

September 6, 2024

Chair and Members
Planning and Environment Committee
pec@london.ca

Re: Item 3.6 - Heights Review/Transit Village/Shopping Area Report to PEC

I am submitting this letter on behalf of Tricar Properties. We have had multiple meetings with Staff and provided two letters leading up to the preparation of the above-noted report to Planning Committee (they are included in the appendix of the Staff report. We want to thank Staff for their cooperation and efforts to date.

While we appreciate the changes that are being proposed to increase heights at various nodes and corridors, we continue to have two primary concerns:

1. The proposed Official Plan policies restrict the height of mid-rise buildings to 6 storeys along major streets (Civic Boulevards and Urban Thoroughfares), except within the Primary Transit Area. We believe that the Official Plan policy should allow for up to 8 storeys on these major streets so that this height could be allowed through the Zoning By-law on those sites where it is appropriate. We note that the London Plan defines high-rise development as apartments of 9 or more storeys and believe this is the appropriate policy limit for height along major streets.
2. We are not in agreement with Clause (d) of the Staff recommendation, which proposes an ongoing direction to the Ste Plan Control Authority to consider various targets through future site plan applications. We question whether this is the proper mechanism to use and we are concerned that the numerical measures included in these targets could become de facto regulations.

8 STOREYS IN THE NEIGHBOURHOOD PLACE TYPE ALONG MAJOR STREETS

- The proposed policies would only allow for a MAXIMUM height of 6 storeys for sites in the Neighbourhood Place Type along major streets (Civic Boulevards and Urban Thoroughfares), unless these sites are located within the Primary Transit Area.
- We believe that the MAXIMUM height should be 8 storeys - which is the upper limit for mid-rise buildings as defined in the London Plan (which defines high-rise buildings as 9 storeys or more).
- This is not to suggest that 8 storeys of height should be permitted on all sites in the Neighbourhood Place Type
- Rather, a maximum height of 8 storeys in the policy would allow for this height where it is appropriate and compatible from a planning perspective.

- Under the proposed policy, even where an 8-storey mid-rise apartment building could be appropriate and compatible, an Official Plan amendment would be required, together with a zoning by-law amendment application.
- We think this restriction of mid-rise buildings to 6 storeys along major streets does not represent good planning in that it:
 - Defeats the purpose of streamlining planning and development processes
 - Will make an Official Plan amendment for 8 storeys extremely difficult within the community, in the face of a new Official Plan policy that specifically limits the maximum height to 6 storeys
 - Will undermine good opportunities for 7 and 8 storey mid-rise buildings in locations along major streets that can appropriately accommodate that height. Consider large sites, with significant rear-yard set-backs
 - Unnecessarily constrains, rather than facilitates, the opportunity for badly needed housing supply
- We want to emphasize that the policy maximum height is simply a maximum and the Zoning By-law can determine the appropriate height within this maximum range based on context, capacity, fit and compatibility - see Note 1 in Table 11, below.

We are requesting that the following changes be made to the proposed Table 11.

Table 11 – Range of Permitted Heights in Neighbourhoods Place Type

Street onto which property has frontage	Minimum and maximum heights (storeys) that may be permitted along this classification of street (Base condition)	Minimum and maximum height (storeys) that may be permitted conditional upon classification of intersecting street		Minimum and maximum height (storeys) that may be permitted conditional upon fronting onto park	
		Neighbourhood Street	Neighbourhood Connector	Civic Boulevard and Urban Thoroughfare	Fronting onto Park
Neighbourhood Street	Min. 1 Max. 3	Same as base	Same as base	Same as base	Same as base
Neighbourhood Connector	Min. 1 Max. 3 Max. 4 in Primary Transit Area	Same as base	Min. 2 Max. 4 Max. 6 in Primary Transit Area	Min. 2 Max. 6 Max. 8 in Primary Transit Area	Min. 2 Max. 4
Civic Boulevard and Urban Thoroughfare	Min. 2 Max. 6 Max. 8 in Primary Transit Area	Same as base	Same as base	Min. 2 Max. 8 Same as base	Same as base

Note 1 – The heights shown in this table will not necessarily be permitted on all sites within the Neighbourhoods Place Type

Note 2 – Where more specific policies exist in this Plan relating to height for an area or specific site, these more specific policies shall prevail; readers should consult all the policies of this chapter, Map 7 which shows specific policy areas and Secondary Plans to identify applicable specific policies

PROPOSED APPROACH FOR ADDRESSING DESIGN MATTERS IDENTIFIED BY SVN

Clause (d) of the Staff report recommends that there be an ongoing direction to the Site Plan Approval Authority to consider various targets through the review of all future site plan applications. It reads as follows:

- d) Civic Administration, including the Site Plan Control Authority, **BE REQUESTED** to consider the following targets in the review of planning and development applications:
- i) A maximum tower floorplate of 950m-1,100m for buildings above 12 storeys in height;
 - ii) A minimum tower separation of 25m within a site for buildings above 12 storeys in height;
 - iii) A minimum tower setback of 12.5m from an interior side or rear lot line, or 15m from a Neighbourhoods area for buildings above 12 storeys in height;
 - iv) A minimum of 5 hours of sunlight (at the summer equinox) on any public parks;
 - v) A minimum step-back of 1.5m above any of floors two to six;
 - vi) A minimum first floor height of 4m in any Place Type that encourages mixed use or commercial development;
 - vii) Transparent glazing be included on the building façade adjacent to a public street or other public space.

While we appreciate that these measures were not included as regulations within the proposed TSA Zoning, we have concerns with this approach for the following reasons:

1. Despite the use of the word “targets”, we are concerned that these identified maximums and minimums will become de facto regulations through the implementation of the site plan process over time. We think strong language is required to acknowledge that these numbers represent best practices, but alternatives will be accepted if the underlying objectives of the design requirement are achieved.
2. It would be useful if there was a summary of the key underlying objective(s) for each design requirement – so that alternative approaches could be measured against these objectives. This would provide flexibility, but also some certainty around what is being sought out. It would also bolster the idea that the numerical maximums and minimums are not regulatory standards.
3. We note that the proposed TSA Zones include a step-back requirement. We don't think its appropriate to require a step-back in BOTH a zoning regulation and through a site plan “target”.

4. Similarly, we note that the Table 52.3 includes a regulation relating to first storey height and the proposed direction to the Site Plan Approval Authority also includes this provision for first storey height. Once again, we believe it is inappropriate to duplicate a regulation from the zoning by-law in a site plan guideline.
5. We question whether it is appropriate to have a standing Council resolution giving direction for City-wide site plan reviews. While a Council resolution giving direction for an individual property may be appropriate, a resolution that applies to the City as a whole over an indefinite, but very long, time period lacks transparency.

SUMMARY

In summary, we want to applaud Staff and Council for their efforts to increase the height allowances in the Official Plan. We think this is an important initiative to facilitate opportunities for new housing in London.

We are asking that Council make changes to Table 11, so that a maximum height of 8 storeys is established for sites in the Neighbourhood Place Type along major streets. We have shown the proposed changes to Table 11 above. Again, we note that this does not mean that 8 storeys would be permitted on all sites, but rather that it could be allowed without an Official Plan amendment on sites that are appropriate for 8 storeys.

We also have concerns with Clause (d) of the Staff report and would ask Council to consider an alternative and more appropriate means for achieving the design objectives that underly the targets identified in this list.

Sincerely,



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