (416) 291-4001
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2.0 Discussion and Considerations

2.1 Development Proposal

Phase 5 of the plan of subdivision will consist of Lots 1 and 2, Blocks 3,4,5,6, and 7, and the extension of Ayrshire Avenue.

The recommended special provisions for the proposed Phase 5 Subdivision Agreement are found at Appendix “A” of this report. Staff has reviewed these special provisions with the Owner, who is in agreement with them.

This report has been prepared in consultation with the City Solicitors Office.

3.0 Financial Impact/Considerations

3.1 Financial Securities

Through the completion of the works associated with this application fees, development charges and taxes will be collected. Outside of the DC eligible items outlined in the attached summary of Claims and Revenues (Appendix B), there are no direct financial expenditures associated with this application.

4.0 Key Issues and Considerations

The key issues and considerations have been reviewed and addressed through the draft plan of subdivision approval process and subdivision agreement conditions.

Conclusion

Planning and Development staff are satisfied with the proposed special provisions for the Heathwoods Subdivision – Phase 5, and recommend that they be approved; and, that the Mayor and the City Clerk be authorized to execute the Subdivision Agreement, any amending agreements and all documents required to fulfil its conditions.

Prepared by: Archi Patel
Planner 1, Planning and Development

Reviewed by: Bruce Page
Manager, Subdivisions Planning

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 Planning and Economic Development.

ec: Matt Feldberg, Manager, Subdivisions and Development Inspections
Bruce Page, Manager, Subdivision Planning
Matt Davenport, Manager, Manager, Subdivision Engineering

September 26, 2022
AP/GB/BP/JZ

Appendix A – Special Provisions

Please note: If there are no school sites within the Draft Plan of Subdivision, only clauses 15.1 and 15.2 will be included.

15. PROPOSED SCHOOL SITES

Remove Subsections 15.3 to 15.8 as there is no School Block in this Plan.

- ~~15.3 The Owner shall set aside an area or areas (being Block(s) _____) as a site or sites for school purposes to be held subject to the rights and requirements of any School Board having jurisdiction in the area.~~
- ~~15.4 The School Boards shall have the right, expiring three (3) years from the later of the date on which servicing of the relevant site is completed to the satisfaction of the City or the date on which seventy percent (70%) of the Lots in the subdivision have had building permits issued, to purchase the site and may exercise the right by giving notice to the Owner and the City as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than two (2) years from the date of giving notice.~~
- ~~15.5 The School Boards may waive the right to purchase by giving notice to the Owner and the City as provided elsewhere in this Agreement.~~
- ~~15.6 Where all School Boards have waived the right to purchase, the City shall then have the right for a period of two (2) years from the date on which the right to purchase by the School Board has expired or has been waived as the case may be, to purchase the site for municipal purposes and may exercise the right by giving notice to the Owner as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than sixty (60) days from the date of giving notice.~~
- ~~15.7 The Owner agrees that the school Blocks shall be:~~
- ~~(a) graded to a one percent (1%) grade or grades satisfactory to the City, the timing for undertaking the said works shall be established by the City prior to the registration of the Plan; and~~
 - ~~(b) top soiled and seeded to the satisfaction of the City, the timing for undertaking the said works to be established prior to assumption of the subdivision by the City.~~
- ~~15.8 Where the Owner has been required to improve the site by grading, top soil and seeding, the responsibility of the Owner for the maintenance of the site shall cease upon completion by the Owner of its obligations under this Agreement.~~

24.1 STANDARD REQUIREMENTS

Add the following Special Provisions:

- #1 It is hereby acknowledged that W3 – Lambeth Farms Inc. and Auburn Developments Ltd. have entered into a separate mutual binding agreement between the two parties, dated November 5th, 2020 which describes the works to be undertaken by each party including but not limited to the installation of services, utilities etc., as described in the Agreement and outlines the agreed to financial compensation and responsibilities of each party.

It is further acknowledged that Auburn Developments Ltd. and W3 - Lambeth Farms Inc. have mutually granted access over their respective lands as necessary to perform the works as agreed to under said Agreement. The private Agreement between Auburn Developments Ltd. and W3 - Lambeth Farms Inc. does not in any way alter or limit the Owner's obligations under this Subdivision Agreement.

- #2 The Owner acknowledges that lands identified as 3423 Colonel Talbot Road south of this Plan are being developed as Heathwoods Phase 3, Plan 33M-816 Subdivision. The Owner shall co-operate and co-ordinate as necessary with the developer of Heathwoods Phase 3 Subdivision, to complete the projects, including providing access to the lands and easements as necessary.

- #3 Upon acceptance of this Agreement, W-3 – Lambeth Farms Inc., acting as the Owner’s Agent, shall separately provide a third party Letter of Credit to satisfy the required CASH portion of securities described in Schedule “E” of the Subdivision Agreement, in accordance with the City’s Subdivision and Development Agreement Security Policy. The security shall be provided for the purposes described in this Agreement, which include ensuring the completion of all servicing for this Plan and constructing, Ayrshire Avenue within this Plan and fronting the Ayrshire Lots and Blocks as required to obtain Conditional Approval. Prior to registration, the Owner shall post the BALANCE portion and any remaining security required by the City under this Agreement as per the City’s policies on securities and assumption. Securities posted by W-3 – Lambeth Farms Inc. on the Owner’s behalf shall not be released until sufficient securities are posted by the Owner at registration, to the satisfaction of the City.
- #4 Prior to Final Approval, the Owner shall make all necessary arrangements with any required owner(s) to have any existing easement(s) in this plan quit claimed to the satisfaction of the City and at no cost to the City. The Owner shall protect any existing private services in the said easement(s) until such time as they are removed and replaced with appropriate municipal and/or private services at no cost to the City.
- Following the removal of any existing private services from the said easement and the appropriate municipal services and/or private services are installed and operational, the Owner shall make all necessary arrangements to have any section(s) of easement(s) in this plan, quit claimed to the satisfaction of the City, at no cost to the City.
- #5 The Owner shall make arrangements with the owner of lands to the north to combine Blocks 3, 4, 5, 6 and 7 of this Plan, in conjunction with lands to the north in W3 Phase 1 Subdivision, Plan 33M-821 to create a developable Lot/Block, all to the satisfaction of the City.
- #6 The Owner shall register against the title of Blocks 3, 4, 5, 6 and 7, and shall include in the Agreement of Purchase and Sale for the transfer of the said Block, a warning clause as follows:
- “The purchaser or transferee shall not service Blocks 3, 4, 5, 6 and 7 until adjacent lands to the north develop in the future, to the satisfaction of the City.”
- #7 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make all necessary arrangements to construct new services and make adjustments to the existing works and services on Ayrshire Avenue in Plans 33M-816 and 33M-821, adjacent to this plan to accommodate the proposed works and services on this street to accommodate the Lots in this plan fronting this street (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the Deputy City Manager, Environment and Infrastructure, at no cost to the City. Such arrangements shall include, but not be limited to, providing sufficient notice, co-ordination and clarification with adjacent land owners as to what each parties consulting engineer will be required to be certified for the City for the purposes of assumption, all to the satisfaction of the City.

24.2 CLAIMS

Remove Subsections 24.2 (a) to (g) and **replace** with the following:

There are no eligible claims for works by the Owner paid for from the Development Charges Reserve Fund or Capital Works Budget included in this Agreement.

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

- ~~i) no work subject to a Work Plan shall be reimbursable until both the Deputy City Manager, Environment and Infrastructure (or designate) and Deputy City Manager, Finance Supports (or designate) have reviewed and approved the proposed Work Plan; and~~
- ~~ii) in light of the funding source and the City's responsibility to administer Development Charge funds collected, the City retains the right to request proposals for the work from an alternative consulting engineer.~~
- ~~(b) Where the Owner undertakes construction of works as a capital cost incurred on behalf of the City in accordance with this Agreement, and which are eligible for a claim made against a Development Charge Reserve Fund or the Capital Works Budget, the Owner must conform with the Development Charges By-law and policies in effect at the time the claim is made including but not limited to, requirements for a Work Plan, tendering of construction works and completeness of claims.~~
- ~~(c) The Owner may, upon approval of this Agreement and completion of the works, make application to Development Finance for payment of the sum alleged to be owing, and as confirmed by the Deputy City Manager, Environment and Infrastructure (or designate) and the Deputy City Manager, Finance Supports (or designate). Payment will be made pursuant to any policy established by Council to govern the administration of the said Development Charge Reserve Fund.~~

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

- ~~(i) for the construction of _____, the estimated cost of which is \$_____;~~
- ~~(ii) for the construction of oversized sanitary sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$_____;~~
- ~~(iii) for the construction of oversized storm sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$_____;~~
- ~~(iv) for the construction of oversized watermains in conjunction with this Plan, subsidized at an estimated cost of which is \$_____;~~
- ~~(v) for the construction of left turn channelization on _____ at _____, the estimated cost of which is \$_____, as per the approved Work Plan;~~
- ~~(vi) for the engineering costs related to the construction of _____ the estimated cost of which is \$_____, as per the approved Work Plan;~~
- ~~(vii) for the installation of street lights on _____, from _____ to _____, the estimated cost of which is \$_____, as per the approved Work Plan;~~
- ~~(viii) for the installation of traffic signals at the intersection of _____ and _____, when deemed warranted by the Deputy City Manager, Environment and Infrastructure (or designate), the estimated cost of which is \$_____, as per the approved Work Plan;~~
- ~~(ix) for the construction of pavement widening on _____ at _____ consistent with the City's standard practice of paying claims where a Neighbourhood Connector is widened, the estimated cost of which is \$_____. The claim will be based on a pavement widening of _____ metres for a distance of _____ metres with a _____ metre taper. The costs of the gateway treatment over and above the claimable portion shall be at the Owner's expense, as per the approved Work Plan;~~
- ~~(x) for the construction of an eligible parks pathway in connection with this Plan, at an estimated cost of which is \$_____ as per the approved Work Plan;~~

~~The anticipated reimbursements from the Capital Works Budget are:~~

- ~~(i) for the construction of _____, the estimated cost of which is \$_____;~~
- ~~(ii) for the engineering costs related to the construction of _____, the estimated cost of which is \$_____.~~

~~Any funds spent by the Owner that exceed the approved Work Plan estimates shall be at the sole risk of the Owner pending sufficient capital funding included in the City Budget.~~

- ~~(d) The Owner shall review and seek approval from the City for any proposed use of construction contingency that relate to claimable works outlined in the Work Plan prior to authorizing work.~~
- ~~(e) The Owner shall ensure that the City is formally invited to all construction site/progress meetings related to the claimable works associated with this Plan, including but not limited to providing a minimum of two week notice of meetings and copies of all agenda and minutes as appropriate, all to the satisfaction of the City.~~
- ~~(f) The Owner shall provide full-time supervision by its Professional Engineer for all claimable works to be constructed in accordance with current City policies. Upon completion of these claimable works, a Certificate of Completion of Works is to be supplied to the City, pursuant to the General Provisions and **Schedule 'G'** of this Agreement.~~
- ~~(g) Upon approval of an application for a claim to a Development Charge Reserve Fund, the City shall pay the approved claim in full to the Owner subject to the limits noted above and in accordance with the Council approved "Source of Financing" and the Development Charges By-law and policies in effect at the time the claim is made.~~

24.6 EROSION AND SEDIMENT CONTROL

Remove Subsection 24.6 (d) and **replace** with the following: **(Please update the General Provisions)**

- (d) The Owner shall install and construct erosion and sediment control measures as required during construction to control overland flows from this subdivision to ensure that mud, silt, construction debris, etc. does not adversely affect abutting properties, all to the specifications of the City.

The Owner shall maintain and replace such erosion and sediment control measures as necessary. Such maintenance shall include, but is not limited to, adequate cleaning of all streets, consisting of scraping of curbs and sweeping operations at an appropriate frequency based on site and seasonal conditions, cleaning and replacement of all silt sacks in the catchbasins when necessary, and other associated maintenance works, all to the satisfaction of the City.

~~The Owner shall construct silt fences or other facilities as required during construction to control overland flows from this subdivision to ensure that mud, silt, construction debris, etc. does not adversely affect abutting properties, all to the specifications of the City.~~

24.7 GRADING REQUIREMENTS

Add the following new Special Provisions:

- #8 Prior to the issuance of a Certificate of Conditional Approval, the Owner shall remove and relocate any existing earth stockpile generally located in this Plan, all to the satisfaction of the City and at no cost to the City.
- #9 Prior to the issuance of any Certificate of Conditional Approval, in order to develop this site, the Owner shall make any necessary arrangements with the adjacent property owners to the north, south and west to regrade a portion of the property, in conjunction with grading and servicing of this subdivision, to the specifications of the City, at no cost to the City.

24.8 STORM WATER MANAGEMENT

Add the following new Special Provisions:

- #10 The Owner shall implement SWM Best Management Practices (BMP's) within the plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this plan and the approval of the City.

- #11 The Owner shall co-operate and co-ordinate as necessary with the developer of W3 Subdivision Phase 1, to complete the project, including providing access to the lands and easements, as necessary.
- #12 All temporary storm works and servicing installed within the proposed Plan of Subdivision shall be decommissioned and/or removed when warranted, all to the satisfaction of the City, at no cost to the City.

24.9 SANITARY AND STORM SEWERS

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

- (b) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Dingman Creek Subwatershed, and connect them to the City's existing storm sewer system being the 300 mm diameter storm sewer on Ayrshire Avenue in accordance with the accepted engineering drawings, to the satisfaction of the City.

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

- (i) The Owner shall construct the sanitary sewers to service the Lots and Blocks in this Plan and connect them to the City's existing sanitary sewage system being the 200 mm diameter sanitary sewer on Ayrshire Avenue in accordance with the accepted engineering drawings, to the satisfaction of the City.

Add the following new Special Provisions:

- #13 Prior to the issuance of any Certificate of Conditional Approval, the outlet sewers identified through the Plan of Subdivision to the south in Heathwoods Phase 3 Subdivision, Plan 33M-816 must be constructed and deemed operational, all to the specifications and satisfaction of the City.

24.10 WATER SERVICING

Add the following new Special Provisions:

- #14 Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the Deputy City Manager, Environment and Infrastructure, the Owner shall complete the following for the provision of water service to this draft Plan of Subdivision:
- i) construct watermains to serve this Plan and connect them to the existing low-level/high-level municipal system, namely, the existing 200 mm diameter watermain on Ayrshire Avenue in accordance with the accepted engineering drawings;
 - ii) If the subject Plan develops in advance of the subdivision to the North of this Plan (33M-821), the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of watermain situated on private lands outside this Plan and shall provide satisfactory easements, as necessary, all to the specifications of the City;
 - iii) Deliver confirmation that the watermain system has been looped to the satisfaction of the Deputy City Manager, Environment and Infrastructure when development is proposed to proceed beyond 80 units; and
 - iv) Have their consulting engineer prepare a Certificate of Completion of Works to confirm to the City that the watermain connection(s) to the 200mm diameter watermain on Ayrshire Avenue has been constructed, is operational, and is complete.

ROADWORKS

Remove Subsection 24.11 (p) as there are no traffic calming measures in this Plan.

~~(p) Where traffic calming measures are required within this Plan:~~

- ~~(i) The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional Approval in this Plan.~~

- ~~(ii) The Owner shall register against the title of all Lots and Blocks abutting the traffic calming circle(s) in this Plan, and shall include in the Agreement of Purchase and Sale or Lease for the transfer of each of the said Lots and Blocks, a covenant by the purchaser or transferee stating the said owner that there may be some restrictions for driveway access due to diverter islands built on the road.~~
- ~~(iii) Where a traffic calming circle is located, the Owner shall install the traffic calming circle as a traffic control device, including the diverter islands, or provide temporary measures, to the satisfaction of the City prior to the issuance of a Certificate of Conditional Approval for that section of road.~~
- ~~(iv) The Owner shall register against the title of all Lots and Blocks on (insert street names) in this Plan, and shall include in the Agreement of Purchase and Sale or Lease for the transfer of each of the said Lots and Blocks, a covenant by the purchaser or transferee stating the said owner shall locate the driveways to the said Lots and Blocks away from the traffic calming measures on the said streets, including traffic calming circles, raised intersections, splitter islands and speeds cushions, to be installed as traffic control devices, to the satisfaction of the Deputy City Manager, Environment and Infrastructure.~~

Remove Subsection 24.11 (q) and **replace** with the following:

- (q) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Colonel Talbot Road or as designated by the City. All trades and construction vehicles shall park within this Plan of Subdivision.

Add the following new Special Provisions:

- #15 Should there be a temporary turning circle at the south limits of Ayrshire Avenue, the Owner shall remove the temporary turning circle on Ayrshire Avenue and adjacent lands, in Heathwoods Phase 3 Subdivision, Plan 33M-816 to the south of this Plan and complete the construction of Ayrshire Avenue in this location as a fully serviced road, including restoration of adjacent lands, to the specifications of the City.

If funds have been provided to the City by the Owner of Heathwoods Phase 3 Subdivision, Plan 33M-816 for the removal of the temporary turning circle and the construction of this section of Ayrshire Avenue and all associated works, the City shall reimburse the Owner for the substantiated cost of completing these works, up to a maximum value that the City has received for this work.

In the event that Ayrshire Avenue in Heathwoods Phase 3 Subdivision, Plan 33M-816 is constructed as a fully serviced road by the Owner of Plan Heathwoods Phase 3 Subdivision, Plan 33M-816, then the Owner shall be relieved of this obligation.

- #16 Prior to the issuance of a Certificate of Conditional Approval, the Owner shall have its consulting engineer confirm to the City that the roads in the Plans to the north and south have been constructed and operational to provide a public access to this Plan, all to the satisfaction of the City.

24.12 ZONING – DRIVEWAY WIDTHS

Add the following new Special Provision:

- #17 The Owner shall construct the driveways for each Lot in compliance with the approved on-street parking plan for this subdivision, attached as **Schedule “N”** to this Agreement and in compliance with the City’s Zoning By-law. Prior to assumption of the subdivision by the City, the Owner shall have its Professional Engineer/Surveyor certify for each Lot that the location and width of the as built driveways complies with the approved parking plan and is in compliance with the City’s Zoning By-law. Further, the Owner shall rectify any deficiencies identified by the Professional Engineer/Surveyor, to the satisfaction of the City and at no cost to the City.

SCHEDULE "C"

This is Schedule "C" to the Subdivision Agreement dated this _____ day of _____, 2022, between The Corporation of the City of London and Auburn Developments Ltd. to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

- Ayrshire Avenue shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres.

Sidewalks

A 1.5 metre sidewalk shall be constructed on both sides of Ayrshire Avenue in this Plan as per the accepted engineering drawings.

Pedestrian Walkways

There are no pedestrian walkways in this Plan.

SCHEDULE "D"

This is Schedule "D" to the Subdivision Agreement dated this _____ day of _____, 2022, between The Corporation of the City of London and Auburn Developments Ltd. to which it is attached and forms a part.

Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external lands as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all lands within this Plan to the City.

LANDS TO BE CONVEYED TO THE CITY OF LONDON:

0.3 metre (one foot) reserves:	NIL
Road Widening (Dedicated on face of plan):	NIL
Walkways:	NIL
5% Parkland Dedication:	NIL – Parkland Dedication is satisfied through separate phases of this subdivision.
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

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

Temporary access:	NIL
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SCHEDULE "E"

This is Schedule "E" to the Subdivision Agreement dated this _____ day of _____, 2022, between The Corporation of the City of London and Auburn Developments Ltd. to which it is attached and forms a part.

The Owner shall supply the total value of security to the City is as follows:

CASH PORTION:	\$10,629
BALANCE PORTION:	<u>\$60,229</u>
TOTAL SECURITY REQUIRED	\$70,858

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

The Balance Portion shall be deposited with the Deputy City Manager, Finance Supports prior to the City issuing any Certificate of Conditional Approval or the first building permit for any of the Lots and Blocks in this Plan of Subdivision.

The Owner shall supply the security to the City in accordance with the City's By-Law No. CPOL-13-114 and policy adopted by the City Council on April 4, 2017 and any amendments.

In accordance with Section 9 Initial Construction of Services and Building Permits, the City may limit the issuance of building permits until the security requirements have been satisfied.

The above-noted security includes a statutory holdback calculated in accordance with the Provincial legislation, namely the CONSTRUCTION ACT, R.S.O. 1990.

SCHEDULE "F"

This is Schedule "F" to the Subdivision Agreement dated this _____ day of _____, 2022, between The Corporation of the City of London and Auburn Developments Ltd. to which it is attached and forms a part.

Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external easements as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all easements within this Plan to the City.

Multi-Purpose Easements:

No multi-purpose easements are required in this Plan.

Appendix B – Claims and Revenues

Heathwoods Phase 5 Subdivision - Colonel Talbot Developments Inc.
Subdivision Agreement
39T-12503_5

Estimated Costs and Revenues

Estimated DC Claim Costs	Estimated Cost (excludes HST)
Claims for Owner led construction from CSRF - No claims have been identified.	\$0
Total	\$0
Estimated DC Revenues (January 1, 2022 to December 31, 2022 Rates)	Estimated Revenue
CSRF TOTAL	\$228,720

- 1 Estimated DC Claim Costs are for Owner led construction projects and do not include City led projects required to accommodate growth.
- 2 Estimated DC Revenues are calculated using current DC rates. The City employs a "citywide" approach to cost recovery for all eligible growth services, therefore the Estimated DC Claim Costs and Revenues in the table above are not directly comparable.
- 3 There are no anticipated claims associated with this development.

Approved by:

August 26, 2022
Date


Paul Yeoman
Director, Capital Assets and Projects

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 D. Ramdihal for 870
Queens Avenue, Old East Heritage Conservation District

Date: October 3, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval for painting previously unpainted brick of the heritage designated property at 870 Queens Avenue, within the Old East Heritage Conservation District, **BE REFUSED**.

It being noted that removing the paint from the brick is necessary to restore the property to its former condition.

Executive Summary

The property at 870 Queens Avenue is a C-rated property in the Old East Heritage Conservation District, meaning it contributes to the heritage character of the area. The building, built circa 1903, was constructed of unpainted buff brick. Painting previously unpainted brick is a class of alterations that requires Heritage Alteration Permit to discourage painting this heritage material.

The current property owner acquired the property at 870 Queens Avenue in May 2022. The City received complaints that the exterior of the building was being painted in July 2022. Compliance action was initiated, and the property owner directed to cease painting. The property owner, however, continued to paint the exterior of the building.

Painting has a negative impact on the physical material and diminishes the character contributions of this property to the Old East Heritage Conservation District. The paint should be removed from the buff brick, using appropriate methods, to restore the property to its former condition.

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 870 Queens Avenue is located on the northwest corner of Queens Avenue and Ontario Street (Appendix A).

1.2 Cultural Heritage Status

The property at 870 Queens Avenue is located within the Old East Heritage Conservation District, designated pursuant to Part V of the *Ontario Heritage Act* by By-law No. L.S.P.-3383-111, passed on September 10, 2006.

The property at 870 Queens Avenue is C-rated by the *Old East Heritage Conservation District Plan*. A C-ranking is assigned to a property that are “of value as part of the environment” (Section 4.2, *Old East Heritage Conservation District Study*), meaning that they contribute to the heritage character of the area.

1.3 Description

The building at 870 Queens Avenue was built in about 1903 (Appendix B). The residential form building is two-and-a-half storeys in height. The building is constructed of buff brick and is accented with stone lintels across some window and door openings. The primary (south) façade of the building faces Queens Avenue, but parking is provided off Ontario Street to the east.

The building’s massing and period of construction, accompanied by some of the building’s details in the gable and porch, suggest influences of the Queen Anne Revival architectural style which is a major architectural influence in the Old East Heritage Conservation District.

Buff brick is generally recognized as a heritage material and can be considered characteristic of the Old East Heritage Conservation District.

Prior to July 2022, the buff brick exterior masonry was unpainted (see Appendix B).

1.5 Heritage Alteration Permit Application (HAP22-053-L)

In July 2022, the City began to receive complaints from community members that the buff brick exterior of the building on the heritage designated property at 870 Queens Avenue was being painted. Site visits were undertaken by staff on July 4, July 5, July 14, and July 26, 2022.

Following protocol, a letter regarding the non-compliance was sent to the property owner on July 4, 2022. The letter instructed the property owner to cease painting immediately. This direction was repeated in email correspondence and telephone conversation. By July 26, 2022, the exterior of the entire building at 870 Queens Avenue had been painted.

Following compliance action by the City, the property owner submitted a Heritage Alteration Permit application seeking retroactive approval for painting the previously unpainted brick masonry of the building on the heritage designated property at 870 Queens Avenue.

The property owner attributed the reason to painting the previously unpainted brick masonry as mould (see Appendix C for images that were submitted as part of the Heritage Alteration Permit application).

The previously unpainted brick masonry was painted using an acrylic latex paint.

The complete Heritage Alteration Permit application was received on July 26, 2022. Per Section 42(4), *Ontario Heritage Act*, a decision to approve, approve with terms and conditions, or refuse this Heritage Alteration Permit application is required before October 24, 2022.

2.0 Discussion and Considerations

Cultural heritage resources are to be conserved and impacts evaluated as per fundamental policies in the *Provincial Policy Statement (2020)*, the *Ontario Heritage Act*, *The London Plan*. More specific, area-based policies and guidelines – part of the *Old East Heritage Conservation District Conservation Plan* and *Old East Heritage Conservation District Conservation & Design Guidelines* – contain policies establishing intention and specific guidelines that provide direction on how to achieve the conservation of cultural heritage resources, heritage attributes, and character.

2.1 Provincial Policy Statement

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

2.2 Ontario Heritage Act

Section 42(1) 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*).

Furthermore, Section 41.2(1) requires that Municipal Council shall not carry out any public work in a Heritage Conservation District that is contrary to the objectives set out in the applicable Heritage Conservation District Plan.

2.3 The London Plan

The London Plan is the City of London’s Official Plan. The policies of *The London Plan* found in the Key Directions and Cultural Heritage chapter support the conservation of London’s cultural heritage resources.

Policy 61_5 of *The London Plan* states, “Protect what we cherish by recognizing and enhancing our cultural identity, cultural heritage resources, neighbourhood character, and environmental features.”

Policy 594_, *The London Plan*, includes policies relevant to change management within London’s Heritage Conservation Districts:

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.*

2.4 Old East Heritage Conservation District Conservation Plan

The Old East Heritage Conservation District was designated pursuant to Part V of the *Ontario Heritage Act* by By-law No. L.S.P.3383-111 and came into force and effect on September 10, 2006. The *Old East Heritage Conservation District Conservation Plan* articulate a policy framework to help manage change for the nearly 1,000 properties located within its boundaries.

The goals and objections of the designation of the Old East as a Heritage Conservation District are found within Section 3.2 of the *Old East Heritage Conservation District Conservation Plan*. Two goals are particularly relevant:

- *Recognize, protect, enhance and appreciate the integrity of heritage buildings and streets in Old East and value their contributions to the interest and diversity of the community by:*
 - *Encouraging individual building owners to recognize the unique character of each building and to become more interested in the conservation and celebration of that unique character*
 - *Encouraging individual building owners to understand the broader context of heritage restoration in history, and recognize that buildings should outlive their individual owners and each owner or tenant should consider themselves stewards of the building for future owners and users*
- *Avoid the destruction and/or inappropriate alteration of the existing building stock, materials and details by:*
 - *Encouraging sensitive restoration practices that make gentle, reversible changes, when necessary, to significant heritage buildings*
 - *Providing homeowners with conservation and maintenance guidelines and best practices so that appropriate building and repair activities are undertaken,*
 - *Establishing design guidelines to ensure new development or alterations are sensitive to the heritage characteristics and details of the Old East Heritage Conservation District*

Section 4.1, *Old East Heritage Conservation District Conservation Plan* (Dealing with Growth and Change – Architecture), includes important references to understand the individual contributions of properties to the heritage character of the Old East Heritage Conservation District:

- “...the intent of the designation of the heritage conservation district is to preserve an adequate stock of the heritage features that define the character of the area to preserve the cohesive nature of the district”
- “The contribution of each individual property to the overall character of the district is primarily the front façade of the building except at corners where the side façade also contributes to the street appearances.”
- “Any of the original components that face the public street(s) should be preserved as much as possible to conserve the heritage character of the street”

Policies regarding alterations, in Section 4.2, *Old East Heritage Conservation District Conservation Plan*, highlight the importance of conserving the street-facing facades, stating,

Alterations to the street-facing façade of the buildings (typically the front of the house or the front and side of the house on corner lots) have the potential to dramatically affect the appearance of not only the building itself, but the entire streetscape.

Table 7.1, in Section 7.1, *Old East Heritage Conservation District Conservation Plan*, describes the classes of alterations that do or do not require Heritage Alteration Permit approval. Heritage Alteration Permit approval is required for “painting previously unpainted brick” for A, B, and C-ranked properties.

2.5 Old East Heritage Conservation District Conservation & Design Guidelines

To support the conservation of the cultural heritage resources within its boundaries, the *Old East Heritage Conservation District Conservation & Design Guidelines* provides guidelines to help manage change.

Specifically, regarding exterior walls, masonry, and paint, guidelines are provided in Sections 3.2, 3.4, and 3.9.2 of the *Old East Heritage Conservation District Conservation & Design Guidelines*.

Section 3.2, *Old East Heritage Conservation District Conservation & Design Guidelines*, states, “the goal of heritage conservation is to preserve as much of the community fabric, both built and natural, as possible from the time of its development” and “the main focus is the retention of original street façades of the district’s period homes.”

The guidelines of Section 3.4, *Old East Heritage Conservation District Conservation & Design Guidelines*, support the maintenance of the exterior appearances of buildings. Approximately 74% of the buildings in the Old East Heritage Conservation District were clad in brick – primarily buff (yellow, white) coloured London brick or red (Milton) bricks.

Conservation and Maintenance Guidelines for masonry include (Section 3.4, *Old East Heritage Conservation District Conservation & Design Guidelines*):

- *Painting of original brick surfaces is not recommended, as it can trap moisture and cause greater deterioration of the brick*
- *Do not sandblast brick. This is likely to permanently damage the surface of the brick and accelerate any deterioration.*

Regarding paint and masonry, Section 3.9.2, *Old East Heritage Conservation District Conservation & Design Guidelines*, provides the following guidelines:

- *Paint films over large areas of brick are inclined to seal the surface, trap moisture, and cause spalling and other deterioration of the masonry*
- *The covering of this detail by painting diminishes the heritage character of the original building and introduces a maintenance responsibility for the remaining lifetime of the building*
- *The best method [to remove paint] requires an application of a chemical stripper that softens the paint and permits it to be rinsed away with water*
- Do not permit sandblasting, either wet or dry

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1 How to address a mould issue on exterior masonry?

In the Heritage Alteration Permit application, the property owner stated that mould was the motivating factor for painting the previously unpainted brick exterior of the heritage designated property at 870 Queens Avenue. Photographs submitted in support of this assertion (see Appendix C) do not appear to be of the property at 870 Queens Avenue. The information submitted as part of the Heritage Alteration Permit application has not clearly demonstrated that the property at 870 Queens Avenue had a mould problem.

Mould is a fungus that lives on surfaces. Mould requires moisture to survive. Therefore, addressing potential sources of moisture would be necessary in addressing a potential mould issue. This could include removing vegetation from around a building or improving water management through eavestroughs and downspouts – none of which would require Heritage Alteration Permit approval.

If mould existed on the unpainted brick exterior of the heritage designated property at 870 Queens Avenue, painting over it would cover the mould rather than removing it.

Painting is not generally a method recommended to remove mould. In some circumstances, such as a bathroom or other high humidity space, special paints can be used to discourage mould growth. However, cleaning the surface is required to remove mould. Cleaning methods could include using low-pressure water and light detergent (sometimes diluted bleach) and a soft brush. Testing any methods and materials is essential before subjecting a historic material to cleaning.

4.2 Why is painting buff brick masonry discouraged?

Buff brick is an important heritage material, local to the London area and characterizes the Old East Heritage Conservation District. Seventy-four percent of buildings within the Old East Heritage Conservation District are brick or brick-clad, demonstrating the character contributions of this important material. The low iron clay of the area produces the buff (yellow/white) colour when fired, unlike the high iron clay of the Milton area, for example, which produces an orange-red colour when fired. Covering this important heritage material with paint diminishes its contributions to the heritage character of the area as it makes this material less apparent and visible.

Historically, some early brick buildings were painted to compensate for low-quality or irregular masonry units (Fram 2003, 126). Some low-fired clay bricks could be porous and susceptible to environmental degradation and required painting to provide a weatherproof skin; later high-fired clay brick would achieve this surface through technical improvements in brickmaking methods. Removing paint from masonry that has been painted for most or all its existence is generally discouraged.

As brickmaking methods improved over time, with more regular form and appearance achieved, the brick predominantly used during the period of development of the Old East Heritage Conservation District (1860s-1930s) does not require painting to provide a weatherproof skin. From its construction in circa 1903 until July 2022, the exterior brick masonry of the heritage designated property at 870 Queens Avenue was unpainted as painting the masonry was unnecessary.

Aesthetically, painting unpainted brick is also unnecessary. Low risk methods, such as low-pressure washing with a light detergent and soft brush, can be used should a brick building be considered “dirty.” However, the patina of a brick building, as accumulated over time, contributes to its authenticity as a cultural heritage resource.

Painting brick, if done improperly, can cause a serious risk and long-term damage to the brick and its mortar by trapping moisture. Historic masonry is particularly susceptible. The degradation caused by trapped moisture can appear invisible, as it is hidden behind a painted surface. An acrylic latex paint was used to paint the previously unpainted brick of the heritage designated property at 870 Queens Avenue, which is supposed to be a “breathable” material. However, it is not clear how or if the brick was prepared for painting; was the masonry repointed prior to painting, was the exterior properly cleaned prior to painting, was an appropriate primer used prior to painting?

As it is unnecessary to paint buff brick, painting introduces a new maintenance obligation. Most paint manufacturers recommend repainting exterior surfaces every 5-10 years. Unpainted brick does not require the same degree of maintenance; however, repointing may not be required for 50 or more years.

Painting previously unpainted brick is a class of alterations that requires Heritage Alteration Permit per the policies of Section 7.1, *Old East Heritage Conservation District Conservation Plan*. Requiring a Heritage Alteration Permit in advance of undertaking alterations enables an opportunity to positively influence alterations to help ensure that the heritage character of the Old East Heritage Conservation District is conserved, but still allows appropriate growth and change. This can also include the opportunity to discourage inappropriate alterations and encourage the maintenance and preservation of heritage materials like buff brick.

Unnecessarily painting historic masonry is discouraged by Parks Canada’s *Standards and Guidelines for the Conservation of Historic Places in Canada* (2010), the National Parks Service (US)’s *Preservation Brief 1* (2000), and many other sources.

4.3 Can the paint be successfully removed?

As painting previously unpainted brick has a negative impact on the contributions of this property to the heritage character of the Old East Heritage Conservation District, removing the paint is necessary.

Acrylic latex paint can be removed from the brick masonry by a professional restoration company. Staff contacted four professional restoration companies for their advice on the appropriate method to remove acrylic latex paint. Unanimously, a chemical stripper accompanied by a water or steam removal was recommended. This method presents the lowest risk to the buff brick masonry but could contribute to the further need to repaint the exterior of the building (which is likely required anyways).

Blasting, such as sand or soda blasting, is exceptionally detrimental and damaging to buff brick masonry. No blasting methods should be used.

Conclusion

Painting the previously unpainted brick exterior of the heritage designated property at 870 Queens Avenue has had a negative impact on the physical heritage material and it diminishes the character contributions of this property to the Old East Heritage Conservation District. Painting has covered the buff brick, a heritage material, diminishing its visibility. Painting the previously unpainted brick exterior has failed to conserve the heritage material, as expected by the legislative and policy framework for heritage designated properties.

Painting is not an appropriate method to address a potential mould issue on historic masonry. Other methods, such as ensuring appropriate water management (e.g., downspouts) and cleaning, could have addressed a potential mould issue without compromising a heritage material.

The paint should be removed, using appropriate methods, to restore the property to its former condition. Low-risk methods exist to remove the acrylic latex exterior paint and restore the buff brick exterior.

Prepared by: Kyle Gonyou, RPP, MCIP, CAHP
Heritage Planner

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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

Appendix A Location

Appendix B Images

Appendix C Images submitted as part of the Heritage Alteration Permit application

Selected Sources

City of London. Property File.

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Ritchie, T. *Canada Builds 1867-1967*. National Research Council. 1967.

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Appendix A – Location



Location Map

Project Title: 870 Queens Avenue
Description:
Created By: Kyle Gonyou
Date: 8/15/2022
Scale: 1:500

Legend

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers



Appendix B – Images



Image 1: Photograph of the heritage designated property at 870 Queens Avenue on October 18, 2019. Note: none of the exterior brick or stone detailing is painted.



Image 2: Detail of the front porch, south (main) and east façades of the heritage designated property on November 1, 2019. Note: none of the exterior brick or stone detailing is painted.



Image 3: Photograph of the south (main) and part of the east façade of the heritage designated property on July 4, 2022.



Image 4: Photograph of the heritage designated property at 870 Queens Avenue on July 4, 2022, showing the exterior painting which started on the north (rear) façade.



Image 5: Photograph of the heritage designated property at 870 Queens Avenue on August 14, 2022, showing further exterior painting.



Image 6: Photograph of the heritage designated property at 870 Queens Avenue, on July 14, 2022, showing painting on the west façade.



Image 7: Photograph of the heritage designated property at 870 Queens Avenue on July 26, 2022, showing that the exterior of the building had been painted.



Image 8: Photograph of the heritage designated property on July 26, 2022, showing that the west façade of the building has been painted.

Appendix C – Images Submitted as part of Heritage Alteration Permit



Image 9: Image submitted by the property owner as part of the Heritage Alteration Permit application. The undated photograph appears to show the north (rear) façade of the heritage designated property at 870 Queens Avenue.



Image 10: Image submitted by the property owner as part of the Heritage Alteration Permit application.



Image 11: Image submitted by the property owner as part of the Heritage Alteration Permit application.



Image 12: Image submitted by the property owner as part of the Heritage Alteration Permit application.

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 of 634 Commissioners Road West under Section 29 of the Ontario Heritage Act

Date: October 3, 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 the property at 634 Commissioners Road West, 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 property to be of cultural heritage value or interest for the reasons outlined in Appendix D of this report; and,
- b) Should no objections to Municipal Council's notice of intention to designate be received, a by-law to designate the property at 634 Commissioners Road West to be of cultural heritage value or interest for the reasons outlined in Appendix D 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

The property at 634 Commissioners Road West is currently a LISTED property on the City's *Register of Cultural Heritage Resources*. A development is proposed on the property which includes two 4-storey cluster, stacked townhouses with retention of an existing 19th century house on the property (Z-9541); long term conservation of the 19th century house is being sought. As a component of a complete zoning application, per *The London Plan* policy 565, a heritage impact assessment was prepared by the applicant's representative and a cultural heritage evaluation was completed using the criteria of O. Reg 9/06. The evaluation determined that the property is a significant cultural heritage resource that merits 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 Property Location

The subject property at 634 Commissioners Road West is located on the south side of Commissioners Road West, approximately 43 metres east of the intersection of

Nottingham Road and Commissioners Road West (Appendix A). Historically, the property is part of Lot 38, Concession 1, in the former Westminster Township.

1.2 Cultural Heritage Status

The property at 634 Commissioners Road West is a heritage listed property, included on the *Register of Cultural Heritage Resources*. The property is considered to have potential cultural heritage value. The listing of the property on the *Register* came into force and effect on March 26, 2007.

1.3 Description¹

The property at 634 Commissioners Road West is approximately .45 hectare (1.1 acres). The general character of the area is suburban and consists of some mid- to late 19th century residences – intermixed with mid- to late- 20th century residences – setback from the roadway (Appendix B). The house on the property faces Commissioners Road West and the entrance is accessed along a curved gravel driveway. The east part of the drive contains an extension south to an attached garage located on the east elevation of the house. The property is heavily landscaped with mature trees and specimen trees including oak, willow, maple, and Norway spruce, along with shrubs of locust and white cedar, yew, and broadleaf shrubs, along with foundation plantings. In addition to the primary house on the property, there is an inground pool and small pool house.

The house at 634 Commissioners Road West was built circa 1870 and is a two-storey structure –predominantly square in plan – with a low-pitched hip roof with asphalt shingles and wide soffits. The house is an example of an Ontario vernacular structure with Georgian and Italianate design influences. The house is clad in contemporary siding with a field stone foundation below and buff brick above ground level.²

The main (north) elevation contains a symmetrical façade and consists of three bays. The main entrance is flanked by 2/2 wood frame segmental arch windows, wood pediment style window surrounds, and wood shutters. The main entrance contains a three-pane transom, sidelights, and wood pediment style door surround. The sidelights and wood door are divided by classically inspired wood columns.

Most windows on all elevations of the primary house are 2/2 wood frame segmental arch windows, wood pediment style window surrounds – many including wood shutters. Throughout, basement windows are wood frame windows with segmental arch window openings and buff brick voussoirs.

There is a shed and hip roof addition on the south side of the house set on a poured concrete foundation. A contemporary enclosed porch has been added on the east side of the house. A garage extends to the rear of the house and is adjacent a small addition with a shed roof.

1.4 Property History³

Lot 38, Concession 1 was originally divided into a north half and south half, each containing 100 acres of land; the property at 634 Commissioners Road West is located on the north part. By 1817, Timothy Kilbourn settled on the lot, cleared 11 acres of land, and built a house. He petitioned to be granted the north half based on his service in the War of 1812. The petition was approved in 1818, and the lot was granted by the Crown to Timothy Kilbourn in 1818 (see Stantec, 2022; Library and Archives Canada 1817, ONLand 2022a).

Timothy Kilbourn was born in 1768 in Litchfield, CT and his family moved to Ontario County, NY in 1789. He married Clement Woodhull (originally from Long Island, NY) and he, his father, and brothers operated sawmills in NY until their bankruptcy in 1794; Timothy and his family then relocated to Upper Canada in 1796. The Kilbourn family were among the first settlers in nearby Delaware Township and may have moved to Delaware Township due to their relationship to the Woodhull family.

The Kilbourn family were farmers and operated a mill near Kilworth. Timothy Kilbourn was prominent in the community and was County Commissioner and County Road

¹ This section is excerpted from Stantec, 2022 (pp23, 26-27, 33).

² It is possible the original siding remains underneath the modern siding (Stantec, 2022 p26).

³ This section is excerpted from Stantec, 2022 (pp15-16).

Surveyor for Middlesex County. The family relocated to Westminster Township after the War of 1812 (see Stantec, 2022; WTHS 2006b: 322).

In 1858, Timothy Kilbourn sold the entire north half of Lot 38, Concession 1 to his son Benjamin Kilbourn (see Stantec, 2022; ONLand 2022a). Based on census records, Benjamin had occupied the lot since at least 1851 and it is likely he started farming the lot when his father retired. One of Benjamin's children, Harriet (WTHS 2006b: 322), married John Teeple, a laborer who also farmed on the north half of Lot 38, Concession 1. John Teeple was from a Loyalist family that immigrated to Canada after the American Revolution.⁴

In 1858, Benjamin Kilbourn sold eight- and one-half acres of land in Lot 38, Concession 1 to Delial Teeple – a brother of John Teeple – and in 1860, the acreage was sold to John Teeple (see Stantec, 2022; ONLand 2022a, WTHS 2006b: 611). Based on subsequent land registry records, this acreage was likely located north of Commissioners Road and south of the township baseline – to the north of the current property at 634 Commissioners Road West.

Based on the 1861 Census, Benjamin Kilbourn's family is listed as residing in a one- and one-half storey stone house, and John Teeple's family is listed as residing in a one-storey brick house. In 1867, Benjamin Kilbourn sold approximately 20 acres of land in the north part of the lot to John Teeple and that same year Teeple sold his original eight- and one-half acres back to Kilbourn. In 1869, Kilbourn sold 60 acres of the lot to Robert Jarvis. The Jarvis family were related to the extended Kilbourn and Teeple families through the marriage (see Stantec, 2022; WTHS 2006b: 294). Benjamin Kilbourn sold the last of his part of Lot 38, Concession 1 to Samuel Jarvis in 1875 when he sold about 10 acres of land between Commissioners Road and the township baseline (see Stantec, 2022; ONLand 2022b).

Based on information provided in the census and Tremaine map, including the census description of the Kilbourn's one- and one-half storey stone house and Teeple's one-storey brick house, the present-day house at 634 Commissioners Road West was built after 1861; likely constructed circa 1870 by Jarvis possibly to replace/upgrade the stone Kilbourn house. The Jarvis family and their role in the area is remembered by the street name Jarvis Street, which is located about 300 metres north of the 634 Commissioners Road West. Robert Jarvis died in 1901 and in 1905 Elizabeth Jarvis sold their 60 acres of land, including the portion now 634 Commissioners Road West, to William Bartlett (see Stantec, 2022; WTHS 2006: 294, ONLand 2022b).

The Census of 1911 lists William Bartlett as residing on Lot 38, Concession 1. Between 1942 and 1944, Bartlett sold the remainder of his land in Lot 38, Concession 1 (see Stantec, 2022; ONLand 2022b). Based on aerial photographs, the rear additions were added to the house between 1950 and 1967. By the early 1970s, much of the area surrounding 634 Commissioners Road West had transitioned to suburban residential housing.

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* (2020) promotes the wise use and management of cultural

⁴ John's grandfather had served in the King's American Dragoons. His father Peter served in the War of 1812 as a private and was awarded a military service medal for action at Fort Detroit. John Teeple also possessed land in Lot 36 and Lot 37, Concession 1 and operated a lime kiln (see Stantec, 2022; WTHS 2006b: 611-612).

heritage resources and directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved” (Policy 2.6.1).

“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 determine 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 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

The criteria of *Ontario Heritage Act* Regulation 9/06 establish 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.

2.2 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 Section 29 of the *Ontario Heritage Act*, as well as the criteria by which individual properties will be evaluated.

3.0 Financial Impact/Considerations

None

4.0 Key Issues and Considerations

4.1 Current Proposal and Cultural Heritage Evaluation

A development is proposed on the property at 634 Commissioners Road West which includes two 4-storey cluster, stacked townhouses; long term conservation of the existing 19th century house on the property is being sought (Appendix C). A Notice of Application was circulated August 31, 2022. As a component of a complete zoning application (Z-9541), per *The London Plan* policy 565, a heritage impact assessment was prepared by the applicant's representative and a cultural heritage evaluation was completed using the criteria of O. Reg 9/06 (Appendix E).

Criteria of O. Reg. 9/06		Yes/ No
Physical/ Design	Is a rare, unique, representative or early example of a style, type, expression, material or construction method	<u>YES</u>
	Displays a high degree of craftsmanship or artistic merit	no
	Demonstrates a high degree of technical or scientific achievement	no
Historical/ Associative	Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community	<u>YES</u>
	Yields, or has the potential to yield, information that contributes to an understanding of a community or culture	no
	Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	no
Contextual	Is important in defining, maintaining or supporting the character of an area	no
	Is physically, functionally, visually or historically linked to its surroundings	no
	Is a landmark	no

Table 1: Summary of the evaluation of the property at 634 Commissioners Road West using the criteria of Ontario Regulation 9/06

These criteria are:

- i. Physical or design value;
- ii. Historical or associative value; and,
- iii. Contextual value (see Section 2.1.2.1)

A property is required to meet one or more of the abovementioned criteria to merit protection under Section 29 of the *Ontario Heritage Act*. A summary of the evaluation of the property at 634 Commissioners Road West is highlighted in the previous table.

The Heritage Planner concurs with the evaluation of the property at 634 Commissioners Road West by Stantec Consulting Ltd. as being a significant cultural heritage resource (Appendix E). As the property at 634 Commissioners Road West has met the criteria for designation, a Statement of Cultural Heritage Value or Interest and heritage attributes have been identified (Appendix D).

4.1.1 Physical or Design Values

The house at 634 Commissioners Road West is a representative Ontario vernacular frame structure built circa 1870. The house contains a blend of Georgian and Italianate design elements popular in Ontario during the mid- to late- 19th century. The blend of these two styles together and use of locally available materials including stone, brick, and timber gives the house a vernacular character. These types of residences were viewed as containing the tradition and conservatism of the Georgian style while incorporating some more contemporary design elements associated with the Italianate style. Significant design elements exhibiting Georgian or Italianate styling include the hip roof, square plan, symmetrical main elevation, and pediment window and door surrounds, segmental arch windows and wide soffits.

As a vernacular structure, the building materials, construction methods, and quality of craftsmanship were typical of the time. By its very nature, the house does not demonstrate a high degree of craftsmanship or a high degree of technical or scientific achievement. As well, the house is not known to demonstrate or reflect the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community.

4.1.2 Historical or Associate Values

The property demonstrates historical and associative value through its connection with the Kilbourn, Teeple, and Jarvis families. These three families were related by marriage and farmed on Lot 38, Concession 1 between about 1815 and 1905. Both the Kilbourn and Teeple families were part of the initial wave of settlers to Westminster Township from the United States in the decades after the American Revolution. Both families also participated in the War of 1812. The house at 634 Commissioners Road West was likely built by Robert Jarvis circa 1870. The naming of Jarvis Street – which is located about 300 metres north of 634 Commissioners Road West – is associated with the Jarvis family. Together, these three families contributed to the pattern of settlement along Commissioners Road during the 19th century.

The property at 634 Commissioners Road West is not known to demonstrate or reflect the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community.

4.1.3 Contextual Values

The house and its siting on the property at 634 Commissioners Road West is a remnant of the former agricultural character of the area which continues today to transition to a more suburban setting. The house is located on a larger than average property parcel for the area and does not contribute to the mostly mid- to late- 20th century character of the surrounds. The property is not physically, visually, or historically linked to its surroundings. Finally, it is not located at a corner or a prominent location on Commissioners Road West and is not believed to be a landmark in the community.

4.2 Comparative Analysis

The house at 634 Commissioners Road West is an example of an Ontario vernacular building with Georgian and Italianate design influences. A comparative analysis of other residential properties LISTED on the City's *Register of Cultural Heritage Resources*, based on form and style, found many properties identified as "vernacular" (n=470;

7½%). Residential buildings exhibiting Georgian styling are less numerous; less than 1%, and a construction date of circa 1870 is generally considered late for a Georgian style residence. However, of the 54 Georgian residential buildings LISTED on the *Register of Cultural Heritage Resources*, a total of 13 were built between 1865 and 1880. The house on the property, however, predominantly exhibits Italianate detailing (i.e. the massing, height, roof, windows, pediment door and window surrounds, and soffits) and reflects a subset of Italianate residences built in Ontario during the mid-19th to early- 20th century. This subset of Italianate residences borrowed the massing and symmetry of Georgian residences (see Stantec, 2022; Blumenson 1990: 59). Additional Italianate characteristics such as brackets or dentils could have been removed when the house was clad with modern siding. The *Register of Cultural Heritage Resources* contains numerous examples of residential buildings exhibiting Italianate styling (n=297; 4.8%). Although not conclusive, it is heritage staff's opinion that the house should not be considered rare or unique because examples of Ontario vernacular and Italianate houses remain in the City of London and are a common design style throughout Ontario.

4.3. Integrity

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).

The house at 634 Commissioners Road West demonstrates a high degree of integrity. Many of the original physical features representative of the Georgian – Italianate style have been retained. This can be found in the retention of the primary square plan and hip roof, main entrance detailing and door surround, 2/2 wood frame windows with pediment, segmental arch windows and wide soffits. While the original exterior cladding has been replaced or obscured, the house retains a relatively high degree of integrity and modifications over time have been sympathetic.

4.4 Consultation

In compliance with Section 29(2) of the *Ontario Heritage Act*, consultation with the Community Advisory Committee on Planning (CACCP) is required before Municipal Council may issue its notice of intent to designate the property at 634 Commissioners Road West pursuant to the *Ontario Heritage Act*. The CACP was consulted at its meeting on September 14, 2022.

Conclusion

The evaluation of the property at 634 Commissioners Road West found that the property met the criteria for designation under Section 29 the *Ontario Heritage Act*. The house at 634 Commissioners Road West is a significant cultural heritage resource that is valued for its physical or design values and its historical or associative values. The property at 634 Commissioners Road West should be designated pursuant to Section 29 of the *Ontario Heritage Act* to protect and conserve its cultural heritage value for future generations.

Prepared by:	Laura E. Dent, M.Arch, PhD, MCIP, RPP 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	Proposal Rendering
Appendix D	Statement of Cultural Heritage Value or Interest – at 634 Commissioners Road West
Appendix E	Heritage Impact Assessment 634 Commissioners Road West, London, ON (Stantec, July 12, 2022)

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Appendix A – Property Location

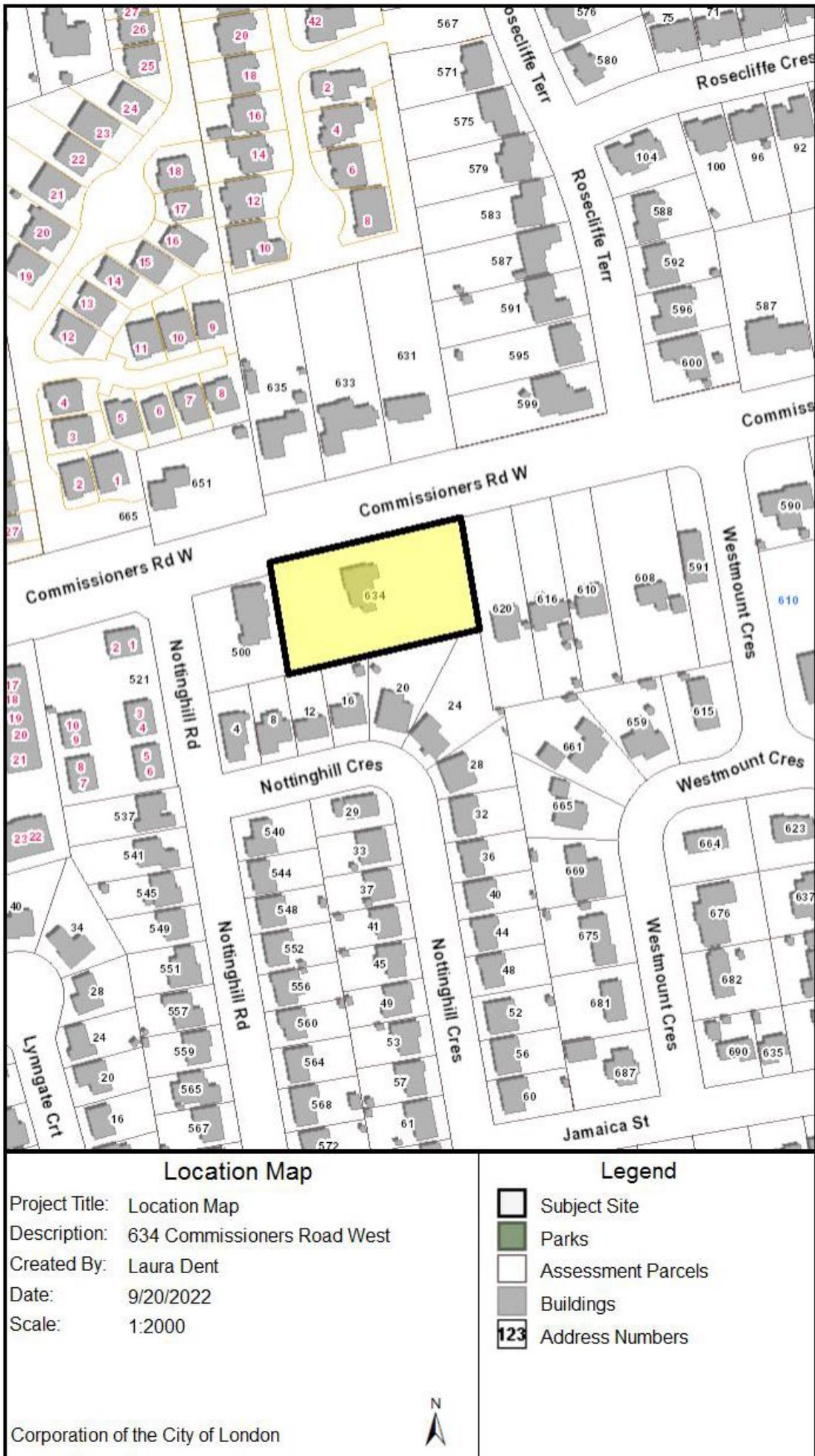


Figure 1: Property Location for 634 Commissioners Road West

Corporate City Map



9/20/2022, 4:47:09 PM

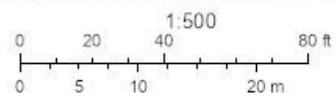


Figure 2: Aerial view of property

Appendix B – Images



Image 1: Street view of property as seen from Commissioners Road West looking southeast



Image 2: West elevation looking east (Stantec, 2022 p30-plate 23)



Image 3: Front elevation, looking south



Image 4: View along curved entrance drive, looking southwest



Image 5: Looking northeast showing hip roof, brick chimney, siding, and square plan (Stantec, 2022 p28-plate 14)



Image 6: Hip roof addition, looking northeast (Stantec, 2022 p30-plate 27)



Image 7: South elevation, looking north (Stantec, 2022 p30-plate 26)

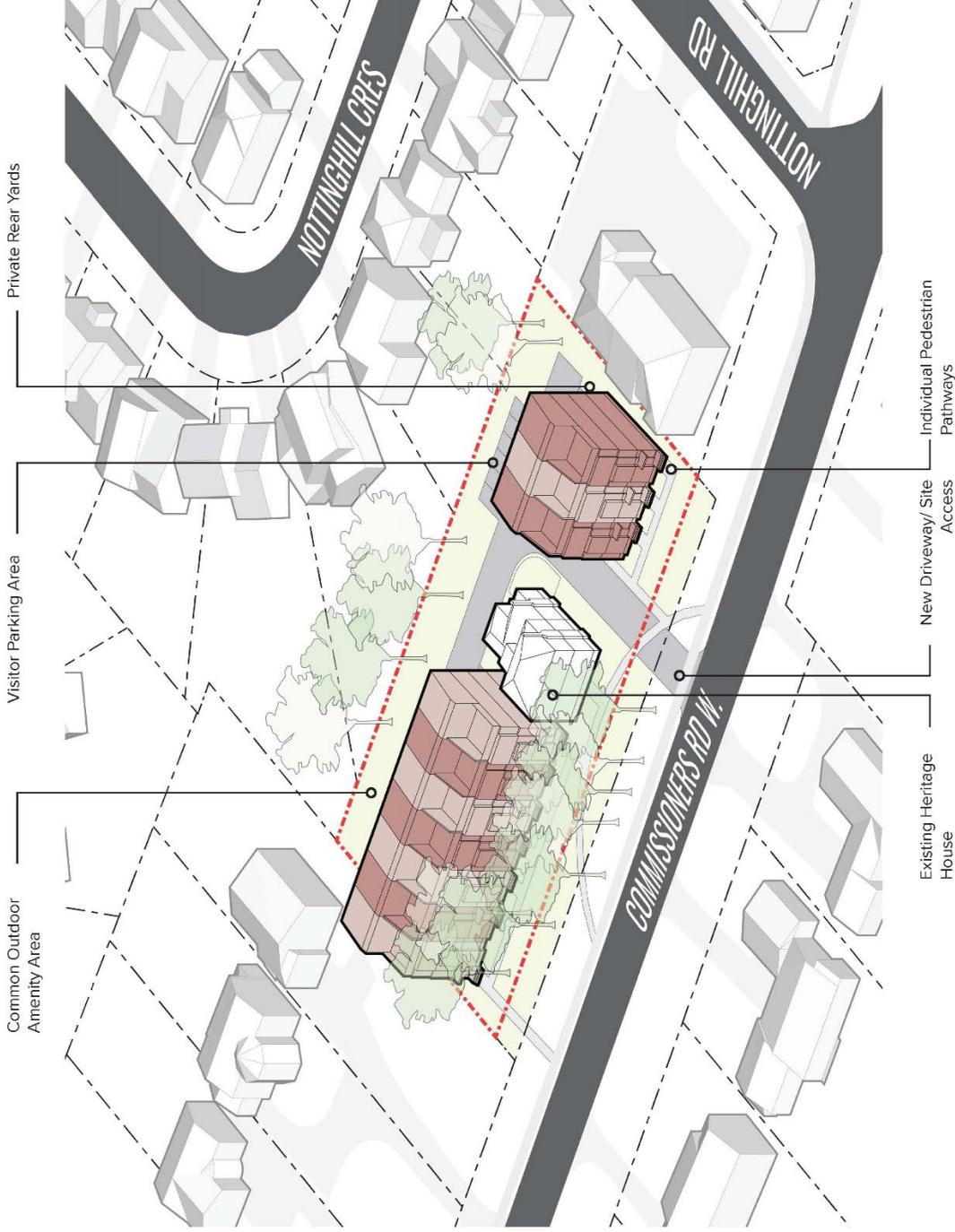


Image 8: General view of foundation and basement window

Appendix C – Proposal Rendering

PRELIMINARY MASSING MODEL

PROJECT SITE
634 Commissioners Road West



Client: Royal Premier Homes
Date: 05:19:2022
Drawn By: L. Scully
Plan Scale: nts
File No: 2022-634CW
Version: 1.0

[siv-ik] PLANNING / DESIGN

Contact Us
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Appendix D – Statement of Cultural Heritage Value or Interest – 634 Commissioners Road West

Legal Description

PT N 1/2 LT 38 CON 1 AS IN 236820
EXCEPT 236821, 236960, 262640, 262456; T/W 296062

PIN

08438-0002

Description of Property

The property at 634 Commissioners Road West is located in the City of London approximately 43 metres east of the intersection of Nottingham Road and Commissioners Road West. The property contains a built resource located on a generously sized lot landscaped with a lawn, pool, shrubs, and intermediate and mature deciduous and coniferous trees. The built resource was constructed *circa* 1870 and is an example of an Ontario vernacular structure with Georgian and Italianate design influences.

Statement of Cultural Heritage Value or Interest

The property at 634 Commissioners Road West is of significant cultural heritage value or interest because of its physical or design values and its historical or associative values.

The built resource at 634 Commissioners Road West demonstrates design value as a representative Ontario vernacular frame structure built *circa* 1870. The built resource contains a blend of Georgian and Italianate design elements popular in Ontario during the mid- to late- 19th century. The blend of these two styles together, and use of locally available materials including stone, brick, and timber, gives the built resource on the property a vernacular character. Components of the built resource that contain both Georgian and Italianate design elements include the hip roof, square plan, symmetrical main elevation, and pediment window and door surrounds. The segmental arch windows and wide soffits are more typical to the Italianate style. Residences that contain both Georgian and Italianate design features were common in Ontario during the mid- to late- 19th century. These types of residences were viewed as containing the tradition and conservatism of the Georgian style while incorporating some more contemporary design elements associated with the Italianate style.

The property demonstrates historical and associative value through its connection with the Kilbourn, Teeple, and Jarvis families. These three families were related by marriage and farmed on Lot 38, Concession 1 between about 1815 and 1905. Both the Kilbourn and Teeple families were part of the initial wave of settlers to Westminster Township from the United States in the decades after the American Revolution. Both families also participated in the War of 1812. The built resource at 634 Commissioners Road West was likely constructed by Robert Jarvis *circa* 1870. The naming of Jarvis Street – which is located about 300 metres north of 634 Commissioners Road West – is associated with the Jarvis family. Together, these three families contributed to the pattern of settlement along Commissioners Road during the 19th century.

Heritage Attributes

Heritage attributes which support and contribute to the cultural heritage value or interest of this property include:

- Representative example of a mid- to late- 19th century Ontario vernacular structure with Georgian and Italianate design elements, including:
 - Two storey structure with square plan
 - Hip roof with red brick chimney, lightning rods, and wide soffits
 - Symmetrical main (north) elevation with three bays
 - Segmental arch 2/2 windows with wood frames and wood pediment style surrounds
 - Wood shutters on the north, east, and west elevations
 - Main entrance with wood door, classically inspired columns, sidelights, transom, and pediment style door surround
 - Basement wood frame windows with segmental arch openings and buff brick voussoirs
 - Buff brick and fieldstone foundation

The attached contemporary garage (south and east elevation), small rear addition (south elevation), and contemporary enclosed porch (east elevation) are not considered to be heritage attributes.

**Appendix E – Heritage Impact Assessment – 634 Commissioners
Road West, London, ON (Stantec, June 12, 2022)**

Attached separately.



**Heritage Impact Assessment -
634 Commissioners Road
West, London, Ontario**

Final Report

July 12, 2022

Prepared for:

Royal Premier Homes
425-509 Commissioners Road
West
London, Ontario N6K 1J5

Prepared by:

Stantec Consulting Ltd.
600-171 Queens Avenue
London, Ontario N6A 5J7

Project Number: 160940867

Executive Summary

Royal Premier Homes retained Stantec Consulting Ltd. (Stantec) to prepare a Heritage Impact Assessment (HIA) for the property located at 634 Commissioners Road West in the City of London, Ontario. In accordance with Section 27(1) of the *Ontario Heritage Act* (OHA), the City of London (the City) maintains a register of properties that are of cultural heritage value or interest (CHVI). The property at 634 Commissioners Road West is a listed resource and is described as a Georgian structure built in 1850. However, historical research undertaken as part of the Heritage Overview determined *circa* 1870 to be a more appropriate date of construction. The property was added to the register on March 26, 2007. Royal Premier Homes is proposing to retain the existing residence and construct two four storey townhouse buildings to the east and west of the existing residence. The townhouse building to the east of the existing residence will contain seven units and the townhouse building to the west of the existing residence will contain three units.

The residence at 634 Commissioners Road West was determined to demonstrate design/physical value and historic/associative value. The residence has design value as a representative Ontario vernacular frame structure built *circa* 1870. The residence contains a blend of Georgian and Italianate design elements popular in Ontario during the mid to late 19th century. The blend of these two styles together and use of locally available materials including stone, brick, and timber gives the residence a vernacular character. The property at 634 Commissioners Road West is located on part of Lot 38, Concession 1 in the former Township of Westminster. This lot is directly associated with the Kilbourn, Teeple, and Jarvis families. These three families were related by marriage and farmed on Lot 38, Concession 1 between about 1815 and 1905. The residence at 634 Commissioners Road West was likely built by Robert Jarvis *circa* 1870. Robert and his brother Francis farmed Lot 38, Broken Front and Concession 1 and today Jarvis Street is named in their honour. Together, these three families contributed to the pattern of settlement along Commissioners Road during the 19th century.

The proposed undertaking will conserve the residence at 634 Commissioners Road West and result in the construction of two multi-unit townhouses. An assessment of impacts resulting from the proposed undertaking has determined no direct impacts are anticipated. The undertaking may possibly result in indirect impacts from land disturbance due to temporary vibrations during the construction phase of the project. In addition, materials have not yet been selected to clad the townhouses. Based on the impacts identified, the following mitigation measures are recommended:



Heritage Impact Assessment - 634 Commissioners Road West, London, Ontario

- Incorporate materials to clad the proposed townhomes that harmonize with the existing residence. Sympathetic materials to clad the townhomes include white coloured siding, the use of buff brick or stone accenting, and the use of pediment motifs. These recommended materials and designs are elements of the existing residence and therefore will be compatible with its overall character and heritage attributes. The use of these materials and designs is not intended to recreate or mimic the architectural character and heritage attributes of the existing residence. These materials should be used in a manner that creates a distinct yet sympathetic design for the proposed townhouses.
- Retain a qualified person(s) to complete a pre-construction vibration assessment to determine acceptable levels of vibration given the site-specific conditions (including soil conditions, equipment proposed to be used, and building characteristics).
- Should the residence be determined to be within the zone of influence, additional steps should be taken to secure the building from experiencing negative vibration effects (i.e., adjustment of machinery or establishment of buffer zones).

The Executive Summary highlights key points from the report only; for complete information and findings, the reader should examine the complete report.



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Appendix A Concept Plan and Preliminary Renderings



Project Personnel

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Report Writer:	Frank Smith, MA
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Administrative Assistant:	Priscilla Kwan
Quality Reviewer:	Meaghan Rivard, MA, CAHP
Independent Reviewer:	Tracie Carmichael, BA, B.Ed.



Abbreviations

CAHP	Canadian Association of Heritage Professionals
CHVI	Cultural Heritage Value or Interest
HIA	Heritage Impact Assessment
MA	Master of Arts
MHSTCI	Ministry of Heritage, Sport, Tourism and Culture Industries
OHA	Ontario Heritage Act
O. Reg.	Ontario Regulation
PPS	Provincial Policy Statement



Heritage Impact Assessment - 634 Commissioners Road West, London, Ontario

Introduction
July 12, 2022

1.0 Introduction

1.1 Study Purpose

Royal Premier Homes retained Stantec Consulting Ltd. (Stantec) to prepare a Heritage Impact Assessment (HIA) for the property located at 634 Commissioners Road West in the City of London, Ontario (Figure 1 and Figure 2). In accordance with Section 27(1) of the *Ontario Heritage Act* (OHA), the City of London (the City) maintains a register of properties that are of cultural heritage value or interest (CHVI). The property at 634 Commissioners Road West is a listed resource and is described as a Georgian structure built in 1850. However, historical research undertaken as part of the Heritage Overview determined *circa* 1870 to be a more appropriate date of construction. The property was added to the register on March 26, 2007. Royal Premier Homes is proposing to retain the existing residence and construct two four storey townhouse buildings to the east and west of the existing residence. The townhouse building to the east of the existing residence will contain seven units and the townhouse building to the west of the existing residence will contain three units.

The purpose of the HIA is to respond to policy requirements regarding the conservation of cultural heritage resources in the land use planning process. Where a change is proposed within or adjacent to a protected heritage property, consideration must be given to the conservation of cultural heritage resources. The objectives of the report are as follows:

- Identify and evaluate the CHVI of the Study Area
- Identify potential direct and indirect impacts to cultural heritage resources
- Identify mitigation measures where impacts to cultural heritage resources are anticipated to address the conservation of heritage resources, where applicable

To meet these objectives, this HIA contains the following content:

- Summary of project methodology
- Review of background history of the Study Area and historical context
- Evaluation of CHVI
- Description of the proposed site alteration
- Assessment of impacts of the proposed site alterations on cultural heritage resources



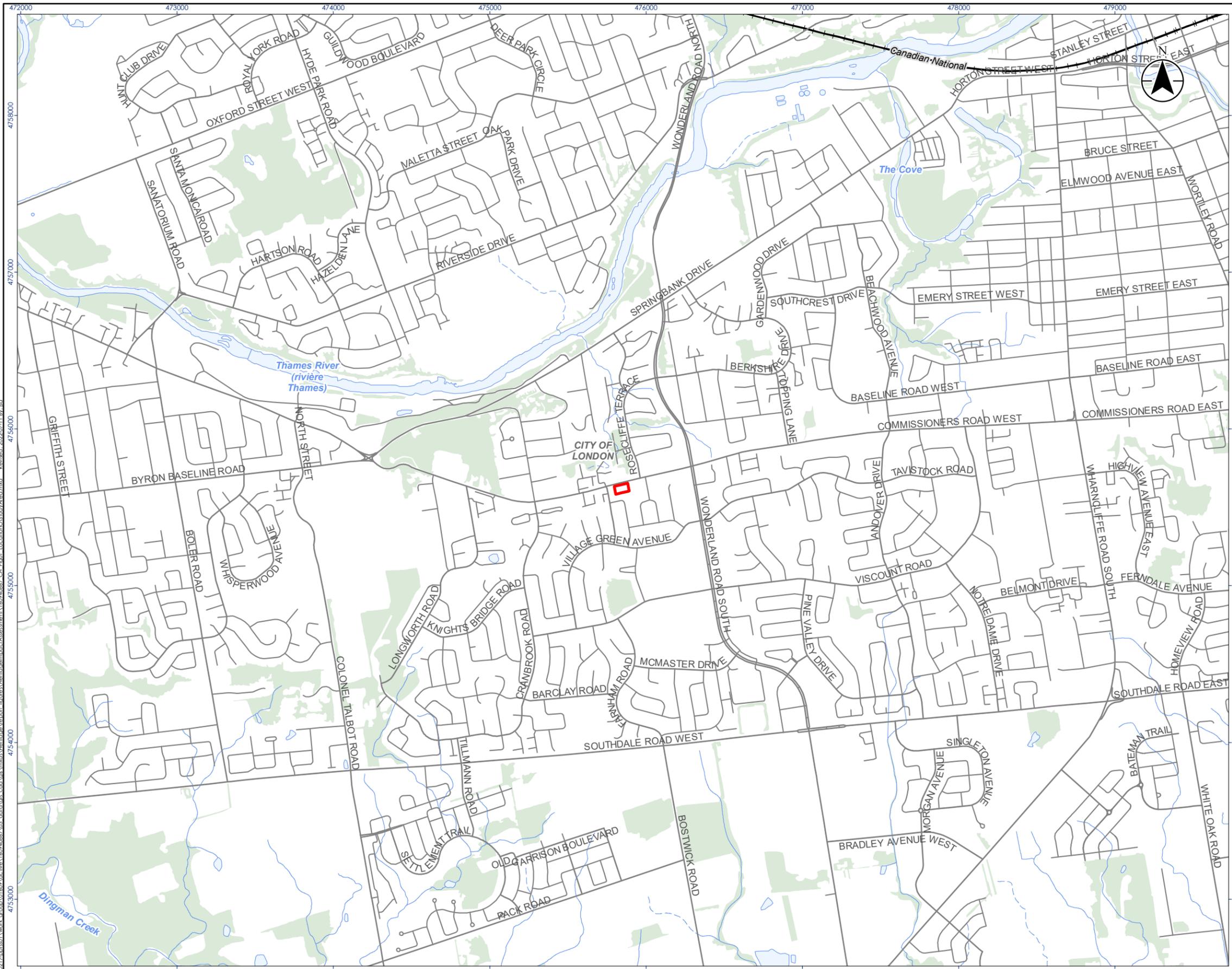
Heritage Impact Assessment - 634 Commissioners Road West, London, Ontario

Introduction

July 12, 2022

- Review of development alternatives or mitigation measures where impacts are anticipated
- Recommendations for the preferred mitigation measures

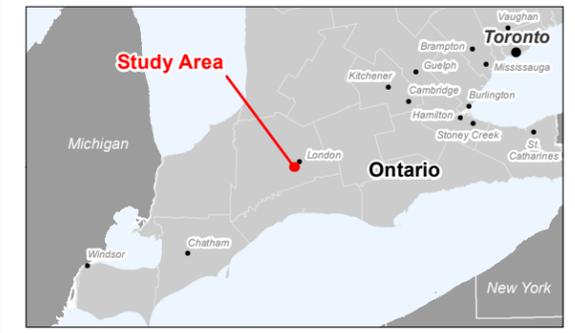




- Legend
- Study Area (Approximate)
 - Major Road
 - Minor Road
 - Railway
 - Watercourse (Intermittent)
 - Watercourse (Permanent)
 - Waterbody
 - Wooded Area



- Notes
1. Coordinate System: NAD 1983 UTM Zone 17N
 2. Base features produced under license with the Ontario Ministry of Natural Resources and Forestry © Queen's Printer for Ontario, 2021.



Project Location: City of London
 Prepared by: Jsa on 2022-07-11
 160940867 REV1

Client/Project: ROYAL PREMIER HOMES
 HERITAGE IMPACT ASSESSMENT—634
 COMMISSIONERS ROAD WEST, LONDON, ONTARIO

Figure No. **1**

Title: **Location of Study Area**

Methodology
July 12, 2022

2.0 Methodology

2.1 Policy Framework

2.1.1 Planning Act

The *Planning Act* provides a framework for land use planning in Ontario, integrating matters of provincial interest in municipal and planning decisions. Part I of the *Planning Act* identifies that the Minister, municipal councils, local boards, planning boards, and the Municipal Board shall have regard for provincial interests, including:

(d) The conservation of features of significant architectural, cultural, historical or scientific interest

(Government of Ontario 1990)

2.1.2 The 2020 Provincial Policy Statement

The Provincial Policy Statement (PPS) was updated in 2020 and is intended to provide policy direction for land use planning and development regarding matters of provincial interest. Cultural heritage is one of many interests contained within the PPS. Section 2.6.1 of the PPS states that, “significant built heritage resources and cultural heritage landscapes shall be conserved”.

(Government of Ontario 2020)

Under the PPS definition, conserved means:

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

Under the PPS definition, significant means:

In regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.



Heritage Impact Assessment - 634 Commissioners Road West, London, Ontario

Methodology
July 12, 2022

Under the PPS, “protected heritage property” is defined as follows:

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

(Government of Ontario 2020)

2.1.3 City of London Official Plan

The City of London’s Official Plan, *The London Plan*, contains the following policy regarding development within or adjacent to designated and listed heritage properties:

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

The London Plan also contains the following general objectives regarding cultural heritage resources:

- 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 on to our future generations.*
- 3. Ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources.*

(City of London 2016)

2.2 Background History

To understand the historical context of the property, resources such as primary sources, secondary sources, archival resources, digital databases, and land registry records were consulted. Research was also undertaken at the London Public Library. To familiarize the study team with the Study Area, historical mapping and aerial photography from 1862, 1878, 1913, 1942, 1967, and 1972 was reviewed.



Methodology
July 12, 2022

2.3 Field Program

A site assessment was undertaken on February 2, 2022, by Frank Smith, Cultural Heritage Specialist and Meaghan Rivard, Senior Cultural Heritage Specialist. The weather conditions were overcast with intermittent snow flurries and drizzle. The site visit consisted of a pedestrian survey of the exterior of the property.

2.4 Evaluation of Cultural Heritage Value or Interest

2.4.1 Ontario Regulation 9/06

The criteria for determining CHVI is defined by *Ontario Regulation (O. Reg.) 9/06*. In order to identify CHVI at least one of the following criteria must be met:

1. *The property has design value or physical value because it:*
 - a. *is a rare, unique, representative or early example of a style, type, expression, material or construction method*
 - b. *displays a high degree of craftsmanship or artistic merit*
 - c. *demonstrates a high degree of technical or scientific achievement*
2. *The property has historical value or associative value because it:*
 - a. *has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community*
 - b. *yields, or has the potential to yield, information that contributes to an understanding of a community or culture*
 - c. *demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community*
3. *The property has contextual value because it:*
 - a. *is important in defining, maintaining or supporting the character of an area*
 - b. *is physically, functionally, visually or historically linked to its surroundings*
 - c. *is a landmark*

(Government of Ontario 2006a)



Methodology
July 12, 2022

2.5 Assessment of Impacts

The assessment of impacts is based on the impacts defined in the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) *Infosheet #5 Heritage Impact Assessments and Conservation Plans* (Infosheet #5). Impacts to heritage resources may be direct or indirect.

Direct impacts include:

- *Destruction of any, or part of any, significant heritage attributes or features*
- *Alteration that is not sympathetic, or is incompatible, with the historic fabric and appearance*

Indirect impacts do not result in the direct destruction or alteration of the feature or its heritage attributes, but may indirectly affect the CHVI of a property by creating:

- *Shadows that alter the appearance of a heritage attribute or change the viability of a natural feature or plantings, such as a garden*
- *Isolation of a heritage attribute from its surrounding environment, context or a significant relationship*
- *Direct or indirect obstruction of significant views or vistas within, from, or of built and natural features*
- *A change in land use such as rezoning a battlefield from open space to residential use, allowing new development or site alteration to fill in the formerly open spaces*
- *Land disturbances such as a change in grade that alters soil, and drainage patterns that adversely affect an archaeological resource*

(Government of Ontario 2006b)

In addition to direct impacts related to destruction, this HIA also evaluated the potential for indirect impacts resulting from the vibrations of construction and the transportation of project components and personnel. This was categorized together with land disturbance. Although the effect of traffic and construction vibrations on historic period structures is not fully understood, vibrations may be perceptible in buildings with a setback of less than 40 metres from the curbside (Crispino and D'Apuzzo 2001; Ellis 1987; Rainer 1982; Wiss 1981). For the purposes of this study, a 50-metre buffer is used to represent a conservative approach to delineate potential effects related to vibration. The proximity of the proposed development to heritage resources was considered in this assessment.



Methodology
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2.6 Mitigation Options

In addition to providing a framework to assess the impacts of a proposed undertaking, the MHSTCI Infosheet #5 also provide methods to minimize or avoid impacts on cultural heritage resources. These include, but are not limited to:

- *Alternative development approaches*
- *Isolating development and site alteration from significant built and natural features and vistas*
- *Design guidelines that harmonize mass, setback, setting, and materials*
- *Limiting height and density*
- *Allowing only compatible infill and additions*
- *Reversible alterations*
- *Buffer zones, site plan control, and other planning mechanisms*

(Government of Ontario 2006b)



Historical Overview
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3.0 Historical Overview

3.1 Introduction

The Study Area is located at 634 Commissioners Road West, approximately 43 metres east of the intersection of Nottingham Road and Commissioners Road West. The legal description of the property is “CON 1 PT LOT 38 REG 48430.00SF 290.00FR 167.00D.” Historically, the Study Area is located on part of Lot 38, Concession 1 in the former Township of Westminster. The following sections outline the historical development of the Study Area from the period of colonial settlement to the present-day.

To understand the historical context of the property, resources such as primary sources, secondary sources, archival resources, digital databases, and land registry records were consulted.

3.2 Physiography

The Study Area is situated within the “Mount Elgin Ridges” physiographic region (Chapman and Putnam 1984: 144-146). The region is located between the Thames Valley and Norfolk Sand Plain and consists of a succession of ridges and vales. The southern portions of the region drain to Lake Erie via Kettle, Catfish, and Otter Creeks. Northerly parts of the region drain to the Thames River. The two landforms of the region contain contrasting soils. The ridges contain well drained soil while the hollows contain poor drainage. In general, low-lying land in this region is used for pasture while the rolling hills are cultivated. Corn is the most important crop grown in the region and other crops include wheat, grain, and oats. The Mount Elgin Ridges is also considered one of the most prosperous dairy and livestock regions in Ontario (Chapman and Putnam 1984: 145).

3.3 Township of Westminster

3.3.1 Survey and Settlement

The former Township of Westminster and City of London is located on the traditional territory of the Attawandaron (Neutral), Anishinaabeg, Haudenosaunee (Iroquois), and Lunaapeewak Indigenous peoples (City of London 2021). From the 17th century until 1763, southwestern Ontario was part of the sprawling colony of New France. The French colony was ceded to the British and Spanish following their victory in the Seven Years War in 1763. Much of this new British territory was administered as the Province of Quebec. In 1783, Great Britain recognized the independence of the United States and about 50,000 Loyalists left the fledgling republic for British lands, including Canada (Craig 1963: 3). To accommodate the Loyalists, the British parliament passed the



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Constitutional Act of 1791, which divided Quebec into Upper and Lower Canada. The division was both geographic and cultural: French laws would be preserved in Lower Canada, while the British constitution and laws would be implemented in Upper Canada (Craig 1963: 17).

John Graves Simcoe was selected as Lieutenant Governor of the newly created province. Simcoe was a veteran of the American Revolution, having served in the Queens Rangers, and eagerly planned to build a model British society in Upper Canada. He desired to “inculcate British customs, manners, and principles in the most trivial as well as serious matters” in the new colony (Craig 1963: 20-21). Simcoe intended to populate the new colony with Loyalists and new immigrants from the United States (Taylor 2007: 4-5).

The survey of the Township of Westminster began in 1810 under the direction of Deputy Surveyor Simon Zelotes Watson. He began a preliminary survey of the township on May 27, 1810, and the following day started the survey in the northeast corner of the township south of the Thames River. The first line across the township that Watson surveyed was referred to as the baseline and roughly follows the present-day alignment of Baseline Road East (Baker and Neary 2003: 12). Watson was authorized to place settlers along the road and recruited about 300 Americans for settlement. However, Watson’s plans were blocked by Colonel Thomas Talbot, causing considerable acrimony between the two men (Paddon 1976: 45).

The overall settlement of Westminster Township during much of the first half of the 19th century was under the superintendence of Colonel Thomas Talbot. He was responsible for the settlement of 26 townships in southwestern Ontario. Talbot had the reputation as a strict superintendent and vigorously enforced the requirement which stipulated that all settlers clear and open at least half of the roadway along their lot. Settlers who ignored the requirement often had their right to settle on their land revoked (Westminster Township Historical Society (WTHS) 2006a: 395).

In 1811, Provincial Land Surveyor Mahlon Burwell, a close associate of Colonel Talbot, began to survey additional sections of Westminster Township. He laid out the north branch of Talbot Road (present-day Colonel Talbot Road) to just north of present-day Lambeth, southwest of the Study Area. Shortly before the War of 1812, a former Indigenous trail (present-day Commissioners Road) was widened and improved by a government appointed road commission. The road was built to facilitate the transportation of military supplies between Burlington and Detroit and became an important road in Westminster Township (Baker and Beates Neary 2003: 28-29). Burwell’s survey of the remainder of Westminster Township was put on hold during the War of 1812 (Baker and Neary 2003: 28).

The War of 1812 caused considerable disruption to the settlement of southwestern Ontario and Westminster Township. Until the War of 1812, the majority of immigrants to Upper Canada, including Westminster Township, were from the United States. Many of



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these immigrants arrived from New England and New York. Other early settlers to Westminster Township included Scottish immigrants (Miller 1992: 5). Some colonial officials expressed their wariness towards American settlers, with Colonel Talbot writing in 1800 that American immigrants were largely “enticed by a gratuitous offer of land, without any predilection on their part, to the British constitution” (Taylor 2007: 28). During the War of 1812, American settlers were perceived by Loyalists and the British military as disloyal or apathetic towards the war effort. There was some truth to this perception in Westminster Township, and several prominent settlers defected to American forces, including Simon Zelotes Watson (Hamil 1955: 76). During the war several skirmishes took place in Westminster Township, including two near Commissioners Road and present-day Springbank Park (Baker and Neary 2003: 28). After the war, the policy of encouraging immigration from the United States was largely abandoned and British administrators clamped down on granting land to American settlers (Taylor 2007: 31).

The survey of Westminster Township resumed in August 1816, with Burwell laying out a northern extension of the Talbot Road between Lots 42 and 43, Concession 1. The Talbot Road served as a direct link between the Township of Westminster and the main Talbot Road to the south. The last portion of the survey, Concessions 3 to 9, was completed between 1819 and 1821 by Deputy Land Surveyor John Bostwick (St. Denis 1985: 19-20). The township was surveyed using the double-front system, with most lots being 200 acres in size (Plate 1). Properties north of Baseline Road on the Broken Front concession were irregularly sized due to the meandering course of the Thames River. The Township was named for the City of Westminster, the site of the British Parliament. The name was likely chosen because the township was bordered on the north by London Township (Gardiner 1899: 314).



Plate 1: Double Front Survey System (Dean 1969)

3.3.2 19th Century Development

The first administrative meeting for the United Townships of Westminster, Delaware, and Dorchester was held on March 4, 1817, in Archibald McMillan’s tavern. In 1817, the



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township had a population of 428 people, residing in 107 houses. The township had two schools and two mills. The average price of land in 1817 was 20 shillings per acre (Brock and Moon 1972:568). The lots along Commissioners Road were becoming increasingly settled and some farmers opened brickyards on properties that contained clay deposits. In 1819, a cemetery was established on Commissioners Road which is known today as Brick Street Cemetery (Baker and Neary 2003: 28). An article published in the Montreal Gazette in June 1831 described the first concession of the Township of Westminster, which includes the Study Area, as being settled primarily by Americans and that “many of the farms are extensive and tolerably well cultivated, having good framed barns, fine promising young orchards, and comfortable dwellings” (Brock 1975: 65).

The first post offices were established in Westminster Township in 1840. One was located in present-day Lambeth and another in present-day Byron (WTHS 2006a:393). The fertile soil of the township made it agriculturally very productive. In 1849, the township’s farmers produced 57,600 bushels of wheat, 54,000 bushels of oats, 12,000 bushels of peas, 22,000 pounds of wool, and 36,000 pounds of butter (WTHS 2006a: 69). The value of cleared land in the township had increased to 60 shillings an acre. Many farmers in the township also produced maple syrup if the wood lots on their farm had maple trees (WTHS 2006a:114).

Between 1851 and 1861 the population of Westminster Township increased from 5,069 to 6,285. By this time, the population of the township consisted primarily of people born in Canada, British immigrants, and a small but notable American population (Board of Registrations and Statistics 1853; Board of Registration and Statistics 1863). Railway service entered the township in 1853 when the London and Port Stanley Railway was constructed through the township. The railway linked to the Great Western Railway in London (Port Stanley Terminal Rail 2021).

Hamlets developed throughout the township including Hall’s Mills (later Byron), Lambeth, Belmont, Nilestown, Ponds Mills, and Glanworth (WTHS 2006a: 88-89). The closest hamlet to the Study Area was Byron, located approximately three kilometres to the northwest along Commissioners Road. By 1862, the population of Byron was 200, and contained two sawmills, two grist mills, a tannery, a chair factory, a carpet loom, a ham factory, a carding mill, a woolen mill, two distilleries, two blacksmiths, a tavern, two hotels, two general stores, and a post office (Kerr 1983:15).

To the north of Westminster Township, the City of London was incorporated in 1855, with a population of 10,000 (Armstrong 1986:68). The development of London and Westminster Township would become increasingly intertwined during the late 19th century as suburban development and the City’s infrastructure began to encroach upon Westminster Township. The City constructed a waterworks in the township in 1878, which eventually became part of the popular Springbank Park (McTaggart and Merrifield 2010:17-18). Suburban development also began in an area known as London South, which was eventually annexed by the City in 1890 (Flanders 1977:3). As a result of the



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annexation, the population of Westminster Township decreased from 7,892 in 1881 to 6,335 in 1891 (Dominion Bureau of Statistics 1953).

3.3.3 20th Century Development

Westminster Township remained predominantly agricultural during the first half of the 20th century. In 1920, Colonel Talbot Road was incorporated into King's Highway 4. This north-south road ran through much of Southwestern Ontario and was eventually expanded to run from Elgin County to Bruce County (Bever 2022a). The population of Westminster Township in 1921 was 5,687, an increase of 668 people since 1911 (Dominion Bureau of Statistics 1953). In 1921, a total of 31,254 acres of land were under cultivation in the township, the second highest total in Middlesex County (Dominion Bureau of Statistics 1925 :408).

While the First World War and Great Depression curtailed major growth of the City of London, the postwar building boom led to the suburbanization of swaths of Westminster Township during the 1950s. Between 1951 and 1956, the population of Westminster Township increased 45%. In 1951, 1954, and 1959, the township allowed several parts of the township to be annexed into the City to improve municipal services to the newly suburbanized areas (Meligrana 2000:14; Miller 1992: 212-213).

However, the City soon proposed a more ambitious annexation that would more than double the size of the City by incorporating additional lands from Westminster and London Townships. The townships opposed this plan and the Township of Westminster argued that much of the proposed land to be annexed was rural. Representatives of Westminster Township explained they had amicably agreed with the City about ceding suburbanized lands but expressed the belief that rural land did not belong in a City (Meligrana 2000:14). In May 1960, the Ontario Municipal Board ruled in favour of the City and, in 1961, 42,550 acres of land in Westminster Township and London Township were annexed into the City. The Study Area was included in this annexation and Commissioners Road rapidly suburbanized during the 1970s and 1980s.

Another major postwar development in the township was the construction of King's Highway 401 and King's Highway 402. Highway 401, which runs from Windsor to the Quebec/Ontario border was constructed in phases through Southwestern Ontario in the 1960s (Bever 2022b). Highway 402, which runs from Sarnia to London, was constructed in phases during the 1970s and early 1980s. In 1981, the final stretch of Highway 402 was completed and Highways 401 and 402 merged in Westminster Township (Bever 2022c).

By the early 1980s, the City required additional land for future industrial development and wanted to annex the Highway 401/402 corridor in the Township of Westminster, ideally located for industrial development and just outside of city limits. In 1988, Westminster Township was re-incorporated as the Town of Westminster, partially in response to London's annexation attempts (WTHS 2006a: 73). Despite the



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incorporation of the Town of Westminster, in 1992 the province approved an annexation that saw the City of London triple in size (Sancton 1994: 28-29). Effective January 1, 1993, the entire Town of Westminster was annexed into the City of London. Also included in the 1993 annexation were portions of London, Delaware, North Dorchester, and West Nissouri Townships (Middlesex County 2016). The population of London in 2016 was 383,822, an increase of 4.8% since 2011 (Statistics Canada 2019).

3.4 Property History

Lot 38, Concession 1 was originally divided into a north half and south half, each containing 100 acres of land. The Study Area is located on the north half of the lot. The lot was granted by the Crown to Timothy Kilbourn in 1818 (ONLand 2022a). However, based on the *Land Petitions of Upper Canada*, the lot was originally occupied by Amos McNames. In 1812, McNames was recorded by John Bostwick to be 25 years old and originally from New York State. Although McNames had improved part of the lot, he was possibly a squatter. During the War of 1812, he abandoned the lot and returned to New York State (Library and Archives Canada 1817).

After McNames abandoned the lot, it was settled by Timothy Kilbourn. He built a house on the lot and cleared 11 acres of land by 1817. That same year, he petitioned to be granted the north half of the lot on account of his service in the War of 1812 and the fact that he had already built a house and cleared land. The petition was approved in 1818 (Library and Archives Canada 1817).

Timothy Kilbourn was born in 1768 in Litchfield, Connecticut. In 1789, the Kilbourn family moved to Ontario County, New York. While in New York, he married Clement Woodhull, originally from Long Island, New York. Timothy, his father, and his brothers operated sawmills in New York until their bankruptcy in 1794. In 1796, Timothy and his family left New York for Upper Canada. They initially settled in the nearby Delaware Township and were among the first settlers in the area (WTHS 2006b: 320-321). They were likely inclined to move to Delaware Township by their relatives in the Woodhull family. Timothy and his family farmed the land and operated a mill near Kilworth. Timothy quickly rose to prominence within the community and was County Commissioner and County Road Surveyor for Middlesex County. Timothy and Clementine had eight children: Elizabeth, Harriet, Benjamin, Horace, Clarissa, Timothy Junior, Robert, and Harvey. It is unclear why Timothy relocated to Westminster Township after the War of 1812 (WTHS 2006b: 322).

The Census of 1851 recorded that the 84 year old Timothy Kilbourn lived in Delaware Township with the family of his son Harvey Kilbourn (Library and Archives Canada 1851a) Several of Timothy's children remained in Delaware Township (WTHS 2006b: 322). In 1858, Timothy Kilbourn sold the entire north half of Lot 38, Concession 1 to his son Benjamin Kilbourn (ONLand 2022a). Based on census records, Benjamin had occupied the lot since at least 1851 and it is likely he started farming the lot when his



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father retired. Timothy Kilbourn died in 1864, aged 96 (WTHS 2006b: 322). The Census of 1851 recorded Benjamin Kilbourn as a 55-year-old farmer. He lived with his wife Avis, age 46; son Harvey, age 26; daughter Alvira, age 22; son Timothy, age 20; son Benjamin, age 18; daughter Lucretia, age 14; son Richard, age 12; and son Henry, age 6 (Library and Archives Canada 1851b).

Benjamin also had another daughter named Harriet (WTHS 2006b: 322). She was married to John Teeple, a laborer who also farmed on the north half of Lot 38, Concession 1. The Census of 1851 lists John Teeple as a 26-year-old laborer. He lived with his wife Harriet, age 26; son Edward, age 7; son Benjamin, age 4; and son Harvey, age 1 (Library and Archives Canada 1851b). John Teeple was from a Loyalist family that immigrated to Canada after the American Revolution. John's grandfather had served in the King's American Dragoons. His father Peter served in the War of 1812 as a private and was awarded a military service medal for action at Fort Detroit. John's mother was Jemima Whitehead from Long Island, New York. John Teeple also possessed land in Lot 36 and Lot 37, Concession 1 and operated a lime kiln (WTHS 2006b: 611-612).

The agricultural section of the Census of 1851 listed Benjamin Kilbourn as occupying 89 acres of land in Lot 38, Concession 1. His land included 58 acres of crops, nine acres of pasture, two acres of orchards, and 20 acres remained wooded. John Teeple was listed as occupying five acres of Lot 38, Concession 1. His land included five acres of crops (Library and Archives Canada 1851b). In 1858, Benjamin Kilbourn sold eight and one half acres of land in Lot 38, Concession 1 to Delial Teeple, a brother of John Teeple (ONLand 2022a; WTHS 2006b: 611). In 1860, the acreage was sold to John Teeple (ONLand 2022a). Based on subsequent land registry records, this acreage was likely located north of Commissioners Road and south of the township baseline, to the north of the Study Area

The Census of 1861 listed Benjamin Kilbourn as a 63-year-old farmer. He lived with his wife Avis, age 54; daughter Alvira, age 30; daughter Lucretia, age 22; son Robert, age 20; and son Henry, age 14. The Kilbourn family was listed as residing in a one and one half storey stone house. John Teeple was listed as a 37-year-old farmer. He lived with his wife Harriet, age 33; son Edward, age 16; son Benjamin, age 14; son Timothy, age 4; and son John, age 1. The Teeple family resided in a one storey brick residence (Library and Archives Canada 1861). Historical mapping from 1862 depicts the north half of Lot 38, Concession 1 as occupied by B. [Benjamin] Kilbourn while Commissioners Road is depicted crossing the north part of the lot and no structures are depicted (Figure 3). Based on information provided in the census and Tremaine map, including the census description of the Kilbourn's one and one half storey stone house and Teeple's one storey brick house, the present-day residence at 634 Commissioners Road West was built after 1861.



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In 1867, Benjamin Kilbourn sold approximately 20 acres of land in the north part of the lot to John Teeple and that same year Teeple sold his original eight and one half acres back to Kilbourn. In 1869, Kilbourn sold 60 acres of the lot to Robert Jarvis (ONLand 2022b). The Jarvis family were within the extended family of the Kilbourn and Teeple families through the marriage of Delial Teeple and Belinda Jarvis (WTHS 2006b: 294). Benjamin Kilbourn sold the last of his part of Lot 38, Concession 1 to Samuel Jarvis in 1875 when he sold about 10 acres of land between Commissioners Road and the township baseline (ONLand 2022b).

It is likely that the current residence at 634 Commissioners Road West was constructed circa 1870 by Jarvis to replace the stone Kilbourn house. By the mid-1860s, Benjamin Kilbourn and most of his family had moved to St. Clair County, Michigan. Only Harriet remained in Westminster Township due to her marriage to John Teeple (WTHS 2006b: 322-323). John Teeple sold and then quit claim to his part of Lot 38, Concession 1 to Robert Summers in 1875 and 1878 (ONLand 2022b). Historical mapping from 1878 shows that the Study Area was on the part of the lot owned by Robert Jarvis. However, no structures are depicted in the Study Area (Figure 4).

Robert Jarvis was born in 1839 and was the son of Thomas and Harriet Jarvis. Robert married Elizabeth Martin in 1860 (WTHS 2006: 294). The Census of 1891 lists Robert Jarvis as a 52-year-old farmer. He lived with his wife Elizabeth, age 50 and daughter Ella, age 28 (Library and Archives Canada 1891). Robert Jarvis died in 1901 and in 1905 Elizabeth Jarvis sold their 60 acres of land, including the Study Area, to William Bartlett (WTHS 2006: 294; ONLand 2022b). The Jarvis family and their role in the area is remembered by the street name Jarvis Street, which is located about 300 metres north of the Study Area (WTHS 2006: 294).

The Census of 1911 lists William Bartlett as residing on Lot 38, Concession 1. He was a 40-year-old farmer who lived with his wife Mary, age 40; son Willie, age 12; daughter Carrie, age 11; son Mosley, age 7; and mother-in-law Ellen Brown, age 78 (Library and Archives Canada 1911). Topographic mapping from 1913 is the first to depict a frame structure at the location of present-day 634 Commissioners Road West (Figure 5). In 1920, Bartlett sold two 15-acre parcels of land to the Soldier's Settlement Board (ONLand 2022b). The Soldier's Settlement Board was created as part of the *Soldier Settlement Act* to provide farmland for returning First World War soldiers (Ashton 1925). Aerial photography from 1942 shows the Study Area and two small farms to the west that were likely part of the Soldier's Settlement Board program (Figure 6).

Between 1942 and 1944, Bartlett sold the remainder of his land in Lot 38, Concession 1 (ONLand 2022b). Based on aerial photographs, the rear additions were added to the residence between 1950 and 1967. During this same time, suburban sprawl was increasingly encroaching upon the Study Area (Figure 7). By the early 1970s, much of the Study Area had transitioned to suburban residential tract housing.



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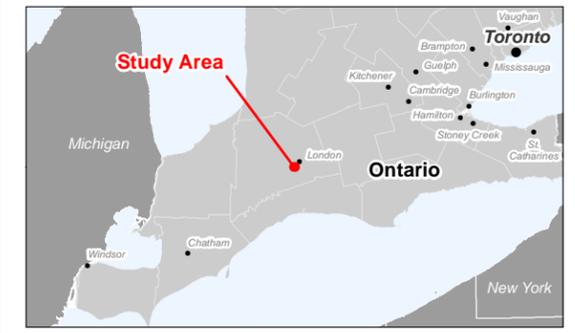


Legend
 Study Area



MAP NOT TO SCALE

Notes
1. Source: Tremaine, George R. 1862. Tremaine's Map of the County of Middlesex, Canada West. Toronto: George R. & G.M. Tremaine.



Project Location: City of London
160940867 REV1
Prepared by Jsa on 2022-07-11

Client/Project
ROYAL PREMIER HOMES
HERITAGE IMPACT ASSESSMENT—634
COMMISSIONERS ROAD WEST, LONDON, ONTARIO

Figure No.
3
Title
Historical Mapping, 1862

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Legend
 Study Area

MAP NOT TO SCALE

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



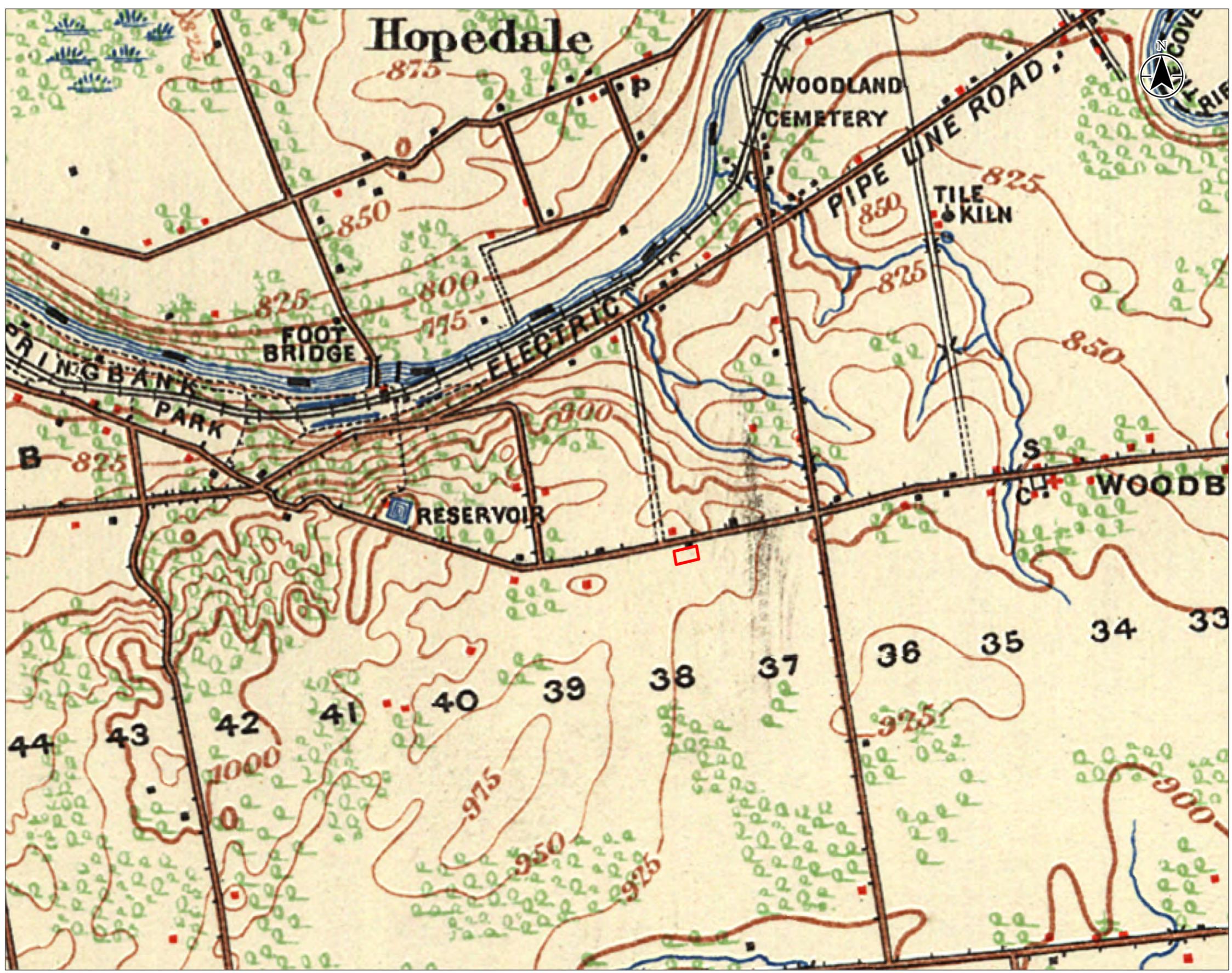
Project Location: City of London
160940867 REV1
Prepared by Jsa on 2022-07-11

Client/Project
ROYAL PREMIER HOMES
HERITAGE IMPACT ASSESSMENT—634
COMMISSIONERS ROAD WEST, LONDON, ONTARIO

Figure No.
4

Title
Historical Mapping, 1878

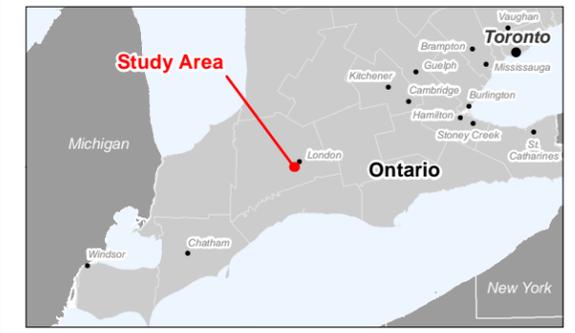
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Legend
Study Area

MAP NOT TO SCALE

Notes
1. Source: Department of Militia and Defence, 1913. St. Thomas, Ontario.



Project Location: City of London
160940867 REV1
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ROYAL PREMIER HOMES
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Figure No.
5
Title
Topographic Mapping, 1913

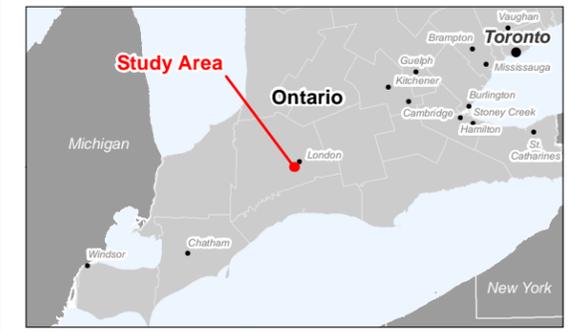
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Revised: 2022-07-11 8:16:50



- Legend
- Major Road
 - Minor Road
 - ▭ Study Area

MAP NOT TO SCALE

- Notes
1. Source: Lockwood Survey Corporation, 1967. Line 2, Photo 134.



Project Location: City of London
 Prepared by: Jsa on 2022-07-11
 160940867 REV1

Client/Project
 ROYAL PREMIER HOMES
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Figure No.
 7

Title
 Aerial Photograph, 1967

Site Description
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4.0 Site Description

4.1 Introduction

A site visit of the Study Area was undertaken on February 2, 2022, by Meaghan Rivard, Senior Cultural Heritage Specialist and Frank Smith, Cultural Heritage Specialist, both of Stantec. The weather conditions were overcast with flurries and drizzle. The site visit consisted of a pedestrian survey of the property. Photographs were taken on Nikon D5300 at a resolution of 300 dots per inch and 6000 by 4000 pixels.

4.2 Landscape Setting

The Study Area is located on Commissioners Road West, an east-west arterial roadway within the City of London. Within and adjacent to the Study Area, Commissioners Road West is a two-lane asphalt paved roadway with dedicated turning lanes and no shoulders. The south side of the roadway contains a concrete sidewalk. Both sides of the roadway contain timber utility poles and the south side contains municipal streetlighting installed on some of the utility poles (Plate 2 and Plate 3). The general character of the area is suburban and consists of a mix of 19th century residences (including 634 Commissioners Road West and 651 Commissioners Road West) and mid to late 20th century residences setback from the roadway (Plate 4 and Plate 5).

The property at 634 Commissioners Road west is accessed via a horseshoe shaped gravel driveway connected to Commissioners Road West (Plate 6). The east part of the horseshoe contains an extension south to the attached garage located on the east elevation of the residence. In general, the property is slightly elevated from the roadway and adjacent sidewalk. The front yard of the property is landscaped with a row of mature maple trees located between the driveway and sidewalk (Plate 7). To the south of the tree row is a hedge of deciduous shrubs (Plate 8). South of the driveway are two mature honey locust trees (Plate 9). The western section of the yard contains a hedge of white cedar trees and several intermediate sized specimen trees, including oak, willow, and maple trees (Plate 10).

The backyard contains an inground pool and small pool house and several intermediate specimen trees including Norway spruce and deciduous trees (Plate 11). The backyard is divided from adjacent properties by a modern fence. The eastern section of the yard contains intermediate and mature deciduous and Norway spruce trees and a hedge of deciduous shrubs near the sidewalk along Commissioners Road West (Plate 12). The south, west, and east elevations of the residence contain foundation plantings consisting of a mix of small to mature shrubs including yew, cedar, and broadleaf shrubs (Plate 13).



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Site Description

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Plate 2: Looking west on Commissioners Road West



Plate 3: Looking east on Commissioners Road West



Plate 4: 19th century residence, looking northwest



Plate 5: Mid to late 20th century residences, looking northeast



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Site Description

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Plate 6: Gravel driveway, looking east



Plate 7: Looking east at row of maple trees



Plate 8: Hedge section, denoted by arrow, looking south



Plate 9: Honey locust trees (denoted by arrow), looking east



Plate 10: Looking west at cedar hedge and specimen trees



Plate 11: Pool area and Pool House, looking east



Site Description
July 12, 2022



Plate 12: Mature trees and hedge in east yard, looking west



Plate 13: Representative photo of foundation plantings, looking south

4.3 Residence

The residence at 634 Commissioners Road West is a two-storey structure with a low-pitched hip roof. The roof is clad in modern shingles and contains two lightning rods, a red brick chimney, and wide soffits. The residence contains a square plan and is clad in modern siding. However, it is possible the original siding remains underneath the modern siding (Plate 14). The foundation of the residence is field stone below the ground level and buff brick above the ground level (Plate 15 and Plate 16).

The main (north) elevation contains a symmetrical façade and consists of three bays (Plate 17). The second storey contains three 2/2 windows (Plate 18). All three windows contain 2/2 wood frame segmental arch windows, wood pediment style window surrounds, and wood shutters (Plate 19). The first storey contains a main entrance flanked by windows (Plate 20). The windows are 2/2 wood frame segmental arch windows, wood pediment style window surrounds, and wood shutters. The main entrance contains a three-pane transom, sidelights, and wood pediment style door surround. The sidelights and wood door are divided by classically inspired wood columns. The main entrance is accessed via a concrete and stone staircase with metal railings (Plate 21). The basement level contains two wood frame windows with segmental arch window openings and buff brick voussoirs (Plate 22).

The west elevation of the residence contains a red brick chimney that runs between the windows of the second and first storeys. The chimney is covered in English ivy to the roof (Plate 23). The second storey contains two 2/2 wood frame segmental arch windows, with wood pediment style window surrounds, and wood shutters. The first storey also contains two 2/2 wood frame segmental arch windows, with wood pediment style window surrounds, and wood shutters (Plate 24). The basement level contains two



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wood frame windows with segmental arch window openings and buff brick voussoirs (Plate 25).

The south elevation of the residence contains two 2/2 wood frame segmental arch windows with wood pediment style window surrounds. The south elevation also contains a shed roof addition and hip roof addition. The shed roof addition is located on the second storey and contains two four pane wood surround windows (Plate 26). The hip roof addition contains a sliding wood door that leads to the pool area (Plate 27). The west elevation of this addition contains a buff brick chimney with a clean out door labeled "Crawford, Cleveland" (Plate 28). The chimney is flanked by two large windows with wood surrounds. The addition contains a poured concrete foundation. The east part of the addition intersects with the hip roof attached garage on the east elevation.

The east elevation of the residence contains a second storey with two 2/2 wood frame segmental arch windows, with wood pediment style window surrounds, and wood shutters. The first storey contains a modern enclosed porch with a wood door with pediment door surround and 2/2 wood frame segmental arch window with pediment style window surround (Plate 29). The east elevation also contains a hip roof attached two car garage. The garage and main section of the residence are attached via a small, shed roof addition with two 1/1 wood frame windows (Plate 30). The additions contain poured concrete foundations.



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Plate 14: Looking northeast showing hip roof, brick chimney, siding, and square plan



Plate 15: General view of foundation, looking west



Plate 16: Visible stone section of foundation (denoted by arrow), looking west



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Plate 17: Main elevation, looking south



Plate 18: Second storey windows, looking south



Plate 19: Window details, looking south



Plate 20: First storey showing windows and doors



Plate 21: Main entrance details, looking south



Plate 22: Basement window, looking south



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Plate 23: West elevation, looking east



Plate 24: Window details, looking east



Plate 25: Basement window, looking east



Plate 26: South elevation, looking north



Plate 27: Hip roof addition, looking northeast



Plate 28: Clean out door, looking east



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Plate 29: East elevation, looking west



Plate 30: Garage and shed roof addition, looking east



Comparative Analysis
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5.0 Comparative Analysis

The property at 634 Commissioners Road West is listed on the City's *Register of Cultural Heritage Resources* as a "Georgian" structure built in 1850. It was added to the heritage register on March 26, 2007. The City of London defines Georgian architecture as "Generally relating to the architectural style of during the reigns of kings George I, George II, George III, and George IV (1714-1830), usually extending into the 1850s in a colonial context. Georgian buildings are typified by their balance of symmetrical facades usually with a central doorway and multi-pane windows" (City of London 2019).

Historical research undertaken as part of the heritage overview indicates the residence at 634 Commissioners Road West was likely built after 1861 based on census data. A date of *circa* 1870 is likely for the construction of the residence based on the change of ownership in 1869 of much of Lot 38, Concession 1 from the Kilbourn family to the Jarvis family. The Jarvis family likely replaced the existing Kilbourn residence with a new two storey frame structure.

A construction date of 1870 is generally considered late for a Georgian style residence. However, of the 70 Georgian structures listed on the *Register of Cultural Heritage Resources*, a total of 19 were built between 1865 and 1880. The Georgian style is rare in the City of London, accounting for slightly over one percent of all listed and designated properties within the City (City of London 2019).

However, the residence also contains the massing, height, roof, windows, pediment door and window surrounds, and soffits of a subset of Italianate residences built in Ontario during the mid-19th to late-19th century. This subset of Italianate residences borrowed the massing and symmetry of Georgian residences (Blumenson 1990: 59). Additional Italianate characteristics such as brackets or dentils could have been removed when the residence was clad with modern siding. The *Register of Cultural Heritage Resources* contains 347 examples of Italianate architecture, accounting for 5.8% of listed and designated heritage resources.



Evaluation
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6.0 Evaluation

6.1 Introduction

The criteria for determining CHVI is defined by O. Reg. 9/06. If a property meets one or more of the criteria it is determined to contain, or represent, a cultural heritage resource. A summary statement of cultural heritage value will be prepared, and a list of heritage attributes which define the CHVI identified. The evaluation of 634 Commissioners Road West according to O. Reg. 9/06 is provided in subsequent sections below.

6.2 Design or Physical Value

The residence at 634 Commissioners Road West is a representative Ontario vernacular frame structure built *circa* 1870. The residence contains a blend of Georgian and Italianate design elements popular in Ontario during the mid to late 19th century. The blend of these two styles together and use of locally available materials including stone, brick, and timber gives the residence a vernacular character.

Components of the residence that contain both Georgian and Italianate design elements include the hip roof, square plan, symmetrical main elevation, and pediment window and door surrounds. The segmental arch windows and wide soffits are more typical to the Italianate style. Residences that contain both Georgian and Italianate design features were common in Ontario during the mid to late 19th century. These types of residences were viewed as containing the tradition and conservatism of the Georgian style while incorporating newer design elements (Blumenson 1990: 59). While the original exterior cladding has been replaced or obscured, the residence retains a relatively high degree of integrity and modifications over time have been sympathetic.

The residence cannot be considered rare or unique as many examples of Ontario vernacular structures remain in the City of London. While the Georgian style is rare within the City of London, the Georgian design elements of 634 Commissioners Road West largely overlap with many Italianate characteristics. In addition, while some Georgian residences contain hip roofs, frame exteriors, and classical detailing, this is generally considered to be limited to vernacular interpretations of the Georgian style in Ontario (Blumenson 1990: 7,9). As a vernacular structure, the building materials, construction methods, and quality of craftsmanship were typical and industry standard at the time of the construction of the residence. Therefore, the residence does not demonstrate a high degree of craftsmanship or a high degree of technical or scientific achievement.



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6.3 Historic or Associative Value

The property at 634 Commissioners Road West is located on part of Lot 38, Concession 1 in the former Township of Westminster. This lot is directly associated with the Kilbourn, Teeple, and Jarvis families. These three families were related by marriage and farmed on Lot 38, Concession 1 between about 1815 and 1905. Both the Kilbourn and Teeple families were part of the initial wave of settlers to Westminster Township from the United States in the decades after the American Revolution and also important early settlers in the area. The Kilbourn family operated a sawmill and the Teeple family operated lime kilns. Both families also participated in the War of 1812. The residence at 634 Commissioners Road West was likely built by Robert Jarvis *circa* 1870. Robert and his brother Francis farmed Lot 38, Broken Front and Concession 1 and today Jarvis Street is named in their honour. Together, these three families contributed to the pattern of settlement along Commissioners Road during the 19th century.

The property contains a residence, pool, and landscaped yard. It does not offer or potentially offer new knowledge that can contribute to a greater understanding of the former Township of Westminster or City of London. The architect or designer of the residence is unknown.

6.4 Contextual Value

The property is a former farmhouse set in a suburban landscape. It is a remnant of the former agricultural character of the area and is located on a larger than average property parcel for the area. During the mid to late 20th century the agricultural character of this portion of Commissioners Road transitioned to a suburban character as residential development encroached. As a 19th century farmhouse set on a generously sized lot, the property does not contribute to the mostly mid to late 20th century character of the area. While the residence is located near another 19th century farmhouse at 651 Commissioners Road West, these residences stand in contrast to the overall suburban and mid to late 20th century character of the area. Therefore, the property does not support the mostly mid to late 20th century suburban character of the area.

The property contains a former farmhouse and is no longer used for agricultural purposes. No physical, functional, or visual link to its past agricultural use exists on the property or within the broader context of the area. Therefore, the property is not physically, visually, or historically linked to its surroundings. The residence is setback from the roadway and partially screened by vegetation. It is not located at a corner or a prominent location on Commissioners Road West and has not been determined to serve as a well-known marker in the community. Therefore, the residence is not considered to be a landmark.



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6.5 Summary of Evaluation

Table 1 provides a summary of the findings of CHVI based on an evaluation according to O. Reg. 9/06.

Table 1: Evaluation of 634 Commissioners Road West according to O. Reg. 9/06

Criteria of O. Reg. 9/06	Yes/No	Comments
Design or Physical Value		
Is a rare, unique, representative, or early example of a style, type, expression, material, or construction method	Yes	The residence at 634 Commissioners Road West is a representative Ontario vernacular frame structure built <i>circa</i> 1870. The residence contains a blend of Georgian and Italianate design elements popular in Ontario during the mid to late 19 th century. The blend of these two styles together and use of locally available materials including stone, brick, and timber gives the residence a vernacular character.
Displays a high degree of craftsmanship or artistic merit	No	The craftsmanship and artistic merit of the property is typical and industry standard for the mid to late 19 th century.
Demonstrates a high degree of technical or scientific achievement	No	As a vernacular structure, the building materials, construction methods, and quality of craftsmanship were typical and industry standard at the time of the construction of the residence.
Historical or Associative Value		
Has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community	Yes	The property is historically located on part of Lot 38, Concession 1 in the former Township of Westminster. This lot is directly associated with the Kilbourn, Teeple, and Jarvis families. Together, these three families made a contribution to the pattern of settlement along Commissioners Road during the 19 th century.
Yields, or has the potential to yield, information that contributes to an understanding of a community or culture	No	These property does not offer or potentially offer new knowledge that can contribute to a greater understanding of the former Township of Westminster or City of London
Demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community	No	The architect or builder is unknown.



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Criteria of O. Reg. 9/06	Yes/No	Comments
Contextual Value		
Is important in defining, maintaining, or supporting the character of an area	No	During the mid to late 20 th century the agricultural character of this portion of Commissioners Road transitioned to a suburban character as residential development encroached. As a 19 th century farmhouse set on a generously sized lot, the property does not contribute to the mostly mid to late 20 th century character of the area.
Is physically, functionally, visually, or historically linked to its surroundings	No	The property contains a former farmhouse and is no longer used for agricultural purposes. No physical, functional, or visual link to its past agricultural use exists on the property or within the broader context of the area.
Is a landmark	No	The residence is setback from the roadway and partially screened by vegetation. It is not located at a corner or a prominent location on Commissioners Road West and has not been determined to serve as a well-known marker in the community.



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6.6 Statement of Cultural Heritage Value or Interest

6.6.1 Description of Property

The property at 634 Commissioners Road West is located in the City of London approximately 43 metres east of the intersection of Nottinghill Road and Commissioners Road West. The property contains a residence located on a generously sized lot landscaped with a lawn, pool, shrubs, and intermediate and mature deciduous and coniferous trees. The residence was built *circa* 1870 and is an example of an Ontario vernacular structure with Georgian and Italianate design influences.

6.6.2 Cultural Heritage Value

The residence at 634 Commissioners Road West demonstrates design value as a representative Ontario vernacular frame structure built *circa* 1870. The residence contains a blend of Georgian and Italianate design elements popular in Ontario during the mid to late 19th century. The blend of these two styles together and use of locally available materials including stone, brick, and timber gives the residence a vernacular character. Components of the residence that contain both Georgian and Italianate design elements include the hip roof, square plan, symmetrical main elevation, and pediment window and door surrounds. The segmental arch windows and wide soffits are more typical to the Italianate style. Residences that contain both Georgian and Italianate design features were common in Ontario during the mid to late 19th century. These types of residences were viewed as containing the tradition and conservatism of the Georgian style while incorporating some more contemporary design elements associated with the Italianate style.

The property demonstrates historical and associative value through its connection with the Kilbourn, Teeple, and Jarvis families. These three families were related by marriage and farmed on Lot 38, Concession 1 between about 1815 and 1905. Both the Kilbourn and Teeple families were part of the initial wave of settlers to Westminster Township from the United States in the decades after the American Revolution. Both families also participated in the War of 1812. The residence at 634 Commissioners Road West was likely built by Robert Jarvis *circa* 1870. Robert and his brother Francis farmed Lot 38, Broken Front and Concession 1 and today Jarvis Street is named in their honour. Together, these three families made a contribution to the pattern of settlement along Commissioners Road during the 19th century.



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6.6.3 Heritage Attributes

- Representative example of a mid to late 19th century Ontario vernacular structure with Georgian and Italianate design elements, including:
 - Two storey structure with square plan
 - Hip roof with red brick chimney, lightning rods, and wide soffits
 - Symmetrical main (north) elevation with three bays
 - Segmental arch 2/2 windows with wood frames and wood pediment style surrounds
 - Wood shutters on the north, east, and west elevations
 - Main entrance with wood door, classically inspired columns, sidelights, transom, and pediment style door surround
 - Basement wood frame windows with segmental arch openings and buff brick voussoirs
 - Buff brick and fieldstone foundation

The attached modern garage (east elevation) and modern enclosed porch (east elevation) are not considered to be heritage attributes.



Impact Assessment
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7.0 Impact Assessment

7.1 Description of Proposed Undertaking

Royal Premier Homes is proposing to construct two four-storey townhouse buildings to the east and west of the existing residence at 634 Commissioners Road West. The townhouse building to the west of the existing residence is proposed to contain three units and have a footprint of 16.8 metres by 14.3 metres. The townhouse building to the east of the existing residence is proposed contain seven unites and have a footprint of 39.2 metres by 14.3 metres. Parking access is proposed be at the rear and provided by a 6.7 metre wide driveway connecting to Commissioners Road West. The concept plan envisions the retention of the existing residence with the exception of the modern attached porch. The concept plan and preliminary renderings are contained in Appendix A.

7.2 Assessment of Impacts

The residence at 634 Commissioners Road West has CHVI since it meets two criteria for determining CHVI in O. Reg 9/06. Therefore, an assessment of potential impacts to heritage attributes of 634 Commissioners Road West is provided below in Table 2 and Table 3 (see Section 6.6.3 for identification of heritage attributes). Impacts are defined by Info Sheet #5 (Section 2.5).

Table 2: Evaluation of Potential Direct Impacts

Direct Impact	Impact Anticipated	Relevance to 634 Commissioners Road West
Destruction of any, or part of any, <i>significant heritage attributes</i> or features.	No	The proposed undertaking would not result in the demolition of any heritage attributes at 634 Commissioners Road West. Therefore, no mitigation measures are required.
Alteration that is not sympathetic, or is incompatible, with the historic fabric and appearance.	No	The proposed undertaking would not result in alteration that is unsympathetic or incompatible with the historic fabric and appearance of 634 Commissioners Road West. While the modern enclosed porch will be removed, this addition and the garage contain no heritage attributes. Therefore, no mitigation measures are required.



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Table 3: Evaluation of Potential Indirect Impacts

Indirect Impact	Impact Anticipated	Relevance to 634 Commissioners Road West
Shadows created that alter the appearance of a <i>heritage attribute</i> or change the viability of a natural feature or plantings, such as a garden	No	No natural features were identified as heritage attributes at 634 Commissioners Road West. While the new townhouse buildings may cast shadows during certain times of the day, they will not alter the appearance of heritage attributes at 634 Commissioners Road West. Therefore, no mitigation measures are required.
Isolation of a <i>heritage attribute</i> from its surrounding environment, context, or a <i>significant relationship</i>	No	No contextual relationships were identified as heritage attributes at 634 Commissioners Road West. Therefore, no mitigation measures are required.
Direct or indirect obstruction of <i>significant views</i> or vistas within, from, or of built and natural features	No	Views within the Study Area or the surrounding streetscape were not identified as heritage attributes. As such, significant views will not be obstructed by the proposed undertaking. Therefore, no mitigation measures are required.
A change in land use such as rezoning a battlefield from open space to residential use, allowing new <i>development</i> or <i>site alteration</i> to fill in the formerly open spaces	No	The property is currently zoned as a residential R1 Zone. Permitted use for residential R1 zoned lands is the construction of single detached dwellings. The proposed undertaking will result in a change of land use (and zoning) to allow for multi-unit residential development. However, development on the site will continue to be residential in nature, and while density on the site will increase, it will not result in a change in land use that impacts the heritage attributes of the property. Therefore, no mitigation measures are required.
Land disturbances such as a change in grade that alters soil, and drainage patterns that adversely affect an <i>archaeological resource</i>	Possible	Typically, indirect impacts resulting from land disturbances apply to archaeological resources, which are beyond the scope of this report. However, land disturbance from construction (e.g., site grading and related construction activities) may also have the potential to impact the residence through temporary vibrations during the construction period that may cause shifts in the foundation that can impact the residence. Therefore, mitigation measures are required.



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7.3 Discussion of Impacts

The proposed undertaking would not result in direct impacts to the identified heritage attributes of 634 Commissioners Road West. More specifically, the existing residence will be retained *in situ* and no heritage attributes will be altered as part of the proposed undertaking. While the existing enclosed modern porch will be removed, it does not contain heritage attributes and is therefore not characterized as an impact to the heritage character of the property.

No indirect impacts are anticipated from shadows, isolation, or obstruction. While a change in land use is anticipated to allow for townhouse construction, the property will remain residential in nature and the proposed changes are not anticipated to impact the heritage attributes or heritage value of the property. There may be potential for indirect impacts related to land disturbance during the construction phase that could result in vibrations that are damaging to the structure.

While impacts of vibration on heritage buildings are not well understood, studies have shown that impacts may be perceptible in buildings 40 metres from the curbside when heavy traffic is present (Ellis 1987). Construction of the proposed undertaking may involve heavy vehicles on site to grade, excavate, or pour foundations, which may result in vibrations that have potential to affect the historic foundations of 634 Commissioners Road West. If left unaddressed, these could result in longer-term issues for the maintenance, continued use, and conservation of the building.



Mitigation
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8.0 Mitigation

8.1 InfoSheet #5 Mitigation Options

The property at 634 Commissioners Road West was determined to contain CHVI as it meets two criteria of O. Reg 9/06. As identified in Table 2 and Table 3, the proposed undertaking has the potential to result in an indirect impact to 634 Commissioners Road West as onsite construction activity could result in vibrations that have potential to affect historic foundations. Accordingly, the mitigation options identified in InfoSheet #5 (see Section 2.6) have been explored below.

Alternative development approaches: The proposed development will retain the existing residence and its heritage attributes *in situ*. An alternative development approach is not feasible given the size of the property and the proposed residential intensification. Therefore, to retain the residence *in situ*, construction activity will be required within 50 metres of the property.

Isolating development and site alteration from significant built and natural features and vistas: The proposed development has isolated new structures from the existing residence and its heritage attributes. The existing residence will be retained *in situ* and all heritage attributes will remain visible. As such, this mitigation measure has already been implemented in the proposed development.

Design guidelines that harmonize mass, setback, setting, and materials:

The massing of the proposed townhouses has been designed to harmonize with the existing residence through the location of balconies on the north (main) elevations of the fourth storey and the use of a setback consistent or increased to the current residence. As a result of the balconies, the fourth storeys of both proposed townhouses will not overshadow the massing of the current residence as the massing of the north elevations of the proposed townhouses will generally match the roof of the existing residence.

The setback and setting of the proposed townhouses have been designed to harmonize with the existing residence. The existing residence is setback 6.4 metres from the municipal right of way. The proposed townhouse to the west of the existing residence will be setback between 6.5 and 8.4 metres from the municipal right of way and the proposed townhouse to the east of the existing residence will be setback between 7.2 and nine metres from the existing right of way. This setback is consistent with the existing residence and the positioning of the proposed townhouses slightly to the south of the existing residence will allow its heritage attributes to remain prominently visible from Commissioners Road West. The location of the proposed driveway between the existing residence and the west townhouse harmonizes with the setting of the property as the west elevation of the existing residence will be prominently visible.



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Materials for the proposed townhouses have not yet been selected. Therefore, it is understood that material selection will be sympathetic to the existing residence. Sympathetic materials to clad the townhomes may include white coloured siding, the use of buff brick or stone accenting, and the use of pediment motifs.

Limiting Height and Density: The height and density of the proposed development has been designed to not overshadow the existing residence and to provide open common amenity areas near the existing residence. Therefore, the proposed undertaking contains considerations to limit height and density in relation to the existing residence.

Allowing only compatible infill: Redevelopment at the property is to be residential in nature and retain the existing residence *in situ*. The townhomes proposed to the east and west of the existing residence contain a massing, setback, and setting that is compatible and sympathetic with the existing residence. In addition, the selection of sympathetic materials is anticipated for the proposed townhomes. Therefore, this mitigation measure has been implemented in the proposed development.

Reversible alterations: Given that the proposed development retains the residence *in situ* and does not directly impact the heritage attributes, reversible alterations are not required.

Buffer zones, site plan control, and other planning mechanisms: The proposed development may result in the potential for land disturbance during the construction phase of the project. As such, planning mechanisms and site plan controls may be considered at this phase of study to avoid impacts to the built heritage resource. Site plan controls and planning mechanisms may be used to identify appropriate thresholds for vibration or zones of influence related to construction activity. Construction activity should be planned to minimize vibrations on the residence. Therefore, this mitigation measure is appropriate for the proposed development.

8.2 Mitigation Discussion

Based on the discussion of Mitigation Options in Section 8.1, it has been determined that site plan controls are an appropriate mitigation measure. Planning mechanisms and site plan controls are intended to lessen the impact on identified heritage attributes resulting from the potential for land disturbance due to temporary vibrations during the construction phase of the project. A typical approach to mitigating the potential for vibration effects is twofold. First, a pre-construction vibration assessment can be completed to determine acceptable levels of vibration given the site-specific conditions (including soil conditions, equipment proposed to be used, and building characteristics). Second, depending on the outcome of the assessment, further action may be required in the form of site plan controls, site activity monitoring, or avoidance. This should be considered prior to the commencement of any construction activities onsite.



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In addition, materials for the proposed townhouses have not yet been selected. Therefore, appropriate material selection is anticipated to harmonize with the existing residence. Sympathetic materials to clad the townhomes include white coloured siding, the use of buff brick or stone accenting, and the use of pediment motifs. These materials and designs are elements of the existing residence and therefore will be compatible with its overall character and heritage attributes. The use of these materials and designs is not intended to recreate or mimic the architectural character and heritage attributes of the existing residence. These materials are anticipated to be used in a manner that creates a distinct yet sympathetic design for the proposed townhouses.



Recommendations
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9.0 Recommendations

The proposed undertaking will conserve the residence at 634 Commissioners Road West and result in the construction of two multi-unit townhouses. An assessment of impacts resulting from the proposed undertaking has determined no direct impacts are anticipated. The undertaking may possibly result in indirect impacts from land disturbance due to temporary vibrations during the construction phase of the project. In addition, materials have not yet been selected to clad the townhouses. Based on the impacts identified, the following mitigation measures are recommended:

- Incorporate materials to clad the proposed townhomes that harmonize with the existing residence. Sympathetic materials to clad the townhomes include white coloured siding, the use of buff brick or stone accenting, and the use of pediment motifs. These recommended materials and designs are elements of the existing residence and therefore will be compatible with its overall character and heritage attributes. The use of these materials and designs is not intended to recreate or mimic the architectural character and heritage attributes of the existing residence. These materials should be used in a manner that creates a distinct yet sympathetic design for the proposed townhouses.
- Retain a qualified person(s) to complete a pre-construction vibration assessment to determine acceptable levels of vibration given the site-specific conditions (including soil conditions, equipment proposed to be used, and building characteristics).
- Should the residence be determined to be within the zone of influence, additional steps should be taken to secure the building from experiencing negative vibration effects (i.e., adjustment of machinery or establishment of buffer zones).

To assist in the retention of historic information, copies of this report should be deposited with local repositories of historic material as well as with municipal and regional planning staff. Therefore, it is recommended that this report be deposited at the following location:

London Public Library
251 Dundas Street
London, ON N6A 6H9



Closure
July 12, 2022

10.0 Closure

This report has been prepared for the sole benefit of Royal Premier Homes and may not be used by any third party without the express written consent of Stantec Consulting Ltd. Any use which a third party makes of this report is the responsibility of such third party.

We trust this report meets your current requirements. Please do not hesitate to contact us should you require further information or have additional questions about any facet of this report.

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July 12, 2022

Appendix A

Concept Plan and Preliminary Renderings

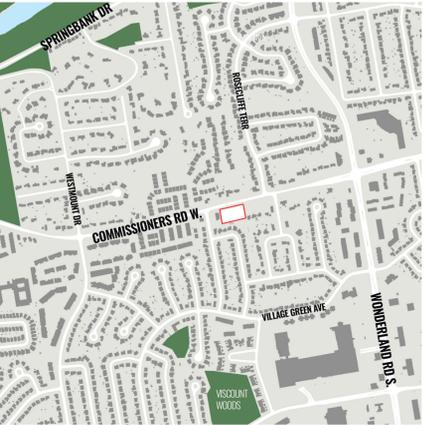


COMMISSIONERS ROAD W.

CONCEPT PLAN

01
DWG

PROJECT SITE
634 Commissioners Road West

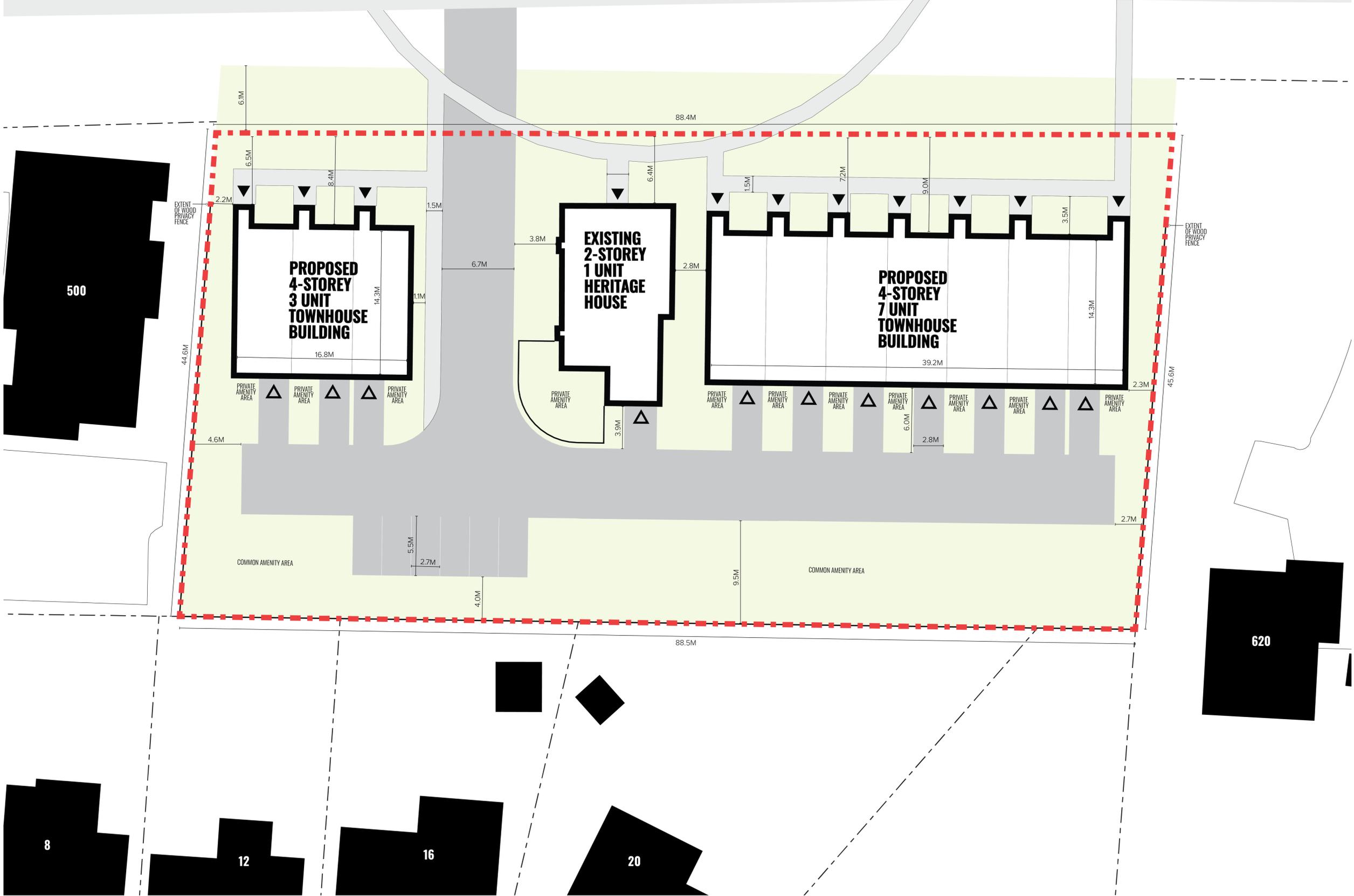


SITE DATA

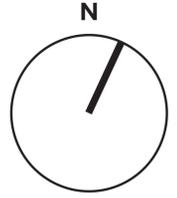
R5-7 ZONE

Regulations	Required	Proposed
Permitted Uses:	Cluster Townhouse Dwellings	Cluster Townhouse Dwellings
	Cluster Stacked Townhouse Dwellings	
Lot Area:	1,000.0m ² (min)	4,499.3m ²
Lot Frontage:	30.0m (min)	88.4m
Front Yard:	8.0m	8.4m
Side Yard:	0.5m/1.0m (6.0m req.)	West: 2.2m* East: 2.3m*
Rear Yard:	0.5m/1.0m (6.0m req.)	20.1m
Landscape OS:	30% (min.)	55%
Lot Coverage:	45% (max)	23%
Height:	12.0m	13.5m*
Density:	60uph (max)	24uph
Parking:	1.5/unit (16.5 req.)	2.45/unit (27 total)

* Requires Special Provision



Client: Royal Premier Homes
 Date: 05.18.2022
 Drawn By: L. Sooley
 Plan Scale: rts
 File No: 2022-634CW
 Version: 1.0



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 905.921.9029

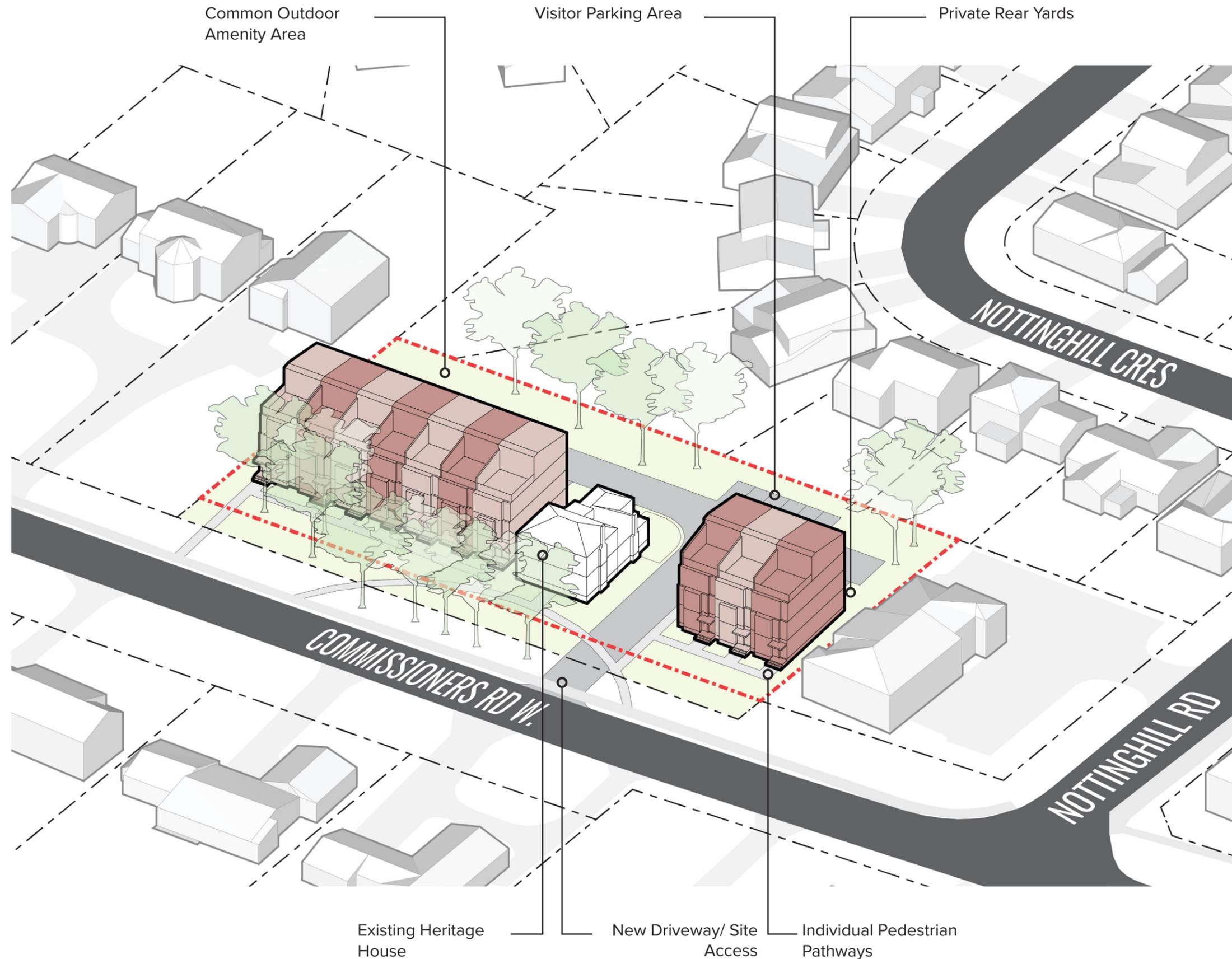
Lot Boundary Disclaimer: Site dimensions have been assumed based on data provided by the owner. Siv-ik planning and design inc. makes no warranties or guarantees regarding the accuracy of the lot boundaries.

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PRELIMINARY MASSING MODEL

PROJECT SITE

634 Commissioners Road West



Client:	Royal Premier Homes
Date:	05.19.2022
Drawn By:	L. Sooley
Plan Scale:	nts
File No:	2022-634CW
Version	1.0



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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: 2810 Roxburgh Road
Public Participation Meeting
Date: October 3, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Harpreet Singh (2309529 Ontario Inc.) relating to the property located at 2810 Roxburgh Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting October 3, 2022, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan for the City of London (The London Plan, 2016) to change the zoning of the subject property **FROM** a Light Industrial (LI2) Zone **TO** a Light Industrial Special Provision (LI6(_)) Zone.
- (b) **IT BEING NOTED** that the following Site Plan matters have been raised through the application review process for consideration by the Site Plan Approval Authority:
 - i. The applicant is to provide appropriate setbacks along the site boundaries, provide enhanced landscaping along the site borders, and use enhanced landscaping and street trees along Roxburgh Road to screen the development and meet City tree planting requirements.
 - ii. The applicant is to provide hard surfacing for the parking lot.

Executive Summary

Summary of Request

The applicant has requested to rezone the subject site to permit a Light Industrial (LI2) Zone to a Light Industrial (LI6) Zone to permit an outdoor storage depot/transport terminal.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended Zoning By-law amendment is to rezone the lands to a Light Industrial Special Provision (LI6(_)) Zone to permit a storage depot/transport terminal. The proposed Amendment will allow the property to be used for outdoor parking and storage of tractor trailers, recreational vehicles, boats, and construction equipment and industrial vehicles. No buildings or structures are proposed as part of this application.

Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020.
2. The recommended amendment conforms to the policies of The London Plan, including but not limited to the Key Directions and Light Industrial Place Type.
3. The recommended amendment would facilitate the reuse of an otherwise underutilized parcel of land within an existing Industrial Area.
4. The proposed use is considered appropriate for the context of the site.
5. The recommended amendment conforms to the in-force policies of the Southwest Area Secondary Plan, including but not limited to the Land Use

Analysis

1.0 Background Information

1.1 Property Description

The subject lands are located northeast of the Wellington Road South and Roxburgh Road intersection and are currently within the Westminster Planning District. The site is 13,242m² in size with a lot frontage of 101.7m along Roxburgh Road and is vacant of any natural and/or man-made features.



Figure 1: Photo of 2810 Roxburgh Road from Roxburgh Road (2021)

1.2 Current Planning Information

- The London Plan Place Type – Light Industrial
- Existing Zoning – Light Industrial (LI2)
- Street Frontage Classification- Neighbourhood Connector (Roxburgh Road)
- Southwest Area Secondary Plan (Brockley Industrial Neighbourhood) – Industrial Land Use Designation

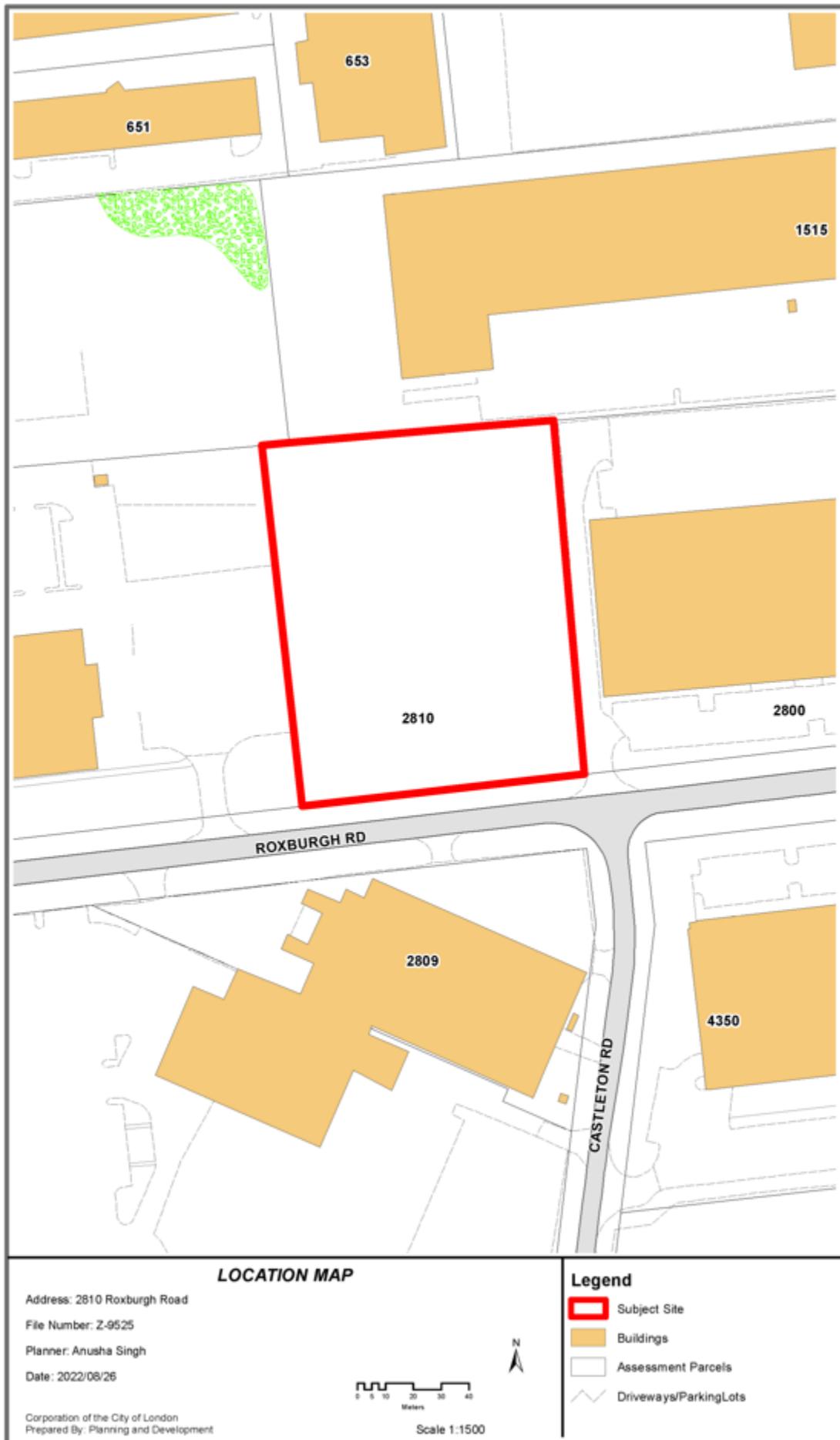
1.3 Site Characteristics

- Current Land Use – Vacant
- Frontage – 101.7 metres
- Area –13,242 square metres
- Lot Coverage – 0%
- Shape – Wide and Rectangular

1.4 Surrounding Land Uses

- North – Industrial
- East – Industrial
- South – Industrial
- West – Industrial

1.5 Location Map



2.0 Discussion and Considerations

2.1 Development Proposal

First Submission – June 9, 2022

The applicant has requested to rezone the subject lands to allow the property to be used as a storage depot/ transport terminal intended to facilitate parking storage of tractor trailers, recreational vehicles, boats, and construction equipment and industrial vehicles.



Figure 2: Existing Site Conditions (Aerial View)

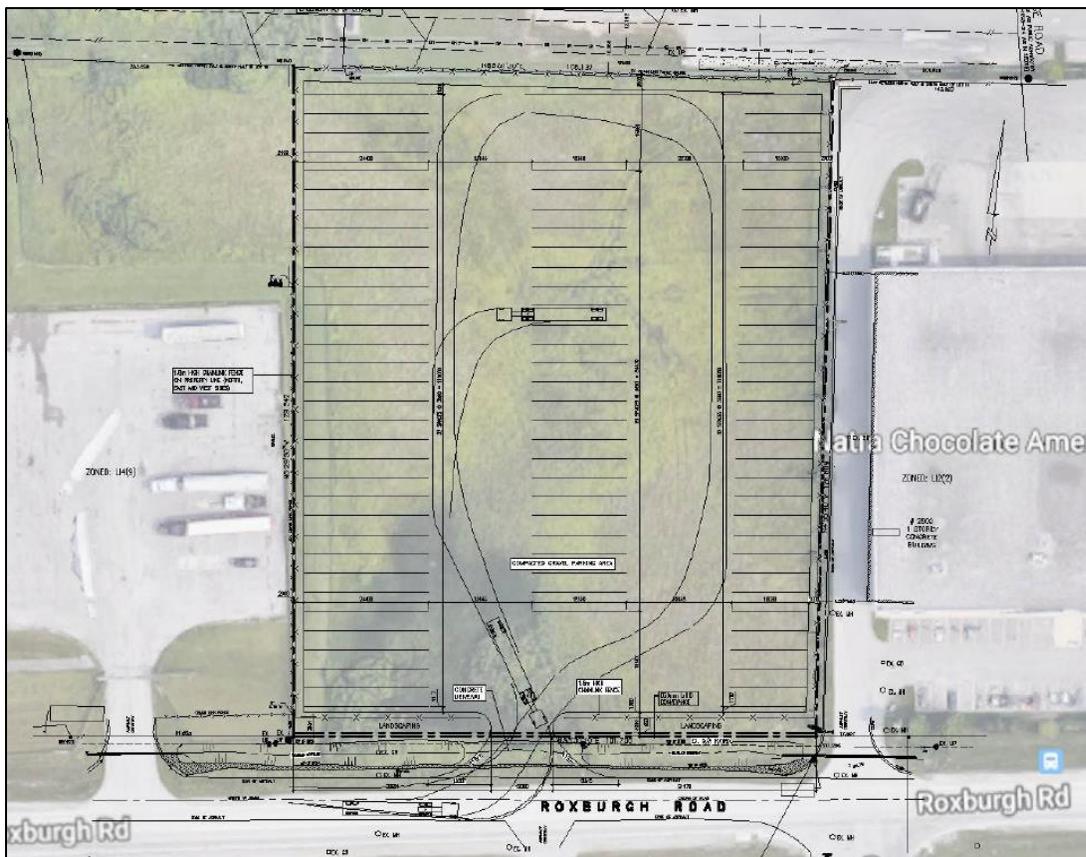


Figure 3: Proposed Site Plan (First Submission)

Second Submission – September 7, 2022

The Applicant submitted a revised site concept plan to staff illustrating the following changes to the proposed site design:

1. Increased side yard parking setback to 3m for landscape buffer with trees
2. Increased front yard setback to 6m + 0.65 conveyance
3. Increased driveway throat width to 15m at the property line
4. Revised curb radius at driveway entrance to 15m
5. Revised to show recycled asphalt paving in drive aisles

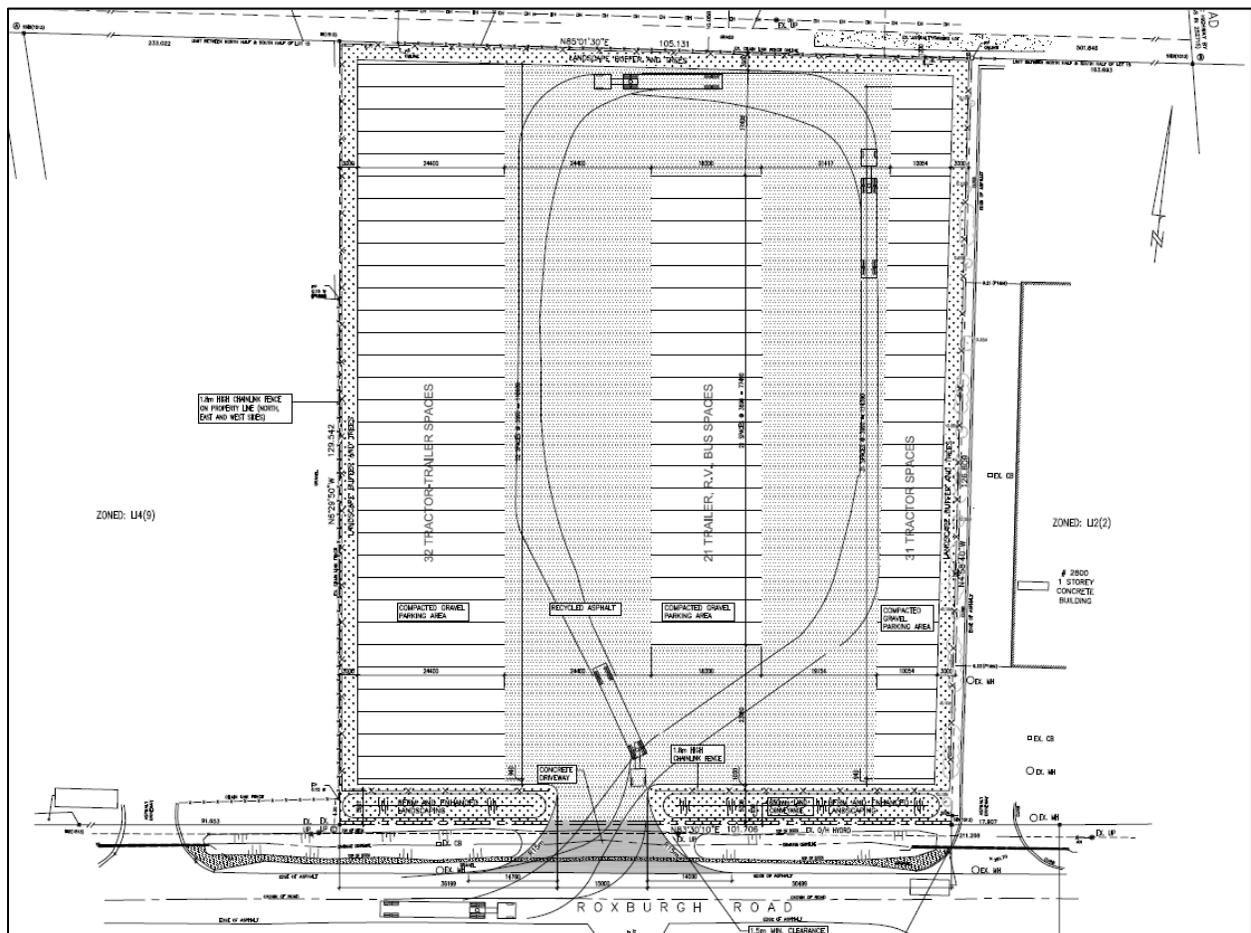


Figure 4. Revised Site Concept Plan (Second Submission)

2.2 Requested Amendment

The applicant has requested to rezone the lands to a Light Industrial (LI6) Zone to allow a storage depot/transport terminal. No additional special provisions are requested or proposed to accommodate the new use and no buildings or structures are proposed as part of this application.

2.3 Community Engagement (see more detail in Appendix B)

Staff received one (1) comment during the public consultation period. The comment expressed concerns that permitting the proposed storage depot/transport terminal would further increase an existing issue in the area relating to airborne dust as a result of gravel. The commenter requested that the applicant consider paving the site to reduce the amount of dust that may be generated.

Staff addressed the concern on July 12, 2022, and presented the concern to the applicant and the City Site Plan staff. It was determined that incorporation of hard surfacing would be addressed at the Site Plan Application stage. Staff received no further comments from the public as a result of this Amendment.

2.4 Policy Context

Provincial Policy Statement, 2020

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

Section 1.1 of the PPS encourages healthy, livable, and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term. The PPS directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities (1.1.3).

The London Plan

The London Plan is the new Official Plan for the City of London. As of May 25th, 2022, an Ontario Land Tribunal decision resolved all remaining policy appeals within The London Plan effectively bring The London Plan into full force and effect. As of present day, the London Plan is now the one and only official plan for the City of London. However, on May 25th, 2022, the city also announced that any applications that are already in process should continue uninterrupted as per the “clergy principle”. This principle states that, in general, the policies that were in force at the time the application was received will continue to direct that application. As the application that is being considered as part of this report was received in June 2022, the London Plan policies will be considered in full, and 1989 Official Plan policies will not apply.

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

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

- Identify and strategically support existing and emerging industrial sectors. (Key Direction #1, Direction 9)
- Ensuring an adequate supply of employment lands (Key Direction #1, Direction 10)

The London Plan also provides direction to making wise planning decisions in existing built areas by:

- Ensuring new development is a good fit within the context of an existing neighbourhood (Key Direction #8, Direction 9)

The proposed rezoning supports these Key Directions by requesting permission to allow a Light Industrial use within an area of the city that heavily consists of Industrial buildings and services. The proposed amendment intends to continue supporting the growing and emerging industrial sector within the existing neighbourhood and will contribute to the supply of employment lands within the city.

The site is also located in the Light Industrial Place Type fronting onto a Neighbourhood Connector (Roxburgh Road) as identified on Map 1 – Place Types and Map 3 – Street Classifications. Permitted uses within the Light Industrial Place Type at this location include a broad range of industrial uses that are unlikely to impose significant impacts on surrounding industrial land uses due to their emissions such as noise, odour, particulates, and vibration. Uses with large amounts of open storage may not be permitted dependant on the character of the surrounding industrial area or any applicable guideline documents (The London Plan, Policy 1115_ (1 and 2)). The

Province's D-series Guidelines will also be implemented to ensure that industrial uses and sensitive land uses are not located inappropriately close to one another (The London Plan, Policy 1115_ (9)). The London Plan also includes regulations for all industrial areas and specifies that large open storage areas will be screened with fencing and landscaping that is appropriate within the surrounding context and view corridors. (The London Plan, Policy 1125_ (5))

Southwest Area Secondary Plan

The subject site is located within the Southwest Area Secondary Plan, Brockley Industrial Neighbourhood. The Brockley Industrial Neighbourhood will promote opportunities for a limited range of compatible industrial land uses that; (1) support the city's long-term industrial strategy, (2) will promote the development of employment lands, and (3) will capitalize on the importance of the proximity of Highway 401 and the Canadian National Railway (20.4.14(i)). The Brockley Industrial Area is also intended to accommodate a range of light industrial uses that have a high standard of site design and take advantage of the location nearby major highway corridors. The focus for new development within the eastern portion of the Brockley Industrial Neighbourhood is to promote 'logistics' type of industrial uses that involve the movement and transfer of goods. (20.4.14(i)).

Generally, the objective of the Southwest Area Secondary Plan is to provide for a range of land uses including residential, open space, industrial, commercial, office and mixed-uses, and community facilities. Industrial Uses that have a high standard of site design, support the movement and transfer of goods, capitalize on the importance of the Highway 401 corridor, and introduce compatible industrial uses to an existing neighbourhood are generally permitted within the Southwest Secondary Planning Area.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1 Issue and Consideration #1: Use, Intensity and Form

Provincial Policy Statement, 2020

The PPS promotes the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1e)).

Settlement areas are directed to be the focus of growth and development. Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (1.1.3.2). Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment (1.1.3.2).

Employment Areas are intended to be planned for, protected, and preserved for current and future uses. These areas shall ensure that the necessary infrastructure is provided to support current and projected needs. Specifically, planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations (1.3.2.6).

Planning authorities shall also promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs (1.3.1). Lastly, the PPS encourages long-term economic prosperity to be supported by promoting opportunities for economic development and community investment-readiness (1.7.1 a)).

The recommended amendment is in keeping with the PPS 2020 as it facilitates the introduction of uses that are suitable within the existing site context, and within the Light Industrial Place Type. The recommended Amendment contributes to the appropriate utilization of an existing vacant lot within an established industrial area and will make efficient use of the land while contributing to the supply of employment lands within the city. The proposed use also intends to benefit and capitalize on the site's close proximity to the 401 Highway and is intended to support the movement of goods in a way that would minimize the length of vehicle trips required whilst contributing the economic prosperity of the city.

The London Plan

Policy 1113_ of the London Plan identifies the City's vision for Industrial Place Types and mentions that industrial uses are intended to be located in strategically planned areas where they can capitalize upon the city's proximity to the 401 and 402 highway corridors by providing opportunities for sites that are highly accessible to these highways. Policies 1125_5 and 1125_7 also regulate that large open storage areas will be screened with fencing and landscaping that is appropriate within the surrounding context and view corridors, and that loading facilities will be located in areas that minimize visual impact to other industrial uses and the street. Policy 1115_2 reiterates that large amounts of outdoor storage may not be permitted in the Light Industrial Place Type, dependent upon the character of the surrounding industrial area, specific policies at the end of this chapter, or any applicable guideline documents.

The subject site is within the Light Industrial Place Type of The London Plan and is located with frontage onto a Neighbourhood Connector (Roxburgh Road). At this location, a range of low-medium impact industrial uses that are unlikely to impose significant impacts on surrounding properties in regard to noise, odour, vibration, or particulates may be permitted. The Province's D-series Guidelines will also be implemented to ensure that industrial uses and sensitive land uses are not located inappropriately close to one another.

Southwest Area Secondary Plan (SWAP)

The principles of the SWAP include providing for a range of land uses including residential, open space, public, commercial, office and mixed-uses and community facilities (20.5.1.4 a)). SWAP is based on a design in which one of the key goals is to provide for a competitive place to work and invest through encouraging the growth of employment land opportunities, which can be achieved through such initiatives as attracting modern manufacturing and light industrial uses to the city while protecting ample, highly accessible, land that will provide a long-term supply of strategically positioned employment lands. (20.5.1.4 iii).

The property is specifically located within an Industrial Designation as part of the Brockley Industrial Neighbourhood as illustrated in Appendix C of this report. Policies within this area are intended to accommodate a range of light industrial uses that have a high standard of site design and take advantage of the areas in proximity to Highway 401. The Brockley Industrial Neighbourhood will also accommodate a reduced range of light industrial uses with a focus on logistics type of industrial uses that involve the movement and transfer of goods (20.5.14 i). The SWAP also mentions that, on lands east of Wellington Road South, uses that may be permitted include warehousing, research and communication facilities; laboratories; printing and publishing establishments; warehouse and wholesale outlets; technical, professional and business services such as architectural, engineering, survey or business machine companies; commercial recreation establishments; private clubs; private parks; restaurants; hotels and motels; service trades; and contractor's shops that do not involve open storage. Uses that have outdoor storage shall not be permitted on lands east of Wellington Road South and extensive landscaping shall be required to screen hard surface parking and loading areas (20.5.14.ii).

Analysis:

Consistent with the PPS, The London Plan, and the Southwest Area Secondary Plan, the recommended storage/transport depot will contribute to the supply of existing industrial uses within the area and is intended to support the transport of goods. The location of the lands in close proximity (1 kilometre) to the Highway 401 which allows easy access for the proposed storage depot/transport terminal to efficiently function, minimize the number of trips needed for large, heavy, vehicles, and helps in reducing the need for industrial vehicles and freight to commute internally through the city to access highway corridors.

Furthermore, the proposed use directly contributes to the city's supply of employment lands while also utilizing a vacant parcel of land within an existing industrial area and providing a similar and compatible land use to the surrounding neighbourhood that consists of existing transport terminals and light industrial uses. Special provisions to include appropriate side yard setbacks shall also be implemented in order to ensure that there is sufficient room for landscaped buffers that would provide screening and minimize the visual impacts between the proposed use and the abutting properties.

Given that no buildings or structures are proposed, the proposed storage depot/transport terminal is anticipated to have minimal impact on surrounding properties in regard to the proposed intensity and form and is appropriate for the proposed location given the existing site context.

It should also be noted that the Southwest Area Secondary Plan policies for prohibiting outdoor storage within the eastern segment of the Brockley Industrial Area were created to prevent negative impacts on the rural settlement area nearby. However, since those policies came into effect, the area has been developed with a variety of industrial uses including, but not limited to, vehicle storage depots. Additionally, the subject lands are internal to the industrial subdivision and do not abut with the rural settlement area. As such, the proposed use is not out of context for the surrounding neighbourhood and instead aims to compliment and support the existing industrial uses that already exist. As mentioned above, special provisions to include increased setbacks to accommodate enhanced landscaping elements shall also be required as part of the Zoning By-Law Amendment to ensure that the property is effectively screened from the street and any abutting lands.

4.2 Issue and Consideration #2: D6 Guideline Analysis

In the City's Official Plan, sensitive land uses that are adjacent to Industrial designations may be subject to measures intended to minimize any potential adverse impacts of existing or future industrial lands on those sensitive land uses. Incompatible land uses are to be protected from each other, in land use plans, proposals, policies and programs to achieve the Ministry's environmental objectives. Various buffers on either of the incompatible land uses or on intervening lands may be required at the Site Plan Approval Process to provide adequate separation distance, based on a facility's influence area, to mitigate adverse effects.

The Ministry of the Environment developed the D-6 Compatibility Guidelines for sensitive land uses near industrial operations. The guidelines are intended to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses and industrial land uses on one another. As per the guidelines, sensitive land uses may include:

1. Recreational uses which are deemed by the municipality or provincial agency to be sensitive; and/or
2. Any building or associated amenity area (i.e. may be indoor or outdoor space) which is not directly associated with the industrial use, where humans or the natural environment may be adversely affected by emissions generated by the operation of a nearby industrial facility. For example, the building or amenity area may be associated with residences, senior citizen homes, schools, day care facilities, hospitals, churches and other similar institutional uses, or campgrounds.

The D-6 Guidelines define classes of industrial uses by their potential for “fugitive emissions” such as noise, dust, odour and vibration. A Class I Industrial Facility is “a place of business for a small scale, self-contained plant or building which produces/stores a product which is contained in a package and has low probability of fugitive emissions. Outputs are infrequent and could be point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration. There are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage.” Examples include electronics manufacturing and repair, furniture repair and refinishing, beverages bottling, auto parts supply, packaging and crafting services, distribution of dairy products, and laundry and linen supply. A Class II Industrial Facility is “a place of business for medium scale processing and manufacturing with outdoor storage of wastes or materials (i.e. it has an open process) and/or there are periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration, and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours. Examples include magazine printing, paint spray booths, electrical production manufacturing, manufacturing of dairy products, dry cleaning services, and feed packing plants. Lastly, a Class III Industrial Facility is “a place of business for large scale manufacturing or processing, characterized by: large physical size, outside storage of raw and finished products, large production volumes and continuous movement of products and employees during daily shift operations. It has frequent outputs of major annoyance and there is high probability of fugitive emissions.” Examples include manufacturing of paint and varnish, organic chemicals manufacturing, breweries, and metal manufacturing.

A review of the existing uses on adjacent properties nearby the subject lands show that the current area occupies a range of services including; warehousing and training centers (2800 Roxburgh Road and 635 Wilton Grove), recreational complexes (2809 Roxburgh Road and 4350 Wellington Road S), industrial supply warehouses (1515 Sise Road plus multiple other properties to the north and south), and multiple open vehicle storage lots and industrial malls (properties east and southeast of the subject lands). Permitted uses in the zoning on these lands range from bakeries, business service establishments, laboratories, manufacturing and assembly industries, and warehousing establishments (LI1 Zone), to automobile uses, clinics and personal/institutional services (LI4 Zone), to storage depots, transport terminals and building/contracting establishments (LI7 Zone) and to Commercial Recreation Establishments (CSA1 Zone).

Analysis

As part of the complete application requirements, the applicant submitted a D-6 analysis evaluating the potential impact the proposed use may have on surrounding properties. Based on the above, the proposed storage depot/transport terminal at 2810 Roxburgh Road can be defined primarily as a Class I industrial category based on the following criteria:

- Noise and sound are not audible off property.
- Dust and odor are infrequent and not intense.
- No ground borne vibration would be perceived off-site

Upon further evaluation and review of the surrounding properties, no building or amenity area associated with residences, senior citizen homes, schools, day care facilities, hospitals, churches or other similar institutional uses were identified within Class I influence area of the subject site (70 metres). The properties to the south of site at 4350 Wellington Road South and 2809 Roxburgh Road currently facilitate recreational complexes; however, the subject lands currently reside further away from these uses than the recommended 20m minimum buffer for Class I uses. (Section 4.3, D-6 Compatibility between Industrial Facilities)

Based on this analysis, since storage depots and transport terminals already exist in the nearby area and as no sensitive land uses were identified based on the above D-6 guidelines, staff are supportive of the requested Amendment to rezone the lands from the existing Light Industrial (LI2) Zone to a Light Industrial (LI6) Zone to permit the

requested storage depot/transport terminal.

4.3 Issue and Consideration #2: Zoning

The applicant has requested to rezone the lands from the existing Light Industrial (LI2) Zone to a Light Industrial (LI6) Zone. The intent is to permit a storage depot/transport terminal to exist on the site.

The existing LI2 zone variation permits a range of industrial and associated secondary uses. An expanded range of industrial and complementary uses may be also permitted, at appropriate locations, through other zone variations. The subject site is approximately 13,242m² with a frontage of 101m and will effectively allow for proper functionality of the proposed storage depot/transport terminal while utilizing the large vacant lot .

For these reasons, staff are of the opinion that the proposed Light Industrial (LI6) Zone is appropriate for the future of the site and would continue to permit uses within both the LI2 and LI1 zones while also permitting additional uses that would more effectively utilize the large size of the lot and its ideal location close to the 401 Highway. The requested LI6 Zone would not only continue to allow all the existing uses permitted within the LI2 and LI1 Zones but would also allow for additional permitted uses such as Transport Terminals, Terminal Centres, and Storage Depots. The proposed use would effectively allow for vehicles that support industrial businesses to maneuver and be stored on the site at a location that is in close proximity to arterial roads and highways which are considered ideal corridors for transport of bulk goods.

Conclusion

The recommended Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the policies of The London Plan and the Southwest Area Secondary Plan (SWAP). The recommended Amendment would facilitate the utilization of an underutilized lot within an established industrial park, would contribute to the long-term employment and economic vibrancy for the City, and is not anticipated to cause any significant impacts on surrounding properties. As such, the proposed use is considered appropriate and is being recommended for approval.

Prepared by: Anusha Singh
Planner I

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

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

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

Appendix A

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

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 2810
Roxburgh Road

WHEREAS Harpreet Singh (2309529 Ontario Inc.) has applied to rezone an area of land located at 2810 Roxburgh Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 2810 Roxburgh Road, as shown on the attached map comprising part of Key Map No. A112, from a Light Industrial (LI2) Zone **TO** a Light Industrial Special Provision (LI6(_)) Zone.
- 2) Section Number 40.4 of the Light Industrial (LI6) Zone is amended by adding the following Special Provisions:

LI6 () 2810 Roxburgh Road

a) Regulations

- | | | |
|------|--|------------------------|
| i) | Interior Side Yard Depth
(Minimum) | 4.5 metres (14.8 feet) |
| ii) | Front Yard and Rear Yard Depth
(Minimum) | 6.0 metres (19.6 feet) |
| iii) | Landscaped Open Space
(%) (Minimum) | 18 |
| iv) | Screening Requirements
No open storage area shall be visible from any street or from any adjacent lot. All open storage areas shall be screened by a landscaped planting strip containing an opaque fence, wall or other opaque barrier not less than 2.0 metres (6.6 ft.) in height. | |

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

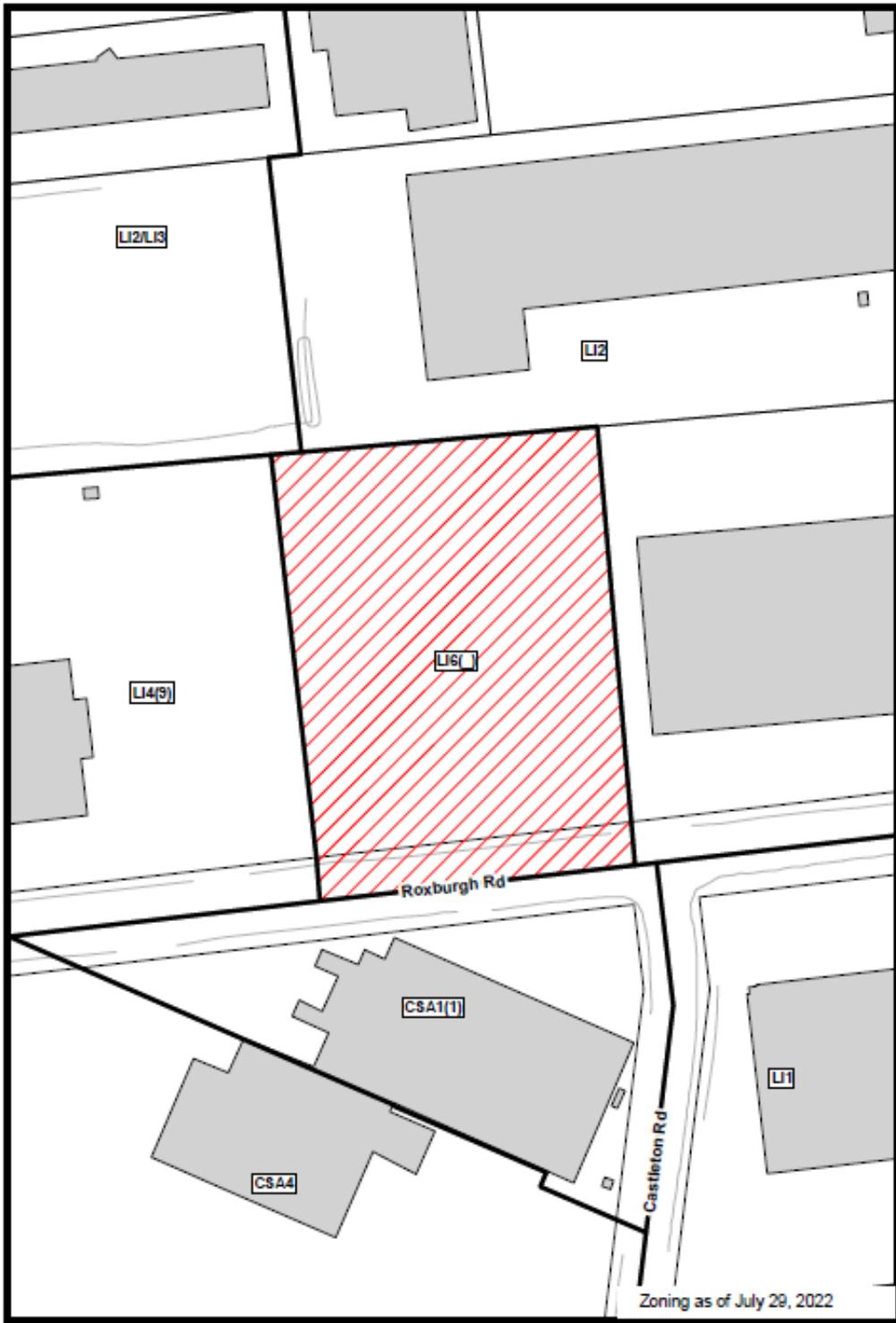
This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on October 17, 2022

Ed Holder
Mayor
Michael Schulthess
City Clerk

First Reading – October 17, 2022
Second Reading – October 17, 2022
Third Reading – October 17, 2022

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On June 29, 2022, Notice of Application was sent to 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 June 30, 2022. A “Planning Application” sign was also posted on the site.

One public comment was received and was addressed.

Nature of Liaison: The purpose and effect of this zoning change is to permit an outdoor storage depot/ transport terminal. Possible change to Zoning By-law Z.-1 **FROM** an Industrial (LI2) Zone **TO** an Industrial (LI6) Zone. The City may also consider additional special provisions.

Public Responses: 1

The Ward Councillor, on behalf of several area residents, provided the following questions and concerns with respect to this application:

- Concern over the increase in airborne dust the proposed use would generate for an area that already has issues regarding dust from nearby transport terminals/ storage depots

Agency/Departmental Comments

August 18, 2022: Ecology

No Natural Heritage Features on, or adjacent to the site have been identified on Map 5 of the London Plan or based on current aerial photo interpretation. There are currently no ecological planning issues related to this property and/or associated study requirements.

July 27, 2022: Engineering

Engineering has no additional comments related to the re-zoning. All comments have been provided at the Site Plan Approval Process. Water Engineering also has no comment on the zoning by-law amendment for 2810 Roxburgh Road (Z-9525) as the proposal does not require water servicing.

August 18, 2022: Heritage

There are no heritage or ARCH issues related to this ZBA

July 20, 2022: Parks Planning

No comment, Parkland Dedication is waived for industrial uses, pursuant to By-law CP-

July 7, 2022: 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.

July 18, 2022: Site Plan

- Site Plan Consultation is required
- Provide appropriate setbacks along the site boundaries

- In lieu of parking lot planting, provide enhanced landscaping along the site borders
- Provide hard surfacing for the parking lot
- Use enhanced landscaping and street trees along Roxburgh Rd to screen the development and meet City tree planting requirements
- Align driveway with the driveway across the road

August 18, 2022; Urban Design

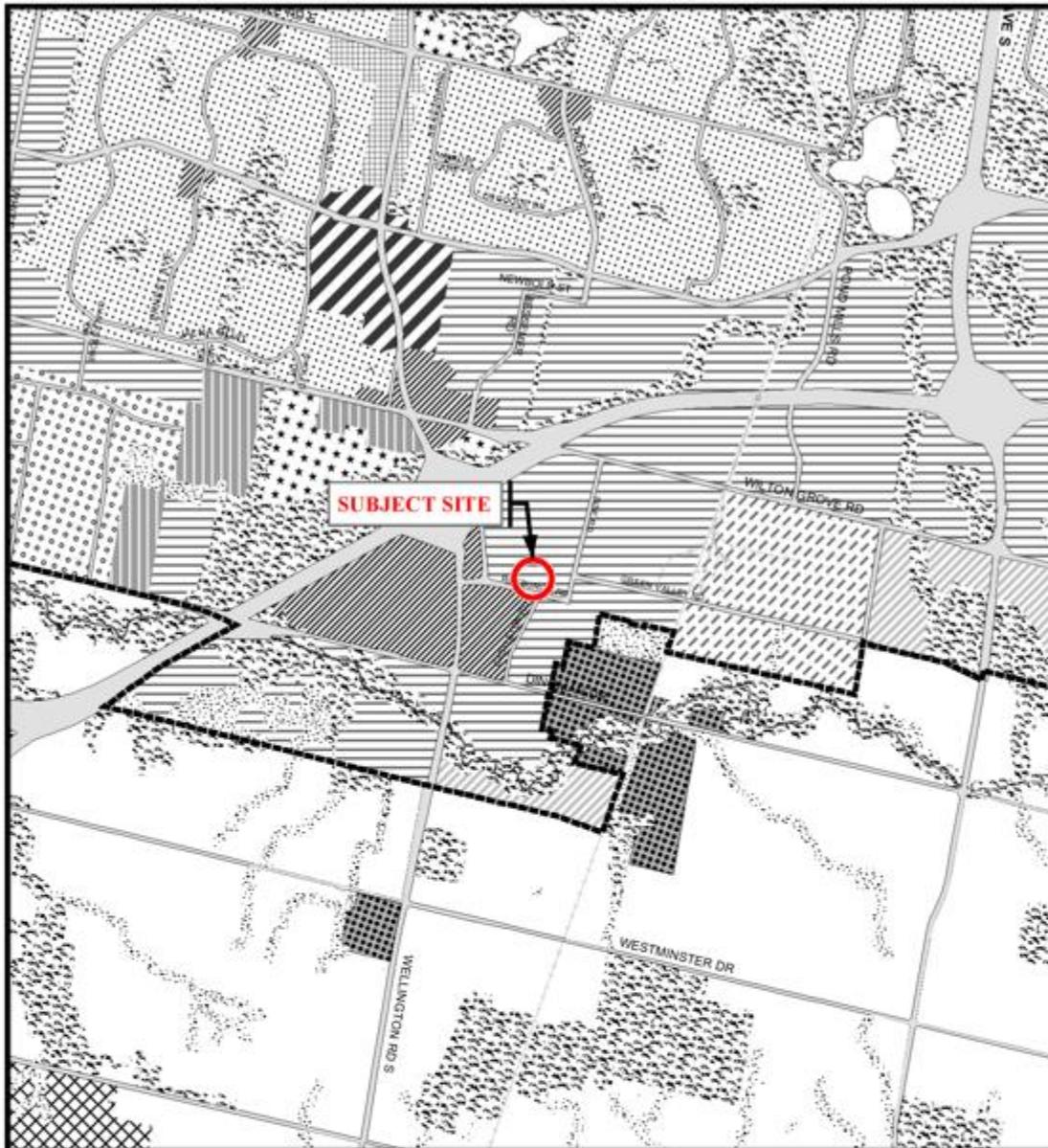
No comment regarding the ZBA itself.

Comments from SPC remain the same regarding:

- Reduce expansive asphalt and.
- Screen the site and surface asphalt from the public street with landscape screening and street trees.

Appendix C – Relevant Background

The London Plan – Map 1 – Place Types



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 Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

<p>CITY OF LONDON Official Plan</p> <p>LONDON PLAN MAP 1 - PLACE TYPES -</p> <p>PREPARED BY: Planning & Development</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>File Number: Z-9525</p> <p>Planner: AS</p> <p>Technician: RC</p> <p>Date: 2022/8/28</p>
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Project Location: E:\Planning\Projects\p_officialplan\workconso\00\excerpts_LondonPlan\mxd\Z-9525-EXCERPT_Map1_PlaceTypes.mxd

Zoning By-law Z.-1 – Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|--|---|
| <ul style="list-style-type: none"> R1 - SINGLE DETACHED DWELLINGS R2 - SINGLE AND TWO UNIT DWELLINGS R3 - SINGLE TO FOUR UNIT DWELLINGS R4 - STREET TOWNHOUSE R5 - CLUSTER TOWNHOUSE R6 - CLUSTER HOUSING ALL FORMS R7 - SENIOR'S HOUSING R8 - MEDIUM DENSITY/LOW RISE APTS. R9 - MEDIUM TO HIGH DENSITY APTS. R10 - HIGH DENSITY APARTMENTS R11 - LODGING HOUSE
 DA - DOWNTOWN AREA RSA - REGIONAL SHOPPING AREA CSA - COMMUNITY SHOPPING AREA NSA - NEIGHBOURHOOD SHOPPING AREA BDC - BUSINESS DISTRICT COMMERCIAL AC - ARTERIAL COMMERCIAL HS - HIGHWAY SERVICE COMMERCIAL RSC - RESTRICTED SERVICE COMMERCIAL CC - CONVENIENCE COMMERCIAL SS - AUTOMOBILE SERVICE STATION ASA - ASSOCIATED SHOPPING AREA COMMERCIAL
 OR - OFFICE/RESIDENTIAL OC - OFFICE CONVERSION RO - RESTRICTED OFFICE OF - OFFICE | <ul style="list-style-type: none"> RF - REGIONAL FACILITY CF - COMMUNITY FACILITY NF - NEIGHBOURHOOD FACILITY HER - HERITAGE DC - DAY CARE
 OS - OPEN SPACE CR - COMMERCIAL RECREATION ER - ENVIRONMENTAL REVIEW
 OB - OFFICE BUSINESS PARK LI - LIGHT INDUSTRIAL GI - GENERAL INDUSTRIAL HI - HEAVY INDUSTRIAL EX - RESOURCE EXTRACTIVE UR - URBAN RESERVE
 AG - AGRICULTURAL AGC - AGRICULTURAL COMMERCIAL RRC - RURAL SETTLEMENT COMMERCIAL TGS - TEMPORARY GARDEN SUITE RT - RAIL TRANSPORTATION
 "N" - 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**



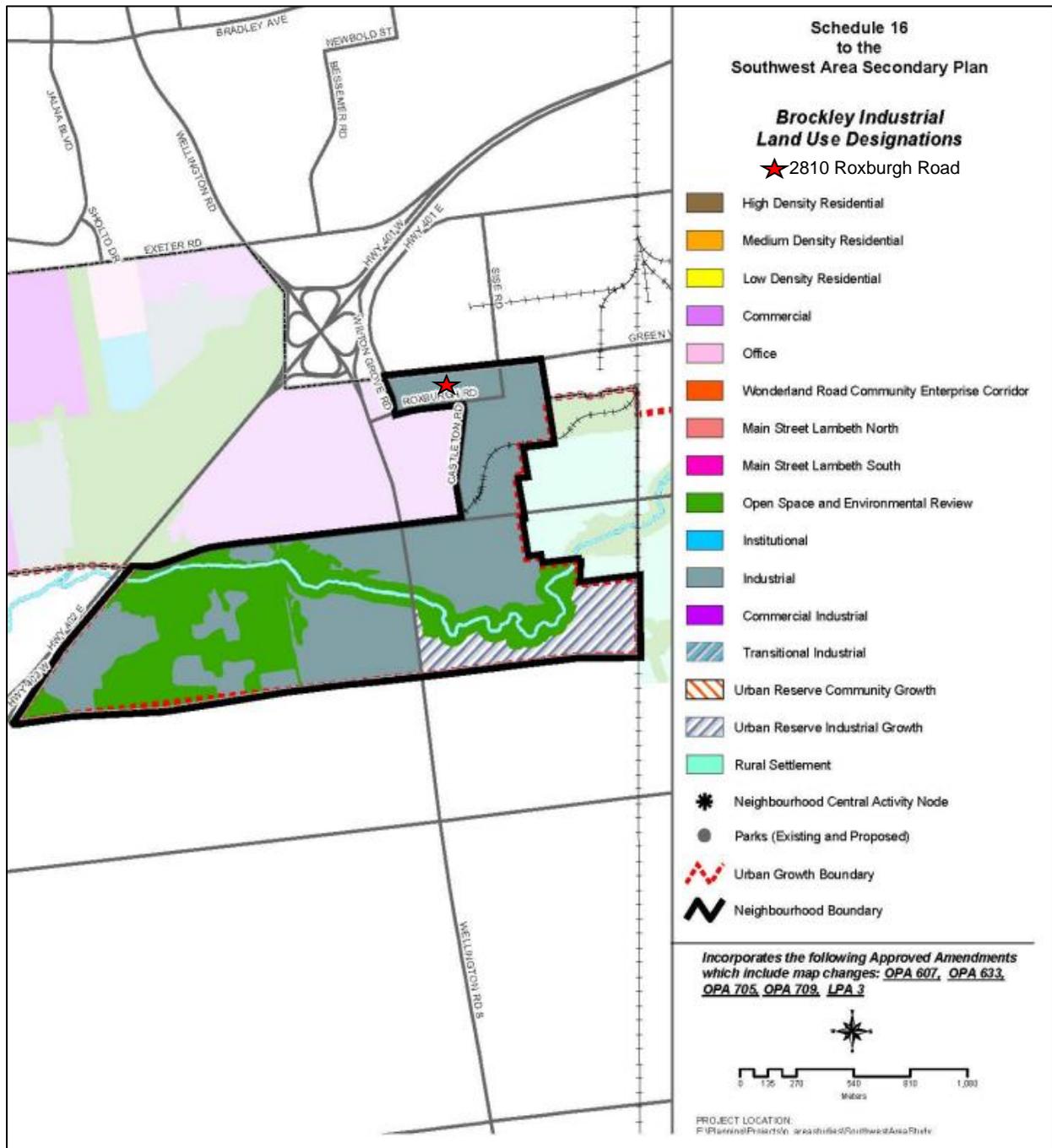
THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:
Z-9525 AS

MAP PREPARED:
2022/08/26 RC

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

Southwest Area Secondary Plan – Brockley Industrial Land Use Designations



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: 2445727 Ontario Inc. (Phil Pattyn)
16 Wethered Street
Public Participation Meeting
Date: October 03, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of 24457277 Ontario Inc. (Phil Pattyn) relating to the property located at 16 Wethered Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 17, 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** Residential R1 (R1-6) Zone **TO** a Residential R5-4 Special Provision (R5-4(_)) Zone;
- (b) The Site Plan Approval Authority **BE REQUESTED** to consider the following through the site plan process:
 - i) If board-on-board fencing will impact the existing trees, infill plantings will be required (damage to trees will require consent of adjacent landowners if they are not owned by 16 Wethered);
 - ii) Provide an alternative site design to allow a minimum of 2 street-oriented units along Wethered Street with the front face and primary entrances being oriented to Wethered Street;
 - iii) The applicant shall provide mirrored driveways for dwelling units fronting Wethered Street;
 - iv) Centrally located amenity space that is safely and comfortably accessible from all units.

Executive Summary

Summary of Request

The applicant has requested to rezone the subject site to permit the development of a two-storey, townhouse building, containing 8 units which is equivalent to 40 units per hectare.

Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to rezone the subject site to a Residential R5 Special Provision (R5-4(_)) Zone providing for townhouses that will permit the development. The following special provision would facilitate the development: permitted townhouse dwelling use, a minimum front yard setback of 5.0 metres whereas a 6.0 metre front yard setback is required, a maximum height of 10.5 metres and a minimum of 2 street-oriented units shall be required along Wethered Street with the front face and primary entrances being oriented to Wethered Street.

Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020, which encourages the regeneration of settlement areas and

land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment;

2. The recommended amendment conforms to the policies of the 1989 Official Plan, including but not limited to the Low-Density Residential Designation and Near-Campus Neighbourhoods;
3. The recommended zoning conforms to the in-force policies of *The London Plan*, including, but not limited to, the Neighbourhoods Place Type, City Building and Design, Our Tools, and Near-Campus Neighbourhoods
4. The recommended amendment facilitates the development of a site within the Built-Area Boundary and Primary Transit Area with an appropriate form of infill development.

Linkage to the Corporate Strategic Plan

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

Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change by encouraging intensification and growth at appropriate locations. This includes efficient use of existing urban lands and infrastructure. It also includes aligning land use planning with transportation planning to facilitate transit-supportive developments and encourage active transportation

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

In November 2021, the applicant, 2445727 Ontario Inc. (Phil Pattyn), submitted a zoning application to rezone the subject site to a Residential R5 Special Provision (R5-4(_)) Zone to facilitate the development of a 2-storey, 8-unit townhouse building. At the May 31st, 2021, Planning and Environmental Committee Public Meeting, the decision was made to defer the application and direct Civic Administration to review the proposal within the context of the Near Campus Neighbourhood Polices, as they relate to residential intensification, focusing on lots that front onto neighbourhood streets, but are immediately adjacent to rapid transit place types or urban corridor place types.

1.2 Planning History

After decades of planning policies that reacted to land use matters and applied policies on a site-specific basis in Near-Campus Neighbourhoods, Council directed Staff to undertake a comprehensive planning approach that *proactively* addressed residential intensification opportunities in these Near-Campus Neighbourhoods. This resulted in an initiative called “Closing the Gap: New Partnerships for Great Neighbourhoods Surrounding our University and Colleges.” This initiative was presented to the Planning Committee in February 2007 and highlighted the gaps between the vision for the Near-Campus Neighbourhoods and the state of affairs at that time. In November 2008, the results of these consultations were presented to the Planning Committee in the form of the Great Near-Campus Neighbourhoods Strategy and Implementation Plan, both of which were approved to address Near-Campus planning issues. The Great Near-Campus Neighbourhoods Strategy has been in effect since 2008, with Official Plan policies and Zoning regulations being in effect as of 2012.

In 2016 a review of the NCN was undertaken to determine whether the strategy is having

the desired effect and whether any changes are required to close the gaps between the vision and current conditions in the Great Near-Campus Neighbourhoods. As a result of that review the NCN boundary was redrawn and minor amendments were made in the existing policies.

1.3 Property Description

The subject site consists of one property located on the east side of Wethered Street, north of Oxford Street East. The subject site is approximately 0.2 hectares in size with a lot frontage of approximately 30m and yard depth of approximately 66m. Currently a single detached dwelling exists on the subject site.



Figure 1: 16 Wethered Street, facing west (Google Image, October 2020)

1.4 Current Planning Information

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods Place Type fronting a Neighbourhood Street (Wethered Street)
- Special Area Policy- Near Campus Neighbourhood Area
- Existing Zoning – Residential R1 (R1-6) Zone

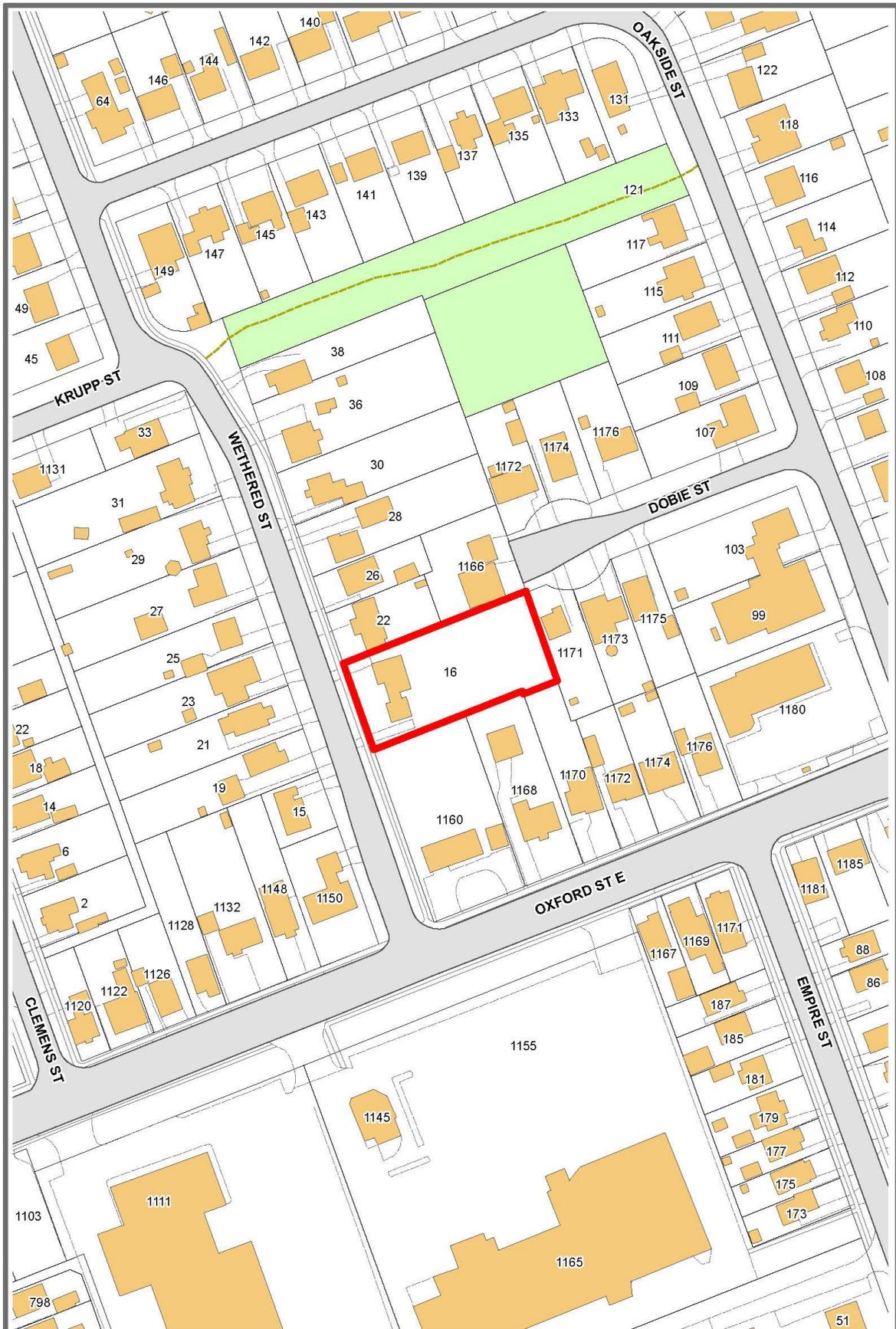
1.5 Site Characteristics

- Current Land Use – Single Detached Dwelling
- Frontage – 30 metres
- Depth – 66 metres
- Area – 0.2 hectares
- Shape – Rectangular

1.6 Surrounding Land Uses

- North – Low Density Residential
- East – Low Density Residential
- South – Low Density Residential/ multi-unit commercial plaza
- West –Low Density Residential

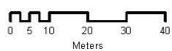
1.7 Location Map



LOCATION MAP

Subject Site: 16 Wethered Street
 File Number: Z-9309
 Planner: Alanna Riley
 Date: 05/05/2021

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



Scale 1:1500



Legend

- Buildings
- Parks
- Driveways/Parking Lots



Figure 3: Original Wethered Street Elevations



Figure 4: Revised Wethered Street Elevations



Figure 5: Building Elevations



Figure 6: Rendering; View from Wethered Street looking Northeast



Figure 7: Rendering; View from Wethered Street looking Southeast

2.2 Requested Amendment

The applicant is requesting a Residential Special Provision (R5-4(_)) Zone, which permits cluster townhouse dwellings and cluster stacked townhouse dwellings with a maximum of 40 units per hectare. Special provisions are being requested for:

- a minimum front yard setback of 5.0 metres in place of 6.0 metres

2.3 Community Engagement (see more detail in Appendix B)

Members of the public were given an opportunity to provide comments on this application in response to the notice of application given on February 10, 2021. Written and verbal replies were received from fifteen individuals.

The public's concerns generally included:

- Intensity
- Form
- Student Housing
- Loss of property value

Members of the public were given another opportunity to provide comments on this application in response to the notice of revised application give on June 30, 2022. Written responses were received from 2 members of the public.

The public's concerns generally included:

- Loss of privacy
- Noise

A petition of support was submitted by the applicant with 15 household signatures.

2.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement, 2020

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

Section 1.1 of the PPS encourages healthy, livable and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. The PPS directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities (1.1.3). As well, the PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities to meet projected requirements of current and future residents of the regional market area (1.4.1).

The London Plan

The London Plan is the new Official Plan for the City of London. On May 25th, 2022, an Ontario Land Tribunal decision resolved all remaining policy appeals within The London Plan, effectively bringing The London Plan into full force and effect. Any applications in process prior to the May 25th date should continue uninterrupted as per the “clergy principle” (the policies that were in force at the time the application was received will continue to direct that application). Both the 1989 Official Plan and The London Plan policies will be considered as part of this analysis.

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

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

- Planning to achieve a compact, contiguous pattern of growth – looking “inward and upward”;
- 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; and,
- Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place. (Key Direction #5, Directions 2, 4 and 5).

The London Plan also provides direction to make wise planning decisions by:

- Plan for sustainability – balance economic, environmental, and social considerations in all planning decisions. (Key Direction #8, Direction 1).

The site is in the Neighbourhoods Place Type fronting on a Neighbourhood Street (Wethered Street), as identified on Map 1 – Place Types and Map 3 – Street Classifications. Permitted uses within this Place Type include a range of low rise

residential uses, such as single detached, semi-detached, duplex, converted dwellings, townhouses, secondary suites, home occupations and group homes (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). The minimum permitted height is 1 storey, and the maximum permitted height is 3 storeys (Table 11 – Range of Permitted Heights in Neighbourhoods Place Type).

The subject site is located within the Near-Campus Neighbourhood Area, in proximity to Fanshawe College, as identified on Map 7- Specific Policy Areas of The London Plan. Policy 964_ of The London plan, states the Goal for Near-Campus Neighbourhoods will be planned to enhance their livability, diversity, culture, sense of place and quality of housing options for all residents.

The subject site is also within the Primary Transit Area which will be a focus of residential intensification and transit investment within London. The nature and scale of intensification will vary depending on the Place Type within the Primary Transit Area and will be a good fit within existing neighbourhoods (90_). Directing infill and intensification to this area is a major part of this Plan's strategy to manage growth in the city as a whole and to target 45% of all future residential growth in the Built-Area Boundary (91_).

1989 Official Plan

The subject site is designated Low Density Residential in accordance with Schedule 'A' of the 1989 Official Plan. The Low Density Residential designation permits primarily single detached, semi-detached and duplex dwellings. Residential intensification may be permitted up to 75 units per hectare in the form of single detached and semi-detached dwellings, attached dwellings, cluster housing and low-rise apartments, subject to specific criteria (3.2). The 1989 Official Plan identifies the subject site as being within the Near-Campus Neighbourhoods. The land use planning goals for Near-Campus Neighbourhoods encourage appropriate intensification to create balanced neighbourhoods that preserve stable low density residential neighbourhoods (3.5.19.4).

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: Provincial Policy Statement, 2020 (PPS)

Provincial Policy Statement, 2020

The PPS encourages an appropriate affordable and market-based range and mix of residential types, including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons to meet long-term needs (1.1.1b)). The PPS also promotes the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1e)).

The PPS directs settlement areas to be the focus of growth and development. Land use patterns within settlement areas shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; minimize negative impacts to air quality and climate change, and promote energy efficiency; prepare for the impacts of a changing climate; support active transportation and are transit-supportive, where transit is planned, exists or may be developed (1.1.3.2). Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment (1.1.3.2).

Consistent with the PPS, the recommended 8-unit townhouse development will contribute to the existing range and mix of housing types in this area. Further, this development will provide choice and diversity in housing options for both current and future residents. No new roads or public infrastructure are required to service the site, making efficient use of land and existence services. The recommended amendment facilitates the development of an underutilized site within a settlement area. In conformity of the PPS, the increased intensity of development on the site will make use of existing transit services, nearby recreational opportunities, institutional uses, shopping and entertainment service uses.

4.2 Issue and Consideration #2: Use

The London Plan

Policy 916_3 of the Neighbourhoods Place Type identifies key elements for achieving the vision for neighbourhoods, which includes a diversity of housing choices allowing for affordability and giving people the opportunity to remain in their neighbourhoods as they age if they choose to do so. Furthermore, policy 918_2 states that neighbourhoods will be planned for diversity and mix of unit types and should avoid the broad segregation of different housing types, intensities and forms. The development of a two (2)-storey, 8-unit townhouse development would contribute to a mix of housing types available in the area.

The subject site is in the Neighbourhoods Place Type of the London Plan fronting a Neighbourhood Street. Table 10 - Range of Permitted uses in Neighbourhoods Place Type, shows the range of primary and secondary permitted uses that may be allowed based on the fronting street classification (921). At this location, Table 10 would permit a range of residential uses including single detached, semi-detached, duplex, converted dwellings, townhouses, secondary suites, home occupations and group homes (Table 10-Range of Permitted Uses in Neighbourhoods Place Type).

1989 Official Plan

The subject property is designated Low Density Residential in the 1989 Official Plan. This designation contemplates primarily single detached, semi-detached and duplex dwellings. Residential intensification may be permitted up to 75 units per hectare in the form of single detached and semi-detached dwellings, attached dwellings, cluster housing and low-rise apartments. Zoning will ensure that infill housing recognizes the scale and character of the adjacent land uses and reflects the character of the area.

Analysis:

The recommended townhouse development will contribute to the existing range and mix of housing types in the area, which consists of one (1) to two (2)-storey single detached dwellings to the north, east and west. The abutting lands to the south contain duplex and triplex dwellings and are within the Urban Corridor Place type which permits mixed-use buildings with a policy context which could support maximum heights of up to eight (8)-storeys.

The townhouse use is permitted within the 1989 Official Plan and The London Plan and provides an appropriate land use to help buffer the abutting Urban Corridor to the internal neighbourhood. The development can be appropriately accommodated on the subject site, allows for an appropriate intensification and development, and increases the diversity of housing types within the neighbourhood.

The R5-4 zone also permits stacked townhouses which is not a permitted use in The London Plan on a neighbourhood street. As such staff is recommending removing stacked townhouses as a permitted use on the subject site.

4.3 Issue and Consideration #3: Intensity

The London Plan

The London Plan contemplates residential intensification where appropriately located and provided in a way that is sensitive to and a good fit with existing neighbourhoods (83_, 937_, 939_ 5. and 6., and 953_ 1. and 2.). The London Plan directs that intensification may occur in all place types that allow for residential uses (84_). The London Plan uses height as a measure of intensity in the Neighbourhoods Place Type. Prior to The London Plan appeal being finalized, a minimum height of 1 storey and a maximum height of 2.5 storeys is contemplated within the Neighbourhoods Place Type where a property has frontage on a Neighbourhood Street (Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type). Post May 25th, 2022 when The London Plan appeals were finalized, a minimum height of 1 storey and a maximum height of 3 storeys is contemplated. (Table 11- Range of Permitted Heights in the Neighbourhoods Place Type). The intensity of development must be appropriate for the size of the lot (953_3.). The London Plan encourages intensification within existing neighbourhoods to help support aging in place, diversity of built form, affordability, vibrancy and the effective use of land in neighbourhoods (59_5).

1989 Official Plan

Development within the Low Density Residential designation shall have a low-rise, low coverage form that minimizes problems of shadowing, view obstruction and loss of privacy. While residential densities are generally limited to 30 units per hectare, the Plan also provides for residential intensification through the development of vacant and/or underutilized lots within previously developed areas (3.2.1. and 3.2.3). Residential intensification can be permitted up to 75 units per hectare, if appropriate (3.2.3.3.). Zoning By-law amendments will ensure that infill development recognizes the scale of adjacent land uses and reflects the character of the area.

Analysis:

Through both the 1989 Official Plan and the London Plan, intensification is supported, where appropriate, if it can be demonstrated that the development is sensitive to, and a good fit within, the existing neighbourhood. The proposal will redevelop an underutilized lot at an appropriate location. The requested height of two (2)-storeys and density of 40 units per hectare is in keeping with the policies of the 1989 Official Plan and The London Plan. The height is considered appropriate for this location and Staff are satisfied that the subject lands are of a size accommodating a more intensive redevelopment.

Additionally, the subject site is located within 400 metres of a broad range of commercial, retail, open space and institutional uses. The notable features within this 400-metre radius include Krupp Park, Flanders Park, Oxbury Centre Commercial Plaza, Mornington Park and Blessed Sacrament Catholic Elementary School. The increased intensity of development on the site will make use of existing transit and public services in the area. In particular, the site is within 500 metres to the future Bus Rapid Transit at Highbury and Oxford which connects to Fanshawe College and downtown.

4.4 Issue and Consideration #4: Form

The London Plan

The London Plan encourages compact forms of development as a means of planning and managing for growth (7_, 66_). The London Plan encourages growing “inward and upward” to achieve compact forms of development (59_ 2, 79_). The London Plan accommodates opportunities for infill and intensification of various types and forms (59_ 4). To manage outward growth, The London Plan encourages supporting infill and intensification in meaningful ways (59_8).

Within the Neighbourhoods Place Type, and according to the urban design considerations for residential intensification, compatibility and fit will be evaluated from a form-based perspective through consideration of site layout, access points, driveways, landscaping, amenity areas, building location and parking, building and main entrance

orientation, building line and setback from the street, height transitions with adjacent development, and massing (953_ 2.a. to f.). City Design policies further encourage/require design details, such as principal building entrances along the public right-of-way (291_), the inclusion of outdoor amenity spaces (295_), and reduction in parking in areas with transit (271_). Similar to the Planning Impact Analysis criteria within the 1989 Official Plan, the Our Tools section of The London Plan contains various considerations for the evaluation of all planning and development applications (1578_).

1989 Official Plan

Development within areas designated Low Density Residential shall have a low-rise, low coverage form that minimizes problems of shadowing, view obstruction and loss of privacy. Infill projects are subject to the preparation of a Neighbourhood Character Statement assessing the physical environment of the neighbourhood, composed of its lots, buildings, streetscapes, topography, street patterns and natural environment (3.2.3.3.). They are also subject to a Statement of Compatibility to demonstrate that the project is sensitive to, compatible with, and a good fit within the existing surrounding neighbourhood (3.2.3.4.). Applications for residential intensification are also to be evaluated on the basis of Section 3.7 – Planning Impact Analysis (3.3.3ii).

Analysis:

The changes which the applicant implemented include a greater portion of fenestration on all elevations, addition of more articulation features, including additional gables and parapets, a front door facing Wethered Street for the westerly townhouse unit, with a front porch and canopy, a greater variety and orientation of cladding materials. The revisited elevations more closely resemble a single detached dwelling façade that will further enhance the Wethered Street streetscape.

Planning and Development Staff acknowledge the efforts made by the applicant to adjust the form of development to make it a better fit within the neighbourhood however, Staff are not satisfied that the revised elevations provide a significant change which help the development achieve an appropriate level of compatibility within the neighbourhood. Staff is not supportive of the proposed site layout and is recommending an alternative layout. Staff's recommendation will ensure the future development of the lands will provide a site layout that provides street-oriented development which maintains and reinforces the prevailing street wall of existing buildings and provides a built form that is in keeping with and compatible within the surrounding context. Staff are recommending that any future development provide a minimum of 2 units parallel to and facing Wethered Street with a unit layout that supports and fits within the existing height and massing of the neighbourhood (256_). An additional townhouse block can be located at the rear of the property with individual driveways for each unit. Further, Staff are recommending that any surface parking be buffered from the street by the building with the driveway located closer to the south property line. This would be a preferable layout if the properties to the south redevelop to a higher built form (272_). Lastly, a centrally located amenity space that is safely and comfortably accessible from all units should be provided (295_). An example of the site concept staff is seeking to achieve for the subject site is shown in Figure 8. The site design and layout will be confirmed through a subsequent site plan application process and will be subject to Site Plan Control (1674_).

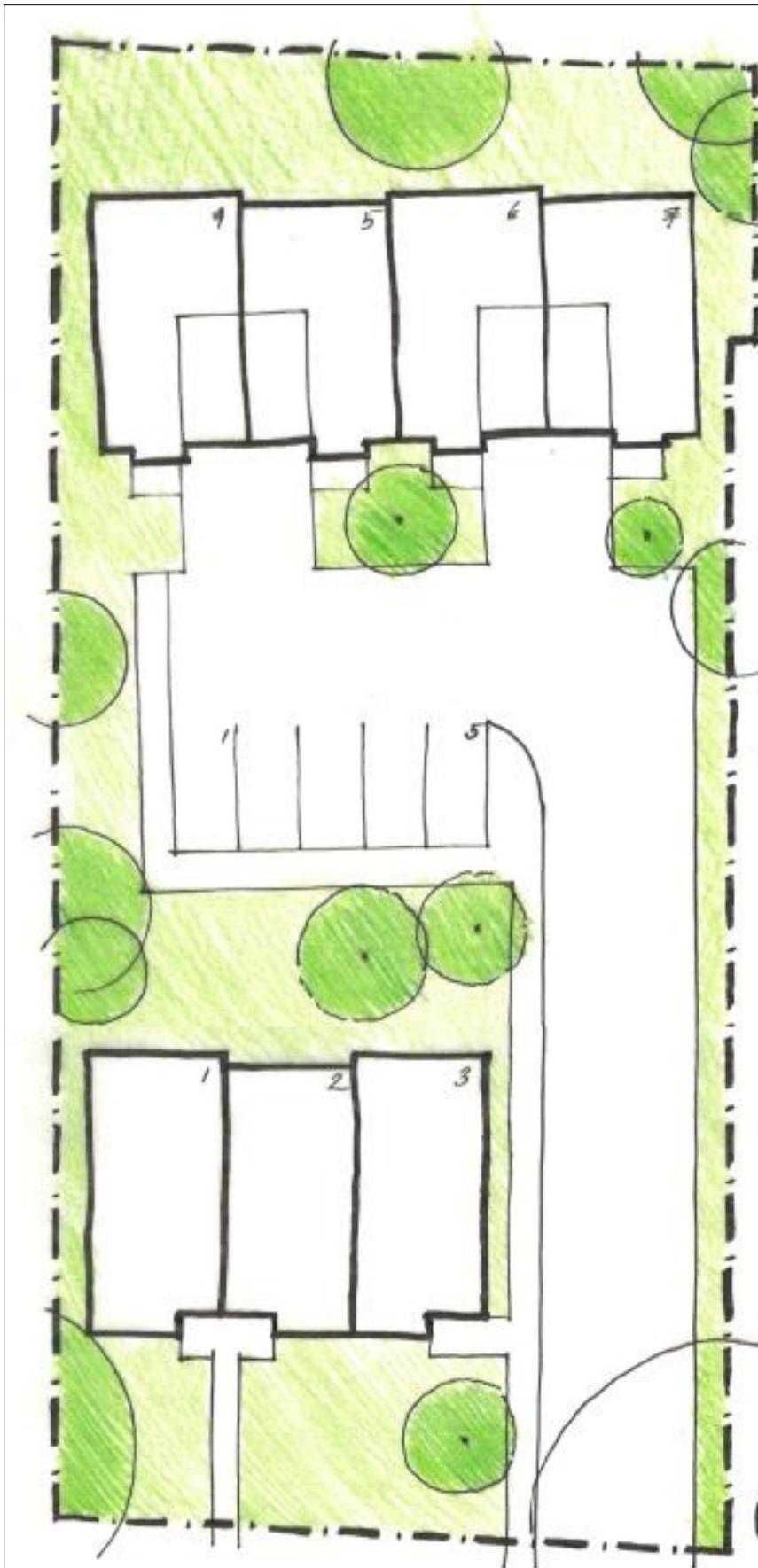


Figure 8: Alternative Site Layout for Discussion Purposes

4.5 Issues and Consideration #5: Near Campus Neighbourhood Policy

Near-Campus Neighbourhoods are identified as extremely valuable city neighbourhoods that will be planned to enhance their livability, diversity, vibrancy, culture, sense of place, and quality of housing options for all (963_ and 964_; 3.5.19.3). The policies of The London Plan and 1989 Official Plan establish a number of planning goals in an effort to support this vision for these neighbourhoods (965_; 3.5.19.4.). These goals are intended to serve as an additional evaluative framework for all planning applications within Near-Campus Neighbourhoods, and include:

- Planning for residential intensification in a proactive, coordinated, and comprehensive fashion;

- Identifying strategic locations where residential intensification is appropriate within Near-Campus Neighbourhoods and which use strong transit connections to link these opportunities to campuses;
- Avoiding incremental changes in use, density, and intensity that cumulatively lead to undesirable changes in the character and amenity of streetscapes and neighbourhoods;
- Encouraging a balanced mix of residential structure types at appropriate locations while preserving stable residential areas and recognizing areas that have already absorbed significant amounts of intensification;
- Encourage appropriate forms of intensification that support the vision for Near-Campus Neighbourhoods and encouraging residential intensification in mid-rise and high-rise forms of development;
- Directing residential intensification to significant transportation nodes and corridors and away from interior of neighbourhoods;
- Utilizing zoning to allow for residential intensification which is appropriate in form, size, scale, mass, density, and intensity;
- 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.
- Encourage affordable housing opportunities; and,
- Ensure intensification is located and designed to respect the residential amenity of nearby properties.

In Near-Campus Neighbourhoods, residential intensification or an increase in residential intensity may be permitted in the Neighbourhoods Place where the following criteria is met (968_; 3.5.19.9):

- The development is consistent with Tables 10 to 12 in the Neighbourhoods Place Type;
- The development provides for adequate amenity area;
- Mitigation measures are incorporated which ensure surrounding residential land uses are not negatively impacted;
- The proposal does not represent a site-specific amendment for a lot that is not unique within its context and does not have any special attributes;
- The proposal is appropriate in size and scale and does not represent over-intensification of the site; and
- The proposal establishes a positive and appropriate example for similar locations in the Near-Campus Neighbourhoods areas.

Policy 969_ of The London Plan and Policy 3.5.19.5 of the 1989 Official Plan further discourage forms of intensification within Near-Campus Neighbourhoods that:

- Are inconsistent with uses and intensity shown in Tables 10 to 12 of The London Plan;
- Are within neighbourhoods that have already absorbed significant amounts of residential intensification and/or residential intensity;
- Require multiple variances that, cumulatively, are not in keeping with the spirit and intent of the zoning that has been applied;
- Are located on inadequately sized lots that do not reasonably accommodate the use, intensity or form of the use;
- Contain built forms that are not consistent in scale and character with the neighbourhood;
- Continue an ad-hoc and incremental trend towards residential intensification within a given street, block or neighbourhood

In general, Residential Intensification is contemplated in Near Campus Neighbourhoods where the site can function and accommodate the site requirements related to servicing, parking, grading and the retention of significant vegetation for the development, is appropriate within the context of the neighbourhood and adheres to the policies set forth in both the London Plan and 1989 Official Plan. Staff are satisfied that the recommendation will provide an appropriate form of residential intensification within a Near Campus Neighbourhood Area. Given the site's location on the periphery of a low

density neighbourhood and in the proximity to the Urban Corridor Place Type, the proposal is considered an appropriate location and form of intensification to provide a transition from future higher intensity development along Oxford Street East to the existing low density residential neighbourhood.

The development is consistent with range of uses and heights shown in Tables 10 to 12 in the Neighbourhood Place Type. The 2-storey townhouse is an appropriate form of intensification. The site is appropriately sized to accommodate the intensification, providing for all the necessary functions, including amenity space, parking, landscaped areas and privacy. Further, in evaluating the policies set forth in both Official Plans pertaining to intensification in Near-Campus Neighbourhoods, the proposal is in conformity given the following:

- The Neighbourhood has been subject to limited amounts of residential intensification and the subject lands are well suited for redevelopment;
- The development encourages a balanced streetscape;
- The development is appropriate for the subject lands;
- The subject site is sufficiently sized to support the use;
- The proposal maintains the intent of the Zoning By-law;
- The proposal provides sufficient on-site amenity areas and parking;
- The building is an appropriate scale and character within the context of existing and future development within the neighbourhood

4.6 Issues and Consideration #6: Lots Fronting Neighbourhood streets but are immediately adjacent to rapid transit place types or urban corridor place types.

As directed by the Planning and Environment Committee, proposal has been evaluated in the context of fronting a Neighbourhood Street but immediately adjacent to Rapid Transit Place Types or Urban Corridor Place Types. The subject site is approximately 60 metres from Oxford Street to the South, classified as an Urban Thoroughfare in Map 1, and is directly abutting the Urban Corridor Place Type.

Within the Urban Corridor Place Type, there is support for the development of a variety of residential types, with varying size, affordability, tenure and design that a broad range of housing requirements are satisfied (837.1) Urban Corridors will be places that encourage intensification over the course of The London Plan so that they can mature to support higher-order transit in the future (828_). Further, within intensification will be carefully managed through the interface between corridors and the adjacent lands within less intense neighbourhoods (830.6) Given the planned function of Oxford Street East for more intense mixed-use development, the development is an appropriate example for appropriate intensification in a location that can provide a transition between high-and low-intensity uses.

Within the Urban Corridor Place Type, buildings have a standard maximum height of six (6) storeys and are to be sensitive to adjacent land uses and employ such methods as transitioning buildings heights or providing sufficient buffers to ensure compatibility (840.1). The townhouse building is to be two (2)-storeys and below the maximum height permitted in the Urban Corridor Place Type. The surrounding dwellings are generally one (1) to two (2) storeys which is a compatible building height to the neighbouring low density residential uses. Further, adequate setbacks are provided to ensure compatibility with surrounding land uses. In addition to the setbacks, there is also adequate space available to increase privacy through screening and buffering, to minimize the loss of privacy for adjacent properties. Through the Site Plan approval process, the proposal will ensure that privacy is achieved through the provision of board on board fencing, the use of landscaping and planting to enhance screening and buffering, and maximize privacy between neighbours. Staff are satisfied that the intent of the Urban Corridor Place Type policies have been achieved.

4.7 Issue and Consideration #7: Zoning

The stacked townhouse building requires special provisions to facilitate the development. The following is an analysis of the request and staff's response:

- *A minimum front yard depth of 5.0 metre, whereas 6.0 metres is required* - The reduced front yard depth reflects current urban design standards in The London Plan, which encourages buildings to be positioned with minimal setbacks to public rights-of way to create a street wall/edge that provides a sense of enclosure within the public realm (259_). Additionally, the reduced front yard setback is appropriate for the site as it helps to activate the streetscape. Staff has no concerns with this proposed setback.

Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and the Near-Campus Neighbourhood Area Policies. Further, the recommended amendment is in conformity with the in-force policies of the 1989 Official Plan, including but not limited to the Low Density Residential designation. The recommended amendment will facilitate the development of an underutilized site with a land use, intensity, and form that is appropriate for the site.

Prepared by: Olga Alchits
Planner I, Planning Implementation

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

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

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

Appendix A

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

By-law No. Z.-1-22_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 16 Wethered Street.

WHEREAS 24457277 Ontario Inc. has applied to rezone an area of land located at 16 Wethered Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 16 Wethered Street, as shown on the attached map comprising part of Key Map No. A103, from a Residential R1 (R1-6) Zone **TO** a Residential R5 Special Provision (R5-4(_)) Zone.
- 2) Section Number 9.4 of the Residential R5 (R5-4) Zone is amended by adding the following Special Provision:
 -) R5-4(_) 16 Wethered Street
 - a) Permitted Use
 - i) Townhouse Dwelling
 - b) Regulations
 - i) Front Yard Depth (Minimum) 5.0 metres (16.4 feet)
 - ii) Height (Maximum) 10.5 metres (34.4 feet)
 - iii) A minimum of 2 street-oriented units shall be required along Wethered Street with the front face and primary entrances being oriented to Wethered Street.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on October 17, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – October 17, 2022
Second Reading – October 17, 2022
Third Reading – October 17, 2022

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



Zoning as of July 29, 2022

File Number: Z-9309
Planner: OA
Date Prepared: 2022/09/07
Technician: rc
By-Law No: Z-1-

SUBJECT SITE 

1:800

0 4 8 16 24 32 Meters



Appendix B – Public Engagement

Community Engagement

Notice of Application:

Public liaison: On February 10, 2021, Notice of Application was sent to surrounding 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 February 10, 2021. A “Planning Application” sign was also posted on the site.

Replies from 15 individuals were received

Nature of Liaison:

16 Wethered Street – The purpose and effect of this zoning change is to permit an 8-unit, 2-storey townhouse building with a density of 40 units per hectare. Possible change to Zoning By-law Z.-1 **FROM** a Residential R1 (R1-6) Zone **TO** a Residential R5 Special Provision (R5-4(_)) Zone. A zoning special provision is requested to permit a front yard depth of 5.0 metres in place of 6.0 metres. File: Z-9309

Responses: A summary of the various comments received include the following:

Concern for:

The public’s concerns generally included:

- Intensity
 - Traffic volume and safety issues
 - Noise issues resulting from an increased amount of traffic and number of people
 - On-street parking, garbage
 - Privacy and overlook
- Form
 - Ignores the single-family home characteristics of the neighbourhood
 - Decay of the neighbourhood
 - Encroachment into the neighbourhood
- Student Housing
 - The proposal will contribute to a pre-existing imbalance of student to non-student population in the neighbourhood
 - 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 some students prefer the lack of behavioural regulation of this form of housing
- Loss of property value

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

I am inquiring about File: Z-9309 - 16 Wethered St and the proposed zoning change.

Would you please provide details about the builder? When this is proposed to start and when a hearing will be for this proposal?

I had called on Friday and left a voicemail regarding this file and am expecting to hear back from you early this week. I recognize Monday is a holiday, but I had called first thing on Friday morning.

Thanks so much,

Marjorie Leyland

I am hoping to acquire further information on the current planning application at 16 Wethered Street, with the hope that the implications and concerns therein can be considered when reviewing the application. My family and I reside at 1171 Dobie Street, immediately east of the property under review. Below is a list of our questions at this time.

1. Will the proposed units be freehold townhouses? Having individual ownership is an important factor in ensuring the occupants of the units have the pride of place needed to retain integrity in the property, but as well, the neighbourhood as a whole.
2. Will garbage be collected at the curb of each individual unit, or in communal dumpsters? Once again, having individual ownership in combination with individual garbage collection will encourage individual accountability and eliminate the issues of sights, sounds, and smells associated with communal waste storage bins and/or dumpsters.
3. The site plan included in the notice does not indicate fencing. However, the rendering illustrated that which appears to be a standard 6' tall privacy fence. A full fence wrapping the entire property will be important to maintain privacy, as well as reduce the likelihood of people cutting through the back of the property to reach Dobie Street.

I am looking forward to hearing back from you with any information and insight that you can provide.

All the best,

Enrique Banuelos

Hello my names Roberto Voivoda. 1166 Dobie street. I have multiple concerns about 16 wethered street rezoning and the notice of planning. As I live right next door to the proposed new zoning and build, we feel that it will make an unsafe area for my family and kids. First is a lengthy build period, interrupting my family's day to day life, kids learning, study time and safe outdoor play in our yard. Also electric outages, water stoppage, sewer, and other unforeseen events. Not to mention the dust, garbage, noise, smells, workers being able to look into our home, and backyard playing area for my kids. As they deserve there safe space on our property to play and grow up. Next is the proposed build itself, being 2 story's there will be 8 units with visibility from window directly into our home, and safe place backyard where we enjoy our time with our kids. As my wife has anxiety issues, logged issue at my daughter's school of a stalker in the area. There are concerns of noise, cleanliness, "privacy violations", and being a townhouse complex encroaching on small family homes. Also this is complex there will be a garbage dumpster according to law, as the proposed building images show and the land images there would only be a few area to place the garbage area, towards our home front yard corner or the neighbour's back yard, bringing in pests, animals, people and more. Also considering there are many family's of young kids, and elderly in this area, we worry of students aswell, improper behavior, loud noises late at night, garbage, trespassing on properties for short cuts across lawns and damages to properties.

Our largest concerns is my kids and wife well being and safety. We feel this proposal will be non beneficial to the area, not just in safety of the people living here, Canadian privacy issues and our rights, our children's safety and health, and property values as this area has been zoned for a long time as single family homes and dwelling. We ask

that this proposal be stopped and unable to continue. Also that the land be rezoned to its original status for single family residence.

We humbly ask to be kept up to date on all decisions on this proposal.

Sincerely,
ROBERTO VOIVODA

I am writing to advise that I am against the zoning change to 16 Wethered Street, to permit the building of an 8-unit, 2-storey townhouse.

I live on Bucke Street, which is very close to the proposed building site. Over the past 30 years of living here, I have seen an ever increasing decay in the neighbourhood, due primarily to the presence of rental units. Of the thirty odd residential buildings on Bucke Street, I estimate that currently at least ten of them are rented to students and other individuals. Currently, on my right, two houses away, the residence is rented; the two houses on my left are both rented and the house behind me is rented.

We do not need an 8 unit townhouse in the area. I am afraid this will just further speed up the decay of the area.

I believe the area should be single family residences, lived in by families that care about the area and take care of their properties.

The City is also negligent in looking after the area. We were to get new sewers and our street redone five or six years ago. This has now been put on hold. All of the streets around us have been upgraded, but our street is the same as it was back in 1960.

I do not want a rental townhouse building in my area. Once one is built, I am afraid others will follow.

Thanks and regards, Derwin Lamont

I talked to a few home owners, and they all oppose the change to the zoning, like me, I will also talk to the Ward Councillor Jesse Helmer. WE DO NOT NEED MORE CONGESTION IN TRAFFIC, AND GARBAGE ON THE STREET. GIVE THE ENVIRONMENT PRIORITY. Please register my letter against the BY-Law Amendment change.
Domenico Piovoso

We are concerned about the proposed amendment for 16 Wethered Street. The proposed zoning change to an eight-unit, two-storey townhouse is what we and many of our neighbours are opposed to. We live in a pleasant neighbourhood and have a wonderful community. One of the concerns is adding all these houses will cause many extra vehicles to be parked on the nearby streets. Our desire is to keep and maintain the desirability and quiet community we have here in Mervin Heights.

Please do not change the zoning for 16 Wethered Street. Please do not let them build and overcrowd our neighbourhood.

Thank you
Rik and Christina Kool

Our neighbourhood does not need a two story walkup, please do not rezone, we have enough unruly students living in the area already affecting property values.

Jim Hilliard

The lack of visitor parking in the proposed application will result in additional people parking on the street south of 16 Wethered.

I would like more visible "no parking" signage on the east side of Wethered just south of 16 Wethered St. The existing signage is not sufficient and there are often vehicles parked in the "no parking" area. The increased number residences and visitors of the new residents increases the likelihood of parking in the "no parking" area.

Zach

I do not wish to see a change in the current Zoning bylaw (Residential R1 (R1-6)). I also realize that the lot size of 16 Wethered St. is large but as the neighbourhood is all single family homes, a 8 unit two storey townhome would not fit the area profile.

I would not object to two or perhaps three single family dwellings on that lot. There are many homes in our neighbourhood with fairly large lot sizes, so I would not want to set a precedent with the approval of this project.

Thank-You
Paul Rooks

pertaining to the address: 16 Wethered Street.

I also would like to introduce myself as Jordan Hough, owner of 99 Oakside Street for the past seven plus years as of now. I am quite enthused in receiving this notice as our property at 99 Oakside went through a similar, though, not as ambitious project in the respective neighbourhood. I have been elated these past few years to see many planning applications and the complete process of infill within and around our neighbourhood.

I would like to be included throughout this process inclusive of any committee meetings etc. The best way to contact myself would be through e-mail:

jordan@jocarpentry.ca

Thank you for your time,
Jordan

I have received and entirely examined the Notice of Planning Application (File: Z-9309)

I saw the sign went up at this address to say they want to turn it into a 8 unit apartment.

I would object to this proposal as all the homes in this area are single family homes and does not fit with the rest of the neighborhood.

Also with 8 units there will be an increased traffic flow to this area too, which is not good for the area as this way is the main way to a major road.

Also this is a school bus route and having more traffic along this route will impact that as well.

Lastly with the increased number of people on such a small property will result in more street parking and more people on the road.

I would approve a single family home like all the properties in this area. Anything other than that will affect the lively hood of all people in the area.

Thanks,
Wayne

I am writing you this morning as we only found out this morning of this plan of zone change. I am very disappointed that you think this is not a decision that everyone on the street should have been notified of.

My husband and I would like to express that we do not agree with these changes and will be notifying the rest of our neighbours, as many will have the same views.

I hope a decision has not already been finalized and if so that it was NOT approved.

Thank you for taking the time to read this and to pass along to all who need to read.

Hello all,

I, Roberto Voivoda, and my wife Moo Ching Chang, are writing this email again, opposing 16 Wethered Street zoning amendment to allow an eight-unit, two-storey townhouse complex from being built.

It took us a lot of effort, tens of failed housing bidding wars, more than 3 years to finally get a house, a quieter environment for our very young kids to live and grow in due to the rapidly climbing housing market in London since 2016 when our first baby was born. We have moved to 1166 Dobie Street (which is right beside the proposed rezoning house) since August 01, 2020, less than a year, only 6 months, and we have received the letter from London City about the notice of planning application, we were very sad to see the news because we knew if there is eight-unit, two storey townhouse being built right next to our house, our backyard, us and our kids' safety and privacy will be fading away.

Firstly, we are very concerned about our kids (boy - 2 years old and girl - 4 years old) safety and privacy. According to the plan, the eight-units will have visibility from first and second storey windows directly into our home, our daughter's room, son's room, our kitchen and adjacent rooms and our backyard. We won't feel comfortable or safe to let our kids play in our backyard.

Secondly, thirdly and ongoing concerns are repeatedly from our 1st complaint email.

We humbly ask this eight-unit, two-storey townhouse proposal of 16 Wethered Street be stopped, and remain its original status for single family residence.

Thank you.

Sincerely,
ROBERTO VOIVODA

Notice of Revised Application:

Public liaison: On June 30 2022, Notice of Application was sent to surrounding 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 June 30, 2022. A "Planning Application" sign was also posted on the site.

2 written responses were received and letters of support with 15 signatures was submitted by the applicant.

Nature of Liaison:

16 Wethered Street – The purpose and effect of this zoning change is to permit an 8-unit, 2-storey townhouse building with a density of 40 units per hectare. Possible change to Zoning By-law Z.-1 **FROM** a Residential R1 (R1-6) Zone **TO** a Residential R5 Special Provision (R5-4(_)) Zone. A zoning special provision is requested to permit a front yard depth of 5.0 metres in place of 6.0 metres. File: Z-9309

I received a notice of revised planning application in the mail today regarding 16 wethered st. I live at 27 wethered st. I think many of us have concerns of placing a 8 until 2 storey townhouses on or quiet street. It needs to be a reduced unit. I don't want to see traffic and garbage. We are in a public school street also.

Robyn Nakagawa

Dear Olga

This is in response to the letter received by us on July 5th 2022. We have a number of concerns with the rezoning of 16 Wethered St. Aside from this change negatively affecting property values we have a few more concerns:

1. This is a single dwelling residential zone and the changing of the zoning for this area will invite many more developers to come in and build multi-dwelling buildings on this street. Almost all the properties on our street have these ample backyards of appx. 66 metres in depth.
2. The additional traffic and limited parking will be problematic. We already have a high volume of cars on our street partially due to a public school at the end of the street. Small children coming to and from school will be met with additional traffic as well as more cars parked on the street.
3. We are situated at 22 Wethered St which is right next door to the proposed site. This means that instead of 1 dwelling occupying the property next to us, we will have 8 dwellings next to our property. Increased noise of cars, people, animals, etc. The property's back yards will back onto our back yard encroaching on our privacy; especially from the upper floors looking down on our back yard. There will be only 6 metres from the physical building of the new dwellings to our property line. The amended proposal's only change from 2021 is that the frontage of the building is reduced even more from 6 metres to 5 metres.
4. Eight units is too many for that small space. I would think a maximum of 4 units. Or if the units could be situated facing Wethered Street in 2 or 3 rows that would give some relief to so many units backing onto or facing any one property.
5. There is no mention of a fence or how high the fence would be separating our 2 properties. The plans only show that landscaping and trying to preserve existing trees will be done to try and give some privacy.
6. How will garbage be addressed? 8 units with garbage cans in their back yard - which faces my back yard.... Will there be a central garbage collection site/ bin on the property and if so where will that be located?

I hope you will take these points into consideration when making a decision of rezoning this area.

Judy Vatcher
Jim Young

RE: File Z-9309 Zoning By-Law Amendment
To Whom it may concern,
We are the property owners at 22 Wethered St. London On.

We have our front and back yards abutting next to the pending development at 16 Wethered St.

We heard that some people were suggesting a change in the direction of the property in that the front of the new development would be facing our property instead of the back of the new development facing our property.

We are against the change in positioning the building for the following reasons:

Noise and fumes from people leaving and returning home since their driveways would be facing our property.

The front of the property would be facing our property so they would be able to look into our back and front yards from their property. If the back of their property was facing us then only the upstairs bedroom windows would be looking down on our back and front yard space.

If the front of the property was facing our property the roadway into the units would have to be practically butting up against the fence separating our 2 properties meaning that traffic going in and out of the property would be right next to us.

If there is a central garbage bin for the new townhouses units then a garbage truck would also be using this roadway into the units adding to the noise and pollution.

We hope you will take into consideration our concerns of this proposal to change the placement of the building. If not then we will be much more likely to oppose the development from going forward

Judy Vatcher
Jim Young

Letters of Support

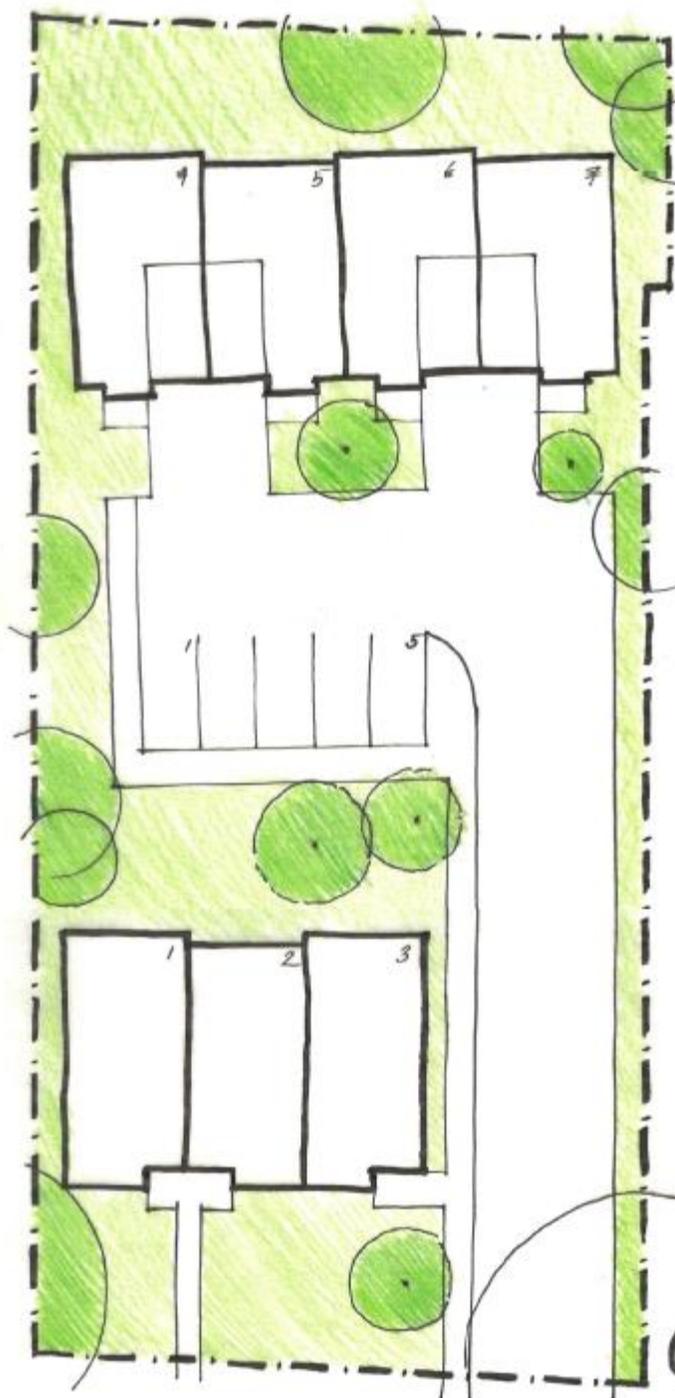
I am a resident of the neighbourhood and wish to advise the City that I support the proposed Zoning By-Law Amendment at 16 Wethered Street. This property has been vacant for too long and it would be great to see something done with it.

	Signed By	Address
1.	Martin Liersch	19/21 Wethered Street
2.	Refa Makagawa	27 Wethered Street
3.	Tara Soppet	28 Wethered Street
4.	Dylan McMurray	31 Wethered Street
5.	Emir Mudds	33 Wethered Street
6.	Sachia	15 Wethered Street
7.	Zack McIquis	38 Wethered Street
8.	Haley Roberts	38 Wethered Street
9.	Owner	1160 Oxford Street East
10.	Satyen Verma	1168 Oxford Street East
11.	Owner	1150 Oxford Street East
12.	Andrew Hall-Holland	1185 Oxford Street East
13.	Andrew Hall-Holland	1128 Oxford Street East
14.	Andrew Hall-Holland	1132 Oxford Street East
15.	Owner	99 Oakside Street

Departmental and Agency Comments

Urban Design (July 21, 2022)

- The applicant is asked to provide an alternative site layout that better demonstrate the policies of The London Plan. Please see below for a concept sketch based on the below comments, for discussion purposes only.
 - Provide street orientated development that maintain and reinforce the prevailing street wall of existing buildings. Provide units that are parallel to and facing Wethered Street with a unit layout the supports and fits within the existing height and massing of the neighbourhood **[TLP 256_]**. An additional townhouse block can be located at the rear of the property with individual driveways for each unit.
 - Ensure surface parking is buffered from the street by the building with the driveway located closer to the south property line. This would be a preferable layout if the properties to the south redevelop to a higher built form **[TLP 272_]**.
 - Provide a centrally located amenity space that is safely and comfortably accessible from all units **[TLP 295_]**.



Site Plan (August 11, 2022)

1. The applicant is to confirm the intent for garbage pick-up. If deep waste collection is proposed, identify the proposed location on the site plan.
2. If board-on-board fencing will impact the existing trees, we would be looking for infill plantings for the gaps (this may go in the Council Reso to further look at through the SP process). Where possible, we will be looking for board-on-board fencing.
3. Similar to comments provided by UD, provide an alternative site design to allow street facing units with garages at the rear and units along the back. This will provide for the continued street-wall and have the rear block private amenity spaces abutting the other private amenity spaces.

Parks Planning and Design (July 21, 2022)

- 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.

Ecology (August 11, 2022)

Confirmation that there are currently no ecological planning issues related to this property and/or associated study requirements.

Major issues identified

- No Natural Heritage Features on, or adjacent to the site have been identified on Map 5 of the London Plan or based on current aerial photo interpretation.

Ecology – complete application requirements

- None.

Notes

- None.

Heritage Planning, August 17, 2022:

Re: Archaeological Assessment Requirements- Heritage Comments

This memo is to confirm that I have reviewed the following and find the report's (analysis, conclusions and recommendations) to be sufficient to fulfill the archaeological assessment requirements for (Z-9309)

- Lincoln Environmental Consulting Corp. Stage 1-2 Archaeological Assessment of 16 Wethered Street. Middlesex County, Ontario November 2020.

Please be advised that heritage planning staff recognizes the conclusion of the report that states that: "no archaeological resources were identified during the Stage 2 archaeological assessment of the study area, and as such no further archaeological assessment of the property is recommended."

An Ontario Ministry of Heritage, Sport Tourism, Culture Industries (MHSTCI) archaeological assessment compliance letter has been received, dated March 16, 2021.

Archaeological conditions can be considered satisfied for this application

Landscape Architect, Long Range Planning Research and Ecology (August 11, 2022)

I reviewed the Tree Assessment Report prepared by RKLA for 16 Wethered St and have no concerns with its accuracy.

The proposed setback from the south property line will impose construction impacts to a number of trees growing on adjacent properties. In particular, one tree, #34 will lose approx. 35% of its critical root zone. The critical root zone of a tree is the portion of the root system that is the minimum necessary to maintain tree vitality and stability. Tree can become hazardous. Where critical root zones cannot be adequately protected with adequate setback and protection from construction, tree shall be recommended for removal with owner consent.

Additionally, the setback does not provide sufficient soil volumes to support the required tree planting in Site Plan Control Bylaw. A 3 meter setback would be ideal.

Six boundary trees were identified for removal. Boundary trees are protected by the province's Forestry Act 1998, c. 18, Sched. I, s. 21, and can't be removed without written consent from co-owner. It is the responsibility of the developer to adhere to the Forestry Act legislation and to resolve any tree ownership issues or disputes. Letters of consent to remove are to be included with Site Plan Application Documentation.

A large silver maple proposed for removal is co-owned by applicant, the City of London and the owner of 1160 Oxford St. The applicant will need to coordinate the tree's

removal with the City Forestry Operations and provide proof of payment for removal with Site Plan Application documentation.

Engineering (July 25, 2022)

A Servicing and Lot Grading Plan will be required for the subject property. Attached are notes and commentary to assist the applicant in providing the necessary Site Servicing and Grading Plan and engineering reports to progress this development.

- The site servicing and grading plans are to show current conditions on the adjacent streets and properties such as existing roads, accesses, sidewalks, sewers, watermains, utilities, etc.
- Should a private drain connection(s), or other works be installed on a City street to service this site, then details of these works including restoration of the City street are to be shown on the site servicing plan or a separate drawing to City standards.
- The Owner is required to obtain all other necessary and relevant permits and approvals such as MECP Approvals, Permits for Approved Works (PAWS) etc.
- ECA may be required for on-site infiltration.

Transportation:

- Detailed comments regarding access location and design will be made through the site plan process.

Water:

- The municipal watermain available is the 200mm PVC watermain along Wethered Street.
- Servicing shall comply with section 7.9.4 of the Design Standards and Requirements Manual.
- A water servicing report will be required addressing domestic water demands, fire flows, water quality and future ownership of the development.

Sewers:

- The municipal sanitary sewer available for the subject lands is the 200mm sanitary sewer on Wethered St.

Stormwater:

1. As per as-constructed drawings 17468C & 17468D, the site at C=0.40 is tributary to the existing 450 mm storm sewer on Wethered Street. 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.
2. Any proposed LID solutions should be supported by a Geotechnical Report and/or hydrogeological investigations prepared with focus on the type of soil, its 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.
3. As per the City of London's Design Requirements for Permanent Private Systems, the proposed application falls within the Central Subwatershed (case 4); therefore, the following design criteria should be implemented:
 - the flow from the site must be discharged at a rate equal to or less than the existing condition flow;
 - the discharge flow from the site must not exceed the capacity of the stormwater conveyance system;
 - the design must account the sites unique discharge conditions (velocities and fluvial geomorphological requirements);
 - "normal" level water quality is required as per the MOE guidelines and/or as per the EIS field information; and,
 - shall comply with riparian right (common) law.

The consultant shall update the servicing report and drawings to provide calculations, recommendations and details to address these requirements.

Upper Thames River Conservation Authority Comments (June 30, 2022)

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies within the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*, Section 28 of the *Conservation Authorities Act*, the *Planning Act*, the *Provincial Policy Statement (2020)*, and the *Upper Thames River Source Protection Area Assessment Report*.

CONSERVATION AUTHORITIES ACT

The subject lands **are not** affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*.

DRINKING WATER SOURCE PROTECTION: Clean Water Act

For policies, mapping and further information pertaining to drinking water source protection please refer to the approved Source Protection Plan at:
<https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

RECOMMENDATION

The UTRCA has no objections or requirements for this application. Thank you for the opportunity to comment.

London Hydro Comments (July 21, 2022)

- Servicing the above proposal should present no foreseeable problems, Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining safe clearances from L.H. infrastructure is mandatory. A blanket easement will be required. Note: Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability.
- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

Appendix C – Planning Impact Analysis

3.7 Planning Impact Analysis	
Criteria	Response
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;	<p>The recommended land use is a contemplated use in the Official Plan, similar to other uses in the area, and contributes to a variety of housing forms within the neighbourhood.</p> <p>Factors such as setbacks from the street, and height and transitioning with adjacent properties enhance the compatibility with the surrounding neighbourhood.</p>
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 recommended site concept achieves an intensity that allows for other on-site functions such as parking and amenity space. The recommended development is located along a neighbourhood street and the area is supported by public transit, pedestrian sidewalks and full services are available to the site.
The supply of vacant land in the area which is already designated and/or zoned for the proposed use;	There is no vacant land in the area which is already designated and/or zoned for the proposed use.
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 proposed development is within close proximity to neighbourhood and community facilities as well as open space, recreational opportunities and all transit services.
The need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 – Housing;	Dwelling units in a townhouse complex are typically more affordable than the neighbourhood's prevailing single detached dwelling units. The addition of the proposed units to the housing supply may also free-up other more affordable units elsewhere in support of Municipal Council's commitment to the Housing Stability Action Plan, Strategic Area of Focus 2: Create More Housing Stock.
The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;	The scale/height of the proposed townhouse development is appropriate at this location. Privacy impacts will be mitigated through the use of landscaping, tree retention, fencing and appropriate building setbacks. The visual impacts of the development will be minimal given the height of the proposal, spatial separation from the abutting yards, and future landscaping and fencing.
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;	Landscaping and screening opportunities through vegetation will be considered at the site plan approval stage.

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;	Transportation Planning and Design was circulated on the planning application and development proposal and is satisfied. Further refinements will be addressed at the Site Plan stage.
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;	The exterior design will be compatible with the existing and future lands uses in the area.
The potential impact of the development on surrounding natural features and heritage resources;	Not applicable.
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;	Not applicable.
Compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law;	The requested amendment is consistent with the in-force policies of the Official Plan. The majority of requirements of the Site Plan Control By-law have been considered through the design of the site, including provision of amenity space, landscaping, parking and setbacks
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;	Tree planting and building massing treatments are expected to mitigate minor adverse impacts on the surrounding land uses.
Impacts of the proposed change on the transportation system, including transit	The residential intensification of the subject lands will have a negligible impact on the transportation system and provide a more transit-supportive form of development.

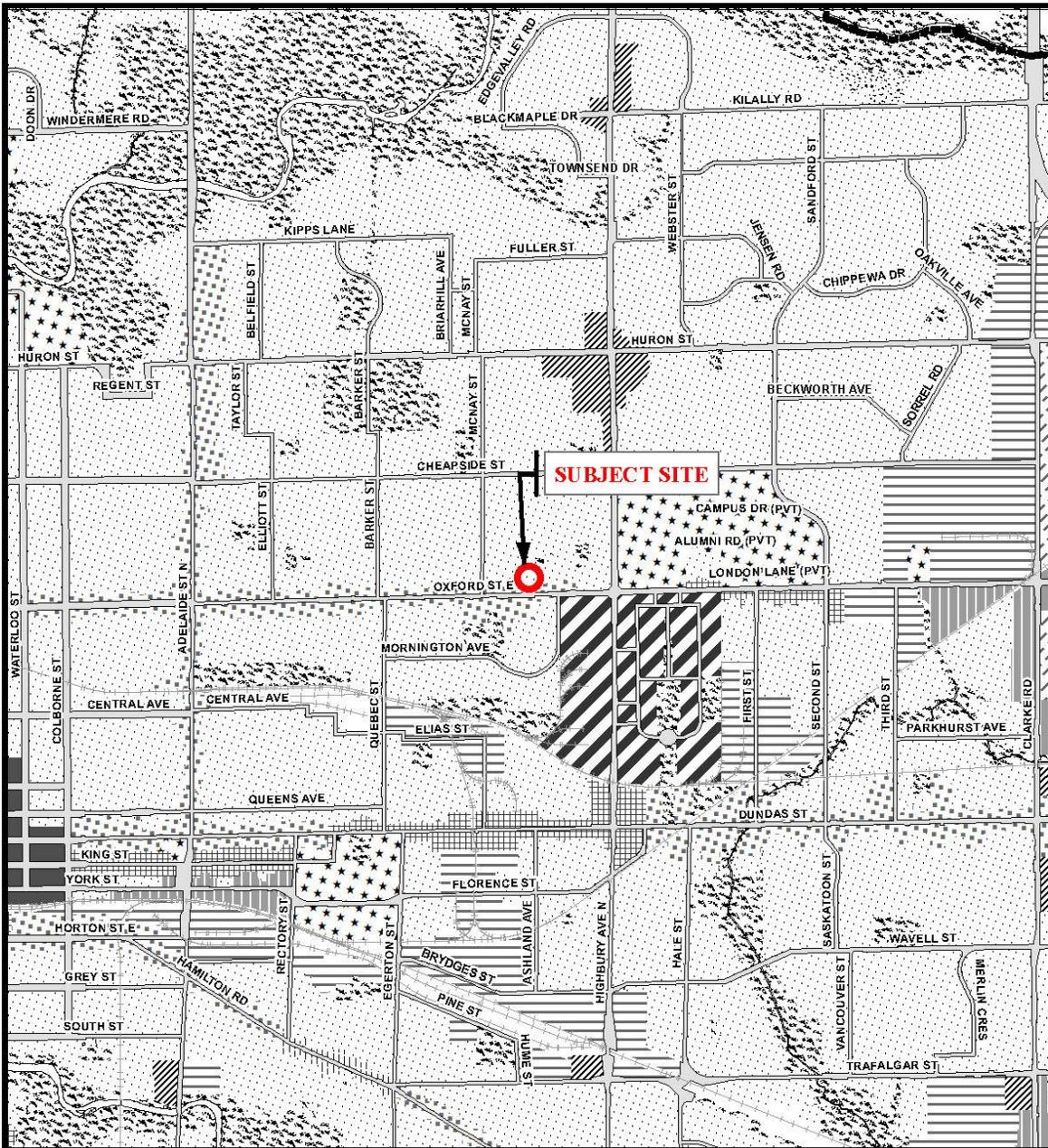
1577_ Evaluation Criteria for Planning and Development Applications	
Criteria – General Policy Conformity	Response
Consistency with the Provincial Policy Statement and in accordance with all applicable legislation.	The proposal is consistent with the Provincial Policy Statement as it provides for efficient development and land use patterns and for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area. There are no significant natural or cultural heritage resources requiring protection and no natural or man-made hazards to be considered.

Conformity with the Our City, Our Strategy, City Building, and Environmental Policies of this Plan.	The proposal provides for residential intensification within the Urban Growth Boundary and supports Key Directions related to the creation of a mixed-use compact City and strong, healthy and attractive neighbourhoods. The massing and scale of the recommended built form can be appropriately integrated into the community through the application of the relevant City Design policies at the site plan approval stage.
Conformity with the policies of the place type in which they are located.	The recommended 2 storey townhouse proposal provides for the use and intensity of development contemplated within the Neighbourhoods Place Type.
Consideration of applicable guideline documents that apply to the subject lands.	The Near-Campus Neighbourhood Area is an applicable guideline and has been considered throughout the report.
The availability of municipal services, in conformity with the Civic Infrastructure chapter of this Plan and the Growth Management/Growth Financing policies in the Our Tools part of this Plan.	The site will be fully serviced by municipal water, sanitary and storm sewers.
Criteria – Impacts on Adjacent Lands	
Traffic and access management	Further consideration of traffic controls will occur at the site plan approval stage. A Traffic Impact Assessment was not required as part of this application. Transportation Staff have no concerns.
Noise	The development is not expected to generate any unacceptable noise impacts on surrounding properties. A noise study was not required for the Zoning By-law amendment application.
Parking on streets or adjacent properties.	Staff is satisfied that sufficient parking can be provided for the development. It is not anticipated that overflow parking will be required on local streets.
Emissions generated by the use such as odour, dust or other airborne emissions.	The development will not generate noxious emissions.
Lighting	Lighting details will be addressed at this site plan approval stage. It is a site plan standard that any lighting fixture is to minimize light spill onto abutting properties.
Garbage generated by the use.	Site Plan Control covers waste collection along with mail pick (door-to-door or shared location), snow storage and other site functionalities. Waste collection is tied to the approved site plan for the Site Plan Approval Development Agreement.
Privacy	Board fence and landscaping are proposed, there will be limited sight lines between abutting properties. Buildings

	are similar heights, being 1-2-storey buildings abutting the proposed 2-storey townhouses. Board fencing is proposed along each lot line with tree plantings. In time, the trees will grow to provide visual screening between properties above the fence. It
Shadowing	Given the recommended built form, orientation, height, and location shadowing impacts will be limited. Ample windows provide for sufficient natural sunlight penetration
Visual Impact	Landscaping, articulated building design, and architectural details and materials to be implemented at the site plan stage are expected to have a positive visual impact on the area.
Loss of Views	There are no view corridors to significant features or landmarks to be affected by the development.
Trees and canopy cover.	Landscaping is proposed to the front of each unit and abutting the shared driveway. Opportunities for additional landscaping is provided in the private, outdoor amenity areas to the rear of each unit, including a row of evergreen trees along the north lot line where gaps in trees currently exist. Detailed landscaping and other site-specific details, including landscaping, tree plantings, other vegetation, and fencing will be refined through the Site Plan Approval process
Cultural heritage resources.	Not applicable.
Natural heritage resources and features.	Not applicable.
Natural resources.	Not applicable.
Other relevant matters related to use and built form.	Not applicable.

Appendix D – Relevant Background

The London Plan – Map 1 – Place Types



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.

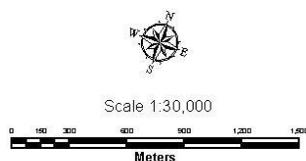
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services /
Development Services

LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



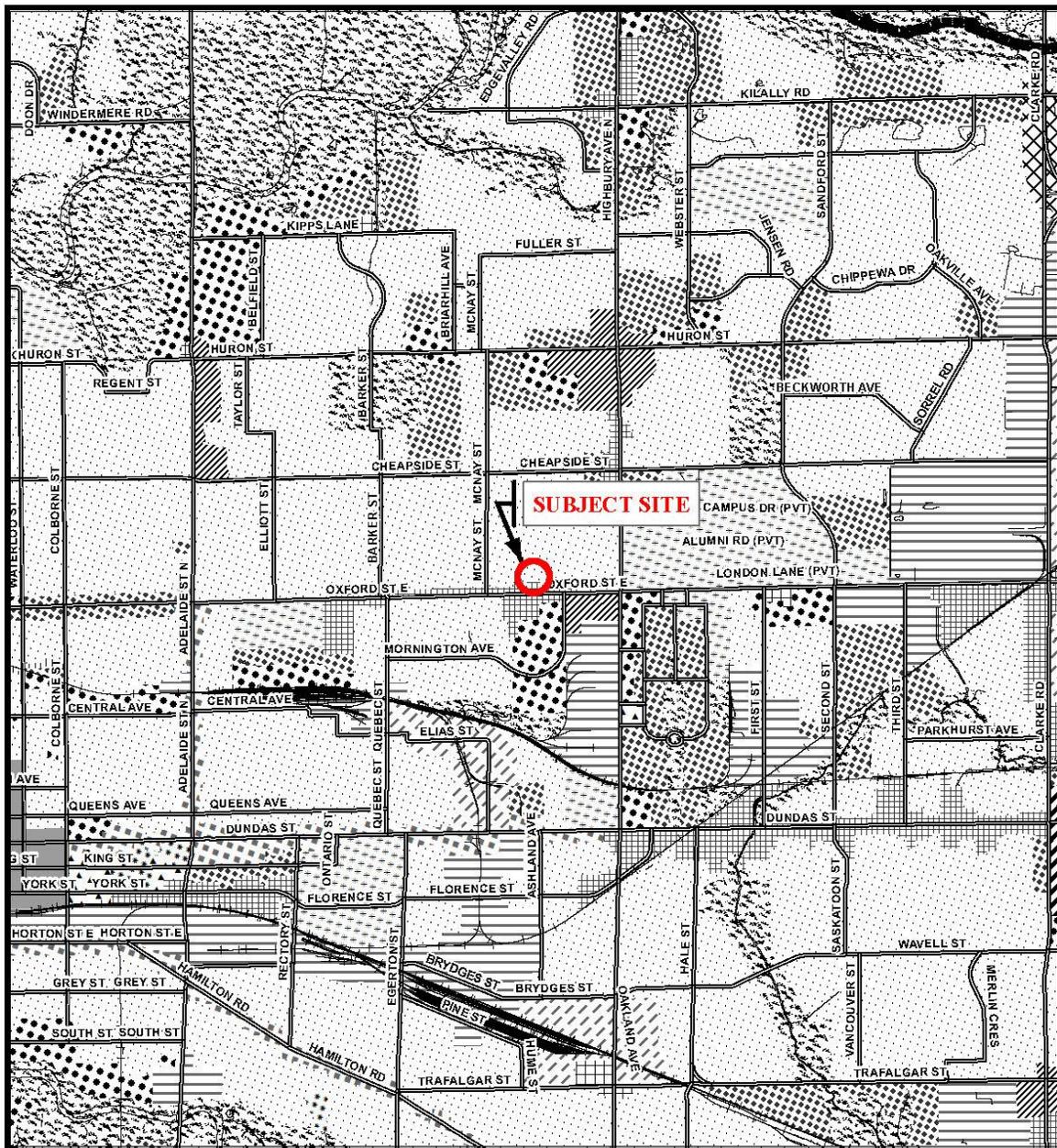
File Number: Z-9309

Planner: AR

Technician: RC

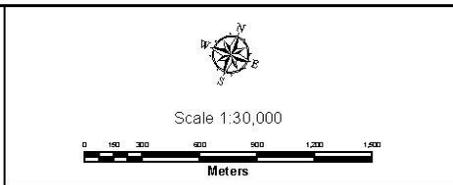
Date: May 5, 2021

1989 Official Plan – Schedule A – Land Use



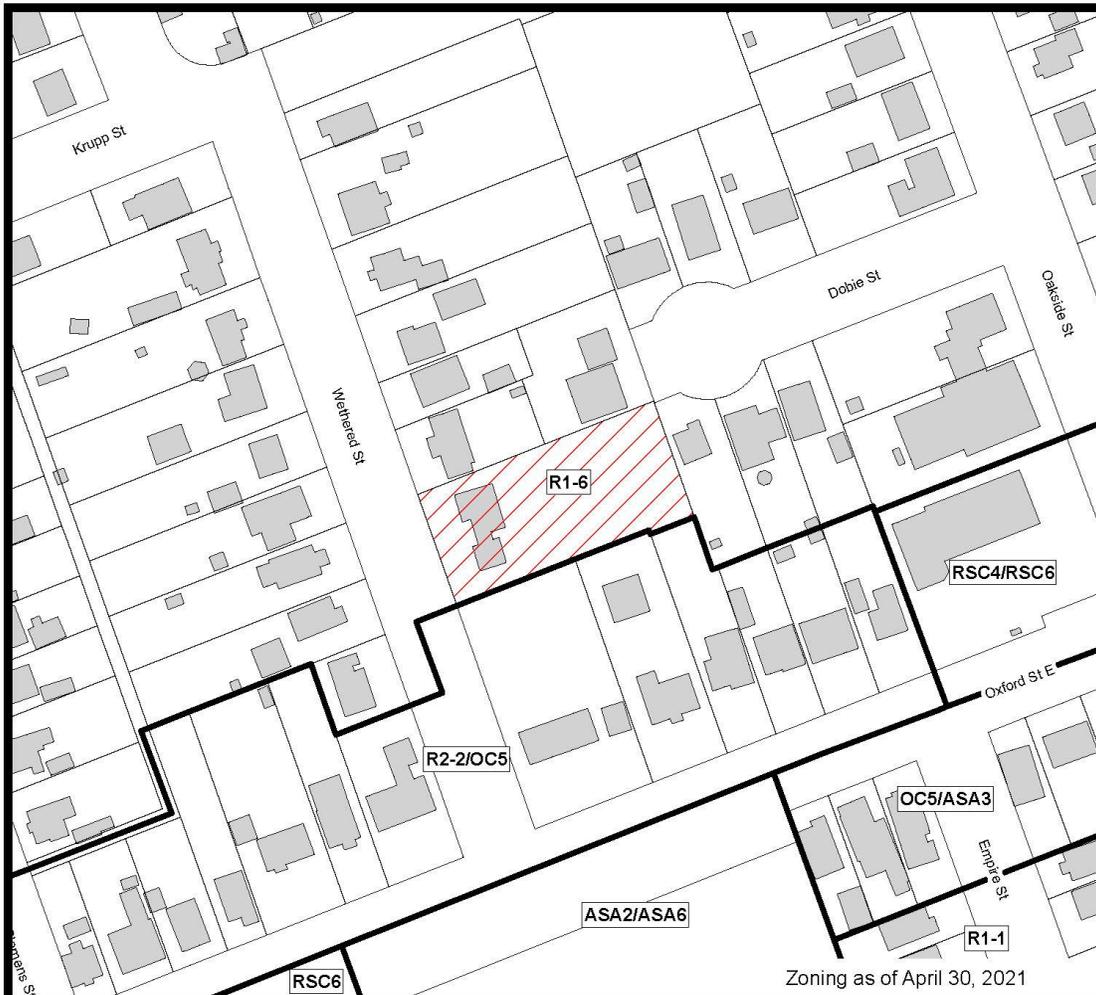
Legend			
	Downtown		Office Business Park
	Enclosed Regional Commercial Node		General Industrial
	New Format Regional Commercial Node		Light Industrial
	Community Commercial Node		Regional Facility
	Neighbourhood Commercial Node		Community Facility
	Main Street Commercial Corridor		Open Space
	Auto-Oriented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

CITY OF LONDON
 Department of
 Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-9309
 PLANNER: AR
 TECHNICIAN: RC
 DATE: 2021/05/05

Zoning By-law Z-1 – Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

ZONING BY-LAW NO. Z-1 SCHEDULE A



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

FILE NO:

Z-9309

AR

MAP PREPARED:

2021/05/05

RC

1:1,500

0 5 10 20 30 40 Meters

From: lamontderwin

Date: 2022-09-19 8:57 a.m. (GMT-05:00)

To: Pec@London.ca

Subject: Z-9309, 16 Wethered St, London

Good morning.

Please be advised I am against the proposed 8 unit, 2 storey townhouse at 16 Wethered Street.

The neighborhood was built as single family residential units and I feel it should stay that way. We do not need a multiplex unit in the area. This may lead to the area becoming even more run down than it already is.

I live on Bucke Street, which is only a block away from the proposed site. In the last 30 years I have seen many of the residences become rentals for students and others.

Unfortunately, many rental units are not well looked after by the owners. I estimate a large number of houses on my my street and in the area are now made up of rentals, with a number of the dwellings occupied by multiple individuals, eg 6 or more.

An 8 unit townhouse will only disrupt the area even more and could lead to more rentals than owner occupied dwellings. I believe this is a recipe for disaster and could lead to urban decay. More garbage, parties, traffic, cars parked on the street etc.

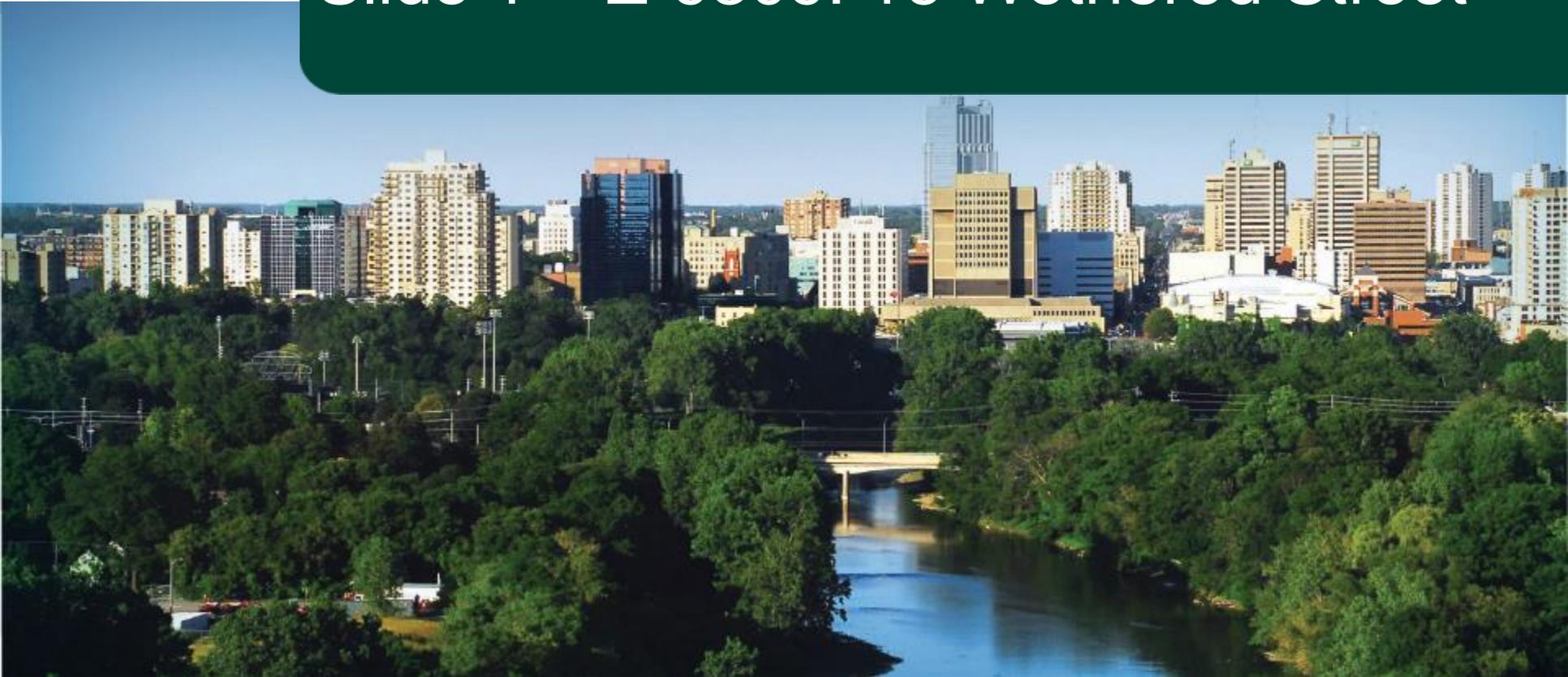
I would also like to see Bucke Street paved and curbs put in. The road has not been redone in almost 60 years and is in terrible shape. I would say it may be one of the worst streets in London. A short strip of about 100 feet has been done, but the rest of the street needs fixed and not just have some of the pot holes filled. (This is an example of the area becoming run down.)

Thank you, Derwin Lamont.



London
CANADA

Slide 1 – Z-9309: 16 Wethered Street



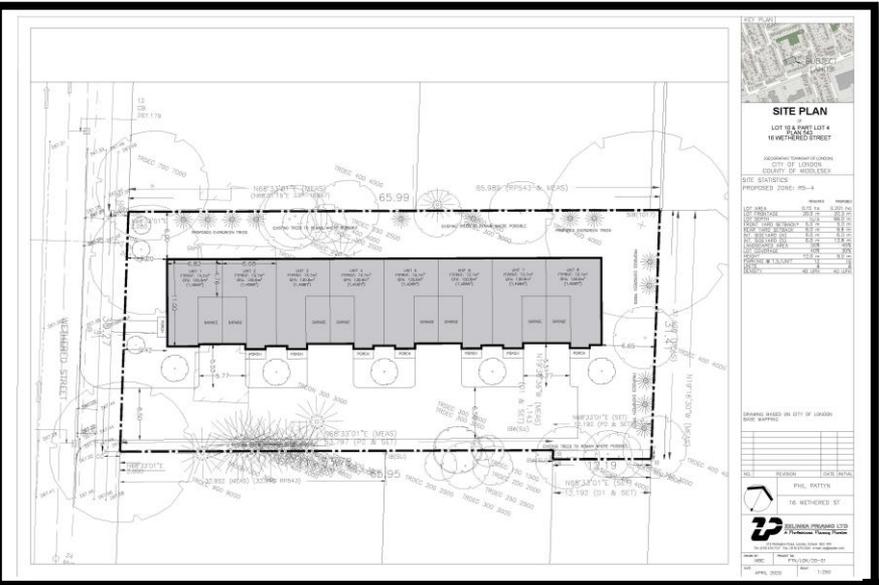
City of London
October 3, 2022

Slide 2 - Subject Site





Slide 3 - Proposed Development





Slide 4 - Previous Report

In November 2021, the applicant, 2445727 Ontario Inc. (Phil Pattyn), submitted a zoning application to rezone the subject site to a Residential R5 Special Provision (R5-4(_)) Zone to facilitate the development of a 2-storey, 8-unit townhouse building. At the May 31st, 2021, Planning and Environmental Committee Public Meeting, the decision was made to defer the application and direct Civic Administration to review the proposal within the context of the Near Campus Neighbourhood Policies, as they relate to residential intensification, focusing on lots that front onto neighbourhood streets, but are immediately adjacent to rapid transit place types or urban corridor place types.



Slide 5 – Proposed Development



Original Wethered St. Elevations



Revised Wethered St. Elevations



Slide 6 – Policy Context

Provincial Policy Statement, 2020

- Encourages healthy, livable and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.
- Directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities.
- Directs planning authorities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area

The London Plan

- Neighbourhoods Place Type fronting a Neighbourhood Street (Wethered Street).
- Permitted uses include single detached, semi-detached, duplex, converted dwellings, townhouses, secondary suites, home occupations and group homes
- Permitted heights within this place type are 1 to 2.5 storeys.
- The London Plan provides direction to build a mixed-use compact city by 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.

1989 Official Plan

- Current designation – Low Density Residential (LDR)
- Residential intensification may be permitted up to 75 units per hectare in the form of single detached and semi-detached dwellings, attached dwellings, cluster housing and low-rise apartments.



Slide 7 – Policy Context Cont'd

Near Campus Neighbourhood Policy

Residential Intensification is contemplated in Near Campus Neighbourhoods where the site can function and accommodate the site requirements related to servicing, parking, grading and the retention of significant vegetation for the development, is appropriate within the context of the neighbourhood and adheres to the policies set forth in both the London Plan and 1989 Official Plan. Staff are satisfied that the recommendation will provide an appropriate form of residential intensification within a Near Campus Neighbourhood Area. Given the site's location on the periphery of a low density neighbourhood and in the proximity to the Urban Corridor Place Type, the proposal is considered an appropriate location and form of intensification to provide a transition from future higher intensity development along Oxford Street East to the existing low density residential neighbourhood.



Slide 8 – Lots fronting Neighbourhood Streets but are adjacent to Rapid Transit Place Types or Urban Corridor Place Types

Urban Corridor Place Types

- Support for the development of a variety of residential types, with varying size, affordability, tenure and design that a broad range of housing requirements are satisfied.
- Urban Corridors will be places that encourage intensification over the course of The London Plan so that they can mature to support higher-order transit in the future.
- Given the planned function of Oxford Street East for more intense mixed-use development, the development is an appropriate example for appropriate intensification in a location that can provide a transition between high-and low-intensity uses.
- Within the Urban Corridor Place Type, buildings have a standard maximum height of six (6) storeys and are to be sensitive to adjacent land uses and employ such methods as transitioning buildings heights or providing sufficient buffers to ensure compatibility (840.1). The townhouse building is to be two (2)-storeys and below the maximum height permitted in the Urban Corridor Place Type.
- Staff are satisfied that the intent of the Urban Corridor Place Type policies have been achieved.



Slide 9 – Request

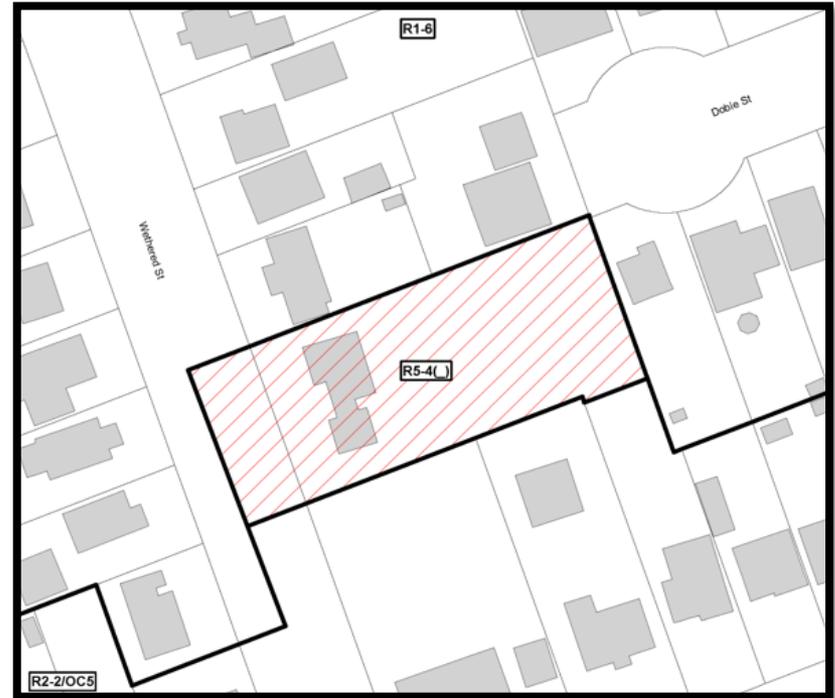
Summary of Request:

- Rezone the subject site to a Residential R5 Special Provision (R5-4(_)) Zone providing for townhouses that will permit the development. The following special provision would facilitate the development: permitted townhouse dwelling use, a minimum front yard setback of 5.0 metres whereas a 6.0 metre front yard setback is required, a maximum height of 10.5 metres, and a minimum of 2 street-oriented units shall be required along Wethered Street.

Slide 10 - Recommendation

Recommendation:

Staff is recommending approval as the amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the in-force policies of The London Plan and the 1989 Official Plan. The recommended amendment would facilitate the development of an underutilized site with a land use and intensity that is appropriate for the site.



From: Marjorie L

Sent: Wednesday, September 28, 2022 9:16 AM

To: ppmclerks <ppmclerks@london.ca>

Subject: Fwd: [EXTERNAL] File Z-9309 - 16 Wethered St

Good afternoon,

With respect to the changes proposed at 16 Wethered St, I believe it is too much infill for our neighbourhood. Yes, we have different-sized lots here, but that is how our neighbourhood was intended. It was not meant to be filled with housing, but to allow people space in their own backyard.

When you look around the neighbourhood you will see a lack of green space availability. At the age of our neighbourhood, this was not part of the building plan. Flanders Park was shrunk considerably for infill and took away a large portion of our neighbourhood greenspace. I would appreciate a large reduction in the number of units considered for this area. At most, three units would be the maximum that should be allowed, two would be preferred or one.

I do not feel our neighbourhood can continue to accommodate an increase in population and traffic when our neighbourhood is not designed for this. This is not on Oxford Street, but part of our neighborhood and would set a precedent for other development in the neighbourhood. When Competition Toyota was asking to remove more housing they were stopped as it was encroaching on the neighbourhood. As it is Competition Toyota has left our neighbourhood and left a gaping hole of a parking lot that was a lovely house at one time.

I understand there is a need for more housing, but not at the expense of people that have paid their taxes and bought in a neighbourhood for the privacy that it affords. Oxford/Highbury will be a great place to infill as it will not intrude on an established neighbourhood as this will.

Thank you for your consideration,

Respectfully,

Marjorie Leyland

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: Demolition Request for Non-Designated Built Resources on
the Heritage Designated Property at 850 Highbury Avenue
North – the former London Psychiatric Hospital Lands – by
Old Oak Properties

Date: October 3, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development with the advice of the Heritage Planner, the demolition request for the removal of (3) non-designated built resources on the heritage designated property at 850 Highbury Avenue North, **BE PERMITTED** pursuant to Section 34(1) of the Ontario Heritage Act subject to the following terms and conditions:

- a) Prior to demolition, photo-documentation of the (3) non-designated built resources be provided to the City.
- b) During demolition, construction fencing and buffering of sensitive areas be implemented per Project Site Plan in Appendix B.
- c) During demolition, restrict construction routes to areas outside the treed allée.
- d) Conduct and implement recommendations of a pre-condition survey, specific to the (3) non-designated built resources, to mitigate the risk of vibration from demolition activity on heritage designated resources.

Executive Summary

A demolition request was submitted by Old Oak Properties on April 5, 2022, to remove (3) non-designated built resources on the heritage designated property at 850 Highbury Avenue North (the former London Psychiatric Hospital Lands). These (3) resources do not contribute to the cultural heritage value or interest of the property and are not identified in the heritage designating by-law (By-Law L-S-P-3321-208) or heritage easement registered on the property (dated January 16, 2019). Their removal will not negatively impact the cultural heritage value or interest of the property. Further, potential impacts to the remaining designated heritage resources (i.e. Chapel of Hope, Horse Stable, Infirmary, Recreation Hall, Treed Allée, and Landscape Zones) will be sufficiently mitigated through construction buffering/fencing, restricting construction routes to areas outside the treed allée, and monitoring demolition vibration impacts. The demolition of these (3) non-designated built resources should be permitted with terms and conditions.

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

2022, May 30 – Report to Planning and Environment Committee. Demolition Request for Non-Designated Built Resources on the Heritage Designated Property at 850 Highbury Avenue North – the former London Psychiatric Hospital Lands – by Old Oak Properties - Public Participation Meeting. Agenda Item 3.5, pp250-288.

2022, May 26 – Report to Community Advisory Committee on Planning. Demolition Request for Non-Designated Built Resources on the Heritage Designated Property at 850 Highbury Avenue North – the former London Psychiatric Hospital Lands – by Old Oak Properties - Public Participation Meeting. Agenda Item 2.3, pp139-177.

1.2 Location

850 Highbury Avenue North is located at the southeast corner of Highbury Avenue North and Oxford Street East and is known as the former London Psychiatric Hospital lands (LPH). The rectangular-shaped property is bounded by Highbury Avenue North, Oxford Street East, Dundas Street East and a Canadian Pacific Railway spur line. In total, the subject lands are approximately 58.13 hectares (143.64 acres) (Appendix A).

1.3 Cultural Heritage Status

850 Highbury Avenue North, known as the former London Psychiatric Hospital (LPH), is a designated property pursuant Part IV of the Ontario Heritage Act (Appendix D). The property was designated in 2000 under Part IV of the Ontario Heritage Act by By-law No. L.S.P.-3321-208 and includes buildings and number of natural landscape resources. Four of the buildings have been identified as having cultural heritage value or interest (CHVI): the Chapel of Hope (1884), Horse Stable (1894), Infirmary (1902), and the Recreation Hall (ca.1920), along with landscape features such as remnants of a ring road and a circular drive, open space, remnants of an ornamental landscape containing mature plantings of black walnut trees and the grand, tree-lined allée. There are many more built resources that do not contribute to the cultural heritage value or interest of the property. Some of these built resources were the subject of a previous demolition request (2022-05-30, Report to PEC pp250-288), and the remaining (3) are the subject of this demolition request. A Heritage Conservation Easement agreement, dated January 16, 2019, is registered on the property with the Ontario Heritage Trust (Appendix E).

1.4 Property Description

The London Psychiatric Hospital was first established as the London Asylum for the Insane between 1869 and 1870 and operated under several names over the course of its history including the Ontario Hospital London, London Psychiatric Hospital and Regional Mental Health Care Centre. The building complex and grounds are representative of innovative and humane programs in the treatment of the mentally ill that were encouraged by the Hospital's two first supervisors, Henry Landor (1870-1877) and Richard Maurice Bucke (1877-1902). Both advocated for the “moral treatment” of patients, based on compassion and respect which included ‘farming’ as a therapeutic and communal activity. Under Landor's guidance, the Hospital was designed as a working farm. Bucke improved upon Landor's initial farm concepts and facilities by implementing an elaborate plan for the landscaping of the grounds, in keeping with his theory that beautiful surroundings were conducive to mental health.

Bucke's innovative ideas are reflected in the original buildings and grounds of the London Psychiatric Hospital which were designed by London architect Thomas H. Tracy and was modeled after Thomas Kirkbride's landmark Pennsylvania Asylum. Four of the original buildings, along with landscape features, are particularly significant having been identified as having cultural heritage value or interest (CHVI). To start with, an expansive tree lined two-lane avenue runs from the original main entrance, north of Dundas Street to the Infirmary building. The Infirmary, built between 1900 and 1902 is a three-storey white brick building in the Victorian Style, displaying classic symmetry and balance. Another building, The Chapel of Hope, constructed by patients in 1884, is one

of the only free-standing Chapel buildings within a psychiatric hospital site in Ontario. The chapel is constructed of white brick and reflects the Gothic Revival style with seven stone-capped buttresses on each side. Of note is the large stained-glass window behind the altar. A near-by two-storey brown-brick Recreation Hall (c1920) features gable ends and four small wings, two at each end, with pedimented gables. The Hall was used to host recreational activities for patients and to stage performances.

The property's landscaped grounds and farmland symbolized the key principles of the therapeutic farming approach, on which the London Psychiatric Hospital was founded. Extensive farming operations were also important to the institution's self-sufficiency and were located on the northern portions of the site with stables, greenhouses, orchards and crop fields. Part of the farming operations was a horse stable, still standing which was constructed in 1894 in white brick with a slate roof. Although functional in its use, the stable is monumental in its scale and exhibits deliberate design intentions with regular fenestrations and classical proportions. Finally of note is the importance of the naturalized landscape with broad lawns, specimen trees and curvilinear roads and pathways that tie the built elements together.¹

The subject lands at 850 Highbury Avenue North have been identified by Old Oak Properties for redevelopment and all buildings on the subject lands are currently vacant. Proposed redevelopment is to include commercial uses and a wide range of housing types, along with adaptive re-use of retained heritage buildings. Old Oak Properties applied for an official plan and zoning by-law amendment (OZ-9324) for a development concept that required amendments to the Secondary Plan for the London Psychiatric Hospital Lands (2016). The adoption of a new revised plan Secondary Plan was approved at the June 14, 2022, Council meeting (2022-06-04, Item 14-3.7).

2.0 Discussion and Considerations

2.1 Legislative and Policy Framework

Cultural heritage resources are to be conserved and impacts assessed as per the fundamental policies in the *Provincial Policy Statement (2020)*, the *Ontario Heritage Act*, 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 (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." (Policy 2.6.1)

In addition, Policy 2.6.3 states,

"Planning authorities shall not permit development or 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." (p31)

'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)

¹ Description of the property was compiled from excerpts taken from the following sources: By-law No. L-S-P-3321-208, Julian Smith – Conservation plan (2008), Canadian Register of Historic Place – London Psychiatric Hospital, and Old Oak Properties and OHT (2019) HEA.

2.1.2 Ontario Heritage Act

The *Ontario Heritage Act* enables municipalities to protect properties of cultural heritage value. This includes the designation of individual properties to be of cultural heritage value or interest pursuant to Section 29 (Part IV), *Ontario Heritage Act*, and groups of properties that together have cultural heritage value or interest pursuant to Section 42 (Part V), *Ontario Heritage Act*, as a Heritage Conservation District.

While the criteria for the designation of individual heritage properties are found in Policy 573_ of *The London Plan*, the *Ontario Heritage Act* establishes process requirements for decision making. Section 34(1), *Ontario Heritage Act*, states,

No owner of property designated under section 29 shall do either of the following, unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the demolition or removal:

- 1. Demolish or remove, or permit the demolition or removal of, any of the property's heritage attributes, as set out in the description of the property's heritage attributes in the by-law that was required to be registered under clause 29 (12) (b) or subsection 29 (19), as the case may be.*
- 2. Demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property, whether or not the demolition or removal would affect the property's heritage attributes, as set out in the description of the property's heritage attributes in the by-law that was required to be registered under clause 29 (12) (b) or subsection 29 (19), as the case may be.* 2019, c. 9, Sched. 11, s. 12.

Following the receipt of a complete application [for demolition or removal of a property's heritage attributes] per Section 34(4.2) of the Ontario Heritage Act, [t]he council, after consultation with its municipal heritage committee, if one is established, and within the time period determined under subsection (4.3),

- (a) shall,*
 - (i) consent to the application,*
 - (ii) consent to the application, subject to such terms and conditions as may be specified by the council, or*
 - (iii) refuse the application;*
- (b) shall serve notice of its decision on the owner of the property and on the Trust; and*
- (c) shall publish its decision in a newspaper having general circulation in the municipality.* 2019, c. 9, Sched. 11, s. 12.

The refusal or terms and conditions on the approval of demolition request may be appealed by the property owner to the Ontario Land Tribunal within 30-days of Municipal Council's decision.

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_)

The policies of *The London Plan* support the conservation, maintenance, retention, and protection of London's cultural heritage resources [...] and Council approval for a demolition application is required as pursuant to the *Ontario Heritage Act* (Policy 590_).

The conservation of whole buildings in-situ is encouraged, while the reasons for designation and identified attributes of the property shall not be adversely affected.

- Policy 566_: Relocation of cultural heritage resources is discouraged. All options for on-site retention must be exhausted before relocation may be considered.
- 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 587_: Where a property of cultural heritage value or interest is designated under Part IV of the *Ontario Heritage Act*, no alteration, removal or demolition shall be undertaken that would adversely affect the reasons for designation except in accordance with the *Ontario Heritage Act*.

Where demolition or irrevocable damage has occurred, documentation may be required as well as interpretive techniques are encouraged where appropriate.

- 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 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.
- Policy 591_: Where a heritage designated property or a property listed on the Register is to be demolished or removed, the City will ensure the owner undertakes mitigation measures including a detailed documentation of the cultural heritage features to be lost and may require the salvage of materials exhibiting cultural heritage value for the purpose of re-use or incorporation into the proposed development.

2.1.4 Designating By-Law – 850 Highbury Avenue North (No. L-S-P-3321-208) and Heritage Easement

850 Highbury Avenue North was designated November 6, 2000, under Part IV of the *Ontario Heritage Act* by By-law No. L-S-P-3321-208. The by-law outlines historical and architectural reasons for its designation (Appendix D). Specific architectural heritage resources designated include the:

- Tree-lined Avenue (entrance off Dundas Street)
- Infirmary Building
- Recreation Hall
- Chapel
- Horse Stable

The heritage easement agreement registered between Old Oak Properties and the Ontario Heritage Trust further identifies that 850 Highbury Avenue North retains cultural heritage value or interest (CHVI) because of its physical or design values, historical or associative values, and its contextual values. Heritage attributes which support and contribute to the cultural heritage value or interest of 850 Highbury Avenue North include the:

- Chapel of Hope
- Horse Stable
- Infirmary
- Recreation Hall,

along with additional zones/areas and landscape features:

- Allée, and Ring Road and Zone
- Campus Zone
- Horse Stable Zone

The heritage easement agreement further describes in detail specific heritage features associated with identified attributes and zones (Appendix E).

2.2 Demolition Request and Documentation

On August 19, 2022, a demolition request was submitted by Old Oak Properties, seeking approval to demolish (3) non-designated built resources on the heritage designated property at 850 Highbury Avenue North. Other non-designated built resources on the property were the subject of a previous demolition request (2022-05-30, Report to PEC pp250-288), which was approved by Council (CR. 3.5/11/PEC); the remaining (3) non-designated buildings are the subject of this demolition request. The (3) non-designated built resources include the following and are identified on the Project Plan in Appendix B and Images in Appendix C:

- Garage (B12001)
- Pump House & Underground Water Storage Tank (B12015, B16184)
- South Pavilion Building and Extensions – as noted on project plan (B20794, B12007, B12008, B12009, B12010, B12011, B12012, B12014)

These demolitions are being requested because redevelopment is proposed on the subject lands and a second phase of building removals is required to accommodate Official Plan Amendment application, Draft Plan of Subdivision application, and Zoning By-Law Amendment application. The buildings noted above are within future municipal rights-of-way or are located within future development blocks.

Under the *Ontario Heritage Act* (Section 34), Municipal Council must pass a decision on the demolition request within 90-days of formal receipt of the request, or the request is deemed consented. The statutory deadline for decision is November 17, 2022. In accordance with Section 34(4.2) of the *Ontario Heritage Act*, the Community Advisory Committee on Planning – CACP (formerly London Advisory Committee on Heritage – LACH), is being consulted, and it is anticipated that CACP will have a recommendation available to present at the October 3, 2022, meeting of the Planning & Environment Committee. A decision by Municipal Council is expected at the October 17, 2022, meeting. The 90-day statutory time frame for council decision will have been satisfied.

2.3 Heritage Impact Assessment and Demolition Documentation

A heritage impact assessment (HIA) was not required as part of a complete application for this demolition request. However, Sections 5.2.1 and 7.1.2 of the HIA submitted for the current OP/ZBA application (OZ-9324) identify potential impacts from demolition and construction activity and recommend mitigative measures (Stantec, 2022 HIA). The following potential impacts were identified:

- *The Infirmary Building is within 20 metres of the Pump House (B16184) that is proposed to be demolished. Given the proximity there may be potential for land disturbances related to demolition activities. Therefore, measures must be prepared to mitigate potential indirect impacts.* (HIA, p36).
- *There are areas of the South Pavilion identified for demolition under Phase II (B12011 and B12014) that are located within 35 metres of the Chapel of Hope. Given the proximity, there may be potential for land disturbances related to demolition activities. Therefore, measures must be prepared to mitigate potential indirect impacts.* (HIA, p37)
- *The demolition and construction activities related to the proposed site plan has the potential for land disturbances related to vibration impacts.* (HIA, p41)

Proposed mitigation measures include:

- *Buffer zones, site plan control, and other planning mechanisms: Proposed development is within 50 metres of heritage and cultural heritage landscape features, and they are at risk for indirect impacts resulting from demolition and construction-related ground vibration. To mitigate this risk, a strategy to carry out a pre-condition survey, vibration monitoring, and post-condition survey should be considered and developed by a licensed Engineer preferably with heritage experience.* (HIA, p45)
- *An engineer familiar with assessing vibration effects will review any demolition and construction activities that are to occur within 50 metres of heritage features (Infirmary, Chapel of Hope, Recreation Hall, and Horse Stable). If required, at the*

discretion of the Engineer, strategies to mitigate possible indirect vibration effects to a heritage feature will be taken (HIA, p I, p47).

Per above sections of the HIA, a pre-condition survey is suggested to mitigate the risk of vibration from demolition.

Note that pre-construction analysis monitoring was prepared (EXP, 2022) for the previous demolition request (2022-05 30, Report to PEC pp250-288) and another survey is currently being undertaken specifically related to this demolition request. Conclusions from the previous pre-construction analysis also reference potential impacts and mitigative measures associated with the (3) non-designated built resources identified in this demolition request:

“[...] the following buildings will require preconstruction and post-construction surveys: B12035 (Stables/Barn), B12019 (Chapel of Hope) and B12029 (Rec Hall). The demolition activity proposed is not anticipated to effect the super structure of the building, however EXP believes it would be prudent to document the pre-construction conditions prior to demolition activity, to establish the baseline conditions.

It is EXP’s opinion that Building B12018 (Infirmary), based on its size and construction type, along with proximity to other buildings will require a pre-construction survey and crack monitoring gauges installed, and a post-construction survey. EXP believes that the demolition activity in relatively close proximity may affect finishes and/or façade components. A vibration monitor is recommended to be installed at a strategic location to verify the level of movement may potentially be induced. Vibration monitoring should also occur specifically during backfilling and/or compaction activities after demolition has been carried out.

The opinions above are based on proximity to adjacent buildings, building construction and conditions observed. Typically, any structure within 100ft of any demolition, vibration and/or construction activity, below grade, should be monitored. EXP recommends obtaining baseline vibration profiles to ensure that local roadway traffic is accounted for. This should be done prior to demolition activities commence. Attached is the Standard Operating Procedure for vibration level monitoring.” (EXP, 2022)

Adequate buffering measures have been noted on the Project Site Plan and construction fencing will be placed to ensure no equipment will transverse outside the established boundary (Appendix B).

Finally defined construction access/route(s) and working areas are identified on a Project Site Plan to ensure that heritage resources (specifically allée trees) are well separated from ingress/egress access during demolition activity. Use of roadways within the treed allée, will be restricted.

2.2.1 Consultation

Pursuant to Council Policy for demolition on heritage designated properties, notification of the demolition request will be sent to residents and property owners within 120m of the subject property, as well as community stakeholders including the Architectural Conservancy Ontario – London Region, London & Middlesex Historical Society, and the Urban League. Notice will also be published in *The Londoner* on September 15, 2022. It is a policy and practice of Municipal Council that the demolition of heritage designated properties shall be considered at a public participation meeting before the Planning and Environment Committee. This item will be heard at the October 3, 2022, PPM of the Planning and Environment Committee.

At its meeting on August 31, 2022, the Stewardship Sub-Committee of the Community and Advisory Committee on Planning (CACP), received a brief verbal presentation from heritage planning staff regarding the demolition request and did not object to the demolition of the remaining three non-heritage buildings at 850 Highbury Avenue North – noting that it excludes the horse stables, Chapel of Hope, recreation hall, Infirmary building, and tree allée.

Heritage planning staff accessed the subject lands on May 5 and September 4, 2022, for the purposes of photo-documenting building exteriors, the site landscape and surrounding context.

3.0 Financial Impact/Considerations

None

4.0 Key Issues and Considerations

This demolition request considers the removal of (3) non-designated built resources on the heritage designated property at 850 Highbury Avenue North. These resources do not contribute to the cultural heritage value or interest of the property and are not identified in the designating bylaw or heritage easement registered on the property. Their removal will not negatively impact the cultural heritage value or interest of the property. Further, potential impacts to the remaining designated heritage resources have been identified (specifically land-related disturbances due to demolition activity near the Infirmary and Chapel of Hope). To mitigate this risk, a strategy to carry out a pre-condition survey, vibration monitoring, and post-condition survey was proposed during the previous request for the demolition of (8) non-designated built resources on the property (2022, May 30-PEC; see EXP, 2022)). A pre-construction analysis for the purposes of vibration assessment/monitoring is currently being undertaken specifically related to this demolition request.

Through construction buffering/fencing, restricting construction routes to areas outside the treed allée, and monitoring demolition vibration impacts through pre-, during, and post- assessments, potential impacts on built and landscape heritage designated resources will be sufficiently mitigated.

Conclusion

This demolition request considers the removal of (3) non-designated built resources on the heritage designated property at 850 Highbury Avenue North. These resources do not contribute to the cultural heritage value or interest of the property and are not identified in the heritage designating by-law (By-Law L-S-P-3321-208) or heritage easement registered on the property (dated January 16, 2019). Their removal will not negatively impact the cultural heritage value or interest of the property. Further, potential impacts to the remaining designated heritage resources (i.e. Chapel of Hope, Horse Stable, Infirmary, Recreation Hall, Treed Allée, and Landscape Zones) will be sufficiently mitigated through construction buffering/fencing, restricting construction routes to areas outside the treed allée, and monitoring demolition vibration impacts. The demolition of these (3) non-designated built resources should be permitted with terms and conditions.

Prepared by: Laura E. Dent, M.Arch, PhD, MCIP, RPP
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	Demolition Site – Project Plan
Appendix C	Images
Appendix D	850 Highbury Avenue North, By-law - L-S-P-3321-208
Appendix E	Heritage Easement Agreement – London Psychiatric Hospital, North Parcel (Jan 16, 2019); Schedule B1, B2 and B3

Sources

2022, June 15. Municipal Council Resolution (3.5/11/PEC). London, ON: Corporation of the City of London. [Action: demolition request for the removal of (8) non-designated built resources be permitted].

2022, June 14. Municipal Council Minutes. Item 14(3.7). London, ON: Corporation of the City of London. [Action: LPH Secondary Plan amendments approved; deletion of the existing plan and the adoption of the new revised plan].

2022, May 30 – Report to Planning and Environment Committee. Demolition Request for Non-Designated Built Resources on the Heritage Designated Property at 850 Highbury Avenue North – the former London Psychiatric Hospital Lands – by Old Oak Properties - Public Participation Meeting. Agenda Item 3.5, pp250-288. [re: request for demolition of (8) non-designated built resources on the property].

2022, May 26 – Report to Community Advisory Committee on Planning. Demolition Request for Non-Designated Built Resources on the Heritage Designated Property at 850 Highbury Avenue North – the former London Psychiatric Hospital Lands – by Old Oak Properties - Public Participation Meeting. Agenda Item 2.3, pp139-177. [re: request for demolition of (8) non-designated built resources on the property].

2022, May 6 – Memo to Michael Clark, Planner I, from Laura E. Dent, Heritage Planner. re: OZ-9324 – London Psychiatric Hospital Secondary Plan Heritage Planning Comments – Heritage Impact Assessment (re-submission)

2022, April 14. Municipal Council Resolution. (4.1/7/PEC-b). London, ON: Corporation of the City of London. Action, [re: London Advisory Committee on Heritage satisfied with conclusions and recommendations of HIA, Stantec, Jan 2022].

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Corporation of the City of London. (2016, May 31 – updated; 2011, Oct – approved). 20.4 secondary plan – London Psychiatric Hospital lands. London, ON: Author.

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Corporation of the City of London. (2000, November 6). By-law No. L-S-P-3321-208. A by-law to designate 850 Highbury Avenue North to be of cultural heritage value or interest. London, ON: Author.

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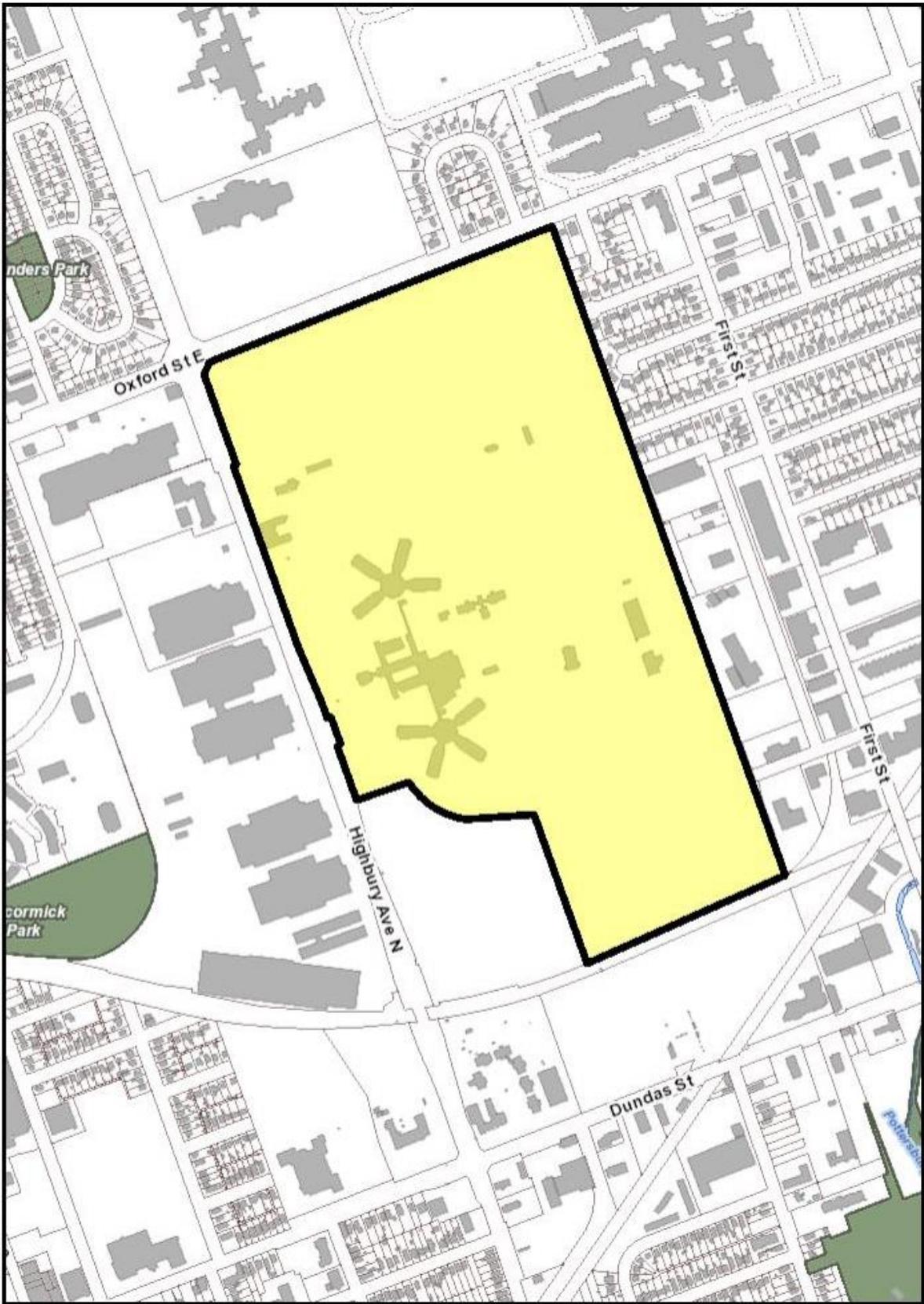
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Appendix A – Property Location



Location Map

Project Title: 850 Highbury Avenue N
Description: Location Plan
Created By: Laura Dent
Date: 5/5/2022
Scale: 1:8000

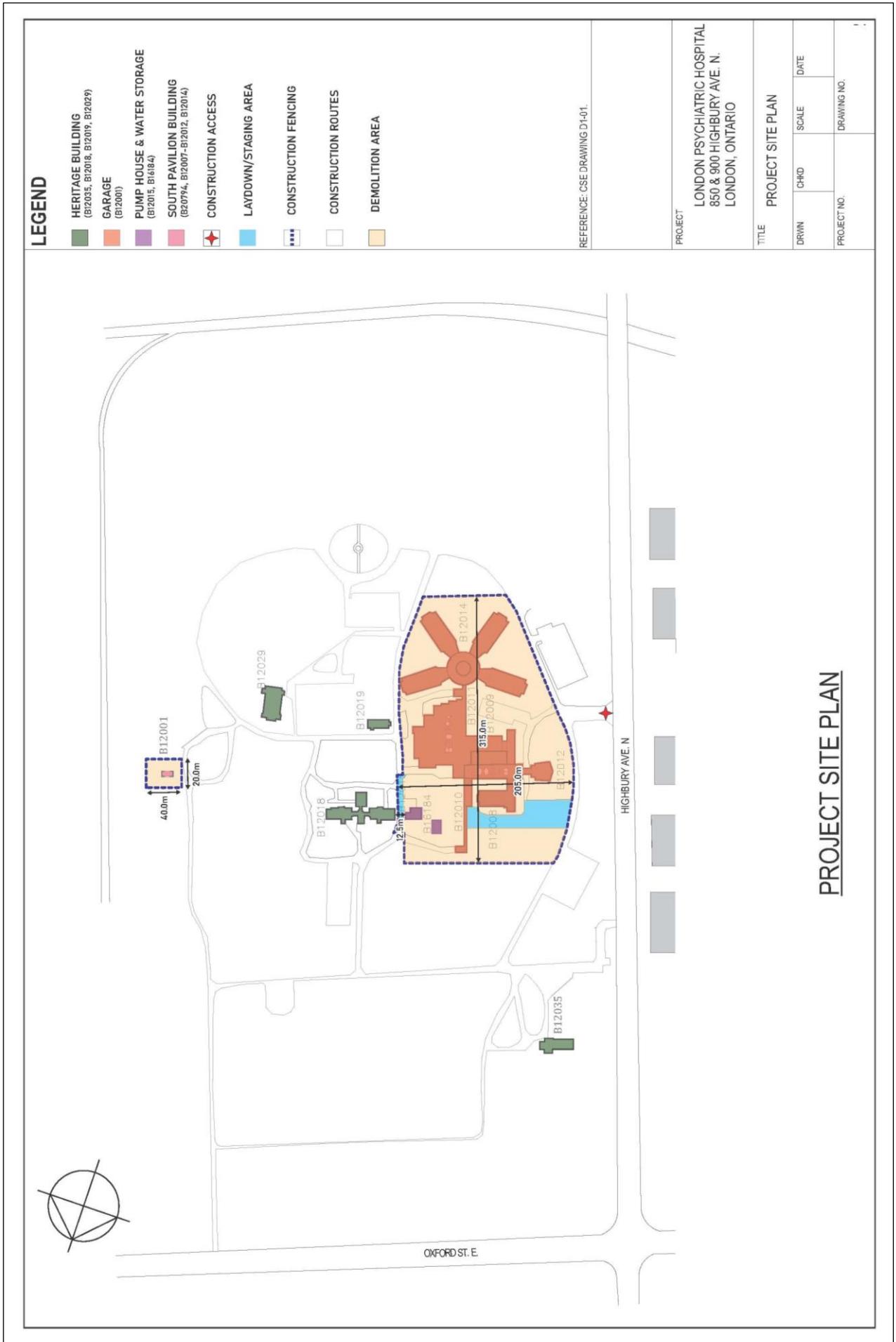
Legend

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers

Corporation of the City of London



Appendix B – Demolition Site – Project Plan



LEGEND

- HERITAGE BUILDING
(B12018, B12019, B12029)
- GARAGE
(B12001)
- PUMP HOUSE & WATER STORAGE
(B12015, B16184)
- SOUTH PAVILION BUILDING
(B20794, B12007- B12012, B12014)
- CONSTRUCTION ACCESS
- LAYDOWN/STAGING AREA
- CONSTRUCTION FENCING
- CONSTRUCTION ROUTES
- DEMOLITION AREA

REFERENCE: CSE DRAWING D1-01.

PROJECT
LONDON PSYCHIATRIC HOSPITAL
850 & 900 HIGHBURY AVE. N.
LONDON, ONTARIO

TITLE			
PROJECT SITE PLAN			
DRWN	CHKD	SCALE	DATE
PROJECT NO.			DRAWING NO.

PROJECT SITE PLAN

Appendix C – Images



Image 1. Garage (B12001), facing northeast – L. Dent, May 2022



Image 2. Garage (B12001), facing southwest – L. Dent, May 2022



Image 3. Pump House & Underground Water Storage Tank (B12015, B16184), facing northwest – L. Dent, May 2022



Image 4. Pump House (B12015), facing north – L. Dent, May 2022



Image 5. South Pavilion Building and Extensions – as noted on project plan (including B12007, B12008, and B12012), facing northeast – Old Oak Properties, July 2022



Image 6. South Pavilion Building and Extensions – as noted on project plan (including B12007, B12008, and B12012), facing southeast – Old Oak Properties, July 2022



Image 7. South Pavilion Building and Extensions – as noted on project plan (including B12007, B12008, and B12010), facing east – Old Oak Properties, July 2022



Image 8. South Pavilion Building and Extensions – as noted on project plan (including B20794, B12009, and B12014), facing southwest – Old Oak Properties, July 2022



Image 9. South Pavilion Building and Extensions – as noted on project plan (including B20794, B12009, B12011, and B12014), facing southwest – Old Oak Properties, July 2022



Image 10. South Pavilion Building and Extensions – as noted on project plan (including B12014), facing north – Old Oak Properties, July 2022

Appendix D – 850 Highbury Avenue North, By-law - L-S-P-3321-208

SCHEDULE "A"

To By-law No. L.S.P.-3321-208

CON 1 Pt Lot 8 S/S Oxford E and N/S Dundas 160.35 AC

SCHEDULE "B"

To By-law No. L.S.P.-3321-208

Reasons for Designation

London Psychiatric Hospital (850 Highbury Avenue)

Historical Reasons

The first asylum in southwestern Ontario was set up in 1860 at Fort Malden, Amherstburg, as a branch of the Toronto Asylum, which was already overcrowded. Dr. Henry Landor was appointed superintendent of Fort Malden, a former military barracks converted into an asylum to house inmates and incurables. After Confederation in 1867, politicians decided to build an asylum two miles outside the London city limits. The Asylum was modeled on Thomas Kirkbride's landmark Pennsylvania Asylum. The London Asylum for the Insane opened at the present site November 18, 1870 on 300 acres of farmland. The hospital grew in size and by 1914 there were 1,130 patients. In 1968 the hospital was renamed the London Psychiatric Hospital. The hospital was joined to St. Thomas Psychiatric Hospital to operate under a single administration in 1995. The original main hospital building was demolished in 1975.

Dr. Richard Maurice Bucke was the second superintendent of the London Asylum for the Insane (1877 to 1902). Acting on his convictions that the mentally ill respond favourably to humanitarian and sympathetic treatment, he elaborated on the efforts of his predecessor, Dr. Henry Landor, to provide therapeutic activity for patients by making the asylum into a working farm. Bucke provided improved farm facilities and he created grounds that were more ornamental. He implemented an elaborate plan for the beautification of the grounds, in keeping with his theory that beautiful surroundings were conducive to mental health and provided many social occasions. He also reduced the use of alcohol and mechanical constraints as means of controlling patients. His innovative ideas are reflected in the buildings and grounds of the London Psychiatric Hospital.

Architectural Reasons

Tree-lined Avenue (entrance off Dundas Street)

Built under Bucke's supervision, (circa 1900) the original entrance to the hospital grounds is a two-lane avenue with a centre walkway lined with eight rows of elm trees. (Three rows of trees on either side of the lanes and one row on either side of the walkway) Some trees have been replaced with coniferous varieties but the form remains the same. It forms a magnificent vista north from Dundas Street to where the original hospital building stood and is still on axis with the 1902 Infirmary building further back. This was the site for patient picnics on Sundays.

Infirmary Building

Also known as the 1902 Building, Exam Building, Bucke Research Institute, Outpatient Department and Admitting Hospital, this tall Victorian three storey yellow brick building with a hip roof, is a classical example of balance and symmetry. The central surgical block is attached by two passageways to mirror-image side pavilions, each featuring a gabled projection and cupola. This classical organization is appropriately accompanied by numerous classical details like the corner quoins, the plain pediment over the front entrance, voussoirs over windows and a semi-circular window on the second level above the front entrance. Huge skylights provided light for the surgical suite on the third floor. Entrance steps have closed brick railings.

Recreation Hall

This two storey brown brick building was built around 1920 and was used to host recreational activities for patients including a basement level swimming pool (now filled in) and a stage for performances. The building has gable ends with a wide plain frieze and molding with return eaves over broad pilasters at the south end and a pediment at the north end. There are four small wings, two at each end, with pediment gables. The metal roof has two ventilators. The auditorium windows on the sides are large and tall, and are set in semi-circular headed brick panels, and each has 40

panes arranged in nine sections. The double door centre entrance way has an eight-light transom, windowed doors, small lanterns to each side, high wide front steps, and a canopy supported by chains.

The Chapel

The Chapel of Hope was built by patients in 1884. Originally built as an Interdenominational chapel, it was later only a Catholic place of worship since the Protestant congregation had grown so large. In 1965 it was again made into an Interdenominational chapel. This Gothic revival brick structure has seven stone-capped buttresses on each side. It has four small dormers on each side of the gable roof, each featuring a trillium shaped stained glass window. There are seven Gothic arch shaped stained glass windows on each side of the building and a large stained glass window behind the altar. The front entrance roof peak is capped with a carved stone ornament as is the two smaller side entrances.

Horse Stable

The 1894 horse barn located on the hospital grounds is close to Highbury Avenue and Oxford Street. It is the last remaining building of the farmyard built by Bucke. Built of white brick, white washed at the base and with a slate roof, the barn is the last of three original buildings. It was obviously intended to be functional rather than decorative but its almost monumental size, its nearly regular fenestration, its classical proportions and the picturesque effect produced by the ventilation cupolas make it a strikingly handsome building, as well as a meaningful symbol of the last vestige of the hospital's significant agricultural past.

Appendix E – Heritage Easement Agreement – London Psychiatric Hospital, North Parcel (Jan 16, 2019); Schedule B1, B2 and B3

STATEMENT OF CULTURAL HERITAGE VALUE AND INTEREST

DESCRIPTION OF HISTORIC PLACE:

The former London Psychiatric Hospital is located at 850 Highbury Avenue North on a 26.3-hectare (65-acre) parcel of land in the City of London. The rectangular-shaped property is bounded by Highbury Avenue North, Oxford Street East, Dundas Street East and a Canadian Pacific Railway spur line. The Former Hospital Lands contain a complex of 23 buildings and a number of landscape features. Four of the buildings have been identified as having provincial heritage value: the Chapel of Hope (1884), Horse Stable (1894), Infirmary (1902), and the Recreation Hall (ca.1920). A number of landscape features have been as identified having provincial heritage value. These include remnants of a ring road and a circular drive, open space, remnants of an ornamental landscape containing mature plantings of black walnut trees and the grand, tree-lined Allée. The facility opened in 1871 as the London Asylum for the Insane and operated under a number of names over the course of its history including the Ontario Hospital London, London Psychiatric Hospital and Regional Mental Health Care Centre.

STATEMENT OF PROVINCIAL SIGNIFICANCE FOR THE LONDON PSYCHIATRIC HOSPITAL

The London Psychiatric Hospital represents the theme of mental health treatment. Large government-run institutions such as the one in London transformed treatment of individuals with mental illness to a province-wide system. Four public asylums had opened at Toronto, London, Kingston and Hamilton by 1871. Until the middle of the 20th century, institutionalization of individuals with mental illness and developmental disabilities was a common practice and form of treatment. These institutions were self-sufficient, located in rural areas adjacent but outside of urban areas where patients¹ lived and received treatment. The rural location of the London Psychiatric Hospital was part of “moral therapy,” an approach to the care and treatment of mental illness popular in the mid to late nineteenth century. Moral therapy promoted activities such as gardening, woodworking, games, sewing and reading in addition to medical care. Religion was also an important aspect of moral therapy and Superintendent R.M. Bucke had the Chapel of Hope constructed using patient labour, which was also part of the treatment. As mental health care and treatments evolved, the grounds of the London Psychiatric Hospital transformed. The practice of moral therapy and use of the Kirkbride Plan (i.e. all activities take place in one centralized building) was replaced by the idea that specialized facilities for each activity were needed for patients and staff. It was at this time that the Infirmary Building was constructed as part of Superintendent R.M. Bucke’s modernization of the facility. The ideals of moral therapy led to the development of occupational therapy after the First World War.

The London Psychiatric Hospital is the only mental health facility in Ontario that has a standalone chapel. The Chapel of Hope was a core to providing moral therapy treatment. The London Psychiatric Hospital is associated with an era of mental health care when the government was constructing self-sufficient institutions built in strategic locations throughout the province. The large, segregated, self-sufficient institutional campus represents a rare aspect of Ontario’s history and is no longer used to treat individuals with mental illness.

The Allée with mature trees and the large imposing Victorian-era Infirmary contribute to the property’s visual and aesthetic importance. The Infirmary is monumental in size and the most substantial building remaining on site. Its prominent features include the tall chimneys, central block and symmetrical wings. The Infirmary’s haunting Victorian architecture has allured photographers and videographers who capture the intrinsic aesthetic beauty of the building. The horse stable also contributes to the aesthetic importance of the property and is the last remaining building associated with the property’s agricultural past. It retains a significant amount of its original design aesthetic including its distinctive ventilators. The large scale of the building and quality of materials of the stable show the importance of agriculture to the London Psychiatric Hospital.

Superintendent Richard Maurice Bucke (1837-1902), was a significant figure and contributor to mental health treatment in Canada. Bucke held the post of Superintendent from 1877 until his death in 1902 and made several important contributions to patient treatment and the design and layout of London Psychiatric Hospital. Bucke developed recreational and occupational therapy programming as part of treatment, eliminated the use of restraints and ended the use of alcohol as a treatment – all progressive reforms for his time. Superintendent Bucke also had a significant impact on the design and layout of the site. Many of the significant heritage features

¹ The accepted term for a recipient of mental health services is “client”. For the purposes of this report, which is a discussion of the history of the site, patient will be used unless discussing present-day client care.

that remain today were built under his tenure and were due to his influence, including the Chapel of Hope, Stable, Infirmary and the Allée. Bucke is also a controversial figure and the source of great debate among historians and mental health professionals for his encouragement and use of gynaecological surgeries on women for treatment of mental illness.

BACKGROUND:

Historic Value:

Prior to the 19th century, people with mental illnesses were housed in jails, workhouses or the family home and many had no choice but to live on the streets. The Victorian era saw social change, and came to depend upon institutions to solve the social problems of the day. Large institutions were supposed to be places of refuge where patients were separate from the rapidly changing outside world. The London Psychiatric Hospital followed the Kirkbride Plan and moral therapy treatment – patients were to be placed in a natural environment with a significant amount of farm and parkland. When opened in 1871, the London Psychiatric Hospital was located on 300 acres just outside city limits. The City of London was chosen as the location for a new institution partially due to the influence of John Carling – Ontario's first commissioner of public works. He directed the construction of the institutions on land he had sold to the government in 1870.

The institution was self-sufficient and significant farming operations were located on the northern portions of the site with stables, greenhouses, orchards, fields full of crops and a root house for storage. While various employment opportunities were available at the London Psychiatric Hospital, patient labour was used as part of moral therapy treatment and as a way of keeping costs down. In the early years patient labour was separated by gender – men worked in the field and tended to the animals while women worked in the laundry, cleaned and sewed. There were numerous clubs, sporting events, annual picnics and other special occasions for patients and staff thus giving the London Psychiatric Hospital a sense of community.

Religion was an important part of moral therapy treatment and the new chapel was constructed by patient labour as part of their treatment plan. The Chapel was built in 1884 at the behest of Dr. Bucke who petitioned the provincial government to fund its construction. Regular church services were part of treatment at the London Asylum with religious services held in the general recreation facilities prior to the Chapel's construction. The London Psychiatric Hospital is the only mental health facility in Ontario that has a stand-alone Chapel.

The Infirmary or Exam Building, completed in 1902 was intended to house patients who needed more enhanced medical care and offered dormitories and individual rooms for patients and common rooms and sunrooms. Superintendent Bucke toured similar facilities in the United States and helped design the building plan with provincial architect Francis R. Heakes. In 1908 the building was converted to use as a reception hospital to house new and short-term patients. These short-term patients might stay for a few months to a few years, and had access to advanced treatments such as showers, massages and continuous baths.

Following the First World War, a large number of Canadian veterans were admitted to London Psychiatric Hospital suffering from psychological effects of the war. They were treated for "shell-shock" for which symptoms are now associated with post-traumatic stress disorder. Overcrowding was an issue at the London Psychiatric Hospital and by 1924 it accommodated almost 1200 patients. Maintaining a peaceful and idyllic setting for patients was difficult for the superintendents due to the overcrowding. Many common and sun rooms were used as wards to accommodate patients instead of places of rest and relaxation. R.M Bucke is the most well-known and controversial superintendent at the London Psychiatric Hospital for his encouragement and use of gynecological surgeries on women. Some argue the surgeries were an attempt by Bucke to find a successful treatment for his patients – but there seems to be little merit of such surgeries on mentally ill women. Upon his death, the use of gynecological surgery came to an end at London Psychiatric Hospital. The London Psychiatric Hospital is also associated with eight superintendents who were the chief administrators and medical directors of the London Psychiatric Hospital from 1870-1970. They had an array of responsibilities including supervising staff, medical services, training nurses, therapies, property and facilities maintenance and medical study of all patients. .

These institutions evolved to providing occupational and vocational therapies. In the early 1960s, new medications were developed to treat mental illness thereby starting the de-institutionalization process. While these drugs might not cure patients suffering from mental illness, they helped reduce and control symptoms allowing patients to be discharged and to live in the community. The move away from institutionalization to community living made these large, self-sufficient facilities obsolete.

Architectural Value:

Chapel of Hope

The Chapel of Hope was built in 1884 by patient labour under instruction by Superintendent Bucke. It is a 1 ½ storey buff-brick structure in the Gothic Revival style and features two chimneys at the east and west elevation. The gable roof is interrupted with four dormers on the north and south elevations with trefoil shaped windows. The side walls feature seven gothic-arched stained glass windows separated by buttresses. The stained glass window over the altar features a combination of religious and London Psychiatric Hospital images.

Horse Stable

The Horse Stable was built in 1894 under the direction of Superintendent Bucke and the scale and quality of materials shows the importance of agriculture to the self-sufficiency and practice of moral therapy at London Psychiatric Hospital. It is a large two-storey buff brick building. There are two intersecting gable roof sections and five ventilators along the apex to provide ventilation and give the building a distinct silhouette. The segmental arched window openings (bricked over) have brick voussoirs and most have stone sills. The eaves have tongue and groove soffits. A large second storey board and batten door provides access to the hay loft on the building's west elevation.

The Infirmary

The Infirmary is an imposing building with a combination of architectural styles popular in the Victorian-era including Beaux-arts Classicism, Edwardian Classicism and Colonial Revival. The Infirmary is constructed of local buff brick with a central administration block with two recessed symmetrical wards on either side (one for men and one for women). The three-storey central block sits on a raised basement. It has a hipped roof with a central skylight to the operating theatre and tall distinctive chimneys. The main front entrance is topped with a pediment supported by pilasters, a large rounded arched window and two smaller rounded-arched windows and a dentilled cornice. The symmetrical wards are connected to the central block by a narrow corridor. The wards feature Colonial Revival influence seen in the projecting central bay with a pediment and coins, ventilators, dormer windows and dentilled cornice. The sun porches at the end of each wing were originally in the shape of a trapezoid. The current ones are rectangular and date from 1945. The rear (north) elevation of the Infirmary is simplified with projecting bays, dormer windows and tall chimneys. All of the window openings are flat-arched and many of the double-hung wood-sash windows survive. The exception is a singular rounded-arch window on both ward façades above an off-centered entrance door.

Recreation Hall

The Recreation Hall was constructed in 1920 and is located directly east of the Chapel of Hope. It was constructed in a Classical Revival style of reddish-brown brick laid in common bond. It features a symmetrical façade frontispiece – a central block and two flanking wings. The central block features a pediment with an oculus window, a central rectangular shaped tripartite window flanked with 6-paned window. The flanking wings feature a rounded-arched window. The brickwork that surrounds the windows is dark brown and extends well beyond the base of the window. Each of the six multi-paned rectangular wood windows are divided into three parts on the side-walls and set within a shallow rounded-arched niche. The austere rear elevation features coining and a singular rounded-arched window in the gable.

Contextual Value:

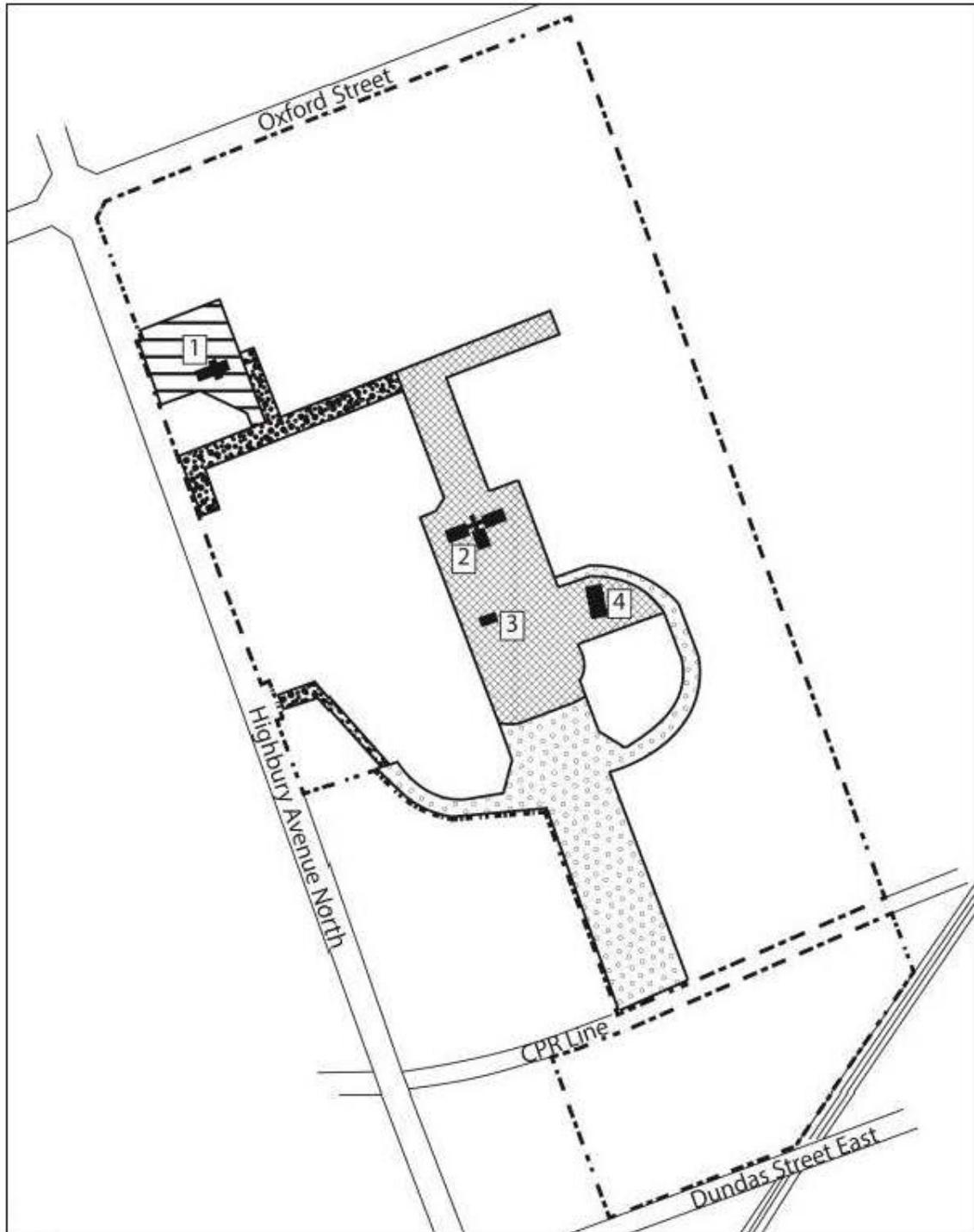
The London Psychiatric Hospital is deliberately setback from the main street to provide a serene and rural setting – core to moral therapy and the Kirkbride Plan. The historic main entrance to the Former Hospital Lands is off Dundas Street East where the Allée leads visitors from the street and into the complex of institutional buildings. The Former Hospital Lands were originally surrounded by a rural farming landscape. They are now bordered by three extremely busy thoroughfares (Highbury Avenue North, Oxford Street East and Dundas Street East) and the surrounding neighbourhood has evolved to become the home to several business and industries along Highbury Avenue North and Dundas Street East and a residential subdivision to the east.

Archaeological Value:

The London Psychiatric Hospital has archaeological value due to the below ground resources associated with the evolution mental health care. The main building, airing yard, portions of the root house represent the era in the 19th century when use of the Kirkbride Plan and self-sufficiency was the norm at these large-scale government run mental health institutions.

SITE SKETCH SHOWING

1. THE APPROXIMATE LOCATION AND CONFIGURATION OF THE PROTECTED LANDS AND THE ACCESS LANDS ON THE FORMER HOSPITAL LANDS
2. THE APPROXIMATE LOCATION AND CONFIGURATION OF THE ALLÉE AND RING ROAD ZONE ON THE PROTECTED LANDS
3. THE APPROXIMATE LOCATION OF BUILDINGS ON THE PROTECTED LANDS



SKETCH NOT TO SCALE

SKETCH NOT A PLAN OF SURVEY

LEGEND

- | | | | |
|--|------------------------------|----|-------------------|
| | Access Lands | 1. | Horse Stable |
| | Allée and Ring Road and Zone | 2. | Infirmery |
| | Campus Zone | 3. | Chapel of Hope |
| | Horse Stable Zone | 4. | Recreational Hall |

--- Boundaries of the Former Hospital Lands

SCHEDULE "B3"

DESCRIPTION OF THE HERITAGE FEATURES

The Heritage Features referred to in this Agreement are comprised of the exteriors of the Buildings on the Protected Lands which include, but are not limited to, the following highlighted elements which contribute to their heritage value:

The Horse Stable:

- General massing and two intersecting gable roof sections
- "t"-shaped footprint
- Local buff brick (also called white brick)
- Five roof ventilators
- Brick chimney (east elevation)
- Location of existing segmental-arched window and door openings
- Brick voussoirs and stone sills above and below window openings
- Board and batten upper access doors to hay loft (west elevation)

Chapel of Hope:

- Local buff brick construction
- Gable roof topped with a finial
- Double-lancet stained glass windows
- Large stained glass window above the altar depicting religious imagery and scenes from the London Psychiatric Hospital
- Bull's eye window with quatrefoil muntin in the gable end
- Seven bay side walls with buttresses
- Trefoil dormers
- Chimneys

The Infirmary:

- Local buff brick construction
- Symmetrical composition - tall three-storey central administration block on a raised basement centre block flanked by two identical wards with rectangular wood verandahs
- Main front entrance topped with a pediment supported by pilasters, a large rounded arched window and two smaller rounded-arched windows and dentilated cornice
- Tall chimneys and skylights atop the hipped roof of the central block
- Dentilated cornice around the entire building
- Double-hung wood-sash windows
- Flat arch buff-brick lintels and stone sills
- Louvered ventilators atop the flanking wards
- Pediments, dormer and Bull's eye windows of the wards
- The single rounded-arched window of the wards façade
- Decorative buff-brick quoins at the end walls and separating the slightly projecting bays of the wards
- The simplified rear (north) elevation with projecting bays, dormers and chimneys
- Sun porches at the end of each ward

Recreation Hall:

- Reddish-brown brick construction
- Symmetrical façade frontispiece – a central block and two flanking wings.
- Central block with pediment, oculus window, a central rectangular shaped tripartite window flanked with 6-paned window
- Flanking wings feature a rounded-arched window with decorative dark-brown brickwork extending well beyond the base of the window.
- Side walls with six multi-paned rectangular wood windows divided into three parts and set within a shallow rounded-arched niche
- Raised basement with multi-paned windows
- Projecting bays on the side wall with a pediment, quoins, entrance door and six-over-six wood-sash windows
- Rear elevation features quoins and a rounded-arched window in the gable

DESCRIPTION OF CULTURAL HERITAGE LANDSCAPE FEATURES

The provincially significant cultural heritage landscape on the Protected Lands is composed of three zones:

1. **The Allée and Ring Road Zone:** This zone contains the grand tree-lined Allée that stretches from the historic entrance at Dundas Street East northward to the circular drive and ring road that connects the Infirmary, the Chapel of Hope and the Recreational Hall. With its open spaces and rows of mature trees, it evokes a designed rural setting and framed vista for the key institutional buildings of the Hospital which are set back from the main entrance off Dundas Street East.
2. **The Campus Zone:** This zone contains three (3) buildings associated with the London Psychiatric Hospital of provincially significant heritage value: the Infirmary, the Chapel of Hope and the Recreational Hall as well as associated open spaces, landscape and plantings. These elements are located within a ring road at the end of a long Allée stretching south to Dundas Street.
3. **The Horse Stable Zone:** This zone is comprised of open space, mature trees and unobstructed views of all sides of the horse stable.

The Cultural Heritage Landscape Features of the Allée and Ring Road Zone

The Cultural Heritage Landscape Features of the Allée and Ring Road Zone include, but are not limited to, the following highlighted elements:

- The 470-metre tree-lined Allée that extends from the CPR Line and intersects with the circular drive
- Circular drive with internal green space and east/west access to the ring road
- Remnants of the ring road
- Mature trees that border the ring road on both sides

The Cultural Heritage Landscape Features of the Campus Zone

The Cultural Heritage Landscape Features of the Campus Zone include, but are not limited to, the following highlighted elements:

- The location of the provincially significant buildings: Chapel of Hope, Infirmary and Recreation Hall within the landscape
- Their deliberate setback of the from the Dundas Street East to provide a serene and rural setting
- Strategically planted trees including the row of black walnut trees along east/west interior roadway leading to the Horse Stable
- North/south tree-lined roadways framing a view of the north (rear) elevation of the Infirmary
- The open space of the lawn with mature plantings directly south of the Infirmary

The Cultural Heritage Landscape Features of the Horse Stable Zone

The Cultural Heritage Landscape Features of the Horse Stable Zone include, but are not limited to, the following highlighted elements:

- Mature trees including sugar maples and walnuts
- Surrounding open space providing unobstructed views of all four elevations of the Horse Stable

Report to Planning and Environment Committee

To: Chair and Members
Community Advisory Committee on Planning

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

Subject: Request to Remove Properties from the Register of Cultural Heritage Resources by 2698746 Ontario Inc. for the Property at 185 Wellington Street, and by 2700875 Ontario Inc. for the property at 189 Wellington Street

Date: October 3, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, that:

- a) The Chief Building Official **BE ADVISED** that Municipal Council consents to the demolition of the built resource on the property at 185 Wellington Street;
- b) The Chief Building Official **BE ADVISED** that Municipal Council consents to the demolition of the built resource on the property at 189 Wellington Street;
- c) The property at 185 Wellington Street **BE REMOVED** from the *Register of Cultural Heritage Resources*, and;
- d) The property at 189 Wellington Street **BE REMOVED** from the *Register of Cultural Heritage Resources*.

Executive Summary

A written request to remove the properties at 185 Wellington Street and 189 Wellington Street from the *Register of Cultural Heritage Resources* was received by the City. Pursuant to the requirements of the *Ontario Heritage Act*, when considering a request to remove a property from the *Register of Cultural Heritage Resources*, Municipal Council must decide as to whether the property should continue to be included on the *Register* or whether it should be removed and provide notice of decision to the owner(s) of the property within 90 days after the decision. A Cultural Heritage Impact Statement report was submitted with this request and determined that the properties do not meet the criteria of *Ontario Regulation 9/06* and do not merit designation pursuant to the *Ontario Heritage Act*. Staff agree with the findings and conclusions of the Cultural Heritage Impact Statement report.

Analysis

1.0 Background Information

1.1 Property Location

The properties located at 185 Wellington Street and 189 Wellington Street are situated on the west side of Wellington Street, between Simcoe Street and Grey Street (Appendix A).

185 Wellington Street and 189 Wellington Street are located within the SoHo neighbourhood, which has been identified as an area for future study as a potential heritage conservation district (*Heritage Places 2.0*, 2019). Both properties are part of a historic commercial streetscape, including purpose-built commercial buildings, institutional buildings, and residential-form buildings including some that have been adapted to commercial uses. Nearby heritage landmarks include the former Wellington Street Methodist Church (156 Wellington Street, heritage listed property), former Christ Anglican Church (138 Wellington Street, heritage designated property), and the Red

Antiquities Building (129-131 Wellington Street). There are numerous adjacent and nearby heritage listed properties.

1.2 Cultural Heritage Status

The properties at 185 Wellington Street and 189 Wellington Street are heritage listed properties. The properties were added to the *Register of Cultural Heritage Resources* by resolution of Municipal Council on March 27, 2018.

1.3 Description

1.3.1 185 Wellington Street¹

The built resource on the property at 185 Wellington Street is circa 1859, and consists of a 1-storey, vernacular frame building, clad with contemporary siding. The front section is on a brick foundation that has been parged. The primary footprint of the building consists of a front square portion (measuring approximately 10m x 10m) and a wing extending 4m to the rear. Most of the front and rear yard is paved. In its massing, roof shape and the centre gable, the building exhibits elements of an Ontario Cottage style, but with few other representative details.

Much of the building has been altered or replaced including the exterior cladding, doors, and windows. The Cultural Heritage Impact Statement report notes the following alterations to the exterior:

- *replacement of all window sash with modern slider or double hung sash;*
- *the enlargement of window openings on the principal elevation;*
- *replacement and relocation of the front door;*
- *removal of any other window and door openings of the [b]uilding;*
- *addition of modern siding; it is not known whether any original siding remains under the modern siding;*
- *cladding of fascia and soffits with modern synthetic material;*
- *addition to the [rear] wing;*
- *addition of front and rear wooden decks and staircases; and*
- *removal of all chimneys. (Morgan, p27)*

1.3.2 189 Wellington Street²

The built resource on the property at 189 Wellington Street is circa 1856, and consists of a 1-storey, vernacular frame building, clad with yellow brick on the front façade and asbestos shingle siding on the other elevations. The building sits on a concrete block foundation. The footprint of the building is rectangular, measuring approximately 10m x 14.8m which includes a wing extending to the rear. The front section is capped by a low pitched, asphalt gabled roof (side facing). A brick façade was added to the primary façade which obscures what is thought to be a centre gable (like what is at 185 Wellington Street). The rear wing is capped by a low-pitched hip roof.

Alterations to the exterior are extensive and the Cultural Heritage Impact Statement report notes the following alterations:

- *addition of a full front elevation and extension in a different architectural style and building material from the rest of the [b]uilding;*
- *change in siding to the rest of the [b]uilding; it is unlikely the original siding remains under the shingle siding;*
- *replacing all of the original foundation with concrete blocks;*
- *change in size and sash of all window openings except one;*
- *replacement of all doors;*
- *alterations to the rear [...] wing; and*
- *replacement of all original chimneys with one 1950s chimney. (Morgan, p31)*

¹ This section is excerpted from Morgan, 2021 (p25-29).

² This section is excerpted from Morgan, 2021 (p29-31).

1.4 History

The Euro-Canadian history of the properties at 185 Wellington Street and 189 Wellington Street originates 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. The subject site is identified relative to this town survey as Lot, Part 1, Plan 30 – NW Grey Street (185 Wellington Street) and Lot Part 1, Plan 30 – SW Simcoe Street (189 Wellington Street).

1.4.1 185 Wellington Street³

The Crown retained ownership of Lot, Part 1, Plan 30 – NW Grey Street (185 Wellington Street) until 1850 when all of Lot 1 on the north side of west Grey Street was sold to John Wood. Wood acquired the property as an investment and sold the north half of the lot to William Winslow within four months of acquiring the patent. The property, specifically at the address now 185 Wellington Street, remained vacant until circa 1859 when Winslow mortgaged the property to build a rental dwelling. The property was sold to Laura Newell in 1863 (a previous tenant) and then to John Price in 1877 who also owned and resided at the adjacent property at 189 Wellington Street. John Price and his descendants continued to own the property until 1957. The building was a rental property that was used as a residence for a variety of people and, in the mid-twentieth century, it was a beauty salon for roughly 30 years. The property has been held by the current owner since 2019 and is not currently occupied.

1.4.2 189 Wellington Street⁴

The Crown retained ownership of Lot Part 1, Plan 30 – SW Simcoe Street until 1848 when a half-area lot containing 189 Wellington Street was sold to Henry McCabe. The lot was subsequently sold and subdivided. The property specifically at the address now 189 Wellington Street remained vacant until 1854 when Robert Leathorn then owner, built the dwelling on the property circa 1855. This building was built as a rental property for Robert Leathorn. John Price, who later bought the property may have rented it prior to purchasing it in 1863. John Price and his descendants continued to own the property until 1949 and it appears that the building was still being used for residential purposes at that time, and up until the early 1960s when a barber shop was established in the front of the house. The property has been held by the current owner since 2019 and is not currently occupied.

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*.”

³ This section is excerpted from Morgan, 2021 (p18, pp23-24; pp35-36; Appendix I).

⁴ This section is excerpted from Morgan, 2021 (pp18-23, pp38-39, Appendix I).

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 Community Advisory Committee on Planning (CACCP) is consulted, and a public participation meeting is held at the Planning & Environment Committee.

Section 27(8), *Ontario Heritage Act*, requires that when an objection to a property’s inclusion on the Register is received, Municipal Council must decide as to whether the property should continue to be included on the *Register* or whether it should be removed, and provide notice of Municipal Council’s decision to the owner of the property within 90-day after decision.

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 back to Municipal Council. Appeals to the passing of a by-law to designate a property pursuant to the *Ontario Heritage Act* are referred to the Ontario Land Tribunal (OLT).

2.1.2.1 Criteria for Determining Cultural Heritage Value or Interest

Ontario Heritage Act Regulation 9/06 establishes criteria for determining the cultural heritage value or interest of individual properties. These criteria are:

1. Physical or design value:
 - i. Is a rare, unique, representative or early example of a style, type, expression, material or construction method;
 - ii. Displays a high degree of craftsmanship or artistic merit; or,
 - iii. Demonstrates a high degree of technical or scientific achievement.
2. Historical or associative value:
 - i. Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;
 - ii. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or,
 - iii. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community.
3. Contextual value:
 - i. Is important in defining, maintaining or supporting the character of an area;
 - ii. Is physically, functionally, visually or historically linked to its surroundings; or,
 - iii. Is a landmark.

A property is required to meet one or more of the abovementioned criteria to merit protection under Section 29 of the *Ontario Heritage Act*. Should the property not meet the criteria for designation, the demolition request should be granted. 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 properties at 185 Wellington Street and 189 Wellington Street are included on the *Register of Cultural Heritage Resources* as a heritage listed properties.

3.0 Financial Impact/Considerations

None

4.0 Key Issues and Considerations

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

A complete written request to remove the properties at 185 Wellington Street and 189 Wellington Street from the Register of Cultural Heritage resources was received by the City on August 29, 2022.

Pursuant to Section 27(8) of the *Ontario Heritage Act*, when considering a request to remove a property from the *Register of Cultural Heritage Resources*, Municipal Council must decide as to whether the property should continue to be included on the *Register* or whether it should be removed and provide notice of decision to the owner of the property within 90-days after the decision.

4.2 Cultural Heritage Impact Statement (CHIS)

A Cultural Heritage Impact Statement report by Wayne Morgan – heritage planner (dated January 2021) was submitted as a part of the request to remove the properties from the *Register of Cultural Heritage Resources*. As required, the Cultural Heritage Impact Statement report included an evaluation of the properties according to the criteria of *Ontario Regulation 9/0, Criteria for Determining Cultural Heritage Value or Interest*. Through the evaluation, Morgan (2021) determined that both properties –185 Wellington Street and 189 Wellington Street – do not meet the criteria of *Ontario Regulation 9/06* and therefore do not merit designation pursuant to the *Ontario Heritage Act*. Staff agree with the conclusions of the Cultural Heritage Impact Statement report.

4.3 Consultation

Pursuant to the Council Policy Manual, notification of the request to remove the subject properties from the *Register of Cultural Heritage Resources* will be sent to property owners within 120m of the subject property, as well as community groups including the Architectural Conservancy Ontario – London Region Branch, the London & Middlesex Historical Society, and the Urban League of London. Notice will be published in *The Londoner* on September 15, 2022. This item will be heard at the October 3, 2022, PPM of the Planning and Environment Committee (PEC).

At its meeting on August 31, 2022, the Stewardship Sub-Committee of the Community and Advisory Committee on Planning (CACP), received and reviewed the Cultural Heritage Impact Statement report (Morgan, 2021) for the properties at 185 Wellington

Street and 189 Wellington Street, and did not object to removing both properties from the *Register of Cultural Heritage Resources*.⁵

Heritage planning staff accessed the subject properties on August 30, 2022, for the purposes of photo-documenting the building exteriors and surrounding context.

Conclusion

A written request to remove the properties at 185 Wellington Street and 189 Wellington Street was received by the City. A Cultural Heritage Impact Statement report was submitted with the written request and included an evaluation of the properties according to the criteria of *Ontario Regulation 9/06, Criteria for Determining Cultural Heritage Value or Interest*. The evaluation determined that the properties did not meet the criteria, and therefore do not warrant designation pursuant to the *Ontario Heritage Act*. Staff agree with the findings and conclusions of the Cultural Heritage Evaluation Report. The properties should be removed from the *Register of Cultural Heritage Resources*.

Prepared by: Laura E. Dent, M.Arch, PhD, MCIP, RPP
Heritage Planner

Reviewed by: Jana Kelemen, M.Sc.Arch., MUDS, RPP, MCIP
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	Location of Properties
Appendix B	Images
Appendix C	Cultural Heritage Impact Statement

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⁵ The Stewardship Sub-Committee noted the thoroughness of the Cultural Heritage Impact Statement report, including land registry research, review of historical mapping, interior and exterior photographs, as well as floorplans.

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

Appendix A – Location of Properties



Figure 1: Location of the subject properties at 185 Wellington Street and 189 Wellington Street

Appendix B – Images



Image 1. 185 Wellington Street, façade-facing southwest – W. Morgan (CHIS, Jan 2021)



Image 2. 185 Wellington Street, rear-facing northeast – W. Morgan (CHIS, Jan 2021)



Image 3. 189 Wellington Street, facade-facing northeast – W. Morgan (CHIS, Jan 2021)



Image 4. 189 Wellington Street, rear-facing northeast – W. Morgan (CHIS, Jan 2021)



Image 5. 189 Wellington Street, façade detail-facing northeast – W. Morgan (CHIS, Jan 2021)

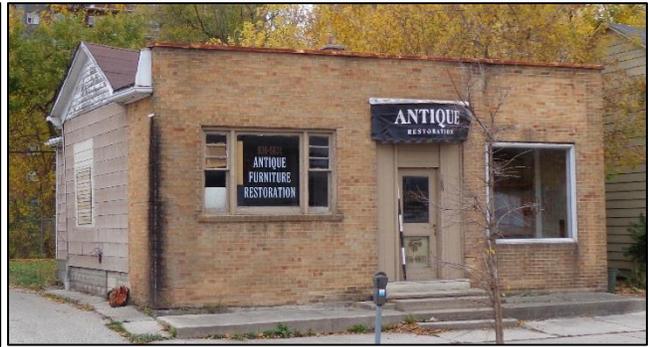
Appendix C – Cultural Heritage Impact Statement

Cultural Heritage Impact Statement (Wayne Morgan, dated January 2021) – *attached separately*

CULTURAL HERITAGE IMPACT STATEMENT



185 - East and North Elevations



189 - South and East Elevations



**185 & 189 WELLINGTON STREET
CITY OF LONDON, ONTARIO**

January 2021

Prepared for:

2698748 Ontario Inc.

Prepared by:

**WAYNE MORGAN
HERITAGE PLANNER**

CULTURAL HERITAGE IMPACT STATEMENT

**185 & 189 WELLINGTON STREET
CITY OF LONDON, ONTARIO**

January 2021

Prepared for:

2698748 Ontario Inc.

**Prepared by:
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EXECUTIVE SUMMARY

The owners of a site, 185 and 189 Wellington Street, on the west side of the Street between Simcoe and Grey Streets, propose to redevelop the site for a three storey 'Main Street' type building. They have prepared a Concept Plan for the proposal and will submit more detailed plans in conjunction with applications for Site Plan Approval and Zoning By-law variances. The subject properties are listed in the City's Register of Heritage Properties but are not designated under the *Ontario Heritage Act*.

City Official Plan (OP) policy 565 requires a heritage impact assessment for the proposal. Also, an assessment of the heritage values of the subject and adjacent properties is required. This Cultural Heritage Impact Statement (CHIS) meets both requirements by identifying and evaluating heritage values on and near the site, assessing impacts from the proposed development and recommending measures to mitigate any adverse heritage impacts consistent with provincial and municipal policies.

The historical development of the site and nearby properties, within the City context, was examined. The site's building exteriors and interiors and landscapes were examined and documented. Both buildings were built in the 1850s but have been considerably altered. The site and nearby properties were evaluated using municipal and provincial criteria supplemented by consideration of heritage integrity and building condition. It was determined that the site's buildings and landscapes do not have sufficient cultural heritage value to warrant conservation but adjacent and some nearby properties have potential heritage value that may warrant their conservation.

The owners' Concept Plan is a phased development involving the demolition of the site's existing structures, constructing a three storey building with ground floor commercial and upper floor residential uses and parking in the rear. Access to the rear parking is from a north end driveway. The proposed building abuts the street right-of-way; no front yard is proposed.

Since the subject site does not warrant heritage conservation, the proposal will not have an adverse on-site heritage impact. Similarly the proposal will not adversely impact the attributes of adjacent heritage resources. However there is a potential for adverse visual impact on the adjacent properties. It is proposed to mitigate such impacts through modification of the proposed development in terms of the Wellington Street setback, the exterior material palette and landscaping on the north side.

This CHIS recommends that the City:

1. accept this CHIS as fulfilling the requirements of OP policy 565;
2. approve demolition of the site's structures and landscapes once the proposed building replacement plans has been approved;
3. approve replacement building plans as shown in the Concept Plan with setback, an exterior material palette and landscaping modifications as described in this CHIS;
4. accept this CHIS as sufficient archival documentation of the site;
5. not require salvage of material from demolition of the buildings on the site;
6. not require a commemorative interpretation program for the site; and

the owner, in respect of the replacement building plans:

7. not apply for demolition permits until those plans have been approved; and
8. work with City staff to develop an appropriate exterior material palette.


Wayne Morgan, Heritage Planner

PROJECT PERSONNEL

Wayne Morgan
Heritage Planner

Member, Canadian Association of Heritage Professionals
Member, Canadian Institute of Planners
Member, Ontario Professional Planners Institute
President, Community Heritage Ontario

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1.0 INTRODUCTION

The owners of an approximately 879 square metre (9,460 square feet) site on the west side of Wellington Street between Simcoe and Grey Streets in the City of London propose to develop the site for a three storey ‘Main Street’ type building with a mix of commercial and residential uses. A Concept Plan has been submitted for the proposed development. The owners will be submitting more detailed plans in conjunction with applications for Site Plan Approval and variances to the Zoning By-law for the proposed development. The proposal encompasses two properties – 185 and 189 Wellington Street. Both properties are listed in the City’s Register of Heritage Properties in accordance with the *Ontario Heritage Act*, but are not designated under that *Act*.

Policy 565 of the London Official Plan requires a heritage impact statement when redevelopment or new development is proposed on a listed property. Since the subject properties are listed and not designated, a cultural heritage assessment is required to determine the heritage values and attributes of the subject and nearby properties. This Cultural Heritage Impact Statement (CHIS) has been prepared to meet both of those requirements. Wayne Morgan, Heritage Planner, was retained by the property owners to prepare this CHIS in accordance with provincial and municipal heritage policies and to recommend any mitigation measures with respect to the heritage resources and values of the subject and adjacent / nearby heritage properties. A curriculum vitae for Wayne Morgan is contained in *Appendix M*.

2.0 DESCRIPTION OF THE PROPERTIES AND THEIR CONTEXT

2.1 Location

The two properties are located in the City of London in the County of Middlesex on the west side of Wellington Street south of Simcoe Street and north of Grey Street, south of the downtown area of London (**Figures 2.1 and 2.2**). The two properties are bounded on the east by Wellington Street, on the north by a property line dividing 189 Wellington Street from 193 Wellington Street, on the west by the lot line that forms the east boundary of 257 Simcoe and 258 Grey Streets and on the south by a property line dividing 185 Wellington Street from 181 Wellington Street.

*Subject
Properties*

Figure No. 2.1
General Location Map
[Source: London City Maps,
2020]



*Subject
Properties*

Figure No. 2.2
Subject Site in Context
[Source: London City Maps
Image 2020].



2.2 Ownership and Legal Description

Currently the properties are owned by:

2698748 Ontario Inc. (185 Wellington Street) and
2700875 Ontario Inc. (189 Wellington Street)
6751 Professional Court, Suite 203
Mississauga, Ontario L4V 1Y3

The short legal description of each property is:

185 Wellington Street - *Part Lot 1, North of West Grey Street, Crown Plan 30 as in 765429 in the City of London;* and

189 Wellington Street - *Part Lot 1, South of West Simcoe Street, Crown Plan 30 and Part Lot 1 North of West Grey Street being the northerly 1 foot as in W42629 in the City of London.*

Appendix A contains a survey of the properties. Together, the properties are approximately 878.7 square metres (9,460 square feet) in size.

The municipality has addressed the properties as 185 and 189 Wellington Street. These municipal addresses have been applied to the properties since at least 1881.

2.3 Area Character and Physiography

As shown on the topographic map (**Appendix C**), the subject site is relatively flat, with a very gentle slope to the southwest to the Thames River which drains west into Lake St. Clair. The river valley, which is the only noteworthy topographic feature in the area, is in a relatively wide valley with low valley walls. The subject site is within an urban area that has been developed for urban purposes for more than a century.

The area character identified in the topographic map is also illustrated in a 1942 aerial photograph (Figure 2.3) which shows that the subject property located in an extensive urban area. Downtown London is to the north of the subject site, with railway tracks and a rail yard between the subject site and downtown London.

Since 1942, there has been some change in the area land uses when Figure 2.3 is compared to Figure 2.2. A number of sites have been redeveloped for more intensive use, while others have had buildings demolished and the property paved for parking lots.

Detailed aerial photographs of the subject site from 1922 to 2020 are found in **Appendix D**.

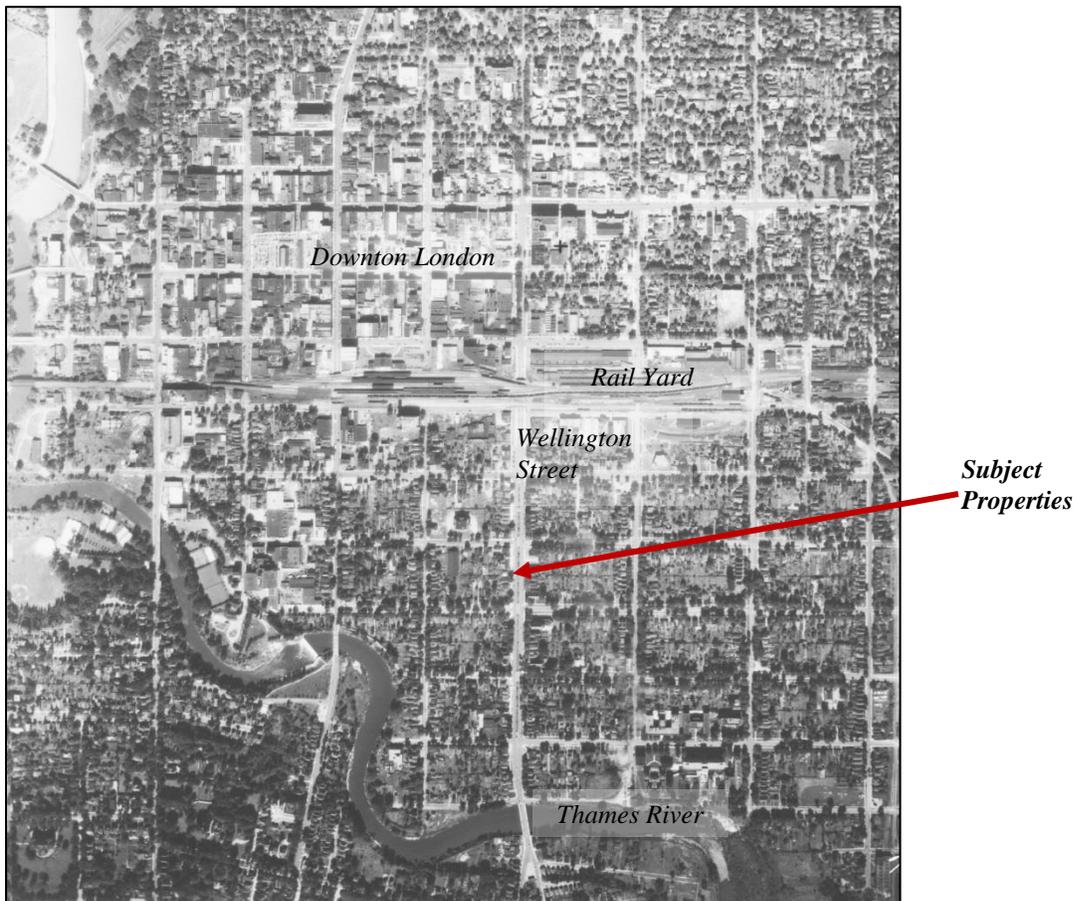


Figure No. 2.3
The Area in 1942

[Source: Ontario Department of Lands and Forests, Line 17, Photo 9].

The property is in the Caradoc Sand Plains and London Annex physiographic region¹ which is described as:

Immediately surrounding the city and extending several miles eastward there is a basin lying between 850 and 900 feet above sea level. Into this basin the earliest glacial spillways discharged muddy water, laying down beds of silt and fine sand. Later, when standing water had retired westward to lower levels, gravely alluvium was spread over the lower parts of the basin.

2.4 Context - General Character

The subject site is within an immediate area that is urban in character (Figures 2.2 and 2.3).

¹ Chapman and Putnam, pp 236-238.

As shown by the context photographs in *Appendix B*, the properties to the north, south, east and west of the subject property have been developed for a variety of low rise residential, mixed commercial / residential and institutional uses. On one property to the west, there is a high rise residential building.

Wellington Street is a heavily traveled four lane arterial road with a special urban character – sidewalks on both sides, enclosed storm drains, curbs, a lane of metered parking on the west side and a landscaped centre median containing street lights. Between the sidewalk and the curb, there is a planting area paved with coloured concrete pavers with a street tree in it in front of 189 Wellington Street. On Wellington Street, the nearest signalized intersections are at Horton Street to the north and Grey Street to the south. Further south on Wellington Street, a bridge provides a crossing over the south branch of the Thames River.

2.5 Context - Adjacent and Nearby Heritage Properties

Two heritage properties are adjacent to or abut the subject site. There are:

- *181 Wellington Street* – west side of the street – semi-detached House – circa 1855 –
A two storey yellow, solid brick, hip roofed, house-form building with a symmetrical arrangement openings on the front façade.
- *193-195 Wellington Street*² – west side of street – semi-detached House – circa 1860
A 1½ storey frame, gable roofed, house-form building with a centre gable and a symmetrical arrangement of openings on the front façade.

The following heritage properties are near to the subject site:

- *169-171 Wellington Street* – west side of street – House – circa 1885 -
A 2 storey, solid yellow brick, gable and hip roofed house-form structure with an ‘L’ shaped floor plan; upper floor retains original openings, ground floor commercial facades – 31.6 metres from the subject site.
- *184 Wellington Street* – east side of street – House – 1881 -
A 1 storey, solid brick, hip roofed, structure with a symmetrical arrangement of front openings – 40.3 metres from the subject site.
- *190 Wellington Street* – east side of street – House – circa 1890 -
A 2 storey, solid yellow brick, cross gable roofed house-form structure with an ‘L’ shaped floor plan; retains original front openings– 41.3 metres from the subject site.

² 193 – 195 and 197-199 Wellington Street are two separate structures on one property. In this CHIS, they are discussed as two separate properties.

- *197-199 Wellington Street* – west side of street – commercial structure – circa 1870 -
A 2 storey, solid yellow brick, flat roofed, structure with ground floor retail and upper floor residential uses – 11.9 metres from the subject site.
- *201-203 Wellington Street* – west side of street – commercial structure – circa 1870 -
A 2 storey, solid brick, gable roofed, structure with the gable facing the street, ground floor retail and a symmetrical arrangement of front openings – 25 metres from the subject site.
- *205-209 Wellington Street* – west side of street – commercial structure – circa 1885 -
A 3 storey, solid brick, flat roofed, structure, ground floor retail and a symmetrical arrangement of upper floor rectangular window openings – 34.4 metres from the subject site.

No other potential heritage properties were identified adjacent to or near the subject site using the London Heritage Register and walking the area.

3.0 HERITAGE POLICIES

This chapter identifies federal, provincial, and municipal heritage policies relevant to the proposed development of the subject site.

3.1 The Planning Act and Provincial Policy Statement (2020)

Section 2 of the *Planning Act* identifies “matters of provincial interest, which includes the conservation of significant features of architectural, cultural, historical, archaeological or scientific interest.”³ This applies as a planning application will be required for the proposal.

Section 3 of the *Planning Act* enables the Province to issue Policy Statements on matters of Provincial Interest. The Provincial Policy Statement (2020) (PPS) issued under the *Act* applies. Section 2.6 of the PPS addresses Cultural Heritage. Policy 2.6.1 states:

Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

The PPS provides the following definitions to the italicized terms.

Significant means in regard to cultural heritage and archaeology, “resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.”

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

Cultural heritage landscape means a defined geographical area that may have been modified by human activities and is identified as having cultural heritage value or interest by a community including an indigenous community. The area may include features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. ...

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

³Ontario Ministry of Culture. *Heritage Resources in the Land Use Planning Process*, p 1.

approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.”

Policy 2.6.3 of the PPS deals with development adjacent to a protected heritage property,

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*.

In addition to the above definitions, each of the italicized terms has the following definitions:

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*”;

Site alteration means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site; *Adjacent lands* means “for the purposes of policy 2.6.3, those lands contiguous to a *protected heritage property* or as otherwise defined in the municipal official plan”;

Protected heritage property means “property designated under Part 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”.

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*)”.

Other PPS policies that do not deal with cultural heritage may apply to the subject site. In such situations, the PPS states that “when more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together.” This CHIS has not considered other PPS policies in evaluating the proposed development.

3.2 *Ontario Heritage Act (OHA)*

Amendments to the *OHA* were proclaimed on January 1, 2021. This section addresses those amendments and the sections of the *OHA* relevant to the proposed development.

Designation & the Register - Part IV of the *OHA* enables a municipality to list and designate properties of cultural value or interest after consultation with its heritage advisory committee, if one is appointed. Section 27 of the *Act* requires the municipal clerk to keep a Register of properties of cultural heritage value or interest. *OHA* amendments have changed the process for securing designation, including the opportunity for the owner to appeal the municipality's intent to designate to the Local Planning Appeals Tribunal (LPAT).

Listing - Subsection 27.1 of the *Act* allows municipal councils to include properties that may be of cultural heritage value that have not been designated (listed properties) on its Heritage Register after the council has consulted with its heritage advisory committee. Amendments to the *OHA* specify the scope of information to be provided for new listed properties and changes to the procedure for listing a property, including notification of the owner.

Criteria - The Provincial Government has established criteria for determining the cultural heritage value or interest of properties through Regulation 9/06. The criteria are unchanged by the new regulations and are identical to policy 573 of the London OP (see below).

Effect of Designation & Listing - Once a property is designated, demolition or alterations that may affect the heritage attributes require municipal council approval. An owner may appeal Council's decision on an application to alter or demolish to the LPAT. Once a property is listed in the municipal register under the *Act*, any application to demolish a building on a listed property may be delayed 60 days from the date when Council is notified of the intent to demolish, during which Council may pursue designation of the property.

3.3 City of London Official Plan and Zoning By-law

The office consolidation of the London Official Plan (OP) dated November 13, 2019 was reviewed for this report. Cultural heritage objectives and policies are found in the Cultural Heritage Section, pages 137 – 148.

The relevant cultural heritage objectives of the OP are:

554. *In all of the planning and development we do, and the initiatives we take as a municipality we will:*
2. *Conserve London's cultural heritage resources so they can be passed on to our future generations.*
 3. *Ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources.*

Relevant cultural heritage conservation policies of the OP are:

565. *New development, redevelopment ... on and adjacent to 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 ... 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.⁴

- 566 *Relocation of cultural heritage resources is discouraged. All options for on-site retention must be exhausted before relocation may be considered.*
- 567 *In the event that demolition, salvage, dismantling, relocation or irrevocable damage to a cultural heritage resources 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.*
- 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.*
- 569 *Where, ... 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.*
- 573 *City Council will consider one or more of the following criteria in the identification and designation of individual properties of cultural heritage value or interest:*
1. *The property has design or physical value because it:*
 - a. *Is a rare, unique, representative or early example of a style, type, expression, material, or construction method.*
 - b. *Displays a high degree of craftsmanship or artistic merit.*
 - c. *Demonstrates a high degree of technical or scientific achievement.*
 2. *The property has historic value or associative value because it:*
 - a. *Has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community.*
 - b. *Yields, or has the potential to yield, information that contributes to an understanding of a community or culture.*
 - c. *Demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community.*
 3. *The property has contextual value because it:*
 - a. *Is important in defining, maintaining, or supporting the character of an area.*
 - b. *Is physically, functionally, visually, or historically linked to its surroundings.*
 - c. *Is a landmark.*

⁴ This policy is currently under appeal to the LPAT.

- 584 *Building height and densities may be increased, in conformity with the Bonus Zoning policies in the Our Tools part of this Plan, in support of heritage designation of a property that is of cultural heritage value or interest.*
- 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.*
- 590 *Where a property has been identified on the Register and an application is submitted for its demolition or removal, the Heritage Planner and the Clerks Department will be notified in writing immediately. A demolition permit will not be issued until such time as City Council has indicated its approval, approval with conditions, or denial of the application pursuant to the Ontario Heritage Act. Council may also request such information that it needs for its consideration of a request for demolition or removal.*
- 591 *Where a heritage designated property or a property listed on the Register is to be demolished or removed, the City will ensure the owner undertakes mitigation measures including a detailed documentation of the cultural heritage features to be lost, and may require the salvage of materials exhibiting cultural heritage value for the purpose of re-use or incorporation into the proposed development.*

The OP designates the subject site ‘Rapid Transit Corridors’ (**Appendix L**) with the objective of permitting “a mix of residential and a range of other uses along corridors to establish demand for rapid transit services”. The uses are residential, retail, service, office, cultural, recreation and institutional uses a minimum 8 metre (2 storeys) and maximum 12 metre (4 storeys) height. Within the corridor, the subject site is part of the Main Street Soho Community Improvement Area where buildings are to be close to the street with parking to the rear or underground. There are design and signage requirements for new buildings in this segment. In addition paragraph 548, policy 1 specifies that “Cultural heritage resources shall be conserved in conformity with the Cultural Heritage policies of this Plan and the OHA.”

Although these policies show the intent of City Council for this area, OP Map 1 and many of the Place Type policies are under appeal, so the 1989 City OP remains in effect.

The subject site is in zone ‘BDC(4)’ Business District Commercial (4) (**Appendix L**) which permits a range of commercial, institutional and residential uses with residences on the upper floors or rear of the ground floors and no additional requirements for heritage conservation.

3.4 Standards and Guidelines - Conservation of Historic Places in Canada

In 2005, Parks Canada produced a set of standards and guidelines for the conservation of historic places in Canada. These standards and guidelines are intended to identify best practices in the management of heritage resources which include buildings, landscapes and

archaeological sites. The approach taken in developing the standards and guidelines has been informed by international charters for the conservation of heritage resources developed under the auspices of ICOMOS, the international council on historic sites and monuments, a body of heritage professionals which advises the United Nations Educational and Scientific Committee. Some municipalities in Canada have adopted Parks Canada's Standards and Guidelines in the management of their heritage resources.

In 2010, Parks Canada updated and expanded the Standards and Guidelines in a second edition of the document.

In general the Standard and Guidelines seek to:

- preserve the heritage attributes of the historic places;
- ensure that restoration work is consistent with documentary evidence;
- ensure that alterations are reversible and do not create a false sense of history; and
- ensure that additions to a heritage place are distinguishable from the heritage character of the place, yet sympathetic to that character.

Although it does not appear that the City of London has adopted the Standards and Guidelines, other municipalities and heritage professionals use the Standards and Guidelines as 'best practice' in the conservation of heritage resources.

3.5 Municipal Heritage Status - Subject and Adjacent/Nearby Heritage Sites

The subject site at 185 and 189 Wellington Street are listed in the City of London Heritage Register approved by City Council as per the *Ontario Heritage Act* but is not designated under Part IV or V of the *Act*.

All adjacent or nearby heritage properties where heritage resources continue to exist on the properties – 169-171, 184, 190, 193 – 195, 197-199, 201-203 and 205-209 Wellington Street are identified on City Maps as 'listed' heritage properties but are not designated under either Parts IV or V of the *Act*. All of the previous properties, except 193-199 Wellington Street, are included in the July 2019 edition of the Register.

4.0 HISTORICAL SUMMARY

With the gradual retreat of the glaciers from southern Ontario during the last glacial period some 12,000 to 10,000 years ago, the land was occupied by early indigenous (Paleo-Indian) peoples. Initially a nomadic people, later generations engaged in agricultural pursuits, along with hunting and fishing, and established temporary settlements throughout the area. The Thames River was a principal transportation route, with settlements located near the River.

In May 1790 the colonial government based in Quebec City negotiated Treaty number 2, the McKee Purchase⁵, with the chiefs of indigenous peoples of the area, securing for the Crown ownership of a tract of land in southwestern Ontario, including part of the City of London. In 1796, Treaty number 6, the London Township Treaty⁶, was signed with the Crown by the Chippewa of the Thames surrendering land that became London Township including the subject site. These land surrenders were part of the government's response to the need for land to settle Loyalists from the American Revolution and British immigrants.

In 1791, the government split the colony of Canada into Upper and Lower Canada and appointed John Graves Simcoe as governor of Upper Canada. In 1793 Simcoe traveled along the Thames confirming that the site for the colony's new capital should be just west of the forks of the Thames as shown in a 1795 map (*Appendix C*). He named the site after London, England. However, later settlement of London would occur mostly east of the forks of the Thames. Also in 1793, Augustus Jones initiated surveys of the Thames River⁷ and Dundas Road⁸, the latter connecting London with Dundas to the east and then Toronto (York).

In 1788, the colonial government divided southern Ontario into four administrative regions, with the subject site in Hesse District. In 1792 new administrative regions were created, with this site in the Western District. In 1798, the regions were reorganized again, with this site in the London District. By 1826, further reorganizations placed this subject site in London Township in the London District. At that time, the village of London became the seat for the District, housing District legal and administrative services. In 1847, London, including this site, was elevated as a 'Town' separate from the Township. In 1850 municipal and county governments were created in Ontario with the Town of London in Middlesex County. In 1855 London became a City separate from the County⁹, its current status.

The City of London is bounded by the Municipalities of Middlesex Centre (north and west), Thames Centre (east) and in Elgin County, Central Elgin and Southwold (south).

The survey of London Township was initiated by Colonel Mahlon Burwell in 1810. A line roughly parallel to the Thames River near the forks of the River was the east-west survey

⁵ <https://www.rcaanc-cirnac.gc.ca/eng/1370372152585/1581293792285#ucls4>

⁶ <https://www.rcaanc-cirnac.gc.ca/eng/1370372152585/1581293792285#ucls9>

⁷ Gentilcore (1973), 92.

⁸ Ibid, 97.

⁹ Dean, plates 98 and 100.

base, with concessions numbered north and south of this base and lots numbered from the east Township limit to the west limit. Concessions south of the base line were lettered (A, B and C) while concessions to the north were numbered. After every five lots, north-south roads were surveyed. The Township was laid out in the ‘Double Front System’ resulting in 200 acre rectangular lots with frontages on two concession roads¹⁰. These 200 acre lots were usually divided in two, one hundred acre lots and referenced as the north and south halves.

The Crown retained ownership of the site for the capital and in, 1824, directed Burwell to lay out a town survey superimposed on the Township survey. This was registered as Crown Plan 30, part of which is shown in **Appendix C** (1824). Wellington Street was the base line for this survey, with lots numbered east and west of the base. The town survey imposed a settlement grid that persists to this day.

The subject site is identified relative to this town survey as part of Lots 1 northwest of Grey Street (189 Wellington) and southwest of Simcoe Street (185 Wellington). **Appendix I** contains selected listings from the Abstract Index to Deeds and Mortgages for the properties.

4.1 Development of the Larger Area - Town / City of London

To understand the development of the subject site, it is essential to place it within the larger context of development of the area.

The site for London has several physical advantages that facilitated its early development. “*It was originally located at the forks of the Thames because the river was the early route of travel, and because the high alluvial terrace offered a good site on which to build. The underlying sands also offered a good water supply*”¹¹.

With the Township survey establishing lots available for settlement, Thomas Talbot brought a group of Irish settlers to the area in 1817 and 1818.¹² Initially, London would have developed slowly as a market centre for the surrounding agricultural settlement.

With the naming of London as the District seat in 1826, London’s growth accelerated when such District services as the Court house, goal and registry office (Figure 4.1) were established in London. Industries were developed to process agricultural produce and to serve the local market (Figure 4.2). Labatt’s brewery is a couple of blocks west of the subject site. By 1834 London had a population over 1,100. In 1838 a British garrison was stationed in London¹³. As shown on the 1839 map (**Appendix C**), most of the development in London was focused on the west end of Dundas Street, near the Thames, with a scattering of buildings throughout the rest of the area surveyed for the Town.

¹⁰ Gentilcore (1973), 9.

¹¹ Chapman and Putnam, pp 237-238.

¹² Arnold, 2.

¹³ The Founding of London, heritage plaque.

Figure 4.1
*London District, later
Middlesex County
Courthouse & Goal, built
1828-31, pictured c1870*
[Source: Ontario Archives
Acc.3629 s12569]

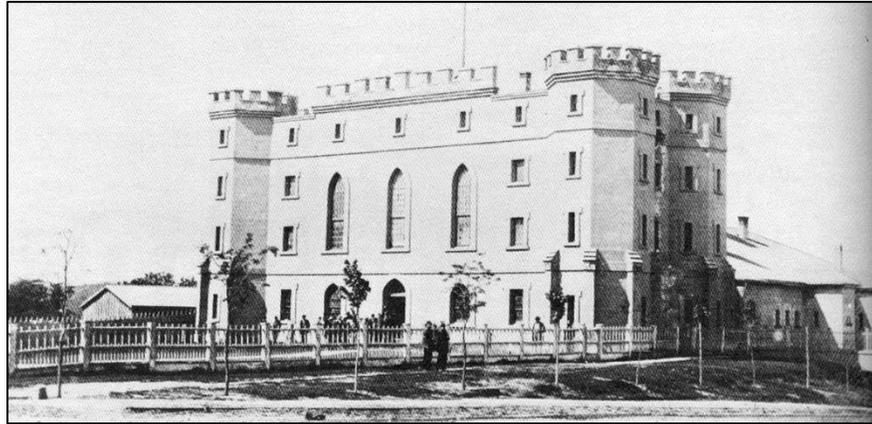


Figure 4.2
A brewery, established 1828, acquired by Labatt in 1847, pictured c1875 [Source: London Public Library]

In 1846 the settlement of London was described as:

The District Town of the London District, situated in the township of London, ..., [is] eighty-five miles from Hamilton, twenty-six from Port Stanley, and seventeen from St. Thomas. ... It is finely situated, being in the midst of a beautiful country, and at the ... junction of the two branches of the River Thames.

London possesses a handsome jail and court house, built of brick in the form of a castle; ... Large barracks, capable of accommodating a regiment, and Artillery barracks in addition, both of which are occupied. A fire company with one engine, a theatre, and two market buildings. Within the last two years London has been twice nearly destroyed by fire. The Episcopal Church was burnt down ...; ... [rebuilt] and London can now boast of possessing the handsomest gothic church in Canada West. ... A fire took place on the 8th October, 1844, when a large portion of the town was burnt; a second fire occurred on the 12th April, 1845,

when about 150 buildings were consumed. Building, however, has been proceeded with rapidly; and in place of the old frame buildings, handsome streets have been erected, composed of brick buildings three and four stories high.

Excellent roads stretch away in every direction. A plank road ... to Port Stanley, and a plank and macadamized road to Brantford [Dundas Street]. New roads have also been completed to Chatham and Port Sarnia. Stages leave London daily for Hamilton, Chatham, and Detroit, and all intermediate places; three times a-week for Port Sarnia and Port Stanley; and twice a-week for Goderich.

A weekly newspaper, the "Times," is published here.

Churches and chapels, 10;

Post Office, post every day.

Population about 3500.¹⁴

Initially the main modes of transportation were by road, described above, and by river. Wellington Street provided access from the City to the area to the south. However, in 1854, the first of several railways, the Great Western Railway (GWR), provided a more reliable mode of transportation and the basis for industrial development in the City, both directly through employment on the railway, in the rail yards and shops; and indirectly by facilitating the growth and relocation of businesses to the City. The 1855 map (*Appendix C*) shows the location of this railway in the City, with the line and station located several blocks north of the subject site while Figure 4.3 shows the line, rail yard and station north of the subject site.



Figure 4.3

The GWR Station (left) and rail yard and associated industries. No date. [Source: <https://labattheritage.lib.uwo.ca/closer-look/labatt-the-legacy-of-a-legend>]

¹⁴ Smith, 100.

The GWR merged with the Grand Trunk Railway (1882) and became part of Canadian National Railways (1921). Other railways to service the City were the London and Port Stanley Railway (1856) and the West Ontario Pacific railway (1887) which in 1888 became part of the Ontario and Quebec Railway a subsidiary of the Canadian Pacific Railway.

In 1881, the University of Western Ontario, which would become a major institution in the City, received its first students.



Figure 4.4
University of Western Ontario c1881 [Source: University of Western Ontario Archives]

The federal government, through high tariff barriers, promoted the growth of branch plants of foreign owned companies in the country. London was well placed to take advantage of this economic policy and, with its program of bonusing new industries, became the site of numerous American branch plants (Figure 4.5), including Kellogg's, Kelvinator and General Motors. The growth of Canadian owned industries was also promoted. London became the site of a number of companies in the service sector, such as insurance company head offices, providing services to the province and nation.

In the early 1950s, road access from London to the rest of Ontario was promoted with the construction of Highway 401, a limited access, multi-lane expressway.



Figure 4.5
Aerial Photo of an Industrial Area in London, circa 1948.
[Source:

<https://www.facebook.com/vintagelondon/photos/an-aerial-view-of-the44606915665611/>

Table 4.1 shows the growth in population in the City of London from 1861 to 2016 as reported by the Census.

Year	Population
1861	11,555
1891	22,281
1911	46,300
1961	168,569
2016	383,822

The subject site is within an area that has been urbanized for more than 140 years in a City that has grown steadily from the mid nineteenth through to the twenty-first century.

4.2 The Subject Site

Key Date	Historical Event
1810	London Township surveyed into lots and concessions
1826	Town of London surveyed into building lots; subject properties each part of half acre lots; Crown retains ownership of lots
1839	Lots remain vacant despite development elsewhere in Town
1848	Half acre Lot containing 189 Wellington sold to McCabe who sells part to Goodhue
1850	Half acre Lot containing 185 Wellington sold to Wood who sells to Winslow
1851 - 1854	189 Wellington – four sales of lot ending with Leathorn in 1854.
1855	Both 185 & 189 Wellington remain vacant.
1856 (est.)	House Built 189 Wellington – house built by Leathorn & leased to employee
1859 (est.)	House Built 185 Wellington – Winslow mortgages property
1862	189 Wellington – property sold to John Price
1863	185 Wellington – property sold to Laura Newell (later Milne)
1877	185 Wellington – property sold to John Price who now owns both 185 & 189
1949	189 Wellington – sold out of Price/Stephens family to Goldsworthy & Cripps
1957	185 Wellington – sold out of Price/Stephens family to Lea Ayers

As stated in section 4.1, London Township survey was initiated in 1810. Despite land being made available for sale to settlers, the Crown retained ownership of an area at the forks of the Thames for its vision of the area being the site for the capital of Upper Canada.

In 1826, the Crown registered a further subdivision of the land with Crown Plan 30, creating approximately half acre lots on the north and south sides of Grey and Simcoe Streets. The Crown continued to retain ownership of the newly created lots.

An 1839 map of London (*Appendix C* – 1839) shows development in the Town to that year. Buildings are identified on the map with a red square. No buildings are shown on the subject properties despite scattered development to the north, west and south.

189 Wellington Street - In 1848, the Crown sold all of lot 1 on the south side of west Simcoe Street to Henry McCabe¹⁵. Nothing could be found about McCabe; he is not listed in the City in the 1861 Census or in later directories. In 1851, McCabe sold the vacant lot to the Honourable George Jervis Goodhue¹⁶ (1799 – 1870), a wealthy London merchant, land speculator and member of the provincial legislature for the London District.¹⁷ In 1863 Goodhue was living on Bathurst Street between Talbot and Ridout Street, so he probably purchased the land for speculative purposes.



Figure 4.6
George Jervis Goodhue
[Source: London Public
Library, Ivey Room]

Shortly after acquiring the land, Goodhue sold parts of the lot. In 1851 he sold the north 40 feet (of the original 120 foot lot), which is the lot for 189 Wellington Street, to Phillip Davis¹⁸. Nothing could be found about Davis. In 1853 Davis sold the lot to George Brett¹⁹. Similarly nothing could be found about Brett. However, the lot was still vacant as shown on the 1855 map (*Appendix C*).

In 1854, Brett sold the vacant building lot to Robert Leathorn²⁰ (c1826 –?), a butcher. In 1861 Leathorn was listed living in Ward 6 in London in a brick two storey house with his wife, three children and servant²¹. The subject site is in Ward 3²². However, Leathorn is also shown in the 1861 Census (Table 4.3) owning a vacant, frame one storey house on a 40 x 100 foot lot (the lot for 189 Wellington is 40 x 110). Around 1856 he appears to have built the house at 189 Wellington Street either for his own use or as a rental property. If it was built for his own use, later in the 1850s he moved to the brick house referenced in the 1861 Census.

In 1862 Leathorn sold the property at 189 Wellington Street to John Price²³. Although Price moved into the house, it is not clear whether he rented the house prior to the 1862 purchase. The 1861 Census (Table 4.3) shows Price living in a frame, one storey on a quarter acre lot (twice the size of the lot at 189 Wellington Street) in Ward 6, not Ward 3, the Ward in which

¹⁵ Land Records, Middlesex County, Lot 1, SW Simcoe Street, London Township, Patent.

¹⁶ Ibid, Instrument No. 218.

¹⁷ http://www.biographi.ca/en/bio/goodhue_george_jervis_9E.html

¹⁸ Land Records, Middlesex County, Lot 1, SW Simcoe Street, London Township, Instrument No. 1229.

¹⁹ Ibid, Instrument No. 3044.

²⁰ Ibid, Instrument No. 3887.

²¹ 1861 Census of Canada, (Population), London City, p. 308.

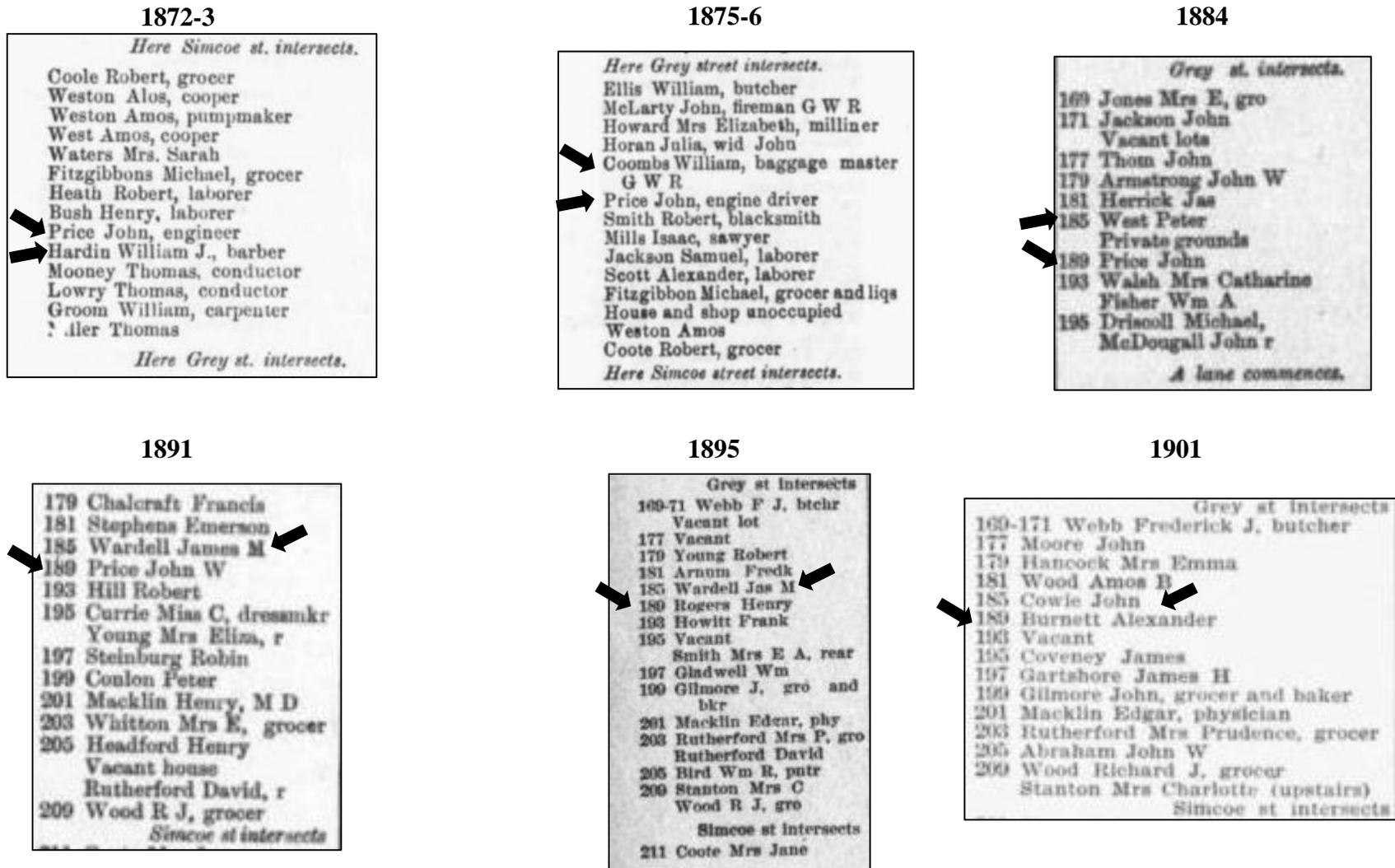
²² The 1861 Census for London City does not show any entries for Ward 3. Either the forms for Ward 3 have not survived, or some forms have been incorrectly assigned to Ward 6.

²³ Land Records, Middlesex County, Lot 1, SW Simcoe Street, London Township, Instrument No. 1229.

Table 4.3 1851 – 1921 Census, London City – 185 & 189 Wellington Street, by Household Head											
Year	185 Or 189	Name	Profession	Age	Land	Houses					
						#	Material	Storeys	Rooms	Families	Vacant
1851		No individual forms have survived for the City of London from the 1851 Census									
1861	?	Robert Leathorn	Butcher	35	30 x 120'	1	brick	2	nc	2	-
	189?				40 x 100'		frame	1	nc	-	1
	189?	John Price	GWR Fireman	26	1/4 ac	1	frame	1	nc	1	-
	185?	Laura Newell	Milliner	29	1/4 ac	1	frame	1	nc	1	-
1871	189?	John Price	GWR Fireman	35	1/4 ac	1	nc	nc	nc	nc	0
	185	?									
1881	189	?			nc		nc	nc	nc	nc	0
	185	?									
1891	189	John Price	Engineer	57	nc	1	wood	1	5	1	0
	185?	James Wardell	Dry Goods Clerk	41	nc	1	wood	1	6	1	0
1901	189	Alexander Burnett	Builder	66	tenant	1	wood	nc	7	1	nc
	185	John Cowie	Moulder?	52	tenant	1	wood	nc	6	1	nc
1911	189	Walter Logan	Civil servant	41	nc	nc	nc	nc	nc	nc	nc
	185	George Cowie	Cigar maker	29	nc	nc	nc	nc	nc	nc	nc
1921	189	James Anderson	?	62	nc	1	wood	nc	6	nc	nc
	185	George Cowie	Cigar maker	40	tenant	1	wood	nc	6	nc	nc

Notes: nc- not collected,

Figure 4.7 London Directories showing Residents on the West Side of Wellington Street between Simcoe and Grey Streets



Year	185 Wellington Street	189 Wellington Street
1939	Bernard McGibbon	C. J. Planz
1946	H. W. Ayers	Robert Findlater
1950	H. W. Ayers	Robert Findlater
1955	Mrs. L. Ayers / Lea's Beauty Salon	H. G. Goldsworthy
1960	Mrs. L. Ayers / Lea's Beauty Salon	Florence Goldsworthy
1965	Mrs. L. Ayers / Lea's Beauty Salon	Mrs. Goldsworthy / Adrian Barber Shop
1970	Mrs. L. Ayers / Lea's Beauty Salon	Mrs. R. Goldsworthy
1974	Mrs. L. Ayers / Lea's Beauty Salon	R. Goldsworthy / Fred the Barber
1979	Mrs. L. Ayers / Lea's Beauty Salon	R. Goldsworthy / Fred the Barber
2000	Pushin Inc. Tattoo Emporium	vacant

189 Wellington Street is located²⁴. John Price and his descendants continued to own the property until 1949, although he only lived in the house until about 1894 when he rented it to others. John Weyman Price:

*was born in 1836 in Basingstoke, England to George Price and his wife Elizabeth Weyman. In Canada he married the former Elizabeth Harvey with whom he had a son and a daughter, William and Mary Elizabeth Price. He worked more than thirty years for the Great West Railway, initially as a fireman and later as an engineer.*²⁵

Residents of 189 Wellington Street were Henry Rogers in 1895 and Alexander Burnett in 1901. (Figure 4.7 and Table 4.3). Burnett, a builder, lived with his wife and adult son in this six room, one storey house. By 1911, Walter Logan, a civil servant, his wife and three children were the tenants in 189 Wellington Street.

In 1920, John Price's daughter, Mary, inherited the property. Mary had married Emerson Stephens and, in 1921, lived at 190 Wellington Street. As of 1921, her tenants at 189 were James Anderson and his wife. The Fire Insurance Plans (*Appendix C*) shows only a minor alteration to the rear of the building from the time John Price lived in it until 1922. In that year, a small rear extension and garage was added to the property. The 1922 aerial photo (*Appendix D*) shows that the existing brick addition had not been constructed on the front of the building. In 1939 her tenant was C. J. Planz and in 1946 Robert Findlater. It appears that the building was still being used for residential purposes when she died in 1949 and her estate sold it to Florence Goldsworthy and Ella Cripps.²⁶

²⁴ 1861 Census of Canada, (Population), London City, p. 54.

²⁵ Arnold, pp.4-5.

²⁶ Land Records, Middlesex County, Lot 1, SW Simcoe Street, London Township, Instrument No. 42629.

Florence Goldsworthy and her husband moved into the house around 1950. It continued to be used as a house until the early 1960s, when a barber shop was established in the front of the house. The 1965 aerial photo (*Appendix C*) appears to show that the existing brick addition had been constructed on the front of the house; the addition is clearly visible in the 1974 aerial photo. Mrs. Goldsworthy continued to live in the house, while there was a barbershop in the front of the building (Table 4.4).

In 1998 the property was sold to Marko Boskovic²⁷ who, with other members of his family bought the property to the south as an investment. In 2010 Boskovic sold the property to Marilyn and Mark Bennis, who sold it to the current owner in 2019.²⁸

No builder or designer or early photographs of the building could be found. The oldest photos are the aerial photos (*Appendix D*) and Google Street Views in 2009 (Figure 4.8) when it housed an antique and fine arts store.



Figure 4.8
189 Wellington Street in 2009
[Source: Google Street View]

185 Wellington Street - In 1850, the Crown sold all of lot 1 on the north side of west Grey Street to John Wood²⁹. Wood was a plasterer who lived at the northwest corner of Wellington and Simcoe Streets. He acquired the property as an investment and sold the north half of the lot to William Winslow, a mason, within four months of acquiring the patent.³⁰ “Winslow was born in England in 1809 and travelled to London about 1845 where he married his Irish-born wife, Mary Jane. They had a family of three sons being William Jr., Richard and Robert.”³¹ It is likely that Winslow constructed the brick house on the north half of the lot as shown in the 1855 map (*Appendix C*), now 181 Wellington Street, but left the north quarter, which would constitute the building lot for 185 Wellington Street, vacant.

In 1859, Winslow mortgaged the property and possibly used the funds to construct the



Figure 4.9
John Wood
[Source: London Public Library, Ivey Room]

²⁷ Ibid, Instrument No. LT508948.

²⁸ Ibid, Instrument No. ER1241972.

²⁹ Land Records, Middlesex County, Lot 1, NW Grey Street, London Township, Patent.

³⁰ Ibid, Instrument No. 867.

³¹ Arnold, p. 4.

house at 185 Wellington Street³². It is not clear to whom he rented the house, although it may have been Laura Newell, a widow and milliner. In 1861 Newell was living with her two children in a frame, one storey house³³ (Table 4.3). The Census shows her living in Ward 6, although the property is in Ward 3. However, there are no entries for Ward 3 in the 1861 Census suggesting either the original enumeration forms for Ward 3 have been lost or misclassified as Ward 6. In any event, Winslow sold the property to Mrs. Newell in 1863.³⁴ Newell continued to live in the house until she married John Milne in 1866. She eventually moved to Detroit but continued to rent the house. In 1872, William Hardin, a barber, lived in it (Figure 4.7). In 1875, William Coombs, a GWR baggage master, lived at 185.

In 1877 Laura Newell (now Milne), sold the property at 185 Wellington Street to John Price³⁵, who owned and lived in the property to the north at 189. Price continued to rent the property to others. In 1884 Peter West rented 185 Wellington Street. By 1891, James Wardell, a dry goods clerk, was living with wife and three children in the house, a one storey wood structure with six rooms.³⁶ (Table 4.3). Wardell continued to live at 185 until at least 1895. By 1901, John Crowie rented the house. His son, George Crowie, a cigar maker, continued to live in the house with his wife and six children in 1911 and 1921. Later tenants included Bernard McGibbon (1939) and H. W. Ayers (1946) (Table 4.4).

By 1955, Lea Ayers was living in the house and had established a Beauty Salon in the front section of house. In 1957 Lea bought the property from the estate of Mary Stephens, John Price's daughter. Lea continued to live in and operate a beauty salon at 185 until she sold the property in 1986 to Edith Fleming³⁷ who sold it to Ivan Milicevic the same year³⁸. The following year Milicevic sold it to the Boskovic brothers³⁹. It was sold two more times in 2003 and 2006 and purchased by the current owner in 2019.

No builder or designer or early photographs of the building could be found. The oldest photos are the aerial photos (*Appendix D*) and Google Street Views in 2009 (Figure 4.10) when it housed a print shop.



Figure 4.10
185 Wellington Street in 2009
[Source: Google Street View]

³² Land Records, Middlesex County, Lot 1, NW Grey Street, London Township, Instrument No. +125.

³³ 1861 Census of Canada, (Population), London City, p. 168.

³⁴ Land Records, Middlesex County, Lot 1, NW Grey Street, London Township, Instrument No. 2358.

³⁵ Ibid, Instrument No. 15063.

³⁶ 1891 Census of Canada, (Schedule 1), London City, enumeration area no. 6, p. 39.

³⁷ Land Records, Middlesex County, Lot 1, NW Grey Street, City of London, Instrument No. 736719.

³⁸ Ibid, Instrument No. 749933.

³⁹ Ibid, Instrument No. 765428.

5.0 BUILT AND LANDSCAPE RESOURCE DESCRIPTIONS

On October 25, 2020, an on-site survey of all built and landscape resources was conducted.

The following components of the site are documented in photographs in:

- **Appendix E** – 185 & 189 Wellington Street Building Exteriors,
- **Appendix F** – 185 & 189 Wellington Street – Floor Plan Sketches
- **Appendix G** – 185 & 189 Wellington Street Building Interiors; and
- **Appendix H** – Landscapes on the Site

The six foot measuring stick that appears in some of the photographs is divided in one foot lengths.

5.1. 185 Wellington Street – Building & Landscape

As discussed in Chapter 4, this Building was built as a rental structure around 1859 for William Winslow when he mortgaged the property. Census information, whether it is for Winslow, or his possible tenant, Laura Newell strongly suggest that the Building had been constructed by January 1861 when the census after its construction was undertaken⁴⁰.

*Figure 5.1
185 Wellington Street,
East and North Elevations,
2020*



Exterior - The Building, which is setback 7.3 feet (2.22 metres) from the Wellington Street right-of-way, is a single detached, one storey frame structure clad in white, modern synthetic siding imitating vertical boards on the front elevation and horizontal clapboards on the side and rear elevation. The front section of the Building rests on a brick foundation that has been parged with a thin surface of mortar painted.

This Building is rectangular in plan measuring approximately 28 feet 8 inches by 44 feet 10 inches, the latter including a 14-foot tail wing. Evidence of an earlier tail wing was not visible on the exterior.

⁴⁰ [Census of 1861 - Library and Archives Canada \(bac-lac.gc.ca\)](http://bac-lac.gc.ca)

The front section of the Building is capped by a low pitched, hip roof with a centre gable on the front side of the Building. The tail wing is capped by a gable roof on the south two-thirds of the wing, with the gable facing the rear or west, and a shed roof on the northwest one-third. The grey asphalt shingled roof has unadorned projecting eaves with soffits clad in modern synthetic materials and fascia clad with metal eaves trough. The centre gable on the front elevation has a moulded wood fascia and soffit. There was no evidence of chimneys or decorative brackets supporting the eaves. (*Appendix E*).

All window openings are rectangular with flat heads, synthetic material clad frames and modern sash – double sliders on the front windows and vertical one over one on the side windows. There are no sills on the window openings. The window openings were not measured as they are, at least on the front elevation, modern alterations to the original openings.

The one storey tail wing is a frame structure clad in the same siding and roofing as the front or main section of the Building. It rests partly on a concrete block foundation and partly on a brick foundation with modern parging on the exterior. A modern shed roof covered deck is attached to part of the rear of the tail wing. There is a separate metal clad, modern shed adjacent, but not attached, to the tail wing.

East Elevation – The east or principal elevation contains a roughly symmetrical three bay façade with a centre door (*Appendix E* and Figure 5.1) flanked by two modern window openings. The upper gable has a small modern metal vent and no window. The front door opening contains a modern, single leaf, door with an upper glazed panel. The door is slightly off centre, perhaps having been placed within part of a larger original door opening. There is a modern platform deck with side stair and wood balustrade constructed of unfinished lumber providing access to the front door.

There is no physical evidence nor evidence on the Fire Insurance plans (*Appendix C*) that there ever was a veranda on this elevation.

North Elevation – This elevation contains two rectangular window openings, one in the front section of the Building and one in the tail wing. Towards the east end of the front section a hydro pole and meter has been fixed to the side of the Building and nearby there is a metal vent which is assumed for the furnace. This elevation also contains the north elevation of the rear, shed roofed veranda or deck

West Elevation – This elevation contains the rear veranda or deck discussed above and a solid, double leafed metal door which opens onto the deck. The foundation wall has not been painted black on this elevation.

South Elevation - The south elevation of blank wall clad in the same siding as the north and rear elevations.

Alterations to the exterior of the Building include:

- replacement of all window sash with modern slider or double hung sash;
- the enlargement of window openings on the principal elevation;
- replacement and relocation of the front door;
- removal of any other window and door openings of the Building;
- addition of modern siding; it is not known whether any original siding remains under the modern siding;
- cladding of fascia and soffits with modern synthetic material;
- addition to the tail wing;
- addition of front and rear wooden decks and staircases; and
- removal of all chimneys.

No early photographs could be found of the Building and the builder and architect, if any, could not be identified.

Architectural Style - The architectural style of this house is a vernacular variation on the 'Gothic Revival' or 'Ontario Cottage'.

In Ontario, where the Gothic Revival had more influence than anywhere else in Canada, the 1830s witnessed the appearance of Neo-Gothic features in another version of the Neo-Classical house that was primarily built in small towns. This was dubbed the Ontario Cottage, although the same type of building is found in other British colonies, where it was apparently introduced by discharged British soldiers. It was usually a house with one-and-a-half stories, a square plan, three bays on the main façade and a pavilion roof. The influence of the Gothic Revival is seen in the appearance of a small central gable with a fretted fascia board highlighting a gothic window; sometimes the shape of the other windows and the door is also modified.⁴¹

Blumenson has also described Gothic Revival styled buildings.

The most common and often singular feature shared by many houses across the Province is the simple lancet or pointed window, located in the centre gable above the main door. Another common detail is the vergeboard or bargeboard, a roof trim ideally decorated with curvilinear patterns. Hood-moulds with carved label stops, numerous dormers and gables, finials, pinnacles and crockets are other features highlighting a formal brick villa or modest frame dwelling. Bay windows, verandas and a steep roof pierced by tall decorated chimney stacks also add to the ideal picturesque quality of the building.⁴²

⁴¹ Brosseau, p 11.

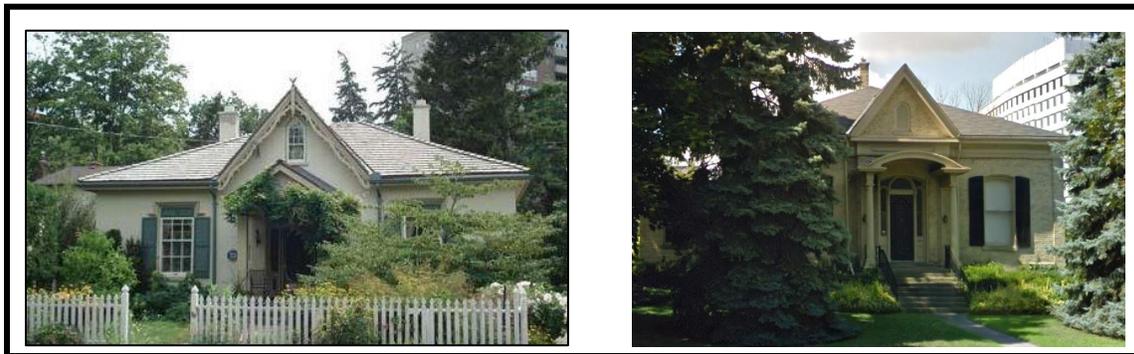
⁴² Blumenson, p. 37.

The Building at 185 Wellington Street exhibits few of the details of the architectural style discussed by Brousseau and Blumenson. Figure 5.2 is a representative example of the Gothic Revival style house with a similar massing and roof shape to 185 that meets the style requirements by the authors. All that the Building at 185 has in common is the massing, roof shape and the centre gable. It lacks all the details of this architectural style. Even the windows and the door location on the principal elevation of 185 are very poor and heavily altered examples of this style.



*Figure 5.2
108 Albion Street, Brantford.
[Source: Google Street view, 2012].*

Similar Gothic Revival style house-form buildings with a one storey massing and similar roof shape are found in London that more closely conform to the to the style requirements than the subject property. These properties, shown in Figure 5.3, are designated under the OHA and in a better state of conservation.



*Figure 5.3 Other London one Storey, Gothic Revival styled House-Form Heritage Buildings
39 Carfrae Street (left - 2007), 477 Waterloo Street (333 Dufferin Avenue) (right - 2019)
[Source: National Historic Places (left), Google Street View (right)].*

Interior – As shown in the record of photographs of the interior of taken during the site visit (**Appendix F**), most of the interior has been gutted with all plaster work, doors, many wall partitions and most trim (door and window casings and baseboard) removed. Only in Room 2 on the ground floor has a door casing and baseboard been retained. Most of the north wall of the original tail wing been removed following the north addition to the tail wing sometime between 1990 and 1999. The tail wing was underpinned, and a basement dug out under part of that section of the structure. There is only a crawl space under the rest of the Building. The concrete pads under the brick piers in the crawl space suggest that additional structural reinforcement of the Building occurred sometime after 1900.

Landscape – As shown in **Appendix H**, most of the rear yard is a paved parking surface with a few shrubs or young trees along the boundary. The front yard consists of concrete paving slabs and a gravel planting area with a few low shrubs. This landscape did not exist in 1922

(*Appendix D*). Wellington Street was widened in the 1950s or 1960s removing most of the original front yard.

5.2 189 Wellington Street – Building & Landscape

This Building was built as a rental property around 1856 for Robert Leathorn based on an 1855 map and the 1861 Census. John Price, who later bought the property may have rented it prior to purchasing it in 1863.

Exterior - The Building, which is setback between 1.1 and 2.2 feet (0.32 and 0.69 metres) from the Wellington Street right-of-way, is a single detached, one storey frame structure clad in yellow brick laid in a common bond on the principal elevation and grey asbestos⁴³ shingle siding on other elevations. The Building rests on a concrete, rock-faced block foundation. The use of concrete blocks suggest that the Building was raised sometime after 1910.

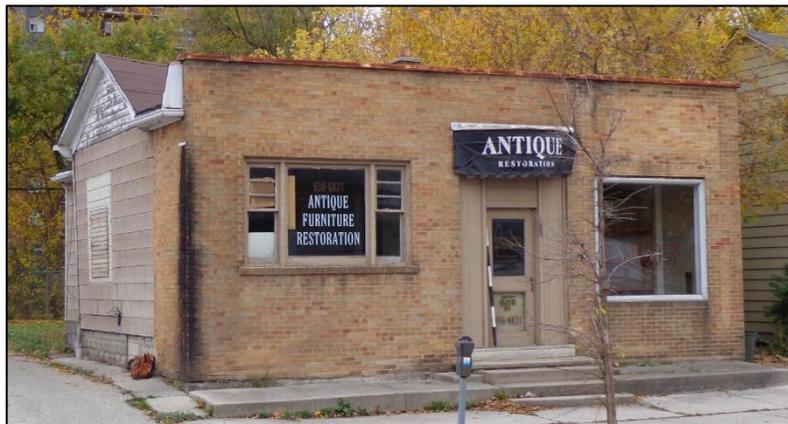


Figure 5.4
189 Wellington Street,
South and East Elevations,
2020

This Building is rectangular in plan measuring approximately 30 feet 9 inches by 47 feet ½ inches, the latter including a 22-foot 11 inch tail wing that is recessed by 4 feet 1 inch on the south elevation. Evidence of an earlier tail wing was not visible on the exterior.

The front section of the Building is capped by a low pitched, gable roof with the gable facing the Building sides. Originally it also had a centre gable on the front of the Building like 185 Wellington Street. However, with the addition of the brick façade on the principal elevation, the gable has been widened although hidden behind the brick parapet. The tail wing is capped by a low-pitched hip roof. The black asphalt shingled roof has unadorned projecting eaves with soffits clad in plain wooden boards and fascia clad with metal eaves trough except on the gable ends which have plain board fascia. There is no evidence of decorative brackets supporting the eaves. (*Appendix E*). There is a single flue, square brick chimney stack towards the northwest corner of the main section of the Building (*Appendix F*).

⁴³ The shingles appear to be asbestos, but this was not confirmed during the on-site visit.

Window openings are a variety of rectangular shapes with flat heads and no sills except for the south window on the front elevation, which has a brick sill. These openings, with the same exception, have modern sash clad in synthetic materials. The exception on the south side of the front elevation is divided in three, with a large fixed centre sash flank by smaller narrow units with one over one sash. The openings were not measured as they are all relatively modern alterations.

There are three door openings on the Building – one on the front and two on the south side. All have relatively modern wood doors with upper glazed panels.

The one storey tail wing is a frame structure clad in the same siding and roofing as the front section of the Building. The tail wing rests on a plain concrete block foundation.

East Elevation – The east or principal elevation contains a symmetrical three bay façade with a centre door (*Appendix E* and Figure 5.4) flanked by two modern window openings. The front door opening contains a concrete threshold and a modern, single leaf, solid, two paneled door with an upper glazed panel. The door may have been flanked by side lights and a transom, but those features are now covered with wood on both the exterior and interior. Concrete steps accessing the front door and a semi-circular vinyl sign band is over the door.

The brick façade and extension to the front of the Building was added around 1960. No front veranda is shown on in any of the Fire Insurance plans (*Appendix C*) or aerial photos.

South Elevation – This elevation contains three parts – the front brick section, the original gable end of the Building and the tail wing. The gable contains clapboard siding and a plain frieze board below the west soffit suggesting this section of the roof was raised on the west side. Based on the difference in siding around the openings, the two window appear to have been reduced in size. Where the tail wing has lost the shingle siding, the plain, horizontal board construction of the wing is visible. The two door openings on the south side have upper glazed panels and lower wood panels. Concrete steps access to the east door.

The foundation contains one in-filled basement window opening in the front section and one in the tail wing. The modern concrete block foundation of the rear of the tail wing suggests either the tail wing is a recent addition or an older section underpinned by a new foundation.

West Elevation – This elevation contains two altered, ground floor window openings and one in-filled basement window opening.

North Elevation - The south elevation has two altered window openings and is clad in the same siding as the south and rear elevations.

Alterations to the exterior of this Building include:

- addition of a full front elevation and extension in a different architectural style and building material from the rest of the Building;
- change in siding to the rest of the Building; it is unlikely the original siding remains under the shingle siding;
- replacing all of the original foundation with concrete blocks;
- change in size and sash of all window openings except one;
- replacement of all doors;
- alterations to the rear of the tail wing; and
- Replacement of all original chimneys with one 1950s chimney.

No early photographs could be found of the Building and the builder and architect, if any, could not be identified.

Architectural Style - The Building exhibits no particular architectural style with a 1960s retail brick façade replacing a 1850s residential elevation.

Interior – The interior photographs of 189 Wellington Street taken during the site visit (**Appendix F**) show that the interior has been gutted and reconfigured with new internal partitions. All early doors and trim (door and window casings and baseboards) have been removed and, in the front section of the Building, new floor levels. The original front of the Building has been completely removed by the addition of the front extension and façade. Further, the original foundation of the Building has been replaced with concrete block, a material not available when the Building was constructed. Some original brick foundation remains in isolated locations in the basement. The roof has been altered with the construction of the tail wing and front section of the Building.

Landscape – As shown in **Appendix H**, most of the rear yard is lawn with a few young trees or shrubs along the rear boundary and in the side yard with the property to the north. The front yard is all concrete slabs. This landscape did not exist in 1922 (**Appendix D**) which, in the front yard prior to the widening of Wellington Street, was a grassed with a centre walkway to the front door, and, in the rear yard, a garage, trees, grass and walkways.

5.3 Adjacent/Nearby Heritage Properties

The adjacent / nearby heritage properties are shown in **Appendix J**. The heritage features of those properties are briefly described in section 2.5 of this CHIS. All heritage features relate to the structures and not the landscapes. The properties on the Wellington Street block face between Grey and Simcoe Streets are shown in Figure 5.5, while the adjacent properties are also shown in context with the subject site in Figure 5.6.

On all properties on the west side of Wellington Street, the heritage structures are close to and, in most cases, adjacent to the Street right-of-way. On the two properties on the east side of the Street, the structures are set back from the right-of-way providing room for a narrow, landscaped front yard. In terms of the front yards of properties abutting the subject site, 191-193 Wellington is adjacent to the right-of-way, while 181 has a narrow front yard, part of which is paved.

The building heights on the west side of Wellington (Figure 5.5) range from 3 stories at the north end to 1 ½ abutting the north side of the subject site. On the east side of the Street, the two late nineteenth century, yellow brick, house-form structures are 1 and 2 ½ storeys. The mid to late nineteenth century west side properties consist of three house-form structures, both in yellow brick, and three mixed commercial - residential structures, two with flat roofs and of brick construction. The abutting property south of the subject site is 2 storeys.

As shown in Figure 5.5, the west side block face is characterized by its variety of built forms, heights, roof shapes, building materials and fenestration.

Figure 5.5 West Block Face of Wellington Street between Grey and Simcoe Streets showing the Subject Properties

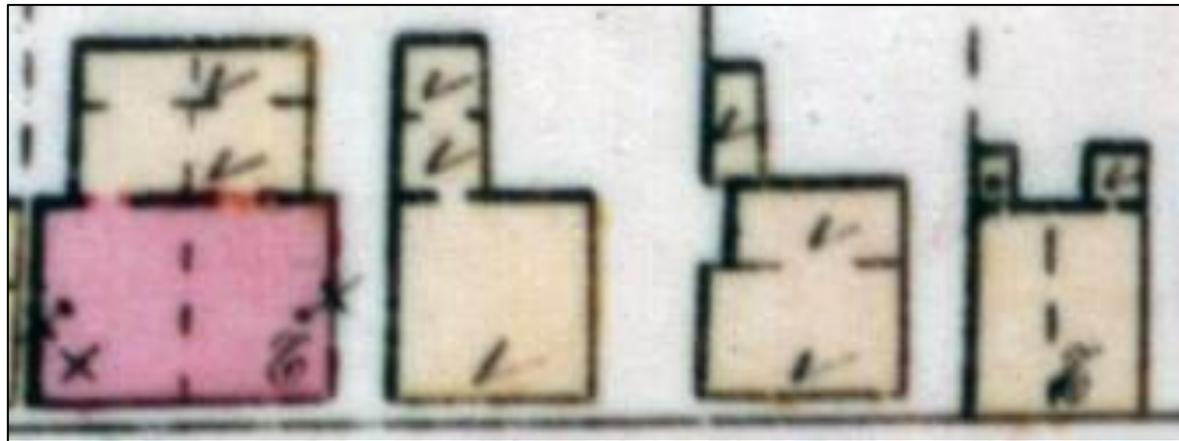


Figure 5.6 Heritage Properties Adjacent to the Subject Site

2020



1881



1922



6.0 HERITAGE RESOURCE EVALUATION

6.1 Introduction

Criteria for determining the cultural heritage value or interest of a property are specified in Ontario Regulation 9/06 and repeated in the London OP (Section 3.3, policy 573). The criteria assist in evaluating properties for designation. They are grouped into three categories – design or physical value, historical or associative value and contextual value. A property must meet only one of the criteria to warrant designation.

The criteria are insufficient to determine the merits of heritage resource conservation. Other factors that should be considered include resource condition – the extent of deterioration in the attributes and fabric of a resource – and heritage integrity – the extent to which heritage attributes (character defining features) remain in place.

6.2 Application of Provincial Criteria

In this report, the application of the criteria, in addition to condition and heritage integrity, are based on a thorough examination of the site. They have been applied to the Buildings and landscape on both properties. Table 6.1 summarizes the evaluation.

6.2.1 185 Wellington Street - Cultural Heritage Value

Design or Physical Value:

- i. Example of a style, type, expression, material or construction method

The Building, on the exterior, is not a rare, unique or representative example of a vernacular interpretation of the ‘Gothic Revival’ or ‘Ontario Cottage’ architectural style. As discussed in section 5.1, the Building, except for its massing and roof shape, lacks the details of this style. With no documentary evidence of its early appearance, it cannot be restored to its original character; any such work would be speculative. Since there is little heritage fabric left, except for the frame and foundation, any ‘restoration’ would incorporate little visible heritage fabric.

- ii. Display a high degree of craftsmanship or artistic merit

The Building does not display a high degree of craftsmanship or artistic merit on either the exterior or interior.

- iii. High technical or scientific achievement

This construction and design of the Building does not demonstrate high technical or scientific achievement.

Table 6.1 Application of Heritage Criteria to the Resources of 185 & 189 Wellington Street, London				
Criteria	Resource			
	185 Wellington Street		189 Wellington Street	
	Building	Landscape	Building	Landscape
Design or Physical Value				
i. Rare, unique, representative or early example of a style, type, expression, material or construction method.	No	No	No	No
ii. Displays a high degree of craftsmanship or artistic merit.	No	No	No	No
iii. Demonstrates a high technical or scientific achievement	No	No	No	No
Historical or Associative Value				
i. Has direct association with a theme, event, belief, person, activity, organization or institution of community significance	No	No	*	No
ii. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture	No	No	No	No
iii. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist significant to a community	No	No	No	No
Contextual Value				
i. Is important in defining, maintaining, or supporting the area character.	No	No	No	No
ii. Is physically, functionally, visually or historically linked to its surroundings.	Yes	No	*	No
iii. Is a landmark	No	No	No	No
Condition / Heritage Integrity				
i. Significant condition problems -	Minor	N/A	Minor	N/A
ii. Integrity – retains much of its original built heritage character -	Low – exterior only	N/A	No	N/A

N/A – Not Applicable; * - Marginal

Historical or associative value:

- i. The Building, in either its owners or residents, is not directly associated with a theme, event, belief, person, activity, organization or institution of community significance.

Although it was constructed during the early years of the railway boom in London, it was not directly associated with the railway. For a brief time in the 1870s, a railway employee rented the house.

- ii. The Building does not yield or have the potential to yield information that contributes to an understanding of London or its culture.

The Building was a rental property that was used as a residence for a variety of people and, in the mid-twentieth century, it was a beauty salon for roughly 30 years.

- iii. Even if the Building's designer and or builder could be determined, which they have not, the Building has limited value demonstrating the body of work or ideas of such a person.

Contextual Value:

- i. The Building is not important in defining, maintaining or supporting the area character.

As shown in Figure 5.4, the character of the Wellington Street block between Grey and Simcoe Streets is diverse, with no architectural style or building material dominating the area character. The Building does not define the character of the area; it is not essential to its maintenance nor does it support that character.

- ii. The Building is physically, visually and historically linked to its site and the street on which it has been located for more than 160 years.
- iii. The Building is not a landmark.

It is not an important point of reference in the landscape; it does not terminate a view or vista; it is not a building of such note that general public have regard for it.

Condition and Heritage Integrity:

- i. The Building does not appear to have any significant condition issues.

The Building appears to be structurally sound – there are only minor cracks in the foundation brickwork but no evidence of bowing or distortion of the ground floor walls. The roof appears to be water-tight. The basement was dry.

- ii. The Building has only limited heritage integrity.

On the interior, only a few pieces of trim remain; the rest of the interior has been gutted. On the exterior, the Building maintains its original massing and roof shape. Both the size and sash of windows have been altered, as has the front door. Modern synthetic cladding has replaced original siding. All decorative details and chimneys have been removed from the Building. Any attempt to replicate lots features of this Building would be speculative as no early photographs of it could be found.

Landscape

The current landscape, a paved parking area and front yard planting bed, has no cultural heritage value. None of it is associated with the early use of the Building nor is it a designed landscape of note.

6.2.2 189 Wellington Street – Cultural Heritage Value

Design or Physical Value:

- i. Example of a style, type, expression, material or construction method

The Building, on the exterior, is not a rare, unique or representative example of any architectural style. As discussed in section 5.2, the Building, because of alterations, does not represent any architectural style. With no documentary evidence of its early appearance, it cannot be restored to its original character; any such work would be speculative and incorporate little, if any, heritage fabric.

- ii. Display a high degree of craftsmanship or artistic merit

The Building does not display a high degree of craftsmanship or artistic merit on either its exterior or interior.

- iii. High technical or scientific achievement

This Building, in its construction or design, does not demonstrate high technical or scientific achievement.

Historical or associative value:

- i. The Building, based on its owners or residents, is not directly associated with a theme, event, belief, person, activity, organization or institution of community significance.

Although the Building was constructed during the early years of the railway boom in London, it has a marginal association with the railway. For approximately fifty years, John Price, a railway employee, owned the property, although he and his family only lived in it for about twenty years. The Building was not constructed specifically for him but was built by Robert Leathorn as a rental property. For these reasons, it is noted as having a marginal connection with the City's railway development.

- ii. The Building does not yield or have the potential to yield information that contributes to an understanding of London or its culture.

The Building was a rental property that was used as a residence for a variety of people and in the mid-twentieth century it served as a barber shop for roughly 20 years and later was used as a retail outlet and residence.

- iii. Even if the designer and or builder of this Building could be determined, which it has not, the Building would have little to no value in demonstrating the body of work or ideas of such a person because of later alterations.

Contextual Value:

- iv. The Building is not important in defining, maintaining or supporting the area character.

As shown in Figure 5.4, the character of the Wellington Street block between Grey and Simcoe Streets is diverse, with no architectural style or building material dominating its character. The Building does not define the character of the area; it is not essential to its maintenance nor does it support that character.

- v. The Building is physically and historically linked to its site and the street on which it has been located for more than 160 years. However, the visual linkage of the Building to the site is tenuous with the severe front alterations made in the later part of the 20th century. For this reason it is noted as having a marginal value for this criteria.
- vi. The Building is not a landmark.

It is not an important point of reference in the landscape; it does not terminate a view or vista; it is not a building of such note that general public have regard for it.

Condition and Heritage Integrity:

- i. The Building has some condition issues.

The Building appears to be structurally sound – there is no evidence of bowing or distortion of the ground floor walls or the foundation. However, the shingle siding has been lost from parts of the Building. The siding, if it is asbestos shingles, is an environmental hazard as they deteriorate over time. The roof appears to be mostly water-tight, although the loss of some downspouts has discoloured brickwork and there is some water damage in Room 8. The basement has a number of damp areas. There has been some vandalism to interior walls and ceilings.

- ii. The Building has minimal heritage integrity.

The interior has been gutted; no heritage fabric remains. The floor levels in the front of the Building have been altered. The original massing, roof shape and front façade have not been maintained. On the sides and rear of the structure, the size and sash of windows have been altered; the siding has been changed as have exterior doors. There is no original siding under the existing shingle siding. All decorative details, if there were any, and original chimneys have been removed. Any attempt to replicate lost features would be speculative as no early photographs could be found; even the framing for the east elevation frame would have to be entirely replaced.

Landscape

The current landscape, a greased rear yard has no cultural heritage value. None of it is associated with the early use of the Building nor is it a designed landscape of note.

6.3 Summary of Cultural Heritage Values of the Subject Site

Even though the building 185 Wellington Street has long been associated with the site, it meets no other criteria making it worthy of designation. Indeed the extent of alteration to the Building compromises its heritage value. The structure, in its current state, lacks most of the architectural details of the ‘Gothic Revival’ style. Any ‘restoration’ work on those lost features would be speculative due to the lack of documentary evidence. The building is not important in defining or maintaining the character of the immediate streetscape. For these reasons the building at 185 Wellington Street does not warrant conservation.

Similarly, the building at 189 Wellington Street does not have sufficient cultural value or interest as defined by provincial regulation or London OP policy 573 to warrant heritage conservation under the *Act*. Most heritage values of this building have been lost as a result of later alterations, especially to the front façade. Lack of documentary evidence, especially old photographs, prohibits reconstruction of those features, a requisite for appropriate restoration under the federal Standards and Guidelines (see section 3.4).

6.4 Statement of Cultural Heritage Value and Heritage Attributes –

Since this report has determined that the properties do not have sufficient cultural heritage value to warrant conservation under the *Act* or London OP policy 573, a statement of the cultural heritage value and attributes of each of the properties was not prepared.

6.5 Adjacent/Nearby Heritage Properties Cultural Heritage Values

The potential cultural heritage values of the adjacent / nearby heritage properties are described in sections 2.5 and 5.4 of this CHIS. Such values relative to the criteria of *OHA* Regulation 9/06 and London OP policy 573 are summarized in Table 6.2. They were determined based on ownership information in the case of 181 Wellington Street and a combination of maps (1855), fire insurance plans, aerial photographs, recent photographs, site inspections from the street and the experience of the author. Any proposals to designate these properties under the *Act* should be accompanied by a more thorough analysis – both historical and architectural.

Notwithstanding this qualification, all properties except 197 – 199 Wellington Street, have potential cultural heritage values that indicate that they warrant consideration for designation under the *Act*. Alterations to the front façade of 197 – 199 Wellington Street suggest that it may not warrant conservation.

Table 6.2 Potential Cultural Heritage Values – Properties Adjacent to or Near 185 & 189 Wellington Street, London								
Criteria	Resource – Property – Wellington Street							
	161-171	181	184	190	193-5	197-9	201-3	205-9
Design or Physical Value								
i. 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.								
iii. Demonstrates a high technical or scientific achievement	U	U	U	U	U	U	U	U
Historical or Associative Value								
i. Has direct association with a theme, event, belief, person, activity, organization or institution of community significance		√	U	U	U	U	U	U
ii. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture	U	U	U	U	U	U	U	U
iii. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist significant to a community	U	√	U	U	U	U	U	U
Contextual Value								
i. Is important in defining, maintaining, or supporting the area character.	√	√	√	√	√		√	√
ii. Is physically, functionally, visually or historically linked to its surroundings.	√	√	√	√	√		√	√
iii. Is a landmark								√
Condition / Heritage Integrity								
i. Significant condition problems -	U	U	U	U	U	U	U	U
ii. Integrity – retains much of its original built heritage character -	√	√	√	√	√		√	√

√ - potentially meets criteria; U - Unknown

7.0 DEVELOPMENT PROPOSAL

7.1 Description of the Development Proposal

The owner, as shown in Concept Plans (*Appendix K*), is proposing to develop the site in two phases.

Phase One involves removing the existing building at 189 Wellington Street and constructing a three storey (14 metre) building with one ground floor commercial unit and six upper floor residential units, three per floor. Eight surface parking spaces would be provided to the rear of the site (some of the parking spaces would be in the rear of the property at 185 Wellington Street) with access to the parking provided on the north side of the building at the ground floor level. The building would be constructed abutting the east or Wellington Street property line. The east elevation would be finished in two different materials as shown in Figure 7.1, with the materials still to be determined.



Figure 7.1 *Proposed East (Wellington Street) Elevation in Context, Phase One*
[Source: CSPACE Architecture, December 2, 2020, with photo inserts].

Phase Two involves removing the existing building at 185 Wellington Street and constructing a three storey (14 metre) addition to the building at 189 Wellington Street. The addition would have two ground floor commercial units and eight upper floor residential units, four per floor. Four additional surface parking spaces would be provided to the rear of the site with access to the parking provided on the north side of the building at 189 Wellington Street at the ground floor level. The building would be constructed abutting the east or Wellington Street property line. The east elevation would be finished in two different materials as shown in Figure 7.2, with the materials still to be determined.

Statistics for the completed building on the site (185 and 189 Wellington Street) are shown in Table 7.1. Once completed, the building would have fourteen upper floor residential units, three ground floor commercial units and twelve parking spaces accessed through a ground floor, two way driveway at the north end of the site.



Figure 7.2 Proposed East (Wellington Street) Elevation in Context, Phases One and Two
 [Source: CSPACE Architecture, December 2, 2020, with photo inserts].

	Phase One	Phase Two	Completed Structure
Commercial	1	2	3
Residential	6	8	14
Parking Spaces	8	4	12
Front Yard	0.0 m	0.0 m	0.0 m
North Side yard	0.0 m	0.0 m	0.0 m
South Side yard	NA	0.0 m	0.0 m
Height	14 m	14 m	14 m

The development proposal generally complies with the Official Plan but requires variances to the Zoning By-law in respect to height and number of parking spaces.

8.0 DEVELOPMENT PROPOSAL IMPACT ON HERITAGE RESOURCES

8.1 Impact of the Proposed Development on the Subject Site

As discussed in Chapter 7 and shown in *Appendix K*, the proposed development, when phase two is complete, will have resulted in the demolition and removal of existing structures and landscapes on 185 and 189 Wellington Street. Since it was determined, after an evaluation using provincial and municipal criteria, that the built and landscape resources of both properties do not warrant heritage conservation, no heritage resources on the subject site will be altered or lost by completion of the proposed development.

8.2 Impact of the Proposed Development on Adjacent/Nearby Heritage Resources

Adjacent heritage properties -

193 – 195 Wellington Street –

This property abuts the subject site's north boundary as shown in Figures 7.1 and 7.2 and *Appendix K*.

The existing heritage structure at 193 – 195 Wellington Street has been constructed between 0.21 and 0.25 metres from the common property boundary. The proposed piers for the parking garage will be constructed 0.2 metres from the common boundary as shown in the Site/Ground Floor Plan in *Appendix K*. The existing house at 193 – 195 Wellington Street is setback from boundary with the Wellington Street right-of-way approximately 0.5 metres. The existing building at 189 Wellington Street is setback 0.32 metres from the right-of-way. The existing setback relationship between the two buildings is shown in Figure 8.1. The proposed pier and building at 189 Wellington Street will be setback 0.0 metres from the Wellington Street boundary.

*Figure 8.1
189 – 197 Wellington Street,
Building alignments with Wellington Street,
2020*



The proposed development will not have a direct impact on the heritage attributes of the heritage structure at 193 – 195 Wellington Street. All existing attributes – the height, massing, roof shape, fenestration and cladding will remain. Should the

owner of 193 – 195 wish to restore the original siding of the structure, it could still be done after construction of the proposed development at 189 Wellington Street.

However, the proposed development will have visual impacts on 193 – 195 Wellington Street. The proposed building will be set closer to the street than the existing building, limiting views of the heritage structure at 193 - 195 as one walks along the sidewalk. The height of the proposed building will be slightly more than one storey higher than the building at 193 - 195. Lastly, the soft landscaping between the two existing buildings will be replaced by a hard landscape - driveway, building piers and, above the ground floor, the new building.

181 Wellington Street –

This property abuts the subject site’s south boundary of the site as shown in Figure 7.2 and **Appendix K** and will be most affected by Phase two of the development.

The existing heritage structure at 181 Wellington Street has been built between 2.54 and 2.49 metres from the common property boundary as shown in Figure 8.2. This setback on 181 provides for a driveway to the rear of the property at 181. The existing house at 185 Wellington Street is setback between 0.69 and 0.7 metres from the common property boundary. The setback area on 185 has been largely paved and forms part of the driveway for 181.



*Figure 8.2
181 – 185 Wellington Street,
Shared Side Yard Conditions,
2020*

The proposed building at 185 – 189 Wellington Street will be constructed 0.0 metres from the common boundary.

In terms of Wellington Street setback (often referred to as the front yard setback), the existing houses at 181 and 185 are both setback approximately 2.2 metres from the Street right-of-way as shown In Figure 8.3. The proposed building at 185 - 189 Wellington Street will be setback 0.0 metres from the Wellington Street right-of-way.

Figure 8.3
181 – 185 Wellington Street,
Building setbacks and alignments with
Wellington Street, 2020



The proposed development will not have a direct impact on the heritage attributes of the heritage structure at 181 Wellington Street. All existing attributes – the height, massing, roof shape, fenestration and cladding will remain.

However, the proposed development will have visual impacts on 181 Wellington Street. The proposed building will be set closer to the street than the existing building, limiting views of the heritage structure at 181 as one walks along the sidewalk. The height of the proposed building will be one storey higher than the building at 181. The side yard condition between the two buildings will not be severely affected as there will still be a 2.5 metre separation between the existing building at 181 and the proposed building at 185 - 189.

Nearby heritage properties – Excluding adjacent heritage properties, the heritage attributes of and visual setting for the nearby heritage properties will not be adversely affected by the proposed development given the three storey or 14 metre height of the proposed development and the distance between the subject site and the nearby heritage properties. However, for all heritage resources along the west side of Wellington Street between Grey and Simcoe Streets (Figure 5.5), the proposed development, when both phases are complete, will present a longer front facade on the block face than currently exists for any other building on the west side.

9.0 OPTIONS, CONSERVATION, MITIGATION AND POLICY COMPLIANCE

9.1 Options for Managing Resource on the Subject Site

Since the heritage resources of 185 and 189 Wellington Street (the subject site) were evaluated using provincial and municipal criteria to determine whether a property warrants heritage conservation and it was determined that neither warranted such conservation, no options were considered for their conservation.

As these properties are listed by the Council of the City of London under subsection 27.1 of the *OHA*, approval of the Council is required for the demolition of any structures on these properties. Accordingly, this report recommends that the City of London grant approval for the demolition of the structures on the subject site when the owner has obtained approval for the new structures to be built on the site. This report also recommends that the owner not apply for demolition of the structures until Council grants approval of plans for the new structures on the site.

9.2 Mitigation / Conservation Measures

In order to meet the heritage requirements of applicable legislation and to conserve the heritage values of properties adjacent and nearby resources the subject site, the following measures are recommended.

9.2.1 Documentation of Resources to be Demolished

London Official Plan Policy 567 specifies that archival documentation of a cultural heritage resource may be required in the event of demolition of a resource.

This CHIS includes a comprehensive set of photographs of the exteriors, interiors and landscapes of the subject site. It also provides floor plan sketches of each Building. This documentation provides an archival record of the subject site. It is recommended that this CHIS be considered as fulfilling the archival requirements of policy 567.

9.2.2 Salvage of Features and Commemoration of the Site

London Official Plan Policy 569 specifies that, in the event of approved demolition, retention of architectural or landscape features and use of interpretive techniques may be required.

This CHIS examined the exteriors and interiors of both buildings and determined there was little left other than a few baseboards and door casings in 185 Wellington Street. It is not recommended that any architectural features be salvaged from the site.

This CHIS examined the history of the site and its context in some detail and attempted to find historical photographs to illustrate the evolution of the properties. No such photographs could be found and the historical development of the site was not noteworthy for its historical or associative values, other than being an indirect product of the early railway development of the City. As a result, no interpretive techniques, such as heritage plaques, are recommended as a condition of approval of this development.

9.2.3 Addressing Visual Impacts on Adjacent / Nearby Heritage Resources

London Official Plan Policy 565 specifies that new development adjacent to listed properties be designed to protect their heritage attributes and minimize visual and physical impacts.

This CHIS examined the cultural heritage values and attributes of adjacent and nearby heritage resources. It determined that there will be no adverse impact on the heritage attributes of adjacent and nearby properties from the proposed development. However, it did determine that there will be some visual impacts. Such impacts arise from the zero front yard setback and the overall length of the frontage of the proposed development relative to other buildings on the west side of Wellington Street.

9.2.3.1 Setbacks from Wellington Street

It is currently proposed that both phases of the proposed building have a setback of 0.0 metres from the Wellington Street right-of-way. As discussed in section 8.2 of this CHIS, this setback will affect views of the adjacent heritage buildings at 181 and 191-193 Wellington Street, both of which are setback varying distances from the right-of-way.

To address this visual impact, it is recommended that sections of the front façade of the east elevation be setback one (1) metre as shown in Figure 9.1. This would provide for greater visibility of the adjacent heritage buildings and better reflect the varying setback conditions that currently exist among the heritage resources on this west side of Wellington Street.

9.2.3.2 Exterior Material Palette

Although materials to be used in cladding the exterior of the proposed building have not been determined, the Concept Plan (Figure 9.1 and *Appendix K*) shows different materials on the ground floor and the upper floors and in one of the central bays. While this helps to visually mitigate the length and height of the proposed building, such materials, including their colour, should be appropriate to the area's heritage character. In addition, use of different materials on the ground floor of one or several bays should be explored to mitigate visual impacts. It is recommended that the owner's consultants and City heritage staff work together to determine an appropriate exterior material palette for the proposed building.

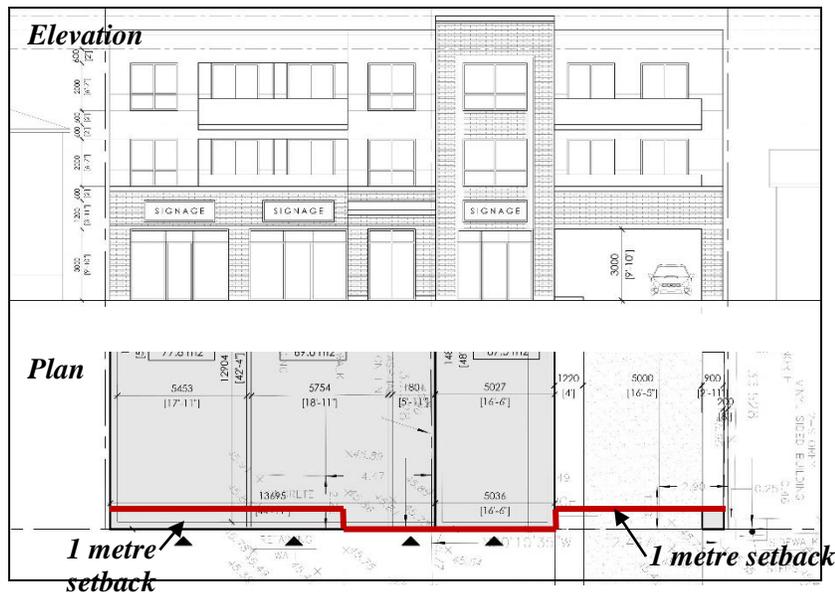


Figure 9.1
Recommended Building Setbacks from Wellington Street

9.2.3.3 Landscaping next to 191-193 Wellington Street

As discussed in section 8.2 of this CHIS, the existing soft landscaping between 189 and 191-193 Wellington Street will be lost with the construction of the proposed building. The open ground floor north wall presents an opportunity to reintroduce a landscaping feature, albeit a narrow one, to mitigate the loss of this landscaping feature. It is recommended that landscaping beds be included along the ground floor north wall between the pillars of the parking garage.

9.2.3.4 Upper Floor Stepbacks

To further address the visual impact on the adjacent heritage resources, stepback of the upper floors by an additional one to two metres, providing balcony areas using clear glass guard balustrades was considered. Such a stepback would be permitted by the area Zoning By-law. However, given that the adjacent heritage structures are between one and one-half and two storeys and the proposed building is only three storeys in height, such a modification to the proposed development was not considered necessary.

9.3 Policy Compliance

Table 9.1 shows compliance of the proposed development, as modified by recommendations of this report, with applicable heritage policies. As the Table shows, the development proposal complies with the applicable heritage policies.

No.	Policy	Policy Summary	Discussion	Complies?
1	PPS Policy 2.6.1	Conserve significant cultural heritage resources	No Significant cultural heritage resources will be demolished by this development	Yes
2	PPS Policy 2.6.3	Development adjacent to protected heritage properties	There are no 'protected' heritage properties	Yes
3	OHA – 27.1	No demolition on listed properties except with Council approval	Owner will apply to the Council for heritage permit to demolish	Yes – owner will comply - approval process
4	London OP Policy 554 - 2	Conserve cultural heritage resources	Cultural heritage resources have been evaluated & significant resources will be conserved	Yes
5	London OP Policy 554 - 3	New development sensitive to cultural heritage resources	Proposed development through mitigation measures is sensitive	Yes
6	London OP Policy 565	New development protect heritage attributes & minimize visual & physical impact; conduct impact assessment	Proposed development does not affect heritage attributes of adjacent heritage properties and minimizes visual impact; this CHIS is the impact assessment	Yes
7	London OP Policy 567	Demolition – archival documentation	This CHIS provides archival documentation	Yes
8	London OP Policy 569	Demolition – salvage & interpretation	No heritage fabric worth salvaging; no heritage storey worth plaquing	Yes
9	London OP Policy 573	Criteria for evaluation properties for cultural heritage value	Subject site and adjacent / nearby properties evaluation using criteria; results in Tables 6.1 & 6.2	Yes
10	London OP Policy 586	No development adjacent to listed properties unless heritage attributes conserved	The proposed development will not result in the loss of heritage attributes on adjacent listed heritage properties	Yes
11	London OP Policy 590	No demolition on listed properties except with Council's approval	Demolition will not be sought until such time as Council has approved the replacement building	Yes
12	London OP Policy 591	No demolition without implementation of mitigation measures & salvage of heritage materials	Mitigation measures are part of the approval of the new development; no heritage fabric on subject site worth salvaging	Yes

The proposal also complies with the City's Official Plan land use policies and Zoning By-law except with respect to height, where the proposal is for 14 metres and the zoning permits a maximum of 12 metres, and the number of parking spaces.

10.0 CONCLUSIONS AND RECOMMENDATIONS

The owners of an approximately 879 square metre (9,460 square feet) site on the west side of Wellington Street between Simcoe and Grey Streets in the City of London propose to construct a three storey, ‘Main Street’ type building with residential and commercial uses. A Concept Plan (*Appendix K*) has been prepared. The owners will be submitting applications for Site Plan Approval and Zoning By-law variances. The site contains two properties, 185 and 189 Wellington Street, which are listed in the City’s Register of Heritage Properties under the *Ontario Heritage Act*. The properties are not designated under that *Act*.

10.1 Conclusions

After a detailed examination of the history and evaluation of the resources on the site, this Cultural Heritage Impact Statement (CHIS) found that neither of the two properties warrant designation under the *Act*. Although the structures were built in the 1850s during the early railway boom in the City, later unsympathetic alterations have resulted in the structures and associated landscapes not having significant cultural heritage values, whether those values are design, historical or contextual. This CHIS also found that adjacent and nearby properties have potential cultural heritage value and may warrant protection under the *Act*.

Based on those findings, this CHIS evaluated the impact of the construction of the proposed development on the adjacent / nearby heritage properties. It found that the proposed building will not have an adverse effect of the heritage attributes of those adjacent / nearby properties and, with mitigating measures specified in chapter 9 of this CHIS, will not have an adverse visual impact on those properties.

10.2 Recommendations

Based on the analysis and evaluation of this CHIS, it is recommended that:

the City:

1. in regard to the proposed development at 185 and 189 Wellington Street, accept this CHIS as fulfilling the impact assessment requirements of Official Plan policy 565;
2. approve the demolition of the structures and alteration of the landscapes on the listed properties at 185 and 185 Wellington Street once plans for the replacement building for those properties described in recommendation 3 has been approved;
3. approve the plans for the replacement building generally in accord with the Concept Plan contained in *Appendix K* of this CHIS with modifications for the

Wellington Street setback, the exterior material palette and landscaping contained in sections 9.2.3.1, 9.2.3.2 and 9.2.3.3 of this CHIS;

4. accept this CHIS as sufficient archival documentation of the existing buildings and landscapes at 185 and 189 Wellington Street and that no further archival documentation be required of the owner;
5. not require the salvage of any materials from the demolition of the buildings at 185 and 189 Wellington Street as there is little heritage fabric worth salvaging; and
6. not require any commemorative interpretation program for this site; and

the owner:

7. not apply for demolition permits for the structures at 185 and 189 Wellington Street until plans for the replacement building for the site have been approved; and
8. work with City staff to develop an appropriate exterior material palette for the proposed building.

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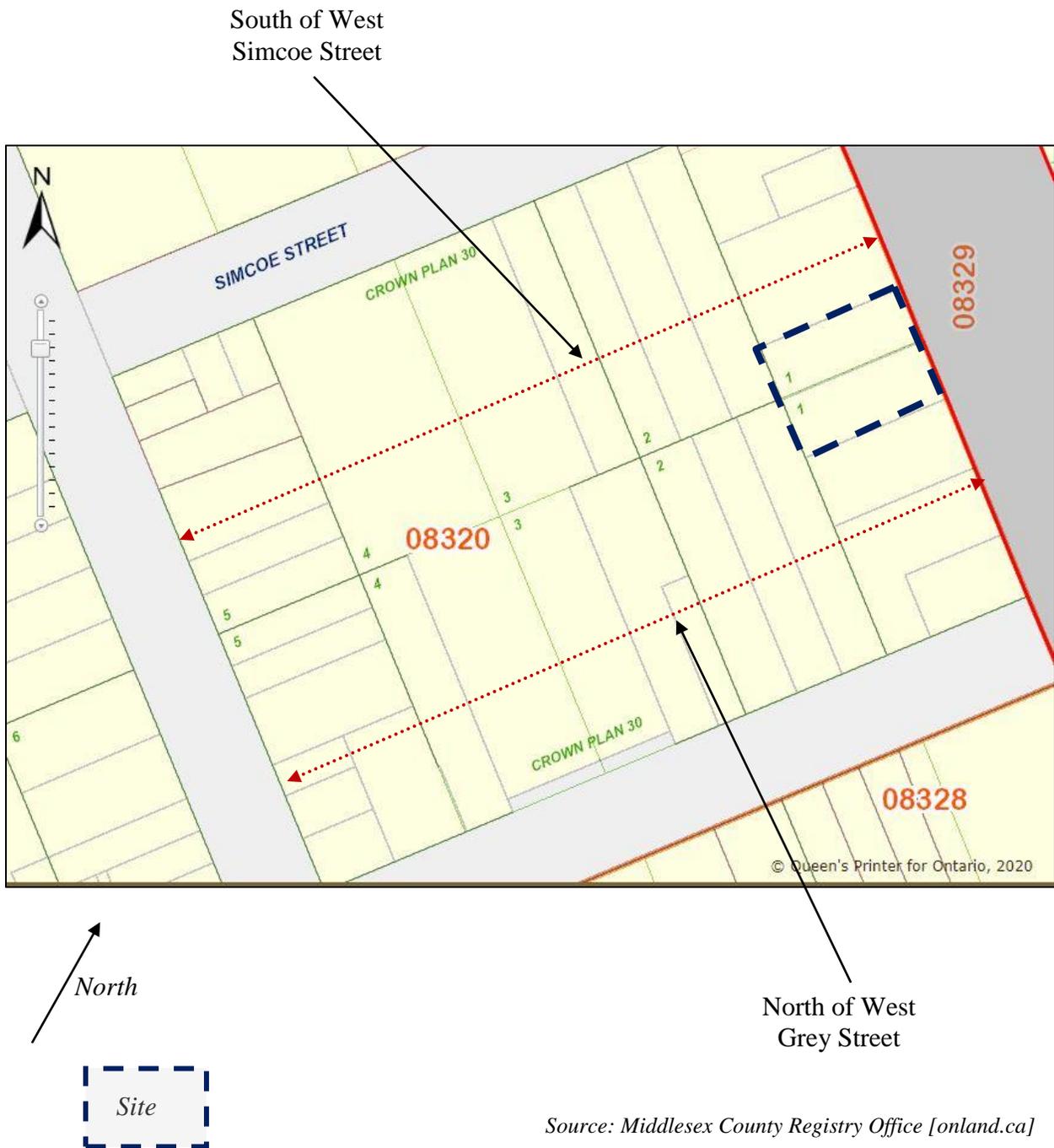
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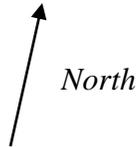
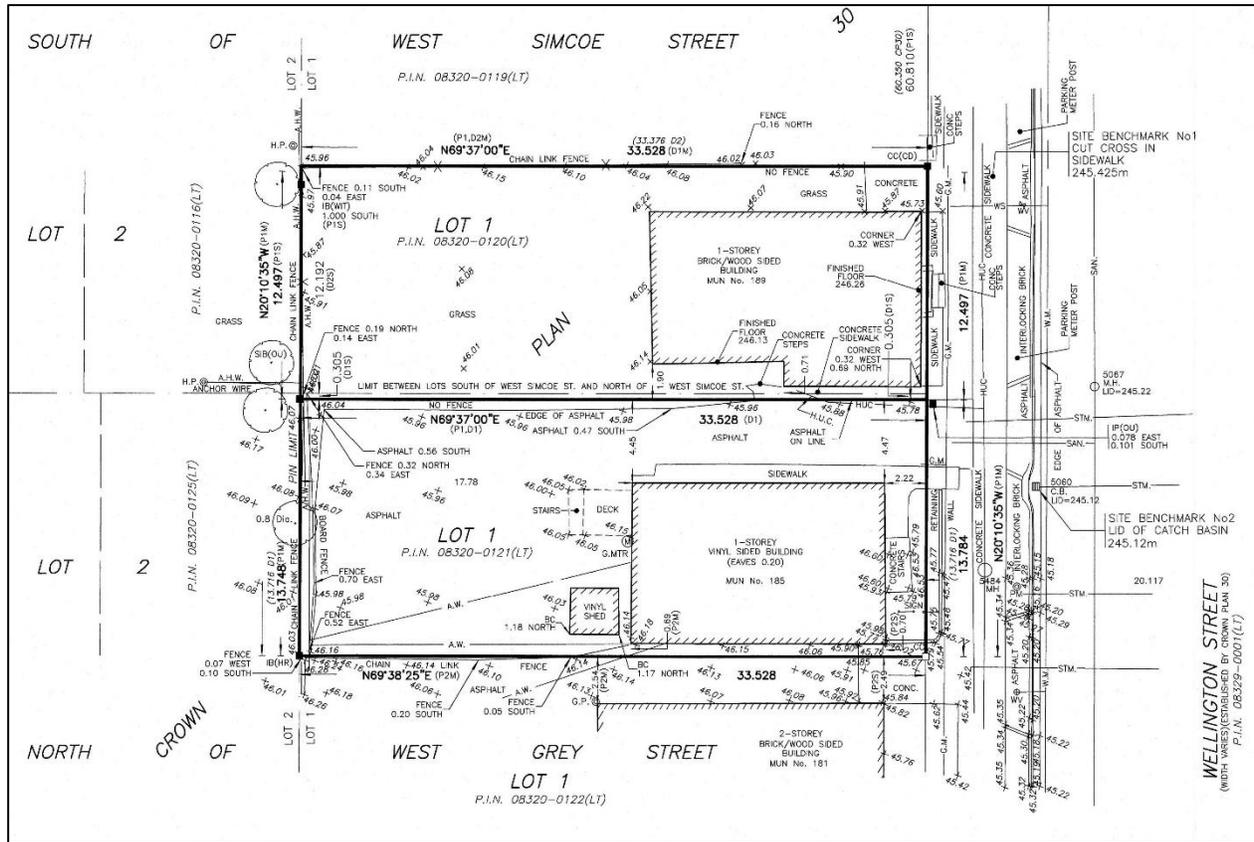
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Appendix A: Property Survey

Property Fabric



Property Survey



Source: Callon Dietz Incorporated, Ontario Land Surveyors,
 November 15, 2018.

Appendix B: Photographs - Context



West side of Wellington Street, including subject site.

View north on Wellington Street from just north of the subject site.





East side of Wellington Street directly opposite the subject site.

View south on Wellington Street from just south of the subject site.





West of the rear yards of the subject site.

South of the rear yards of the subject site.

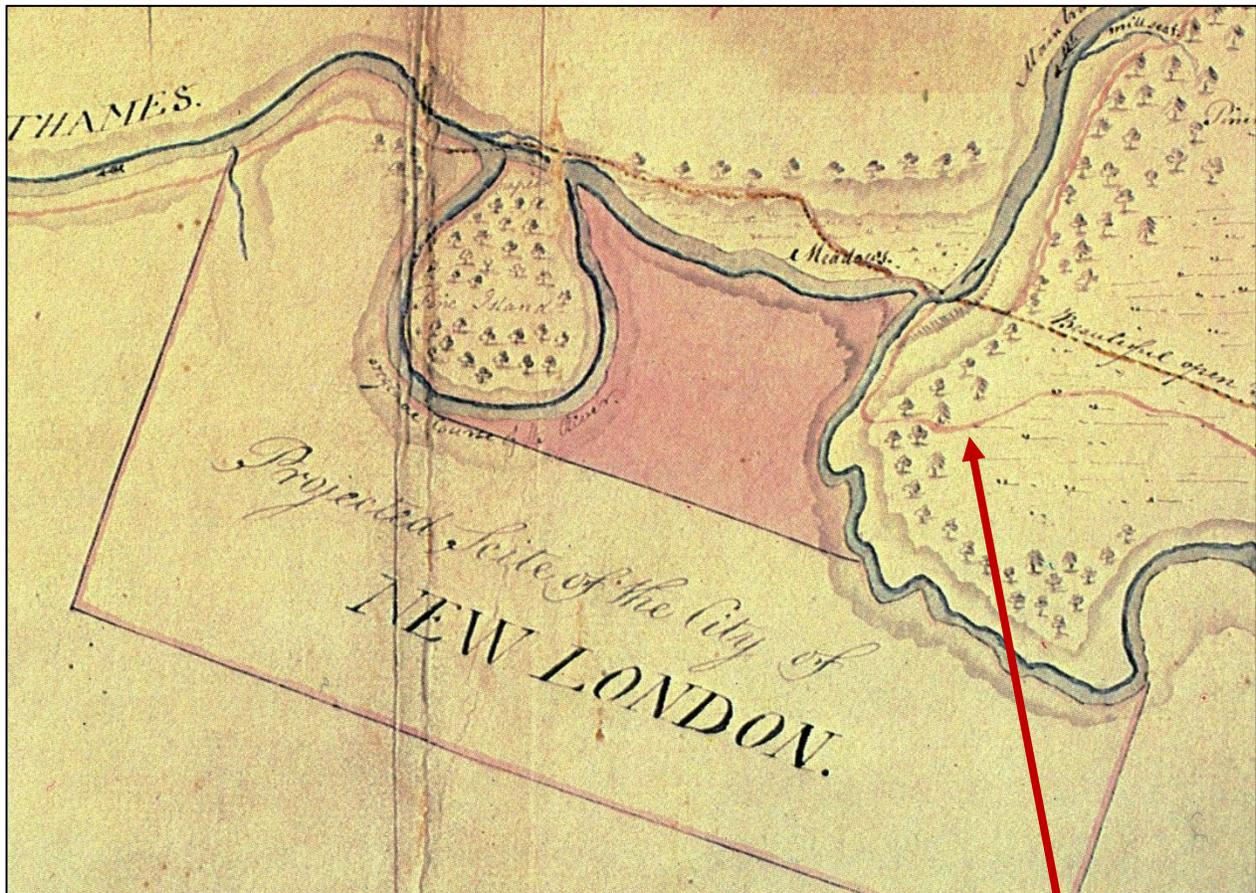


North of the rear yards of the subject site.



Appendix C: Maps

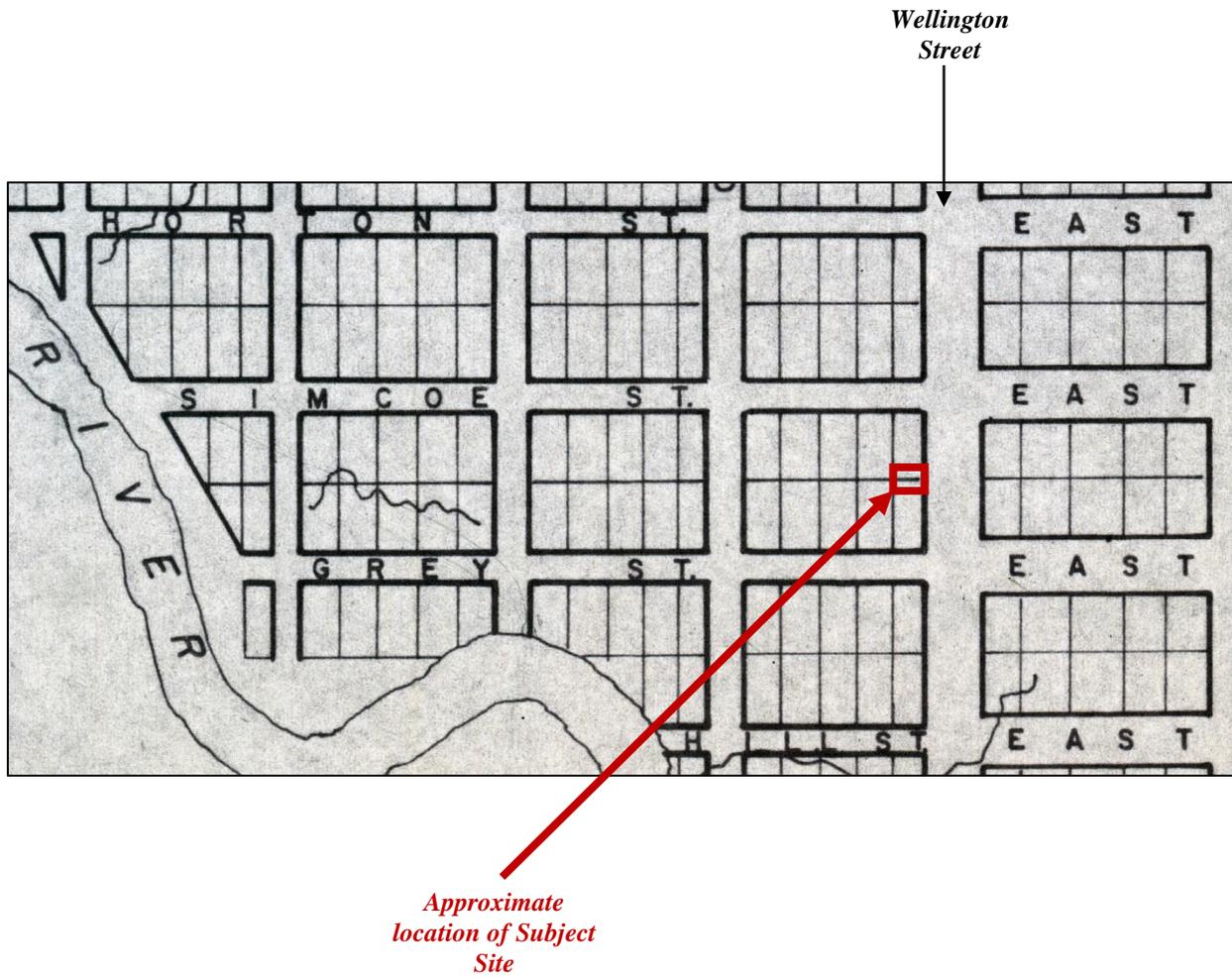
1795
Proposed location for
'New London'



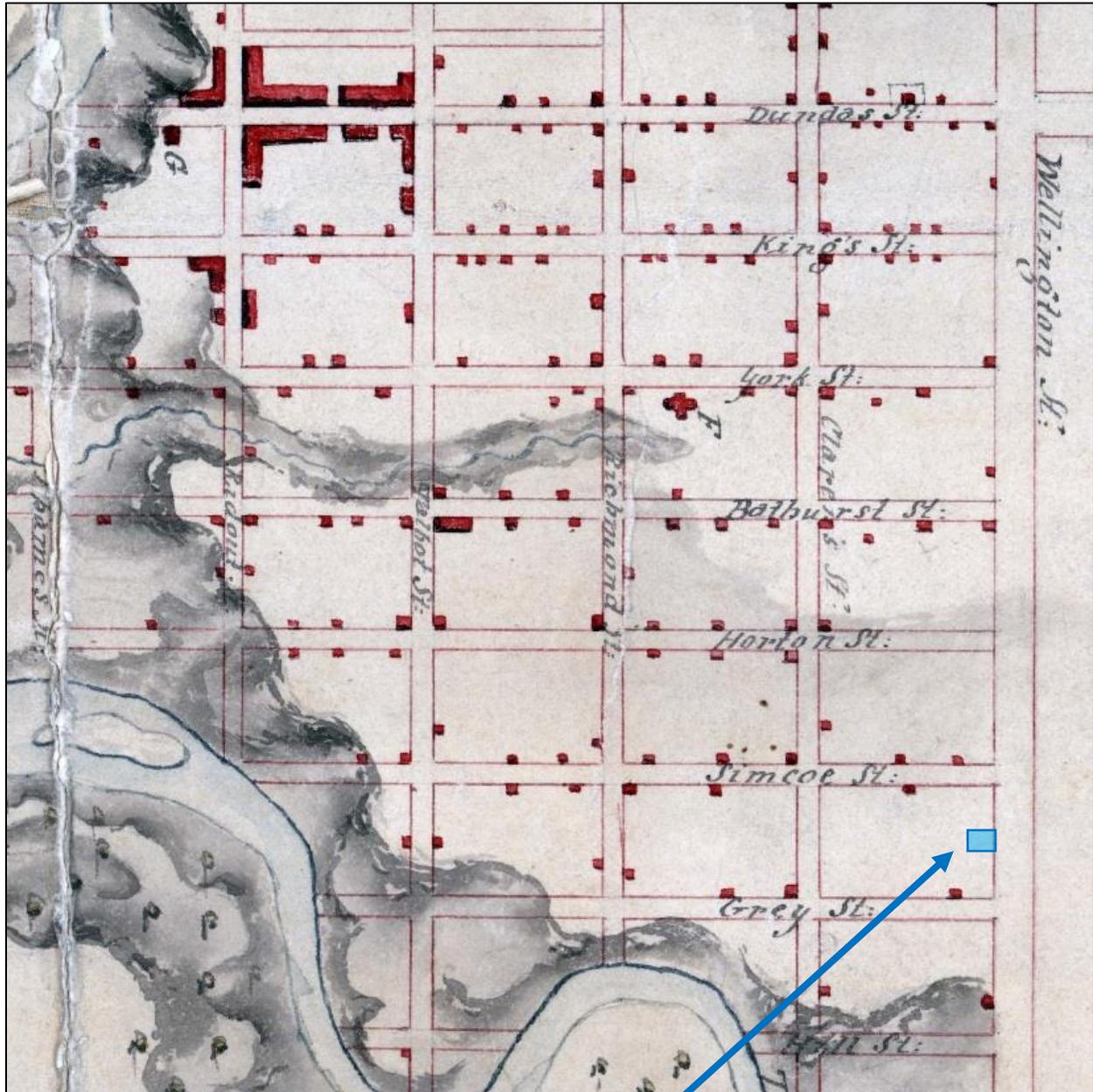
*Approximate
location of Subject
Site*

*Source: Survey of the River La Tranche or Thames from
its entrance or confluence with Lake St Clair to the
Upper Forks by M^r McNiff & M^r Jones, D. W. Smith Act^s
Surveyor Gen^l Upper Canada.*

1824



*Source: Part of A Plan for London
Crown Plan 30
Department of Crown Lands, July 15, 1824
Byron Russell, Commissioner*

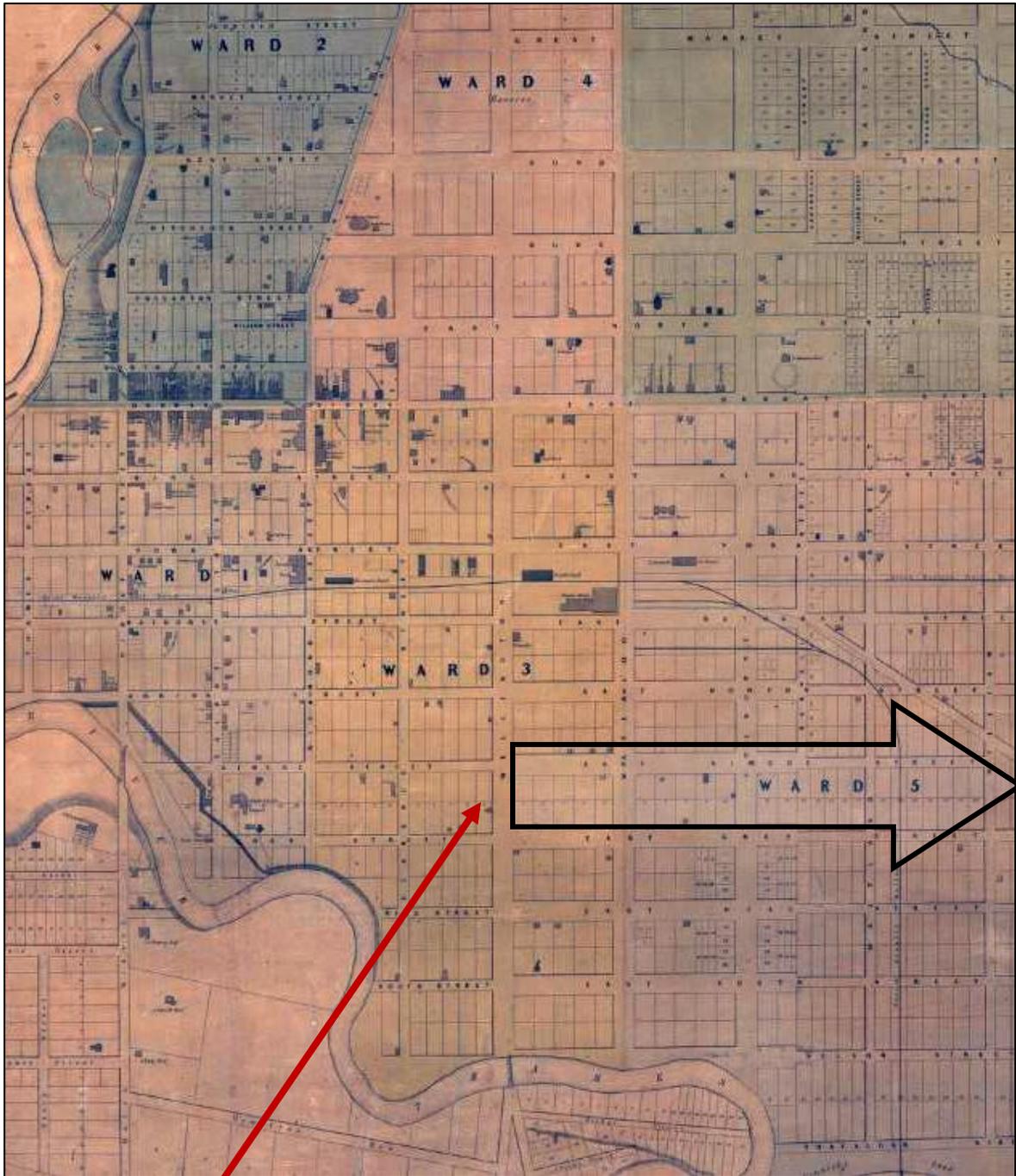


Buildings shown in red

*Approximate
location of Subject
Site*

*Source: Sketch of the Position of London
November 1839
By Major William Sykes, 73rd Regiment*

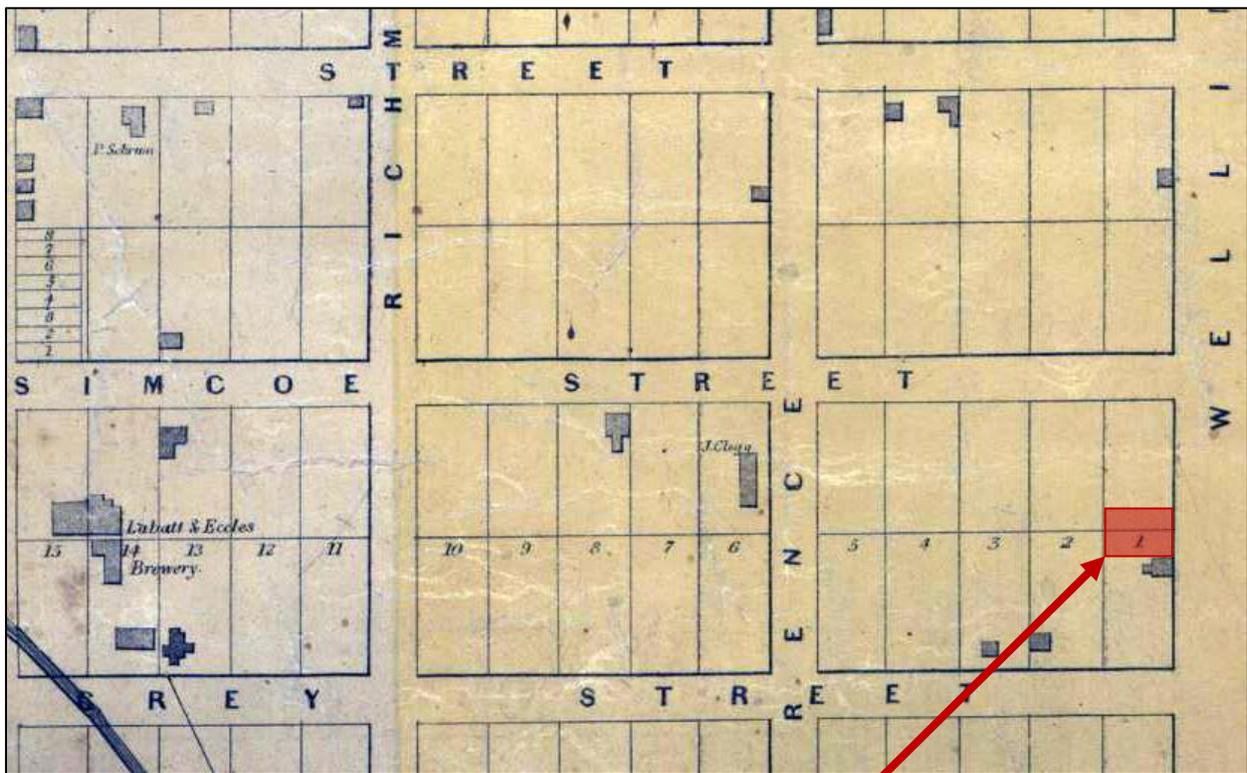
**1855
London City Map**



*Approximate
location of Subject
Site*

*Source: Part of the 'Map of the City of
London, Canada West 1855
By S. Peters, PLS & CE*

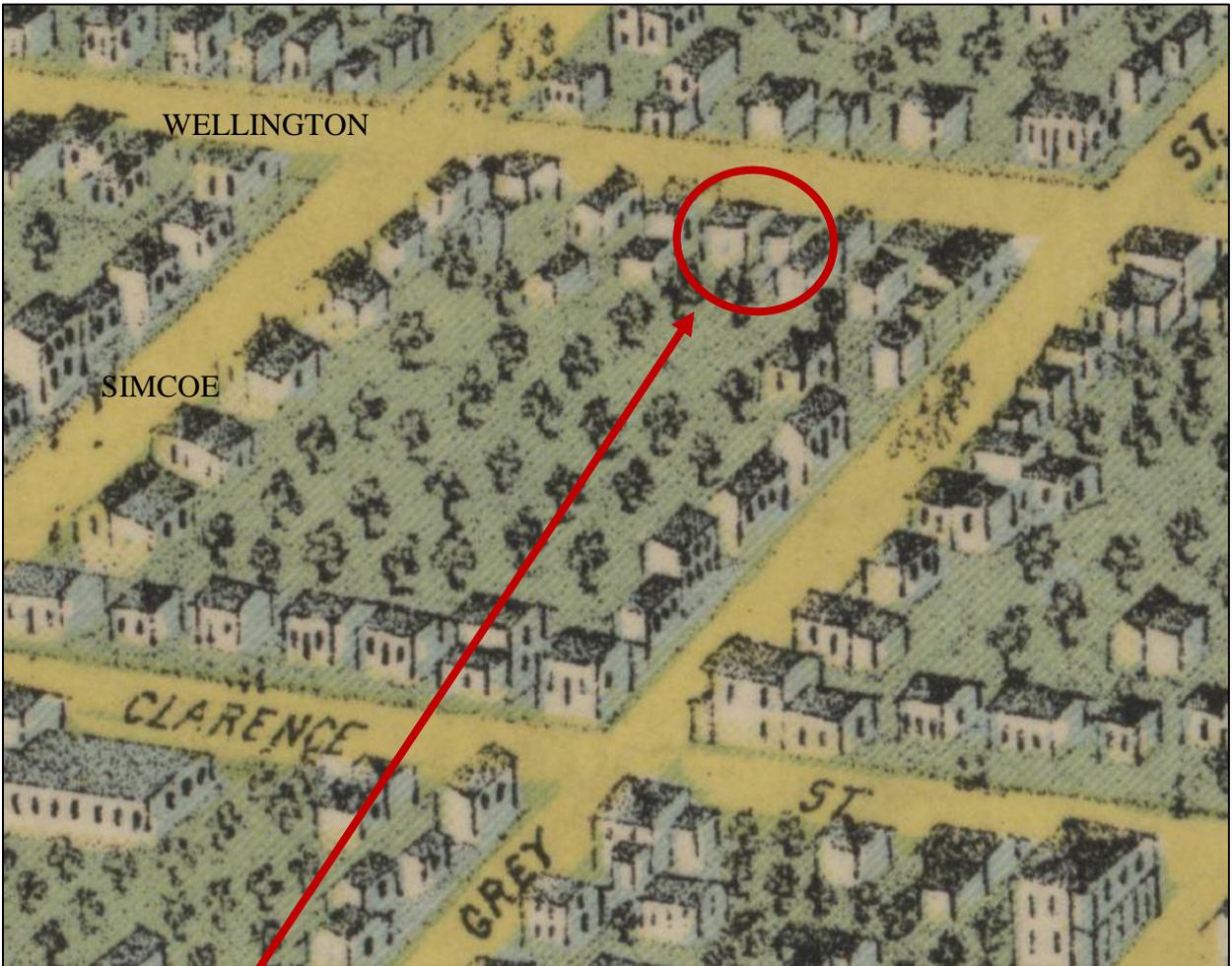
**1855
Detail of
London City Map**



*Approximate
location of Subject
Site*

*Source: Part of the 'Map of the City of
London, Canada West 1855
By S. Peters, PLS & CE*

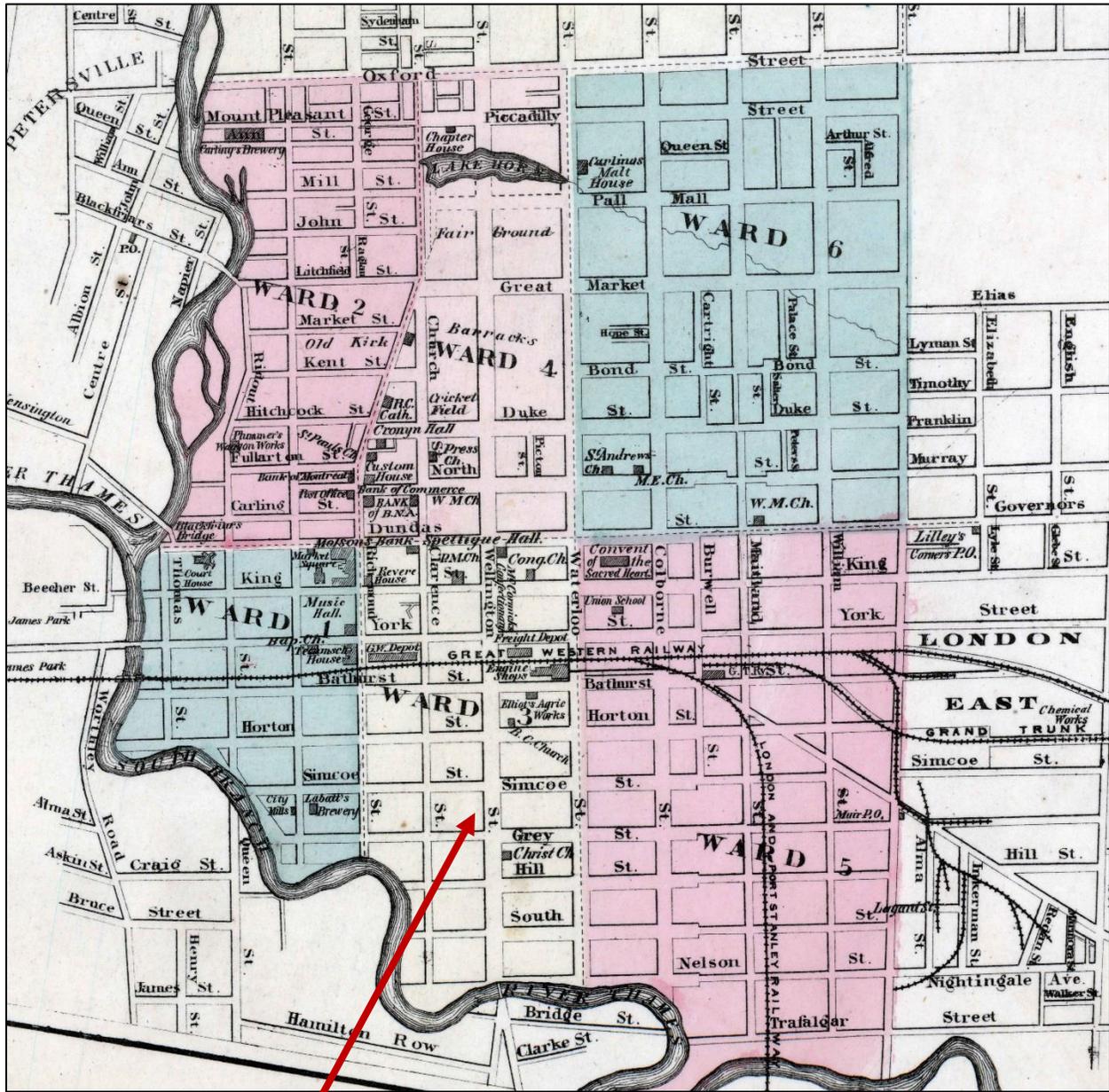
1872 Bird's Eye View



*Approximate
location of Subject
Site*

*Source: Part of 'Bird's Eye View of London'
Ontario, Canada 1872
Published by Strobridge & Co. Lith.*

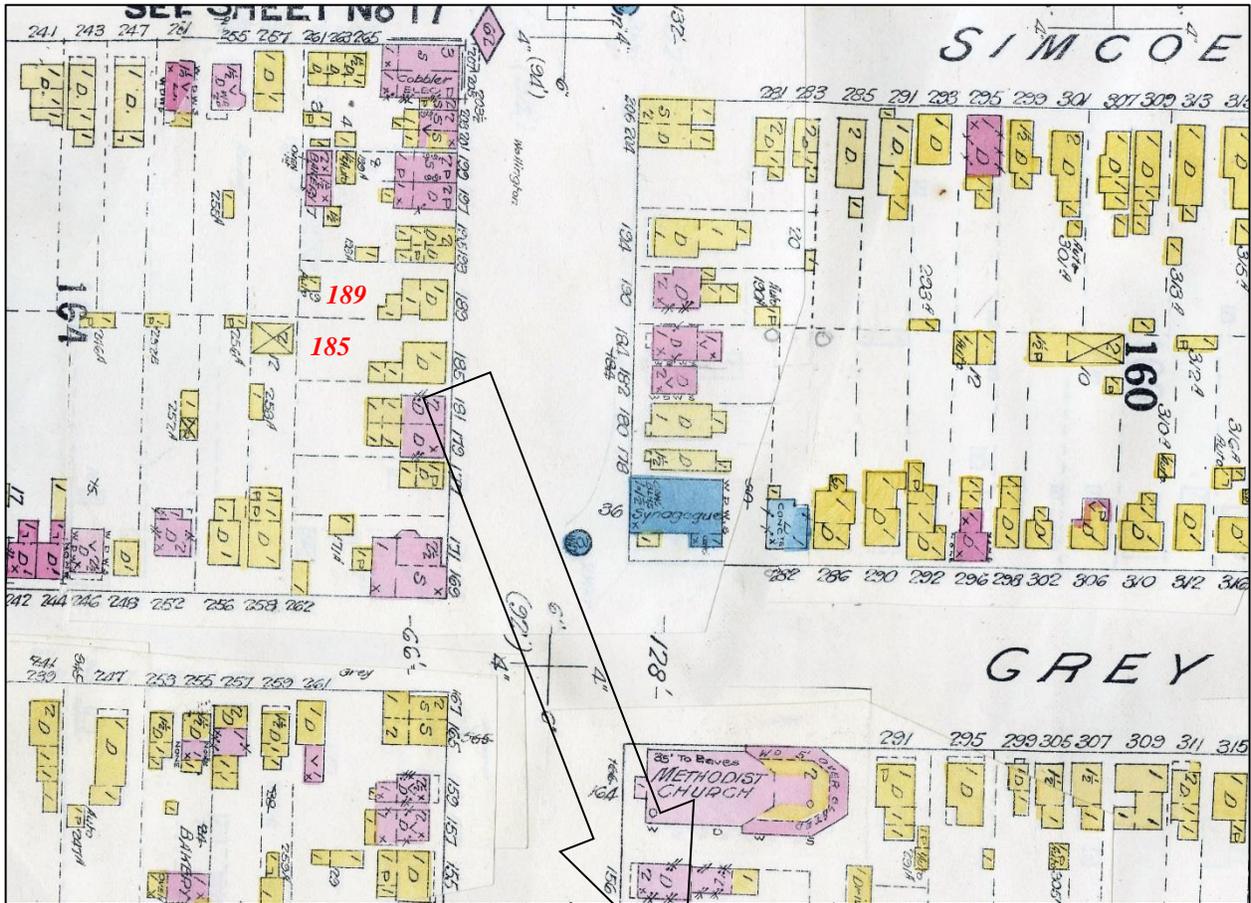
1875
Context



*Approximate
location of Subject
Site*

1922
 Fire Insurance Plan

Context



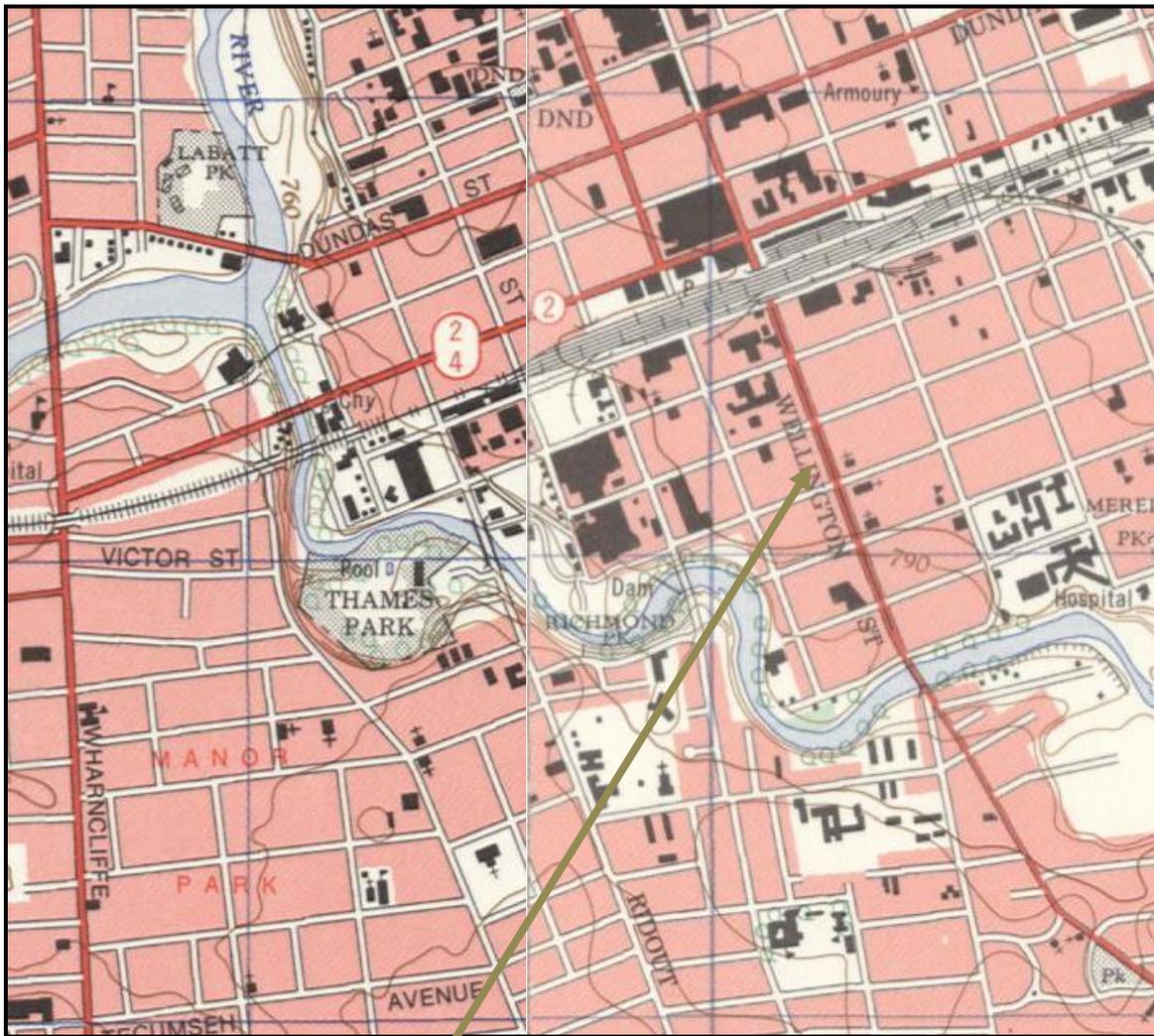
Site



Legend

KEY	
RED	BRICK
YELLOW	WOOD
PINK	STONE
GREEN	WOOD
BLUE	ENTIRELY IRON CONSTRUCTION
ON 100 SCALE	VERIFIED BUILDINGS ARE
GREEN	RED & MARKED V.
P.C.	IRON CASTING PLASTERED CORR. IRON CLAD
PROGRESSIVE	FIRE CUT OFF
PIRE WALL 8" TO 15" ABOVE ROOF	
PIRE WALL 18" TO 30" ABOVE ROOF	
OPENINGS IN WALLS (2ND & 3RD FLOORS)	
ROSE OR STANDARD DOORS & CHAIRS	
STEAM BOILERS	
HOISTS OR ELEVATORS	
WOOD OR LATH & PLASTER PARTITION	
PASSAGE ON DRIVEWAY UNDER	
IN 25 STORY	STRONG IRON SERIES
25 & 35	2000 OPENING READERS
25 & 40	FROM LEFT TO RIGHT
	"FACTORY BUILDINGS"
SHRAPNEL WALL (DOTTED LINE)	
STABLE (DIAGONAL LINES)	
GALLERY OR VERANDA	
METAL GRINDICE (SOLID LINE)	
WOODEN	CONCRETE
SKYLIGHT (LINES UNDER OPENING)	
LUMBER FILLED	
FIGURES IN BRACKETS THIN (00) DENOTE RELATIVE HEIGHTS OF BUILDING	
FIGURES IN STRAIGHT LINE (00) ARE STREET WIDTHS NOT PARALLEL TO & OBTUSE ANGLE TO EXISTING STREET NO. 100 OF NEW ANGLES TO OR INSIDE STREET LINE ARE ARBITRARY NOT	
B. E. (00) DENOTE CHANNEL 100 HIGH S.P. - STONE PINE	
O. I. C. 100 HIGH	
○ - TORN IRONWORK	○ - PRIVATE HYDRANT
— ON KEY PLAN	
○ - HYDRANT	○ - TANK
○ - DETACHED DWELLING	
○ - SCHIFFER'S DWELLING	

**1973
Topographic Maps
1:25,000 series**



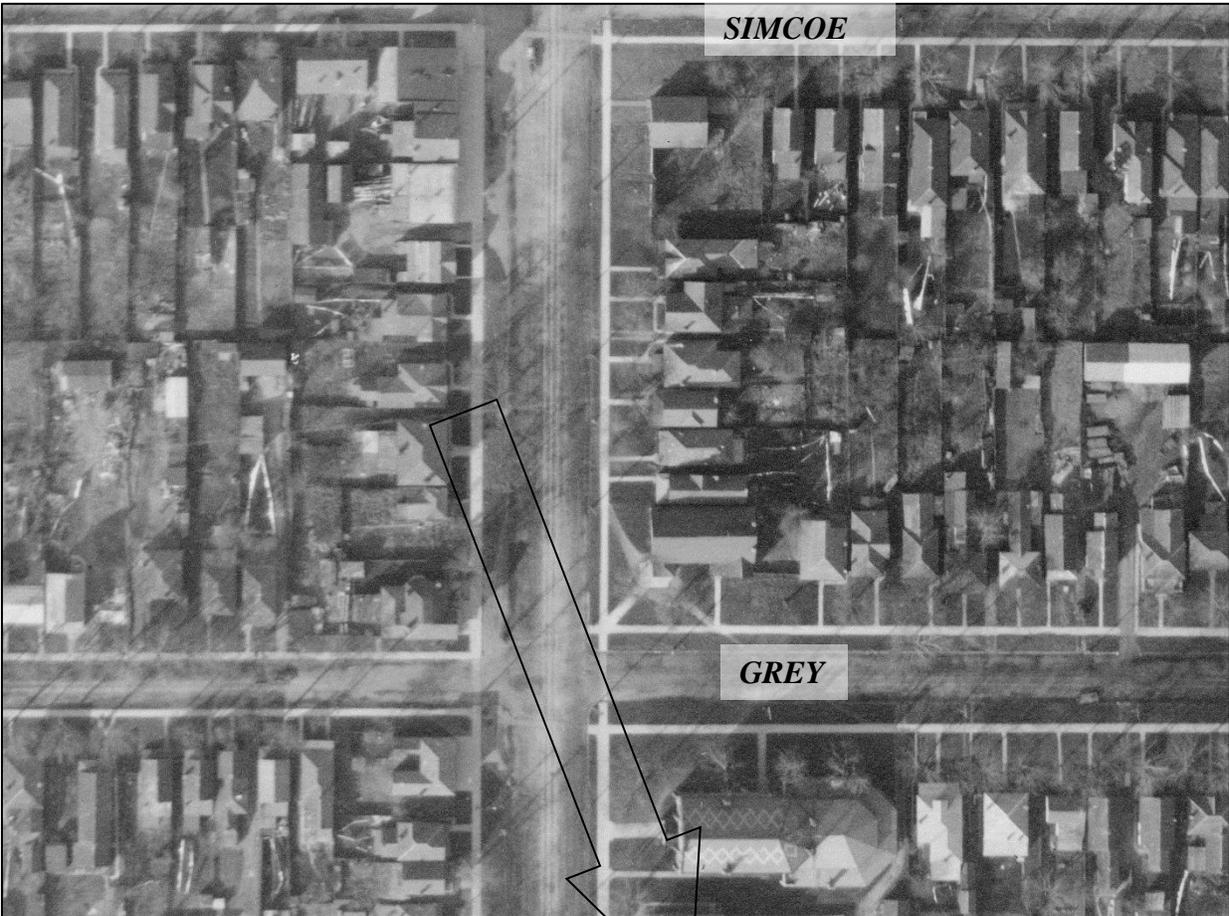
*Approximate
location of Subject
Site*

*Source: National Topographic Series,
1:25,000
1973*

Appendix D: Aerial Photographs

1922
Context and Site

Context

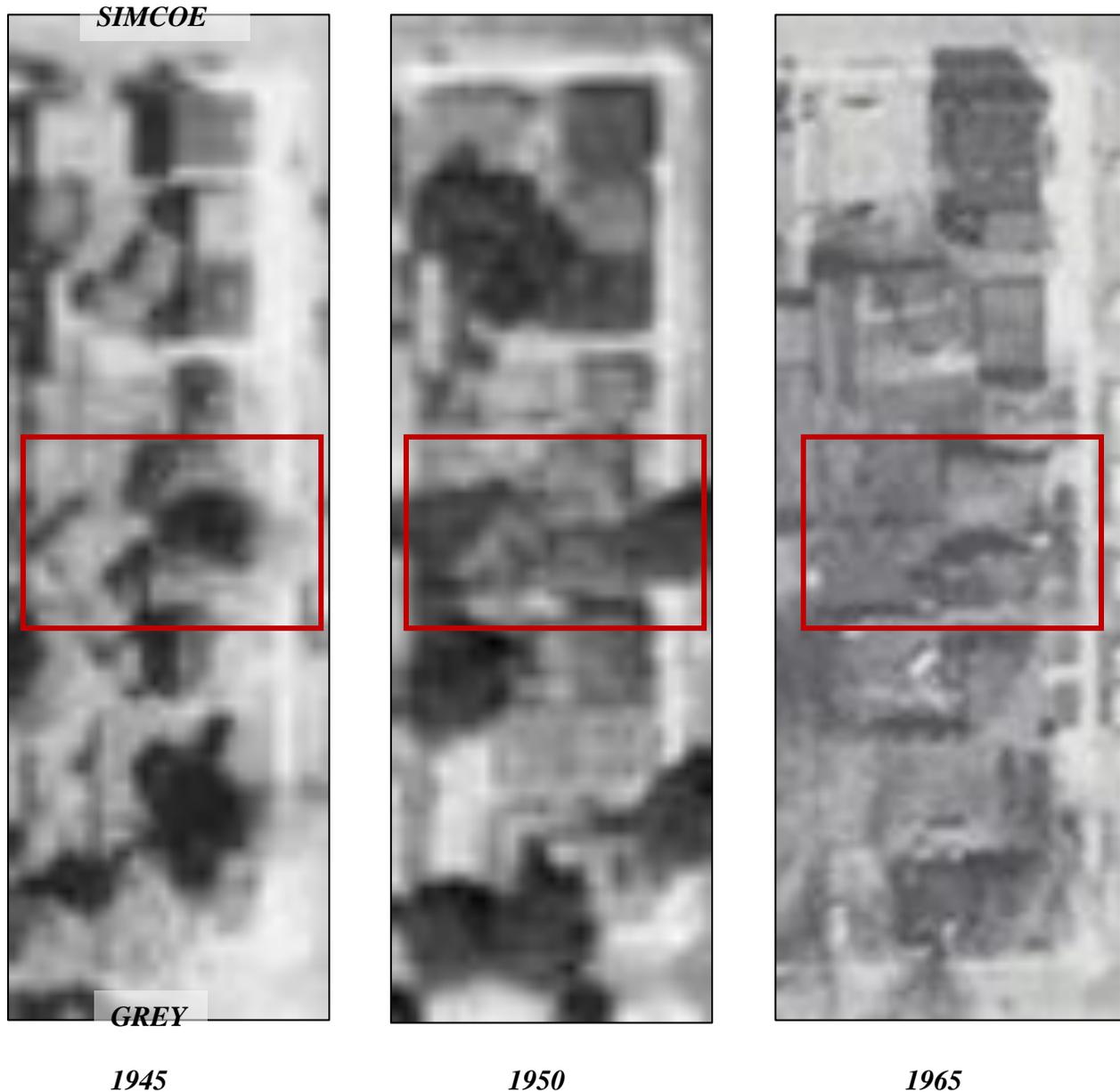


Site



Source – National
Airphoto Library
Roll No. R3-081

1945 - 1965
Block Face –
West side of Wellington
Between Simcoe & Grey Streets



Site

Sources – National Airphoto Library Roll No. A9344-44 (1945);
Dept. of Planning & Development 1413-17, Photo 21 (1950);
Hunting Survey Line 5, Photo 207 (1965).

1974
Context and Site

Context



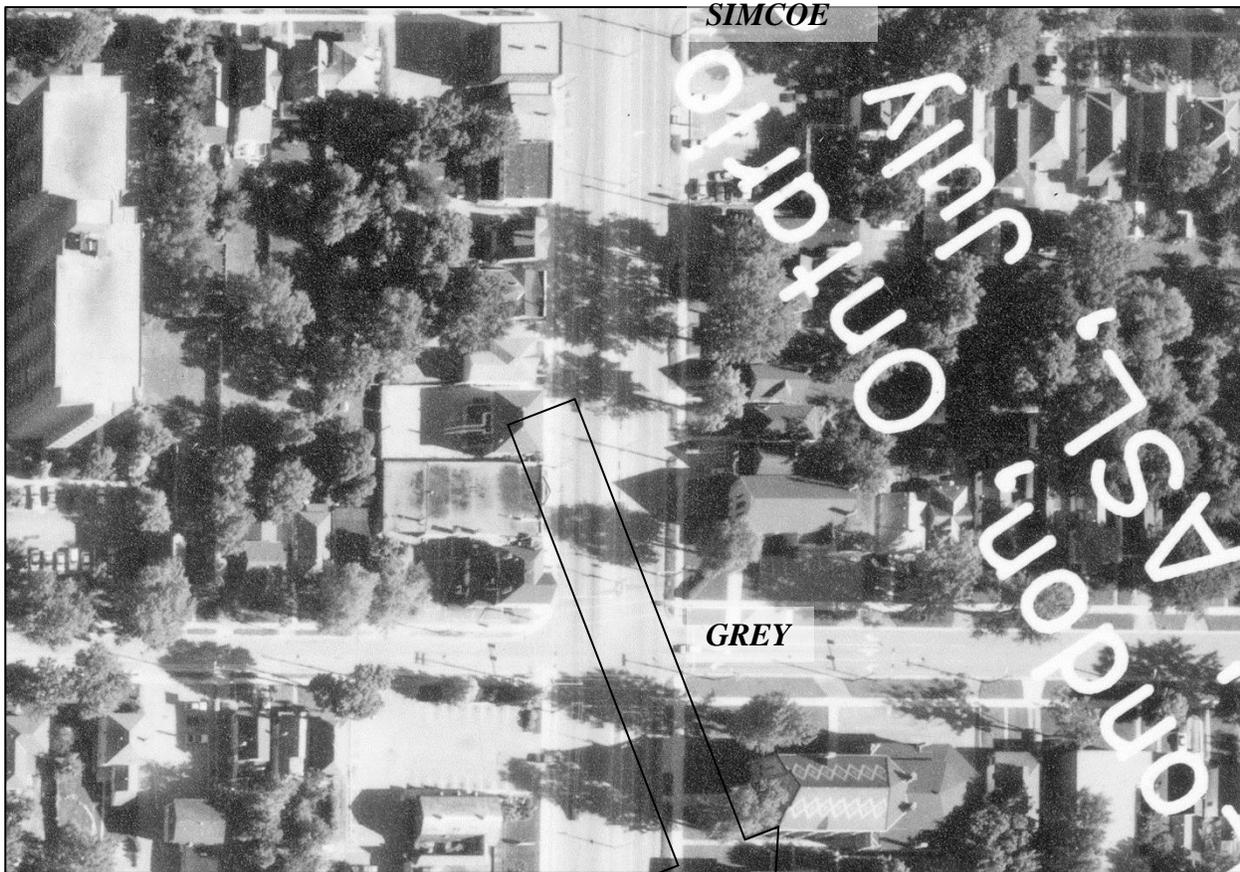
Site



Source – National
Airphoto Library
Roll No. A23667-171

1990
Context and Site

Context



Site



Source – National
Airphoto Library
Roll No. A27597-169

1999
Context and Site

Context



Site



Source – London City
Maps, Archives air
photos

2020
Context and Site

Context



Site



Source – London City
Maps

Appendix E: Exterior Photographs

185 Wellington Street



East Elevation

East and North Elevations



185 Wellington Street



North Elevation

North and West Elevations



185 Wellington Street



West Elevation

South and East Elevations



189 Wellington Street

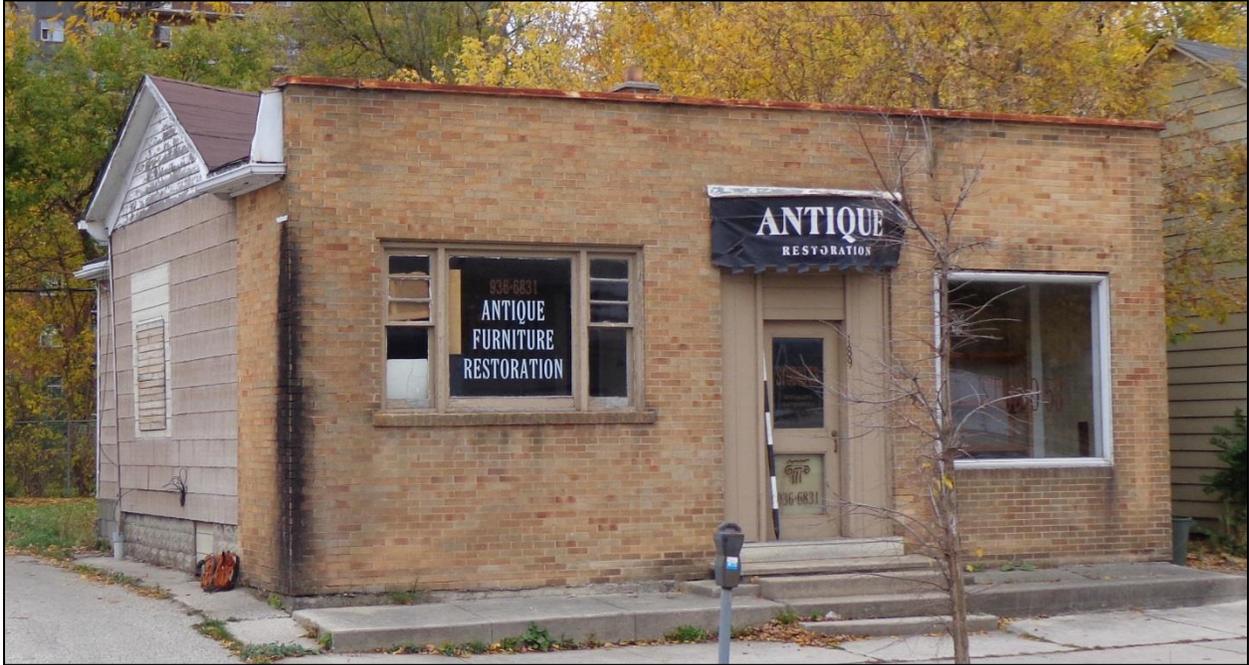


East and North Elevations

East Elevation



189 Wellington Street



South and East Elevations

South and East Elevations



189 Wellington Street



South Elevation

West and South Elevations



189 Wellington Street



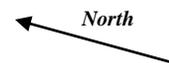
West Elevation

North and West Elevations



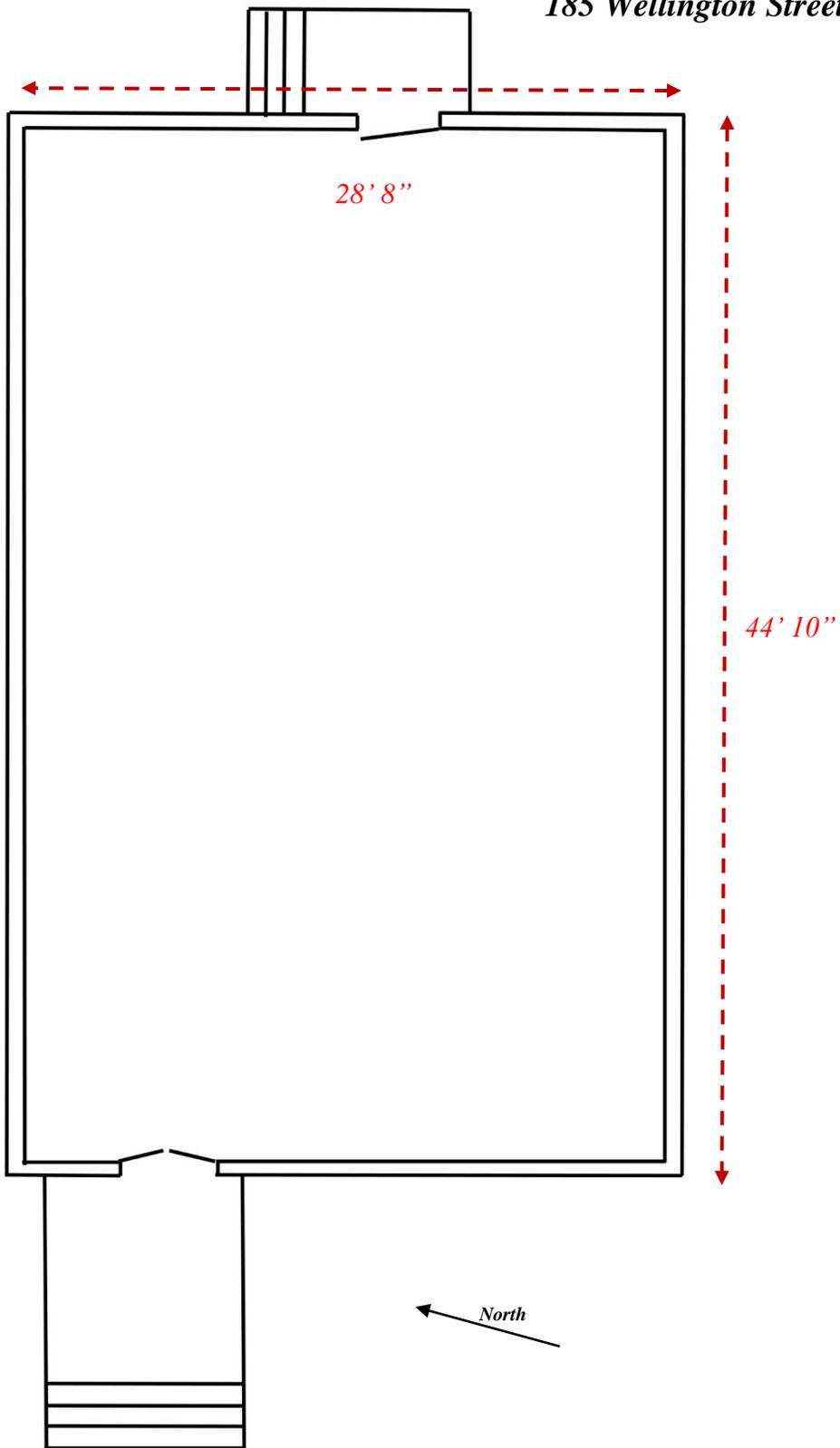
Appendix F: Floor Plan Sketches

185 Wellington Street - Roof

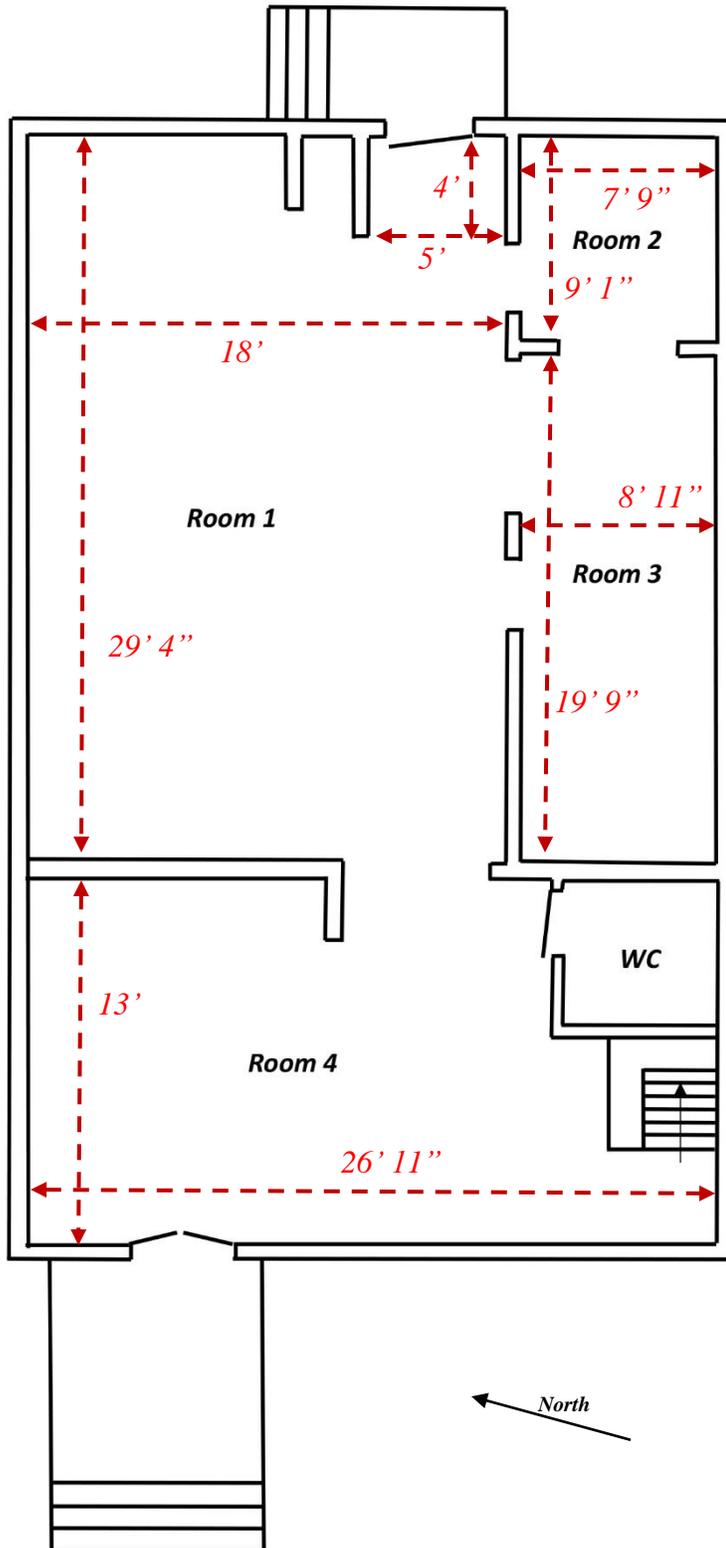


London Maps, 2020
aerial photograph.

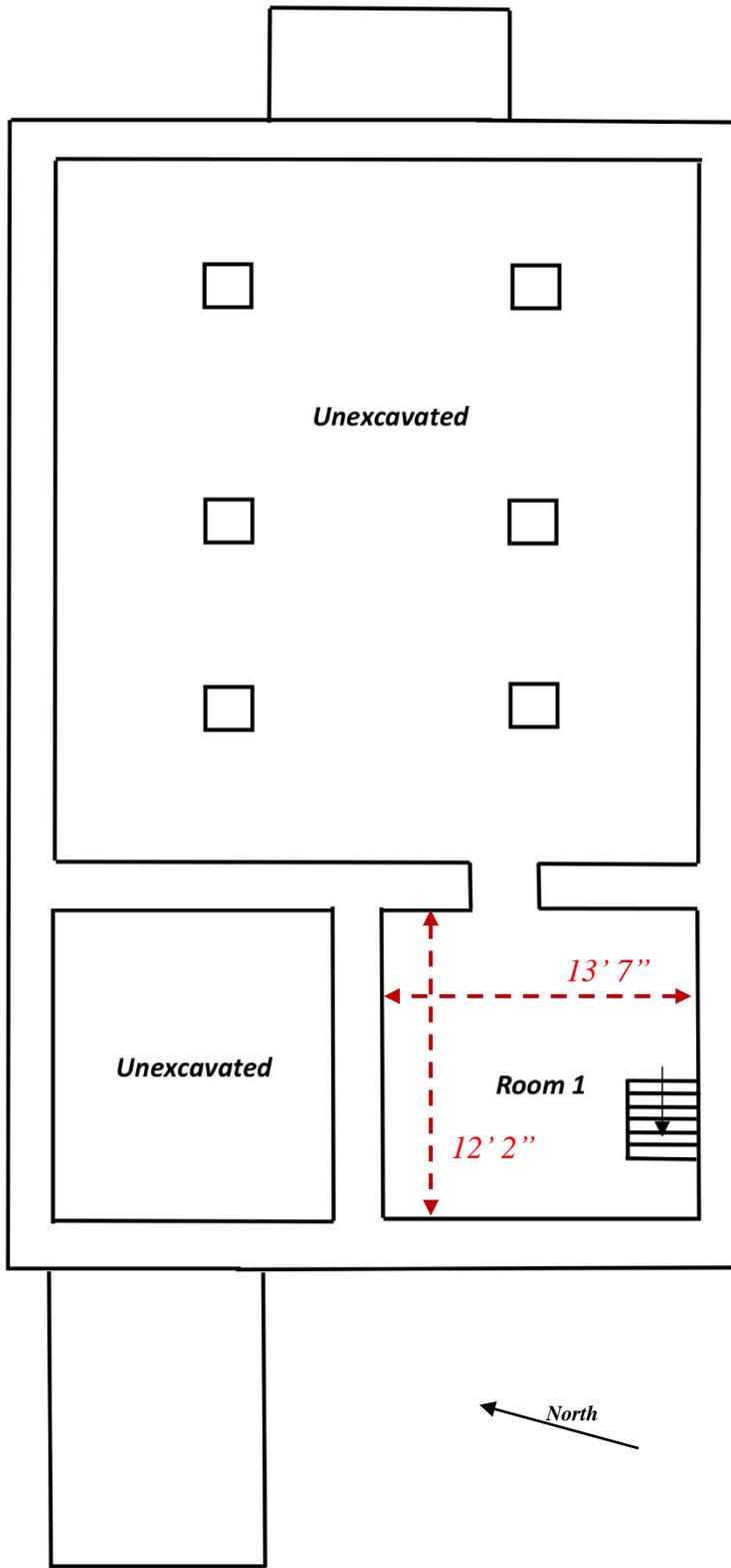
185 Wellington Street – Foot Print



185 Wellington Street - Ground Floor



185 Wellington Street – Basement

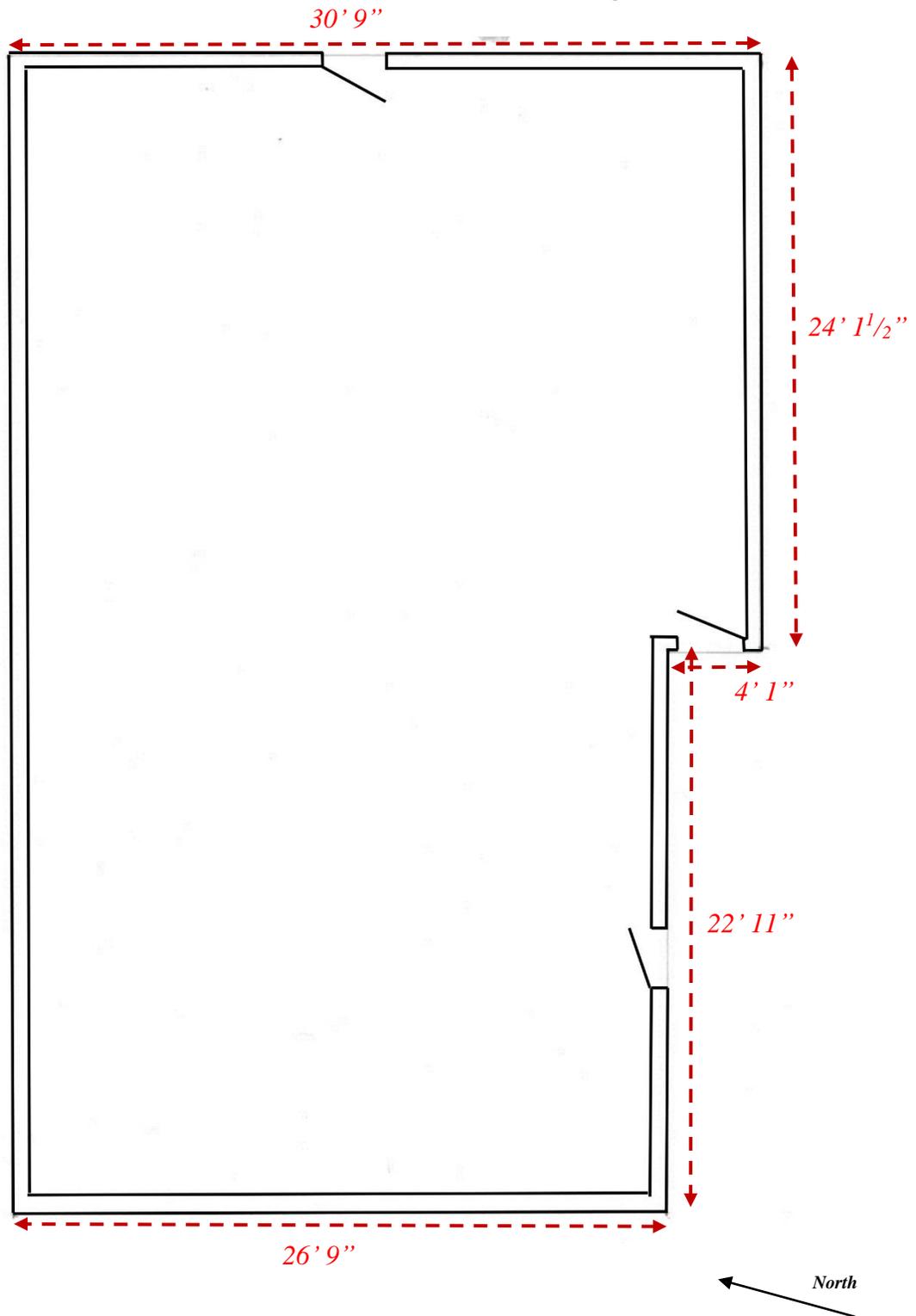


189 Wellington Street - Roof

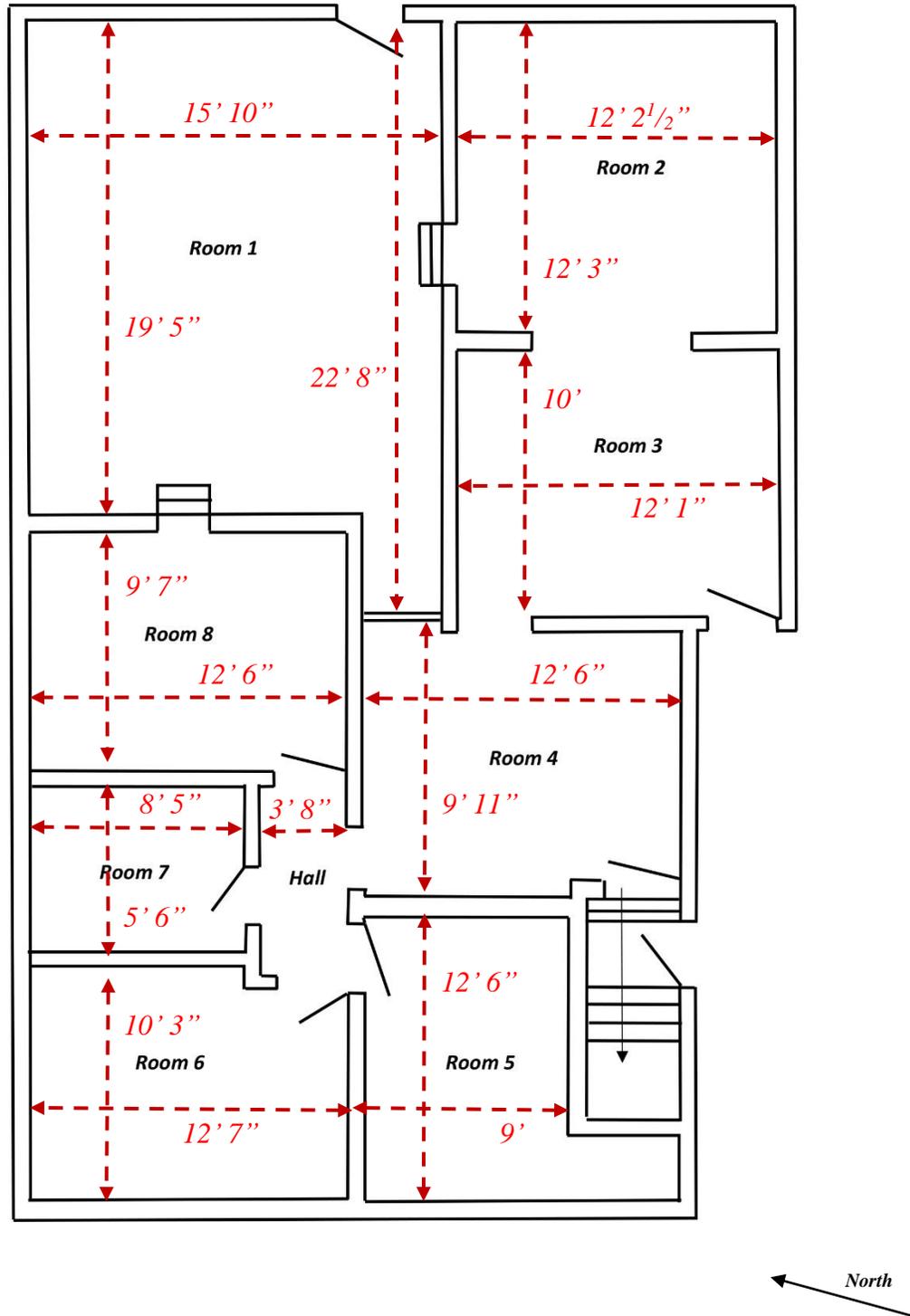


Source: London City Maps, 2020 aerial photograph

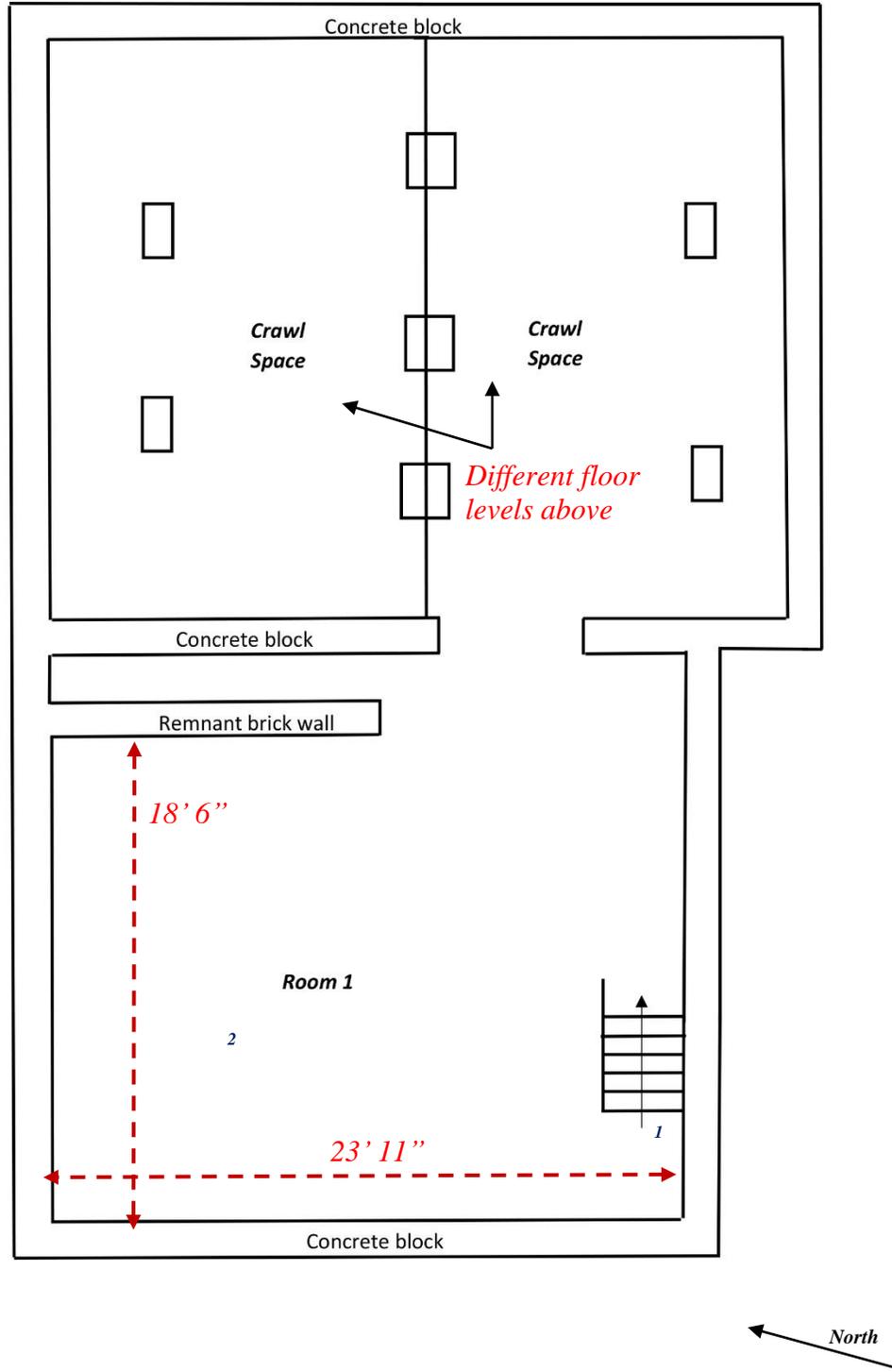
189 Wellington Street – Foot Print



189 Wellington Street – Ground Floor

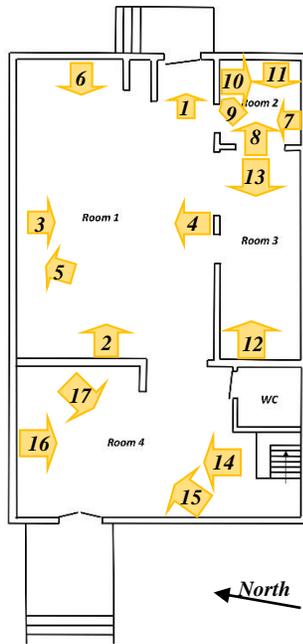


189 Wellington Street – Basement

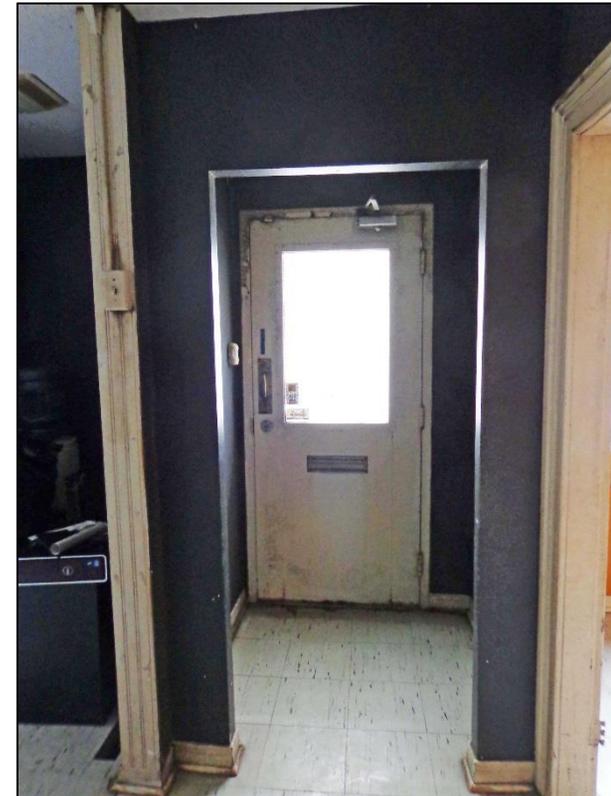


Appendix G: Interior Photographs

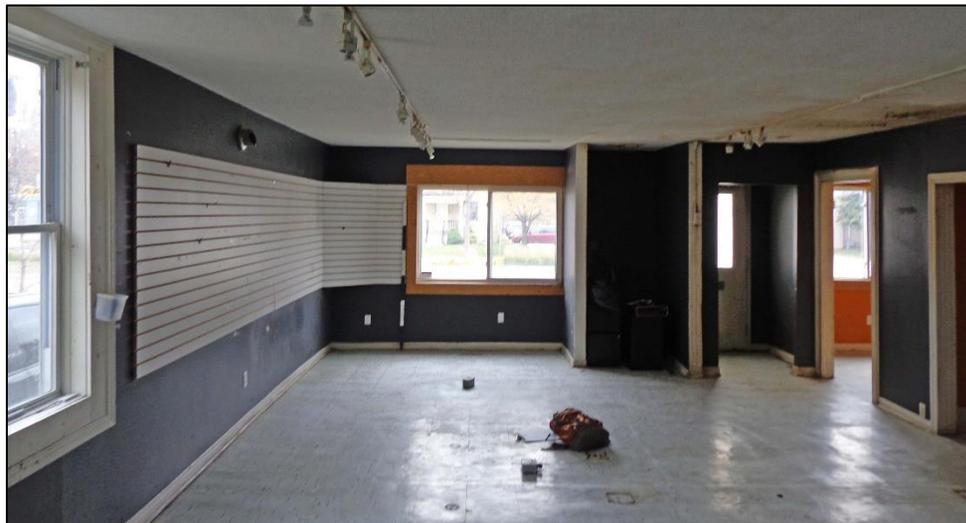
185 Wellington Street – Ground Floor



Ground Floor –
Photograph locations



1. Entrance vestibule –
East wall.



2. Room 1 – North, East and South Walls.



*185 Wellington Street
– Ground Floor*

3. Room 1 – South Wall.

4. Room 1 – North Wall.



185 Wellington Street – Ground Floor



5. Room 1 – Window, North Wall, Detail -
new mouldings.

6. Room 1 – South, West and North Walls.



185 Wellington Street – Ground Floor



10. Room 2 – South Wall.



11. Room 2 – West Wall.

185 Wellington Street – Ground Floor



12. Room 3 – North, East and South Walls.



13. Room 2 – South, West and North Walls.

185 Wellington Street – Ground Floor



14. Room 4 –North Wall.



15. Room 4 – North and East Walls.

185 Wellington Street – Ground Floor

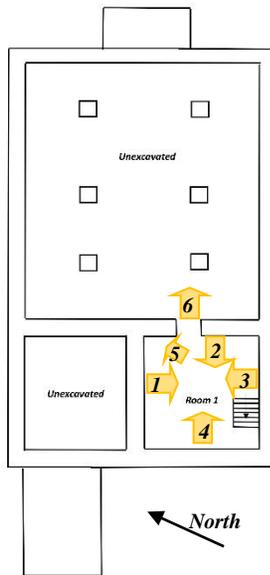
16. Room 4 – East, South and West Walls.



17. Room 4 – South and West Walls.



185 Wellington Street – Basement



Basement –
Photograph locations



1. Room 1 – East and South Walls.



2. Room 1 – West and North Walls.

185 Wellington Street – Basement



3. Room 1 – North Wall.



4. Room 1 – East Wall and
access to Crawl Space.

185 Wellington Street – Basement

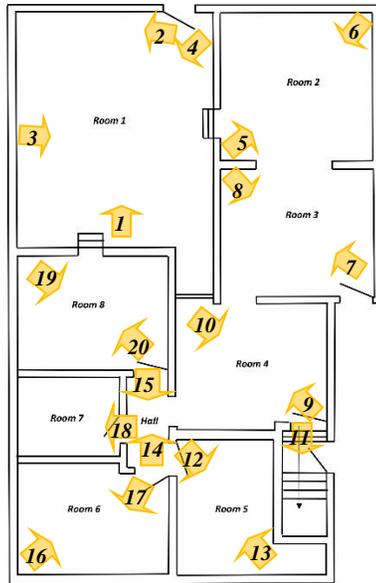


5. Room 1 – Ceiling joists and floorboards.

6. Crawl Space – View East and South from Room 1 access.



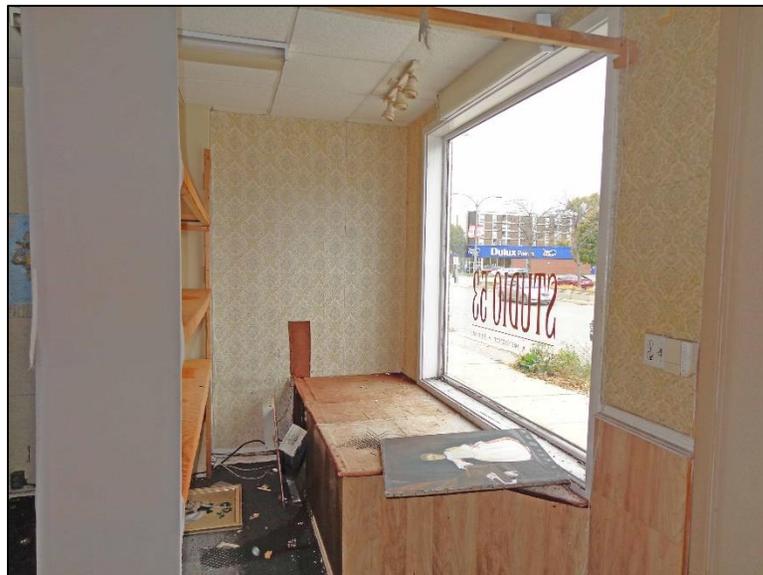
189 Wellington Street – Ground Floor



Ground Floor –
Photograph
locations



1. Room 1 – North, East and South Walls.



2. Room 1 – Part of North and East
Walls at the front of the Building.

189 Wellington Street – Ground Floor



3. Room 1 – South Wall and Entrance to Room 2.



4. Room 1 – West and North Wall and Entrance to Room 8.

189 Wellington Street – Ground Floor

5. Room 2 – East and South Walla.



6. Room 2 – West and North Walla and
Entrance to Rooms 3 and 1.



189 Wellington Street – Ground Floor



7. Room 3 –North and East Walla and Entrance to Room 2.



8. Room 3 – South and West Walla and Door to Outside.

189 Wellington Street – Ground Floor



9. Room 4 – North and East Wall and opening to Room 3.



10. Room 4 – South and West Wall and Door to Basement Stairs.

189 Wellington Street – Ground Floor

11. Room 4 – Stairs down to
Basement and Door to Outside.



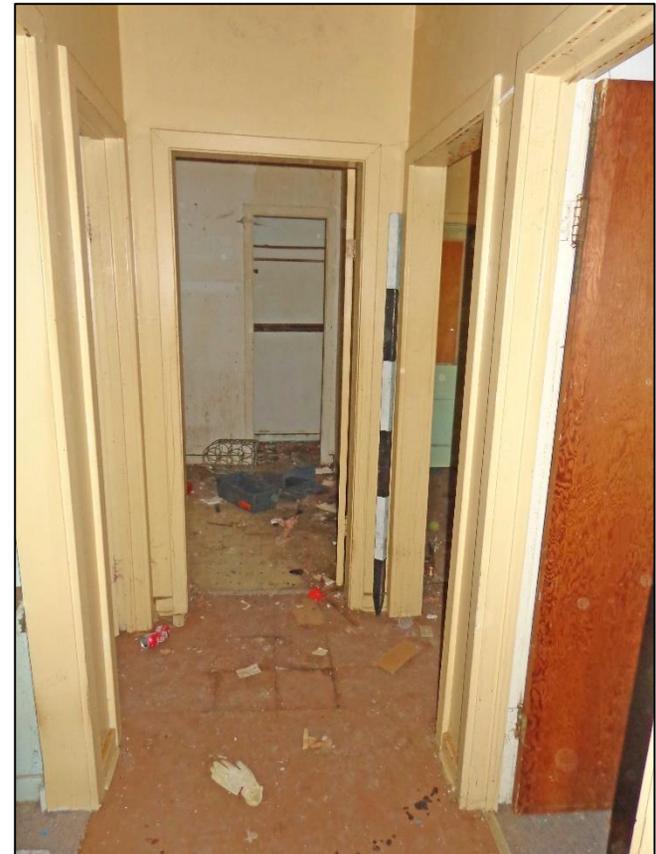
12. Room 5 – South and West Walla and
Opening to Closet.



189 Wellington Street – Ground Floor



13. Room 5 – North and East Wall and Door to Hall.



14. Hall – View East to Room 8.

189 Wellington Street – Ground Floor

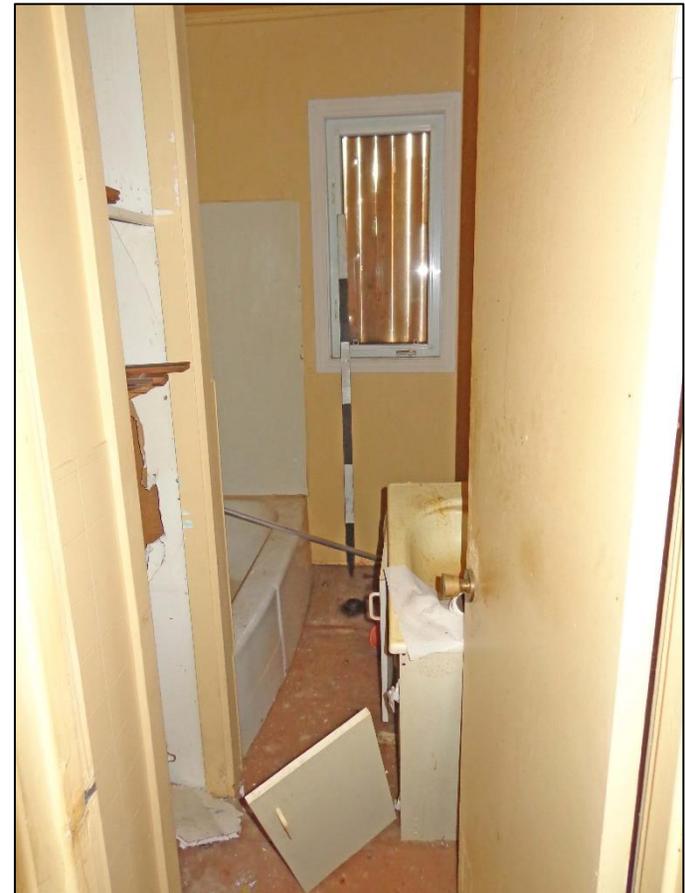


15. Hall – View West to Room 6.

189 Wellington Street – Ground Floor



17. Room 6 – West and North Walla.

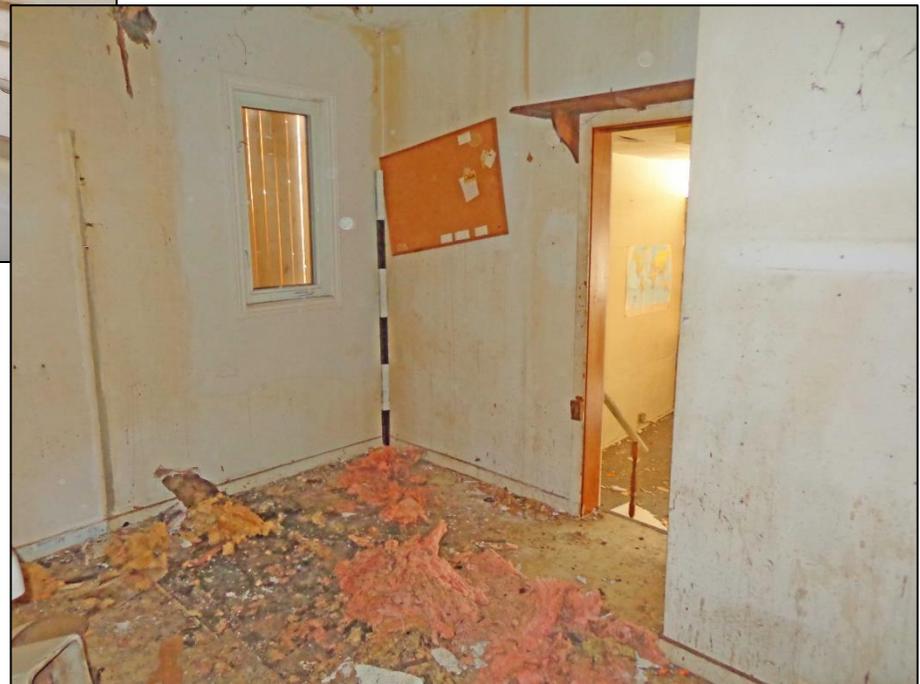


18. Room 7 – View from Hall
to North Wall.

189 Wellington Street – Ground Floor

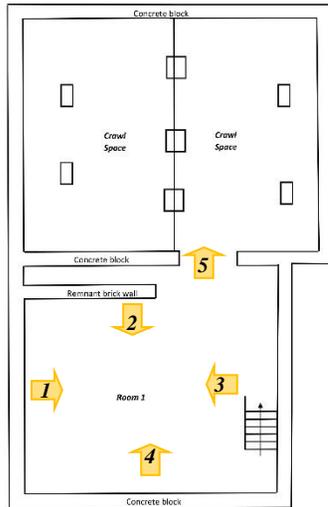


19. Room 8 – South and West
Walls and Door to Hall.



20. Room 8 – North and East
Walls and Door to Room 1.

189 Wellington Street – Basement



Basement –
Photograph
locations



1. Room 1 – South Wall and Staircase up.



2. Room 1 – West Wall.

189 Wellington Street – Basement



3. Room 1 – North Wall and remnant wall (right).

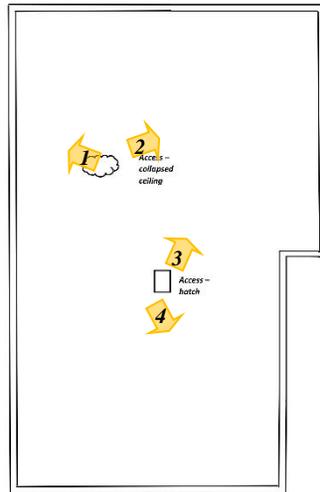


4. Room 1 – East Wall and access to Crawl Space..



5. Crawl Space – View to East and South Walls.

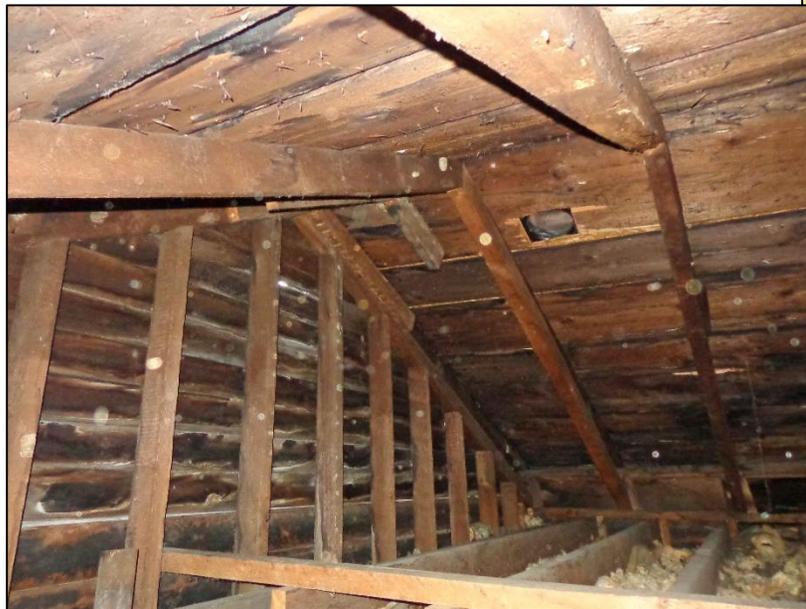
189 Wellington Street –Attic



Attic –
Photograph
locations



2. Attic – Front Section –
View East and South.



1. Attic – Front Section –
View North and East.

189 Wellington Street –Attic



3. Attic – Tail Wing – View
East to Front Section.



4. Attic – Tail Wing –
View West.

Appendix H: Landscape Photographs

185 Wellington Street



Front Yard – View southwest from the northeast corner.

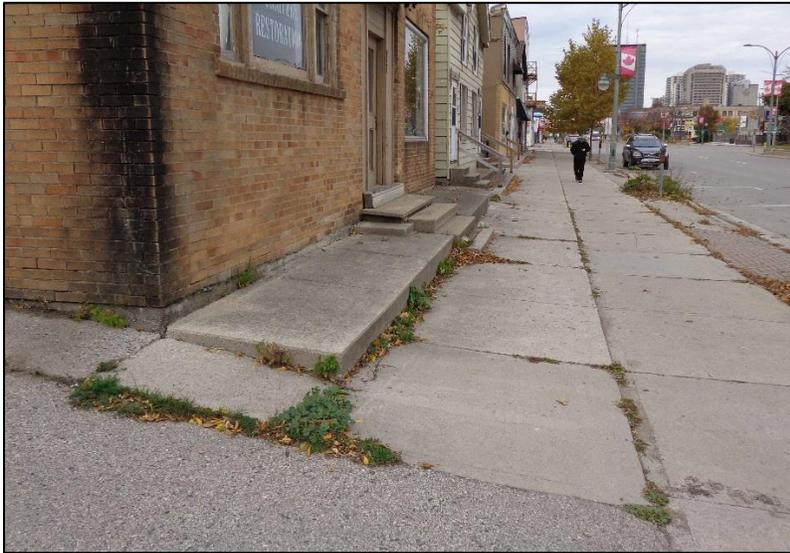
Rear Yard – View northeast from the southwest corner.



Rear Yard – View west from the rear of the Building.



189 Wellington Street



Front Yard – View north from the south end.

Rear Yard – View southeast from the northwest corner.



Rear Yard – View west from the rear of the Building.

Appendix I: Property Ownership History

Page 1 Municipality London (City) Lot Part 1 Plan 30 – NW Grey Street Address: 185 Wellington Street

No. of Instrument	Instrument	Date of Instrument	Date of Registration	Grantor	Grantee	Consideration	Remarks
	Patent	28.03.1850		The Crown	John Wood		All 1/2 ac
867	B & S	17.07.1850	19.07.1850	John Wood & wife	William Winslow		N 1/2
+126	Mortgage	24.02.1859	26.02.1859	Wm Winslow	Charles Crutchley		N 1/2
2357	Dis of Mort	08.08.1863	08.08.1863	Wm Winslow	Charles Crutchley		N 1/2
2358	B & S	04.08.1863	08.08.1863	Wm Winslow & wife	Laura Newell		N 1/2
15793	Quit Claim	05.02.1863	22.04.1869	Robert Moore	Louisa I Milne		N 1/2 1/4 ac
15063	Grant	17.09.1877	27.09.1877	Laura Milne et al	John Price		N 1/2
3237	Probate	20.12.1919	02.01.1920	John Price	John H Stephens		S23 ft of N 1/2
77106	Grant	29.12.1956	12.02.1957	Estate of Mary Stephens	Lea Ayers	\$1	G – S 45' of N 46' of W 110'
736719	Grant		17.08.1986	Lea Ayers	Edith Fleming		
749933	Grant		14.11.1986	Edith Fleming	Ivan Milicevic	\$60,000	As in 736719
765428	Grant		05.07.1987	Ivan Milicevic	Eli, Peter, Stephen Boskovic	\$65,300	As in 749933
LT393960	Transfer		24.08.1995	Eli, Peter, Stephen Boskovic	Eli, Stephen Boskovic		
ER25965	Transfer		28.11.2003	Eli, Stephen Boskovic	Robert Edward Pugh		
ER466424	Transfer		31.10.2006	Robert Edward Pugh	Mark Emerson Bennis		
ER1241979	Transfer		28.06.2019	Mark Emerson Bennis	2698746 Ontario Inc.		

Page 1 Municipality London (City) Lot Part 1 Plan 30 – SW Simcoe Street Address: 189 Wellington Street

No. of Instrument	Instrument	Date of Instrument	Date of Registration	Grantor	Grantee	Consideration	Remarks
	Patent	26.05.1848		The Crown	Henry McCabe		All 1/2 ac
218	B & S	26.05.1848	26.05.1848	Henry McCabe & wife	G. J. Goodhue		S pt 120 x 110
1299	B & S	30.07.1851	31.07.1851	G. J Goodhue & wife	Philip Davis		S pt 40 x 110
3044	B & S	24.06.1853	25.06.1853	Philip Davis	George Brett		S pt 40 x 110
3887	B & S	02.03.1854	24.03.1854	George Brett	Robert Leathorn		40 x 110
1716	B & S	21.05.1862	22.05.1862	Robert Leathorn	John Price		40 x 110
3237	Probate		02.01.1920		Mary E. Stephens		
40678	Grant	22.12.1947	08.01.1948	Ethel M. Stephens	Charles L S Stephens		Probate of Mary E. Stephens
42629	Grant	30.09.1949	08.11.1949	Ethel Stephens, exec Mary E Stephens	Florence Goldsworthy & Ella Cripps	\$3650	S 40 feet
43598			10.05.1950		Florence Goldsworthy & Ella Cripps		
LT508948	Transfer		10.02.1998	Ella Cripps	Marko Boskovic		
ER550742	Transfer		28.12.2007	Marko Boskovic	<u>Ilija</u> Boskovic		
ER702448	Transfer		03.05.2010	<u>Ilija</u> Boskovic	Marilyn & Mark Bennis		
ER1241972	Transfer		28.06.2019	Marilyn & Mark Bennis	2700875 Ontario Inc.	\$135,000	

Appendix J: Adjacent/Nearby Heritage Properties



201 - 203 Wellington Street



205 - 209 Wellington Street



190 Wellington Street



197 - 199 Wellington Street



193 - 195 Wellington Street



181 Wellington Street



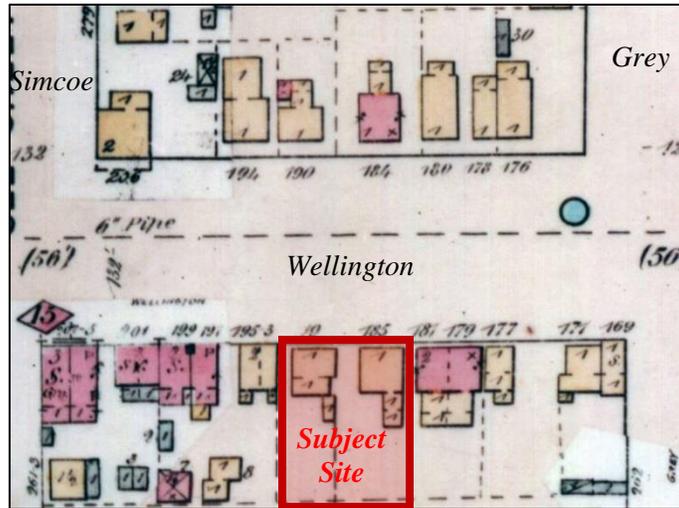
169 - 171 Wellington Street



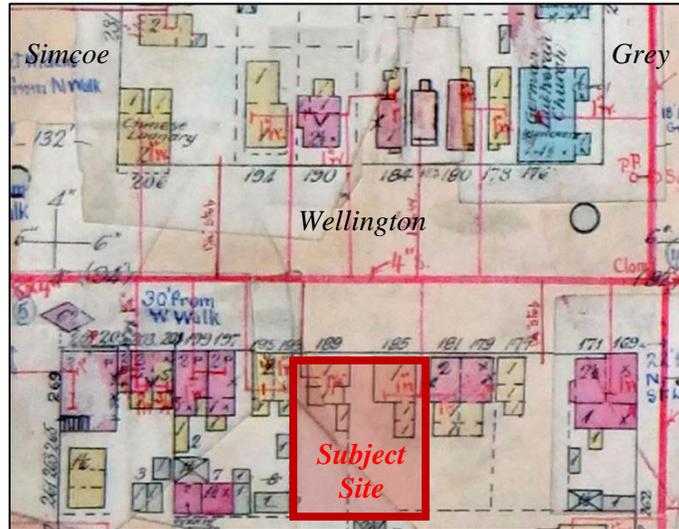
184 Wellington Street

***Adjacent / Nearby Heritage
Properties – 1881 - 1922***

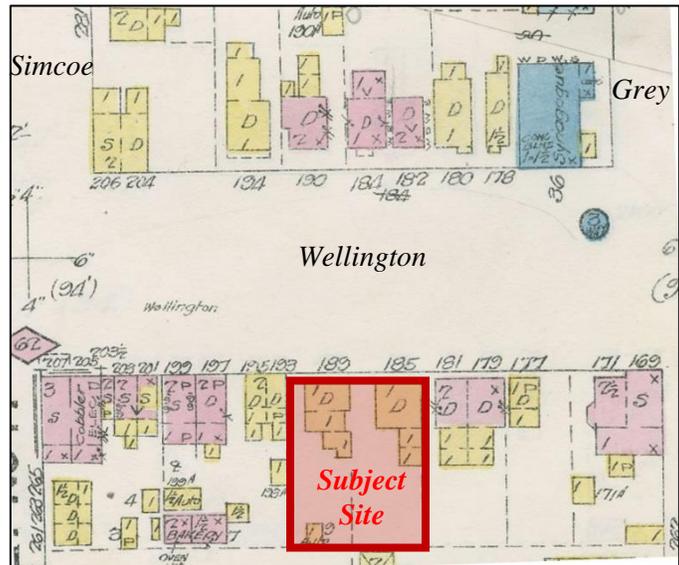
1881 - 1888



1907



1922



Source: Fire Insurance Plans, University
of Western Ontario Archives

Appendix K: Development Proposal

Concept Plan – Phase One

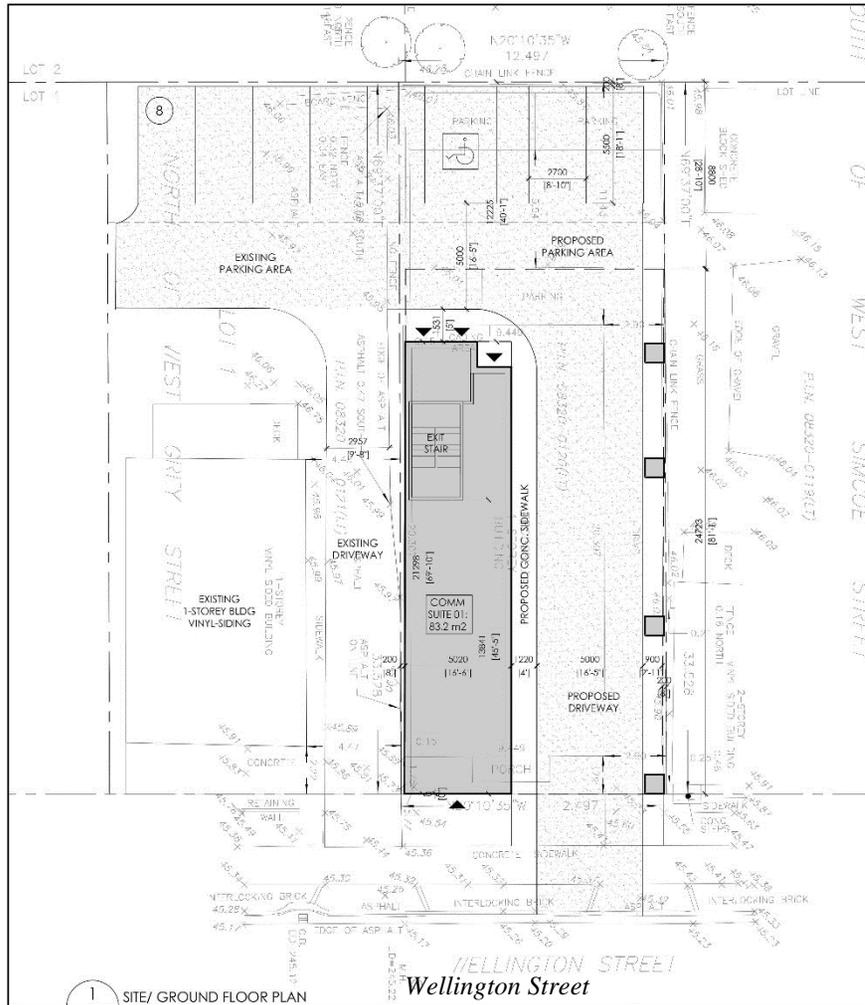
East (Wellington Street) Elevation in Context



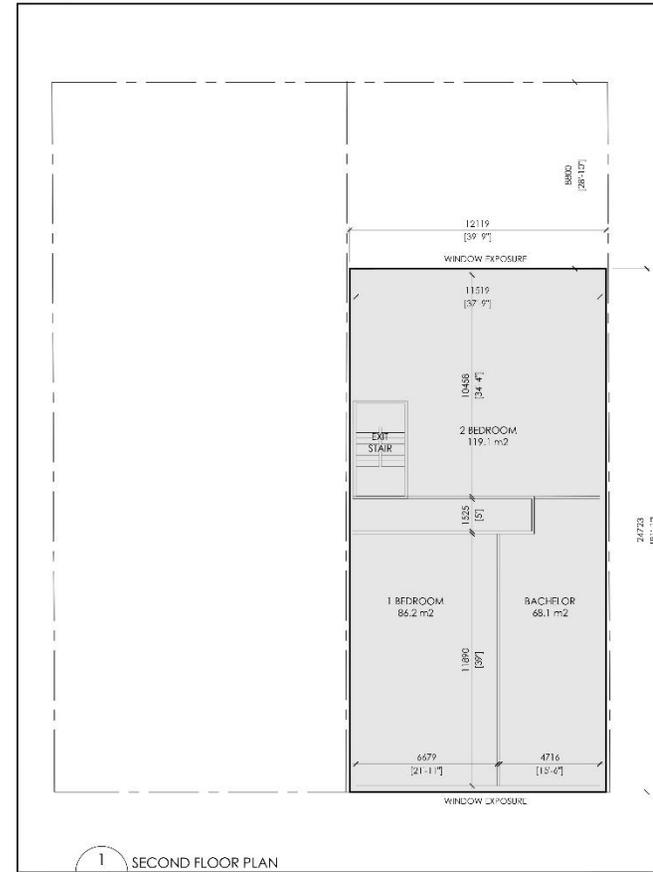
*Source: CSPACE Architecture
December 2, 2020*

Concept Plan – Phase One

Site/Ground Floor Plan



Upper Floor Plans



Source: CSPACE Architecture
 December 2, 2020

Concept Plan – Phase Two

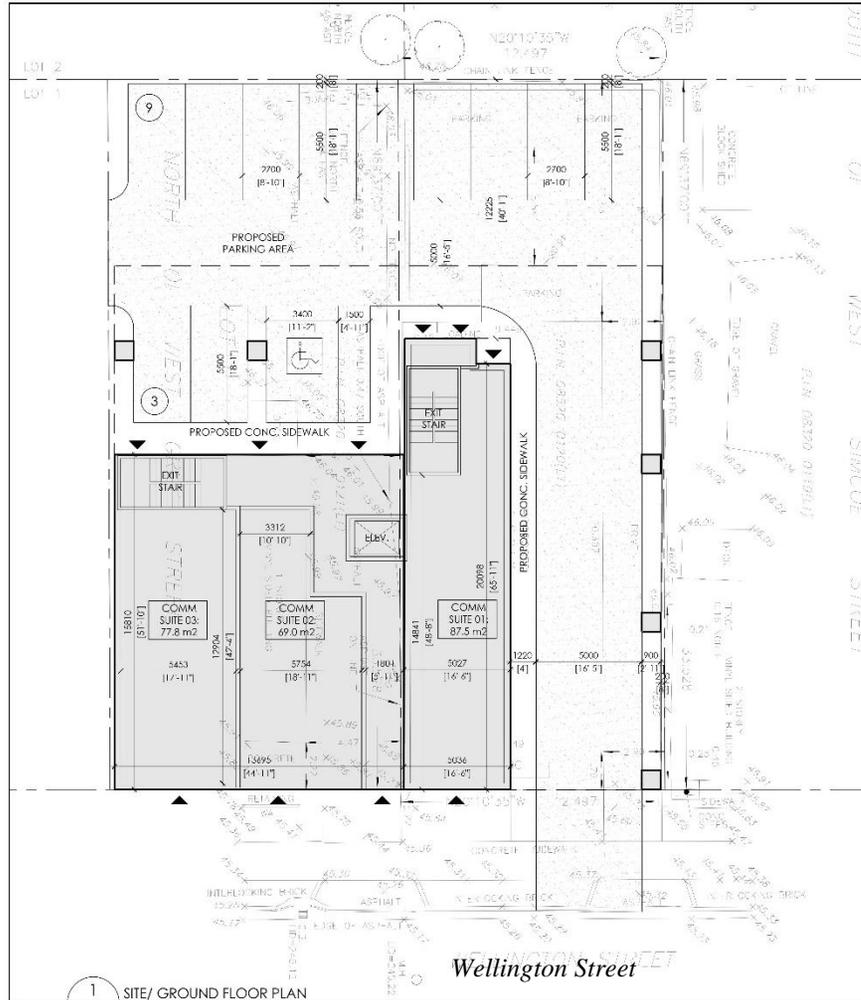
East (Wellington Street) Elevation in Context



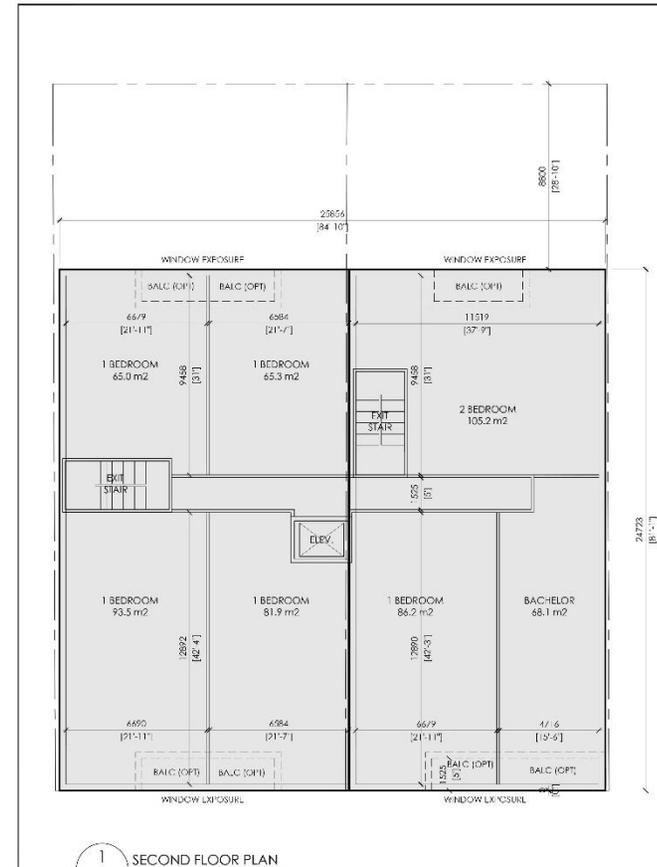
*Source: CSPACE Architecture
December 2, 2020*

Concept Plan – Phase Two

Site/Ground Floor Plan



Upper Floor Plans



*Source: CSPACE Architecture
 December 2, 2020*

**Appendix L: City of London
Planning Document Maps**

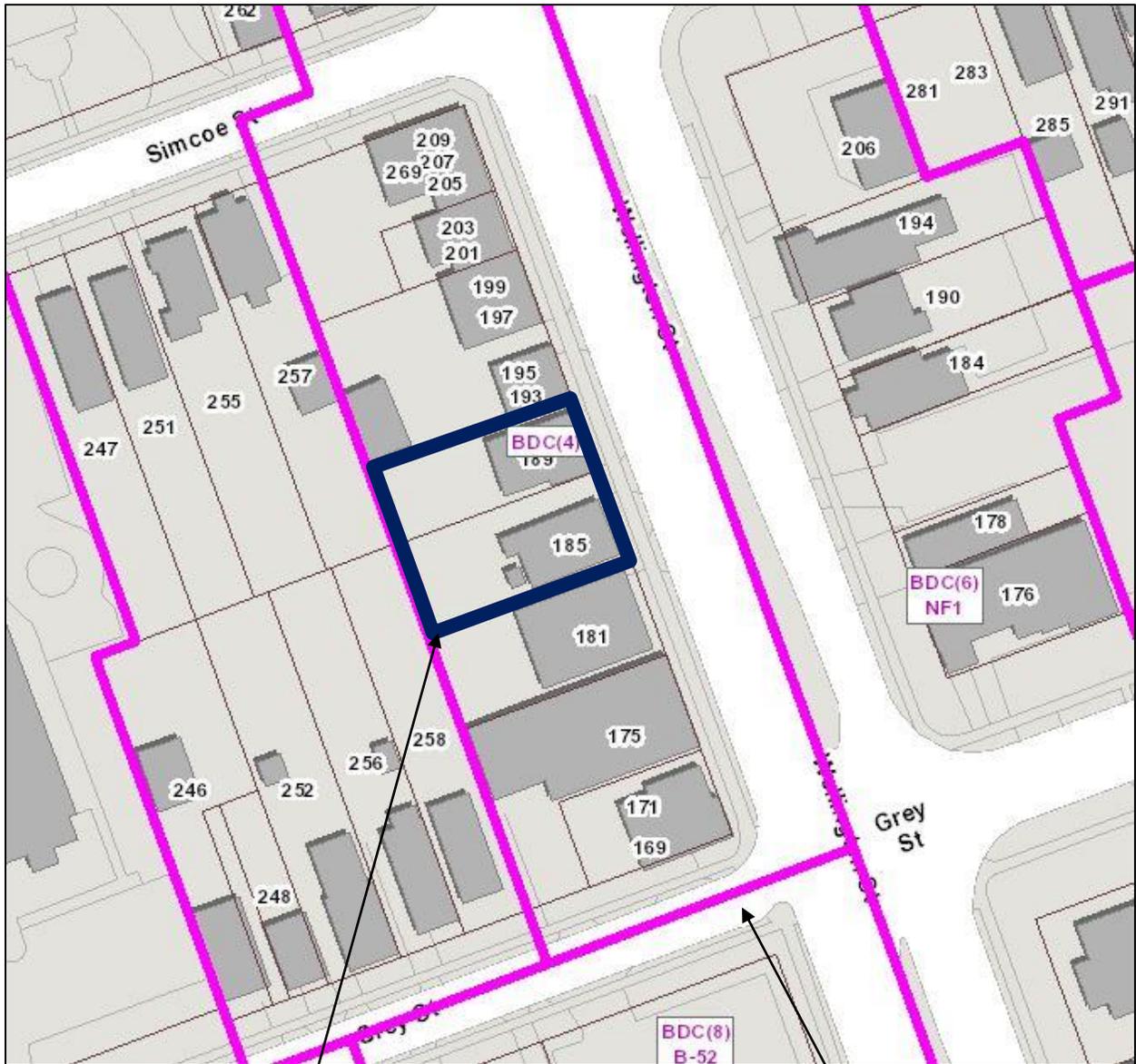
City of London
 Official Plan
 Part of Map 1, November 2019
 Place Types



Subject site

LEGEND						
	Green Space		Heavy Industrial	BASE MAP FEATURES		Streets (See Map 3)
	Environmental Review		Light Industrial			Railways
	Downtown		Commercial Industrial		Water Courses / Ponds	Note: At the time of the printing of this map, the Rapid Transit EA is in progress. It is expected that a rapid transit alignment will be known before <i>The London Plan</i> is approved. 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 final version of <i>The London Plan</i> .
	Transit Village		Future Community Growth			
	Rapid Transit Corridor		Future Industrial Growth			
	Urban Corridor		Farmland			
	Shopping Area		Rural Neighbourhoods			
	Main Street		Waste Management Resource Recovery Area			
	Neighbourhoods		Urban Growth Boundary			
	Institutional					

City of London
Zoning By-law as amended
London Maps



Subject Site

BDC(4) Zone

Appendix M: Curriculum Vitae: Wayne Morgan

Wayne Morgan – Curriculum Vitae

Work Experience	2006 –	Consultant
	Principal, Wayne Morgan Heritage Planner	
	<ul style="list-style-type: none">• Heritage character statements and impact assessments• Heritage Conservation Districts• Heritage planning policies	
	2000–2006	City of Toronto, City Planning
	Senior Co-ordinator, Heritage Preservation Services	
	<ul style="list-style-type: none">• Managed review and approval of proposals involving heritage properties in the City – under the following Acts – Planning, Heritage and Building Code.• Secured and administered heritage easement agreements (more than 200) and letters of credit to the City (in excess of \$10 million annually).• Established 4 Heritage Conservation Districts involving in excess of 1500 properties – Yorkville and the Cabbagetowns -Metcalfe, North and South.• Managed the listing and designation of individual heritage properties.• Provided technical advice to City Council and its advisory committees and represented the City in negotiations and before Provincial tribunals.	
	1998 - 2000	City of Toronto, Urban Development Services
Related Experience	Senior Community Planner	
	<ul style="list-style-type: none">• Managed approval process of planning proposals and preparation of community plans, involving liaison with City staff and the public; provided professional advice to City Council and Provincial tribunals.	
	1989–1997	Metropolitan Toronto, Planning Department
	Manager, Research Division	
	1976–1989	Region of York, Planning Department
Education	Senior Planner, long range planning	
	1974–1976	Region of Hamilton Wentworth, Planning Department
	Planner, Official Plan team	
	1973–1974	Acres Engineering
Professional Associations	Planner/Economist	
	1980 - 2000	Town of Newmarket
	Chair, Local Architectural Conservation Advisory Committee	
	<ul style="list-style-type: none">• Appointed as a volunteer by Town Council to the municipal heritage advisory committee established under the Ontario Heritage Act	
	1968–1972 - University of Toronto - B.A., Geography	
	1972–1973 - Queen’s University - M.A., Geography – Urban and Regional	
	Registered Professional Planner – member - Canadian Institute of Planner and the Ontario Professional Planners Institute.	
	Member – Canadian Association of Heritage Professionals	

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: ReThink Zoning Information Report - Update & Sample Place
Type Zones
Date: October 3, 2022

Recommendation

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

Executive Summary

ReThink Zoning is the process of delivering a new comprehensive zoning by-law that will implement *The London Plan* and replace the current *Zoning By-law No. Z.-1*. The purpose of this report is to provide an update on ReThink Zoning and to introduce and provide information about the sample Place Type Zones and related consultation and engagement opportunities.

Linkage to the Corporate Strategic Plan

The preparation of the new comprehensive zoning by-law will contribute to the advancement of Municipal Council's 2019-2023 Strategic Plan in several ways:

- “Building a Sustainable City” is supported by the preparation of a new comprehensive zoning by-law that ensures growth and development in the City is well planned and sustainable over the long-term.
- “Strengthening Our Community” is supported by the preparation of a new comprehensive zoning by-law that ensures new development fits and enhances the surrounding context and considers innovative regulatory approaches to achieve municipal commitments to affordable housing and to reduce and mitigate climate change.
- “Growing Our Economy” is supported by the preparation of a new comprehensive zoning by-law that delivers certainty and flexibility in creating a supportive environment where businesses and development can thrive.
- “Leading in Public Service” is supported by opportunities for public and stakeholder engagement and participation in the preparation of the new comprehensive zoning by-law and in local government decision-making.

Climate Emergency

On April 23, 2019, Municipal Council declared a Climate Emergency. Through this declaration the Corporation of the City of London (the City) is committed to reducing and mitigating climate change by encouraging sustainable development and directing intensification and growth to appropriate locations. This includes the efficient use of existing urban lands and infrastructure, aligning land use planning with transportation planning to facilitate transit-supportive developments that encourage active transportation. Development shall also be directed away from natural hazards to minimize and mitigate flooding potential.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Planning and Environment Committee, ReThink Zoning Update & Discussion Papers, June 20, 2022. This report introduced seven (7) Discussion Papers prepared by the project consultant that explored opportunities and challenges for London's new zoning by-law and identified possible zoning approaches to those issues. It was recommended that the discussion papers be received by Municipal Council for information purposes. This report also provided an update on the next steps for ReThink Zoning.

Planning and Environment Committee, RFP21-57 ReThink Zoning Consulting Services Contract Award, November 1, 2021. This report recommended Municipal Council appoint of Sajecki Planning Inc. ("Sajecki") as project consultants to prepare the new comprehensive zoning by-law and that the financing for consulting services be approved. In accordance with the City's *Procurement of Goods and Services Policy*, Sajecki was qualified to provide consulting services through a Request for Qualification (RFQUAL) and had the highest scoring submission through the subsequent Request for Proposal (RFP).

Planning and Environment Committee, ReThink Zoning Phase One Update and Background Papers, June 21, 2021. This report introduced for information purposes a series of Background Papers. The first Background Paper provided an overview of the relevance and role of zoning and the importance of engagement in the ReThink Zoning project. The second, third and fourth Background Papers addressed the role of use, intensity, and form in zoning respectively to achieve the city building objectives described in *The London Plan*. The fifth Background Paper undertook a review of zoning by-laws for several populous municipalities in Ontario to identify best practices and capture innovative approaches to zoning. This report also provided an update on the next steps for ReThink Zoning.

Planning and Environment Committee, ReThink Zoning Phase One Update, November 30, 2020. This report introduced for information purposes, areas of focus for future public and stakeholder engagement. Areas of focus including education about how zoning works, and conversations about the types of uses and buildings that should be permitted (use), how much activity or building should be permitted (intensity), and where and how buildings should be situated or designed (form). The above noted areas of focus were discussed in the context *The London Plan's* policy direction and place types, and how *The London Plan's* vision can be implemented through zoning. The report was initially scheduled for June 2020 and was postponed and adapted to address limitations with public and stakeholder engagement as influenced by COVID-19.

Planning and Environment Committee, ReThink Zoning Terms of Reference, May 13, 2019. Based on public and stakeholder comments on the draft Terms of Reference (TOR), this report introduced for approval an updated TOR for ReThink Zoning. The updated TOR included a detailed overview of the project goals, work plan and deliverables, and identified opportunities for meaningful public and industry stakeholder engagement.

Planning and Environment Committee, ReThink Zoning Terms of Reference, August 13, 2018. This report introduced for information purposes a draft TOR for ReThink Zoning and directed that the draft be circulated for comments.

2.0 Sample Place Type Zones

2.1. Introduction

The purpose of this report is to provide an update on ReThink Zoning and the work-to-date completed by the project consultants. Building on the seven (7) Discussion Papers (DP) completed in June 2022 that outlined a proposed zoning approach to several key issues, the project consultants have most recently completed sample Place Type Zones. The Discussion Papers include DP#1 Introduction to Zoning; DP#2 Zoning in on Intensification; DP#3 Zoning in on existing Uses; DP#4 Zoning in on Housing Affordability; DP#5 Zoning in on the Climate Emergency; DP#6 Zoning in on Place Types; DP#7 Implementing the New Zoning By-law. The purpose of the sample Place Type Zones is to illustrate how policies in *The London Plan* can be translated into regulation. The sample zones are snapshots of the first draft of the new zoning by-law as they propose a structure for the Place Type Zones (see Subsection 2.3 below), provide sample mapping or zone schedules and provide some preliminary regulations (See Appendix A – Sample Zones & Schedules; Appendix B – Sample Zone Schedules (Black & White); Appendix C – Sample Zones Annotated Summary).

It is important to note that the sample Place Type Zones include preliminary proposals by the project consultants and are for discussion purposes. The sample zones will be subject to consultation and review by City staff, key stakeholders and the broader public following this report being received by Municipal Council. Opportunities for consultation and engagement are planned for October 2022 through to December 2022. The feedback received on the sample Place Type Zones will be used to inform the first draft of the new zoning by-law, anticipated in the new year, and to modify and refine the preliminary proposed sample regulations.

2.2. Approach to Sample Zones & Sample Geographic Areas

The London Plan provides a place-based approach to planning for how London should grow and is an innovative departure from the traditional land use focused approach of the previous Plan. The London Plan considers all the elements that contribute to how people experience a place or space and directs that development will be evaluated with a balanced consideration of use, intensity, and form.

The Downtown Place Type, the Neighbourhoods Place Type and the Light Industrial Place Type were selected for the three (3) sample Place Type Zones, as each are expected to be defined by use, intensity and form differently. While the level of emphasis on use, intensity, and form varies between the different Place Types, all three considerations will apply in every Place Type (See Figure 1).

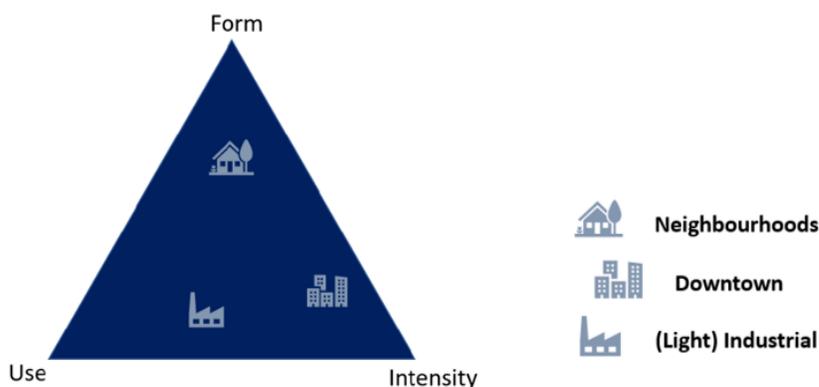


Figure 1: Level of emphasis placed on use, intensity, and form by Place Type. Source: Stakeholder Working Group Meeting #1 Information Package, Sajecki Planning Inc. August 2022

- The Downtown Place Type Zone (D) is expected to be defined predominately by intensity considerations as it is planned for the most intense forms of development in the City as a highly urban, transit-oriented environment. One zone class is proposed with varying intensity permissions.
- The Neighbourhoods Place Type Zone (N) is expected to be defined predominately by form to ensure fit and compatibility with the existing and planned character of a neighbourhood. The Neighbourhood Place Type Zone is proposed to be divided into three zone classes based on the classification of the street on which a property has frontage. This approach to the sample Neighbourhood Place Type Zone can be attributed to the policy direction in *The London Plan* that relates use and intensity permissions to street classification. It should be noted that based on *The London Plan* policies regarding use and intensity there is no proposed zone class differentiation between properties having frontage on a Civic Boulevards and an Urban Thoroughfare. The street classification is proposed to be reflected in the zone class codes (i.e. Neighbourhood Street (N-NS), Neighbourhood Connector (N-NC) and Civic Boulevard/Urban Thoroughfare (N-CB/UT).
- The Light Industrial Place Type Zone (LI) is expected to be defined predominately by use to prevent adverse impacts from conflicting land uses given the potential effects of industrial uses, including noise, vibration, dust and odour emissions. The Light Industrial Place Type is proposed to be divided into two zoning classes based on their proximity to sensitive land uses such as Neighbourhoods Place Type Zones. Lots located at least 70 metres from a zoned sensitive land use are proposed to be zoned LI-c (core) and are intended for industrial uses that may have periodic emissions of minor annoyance, reflecting the recommended minimum separation distance in the Ministry's D-6 Series Guideline – *Compatibility between Industrial Facilities*. Lots located less than 70 metres from a zoned sensitive land use are proposed to be zoned LI-p (periphery) and are intended for industrial uses with low likelihood of emissions. The Light Industrial Place Type Zone variations are expected to differ in the uses permitted in each.

Discreet geographic areas in the City of London were referenced in preparation of the sample Place Type Zones, to show how Zones may be applied on the map and to allow consideration of existing conditions and potential new development opportunities. This geographic area will be broadened as ReThink Zoning progresses towards a first draft of a new zoning by-law. The geographic areas were selected based on the following criteria: not within a Secondary Plan Area that may supersede the standard policy direction of *The London Plan*; limited to a single Place Type; for the Downtown Place Type includes areas of transition from the downtown core to the periphery; for the Neighbourhoods Place Type includes multiple street classifications, and for the Light Industrial Place Type is reflective of typical or predominant built form across London.

2.3. Structure of Sample Place Type Zones

The sample Place Type Zones are presented in a general framework that could form the structure of the new Zoning By-law. The by-law is divided into five Parts that include:

1. General & Place Type Zoning Regulations
2. Site & Area Specific Zoning Regulations
3. Place Type Zoning Maps
4. Place Type Height Maps
5. Overlay Maps

Within the first Part, each Place Type Zone is comprised of a Chapter that is divided into Sections that include:

6. General Regulations
7. Use Regulation
8. Form Regulations
9. Intensity Regulations
10. Climate Resilience Regulations
11. Other Regulations

The inclusion of separate regulations for use, intensity and form reflects the new approach to planning in *The London Plan* and is carried through to zoning to provide a more balanced planning analysis that considers use, intensity, and form in addition to other priorities such as climate resilience, housing affordability and others.

With respect to the use regulations, a table is used to show uses that are permitted (P) and uses that are permitted with conditions (C#) within each zone class. A second table shows the conditional uses and describes the condition under which the use is permitted.

Conditional uses provide the flexibility to consider a broader range of permitted uses while ensuring the specific context or design of the proposed development is appropriate to accommodate the use and mitigate any potential adverse impacts. Conditional uses may include additional development requirements to offset possible impacts of greater intensity. The inclusion of conditional uses would allow the new zoning by-law to consider a broader range of uses and intensity, which will eliminate the need for many site-specific planning applications and allow for quicker development approvals.

Illustrations, diagrams and photographs have been included in the sample Place Type Zones, particularly with respect to form regulations, to supplement text and make the regulations easier for readers to understand and interpret.

One innovation observed in the sample Place Type Zones is that the mapping of zone boundaries for the Neighbourhood Place Type Zone takes in the streets, rather than the streets being the limit of the zone boundary, reflecting that street classification is an organizing factor for use and intensity permissions for the Neighbourhoods Place Type in *The London Plan* (See Figure 2).

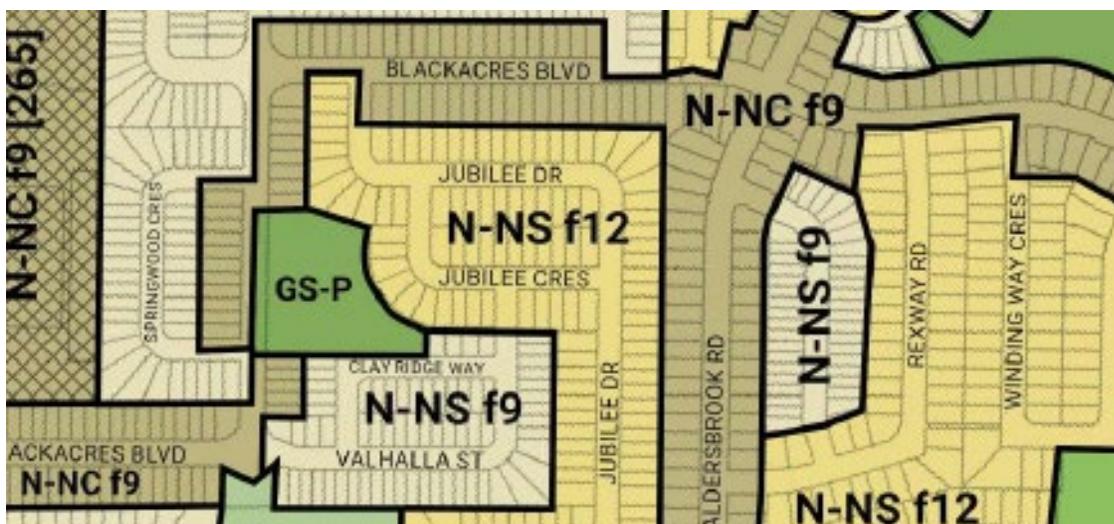


Figure 2: Excerpt from Place Types Zoning Maps - Neighbourhoods Sample Geographic Area
Source: ReThink Zoning Sample Zone Schedules, Sajecki Planning Inc. August 2022

3.0 Consultation

3.1. Overview

Consultation and engagement took place following the release of the Discussion Papers in June 2022 in the following forms:

- Updates to [GetInvolved.London.ca/ReThinkZoning](https://getinvolved.london.ca/ReThinkZoning), including a video *ReThink Zoning: How Zoning Makes a Great City*;
- Ongoing pop-ups at community events as opportunities to raise public awareness of ReThink Zoning (See Figure 3);
- Three (3) workshops with city staff (July 21st, July 29th, and August 8th) to progressively build-out and gather feedback on preliminary Sample Place Type Zones;
- Stakeholder Working Group Meeting #1 (August 17th) to present and gather feedback on preliminary Sample Place Type Zones and gather input on the structure and useability of the existing Zoning By-law through a take home survey. (See Appendix D - ReThink Zoning Stakeholder Working Group Terms of Reference)
- Public questionnaire to better understand the community's priorities for how the new zoning by-law can deliver on important issues such as neighbourhood change, the climate emergency and affordable housing.
- two (2) staff survey(s)- one survey intended for staff that interacts with the current Z.-1 Zoning By-law in their everyday work to identify opportunities and priorities for a new zoning by-law; and a second survey intended for staff responsible for Planning and Development Applications to understand existing zoning challenges and the types of regulations needed to implement *The London Plan*, as well as identify those files that are representative of contemporary trends in development applications.
- Planning and Development staff have also attended meetings of the Building and Development Liaison Forum (September 2022) and Business Improvement Area Coordinating Group (August 2022) to raise awareness of ReThink Zoning and provide project update



Figure 3: Twitter Post of ReThink Zoning Pop-up Materials. Source: HousingNowTO

4.0 Next Steps

Following this information report to Committee and Municipal Council, consultation specific to the sample Place Type Zones will take place October 2022 through to December 2022. A second Stakeholder Working Group Meeting is tentatively scheduled for October 2022. Neighbourhoods are also anticipated to be the topic of a public focus group secession and a second video. As previously mentioned, the feedback received on the sample Place Type Zones will be used to inform the first draft of the new zoning by-law in the new year and modify and refine the preliminary sample regulations.

Stage 3b, the preparation of the 1st draft of the Zoning By-law is next in the key stages and associated timelines for ReThink Zoning. The 1st draft of the Zoning By-law is anticipated first quarter of 2023 (See Figure 4).



Figure 4: ReThink Zoning Key Stages

Conclusion

The sample Place Type Zones are important step to the ReThink Zoning process through which the project consultant explored the challenges associated with implementing Place Types through zoning. The sample Place Type Zones assisted in identifying the types of regulations appropriate for the Downtown, Neighbourhoods and Light Industrial Place Types based on the policy direction in *The London Plan*. Feedback received on the sample Place Type Zones will inform future stages of work.

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Director, Planning & Development

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Appendix A - Sample Zones & Schedules

ReThink Zoning

City of London

ZONING BY-LAW

SAMPLE ZONES

September 2, 2022

FOR DISCUSSION PURPOSES

PREAMBLE

Lists the status of the by-law in terms of Council adoption and portions subject to approval at the Ontario Land Tribunal (OLT).

DISCLAIMER

List of the zoning by-law amendments enacted by Council or the OLT, but not yet incorporated into the office consolidation of the by-law.

TABLE OF CONTENTS

- PART 1 – General & Place Type Zoning Regulations
- PART 2 – Site & Area Specific Zoning Regulations
- PART 3 – Place Type Zoning Maps
- PART 4 – Place Type Height Maps
- PART 5 – Overlay Maps

PART 1 – GENERAL & PLACE TYPE ZONING REGULATIONS

CHAPTER 1 – By-law Structure and Administration

Outlines purpose and intent of the by-law; use of defined terms in the by-law; interpretation and structure of the by-law regulations, diagrams, illustrations, and maps, and list of City-Wide, Urban, and Rural Place Type zone and zone label interpretation.

CHAPTER 2 – Regulations Applying to All Place Type Zones

CITY-WIDE PLACE TYPE ZONES

CHAPTER 3 – Regulations Applying to Green Space Place Type Zones (GS)

CHAPTER 4 – Regulations Applying to Environmental Review Type Zones (ER)

URBAN PLACE TYPE ZONES

CHAPTER 5 – Regulations Applying to Downtown Place Type Zones (D)

- 5.1 General Regulations
- 5.2 Use Regulations
- 5.3 Form Regulations
- 5.4 Intensity Regulations
- 5.5 Climate Resiliency Regulations
- 5.6 Other Regulations

CHAPTER 6 – Regulations Applying to Transit Village Place Type Zones (TV)

CHAPTER 7 – Regulations Applying to Rapid Transit Corridors Place Type Zones (RTC)

CHAPTER 8 – Regulations Applying to Urban Corridor Place Type Zones (UC)

CHAPTER 9 – Regulations Applying to Shopping Area Place Type Zones (**SA**)

CHAPTER 10 – Regulations Applying to Main Street Place Type Zones (**MS**)

CHAPTER 11 – Regulations Applying to Neighbourhood Place Type Zones (**N**)

11.1 General Regulations

11.2 Use Regulations

11.3 Form Regulations

11.4 Intensity Regulations

11.5 Climate Resiliency Regulations

11.6 Other Regulations

CHAPTER 12 – Regulations Applying to Institutional Place Type Zones (**INS**)

CHAPTER 13 – Regulations Applying to Commercial Industrial Place Type Zones (**CI**)

CHAPTER 14 – Regulations Applying to Light Industrial Place Type Zones (**LI**)

14.1 General Regulations

14.2 Use Regulations

14.3 Form Regulations

14.4 Intensity Regulations

14.5 Climate Resiliency Regulations

14.6 Other Regulations

CHAPTER 15 – Regulations Applying to Heavy Industrial Place Type Zones (**HI**)

CHAPTER 16 – Regulations Applying to Future Growth Place Type Zones (**FG**)

RURAL PLACE TYPE ZONES

CHAPTER 17 – Regulations Applying to Farmland Place Type Zones (**F**)

CHAPTER 18 – Regulations Applying to Rural Neighbourhoods Place Type Zones (**RN**)

CHAPTER 19 – Regulations Applying to Waste Management Resource Recovery Place Type Zones (**WR**)

CHAPTER 20 – Regulations Applying to Specific Land Uses

CHAPTER 21 – Motor Vehicle Parking Space, Bicycle Parking Space, and Loading Space Regulations

CHAPTER 22 – Overlay Map Regulations

CHAPTER 23 - Definitions

PART 2 – SITE & AREA SPECIFIC ZONING REGULATIONS

CHAPTER 24 – Site & Area Specific Zoning Regulations in Urban Place Type Zones

CHAPTER 25 – Site & Area Specific Zoning Regulations in Rural Place Type Zones

PART 3 – PLACE TYPE ZONING MAPS (SCHEDULE A)

PART 4 – PLACE TYPE HEIGHT MAPS (SCHEDULE B)

PART 5 – OVERLAY MAPS

HAZARDS OVERLAY (SCHEDULE C)

PRIORITY COMMERCIAL STREETS (SCHEDULE D)

FOR DISCUSSION PURPOSES

Chapter 5 – Regulations Applying to Downtown Place Type Zones (D)

5.1 General Regulations

The Downtown Place Type involves one zoning class that pertains to properties located within the downtown area of the City of London as identified in *The London Plan – Downtown (D)*. The regulations in Chapter 5 apply to all lands, uses, **buildings** and **structures** in the D zone class.

5.2 Use Regulations

5.2.1 Permitted Uses

The land uses set out in the table below identify the permitted land uses (P) and permitted land uses with conditions (C#) by zone classes in the Downtown Place Type.

Use	D
Bakery	P
Branch library	P
Community centre	P
Community garden	P
Craft brewery	P
Day care centre	P
Health and fitness centre	P
Home occupation	P
Hospital	P
Hotel	P
Medical lab	C1
Medical office	P
Office	P
Outdoor patio	C2
Park	P
Personal service	P
Pet services	P
Place of amusement	P
Place of assembly	P
Place of worship	P
Public service	P
Recreation centre	P
Rental, service, or repair service	P
Residential	C3
Restaurant	P
Retail	P
School	P
Short term accommodation	C4
Theatre	P
Urban square	P
Workshop	P

5.2.2 Permitted Uses with Conditions (C#)

The table below identifies the conditions that are to be complied with before the land uses are permitted in the Downtown Place Type zone class identified in the table above.

Conditional Use	Condition (s)
Medical lab (1)	Is a permitted use, provided it does not exceed the interior floor area of the first storey of the building .
Outdoor patio (2)	Is a permitted use, provided it is not in a yard on the lot that abuts a lot with an apartment building .
Residential (3)	Is a permitted use, provided it is not in a detached, semi-detached or multi-unit residential building .
Short term accommodation (4)	Is a permitted use, subject to Chapter 20 regulations regarding short term accommodation .

5.2.3 Priority Commercial Streets

On a lot in the Downtown Place Type zones, which abuts a street identified as a priority commercial street on the Priority Commercial Streets Overlay Map in Part 5 of this by-law, the first **storey** of a **mixed-use building** or **non-residential building** must provide a minimum of 60% of the **lot frontage** abutting the priority commercial street for one or more **active uses**.

5.3 Form Regulations

5.3.1 Height

5.3.1.1 Measuring Height

In the Downtown Place Type zones, the height of a **building** is the distance between the **average grade** and the elevation of the highest point of the **building**.

5.3.1.2 Minimum Height

The minimum height for a **building** or **structure** on a lot in a Downtown Place Type zone shall be **3 storeys** and 10.5 metres.

5.3.1.3 Maximum Height

The maximum height for a **building** or **structure** on a **lot** in a Downtown Place Type zone is the numerical value, in **storeys** (s) and metres (m), following the letters “HT” on the Place Type Height Maps in Part 4 of this by-law.

5.3.2 Built Form Regulations

In the Downtown Place Type zones, built form regulations for permitted **building** forms or **structures** on a **lot** are set out in the table below.

	Building Form		
	Mid-rise (3-8 storeys)	Mid-range high-rise (9-15 storeys)	Point tower high-rise (16+ storeys)
<i>Base portion of the building</i>			
Minimum first floor height, floor-to-floor	4.5 m	4.5 m	4.5 m
Minimum height of base building	10.5 m	10.5 m	10.5 m
Maximum height of base building	N/A	24.0 m	24.0 m
Minimum percentage of building face at ground level facing a street or park consisting of openings	60%	60%	60%
<i>Upper portion of the building</i>			
Maximum floor plate	N/A	60% of base portion of the building	750 m ²
Minimum window facing distance on the same lot	11.0 m	15.0 m	25.0 m
<i>Mechanical rooftop portion of the building</i>			
Maximum mechanical rooftop coverage as a percentage of the floor plate of the upper portion of the building	50%	50%	50%
Maximum height of mechanical rooftop above height limit in regulation 5.3.1.3	6.0 m	6.0 m	6.0 m

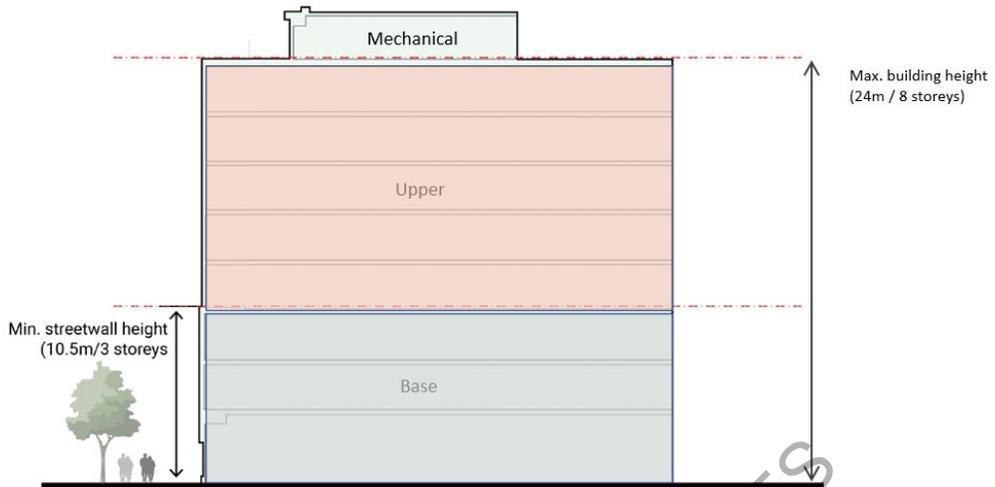


Illustration 1. Mid-rise building type (3-8 storeys): no setbacks are required, but where they are provided, the base building must be a minimum of 10.5 m tall.

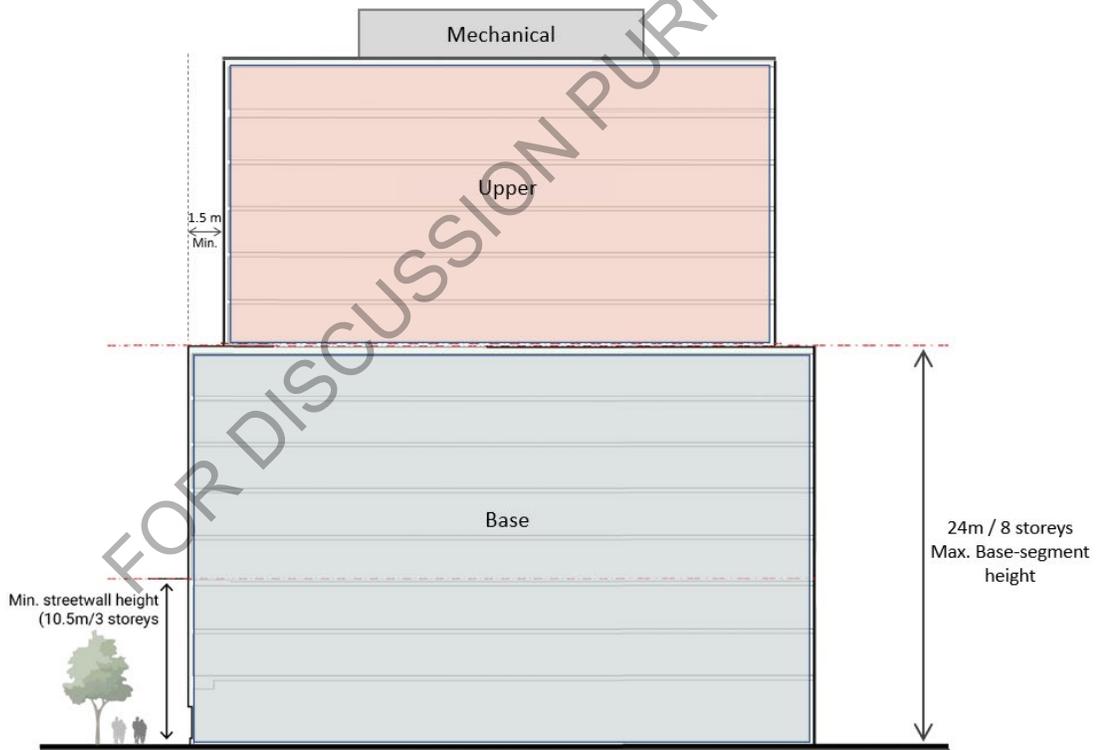


Illustration 2. Mid-range high-rise building type (9-15 storeys).

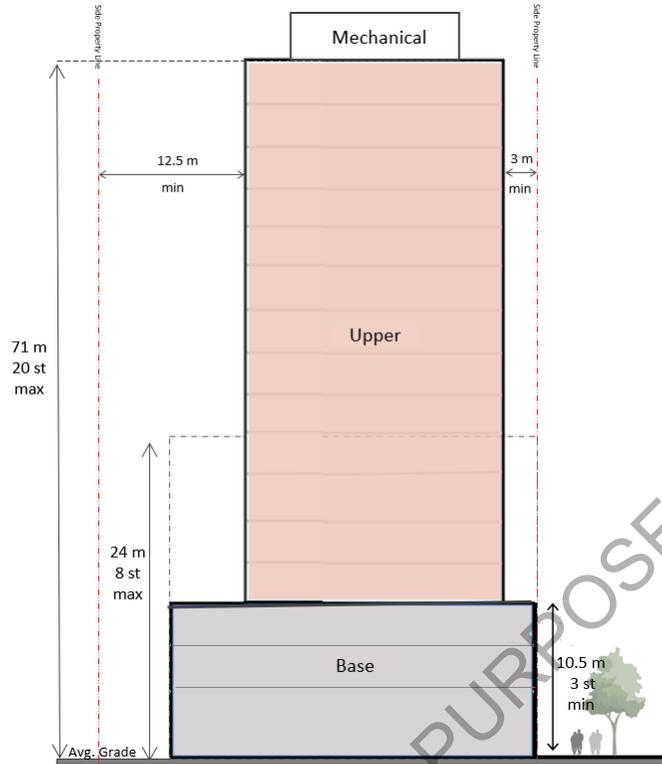


Illustration 3. Point tower high-rise building type (16+ storeys).

FOR DISCUSSION PURPOSES

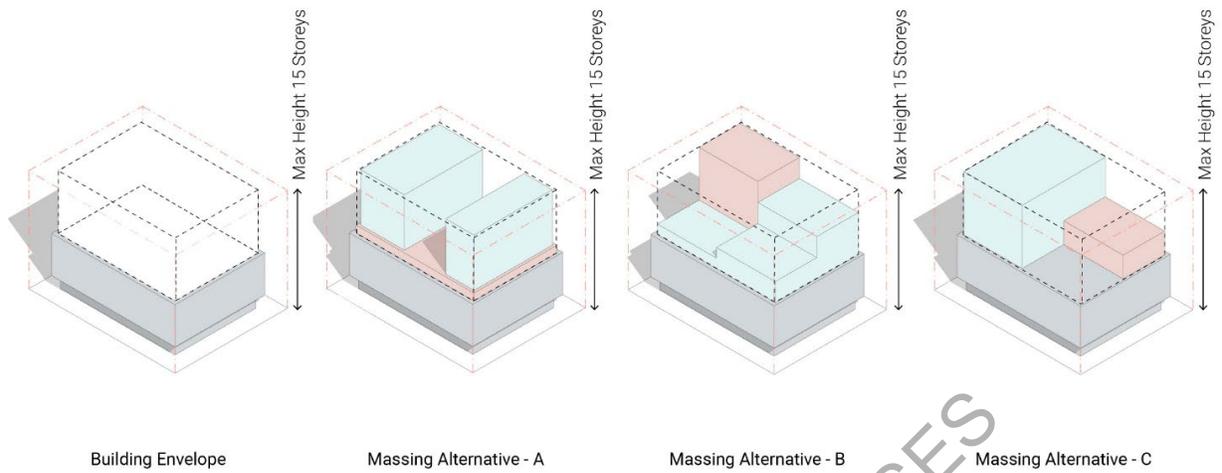


Illustration 4.a. Mid-range high-rise building (9-15 storeys): building envelope and possible massing alternatives.



Illustration 4.b. Mid-range high-rise building (9-15 storeys): regulations allow for the construction of buildings such as the TD Building on Dundas St.

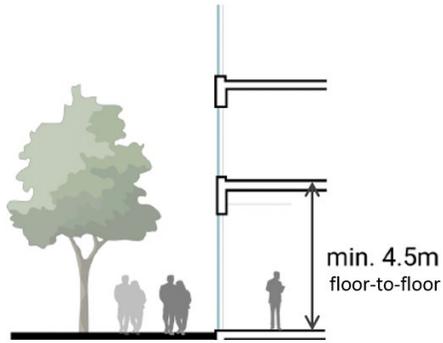


Diagram 1. Minimum ground floor height of 4.5 m measured floor-to-floor.

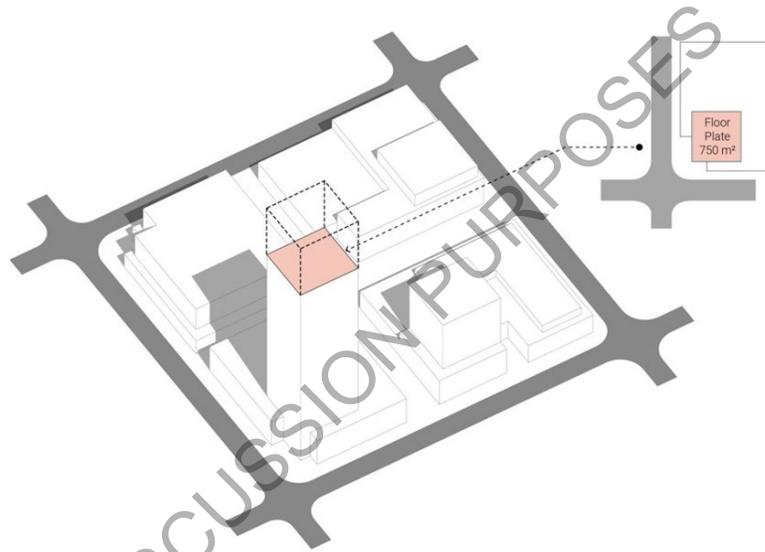


Illustration 5. Maximum floor plate size of 750 m² for point tower high-rise buildings (excluding balconies).

5.3.3 Building Setbacks

In the Downtown Place Type zones, the setbacks for permitted **building** forms or **structures** on a lot are set out in the table below.

	Building Form		
	Mid-rise (3-8 storeys)	Mid-range high-rise (9- 15 storeys)	Point tower high-rise (16+ storeys)
<i>Base portion of the building</i>			
Minimum setback from front lot line	0.3 m	0.3 m	0.3 m
Maximum setback from front lot line	1.0 m	1.0 m	1.0 m
Minimum setback from side lot line (with no openings)	0.0 m	0.0 m	0.0 m
Minimum setback from side lot line (with openings)	5.5 m	5.5 m	5.5 m
Minimum setback from side lot line facing a street or park	0.3 m	0.3 m	0.3 m
Maximum setback from side lot line facing a street or park	1.0 m	1.0 m	1.0 m
Minimum setback from rear lot line	7.5 m	7.5 m	7.5 m

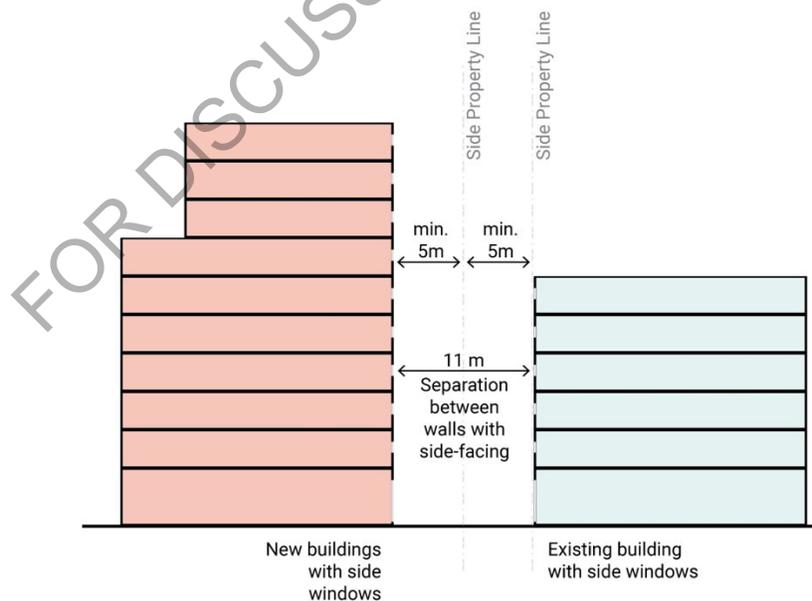


Illustration 6. Minimum setback requirements for mid-rise buildings and the base portion of the mid-range and point tower high-rise buildings from side lot lines with openings.

5.3.4 Parking Location

[To be developed as part of the first draft zoning by-law]

5.3.5 Accessory Buildings and Structures

[To be developed as part of the first draft zoning by-law]

5.4 Intensity Regulations

5.4.1 Lot Frontage

In the Downtown Place Type zones, the minimum **lot frontage** is 9.0 metres.

5.4.2 Lot Density

In the Downtown Place Type zones, the minimum density for a **building or structure** on a **lot** set out in the table below.

	Zones		
	D d2.0	D d1.0	D d0.6
Minimum residential density	200 units per hectare	100 units per hectare	60 units per hectare
Maximum residential density	600 units per hectare	400 units per hectare	300 units per hectare
Minimum non-residential density	2.0 times the area of the lot	1.0 times the area of the lot	0.6 times the area of the lot
Maximum non-residential density	6.0 times the area of the lot	4.0 times the area of the lot	3.0 times the area of the lot
Minimum total density	2.0 times the area of the lot	1.0 times the area of the lot	0.6 times the area of the lot
Maximum total density	6.0 times the area of the lot	4.0 times the area of the lot	3.0 times the area of the lot

5.4.3 Building Stepbacks

In the Downtown Place Type zones, the **stepbacks** for permitted **building** forms or **structures** on a **lot** are set out in the table below.

	Building Form		
	Mid-rise (3-8 storeys)	Mid-range high-rise (9-15 storeys)	Point tower high-rise (16+ storeys)
<i>Upper portion of the building</i>			
Minimum front setback	N/A	1.5 m above base portion of the building; a maximum of 30% of the frontage of the upper portion of the building may extend to grade	3.0 m above base portion of the building; a maximum of 30% of the frontage of the upper portion of the building may extend to grade

Minimum side setback (with openings)	5.5 m	7.5 m	12.5 m
Minimum side setback (with no openings)	0.0 m	0.0 m for 30% of the façade; 5.5 m for 70% of the façade	12.5 m
Minimum side setback facing a street or park	0.0 m	1.5 m above base portion of the building; a maximum of 30% of the frontage of the upper portion of the building may extend to grade	3.0 m above base portion of the building; a maximum of 30% of the frontage of the upper portion of the building may extend to grade
<i>Mechanical rooftop portion of the building</i>			
Minimum setback from the roof edge of the middle portion of the building	3.0 m	3.0 m	3.0 m

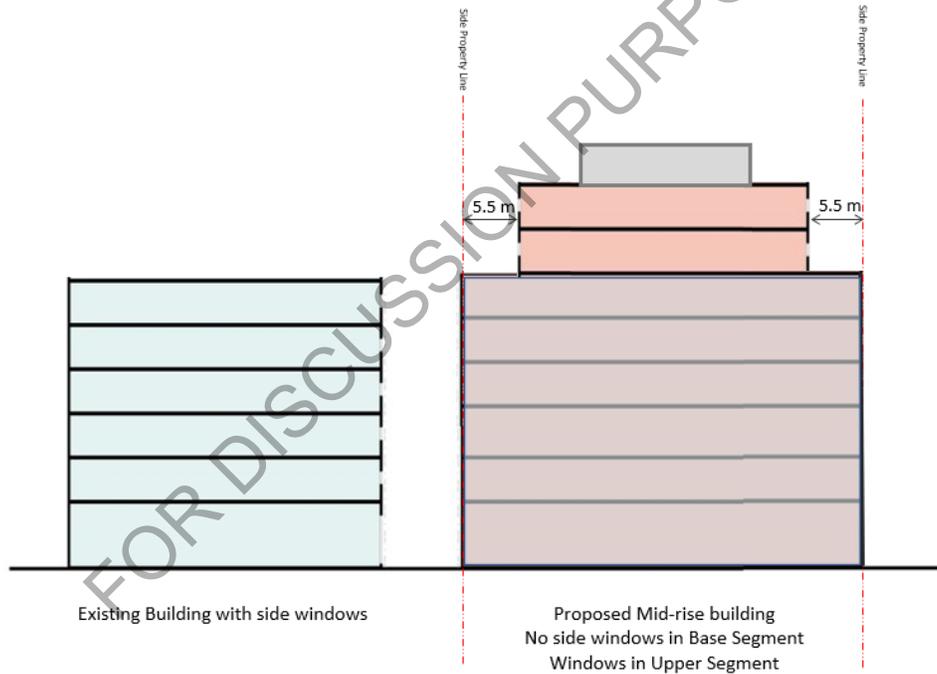


Illustration 7.a. Minimum side setback with no openings for mid-rise buildings.

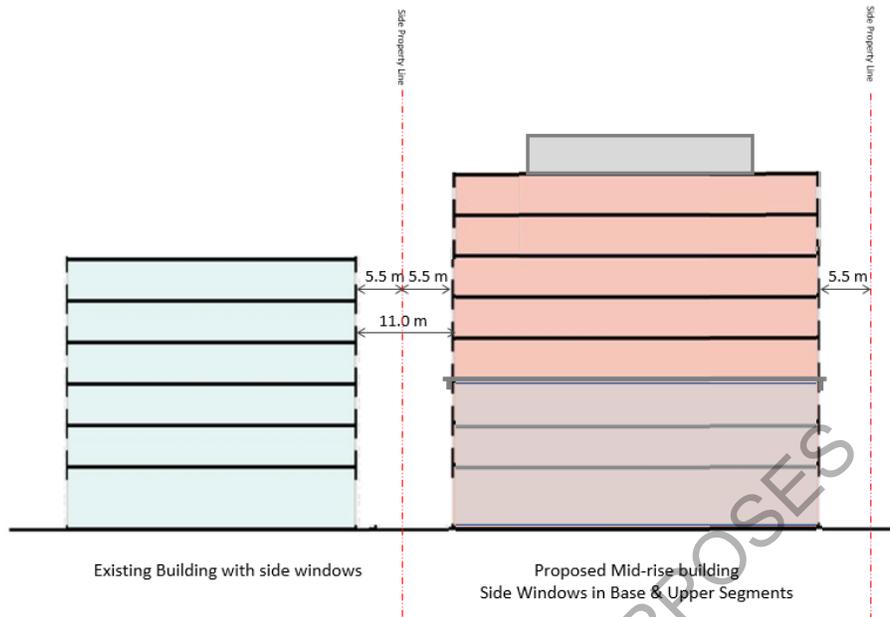


Illustration 7.b. Minimum side setback with openings for mid-rise buildings.

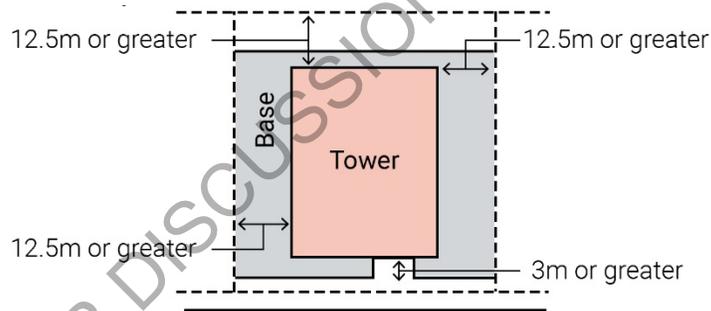


Illustration 8.a. Setbacks for point tower high-rise buildings located mid-block.

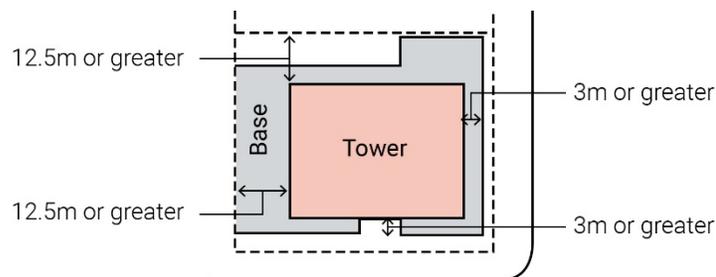


Illustration 8.b. Setbacks for point tower high-rise buildings located on a corner site.

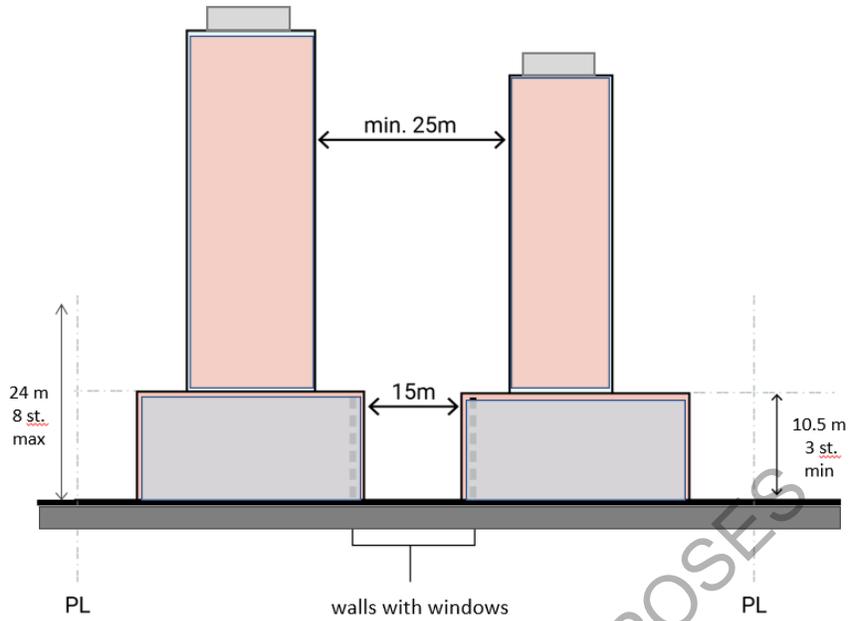


Illustration 9.a. Tower separation distances between two point tower high-rise buildings on the same lot.

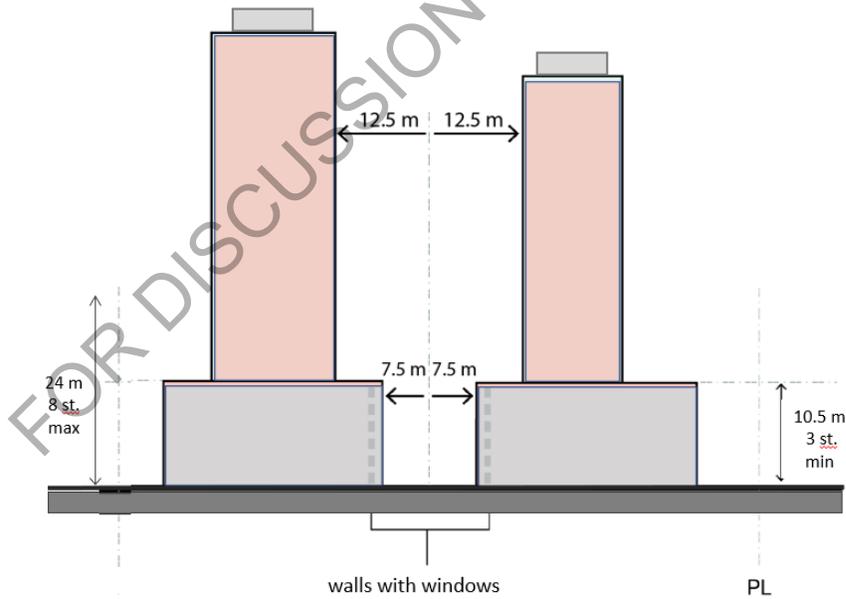


Illustration 9.b. Tower separation distances between two point tower high-rise buildings on neighbouring lots.

5.4.4 Amenity Space Requirements for Residential

In the Downtown Place Type zones, **residential buildings** and **mixed-use buildings** containing residential uses must provide **amenity space** at a minimum rate of 4.0 square metres for each **dwelling unit**, of which at least 2.0 square metres is indoor **amenity space** and at least 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**.

5.4.5 Lot Landscaping

In the Downtown Place Type zones, the minimum **landscaping** as a percentage of the **lot area** is set out in the table below.

	Zones		
	D d2.0	D d1.0	D d0.6
Minimum Landscape Open Space	N/A	5%	5%

5.5 Climate Resiliency Regulations

5.5.1 Energy

5.5.1.1 Location of Renewable Energy or Cogeneration Energy Device

In the Downtown Place Type zones, a device producing renewable energy or cogeneration energy may not be in a **front yard** or a **side yard** that abuts a street.

5.5.1.2 Location of Cogeneration Energy Device

In the Downtown Place Type zones, a cogeneration energy device must be inside a permitted **building**.

5.5.1.3 Location of Geo-energy Device

In addition to regulation 5.5.1.1, in the Downtown Place Type zones any above-ground part of a geo-energy device must comply with the requirements for a **building** or **structure** on the **lot** or an **ancillary building** or **structure**, if it is on a **lot** with a **residential building**.

5.5.1.4 Location of Solar Energy Device

5.5.1.4.1 In the Downtown Place Type Zones, a photovoltaic solar energy device or a thermal solar energy device that is on a **building** must comply with the required minimum **building setbacks** for a **building** on the **lot**. No part of the device may be higher than 2.0 metres above the permitted maximum height for an **apartment building** or **non-residential building** or 1.5 metres above the permitted maximum height otherwise.

5.5.1.4.2 A photovoltaic solar energy device or a thermal solar energy device that is ground mounted must comply with the requirements for a **building** or **structure** on the **lot** and an **ancillary building** or **structure**, if it is on a **lot** with a **residential building**.

5.5.1.5 Wind Energy Device

5.5.1.5.1 In the Downtown Place Type Zones, there may be no more than one wind energy device on a **lot**.

5.5.1.5.2 All parts of a wind energy device on a **lot** must comply with the required minimum **building setbacks** for a **building** on the **lot**.

5.5.1.5.3 In the Downtown Place Type Zones, no part of a wind energy device may be higher than 5.0 metres above the permitted maximum height for the **building**.

5.6 Other Regulations

FOR DISCUSSION PURPOSES

Chapter 11 – Regulations Applying to Neighbourhood Place Type Zones (N)

11.1 General Regulations

The Neighbourhood Place Type involves three zoning classes that pertain to properties that have frontages on the three classifications of road types identified in the London Official Plan – Neighbourhood Street (NS); Neighbourhood Connector (NC); and Civic Boulevard/Thoroughfare (CB/UT). The regulations in Chapter 11 apply to all lands, uses, **buildings** and **structures** in the NS, NC, and CB/UT zone classes.

11.2 Use Regulations

11.2.1 Permitted Uses

The land uses set out in the table below identify the permitted land uses (P) and permitted land uses with conditions (C#) by zone classes in the Neighbourhood Place Type.

Use	Zone Class		
	NS	NC	CB/UT
Bed and breakfast	P	P	P
Branch library		P	P
Community centre		C1	P
Community garden	P	P	P
Day care centre		P	P
Home occupation	C2	C2	C2
Medical office		P	P
Office		P	P
Park	P	P	P
Personal service		P	P
Place of worship		P	P
Public service		P	P
Recreation facility		P	P
Residential	C3	C3	C3
Restaurant		P	P
Retail		P	P
School		P	P

11.2.2 Permitted Uses with Conditions (C#)

The table below identifies the conditions that are to be complied with before the land uses are permitted in Neighbourhood Place Type zone classes identified in the table above.

Conditional Use	Condition (s)
Community Centre (1)	Is a permitted use, provided that it does not exceed 1,500 square metres in gross floor area on a lot.
Home Occupation (2)	Is a permitted use, subject to the provisions set out for home occupation in Chapter 20 of this by-law.

Residential (3)	Is a permitted use, subject to the permitted building type set out in the table in regulation 11.3.
-----------------	---

11.3 Form Regulations

11.3.1 Permitted Building Types

The building types set out in the table below identify the permitted building types (P) and permitted **building** types with conditions (C#) by zone classes in the Neighbourhood Place Type.

Building Type	Zone Class		
	NS	NC	CB/UT
<i>Residential</i>			
Detached	P	P	P
Semi-detached	P	P	P
Street townhouse	C1	P	P
Block townhouse		P	P
Stacked townhouse		C2	P
Additional residential unit	C3	C3	C3
Multi-unit residential building		C4	P
Apartment building		C2	P
Rooming house			P
Group home	P	P	P
<i>Non-residential</i>			
Mixed-use building		C5	C5
Stand-alone			C6

11.3.2 Permitted Building Types with Conditions (C#)

The table below identifies the conditions that are to be complied with before the **building** types are permitted in Neighbourhood Place Type zone classes identified in the table above.

Conditional Building Type	Condition (s)
Street townhouse (1)	Is a permitted building type, as long as there is not more than four units per street townhouse group.
Stacked townhouse, Apartment building (2)	Is a permitted building type, except on a lot that is at an intersection with a Neighbourhood Street.
Additional residential unit (3)	Is a permitted use, subject to Chapter 20 regulations regarding Additional Residential Unit.
Multi-unit residential building (4)	Is a permitted building type, except for a building with four units on a lot that is at an intersection with a Neighbourhood Street.
Mixed-use building (5)	Is a permitted building type, except on a lot that is at an intersection with a Neighbourhood Street or fronting onto a park.
Stand-alone (6)	Is a permitted building type on a lot that is only at an intersection with a Civic Boulevard or Thoroughfare.

11.3.3 Height

11.3.3.1 Measuring Height

In the Neighbourhood Place Type zones, the height of a **building** is the distance between the **established grade** and the mid-point of a **gabled, gambrel, pitched or hip** roof, the **deckline** of a **Mansard** roof, or elevation of the highest point of a **flat roof**.

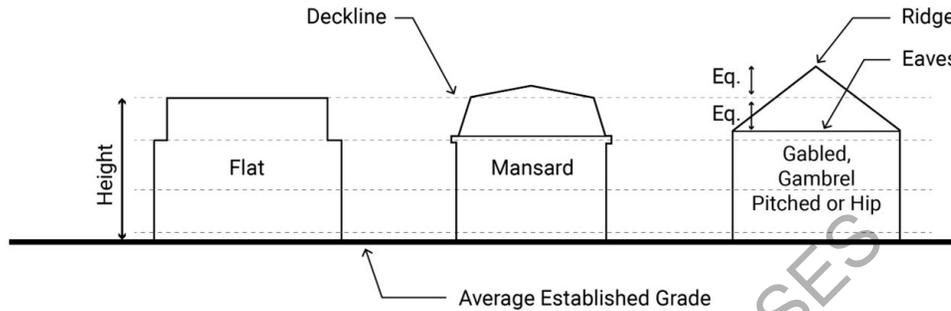


Diagram 2. How to measure height by roof type.

11.3.3.2 Minimum Height for Lots by Zone Class

The minimum height for a **building** or **structure** on a **lot** in a Neighbourhood Place Type zone shall be as indicated in the table below.

Zone Class		
NS	NC	CB/UT
1 storey	1 storey	1 storey

11.3.3.3 Minimum Height for Lots at Different Zone Class Intersections

If a **lot** in a Neighbourhood Place Type zone is located adjacent to street of a different zone class, the minimum height for a **building** or **structure** on a **lot** shall be as indicated in the table below.

Street onto which property has frontage	Zone Class of Intersecting Street		
	NS	NC	CB/UT
Neighbourhood Street	1 storey	1 storey	1 storey
Neighbourhood Collector	1 storey	2 storey	2 storey
Civic Boulevard	2 storey	2 storey	2 storey
Urban Thoroughfare	2 storey	2 storey	2 storey

11.3.3.4 Maximum Height

The maximum height for a **building** or **structure** on a **lot** in a Neighbourhood Place Type zone is the numerical value, in storeys (s) and metres (m), following the letters “HT” on the Place Type Height Maps in Part 4 of this by-law.

11.3.4 Building Depth

In the Neighbourhood Place Type zones, the maximum **building depth** in metres (m) for a **building** or **structure** on a **lot** as set out in the table below.

	Zones				
	NS f15	NS f12	NS f9	NC f9	CB/UT u35
Maximum Building Depth	17.0 m or average building depth , whichever is less	17.0 m or average building depth , whichever is less	17.0 m or average building depth , whichever is less	17.0 m or average building depth , whichever is less	N/A

11.3.5 Other Built Form Regulations

In the Neighbourhood Place Type zones, the following built form regulations apply to permitted **building** types as set out in the table below.

	Residential Building Type			
	Detached, Semi-detached, Street Townhouse	Multi-unit building	Block Townhouse	Mid-rise building
Minimum elevation of first floor above established grade	0.75 m or average height of surrounding properties	Average height of surrounding properties	Average height of surrounding properties	N/A
Maximum elevation of first floor above established grade	1.5 m	1.5 m	1.5 m	N/A
Minimum first floor height, floor-to-floor	N/A	N/A	N/A	4.5 m
Minimum front or side stepback above second floor	1.0 m for any walls with windows	1.0 m for any walls with windows	1.0 m for any walls with windows	1.5 m above base building
Maximum floor Plate of floors above second floor	75% of building footprint	75% of building footprint	75% of building footprint	75% of base building
Minimum percentage of first floor façade, facing a street or park,	25%	25%	65%	65%

	Residential Building Type			
	Detached, Semi-detached, Street Townhouse	Multi-unit building	Block Townhouse	Mid-rise building
containing openings into active living space				

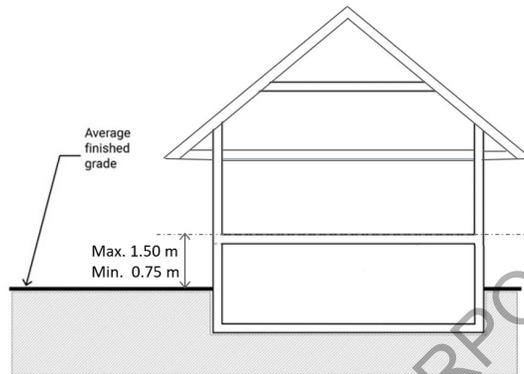


Illustration 10. Plan showing elevation of first floor above average grade.

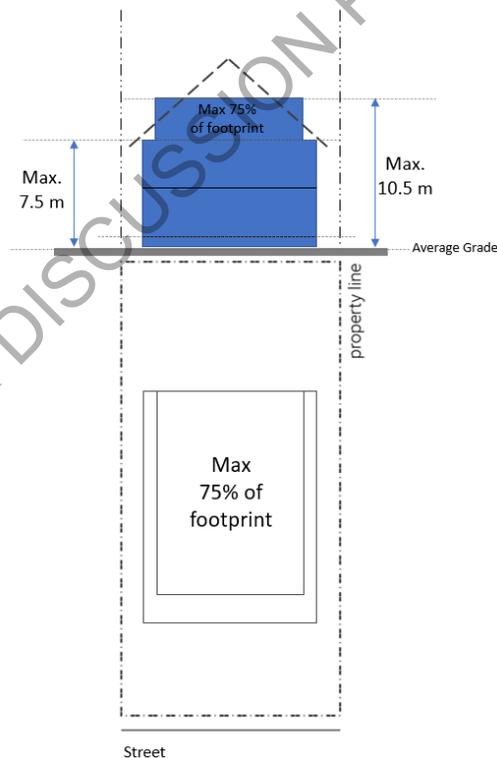


Illustration 11: Plan and elevation showing building height and setbacks (above the second floor).

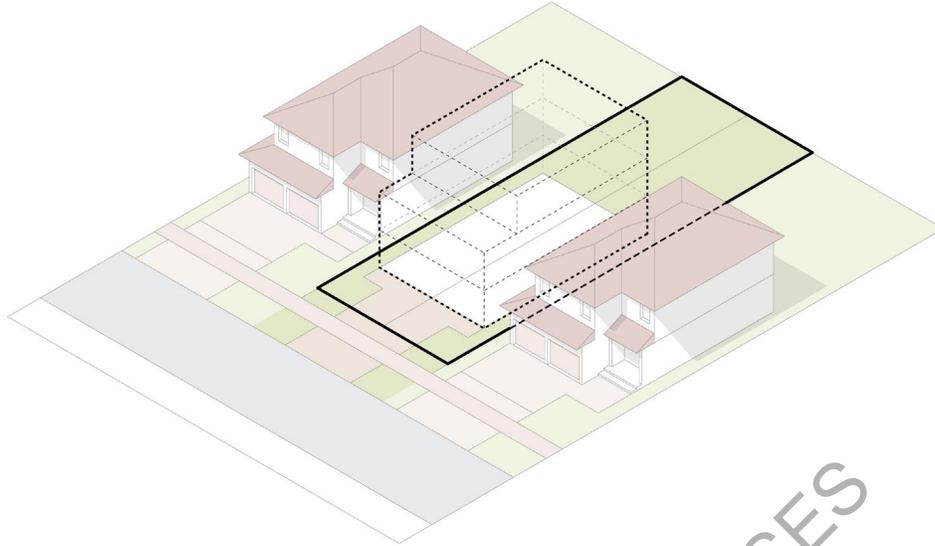


Illustration 12. 3D illustration showing permitted building envelope.

11.3.6 Parking Location

In the Neighbourhood Place Type zones, the following parking location regulations apply to permitted **building** types as set out in the table below.

	Residential Building Type			
	Detached, Semi-detached, Street Townhouse	Multi-unit building	Block Townhouse	Mid-rise building
Minimum garage door inset	0.5 m from front wall	0.5 m from front wall	0.5 m from front wall	0.5 m from front wall
Maximum percentage of building width consisting of garage (measured from interior walls)	50%	50%	50%	35%

11.3.7 Accessory Buildings and Structures

[To be developed as part of the first draft zoning by-law]

11.4 Intensity Regulations

11.4.1 Lot Frontage

In the Neighbourhood Place Type zones, if a zone label includes the letter “f”, on the Place Type Zoning Maps in Part 3 of this by-law, the numerical value following the letter “f” is the required minimum **lot frontage**, in metres, as it applies to a particular permitted **building** type set out in the table below.

Permitted Building Type	Minimum Lot Frontage Type		
	f 15	f 12	f 9
Detached	15.0 m	12.0 m	9.0 m
Multi-unit residential building	15.0 m	12.0 m	9.0 m
Semi-detached	7.5 m	6.7 m	6.7 m
Street Townhouse	6.7 m/unit	6.7 m /unit	6.7 m /unit

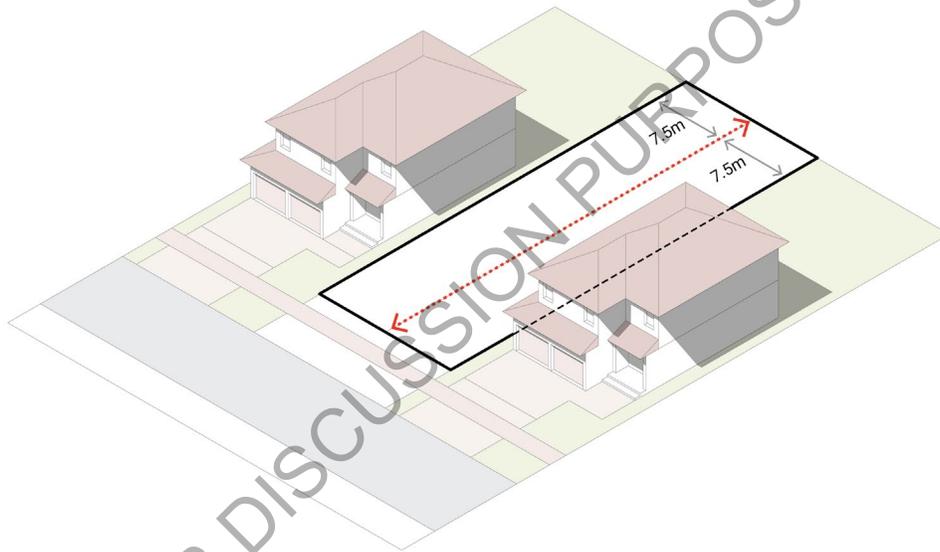


Illustration 13. Example of a how a wider 15.0 m lot can be subdivided into two narrower 7.5 m lots.

11.4.2 Lot Area

In the Neighbourhood Place Type zones, the numerical value following the letter “f” on the Place Type Zoning Maps in Part 3 of this by-law, the required minimum **lot area**, in square metres, is set out in the table below.

	Minimum Lot Frontage Type		
	f 15	f 12	f 9
Minimum Lot Area	350 m ²	300 m ²	250 m ²

11.4.3 Lot Coverage

In the Neighbourhood Place Type, the maximum **lot coverage** for a **building** or **structure** on a **lot** is set out in the table below.

	Zones				
	NS f15	NS f12	NS f9	NC f9	CB/UT u35
Maximum Lot Coverage	35%	40%	45%	45%	50%

11.4.4 Lot Density

In the Neighbourhood Place Type zones, the maximum density for a **building** or **structure** on a **lot** set out in the table below.

	Zones				
	NS f15	NS f12	NS f9	NC f9	CB/UT u35
Maximum Units per Hectare	N/A	N/A	N/A	N/A	35

11.4.5 Building Setbacks

In the Neighbourhood Place Type zones, the setbacks in metres for a **building** or **structure** on a **lot** set out in the table below.

	Zones				
	NS f15	NS f12	NS f9	NC f9	CB/UT u35
Minimum front yard	4.5 m or average setback, whichever is greater	4.5 m or average setback, whichever is greater	4.5 m or average setback, whichever is greater	4.5 m or average setback, whichever is greater	8.0 m
Maximum front yard	5.5 m	5.5 m	5.5 m	5.5 m	N/A
Interior side yard	1.2 m	1.2 m	1.2 m	1.2 m	5.5 m

	Zones				
	NS f15	NS f12	NS f9	NC f9	CB/UT u35
Exterior side yard	1.2 m; where there is no attached garage, one side must be 3.0 m	1.2 m; where there is no attached garage, one side must be 3.0 m	1.2 m; where there is no attached garage, one side must be 3.0 m	1.2 m; where there is no attached garage, one side must be 3.0 m	5.5 m
Rear yard	N/A	N/A	N/A	N/A	7.0 m

11.4.6 Building Separation and Yard Encroachments

[To be developed as part of the first draft zoning by-law]

11.4.7 Lot Landscaping

11.4.7.1 Minimum Landscaping for a Lot

In the Neighbourhood Place Type zones, the minimum **landscaping** as a percentage of the **lot area** is set out in the table below.

	Zones				
	NS f15	NS f12	NS f9	NC f9	CB/UT u35
Minimum Landscaping	40%	35%	30%	30%	30%

11.4.7.2 Minimum Front Yard Soft Landscaping for a Lot

In the Neighbourhood Place Type zones, the minimum **front yard soft landscaping** as a percentage of the **front yard** of a **lot** is set out in the table below.

	Zones				
	NS f15	NS f12	NS f9	NC f9	CB/UT u35
Minimum Front Yard Soft Landscaping	50%	50%	50%	50%	50%

11.5 Climate Resiliency Regulations

11.5.1 Energy

11.5.1.1 Location of Renewable Energy or Cogeneration Energy Device

In the Neighbourhoods Place Type zones, a device producing renewable energy or cogeneration energy may not be in a **front yard** or a **side yard** that abuts a street.

11.5.1.2 Location of Cogeneration Energy Device

In the Neighbourhoods Place Type zones, a cogeneration energy device must be inside a permitted **building**.

11.5.1.3 Location of Geo-energy Device

In addition to regulation 11.5.1.1, in the Neighbourhoods Place Type zones any above-ground part of a geo-energy device must comply with the requirements for a **building** or **structure** on the **lot** or an **ancillary building** or **structure**, if it is on a **lot** with a **residential building**.

11.5.1.4 Location of Solar Energy Device

11.5.1.4.1 In the Neighbourhoods Place Type Zones, a photovoltaic solar energy device or a thermal solar energy device that is on a **building** must comply with the required minimum **building setbacks** for a **building** on the **lot**. No part of the device may be higher than 2.0 metres above the permitted maximum height for an **apartment building** or **non-residential building** or 1.5 metres above the permitted maximum height otherwise.

11.5.1.4.2 A photovoltaic solar energy device or a thermal solar energy device that is ground mounted must comply with the requirements for a **building** or **structure** on the **lot** and an **ancillary building** or **structure**, if it is on a **lot** with a **residential building**.

11.5.1.5 Wind Energy Device

11.5.1.5.1 In the Neighbourhood Place Type zones, there may be no more than one wind energy device on a **lot**.

11.5.1.5.2 All parts of a wind energy device on a **lot** must comply with the required minimum **building setbacks** for a **building** on the **lot**.

11.5.1.5.3 On a **lot** in the Neighbourhood Place Type zones, no part of a wind energy device may be higher than 2.0 metres above the permitted maximum height for the **building**.

11.6 Other Regulations

Chapter 14 – Regulations Applying to Light Industrial Place Type Zones (LI)

14.1 General Regulations

The Light Industrial Place Type involves two zoning classes that pertain to properties identified as Light Industrial in the *The London Plan* – Light Industrial- periphery (LI-p) and Light Industrial- core (LI-c). The regulations in Chapter 13 apply to all lands, uses, **buildings** and **structures** in the LI-p and LI-c zone classes.

14.2 Use Regulations

14.2.1 Permitted Uses

The land uses set out in the table below identify the permitted land uses (P) and permitted land uses with conditions (C#) by zone classes in the Light Industrial Place Type.

Use	Zones	
	LI-c	LI-p
Bakery		P
Brewery		P
Brewing on premises	P	
Business service	C1	C1
Office		C2
Open storage	C3	C3
Outdoor patio	C4	
Personal service	C5	
Rental, service, and repair service	P	P
Retail	C6	
Research and development	P	P
Self-storage	P	P
Storage depot		
Trade service	P	P
Warehouse		P
Wholesale retail	P	P
Workshop	P	P

14.2.2 Permitted Uses with Conditions (C#)

The table below identifies the conditions that are to be complied with before the land uses are permitted in Light Industrial Place Type zone classes identified in the table above.

Conditional Use	Condition (s)
Business service (1)	Is a permitted use, but may not exceed 500 square metres in gross floor area on the lot.
Office (2)	Is a permitted use as an ancillary use to a permitted principal use.
Open storage (3)	Is a permitted use as an ancillary use to a permitted principal use and is subject to Chapter 20 regulations regarding Open Storage.
Outdoor patio (4)	Is a permitted use as an ancillary use to a permitted principal use and subject to the specific land use regulations in Chapter 20 of this by-law.

Personal service (5)	Is a permitted use, but may not exceed 300 square metres in gross floor area on the lot.
Retail (6)	Is a permitted use, but may not exceed 300 square metres in gross floor area on the lot.

14.3 Form Regulations

14.3.1 Height

14.3.1.1 Measuring Height

In the Light Industrial Place Type zones, the height of a **building** is the distance between the **established grade** and the elevation of the highest point of the **building**.

14.3.1.2 Maximum Height

The maximum height for a **building** or **structure** on a **lot** in a Light Industrial Place Type zone is 20.0 m if there is no numerical value, in metres (m), following the letters “HT” on the Place Type Height Maps in Part 4 of this by-law.

14.3.2 Accessory Buildings and Structures

[To be developed as part of the first draft zoning by-law]

14.4 Intensity Regulations

14.4.1 Lot Frontage

In the Light Industrial Place Type zones, the minimum **lot frontage** is 30.0 metres.

14.4.2 Lot Area

In the Light Industrial Place Type zones, the minimum **lot area**, by zone, is set out in the table below in square metres.

	Zone	
	LI-c	LI-p
Minimum Lot Area	2,000 m ²	1,500 m ²

14.4.3 Lot Coverage

In the Light Industrial Place Type, the maximum **lot coverage** for a **building** or **structure** on a **lot** is set out in the table below.

	Zone	
	LI-c	LI-p
Maximum Lot Coverage of the Lot Area	60%	50%

14.4.4 Building Setbacks

In the Light Industrial Place Type zones, the **building setbacks** in metres (m) for a **building** or **structure** on a **lot** set out in the table below.

	Zone	
	LI-c	LI-p
Minimum front yard setback	6.0 m	6.0 m
Minimum side yard setback	3.0 m	3.0 m
Minimum rear yard setback	4.5 m	4.5 m
Minimum setback from abutting a lot in another place type zone, other than Heavy Industrial Place Type Zone	20.0 m	15.0 m

14.4.5 Soft Landscaping Buffers

In the Light Industrial Place Type zones, the minimum **soft landscaping** depth as is set out in the table below.

	Zone	
	LI-c	LI-p
Minimum soft landscaping buffer abutting a street	3.0 m	3.0 m
Minimum soft landscaping in a yard abutting a lot in another place type zone, other than Heavy Industrial Place Type Zone	3.0 m	3.0m

14.4 Climate Resiliency Regulations

[To be developed as part of the first draft zoning by-law]

14.6 Other Regulations

PART 3 – PLACE TYPE ZONING MAPS (SCHEDULE A)

FOR DISCUSSION PURPOSES

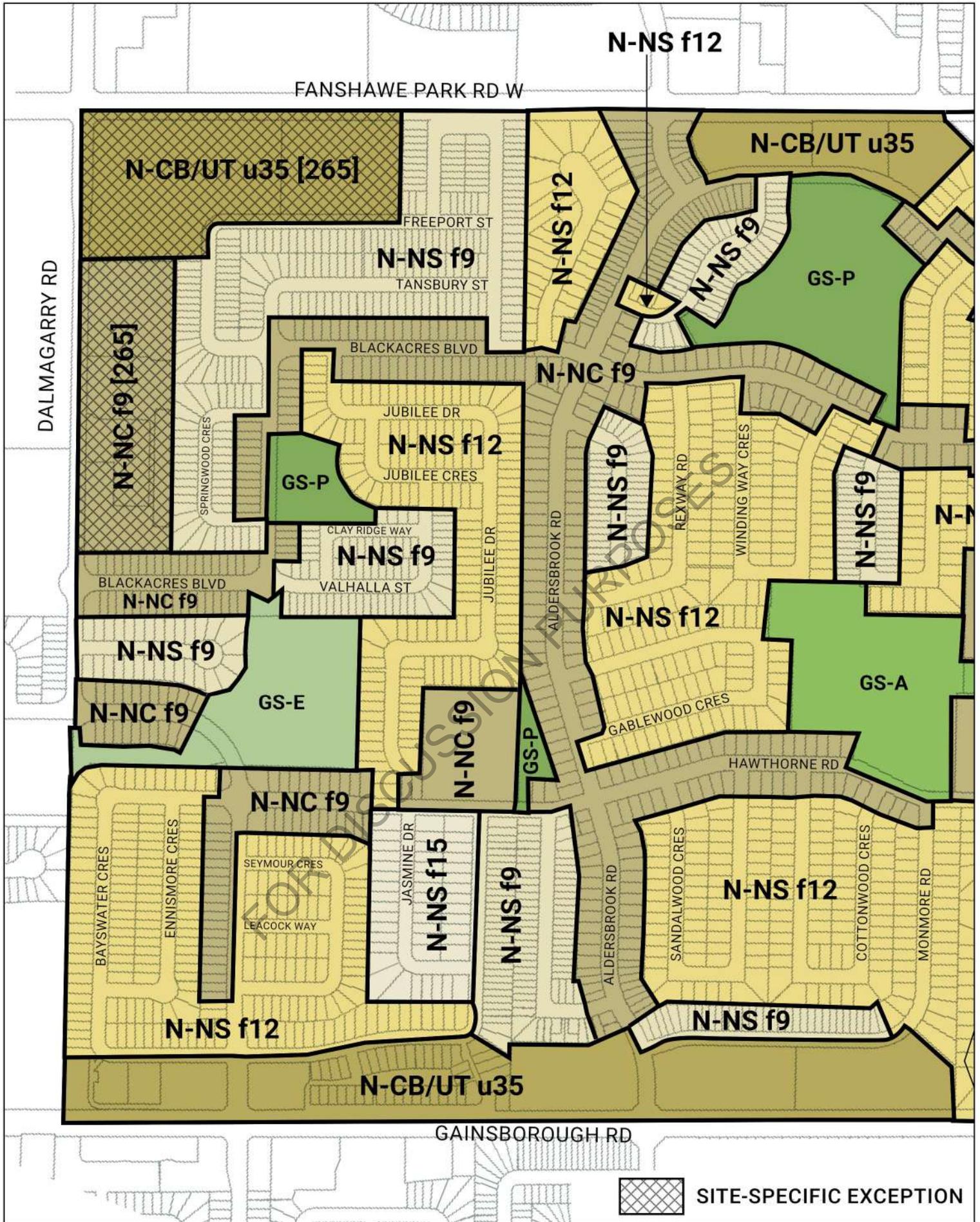


 **LONDON**
SCHEDULE A

DOWNTOWN SAMPLE GEOGRAPHY

City of London By-law No.Z.-2-24001
Scale 1:9000
Date #



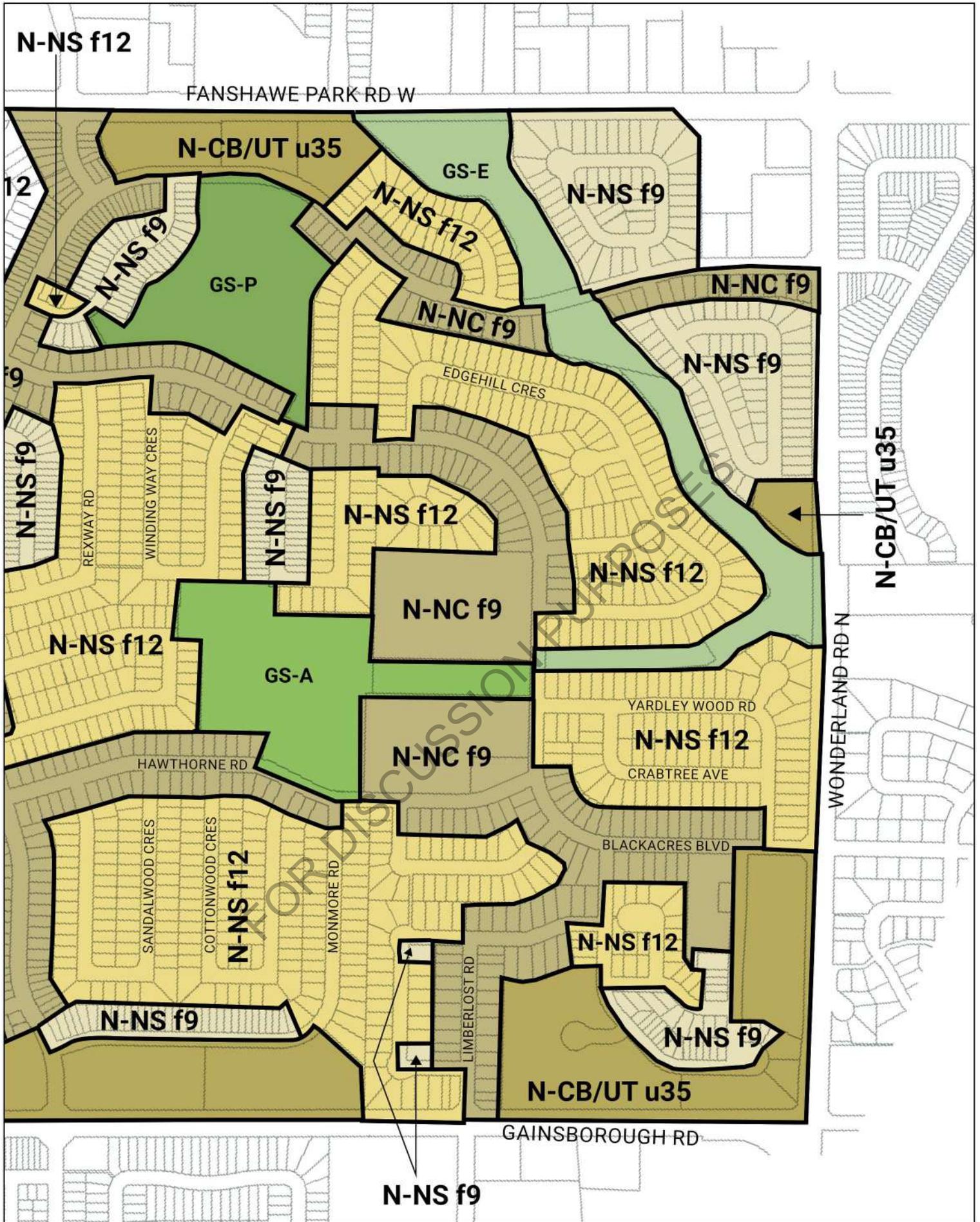


 SITE-SPECIFIC EXCEPTION

 **LONDON**
SCHEDULE A

NEIGHBOURHOOD SAMPLE GEOGRAPHY
(1/2)







PART 4 – PLACE TYPE HEIGHT MAPS (SCHEDULE B)

FOR DISCUSSION PURPOSES



DOWNTOWN SAMPLE GEOGRAPHY

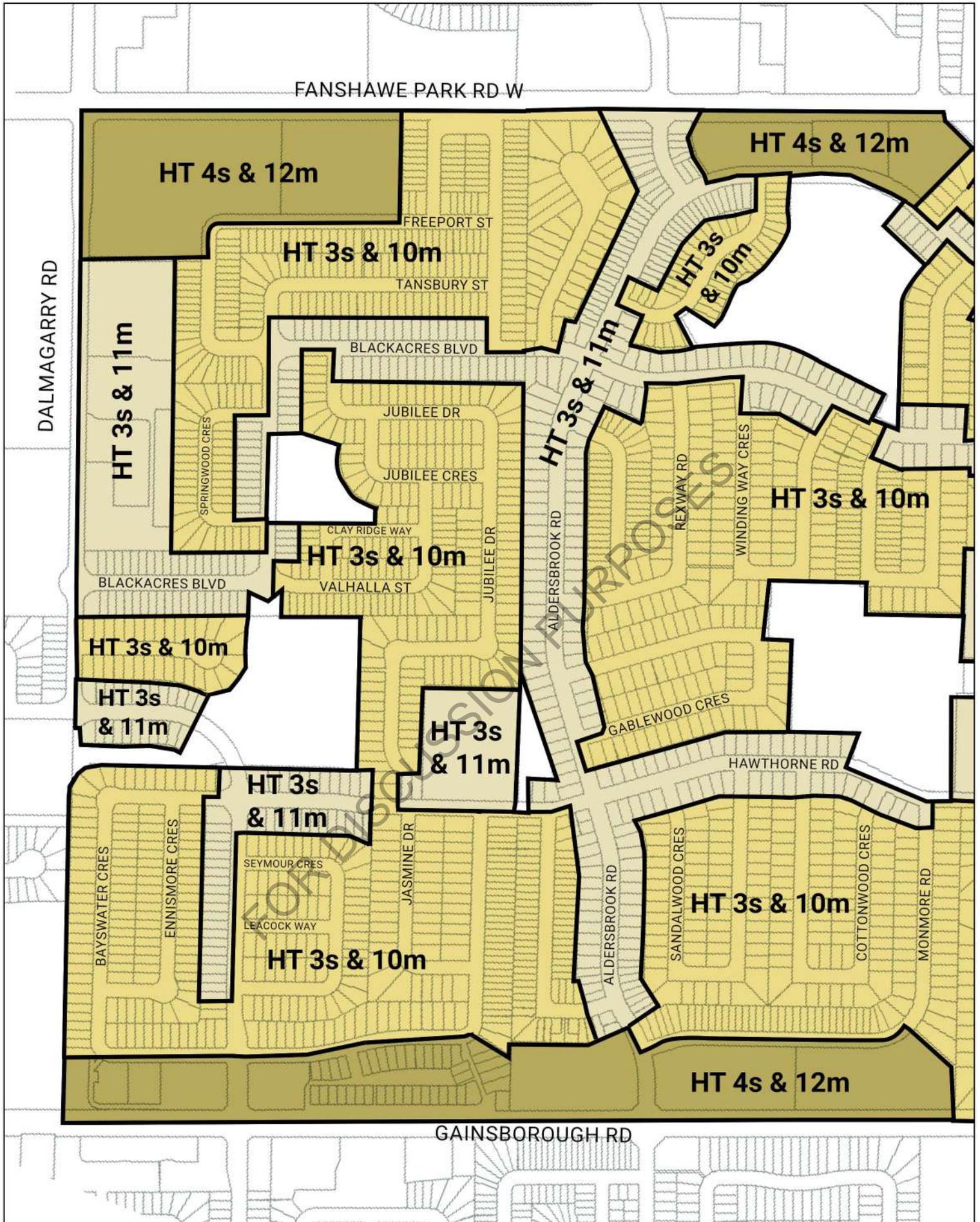


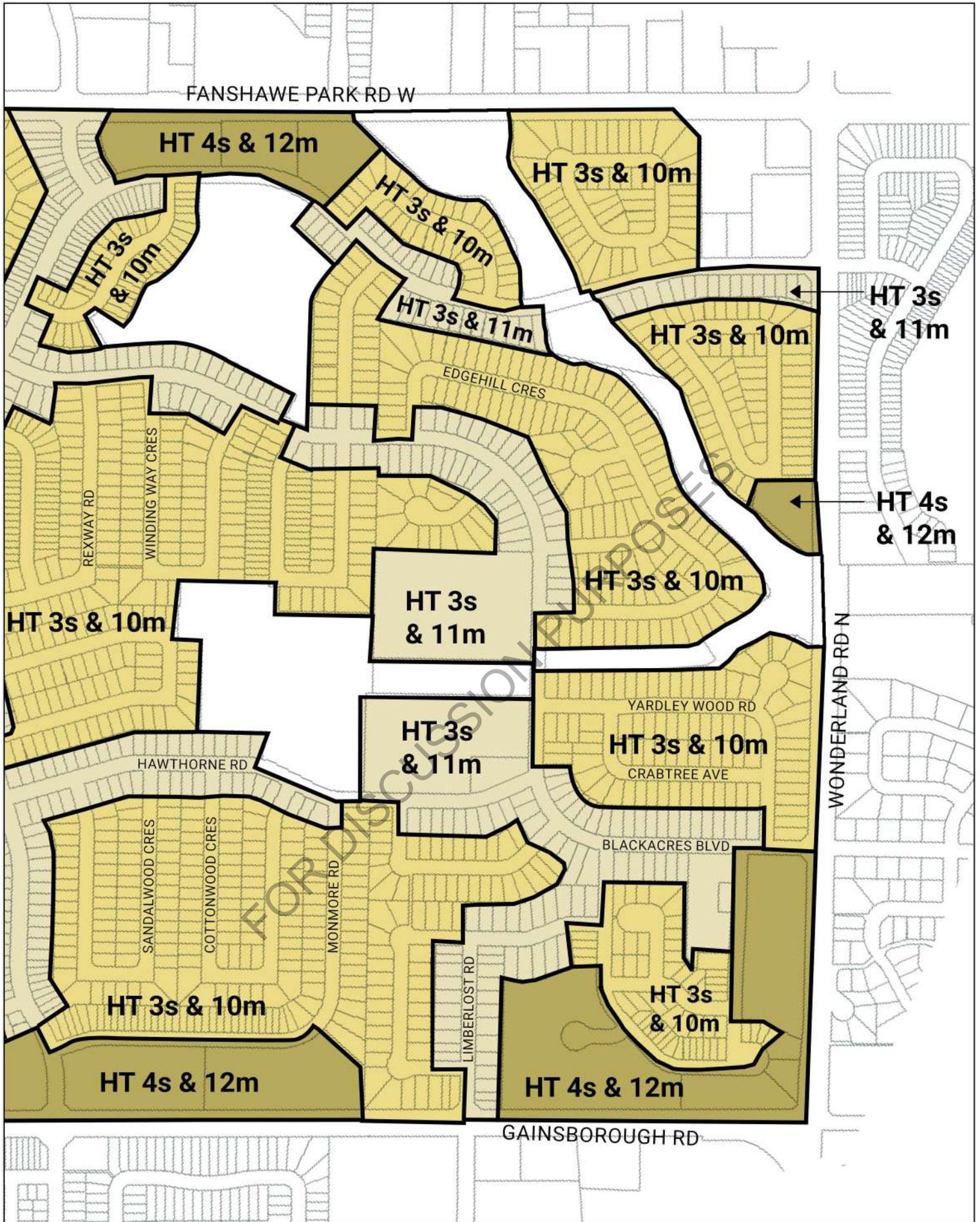
LONDON

SCHEDULE B

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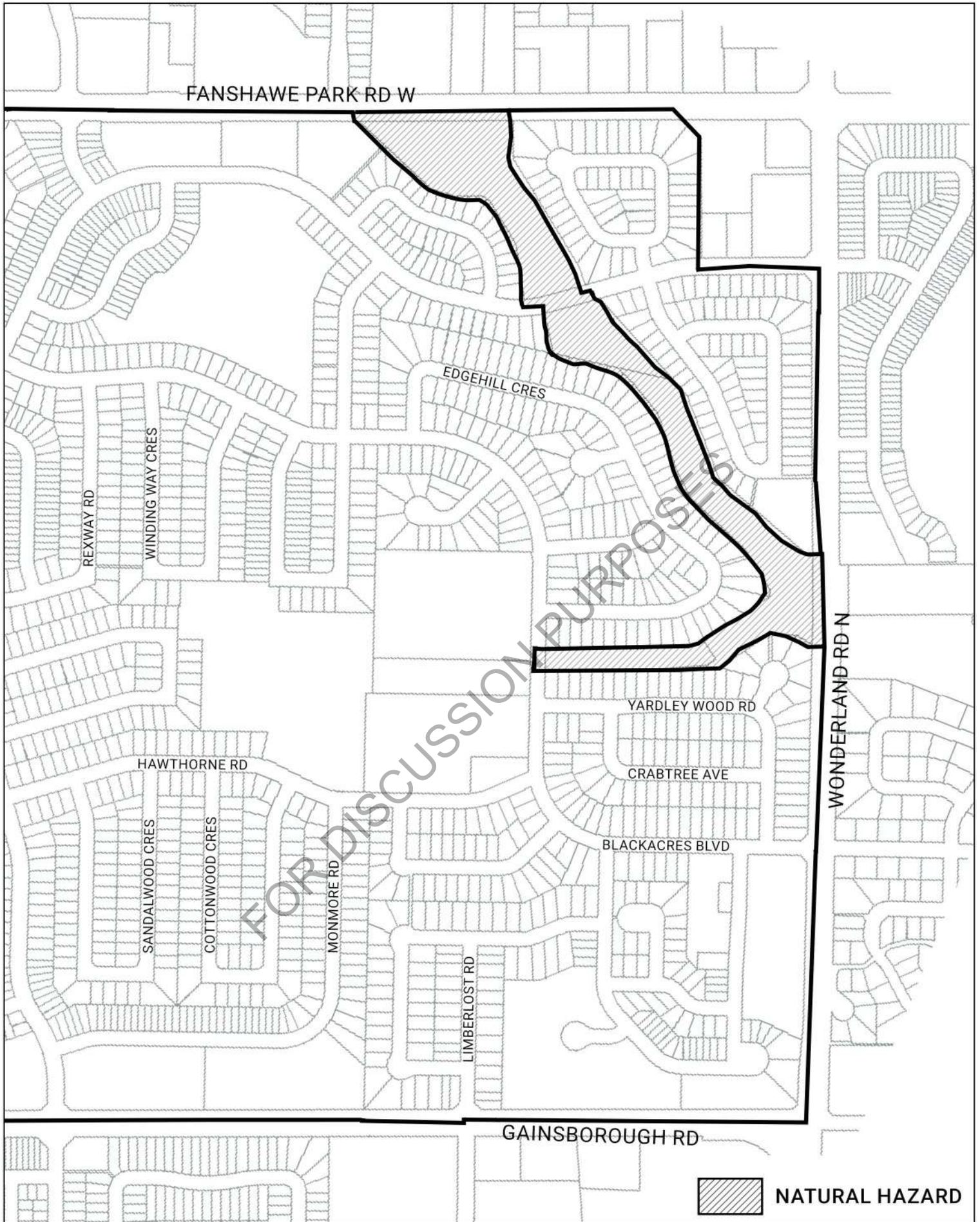


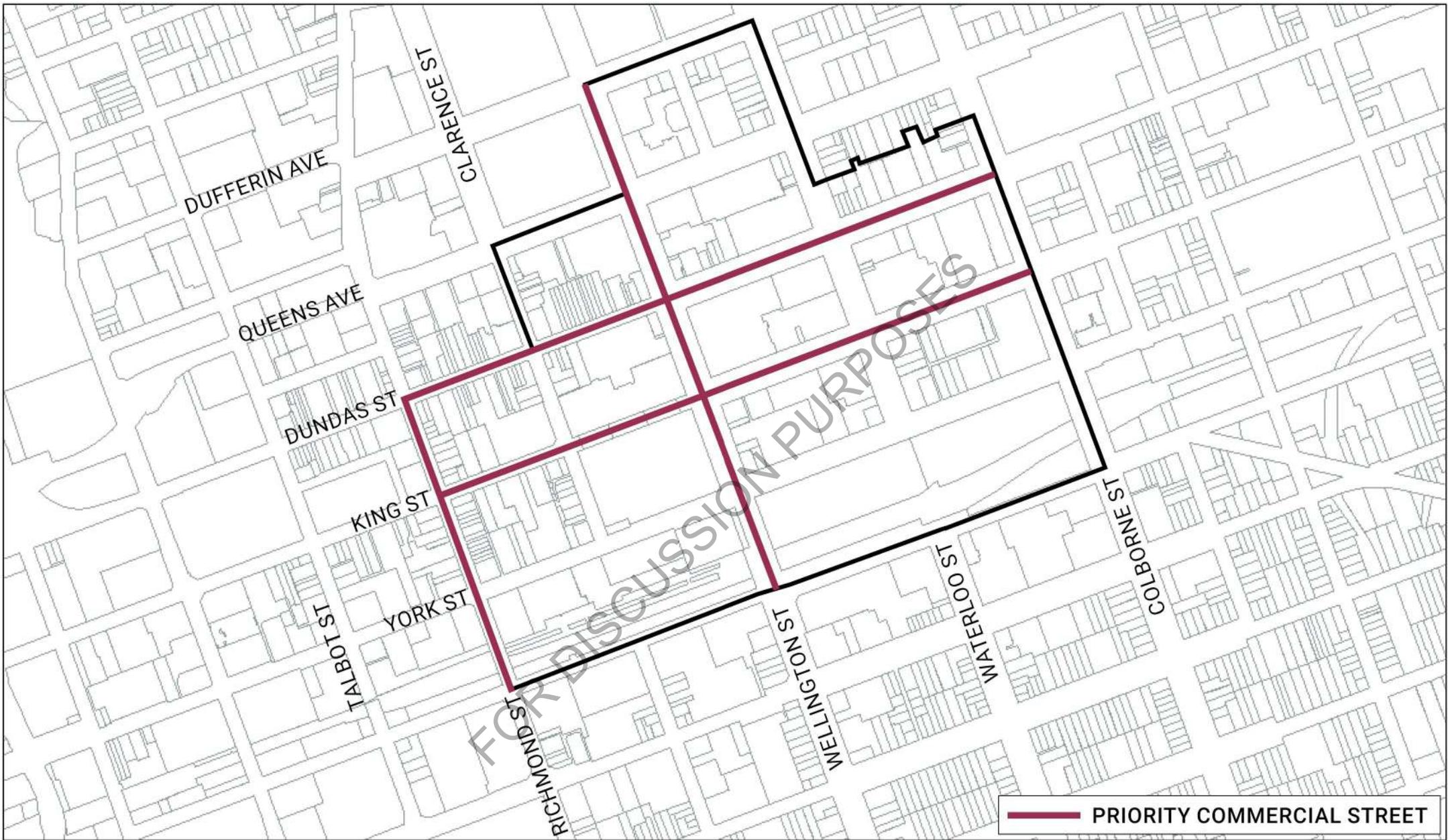




PART 5 – OVERLAY MAPS

FOR DISCUSSION PURPOSES





 **LONDON**
SCHEDULE D

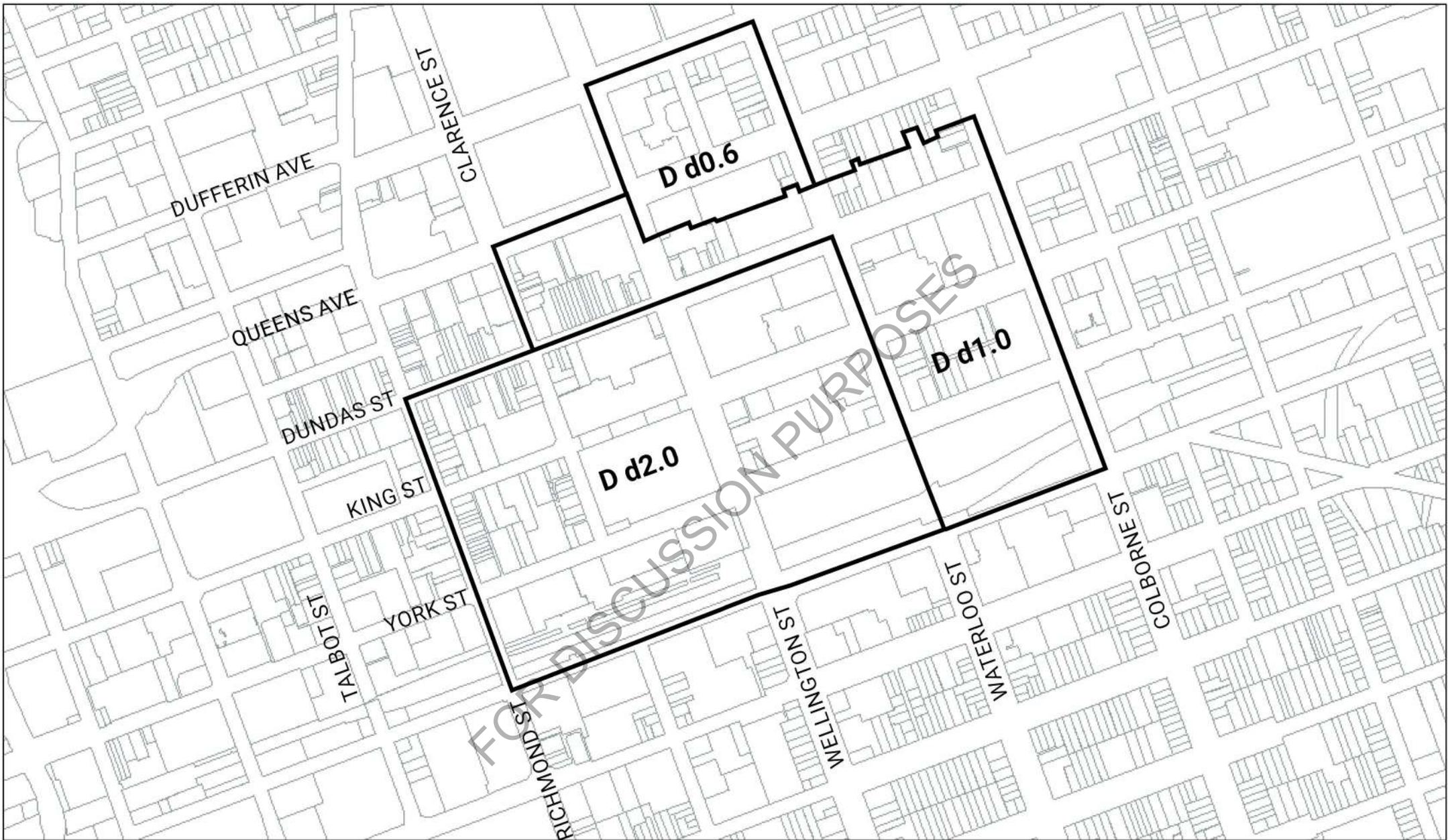
DOWNTOWN SAMPLE GEOGRAPHY



Appendix B - Sample Zone Schedules (Black & White)

PART 3 – PLACE TYPE ZONING MAPS (SCHEDULE A)

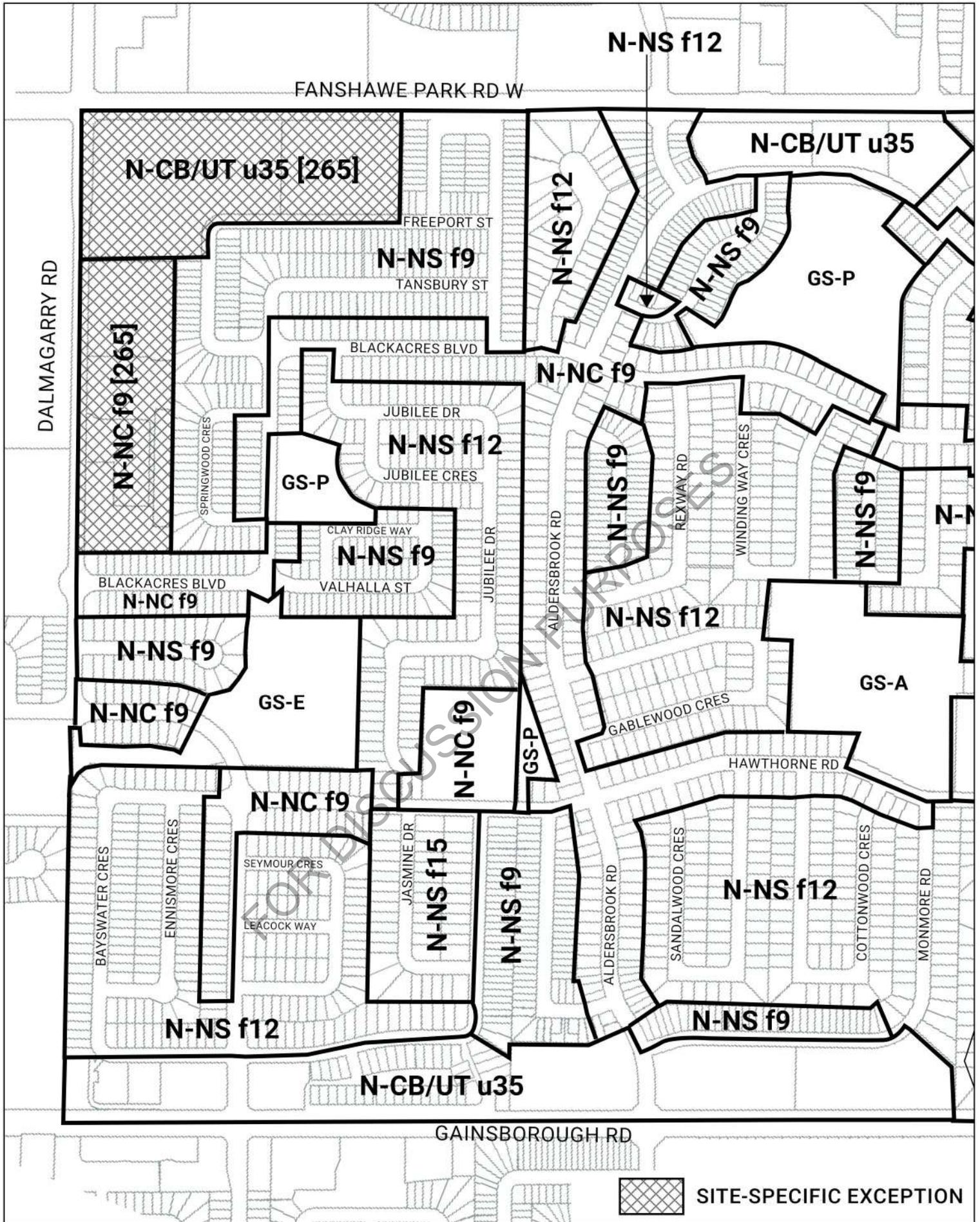
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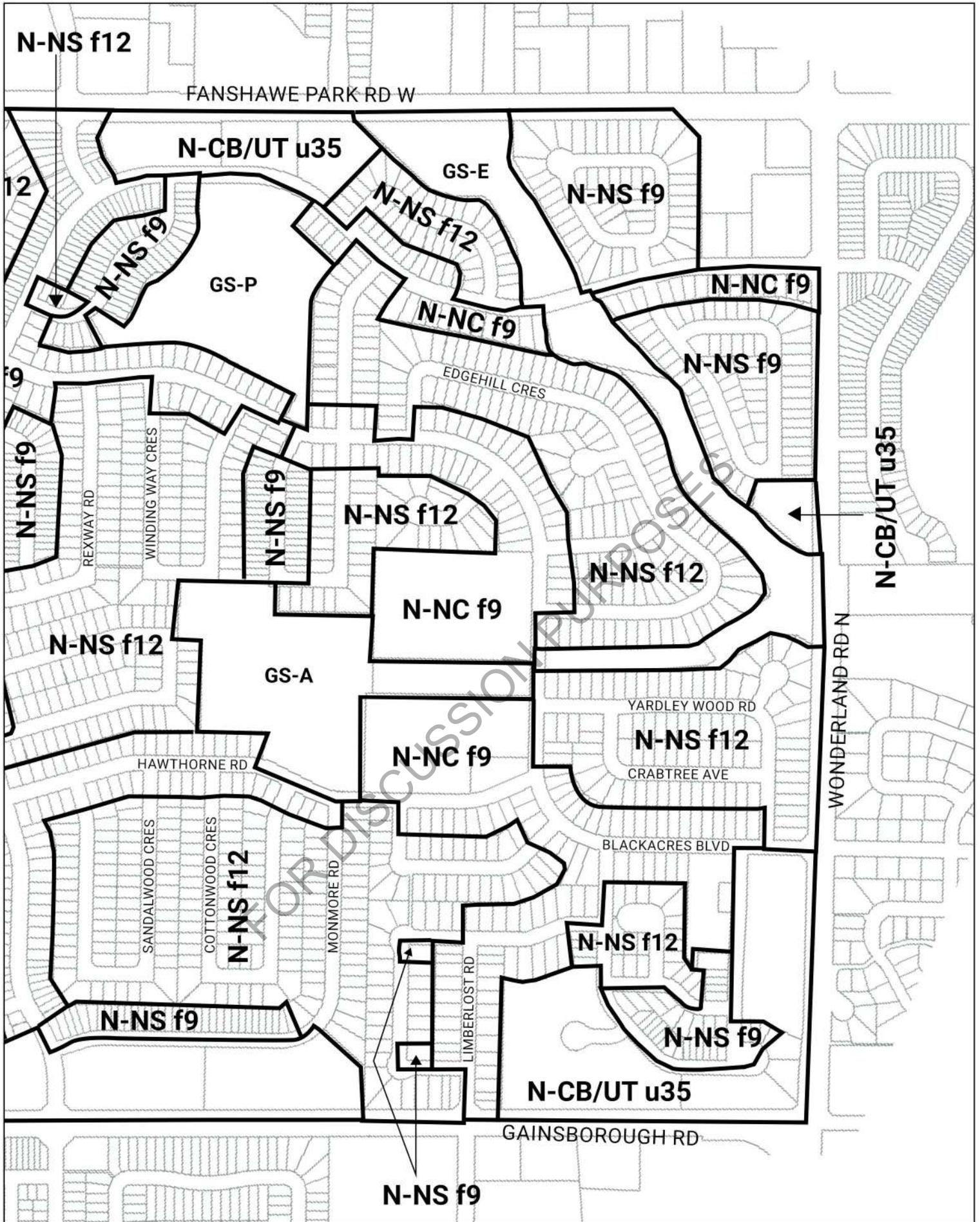


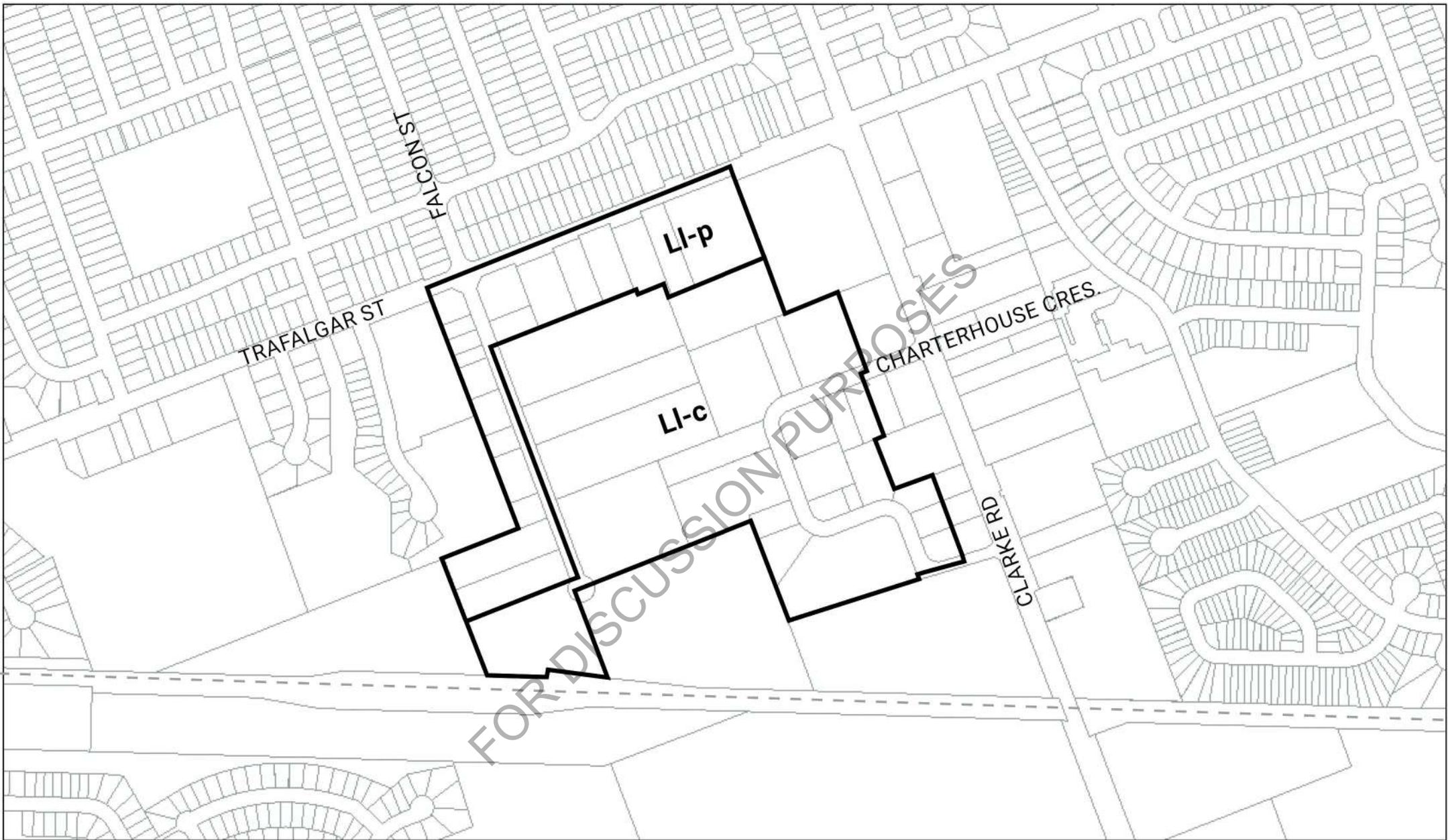
 **LONDON**
SCHEDULE A

DOWNTOWN SAMPLE GEOGRAPHY



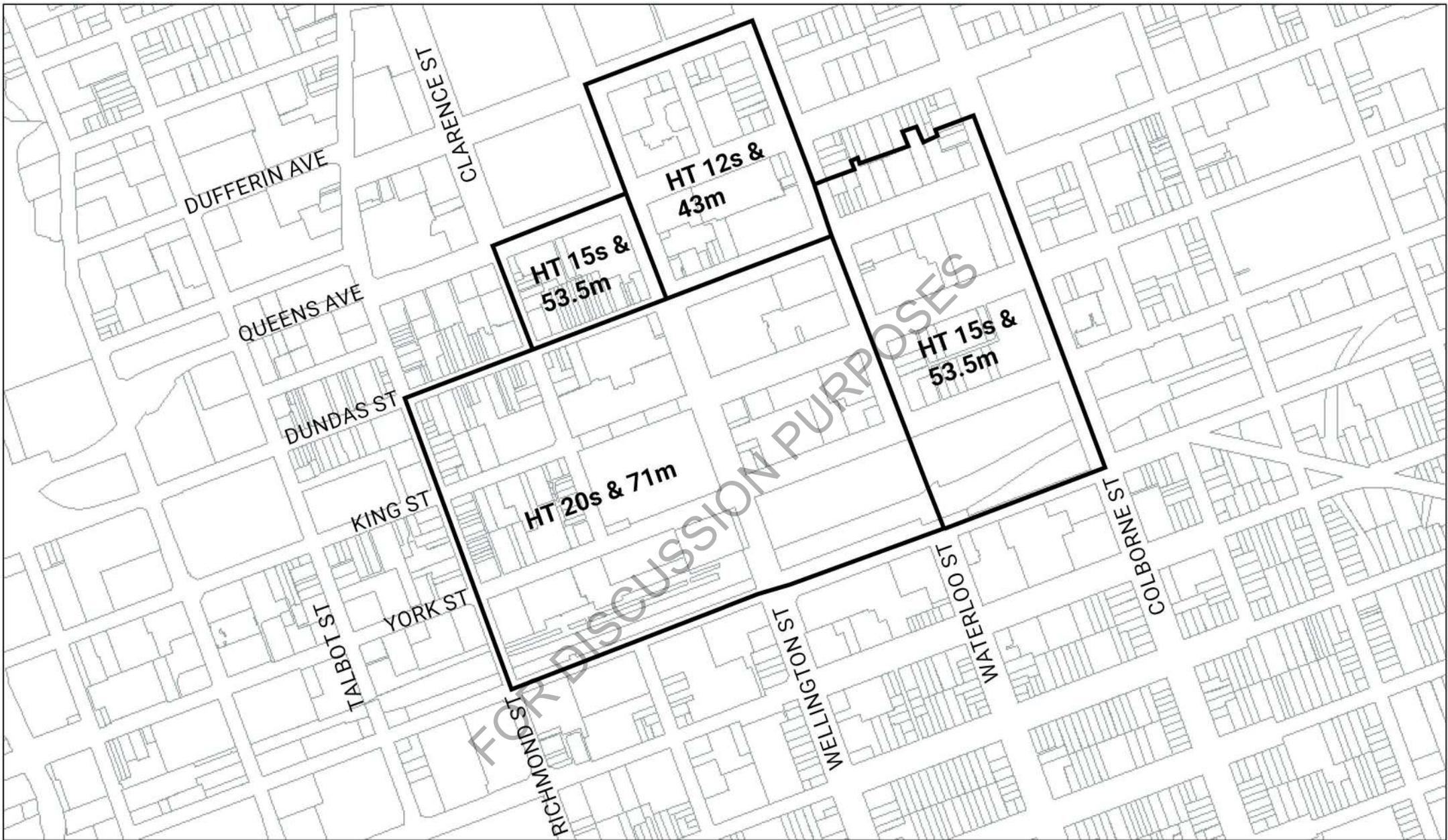






PART 4 – PLACE TYPE HEIGHT MAPS (SCHEDULE B)

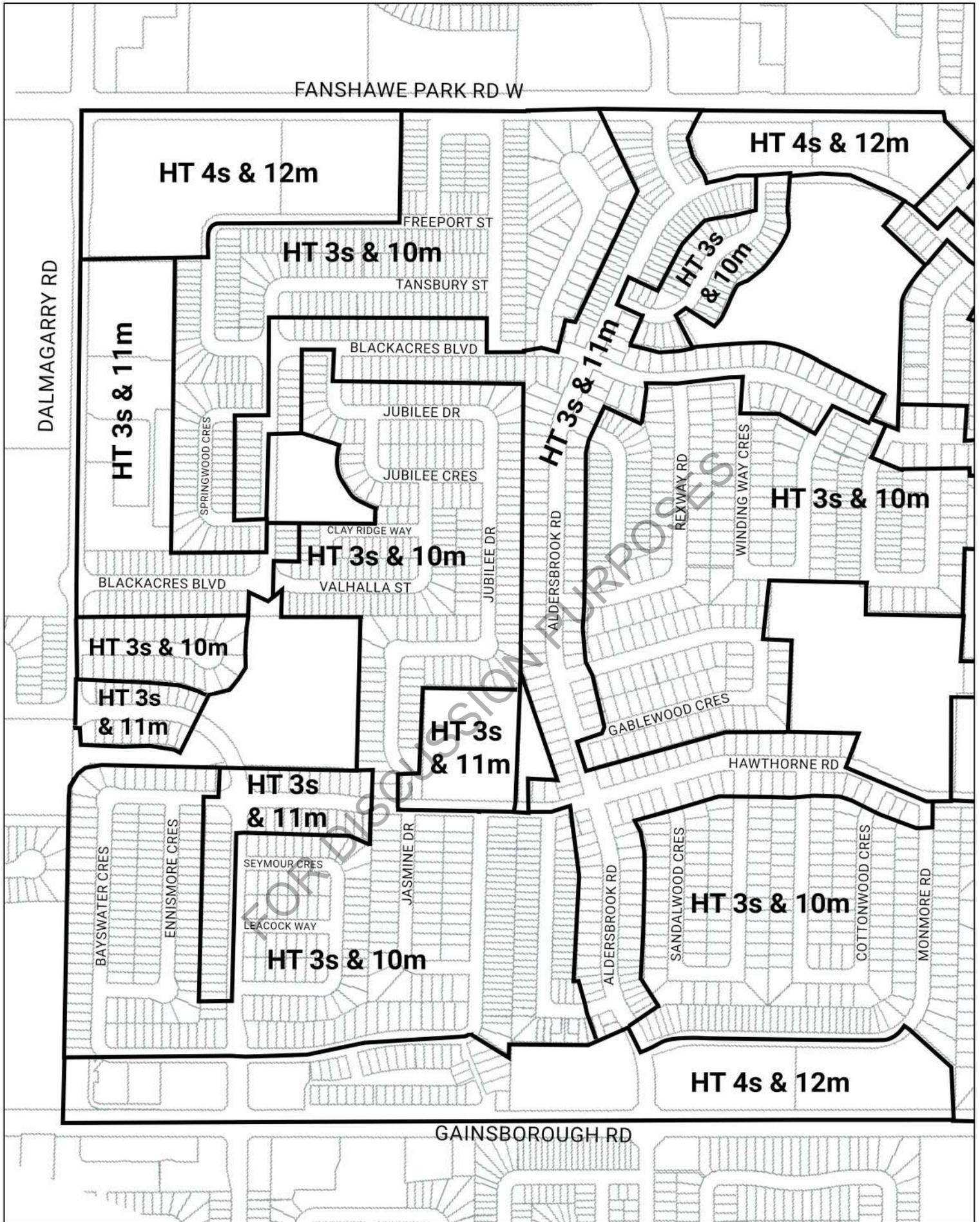
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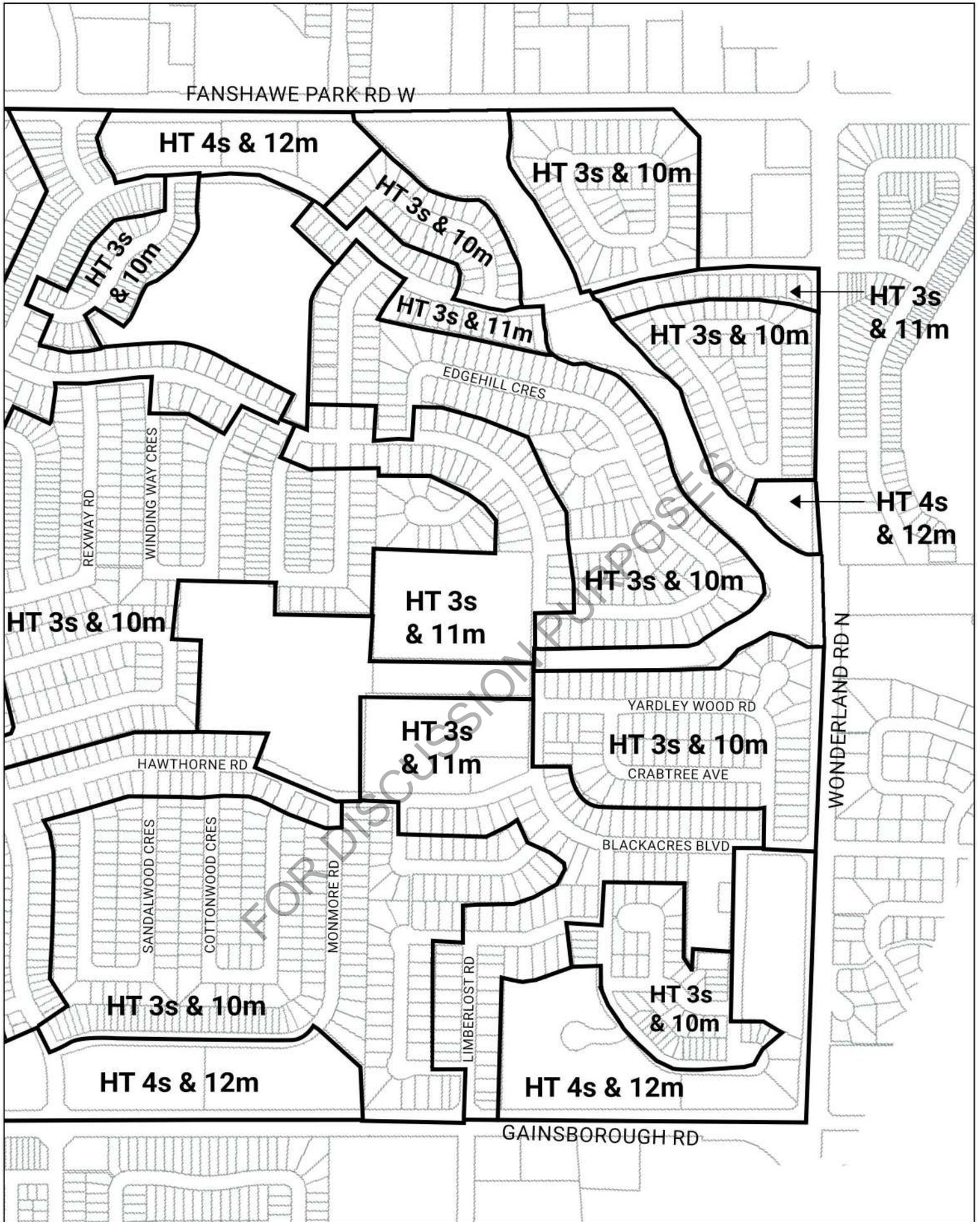


 **LONDON**
SCHEDULE B

DOWNTOWN SAMPLE GEOGRAPHY

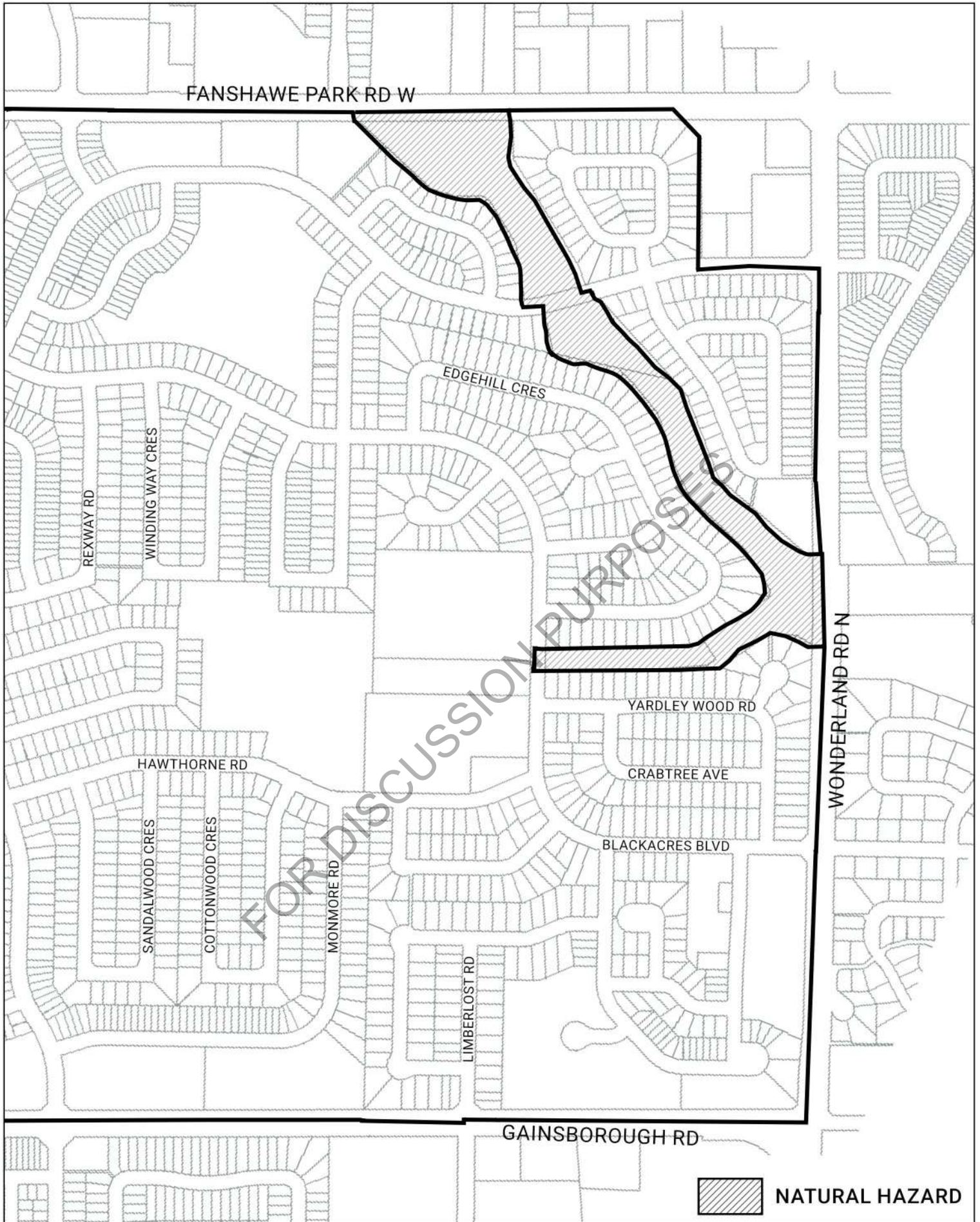


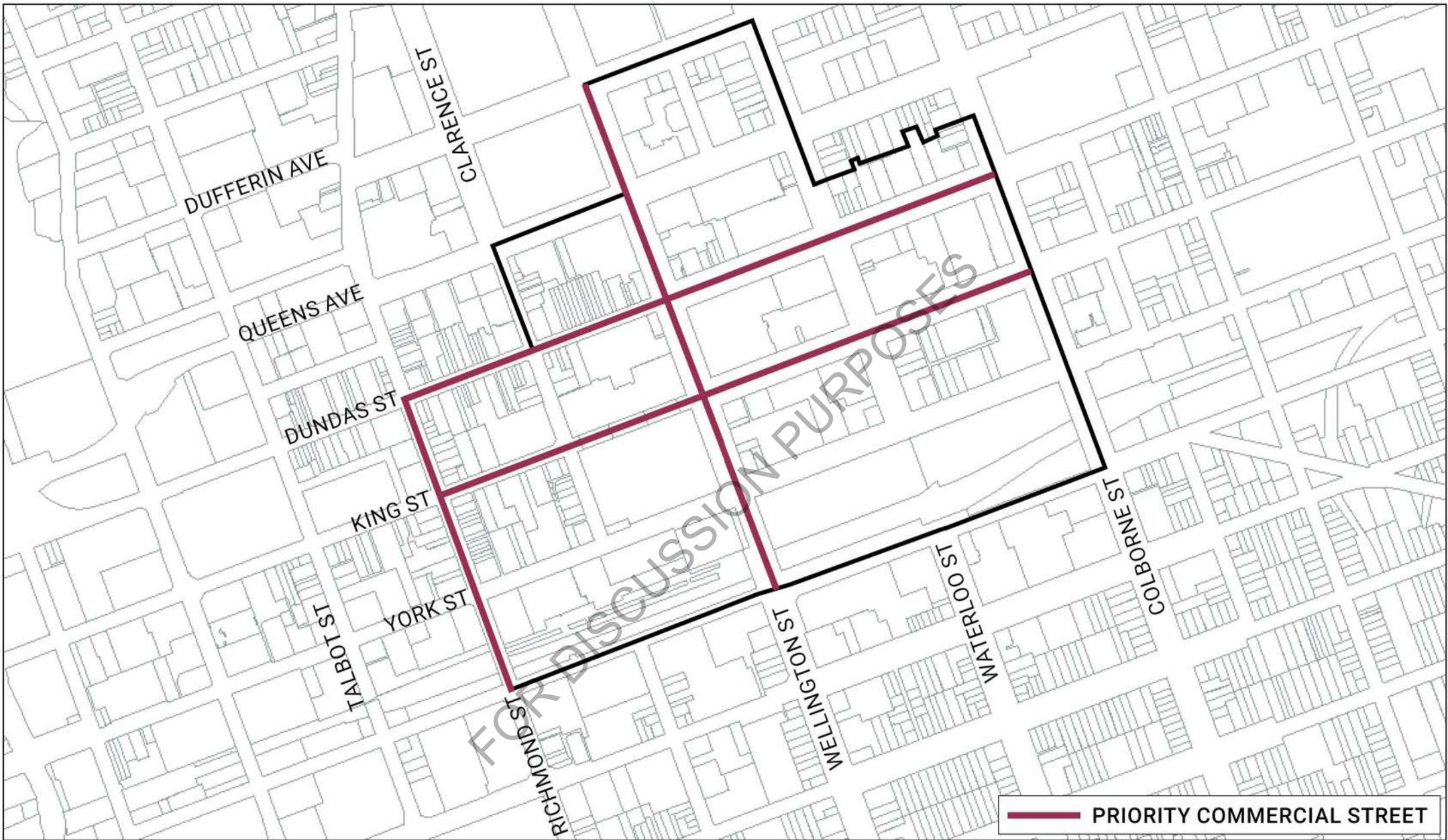




PART 5 – OVERLAY MAPS

FOR DISCUSSION PURPOSES





 **LONDON**
SCHEDULE D

DOWNTOWN SAMPLE GEOGRAPHY



Appendix C - Sample Zones Annotated Summary



Sample Zone Regulations – Rationale
September 2022

FOR DISCUSSION PURPOSES

Chapter 5 – Regulations Applying to Downtown Place Type Zones (D)

Regulation	Rationale
5.1 General Regulations	Due to the geographically limited nature of the Downtown, only one zone class is proposed with three zones differentiated by intensity of development. The Downtown core has the highest planned heights and densities with lower heights and densities on the periphery (where the Downtown abuts lower-intensity Place Types) and within the boundary of the West Woodfield Heritage Conservation District.
5.2 Use Regulations	
5.2.1 Permitted Uses	<p>As part of the first draft of the new zoning by-law, a comprehensive review of all existing uses will be completed to determine what exact uses need to be defined (and how) and which uses will be permitted in each Place Type. The land uses identified here are a sampling of what types of uses are being considered in the Downtown.</p> <p>Per LP 800_1, the Downtown will permit a wide range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, and recreational uses with limited permissions for light industrial uses where appropriate (LP 800_7). Breweries, bakeries, and workshops, for example, have limited noise, odour, and air quality impacts and are permitted in the Downtown in the current Zoning By-law Z.-1. Surface parking lots, either accessory to a permitted use or as a stand-alone commercial parking lot use, are not permitted in the Downtown (LP 800_4). In addition to being the hub of London’s business community (LP 795), the Downtown will be an exception neighbourhood unto itself with housing, services, and amenities targeted to serve a wide spectrum of lifestyles (LP 796).</p>
5.2.2 Permitted Uses with Conditions	<p>As part of the first draft of the new zoning by-law, a comprehensive review of all existing uses will be completed to determine what exact uses need to be defined and which should be subject to additional (land use specific) regulations, for example, limiting their location in relation to other uses or imposing additional requirements (such as landscaping). Depending on the nature and number of these regulations, they may be listed in 5.2.2 or in Chapter 20 of the new zoning by-law, which will house Regulations Applying to Specific Land Uses.</p> <p>Residential uses are conditionally permitted based on the building type in which it is located. Since the Downtown is intended to be the densest part of London, detached, semi-detached, and multi-unit residential buildings (up to 4 units) are not permitted. Other uses that may require conditions in the Downtown include short-term accommodation, outdoor patios, and medical labs.</p>
5.2.3 Priority Commercial Streets	Although active retail and service uses are permitted at-grade throughout the Downtown Place Type, priority commercial streets are identified in Schedule D where properties abutting priority commercial streets are required to provide active uses along a percentage of their frontage. <i>The intention is to protect active streetfronts where they exist (LP 800_3).</i> What constitute active uses will be defined as part of the first draft of the zoning by-law.
5.3 Form Regulations	

5.3.1 Height	
5.3.1.1 Measuring Height	Height is proposed to be a measurement outlined per Place Type rather than a defined term applied city-wide. The definition of 'building' will address exclusions, such as mechanical equipment and similar building elements.
5.3.1.2 Minimum Height	The minimum building height in the Downtown Place Type outlined in Table 8 of <i>The London Plan</i> is 3 storeys or 9.0 m. In order to accommodate a mixed-use building with a ground floor height of 4.5 m, the minimum building height was increased to 10.5 m. In order to avoid a situation where a single storey building is constructed that is 10.5 m high, however, minimum height is proposed to be quoted in both storeys <u>and</u> metres to provide additional certainty on the intended form of development in the Downtown.
5.3.1.3 Maximum Height	<p>As maximum heights in the Downtown Place Type do not align with proposed zone boundaries (which are based on minimum lot densities), a Height Overlay Map is proposed outlining maximum heights in both storeys <u>and</u> metres.</p> <p>As per Table 8 of <i>The London Plan</i>, the greatest height permitted as-of-right in the Downtown is 20 storeys. To allow for a more appropriate transition in height and intensity to lower intensity Place Types, peripheral areas are proposed to have a maximum height of 15 storeys with 12 storeys permitted in the West Woodfield Heritage Conservation Area, respecting the predominantly low-rise residential character while permitting a mix of higher density uses throughout (LP 1033). Maximum heights in storeys were translated into heights in metres assuming a 4.5 m first floor height (in order to accommodate commercial uses at-grade) and an average 3.5 m height for all floors above. An average floor height of 3.5 m is based on the recognition that floor heights typically differ between residential and office uses.</p>
5.3.2 Built Form Regulations	
	<p>To provide for architectural diversity in the Downtown, three building forms are proposed for the Downtown: mid-rise (3-8 storeys), mid-range high-rise (9-15 storeys), and point tower high-rise (16+ storeys). Each building form is characterized by a base portion, upper portion, and mechanical rooftop each with its own set of regulations. Regulations around the base building ensure development will be human-scale and animated. Regulations on the upper portion of the building limit the massing of the building. Regulations on the mechanical rooftop ensure any equipment on the rooftop does not contribute to the apparent or experienced height of the building. The Mid-Range High-Rise is modelled after the TD Building on Dundas St.</p>
Base Building: Minimum first floor height, floor-to-floor	A standard of 4.5 m is typically recommended to support commercial uses at-grade that contribute to the animation of the street (LP 800_3). Even where residential is proposed at-grade, the first floor should be 4.5 m tall to allow for future conversion to commercial uses.
Base Building: Minimum height	As no setbacks are mandated for base buildings of mid-rise buildings, the minimum height of a base building is equal to the minimum height of a building in the Downtown. Setbacks are permitted anywhere along the height of the base building with the intention of buildings speaking to the surrounding context in preserving or establishing an appropriate streetwall. A guideline to this effect would support this intention.

Base Building: Maximum height	<p>As no setbacks are mandated for base buildings of mid-rise buildings, there is no maximum height of base building for mid-rise buildings (a mid-rise building can rise its full permitted height without stepping back). Maximum base building heights for high-rise buildings equates roughly to 7 storeys, which ensures a human-scale is preserved at-grade.</p> <p>There may be streets in the Downtown where we want different maximum heights for the base buildings. An alternative approach is to connect maximum base building height to right-of-way width. This is to be explored further. Other regulations may need to be introduced to require additional setbacks where historic street walls exist.</p>
Base Building: Minimum percentage of building face at ground level facing a street or park consisting of openings	Requiring openings (to be defined as including doors and transparent windows) at-grade contributes to a more visually interesting streetscape and pedestrian safety, by providing additional eyes on the street.
Upper Building: Maximum floor plate	750 m ² is a industry-accepted number for tower floor plate area to ensure sufficient space and light between towers. A 60% maximum for the mid-range high-rise provides for flexibility in the form of the building (as shown in illustration 2.a.) while limiting the massing of taller building.
Upper Building: Minimum window facing distance on the same lot	Minimum facing distances between towers with windows ensure adequate privacy for residential uses in each. Larger separation distances are needed for taller buildings, resulting in an increasing requirement from mid-rise to mid-range high-rise and point tower high-rise buildings.
Mechanical Rooftop: Maximum coverage as a percentage of the floor plate of the upper portion of the building	Limiting mechanical rooftop coverage prevents equipment from adding significant massing to the building beyond what is permitted by maximum height provisions.
Mechanical Rooftop: Maximum height of above height limit in regulation 5.3.1.3	Although mechanical equipment is excluded from measurements of height, maximum heights on mechanical equipment are important to ensure buildings do not become significantly taller than maximum height provisions through the addition of building elements on the rooftop. A list of other permitted encroachments into the maximum permitted height will be defined in the first draft of the zoning by-law.
5.3.3 Building Setbacks	
Base Building: Minimum setback from front lot line	A minimum setback of 0.3 m ensures doors do not swing into the public realm.
Base Building: Maximum setback from front lot line	A maximum setback from the front lot line ensures buildings are sited along or close to the public right-of-way, contributing to the creation of a defined streetwall, while allowing for the creation of small entrance plazas.
Base Building: Minimum setback from side lot line (with no openings)	In order to provide a continuous streetwall experience, spaces between base buildings should be limited. As such, there is no side setback requirement where a wall has no windows or doors opening on them.

Base Building: Minimum setback from side lot line (with openings)	Where a wall has windows and doors opening on them, a minimum side setback of 5.5 m is proposed to provide for adequate sunlight. This requirement is independent of whether there are windows on the facing wall on the neighbouring property. By requiring 5.5 m on each side where a wall has windows creates an 11 m separation distance between two walls with windows facing one another, ensuring adequate privacy for each. This number is based on precedents in other Canadian municipalities.
Base Building: Minimum setback from side lot line facing a street or park	Side lot lines facing public streets and parks contribute to the streetscape. As such, minimum setbacks from front lot line have been applied to side lots facing a street or park.
Base Building: Maximum setback from side lot line facing a street or park	Side lot lines facing public streets and parks contribute to the streetscape. As such, maximum setbacks from front lot line have been applied to side lots facing a street or park.
Base Building: Minimum setback from rear lot line	To limit overlook from mid-rise and high-rise buildings to abutting residential properties to the rear, a minimum setback from the rear lot line is proposed. This number also allows for the introduction of a laneway in the future.
5.4 Intensity Regulations	
5.4.1 Lot Frontage	A minimum lot frontage of 9.0 m is consistent with minimum lot frontages in the Neighbourhoods Place Type zones. Existing properties that are less than 9.0 m legally exist and are allowed to continue, but redevelopment would require consolidation in order to develop sites more efficiently.
5.4.2 Lot Density	
Minimum residential density	In order to signal the intent for high-density development in the downtown, minimum residential densities are proposed. As the zone with the lowest anticipated intensities in the Downtown, D d0.6 has a minimum residential density of 60 units per hectare, consistent with LP 803D. Minimum densities increase as you move through the peripheral and core Downtown areas.
Maximum residential density	Maximum residential densities provide staff with a metric to calculate servicing and parkland dedication requirements. Maximum densities increase as you move from D d0.6 to D d1.0 and D d2.0 consistent with the minimum density requirements.
Minimum non-residential density	In order to signal the intent for high-density development in the downtown, minimum non-residential densities are proposed. As the zone with the lowest anticipated intensities in the Downtown, D d0.6 has a minimum residential density of 0.6 times the area of the lot, consistent with LP 803D. Minimum densities increase as you move through the peripheral and core Downtown areas.
Maximum non-residential density	Maximum non-residential densities provide staff with a metric to calculate servicing requirements. Maximum densities increase as you move from D d0.6 to D d1.0 and D d2.0 consistent with the minimum density requirements.
Minimum total density	In order to signal the intent for high-density development in the downtown, minimum total densities are proposed. The numbers proposed allows for non-residential buildings, residential buildings, and mixed-use buildings.
Maximum total density	Maximum densities provide staff with a metric to calculate servicing and parkland dedication requirements. Maximum densities increase as you move from D d0.6 to D d1.0 and D d2.0 consistent with the minimum density requirements.

5.4.3 Building Stepbacks	
Upper Building: Minimum front setback	No setback is required for mid-rise buildings as the maximum height of a mid-rise is sufficiently low not to create a canyon effect on most streets. A 1.5 m setback for mid-range high-rise buildings provides a break in the streetwall with some space for a small balcony. A larger setback of 3.0 m is required for towers in order to provide a greater visual and experienced distance between the base and upper portions of a point tower high-rise. A portion of the frontage of the upper portion of the building may extent to grade to allow for architectural diversity while contributing to a pedestrian scale of the street.
Upper Building: Minimum side setback (with openings)	Minimum setbacks from side lot lines where openings are proposed provides for adequate sunlight as well as privacy where two buildings have windows facing one another. Larger setbacks are required for larger buildings to limit the massing of taller buildings.
Upper Building: Minimum side setback (with no openings)	Where a wall has no windows, no setback is required. To ensure the upper portion of a tower does not dominate the experience of the street, however, setbacks are still required for tower. A percentage approach was taken for mid-range high-rise to allow for a diversity of forms, reminiscent of the TD Building on Dundas St.
Upper Building: Minimum side setback facing a street or park	Side lot lines facing public streets and parks contribute to the streetscape. As such, minimum setback from front lot line have been applied to side lots facing a street or park.
Mechanical Rooftop: Minimum setback from the roof edge of the middle portion of the building	Minimum setbacks for mechanical equipment limit the contribution of this equipment to the apparent or experienced height of a building.
5.4.4 Amenity Space Requirements for Residential	Rates for indoor and outdoor amenity space are proposed based on precedent in other Ontario municipalities.
5.4.5 Lot Landscaping	5% landscaping requirement is proposed to reflect the transitory or low-density character of these areas. Given the lot pattern in the Downtown and the intensity expected for the D d2.0 zone, no landscaping is proposed to be required beyond outdoor amenity space.
<i>3.5 Climate Resiliency Regulations</i>	
3.5.1 Energy	Regulations for the location of energy devices are proposed.

Chapter 11 – Regulations Applying to Neighbourhoods Place Type Zones (N)

Regulation	Rationale
11.1 General Regulations	<p>The Neighbourhood Place Type is divided into three zoning classes based on the classification of the street on which it fronts. Based on <i>The London Plan</i> policies, there is no zoning differentiation between Civic Boulevard and Urban Thoroughfare; as such, they have been combined into a single zone. Further zoning variations reflect the unique character of each neighbourhood. As part of the Sample Geography, we identified five unique zones (three NS, one NC, and one CB/UT) with unique characteristics (lot pattern and porosity). Regulations are presented as they relate to the three zoning classes and the five zones.</p>
11.2 Use Regulations	
11.2.1 Permitted Uses	<p>As part of the first draft of the new zoning by-law, a comprehensive review of all existing uses will be completed to determine what exact uses need to be defined (and how) and which uses will be permitted in each Place Type. The land uses identified here are a sampling of what types of uses are being considered in the Neighbourhoods.</p> <p>Per LP 800_1, the Downtown will permit a wide range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, and recreational uses with limited permissions for light industrial uses where appropriate (LP 800_7). Breweries, bakeries, and workshops, for example, have limited noise, odour, and air quality impacts and are permitted in the Downtown in the current Zoning By-law Z.-1. Surface parking lots, either accessory to a permitted use or as a stand-alone commercial parking lot use, are not permitted in the Downtown (LP 800_4). In addition to being the hub of London's business community (LP 795), the Downtown will be an exception neighbourhood unto itself with housing, services, and amenities targeted to serve a wide spectrum of lifestyles (LP 796).</p>
11.2.2 Permitted Uses with Conditions	<p>As part of the first draft of the new zoning by-law, a comprehensive review of all existing uses will be completed to determine what exact uses need to be defined and which should be subject to additional (land use specific) regulations, for example, limiting their location in relation to other uses or imposing additional requirements (such as landscaping). Depending on the nature and number of these regulations, they may be listed in 5.2.2 or in Chapter 20 of the new zoning by-law, which will house Regulations Applying to Specific Land Uses.</p> <p>The Neighbourhoods will see a diversity and mix of housing types, intensities, and forms (LP 918_2) with opportunities for mixed-use, commercial buildings, and small-scale community facilities (LP 918_5, LP 918_8, LP 924, LP 926) to contribute to the creation of complete communities. Per Table 10 in <i>The London Plan</i>, some uses are only permitted where they are located on intersections with higher-order streets. These are identified through conditional use permissions.</p>
11.3 Form Regulations	

11.3.1 Permitted Building Types	Residential building types have been separated from a residential use in order to clarify regulations on land use and regulations on building type. Permitted building types follow Table 10 of <i>The London Plan</i> .
11.3.2 Permitted Building Types with Conditions	Per Table 10 in <i>The London Plan</i> , some building types are only permitted where they are located on intersections with higher-order streets. These are identified through conditional use permissions.
11.3.3 Height	
11.3.3.1 Measuring Height	A measurement for height is proposed to ensure a consistent streetwall on neighbourhood streets, even where rooftops vary. This measurement will need to be discussed further with City of London building inspectors to make sure rules work and are easy to measure and implement. There are 3 main objectives for the height regulations: (1) create rules that do not favour peaked or flat roofs, (2) create rules that can be easily designed away through complex or inappropriate roof forms, and (3) create rules that promote houses with similar eave lines, to discourage houses that tower over their neighbours.
11.3.3.2 Minimum Height for Lots by Zone Class	Minimum heights are proposed as per Table 11 of <i>The London Plan</i> .
11.3.3.3 Minimum Height for Lots at Intersections	Minimum heights are proposed as per Table 11 of <i>The London Plan</i> .
11.3.3.4 Maximum Height	Maximum heights are proposed as per Table 11 of <i>The London Plan</i> . Maximum heights in metres were based on existing maximum height permissions in Z.-1 for the Sample Geography increased in order to allow for great flexibility in house design.
11.3.4 Building Depth	Building depth is regulated in order to ensure minimal overlook from one house extending much deeper than its neighbour. 17.0 m was identified as a reasonable building depth within the Sample Geography with considering for small-scale differences in context. This approach, in contrast to tying building depth to lot depth, avoids situations where a significantly deeper lot is located next to a shallow one thereby opening up the opportunity for overlook.
11.3.5 Other Built Form Regulations	
	While some regulations apply to a specific zone or street classification, others are specific the building type proposed on a property. Detached, semi-detached, and street townhouses are treated separately from duplexes, triplexes, and fourplexes (collectively defined here as multi-unit residential building), block townhouses, and mid-rise buildings (which could be entirely residential or a mixed-use building).
Minimum elevation of first floor above established grade	A difference in elevation for a residential building provides a small distance between public and private space on residential streets.
Maximum elevation of first floor above established grade	Introducing a maximum elevation of the first floor (less than 2.14 m) limits the ability to provide a garage at-grade. This regulation is only appropriate for small lots (less than 15.0 m wide) where the garage constitutes a large proportion of the front face of the building. This qualifier will be explored further as we refine this regulation.
Minimum first floor height, floor-to-floor	Minimum first floor heights are only proposed for mid-rise buildings to support commercial uses at-grade.
Minimum front or side setback above second floor	Requiring setbacks works with limiting the maximum floor plate of top storeys to reduce the massing of buildings as they become taller.

Maximum floor plate of floors above second floor	Limiting the maximum floor plate of top storeys works with stepbacks to reduce the massing of buildings as they become taller.
Minimum percentage of first floor façade, facing a street or park, containing openings into active living space	Active living spaces at-grade contribute to street animation and pedestrian safety and street animation by providing additional eyes on the street. Defining active living spaces as those that are not closet spaces, garages, etc. ensures that windows onto the street are functional rather than simply decorative.
11.3.6 Parking Location	
Minimum garage door inset	Requiring garages to sit slightly back from the front façade reduces the visual dominance of a garage door.
Maximum percentage of building width consisting of garage (measured from interior walls)	In addition to the above regulation, to help avoid excessively large garages hidden behind decorative facades and windows, garage widths (measured from interior walls) are proposed to be limited.
11.4 Intensity Regulations	
11.4.1 Lot Frontage	Minimum lot frontages were generally identified based on lot frontages in the Sample Geography under By-law Z.-1 as a means of defining and protecting neighbourhood character. As <i>The London Plan</i> speaks to increasing housing diversity and options for more affordable housing construction, minimum lot frontages for semi-detached and street townhouses are identifying, highlighting opportunities for lot subdivision, while maintaining sufficient lot frontage for servicing. 6.7 m was identified by City of London engineering staff as the minimum width required to provide adequate servicing to a residential lot.
11.4.2 Lot Area	Minimum lot areas work with minimum lot frontages to define and protect neighbourhood character. Proposed lot areas are generally based on lot areas in the Sample Geography under By-law Z.-1.
11.4.3 Lot Coverage	Lot coverage contributes to the porosity of a neighbourhood (the space between buildings), a defining characteristic of many neighbourhoods. Proposed maximum lot coverages are generally based on lot coverages in the Sample Geography under By-law Z.-1.
11.4.4 Lot Density	No maximum densities are proposed in Neighbourhoods except in the CB/UT zone to reflect <i>The London Plan's</i> objective of intensifying its neighbourhoods. A maximum density has been identified for the CB/UT, however, to ensure development is not out of scale with local neighbourhoods and is based on existing residential density maximum in the Sample Geography under By-law Z.-1. This approach may be subject to further discussion depending on staff's need for maximum densities to calculating servicing and parkland dedication requirements in Neighbourhoods.
11.4.5 Building Setbacks	
	Building setbacks are outlined by zone rather than building type allows for all new development to have the same relationship between buildings regardless of form or intensity. This contributes to a more visual consistent neighbourhood.
Minimum front yard	Minimum front yard setbacks provide for front yards to support tree planting and other landscaping. Requiring setbacks to meet the average setback of the two abutting properties ensures a context-appropriate setback (where one property is not significantly different from others resulting in an inconsistent framing of the street) with an absolute number provided for new buildings in greenfield areas. Proposed setbacks are generally based on setbacks in the Sample Geography under By-law Z.-1.

Maximum front yard	A maximum front yard setback provides for some diversity while generally maintaining a consistent framing of the street. Proposed setbacks are generally based on setbacks in the Sample Geography under By-law Z.-1.
Interior side yard	Interior side yard setbacks provide needed porosity between buildings on the same lot. Proposed setbacks are generally based on setbacks in the Sample Geography under By-law Z.-1.
Exterior side yard	Exterior side yard setbacks provided porosity between buildings on neighbouring lots. Additional setback requirements are outlined where there is no attached garage to permit space for parking in the side yard or access to parking in the rear yard. Proposed setbacks are generally based on setbacks in the Sample Geography under By-law Z.-1. Additional regulations about number and size of side windows may be required.
Rear yard	Rear yard setbacks are only proposed for CB/UT zones as building siting in other zones (where mixed-use buildings and stand-alone non-residential buildings are not permitted) is regulated through building depth. Taller buildings, which are only permitted in CB/UT zones, require larger rear yard setbacks to prevent overlook.
11.4.7 Lot Landscaping	
11.4.7.1. Minimum Landscaping for a Lot	Landscaped open space contributes to neighbourhood character by supporting a tree canopy. It is also important in providing sufficient permeable surfaces to absorb stormwater. Proposed minimum landscape open space requirements are generally based on landscape requirements in the Sample Geography under By-law Z.-1.
11.4.7.2 Minimum Front Yard Soft Landscaping for a Lot	Minimum front yard soft landscaping requirements ensure that open space is, or has the potential to be used, to support trees and other vegetation.
11.5 <i>Climate Resiliency Regulations</i>	
11.5.1 Energy	Regulations for the location of energy devices are proposed.

FOR DISCUSSION PURPOSES

Chapter 14 – Regulations Applying to Light Industrial Place Type Zones (LI)

Regulation	Rationale
<i>14.1 General Regulations</i>	
	The Light Industrial Place Type is divided into two zoning classes based on their distance to sensitive land uses such as Neighbourhoods Place Type zones. Lots located within 70 m of a Neighbourhoods Place Type zone are zoned LI-p (periphery) with more central lots zoned LI-c (core). Zone classes differ in the uses permitted in each.
<i>14.2 Use Regulations</i>	
14.2.1 Permitted Uses	As part of the first draft of the new zoning by-law, a comprehensive review of all existing uses will be completed to determine what exact uses need to be defined (and how) and which uses will be permitted in each Place Type. The land uses identified here are a sampling of what types of uses are being considered in Light Industrial with consideration for uses that should be permitted in Heavy Industrial and Commercial Industrial. Preliminary permitted uses identified in LI-c and LI-p take into account the Ministry of Environment's D-6 Guidelines and minimum separation distances from Class I, II, and III facilities.
14.2.2 Permitted Uses with Conditions	<p>As part of the first draft of the new zoning by-law, a comprehensive review of all existing uses will be completed to determine what exact uses need to be defined and which should be subject to additional (land use specific) regulations, for example, limiting their location in relation to other uses or imposing additional requirements (such as landscaping). Depending on the nature and number of these regulations, they may be listed in 5.2.2 or in Chapter 20 of the new zoning by-law, which will house Regulations Applying to Specific Land Uses.</p> <p>Open storage is a use that has particular relevance to the Light Industrial Place Type. Land Use Specific regulations will address minimum setback and buffering requirements and as well as limitations on the size of open storage as a percentage of the lot.</p>
<i>14.3 Form Regulations</i>	
14.3.1 Height	
14.3.1.1 Measuring Height	Height is proposed to be a measurement outlined per Place Type rather than a defined term applied city-wide. The definition of 'building' will address exclusions, such as mechanical equipment and similar building elements.
14.3.1.2 Maximum Height	Maximum heights in the Light Industrial Place Type zones seek to permit flexibility in the kind and form of industry that becomes established. Lower heights are proposed in the LI-p zone due to its interface with arterial roads and other Place Types.
<i>14.4 Intensity Regulations</i>	
14.4.1 Lot Frontage	Lot frontages and lot areas are proposed to protect a diversity of lots, namely larger lots that are uniquely positioned to support particular industrial uses or scales of uses. Lot frontages are generally based on lot frontages in By-law Z.-1.
14.4.2 Lot Area	Lot frontages and lot areas are proposed to protect a diversity of lots, namely larger lots that are uniquely positioned to support particular industrial uses or scales of uses. Lot areas are generally based on lot areas in By-law Z.-1.
14.4.3 Lot Coverage	Lot coverages are generally based on lot areas in By-law Z.-1.

14.4.4 Building Setbacks	Building setbacks are generally based on setbacks in By-law Z.-1.
14.4.5 Soft Landscaping Buffer Abutting a Street	Soft landscaping buffer requirements are generally based on setbacks in By-law Z.-1.

FOR DISCUSSION PURPOSES

Appendix D - Stakeholder Working Group Terms of Reference



City of London ReThink Zoning

Stakeholder Working Group Terms of Reference

1 Purpose of Stakeholder Working Group Terms of Reference

This document outlines the role of the Stakeholder Working Group (SWG) for ReThink Zoning, the City of London's new Zoning By-law (ZBL). It also presents guidelines for how the SWG will operate, including how and when meetings will take place. This document may be amended as ReThink Zoning progresses. Any amendments to these Terms of Reference (TOR) will be executed in consultation with the Project Team and SWG members. The Project Team includes representatives from the City of London and a team of consultants, which includes LURA Consulting as the community engagement lead.

2 Project Overview

The City of London (the City) is embarking on ReThink Zoning, the City's new ZBL. The new, comprehensive ZBL will ultimately serve as an implementation tool to support the City's growth, as described in the vision, goals, and policies of *The London Plan*. The new ZBL will replace the current ZBL Z.-1 (1993) and provide the opportunity to update, modernize, and streamline provisions for land use and development standards.

The City of London has identified the following key pillars for the new ZBL:

- To meet the requirements established in the *Planning Act*;
- To promote innovation in the creation of land use and development standards;
- To improve accessibility and understanding of the ZBL; and
- "ReThink" zoning through a sense of collective ownership and shared determination to see *The London Plan* realized.

3 Mandate

The Stakeholder Working Group is an advisory group to the Project Team, with no decision-making authority, guided by these Terms of Reference. It provides an opportunity for collaborative dialogue among a variety of stakeholders, such as community organizations and development industry organizations to discuss the development of the ZBL with City of London planning staff.

The mandate of the SWG is to provide an ongoing mechanism for input and collaborative advice to the Project Team on key points in the development of the ZBL .

The role of a SWG member includes:

- Acting as a sounding board for the Project Team to share and discuss ideas and findings at meetings;
- Providing guidance, critiques and suggestions on proposed approaches, concepts, and potential policies;

- Sharing advice and knowledge to help provide context and a well-informed planning process;
- Actively participating and sharing knowledge during discussions on ZBL provisions and implementation;
- Identifying potential issues or concerns and how these might be addressed;
- Participating in two-way communication between members' constituencies and the Project Team;
- Attending all the SWG meetings; and,
- Arriving to meetings prepared by reviewing any reports beforehand, in addition to preparing potential comments, questions, and/or concerns.

The following are the key terms and conditions of SWG membership:

- Members understand, accept and agree to abide by these Terms of Reference;
- Members are willing to commit to participating in the SWG throughout the duration of the ReThink Zoning process (quarterly meetings, encompassing a commitment of approximately 5-7 hours per quarter);
- Members will strive to complete work in a timely fashion and be prepared for all SWG meetings;
- Members will engage in respectful and constructive exchanges of ideas;
- Membership on the SWG may be revoked for:
 - Repeated absence;
 - Engaging in obstructive behaviour; or
 - Disrespectful behaviour, such as racist, sexist, ablist, or other discriminatory remarks against persons present at the meeting or pertaining to groups of people that call London home, and;
- Through their participation in the SWG, members agree to ensure a two-way flow of information between the organizations they represent and the Project Team.

4 Work Plan

It is proposed that the SWG meet virtually or in-person quarterly, corresponding to key milestones in the project, for the duration of the project scheduled to complete in Q4 2023. Meetings will be approximately 90 to 120 minutes in length, and should be anticipated to take place in the evening.

The table below includes a general work plan to illustrate the topics proposed for SWG meetings. It may be amended as the ZBL development progresses and should therefore be considered tentative as issues may arise that alter the workplan as envisioned. The work plan anticipates that the SWG will provide input and feedback on the topics discussed at each meeting. It is important that the meeting topics are adhered to, to ensure the onward development of the project.

If a member of the SWG is unable to attend a meeting, they are requested to brief and

arrange for an alternate to attend from their organization, and are encouraged to send any feedback and concerns to the Project Team before the scheduled meeting.

SWG Meeting	Meeting Topics
Meeting #1 Q2 2022	<ul style="list-style-type: none"> • Group introductions; • Review the TOR and set expectations surrounding SWG's involvement and how members would like to be involved in the engagement process; • Provide details and gather feedback on the Draft ZBL Outline and Sample Zones; • Clarify and note areas of interest for the first draft of the ZBL; • Discuss preliminary list of defined terms; and • Review next steps.
Meeting #2 Q3 2022	<ul style="list-style-type: none"> • Recap what was heard from engagement on the draft ZBL Outline and Sample Zones; • Provide details and gather feedback on the first draft of the ZBL; and • Review next steps.
Meeting #3 Q1 2023	<ul style="list-style-type: none"> • Recap what was heard from engagement on the first draft of the ZBL; • Provide details on what changed and gather feedback on the second draft of the ZBL; and • Review next steps.
Meeting #4 Q2 2022	<ul style="list-style-type: none"> • Recap what was heard from engagement on the second draft of the ZBL; • Provide details on what changed and gather feedback on the final draft of the ZBL; and • Review next steps.

5 Membership

SWG membership will consist of representatives from a variety of organizations interested in city-wide issues related to planning, development, and growth.

In order to ensure group cohesiveness and efficient discussion, committee membership is **limited to a maximum of 2 representatives** per organization, and select internal City staff.

- A. Membership shall reflect a broad range of perspectives, knowledge, and expertise and provide a voice for stakeholder perspectives; or
- B. Membership shall represent city-wide organizations interested in contributing to the conversation on planning, development, and growth in the City of London.

Membership will be by submission of interest to the City of London's project lead for ReThink Zoning (Senior Planner, Long Range Planning and Research) in response to the

SWG request for participation invite. Submission of interest will be received by email and respond to key questions provided in the request for participation invite.

6 Governance of the Working Group

6.1 Advisory Approach

It is envisioned that a consensus-based approach – where members seek general agreement on advice and recommendations to the Project Team – will be the operating mode for the SWG. If consensus is not achieved, differing perspectives and viewpoints will be recorded and noted in the SWG meeting minutes. Voting will **not** be used as the function of the SWG is to provide guidance and advice.

6.2 Facilitation and Secretariat

Meeting facilitation will be undertaken by LURA Consulting. The facilitation will include:

- Development of meeting agendas in consultation with the City;
- Facilitation of SWG meetings; and
- Record keeping and preparation of action items for SWG meetings.

6.3 Meeting Management, Agendas and Reporting

The following procedures will be used in convening meetings of the SWG:

- Quarterly meetings will be scheduled at the outset of the SWG process, and subject to confirmation based on the project schedule;
- Meetings are anticipated to take place on **Thursday evenings beginning at 6:30 p.m.** The exact date and time of the the meeting will be **confirmed by email to SWG members 2 weeks in advance.**
- LURA will distribute agendas and any materials to SWG members 5 business days prior to each meeting
- SWG members will be consulted on agenda items for future meetings at the conclusion of each meeting.
- The Project Team will prepare action items and key points from each SWG meeting. Meeting minutes will be prepared within 10 business days of each meeting.
- SWG members will also receive project information made available to the public and be invited to attend any community engagement events.

6.4 Advisors and Experts

The SWG may wish to invite or request additional advisors or experts (i.e., additional City staff not encompassed by the project team) to attend at various points during the project. Considerations will be given to each request by the Project Team and will be subject to timing, availability and budget considerations.

6.5 Resources

On behalf of the Project Team, LURA Consulting will provide the resources needed to

support the operation of the SWG, including facilitation, secretarial support and meeting materials and supplies.

6.6 Reporting Relationship

The SWG is acting in an advisory capacity to the Project Team and is not responsible for the decisions made by the Project Team. By participating as members of the SWG, members are not expected to waive their rights to participate in the democratic process and may continue to avail themselves of participation opportunities through other channels.

7 Freedom of Information and Protection of Privacy

Please note that the personal information provided through the SWG process will form part of the public record, as per the *Freedom of Information and Protection of Privacy Act*, and will not be protected from disclosure.

8 Term of Membership

Membership in the SWG is for the duration of the project – beginning in Summer 2022, including up to four (4) quarterly meetings.

9 Correspondence

The point of contact for all SWG correspondence is:

Melissa Campbell
Senior Planner, Long Range Planning
and Research
The City of London
Phone: 519-661-2489 x 4650
Email: mecampbe@london.ca

Alexander Furneaux
Project Manager
LURA Consulting
Phone: 289-768-5561
Email: afurneaux@lura.ca

10 Appendix A: City of London ReThink Zoning Stakeholder Working Group Meeting Schedule

The following is the proposed schedule of dates for SWG meetings. Dates for meetings #2 through #4 will be determined following a discussion at meeting #1.

Meeting #	Suggested Date
1 <i>Zoom virtual meeting</i>	Q2 2022 August 4, 2022 from 6:30 p.m. to 8:30 p.m.
2	Q3 2022
3	Q1 2023
4	Q2 2023

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: Seasonal Outdoor Patios Zoning By-law Amendment
Date: October 3, 2022

Recommendation

That on the Recommendation of the Deputy City Manager, Planning and Economic Development, with respect zoning regulations related to seasonal outdoor patios, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 17, 2022, to amend Section 4.18 of the Zoning By-law Z.-1.

Executive Summary

This report is in response to September 6, 2022, Municipal Council resolution, directing staff to report back on revised Zoning By-law regulations to remove seasonal patio operational date range restrictions and provide information regarding how the Alcohol and Gaming Commission of Ontario (AGCO) regulates capacity for outdoor patios.

Linkage to the Corporate Strategic Plan

This report supports the Growing Our Economy area of focus of the Corporate Strategic Plan, by increasing the efficiency and consistency of administrative and regulatory processes. It also enhances London's competitiveness by creating an innovative and supportive environment for local businesses.

Background

On September 6, 2022, Municipal Council resolved that the following actions be taken:

The application by The Corporation of the City of London, relating to outdoor patios **BE REFERRED** to Civic Administration to report back at a future meeting of the Planning and Environment Committee with a revised by-law removing the seasonal patio restrictions time in section 4.18 of not more than three consecutive days and the thirty-day limit, and to examine the mechanisms by which the Alcohol and Gaming Commission of Ontario regulates capacity.

Previous Reports Related to this Matter

- PEC: Patio Zoning By-law Amendment – March 29, 2021
- CPSC: B2B By-Law Extension - November 2, 2021
- CPSC: Zoning By-law Patio Review - June 21, 2022
- PEC: PPM Zoning patio regulations – August 22, 2022

Analysis

1.0 Key Considerations

The following outlines key considerations regarding this Zoning Bylaw amendment.

1.1 Date range of seasonal patio operations

Currently, the date range permitting outdoor seasonal patios includes allowances between *March 14 to November 16*. The August 22, 2022, staff recommendation included removing references to date ranges and was subsequently referred back to staff. Civic Administration is now recommending removing any reference to specific dates and to mimic the language outlined in the Liquor Licence and Control Act (2019),

which states that “no Seasonal Outdoor Patio or physical extension of a licensed premises shall be permitted for more than a **total of eight months** in a calendar year”.

1.2 Occupant load for the Interior of Buildings is determined by the OBC

The Ontario Building Code (OBC) provides the means for calculating the indoor capacity of all buildings. The OBC sets the ‘Occupant Load’ based on the type of use (occupancy) and how the interior space is arranged (fixed seats, standing, etc.).

1.3 Capacity Limits for Exterior settings such as patios

In London, neither the Building Division nor Fire Department assign the licensed capacity. As the AGCO indicates, where the municipal building department and fire department do not set the capacity, an applicant must submit floor plans that show occupancy and capacity that are stamped and signed by an architect or professional engineer.

Building Division staff check these submissions against the Building Code Assembly Use and Water Closets for Assembly Occupancies. Approval of a new outdoor patio (permanent) typically requires an amendment to the Site Plan, and associated review for zoning, capacity limits, location, parking requirements, and fire safety, among other things.

Staff’s recommendation includes keeping the current capacity provision for permanent patios *[No outdoor patio shall accommodate more than 50 percent (50%) of the licenced capacity of the restaurant with which the patio is associated, or 50 persons, whichever is the greater]*. The recommendation also includes adding *that seasonal outdoor patios follow a ratio of 1.11 square metres per person*, which is directly in line with the Liquor Licence and Control Act (2019). Staff are of the opinion that this provides for a little more flexibility for those businesses wanting to set up extra tables and chairs, while implementing a maximum ratio of how many people would be able to expand into the seasonal outdoor space (1.11 square metres per person).

1.4 The AGCO – Licensing and Capacity for new or extended seasonal patios

The AGCO require restaurants and taverns to apply for a liquor licence should they choose to serve alcohol. The approval of any new licenced temporary outdoor patios and patio extensions are under the authority of the AGCO and based on the following criteria:

1. The physical extension of the premises is adjacent to the premises to which the licence to sell liquor applies;
2. The municipality in which the premises is situated has indicated it does not object to an extension;
3. The licensee is able to demonstrate sufficient control over the physical extension of the premises;
4. There is no condition on the liquor sales licence prohibiting a patio; and,
5. The capacity of any new patio, or extended patio space where the licensee has an existing licensed patio, does not exceed 1.11 square meters per person.

1.5 Policy Context

The following policy documents were considered during the review of this amendment. The most relevant policies are the Provincial Policy Statement (PPS) 2020, the Official Plan, 1989, and the London Plan.

Recommended Zoning By-law Amendment

On September 6, 2022, Municipal Council resolved that the Civic Administration report back at a future meeting of the Planning and Environment Committee with a revised by-law removing the seasonal patio restrictions time in section 4.18 of not more than three

consecutive days and the thirty-day limit, and to examine the mechanisms by which the Alcohol and Gaming Commission of Ontario regulates capacity.

The recommended amendments are in accordance with the most recent Council direction and are included in 'Appendix A'. These amendments replace and/or amend portions of Section 4.18 Outdoor Patio Associated with a Restaurant or Tavern, contained in the Z.-1 Zoning By-law. The following is a summary of the amendment:

1. **Remove** references to specific months of operation for seasonal outdoor patios and align with the eight-month regulation based on the Liquor Licence and Control Act.
2. **Add capacity limits** for seasonal outdoor patios based on the Liquor Licence and Control Act at a ratio of 1.11 square metres per person.
3. **Add restrictions to** seasonal outdoor patios to protect accessible parking spaces.

Conclusion

The recommended amendment to the Zoning By-law Z.-1 is intended to assist local restaurant owners by providing additional outdoor seating at their establishments. The months of operation and capacity limits for seasonal outdoor patios are in keeping with the Liquor Licence and Control Act.

Prepared by: Mark Hefferton, MURP, RPP, MCIP
Development Policy Coordinator, Municipal Compliance

Submitted by: Nicole Musicco
Coordinator, Municipal Compliance

**Reviewed and
Concurred by:** Orest Katolyk, MLEO (C)
Director, Municipal Compliance

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

Appendix “A”

DRAFT BY-LAW

Outdoor Patio Associated with a Restaurant or Tavern

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

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

A by-law to amend the Zoning By-law Z.-1 for the City of London, 1993, relating to the regulation of Seasonal Outdoor Patios associated with a Restaurant or Tavern.

WHEREAS The Corporation of the City of London has applied to amend the General Provisions of the Zoning By-law Z-1, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

Section 4.18 (Outdoor Patio Associated with a Restaurant or Tavern) of the General Provisions is amended by adding and/or deleting the following:

 6) OUTDOOR PATIO, SEASONAL

[DELETE]

~~a. No seasonal outdoor patio shall be permitted between November 16 and March 14, inclusive;~~

[ADD]

a. No seasonal outdoor patio shall be permitted for more than a total of eight months in a calendar year;

[DELETE]

~~b. All structures and appurtenances associated with a seasonal outdoor patio must be removed between November 16 and March 14, inclusive;~~

[ADD]

b. All structures, appurtenances or physical extensions associated with a seasonal outdoor patio are not permitted for more than a total of eight months in a calendar year;

[ADD]

c. Notwithstanding Sections 4.18(1), any seasonal outdoor patio shall not exceed a CAPACITY of 1.11 square metres per person;

d. Notwithstanding Section 4.18(2), seasonal outdoor patios shall be setback a minimum of 6.0 metres from any residential zone which is not in combination with another zone;

e. Notwithstanding Section 4.18(5), there is no parking requirement for seasonal outdoor patios;

f. Notwithstanding Section 4.19, seasonal outdoor patios are permitted within required parking spaces for commercial uses; and,

g. No seasonal outdoor patio shall be located within required parking spaces for residential dwelling units.

[ADD]

h. No seasonal outdoor patio shall be located within an accessible parking space. Vehicular access to any such parking space shall not be impeded by any obstruction associated with a seasonal outdoor patio.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

3) This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on October __, 2022,

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – October __, 2022
Second Reading – October __, 2022
Third Reading – October __, 2022

Bill No.
2022

By-law No. Z.-1-22

A by-law to amend the Zoning By-law Z.-1 for the City of London, 1993, relating to the regulation of Seasonal Outdoor Patios associated with a Restaurant or Tavern.

WHEREAS The Corporation of the City of London has applied to amend the General Provisions of the Zoning By-law Z-1, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Section 4.18 (Outdoor Patio Associated with a Restaurant or Tavern) is amended by deleting 6) SEASONAL OUTDOOR PATIOS and replacing it with the following:
 - 6) SEASONAL OUTDOOR PATIOS
 - a) No seasonal outdoor patio shall be permitted for more than a total of eight months in a calendar year;
 - b) All structures, appurtenances or physical extensions associated with a seasonal outdoor patio are not permitted for more than a total of eight months in a calendar year;
 - c) Notwithstanding Sections 4.18(1), any seasonal outdoor patio shall not exceed a CAPACITY of 1.11 square metres per person;
 - d) Notwithstanding Section 4.18(2), seasonal outdoor patios shall be setback a minimum of 6.0 metres from any residential zone which is not in combination with another zone;
 - e) Notwithstanding Section 4.18(5), there is no parking requirement for seasonal outdoor patios;
 - f) Notwithstanding Section 4.19, seasonal outdoor patios are permitted within required parking spaces for commercial uses;
 - g) No seasonal outdoor patio shall be located within required parking spaces for residential dwelling units; and,
 - h) No seasonal outdoor patio shall be located within an accessible parking space. Vehicular access to any such parking space shall not be impeded by any obstruction associated with a seasonal outdoor patio.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on October 17, 2022

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – October 17, 2022
Second Reading – October 17, 2022
Third Reading – October 17, 2022