

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

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

Subject: London Cross Cultural Learner Centre
763-773 Dundas Street
File Number: Z-9777, Ward 4
Public Participation Meeting

Date: October 22, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of London Cross Cultural Learner Centre (c/o Valerian Marochko) (c/o Zelinka Priamo Ltd.) relating to the property located at 763-773 Dundas Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting November 5, 2024, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** a Business District Commercial Special Provision (BDC(19)*D250*H46) Zone **TO** a Holding Business District Commercial Special Provision ((h-18*BDC(_)*D550*H82) Zone;
- (b) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
 - i) Provide second paratransit lay-by for south tower or relocate proposed paratransit lay-by to a central location with a protected waiting area.
 - ii) Investigate renewable sources of energy such as solar for the roof and sides of the building, and geothermal for interior heating and cooling;
 - iii) Investigate air source heat pump options;
 - iv) Include a minimum of 5% EV charging spots roughed in;
 - v) Utilize bird friendly policies using the CSA standard.

IT BEING NOTED, that the above noted amendment is being recommended for the following reasons:

- i) The recommended amendment is consistent with the *Provincial Planning Statement, 2024 (PPS)*;
- ii) The recommended amendment conforms to the Old East Village Dundas Street Corridor Secondary Plan, including but not limited to the Land Use, Built Form, Public Realm and Housing Options policies.
- iii) The recommended amendment conforms to The London Plan, including but not limited to the Key Directions, City Building policies, the Neighbourhoods Place Type policies, Old East Village Specific-Segment, and the Zoning to the Upper Maximum Height;
- iv) The recommended amendment would permit an appropriate form of redevelopment at an intensity that can be accommodated on the subject lands and is considered compatible with the surrounding neighbourhood; and
- v) The recommended amendment support's Council's commitment to increase housing supply and affordability, and initiatives related to the Housing Accelerator Fund that will support the creation of affordable housing units.

Executive Summary

Summary of Request

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject

lands from a Business District Commercial Special Provision (BDC(19)*D250*H46) Zone to a Holding Business District Commercial Special Provision (h-18*BDC(_)*D550*H82) Zone.

Purpose and the Effect of Recommended Action

The recommended action will permit **247 residential units** (with a minimum 40% proposed to be affordable) within a 6-storey mixed-use building fronting Dundas Street, consisting of 34 residential units and approximately 300m² of gross-floor commercial space, and a 24-storey mixed-use building consisting of 213 units and ground-floor multi-use space.

Staff are recommending approval of the requested Zoning By-law Amendment with special provisions that will facilitate the development while ensuring mitigation measures are incorporated into the design.

Linkage to the Corporate Strategic Plan

This recommendation will contribute to the advancement of Municipal Council's 2023-2027 Strategic Plan in the following ways:

1. **Strategic Plan Area of Focus: Wellbeing and Safety**, by promoting neighbourhood planning and design that creates safe, accessible, diverse, walkable, healthy, and connected communities.
2. **Strategic Plan Area of Focus: Housing and Homelessness**, by supporting faster/ streamlined approvals and increasing the supply of housing with a focus on achieving intensification targets.
3. **Housing and Homelessness**, by increasing access to a range of quality, affordable, and supportive housing options that meet the unique needs of Londoners.

Analysis

1.0 Background Information

1.1 Property Description and Location

The subject lands, municipally known as 763-773 Dundas Street, are located on the south side of Dundas Street midblock between Hewitt Street to the west and Rectory Street to the east, in the East London Planning District. The subject lands are comprised of two irregularly shaped parcels, which once consolidated would have a total area of approximately 0.48 hectares (4,8000 square metres), 40.3 metres of frontage along Dundas Street and a depth of 90.6 metres.

The subject lands are currently developed with two 2-storey mixed use buildings, one of which at 765 and 769 Dundas Street is currently vacant. The rear (southerly) portion of the subject lands known as 763 Dundas Street are vacant.

Vehicular access is currently provided via a driveway from Dundas Street located between the two existing buildings. An existing rear lane provides access from Hewitt Street to Rectory Street and also provides vehicular access to the subject lands. This portion of Dundas Street consists of two lanes, with a dedicated bicycle lane. Pedestrian sidewalks are also located on both the north and south sides of Dundas Street.

The subject lands are part of an established neighbourhood consisting primarily of low-rise commercial and residential uses. 773 Dundas Street is also identified as a Heritage Listed property and the subject lands are adjacent to several other properties listed on the City of London Register of Cultural Resources.

Site Statistics:

- Current Land Use: Two 2-storey active and vacant mixed-use buildings
- Frontage: 40.3 metres (Dundas Street)
- Depth: 90.6 metres

- Area: 0.48 hectares
- Shape: Irregular
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: Yes

Surrounding Land Uses:

- North: Business District Commercial/Residential
- East: Business District Commercial/Office Residential/Regional Facility
- South: Residential/ Restricted Service Commercial
- West: Business District Commercial

Existing Planning Information:

- The London Plan Place Type: Urban Corridor Place Type fronting a Main Street/Civic Boulevard
- Rapid Transit and Urban Corridor Specific-Segment Policies: Old East Village Specific-Segment
- Secondary Plans: Old East Village Dundas Street Corridor Secondary Plan
- Special Planning Areas: Primary Transit Area
- Existing Zoning: Business District Commercial Special Provision (BDC(19)*D250*H46) Zone

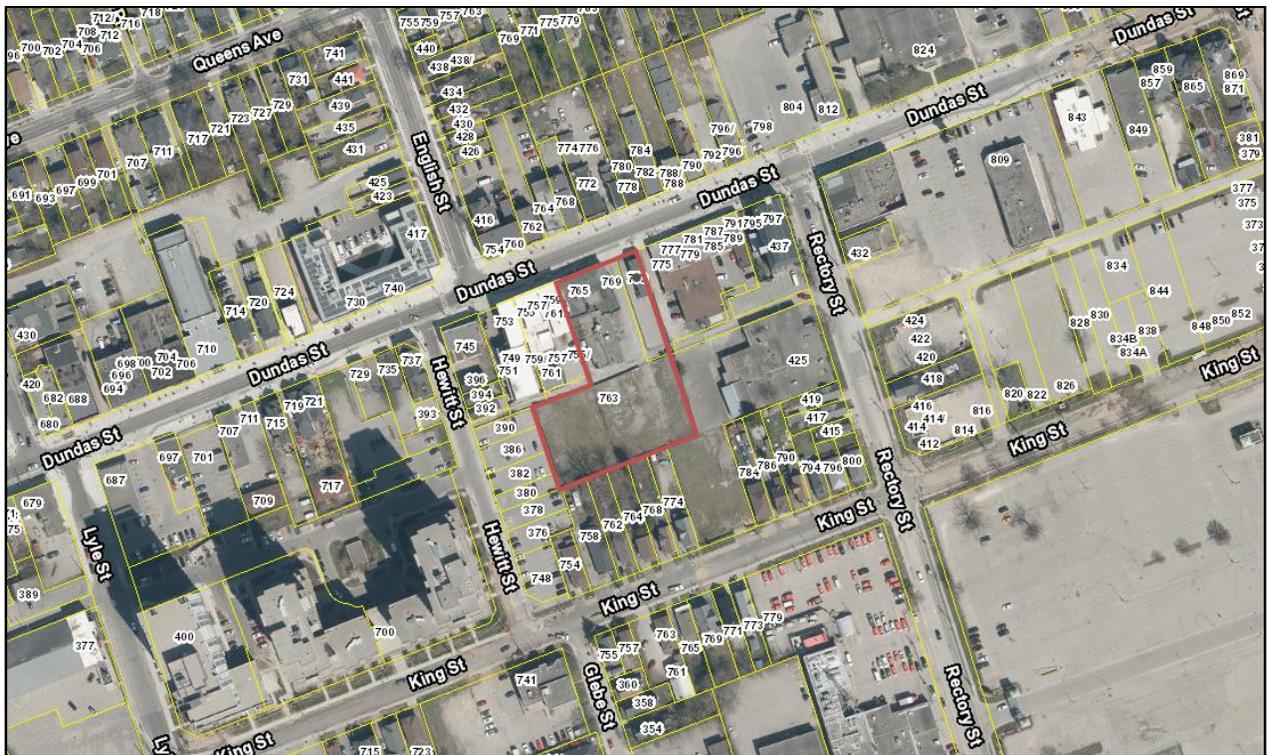


Figure 1- Aerial Photo of the subject lands and surrounding area.



Figure 2 - Streetview of the subject lands (view looking south from Dundas Street)

2.0 Discussion and Considerations

2.1 Development Proposal

The applicant is proposing to redevelop the subject lands with a 6-storey mixed-use

building fronting Dundas Street, consisting of 34 residential units and approximately 300m² of gross-floor commercial space; and a 24-storey mixed-use building located to the rear, consisting of 213 units and ground-floor multi-use space. A total of 247 residential units, with a minimum of 40% proposed to be affordable, are proposed at a mixed-use density of 550 units per hectare. Primary vehicular access to the subject lands is provided from Dundas Street with a secondary vehicular access provided via the existing laneway from Hewitt Street. The secondary laneway access is proposed to be one-way only, directing traffic from Hewitt Street and exiting to Dundas Street. A total of 85 surface parking spaces are proposed (16 surface spaces and 69 underground spaces), as well as short-term and long-term bicycle parking spaces at a rate of 0.1 spaces per unit and 0.9 spaces per unit, respectively. The conceptual site plan is shown below as Figure 3 and a massing model shown as Figure 4.

The proposed development includes the following features:

- Land use: Mixed-use (residential and commercial)
- Form: Two (2) apartment buildings
- Height: 6-storeys and 24-storeys
- New Residential Units: 247
- Density: 550 units per hectare
- Lot Coverage: 50.7%
- Landscape Open Space: 24%
- Parking Spaces: 85 surface parking spaces (0.4 spaces/unit)
- Bicycle Parking Spaces: Long-term (0.9 spaces/unit) and short-term (0.1 spaces/unit)

Additional information on the development proposal is provided in Appendix B.

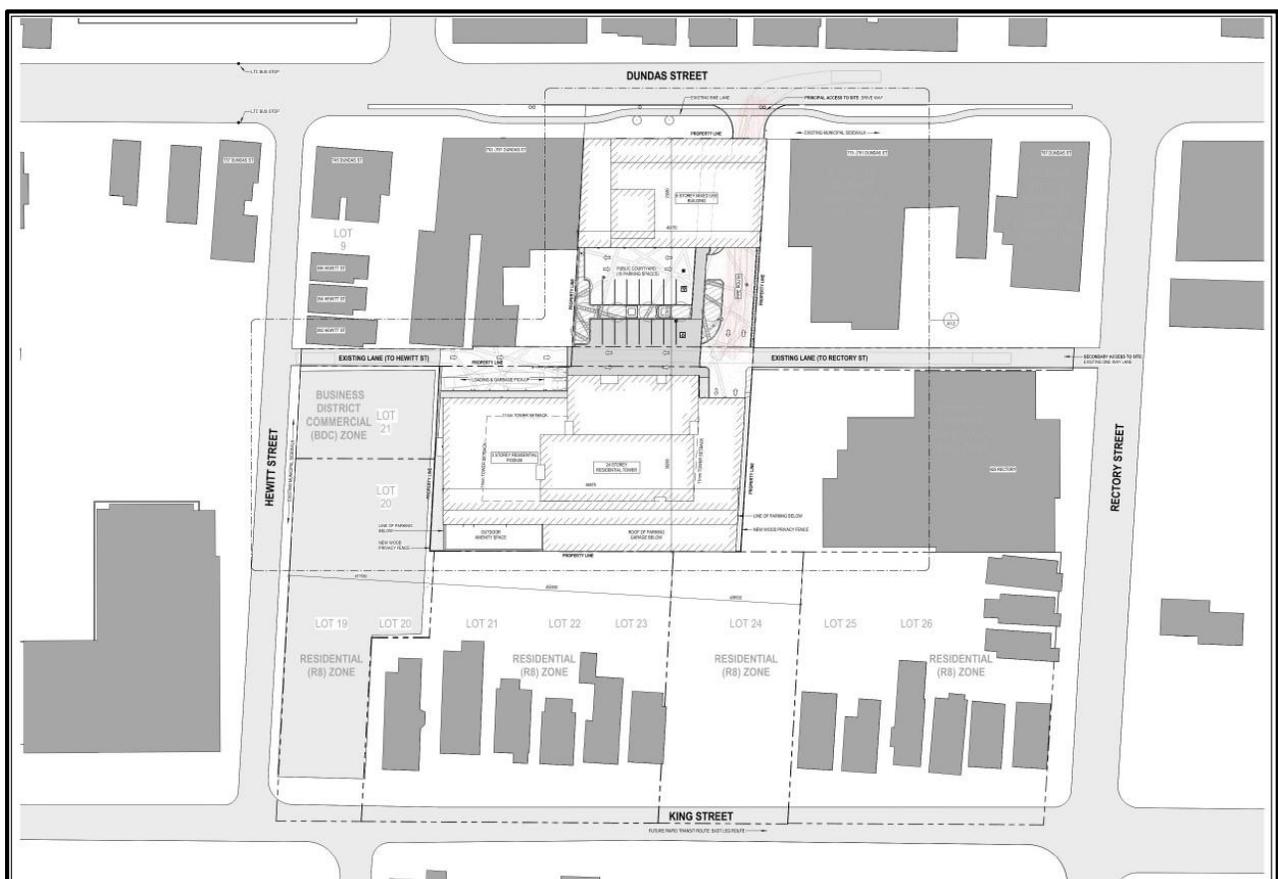


Figure 3 - Conceptual Site Plan

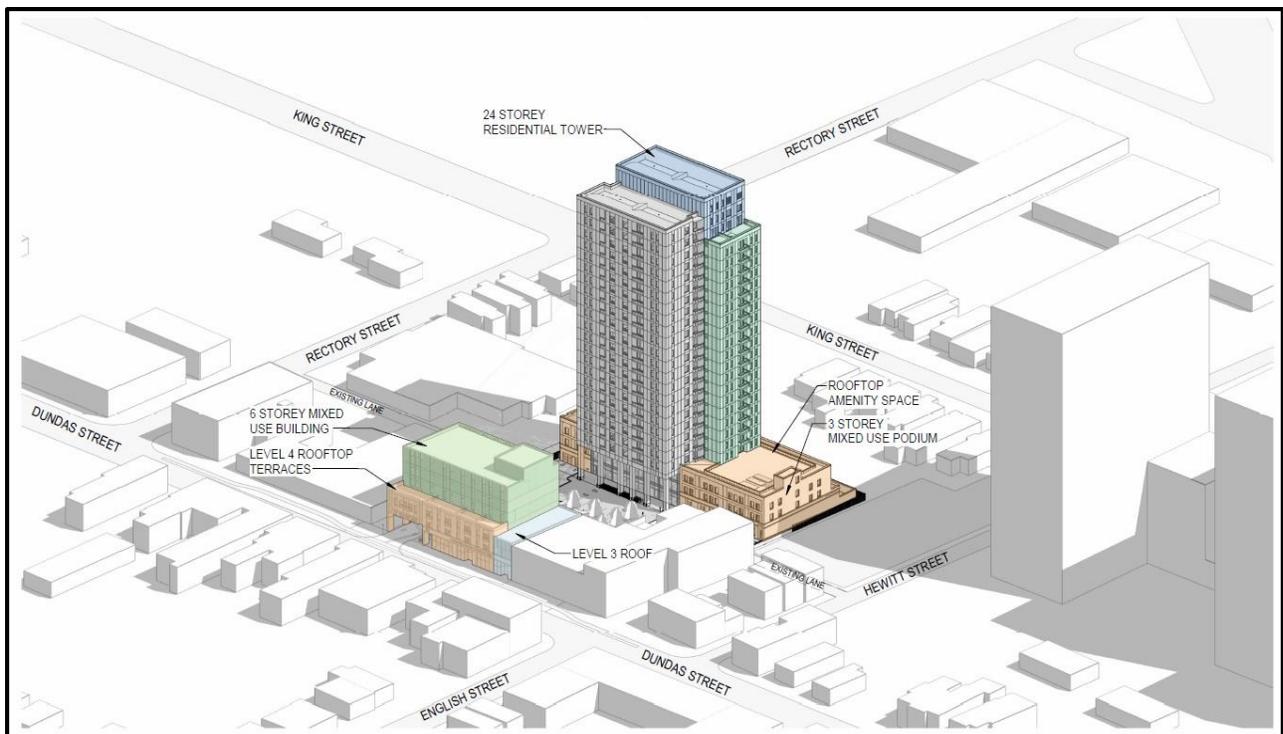


Figure 4 – Massing Model

Additional plans and drawings of the development proposal are provided in Appendix D.

2.2 Requested Amendment(s)

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject lands from a Business District Commercial Special Provision (BDC(19)*D250*H46) Zone to a Business District Commercial Special Provision ((h-18*BDC(_)*D550*H82) Zone.

The following table summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

Regulation (BDC(_)) Zone)	Required	Proposed	Recommended
Additional Permitted Uses	N/A	<ul style="list-style-type: none"> Institutions Social Service Establishment 	As requested
Stepback Above the 3rd Storey – Street Facing Façade (minimum)	N/A	N/A	5.0 metres
West Interior Side Yard Depth Abutting a Residential Zone (minimum):	32.0 metres	1.8 metres	1.5 metres
Rear Yard Depth (minimum)	32.0 metres	0.0 metres	As requested
Rear Yard Depth Above the 1st Storey (minimum)	32.0 metres	N/A	6.0 metres
Rear Yard Depth Above the 2nd Storey (minimum)	32.0 metres	N/A	9.0 metres
Tower Floorplate (maximum)	N/A	N/A	1,000 square metres
Tower Setback - East and South (minimum)	N/A	N/A	11.0 metres
Tower Setback –	N/A	N/A	15.0 metres

Regulation (BDC() Zone)	Required	Proposed	Recommended
West (minimum)			
Height (maximum)	46 metres	82 metres	As requested
Density (maximum)	250 uph	550 uph	As requested

2.3 Internal and Agency Comments

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.

Key issues identified by staff and agencies included:

- High-rise buildings should be designed with slender towers that reduce shadow impact, minimize the obstruction of views, and are less massive to neighbouring properties. Provide a 15-metre setback to the tower from interior property lines to give consideration for future development on adjacent properties and provide confirmation that the proposed tower is 1,000 square metres or less.
- A second paratransit lay-by or a relocated of the proposed paratransit lay-by is required.
- An h-18 holding provision is require until archaeological matter have been satisfied.

Detailed internal and agency comments are included in Appendix D of this report.

2.4 Public Engagement

On August 30, 2024, Notice of Application was sent to 722 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 5, 2024. A “Planning Application” sign was also placed on the site.

There were **no** responses received during the public consultation period. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Detailed public comments are included in Appendix E of this report.

2.5 Policy Context

The Planning Act and the Provincial Planning Statement, 2024

The Provincial Planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Planning Statement, 2024 (PPS)*. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The *Provincial Planning Statement (PPS), 2024* provides policy direction on matters of provincial interest related to land use planning and development. The PPS is issued under the authority of Section 3 of the *Planning Act* and came into effect on October 24, 2024. The Provincial Policy Statement, 2024, applies to all decisions that effects a planning matter made on or after October 20, 2024.

The proposed development meets the intent of the *Provincial Policy Statement, 2024*, by introducing residential intensification in the form of mixed-use apartment buildings within the urban growth boundary and near public-transit and other services.

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such,

matters of provincial interest are reviewed and discussed in The London Plan analysis below.

As the application for a Zoning By-law amendment complies with The London Plan, it is staff's opinion that the application is consistent with the *Planning Act* and the *PPS*.

The London Plan, 2016

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

Old East Village Dundas Street Corridor Secondary Plan

The *Old East Village Dundas Street Corridor Secondary Plan (2020)* has been reviewed in its entirety and it is staff's opinion that the proposed Zoning By-law amendment is consistent with it. The subject lands are located within the Old East Village Dundas Street Corridor Secondary Plan Area boundary in an area that permits up to high-rise forms.

3.0 Financial Impact/Considerations

3.1 Financial Impact

None.

4.0 Key Issues and Considerations

4.1 Land Use

The proposed mixed-use building is supported by the policies of the PPS 2024. The site is in the Urban Corridor Place Type, as identified on Map 1 of The London Plan. The proposed mixed-used apartment buildings are contemplated in the Urban Corridor Place Type, which permits a range of residential, retail, service, office, cultural, recreational, and institutional uses (TLP 837_). Mixed-use buildings are encouraged, and where there is a mix of uses within an individual building, retail and service uses are encouraged to front the street at grade (TLP 837_4). The proposed mixed-used apartment buildings align with the vision of the Urban Corridor Place Type by contributing to a mix of residential and a range of other uses at grade along corridors that help establish demand for rapid transit services (TLP 830_4). The vision for the Urban Corridor Place Type will also be implemented by supporting the development of a variety of residential types, with varying locations, size, affordability, tenure, design, and accessibility so that a broad range of housing requirements are satisfied (TLP 830_11). Further, the subject lands are also located within the Primary Transit Area (PTA) which will be a focus of residential intensification and transit investment within London that will be a good fit within existing neighbourhoods (TLP 90_).

The Old East Village Dundas Street Corridor Secondary Plan contemplates a broad range of residential, retail, service, office, cultural, recreational, and institutional uses (3.2.b). Mixed-use buildings are encouraged as the preferred form of development within the Secondary Plan area (3.2.1). Dundas Street properties, between Adelaide

Street North and Burbrook Place, shall provide street-oriented active uses on the ground floor for the majority of the Dundas Street frontage (3.2.c) with residential uses encouraged above the ground floor to increase the residential population and provide a variety of housing options.

Institutions and Social Service Establishment uses are also being recommended as additional permitted uses which are also contemplated in the Urban Corridor Place Type and Old East Village Dundas Street Corridor Secondary Plan as a means of continued provision of neighbourhood services (3.2.h).

4.2 Intensity

The proposed residential intensity is consistent with the policies of the PPS that encourage all types of residential intensification, including redevelopment which results in a net increase in residential uses (2.2.1.2), compact form (2.4.1.3.c), and an appropriate mix of housing options and densities (2.3.1.3). While the proposed 6-storey mixed-use building fronting Dundas Street conforms with Table 9 – Maximum Height in the Rapid Transit and Urban Corridor Place Types of The London Plan, which contemplates a maximum height of 8-storeys (upper maximum of 10-storeys), the 24-storey mixed-use building located to the rear does not. Where there is a conflict or inconsistency between the parent policies or maps of The London Plan and the policies or maps of a secondary plan, the secondary plan policies or maps will prevail. Otherwise, the parent policies and maps of The London Plan will be read together and in conjunction with the secondary plan (TLP 1558_). The proposed 24-storey mixed-use building conforms with the Old East Village Dundas Street Corridor Secondary Plan which permitted a maximum height of up to 24-storeys on properties such as this that allow for high-rise forms (3.3.1.g). As such, the proposed intensity is in conformity with the Old East Village Dundas Street Corridor Secondary Plan.

When zoning to the upper maximum, development should include features required to mitigate the impacts of the additional height and densities to ensure the increase in building height represents good planning within its context (TLP 1640_, 1641_). As proposed, the mixed-used apartment buildings include design features such as a continuous street wall consistent with the established character of the Old East Village (3.3.2.a), the proposed high-rise building delineates the base, middle, and top through the use of setbacks and architectural materials, and the tower is appropriately scaled to provide a slender tower with a floorplate of under 1,000 square metres. The proposed intensity will facilitate an appropriate form and scale of residential intensification that is designed to mitigate the impact of new development on adjacent neighbourhood areas on a property of a sufficient size and configuration to accommodate the proposed development and to help mitigate planning impacts on adjacent uses (TLP 839_4 and 841_13). The development will also facilitate the efficient use of land and existing municipal services, as existing services are available and sufficient to adequately service the proposed number of units.

4.3 Form

The proposed built form is supported by the policies of the PPS 2024 and is contemplated in accordance with the Urban Corridor Place Type of The London Plan. The London Plan encourages compact forms of development for planning new growth, including “inward and upward” compact forms of development (TLP 7_, 59_2, 66_, 79_). The form of development will foster a well-designed built form, be a good fit and compatible with its context, support a positive pedestrian environment and support all types of active mobility and universal accessibility (TLP, 193_1 to 193_5). Buildings should be sited so that they maintain and reinforce the prevailing street wall or street line of existing buildings and minimize the visual exposure of parking areas to the street (TLP 256_ & 269_).

In accordance with the Old East Village Dundas Street Corridor Secondary Plan, mid-rise buildings (described as buildings 4-storeys and up to and including 8-storeys in height) should be designed to express the following components (3.3.3):

- Should be designed to provide a sensitive transition of built form to the establishing established built form; and
- Shall include a setback of a minimum of five metres along public rights-of-way to mitigate downward wind shear and support the existing street character at street level.

The mid-rise building is proposed to be adjacent to the Dundas Street frontage to help reinforce the existing urban street wall and is designed with ground floor commercial space and a 5.0 metre setback above the third storey. The proposed mid-rise building, therefore, is consistent with the policies of the Old East Village Dundas Street Corridor Secondary Plan as well as the City Design policies of The London Plan by facilitating an appropriate form and scale of residential intensification that is designed to mitigate the impact of new development on adjacent neighbourhood areas (TLP 841_13). Further, the proposed mid-rise building supports a positive pedestrian environment, a mix of housing types to support aging in place and affordability and is designed to be a good fit and compatible within its context/neighbourhood character (TLP 193_).

As well, high-rise buildings should be designed to express the following components (3.3.4):

- A podium designed to support a pedestrian-scaled environment at street level;
- Shall setback a minimum of 5 metres along public right-of-way;
- Should be designed with slender towners that reduce shadow impact, minimum the obstruction of views, and are less massive to neighboring properties with floorplates of approximately 1,000 square metres or less is a reasonable target to achieve this goal;
- The top portions of the towers shall be articulated through the use of a small setback, difference in articulation, or the use of an architectural feature; and
- Should have a minimum separation distance of 30 metres between towers and a setback of a minimum distance of 15 metres from interior property lines.

The high-rise building is proposed to be located to the rear of the subject lands and includes ground-floor multi-use spaces to serve the community and provide amenity area for residents. The building is comprised of a 3-storey podium along the northerly, easterly, and westerly elevations, with a 1-story podium along the southerly elevation where the proposed development interfaces with the rear yard of existing single detached dwellings, and a minimum 11.0 metre setback on all sides of the building. The proposed high-rise development also provides an appropriately scaled, slender tower with a floorplate of 840 square metres. The proposed built form and massing of the high-rise building has consideration for the surrounding land uses and are appropriate within the existing and future context of the neighbourhood (TLP 953_2). The proposed setbacks to the podium and tower separation from the southern and eastern properties lines are also considered appropriate from adjacent properties (TLP 841_2), minimizing potential impacts of shadowing and loss of sunlight access, and ensuring a reasonable level of privacy. It should be noted that while the Secondary Plan encourages towers of high-rise buildings to be setback a minimum distance of 15 metres from interior property lines, staff are satisfied the proposed 11 metres provides sufficient separation to protect opportunities for future high-rise development on adjacent sites.

Primary vehicle access to the subject lands is provided from Dundas Street with a secondary vehicle access provided via the existing land way from Hewitt Street promoting connectivity and safe movement for pedestrians, cyclists, and motorists (TLP 255_). The secondary laneway access is proposed to be one-way only, directing traffic from Hewitt Street and existing to Dundas Street (3.3.2.f). Parking for the proposed development will be located internal to the site integrated in a way that does not detract from the character of the street (3.3.2.f). A total of 85 surface and underground parking spaces will be provided, as well as both short-term (0.1 space per unit) and long-term (0.9 spaces per unit) bicycle parking spaces. The site is well connected with public transit, and the Dundas Street commercial node has a high proportion of existing retail/commercial, service and employment use within convenient walking distance to

reduce single vehicle trips and encourage more active transportation such as walking or cycling. The proposed number of vehicle parking spaces is reasonable given the active mobility and public transit options and will contribute to achieving the overall intent of the Urban Corridor. It is also noted that the subject lands are in an area of the City with no minimum residential parking requirement.

Through the review of the application the following site layout and built form features have been acknowledged and should be carried forward:

- Street orientation and the continuation of the street wall with ground floor active uses for the building located on Dundas Street.
- A 5 metre setback above the 3rd storey for the building located on Dundas Street.
- Active uses fronting the internal courtyard/shared outdoor amenity space for the ground floor of the 24-storey tower.

Through the review and consideration of concerns raised, staff recommended matters such providing a second paratransit lay-by for south tower or relocate proposed paratransit lay-by to a central location with a protected waiting area be considered by the Site Plan Approval Authority. Staff are satisfied that these matters can be sufficiently addressed through a subsequent Site Plan application.

The proposed mixed-used apartment buildings are supported by the policies of the Provincial Policy Statement, contemplated in the Urban Corridor Place Type (TLP 841_), in keeping with the City Building policies of The London Plan, and conform to the Old East Village Dundas Street Corridor Secondary Plan.

4.4 Affordable Housing

In the case of rental housing, The London Plan defines *affordable housing* as either; “a) A unit for which the rent does not exceed 30 percent of gross annual household income for low- and moderate-income households; or b) A unit for which the rent is at or below the average market rent of a unit in the City of London” (TLP, 1795_). For the purposes of this application, the proposed affordable housing development aims to supply housing at lower-than-average rent which will contribute to the range of options for housing affordability in a well-connected neighbourhood with convenient access to employment opportunities, recreational areas and goods and services within walking distance.

Confirmation of the number of units and any City funding provided to support the development would be addressed through a future municipal contribution agreement. Contact has been made by the applicant with the City’s Municipal Housing Development group who administer funding and associated agreements to support affordable housing.

4.4 Holding Provisions

Archaeological Assessment

As part of the complete application a Stage 1-2 Archaeological Assessment was required and submitted. However, the city has not yet received confirmation of acceptance of this report by the Ministry of Citizenship and Multiculturalism (MCM). As such, the archaeological matters for this property have not yet been addressed. The h-18 holding provision is recommended to ensure that the outstanding archaeological matters are addressed prior to soil disturbance.

4.5 Zoning

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject lands from a Business District Commercial Special Provision (BDC(19)*D250*H46) Zone to a Holding Business District Commercial Special Provision (h-18*BDC(_)*D550*H82) Zone. The following summarizes the special provisions that

have been proposed by the applicant and those that are being recommended by staff.

A maximum height of 82 metres and a maximum density of 550 units per hectare.

A special provision to permit a maximum height of 82 metres and a maximum density of 550 units per hectares are proposed by the applicant and are being recommended by staff. The Business District Commercial Zone regulations do not specify a maximum building height nor density of apartment buildings, rather heights and densities shall be applied on a site-specific basis to allow for flexibility and to ensure that the potential height impacts are mitigated on the abutting properties. As discussed in Section 4.1 of this report, the subject site is located within a section the Old East Village Dundas Street Corridor Secondary Plan which permits a maximum height of up to 24-storeys (3.3.1.g). Further, the applicant has requested a maximum residential density of 550 units per hectare to permit the proposed mixed-use development within appropriately scaled buildings and floorplates. As such, the proposed maximum height and density are considered appropriate and will allow for the implementation of the proposed development, facilitating an appropriate form and scale of residential intensification on a property of a sufficient size and configuration to accommodate the proposed development and to help mitigate planning impacts on adjacent uses (TLP 839_4).

A minimum west interior side yard depth of 1.8 metres and a rear yard depth of 0.0 metres.

Special provisions to permit a minimum west interior side yard depth of 1.8 metres and a rear yard depth of 0.0 metres are proposed by the applicant with staff recommending an interior side yard depth of 1.5 metres (for flexibility) and a rear yard depth of 0.0 metres. The intent of regulating yard depths is to ensure sufficient space between buildings and lot lines to accommodate onsite functions while mitigating potential impacts on adjacent properties. In this case, the special provisions relate to the podium of the high-rise building which is comprised of a 3-storey podium along the northerly, easterly, and westerly elevation and a 1-story podium along the southerly elevation where the proposed development interfaces with the rear yard of existing single detached dwellings. Based on the development concept and existing and future neighbourhood context, staff have no concerns with the reduced yard setbacks. Additional mitigation measures will be considered through the Site Plan Approval process.

Staff Recommended Special Provisions

Staff are recommending the following special provisions to implement the proposed development in accordance with the policies of The London Plan and Old East Village Dundas Street Corridor Secondary Plan, and to provide additional certainty that potential impacts of the proposed height and density will be mitigated. The special provisions, supported by the applicant, are as follows:

- Stepback Above the 3rd Storey – Street Facing Façade (minimum) – Staff are recommending a minimum stepback of 5.0 metres above the podium, consistent with the form policies of the Old East Village Dundas Street Corridor Secondary Plan and the current design of Building A and B. The special provision will ensure that the proposed podium-rooftop amenity spaces are functional.
- Tower Setback (minimum) – Staff are recommending special provisions to ensure sufficient separation between the tower-portion of the development and the property lines at 763 Dundas Street. A 11.0 metre setback from the easterly and southerly property lines are being recommended by staff. Staff are also recommending a minimum tower setback of 15.0 metres from the westerly property line to ensure appropriate tower separation.
- Tower Floorplate (maximum) – Staff are recommending a maximum floorplate for the tower to ensure an appropriately scaled development that minimizes the mass of the building to reduce shadow impact, minimum the obstruction of views, and are less massive to neighboring properties (3.3.4.c). The proposed building has a maximum tower floorplate of approximately 840m². Staff recommended a maximum tower floorplate of 1,000m².

Conclusion

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject lands from a Business District Commercial Special Provision (BDC(19)*D250*H46) Zone to a Holding Business District Commercial Special Provision (h-18*BDC()*D550*H82) Zone. Staff are recommending approval of the requested Zoning By-law amendment with special provisions to permit a 6-storey mixed-use building with 34 residential units and approximately 300m² of gross-floor commercial space; and a 24-storey mixed-use building with 213 residential units and ground-floor multi-use space, for a total of 247 residential units and a mixed-use density of 550 units per hectare.

The recommended action is consistent with the Provincial Planning Statement, 2024 (PPS), conforms to The London Plan and Old East Village Dundas Street Corridor Secondary Plan, contributes to a mix of housing types, will facilitate a form of residential development at an appropriate scale and intensity, and which support's Council's commitment to increase housing supply and affordability, and initiatives related to the Housing Accelerator Fund that will support the creation of affordable housing units.

Prepared by: **Michaella Hynes**
Planner, Planning Implementation

Reviewed by: **Catherine Maton, MCIP, RPP**
Manager, Planning Implementation

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

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Appendix A – Zoning By-law Amendment

Bill No. (number to be inserted by Clerk's Office)
2024

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 763-
773 Dundas Street.

WHEREAS this amendment to the Zoning By-law Z.-1 conforms to the Official Plan;

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 763-773 Dundas Street, as shown on the attached map **FROM** a Business District Commercial Special Provision (BDC(19)*D250*H46) Zone **TO** a Holding Business District Commercial Special Provision (h-18*BDC(_)*D550*H82) Zone.

2. Section Number 25.4 of the Business District Commercial Special Provision (BDC(_)) Zone is amended by adding the following Special Provisions:

BDC(_) 763-773 Dundas Street

a. Additional Permitted Uses

- a. Institutions
- b. Social Service Establishment

b. Regulations

- a. West Interior Side Yard Depth Abutting a Residential Zone (minimum): 1.5 metres
- b. Front Yard Depth Above the 3rd Storey (minimum): 5.0 metres
- c. Rear Yard Depth (minimum): 0.0 metres
- d. Rear Yard Depth Above the 1st Storey (minimum): 6.0 metres
- e. Rear Yard Depth Above the 2nd Storey (minimum): 9.0 metres
- f. Tower Floorplate (maximum) – 1,000 square metres
- g. Height (maximum): 82 metres
- h. Tower Setback – East and South (minimum): 11.0 metres
- i. Tower Setback – West (minimum): 15.0 metres
- j. Density (maximum): 550 units per hectare

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

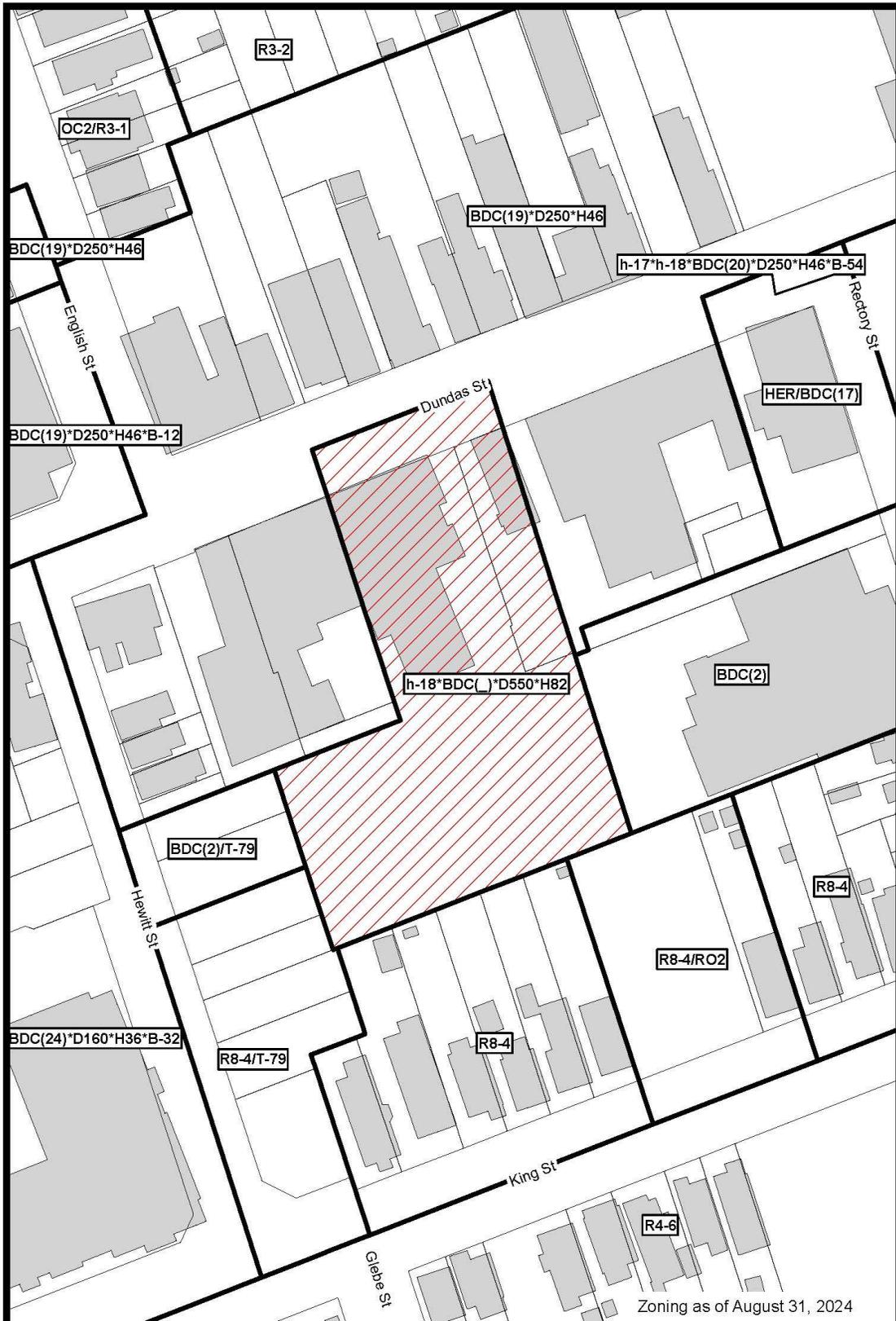
PASSED in Open Council on November 5, 2024, subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – November 5, 2024
Second Reading – November 5, 2024
Third Reading – November 5, 2024

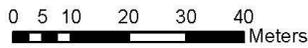
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: Z-9777
 Planner: MH
 Date Prepared: 2024/10/01
 Technician: JI
 By-Law No: Z.-1-

SUBJECT SITE 

1:1,000



Appendix B - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Two 2-storey active and vacant mixed-use buildings
Frontage	40.3 metres (Dundas Street)
Depth	90.6 metres
Area	0.48 hectares (4,800 square metres)
Shape	Irregular
Within Built Area Boundary	Yes
Within Primary Transit Area	Yes

Surrounding Land Uses

North	Business District Commercial/Residential
East	Business District Commercial/Office Residential/Regional Facility
South	Residential/ Restricted Service Commercial
West	Business District Commercial

Proximity to Nearest Amenities

Major Intersection	Dundas Street and Adelaide Street North (470 metres)
Dedicated cycling infrastructure	Dundas Street (on site)
London Transit stop	Routes 2/20 East/West Dundas Street
Public open space	Queens Park (360 metres)
Commercial area/use	On site
Food store	FreshCo Trafalgar & Highbury (2,250 metres)
Community/recreation amenity	Cross Cultural Learner Centre (780 metres)

B. Planning Information and Request

Current Planning Information

Current Place Type	Urban Corridor Place Type fronting a Main Street/Civic Boulevard
Current Special Policies	Rapid Transit and Urban Corridor Specific-Segment Policies: Old East Village Specific-Segment
Current Zoning	Business District Commercial (BDC(19)*D250*H46) Zone

Requested Designation and Zone

Requested Place Type	N/A
Requested Special Policies	N/A
Requested Zoning	Holding Business District Commercial Special Provision (h-18*BDC(_)*D550*H82) Zone

Requested Special Provisions

Regulation (BDC(_)) Zone)	Required	Proposed	Recommended
Additional Permitted Uses	N/A	<ul style="list-style-type: none"> Institutions Social Service Establishment 	As requested
Stepback Above the 3rd Storey – Street Facing Façade	N/A	N/A	5.0 metres

Regulation (BDC() Zone)	Required	Proposed	Recommended
(minimum)			
West Interior Side Yard Depth Abutting a Residential Zone (minimum):	32.0 metres	1.8 metres	1.5 metres
Rear Yard Depth (minimum)	32.0 metres	0.0 metres	As requested
Rear Yard Depth Above the 1st Storey (minimum)	32.0 metres	N/A	6.0 metres
Rear Yard Depth Above the 2nd Storey (minimum)	32.0 metres	N/A	9.0 metres
Tower Floorplate (maximum)	N/A	N/A	1,000 square metres
Tower Setback - East and South (minimum)	N/A	N/A	11.0 metres
Tower Setback – West (minimum)	N/A	N/A	15.0 metres
Height (maximum)	46 metres	82 metres	As requested
Density (maximum)	250 uph	550 uph	As requested

C. Development Proposal Summary

Development Overview

The recommended action will permit a 6-storey mixed-use building fronting Dundas Street, consisting of 34 residential units and approximately 300m² of gross-floor commercial space; and a 24-storey mixed-use building located to the rear, consisting of 213 units and ground-floor multi-use space at a density of 550 units per hectare. A total of 247 residential units with a minimum of 40 percent affordable are proposed.

Proposal Statistics

Land use	Mixed-use
Form	Two (2) Apartment Buildings
Height	6-storeys and 24-storeys
New Residential units	247 units
Density	550 units per hectare
Building coverage	50.7%
Landscape open space	24%
New use being added to the local community	Yes

Mobility

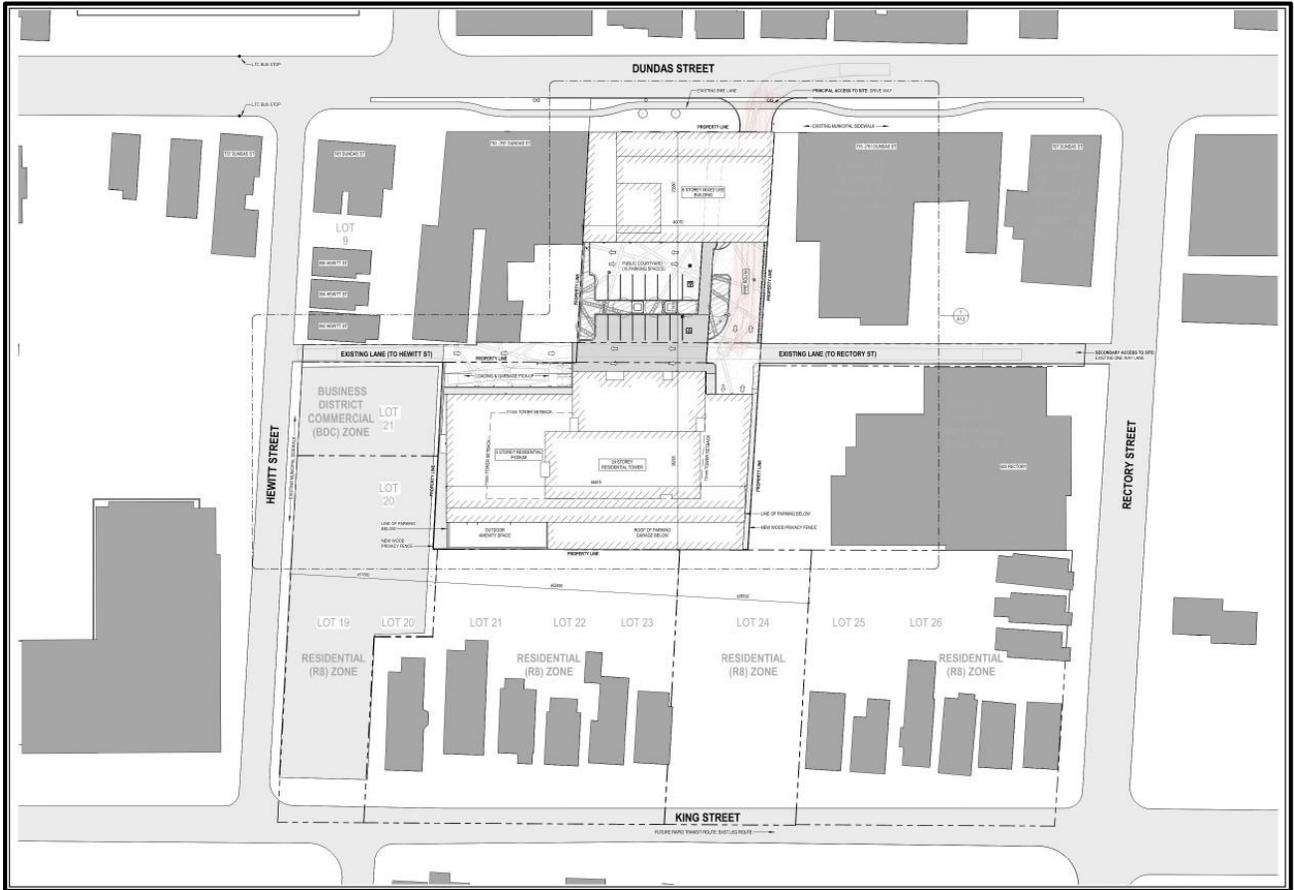
Parking spaces	85 parking spaces (16 at grade and 69 underground)
Vehicle parking ratio	0.4 space/unit
New electric vehicles charging stations	Unknown
Secured bike parking spaces	Yes
Secured bike parking ratio	1.0/unit
Completes gaps in the public sidewalk	N/A
Connection from the site to a public sidewalk	Yes
Connection from the site to a multi-use path	No

Environment

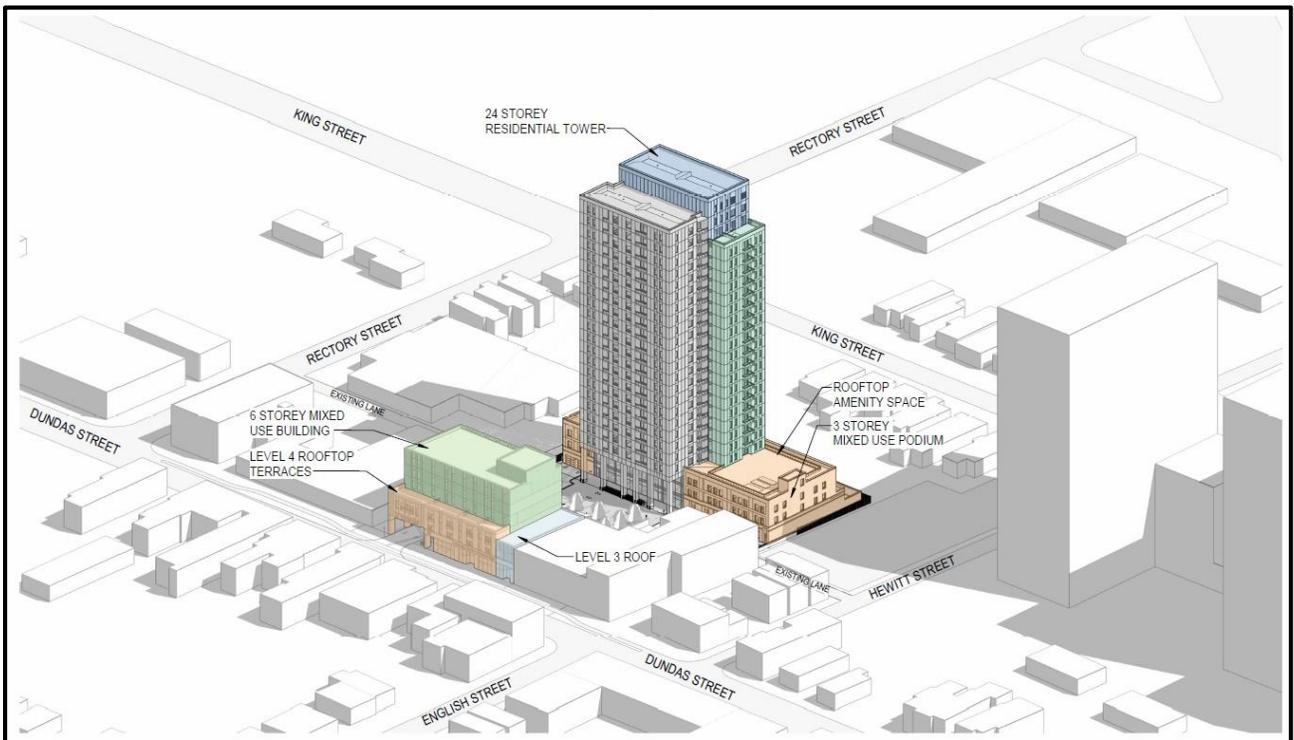
Tree removals	No
Tree plantings	Yes
Tree Protection Area	No
Loss of natural heritage features	No
Species at Risk Habitat loss	No
Minimum Environmental Management Guideline buffer met	N/A
Existing structures repurposed or reused	Yes
Green building features	Unknown

Appendix C – Additional Plans and Drawings

Conceptual Site Plan



Massing Model



Appendix D – Internal and Agency Comments

UTRCA

- The subject lands **are not** affected by any regulations (Ontario Regulation 41/24) made pursuant to Section 28 of the *Conversation Authorities Act*.
- The UTRCA has **no objections** to the application, and we have no Section 28 approval requirements.

Site Plan

Major Issues

- Provide second paratransit lay-by for south tower or relocate proposed paratransit lay-by to a central location with a protected waiting area.

Matters for Site Plan

- Provide raised pedestrian walkway from Dundas Street to south tower.
- Ensure all accessible parking spaces comply with Figure 7.1 or Figure 7.2 of the Site Plan Control By-law.
- Locate all underground accessible parking spaces close to elevators and barrier-free entrances.
- Ensure barrier-free access from underground parking areas to elevators.
- Label all main entrances for both buildings. Include barrier-free descriptor where applicable.
- Provide measurements from property lines to buildings.
- Indicate direction of traffic.

CN Rail

- Thank you for consulting CN on the application mentioned in subject. It is noted that the subject site is located within 1000 meters to CN's rail yard facilities. CN has concerns of developing/densifying residential uses in proximity to railway operations. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. The Guidelines for New Development in Proximity to Railway Operations reinforce the safety and well-being of any existing and future occupants of the area. Please refer to these guidelines for the development of sensitive uses in proximity to railway operations. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities. CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:
 - The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, the CN may consider other measures recommended by an approved Noise Consultant.
 - The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 1000m of the railway right-of-way:
 - "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 1000 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or

- operations on, over or under the aforesaid rights-of-way.”
 - The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
- CN anticipates the opportunity to review a noise study taking into consideration the Guidelines for New Development in Proximity to Railway Operations developed by the Federation of Canadian Municipalities and the Railway Association of Canada.
- We request that CN rail and the proximity@cn.ca email be circulated on any and all public notices and notice of decisions with respect to this and future land use planning applications with respect to the subject site.

Urban Design

- The proposed development is located within the Old East Village Core of the Old East Village Dundas Corridor Secondary Plan, the Urban Corridor Place Type in The London Plan along a Main Street. Urban Design is generally supportive of the development proposed at this location. Please see below for specific Urban Design comments.
- The following site layout and built form features have been acknowledged and should be carried forward:
 - Street orientation and the continuation of the street wall with ground floor active uses for the building located on Dundas Street.
 - A 5m stepback above the 3rd storey for the building located on Dundas Street.
 - Active uses fronting the internal courtyard/shared outdoor amenity space for the ground floor of the 24-storey tower.

Matters for ZBA

- High Rise Building (tower):
 - High-rise buildings should be designed with slender towers that reduce shadow impact, minimize the obstruction of views, and are less massive to neighbouring properties. Provide a **15-metre** setback to the tower from interior property lines to give consideration for future development on adjacent properties. Refer to the Old East Village Dundas Street Corridor Secondary Plan, Policy 3.3.4.g).
 - Ensure the tower is designed to reduce shadow impact, minimize obstruction of views, and are less massive to neighbouring properties. Provide confirmation that the proposed tower is **1,000 square metres** or less. Refer to the Old East Village Dundas Street Corridor Secondary Plan, Policy 3.3.4.c).

Matters for Site Plan

- Site Layout:
 - Explore opportunities to create a midblock connection to King Street to directly connect to future rapid transit. Refer to The London Plan, Policy 255.
 - Ensure a safe and comfortable pedestrian connection from the City sidewalk on Dundas Street and Hewitt Street to the main entrance to the 24-storey tower. Refer to The London Plan, Policy 255.
- High Rise Building (podium):
 - Differentiate the main residential entrance to the 24-storey tower building through an increased proportion of glazing and wayfinding elements such as signage, and canopies/awnings to increase pedestrian safety and security. Refer to The London Plan, Policy 291.
- Overall Building Design:
 - All development fronting onto Dundas Street should be consistent with the Old East village Commercial Corridor Urban Design Manual to coordinate the façade and built form with the existing character of Dundas Street

Ecology

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

Heritage

- Heritage staff have received and reviewed the following reports submitted as a part of Z-9777:
 - Zelinka Priamo Ltd., Heritage Impact Assessment, 763-773 Dundas Street, August 22, 2024
 - TMHC Inc., Stage 1 Archaeological Assessment, 773 Dundas Street (P324-0910-2024) January 22, 2024
 - TMHC Inc., Stage 1-2 Archaeological Assessment, 763-769 Dundas Street (P324-0694-2021 and P324-0704-2021) December 6, 2021

Heritage Impact Assessment

- Heritage staff have reviewed and agree with the findings and conclusions of the Heritage Impact Assessment. The HIA identifies the design strategies including the use of a continued street wall, step-backs and appropriate materials that mitigate the potential impacts of the proposed development on the adjacent heritage-listed properties. Please note, as a part of the proposed development the building at 763-769 Dundas Street will require demolition. The building is directly connected to the adjacent heritage-listed property at 761 Dundas Street. Staff will be seeking a demonstration through the Site Plan process that appropriate site plan controls and demolition/construction activities will not directly impact the adjacent property at 761 Dundas Street.

Archaeological Assessment

- Staff have reviewed the archaeological assessments submitted as a part of this application. Please note, the City has not yet received the Ministry's acceptance letters for these assessment reports. In order to accept these reports and clear the properties of their archaeological potential, the applicant must also submit the Ministry's review and acceptance letter. Heritage staff recommend that the h-18 holding provision be applied until the archaeological matters have been satisfied.

Additional Notes

- Please note, the properties at 763-769 Dundas Street were previously removed from the Register of Cultural Heritage Resources in 2023. The property at 773 Dundas Street is currently subject to a demolition request. A Public Participation Meeting was held at PEC on August 26, 2024. The demolition request will be included on the PEC Report to Council at Council's meeting scheduled for September 24, 2024.
- Please also note, following the demolition request process for 763-769 Dundas Street the property owner for the heritage-listed property at 761 Dundas Street contacted heritage staff to express concerns about potential demolition impacts to his property. At that time we did not have an active planning application, but I advised him that he would have an opportunity to comment during the ZBA process.

Landscape Architecture

- No comments.

Engineering

- Engineering has no further comments at this time regarding this application.

Matter for Site Plan

- All engineering related comments provided during SPC 23-130 are still Applicable.
- Additional comments below are to be addressed during the site plan application Stage.

Stormwater

- For the benefit of the project, please ensure the applicant is informed about the additional SWM issues/requirements to be considered by the applicant's consultant engineer when preparing the storm servicing strategy for this land during the Site Plan Application stage:
- As stated in response to SPC23-130, although the proposed development does not contain 29 or more at grade parking spaces, the site is subject to Case 4 of the PPS (CofL DSRM 6.9) which states the on-site private stormwater system must provide 100% of the quality control for the lands to be developed (normal, 70% TSS removal), as there are no downstream quality controls in place. The consultant is to address stormwater quality control as part of the stormwater servicing strategy for the site.
- Grading and Disposal of Storm, Surface and Wastewater shall be in accordance with Section 12 of the Site Plan Control By-Law (SPCB). A grading plan is to be designed by a Professional Engineer and certified by a designated professional, and include the following considerations:
 - The sites grading and drainage shall conform to the overall drainage pattern of the adjacent lands
 - Storm water is contained within the site to the greatest extent practical, and directed to an internal storm drainage system, thereby generally preventing drainage onto adjacent properties.
 - No surface ponding should develop under a 5-year design storm event.
 - The major storm event for the development shall be safely conveyed via overland flow route to Dundas Street, to the greatest extent practical.
 - The proposed shall comply with riparian right (common) law.

Wastewater

- The subject lands are allocated 430uph equivalent to approximately 181units, with the proposed for 247units (+66u) from the drainage area plan. SED previously reviewed a capacity analysis based on 235units and was amicable to the increase as it was roughly 1L/s and there is surplus capacity in the system.
- The applicant's engineer is to provide the updated maximum population and peak flow based on the increase in units and mixed use and provide inspection manhole entirely on private property but as close to the street line as possible as part of the site plan application drawings.

Parks Long Range Planning and Design

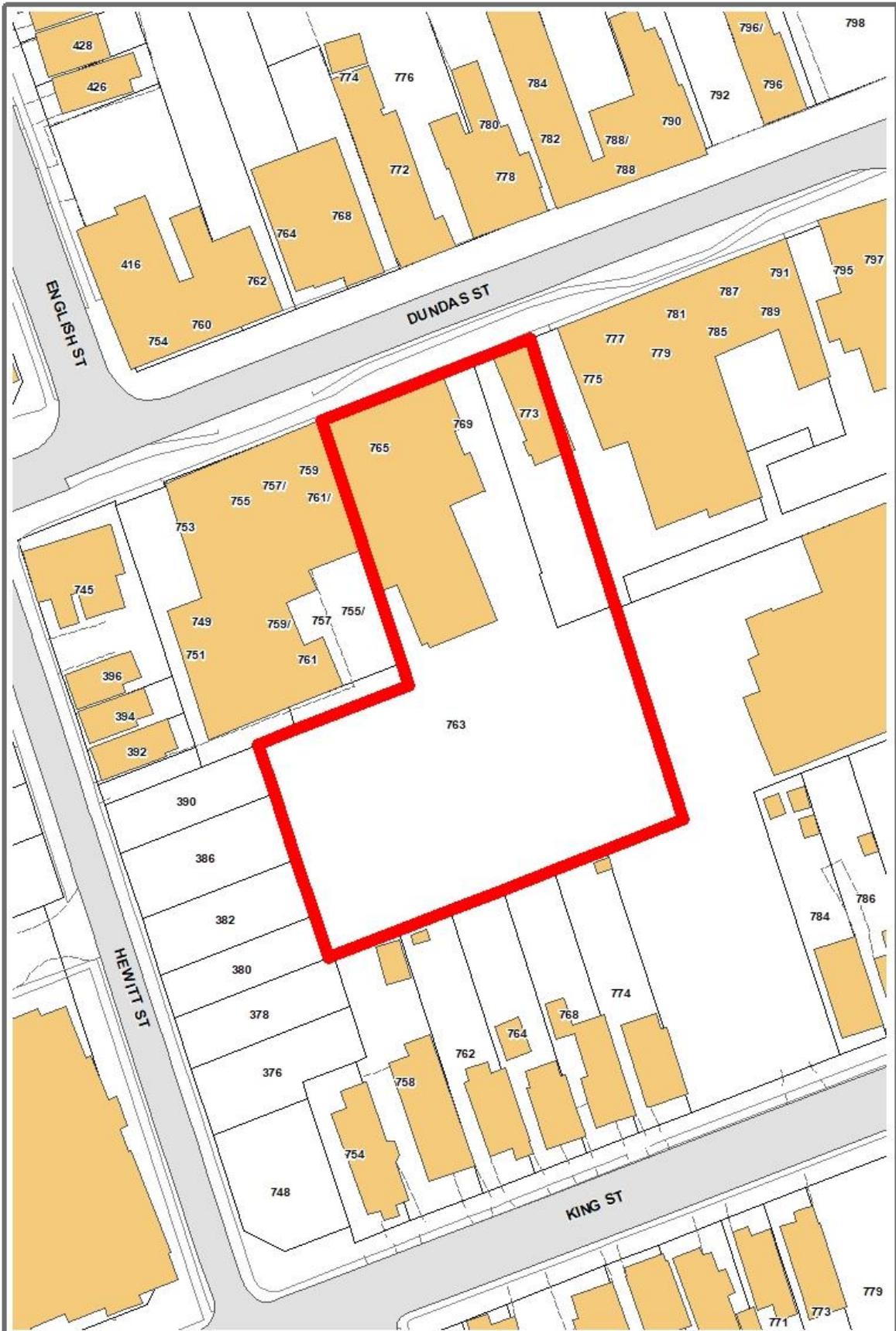
Matters for Site Plan

- Parkland dedication has not been taken for this site. It is to be noted that the applicant, as a condition of site plan approval, will be required to provide parkland dedication in the form of cash-in-lieu pursuant to By-law CP-25.

London Hydro

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

Appendix F – Relevant Background



LOCATION MAP

Address: 763-773 Dundas Street
File Number: Z-9777
Planner: Michaela Hynes
Date: 2024/09/17

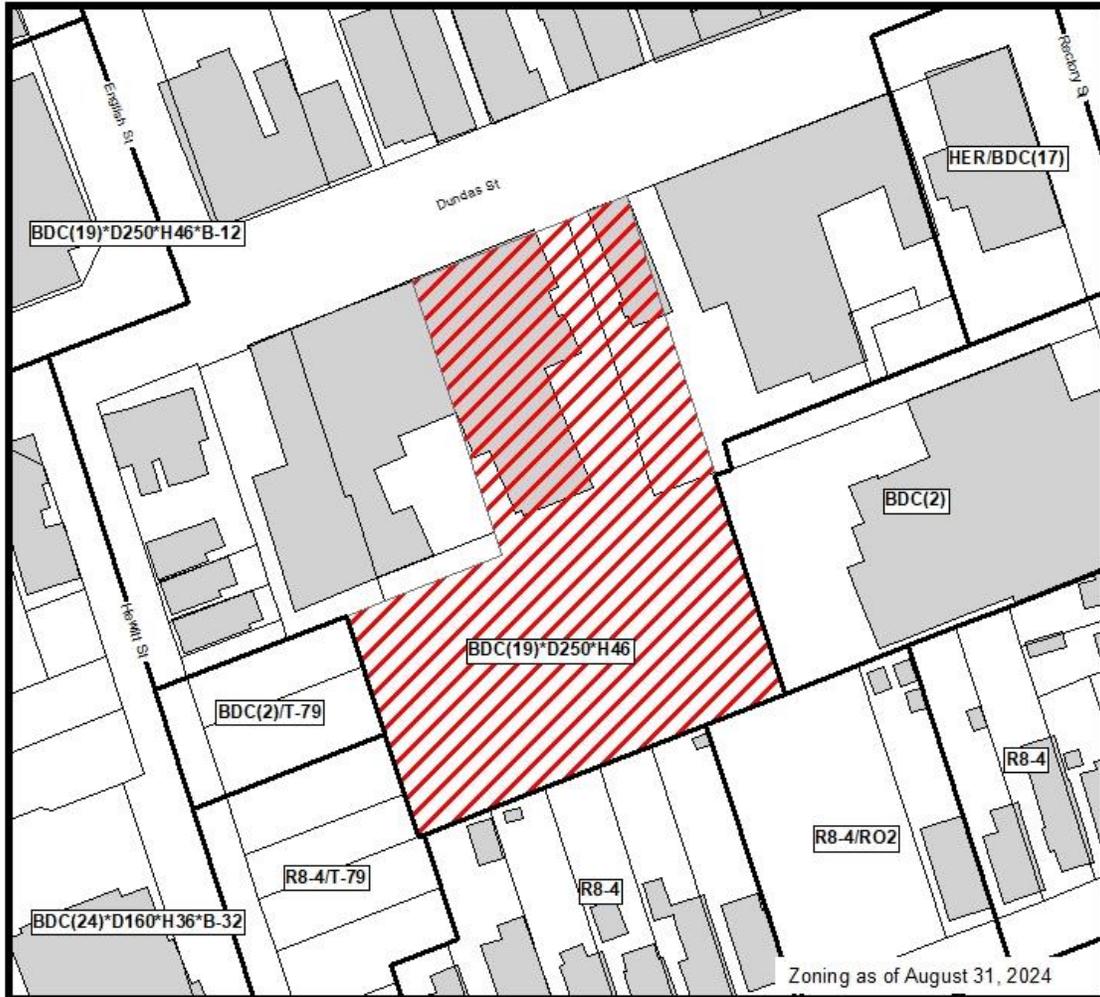
Corporation of the City of London
Prepared By: Planning and Development



Scale 1:800

Legend

-  Subject Site
-  Assessment Parcels



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: BDC(19)*D250*H46

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-9777

MH

MAP PREPARED:

2024/09/17

Jl

1:1,000

0 5 10 20 30 40
Meters