

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: 599-601 Richmond Street
City File: Z-9607 Ward 13
Public Participation Meeting

Date: July 17, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Westdell Development Corporation relating to the property located at 599-601 Richmond Street:

- (a) The request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Business District Commercial Special Provision Bonus Zone (BDC(1)*B-87) Zone **TO** another Business District Commercial Special Provision (BDC(_)) Zone, **BE REFUSED** for the following reasons:
- i) The requested amendment is not consistent with the Provincial Policy Statement, 2020, which promotes intensification and redevelopment in appropriate locations where appropriate levels of infrastructure and public service facilities are or will be available;
 - ii) The requested amendment does not conform to the policies of The London Plan, including but not limited to the Key Directions, City Design and Design policies, Intensity and Form policies of the Rapid Transit Corridor Place Type, Talbot Mixed-Use Specific Policy Area, and Near Campus Neighbourhoods policies;
 - iii) The requested amendment and proposed development represent an over-intensification of the site and do not satisfy the criteria of the Planning Impact Analysis.

Executive Summary

Summary of Request

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site from a Business District Commercial Special Provision Bonus Zone (BDC(1)*B-87) Zone to another Business District Commercial Special Provision (BDC(_)) Zone, to permit a 12-storey mixed-use apartment building with 89 residential units and 2 commercial units (for a total of 264 square metres), with 8 surface parking spaces, and to remove the previous Bonus Zone and requirements for affordable housing and quality design. Special provisions are required to permit a reduced rear yard setback of 4.4 metres, whereas 14.6 metres is the minimum required; a lot coverage of 91% whereas 70% is the maximum; a height of 39 metres/12 storeys whereas 12 metres is the maximum; and a density of 810 units per hectare.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to refuse the requested Zoning By-law amendment, thereby not allowing the development of a 12-storey mixed-used apartment building with 89 residential units and 2 commercial units (for a total of 264 square metres), with 8 surface parking spaces.

Rationale of Recommended Action

1. The requested amendment is not consistent with the *Provincial Policy Statement, 2020*, which promotes intensification and redevelopment in appropriate locations where appropriate levels of infrastructure and public service facilities are or will be available;
2. The proposed development does not conform to *The London Plan (2016)*, including, but not limited to, the Key Directions, City Design, Intensity and Form policies of the Rapid Transit Corridor Place Type, Protected Major Transit Station Areas (PMTSA) policies, and Near Campus Neighbourhoods policies;
3. The requested amendment and proposed development represent an over-intensification of the site and do not satisfy the criteria of the Planning Impact Analysis;
4. The facilities, services, and matters identified through the proposed bonus zone are not commensurate for the requested height and density.

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

1.1 Previous Reports Related to this Matter

On July 5, 2022 an amendment to change the zoning applicable to lands located at 599-601 Richmond Street from a Business District Commercial Special Provision (BDC(1)) Zone to a Business District Commercial Special Provision Bonus (BDC(1)*B-(_)) Zone was passed in Open Council, permitting the development of an eight (8) storey, 57-unit mixed-use building with 6 parking spaces.

1.2 Property Description

The subject site is located in the Central London Planning District on the southwest corner of Richmond Street and Central Avenue. The site consists of an existing two storey building with commercial uses on the ground floor and residential units above. The rear portion of the site is vacant and is used as a parking lot accessed from Central Avenue. Collectively, the site is approximately 0.11 hectares in size with a frontage of approximately 17.7 metres onto Richmond Street and 68.8 metres along Central Avenue.

The surrounding area consists of a mix of residential, office and commercial uses as well as Victoria Park to the southeast of the site. In this location, Richmond Street has two traffic lanes in both directions with dedicated turning lanes while Central Avenue has one lane of traffic in both directions with dedicated turning lanes. The site is currently well serviced by transit, which is anticipated to expand further as the site is located within the Rapid Transit Corridor Place Type and a Protected Major Transit Station Area. A public sidewalk is also provided on both sides of Richmond Street and Central Avenue and the site is adjacent to cycling and walking routes providing pedestrian connectivity.



Figure 1. Streetview of 599-601 Richmond Street S (view of the subject site, facing west from Richmond Street)



Figure 2. Streetview of 599-601 Richmond Street S and 205 Central Avenue (view of the subject site, facing southeast from Central Avenue)

1.3 Current Planning Information

- The London Plan Place Type – Rapid Transit Corridor at the intersection of a Rapid Transit Boulevard and Neighbourhood Connector; Talbot Mixed-Use Area; Near Campus Neighbourhood
- Existing Zoning – Business District Commercial Special Provision Bonus Zone (BDC(1)*B-87) Zone

1.4 Site Characteristics

- Current Land Use – Mixed-use Commercial/ Residential
- Frontage – 17.7 metres onto Richmond Street
- Area – 1,100 metres square (0.11 hectares)
- Depth – 68.8 percent
- Shape – Irregular

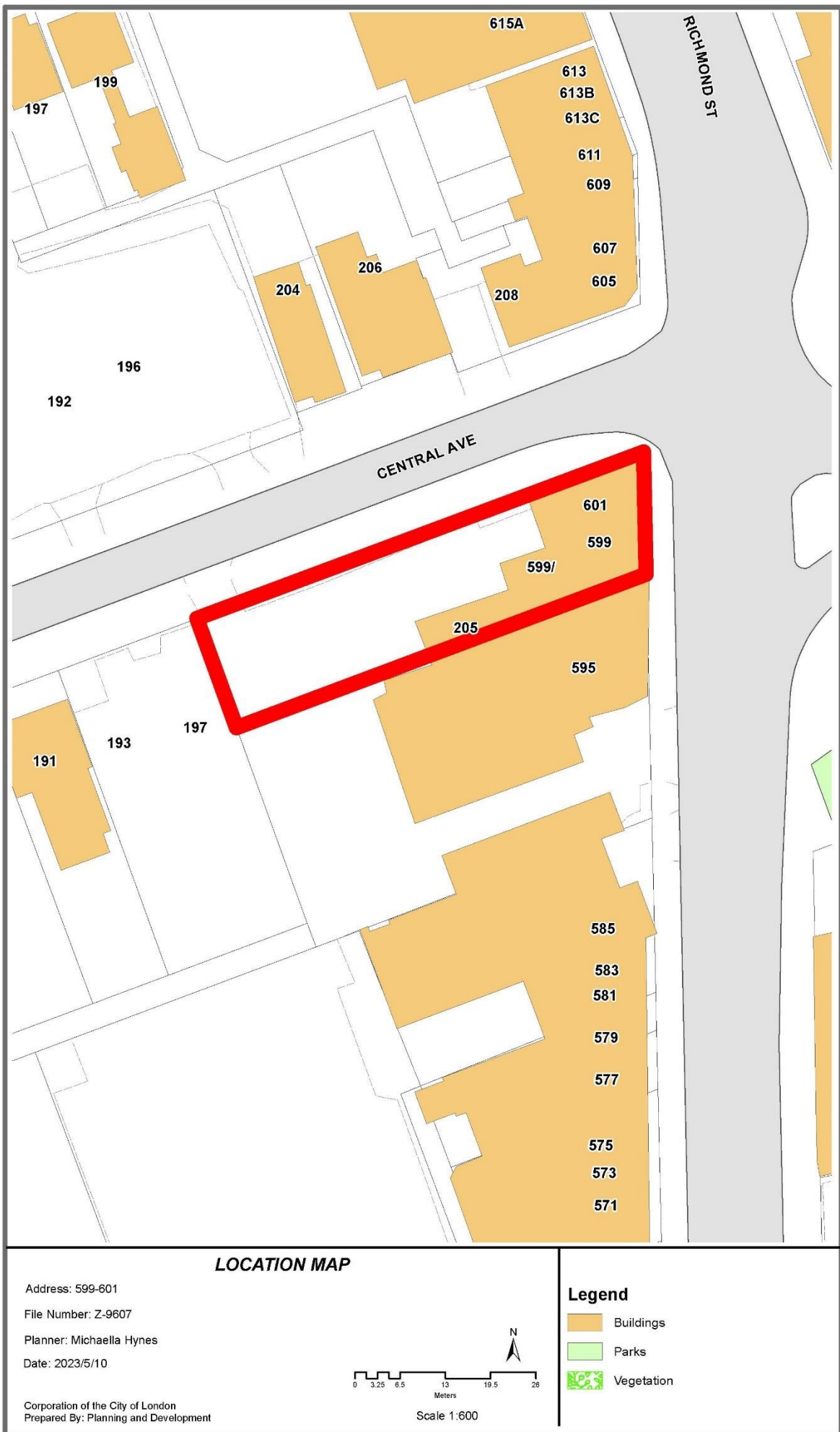
1.5 Surrounding Land Uses

- North – Commercial
- East – Commercial/ Office/ Open Space (Victoria Park)
- South – Commercial/ Office
- West – Commercial/ Residential

1.6 Intensification

- The proposed development represents residential intensification within the Built-Area Boundary through the addition of 89 units.
- The proposed development will represent residential intensification within the Primary Transit Area.
- The proposed development will represent residential intensification within the Near Campus Neighbourhoods Area.

1.7 Location Map



Description of Proposal

2.1 Development Proposal

The proposed 12-storey mixed-use apartment building development contains 89 residential units and 2 commercial units (for a total of 264 square metres of gross floor area) at a density of up to 810 units per hectare (UPH) and a maximum height of 39 metres. Vehicle access is provided via the existing parking lot off Central Avenue leading to 8 surface parking spaces.

The proposal also includes the removal of the previous Bonus Zone and requirements for affordable housing units and quality urban design.

The Applicant has indicated through additional correspondence that they intend to keep the previously provided 4 affordable housing units as required through the previous Bonus Zone. It should be noted that based on the new proposal for additional height an additional 3 units would be required through the previous bonusing provisions.

A site plan, floor plans, elevations and renderings of the proposed development are shown in Figures 3-6 below.

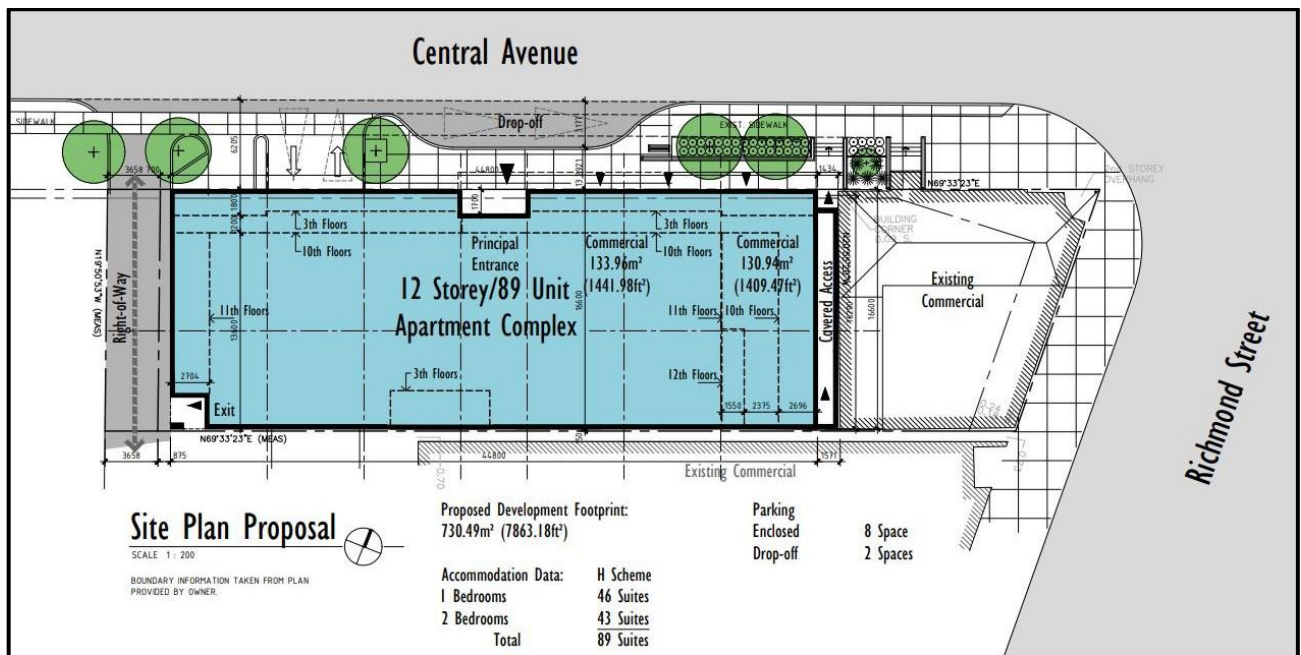


Figure 3. Conceptual Site Plan



Figure 4. North Building Rendering

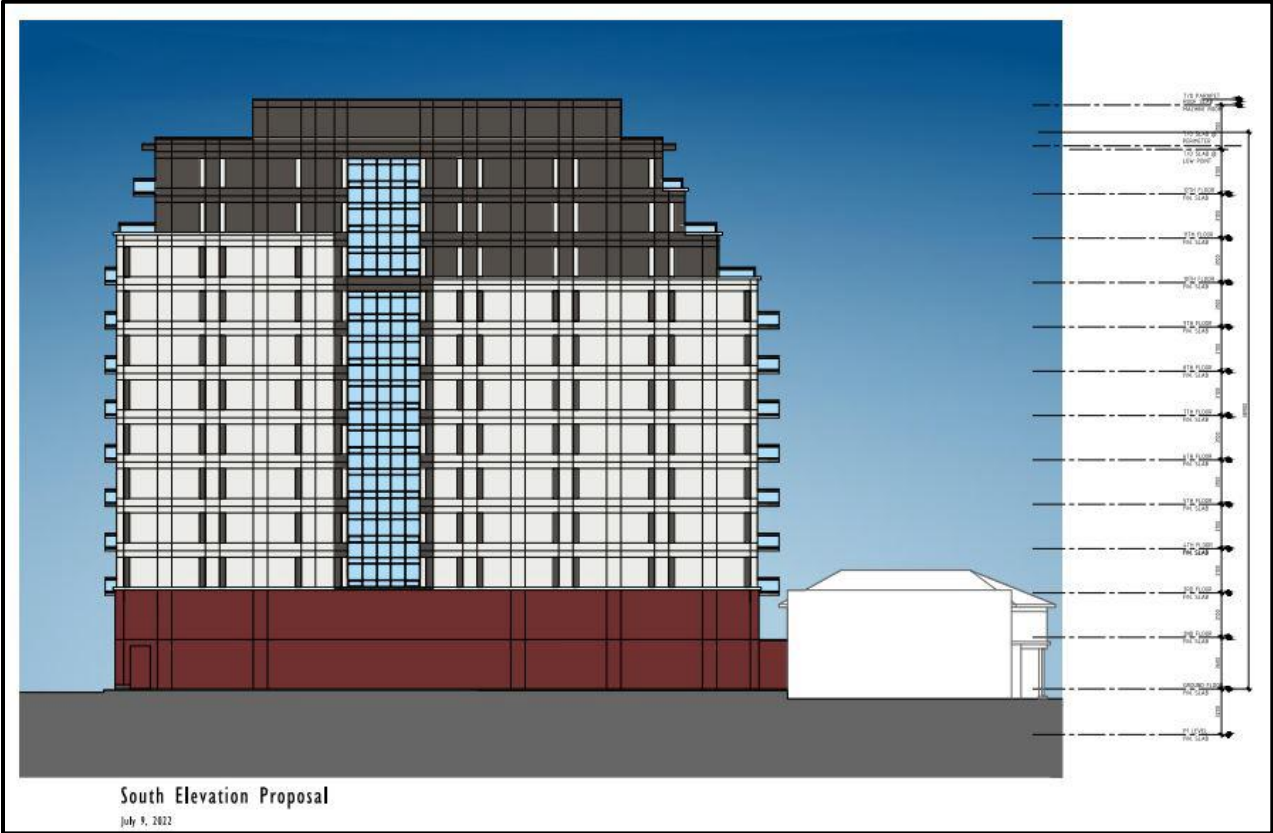


Figure 5. South Building Rendering

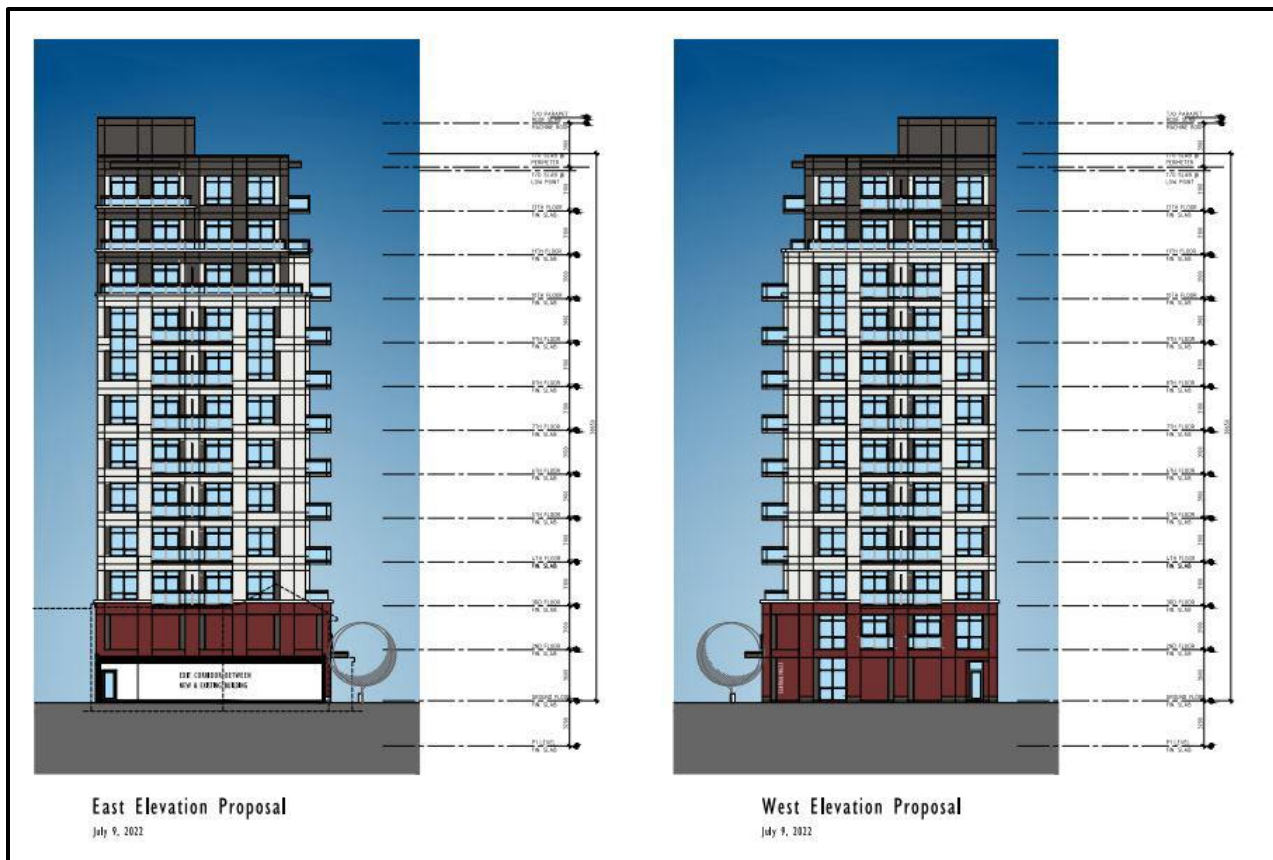


Figure 6. East and West Building Renderings

2.2 Requested Amendment

The applicant has requested to rezone the subject site from a Business District Commercial Special Provision Bonus Zone (BDC(1)*B-87) Zone to another Business District Commercial Special Provision (BDC(_)) Zone to permit a 12-storey mixed-used apartment building with 89 residential units and 2 commercial units (for a total of 264 square metres), with 8 surface parking spaces.

Special Provisions are also requested to permit:

- A minimum rear yard depth of 4.4 metres whereas 14.6 metres is required;
- A maximum lot coverage of 91% whereas 70% maximum lot coverage is permitted;
- A maximum height of 39 metres;
- A maximum density of 810 units per hectare.

2.3 Community Engagement (see more detail in Appendix A)

The public was provided with opportunities to provide comments and input on the application. There were 5 public responses received during the community consultation period. Comments from the public include: intensity and height out of scale with the neighbourhood; too many units in too small a space; removal of existing green space; unsympathetic to neighbourhood character; lack of parking; and concerns with respect to the removal of the bonus zone.

2.4 Internal and Agency Comments (see more detail in Appendix B)

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

2.5 Policy Context (see Appendix C for more detail)

The London Plan, 2016

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 1, 2, 4 and 5).

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

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

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

- Thinking “big picture” and long-term when making planning decisions – considering the implications of a short-term and/or site-specific planning decision within the context of this broader view. (Key Direction #8, Direction 3)
- Integrating affordable forms of housing in all neighbourhoods (Key Direction #7, Direction 10).
- Ensuring new development is a good fit within the context of an existing neighbourhood. (Key Direction #8, Direction 9).

3.0 Financial Impacts

There are no direct municipal financial expenditures with this application.

4.0 Key Issues and Considerations

4.1 Issue and Consideration #1 – Provincial Policy Statement (PPS), 2020

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

The PPS promotes efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; accommodate an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long-term needs; and the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1).

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; 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).

Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by permitting and facilitating all types of residential intensification, including additional residential units, and redevelopment; promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations (1.4.3).

Policy 1.6.7.4 of the PPS further encourages land use patterns, densities and a mix of uses that reduce the length and number of vehicle trips and support current and future use of transit and active transportation. 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 subject site is located in an area well serviced by existing and planned transit. As such, staff agree the site would be suitable for residential intensification; however, staff are also of the opinion that residential intensification in this location needs to be of an appropriate scale and density to meet the Province's goals for a range and mix of housing options, efficient use of land, and transit-supportive development. The application, as proposed, is not consistent with the PPS.

4.2 Issue and Consideration #2 – Use

The policies for the Rapid Transit Corridors Place Type include a number of implementation measures, including planning for a mix of residential and a range of other uses along corridors to establish demand for rapid transit services and allowing for a wide range of permitted uses and greater intensities of development along Corridors close to rapid transit stations (830_4 and 5). However, the interface between corridors and the adjacent lands within less intense neighbourhoods must also be carefully managed (830_6).

A range of residential, retail, service, office, cultural, recreational, and institutional uses may be permitted within the Corridor Place Type (*837_1) . Mixed-use buildings are encouraged, and where there is a mix of uses within an individual building, retail and service uses will be encouraged to front the street at grade (*837_2 and 4). Consistent with the general Use policies of the Rapid Transit Corridor Place Type, a range of residential, retail, service, office, cultural, recreational, and institutional uses may be permitted in the Rapid Transit Corridor Protected Major Transit Station Areas. Mixed-use buildings are encouraged (860E_).

The proposed development provides for a mixed-use building with commercial uses at grade and residential above. As such, staff are agreeable that the proposed uses are in conformity with the policies of The London Plan.

4.3 Issue and Consideration #3 – Intensity

Located in the Primary Transit Area and along rapid transit routes, the Rapid Transit Corridors Place Type will be some of the most highly-connected neighbourhoods in our city and are linked to the Downtown and Transit Villages. Most of these corridors will be fundamentally walkable streetscapes, with abundant trees, widened sidewalks, and development that is pedestrian- and transit-oriented. Those parts of the Rapid Transit Corridors that are in close proximity to transit stations may allow for a greater intensity and height of development to support transit usage and provide convenient transportation for larger numbers of residents (827_).

Development within Corridors will be sensitive to adjacent land uses and employ such methods as transitioning building heights or providing sufficient buffers to ensure

compatibility (840_1). Lot assembly is encouraged within the Corridor Place Types to create comprehensive developments that reduce vehicular accesses to the street and to allow for coordinated parking facilities (840_3). Lots will be of sufficient size and configuration to accommodate the proposed development and to help mitigate planning impacts on adjacent uses (840_4.). High-rise buildings up to the limits set out in Table 9, may be permitted in conformity with the Our Tools policies of this Plan (840_7.). The Zoning By-law will include regulations to ensure that the intensity of development is appropriate for individual sites (840_8.). The full extent of intensity described above will not necessarily be permitted on all sites within the Rapid Transit and Urban Corridor Place Types (840_9.).

Properties located on a Rapid Transit Corridor within 100 metres of rapid transit stations, or properties at the intersection of a Rapid Transit Corridor and a Civic Boulevard or Urban Thoroughfare, are permitted a standard maximum height of 12 storeys. However, the subject lands are not located within 100 metres of a rapid transit station, nor are they located at the intersection of a Rapid Transit Corridor and a Civic Boulevard or Urban Thoroughfare. In addition, the lands are located on a Rapid Transit Corridor intersecting a Neighbourhood Connector, a lower order street.

Each Rapid Transit Corridor Protected Major Transit Station Area will be planned to achieve a minimum number of 120 residents and jobs combined per hectare (860B_). Consistent with the general Intensity policies, the minimum building height is two storeys or eight metres and the upper maximum building height is 12 storeys, or 16 storeys for areas within 100 metres of a rapid transit station (860C_). The minimum density is 45 units per hectare for residential uses or a floor area ratio of 0.5 for non-residential uses (860D_).

Staff agree the site is in an appropriate location for appropriate development, given its location adjacent to existing services, transit, and the downtown, but the proposed development represents an intense built form that is inconsistent with the established land use pattern and surrounding neighbourhood, and over intensifies an existing small-scale site (0.11 ha). No additional land consolidation has occurred in order to help provide a site of sufficient size which would appropriately mitigate the impacts of the additional height and intensity and no active frontage along the Transit Corridor has been achieved where the greater heights would be encouraged. The proposed intensity would be much greater than the surrounding low-rise residential neighbourhood to the west and increases the risk of issues of compatibility with the surrounding context. Staff have previously identified the level of intensity and development possible for the site through the previous zoning by-law amendment application from 2022.

As noted above, staff have significant concerns with the proposed building form and risk of over intensification of the site, given the size of the site. These issues are addressed in greater detail in Sections 4.4 and 4.6 of this report. The proposed intensity conflicts with the overall vision of the Rapid Transit Corridor Place Type, therefore it is recommended the requested amendment be refused.

4.4 Issue and Consideration #4 – Form

The Form policies of the Rapid Transit Corridor Place Type establish a number of directions for planning and development applications. These policies direct buildings to be sited close to the street to create a pedestrian-oriented street wall while providing appropriate setbacks from properties adjacent to the rear lot line, break up and articulate the mass of large buildings fronting the street to support a pleasant and interesting pedestrian environment, and encourage windows, entrances and other features that add interest and animation to the street (841_2 and 841_3). Surface parking areas should be located in the rear and interior side yards; underground parking and structured parking integrated within the building design is encouraged (841_12). In general, buildings are to be designed to mitigate the impact of new development on adjacent neighbourhood areas (841_13).

In addition to the Form policies of the Rapid Transit Corridor Place Type, all planning and development applications will conform with the City Design policies of The London

Plan (841_1). These policies direct all planning and development to foster a well-designed building form, and ensure development is designed to be a good fit and compatible within its context (193_1 and 193_2). The site layout of new development should be designed to respond to its context, the existing and planned character of the surrounding area, and to minimize and mitigate impacts on adjacent properties (252_ and 253_).

High and mid-rise buildings should be designed to express three defined components: a base, middle, and top (289_). High-rise buildings should be designed to minimize massing, shadowing, visual impact, and the obstruction of views from the street, public spaces, and neighbouring properties. To achieve these objectives, high-rise buildings should take the form of slender towers and should not be designed with long axis where they create an overwhelming building mass (293_).

Base

High-rise buildings will incorporate a podium at the building base, or other design solutions to reduce the apparent height and mass of the building on the pedestrian environment, allow sunlight to penetrate the right-of-way, and reduce wind impacts (929_). The base should establish a human-scale façade with active frontages including, where appropriate, windows with transparent glass, forecourts, patios, awnings, lighting, and the use of materials that reinforce a human scale (289_1).

The base of the building has been designed with many positive features, which were commended by Urban Design staff. These include: an active built form along the Central Avenue Street edge, and creation of a distinct base with an animated multi-storey podium. An elevation depicting the base of the building is contained in Section 2.1.

Middle and Top

The middle should be visually cohesive with, but distinct from, the base and top (289_2). The middle of the building is the portion of the building above the podium-base and consists of the residential tower. The top should provide a finishing treatment, such as roof or a cornice treatment, to hide and integrate mechanical penthouses into the overall building design (289_3.).

The middle of the proposed building consists of one uniform projection from floors 2-9. This results in a heavy slab-like building mass that imposes on the street frontage and the surrounding neighbourhood.

Staff have identified the following design refinements required for the building:

- Reduce the overall height of the building to be more sympathetic to the existing and planned context of the neighbourhood (298_, 841_13.);
- The adjacent properties to the west and north are within the Neighbourhoods Place Type in The London Plan, and as such, would be expected to develop with low/mid-rise forms. An apartment building form in this location should provide a transition in heights down to the maximum heights proposed in the Neighbourhoods Place Type on these properties (3-4 storeys);
- The proposed development should be more sympathetic to the existing 2-3 storey heights along Richmond Street and should transition down to be more compatible with these forms;
- A step-back should be provided above the 2nd or 3rd storey along Central Avenue to minimize any negative impacts the taller portions of the building may have on the pedestrian environment (wind, shadows etc.) (286_, 292_, 848_4.);
- If the proposed built-form takes the form of a high-rise building (9+ storeys), the tower portion should be designed as a slender tower without a long axis to ensure shadowing and privacy impacts are minimized on adjacent properties (293_);
- A maximum floor plate size of 1000m² at a ratio of 1:1.5 is considered best-practice for achieving a slender tower design;

- Include provisions for a minimum ground floor height of 4.5m and a minimum percentage of transparent glazing on the building's podium/base and street-facing elevation to facilitate an active ground floor along Central Avenue and to alleviate safety issues associated with blank facades (289_).

The application was also reviewed by the Urban Design Peer Review Panel (UDPRP) on April 15, 2023. The UDPRP provided the following comments:

- Given that the area around Victoria Park will likely be a prominent center for intensification with high-rise buildings springing up on adjacent properties, additional care should be taken to ensure the project is a positive urban contribution to the evolving neighbourhood, and that it is carefully planned in anticipation of future adjacent development. The panel has concerns with the scale of the building and the 0m south building setback. The panel notes that the building height seems too high by at least 4 stories. The 0m setback noted above, as currently presented, makes for a bleak and lifeless south façade.
- As this is a compact urban project, development of a full block plan is recommended to look at the overall block in terms of tower placement, site organization, building setbacks, vehicular circulation, and building service access including garbage pickup.
- Consider widening the west laneway to minimum 6m so that access to the parking garage can be from the back of the laneway rather than from the street. Garbage pickup location will also need to be considered. The panel notes that it appears the west facing balconies are over-hanging the right-of-way.
- Consider the increased laneway width noted above. These balconies could also be revised to Juliet balconies to eliminate the overhang.
- Given the tight setbacks on the site, the proposed single-loaded corridor floor plan is appropriate. However, consideration should be given to an increased setback on the south side of the building to allow for more glazing, and to not limit possibilities for future development of the adjacent property to the south.
- At a minimum, the panel recommends that additional recesses be provided along the length of the south façade. For example, the L-shaped corner of the internal corridor could be pushed further east and west, to allow for additional glazed recesses at the east and west sides of the proposed exit stairs.
- The panel suggests rearranging the east and west end units to allow the building massing to step back from the corners so that some additional glazing can be provided on the south façade.
- The panel notes that the landscape approach as currently presented will require further development and input from the City to be part of it's success. It appears there are trees interfering with vehicular circulation; adequate landscaping along the street frontage has not been provided; and there is not adequate landscaped amenity space at the ground floor.
- The proposed lay-by on city property does not seem feasible, and it limits opportunities for landscaping at grade. The panel recommends the proposed layby should be removed, and further discussion should be had with the city.
- In addition to consideration of amenity space along the building frontage noted above, the panel suggests providing additional setbacks at the upper floors of the building and providing common rooftop outdoor amenity spaces.
- As noted above, the panel strongly recommends further consideration be given to the south façade. There should be increased glazing and increased architectural articulation as this tower will be highly visible in a high pedestrian traffic urban neighbourhood.
- The panel notes that given the location in a prominent urban neighbourhood, the entire street frontage along the ground floor should be programmed with commercial, lobby, and/or amenity space. At a minimum, the panel notes the parking garage access should not be from the front of the building. Consider widening the west drive isle and providing vehicular access to the parking garage at the side/rear of the building.
- The 'two-tower' elevation concept is appreciated. However, the concept seems to be more successfully executed on the south façade than on the north façade. The north façade should take cues from the south façade (despite the above

comments on the need for set-back, glazing, and articulation). Consider the following:

- Creating a strong vertical break at the location intended through introducing a continuous (from bottom to the top) recess;
- Replacing the projected balconies with the Juliet balconies, which may require some adjustment to the floor plan.
- The panel recommends considering provision of a datum line at the 8th floor on both 'towers';
- The panel recommends examining the effects of the continuous canopy on the 1st floor along the commercial frontage. While we recommend extending the canopy and active frontage through the west extent of the frontage as noted above, consider breaking it up into pieces in association with the units. At a minimum, the canopy above the residential entrance should be separated from the canopy above the commercial units.

While the proposed built form offers some positive features and has addressed some of the City Design and Form policies of the Rapid Transit Corridor Place Type, there are substantial revisions required to the building which to date have not been addressed. Failure to incorporate these revisions into the design results in a very heavy building mass that is inconsistent within the context of the site and imposes on the surrounding low density residential neighbourhood.

4.5 Issue and Consideration #5 – Near-Campus Neighbourhoods

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_).

The policies of The London Plan establish a number of planning goals in an effort to support this vision for these neighbourhoods (965_). 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 Type where the following criteria is met (968_):

- The proposed 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 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 proposed 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.

Urban design qualities are to be incorporated into the design to ensure intensification projects contribute to the character of the neighbourhood while respecting the residential amenity of nearby properties. Zoning is to be utilized to ensure residential intensification occurs in a manner which is appropriate in form, size, scale, mass, density, and intensity. The proposed development does not satisfy these policies, as the intensity and density result in an over-intensification of an undersized site.

Staff is agreeable that redevelopment of the subject lands into a mid-rise form of development (8 storeys) aligns with the intent of the Near-Campus Neighbourhoods policies. The subject lands are located on a higher order street in a strategic location where residential intensification would be appropriate. High-rise forms of redevelopment are preferred in Near-Campus Neighbourhoods and are directed to significant transportation nodes and corridors, away from the interior of neighbourhoods. However, the proposed form, scale, mass, density, and intensity are not appropriate for the site, as detailed in the Planning Impact Analysis contained in Appendix B of this report.

The proposed development is located on a parcel not of a suitable size and shape to accommodate the proposed 12 storey building. The intensity of the proposed development is too great and would result in over-intensification of the site and impacts on the adjacent properties. The proposal would contain a built form that is not consistent with the scale and character of the surrounding neighbourhood.

The proposal represents an “ad-hoc” or incremental trend towards residential intensification. The past application submitted and approved at 8 storeys represents a form and level of intensity that was supported by staff and Council, in exchange for the facilities and services (affordable housing) commensurate with the development proposed. Another application for increased height and density less than one year after the original proposal is a clear example of the ad-hoc changes the City is trying to avoid.

As such, the proposed development does not satisfy the criteria for residential intensification in the Near-Campus Neighbourhoods.

4.6 Issue and Consideration #6 – Bonus Zoning, Zoning Considerations

Bonus Zone

As detailed previously in the report, a zoning by-law amendment application was approved for the site in June 2022. The purpose and effect of the recommended action was to permit the development of an eight (8) storey, 57-unit mixed-use building with 6 parking spaces, at a density of 519 units per hectare.

The Bonus Zone (B-87) was approved in exchange for the following:

- High-quality mixed-use building, with a built form located along Central Ave that establishes a built edge with primary building entrance, street-oriented units and active uses along this frontage; Treatment of the first two-storeys of the proposed building contrasts with the remainder of the building above to clearly delineate the attractive, pedestrian-oriented area within the public realm; A contemporary flat roof, with modern cornice lines and canopies for the balconies along the north side of the building, effectively announce the top of the building and help distinguish the building along the corridor; A variety of materials, colours and textures break up the massing of the building into smaller sections, both vertically and horizontally, to appropriately frame the street and enhance the streetscape; and
- The provision of affordable housing - a total of two 1-bedroom residential units and two 2-bedroom residential units will be provided for affordable housing, with rents not exceeding 85% of the Average Market Rent (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy. the duration of affordability set at 50 years from the point of initial occupancy, and the proponent enter into a Tenant Placement Agreement (TPA) with the City of London to align the affordable units with priority populations.

Special provisions for the bonus zone include:

- Existing Building - To recognize the existing building and uses the following special provisions were implemented:
 - a minimum 0.0 m front yard setback;
 - a minimum 0.0 m exterior side yard setback;
 - 2 existing residential units; and
 - 180m² of ground floor commercial.
- Proposed Building - The following special provisions were added to the B-87 Zone for the proposed development:
 - a minimum 0.0 m exterior side yard setback ;
 - a minimum 0.5m exterior side yard setback for any pedestrian entranceway;
 - a minimum 1.0m step back above the 2-storey
 - a minimum rear yard setback of 6.0m abutting a residential zone ;
 - 57 proposed residential units;
 - a maximum density of 519 units per hectare;
 - a maximum height of 8-storeys(28m);
 - ground floor commercial space consisting of 270m² for 2 commercial retail units;
 - a maximum lot coverage of 100%; and
 - a minimum of 8 parking spaces in total;

The ability to request or achieve affordable housing units through Bonusing has been removed as a result of the Planning Act changes brought about by Bill 108, More Homes, More Choices Act, 2019. The legislative changes removed bonus zoning as a tool for cities to acquire facilities, services and matters in favour of greater height and density allowances through Section 37 of the Planning Act.

With the existing Bonus Zone, the applicant is compelled to provide the affordable housing units, through zoning and the permissions through the Bonus Zone in order to facilitate the approved 8-storey apartment. The Applicant has indicated they are still willing to provide the 4 affordable housing units, however, there is no mechanism that

the City can employ to require these units. Additionally, based on the new height and density proposed the applicant would be required to provide 7 units based on the formula previously used under the old bonusing standards. With the implementation and approval of the proposed new zone, the Bonus Zone would be removed from the site with no requirement for the applicant to provide affordable housing. Should the applicant determine through site plan that providing the affordable housing units is no longer financially feasible, even with an 'agreement' in place, these units could be removed.

This proposed amendment may also set a precedent for other applications with Bonus Zones. Staff have conducted a review of previously approved Bonus Zone applications to determine the number of affordable housing units that are provided through a Bonus Zone. At this time, 409 affordable housing units are earmarked through Bonus Zoning. Twenty-one (21) of those units are under construction, leaving 388 units vulnerable to a zoning amendment. The removal of these units would severely affect affordable housing units within the City.

Further, the change in units and height does not translate into additional affordable housing units. The City can no longer ask for additional affordable housing units through zoning, and the Applicant has not indicated they would be willing to provide additional units to commensurate with the additional height and density.

Special Provisions

Special Provisions requested as part of the application include:

- A minimum rear yard depth of 4.4 metres;
- A maximum lot coverage of 91%;
- A maximum height of 39 metres;
- A maximum density of 810 units per hectare.

Staff have concerns with the extent of relief and special provisions needed to facilitate the proposed development, as this is a frequent indicator of over-development. The proposed BDC (BDC(_)) Zone regulates setbacks based on building height, requiring increased minimum setbacks for taller buildings. Staff typically support the general request for reduced front and exterior side yard depths, as this enables the building to be brought closer to the public streets to achieve an activated streetscape. However, as noted previously in 4.4 of this report, staff's comments on design have identified greater setbacks should be provided above the building base to facilitate a more human-scale, pedestrian oriented streetscape.

Parking, Layby

Through the previous application, a Parking Review was provided to justify the significant reduction in parking. Since the previous application, the requirements for parking have been updated, and the requirement for parking for sites located on rapid transit corridors that support public transportation, such as Richmond Street, and in close proximity to the downtown, and additional transit routes, as been removed. The new application now proposes 8 parking spaces, which Site Plan has identified as not being functional. The ability to provide accessible parking spaces may be an issue.

Through the proposed site plan, the Applicant has shown a layby located on the City boulevard. Transportation has indicated this is not acceptable. This drop-off space shown on the Central Ave right-of-way was not supported by Transportation through the previous zoning amendment, noting that a 3.5m x 12.0m paratransit layby is required for new apartment buildings per the Site Plan Control By-law.

Amenity Area

The site is largely occupied by the proposed building and hardscaping. The proposed development offers no outdoor amenity area at grade on the property. The Applicant has indicated that due to the site's close proximity to Victoria Park, amenity space is not needed on this site. However, staff have concerns given the proposed density of

development with the lack of amenity space provided, which also speaks to the over intensification of the site.

4.7 Issue and Consideration #7 – Heritage

The existing building on site is a listed property on the City's Register of Cultural Heritage Resources and is also adjacent to another listed property at 595 Richmond Street. A Heritage Impact Study (HIA) was provided as part of the complete application. Heritage staff have accepted the HIA, which recommended the building be designated. The zoning amendment application has triggered a Notice of Intention to Designate (NOID) the property pursuant to Part IV of the Ontario Heritage Act. Staff recommended that Council issue a NOID at the June 19th PEC meeting, which was not supported by PEC or Council. Council has decided not to initiate a designation for the front portion of the site.

Conclusion

The proposed development is not consistent with the Provincial Policy Statement, 2020, which promotes intensification and redevelopment in appropriate locations where appropriate levels of infrastructure and public service facilities are or will be available. The proposed development does not conform to *The London Plan (2016)*, including, but not limited to, the Key Directions, City Design, Intensity and Form policies of the Rapid Transit Corridor Place Type, Protected Major Transit Station Areas (PMTSA) policies, and Near Campus Neighbourhoods policies. The proposed development and requested zoning represent an over-intensification of the site, do not satisfy the criteria of the Planning Impact Analysis, and the facilities, services, and matters proposed through the bonus zone are not commensurate for the requested height and density. As such, it is recommended the requested amendments be refused.

Prepared by: Nancy Pasato, MCIP, RPP
Senior Planner, Development Services

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

Recommended by: Heather McNeely, MCIP, RPP
Director, Planning and Development

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

Copy: Britt O'Hagan, Manager, Current Development
Michael Pease, Manager, Site Plans
Ismail, Abushehada, Manager, Development Engineering

Appendix A – Public Engagement

Community Engagement

Public liaison: On Wednesday, April 19, 2023, 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 Thursday, April 20, 2023. A “Planning Application” sign was also placed on the site.

Nature of Liaison: The purpose and effect of this zoning change is to permit a 12-storey mixed-use apartment building with 89 residential units and 2 commercial units (for a total of 264 square metres), with 8 surface parking spaces, and to remove the previous Bonus Zone and requirements for affordable housing and quality design. Possible change to Zoning By-law Z.-1 FROM a Business District Commercial Special Provision Bonus Zone (BDC(1)*B-87) Zone to another Business District Commercial Special Provision (BDC(_)) Zone. Special provisions are required to permit a reduced rear yard setback of 4.4 metres, whereas 14.6 metres is the minimum required; a lot coverage of 91% whereas 70% is the maximum; a height of 39 metres/12 storeys whereas 12 metres is the maximum; and a density of 810 units per hectare.

Public Responses: Replies were received from, or on behalf of 4 households.

1. Chris Gray

I would like to offer my concern on the proposed plan for File Z-9607 599-601 Richmond street.

The LACK OF PARKING for residents and guests will be greatly noted within the neighborhood for both existing and future residents.

This new proposal, along with the proposal for a build at 200 Albert Street takes away much of the short-term parking spaces which are used by visitors to residents in the area, customers for shops and restaurants along Richmond street and for huge crowds who attend events at Victoria park.

I would propose that a parking garage be included in this plan (perhaps underground) for public use.

Our condo at ----- does have 2 parking spots but our visitors often find it difficult to park now, let alone when the outdoor parking at both 200 Albert street and the lot on Central Ave disappear

2. Heather Chapman

Hello Nancy,

I have these concerns:

1) The consultant for the Sewer Study has a disclaimer in it that is not comforting. I don't see that there have been enough upgrades to the infrastructure of the old sewer systems for the 5 new builds in progress in the nearby streets let alone this build and other new builds being applied for. The consultant seems not to acknowledge that this older area of the city as already being more densely populated than the urban examples they use. And they do not factor in the addition of future commercial businesses to the street level units which by their purpose, will require more water and more frequently utilized restrooms.

2) The removal of requirement of quality urban design, is not acceptable given what the neighbours and the Westdel's public relations representative clearly understood and agree upon in a previous zoom meeting arranged by Central Avenue home owner, and Neighbourhood Advisory Group, leader, Pat Cullimore. And this would not fit with the London Plan.

3) Even though the latest application includes 2 units for affordable housing, they should be 2 bedroom units so that 2 parties can share the rent. is affordable in this way. The removal of the “requirement” for affordable housing units is uncharitable given the struggles of many London residents who are on the edge of being displaced because the rentals in our city are so terribly inflated compared to other Ontario city of the same size and a make up as London. There is still enough profit. The Zoning By-Law both current and proposed is for diversity of age and abilities.

4) The addition of 4 additional storeys is out of scale with the neighbourhood.

You have my permission to share this email with any and all parties.

3. Patricia Cullimore

Dear Ms Pasato,

As a long-term resident of the area, I DO NOT support the application to amend the zoning for Westdell for the subject property, from 8 to 12 stories. The original building height approved, which is consistent with existing City by-laws, was 8 stories and was supported by neighbourhood residents (A Zoom meeting with Strik Baldinelli Moniz, the store manager of Starbucks and a City planner was held on December 1, 2021 and, it was at this meeting that an affordable housing component (2-3 units offered at 80-85%market rent), through bonusing, was made available.) Perhaps I am in error but, my understanding is that the Ford government no longer supports bonusing by municipalities as it was found not to be effective?

I DO NOT support this application because:

1) I think 12-stories is too high for this neighbourhood. 12-stories will add approximately 40' to the height of this building. Despite the Richmond Street address, this development will front onto Central Avenue is much narrower than Richmond Street.

2) If this application is approved, I think it sets dangerous precedents in two areas:

a) Affordable housing-a concern expressed by Ward 13 Councillor Ferreira. Three affordable units would have represented 5.7% of the approved 53-residential units. With the addition of four more stories (adding 36-residential units for a total of 89), the developer is not offering any additional affordable units bringing the percentage down to 3.4.

b) The need for developers to find compromise with residents of the neighbourhoods in which they build but do not reside. I am personally concerned as the four properties across the street from my home have been purchase by York Developments and will eventually be turned into mid-rises. Development will be on the south side of the street and there is a possibility I will never see sunlight again. For Westdell to make this application now, after 2-years have elapsed since neighbourhood residents were consulted is, in essence, bargaining in poor faith. Perhaps Westdell is 'never letting a good crisis (i.e. housing) go to waste' by making this application now.

Thank you for your invitation to comment.

4. Anna-Maria Valastro

Dear Neighbour,

The last London City Council approved a development at 599-601 Richmond St at Central Ave. without considering any of the significant concerns raised by the community or its heritage planner. It was approved prior to Bill 23 - the provincial legislation that removes restrictions on new development such as development fees, affordable housing and urban design requirements.

Al Faez Real Estate Corp., which owns the property, is resubmitting the proposal under Bill 23. It is now a 12 storey building, with 89 units being shoe-horned into a property that is approximately 7 car lengths long and 3 car lengths deep. It is proposing to cut away the only green space in that section of the street - the boulevard, and is hostile to children and families as the units are primarily compact 1 bedroom and 2 bedroom units with no green amenity space. It is expensive, exclusionary housing that is already over represented in the North Talbot neighbourhood.

In North Talbot, renters are being charged approx. \$1400 PER ROOM in student housing. Therefore, these new units are not likely to be affordable. That is not what this neighbourhood needs.

Below is a well researched response to this proposal. I know everyone is tired of these aggressive proposals that give neighbourhoods "the middle finger" and a divided council that is also hostile to neighbourhoods, but read the letter below and add your name by sending an email to the planner: Nancy Pasato npasato@london.ca

For More Information: <https://london.ca/business-development/planning-development-applications/planning-applications/599-601-richmond-0>

Dear Ms Pasato:

We understand this development is an infill project and as such is very desirable. The North Talbot Community is supportive of infill development; however, overarching and neighbourhood specific policy is often ignored in favour of higher densities. We are asking that you please consider these more specific policies applicable to this site. We are asking for a building that is compatible with the neighbourhood and does not contribute to negative outcomes resulting from over intensification in **near campus neighbourhoods**.

Policies include: London Plan (OP) for Neighbourhood Type Policy, Main Street Commercial and the Near Campus Neighbourhood Policy (NCN). For example, the neighbourhood description in the **first staff report** was limited to the buildings on the corner of Richmond Street and Central Ave., but in Official Plan the intent of the applicable policy describes neighbourhoods beyond the adjacent properties.

The NCN is a unique policy specific to neighbourhoods that are experiencing over intensification of single use housing, specifically, exclusive temporary housing that has unintentionally resulted in people zoning and a decline in housing diversity. A collection of intensification through minor variances, sub-divisions of single family homes and oversized parking lots has resulted in a deterioration of the neighbourhood's character. These neighbourhoods are potentially unbalanced because of dwindling long term residents. Through zoning and policy, the NCN seeks to alleviate the pressures of over intensification by limiting bedrooms per unit, oversized parking areas and reviewing minor variances against the overall neighbourhood.

Residents have become acutely sensitive when planning decisions ignore the intent of the OPs. The City of London has adopted a specific and unique policy to help address declining housing options and neighbourhood character in near campus neighbourhoods, yet the policies are inconsistently applied to infill projects.

This development is physically located on a residential street at the addresses 205 and 193 Central Avenue according to the City of London Roll #. The four nearby peripheral businesses are within historical houses on the residential street. The new building sits behind an elongated lot fronting the commercial corridor of Richmond Street (599-601), but the building itself is not on Richmond Street.

On Richmond Street, older facades have no setbacks, but newer development does have setbacks. New mixed use buildings have setbacks. On Central Avenue

all existing businesses have setbacks, which comply with the planning objectives for this area.

Talbot Mixed Use Area

Central Avenue

1. iv) The lands fronting onto the north and south side of Central Avenue, between Talbot Street and the Richmond Row Commercial District, are appropriate for the development of a mixed-use corridor with a low profile which provides a transition between the higher intensity uses to the south and the lower intensity uses to the north. In addition to the uses provided for under either the Multi-Family, Medium Density Residential or Multi-Family High Density Residential (192-200 Central Avenue) designation, new buildings or the conversion of existing buildings, or portions thereof, to uses such as office, financial institution, personal service, retail business service or eat-in restaurant uses may be allowed. It is intended that conversions shall maintain the form and external appearance of the building. New buildings will be encouraged to adopt a residential style. Limitations will be placed on signage, location of parking areas and additions to buildings. The consolidation of off-street parking at a location that is peripheral to this area shall be encouraged.

Neighbourhood Character Statement

An inventory of the urban design characteristics of the structures and the natural environment within a neighbourhood should be undertaken by the applicant and planning staff. The physical environment of the neighbourhood, composed of its lots, buildings, streetscapes, topography, street patterns and natural environment are some of the elements that collectively determine much of the character of a neighbourhood and its streetscape, and the 'neighbourhood' is not just the corner of Central and Richmond. That is selective bias.

A well organized and documented understanding of a neighbourhood's character is an effective tool in assessing the appropriateness of a proposed change and the implications the change may have on the character of a neighbourhood. **Planning staff ignored our concerns initially. Our concerns were shared by the city's heritage planner, and they too were tossed aside.**

The Heritage Planner made this comment in her initial report:

“More carefully consider form and massing of the new development in relationship to the existing heritage building on site on the subject property, and the streetscape along Central Ave.”

As part of an application for residential intensification, planning staff should require an adequately detailed statement of the compatibility, where it is clearly demonstrated that the proposed project is sensitive to, compatible with, and a good fit within, the existing surrounding neighbourhood based on, but not limited to, a review of both the existing and proposed built form, massing and architectural treatments of the surrounding neighbourhood.

Central Avenue: within a 100 metres from the planning site. Photos taken on Jan. 12 2023.

South side from east to west:



North Side from east to west:





Existing highrise development on Talbot St. to Kent St. All these buildings have setbacks and green amenity space.



600 Talbot St.



City Planners completely ignored policy that applies to this site in the London Plan, such as:

LONDON PLAN

Even though it is acknowledged that small scale businesses will wrap around into the edges of residential streets, the objective is to direct businesses to the main commercial corridor.

APPLICATIONS TO EXPAND THE MAIN STREET PLACE TYPE

912_ Expanding the Main Street Place Types, beyond their current size, could negatively impact a number of important goals for recognizing, infilling and strengthening existing main streets, and will be strongly discouraged. However, in the event that an expansion of a Main Street is proposed, the following criteria will be considered together with all the policies of this plan.

1. The potential for an inappropriate intrusion of the Main Street function into an adjacent residential neighbourhood.

NEAR CAMPUS NEIGHBOURHOODS

In the Near Campus Neighbourhood Policy it states: page 259 -260

968_ Residential intensification or an increase in residential intensity, as defined in these policies, may be permitted in the Neighbourhoods Place Type within Near-Campus Neighbourhoods only where it has been demonstrated that all of the criteria listed below have been met.

1. The development conforms to the Residential Intensification policies of this Plan, where those policies do not conflict with Near-Campus Neighbourhoods Policies.
2. The development conforms to any relevant Specific Policies of this chapter.
3. The development provides for an adequate amenity area that is appropriately shaped, configured, and located.
4. The proposal establishes a positive and appropriate example for similar locations within the Near-Campus Neighbourhoods areas.

969_ For lands in the Neighbourhoods Place Type that are located within Near-Campus Neighbourhoods, the following forms of intensification and increased residential intensity will not be permitted:

1. Development proposals that are inconsistent with the uses and intensity shown in Tables 10 to 12 of this Plan.
2. Developments within neighbourhoods that have already absorbed significant amounts of residential intensification and/or residential intensity and are experiencing cumulative impacts that undermine the vision and planning goals for Near-Campus Neighbourhoods.
3. Residential intensity that is too great for the structure type that is proposed.
4. Proposed lots and buildings requiring multiple variances that, cumulatively, are not in keeping with the spirit and intent of the zoning that has been applied.
5. Inadequately sized lots that do not reasonably accommodate the use, intensity or form of the proposed use due to such issues as:
6. A lack of on-site amenity area.
7. Inadequate parking areas to accommodate the expected level of residential intensity.
8. Built forms that are not consistent in scale and character with the neighbourhood, streetscape and surrounding buildings.

PLANNING GOALS FOR NEAR-CAMPUS NEIGHBOURHOODS pg. 258

965_

1. Utilize zoning and other planning tools to allow for residential intensification and residential intensity which is appropriate in form, size, scale, mass, density, and intensity.
2. Ensure that residential intensification projects incorporate urban design qualities that enhance streetscapes, complement adjacent properties, and contribute to the character and functional and aesthetic quality of the neighbourhood.
3. Conserve heritage resources in ways that contribute to the identity of streetscapes and neighbourhoods, in compliance with the Cultural Heritage chapter of this Plan.
4. Encourage affordable housing opportunities.
5. Ensure intensification is located and designed to respect the residential amenity of nearby properties.

Special Planning Areas – Primary Transit Area (The London Plan, Policy 90_).

The subject site is located within the Primary Transit Area (“PTA”) which will be a focus of residential intensification and transit investment within London (The London Plan, Policy 90_). The PTA has specific Zoning By-law regulations to ensure that the scale of intensification is compatible and sympathetic to the existing neighbourhood character.

Urban Forest Strategy

The City of London is struggling to meet its obligation under the Urban Forest Strategy and Climate Action Plan. City Forestry Staff has concluded that there is no more public land for tree planting, and competing planning policies for mixed use buildings is removing private land for tree planting through reduced setbacks. Therefore, it becomes increasingly important to review all applicable policy in new development plans to ensure one policy is not cancelling out another.

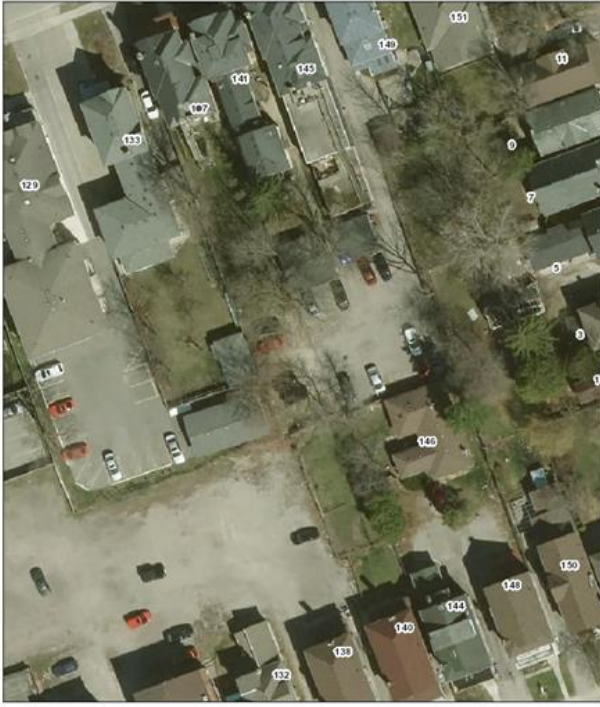
9th Meeting of the Trees and Forests Advisory Committee

November 24, 2021, 12:15 PM

1. On-going Loss of Street Tree Planting Spaces The city is running out of vacant sites for trees on existing streets. Street trees are very important as they define community character. In addition to all their environmental benefits, street trees provide shade to pedestrians and can extend the lifespan of the asphalt roads. The city has planted most of the planting spaces identified through a recently completed tree inventory. In the process of creating annual planting plans, the city notifies residents via letter of the upcoming tree planting. Residents have the option to “opt out” and reject a street tree outside their home, even if one was there before. Over the past few years, this trend is increasing to as much as a 20% of the total tree planting numbers annually and has a cumulative impact. Private Land Approximately, 90% of tree planting opportunities are located on private lands. Encouraging tree planting on private land has the greatest impact to affect tree canopy cover goals.

The North Talbot Community is losing tree canopy at an alarming rate due to over intensification. Residents are adamant that new residential buildings, whether mixed-use or not, contribute to the character of the neighbourhood through architecture and green space.

London City Map

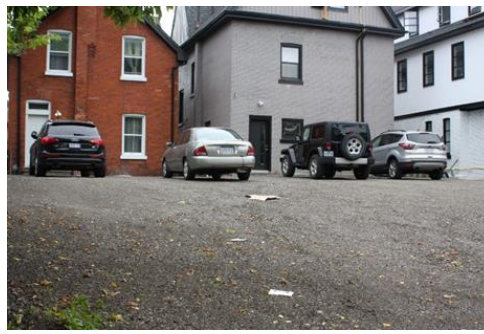


The Corporation of the City of London
Corporation of the City of London - Produced For: Environmental & Engineering Services - Soil Works - Produced by: Environmental & Engineering Services - Roads & Transportation - Geomatics

London City Map



The Corporation of the City of London
Corporation of the City of London - Produced For: Environmental & Engineering Services - Soil Works - Produced by: Environmental & Engineering Services - Roads & Transportation - Geomatics



The map below was chosen to show street trees in North Talbot that can be considered canopy or mature shade trees at 50 centimetres in diameter and protected under the Tree protection By-law. It is these trees that provide shade, enhance walkability, and contribute to neighbourhood character.

North Talbot Community located between the Thames River to the left and Richmond Street to the right.

City Trees at 50 centimetres in diameter - within the Tree Protection By-law - 2019



While the last council approved this development simply because it was an infill development, we are asking, that this time, planning staff and City Council uphold city policy and respect neighbourhood concerns. Asking that infill projects preserve neighbourhood character, offer a diversity of housing including housing suitable to children, and expand green amenity space is the foundation of healthy resilient neighbourhood. This is a reasonable request.

Agency/Departmental Comments

Heritage – Received May 4, 2023

- The property at 599-601 Richmond Street is currently listed on the Register of Cultural Heritage Resources.
- I've attached comments and communications related to previous similar applications on this property (Z-9367). Heritage staff previously noted with the increase from 8 to 12 storeys there were no new heritage related conditions associated with the new ZBA, but that adherence to the previous heritage direction would be integral to heritage staff's support for the ZBA and any future site plan approval. That comment is still applicable.
- The LACH was also previously circulated on the Notice of Application and the Heritage Impact Assessment in July 2021. The LACH received the notice and HIA but did not comment. The evaluation completed within the Heritage Impact Assessment determined that the properties met criteria for designation pursuant to the Ontario Heritage Act, meeting 4 of the criteria. The new Notice and the HIA will be circulated to the Community Advisory Committee on Planning (CACP). The CACP will be consulted at their meeting on May 10, 2023.
- Due to changes to the Ontario Heritage Act as a result of Bill 108, if a "Prescribed Event" takes place on a heritage-listed property, Council has 90-days to issue a Notice of Intention to Designate a property under the Ontario Heritage Act. A "Prescribed Event" is defined as a Notice of Application for a Official Plan Amendment, Zoning By-Law Amendment, or Draft Plan of Subdivision. As the Notice of Application for this ZBA (Z-9607) was issued on April 19, 2023, the 90-day timeline for the Prescribed Event expires on July 18, 2023. Further, due to changes to the Ontario Heritage Act as a result of Bill 23 heritage listed properties may only remain on the Register for a maximum of 2 years after which they must be removed. As the cultural heritage resources of the property are being retained as a part of the proposed development staff will be recommending that Council issue a Notice of Intention to Designate (NOID) the property pursuant to Part IV of the Ontario Heritage Act. The City's Landscape Architect has reviewed the Tree Assessment Report prepared by RKLA, February 2023 and has no concerns regarding its format or methods used to assess trees.

London Hydro – Received May 4, 2023

- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

Urban Design – Received May 8, 2023

- Please see below for urban design comments relating to the above-noted ZBA application. Relevant The London Plan [TLP] policies follow each comment.
 - This application attended UDPRP on April 19, 2023, and a memo was provided outlining the comments made by the panelists at the meeting. A Comment Response Table outlining in detail the applicant's response to the UDPRP comments is required. Please provide the Comment Response Table as well as updated drawings that reflect any revisions made to address the UDPRP comments.

Comments for Zoning

- Urban design does not support the proposed built form due to its height, massing, and location. The proposed 12-storey apartment building does not provide an effective transition in height from the adjacent lower-intensity buildings, is designed in a slab-like form and is not sympathetic to neighbouring properties due to its limited setbacks. Although the Rapid Transit Corridor Place Type does contemplate 12-storey buildings, The London Plan specifies that this maximum may not be appropriate in all contexts. Urban design staff recommend a less intense development in the form of a mid-rise building with a smaller floorplate that would be more appropriate for this site and location.

- If an apartment building is deemed appropriate in this location, urban design staff recommend the following be addressed through the zoning:
 - Zoning provisions for height, setbacks and step-backs should be provided to mitigate negative impacts on the existing and planned character of the neighbourhood:
 - Reduce the overall height of the building to be more sympathetic to the existing and planned context of the neighbourhood [TLP Policy 298, 841(13)]:
 - The adjacent properties to the west and north are within the Neighbourhoods Place Type in The London Plan, and as such, would be expected to develop with low/mid-rise forms. An apartment building form in this location should provide a transition in heights down to the maximum heights proposed in the Neighbourhoods Place Type on these properties (4-6 storeys).
 - The proposed development should be more sympathetic to the existing 2-3 storey heights along Richmond Street and should transition down to be more compatible with these forms.
 - A step-back should be provided (3.0m minimum) above the 2nd or 3rd storey along Central Avenue to minimize any negative impacts the taller portions of the building may have on the pedestrian environment (wind, shadows etc.) [TLP Policy 286, 292, 848(4)].
 - Increase the interior side and rear-yard setbacks (3.0m minimum) to allow space for buffering and landscaping, provide room for balconies and other building elements to not overhang onto the neighbouring property, and to not diminish development potential on adjacent sites [TLP Policy 253].
- If the proposed built form takes the form of a high-rise building (9+ storeys), the tower portion should be designed as a slender tower without a long axis to ensure shadowing and privacy impacts are minimized on adjacent properties [TLP Policy 293]. A maximum floor plate size of 1000m² at a ratio of 1:1.5 is considered best-practice for achieving a slender tower design.
- Include provisions for a minimum ground floor height of 4.5m and a minimum percentage of transparent glazing on the building's podium/base and street-facing elevation to facilitate an active ground floor along Central Avenue and to alleviate safety issues associated with blank facades [TLP Policy 289].

Items to be Addressed at Site Plan:

- Break-up the large expanse of blank wall currently proposed for the south-facing façade with architectural elements such as windows, balconies, articulation, etc. to minimize its visual impact on adjacent properties and public areas [TLP Policy 293, 841(13)].
- Design the top/cap of the building to be integrated into the overall design and ensure any mechanical penthouses and other rooftop utilities are screened from view [TLP Policy 296, 289(3)].
- Include an appropriately sized outdoor amenity area at-grade and/or on a rooftop [TLP Policy 293].
- Reconfigure the ground floor design to locate a majority of the parking area away from the Central Avenue frontage to allow for increased transparent glazing and active uses fronting the street [TLP Policy 285, 291].
- Provide a full set of elevations for all sides of the proposed building as well as a fully dimensioned and labelled site plan. Further comments may follow upon receipt of the drawings. For deeming the application complete, a Comment Response Table outlining in detail the applicant's response, as well as updated drawings reflecting the revisions must be submitted.

Landscape Architecture – Received May 10, 2023

- The development poses some risk of injury to five CoL boulevard trees. All trees located on City of London are protected by the City's tree protection bylaw. Proof of payment to injure or remove city trees is a requirement of Site Plan.
- This infill project does not provide setbacks from property lines. At site plan there

will be a requirement to plant along all interior property lines in a 1.5m setback. The requirement should be waived to maintain the existing street façade along Richmond to match the existing façade along Central.

- There are no onsite, boundary and only 5 off-site CoL trees impacted by the development (see above).

Parks Planning – Received May 10, 2023

- Parkland dedication is required in the form of cash in lieu, pursuant to By-law CP-25 and will be finalized at the time of site plan approval.

Ecology – Received May 10, 2023

- This e-mail is to confirm that there are currently no ecological planning issues related to this property and/or associated study requirements.
- 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.

Engineering – Received May 12, 2023

- Please indicate to the applicant that the proposed layby adjacent to Central Ave is not acceptable and will need to be removed. For the benefit of the applicant, comments that will need to be addressed during the site plan application stage have been attached.

The following items are to be considered during a future site plan application stage:

Wastewater:

- As part of a complete application, the applicant will need to have their engineer update their sanitary servicing brief to include the increase of units, an updated population count and peak flow.

Water:

- Water is available to the subject site via the existing 200mm municipal PVC watermain on Central Avenue.
- Water servicing shall be configured in a way to avoid the creation of a regulated drinking water system.

Stormwater:

Comments Specific to the Site

- As per record drawing 14993 & 16814, the site (at C=0.90) is tributary to the existing 300mm and 450mm storm sewers on Central Avenue.
- As per the Drainage By-law, the consultant would be required to provide for a storm pdc ensuring existing peak flows from the 2 through 100 year return period storms are maintained pre to post development with any increase in flow being managed onsite. The servicing report should also confirm capacity in the existing sewers.
 - 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.

General comments for sites within Central Thames Subwatershed

- The subject lands are located within a subwatershed without established targets. City of London Standards require the Owner to provide a Storm/Drainage Servicing Report demonstrating compliance with SWM criteria and environmental targets identified in the Design Specifications & Requirements Manual. This may include but not be limited to, quantity control, quality control (70% TSS), erosion, stream morphology, etc.
- The Developer shall be required to provide a Storm/drainage Servicing Report demonstrating that the proper SWM practices will be applied to ensure the maximum permissible storm run-off discharge from the subject site will not exceed the peak discharge of storm run-off under pre-development conditions up to and including 100-year storm events.
- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer. It shall include water balance.
- The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100 year event and safely conveys up to the 250 year storm event, all to be designed by a Professional Engineer for review.
- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site and that will be in accordance with City of London and MECP (formerly MOECC) standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.

Transportation:

- Detailed comments regarding access design and location will be made through the site plan process. Note that the proposed layby is not acceptable as per previous Transportation comments.

Site Plan – Received May 30, 2023

The applicant's zoning information as shown on the site plan is incorrect, please see my zoning analysis below for special provisions. Site design comments are limited since the building occupies the majority of the subject site, but please see below:

- The internal parking area is not functional.
- There should be a clear throat distance between the entrance to parking area and the first parking space (to be confirmed by Transportation).
- Additional drive aisle space is necessary for vehicles parked in the southernmost space to back into and turn around to exit the parking area.
- Parking spaces should also be dimensioned at their narrowest points (between columns).
- The drop-off space in the Central Ave right of way was not supported by Transportation previously, noting that a 3.5m x 12.0m paratransit layby is required for new apartment buildings per the Site Plan Control By-law.
- A pedestrian connection should be provided adjacent to the rear laneway from the exit shown from the stairwell/parking area leading to the street.
- Applicant to confirm the proposed waste collection pickup location, whether internal to the building (in which case it would need to be private collection) or if the bins will be wheeled out to the curb on municipal pickup day.
- They need special provisions for:
 - Rear yard setback (4.5m)
 - Height (38.9m)
 - Commercial GFA (512m² in 3 units)
 - Density (855UPH)

Appendix B – Policy Context

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 subject site is located in an area well serviced by existing and planned transit. As such, staff agree the site would be suitable for residential intensification; however, staff are also of the opinion that residential intensification in this location needs to be of an appropriate scale and density to meet the Province’s goals for a range and mix of housing options, efficient use of land, and transit-supportive development. The application, as proposed, is not consistent with the PPS.
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, however this application would remove affordable housing units (Key Direction #7, Direction 10), and is not a good fit within the context of an existing neighbourhood (Key Direction #8, Direction 9). From a City Building perspective, the proposed development is not in keeping with the City Design policies of the London Plan, and does not demonstrate how the massing and scale of the proposed building can be appropriately integrated into the community.
Conformity with the policies of the place type in which they are located.	The proposed development provides for a mixed-use building with commercial uses at grade and residential above. As such, staff are agreeable that the proposed uses are in conformity with the policies of The London Plan. Staff have significant concerns with the proposed building form and risk of over intensification of the site, given the size of the site and the density and height proposed. The proposed intensity conflicts with the overall vision of the Rapid Transit Corridor Place Type, therefore it is recommended the requested amendment be refused.
Consideration of applicable guideline documents that apply to the subject lands.	No additional guideline documents apply to the subject lands.
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. A sanitary capacity study will be required to ensure adequate services for the site.
Criteria – Impacts on Adjacent Lands	
Traffic and access management	No traffic study has been provided as part of this application, nor was the need for a traffic study identified. The proposed

	location for the layby is not supported by Transportation. Any drop off is required on site as per the Site Plan Control By-law.
Noise	The proposed development is not expected to generate any unacceptable noise impacts on surrounding properties. A noise assessment would be required at site plan to determine the impact of road noise on the proposed units, and any mitigation required.
Parking on streets or adjacent properties	The proposal provides for 8 parking spaces. Alternative parking locations will be required.
Emissions generated by the use such as odour, dust or other airborne emissions.	The proposed development will not generate noxious emissions.
Lighting	Lighting details would be addressed at the 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.	The Applicant has not confirmed the proposed waste collection pickup location, whether internal to the building (in which case it would need to be private collection) or if the bins will be wheeled out to the curb on municipal pickup day.
Privacy	The proposed site plan has not included any mitigation measures, such as enhanced landscaping, fencing or “stepping back” the development adjacent to existing development.
Shadowing	Based on the Shadow Study provided, the siting and orientation of the development will have an impact on adjacent lands, particularly in the winter months (December).
Visual Impact	The proposed 12-storey apartment building will have a significant visual impact on the public realm due to its location, height and massing. Staff are concerned the building will visually affect the public realm as it’s location is prominent and will be highly visible from throughout the Downtown and Richmond Row. The proposed building is significantly taller than the existing and planned context of the area, which coupled with its wide horizontal axis, will cause significant shadowing, will overwhelm the public realm and City skyline with bulky non-articulated building mass and negatively impact the established low to mid-rise character of the built form along Richmond Street.
Loss of Views	There are no view corridors to significant features or landmarks to be affected by the proposed development. The proposed development would be the tallest building within a three-block radius

Trees and canopy cover	The development will result in a slight increase in trees and canopy cover on site. However, the proposed additional trees and plantings appear to be located within the City's boulevard along central Avenue.
Cultural heritage resources	The existing building on site is a listed property on the City's Register of Cultural Heritage Resources and is also adjacent to another listed property at 595 Richmond Street. A Heritage Impact Study (HIA) was provided as part of the complete application. Heritage staff have accepted the HIA, which recommended the building be designated. The zoning amendment application has triggered a Notice of Intention to Designate (NOID) the property pursuant to Part IV of the Ontario Heritage Act. Staff recommended designation which was not supported by Council.
Natural heritage resources and features	Not applicable.
Other relevant matters related to use and built form	Not applicable.

Appendix C – Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change. The following are characteristics of the proposed application related to the City's climate action objectives:

Infill and Intensification

Located within the Built Area Boundary: **Yes**
Located within the Primary Transit Area: **Yes**
Net density change: **57 units per hectare (34 units)**
Net change in affordable housing units: **-3 units**

Complete Communities

New use added to the local community: **Mixed-use Residential/Commercial**
Proximity to the nearest public open space: **300m (Victoria Park)**
Proximity to the nearest commercial area/use: **On site**
Proximity to the nearest food store: **1.2 km (Covent Garden Market)**
Proximity to nearest primary school: **1.5 km (Lord Roberts)**
Proximity to nearest community/recreation amenity: **2.4 km (Kinsmen Arena)**
Net change in functional on-site outdoor amenity areas: **None**

Reduce Auto-dependence

Proximity to the nearest London Transit stop: **Less than 100 m (Richmond Street)**
Completes gaps in the public sidewalk network: **Yes**
Connection from the site to a public sidewalk: **Yes**
Connection from the site to a multi-use pathway: **No**
Site layout contributes to a walkable environment: **Yes**
Proximity to nearest dedicated cycling infrastructure: **Less than 5 m (Central Ave)**
Secured bike parking spaces: **Unknown**
Secured bike parking ratio: **Unknown**
New electric vehicles charging stations: **Unknown**
Vehicle parking ratio: **No parking spaces required – Provided 8**

Environmental Impacts

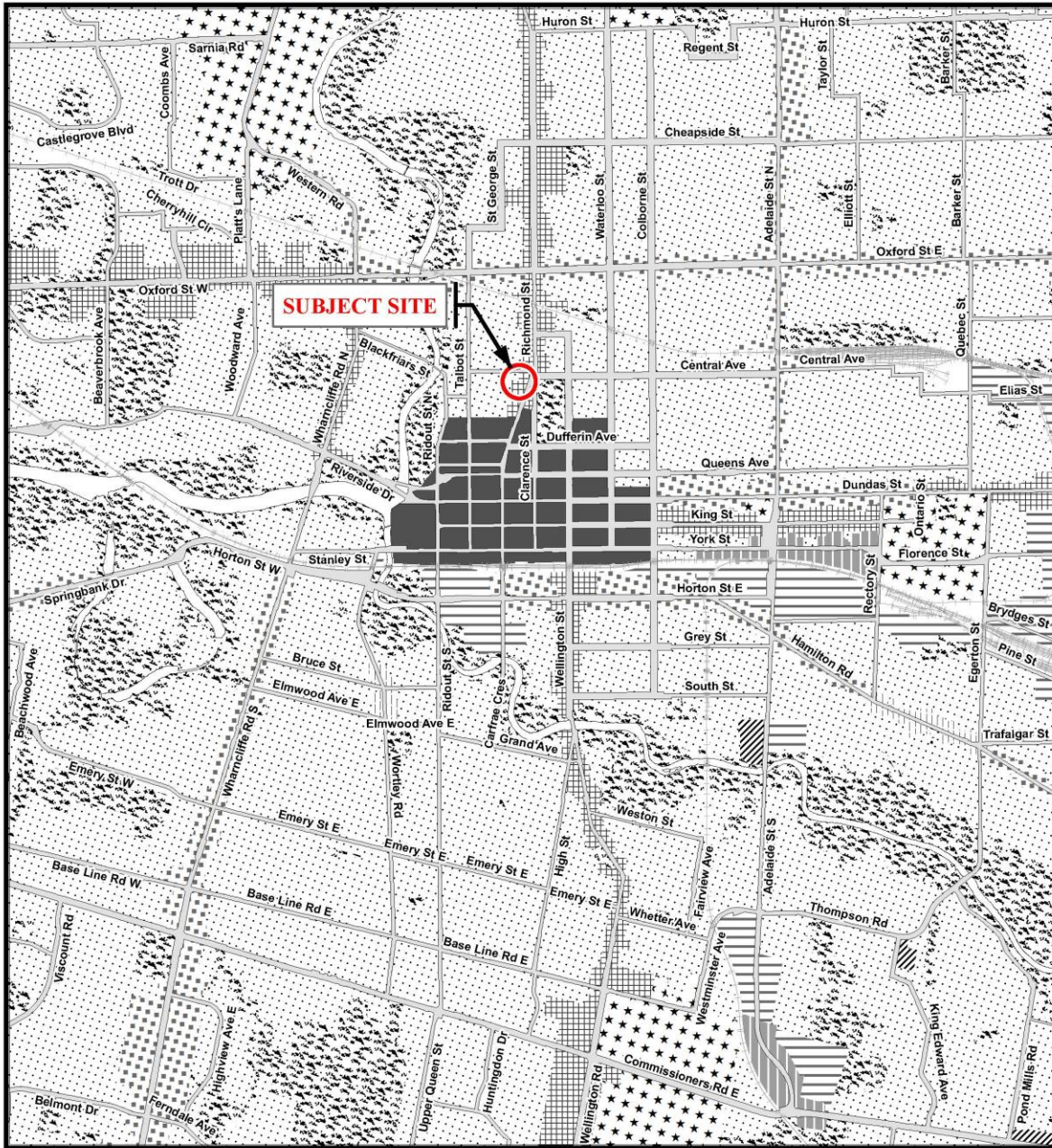
Net change in permeable surfaces: **Increased through application**
Net change in the number of trees: **Increased through application**
Tree Protection Area: **No**
Landscape Plan considers and includes native and pollinator species: **Unknown**
Loss of natural heritage features: **No**
Species at Risk Habitat loss: **No**
Minimum Environmental Management Guideline buffer met (Table 5-2 EMG, 2021): **N/A**

Construction

Existing structures on site: **Yes**
Existing structures repurposed/adaptively reused: **No**
Green building features: **Unknown**
District energy system connection: **Yes**

Appendix D – Relevant Background

The London Plan – Map 1 – Place Types



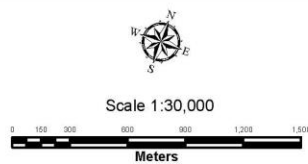
Legend

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

CITY OF LONDON
Official Plan
LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning & Development



File Number: Z-9607
Planner: MH
Technician: JI
Date: 2023/5/10

Zoning By-law Z.-1 – Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: BDC(1)*B-87

1) LEGEND FOR ZONING BY-LAW Z-1

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-9607

MH

MAP PREPARED:

2023/05/10

Jl

1:800

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