

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: November 12, 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 proposed by-law attached as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on November 20, 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 Holding Downtown Area Special Provision (h-3*DA1(6) *D350) Zone **TO** a Holding Downtown Area Special Provision Bonus (h-18*DA1(6)*D350*B(_)) Zone.

The B(_) Bonus Zone shall be implemented through one or more agreements to provide for an apartment building height of 30-storeys or 102 metres (334.6ft) with an increased density of up to 931 units per hectare in return for the provision of the following facilities, services, and matters:

- 1) A high quality development which substantially implements the site plan and elevations as attached in Schedule "1" to the amending by-law:

A podium design that includes;

- i) A well-articulated façade screening the multi-level parking structure that includes multiple step-backs, several canopies, planters on the main canopy above the retail level, and includes a variety of materials;
- ii) A prominent principal entrance into the apartment building that is easily identifiable through the use of a recessed entrance and canopy that protrudes above the entrance;
- iii) A retail component, west of the principal apartment entrance, that includes a two storey glass window wall, which maintains a similar rhythm and proportion of the existing storefronts along King Street;
- iv) A large design feature, above the garage entrance (along King Street) to add interest to the streetscape and break up the appearance of this portion of the parking structure;
- v) Ground floor windows on the west elevation with the possibility to become future storefronts facing the alley along the west side of the development, and;
- vi) A canopy along the west elevation providing weather protection to pedestrians traveling between King Street and the rear of the building.

A tower design that includes;

- i) A varied step back of the tower from the podium along the King Street frontage;
- ii) A design feature wall extending from the principle apartment entrance at the base of the podium to the top of tower clad in textured panels and window wall consisting of clear and coloured glazing;
- iii) A protruding design element located on the 23rd and 24th storeys at the north east corner of the building fully clad in window wall consisting of clear and coloured glazing and framed;

- iv) A material and colour palette that provides for a cohesive design between all elements of the building including the podium and the tower;
 - v) A high proportion of transparent glazing and a relatively low proportion of exposed concrete or similar materials, including floor to ceiling window walls, and clear glass for balcony railings;
 - vi) A high level of articulation on the east and west elevations that reduce the overall visual mass of the building;
 - vii) A design of the top of the tower that provides interest to the skyline and is well integrated with the design language of the overall building, and;
 - viii) The incorporation of the mechanical and elevator penthouses with the roofline of the tower.
- 2) Public Parking

The provision of 41 publicly accessible parking spaces on level 1 of the underground parking facility and accessed from York Street. An agreement shall be entered into between the Corporation of the City of London and the property owner to facilitate this requirement.

3) Design Feature

As depicted in the elevations shown in Schedule "1" to the amending By-law a design feature will be located over the main vehicular access off of King Street. The details for this feature, including design, appearance and materials, will be determined in consultation with Staff through the site plan approvals process.

4) Public Art

The financial contribution of funding to a future public art project within the Downtown Area in the amount of 1% of the construction value up to a maximum of \$250,000, to be provided at the time of site plan approval.

5) 3 levels of underground parking

6) Publicly accessible civic space located at the York Street entrance.

- (b) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
- i) Provide an enhanced treatment along the westerly elevation portion of the parking garage.
 - ii) Implementation of the recommendations provided in the wind study to reduce wind impacts at the commercial entrance at the northwest corner of the building.
 - iii) Ensure a full Noise and Vibration Study is undertaken to address the concerns raised by CN Rail.

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 309 parking spaces, 41 of which will be accessible public parking.

Purpose and the Effect of Recommended Action

The purpose and effect of the zoning change is to permit a residential apartment building with a maximum height of 30-storeys which will include 266 residential units.

The bonus zone shall be implemented through one or more agreements to facilitate the development of the requested apartment building in return for, publicly accessible parking spaces, provision of 3 levels of underground parking, publically accessible civic space, \$250,000 financial contribution toward public art, and the construction of the high quality form of development illustrated in Schedule "1" of the amending by-law.

Rationale of Recommended Action

1. The recommended amendment is consistent with the PPS 2014.
2. The recommended amendment conforms to the Downtown Area policies of the City of London Official Plan and Downtown Place Type policies of The London Plan.
3. The recommended amendment facilitates the redevelopment of an existing surface parking lot in the downtown core and encourages an appropriate form of development.
4. The bonusing of the subject site ensures the building form and design will fit within the surrounding area while providing a high quality design standard.
5. The subject lands are located in a location where intensification can be accommodated given the existing municipal infrastructure, and existing and future public transit facilities in the area.

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 lots and low-rise buildings generally used for office and residential type uses.

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

- The London Plan Place Type – Downtown
- Official Plan Designation – Downtown
- Existing Zoning – h-3*DA1(6)*D350

1.3 Site Characteristics

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

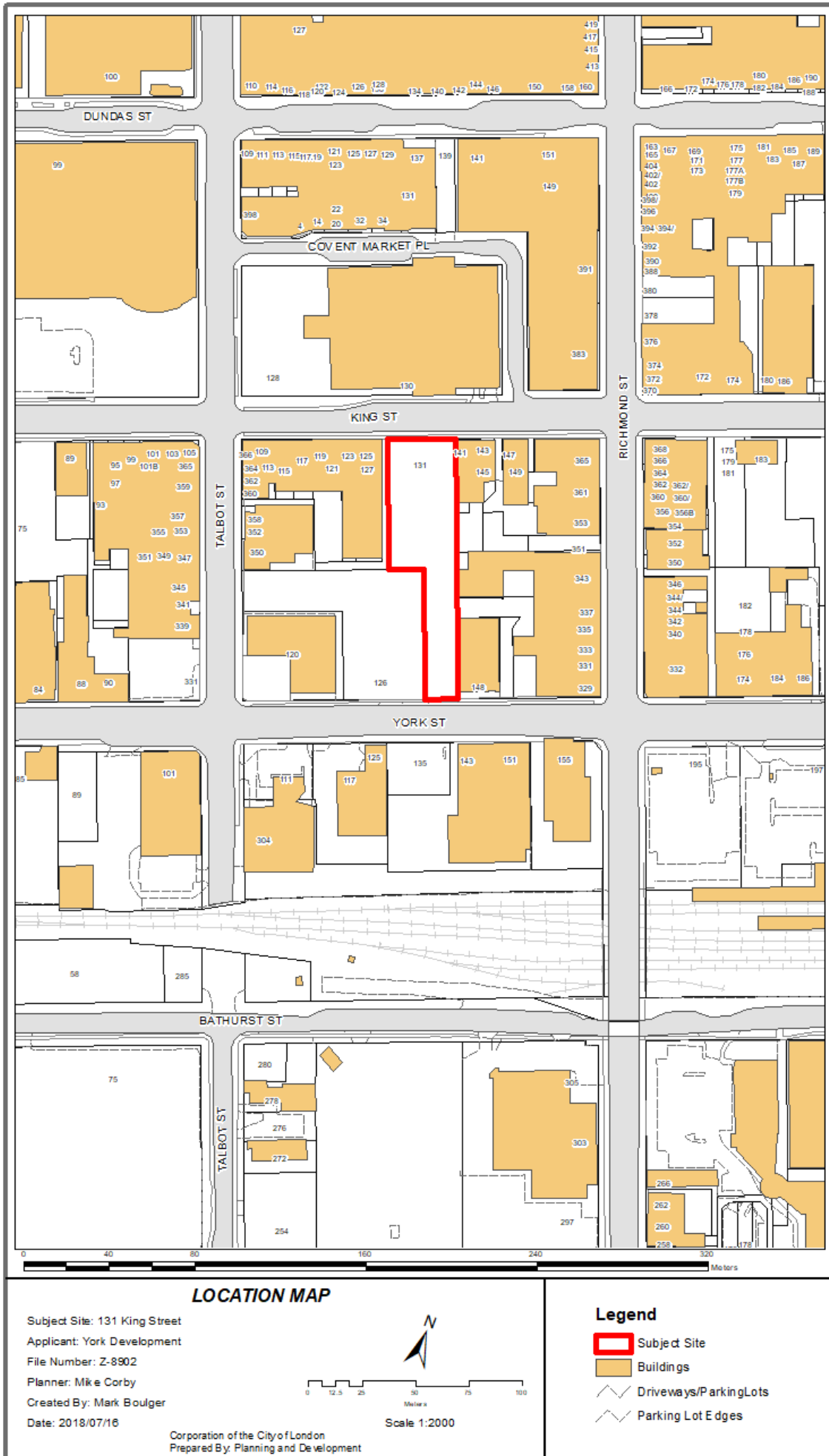
1.4 Surrounding Land Uses

- 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

1.6 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 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 309 parking spaces. Vehicular access is provided off King Street and York Street to access upper and lower levels of parking.

3.0 Relevant Background

3.1 Planning History

The subject site has been used as a surface parking lot for over 30 years and is located within the Downtown Heritage Conservation District and subject to the policies of the Downtown London Heritage Conservation District Plan, Downtown Design Guidelines and Our Move Forward: London's Downtown Plan.

3.2 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 Holding Downtown Area Special Provision Bonus (h-18*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 as setbacks may also be considered through the re-zoning process as part of the bonus zone.

3.3 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 of existing neighbouring buildings
- Wind impacts
- Prefer building to abut easterly building so as to not create a narrow alleyway between existing and proposed buildings.

3.4 Policy Context (see more detail in Appendix C)

The London Plan identifies the subject site and surrounding area within the Downtown area supporting the City's highest-order mixed uses and activities providing a broad range of uses and heights. The 1989 Official plan also designates the subject site as 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.

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.

London Plan

The subject site is located in the Downtown Place Type in The London Plan which promotes the highest-order mixed-use activity centre in the city permitting the widest range of uses. The Plan permits a broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational and other related uses. Mixed-use buildings are encouraged with retail and service uses promoted at grade along commercial-oriented streetscapes, 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 (PERMITTED USES_800).

The Downtown will permit the tallest buildings and the highest densities in the city. Buildings are required to be a minimum of either three storeys or nine metres in height and will not exceed 20 storeys in height unless Type 2 Bonus Zoning is applied. Type 2 bonusing allows for a height limit up to 35 storeys in conformity with the Our Tools policies of the Plan. 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 the Plan. 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 (INTENSITY_802).

Planning and development applications within the Downtown Place Type will also be controlled through specific form policies. All planning and development applications will

conform with the City Design policies of this Plan, Our Move Forward: London's Downtown Plan, the Downtown Design Manual and will conform with the Downtown Heritage Conservation District Plan and related guidelines. A priority on the pedestrian experience will be encouraged through site layout, building location, and a design that reinforces pedestrian comfort and safety. 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 (FORM_803).

As noted within the intensity policies of the Downtown Place Type, the policies provide an opportunity to bonus for increases in height and density up to 35-storeys. Bonus Provisions Policy 1652 outlines the framework and public facilities, services, or matters that can be provided in order to achieve these increases.

Official Plan

The subject site is designated Downtown Area 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.

The Official Plan outlines Planning Objectives (4.1.1, Planning Objectives) in the Downtown which should strive to be met through all forms of development within the core. The Official Plan promotes the continued development of the Downtown by allowing for a wide range of uses and encourages the growth of the residential population. It also encourages the provision of a high level of transit services as well as enhancing the attractiveness and accessibility of the Downtown for residents and visitors. The Downtown policies of the Official Plan provide Urban Design Objectives in order to create quality forms of development in the Downtown Area. The policies encourage a high standard of design and require new development be considerate and compatible to surrounding architectural styles and buildings with historic significance (4.1.2, Urban Design Objectives).

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 (4.1.4, Downtown Shopping Area).

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 (4.1.6, Permitted Uses, iv) Residential Uses)

The City's Downtown is where the largest densities of office and retail uses shall be located and it is also where the highest residential densities are promoted. The continued increase in residential density is encouraged in order to attract and support the higher intensity of uses and services such as public transit. The highest density permitted without the use of Bonus Zoning is 350 uph for residential developments. In order to create a sustainable downtown population, the policies of the Official Plan permit increases in density under the provisions of policy 19.4.4 in return for the provision of certain public facilities, amenities or design features provided the proposal (4.1.7, i) Scale Limitations). The policies of the Official Plan permit Bonus Zoning as a means of achieving enhanced development features that result in a public benefit which

cannot be obtained through the normal development process in return for permitting increased heights and densities. The Planning Act provides direction on bonusing which allows municipalities to use bonusing provisions in their Official Plan in return for facilities, services, or matters, as are set out in the By-law.

Development projects within the downtown are encouraged 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 (4.1.7, ii) Design Considerations). Other key components of the downtown include enhancing the pedestrian circulation and the appearance and continuity of the shopping environment (4.1.9, Circulation Pedestrian). At the same time the plan supports 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 (4.1.10, Parking)

The Official Plan identifies the Downtown as a Heritage Conservation district (13.3.8.5 Downtown) and as such is subject to the policies of the Downtown Heritage Conservation District Plan. The plan seeks to retain critical functional and visual attributes that convey or have a historical relationship to the area in which they are situated. This can include buildings, natural and cultural landscapes, streetscapes, hardscape elements, and other features that contribute to an area's recognizable character.

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.

4.0 Key Issues and Considerations

Through the circulation process no departmental concerns were expressed. Some concerns were raised by the public through the process. The report below addresses the relevant planning policies and concerns in detail.

4.1 Issue and Consideration # 1 – Use

Provincial Policy Statement, 2014

The PPS encourages settlement areas (1.1.3 Settlement Areas) to be the main focus of growth and their vitality and regeneration shall be promoted. 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 surrounding infrastructure, public service facilities and are also transit-supportive. The proposed development will help continue and promote the vitality and regeneration of the surrounding area and downtown as a whole and maintains an appropriate land use pattern within a settlement area. The proposed apartment will support the existing commercial/retail and entertainment uses in the area and will also help draw future commercial and residential uses to the core. The proposed infill development provides an efficient use of the land at an appropriate density along with a land use that is considered compatible with the surrounding lands. The proposed increase in density is appropriate as the apartment will take advantage of the surrounding resources, infrastructure, public service facilities, will be transit-supportive and at the same time remove surface parking from the downtown.

The proposed residential development also contributes to the mix of housing types in the area and helps in achieving a greater the downtown population. The increased

density is also appropriate as it will support the existing transit routes in the area and the future rapid transit route along King Street where higher densities are encouraged to locate (1.4 Housing).

The London Plan

The subject site is located in the Downtown Place Type which promotes the highest-order mixed-use activity centre in the city permitting the widest range of uses. The proposed apartment building is considered to be a permitted use as it provides a mixed-use building with retail at grade along a commercial-oriented streetscape. (PERMITTED USES_800).

1989 Official Plan

The Official Plan supports the development of a variety of high and medium density housing types in the Downtown. The proposed apartment building is in keeping with these policies as it provides a high density development proposal with retail uses at street level on a vacant lot currently used for surface parking (Permitted Uses, 4.1.6). The proposed development also provides 41 publically accessible parking spaces which can be accessed off of York Street on the first level (level 1) of the underground parking structure. This inclusion of public parking is in keeping with the Official Plan's goals to 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 and Downtown Parking Strategy (4.1.10. Parking).

Our Move Forward: London's Downtown Plan

The proposed use also helps in forging connections with the downtown neighbourhoods. The increase in density is directly on a future rapid transit line that will link the downtown to easterly areas like Old East Village and is in close proximity to the connections that will access all the other areas of the City to the north, south and west.

4.2 Issue and Consideration # 2 - Intensity

Provincial Policy Statement, 2014

The PPS requires 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]. The proposed apartment building provides a compact form that appropriately intensifies an underutilized site and is located along a Rapid Transit route in the downtown which is a preferred location to promote intensification. The site currently has access to multiple bus routes and is within walking distance to parks and the Thames Valley Corridor, commercial/retail and entertainment uses and My Dundas Place providing services that help the site accommodate increases in density. The site is also of sufficient size to provide a built form that responds to the surrounding context. The proposed development meets the intent of this PPS as it provides a density of 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 [1.4.3(d)].

The London Plan

The Downtown is identified as the area of the City where the tallest buildings and highest densities should be located. The London Plan requires a minimum height of 3 storeys or nine meters in order to create a strong street wall within the core. Heights will not exceed 20 storeys unless Type 2 Bonus Zoning is applied which allows for up to 35 storeys in height.

In order for taller more intense buildings to be approved specific criteria shall be met within The London Plan. The proposed development is in keeping with these intensity policies as the proposed development at 30-storeys in height has been able to achieve

a high level of design in conformity with the City Design policies and is generally in keeping with the goals of the Downtown Heritage Planning District. The proposed height and built form have been able to limit potential visual impacts on the surrounding public spaces and the existing view corridors are maintained. The surrounding public spaces (Market Square) will have additional shadowing for a small period of time during the mornings in the spring and fall. The potential wind impacts of the proposed design have been mitigated for the most part through the stepbacks provided at the podium and the surrounding pedestrian realm will maintain safe wind conditions.

The requested amendment would be considered Type 2 bonusing under The London Plan in order to achieve a height of 30-storeys. Bonusing Provisions (Policy_1652) that outline the framework and public facilities, services, or matters that can be provided in order to achieve the proposed increase in height are identified below under the analysis of the current Official Plan. These provisions are similar to the provision undertaken through the 1989 Official Plan and are considered in more detail below.

1989 Official Plan

As previously indicated, the applicant has applied to increase the density to 931uph and a height of 102 metres through the bonusing provisions outlined in Section 19.4.4 of the Official Plan. The policies of the Official Plan permit Bonus Zoning as a means of achieving enhanced development features which result in a public benefit that cannot be obtained through the normal development process in return for permitting increased heights and densities. The Planning Act provides legislation on increases in height and density which allows municipalities to use bonusing provisions in their Official Plan in return for facilities, services, or matters, as are set out in the By-law. The proposed building form and design (discussed in Section 4.3- Form) and provision of 41 public parking spaces, 3 levels of underground parking, publicly accessible civic space off of York Street, a design feature above the main vehicular entrance on King Street and a financial contribution of \$250,000 for Public Art within the downtown core, all of which may not otherwise be implemented through the normal development approvals process, allow the proposed development to qualify for Bonus Zoning in conformity to the policies of the Official Plan. These bonusable features are outlined in the Staff recommendation.

In order to implement the identified items for bonus zoning, section 19.4.4 iv) of the Official Plan states that:

“As a condition to the application of bonus zoning provisions to a proposed development, the owner of the subject land will be required to enter into an agreement with the City, to be registered against the title to the land. The agreement will deal with the facilities, services, or matters that are to be provided, the timing of their provision, and the height or density bonus to be given.”

Bonus zoning is implemented through one or more agreements with the City that are registered on title to the lands. The agreements are intended to “lock in” the design features that will be incorporated into the form of development to merit the additional density. Through the site plan approval process, the proposed development will be reviewed to ensure that all facilities, services and matters that have warranted bonus zoning have been incorporated into the agreements. These design features are highlighted in the recommendation and the amending by-law included in the illustrations attached as Schedule “1”.

4.3 Issue and Consideration # 3 - Form

Provincial Policy Statement, 2014 (PPS)

The proposed development is in keeping with the PPS as it provides an opportunity for intensification at an appropriate location taking into account the existing building stock in the area. The new development provides a compact form that appropriately intensifies an underutilized site while providing an appropriate form of development. The

development will be required to meet current development standards and site plan requirements. King Street is also an arterial road and the easterly connection through the downtown for the future rapid transit system where a high level of design standards are required. The development will promote active transportation limiting the need for a vehicle to perform daily activities in conformity with the goals of the PPS. It also supports the long-term economic prosperity of the area by promoting an opportunity for economic development and community investment-readiness and promotes a well-designed built form that encourages a sense of place, by conserving features that help define character of the area.

The proposed form of development has considered the surrounding heritage context of the downtown through a podium design that appears as 2-3 storeys at street level through different setbacks and design features which responds appropriately to and enhances the existing streetscape along King Street and will help define the future streetscape. The use of a bonus zone ensures the development remains similar in nature to what exists in the area helping create compatibility in the community and protecting the surrounding properties from adverse impacts in conformity with the PPS [2.6.3.].

The London Plan

Developments within the Downtown Place Type will conform to specific form policies of The London Plan. A main feature of the proposed apartment building is the proposed podium which emphasizes the importance of addressing the pedestrian experience through a high proportion of windows of the proposed commercial space looking onto the street creating a more comfortable and safe experience. The applicant has also identified that windows from the commercial space will look out onto the midblock connection being provided ensuring eyes on the alleyway will be maintained. The site's layout is also used appropriately as the narrow portion of land fronting onto York Street has been optimized to help with the pedestrian experience by providing a highly landscaped open area with benches for public use and the mid-block connection helps with pedestrian circulation in the area. The use of a recessed main pedestrian entrance off of King Street with an overhang along with a large canopy structure across the front of the north elevation at approximately the 3rd floor provides pedestrians with opportunities to seek shelter from rain and sun exposure. This same canopy structure carries a similar datum line as the abutting developments and a similar window pattern and size is used at the top of the commercial space in keeping with windows on the abutting properties ensuring continuity and harmony with the surrounding area. The development of a vacant site also helps with the continuity of the shopping environment in the area by contributing to the existing street wall along King Street. The development has been able to provide a creative design that responds to the surrounding context while maintaining its own distinctive character in the downtown and conforming to the form policies of the Downtown Area Place Type.

1989 Official Plan

The Urban Design Objectives of the Downtown Area are similar to those in The London Plan and seek to provide a high standard of design for buildings to be constructed in strategic or prominent locations of the Downtown while discouraging development and design treatments that are considered detrimental to the functional success and visual quality of Downtown. They provide flexibility for individual design creativity and innovation and to the extent feasible, position new development to minimize the obstruction of view corridors to natural features and landmarks. New developments shall 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.

As part of a complete application the applicant provided an Urban Design Brief, and attended the Urban Design Peer Review Panel to identify how the above-mentioned policies have been achieved through the building design and form. Both the Urban Design Peer Review Panel and Staff were generally pleased with the proposed design

but had some concerns with the visual massing of the building due to the length of the building along the north/south axis. It was recommended that the width of the building be reduced at the top portion to help reduce its overall visual massing and scale. There was also a recommendation to break down the mass of east and west sides of the building through additional articulation and separating of the balconies.

The applicant refined the design and was able to reduce the massing on the south side of the building by reducing floors and adding an additional setback on the west side of the building which allows for the removal of the large blank column on the wall and introduction of additional balconies and glazing to soften the view from the west (see fig 1). The south east corner has seen significant reduction in height as well to help reduce the visual massing of the structure (see fig 2). In keeping with direction from Staff and the Panel the balconies on the east and west sides of the building were redesigned in a manner that helps break down the visual massing and length on these sides of the building. The breaking up of the balconies also provided the opportunity to introduce additional glazing to the project resulting in the final design which is attached to the recommended By-law as Schedule "1".

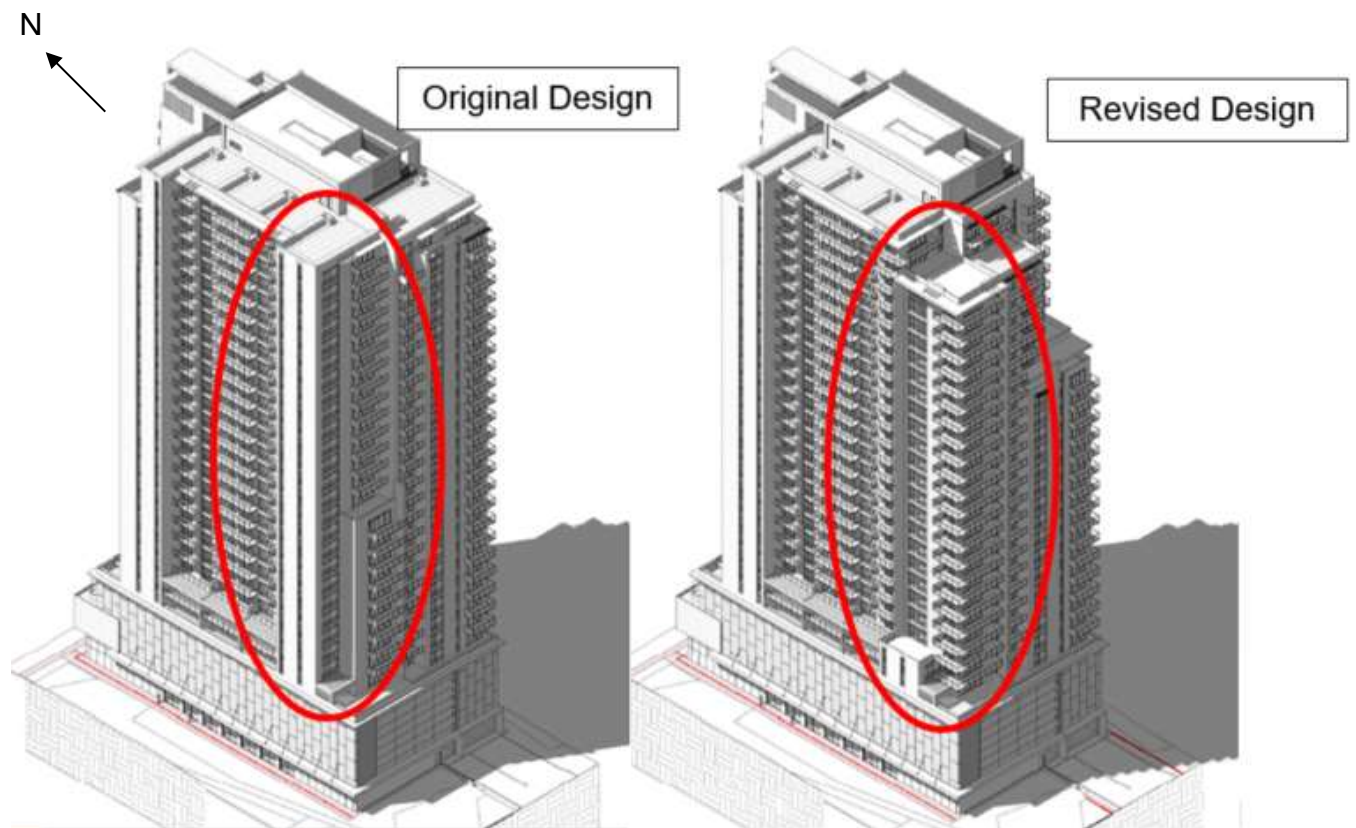


Figure 1 – West Elevation

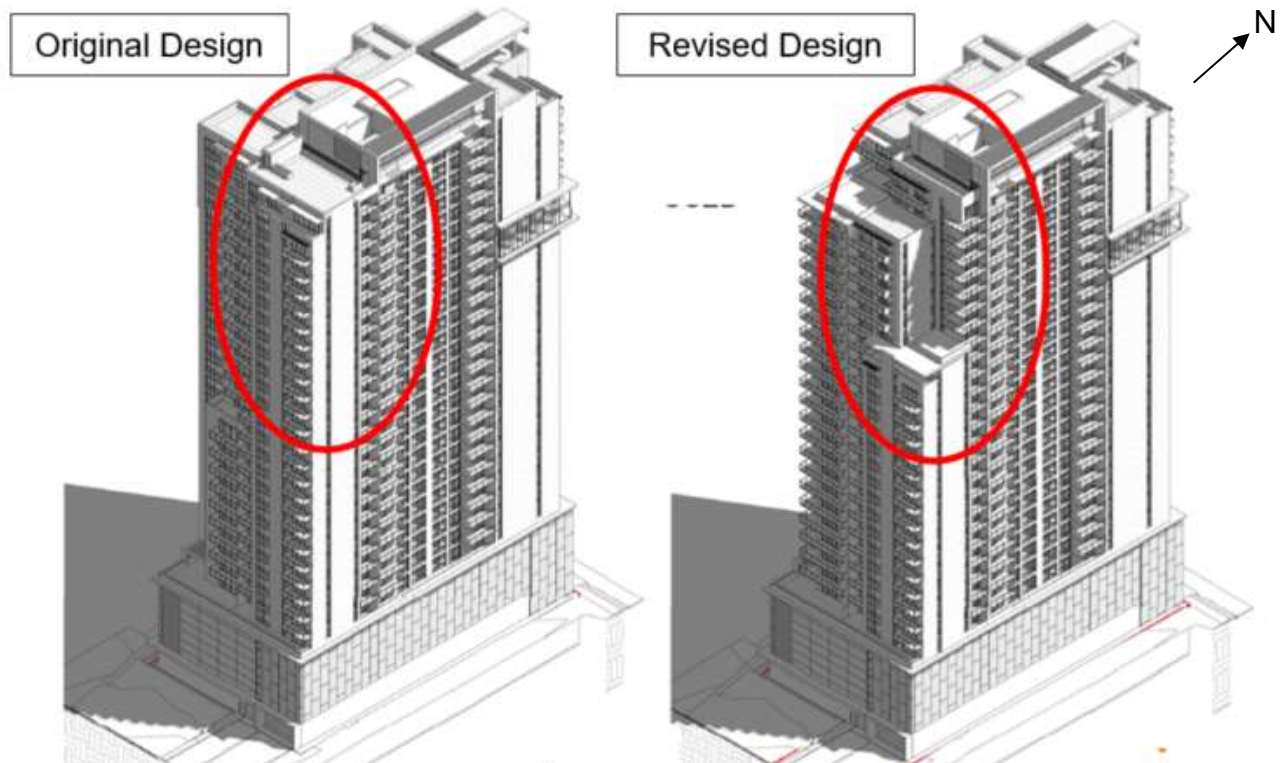


Figure 2 – Easterly Elevation

The final design proposal responds to many of the design concerns and achieves many of the design principles of the Official Plan and The London Plan. The overall massing of the tower portion has been reduced helping limit shadows on the surrounding community and additional articulation has been used to break down the building. The podium provides for the sensitive integration of the development among the adjacent structures and surrounding land uses. The development will support public transit while providing a quality form of development to help enhance the future rapid transit corridor and Downtown. The proposed building is in keeping with the design guidelines outlined in Chapter 11 and in keeping with the Urban Design objectives of the Downtown Area.

4.4 Issue and Consideration # 4 – Heritage

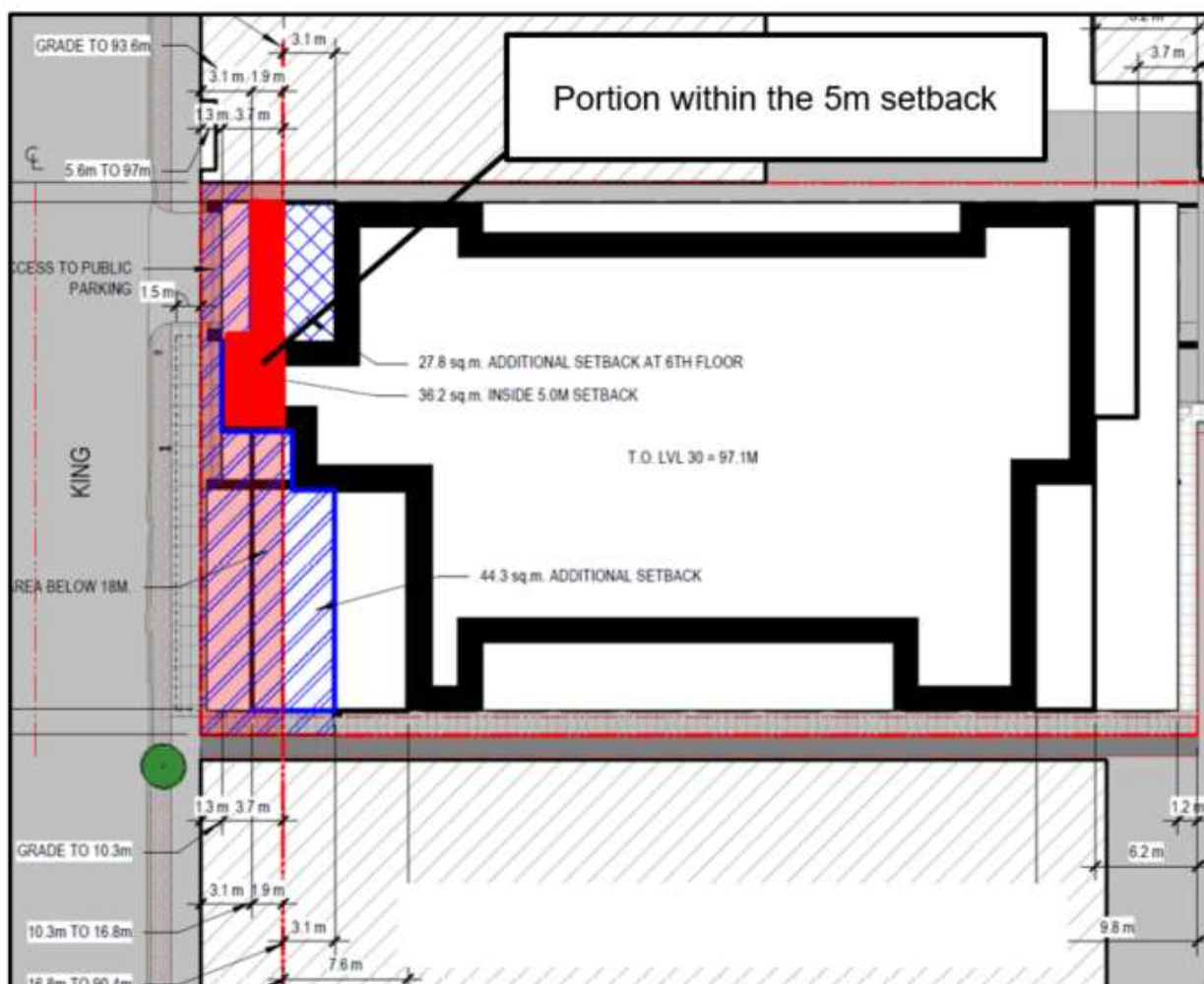
The Downtown contains many of the City's original buildings and some of the most architecturally important structures in our community. Policies for preservation are balanced against policies which promote growth and development in the Downtown. The Official Plan supports a blending of these two approaches to the Downtown by encouraging property owners to incorporate buildings and features of cultural heritage value into new development projects.

The site is located within the Downtown Heritage District, which is designated under Part V of the Ontario Heritage Act (OHA). The proposed development utilizes a vacant lot within a Heritage District and does not result in the demolition of any heritage buildings or loss of any heritage features in the downtown. The development results in a design that is compatible with neighbouring buildings and sets a positive precedent for the Downtown as a whole. Careful consideration was taken in the design of the proposed development to provide a compatible podium that respects the heights and cornices of adjacent buildings. The development continues the existing datum lines and ground-floor scale that have been established with the buildings to the east and west to provide for continuity and harmony in architectural style with adjacent uses in conformity to the policies of the Official Plan. The building materials, though different than abutting properties, pick up the rhythm of the windows on the second floor of the abutting buildings and the overall design maintains the segmented quality of the façade, which works to maintain the rhythm of the storefronts along King Street. Through the use of multiple step backs the podium maintains the general scale of the street and appears at the same height as the building to the east and west (2-3 storeys). The podium design combined with the majority of the tower being well setback from the Dundas Street edge enables the development to maintain a street presence that maintains a low-rise form without being overwhelmed by a significant change in height caused by the tower.

The Zoning Amendment Application and Heritage Impact Statement (HIS) has been received by Heritage Staff and the London Advisory Committee on Heritage (LACH). Although the 5 metre setback was not able to be achieved for the whole frontage of the building no adverse impacts are anticipated to adjacent heritage designated properties and to the urban fabric within the Downtown Heritage Conservation District as a result of the proposed new development.

4.5 Issue and Consideration # 5 – Reduced Setback

Within the Downtown Heritage Conservation District Plan podiums have a maximum height restriction of 18m and after such height require a setback of 5m before the residential tower can be built. In combination with the proposed podium and its high level of design and articulation, along with the use of varying setbacks on the residential tower beyond the 18m height, the resulting form has minimal impacts on the pedestrian realm and within the surrounding area. Additionally the majority of the structure is outside of the 5 metre setback. It is recognized that one of the main design features of the building, which is a long narrow strip of windows up the middle of the tower on the north elevation, stays within the required 5 metre setback. Through the use of a highly designed and articulated podium and multiple setbacks in the tower the development is able to create the feeling of a significant setback and provide a compatible development within the surrounding context.



4.6 Issue and Consideration # 6 – Wind Study

The subject site has an existing holding provision (h-3) which requires the completion of a wind study for buildings over 30 metres in height to ensure development will not have an adverse impact on pedestrian level wind conditions in the Downtown Area. A preliminary pedestrian wind study was completed by the applicant to assess the impacts of the development at a pedestrian scale. The document concluded that the main pedestrian entrance was well sheltered and no impacts would be created. It also

determined that the surrounding sidewalks, westerly laneway, open area at the south side of the property and easterly podium terrace would have no affects.

There is a potential for unsafe conditions during the winter months at the northwest corner of the proposed development at the commercial entrance. The report suggested moving the entrance away from the building corner and/or recessing the entrance similar to the main apartment entrance to the east. Staff is providing direction for this item to be reviewed during the site plan process to see if an alternative entrance is achievable for the commercial space.

4.7 Issue and Consideration # 7 – 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 is recommended to be applied to the property to ensure that archaeological issues are addressed.

4.8 Issue and Consideration # 8 – Design Feature

The proposed development identifies an art feature above the main vehicular entrance off of King Street. The proposed feature helps mitigate potentially negative effects of a large blank space created due to the multiple levels of above-grade parking being 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. Staff have included this feature as a bonusable item to ensure that the final design feature goes through an additional review process with Staff to ensure the proposed art is appropriate and in keeping with the intent of the Downtown Heritage Conservation District Plan. This process will be undertaken during the Site Plan Approval process.

5.0 Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Downtown Place Type policies of The London Plan and the City of London Official Plan policies. The proposal facilitates the development of an undeveloped lot and encourages an appropriate form of development. The bonusing of the subject site ensures the building form and design will fit within the surrounding area while providing a high quality design standard. The subject lands are situated in a location where intensification can be accommodated given the existing municipal infrastructure, location within the downtown shopping area, and existing and future public transit facilities in the area.

Prepared by:	Mike Corby, MCIP, RPP 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	

November 5, 2018
MC/mc

\\FILE2\users-z\pdp\Shared\implemen\DEVELOPMENT APPS\2018 Applications 8865 to\8902Z - 131 King St (MC)\PEC Report\Z-8902 - PEC - November 12..docx

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 131
King Street.

WHEREAS York Development has applied to rezone an area of land located at 131 King 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 131 King Street, as shown on the attached map comprising part of Key Map No. A.107, from a Holding Downtown Area Special Provision (h-3*DA1(6)*D350) Zone to a Holding Downtown Area Special Provision Bonus (h-18*DA1(6)*D350*B(_)) Zone.
- 2) Section Number 4.3 of the General Provisions in By-law No. Z.-1 is amended by adding the following new Bonus Zone:

4.3) B(_) 131 King Street

The Bonus Zone shall be enabled through one or more agreements to facilitate the development of a high quality residential apartment building, with a maximum of 30-storeys, 266 dwelling units and density of 931 units per hectare, which substantively implements the Site Plan and Elevations attached as Schedule "1" to the amending by-law; and

- i) Public Parking

The provision of 41 publicly accessible parking spaces on level 1 of the underground parking facility and accessed from York Street. An agreement shall be entered into between the Corporation of the City of London and the property owner to facilitate this requirement.

- ii) Design Feature

As depicted in the elevations shown in Schedule "1" to the amending By-law a design feature will be located over the main vehicular access off of King Street. The details for this feature, including design, appearance and materials, will be determined in consultation with Staff through the site plan approvals process.

- iii) Public Art

The financial contribution of funding to a future public art project within the Downtown Area in the amount of 1% of the construction value up to a maximum of \$250,000, to be provided at the time of site plan approval.

- iv) 3 levels of underground parking

- v) Publicly accessible civic space located at the York Street entrance.

The following special regulations apply within the bonus zone upon the execution and registration of the required development agreement(s):

a) Regulations:

i)	Density	931 uph
ii)	Height (maximum)	102 metres (334.6 feet)
iii)	Residential Component Easterly Side Yard (minimum)	1.2 metres
iv)	Residential Component Westerly Side Yard (minimum)	1.5 metres
v)	Residential Component Northerly Side Yard (minimum)	1.3 metres

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.

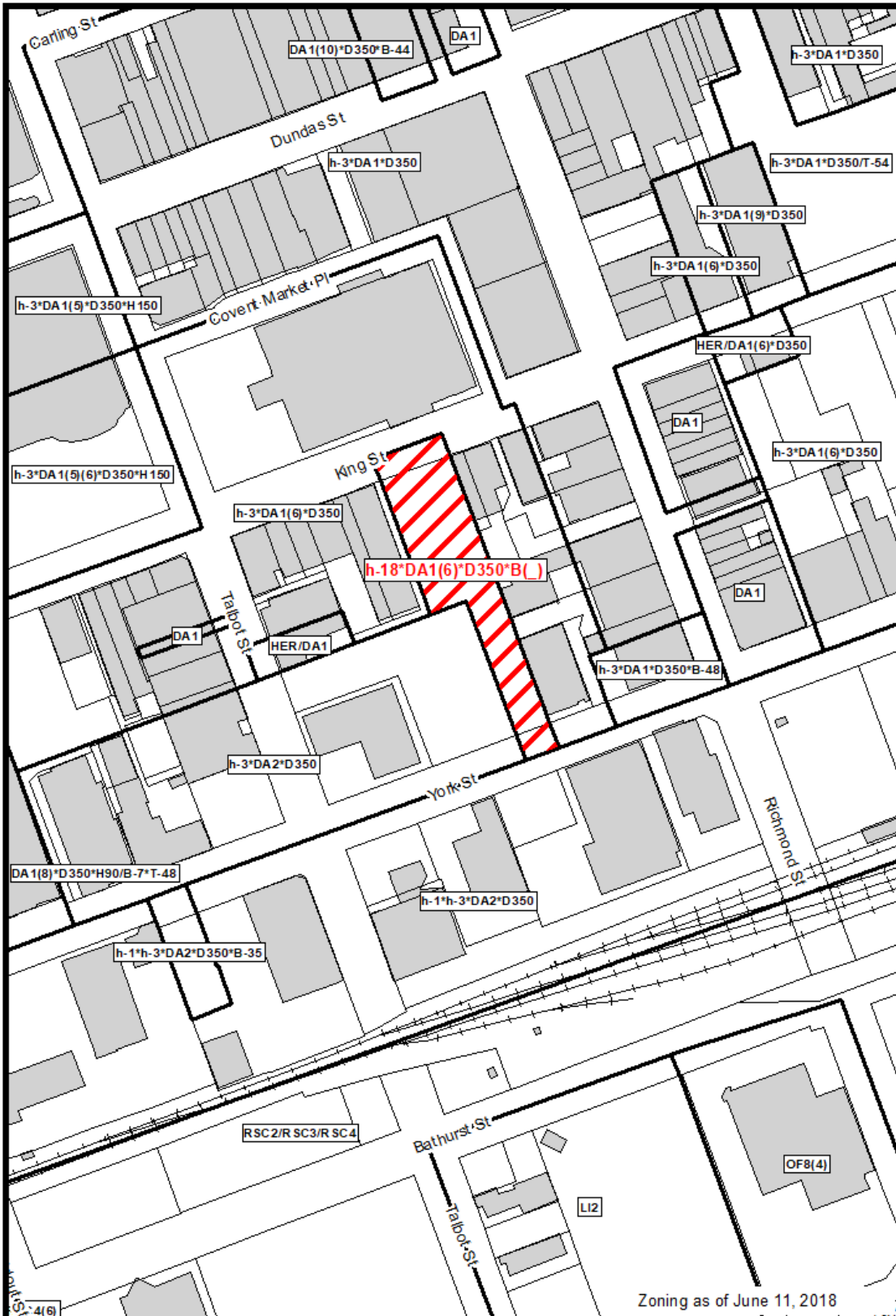
PASSED in Open Council on November 20, 2018



Matt Brown
Mayor

Catharine Saunders
City Clerk

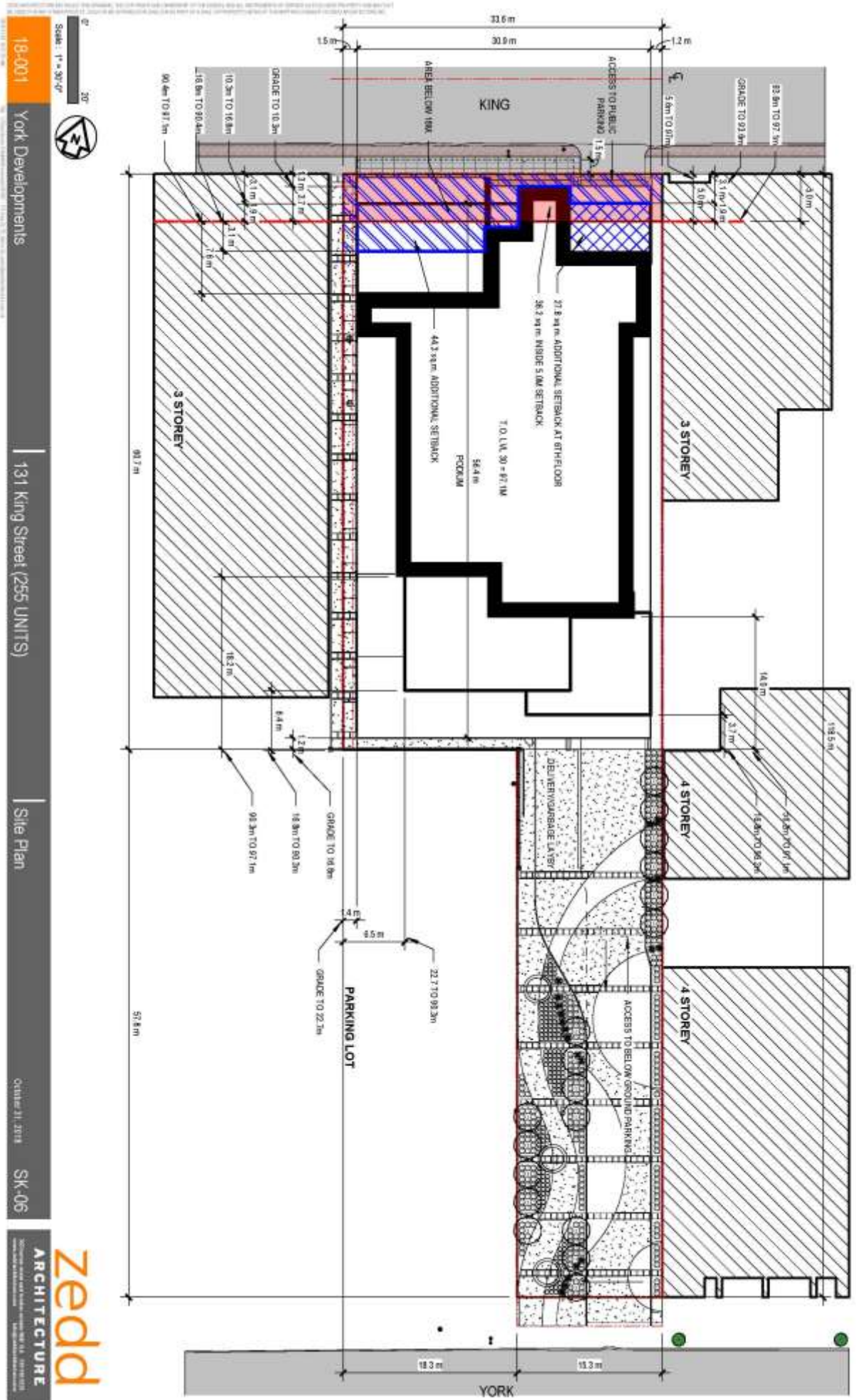
First Reading – November 20, 2018
Second Reading – November 20, 2018
Third Reading – November 20, 2018

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



<p>File Number: Z-8902 Planner: MC Date Prepared: 2018/07/16 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> 
--	---

Schedule "1"





Scale
 18.001

York Developments

131 King Street

King Street Materials

July 4th, 2010 SK-41



18-001

York Developments

131 King Street (255 UNITS)

NORTH Elevation

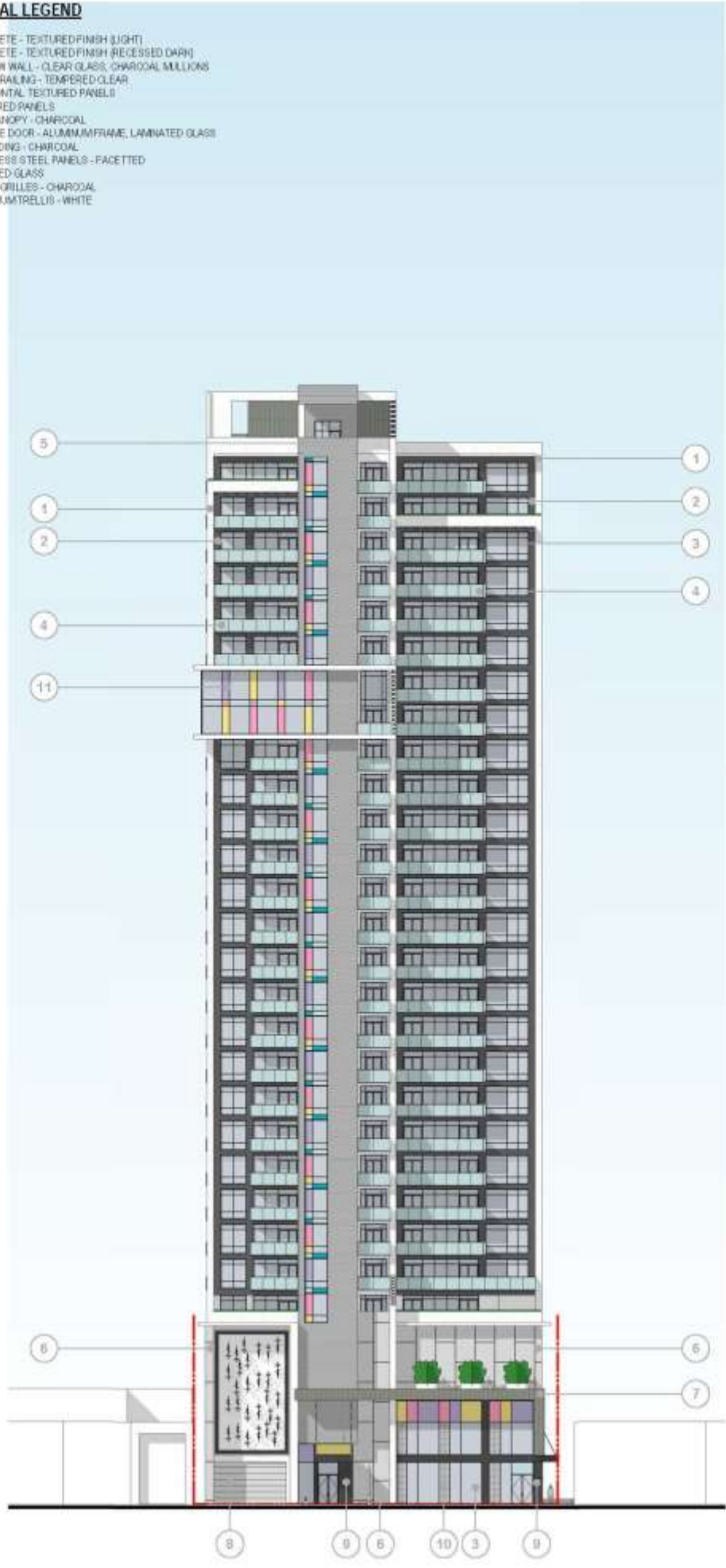
October 21, 2018

Dsk-32

zedd
 ARCHITECTURE

MATERIAL LEGEND

- 1 CONCRETE - TEXTURED FINISH (LIGHT)
- 2 CONCRETE - TEXTURED FINISH (RECESSED DARK)
- 3 WINDOW WALL - CLEAR GLASS - CHARCOAL MULLIONS
- 4 GLASS RAILING - TEMPERED CLEAR
- 5 HORIZONTAL TEXTURED PANELS
- 6 TEXTURED PANELS
- 7 ACM CANOPY - CHARCOAL
- 8 GARAGE DOOR - ALUMINUM FRAME, LAMINATED GLASS
- 9 ACM SIDING - CHARCOAL
- 10 STAINLESS STEEL PANELS - FACETTED
- 11 COLORED GLASS
- 12 METAL GRILLES - CHARCOAL
- 13 ALUMINUM TRELLIS - WHITE



18-001

York Developments

131 King Street (255 UNITS)

WEST Elevation

04/06/21 25th

Dsk-35

ARCHITECTURE

zedd

MATERIAL LEGEND

- 1 CONCRETE - TEXTURED FINISH (LIGHT)
- 2 CONCRETE - TEXTURED FINISH (RECESSED DARK)
- 3 WINDOW WALL - CLEAR GLASS, CHARCOAL MULLIONS
- 4 GLASS RAILING - TEMPERED CLEAR
- 5 HORIZONTAL TEXTURED PANELS
- 6 TEXTURED PANELS
- 7 ACM CANOPY - CHARCOAL
- 8 GARAGE DOOR - ALUMINUM FRAME, LAMINATED GLASS
- 9 ACM SIDING - CHARCOAL
- 10 STAINLESS STEEL PANELS - FACETTED
- 11 COLORED GLASS
- 12 METAL GRILLES - CHARCOAL
- 13 ALUMINUM TRELLIS - WHITE



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18-001
York Developments
131 King Street (255 UNITS)
SOUTH Elevation
October 31, 2018
Dsk-34
ARCHITECTURE
Zedd
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MATERIAL LEGEND

- 1. CONCRETE - TEXTURED FINISH (LIGHT)
- 2. CONCRETE - TEXTURED FINISH (RECESSED DARK)
- 3. WINDOW WALL - CLEAR GLASS, CHARCOAL MULLIONS
- 4. GLASS RAILING - TEMPERED CLEAR
- 5. HORIZONTAL TEXTURED PANELS
- 6. TEXTURED PANELS
- 7. ACM CANOPY - CHARCOAL
- 8. GARAGE DOOR - ALUMINUM FRAME, LAMINATED GLASS
- 9. ACM SIDING - CHARCOAL
- 10. STAINLESS STEEL PANELS - FACETTED
- 11. COLORED GLASS
- 12. METAL GRILLES - CHARCOAL
- 13. ALUMINUM TRELLIS - WHITE



100% PLANNED MATERIALS SHALL BE SUBMITTED TO THE APPLICANT AND APPROVED BY THE BOARD. ONLY APPROVALS OF MATERIALS SHALL BE FOR THE PROJECT AND NOT FOR OTHER PROJECTS. APPROVALS FOR OTHER PROJECTS SHALL BE OBTAINED BY THE APPLICANT AT HIS OWN RISK. APPROVALS OF MATERIALS SHALL BE FOR THE PROJECT AND NOT FOR OTHER PROJECTS. APPROVALS FOR OTHER PROJECTS SHALL BE OBTAINED BY THE APPLICANT AT HIS OWN RISK.

18-001
York Developments
131 King Street (256 UNITS)
EAST Elevation
October 4, 2018
Dsk-33
Zedd ARCHITECTURE
3110 York Street, Suite 100, Toronto, Ontario M5E 1B5
Tel: 416-461-1111
www.zeddarchitecture.com

MATERIAL LEGEND

- 1 CONCRETE - TEXTURED FINISH (LIGHT)
- 2 CONCRETE - TEXTURED FINISH (RECESSED DARK)
- 3 WINDOW WALL - CLEAR GLASS, CHARCOAL MULLIONS
- 4 GLASS RAILING - TEMPERED CLEAR
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- 12 METAL GRILLES - CHARCOAL
- 13 ALUMINUM TRELLIS - WHITE



Appendix B – Public Engagement

Community 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

File:Z-8902
Planner: Mike Corby

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 have 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,
2. 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,
3. 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

Public



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/drifted 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

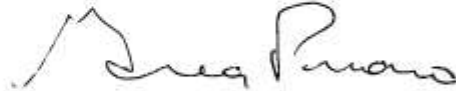
Given the scope of the proposed building for this project, we asked York for details on how they would support their request for bonusing. They did provide us with a list of items, but it was unclear if all would be used or the extent to which they would be relied upon. We will continue to review this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

Telephone	Written
Maria G. Mendes Market View Properties 125,127 King Street, London ON	Jennifer Grainger Architectural Conservancy Ontario – 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;

Heritage – May 24, 2018

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 policies 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 help 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 setbacks of the proposed development. The “tongue” feature of the proposed development projects into the 5m setback. To achieve the required 5m setback, opportunities to adjust the “tongue” of the proposed development to comply with the 5m setback requirement of the Downtown Heritage Conservation District Plan should be undertaken.

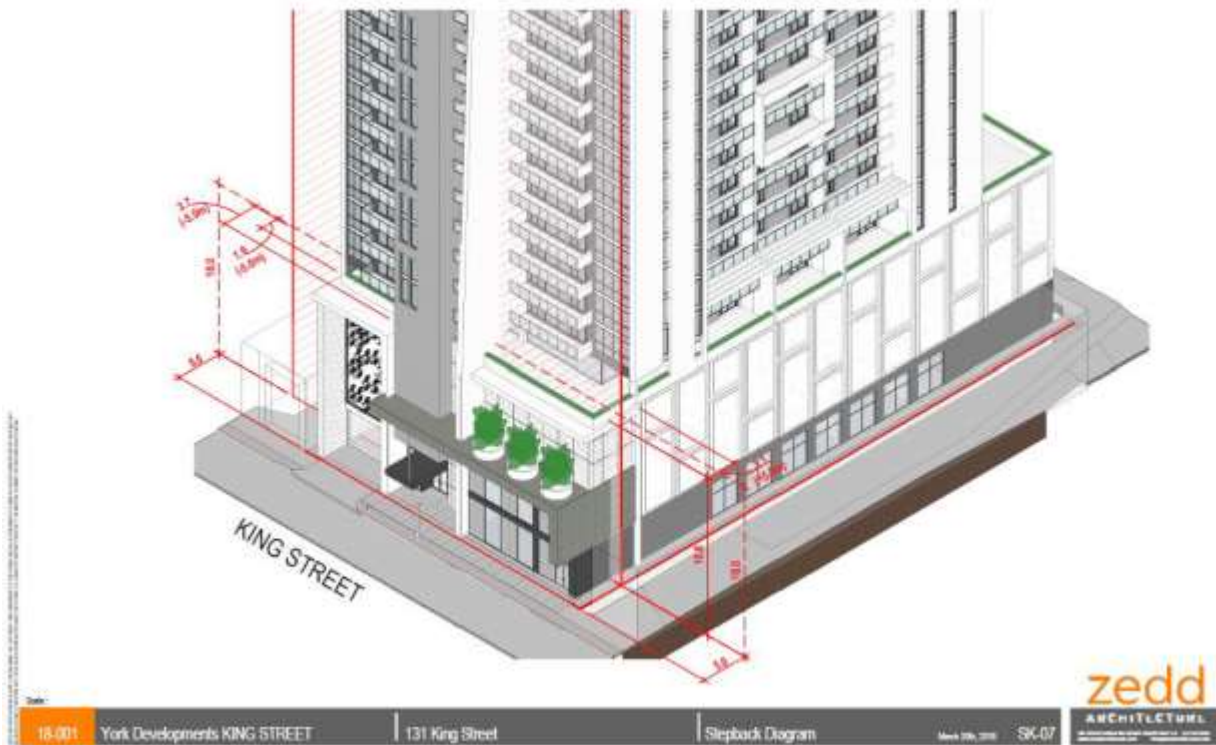


Figure 1: Stepback Diagram (SK-07) from the Urban Design Brief for 131 King Street.

- **Art Installation** – the proposed development includes multiple levels of above-grade 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;
- Improve the visibility of alleyways to increase their utility and safety;
- Insure that existing alleys are preserved as public right-of-way;
- 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:
<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:

<http://www.london.ca/residents/Environment/EAs/Pages/Rapid-Transit.aspx> or
<http://www.shiftlondon.ca/>

- 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.

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, 2014

Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1

1.1.3 Settlement Areas

1.1.3.2

1.1.3.3

1.1.3.4

1.1.3.2,

1.6 Infrastructure and Public Service Facilities

1.6.7.4

1.4 Housing

2.6 Cultural Heritage and Archaeology

2.6.3

The London Plan

PERMITTED USES_800

INTENSITY_802

FORM_803

TYPE 2 BONUS ZONING_1652

City of London Official Plan

4.1.1, Planning Objectives

4.1.2, Urban Design Objectives

4.1.4, Downtown Shopping Area

4.1.6. Permitted Uses, iv) Residential Uses

4.1.7, i) Scale Limitations)

4.1.7, ii) Design Considerations

4.1.9, Circulation Pedestrian

Chapter 11, Urban Design Principles

13.3.8. SPECIFIC HERITAGE CONSERVATION DISTRICTS

13.3.8.5 Downtown

19.4.4 Bonus Zoning

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

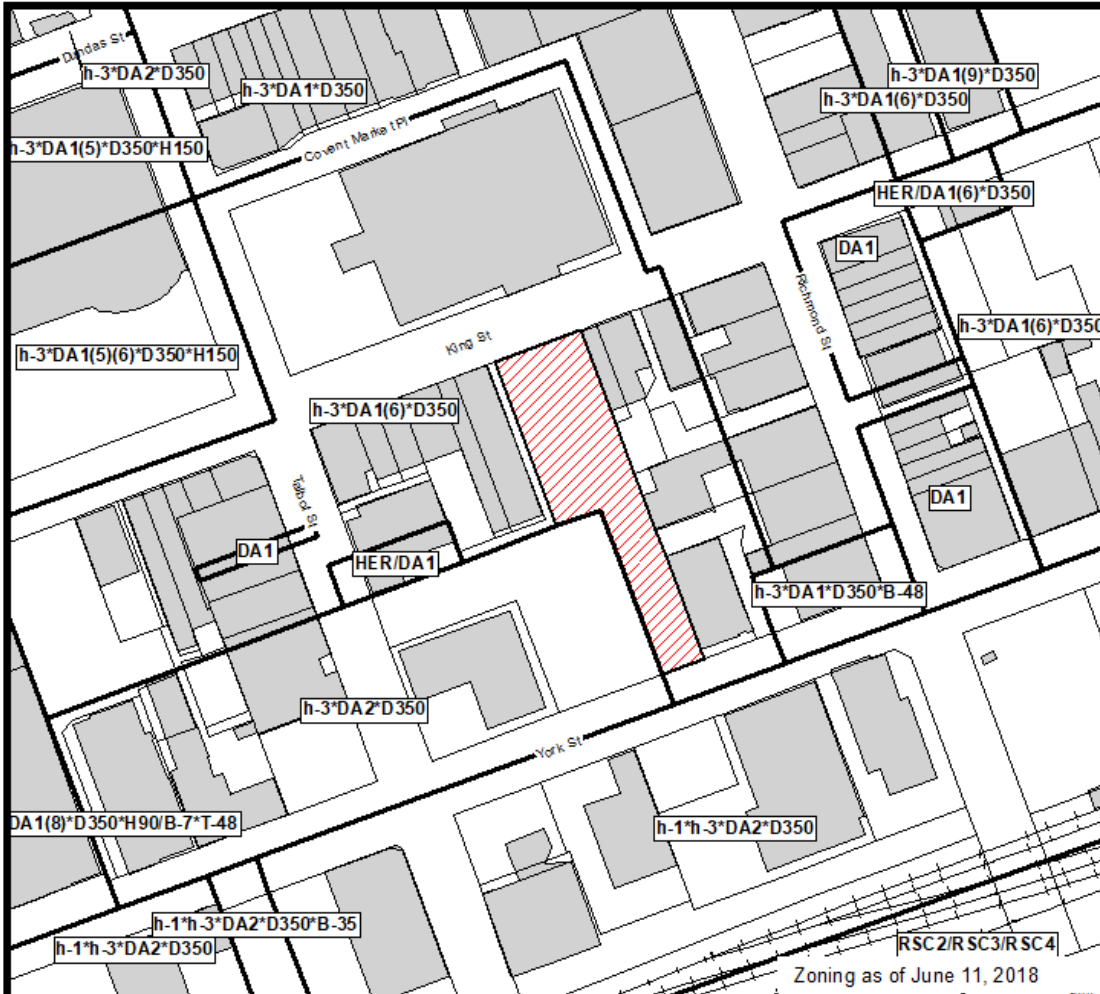
Downtown Heritage Conservation District Plan


Z.-1 Zoning By-law

Site Plan Control Area By-law

Appendix D – Relevant Background

Additional Maps



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-3*DA1(6)*D350**

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-8902

MC

MAP PREPARED:

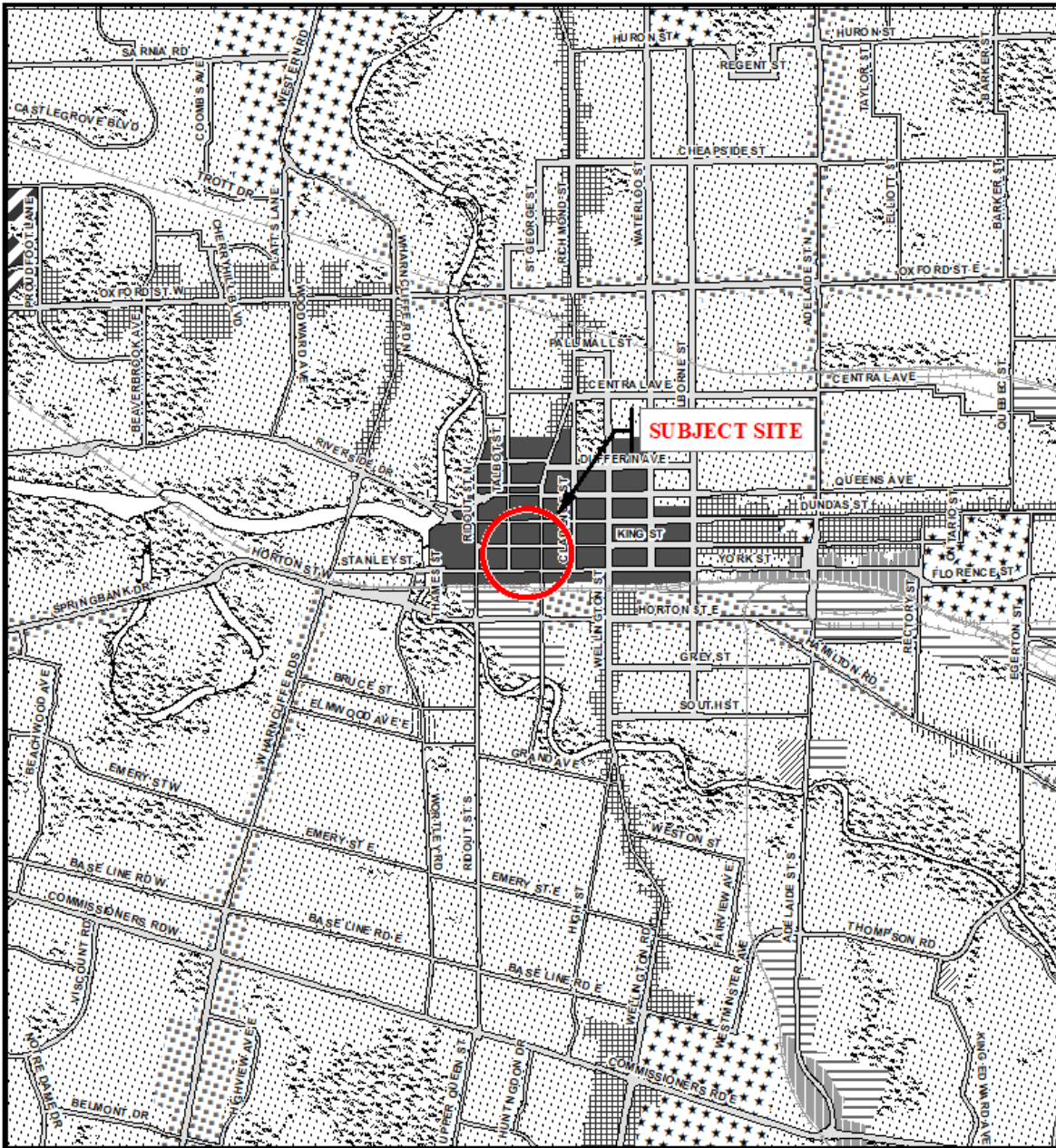
2018/07/16

MB

1:2,000

0 10 20 40 60 80

Meters



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 | |

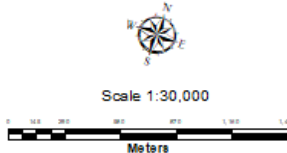
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

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.

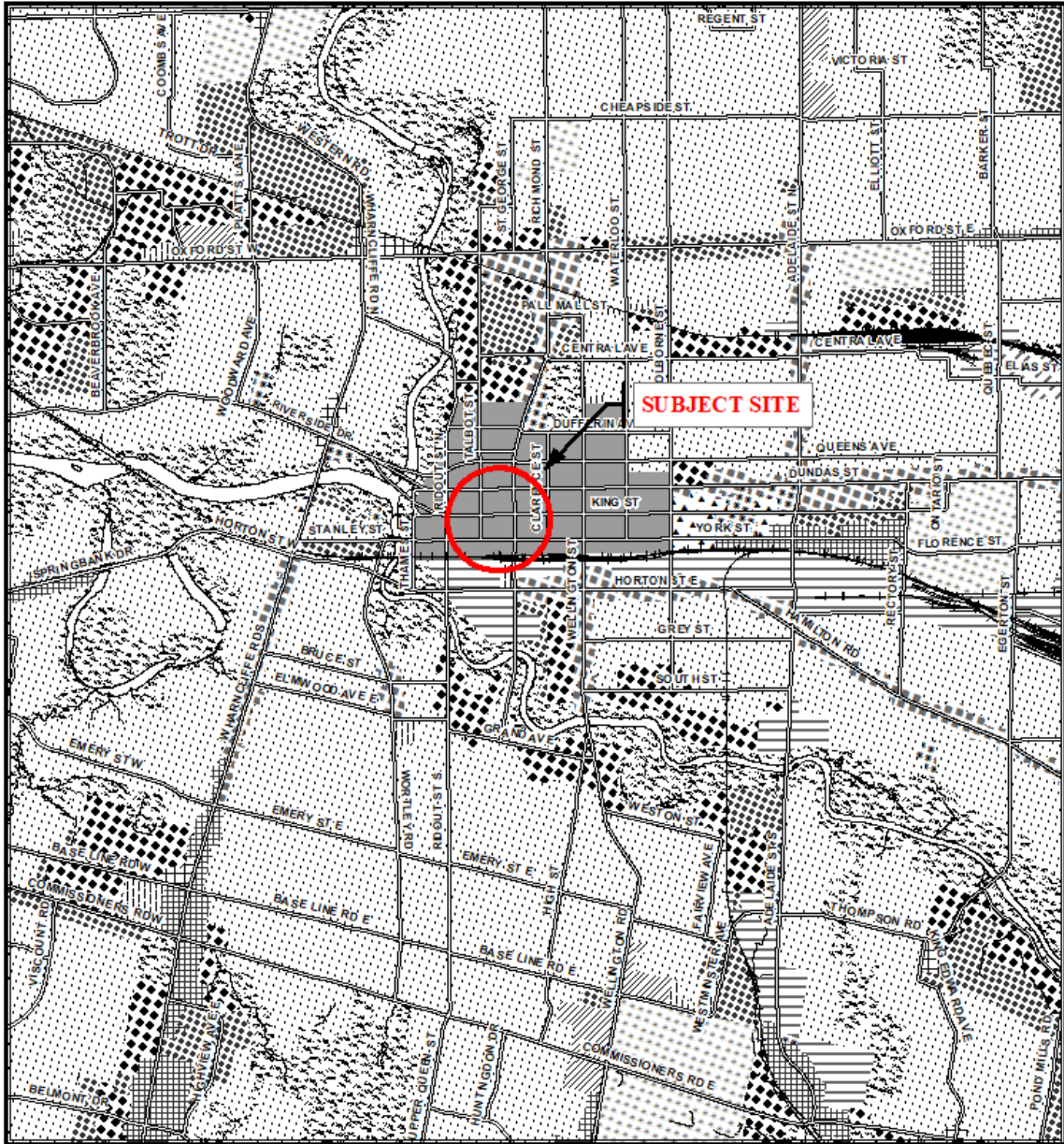
CITY OF LONDON
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LONDON PLAN MAP 1
 - PLACE TYPES -

PREPARED BY: Planning Services

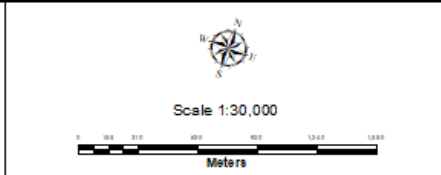


File Number: Z-8902
Planner: MC
Technician: MB
Date: July 16, 2018



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

CITY OF LONDON
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OFFICIAL PLAN SCHEDULE A
 - LAND USE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-8902
 PLANNER: MC
 TECHNICIAN: MB
 DATE: 2018/07/16

Appendix E – Urban Design Comments/Response

Urban Design – June 19, 2018

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.

Urban Design Peer Review Panel - April 27, 2018

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,
 - 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.

UDPRP Response – 131 King Street – York Developments

Date of UDPRP Review – April 18, 2018.

	<u>UDPRP Comments</u>	<u>Zedd Response</u>
1	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.	No Action Required However refinements in the overall design have occurred as has an increase in the clear glazing areas at street level.
2	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.	Scale of building manipulated via refinement of design – setbacks / recesses in the façade. The overall floor plate will undergo minor adjustments however the unit size / area floor plates are unaffected.
3	Panel suggests further refinement: a To create a more cohesive design by focusing on key features resulting in an overall refinement of the design;	The elevations simplified / and introduced common themes to relate the design throughout the base, middle and top of building.
	b To increase articulation along the east/west elevations to break down the length of the building;	East and west elevations refined to provide additional glazing – texture and colors to assist in breaking up the façade. Balconies re-designed to integrate with other elevations.
	c 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;	Incorporated ground floor design features into the jewel box to create a relationship between pedestrian scale and visual scale. Overall 'box' refined for stronger integration with structure.
	d 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;	Tongue element incorporated into the top of tower design to create cohesion between the two elements. Wall in question pulled back to expose the balconies which will allow River views.
	e Consider refining the tower top, to better relate it to design features at the pedestrian and "jewel box" levels;	Elements refined and stronger relationship established.
	f To encourage more cohesion between the numerous design expressions; and, to give further consideration to the east and west "podium" elevations as they relate to the pedestrian route and tower above.	Elements refined and now relate. Materials from the front elevation incorporated onto this elevation – increased pattern and texture on the large wall – with pedestrian canopy.

4	<p>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.</p>	<p>As per discussion, York street gate and car parking feature has been deleted in lieu of a small pedestrian parkette accessible to the public/community space and form part of the link to King Street.</p>
5	<p>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.</p>	<p>Protective canopies – lighting – upgraded pavement – glazing to building are to be incorporated and would better protect and direct pedestrians through the site.</p>
6	<p>The Panel questions the rooftop public amenity as a bonusable feature due to its operational challenges.</p>	<p>The public access has been deleted in lieu of occupants only.</p>
7	<p>The Panel supports the overall design concept with the integration of the design recommendations noted above.</p>	<p>11/11 design recommendations included into the project re-design.</p>