

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** John M. Fleming  
Managing Director, Planning and City Planner  
**Subject:** Application By: Steve Pinhal  
644 and 646 Huron Street  
**Public Participation Meeting on: February 20, 2018**

## Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Steve Pinhal relating to the property located at 644 and 646 Huron Street:

- (a) the proposed by-law attached hereto as Appendix "A" BE INTRODUCED at the Municipal Council meeting on March 6, 2018 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property FROM a Restricted Office (RO1) Zone, TO a Residential R9 Special Provision (R9-3(\_\_\_\_)•H13) Zone.
- (b) the Site Plan Control Approval Authority BE REQUESTED to consider the following design issues through the site plan control approval process:
  - i) the provision of the primary pedestrian entrance on the south façade of any new buildings with frontage on Huron Street;
  - ii) a building design that differentiates the ground floor through the use of pedestrian-scaled elements such as but not limited to, canopies and lighting, alternate window sizes/placement than the floors above;
  - iii) a building design that breaks up the perceived mass of the building through façade articulation (recesses and projections), appropriately scaled windows, the use of high quality materials, and appropriate roof forms and pitches; and
  - iv) investigation by the applicant into whether the Reid Drain storm sewer crossing the property is still active. If the Reid Drain storm sewer is found to be inactive, the Site Plan Control Authority will work with the applicant to consider the possibility of consolidating the proposed two new buildings into one building.
- (c) any future site plan control application for the subject site BE CONSIDERED by the Urban Design Peer Review Panel.

## Executive Summary

### Summary of Request

The requested Zoning By-law Amendment is to permit the development of two new 3-storey apartment buildings and to retain an existing 2-storey apartment building on the site. A special provision is requested to permit a reduced front yard setback of 2 metres and a reduced interior side yard setbacks of 2 metres. The existing single detached dwelling on 644 Huron Street is proposed to be demolished.

### Purpose and Effect of Recommended Action

The purpose and effect of the recommended Zoning By-law Amendment is to permit the development of medium and high-density residential uses, such as apartment buildings, on the property up to a maximum height of 13 metres (approximately 3 or 4 storeys).

The requested special provision to reduce the interior side yard setback to 2 metres has been modified in the recommended Zoning By-law Amendment to increase proportionally with building height to allow greater separation distance between buildings should the adjacent sites redevelop in the future.

### Rationale of Recommended Action

Staff have reviewed the requested Zoning By-law Amendment application and, with the revisions incorporated into the recommended Zoning By-law Amendment, the recommendation is consistent with the Provincial Policy Statement and conforms with the existing Official Plan policies as well as the Council-adopted London Plan policies that apply to the site.

The recommended Zoning By-law Amendment will allow for a form of residential intensification that fits within the surrounding context. The recommended special provisions for reduced front yard and interior side yard setbacks would allow for the construction of a building that does not create adverse impacts on its neighbours and helps to create a comfortable pedestrian environment on Huron Street. The recommended Zoning By-law Amendment would bring the permitted uses on the site into greater conformity with the policies of both the Official Plan and The London Plan by permitting residential uses where the present zoning only permits office uses.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site is rectangular in shape and is made up of two existing parcels, 644 Huron Street and 646 Huron Street. The subject site has an area of approximately 0.327 hectares. The subject site is currently occupied by a 2-storey single-detached dwelling at 644 Huron Street and a 2-storey apartment building at 646 Huron Street. Both properties have a shared driveway providing access from Huron Street and a shared surface parking lot is located at the rear of both properties.

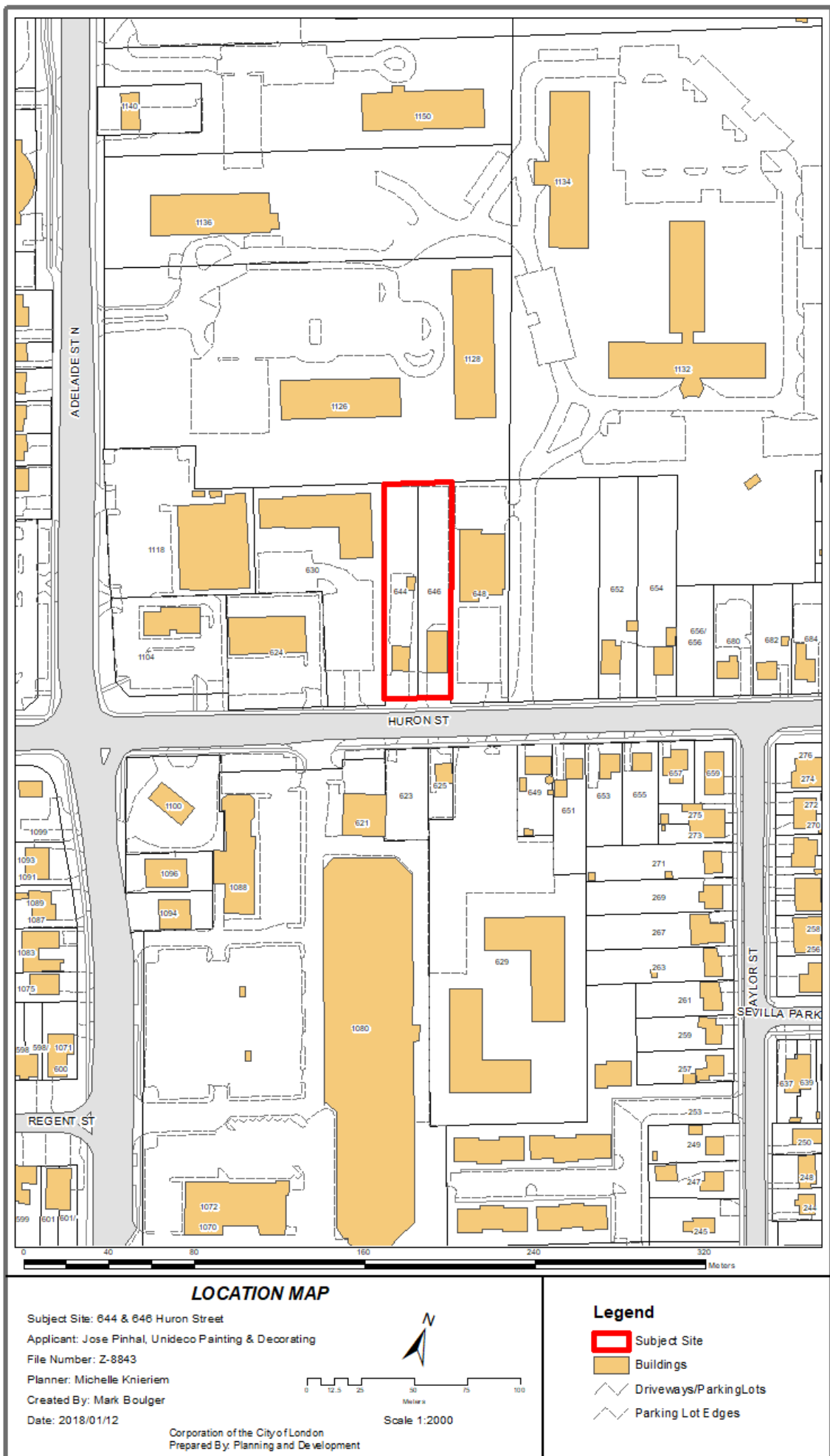


Figure 1: Photo of existing buildings on the site (644 and 646 Huron Street)

#### 1.2 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation – Multi-Family High Density Residential
- The London Plan Place Type – Neighbourhoods on a Civic Boulevard
- Existing Zoning – Restricted Office (RO1) Zone

1.3 Location Map



#### 1.4 Site Characteristics

- Current Land Use – Single-detached dwelling and apartment building
- Frontage – 33.22 metres (108.9 feet)
- Depth – 98.66 metres (323.7 feet)
- Area – 0.327 hectares (0.808 acres)
- Shape – Rectangular

#### 1.5 Surrounding Land Uses

- North – Apartment buildings ranging from 6 to 10 storeys
- East – Emergency care establishment at 648 Huron Street (approved by a Zoning By-law Amendment in 2015); further east is the driveway to the apartments to the north and single detached residential dwellings.
- South – Commercial plaza; 3-storey residential apartment building; 1-storey commercial use within a converted dwelling.
- West – 3-storey apartment building; further east is a commercial plaza.

## 2.0 Description of Proposal

### 2.1 Development Proposal

The proposed development contemplates the removal of the existing single-detached house at the southwestern corner of the site and the construction of two new 3-storey low-rise apartment buildings with a maximum height of 13 metres on the southwestern portion of the property. The existing 2-storey low-rise apartment building on the southeastern portion of the property is shown as being retained on the plans provided by the applicant. A total of 32 residential units are proposed by the applicant, which would include the 6 residential units located in the existing 2-storey low-rise apartment building.

Surface parking is proposed to be located on the northern portion of the site, behind the low-rise apartment buildings, with access provided from a driveway onto Huron Street. A total of 47 vehicular parking spaces are proposed (1.47 spaces per unit), which exceeds the Zoning By-law requirement of 1.25 vehicular parking spaces per unit.

A special provision has been requested by the applicant for a front yard setback of 2 metres, which is 6 metres less than the Zoning By-law standard of 8 metres. The applicant has also requested that the special provision include reduced interior side yard setbacks are of 2 metres, which are 2.5 metres less than the Zoning By-law standard of 4.5 metres.

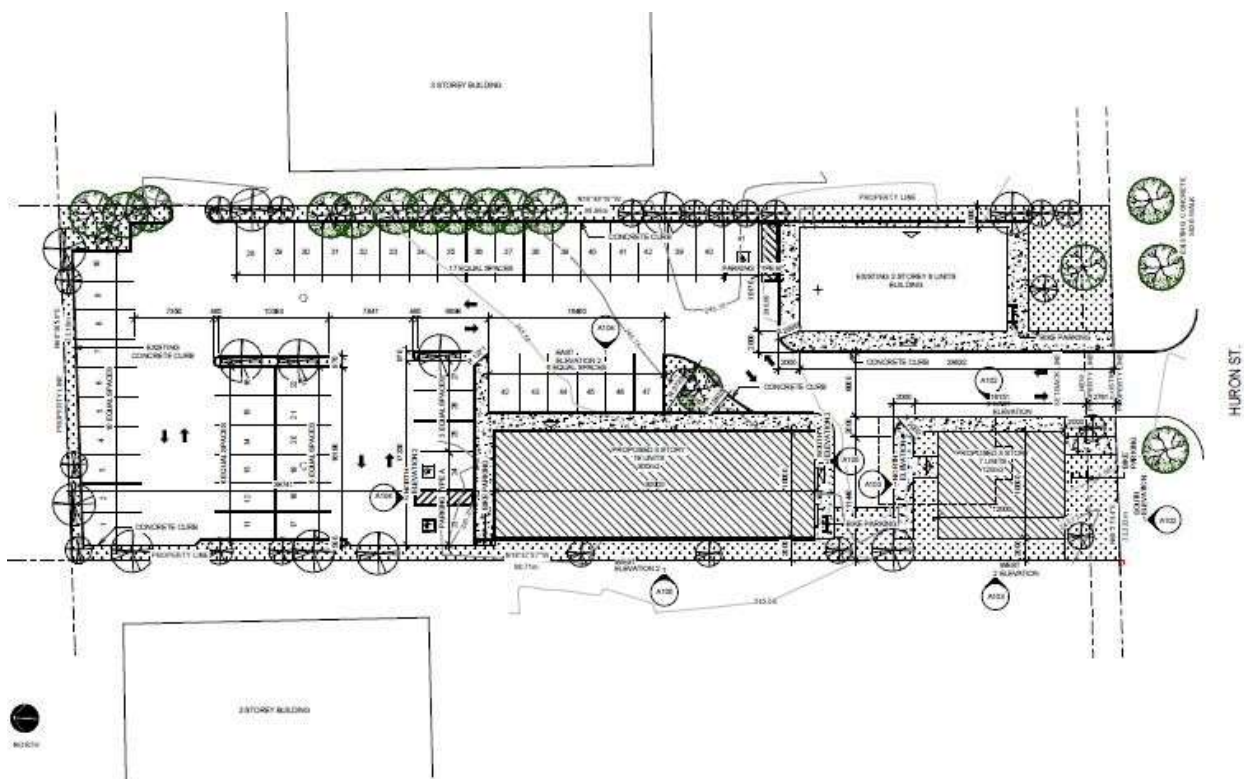


Figure 2: Site Plan submitted by applicant

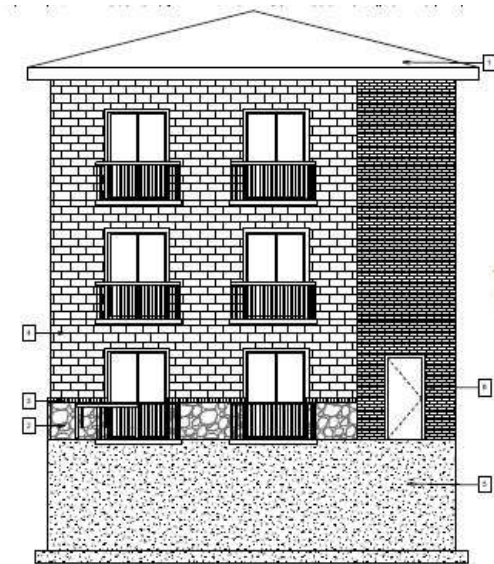


Figure 3: Proposed North Building South Elevation – submitted by applicant

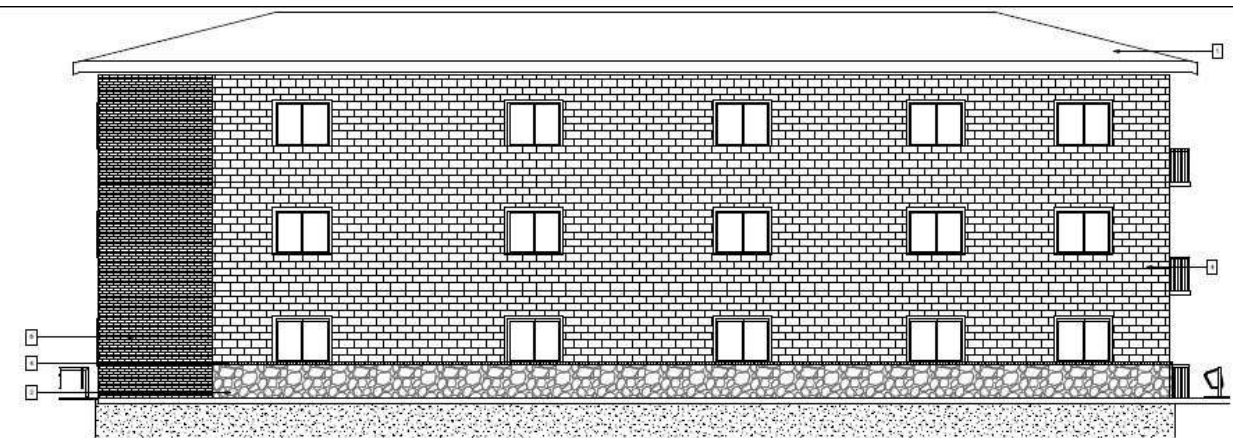


Figure 4: Proposed North Building West Elevation – submitted by applicant

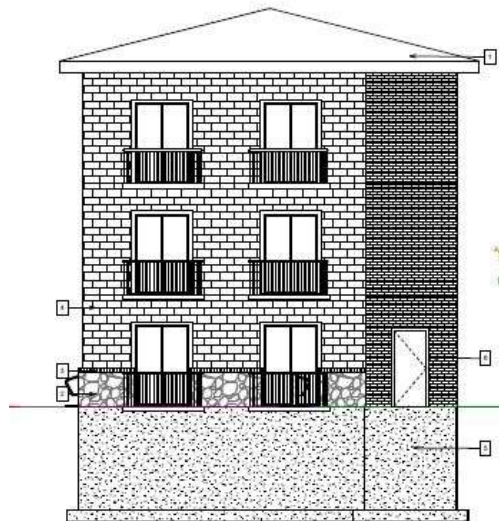


Figure 5: Proposed South Building South Elevation – submitted by applicant



Figure 6: Proposed South Building East Elevation – submitted by applicant

### 3.0 Relevant Background

#### 3.1 Planning History

An application was approved by the Committee of Adjustment in 2002 (A.159/02) for the subject site at 644 and 646 Huron Street. The application was for an expansion or change to a legal non-conforming use to permit 4 residential uses and 2 doctor's offices in place of 5 existing residential units and 1 doctor's office.

#### 3.2 Requested Amendment

The requested Zoning By-law Amendment is to rezone the site from a Restricted Office (RO1) Zone to a Residential R9 Special Provision (R9-3(\_\_\_\_)•H13) Zone. While the current zoning only permits office uses, the requested Zoning By-law Amendment would permit apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped persons apartment buildings, and continuum-of-care facilities with a maximum height of 13 metres (the applicant has shown 3-storey buildings at this height, but this height could accommodate 4-storey buildings). Office uses would no longer be permitted. The requested special provision is to permit a reduced front yard setback of 2 metres and reduced interior side yard setbacks of 2 metres.

#### 3.3 Community Engagement (see more detail in Appendix B)

A Notice of Application was sent to property owners within a 120 metre radius of the subject site on November 8, 2017 and was published in *The Londoner* on November 9, 2017.

One "Possible Land Use Change" sign was placed on the subject site, fronting onto Huron Street.

As of the date of this report, two community members have contacted Planning Staff community with regards to this application. Concerns expressed included the height of the proposed 3-storey apartment buildings, the potential impact on traffic, and the potential for land use conflicts with the adjacent emergency care establishment at 648 Huron Street. One respondent indicated general support for the project.

#### 3.4 Policy Context (see more detail in Appendix C)

*Provincial Policy Statement, 2014*

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, setting the policy foundation for regulating the development and use of land. The subject site is located within a settlement area as identified in the PPS. The PPS identifies that settlement areas shall be the focus of growth and development, however this intensification is not intended to be uniform (Policy 1.1.3.1, 1.1.3.2). Policy 4.7 states that the Official Plan is the most important vehicle for implementing the PPS.

All decisions of Council affecting land use planning matters are required to be consistent with the PPS.

### *City of London 1989 Official Plan (“Official Plan”)*

The City of London 1989 Official Plan (“Official Plan”) implements the policy direction of the PPS and contains objectives and policies that guide the use and development of land within the City of London. The Official Plan assigns specific land use designations to lands, and the policies associated with those land use designations provide for a general range of permitted uses.

The subject site is located within the “Multi-Family High-Density Residential” land use designation in the Official Plan. Development in the Multi-Family High-Density Residential land use designation is intended to provide multi-family high density uses that enhance the character and amenity of residential areas and be sensitive to the scale and character of adjacent land uses in close proximity to the site (Policy 3.1.4). Densities are generally limited to a maximum of 150 units per hectare, with higher densities permitted in the Downtown and Central London (Policy 3.4.4).

### *The London Plan*

The London Plan is the new Official Plan for the City of London and has been adopted by City Council and approved by the Ministry with modification, but is not yet in-force and effect due to appeals to the Ontario Municipal Board.

The subject site is located within the Neighbourhoods Place Type in the London Plan on a Civic Boulevard (Huron Street). Neighbourhoods Place Types make up the majority of the City Structure’s land area. Each neighbourhood provides a different character and function, giving Londoners abundant choice in affordability, mix, urban vs. suburban character, and access to different employment areas, mobility options, and lifestyles (Policy 917). The London Plan identifies the range of residential uses that are permitted for properties within the Neighbourhoods Place Type on Civic Boulevards, including low-rise apartment buildings (Table 10). For properties within the Neighbourhoods Place Type on a Civic Boulevard, the range of heights that may be permitted on a site is 2 to 4 storeys, with the possibility of up to 6 storeys with bonusing (Table 11). This range of permitted uses and maximum heights will not necessarily be permitted on all sites within the Neighbourhoods Place Type on Civic Boulevards, as proposed developments must fit within its context (Policy 920).

## **4.0 Key Issues and Considerations**

The following provides a summary of the key issues and considerations associated with this application.

### **4.1 Issue and Consideration # 1: Use**

The requested Zoning By-law Amendment is to permit a low-rise apartment building with a maximum height of 13 metres (approximately 3 or 4 storeys) as a permitted use for the subject site. The proposed low-rise apartment use was reviewed to determine if it was appropriate for the subject site. Based on the policies in the Provincial Policy Statement, the Official Plan (1989) and The London Plan, it was determined that the requested low-rise apartment use is an appropriate use for the subject site.

### *Provincial Policy Statement, 2014 (PPS)*

The PPS identifies that healthy and liveable communities are sustained by accommodating a range and mix of residential (including second units, affordable housing, and housing for older persons) uses (Policy 1.1.1(b)). It also identifies that planning authorities shall identify (through their Official Plan) appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated, taking into account existing building stock or areas and the availability of existing or planned infrastructure and public service facilities (Policy 1.1.3.3).

The inclusion of the low-rise apartment building use on the subject site is consistent with the PPS policies about accommodating a range and mix of residential uses and allowing opportunities for intensification as identified by planning authorities.

*Official Plan (1989)*

The Official Plan supports the provision of a choice of dwelling types according to location, size, affordability, tenure, design and accessibility (Policy 3.1.1 ii). It also supports the distribution of a choice of dwelling types, and designates lands for a range of densities and structure types throughout the City (Policy 3.1.1 vi).

The subject site is designated Multi-Family, High-Density Residential in the Official Plan. This land use designation is intended to accommodate high-density residential uses (Policy 3.1.4). Low-rise apartment buildings are included in the range of permitted uses in the Multi-Family, High-Density Residential designation in the Official Plan (Policy 3.4.1). The requested low-rise apartment building use is appropriate in this location as it fits within the surrounding context which includes a range of dwelling types including low and high-rise apartment buildings.

The current Zoning By-law permissions on the site under the Restricted Office (RO1) Zone limit the permitted uses on the site to office uses and medical/dental office uses. No residential uses are permitted on the subject site based on the existing zoning. The proposed low-rise apartment use that would be permitted by the Zoning By-law Amendment conforms to the Official Plan, and is considered a primary permitted use within the designation whereas the existing office uses are considered secondary uses.

*The London Plan*

The subject site is within the Neighbourhoods Place Type in the London Plan and fronts on a Civic Boulevard (Huron Street). The range of permitted uses for the Neighbourhoods Place Type on a Civic Boulevard includes low-rise apartment buildings, with heights between 2 and 4 storeys, with heights up to 6 storeys through the application of bonusing (Table 11). The London Plan identifies that these heights and range of permitted uses are not appropriate on all properties within this place type on Civic Boulevards, as development must fit with the surrounding context (Policy 920).

The requested low-rise apartment building use is within the range of permitted uses for the site in The London Plan and is appropriate for the site as it fits with the surrounding area, which includes a mixture of low and high-density residential uses.

#### **4.2 Issue and Consideration # 2: Form - Height**

The requested Residential R9 (R9-3) Zone requires that a maximum height be specified in the Zoning By-law for individual sites.

The applicant has requested a maximum height of 13 metres, which would allow the applicant to construct a 3 to 4 storey building. This requested height is appropriate for the context and it is recommended that a maximum height of 13 metres be permitted by the Zoning By-law.

*Provincial Policy Statement, 2014 (PPS)*

The Provincial Policy Statement identifies that municipalities shall identify (through the Official Plan) appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated, taking into account existing building stock or areas (Policy 1.1.3.3). The proposed development is on a site that Official Plan policies identify as being suitable to accommodate high-density residential development at the height requested in this application, as further detailed below.

*Official Plan (1989)*

The Multi-Family High Density Residential land use designation has the objective of promoting the design of multi-family, high density residential developments that are sensitive to the scale and character of adjacent land uses. Development is encouraged to provide a transition in scale between new development and the existing built fabric of adjacent properties (Policy 3.4.3). Development should also not affect the amenity of



adjacent residential areas in terms of traffic, access to sunlight and privacy (Policy 3.4.3).

The requested height of 13 metres, which would allow a 3 or 4 storey building, is appropriate within the context and conforms to the Official Plan. The surrounding area includes a number of low and high-rise apartment buildings, including 6 to 10 storey apartment buildings to the north of the subject site, a 3 storey apartment building to the west of the subject site, and a 3 storey apartment building to the south of the subject site. The requested height that would allow the development of a 3 to 4 storey building fits in with the existing built fabric of adjacent properties and the requested height is not expected to adversely affect adjacent residential areas.

#### *The London Plan*

The subject site is within the Neighbourhoods Place Type on a Civic Boulevard. The range of permitted heights for properties designated Neighbourhoods on a Civic Boulevard is 2 to 4 storeys, and up to 6 storeys with bonusing (Table 11). The London Plan identifies that this full range of permitted heights may not be appropriate on all sites, as development must be appropriate within the context of the neighbourhood (Policy 920).

In the instance of the subject site, the requested low-rise apartment use fits within the context, and the requested height of 13 metres could accommodate up to 4 storeys and is appropriate for the subject site. Three storey low-rise apartment buildings are located to the south and east of the subject site. North of the subject site are apartment buildings ranging in height from 6 to 10 storeys. The requested low-rise apartment building with a maximum height of 13 metres (approximately 3 to 4 storeys) is appropriate for the subject site and fits within the surrounding context.

#### **4.3 Issue and Consideration # 3: Form – Front Yard Setback**

The applicant has requested a special provision to reduce the front yard setback to a minimum of 2 metres, where 8 metres would be required under the standard Residential R9 (R9-3) Zone.

It is recommended that the Zoning By-law include this special provision to reduce the front yard setback to a minimum of 2 metres, however with an added requirement that there be a maximum front yard setback of 4 metres to ensure that any future development is constructed closer to the street in order to improve the relationship between the proposed development and pedestrians on Huron Street.

#### *Provincial Policy Statement, 2014 (PPS)*

The Provincial Policy Statement identifies that long-term economic prosperity should be supported by encouraging a sense of place and promoting a well-designed built form (Policy 1.7.1 (d)) The requested reduction in front yard setback is consistent with this policy as a reduced front yard setback helps to improve the relationship between a building and pedestrians on the sidewalk by providing a sense of enclosure which creates a comfortable pedestrian environment and by providing greater visibility from the building onto the street which improves pedestrian safety.

#### *Official Plan (1989)*

The Official Plan (1989) identifies that new development should include street-oriented features that provide for the enhancement of the pedestrian environment (Policy 11.1 viii). Allowing for a reduced front yard setback for the proposed development improves the relationship between the building and the street, enhancing the pedestrian environment.

#### *The London Plan*

The London Plan includes the policy that buildings should be sited with minimal setbacks from public rights-of-way and public spaces to create a street wall/edge and

establish a sense of enclosure and a comfortable pedestrian environment (Policy 259). Permitting a reduced front yard setback for the subject site is consistent with this policy direction and will help to improve the relationship between the proposed development and the pedestrian environment on Huron Street.

Along with the requested 2 metre minimum front yard setback, the recommended Zoning By-law Amendment also includes in the special provision a maximum front yard setback of 4 metres to help ensure the building has a minimal setback to the Huron Street sidewalk to help ensure a comfortable pedestrian environment.

#### *Urban Design Peer Review Panel Comments*

When the proposed development was reviewed by the Urban Design Peer Review Panel, the Urban Design Peer Review Panel identified a concern with the requested reduction in front yard setback, as it was not consistent with the extensive, wide front yard setbacks that are characteristic of many other properties on Huron Street.

While many properties on Huron Street currently do exhibit extensive front yard setbacks, the policies in The London Plan will help to guide future development to reduced front yard setbacks similar to what is being requested by the applicant. The requested front yard setback is expected to fit with the future context of the area and will help to activate Huron Street.

#### **4.4 Issue and Consideration # 4: Form – Interior Side Yard Setback**

The applicant has requested a special provision for a reduced minimum interior side yard setback of 2 metres, where the Residential R9 (R9-3) Zone standard would be 4.5 meters based on the requested 13 metre height.

Staff have concerns with this requested special provision for a building with a height of 13 metres and the potential for impacts on the adjacent properties, should these properties redevelop in the future. It is recommended that the side yard setback be a minimum of 2 metres with an additional metre required for every storey above the third storey.

#### *Provincial Policy Statement, 2005 (PPS)*

The Provincial Policy Statement promotes intensification and redevelopment in appropriate locations (Policy 1.1.3.3). The Provincial Policy Statement identifies that appropriate development standards should be promoted that facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety (Policy 1.1.3.4).

The requested Zoning By-law Amendment would reduce the interior side yard setback to 2 metres. Should an adjacent property redevelop in the future and should the applicant for that property seek the same standard for a reduced interior side yard setback, this would lead to issues of access to sunlight and privacy.

#### *Official Plan (1989)*

The Official Plan identifies that development of a site for high-density residential uses should not adversely affect adjacent residential uses in terms of traffic, access to sunlight and privacy (Policy 3.4.3).

The Official Plan also identifies that in reviewing the design and positioning of new buildings, access to sunlight for adjacent properties should be maximized (Policy 11.1.1 ix). The design and positioning of new buildings should also minimize the loss of privacy for adjacent residential properties (Policy 11.1.1 xiv).

The requested reduced interior side yard setbacks do not conform to these objectives, especially if the possibility of the future development of adjacent sites is considered. The provision of appropriate interior side yard setbacks is necessary to allow for separation distance between buildings, to achieve privacy and natural light for building

residents. This is especially problematic if the primary windows of any future development face into these side yards, which is the case for the proposed development based on the building elevations provided by the applicant. The need for interior side yard setback also increases as the height of a building increases to allow for sunlight and for building maintenance should ladders or other equipment be required to be positioned in the side yard.

The Zoning By-law amendment that is being recommended by Staff modifies the requested side yard setbacks, such that a minimum 2 metre side yard setback would be permitted for buildings constructed on the site up to 3 storeys with an additional 1 metre setback for each storey above the third storey. This helps to ensure that any building constructed on the site would allow for appropriate access to sunlight and privacy for residents, should the adjacent sites be redeveloped in the future. This Zoning By-law standard would also allow the existing 2-storey building on the eastern portion of the property, that is shown as being retained in the plans provided by the applicant, to be in compliance with the Zoning By-law, as the 2-storey building is setback 2 metres from the eastern property line.

While this is a greater side yard setback than is being requested by the applicant, it is still lower than the Zoning By-law standard for a Residential R9 (R9-3) Zone that requires an interior side yard setback of 1.2 metres per 3 metres of building height or fraction thereof, but in no case less than 4.5 metres, which would result in a required minimum interior side yard setback of 5.2 metres.

#### *The London Plan*

The London Plan requires that site layouts should be designed to minimize and mitigate impacts on adjacent properties (Policy 253). Potential impacts on adjacent and nearby properties from a new development also need to be managed and mitigated, such as loss of privacy and shadowing (Policy 1578).

The requested special provision for reduced interior side yard setbacks of 2 metres does not sufficiently minimize and mitigate impacts on adjacent properties including privacy and shadowing for a building constructed with a height of 13 metres. The recommended Zoning By-law special provision is intended to allow for the potential impacts on adjacent properties to be mitigated, should those properties also be redeveloped with reduced interior side yard setbacks.

#### **4.5 Issue and Consideration # 5: Form – Site Development**

Through the review of the application a number of the comments received about the proposed development from Staff and the Urban Design Peer Review Panel were matters concerning the detailed development of the site that are to be resolved at the time of a Site Plan Application. These matters, if addressed, would greatly improve the functionality of the site and relationship between the proposed development and the surrounding context (see Appendix “B”). Included in the Staff recommendations is that these matters be considered through the Site Plan Control Approval process:

- i) The provision of the primary pedestrian entrance on the south façade of any new buildings with frontage on Huron Street;
- ii) A building design that differentiates the ground floor through the use of pedestrian-scaled elements such as but not limited to, canopies and lighting, alternate window sizes/placement than the floors above;
- iii) A building design that breaks up the perceived mass of the building through façade articulation (recesses and projections), appropriately scaled windows, the use of high quality materials, and appropriate roof forms and pitches; and
- iv) Investigation by the applicant into whether the Reid Drain storm sewer crossing the property is still active. If the Reid Drain storm sewer is found to be inactive, the Site Plan Control Authority will work with the applicant

to consider the possibility of consolidating the proposed two new buildings into one building.

These matters focus the design of the proposed development and site and would help to improve the visual appearance of the development, activating Huron Street, and improving site layout. Addressing these matters through the Site Plan Control Approval process will help to implement the intent of the recommending zoning amendment and ensure that the subject site is developed in such a way that conforms to Official Plan urban design objectives, improves the functionality of the site, and better integrates the proposed development to the surrounding neighbourhood.

Other matters that will also help to ensure site functionality and improve the quality of life for both existing and future residents, such as landscaping and the location of garbage storage, are standard matters that will be considered through the Site Plan Control application process.

#### *Provincial Policy Statement, 2014 (PPS)*

The Provincial Policy Statement identifies that appropriate development standards should be promoted that facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety (Policy 1.1.3.4). The recommendation that the above-noted matters be addressed through the Site Plan Control Approval process will help to improve public health and safety by allowing for a more functional site design, in the Reid Drain storm sewer is found to be inactive, and by improving the relationship and visibility of the proposed development to pedestrians on the sidewalk.

The Provincial Policy Statement also indicates that long-term economic prosperity should be supported by encouraging a sense of place and promoting a well-designed built form (Policy 1.7.1 (d)). The above-noted matters that are recommended to be considered by the Site Plan Control Approval Authority will help to ensure a well-designed built form that contributes to the public realm and creates a sense of place for residents and others in the community.

#### *Official Plan (1989)*

The Official Plan outlines various urban design principles that shall be promoted in the preparation and review of development proposals. This includes the use of high design standards (Policy 11.1.1). The matters to be considered in the Site Plan Control Approval process would help to ensure that these urban design principles are incorporated into the proposed development.

#### *The London Plan*

The London Plan identifies a number of urban design objectives. The London Plan identifies that site layout should be designed to minimize and mitigate impacts on adjacent properties (Policy 252). Buildings must also be designed to fit within their context (Policy 1578). The recommendations to the site plan control approval authority include matters such as improved building design and improved site layout. These matters are intended to better help the proposed development fit within its context and minimize impacts on nearby properties.

The London Plan identifies that buildings should be designed to face the public right-of-way to reinforce the public realm and establish an active frontage (Policy 291). The recommended matters to be considered through the Site Plan Application include various design measures to improve the relationship between the proposed development and pedestrians on Huron Street. Implementing these measures will help to create a comfortable sidewalk for pedestrians on Huron Street.

#### *Urban Design Peer Review Panel*

The Urban Design Peer Review Panel considered the proposed development at its meeting of November 15, 2017. The Urban Design Peer Review Panel identified a

number of concerns with the proposed development, primarily with regard to site design. The recommended direction to the Site Plan Control Approval Authority would help to address many of these comments, and the other comments would be reviewed through the Site Plan Control application process. It is also recommended that the proposed development return to the Urban Design Peer Review Panel at the time of the Site Plan Control application.

The below table provides an overview of the comments provided by the Urban Design Peer Review Panel and how they are addressed through the recommendations in this report or would be addressed through the Site Plan Control approval process:

*Table 1 – Urban Design Peer Review Panel comments and responses:*

<b>Urban Design Peer Review Panel comment</b>	<b>How it will be addressed</b>
There is an established character in the immediate area that includes extensive soft landscaping, wide front yard setbacks, and passive green space. The proposal does not reflect or reinforce this character.	The recommended setback is compatible with the planned vision for the Place Type and will help to activate the street. Landscape materials will be reviewed as part of the Site Plan Application.
No compelling argument presented as to why the front yard setback is being challenged by placing building closer to the street. The general approach to the siting and organization of buildings on the site does not appear to follow any clear rationale.	The placement of buildings closer to the street is consistent with policies in the Official Plan and The London Plan to activate the street. It is consistent with the planned vision for the place type and is expected to be the future development pattern on Huron Street.
Consider consolidating the two new buildings into one building.	The Reid Drain storm sewer bisects the property, and it is not known whether this storm sewer is still active. The report recommends that, in the event the Reid Drain storm sewer is found to be inactive, the Site Plan Control Approval Authority will work with the applicant to consider the possibility of consolidating the proposed two new buildings into one building.
The general intent of intensification on an existing apartment building site should be to ensure that the proposal reflects an improvement for existing residents. It is not clear how the proposal represents an improvement over existing site conditions.	Direction to the Site Plan Control Approval Authority is recommended regarding the building and site design which will enhance the quality of the site for new and existing residents.
There is a substantial proportion of hard surfaces and parking areas. Consider replacing hard surfaces with soft landscaping to enhance the visual appearance of the proposal and to reduce potential stormwater impacts.(Consider a flat roofed scheme to better blend with neighbours and to retain water)	This is a matter that will be reviewed as part of any future Site Plan Control Application.
Internal pedestrian connections through the subject site should be setback from any new buildings by soft landscaping to minimize direct views into the building	This is a matter that will be reviewed as part of any future Site Plan Control Application.
The provision of soft landscaping in a large, consolidated area may be considered a benefit for use by existing and future residents as an outdoor amenity area.	This is a matter that will be reviewed as part of any future Site Plan Control Application.

Very wide drive aisles. Consider reducing these to 6.0 metres to recover some soft landscaping areas.	This is a matter that will be reviewed as part of any future Site Plan Control Application.
The proposal as presented is unresolved. It is recommended that a revised proposal be presented to the Urban Design Peer Review Panel prior to a rezoning application for the site advancing to Council for consideration.	The concerns identified by the Urban Design Peer Review Panel primarily focused on matters that will be addressed as part of any future Site Plan Control Application process. It was determined that it would be most impactful for the proposal to return to the Urban Design Peer Review Panel as part of any future Site Plan Control Application. This is included in the recommendations of this report.
Strongly consider investigating the crossing storm pipe to see if still in use.	The report recommends that the Site Plan Control Approval Authority require the applicant to review whether the Reid Drain storm sewer crossing the property is still in use.
Garbage should be kept away from amenity areas.	This is a matter that will be reviewed as part of any future Site Plan Control Application.
The design is a hodge-podge of materials and colours. Bedrooms are undifferentiated from living spaces, entries are unprotected. Roof a poor match for the design. Very poor relationship of building interior uses and exterior uses (eg parking in front of windows)	Direction to the Site Plan Control Approval Authority has been recommended regarding the building and site design.
Recommend leveraging adjacent transit, shopping and personal services available to pedestrians within 800m of proposed development. This could equate to a reduction in the number of parking spaces provided, in turn allowing for more outdoor amenity space.	Outdoor amenity space will be reviewed as part of any future Site Plan Control Application. The parking rates proposed are consistent with the Zoning By-law.

#### **4.6 Issue and Consideration # 6: Intensity**

The requested Zoning By-law Amendment is to permit 32 residential units on the subject site, which would result in a density of 97 dwelling units per hectare. This density is appropriate for the subject site and consistent with municipal and provincial policies for residential intensification.

##### *Provincial Policy Statement, 2014 (PPS)*

The Provincial Policy Statement promotes residential intensification on appropriate sites within settlement areas, such as the City of London, in order to promote efficient development and land use patterns (Policy 1.1.1, 1.1.3.1). The Provincial Policy Statement indicates that municipalities shall identify appropriate locations for intensification and redevelopment, where it can be accommodated taking into account the existing building stock (Policy 1.1.3.3). The Official Plan is identified as the most important vehicle for implementing the Provincial Policy Statement.

The requested Zoning By-law Amendment represents a form of residential intensification, and is in a location that has been identified as appropriate for residential intensification through the Official Plan.

##### *Official Plan (1989)*

The subject site is located within the Multi-Family, High-Density Residential land use designation in the Official Plan. Multi-Family High-Density Residential land use designations are intended to accommodate the highest densities of any residential land

use designation. Net densities are generally less than 150 units per hectare for properties located outside of the downtown (Policy 3.4.3).

The requested Zoning By-law Amendment would permit 32 residential units on the subject site resulting in a density of 97 dwelling units per hectare. This is within the range of densities that are considered appropriate for properties designated Multi-Family, High-Density Residential. The proposed development fits within its context and the quantity of units proposed is consistent with a density that would be appropriate for a property designated Multi-Family High Density Residential.

#### *The London Plan*

The London Plan places an emphasis on growing “inward and upward” to achieve a compact form of development. It places a greater emphasis on encouraging and supporting growth within the existing built up area of the City, rather than greenfield development (Policy 79). There is a target that 45% of all new residential development will be within the existing built-up area of the City (Policy 81). Residential intensification in the form of infill development on vacant and underutilized lots will be supported, subject to the other policies of The London Plan (Policy 80).

The London Plan does not include density limits in units per hectare, rather it provides maximum height as a measure of intensity. In this instance, the range of permitted heights for the subject site as outlined in The London Plan is 2 to 4 storeys, with up to 6 storeys possible with bonusing. The requested amendment would permit a height of 13 metres and could accommodate a 3 or 4 storey building. A building of this height is anticipated to fit within its context (see Issue #2 – Height for more information), as such the proposed intensity is appropriate for the subject site.

More information and detail is available in Appendix B and C of this report.

<b>5.0 Conclusion</b>
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The recommended Zoning By-law Amendment represents a minor modification to the requested amendment by requiring greater interior side yard setbacks than requested while allowing for the construction of a development that fits within its context. The recommended Zoning By-law Amendment would allow for a development that is consistent with the Provincial Policy Statement, and conforms with both the Official Plan and The London Plan.

The recommended Zoning By-law includes height permissions and setbacks that would allow for a development that has a height that fits within its context, interior side yard setbacks that do not adversely affect neighbouring properties, and a front yard setback that would create a positive relationship between the development and pedestrians on Huron Street. The recommended Zoning By-law Amendment is consistent with the Official Plan and The London Plan as it would allow residential uses which are primary permitted uses on the site in both the Official Plan and The London Plan whereas the existing zoning permits a range of secondary uses. Additionally, the recommended interior side yard setback would recognize the existing condition on the eastern property line.

The recommended matters to be considered through the Site Plan Control Approval process will help to facilitate a development that fits within its context, improves the pedestrian experience on Huron Street, and provides important amenity to residents on the site.

<b>Prepared by:</b>	<b>Michelle Knieriem, MCIP, RPP</b> <b>Planner II, Current Planning</b>
<b>Submitted by:</b>	<b>Michael Tomazincic, MCIP, RPP</b> <b>Manager, Current Planning</b>
<b>Recommended by:</b>	<b>John M. Fleming, MCIP, RPP</b> <b>Managing Director, Planning and City Planner</b>

February 8, 2018  
MT/mt



## Appendix A

Bill No. (number to be inserted by Clerk's Office)  
2018

By-law No. Z.-1-18\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 644 and 646 Huron Street.

WHEREAS Steven Pinhal has applied to rezone an area of land located at 644 and 646 Huron Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 644 and 646 Huron Street, as shown on the attached map comprising part of Key Map No. A103, from a Restricted Office (RO1) Zone to a Residential R9 Special Provision (R9-3( )•H13) Zone.
- 2) Section Number 13.4 c) of the Residential R9 (R9-3) Zone is amended by adding the following Special Provision:

R9-3( ) 644 and 646 Huron Street

a) Regulations:

- |      |   |   |
|------|---|---|
| i)   | Front Yard Setback<br>(Minimum and Maximum) | 2 metres (6.5 feet) to a maximum of 4 metres (13.1 feet).                           |
| ii)  | Interior Side Yard Setback<br>(Minimum)     | 2 metres (6.5 feet) plus 1 additional metre for each storey above the third storey. |
| iii) | Height<br>(Maximum)                         | 13 metres (42.6 feet).  |

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

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

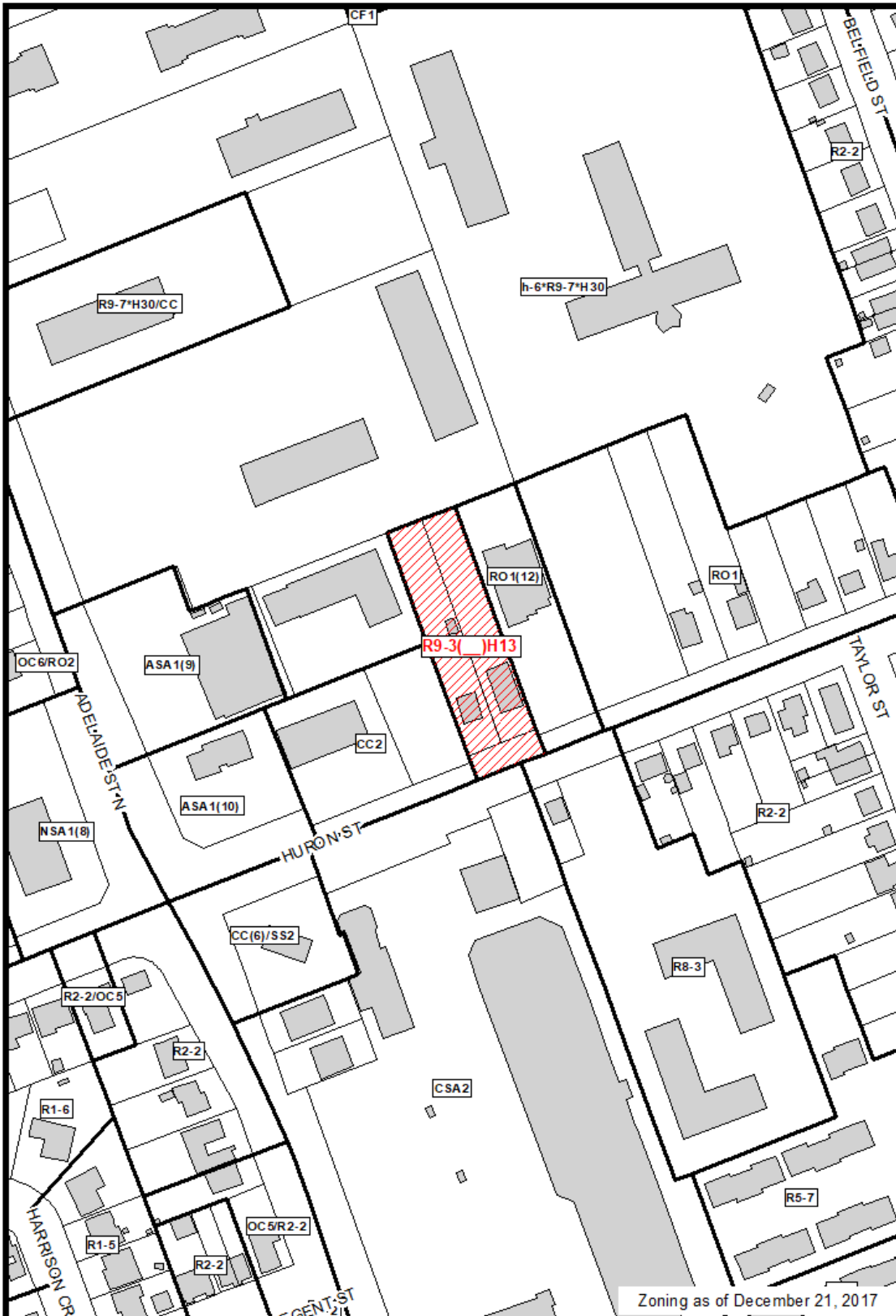
PASSED in Open Council on March 6, 2018.



Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – March 6, 2018  
Second Reading – March 6, 2018  
Third Reading – March 6, 2018

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



<p>File Number: Z-8843 Planner: MK Date Prepared: 2018/01/12 Technician: MB By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:2,000</p> <p>0 10 20 40 60 80 Meters</p> 
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Geobase

## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On November 8, 2017 a Notice of Application was sent to 26 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 9, 2017. A “Planning Application” sign was also posted on the site.

Two replies were received.

**Nature of Liaison:** Change Zoning By-law Z.-1 from a Restricted Office (RO1) Zone which permits office uses, to a Residential (R9) Special Provision Zone (R9-3(\_\_\_\_)•H13m) which permits apartment buildings, lodging housing class 2, senior citizens apartment buildings, handicapped persons apartment buildings, and continuum-of-care facilities, up to a maximum height of 13 metres. The special provision is to allow for decreased minimum front and side yard setbacks of 2 metres.

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

**Concern for:**

1) *The requested height permission.*

There was a comment that the height being proposed by the applicant was too tall for the surrounding area.

2) *The potential increase in traffic.*

There was a concern that the proposed development would add additional traffic to the area.

3) *The potential for conflicts with the adjacent emergency care establishment at 648 Huron Street.*

There was a concern that the proposed development would remove parking from the adjacent emergency care establishment at 648 Huron Street and the possible impact on tenants of the proposed development if ambulances were to arrive in the future at the emergency care establishment at 648 Huron Street.

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

Telephone	Written
Ellen Joy Lazaruf 271 Taylor Street London, ON	David Dimitrie 412-1128 Adelaide Street North London, ON N5Y 2N7
David Dimitrie 412-1128 Adelaide Street North London, ON N5Y 2N7	

## Public Comments

**Knieriem, Michelle**

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**From:** David Dimitrie <[REDACTED]>  
**Sent:** Friday, February 2, 2018 12:50 PM  
**To:** Helmer, Jesse; Knieriem, Michelle  
**Subject:** PDF 644, 646 comments

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Jesse, Michelle: I have gone through the entire PDF with interest. Here are my comments:

1. Under Spatial Analysis on Page 19 and Sensitivity on Page 15 the report does a poor job both in the drawing and in the explanation of the importance of the path that runs alongside 648 CMHA building and serves as the only in/out road for all tenants of the adjacent Q residential buildings, the CMHA staff who use their rear lot and all others listed in an earlier email who travel by other means.

This is not a pathway. It is an internal two-way road that is depended upon by everyone from police, fire, paramedics and all listed earlier. In an earlier email, I explained how this project will diminish parking spots used by the CMHA staff currently in 644 and 646. Where will these CMHA staff go when the rear lot is full? To the front lot or out on to Huron looking for parking. The internal road will be clogged.

In good weather, it is a problem. In the winter, It is an even bigger problem. The plan submitted by the developer simply failed to explain how this will be remedied in the report submitted to planning.

2. The extremely close proximity of the new development at 644 and 646 is a potential problem to the clients at 648 (CMHA) which is used as a 24-hour crisis mental health centre.

The report totally avoids the business of its neighbour which is to care for

extremely vulnerable persons 24 hours a day who may be facing mental health and/or addiction problems as they wait to be transferred to a hospital or are cared for. The original plan for this centre was for it to be a facility with beds for clients to get well on. This is now done off-site. That could change.

Requests have been made by opposition parties and others at Queens Park to change regulations so ambulances can bring patients to 648 Huron. That is currently forbidden by Provincial law but changes have been requested and ambulances may be coming to 648 in the future.

There is nothing in this plan about the centre at 648, its operation or any impact that the new, high-density housing and accompanying noise that a building so close could bring would have on the clients at 648 Huron.

Conversely, How would the new tenants react to ambulances coming to 648? This is a real possibility.

Although I maintain my strong support of this project I believe that the residents who live directly within the prescribed area (including all tenants and residents) should have been formally informed of this project and a public community meeting should have been organized by our City Councillor Jesse Helmer.

This project has too many variables to keep it under wraps. The report fails to deal with many important issues to existing residents.

Sincerely,  
David Dimitrie

**Knieriem, Michelle**

---

**From:** David Dimitrie <[REDACTED]>  
**Sent:** Friday, February 2, 2018 11:54 AM  
**To:** Helmer, Jesse; Knieriem, Michelle  
**Subject:** Re: 644-646 Huron Development , Zoning Change

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Thank you, Jesse: I am disappointed that this feature has not yet been fully implemented considering June 2018 will mark the 3-year mark in my work on this issue and the 3-year mark that Planning promised to work with Council to improve communications with ALL Londoners. At the time Joni Baechler was getting ready to become Interim Mayor.

A plan was voted on and approved recently. A timetable with phases was approved. I don't see a reason for a holdup when letters come to me so easily.

Another point on this issue (Z-8843) is that the CMHA building at 648 Huron currently uses the parking lot between 646 and 644 for overflow parking in their rear lot. There is no barrier to vehicles and in fact, the pavement has been made to accommodate this shared usage.

I don't know what kind of arrangement was made between the owners of 646 and 644 and the CMHA (644) but the fact is that when this project is green-lighted (and it should be) and construction begins, the CMHA will lose a substantial amount of parking in 644 and 646. What if anything has been done to plan for this loss in spaces?

Is the CMHA involved in this project? Are they aware of the future loss of parking spaces?

I live directly behind 648 Huron. I have walked the properties on this map to get a better feel for the project. Once again, it's a good project that will

replace ageing, somewhat decrepit buildings. Still, it is possible that the loss of the overflow parking in 644 and 646 will cause more traffic on the internal road that residents of the complex that I live in depend on to exit onto Huron from our buildings.

Pedestrians, those using mobility devices, scooters, mothers with baby carriages and strollers and seniors also use this path to get from the Q Residential Buildings to Huron. Increased traffic means increased risk of accidents with cars coming from all area buildings.

The staff from CMHA also use it to get to the front parking of 648.

I brought this up to you in 2005 and I have never received an answer. The pathway belongs to our landlord and Property Management Company (now Q Residential, formerly Homestead Property Holdings). The sale took place in September 2018.

I would like the link to your website, please. This would improve communication between us and the other tenants I know in the area who I inform of area news.

I look forward to seeing this project green-lighted in an expeditious manner with zoning changes for the benefit of Londoners who need quality homes and a better streetscape. I also look forward to better cooperation between yourself and I. I am very busy with work, family matters in Windsor/London and my online software courses.

Thanks for the email,  
Sincerely,  
David Dimitrie

On Fri, Feb 2, 2018 at 11:13 AM, Helmer, Jesse <[jhelmer@london.ca](mailto:jhelmer@london.ca)> wrote:  
Hi David:

I wanted to let you know that I did receive your email in January and that I have read it. As always, I really appreciate you making the time to send such thoughtful correspondence.



My understanding is that planning staff have not yet implemented the direct mail notices to tenants. I met with Michael Tomazincic about this a couple of months ago to see if the work could be expedited. As you know, I agree with you that tenants should be informed of planning applications.

I will be posting an overview page on my own web site about this application as well.

Best,  
Jesse

Sent from my iPhone

On Feb 2, 2018, at 10:36 AM, David Dimitrie <[REDACTED]> wrote:

To: M. Knieriem

This is the email that I sent to Mr. Helmer. He provided no response to me

David Dimitrie

On Fri, Jan 19, 2018 at 1:02 PM, David Dimitrie <[REDACTED]> wrote:

January 19, 2018

I appreciated that Planning staff sent me a letter regarding this development. Since there was really no problem with the project as far as I could tell from the printed letter I did not submit anything to Planning before Jan. 11/18. It is a good project that will benefit the community and tenants/landlord.

However I am very curious as to how many apt/homeowners, and businesses in the immediate vicinity of 644-646 Huron received the same letter and package of information as I did. Most importantly, did the existing tenants at 644 and 646 Huron receive the same letter as I received as they are within the boundary and they will be affected in a big way once construction gets underway.

I am well aware that the RTA (Residential Tenancies Act) has a very well prescribed information process set out for landlords

when buildings are to be demolished. I am also aware that when some of the Medallion buildings were demolished on Kipps Lane for construction of the Blossom Gate (Kipps/Adelaide, Ward 4) towers in the period from 2007 to 2013 I received several calls and emails from anxious tenants who had had not been properly advised.

In fact, some of them felt that they were being bullied out of their place of dwelling in a manner inconsistent with the RTA.

At the time the Kipps Lane Tenants/Community Assoc. was still active and I provided these tenants with all the necessary information that I could give them and I directed them to the Landlord Tenant Board for relief.

Mr. Helmer, I hope you answer this email or at least read it. I took the time to examine the Planning letter and consider all the implications. In a perfect world, landlords and tenants would all know their rights and responsibilities and exercise them fully.

My years of experience running the KTLA proves that this is not the case. In the past municipal governments in London and Councillors have just shrugged their shoulders when I informed them of tenants (constituent) problems. I hope that this won't be the case here. Many just said it's not a "City Problem go to the Province." or go to a Provincial agency.

I am acting in good faith in hopes that this project will go ahead and nobody will be inconvenienced. If I didn't care about my community I wouldn't bother. I care for my neighbours and my community as well as the City that I live in.

I live directly behind this proposed development and I am

constantly shocked as I learn how disabled and aged some of my co-tenants are in the same building where my wife and I are. It is a 9 building complex and my wife and I help out whenever we are asked or we know there is a need. Ironically the CMHA Crisis building is just in front of us, increasing the vulnerable person population in the area. Sometimes I wonder if the City Community Services and other City social services know the degree of high needs population who live in this large area. Where are the supports?

Sincerely,  
David Dimitrie

[REDACTED]  
412-1128 Adelaide  
Royal Oaks Towers  
N5Y 2N7  
[REDACTED]

## Internal Staff and Agency Comments

### Urban Design

Urban Design has reviewed the above noted rezoning documents and provide the following comments consistent with the Official Plan and applicable by-laws and guidelines:

1. The front yard setback should be generally in line with the existing building on the site.
2. The side yard setbacks for the westerly building should anticipate future redevelopment and allow for privacy for side-facing units.
3. Provide the primary pedestrian entrance on the south façade of the southerly building facing the street, with direct access to the public sidewalk. Incorporate high quality landscape treatment in the front setback.
4. Differentiate the ground floor with entrance(s) oriented towards the street, pedestrian scaled elements such as canopies and lighting, alternate window sizes/placement than the floors above, etc. Ground floor entrances are to be designed as front doors without sliding doors or balconies.
5. Use articulation, fenestration and a high quality material palette to break up the mass of the building, create a human scale rhythm and activate the streetscape. Align and relate materials, roof forms, articulation and windows to one another in a deliberate and meaningful way.
6. Express the interior layout in the architecture of the exterior facades.
7. Changes in material should relate to a change in façade plain (recess or projection).
8. Replace hard surfaces and excess parking with consolidated areas of soft landscaping to enhance the visual appearance of the proposal, provide amenity space, and reduce potential stormwater impacts.
9. Internal pedestrian connections through the subject site should be setback from any new buildings by soft landscaping to ensure privacy for residents and minimize headlight glare.
10. Locate garbage away from amenity areas and views from the public street.

### Urban Design Peer Review Panel

“Note – The panel has identified that the applicant was not respectful of the Panel, it’s members, and its procedures. The applicant and their representatives were dismissive of the Panel. (verbatim)

- There is an established character in the immediate area that includes extensive soft landscaping, wide front yard setbacks, and passive green space. The proposal does not reflect or reinforce this character.
- No compelling argument presented as to why the front yard setback is being challenged by placing building closer to the street. The general approach to the siting and organization of buildings on the site does not appear to follow any clear rationale.
- Consider consolidating the two new buildings into one building.
- The general intent of intensification on an existing apartment building site should be to ensure that the proposal reflects an improvement for existing residents. It is not clear how the proposal represents an improvement over existing site conditions.
- There is a substantial proportion of hard surfaces and parking areas. Consider replacing hard surfaces with soft landscaping to enhance the *visual* appearance

of the proposal and to reduce potential stormwater impacts. (*Consider a flat roofed scheme to better blend with neighbours and to retain water*)

- Internal pedestrian connections through the subject site should be setback from any new buildings by soft landscaping to minimize direct views into the *building*
- The provision of soft landscaping in a large, consolidated area may be considered a benefit for use by existing and future residents as an outdoor amenity area.
- Very wide drive aisles. Consider reducing these to 6.0 metres to recover some soft landscaping areas.
- The proposal as presented is unresolved. It is recommended that a revised proposal be presented to the UDPRP prior to a rezoning application for the site advancing to Council for consideration.
- Strongly consider investigating the crossing storm pipe to see if still in use.
- Garbage should be kept AWAY from amenity areas.
- The design is a hodge-podge of materials and colours. Bedrooms are undifferentiated from living spaces, entries are unprotected. Roof a poor match for the design. Very poor relationship of building interior uses and exterior uses (eg parking in front of windows)
- Recommend leveraging adjacent transit, shopping and personal services available to pedestrians within 800m of proposed development. This could equate to a reduction in the number of parking spaces provided, in turn allowing for more outdoor amenity space.

This UDPRP review is based on City planning and urban design policy, the submitted brief, and noted presentation. It is intended to inform the ongoing planning and design process. The panel would like to request that this proposal is brought before the UDPRP again once the appropriate revisions are made.”

#### **Development Services (Engineering)**

The City of London’s Environmental and Engineering Services Department offers the following comments with respect to the aforementioned Zoning By-Law amendment application:

##### Transportation Division:

- Road widening dedication of 18.0m from centre line required on Huron Street
- Construction of a two way left turn lane (TWLTL) is required on Huron Street across frontage
- Merge properties on title
- Hydro pole to be located a minimum of 1.5 metres away from access as per the Streets By-law
- Details regarding access and TWLTL location and design will be made during the site plan process

##### Storm Water Comments

- The subject lands are located in the Central Thames Subwatershed. The Developer shall be required to apply the proper SWM practices to ensure that a maximum permissible storm run-off discharge from the subject site will not exceed the peak discharge of storm run-off under pre-development conditions;
- There is a 200mm municipal storm sewer crossing this property. This is the old Reid Drain and may still be active. Given the proposed location of the building, no structure is to be constructed over the sewer. If a structure is to be built over the sewer, then the sewer would be re-routed around the building and connected to a storm sewer on the municipal road allowance of sufficient capacity, all to the satisfaction of the City Engineer.

Please note that this response has been made without input from the Water Engineering Division.

The above comments, among other engineering and transportation issues, will be

addressed in greater detail when/if these lands come in for site plan approval.

### Upper Thames River Conservation Authority

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether the subject lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act.

### Conservation Authorities Act

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

### Drinking Water Source Protection

#### Clean Water Act

The *Clean Water Act (CWA)*, 2006 is intended to protect existing and future sources of drinking water. The Act is part of the Ontario government's commitment to implement the recommendations of the Walkerton Inquiry as well as protecting and enhancing human health and the environment. The CWA sets out a framework for source protection planning on a watershed basis with Source Protection Areas established based on the watershed boundaries of Ontario's 36 Conservation Authorities. The Upper Thames River, Lower Thames Valley and St. Clair Region Conservation Authorities have entered into a partnership for The Thames-Sydenham Source Protection Region.

The Assessment Report for the Upper Thames watershed delineates three types of vulnerable areas: Wellhead Protection Areas, Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas. We would like to advise that the subject lands are identified as being within a vulnerable area. Mapping which identifies these areas is available at:

[http://maps.thamesriver.on.ca/GVH\\_252/?viewer=tsrassessmentreport](http://maps.thamesriver.on.ca/GVH_252/?viewer=tsrassessmentreport)

### Provincial Policy Statement (PPS, 2014)

Section 2.2.1 requires that: "*Planning authorities shall protect, improve, or restore the quality and quantity of water by:*

- e) implementing necessary restrictions on development and site alteration to:*
  - 1. protect all municipal drinking water supplies and designated vulnerable areas;*
  - and*
  - 2. protect, improve or restore vulnerable surface and groundwater features, and their hydrological functions."*

Section 2.2.2 requires that "*Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.*"

Municipalities must be consistent with the Provincial Policy Statement when making decisions on land use planning and development.

Policies in the *Approved Source Protection Plan* may prohibit or restrict activities identified as posing a *significant threat* to drinking water. Municipalities may also have or be developing policies that apply to vulnerable areas when reviewing development applications. Proponents considering land use changes, site alteration or construction in

these areas need to be aware of this possibility. The *Approved Source Protection Plan* is available at:

<http://www.sourcewaterprotection.on.ca/source-protection-plan/approved-source-protection-plan/>

#### Recommendation

The UTRCA has no objections to this application.

#### **London Hydro Engineering**

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing services will be at the expense of the owner.

## **Appendix C – Policy Context**

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, by-laws, and legislation are identified as follows:

### **Provincial Policy Statement**

Policy 1.1.1: Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs

Policy 1.1.3.1: Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Policy 1.1.3.3: Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Policy 1.1.3.4: Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Policy 1.7.1: Long-term economic prosperity should be supported by:

- d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.

Policy 4.7: The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.

Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.

### **Official Plan**

Policy 3.1.4: Multi-Family, High Density Residential Objectives

iii) Promote, in the design of multi-family, high density residential developments, sensitivity to the scale and character of adjacent land uses and to desirable natural features on, or in close proximity to, the site

#### Policy 3.4.3: Scale of Development

Net residential densities in the Multi-Family, High Density Residential designation will vary by location and will be directed by the policies in this Plan. Excluding provisions for bonusing, net residential densities will normally be less than 350 units per hectare (140 units per acre) in the Downtown Area, 250 units per hectare (100 units per acre) in Central London (the area bounded by Oxford Street on the north, the Thames River on the south and west and Adelaide Street on the east), and 150 units per hectare (60 units per acre) outside of Central London.

Height and density limitations that are specified in the Zoning By-law will be guided by the following policies:

i) Outside of the Downtown and Central London areas it is Council's intention that a mixing of housing types, building heights and densities shall be required in large designated Multi-Family, High Density Residential areas. Such areas, which will normally exceed 3 hectares (7.4 acres) in size, will be guided by the following criteria:

(a) a transition in scale shall be encouraged, where appropriate, to avoid extremes in building height and bulk between the new development and the existing built fabric of adjacent properties;

(b) all areas shall include a diversity of housing forms such as midrise and low-rise apartments and multiple attached dwellings, in order to minimize the overwhelming effect of large high-rise developments;

(c) high-rise structures shall be oriented, where possible, closest to activity nodes (shopping and employment centres) and points of high accessibility (arterial roads, transit service) with densities and building heights decreasing as the distance from an activity node increases;

(d) massive, at-grade or above-grade parking areas shall not dominate the site. Pedestrian circulation and access to transit services should be facilitated through site design and building orientation; and

(e) conformity with this policy and the urban design principles in Section 11.1, shall be demonstrated through the preparation of a secondary plan or a concept plan of the site, and the final approval of zoning may be withheld pending a public participation meeting on the site plan, and the enactment of a satisfactory agreement with the City.

#### iii) Site Specific Height

On individual sites within the Multi-Family, High Density Residential designation, Council may require lower height and/or density limits than would normally be permitted, on the basis of any one of the following criteria:

(a) Sanitary sewage, water or storm drainage servicing constraints;

(b) development constraints related to soil conditions or topographical features;

(c) traffic, vehicular access, parking constraints and/or inadequate transit service in the area;

(d) to minimize the impact of high density residential development on significant natural features; and/or

(e) where the amenity of adjacent residential areas may be adversely affected in terms of traffic, access to sunlight and privacy.



Policy 3.4.4: The determination of appropriate height and density limitations for areas designated Multi-Family, High Density Residential, may be based on a secondary plan, in accordance with Section 19.2 of the Plan. Alternatively, for individual sites the determination of appropriate height and density limitations may be based on a concept plan showing how the area will be developed and integrated with surrounding uses.

**Policy 11.1.1: Design Principles**

Council shall promote the use of the following urban design principles in the preparation and review of development proposals and community improvement plan and programs.

Natural Features i) The form and design of new development shall complement and protect any significant natural features such as river valleys, ravines, wooded areas and parklands that form part of, or are located adjacent to, the site.

Trees ii) To the extent feasible, existing trees of desirable species should be retained and incorporated into the landscaping plans for new development through the adoption and implementation of tree preservation policies. Also, designs for new development will consider the need for suitable locations to accommodate the planting of street trees.

Open Views iii) To the extent feasible, new development should minimize the obstruction of views of natural features and landmarks.

High Design Standards iv) Emphasis will be placed on the promotion of a high standard of design for buildings to be constructed in strategic or prominent locations such as within, and at the perimeter of, the Downtown, near the edge of the river valleys, or along the major entryways to the City.

Architectural Continuity v) The massing and conceptual design of new development should provide for continuity and harmony in architectural style with adjacent uses which have a distinctive and attractive visual identity or which are recognized as being of cultural heritage value or interest.

Redevelopment vi) The relocation or replacement of incompatible land uses and the redevelopment of derelict properties will be encouraged.

Streetscape vii) A coordinated approach should be taken to the planning and design of streetscape improvements in commercial areas, including the upgrading of building facades, signage, sidewalks, lighting, parking areas and landscaping.

Pedestrian Traffic Areas viii) In pedestrian traffic areas, new development should include street-oriented features that provide for the enhancement of the pedestrian environment, such as canopies, awnings, landscaped setbacks and sitting areas.

Access to Sunlight ix) The design and positioning of new buildings should have regard for the impact of the proposed development on year-round sunlight conditions on adjacent properties and streets. In reviewing proposed developments, access to sunlight for adjacent properties should be maximized to enhance the potential for energy conservation and the amenity of residential areas and open space areas, such as parkettes and outdoor plazas. (Clause ix) amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

Landscaping x) Landscaping should be used to conserve energy and water, enhance the appearance of building setback and yard areas, contribute to the blending of new and existing development and screen parking, loading, garbage and service facilities from adjacent properties and streets. (Clause x) amended by OPA No. 88 - OMB Order No. 2314 - approved 99/12/23)

Building Positioning xi) Where a proposed development consists of a grouping of buildings, the buildings should be positioned to define usable and secure open space

areas on the site and to afford a reasonable measure of privacy to individual dwelling units.

Enhances Accessibility Standards xii) The design of new buildings should incorporate the City of London Facility Accessibility and Design Standards to facilitate access and use. (Clause xii) deleted and replace by OPA 438 Dec. 17/09)

Parking and Loading xiii) Parking and loading facilities and driveways should be located and designed to facilitate maneuverability on site, between adjacent sites where appropriate, and to reduce the traffic flow disruption resulting from turning movements to and from the property.

Privacy xiv) To the extent feasible, the design and positioning of new buildings should minimize the loss of privacy for adjacent residential properties.

Outdoor Space xv) For multiple forms of low-rise residential development, such as row housing, each unit should be provided with adequate and clearly defined outdoor living space.

Play Areas xvi) Residential developments that are likely to house families should include an appropriately sized outdoor children's play area that is safely accessible from all units in the development.

Recreational Facilities xvii) The developers of medium or high density residential projects shall be encouraged to provide recreational facilities appropriate to the size of the development and the needs and interests of the intended residents.

Noise Attenuation xviii) Where residential development is affected by adverse noise conditions, the use of urban design features such as building orientation, location of outdoor open space relative to the noise sources and noise attenuation measures will be encouraged subject to policy 19.9.5., 19.9.6. and 19.9.7. of this Plan.

Waste Management xix) In order to encourage the reduction, re-use and recycling of waste, new development should incorporate waste handling, composting and recycling facilities into their site design.

Resource Conservation xx) New developments shall be encouraged to minimize energy and water use and where feasible, to provide for the conservation of building materials through re-use, recycling and renovation.

Gateways xxi) Gateways are important elements in the creation of a sense of place and arrival, and provide visual signals that both define and distinguish an area. Gateways occupy strategic and prominent locations, and are primarily associated with major entrances to the City, districts or to neighbourhoods. Gateways may be created through the placement of buildings, landscape features, or the design and architecture of the buildings or structures themselves that frame or create the gateway or entrance.

All plans, applications for amendments to the Official Plan, amendments to the Zoning By-law, and approvals for plans of subdivision that are proposed in gateway locations will be required to demonstrate how the proposal will achieve high quality design, high quality landscaping and the creation of an attractive street edge.

## **The London Plan**

Policy 79: The London Plan places an emphasis on growing “inward and upward” to achieve a compact form of development. This should not be interpreted to mean that greenfield forms of development will not be permitted, but rather there will be a greater emphasis on encouraging and supporting growth within the existing builtup area of the city.

Policy 80: Residential intensification will play a large role in achieving our goals for growing “inward and upward”. Intensification will be supported, subject to the policies of this Plan, in the following forms:

1. Addition of a secondary dwelling unit.
2. Expansion of existing buildings to accommodate greater residential intensity.
3. Adaptive re-use of existing, nonresidential buildings, for residential use.
4. Infill development of vacant and underutilized lots.
5. Severance of existing lots.
6. Redevelopment, at a higher than existing density, on developed lands.

Policy 81: It is a target of this Plan that a minimum of 45% of all new residential development will be achieved within the Built-Area Boundary of the city, as defined by Figure 2. For the purposes of this Plan, this will be referred to as the “intensification target”. The Built-Area Boundary is defined generally as the line circumscribing all lands that were substantively built out as of 2006. This boundary will be used on an on-going basis to monitor intensification and will not change over time.

Policy 83: As directed by the policies of this Plan, intensification will be permitted only in appropriate locations and in a way that is sensitive to existing neighbourhoods and represents a good fit. Policies within the City Building and Urban Place Type chapters of this Plan, together with the policies in the Our Tools part of this Plan dealing with planning and development applications, will provide more detailed policy guidance for appropriate forms of intensification. A guideline document may be prepared to provide further detailed direction to ensure appropriate forms of intensification.

Policy 252: The site layout of new development should be designed to respond to its context and the existing and planned character of the surrounding area.

Policy 253: Site layout should be designed to minimize and mitigate impacts on adjacent properties.

Policy 256: Buildings should be sited so that they maintain and reinforce the prevailing street wall or street line of existing and planned buildings.

Policy 259: Buildings should be sited with minimal setbacks from public rights-of-way and public spaces to create a street wall/edge and establish a sense of enclosure and comfortable pedestrian environment.

Policy 284: All planning and development proposals will be required to demonstrate how the proposed building is designed to support the planned vision of the place type and establishes character and a sense of place for the surrounding area. This will include matters such as scale, massing, materials, relationship to adjacent buildings, heritage impact and other such form-related considerations. The Our Tools chapter and the Residential Intensification policies in the Neighbourhoods Place Type chapter of this Plan provide further guidance for such proposals.

Policy 286: Buildings will be designed to achieve scale relationships that are comfortable for pedestrians.

Policy 287: Within the context of the relevant place type policies, the height of buildings should have a proportional relationship to the width of the abutting public right-of-way to achieve a sense of enclosure.

Policy 291: Principal building entrances and transparent windows should be located to face the public right-of-way and public spaces, to reinforce the public realm, establish an active frontage and provide for convenient pedestrian access.

Policy 295: Residential and mixed-use buildings should include outdoor amenity spaces.

Policy 301: A diversity of materials should be used in the design of buildings to visually break up massing, reduce visual bulk and add interest to the building design.

Policy 918 (2): Neighbourhoods will be planned for diversity and mix and should avoid the broad segregation of different housing types, intensities, and forms.

Policy 920(2): Tables 10 to 12 specify the broadest range of uses and greatest intensity that may be permitted within the Neighbourhoods Place Type. It must be clear that zoning on individual sites may not allow for the full range of uses or intensity shown in these tables. Zoning by-law amendment applications will be evaluated based on the Planning and Development Application policies in the Our Tools part of this Plan to ensure that the permitted range of uses and intensity of development is appropriate within the context of the neighbourhood.

Policy 922: The full range of uses described in Table 10 will not necessarily be permitted on all sites within the Neighbourhoods Place Type. Such uses will only be permitted in conformity with the policies of this chapter and the Planning and Development Applications section in the Our Tools part of this Plan.

Policy 1578: All planning and development applications will be evaluated with consideration of the use, intensity, and form that is being proposed. The following criteria will be used to evaluate all planning and development applications:  
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated. Depending upon the type of application under review, and its context, an analysis of potential impacts on nearby properties may include such things as:

- a. Traffic and access management.
- b. Noise.
- c. Parking on streets or adjacent properties.
- d. Emissions generated by the use such as odour, dust, or other airborne emissions.
- e. Lighting.
- f. Garbage generated by the use.
- g. Loss of privacy.
- h. Shadowing.
- i. Visual impact.
- j. Loss of views.
- k. Loss of trees and canopy cover.
- l. Impact on cultural heritage resources.
- m. Impact on natural heritage features and areas.

n. Impact on natural resources.

The above list is not exhaustive.

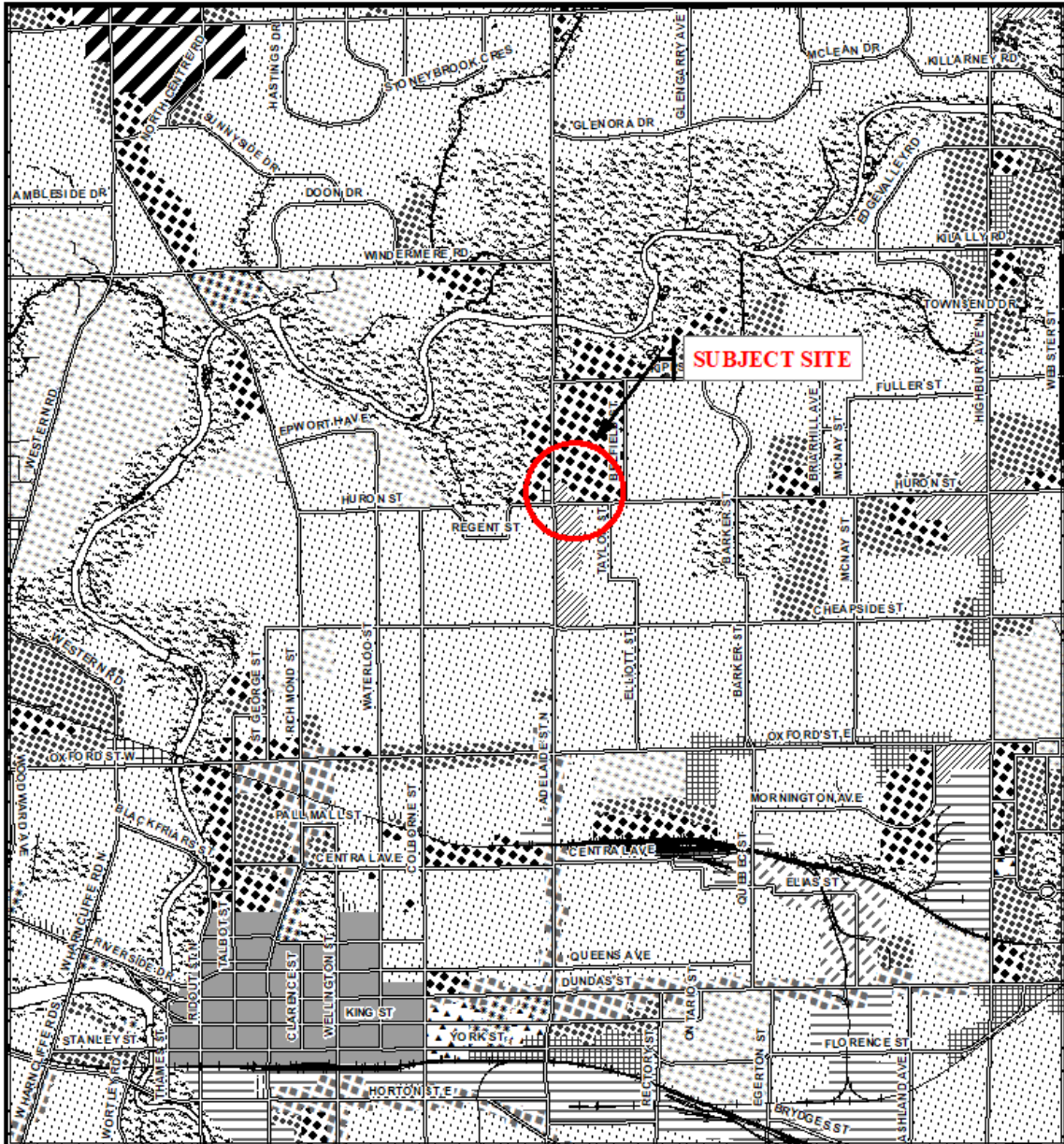
7. The degree to which the proposal fits within its context. It must be clear that this not intended to mean that a proposed use must be the same as development in the surrounding context. Rather, it will need to be shown that the proposal is sensitive to, and compatible with, its context. It should be recognized that the context consists of existing development as well as the planning policy goals for the site and surrounding area. Depending upon the type of application under review, and its context, an analysis of fit may include such things as:

- a. Policy goals and objectives for the place type.
- b. Policy goals and objectives expressed in the City Design chapter of this Plan.
- c. Neighbourhood character.
- d. Streetscape character.
- e. Street wall.
- f. Height.
- g. Density.
- h. Massing.
- i. Placement of building.
- j. Setback and step-back.
- k. Proposed architectural attributes such as windows, doors, and rooflines.
- l. Relationship to cultural heritage resources on the site and adjacent to it.
- m. Landscaping and trees.
- n. Coordination of access points and connections.

The above list is not exhaustive.

**Appendix D – Relevant Background**

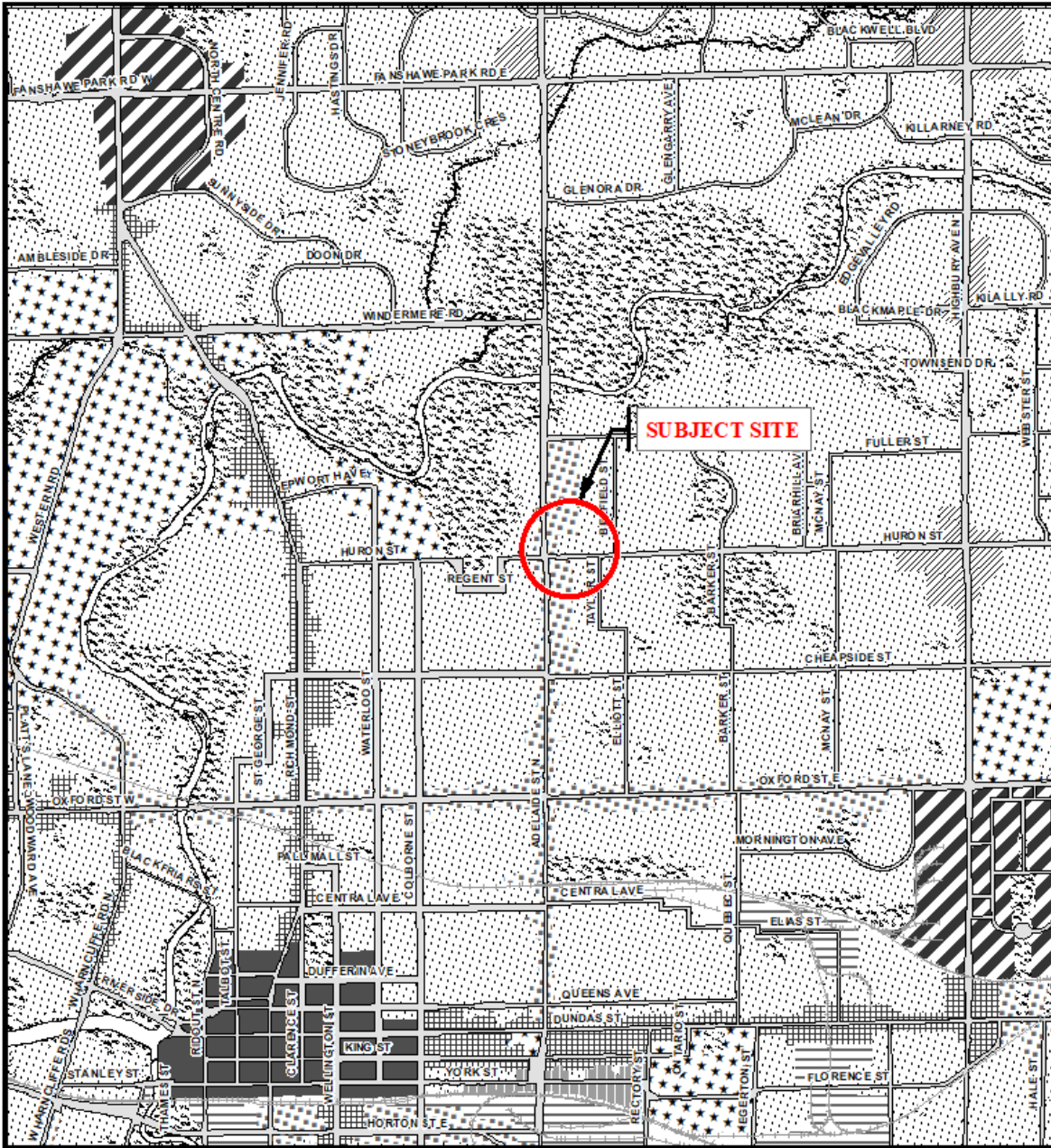
**Additional Maps**



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

<p><b>CITY OF LONDON</b>                  Planning Services /                  Development Services                  OFFICIAL PLAN SCHEDULE A                  - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	 Scale 1:30,000 Meters	<p>FILE NUMBER: Z-8843                  PLANNER: MK                  TECHNICIAN: MB                  DATE: 2018/01/12</p>
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PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\coosol00\excerpts\mod\_templates\scheduleA\_b&w\_8x14\_with\_SWAP.mxd



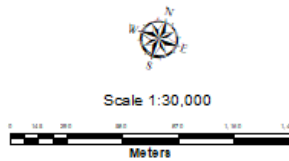
**Legend**

- |                        |                          |   |
|------------------------|--------------------------|---|
| Downtown               | Future Community Growth  | Environmental Review                    |
| Transit Village        | Heavy Industrial         | Farmland                                |
| Shopping Area          | Light Industrial         | Rural Neighbourhood                     |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor         | Commercial Industrial    | Urban Growth Boundary                   |
| Main Street            | Institutional            |   |
| Neighbourhood          | Green Space              |   |

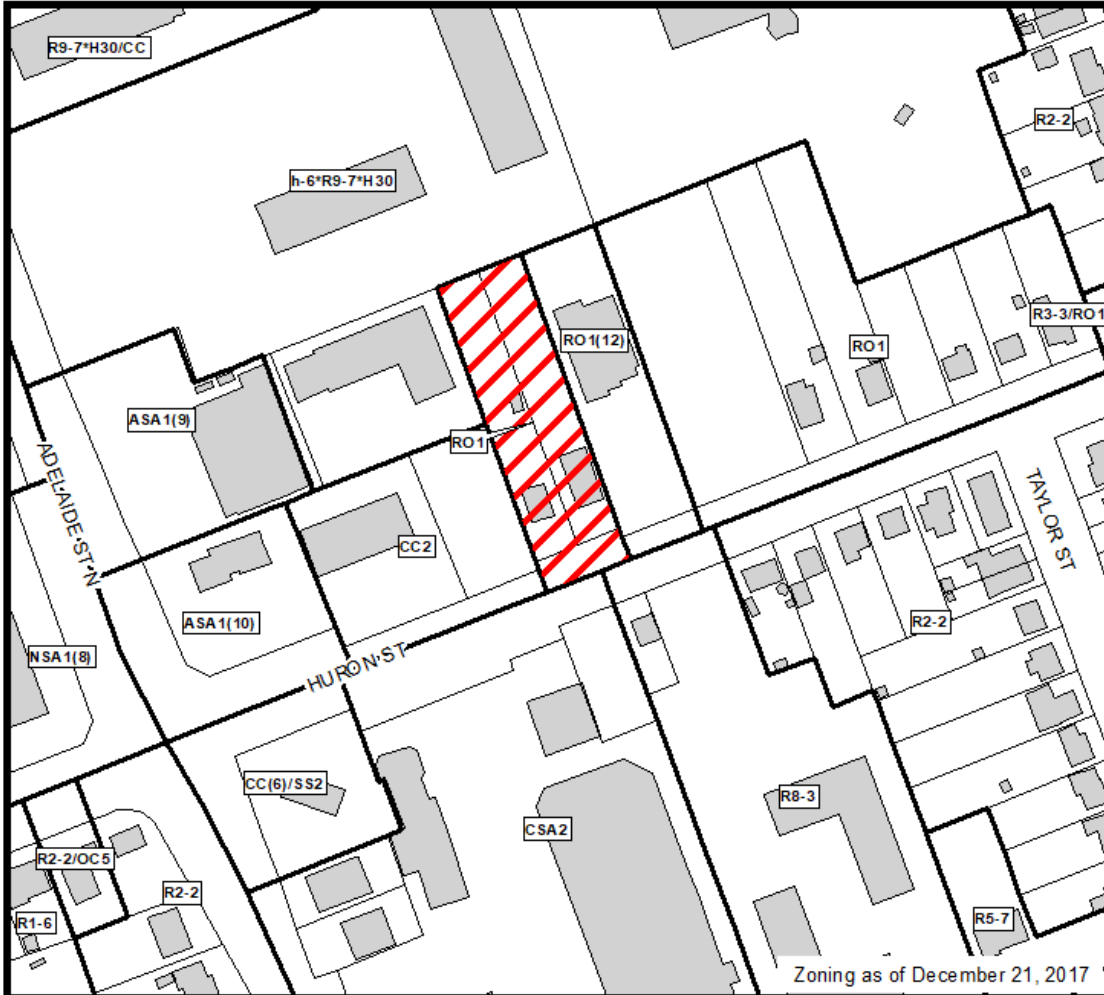
*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

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

**CITY OF LONDON**  
 Planning Services /  
 Development Services  
  
**LONDON PLAN MAP 1**  
**- PLACE TYPES -**  
 PREPARED BY: Planning Services



**File Number:** Z-8843  
**Planner:** MK  
**Technician:** MB  
**Date:** January 12, 2018



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: RO1**

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.         | OB - OFFICE BUSINESS PARK         |
| R10 - HIGH DENSITY APARTMENTS             | LI - LIGHT INDUSTRIAL             |
| R11 - LODGING HOUSE                       | GI - GENERAL INDUSTRIAL           |
| DA - DOWNTOWN AREA                        | HI - HEAVY INDUSTRIAL             |
| RSA - REGIONAL SHOPPING AREA              | EX - RESOURCE EXTRACTIVE          |
| CSA - COMMUNITY SHOPPING AREA             | UR - URBAN RESERVE                |
| NSA - NEIGHBOURHOOD SHOPPING AREA         | AG - AGRICULTURAL                 |
| BDC - BUSINESS DISTRICT COMMERCIAL        | AGC - AGRICULTURAL COMMERCIAL     |
| AC - ARTERIAL COMMERCIAL                  | RRC - RURAL SETTLEMENT COMMERCIAL |
| HS - HIGHWAY SERVICE COMMERCIAL           | TGS - TEMPORARY GARDEN SUITE      |
| RSC - RESTRICTED SERVICE COMMERCIAL       | RT - RAIL TRANSPORTATION          |
| CC - CONVENIENCE COMMERCIAL               |                                   |
| SS - AUTOMOBILE SERVICE STATION           | "h" - HOLDING SYMBOL              |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | "D" - DENSITY SYMBOL              |
| OR - OFFICE/RESIDENTIAL                   | "H" - HEIGHT SYMBOL               |
| OC - OFFICE CONVERSION                    | "B" - BONUS SYMBOL                |
| RO - RESTRICTED OFFICE                    | "T" - TEMPORARY USE SYMBOL        |
| OF - OFFICE                               |                                   |

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:  
 Z-8843 CP

MAP PREPARED:  
 2018/01/11 MB

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