

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P. Eng
Managing Director, Development & Compliance Services and
Chief Building Official

Subject: Application By: Danforth (London) Ltd.
195 Dundas Street

Meeting on: December 10, 2018

Recommendation

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the application of Danforth (London) Ltd. relating to a portion of the property located at 195 Dundas Street, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 18, 2018 to amend Zoning By-law Z.-1 in conformity with the Official Plan to change the zoning of the lands **FROM** a Holding Downtown Area Temporary (h-3*DA1*D350*T-54) Zone **TO** a Downtown Area Temporary (DA1*D350*T-54) Zone and a Holding Downtown Area Temporary (h-3*DA1*D350*T-54) Zone to remove a portion of the "h-3" holding provision.

Executive Summary

Summary of Request

The applicant has requested removal of the "h-3" holding provision from the Zone on a portion of the lands addressed as 195 Dundas Street. The h-3 provision, which requires the preparation of a wind impact assessment which may, at the request of the City, include wind tunnel testing, by a qualified professional and submitted to the City, and any recommendation contained therein for building design or site modifications necessary to achieve acceptable wind conditions shall be incorporated in the proposed development to the satisfaction of the City of London.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding "h-3" symbol from a portion of the zoning applied to this site to permit the development of a residential apartment building with 140 units. The balance of the lands addressed at 195 Dundas Street are intended for future development and will be required to satisfy the requirements of the holding "h-3" symbol at such time as they redevelop.

Rationale of Recommended Action

The conditions for removing the holding provision for a portion of 195 Dundas Street have been met, as a wind impact assessment has been accepted and wind conditions as a result of the proposed development are acceptable. All issues have been resolved and the holding provisions are no longer required.

Analysis

1.0 Site at a Glance

1.1 Property Description

The site is addressed as 195 Dundas Street, on the south side of Dundas Street, west of Clarence Street. The subject lands have a total frontage of 15.2 metres on Dundas Street, with a site area of approximately 6,554m². The subject lands are presently used

as a commercial parking lot. There are existing commercial uses to the north, east, and west, and south.

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

- The London Plan Place Type – Downtown
- 1989 Official Plan Designation – Downtown
- Existing Zoning – h-3*DA1*D350*T-54

1.3 Site Characteristics

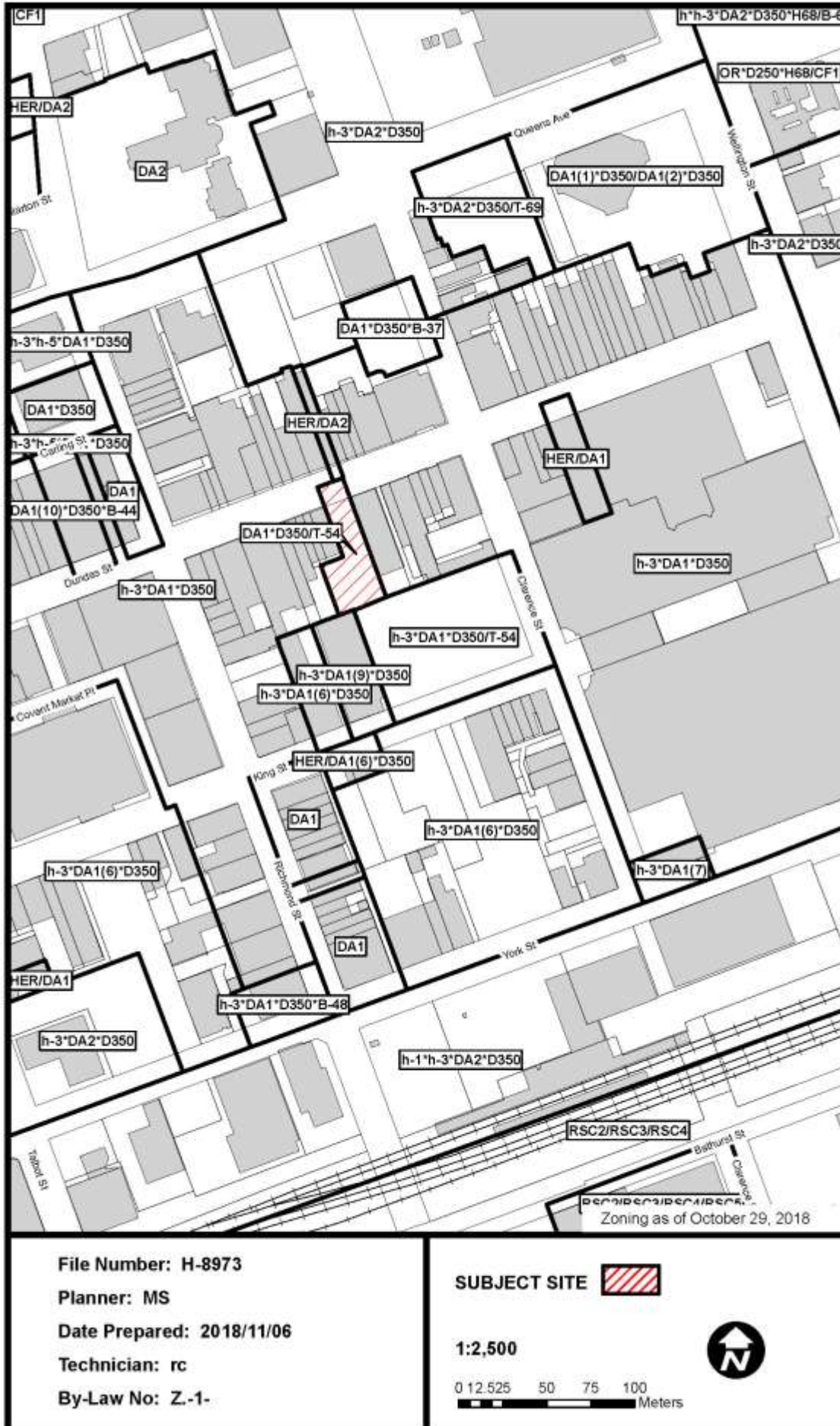
- Current Land Use – Commercial Parking Lot
- Frontage – 15.2 m
- Depth – Irregular
- Area – 6554 m²
- Shape – Irregular

1.4 Surrounding Land Uses

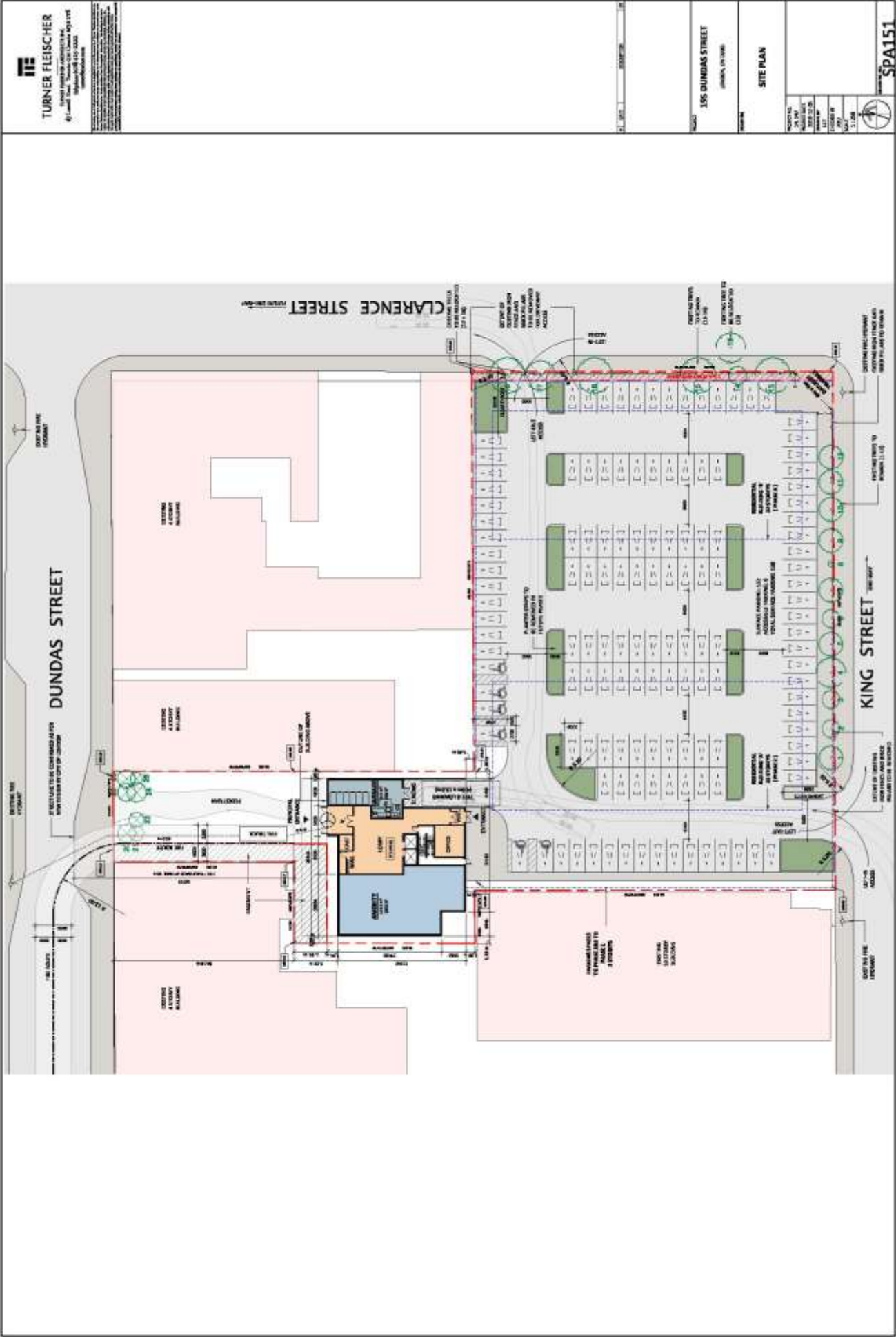
- North – Commercial
- East – Commercial
- South – Commercial
- West – Commercial

1.5 Location Map

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



1.6 Site Plan



2.0 Description of Proposal

2.1 Development Proposal

The requested amendment will permit the development of a residential apartment building with 140 units. Two additional residential apartment buildings are intended for the south portion of the subject lands in the future.

3.0 Relevant Background

3.1 Planning History

The Temporary Use (T-54) Zone was first applied to the subject lands in 1999 to allow for a commercial parking lot for up to three years. The Owner was granted subsequent three year extensions, the most recent being in 2016. A site plan application for the proposed apartment building was submitted in May of 2018 under the existing zoning and is presently under review.

3.2 Requested Amendment

The Applicant is requesting the partial removal of the “h-3” holding provision on the site which requires the preparation of a wind impact assessment which may, at the request of the City, include wind tunnel testing, by a qualified professional and submitted to the City, and any recommendation contained therein for building design or site modifications necessary to achieve acceptable wind conditions shall be incorporated in the proposed development to the satisfaction of the City of London.

3.3 Community Engagement (see more detail in Appendix B)

No comments were received in response to the Notice of Application.

3.4 Policy Context

The Planning Act permits the use of holding provisions to restrict future uses until conditions for removing the holding provision are met. To use this tool, a municipality must have approved Official Plan policies related to its use, Municipal Council must pass a zoning by-law with holding provisions (“h” symbol), an application must be made to Council for an amendment to the by-law to remove the holding symbol, and Council must make a decision on the application within 150 days to remove the holding provision(s).

The London Plan and the 1989 Official Plan contain policies with respect to holding provisions, the process, and notification and removal procedures.

4.0 Key Issues and Considerations

4.1 What is the purpose of the “h” holding provision and is appropriate to consider its removal.

The “h-3” holding provision states:

Purpose: To ensure that development over 30.0 metres (98.4 feet) in the DA1 Zone or over 15.0 metres (49.2 feet) in the DA2 Zone will not have an adverse impact on pedestrian level wind conditions in the Downtown Area of the City of London, a wind impact assessment which may, at the request of the City, include wind tunnel testing, shall be prepared by a qualified professional and submitted to the City, and any recommendation contained therein for building design or site modifications necessary to achieve acceptable wind conditions shall be incorporated in the proposed development to the satisfaction of the City of London prior to removal of the "h-3" symbol.

Permitted Interim Uses:

- (i) *For lands zoned DA1 for any building or use less than 30.0 metres in height: any use permitted by the DA1 zone;*

- (ii) *For lands zoned DA2 for any building or use less than 15.0 metres in height: any use permitted by the DA2 zone.*

The Applicant has provided a pedestrian wind comfort assessment which tested both the current proposal and the full build out of the subject lands. Future wind conditions are anticipated to meet pedestrian wind safety criterion and wind speeds are not expected to change significantly from existing conditions. This satisfies the requirement for the removal of the "h-3" holding provision for the north portion of the lands.

5.0 Conclusion

The Applicant has provided a wind comfort assessment which has been accepted by the City. Therefore, the required conditions have been met to remove the "h-3" holding provision from a portion of the lands. The removal of the holding provisions is recommended to Council for approval.

Prepared by:	Meg Sundercock, BURPL Planner I, Development Services
Reviewed and Recommended by:	Lou Pompili, MPA RPP Manager, Development Planning (Subdivision)
Concurred in by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official
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 Development Services	

November 30, 2018
MS/ms

CC: Michael Tomazincic, Manager, Current Planning

Previous Reports and Applications Relevant to this Application

July 26, 1999: Report to Planning Committee on a Zoning By-law Amendment to permit a Temporary Use Zone for a commercial parking lot (Z-5761)

September 30, 2002: Report to Planning Committee on Extension of the Temporary Use Zone (Z-6320)

December 11, 2006: Report to Planning Committee on a Zoning By-law Amendment to permit a Temporary Use Zone for a commercial parking lot (Z-7218)

January 29, 2007: Report to Planning Committee on Extension of the Temporary Use Zone (TZ-7218)

February 4, 2010: Report to Planning Committee on Extension of the Temporary Use Zone (TZ-7734)

December 26, 2012: Report to Planning and Environment Committee on Extension of the Temporary Use Zone (TZ-8100)

May 9, 2016: Report to Planning and Environment Committee on Extension of the Temporary Use Zone (TZ-8592)