## **Report to Planning and Environment Committee**

To: Chair and Members

**Planning & Environment Committee** 

From: John M. Fleming

**Managing Director, Planning and City Planner** 

Subject: York Development

131 King Street

Public Participation Meeting on: August 13, 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 York Development relating to the property located at 131 King Street:

- (a) The comments received from the public during the public engagement process attached hereto as Appendix "A", **BE RECEIVED**
- (b) Planning staff **BE DIRECTED** to make the necessary arrangements to hold a future public participation meeting regarding the above-noted application in accordance with the *Planning Act*, R.S.O 1990, c.P. 13.

**IT BEING NOTED** that staff will continue to process the application and will consider the public, agency, and other feedback received during the review of the subject application as part of the staff evaluation to be presented at a future public participation meeting.

## **Executive Summary**

### **Summary of Request**

The requested amendment is to permit a site-specific bonus zone to allow for a 30-storey (102 metre) apartment building which will include 266 residential units (931uph) on floors 6 to 30, while the ground floor will provide 608m² of commercial space. Three levels of underground parking will be provided in addition to parking on levels 2 through 5, providing a total of 301 parking spaces with 7 surface parking spaces being provided off York Street at the rear of the building.

## Purpose and the Effect

The purpose and effect of the recommended action is to:

- i) Present the requested amendment in conjunction with the statutory public meeting;
- ii) Preserve appeal rights of the public and ensure Municipal Council has had the opportunity to the review the Zoning By-law Amendment request prior to the expiration of the 150 day timeframe legislated for a Zoning By-law Amendment;
- iii) Introduce the proposed development and identify matters raised to-date through the technical review and public consultation;
- iv) Bring forward a recommendation report for consideration by the Planning and Environment Committee at a future public participation meeting once the review is complete.

## **Analysis**

### 1.0 Site at a Glance

## 1.1 Property Description

The subject site is located in Downtown London and is a through lot with its wider frontage along King Street and its narrower frontage on York Street. The site is directly south of the London Covent Garden Market and just east of Budweiser Gardens. The site is approximately 0.28 ha in size and is currently undeveloped and used for surface parking. East and west of the site along King Street are mixed use buildings with predominately commercial/retail uses at grade and a scale of 2 to 3 storeys in height. The south portion of the site that fronts York Street is located in an area made up of a combination of surface parking and low scale buildings generally used for office and residential type uses.

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

- Official Plan Designation Downtown
- The London Plan Place Type Downtown
- Existing Zoning h-3\*DA(16)\*D350

#### 1.3 Site Characteristics

- Current Land Use Surface Parking Lot
- Frontage 32 metres
- Depth 120 metres
- Area 0.28 ha
- Shape Irregular

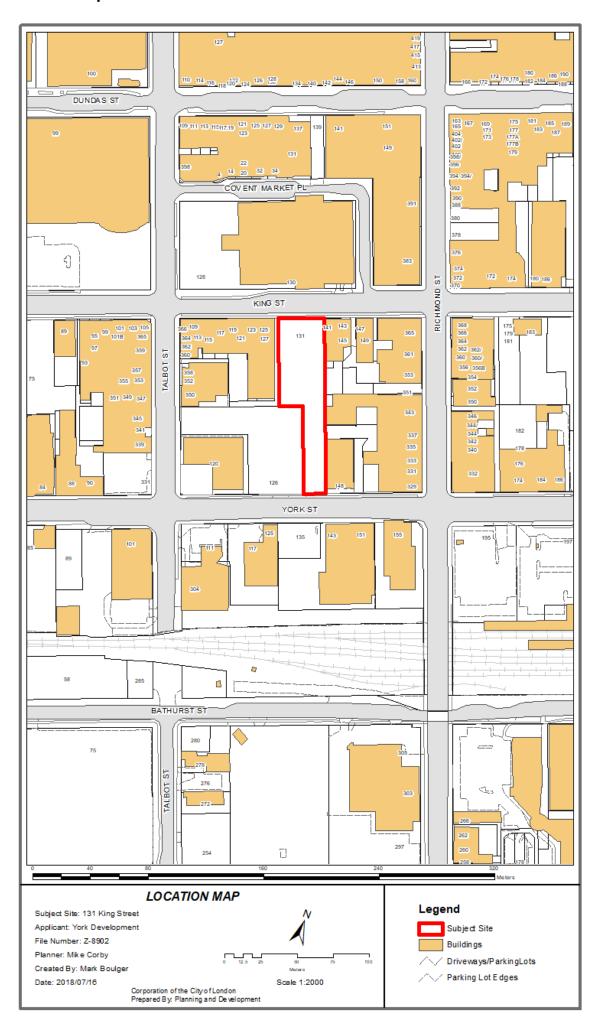
### 1.4 Surrounding Land Uses

- North Covent Garden Market
- East Mixed use buildings
- South Office/Residential/Surface Parking
- West Mixed use buildings

## 1.5 Intensification (identify proposed number of units)

- The proposed development will represent intensification within the Built-area Boundary
- The proposed development will represent intensification within the Primary Transit Area

## 1.5 Location Map



## 2.0 Description of Proposal

## 2.1 Development Proposal

The proposal is for a 30-storey (102 metre) apartment building which will include 266 residential units (931uph) on floors 6 to 30, while the ground floor will provide  $608m^2$  of commercial space. Three levels of underground parking will be provided in addition to parking on levels 2 through 5, providing a total of 301 parking spaces with 7 surface parking spaces being provided off York Street at the rear of the building. Vehicular access is provided off King Street and York Street to access upper and lower levels of parking.

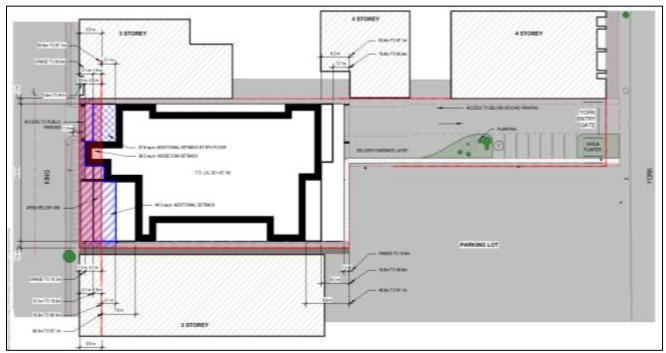


Figure 1: Conceptual Site Plan

A pedestrian connection along the westerly edge of the site has been proposed to allow for movement through the site from York Street to King Street.



Figure 2: Conceptual Rendering: street level view



Figure 3: Conceptual Rendering: view from the northwest.



Figure 4: Conceptual Rendering: view from the northeast

#### 2.2 Submitted Studies

The application was accepted as completed on February 9, 2018. The following information was submitted with the application:

- Planning Justification Report
- Conceptual Site Plan
- Urban Design Brief
- Heritage Impact Assessment
- Archeological Study
- Noise, Vibration, Feasibility Assessment
- Pedestrian Wind Study
- Zoning Referral Record

### 2.3 Requested Amendment

The requested amendment is for a Zoning By-law amendment from a Holding Downtown Area Special Provision (h-3\*DA1(6)\*D350) Zone to a Downtown Area Special Provision Bonus (DA1(6)\*D350\*B(\_)) Zone. The bonus zone is requested to permit the following:

- Maximum Density of 931 UPH;
- Maximum Height of 102 m; and
- Site specific setbacks for residential components of the building

### 3.0 Relevant Background

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

There were 3 responses received during the community consultation period.

### Support for:

- Development in the downtown which does not result in the removal of a heritage building and results in the removal of surface parking
- Total parking provided in the development provides opportunity for public parking in the downtown core

#### Concerns for:

- Potential snow loading on building
- View of tenants on second floor
- Wind impacts
- Prefer building to abut easterly building to not create a narrow alleyway

## 3.2 Policy Context

The subject site is currently located in a Downtown Area ("DA") Designation which is intended to support major office uses, hotels, convention centres, government buildings entertainment uses and cultural facilities which have a city-wide or larger service area. The London Plan also identifies the subject site and surrounding area within the Downtown area supporting the City's highest-order mixed uses and activities providing the same broad range of uses and heights.

### **Provincial Policy Statement, 2014**

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use and development. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns of the PPS encourages healthy, livable and safe communities which are

sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs. It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. The PPS encourages settlement areas (1.1.3 Settlement Areas) to be the main focus of growth and development. Appropriate land use patterns within settlement areas are established by providing appropriate densities and mix of land uses that efficiently use land and resources along with the surrounding infrastructure, public service facilities and are also transit-supportive (1.1.3.2).

The policies of the PPS require municipalities to identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock [1.1.3.3] while promoting appropriate development standards which facilitate intensification, redevelopment and compact form [1.1.3.4] and promoting active transportation limiting the need for a vehicle to carry out daily activities [1.1.3.2, 1.6.7.4].

The PPS also promotes an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents (1.4 Housing). It directs planning authorities to permit and facilitate all forms of housing required to meet the social, health and wellbeing requirements of current and future residents, and direct the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs. It encourages densities for new housing which efficiently use land, resources, and the surrounding infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed.

The PPS ensures consideration is given to culturally significant heritage properties and that they are protected from adverse impacts by restricting development and site alteration on adjacent lands to protected heritage property unless it has been demonstrated that the heritage attributes of the protected heritage property will be conserved." [2.6.3.].

In accordance with section 3 of the Planning Act, all planning decisions 'shall be consistent with' the PPS.

### Official Plan

The subject site is designated Downtown which is the primary multi-functional activity centre serving the City of London and the surrounding area, comprising much of southwestern Ontario. It contains regionally significant office, retail, service, government, recreational, entertainment and cultural facilities and is distinguished from other areas in the City by its concentration of employment and its intensive, multi-functional land use pattern. It is intended that the Downtown will continue to be the major office employment centre and commercial district in the City, and that its function as a location for new medium and high density residential environment will be strengthened over time.

### 4.1. DOWNTOWN DESIGNATION

### 4.1.1. Planning Objectives

- iii) Encourage growth in the residential population of the Downtown and adjacent gateway areas through new development and the renovation and conversion of existing buildings.
- iv) Encourage the consolidation and enhancement of a compact, pedestrianoriented shopping area within the Downtown.
- vii) Encourage the provision of a high level of transit services in the Downtown.

viii) Enhance the attractiveness and accessibility of the Downtown for residents and visitors, with particular attention to attracting seniors and families with children.

### 4.1.2. Urban Design Objectives

- i) Promote a high standard of design for buildings to be constructed in the strategic or prominent locations of the Downtown;
- ii) Discourage development and design treatments that are considered detrimental to the functional success and visual quality of Downtown;
- iii) Allow flexibility for individual design creativity and innovation;
- *iv)* Design new development to complement the appearance and function of any significant natural features and public open spaces that are adjacent to the site;
- v) Design new development to provide for continuity and harmony in architectural style with adjacent uses that have a distinctive or attractive visual identity or are recognized as being of architectural or historic significance; and,

### 4.1.4. Downtown Shopping Area

Within the Downtown boundaries, a Downtown Shopping Area has been identified. Council shall encourage the retention and enhancement of a Downtown Shopping Area in which the predominant uses at street level shall be retail and service facilities that comprise a pedestrian-oriented shopping environment to serve Downtown workers, the residential population and visitors. The policy does not preclude uses which serve a regional clientele. Non service-office uses, residential uses and surface parking lots will be discouraged at street level. The concentration of community service agencies at street level will also be discouraged in the Downtown Shopping Area.

### 4.1.6. Permitted Uses

Council shall support the continued development of the Downtown as a multi-functional regional centre containing a broad range of retail; service; office; institutional; entertainment; cultural; high density residential; transportation; recreational; and open space uses.

#### Retail Uses

 Developments that are predominantly retail shall be encouraged to locate within the Downtown Shopping Area so that the existing compact pedestrianoriented shopping environment is maintained and enhanced.

#### Residential Uses

iv) The development of a variety of high and medium density housing types in the Downtown will be supported. Residential units may be created through new development or through the conversion of vacant or under-utilized space in existing buildings. Residential development within the Downtown Shopping Area shall provide for retail or service –office uses at street level.

### 4.1.7. Scale of Development

The Downtown will accommodate the greatest height and density of retail, service, office and residential development permitted within the City of London.

#### Scale Limitations

i) Development in the Downtown may be permitted up to a maximum floor area ratio of 10:1 for commercial uses and will normally not exceed 350 units per hectare (140 units per acre) for residential uses. Increases in density may be permitted without amendment to this Plan provided the proposal satisfies density bonusing provisions of Section 3.4.3. iv) and 19.4.4. of the Plan, conforms to the Site Plan Control By-law and addresses standards in the Downtown Design Guidelines. This maximum level of intensity will not be permitted on all sites. In areas which cater primarily to pedestrian shopping needs, including portions of Dundas Street and Richmond Street, the height of buildings at or near the street line will be restricted in the Zoning By-law to provide for a pedestrian-scale streetscape which allows adequate levels of sunlight and minimizes wind impacts. Where a site fronts onto a street which caters to pedestrian shopping needs, building heights will be permitted to increase in a step-like fashion away from areas of pedestrian shopping activity. Parts of the Downtown that are located adjacent to lower density, residential areas will be subject to height, density and site coverage limits in the Zoning By-law that are intended to provide for an appropriate transition in the scale of development.

### **Design Considerations**

to have regard for the positioning and design of buildings to achieve the urban design principles contained in Chapter 11, conform to the Site Plan Control By-law and address standards in Downtown Design Guidelines. It is intended that Downtown development should enhance the street level pedestrian environment and contribute to the sensitive integration of new development with adjacent structures and land uses.

#### **Street Level Wind Impacts**

- iii) The design and positioning of new buildings in the Downtown shall have regard for the potential impact that the development may have on ground level wind conditions on adjacent streets and open space areas. New development should not alter existing wind conditions to the extent that it creates or aggravates conditions of wind turbulence and velocity which hamper pedestrian movement, or which discourage the use of open space areas.
  - a. City Council, as part of its review of major development proposals in the Downtown, may require the developer to undertake a street level wind impact statement for the project. The statement shall be sufficient to describe the predicted street level wind conditions associated with the proposed development, and the measures that may be taken to reduce adverse wind conditions to more acceptable levels. Where preliminary findings warrant a more detailed approach, the wind impact statement shall include a wind tunnel analysis of the project. The requirements for a wind impact statement may be imposed at an early stage in the consideration of applications for rezoning or, where rezoning is not required, site plan review.

#### 4.1.9. Circulation Pedestrian

The enhancement of a pedestrian circulation system throughout the Downtown will be supported.

### Downtown Shopping Area

i) New development within the Downtown Shopping Area shall enhance pedestrian circulation and contribute to the appearance and continuity of the shopping environment. In particular, the creation of blank building facades adjacent to, or across from, predominantly storefront development shall be discouraged.

#### **Pedestrian Amenities**

ii) Where appropriate, redevelopment projects will be encouraged to include pedestrian and transit-oriented design features such as the widening of sidewalks, the provision of landscaped areas accessible to pedestrians, street benches and bus bays. Consideration will also be given to the upgrading of public streets to accommodate pedestrian traffic through measures such as the widening of sidewalks, the provision of weather protection, the use of accessibility design standards and the development of at-grade, mid-block street crossings

### 4.1.10. Parking

Council shall support the provision of adequate and well-located off-street parking facilities that are sufficient to meet the demand generated by existing and proposed land uses in the Downtown.

### Parking Requirements

i) Parking requirements will be applied through the Zoning By-law to new development within the Downtown, based on the type of use and at a standard sufficient to satisfy the incremental demand for parking generated by the proposed development.

#### 13.3. HERITAGE CONSERVATION DISTRICTS

#### 13.3.8.5 Downtown

The Downtown Heritage Conservation District Background Study assessed the heritage resources within the Downtown boundaries and determined that the greatest concentration of important buildings was contained within the area defined.

The Downtown is the administrative, cultural and commercial centre of the City of London and has been since London was founded. It contains the greatest collection and variety of heritage buildings in the City. Entire streetscapes, especially along Richmond Street and portions of Dundas Street, are still present.

It is the intent of Council to maintain, protect and conserve the Downtown Heritage Conservation District. Council shall have regard to Official Plan policies as they apply to heritage conservation districts and in accordance with Official Plan policies and the Downtown Heritage Conservation District Plan.

#### 19.4. **ZONING**

#### 19.4.4. Bonus Zoning

Under the provisions of the Planning Act, a municipality may include in its Zoning Bylaw, regulations that permit increases to the height and density limits applicable to a proposed development in return for the provision of such facilities, services, or matters, as are set out in the By-law. This practice, commonly referred to as bonus zoning, is considered to be an appropriate means of assisting in the implementation of this Plan.

### **Principle**

i) The facilities, services or matters that would be provided in consideration of a height or density bonus should be reasonable, in terms of their cost/benefit implications, for both the City and the developer and must result in a benefit to the general public and/or an enhancement of the design or amenities of a development to the extent that a greater density or height is warranted. Also, the height and density bonuses received should not result in a scale of development that is incompatible with adjacent uses or exceeds the capacity of available municipal services.

#### 19.4.4 Objectives

- ii) "Bonus Zoning is provided to encourage development features which result in a public benefit which cannot be obtained through the normal development process. Bonus zoning will be used to support the City's urban design principles, as contained in Chapter 11 and other policies of the Plan, and may include one or more of the following objectives:
- (a) to support the provision of the development of affordable housing as provided for by 12.2.2.
- (b) to support the provision of common open space that is functional for active or passive recreational use;
- (c) to support the provision of underground parking;
- (d) to encourage aesthetically attractive residential developments through the enhanced provision of landscaped open space;
- (e) to support the provision of, and improved access to, public open space, supplementary to any parkland dedication requirements;
- (f) to support the provision of employment-related day care facilities;
- (g) to support the preservation of structures and/or districts identified as being of cultural heritage value or interest by the City of London,
- (h) to support innovative and environmentally sensitive development which incorporates notable design features, promotes energy conservation, waste and water recycling and use of public transit;
- (i) to support the preservation of natural areas and/or features; and
- (j) to support the provision of design features that provide for universal accessibility in new construction and/or redevelopment."

## Our Move Forward: London's Downtown Plan

The proposal is subject to the guidelines of London's Downtown Plan, and should seek to implement the relevant Strategic Directions of the plan. These include Forging connections with the downtown neighbourhoods, Greening our downtown, and Building a great neighbourhood.

### **London Plan**

The subject site is located in the Downtown Place Type in The London Plan which shares similar policies to the current Official Plan. The Downtown Place Type promotes the highest-order mixed-use activity centre in the city and permits a broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational and other related uses. It also encourages mixed-use buildings with retail

and service uses encouraged at grade, with residential and non-service office uses that do not serve a walk-in clientele directed to the rear of buildings and to upper floors.

#### ROLE WITHIN THE CITY STRUCTURE

798\_ As shown in our City Structure Plan, the Downtown will serve as the highest-order mixed-use centre, and will be unique in the city. It will be connected to the transit villages through rapid transit corridors, and will also be connected to our recreational network, at the confluence of the two branches of the Thames River. Major rail lines, serving commuter traffic, strongly connect our Downtown to the surrounding region, nationally and internationally.

### **PERMITTED USES**

800\_ The Downtown is the highest-order mixed-use activity centre in the city. The following uses may be permitted within the Downtown:

- 1. A broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational and other related uses may be permitted in the Downtown Place Type.
- Mixed-use buildings will be encouraged.
- 3. Along commercial-oriented streetscapes, retail and service uses will be encouraged at grade, with residential and non-service office uses that do not serve a walk-in clientele directed to the rear of buildings and to upper floors.
- 4. New surface accessory parking lots should not be permitted in the Downtown. New surface commercial parking lots shall not be permitted.
- 5. Where surface commercial parking lots have previously been established through temporary zoning and have been in place for an extended period of time, further extensions of such temporary uses should be discouraged where an adequate supply of parking exists in the vicinity of the subject lot.
- Educational facilities of all scales and types will be encouraged within the Downtown.
- 7. In accordance with provincial requirements, light industrial uses may be permitted where it is deemed appropriate and it is demonstrated that there will be no adverse land use impacts and the use can be compatible within its context.
- 8. The full range of uses described above will not necessarily be permitted on all sites within the Downtown Place Type.

#### INTENSITY

802\_ The Downtown will permit the tallest buildings and the highest densities in the city. The following intensity policies apply within the Downtown Place Type:

- 1. Buildings within the Downtown Place Type will be a minimum of either three storeys or nine metres in height and will not exceed 20 storeys in height. Type 2 Bonus Zoning beyond this limit, up to 35 storeys, may be permitted in conformity with the Our Tools policies of this Plan.
- 2. Tall buildings will be permitted only where they achieve a high level of design excellence in conformity with the City Design policies and in accordance with associated guidelines of this Plan.
- 3. The evaluation of height and built form will take into account access to sunlight by adjacent properties, wind impacts, view corridors, visual impacts on the Thames Valley Corridor, and potential impacts on public spaces and heritage properties located in close proximity to proposed development.
- 4. There will be no minimum parking required for Downtown residential development.
- 5. The Zoning By-law will include regulations to ensure that the intensity of development is appropriate for individual sites.
- 6. The full extent of intensity described above will not necessarily be permitted on all sites within the Downtown Place Type.

#### **FORM**

803\_ All planning and development applications for lands within the Downtown will be subject to the following policies:

- All planning and development applications will conform with the City Design policies of this Plan, Our Move Forward: London's Downtown Plan and the Downtown Design Manual.
- 2. All planning and development applications will conform with the Downtown Heritage Conservation District Plan and related guidelines.
- 3. All the planning and design that is undertaken Downtown will place a priority on the pedestrian experience through site layout, building location, and a design that reinforces pedestrian comfort and safety.
- 4. The design and positioning of new buildings in the Downtown will not negatively impact pedestrian comfort by introducing inappropriate wind turbulence and velocity within the public realm. A wind assessment will be required for all buildings of 6 storeys or more, with the intent of mitigating wind impacts on the pedestrian and other ground level environments.
- 5. Buildings should be designed to include architectural features that protect pedestrians from rain and sun exposure. Such features include, but are not limited to, awnings, arcades, and overhangs and should be designed in an unobtrusive manner.
- 6. The design of new development will provide for continuity and harmony in architectural style with adjacent uses that are of architectural or historical significance.
- 7. Building design that represents individual creativity and innovation will be encouraged within the Downtown to create landmarks, develop a distinctive character for the Downtown, and contribute to the city's image.
- 10. Shared car and bicycle parking facilities and carshare/bikeshare programs will be encouraged within the Downtown.
- 11. Projects associated with financial incentives offered through community improvement plans shall conform with all City Design and Downtown Form policies of this Plan and all relevant guideline documents.

## **Bonusing Provisions Policy 1652**

"Under Type 2 Bonus Zoning, additional height or density may be permitted in favour of facilities, services, or matters such as:

- 1) Exceptional site and building design.
- 2) Cultural heritage resources designation and conservation.
- 3) Dedication of public open space.
- Provision of off-site community amenities, such as parks, plazas, civic spaces, or community facilities.
- 5) Community garden facilities that are available to the broader neighbourhood.
- 6) Public art.
- 7) Cultural facilities accessible to the public.
- 8) Sustainable forms of development in pursuit of the Green and Healthy City policies of this Plan.
- 9) Contribution to the development of transit amenities, features and facilities.
- 10) Large quantities of secure bicycle parking, and cycling infrastructure such as lockers and change rooms accessible to the general public.
- 11) The provision of commuter parking facilities on site, available to the general public.

12) Affordable housing.

- 13) Day care facilities, including child care facilities and family centres within nearby schools.
- 14) Car parking, car sharing and bicycle sharing facilities all accessible to the general public.
- 15) Extraordinary tree planting, which may include large caliper tree stock, a greater number of trees planted than required, or the planting of rare tree species as appropriate.
- 16) Measures that enhance the Natural Heritage System, such as renaturalization, buffers from natural heritage features that are substantively greater than required, or restoration of natural heritage features and functions.
- 17) Other facilities, services, or matters that provide substantive public benefit."

## 4.0 Matters to be Considered

A complete analysis of the application is underway and includes a review of the following matters, which have been identified to date:

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

 Consideration for consistency with policies related to promoting appropriate intensification, efficient use of land, infrastructure and services that support transit.

### Official Plan

- Conformity to policies related to the appropriateness of the level of proposed intensification with respect to the bonusable provisions.
- Impacts on adjacent properties.
- Compatibility with the surrounding area.

### **London Plan**

 Conformity to policies related to the appropriateness of the level of proposed intensification with respect to the bonusable provisions.

#### Our Move Forward: London's Downtown Plan

• Ensure the proposal implements the relevant Strategic Directions of the plan.

### **Heritage Conservation District**

• Consideration for consistency with policies related to maintaining, protecting and conserving the Downtown Heritage Conservation District.

#### **Technical Review**

- Appropriate and desirable design of the proposed apartment.
- All engineering comments have been addressed or will be dealt with at site plan approval stage.
- Identifying matters that could be directed to the site plan approval stage.

### Zoning

 Suitability of the requested bonus zone and regulation amendments in relation to the proposed development.

## 5.0 Conclusion

Planning staff will review the comments received with respect to the proposed Zoning By-law amendment and will report back to Council with a recommendation based on the current application or a potential revised application for a Zoning By-law Amendment. A future public participation meeting will be scheduled when the review is complete and a recommendation is available.

Prepared by:	
	Mike Corby, MCIP RPP Senior Planner, Current Planning
Submitted by:	
	Michael Tomazincic, MCIP RPP Manager, Current Planning
Recommended by:	
	John M. Fleming, MCIP RPP
	Managing Director, Planning and City Planner

Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services

August 2, 2018

/mc

## **Appendix A – Public Engagement**

**Public liaison:** On April 26, 2018 Notice of Application was sent to 84 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on April 26, 2018. A "Planning Application" sign was also posted on the site.

3 replies were received

**Nature of Liaison:** Possible change to Zoning By-law Z.-1 FROM a Holding Downtown Area Special Provision (h-3\*DA1(6) \*D350) Zone TO a Downtown Area Special Provision Bonus (DA1(6)\*D350\*B(\_)) Zone. The bonus zone would permit a residential density of 931uph and maximum height of 102 metres in return for eligible facilities, services and matters outlined in Section 19.4.4 of the Official Plan. Other provisions such setbacks and lot coverage may also be considered through the re-zoning process as part of the bonus zone.

### **Responses:**

Sunday, May 20, 2018 Mike Corby, Planning Services, City of London

### RE: Notice of Application - 131 King Street - Z-8902

Dear Mr. Corby,

ACO London has recently become aware that York Developments wishes to build a 30-storey building on the site of an Impark surface parking lot at 131 King Street.

This is the kind of infill development ACO London wishes to encourage. Surface parking lots are the obvious places for infill development, since no heritage buildings are demolished to make way for them. While some downtown businesses are worried that the development of surface parking lots will discourage customers, it is important to note that the proposed development still includes 309 parking spaces and therefore supports parking in the core.

The proposed structure is in the Downtown Heritage Conservation District, but the area directly surrounding the parking lot already consists of a diverse selection of buildings with different styles and heights. A development at this location will hopefully help to prevent the demolition of heritage resources elsewhere.

Sincerely,
Jennifer Grainger
President, London Region Branch
Architectural Conservancy Ontario

Suki & Alice Bal 42 Exmoor Place London, ON N5X 3W2

May 17th, 2018

Mike Corby Planning Services, City of London 206 Dundas Street London, ON N6A 1G7

Re: Zoning By-Law Amendment (File: Z-8902)

Hi Mike,

We are the owners of 141 King Street building address property as well as the Suki Salon/Spa business. I am generally in support of the proposed development and zoning by-law amendments, but I a few concerns that I would like addressed as follows:

- 1. That the new building is built flush against west wall of my building so no alley is created,
- That the existing windows and vent opening (none-operational) on the west wall of my building to be blocked and sealed before the new building completed,
- That the existing sump pipe discharge on west side of my building be accommodated properly in design of new building parking.

Please provide notice of the public participation meeting so that I can confirm that my concerns are being considered by the building developers, planners and engineers. Thank you for your attention to this matter.

Regards,

Suki and Alice Bal



July 20th, 2018

Mike Corby - Planner City of London 300 Dufferin Ave. London, ON

Dear Mr. Corby:

Re: York Developments - Highrise Residential Proposal

King Street, London, Ontario

Further to your recent meeting with our client Maria Mendes, co-owner of 123-125-127 King Street with Dominic Mendes, and our subsequent telephone conversations, we provide the following comments and concerns regarding the above noted matter. We are hopeful our concerns will be discussed in your progress report scheduled for the Planning Environment Committee (PEC) on August 13th, 2018.

We will summarize our concerns in five (5) main categories, 1) Mutual Laneway, 2) Treatment of the west wall of the proposed building, 3) Wind/Snow load drifting studies, 4) Construction impacts and, 5) Bonusing. We should note that we did meet and then prepared a letter to York Developments summarizing our concerns. While they did respond to our letter, their submissions, while helpful in framing further discussions, were sufficiently vague/non-committal that we felt a submission to the City remained warranted.

#### 1. Mutual Driveway

As you are aware, there is a 3 meter (10 foot) mutual right-of-way between our client's property and the subject lands. The status of this easement and ownership details have been challenging to confirm. A copy of the Reference Plan 33R-7119 is attached with this letter. However for many years the laneway has provided vehicular and tenant access to our client's lands, including periodic parking. The York proposal seeks to establish a different use for this area including a component of a mid-block connection route as well as possible further uses such as an "artisan alley" or outdoor space for possible ground level restaurant uses. Indeed York Developments have leveraged this space in their plans as a major contributor to their bonusing request for the project.

As our client asserts ownership of half of this space, and rights to vehicular access over all of it, we have concerns with the impact York's proposal will have on both, without more specific details and further commitment with respect to design, lighting and maintenance including snow removal. Our client's residential building has both

door access and large residential unit windows overlooking this space. Residents with windows on the east wall will have a constant shadow overcast. As such the details are important to ensure safe operation and the livability of our client's building and the residents within. We did inquire as to whether a minor adjustment to the footprint of the building (5ft to the east) could be considered to provide more dimension to this space but were advised such adjustments were unlikely.

#### 2. Treatment of West Wall of Proposed Building

Further to item one, the way in which the first two or three floors of the west side of the proposed building are treated will significantly affect the level of impact the new development will have on the operation and livability of our client's building. In particular, the existing and possible future uses directly accessing and facing the unit's space is cause for concern. This wall impacts the entirety of our client's building as it is approximately 58m (190ft) deep. In their response to our concerns, York proposed a variety of options, including fully functioning lower level retail floor space, with possible use of laneway space, to greenwalls, to variations of building materials and other enhancements such as flags. While some combination of the above may very well result in a positive environment, it was suggested it would only be truly determined later in the process (presumably during site plan). Given the importance of this space being properly executed to ensure function and livability, we would ask that this matter be better clarified before final zoning approval is given.

#### 3. Wind/Snow Drifting Studies

We were advised by York that a preliminary "desk top" wind study was completed as part of the original project submissions. We were further advised that a fully modeled wind tunnel tested study is to be completed to further test some unacceptable wind conditions identified in the original report. Given the proximity of our client's property to the proposed development, we are obviously very interested in the outcome of this study as it relates to wind conditions both at street level along King Street as well as the laneway discussed previously. We are also very much concerned with the possibility that a tall building to the east of our client's property will result in increased drifting and snow loads in the winter on our client's flat roof and around our client's building, including the easement/driveway. Given the age of our client's building (constructed in the 1800's) we are concerned such additional loads will result in structural issues for our client's building. At the very least this could increase maintenance and repair costs, and at the worst, could result in material negative impacts to the building's structural integrity. We believe, to the extent possible, that the scope of the additional wind study be extended to provide comment on modelling to forecast the extent of possible increases in ground drifts and increased snow loads on our client's building.

Of note in this regard, York has agreed to conduct pre- and post-building audits of our client's building to document the existing and future conditions of our client's building, which is commendable and appreciated. However, we did not get assurances that all

costs, including our client's own engineering oversight of the audit efforts would be covered. Also there was no assurance that the snow load/drifting issues would be explored.

#### 4. Construction Impact

The construction of the proposed building will, according to York Developments, take approximately two (2) years. Again, given the proximity of the subject lands to our client's property, our client is concerned about impacts on their business operation, their commercial tenants and the livability of residential units within the building. York has responded by assuring our client that on-site people will be available to address issues, should they arise. We were hopeful this would include efforts not only to mitigate, but also avoid these issues. Here again our client would like clarity and commitment to these efforts before zoning is approved to ensure the measures are adequate and the impacts are minimized, but preferably avoided where possible.

#### 5. Bonusing

Given the scope of the proposed building for this project, we asked York for details on how they would support their request for bonusing. They did provide us with a list of items, but it was unclear if all would be used or the extent to which they would be relied upon. We will continue to review this as the matter continues to evolve toward a final decision of PEC and Council.

Thank you for considering our client's concerns. We will be in attendance at the August 13th, 2018 PEC meeting to speak to our concerns. Furthermore we will continue to monitor and participate in the planning approval process including continued, thus far, helpful efforts to work with the applicant to refine and resolve as many issues as possible prior to final approval.

Should you have any questions or comments please do not hesitate to call.

Yours very truly,

ZELINKA PRIAMO LTD.

Greg Priamo, BES, MCIP, RPP

Principal Planner

Responses to Public Liaison Letter and Publication in "The Londoner"

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Telephone	Written		
Maria G. Mendes	Jennifer Grainger		
Market View Properties	Architectural Conservancy Ontario -		
125,127 King Street, London ON	London Region Branch		
	Grosvenor Lodge		
	1017 Western Road		
	London, ON N6G 1G5		
	Suki and Alice Bal		
	141 King St, London ON		

#### **Agency/Departmental Comments**

## London Hydro - May 22, 2018

Servicing the above proposal should present no foreseeable problems. Above-grade transformation is required.

Note: Transformation lead times are minimum 16 weeks.

Contact Engineering Dept. to confirm requirements & availability.

This site is presently serviced by London Hydro. Contact Engineering Dept. if a service upgrade is required to facilitate the new building. Any new and/or relocation of existing infrastructure will be at the applicant's expense. Above-grade transformation is required.

Note: Transformation lead times are minimum 16 weeks.

Contact Engineering Dept. to confirm requirements & availability.

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

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

#### LACH – June 13, 2018

I hereby certify that the Municipal Council, at its meeting held on June 12, 2018 resolved:

That, the following actions be taken with respect to the 6th Report of the London Advisory Committee on Heritage from its meeting held on May 9, 2018:

- d) the Civic Administration BE ADVISED that the London Advisory Committee on Heritage (LACH) supports the conclusions of the Heritage Impact Assessment for the application for a zoning by-law amendment for the property located at 131 King Street with the exception of the following matters:
  - the step back should be consistent with the Downtown Heritage Conservation District guidelines
  - the vehicular access on King Street should be removed because it prevents a contiguous building interface; and,
  - the frontage on York Street;

it being noted that the LACH supports the activation of the alley, as proposed and the overall design of the building;

## <u>Heritage – May 24, 2018</u>

The subject property at 131 King Street is located within the Downtown Heritage Conservation District, designated under Part V of the Ontario Heritage Act. The subject property is vacant and spans King Street to York Street, mid-block between Talbot Street and Richmond Street.

Historically, this area has been known as "Whiskey Row." Adjacent to the Covent Garden Market, this area attracted many taverns and hotels to accommodate vendors and farmers at the Covent Garden Market since 1843.

A Heritage Impact Assessment was required as part of a complete application for Official Plan Amendment and Zoning By-law Amendment to permit the development of the subject property for a high rise development. A Heritage Impact Assessment

(prepared by Thor Dingman, dated March 27, 2018) was submitted as part of the complete application.

Recognizing the long period of evolution of the Downtown Heritage Conservation District, one of the goals of the Downtown Heritage Conservation District Plan is to "influence the renovation or construction of modern era buildings so that it is done with regard to the District and complementary to the character and streetscape" (Section 3.2.1). This supports polices in the Official Plan (1989, as amended) including "encourage new development, redevelopment, and public works to be sensitive to, and in harmony with, the City's heritage resources" (Chapter 13). To achieve this, the proposed development must be distinguishable but also compatible with the heritage character of the Downtown Heritage Conservation District. As the Heritage Impact Assessment notes, "conservation of heritage resources and new development are not mutually exclusive" (page 15).

Staff appreciate that the proposed development does not attempt to replicate a historic architectural style, but represents a contemporary building which reflects its own period. Policies and guidelines regarding new construction are found within Section 6.1.4.1 of the Downtown Heritage Conservation District Plan. Staff appreciate the analysis undertaken by the Heritage Impact Assessment, particularly the summary table of Section 7.6, and would offer the following comments:

- **Setback** the Heritage Impact Assessment notes that there is "no similar adjacent building." While there are no adjacent high rise buildings, there are a number of adjacent buildings. The proposed development should, and appears to (noted as "built to the property limit on all sides" in the Heritage Impact Assessment, page 22), match the setback of adjacent buildings to support and maintain the continuity of the street edge.
- Pedestrian Environment (Podium) The Downtown Heritage Conservation
  District Plan notes that "a single excessively tall and imposing structure can
  completely alter the pedestrian-focused atmosphere of the Downtown." To
  ensure that this does not occur, special attention must be paid to the
  compatibility of the proposed development and the pedestrian environment,
  seeking a development that enhances the character of the street.

The proposed development will fill in a gap in the King Street streetscape and not require the demolition of any heritage buildings. Image 36 included within the Heritage Impact Assessment demonstrates the careful consideration that was taken in the design of the proposed development to provide a compatible podium with regards to the heights and cornices of adjacent buildings. The proposed location of the entrance to the parking garage (off of King Street) presents challenges to achieving the desired form of development, and requires mitigation. To ensure this is successfully implemented, the following are recommended:

- Maximize the amount of glazing at grade to 80% and reduce the number of blank walls/spaces;
- Maintain the clearly distinguish the ground storey from the second storey of the proposed development to avoid "double height" storefronts (as shown in the concept drawings);
- Maintain the segmented quality of the façade, which works to maintain the rhythm of the storefronts along King Street; and,
- Use high quality materials throughout the entire proposed development that are consistent with the Downtown Heritage Conservation District (noting proposed materials of: porcelain panels, stainless steel, zinc, standing seam aluminum composite material panels, curtain wall (glass) glazing).
- **Stepback** The proposed development does not comply with the 5m stepback above the 18m height of the podium (Section 6.1.4.1, Façade Composition,

Downtown Heritage Conservation District Plan, p.6.41). The Heritage Impact Assessment rationalization for a deviation from the required 5m stepback: The building provides setbacks above the podium level, but in an attempt for a more sculptural building quality, the setbacks vary from 3 metres to 8 metres as opposed to the 5 meter recommendation. This approach allows the building to step back further in plan to give the west elevation a narrower appearance and to helps articulate the mass of the northwest corner (Section 7.3, Heritage Impact Assessment).

While not included within the Heritage Impact Assessment, the Stepback Diagram (SK-07) included within the Urban Design Brief more clearly articulates the stepbacks of the proposed development. The "tongue" feature of the proposed development projects into the 5m stepback. To achieve the required 5m stepback, opportunities to adjust the "tongue" of the proposed development to comply with the 5m stepback requirement of the Downtown Heritage Conservation District Plan should be undertaken.

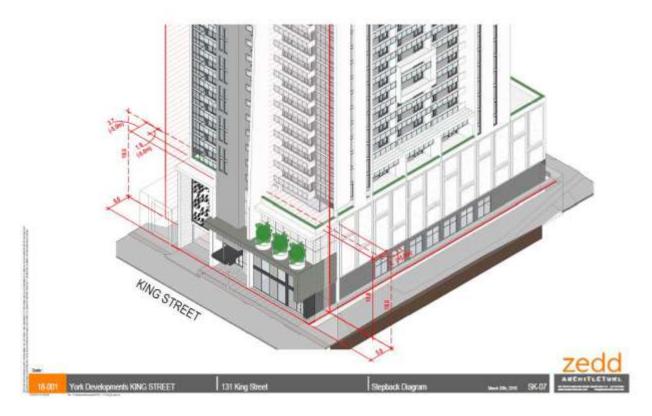


Figure 1: Stepback Diagram (SK-07) from the Urban Design Brief for 131 King Street.

 Art Installation – the proposed development includes multiple levels of abovegrade parking. In a means to mitigate the negative impact of potentially-blank walls in the public realm, an art installation has been proposed. While it is recognized that the details of the art installation may change, it is essential that an active, interesting element be included to ensure that there are no blank walls for the proposed development.

Further consultation and agreement with the estate of Greg Curnoe, to be undertaken by the property owner, is essential to see the proposed art installation come to fruition.

Should alternative concepts be required, Whiskey Row could be a potential topic of interest.

• **Terraced Greenscaping** – The proposed installation of natural, living trees on the third storey of the proposed development is an interesting concept to add

visual interest and texture on a blank wall of the façade. To ensure the viability of these trees, how will these trees be maintained?

- Laneway Laneways are a significant attribute of the Downtown Heritage Conservation District. Policies and guidelines related to laneways in the Downtown Heritage Conservation District are:
  - Preserve the alleyway openings between or in between building(s) and their original proportions;
  - o Improve the visibility of alleyways to increase their utility and safety;
  - o Insure that existing alleys are preserved as public right-of-way;
  - o Permit no infringement by development or services into the alleys.

The proposed development appears to leverage the opportunities that the laneway between 131 King Street and 125-127 King Street and supports the vision of the Downtown Heritage Conservation District Plan.

• York Street Frontage – A new pedestrian and motor vehicle gateway is proposed for the York Street frontage of the property for the proposed development. It is understood that the designs and concepts for this space continue to evolve, however the proposed designs must comply with the Downtown Heritage Conservation District Plan.

### **Archaeology**

The subject is located within an area of archaeological potential identified by the Archaeological Management Plan (2017). A Stage 1 archaeological assessment (Bluestone Research Inc., March 2018) was completed, and further archaeological work is required. Given the current use of the property as a parking lot, it may not be possible to proceed with the trenching strategies for the Stage 2 archaeological assessment until further in the development process. The h-18 holding provision should be applied to the property to ensure that archaeological issues are addressed.

### **Heritage Alteration Permit**

As the subject property is located within the Downtown Heritage Conservation District, Heritage Alteration Permit approval is required to permit the proposed development. The Heritage Alteration Permit must be obtained prior to the issuance of a Building Permit, and will require consultation with the London Advisory Committee on Heritage. It is recommended that the Heritage Alteration Permit application address the items for compatibility raised in this memo, as well as the comments of the LACH on this proposed development (and Heritage Impact Assessment) at its meeting on May 9, 2018.

### Development Services - May 24, 2018

Verbatim comments as per the Transportation Division:

- The provision of public parking should be included with this development as this is one of the key recommendations of the Downtown Parking Strategy; "look for opportunities to invest in joint venture projects by participating with developers to integrate public parking in new developments within the next 20 years in sub areas 3,4, and 1 in central southwest downtown". The subject property is located within sub district 1, further discussion with the developer regarding the provision of public parking will be required to discuss opportunities to integrate public parking into the development. For information regarding the Downtown Parking Strategy please use the following web link: <a href="https://www.london.ca/residents/Roads-Transportation/Transportation-">https://www.london.ca/residents/Roads-Transportation/Transportation-</a>
  - https://www.london.ca/residents/Roads-Transportation/Transportation-Planning/Pages/Parking-Strategy.aspx
- Road widening dedication of 13.0m from centre line is required on York Street

- The pavement markings on York street will need to be revised to provide for a two way left turn lane (TWLTL)
- Access to King street will be restricted to RI/RO due to the one way direction of travel on King Street
- King Street has been identified as a rapid transit corridor in the Council approved Rapid Transit Master Plan (RTMP). Through the Transit Project Assessment Process (TPAP), the corridor and station locations will be refined and examined in greater detail, future access to King Street will be restricted to right in/right out. For information regarding the RTMP or TPAP please use the following web links: <a href="http://www.london.ca/residents/Environment/EAs/Pages/Rapid-Transit.aspx">http://www.london.ca/residents/Environment/EAs/Pages/Rapid-Transit.aspx</a> or <a href="http://www.shiftlondon.ca/">http://www.shiftlondon.ca/</a>
- Detailed comments regarding access design and location will be made through the site plan process

Verbatim comments as per the SWM Division:

SWED staff have no additional or new comments to those provided as part of SPC18-071.

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.

CN Rail – May 7, 2018

I have reviewed the development plans and the Noise and Vibration Feasibility Assessment (March 28, 2018) for this proposed development.

I would offer the following comments:

- CN Rail would like to see a full Noise and Vibration Study undertaken, with proposed mediations. This is one of the recommendations in the Feasibility Assessment.
- CN's standard position is to encourage that Class 1 thresholds be met, even if mitigation associated with Class 4 is implemented.
- The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
- The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

## <u>Urban Design – June 19, 2018</u>

Planning Services has reviewed the above noted rezoning, based on the UDPRP submission, and provide the following comments consistent with the Official Plan and applicable by-laws and guidelines:

- 1. Please provide a response to the UDPRP comments.
- 2. Narrow the depth of the building north-south to minimize shadowing impacts, and the visual mass of the building.

3. Break down the mass of the building through articulation, separating the balcony, removing unnecessary design features that add 'bulk' and utilizing material changes and a high proportion of glazing on the building.

- 4. Incorporate a greater proportion of vision glass into the base of the building in order to animate the streetscape.
- 5. Refine the design of the building by ensuring various design features relate to each other in a unified way.

### <u>Urban Design Peer Review Panel - April 27, 2018</u>

The Panel provides the following feedback on the submission to be addressed through the Zoning Bylaw amendment underway:

- The Panel commends the high level of design on the lower floors along the proposed King Street frontage. This element creates human scale to the tower proposal.
- The Panel suggests the owner consider the size and siting of the tower floorplate to reduce its apparent scale and to address its relationship to adjacent properties that may be redeveloped in the future for high density intensification.
- The Panel recommends further refinement of the building design including:
  - to create a more cohesive design by focusing on key features resulting in an overall refinement of the design;
  - to increase articulation along the east/west elevations to break down the length of the building;
  - to continue to develop the "jewel box" design to better integrate it into the building design, making it relate more to other design features on the building;
  - to consider refining the "tongue" gesture and related wall, as it appears from the west, which may be overwhelming, as well as its effect on balcony views to river;
  - to consider refining the tower top, to better relate it to design features at the pedestrian and "jewel box" levels;
  - to encourage more cohesion between the numerous design expressions; and,
  - o to give further consideration to the east and west "podium" elevations as they relate to the pedestrian route and tower above.
- Further refinement to the York Street frontage is required through the design process. There was a discussion of various considerations including creation of a park space or a design that can convert to development over time. Further consideration should also be given to the design of the gate element on York Street. This could either better relate to the tower design or a potential parkette; or be eliminated to better serve the potential park/public space.
- The Panel requests further evaluation and refinement of the laneway and pedestrian route through the site to address CPTED issues and address the pedestrian experience such as visual surveillance of the laneway (support windows), sightlines, sidewalk width and location.
- The Panel questions the rooftop public amenity as a bonusable feature due to its operational challenges.

### Concluding comments:

The Panel supports the overall design concept with the integration of the design recommendations noted above.

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. Subject to the comments and recommendations above, the proposed development represents an appropriate solution for the site.

# Appendix B – Policy Context

The following policy and regulatory documents are being 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, 2014

City of London Official Plan

Our Move Forward: London's Downtown Plan and the Downtown Design Manual.

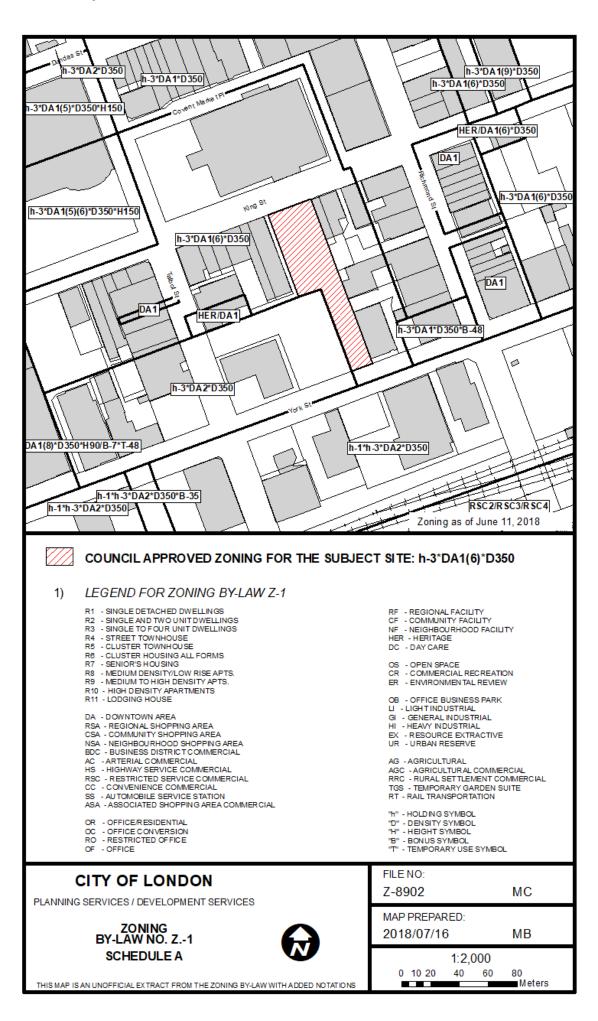
Downtown Heritage Conservation District Plan

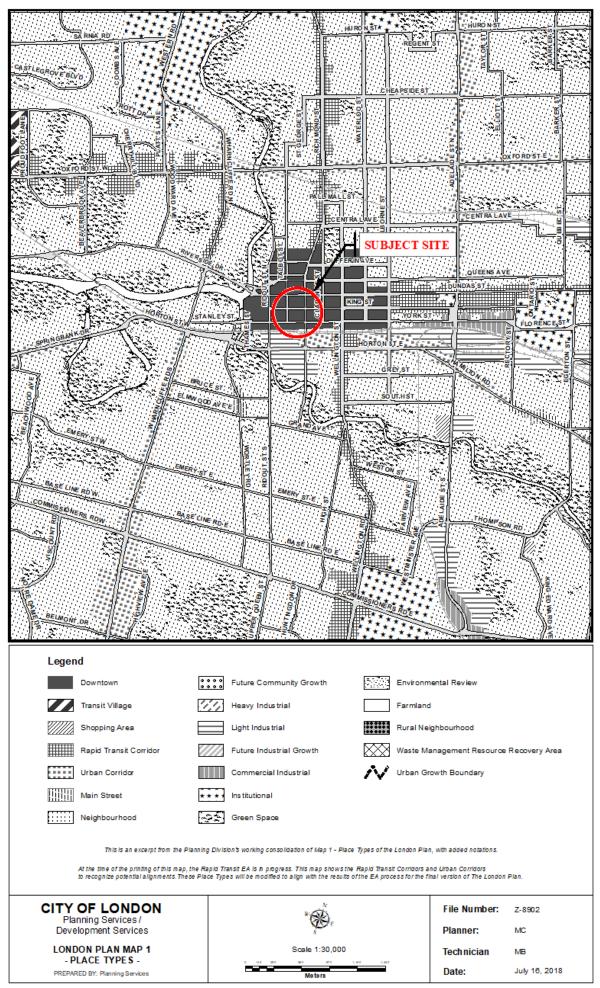
Z.-1 Zoning By-law

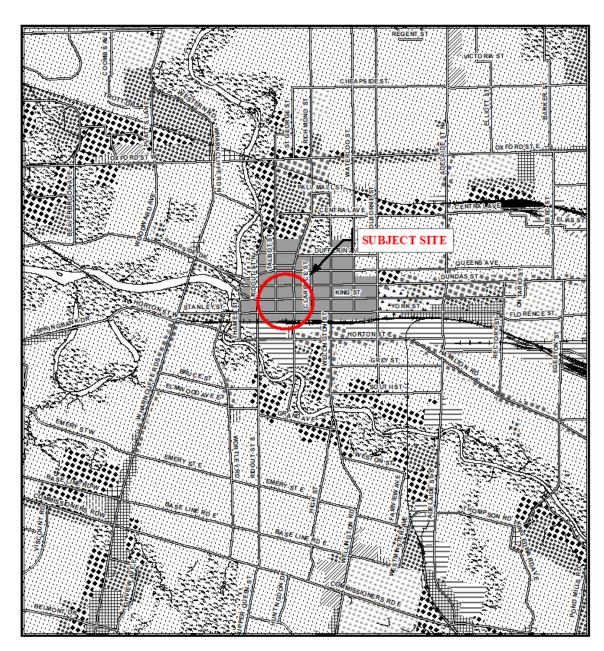
Site Plan Control Area By-law

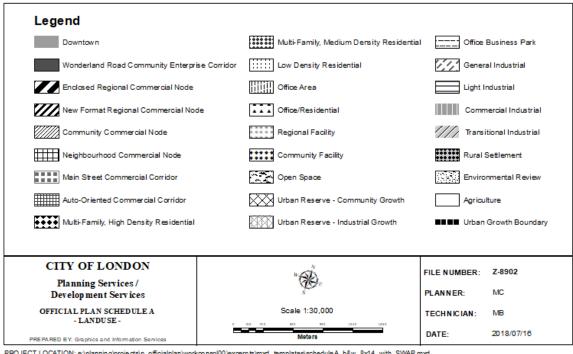
## **Appendix C – Additional Information**

### **Additional Maps**









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