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Via Email

Mayor and Members of Council
Corporation of the City of London
c/o Heather Lysynski
300 Dufferin Avenue
London, Ontario
N6A 4L9

Dear Sirs/Madams:

Re: The London Plan
Kapland Inc. and KAP Holdings Inc.

I am the solicitor for Kapland Inc. and Kap Holdings Inc.

My client supports the goal of intensification which is central to the new Official Plan, however, there are numerous policies which are inconsistent with this goal and ought to be eliminated.

For example, Policy 905.6 says:

6. In general terms, the intent of this approach is to balance neighbourhood stability and predictability with the goals of creating neighbourhoods that allow for different housing types, an appropriate mix of uses, affordability, aging in place, and vibrant, interesting communities.

And Policy 926:

926_ It is an important strategy of this Plan to support all of these forms of intensification, while ensuring that they are appropriately located and fit well within their neighbourhood.

There follows a set of policies, applicable to roughly a third of the City, which sets up formidable barriers to intensification:

953_ *The following land use planning and urban design goals will be pursued in Near-Campus Neighbourhoods in an effort to support our vision. All planning and development applications will be reviewed to evaluate the degree to which they meet these goals:*

1. *Encourage preferred forms of intensification (as characterized in policy below) that support the vision for Near-Campus Neighbourhoods and discourage inappropriate forms of intensification that may undermine the long-term stability and established vision for Near-Campus Neighbourhoods.*
2. *In pursuit of balanced neighbourhoods, recognize areas that have already absorbed significant amounts of residential intensification and residential intensity and direct additional proposals to the appropriate locations and in the preferred forms (as identified in the policy below).*
3. *Encourage a balanced mix of residential structure types at the appropriate locations while preserving stable areas.*
4. *Direct residential intensification toward mid-rise and high-rise forms of development and discourage a concentration of residential intensification and residential intensity in low-rise forms of housing.*
5. *Direct residential intensification to significant mobility nodes and corridors and away from the interior of neighbourhoods.*
6. *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.*
7. *Where incremental changes in use, density, intensity, and lot size, as a result of zoning amendments, minor variances and consents to sever are collectively leading to undesirable changes in the character and amenity of streetscapes and neighbourhoods, avoid the continuation of such trends.*
8. *Identify strategic locations where residential intensification is appropriate and zone for these opportunities accordingly and utilize strong transit connections to link these residential intensification opportunities to campuses.*
9. *Plan for residential intensification in a proactive, coordinated and comprehensive fashion, utilizing secondary plans and master plans.*
10. *Ensure that residential intensification projects incorporate urban design qualities that enhance streetscapes, complement adjacent properties, and contribute to the functional and aesthetic quality of the neighbourhood.*
11. *Conserve cultural heritage resources which contribute to the identity of streetscapes and neighbourhoods.*
12. *Provide for affordable housing opportunities in appropriate locations.*

> ENCOURAGE PREFERRED FORMS OF INTENSIFICATION

954_ *Within Near-Campus Neighbourhoods, it is a goal of this Plan to encourage preferred forms of intensification as defined by these policies. Planning and development applications that represent preferred forms of intensification will be*

encouraged. For the purposes of these policies, preferred forms of intensification will be those that are not comprised of one or more of the following attributes:

- 1. 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 for Near-Campus Neighbourhoods.*
- 2. Developments proposed along streetscapes and within neighbourhoods that are becoming unsustainable due to a lack of balance in the mix of short- and long-term residents.*
- 3. Residential intensity that is too great for the structure type that is proposed.*
- 4. Inadequately sized lots that do not reasonably accommodate the use, intensity or form of the proposed use.*
- 5. 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.*
- 6. A lack of on-site amenity area.*
- 7. Inadequate parking areas to accommodate the expected level of residential intensity.*
- 8. Excessive proportions of the site devoted to parking areas and driveways.*
- 9. Built forms or building additions which are not consistent in scale and character with the neighbourhood, streetscape and surrounding buildings.*
- 10. Developments which continue an ad-hoc and incremental trend toward residential intensification within a given street, block, or neighbourhood, rather than a proactive, coordinated, and planned approach toward residential intensification.*

> DIRECTING PREFERRED FORMS OF INTENSIFICATION TO APPROPRIATE LOCATIONS

955_ Near-Campus Neighbourhoods have been planned with substantial opportunities for intensification through the provision of a variety of place types that allow for mid-rise and high-rise residential development. Many of these Near-Campus Neighbourhoods have already experienced a significant amount of residential intensification (as defined in this Plan) and an increase in residential intensity.

956_ The preferred forms of intensification in Near-Campus Neighbourhoods are mid-rise and high-rise apartment buildings situated in appropriate place types and on appropriate street classifications rather than within the interior of neighbourhoods. This is particularly important in neighbourhoods where there has been a substantial amount of residential intensification or residential intensity within the Neighbourhoods Place Type abutting Neighbourhood Streets or Neighbourhood Connectors.

957_ Appropriate locations for mid-rise and highrise apartment buildings are those areas within Near-Campus Neighbourhoods that are located within the Transit Village, Rapid Transit Corridor, Urban Corridor, Downtown and Shopping Area Place Types. Areas within the Neighbourhoods Place Type that

have been identified for additional height, as shown on Table 11, may also be appropriate locations for mid-rise intensification. Finally, those lands shown on Map 2 - High Density Residential Overlay (from 1989 Official Plan), may also allow for mid-rise and high-rise apartment development.

> PERMITTED USES IN THE NEIGHBOURHOODS PLACE TYPE WITHIN NEAR-CAMPUS NEIGHBOURHOODS

958_ Permitted uses in the Neighbourhoods Place Type within Near-Campus Neighbourhoods will be in conformity with Table 10 that identifies the range of permitted uses within all neighbourhoods within London. However, with the exception of Central London, converted dwellings will be limited to a maximum of two dwellings units within the Near-Campus Neighbourhoods.

959_ Zoning on individual sites may not allow for the full range of permitted uses shown in Table 10

These barriers are manifestly contrary to the goal of intensification within neighborhoods. They lack objective standards and on the basis of experience under the current Official Plan, are likely to be wielded in a discriminatory manner.


The goals and rules for intensification should be clear and applicable across the City. For example, if "built forms or building additions which are not consistent in scale and character with the neighborhood, streetscape and surrounding buildings", constitutes an appropriate test for infill, there is no reason why this standard should be restricted to a particular portion of the City. However, it is clear that such a requirement would prevent the central goal of the proposed London Plan, which is to support change and intensification while balancing other considerations: to balance neighbourhood stability and predictability with the goals of creating neighbourhoods that allow for different housing types, an appropriate mix of uses, affordability, aging in place, and vibrant, interesting communities.

That ought to be a universal test, rather than one that applies only to less privileged portions of the City.

It is respectfully submitted that the draft new Official Plan should be reviewed so that it sends a consistent message about intensification. **The Plan should not reserve a discretion to staff to pick and choose on the basis of arbitrary criteria.**

For these reasons, it is respectfully requested that the London Plan not be adopted at this time. Instead, it should be sent back to staff for further review and revision, with these objectives in mind.

Yours very truly,



Barry R. Card

BRC:jmh