

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: G. Kotsifas P. Eng.,
Managing Director, Development & Compliance Services and
Chief Building Official
Subject: Application by: 131 King West Inc.
131 King Street
Meeting on: March 18, 2019

Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following action be taken with respect to the application of 131 King West Inc. relating to the property located at 131 King Street, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 26, 2019 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 Special Provision Bonus (h-18*DA1(6)*D350*B-53) Zone **TO** a Downtown Area Special Provision Bonus (DA1(6)*D350*B-53) Zone to remove the "h-18" holding provision.

Executive Summary

Summary of Request

The applicant has requested the removal of the "h-18" holding provision from 131 King Street, which requires that an archaeological assessment be undertaken prior to development to ensure no archaeological significance exists for the site.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding ("h-18") symbol to facilitate the development of a mixed-use apartment building within the downtown.

Rationale of Recommended Action

The requirement for removing the holding provision has been met, as the required stage 1-2 archaeological assessment has been completed, and the Approval Authority has confirmed that no further work is required. It is appropriate to remove the holding provision as it is no longer required.

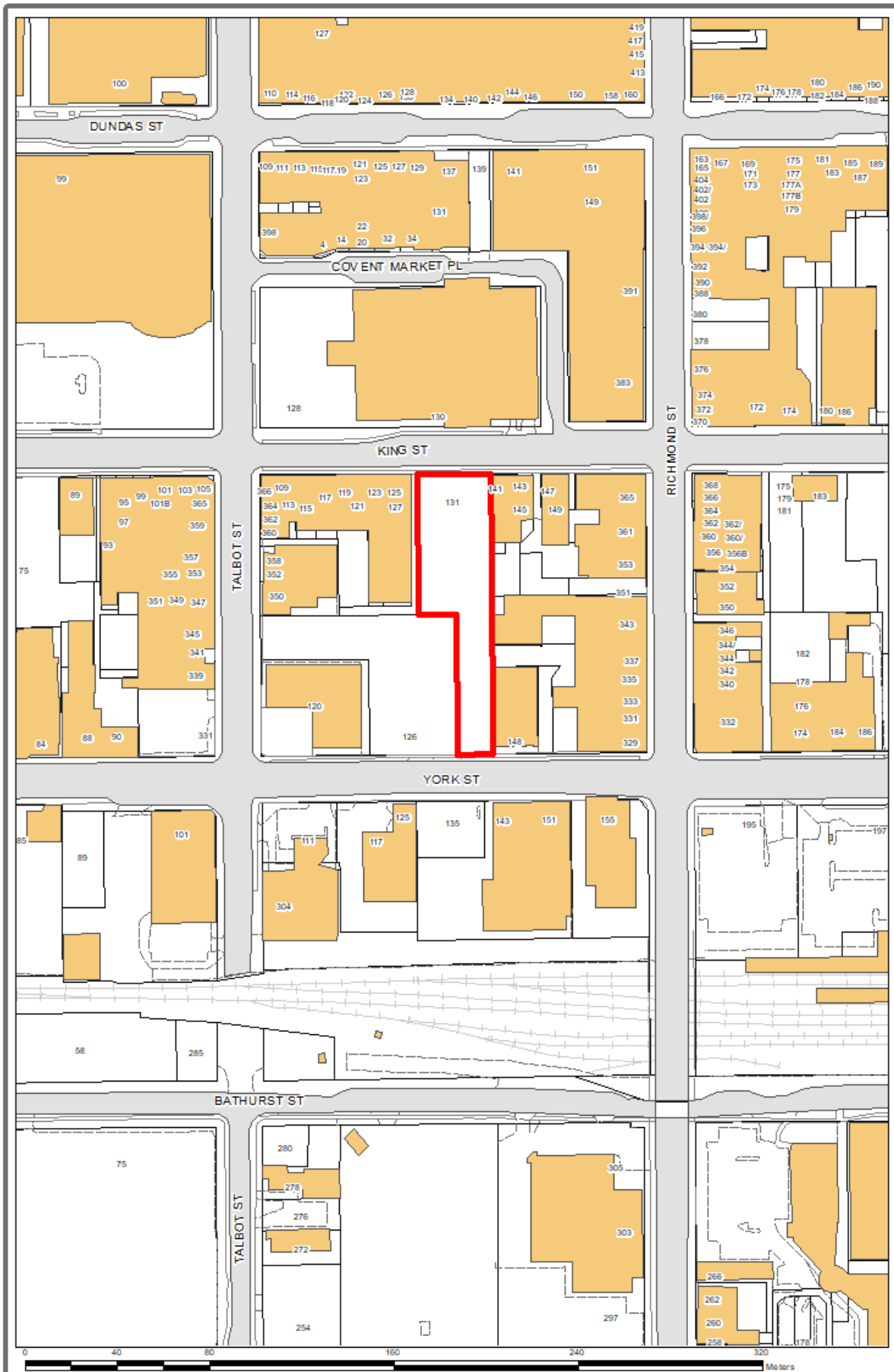
Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located in the downtown between Talbot Street and Richmond Street, and is a through lot with frontage along King Street and York Street. The London Covent Garden Market is located directly to the north and Budweiser Gardens is located to the west. The site is approximately 0.28 ha in size and is currently undeveloped and used for surface parking. Along King Street to the east and west are mixed-use buildings with predominately commercial/retail uses at grade and at a scale of 2 to 3 storeys in height. The York Street frontage 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.

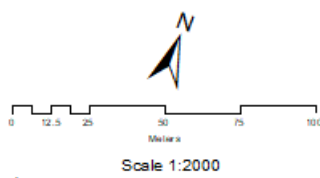
1.6 Location Map



LOCATION MAP

Subject Site: 131 King Street
 Applicant: York Development
 File Number: Z-8902
 Planner: Mike Corby
 Created By: Mark Boulger
 Date: 2018/07/18

Corporation of the City of London
 Prepared By: Planning and Development



Legend

- Subject Site
- Buildings
- Driveways/Parking Lots
- Parking Lot Edges

1.2 Current Planning Information

- The London Plan Place Type – Downtown
- Official Plan Designation – Downtown Area
- Existing Zoning – h-18*DA1(6)*D350*B-53

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

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 from King Street and York Street to access upper and lower levels of parking.

3.0 Relevant Background

3.1 Planning History

The subject site was 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.

In 2018, an application for Zoning By-law Amendment (Z-8902) was submitted to permit the development of the site for a 30 storey (102m) apartment building with 266 residential units (931uph) and ground floor commercial space. The application was approved by Municipal Council on November 20, 2019 and included the recommended Holding Downtown Area Special Provision Bonus (h-18*DA1(6)*D350*B-53) Zone.

In February of 2019 a request was made to Municipal Council to grant permission for the applicant to submit a minor variance application to the Committee of Adjustment within the two (2) year moratorium period. The request was to allow for an increase in height and a change to the parking and access configuration.

The site is currently zoned to permit the proposed development, and the minor variance request is considered to be a separate and independent process. The h-18 holding provision relates only to archaeological potential on the subject lands and is required to be removed prior to any development of the lands. The removal of the h-18 holding provision is not related to, or would not be impacted by, a change in design or height of the proposed building.

3.2 Previous Reports and Applications Relevant to this Application

November, 2018 - Report to Planning and Environment Committee to recommend approval of the Zoning by-law amendment Z-8902.

February, 2019 - Report to Planning and Environment Committee to request permission to apply for a minor variance within the moratorium period.

3.3 Requested Amendment

The applicant is requesting the removal of the “h-18” holding provision from the site to allow for the development of the mixed-use apartment building.

3.4 Community Engagement

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

3.5 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, a municipal council must pass a zoning by-law with holding provisions, 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 including the process, and notification and removal procedures.

4.0 Key Issues and Considerations

4.1 What is the purpose of the “h-18” holding provision and is it appropriate to consider its removal?

The “h-18” holding provision states:

“The proponent shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport.

All archaeological assessment reports, in both hard copy format and as a PDF, will be submitted to the City of London once the Ministry of Tourism, Culture and Sport has accepted them into the Public Registry.

Significant archaeological resources will be incorporated into the proposed development through either in situ preservation or interpretation where feasible, or may be commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing.

No demolition, construction, or grading or other soil disturbance shall take place on the subject property prior to the City’s Planning Services receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.”

A stage 2 Archaeological Assessment was prepared by Lincoln Environmental Group Corporation in January of 2019. The assessment concluded that no archaeological resources were encountered and that the study area is not considered to retain further heritage value or interest and does not retain archaeological potential, and that no further archaeological assessment of the property is recommended. City Heritage Staff have reviewed the assessment, and confirmed no further work is required.

5.0 Conclusion

The Applicant has undertaken sufficient Archaeological Assessment with the completion

of the stage 1-2 assessment that there is no archaeological significance of the site. The requirement of the h-18 holding provision has been satisfied and the removal of the holding provision is recommended to Council for approval.

Prepared & Recommended by:	Sonia Wise, MCIP, RPP Senior Planner, Development Services
Reviewed by:	Lou Pompilii, MPA RPP Manager, Development Planning (Subdivision)
Concurred in by:	Paul Yeoman, RPP, PLE Director, Development Services
Recommended 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	

March 11, 2019

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Appendix A

Bill No. (number to be inserted by Clerk's Office)
2019

By-law No. Z.-1-19_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 131
King Street.

WHEREAS 131 King West Inc. has applied to remove the holding provision from the zoning for the lands located at 131 King Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said lands;

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, to remove the holding provision so that the zoning of the lands as a Downtown Area Special Provision Bonus (DA1(6)*D350*B-53) Zone comes into effect.
2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on March 26, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – March 26, 2019
Second Reading – March 26, 2019
Third Reading – March 26, 2019

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

