

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: St. George and Ann Block Limited
84 – 86 St. George Street and 175 – 197 Ann Street

Public Participation Meeting on: March 9, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of St. George and Ann Block Limited relating to the property located at 84 – 86 St. George Street and 175 – 197 Ann Street:

- (a) the comments received from the public during the public engagement process attached hereto as Appendix “A” to the Staff report dated March 9, 2020, **BE RECEIVED**;
- (b) Development Services Staff **BE DIRECTED** to make the necessary arrangements to hold a future public participation meeting regarding the above-noted application in accordance with the *Planning Act*, R.S.O 1990 C.P. 13

IT BEING NOTED that Staff will continue to process the application and will consider the public, agency, and other feedback received during the review of the subject application as part of the Staff evaluation of the subject application.

Executive Summary

Summary of Request

The requested amendment is intended to facilitate the construction of a high-rise apartment building with a maximum of 274 residential units, generally configured in an “H” shape and consisting of building massing of 28 storeys at the east end of the subject site, 26 storeys in the centre, and 12 storeys fronting St. George Street. The proposal includes a variety of indoor and outdoor amenity areas intended to serve residents of the building. The proposed outdoor amenity areas are located on the rooftops of the first (facing north) and 26th (facing south) storeys. The proposal also includes a café/lounge of approximately 530 square metres that would be accessible to the public. Parking is proposed to be provided in a multi-level parking structure with 209 parking spaces, bicycle storage and internal loading areas with one access from St. George Street.

The removal of several buildings would be required to allow the proposed building to be constructed, including a structure that is listed in the City’s heritage register.

The application requests an amendment to the 1989 Official Plan to change the designation of the western part of the property from Multi-family, Medium Density Residential to Multi-family, High Density Residential, to identify the site as a permitted location for convenience commercial uses, and to add a Special Policy Area to permit a maximum residential density of 764 units per hectare within the Multi-family, High Density Residential designation for this site.

The applicant requested an amendment to The London Plan to add a Specific Area Policy in the Neighbourhoods Place Type for this site to permit a maximum building height of 28 storeys, and to permit a maximum overall floor area of 1,000 square metres for retail, service and office uses within the podium base.

The application also requests an amendment to Zoning By-law Z.-1 to change the zoning from a Residential R9 (R9-3*H12) Zone to a Residential R10 Special Provision/Convenience Commercial Special Provision (R10-5()*D764*H93/CC4()) Zone to permit apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped apartment buildings, and continuum-of-care facilities, as well as convenience service establishments, convenience stores, financial institutions, personal service establishments, food stores, restaurants and brewing on premises establishments, all without drive through facilities, and restricted to a location within an apartment building. The requested special provisions are to permit a maximum height of 93 metres (28 storeys), a maximum density of 764 units per hectare in place of 350 units per hectare, reduced 0 metre yard depths to all property lines, reduced minimum landscaped open space of 0 percent where 20 percent is required, increased maximum lot coverage of 97 percent where 50 percent is permitted, and reduced parking of 209 spaces where 310 spaces are required. Commercial special provisions were requested allowing one commercial use to be limited to a maximum commercial gross floor area of 1,000 square metres where food stores are limited to a maximum of 500 square metres, take-out restaurants are limited to a maximum of 150 square metres and all other permitted uses are limited to a maximum of 300 square metres, and the maximum total commercial gross floor area is 1,000 square metres.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to:

- i) Present the requested amendment in conjunction with the statutory public meeting;
- ii) Preserve appeal rights of the public and ensure Municipal Council has had the opportunity to review the Official Plan and Zoning By-law amendment request prior to the expiration of the 120-day timeframe legislated for combined Official Plan and Zoning By-law amendments;
- iii) Introduce the proposed development and identify matters raised to-date through the technical review and public consultation; and,
- iv) Bring forward a recommendation report for consideration by the Planning and Environment Committee at a future public participation meeting once the technical review is complete

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site consists of one property located at the south-east corner of St. George Street and Ann Street. Existing uses on the property include five buildings constructed as single detached dwellings and now housing a number of residential rental units, one industrial/service commercial building housing both an auto body shop and a residential rental residential unit, and several outbuildings. 197 Ann Street, located at the east end of the property, is listed in the City's Register of Cultural Heritage Resources, and known historically as the Old Kent Brewery. Both Ann and St. George Streets are classified as local streets. The Ann Street road allowance terminates just east of the subject lands ending in surface parking areas servicing the surrounding land uses. These parking areas connecting to a private walkway between existing apartment buildings are regularly used for pedestrian access to Richmond Street. While the site itself is relatively flat, St. George Street slopes downward toward the north. As a result, the adjacent residential development to the south sits approximately 1-storey above grade on top of a partially underground parking garage, with an earthen embankment adjacent to the south property line of the subject site.

The adjacent land uses include: on the west side of St. George Street, street-oriented three-storey condominium townhouses; to the south, street-oriented two storey condominium townhouses atop a parking structure and a 12 storey condominium

apartment building; to the south-east, a 17 storey condominium apartment building with commercial uses in the main floor podium; to the east, a hydro substation and an 18 storey condominium apartment building; and on the north side of Ann Street, a multi-unit industrial building. The Principal Main Line for Canadian Pacific Railway runs diagonally just north of termination of Ann Street and behind the industrial building on the north site of Ann Street.

The broader surrounding neighbourhood to the north, west and south of the subject property is characterized by a variety of land uses including a mix of low-rise housing forms ranging from single detached dwellings, semi-detached dwellings and converted dwellings, up to mid-rise apartment buildings, storage facilities, retail, service and office uses. The Richmond Street commercial area lies half a block to the east of the subject property.

View from corner of St. George and Ann Streets



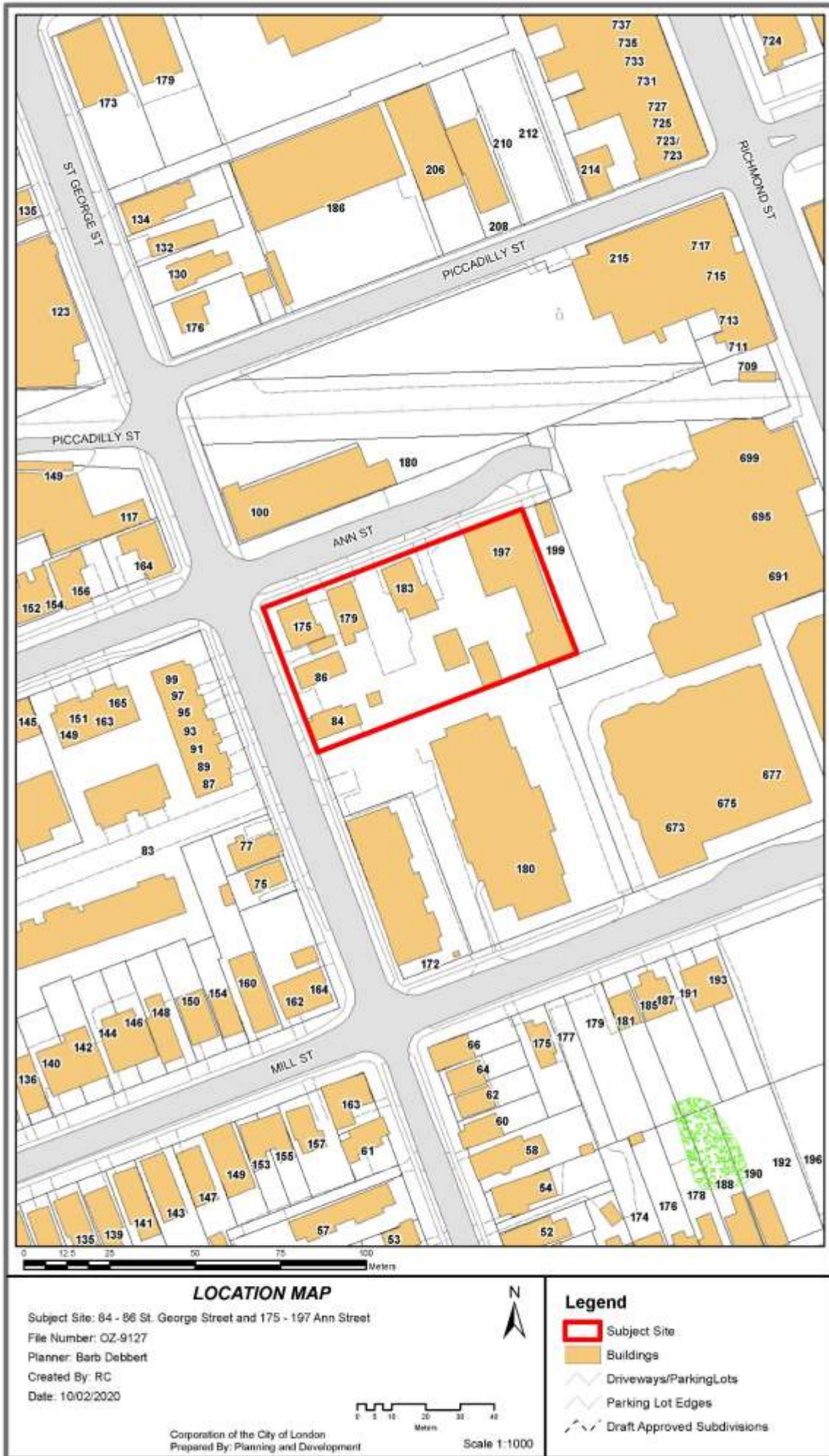
197 Ann Street



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

- Official Plan Designation – Multi-family, Medium Density Residential and Multi-family High Density Residential (including Talbot Mixed-Use Area Special Policy Area)
- The London Plan Place Type – Neighbourhoods Place Type (including Talbot Mixed-Use Area and 175 – 199 Ann Street and 84 – 86 St. George Street Specific Area Policies)
- Existing Zoning – Residential R9 (R9-3*H12) Zone

1.3 Location Map



1.4 Site Characteristics

- Current Land Use – Residential rental buildings and auto body shop
- Frontage – 45.3 metres
- Depth – 81.0 metres
- Area – 0.367 ha.
- Shape – rectangular

1.5 Surrounding Land Uses

- North – industrial
- East – apartment buildings (18 storeys) and commercial
- South – townhouses and apartment building (12 storeys)
- West – townhouses

1.6 Intensification (274 units)

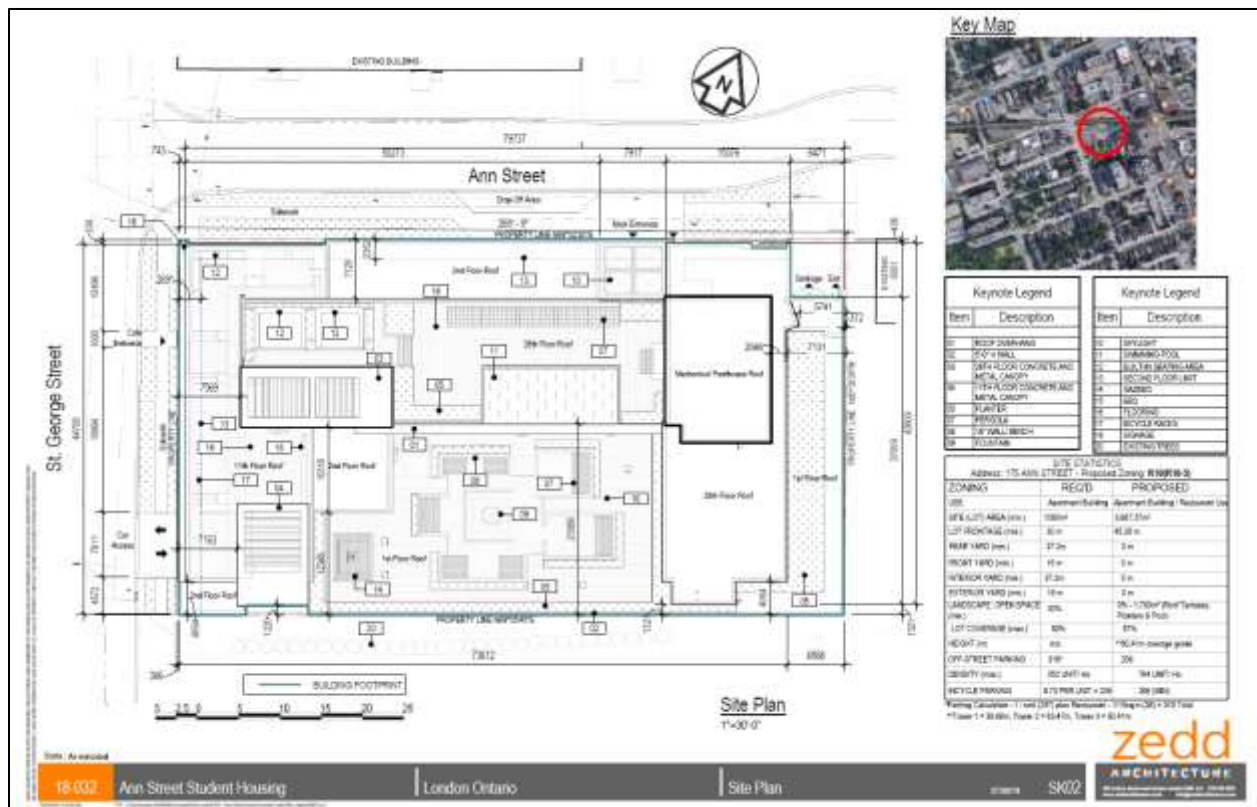
- The proposed residential units represent intensification within the Built-area Boundary
- The proposed residential units represent intensification inside the Primary Transit Area

2.0 Description of Proposal

2.1 Development Proposal

The proposed development is a high-rise apartment building with a maximum of 274 residential units, generally configured in an “H” shape and consisting of a building massing of 28 storeys at the east end of the property, 26 storeys in the centre, and 12 storeys along St. George Street. A combination of cantilevers, a 1-storey podium along a portion of the north building façade, and recesses along most of the building’s north and west faces provide a differentiation of the first and second storeys from the upper storeys of the building. The overall massing of entire building is broken up by projections, recessions and horizontal/vertical elements. Additional visual articulation is achieved by varying building materials, colours and heights, providing wall and roofline elements, and employing extensive glazing.

Figure 1 – Site Concept



The development is intended to help meet market demands for student-oriented housing. Indoor and outdoor amenity spaces intended to serve the building include a fitness centre, spinning space, yoga studio, home theatre, virtual reality space, study

rooms, common recreation areas, instruction/meeting space, and lounges. Two rooftop terraces are provided in place of ground level outdoor amenity space. The first storey rooftop amenity area features a fountain, pergolas and a gazebo, planters and seating areas. The 26th storey rooftop amenity area features a pool, canopies and a pergola, planters and seating areas.

Administrative space, a mail room, common kitchen facilities and security areas are also planned for the interior space on the first two floors. The proposal also includes a café/lounge of approximately 530 square metres that would be accessible to the public.

Parking is provided in a multi-level parking structure with 209 parking spaces, bicycle storage and internal loading areas with one access from St. George Street.

The removal of a structure that is listed in the City's heritage register would be required to allow the building to be constructed as proposed.

Figure 2 – Building Rendering



3.0 Relevant Background

3.1 Planning History

These lands were the subject of a site-specific appeal to The London Plan which, in a broad sense, sought to recognize pre-existing permissions of the Multi-family, High Density Residential designation of the 1989 Official Plan, previously applied to the majority of the site with the exception of lands adjacent to St. George Street. As a result of settlement discussions for appeals against The London Plan, the Local Planning Appeals Tribunal (LPAT) approved a new Special Area Policy within the Neighbourhoods Place Type for the subject site on August 27, 2018. The new policy permits heights in excess of 12-storeys through a bonus zone, where the Evaluation Criteria for Planning and Development Applications and the Bonus Zoning policies of this Plan can be met. Development along the St. George Street frontage will include a significant step back to provide a low-rise character that is consistent with the streetscape.

The applicant requested an amendment to The London Plan to add a Special Area Policy in the Neighbourhoods Place Type for this site to permit a maximum building height of 28 storeys, and to permit a maximum overall floor area of 1,000 square metres for retail, service and office uses within the podium base. This amendment would effectively replace the Special Area Policy approved in 2018 by the LPAT.

The applicant also requested an amendment to Zoning By-law Z.-1 to change the zoning from a Residential R9 (R9-3*H12) Zone to a Residential R10 Special Provision/Convenience Commercial Special Provision (R10-5()*D764*H93/CC4()) Zone.

The requested Residential R10 (R10-5) Zone permits apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped apartment buildings, and continuum-of-care facilities. The requested special provisions were to permit a maximum height of 93 metres (28 storeys) where the height is to be determined on the zone map by way of a zoning review process, a maximum density of 764 units per hectare in place of 350 units per hectare, reduced 0 metre yard depths to all property lines, reduced minimum landscaped open space of 0 percent where 20 percent is required, increased maximum lot coverage of 97 percent where 50 percent is permitted, and reduced parking of 209 spaces where 310 spaces are required.

The requested Convenience Commercial Zone permits convenience service establishments, convenience stores, financial institutions and personal service establishments, all without drive through facilities, and restricted to a location within an apartment building. The requested special provisions were to add food stores, take-out and eat-in restaurants, and brewing on premises establishments without drive-through facilities and restricted to a location within an apartment building, as well as allowing one commercial use to be limited to a maximum commercial gross floor area of 1,000 square metres where food stores are limited to a maximum of 500 square metres, take-out restaurants are limited to a maximum of 150 square metres and all other permitted uses are limited to a maximum of 300 square metres, and the maximum total commercial gross floor area is 1,000 square metres.

The notice of application also stated that the City may also consider special provisions in Zoning By-law Z.-1 regulating the height transition of the proposed building, and the use of a less intensive base zone with bonus provisions to allow the requested height and density in return for certain facilities, services or matters.

3.3 Community Engagement (see more detail in Appendix B)

Members of the public were given an opportunity to provide comments on this application in response to the notice of application given on October 10, 2019. Written and verbal replies were received from 11 individuals.

The public's concerns generally included:

- Heritage
 - Proposed demolition of 197 Ann Street undervalues heritage qualities of the site
 - The whole block should be saved
- Retail/Commercial Use not appropriate for the location
- Intensity
 - Traffic volume and safety issues
 - Noise issues resulting from an increased amount of traffic and number of people
 - Inadequacy of parking to be provided
 - Increased number of pedestrians cutting through the area to get from housing to businesses on Richmond Street creating garbage, safety and security issues
- Form
 - Ignores the low-rise townhouse and single-family home characteristics of the neighbourhood
 - Inadequate on-site landscaped open space and inadequate parkland provision in the area – object to the use of cash-in-lieu of parkland
 - Loss of sunlight, privacy and views

- Student Housing
 - The proposal will contribute to a pre-existing imbalance of student to non-student population in the neighbourhood
 - Neighbourhood is underpopulated in the summer which isolates long-term residents, creates social problems such as squatters, criminal activity, and hurts local businesses
 - Purpose-designed student housing is not diverting students from single family homes as some students prefer the lack of behavioural regulation of this form of housing
 - Allowing construction and marketing of housing geared to students is contrary to the Human Rights Code because it discriminates against protected groups
- Possible impacts on groundwater-based HVAC systems in surrounding buildings
- Possible impact on adjacent hydro transformer substation.
- Loss of property value

3.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. The PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential (including affordable housing and housing for older persons), employment and institutional uses to meet long-term needs (Policy 1.1.1b.). It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs (Policy 1.1.1 e). The PPS encourages settlement areas (Policy 1.1.3) 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 (Policy 1.1.3.2).

The policies of the PPS also direct planning authorities to identify appropriate locations and promote opportunities for residential intensification and redevelopment (Policies 1.1.3.2.b) and 1.1.3.3) where this can be accommodated, while promoting appropriate development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4) and promote active transportation limiting the need for a vehicle to carry out daily activities (Policy 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. 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 toward 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 (Policy 1.4.3).

The PPS also states long-term economic prosperity should be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including *built heritage resources* (Policy 1.7.1 d). *Significant built heritage resources* shall be conserved (Policy 2.6.1).

In accordance with Section 3 of the Planning Act, all planning decisions “shall be consistent with” the PPS.

The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and

effect). *The London Plan* policies under appeal to the *Local Planning Appeals Tribunal* (Appeal PL170100) and not in force and effect are indicated with an asterisk (*) throughout this report. *The London Plan* policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

Site Specific Appeals

The applicant's appeal noted in Section 3.1 – Planning History of this report, also included the appeal of many policies of the Plan as they related specifically to the subject site. The August 27, 2018 LPAT decision orders that certain policies that were the subject of multiple appeals by various appellants “are approved as of the date of issuance of this Order, subject to the right of the Appellants to continue site-specific appeals for those addresses identified in Schedule B Table 3 hereto”. Many of these otherwise in force policies appear to continue to be under appeal with respect to the subject property and are indicated with a double asterisk (**) throughout this report.

Key Directions

The London Plan provides Key Directions (54_) that must be considered to help the City effectively achieve its vision. These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as a foundation to the policies of the plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below:

The London Plan provides direction to plan strategically for a prosperous city by:

- Creating a strong civic image by...creating and sustaining great neighbourhoods...;
- Revitalizing our urban neighbourhoods and business areas;
- Plan for cost-efficient growth patterns that use our financial resources wisely;
- Invest in, and promote affordable housing to revitalize neighbourhoods and ensure housing for all Londoners (Key Direction #1, Directions 3, 4, 11 and 13);

The London Plan provides direction to plan strategically to celebrate and support London as a culturally rich, creative, and diverse city by:

- Protecting our built and cultural heritage to promote our unique identity ... (Key Direction #3, Direction 7);

The London Plan provides direction to build a mixed-use compact city by:

- Implementing a city structure plan that focuses high-intensity, mixed-use development to strategic locations – along rapid transit corridors and within the Primary Transit Area;
- Planning to achieve a compact, contiguous pattern of growth – looking “inward and upward”;
- Sustaining, enhancing and revitalizing our downtown, main streets, and urban neighbourhoods;
- Planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward;
- Mixing stores, restaurants, clean industry, live-work arrangements and services in ways that respect the character of neighbourhoods, while enhancing walkability and generating pedestrian activity (Key Direction #5, Directions 1, 2, 3, 4 and 6);

The London Plan provides direction to place a new emphasis on creating attractive mobility choices by:

- Linking land use and transportation plans to ensure they are integrated and mutually supportive (Key Direction #6, Direction 4);

The London Plan provides direction to build strong, healthy and attractive neighbourhoods for everyone by:

- Implementing “placemaking” by promoting neighbourhood design that creates safe, diverse, walkable, healthy and connected communities, creating a sense of place and character;
- Creating social gathering places where neighbours can come together, such as urban parks and public spaces, ...cafes, restaurants, and other small commercial services integrated with neighbourhoods;
- Protecting what we cherish by recognizing and enhancing our cultural identity, cultural heritage resources, neighbourhood character... (Key Direction #7, Directions 3, 4 and 5).

The London Plan provides direction to make wise planning decisions by:

- Ensuring new development is a good fit within the context of an existing neighbourhood (Key Direction #8, Direction 9).

City Structure Plan

The growth framework of the City Structure Plan establishes a clear hierarchy for development intensity inside the Urban Growth Boundary. It places a high level of importance on growing “inward and upward” (Policy 79_), while directing the most intensive forms of development to the Downtown, Transit Villages and at station locations along the Rapid Transit Corridors (Policy 86_*). Intensification is to occur in appropriate locations and in a way that is sensitive to existing neighbourhoods and represents a good fit (Policy 83_*).

Neighbourhoods Place Type and Specific Area Policy on the subject lands

The subject site is located in the Neighbourhoods Place Type on *Map 1 – Place Types in The London Plan. The London Plan envisions neighbourhoods as vibrant, exciting places to live, that help us to connect with one another and give us a sense of community well-being and quality of life. Key elements include a strong neighbourhood character, sense of place and identity; attractive streetscapes and buildings; a diversity of housing choices; well-connected neighbourhoods; lots of safe, comfortable, convenient and attractive alternatives for mobility; easy access to daily goods and services within walking distance; employment opportunities close to where we live; and parks, pathways and recreational opportunities that strengthen community identity and serve as connectors and gathering places (Policy 916_*).

The standard range of permitted uses and heights in the Neighbourhoods Place Type is tied to the road network, allowing broader ranges of uses and taller buildings at the intersections of higher-order roads. As the site is located at the intersection of two Neighbourhood Streets, the lowest-order road classification in the City, permitted uses would normally include single detached, semi-detached, duplex and converted dwellings, townhouses, secondary suites, home occupations and group homes, with a maximum height of 2.5 storeys (Policy 920_*, Tables 10* and 11*, Map 1 – Place Types* and Map 3 – Street Classifications*).

A recent settlement decision of the Local Planning Appeals Tribunal (LPAT) takes precedent over these policies, permitting heights in excess of 12-storeys through a bonus zone, where the Evaluation Criteria for Planning and Development Applications and the Bonus Zoning policies of this Plan can be met, and requiring development along the St. George Street frontage to include a significant step back to provide a low-rise character that is consistent with the streetscape.

Commercial uses of any kind are not permitted by either the standard Neighbourhood Place Type policies or the Specific Area Policy approved by the LPAT.

Residential Intensification in Neighbourhoods

The Neighbourhoods Place Type contains specific policies for intensification, stressing its importance to achieving the vision and key directions of The London Plan and identifies a variety of forms of intensification including redevelopment – the removal of existing buildings in favour of one or more new buildings that house a greater number of dwelling units than what currently exists (Policy 939_*). Such intensification must be undertaken well in order to add value to neighbourhoods rather than undermine their character, quality and sustainability (Policy 937_*). It is an important strategy of the Plan to support all forms of intensification, while ensuring that they are appropriately located and fit well within their neighbourhood (Policy 940_*). Policy 953_* of the Plan states that the City Design policies of the Plan will apply to all intensification proposals, along with additional urban design considerations for residential infill.

Talbot Mixed-Use Area

The subject site is located within the Talbot Mixed-Use Area which encompasses lands bounded by the Richmond Row Commercial District on the east, the Downtown on the south, the Thames River on the west and Ann Street on the north. The policies recognize that there will be proposals for the redevelopment of lands for multi-family residential uses and in response require that, “...*the scale and form of any redevelopment or change in land use shall not adversely impact the amenities and character of the surrounding area.*” (Policy 1025_**). Additional policies include ensuring that the lands fronting on St. George Street shall retain their predominantly low-rise residential character (Policy 1031_**).

Near-Campus Neighbourhoods

The site is located within the Near-Campus Neighbourhoods Specific Area Policy which provides a policy context for development in neighbourhoods that are in proximity to Western University and Fanshawe College (Policy 962_*). Near-Campus Neighbourhoods will be planned to enhance their livability, diversity, vibrancy, culture, sense of place, and quality of housing options for all residents (Policy 964_*). The policies provide planning goals in support of the vision which include, “*Encourag[ing] appropriate residential intensification in mid-rise and high-rise forms of development...*” (Policy 965_7*) while “*Direct[ing] residential intensification to significant transportation nodes and corridors away from the interior of neighbourhoods* (Policy 965_8*).”

1989 Official Plan

Overview – Vision, Planning Principles, City Structure

The City of London Official Plan outlines Council’s objectives and provides policies regarding the short- and long-term physical development of the municipality. Comprehensively, the policies promote orderly urban growth and compatibility among land uses. While objectives and policies in the Official Plan relate primarily to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

The Official Plan’s Vision statement is an expression of City Council’s intent for the long term planning and management of land use and growth in the City of London. Among other matters, the OP Vision promotes an urban form that features a strengthened and revitalized Downtown servicing as the commercial, cultural and administrative centre for the City and region. The more intensive forms of residential and commercial development outside of the Downtown will continue to be focused along sections of major transportation corridors and in designated nodes to facilitate public transit. Furthermore, urban design objectives and guidelines are to be applied to assist in the protection and enhancement of neighbourhood and streetscape character, promote the retention and re-use of heritage buildings, and provide for the blending of infill and redevelopment projects with their surroundings (Sections 2.2.1.v) and vi).

Planning principles that are further reflected in the objectives and policies of the Official

Plan promote compatibility among land uses in terms of scale, intensity of use and related impacts; support the maintenance and enhancement of built heritage resources; encourage a compact urban form while directing redevelopment and intensification activities to locations where existing land uses are not adversely affected; and promote site and building design which is sensitive to the scale and character of surrounding uses (Section 2.3.1.ii), iii), v), vi), vii) and viii).

The City Structure Policies direct high and medium density residential development to appropriate areas within and adjacent to the Downtown, near the periphery of Regional and Community Shopping Areas, and in selected locations along major roads specifically along transit nodes and corridors and near Open Space designations. It is recognized that through infill, intensification and redevelopment, some high and medium density residential projects may be permitted in areas which have not been identified as preferred locations. The approval of these developments will be based on the ability of a site to accommodate development in a manner which requires that compatibility concerns be addressed (Section 2.4.1 vi). The historic perspective of the City will be recognized through the preservation and/or rehabilitation of older commercial, institutional and residential structures which have heritage value on the basis of their cultural heritage value or interest (Section 2.4.1 xix).

Multi-family, High Density Residential and Multi-family, Medium Density Residential Designations

Most of the subject site is within the Multi-family, High Density Residential designation. The exception is that portion of the site fronting on and adjacent to St. George Street, which is in the Multi-family, Medium Density Residential designation.

The Multi-family, High Density Residential designation permits a variety of residential housing forms, including low and high rise apartment buildings, as the main uses. The preferred locations for the Multi-family, High Density Residential designation includes areas near the periphery of the Downtown that are appropriate for redevelopment, and lands abutting or having easy access to an arterial or primary collector road. Criteria for considering the designation of lands for multi-family, High Density Residential use relate to compatibility, servicing, traffic, buffering and proximity to transit and service facilities (Section 3.4.2 i) to v).

The subject site is located in Central London (the area bounded by Oxford Street on the north, the Thames River on the south and west, and Adelaide Street on the east. Excluding provisions for density bonusing (Section 3.4.3 iv), net residential densities in the Multi-family, High Density Residential designation will normally be less than 250 units per hectare in Central London (Section 3.4.3). In addition to the ability to bonus to provide facilities, services and matters in return for greater height or density, the Official Plan contains criteria for increasing density on Multi-family, High Density Residential lands, provided all of a series of criteria are met (Section 3.4.3 ii). The determination of appropriate height and density limitations for individual sites may be based on a concept plan showing how the area will be developed and integrated with surrounding land uses.

The Multi-family, Medium Density Residential designation adjacent to St. George Street permits a variety of housing forms, including low-rise apartment buildings as the main uses, and may serve as a suitable transition between Low Density Residential areas and more intense forms of land use (Sections 3.3 and 3.3.1.).

Development in the Multi-family, Medium Density Residential designation shall have a low-rise form and a site coverage and density that could serve as a transition between low density residential areas and more intensive forms of high density residential development. Height limitations are to be established in the Zoning By-law and are to be sensitive to the scale of development in the surrounding neighbourhood. Normally height limitations will not exceed four storeys. In some instances, height may be permitted to exceed this limit, if determined to be appropriate subject to a site-specific zoning by-law amendment and/or bonus zoning provisions (Section 3.3.3.i)). Medium density development will not exceed an approximate net density of 75 units per hectare. Exceptions to the density limit may be made without an amendment to the Plan for

developments which are designed and occupied for senior citizens' housing qualify for density bonusing, or are within the boundaries of Central London. Where an exception is made, the height limitations will remain in effect and the applied density will be limited to a maximum density of 100 units per hectare.

The Plan generally encourages new convenience commercial uses to locate in the Commercial designations, but they may be permitted in the Multi-family, High Density Residential and the Multi-family, Medium Density Residential designations by Official Plan amendment and zoning change, subject to locational and scale criteria (Section 3.4.1 ii).

Residential Intensification

Residential Intensification proposals in the Multi-family, High Density Residential designation are subject to Public Site Plan Review and the site review criteria contained in Sections 3.2.3.5 and 19.9.2 of the Plan (Section 3.4.1 (vii)). Intensification proposals in the Multi-family, High Density Residential designation are subject to Public Site Plan Review and the site review criteria contained in Sections 3.2.3.5 and 19.9.1 of the Plan (Section 3.3.1. vii)).

Talbot Mixed-Use Area

The subject site is located within the Talbot Mixed-Use Area which encompasses lands bounded by the Richmond Row Commercial District on the east, the Downtown on the south, the Thames River on the west and Ann Street on the north. The policies recognize that there will be proposals for the conversion of existing dwellings to commercial and office use and for the redevelopment of lands for multi-family residential uses. The scale and form of any redevelopment or change in land use shall not adversely impact the amenities and character of the surrounding area. Proposals for the rezoning and/or re-designation of lands to permit a change in use shall be evaluated on the basis of a Planning Impact Analysis in addition to specific criteria based on the land use designation and/or geographic areas or street frontages. Policies that pertain to the subject site address matters of use, intensity and form, encouraging a high standard of site and building design, and ensuring that within the Multi-family, Medium Density Residential designation lands fronting on St. George Street shall retain their predominantly low-rise residential character.

Near-Campus Neighbourhoods

The site is located within the Near-Campus Neighbourhoods Specific Area Policy which provides a policy context for development in neighbourhoods that are in proximity to Western University and Fanshawe College (Policy 962_*). Near-Campus Neighbourhoods will be planned to enhance their livability, diversity, vibrancy, culture, sense of place, and quality of housing options for all residents (Policy 964_*).

4.0 Matters to be Considered

A complete analysis of the application is underway and includes a review of the following matters, which have been identified to date. These matters will be evaluated to gauge: Consistency with the policy statements issued under the authority of the *Planning Act*; conformity of the requested by-law with the in-force policies of The London Plan and the 1989 Official Plan; and, compatibility of the proposed development with the listed heritage resource, local context, and surrounding community.

4.1 Heritage Significance

The concept plan submitted with the Official Plan and Zoning By-law amendment applications illustrates a new building covering much of the subject site and implying the removal of the listed heritage property at 197 Ann Street in order to facilitate the proposed development. A request for demolition has not been submitted to the City; however the consideration of policy and regulatory planning changes should be reviewed in the

context of the impact of such permissions on a property that is potentially a significant built heritage resource.

4.2 Use – Residential Apartment Building

The subject site is currently designated and zoned to permit apartment buildings. A site-specific special policy, approved by the LPAT by way of a settlement to an appeal against The London Plan, also contemplates the development of an apartment building on the subject site. An analysis of the requested amendment will evaluate the appropriateness of an apartment building on the subject site where one currently does not exist.

4.3 Intensity – Residential Apartment Building

The subject site is zoned to permit a maximum height of 12 metres (approximately 4-storeys) with a policy framework that contemplates a maximum height of 12-storeys by way of standard zoning and greater heights through the use of bonus zoning. The surrounding context includes 3 apartment buildings with heights of 17- and 18-storeys to the east and 12-storeys to the south. The lands to the west in the interior of the neighbourhood consist of 3-storey townhouses fronting St. George Street. An analysis of the requested amendment will evaluate the development proposal against the applicable policy framework and local context to determine if the request for a 28-storey apartment building, which steps down to 26-storeys in the middle and further stepping down to 12-storeys fronting St. George Street is appropriate for the subject site.

4.4 Form

The proposed footprint of development occupies virtually the entire site. It rises from the site in an “H” shape resulting in a mass that will be larger than what exists on the site today. The proposed form of development will be evaluated against policy framework to determine conformity and the local context to determine the appropriateness of the “fit”.

4.5 Use and Intensity – Retail/Commercial

In addition to the request to permit a 28-storey apartment building, the application also requests an amendment to permit various commercial uses within the future building. Given the site’s location within the interior of the community in context with its proximity to the main street uses located on Richmond Street, a future analysis will evaluate whether the requested amendment is consistent with the policies which consider the appropriateness of convenience commercial uses within residential areas.

4.6 Bonusing

The requested amendment seeks a standard Residential R10 zone rather than a “Bonus” zone to facilitate the proposed development. An analysis will compare the requested amendment with the policy framework which evaluates the locational criteria for heights and densities in this part of the City as well as the appropriateness of foregoing the use of Bonus zoning to support the requested form of development.

5.0 Conclusion

Development Services Staff will review the comments received with respect to the request for an Official Plan and Zoning By-law amendment and report back to Council with a recommendation in response to the amendments. A future public participation meeting will be scheduled when the review is complete and a recommended action is available.

Prepared by:	Michael Tomazincic Manager, Current Planning Development Services
Recommended 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.	

February 29, 2020

Y:\Shared\DEVELOPMENT SERVICES\11 - Current Planning\DEVELOPMENT APPS\2019 Applications 9002 to\9127OZ - St. George Street, 84 - 86 and 175 - 197 Ann Street (BD)\PEC\Draft OZ-9127 84 - 86 St. George Street & 175 - 197 Ann Street (MT Background Report) 1 of 1.docx

Appendix A – Public Engagement

Community Engagement

Public liaison: On October 10, 2019, Notice of Application was sent to 732 property owners and tenants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 10, 2019. A “Planning Application” sign was also posted on the site.

Replies from 11 individuals were received

Nature of Liaison:

The purpose and intent of this application is to allow a 28 storey apartment building with 274 residential units, commercial uses such as retail, personal services, administration offices and restaurants on the main floor, and underground parking. The building height steps down toward St. George Street to 26 and 12 storeys.

The applicant requested an amendment to the 1989 Official Plan to change the designation of the western part of the property from Multi-family, Medium Density Residential to Multi-family, High Density Residential, to identify the site as a permitted location for convenience commercial uses, and to add a Specific Policy Area to permit a maximum residential density of 764 units per hectare within the Multi-family, High Density Residential designation for this site.

The applicant requested an amendment to The London Plan to add a Special Area Policy in the Neighbourhoods Place Type for this site to permit a maximum building height of 28 storeys, and to permit a maximum overall floor area of 1,000 square metres for retail, service and office uses within the podium base.

The applicant also requested an amendment to Zoning By-law Z.-1 to change the zoning from a Residential R9 (R9-3*H12) Zone to a Residential R10 Special Provision/Convenience Commercial Special Provision (R10-5(□)*D764*H93/CC4(□)) Zone.

The requested Residential R10 (R10-5) Zone permits apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped apartment buildings, and continuum-of-care facilities. The requested special provisions were to permit a maximum height of 93 metres (28 storeys) where the height is to be determined on the zone map, a maximum density of 764 units per hectare in place of 350 units per hectare, reduced 0 metre yard depths to all property lines, reduced minimum landscaped open space of 0 percent where 20 percent is required, increased maximum lot coverage of 97 percent where 50 percent is permitted, and reduced parking of 209 spaces where 310 spaces are required.

The requested Convenience Commercial Zone permits convenience service establishments, convenience stores, financial institutions and personal service establishments, all without drive through facilities, and restricted to a location within an apartment building. The requested special provisions were to add food stores, take-out and eat-in restaurants, and brewing on premises establishments without drive-through facilities and restricted to a location within an apartment building, as well as allowing one commercial use to be limited to a maximum commercial gross floor area of 1,000 square metres where food stores are limited to a maximum of 500 square metres, take-out restaurants are limited to a maximum of 150 square metres and all other permitted uses are limited to a maximum of 300 square metres, and the maximum total commercial gross floor area is 1,000 square metres.

The notice also included the possibility that the City may also consider special provisions in Zoning By-law Z.-1 regulating the height transition of the proposed building, and the use of a less intensive base zone with bonus provisions to allow the requested height and density in return for certain facilities, services or matters.

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

Concern for:

- Heritage
 - Proposed demolition of 197 Ann Street undervalues heritage qualities of the site
 - The whole block should be saved
- Retail/Commercial Use not appropriate for the location
- Intensity
 - Traffic volume and safety issues
 - Noise issues resulting from an increased amount of traffic and number of people
 - Inadequacy of parking to be provided
 - Increased number of pedestrians cutting through the area to get from housing to businesses on Richmond Street creating garbage, safety and security issues
- Form
 - Ignores the low-rise townhouse and single-family home characteristics of the neighbourhood
 - Inadequate on-site landscaped open space and inadequate parkland provision in the area – object to the use of cash-in-lieu of parkland
 - Loss of sunlight, privacy and views
- Student Housing
 - The proposal will contribute to a pre-existing imbalance of student to non-student population in the neighbourhood
 - Neighbourhood is underpopulated in the summer which isolates long-term residents, creates social problems such as squatters, criminal activity, and hurts local businesses
 - Purpose-designed student housing is not diverting students from single family homes as some students prefer the lack of behavioural regulation of this form of housing
 - Allowing construction and marketing of housing geared to students is contrary to the Human Rights Code because it discriminates against protected groups
- Possible impacts on groundwater-based HVAC systems in surrounding buildings
- Possible impact on adjacent hydro transformer substation.
- Loss of property value

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

Written Patrick John Ambrogio 1011 – 695 Richmond Street London ON N6A 5M8	Written Lydia Li and Brett Butchart 1804 – 695 Richmond Street London ON N6A 5M8
AnnaMaria Valastro North Talbot Community Association 133 John Street Unit 1 London ON N6A 1N7	Ken Owen St. George Grosvenor Neighbourhood Association 139 St. James Street London ON N6A 1W6
Ben Benedict 188 John Street London ON N6A 1P1	Jackie Farquahar 383 St. George Street London ON N6A 3A9

David Hallam 166 John Street London ON N6A 1P1	Dave Morrice 191 Hyman Street London ON N6A 1N4
Dalwinder Deol 18 Coastal Trail Nobleton ON L7B 0A5	Don Dickenson Dickenson Management for Condo Corp. No. 134, 695 Richmond Street PMB 133 – 611 Wonderland Road North London ON N6H 5N7
Eugene DiTrolio 14 St. George Street London ON N6A 2Z3	

From: Ben Benedict
Sent: Thursday, October 10, 2019 11:31 AM
To: Debbert, Barb <bdebbert@London.ca>
Cc: [REDACTED]
Subject: [EXTERNAL] RE: Please read: Notice of Application - 84-86 St George St and 175-197 Ann St (WARD 13) - OZ-9127 Barb Debbert

Dear Barb Debbert

Can you explain what happens to the hydro substation for our community that is located within this development boundary?

Ben Benedict
Benedict Creative Communications
188 John Street, London, ON, N6A 1P1

From: Lydia Li [REDACTED]
Sent: Thursday, October 24, 2019 4:13 PM
To: Debbert, Barb <bdebbert@London.ca>
Cc: Lydia Li [REDACTED] Brett Butchart [REDACTED]
Subject: [EXTERNAL] Appeal Letter: File OZ-9127

Lydia Li and Brett Butchart
1804-695 Richmond Street
London, ON N6A 5M8

October 24, 2019

City Planning and Environment Committee

**Re: Official and Zoning By-law Amendments,
84-86 St. George Street and 175-197 Ann Street,
File: OZ-9127**

I am writing to oppose the Official Plan and Zoning Amendments of allowing 28 Storey apartment building/student housing built on the above mentioned address. We want to make sure that the Committee considers the issues of parking and traffic, safety and noise level, and value of the properties in the area before it makes the decision.

There are a few apartment buildings within the area mentioned above: 695 and 675 Richmond Street, 172 and 180 Mill Street, MARQ at 83 St. George Street and other

apartments and houses in surrounding area. If you approve this proposal we worry that there will be significant increases in the traffic on the peaceful street. Also because of the railroad, many commuters choose to drive to the busy Talbot Street to go either north or west side of the city. Having a 28 storey building built in this area the neighbors will get the overflow of vehicles onto the already busy street. Residents in the new building will take the short cut by walking through the parking lot of Richmond 695 in order to get to the Richmond Street which potentially increases the unnecessary traffic and garbage disposal, and create safety and security issues as well.

We have concerns about the noise level that this new building will create in the neighbourhood. As you know, it can get quite hot here in the summer and I can't afford air conditioning, so I keep my windows open most of the time. We are worried that the new building will make it very noisy and make it impossible to keep windows open during the summer. We also worry the safety of this area when the density of population increases dramatically in such small block.

We are also concerned that the value of our property, and the value of neighbours' properties, will be significantly reduced as a result of this development. We are not real estate appraiser, but we are certain a 28-storey student residency building which blocks the sunshine and light and the view of our apartment is going to dissuade prospective purchasers who would have otherwise been interested in our condo.

We hope that you will consider our perspective and the pitfalls of approving this proposal during the planning process. Thank you.

Sincerely,

Yan Lydia Li

Brett Butchart

.....

From: Ken Owen [REDACTED]
Sent: Thursday, November 14, 2019 12:44 PM
To: Debbert, Barb <bdebbert@London.ca>
Subject: [EXTERNAL] file OZ-9127

Good afternoon Barb
Would it be possible for me to be included on notifications of public meetings associated with the 84-86 St George Street and 175-197 Ann Street project - your file #OZ-9127?

Ken Owen
On behalf of the St. George Grosvenor Neighbourhood Association.
139 St. James Street
London N6A 1W6
[REDACTED]

.....

From: jackie farquhar [REDACTED]
Sent: Thursday, November 14, 2019 4:05 PM
To: Debbert, Barb <bdebbert@London.ca>
Subject: [EXTERNAL] Application # OZ-9127 York Developments - St. Geoge/Ann St. Block Ltd.

Hello Ms Debbert....please add my name to the list of persons interested in attending any public hearing on this development by York Developments.

I find it outrageous that York is applying to build 764 units per hectare in a 28 storey building with 100 fewer parking spots than required when the London Plan

calls for 100 units per hectare and 4 storeys high. I implore the City to insist that the developer build in keeping with the City's plan.

Thank you Jackie Farquhar

--

Jackie Farquhar

████████████████████
383 St. George Street
London, ON. N6A 3A9

From: ██████████ AnnaMaria Valastro
Sent: Thursday, November 21, 2019 7:37 AM
To: Dent, Laura <ldent@london.ca>; Fleming, John M. <JmFlemin@london.ca>; Bunn, Jerri-Joanne <jbunn@London.ca>; Saunders, Cathy <csaunder@london.ca>; ██████████
Subject: [EXTERNAL] Corrected : Request for designation for 197 Ann Street
Importance: High



North Talbot Neighbourhood Assoc.

Dear Dr. Dent,

We live in the North Talbot Community, the oldest and most historically significant community in London. Many of us have been waiting patiently to have our community recognized as a Heritage Conservation District only to have it bypassed for heritage designation over and over again.

While we wait, we lose more and more buildings of historical value undermining its very history. We are once again fighting to preserve some of the most significant heritage buildings that define not only this neighbourhood but London's history as a significant industrial area.

We support the heritage designation of 197 Ann St. the site of the last remaining brewery in North Talbot - Kent Brewery. We also support the heritage designation of 179 and 183 Ann St. - the homes of John Hamilton (183 Ann St.) and his son Joseph Hamilton (179 Ann St.) - owners of Kent Brewery.

This end of North Talbot was home to Carling Brewery and Kent Brewery as well as a host of other mills along Carling Creek. The creek and adjacent pond provided both a source of energy, water and waste disposal for these industries - hence the street Mill St.

Just south and west of this area were the mansions of these entrepreneurs and south of this site were the homes of the many employees of these industries.

The entire area tells a complete story and we no longer support preserving a tiny remnant of history here and there. Instead we want complete histories preserved so people can place faces to places and spark a true appreciation for the history of the city. We want the whole story told and preserved.

It is unique that the Hamilton Family lived next door to their business, whereas many other entrepreneurs chose to live in more affluent neighbourhoods. It is noteworthy that the "History of the County of Middlesex" first published in 1889 by Goodspeed states:

W. A. & C. L. GOODSPEED, PUBLISHERS.
p. 373
says of Kent Brewery

"The premises form one of the oldest landmarks in the city, and are located on Ann Street."

That comment was made in 1889. Therefore in 1889 Kent Brewery was already considered a historical landmark.

https://archive.org/stream/historyofcountyo00torouoft/historyofcountyo00torouoft_djvu.txt

Residents of North Talbot want the history of the community preserved as a whole. Time is running out.

Sincerely,

Eugene DiTrolio
14 St George St.
London ON N6A 2Z3

AnnaMaria Valastro
133 John St. Unit 1
London Ontario N6A 1N7

CC: Council, John Fleming, LACH, North Talbot Residents

From: Dave Morrice [REDACTED]
Sent: Thursday, November 21, 2019 5:38 AM
To: Dent, Laura <ldent@london.ca>
Cc: Fleming, John M. <JmFlemin@london.ca>; Bunn, Jerri-Joanne <jbunn@London.ca>; Saunders, Cathy <csaunder@london.ca>
Subject: [EXTERNAL] Fwd: Urgent: Please Read: Request for designation for 197 Ann Street

Good Morning I can't stress enough the importance of recognizing these sites. Our area has been inundated with developments that are starting a trend toward unsightly, "strictly for profit" buildings. We HAVE to save our heritage.

Dave Morrice
191 Hyman St

From: Don Dickenson - Dickenson Management [REDACTED]
Sent: Tuesday, December 10, 2019 10:51 AM
To: Debbert, Barb <bdebbert@London.ca>
Cc: Patrick John Ambrogio, P.Eng. [REDACTED] 'Sarah Kirshin [REDACTED]
Subject: [EXTERNAL] File OZ-9127

Dear Ms. Debbert

I am the property manager of Middlesex Condominium Corp. 134, located at 695 Richmond Street, London which is adjacent to 175 and 197 Ann Street and 84-86 George Street. The Board of Directors has asked me to contact you regarding the above Planning Application because their property is going to be impacted by the development plans for these properties. Please add the condo corp to your mailing list for any notices related to this application.

Don Dickenson
Dickenson Management

Phone: [REDACTED]
Fax: [REDACTED]

Please note our new mailing address:
PMB 133- 611 Wonderland Rd N
London, ON N6H 5N7

.....
From: Patrick John Ambrogio, P.Eng. [REDACTED]
Sent: Tuesday, December 10, 2019 1:05 PM
To: Debbert, Barb <bdebbert@London.ca>
Subject: [EXTERNAL] RE: File OZ-9127

If you are compiling specific concerns, I am happy to detail several to you.

These will include (but are not limited to):

- Interference with our building's critical underground aquifer geothermal heating & cooling system, for which we have Ministry permits to take water
- Excessive density for the already congested site
- Excessive height/scale for the existing site and the adjacent neighbouring buildings
- Proximity/privacy/sunlight blocking
- Commercial use should be denied as it fronts on minor & dead-end side streets, interior and removed from the main commercial artery
- Traffic congestion
- And much, much, more

Thank you.

695 Richmond Street
Suite 1011
London ON N6A 5M8
Patrick
[REDACTED]

(added on Dec 10, 2019) The volatility of the critical underground aquifer is enormously concerning as the entire site is dynamic, and in flux, as is the natural environment. Geothermal HVAC reliability and performance is fundamental to our existing site and residential/commercial occupants.

.....
From: [REDACTED] (AnnaMaria Valastro)
Sent: Tuesday, January 14, 2020 7:30 AM
To: [REDACTED]
Cc: [REDACTED] Blazak, Gary <gblazak@london.ca>; Saunders, Cathy

[REDACTED]

<csaunder@london.ca>; Campbell, Melissa <mecampbe@london.ca>; Tomazincic, Michael <mtomazin@London.ca>; Debbert, Barb <bdebbert@London.ca>; Page, Bruce <BPAGE@London.ca>; Barrett, Gregg <GBarrett@London.ca>; Craven, Ryan <rcraven@london.ca>; ndebone@postmedia.com; mstacey@postmedia.com; Katolyk, Orest <OKatolyk@London.ca>
Subject: [EXTERNAL] Re: correction - letter to council

Dear Ms Saunders,

In the letter below, I reference a February 20 2019 meeting of the Civic Works Committee. This should be corrected to the Community and Protective Services Committee. Both meetings were scheduled on February 20, 2019. The video que remains the same.

Even though I do not anticipate any councillor or staff person to review this information, it remains important that the error be corrected. I would appreciate if councillors were made aware of this correction.

Thank You

AnnaMaria Valastro

On 2020-01-02 02:17, NorthTalbot@execulink.com wrote:

Dear Ms Saunders,

Can you please forward to Members of Council including the Mayor's office?

Thank You

AnnaMaria

Re: Planning in North Talbot

Dear Members of Council,

This letter is to share our concerns with the proposed development by York Development at 197 through to 179 Ann Street and 86 and 84 St. George St in the neighbourhood of North Talbot.

The development being proposed by York Development makes no effort to integrate into the community. It is a bloated building which ignores the low rise townhouse and single family home characteristics of the neighbourhood and under values the heritage qualities of the site. It pays no attention to the residents of the adjacent tall building whose sunlight and privacy would be blocked by the oversized York development. It will be student housing which is over represented in the North Talbot neighbourhood and possibly violates the Human Rights Code by discriminating against protected groups.

Students as a 'group' are not protected or analogues to protected groups (1 and 2), and while the Ontario Human Rights Commission (OHRC) is 'generally' supportive of student housing, it warns landlords against discriminating against protected groups by refusing applicants who are not students.

1. Fodor v North Bay (City), 2018 ONSC 3722 at para 26.
2. London Property Management Association v City of London, 2011 ONSC 4710 at para 69-73

Other cities look at housing 'types' and make decisions on housing type "needs" including student housing. The city of London has the authority to develop a student housing strategy. It CAN discuss openly the impacts of too much student housing concentrated on one area. The city CAN ensure landlords do not discriminate against protected groups if they advertise exclusively to students without approval from the OHR Tribunal.

This can be done through enforcement of Rental Licensing and design of units to ensure a diversity of unit 'type' is being planned.

By ignoring the isolation of long term residents within a concentrated student housing area, the city risks destabilizing near campus neighbourhoods. Students are, for the most part, temporary residents who live in neighbourhoods for part of the year. In areas where student housing dominates such as Ann St., Mill St and John St, entire streets are empty for months at a time leaving long term residents vulnerable to squatters, criminal activity and a loss of community.

The London Plan does not allow for this proposed density on this site, and there is growing cynicism that the London Plan is not a serious document if every single development proposal is permitted to build outside the Plan. **We also wish to remind Council that North Talbot already has several student oriented high rises with another one being built by Drewlo on Talbot St. None have diverted students from single family homes.**

There is a strong sense from North Talbot residents that a thread of bias and discrimination persist in matters of planning as it relates to the North Talbot Community. We need an open and honest dialogue of what we see as a discriminatory approach to policy as it relates to lower income communities. Whether this is intended to be discriminatory or not, that is certainly how it plays out.

I offer the following examples:

1. On December 23, 2019 the London Free Press published an article describing the proposed York Development on the Ann St. and St. George St block. Councillor Maureen Cassidy was quoted as stating that the York development "would be a 'gamechanger' for THAT neighbourhood".

Councillor Cassidy has no unilateral authority deciding what is good for this community without first hearing from us. Similar comments were also credited to Councillor Phil Squire who suggested that a student highrise in North Talbot would alleviate student pressure from North London.

These comments become doubly offensive when this development proposes to tear down a significant landmark heritage site, which in turn would remove any chances of North Talbot being recognized as a Heritage Conservation District. Even before we have an opportunity to assess the community heritage qualities, councilors are undercutting the opportunity to do so with unabashed swiftness.

It can't be more disrespectful! not just to dedicated residents of North Talbot but also to students. Students like any other person will rent the housing type that suits them best. For those that like to entertain often and loud, single family homes are the preferred housing.

2) In February 20, 2019 Orest Katolyk publicly stated at a Civic Works Public Participation Meeting (PPM) that establishments applying for patio amplified sound permits would be evaluated on a case by case basis. He reassured committee members that patios surrounded by single family homes will likely get a lower range in which to amplify sound than other residential areas.

Neither Committee Chair Maureen Cassidy or any other committee member including **Mayor Ed Holder** reprimanded the Chief By-law Officer for using demographics and economics in deciding the conditions under which a permit to release amplified sound on a patio would be issued. The Chief By-law Officer is making decisions on assumptions as to who lives in single family homes and why they would deserve greater protection from amplified sound than another person or a family that may not have the financial resources to afford a single family home. The 'law' is being applied prejudicially. CWC Video Queued at: 1.08

3) Planning applications for the downtown area are being approved without the required 'parkland' allocation and landscaping requirements. Instead 'cash-in-lieu' is being swapped out for green space.

The practice of completely removing a green space requirement (both parkland and landscape) at each new development is creating a downtown desert and depriving downtown residents of green streetscapes and private green amenities. We understand that land value, taxes and density are concerns for developers and politicians but not for the residents that have to live with these decisions. Quality of life should not be sacrificed. We are as deserving of parkland, dog parks and playfields as anyone else living in this city.

The residents of North Talbot have taken notice of what we see as a persistent discriminatory approach to planning as it relates to North Talbot and we have taken offense.

We are asking for a formal apology from Councillor Squire and Councillor Cassidy for their disparaging comments about our community.

Sincerely,

David Hallam
166 John Street

Ben Benedict
188 John Street

AnnaMaria Valastro
133 John Street

CC: Orest Katolyk, Chief By-law Officer, Gary Blazak, Senior Advisor Mayor's Office, Barb Debbert, Senior Planner, Melissa Campbell, Manager Current Planning, Michael Tomarzincic Manager Current Planning, Bruce Page, Parks Planning, Ryan Craven, Neighbourhood Development and Support, Gregg Barrett, Long Range Planning

North Talbot Residents, Norman De Bono, Postmedia, Megan Stacey, Postmedia, Core Neighbourhood Associations

Ontario Ombudsman - File # 372995-001

Contact for the North Talbot Community: NorthTalbot@execulink.com T. [REDACTED]

.....
From: Dalwinder Deol [REDACTED]
Sent: Friday, December 27, 2019 11:46 AM
To: Debbert, Barb <bdebbert@London.ca>
Subject: [EXTERNAL] Ann Street Housing

Hi Barb,

I received a notice of planning application for file OZ-9127. Just wanted to know what the status of this file is and when is the proposed completion date of the construction for this proposed apartment building.

Thanks in advance for your help!

.....

From: [REDACTED] AnnaMaria Valastro
Sent: Wednesday, February 19, 2020 3:43 PM
To: Giesen, Andrew <agiesen@london.ca>
Cc: Debbert, Barb <bdebbert@London.ca>; Dales, Garfield <gdales@london.ca>; Tomazincic, Michael <mtomazin@London.ca>
Subject: [EXTERNAL] Re: Discussion of proposed development at 84-86 St George Street, and 175-197 Ann Street

<http://www.london.ca/business/Planning-Development/land-use-applications/Documents/Development-Services/OZ-9127/OZ-9127-Noise-Assess-Rpt.pdf>

Hello Andrew,

The above link is to the Noise Report submitted by York development. The report states that this development will ensure INDOOR noise levels meet municipal and provincial because OUTDOOR noise DID NOT meet these standards in part because of anticipated increased traffic.

Noise has been a longstanding issue in this neighbourhood and we have been screaming to have this issue addressed through by-law enforcement, we fought the amplified sound by-law for the same reason. We met with your department recently to discuss traffic noise and have an ongoing discussion with London Police. None of this was reviewed by your department and I am so tired, as is everyone, to have to raise this issues each time. They should be automatically reviewed by any staff that is listening. I resent having to raise these issues over and over again.

But here we go again.

Thank You for meeting with me and I hope to bring along one or two neighbours.

AnnaMaria

.....

From: [REDACTED] AnnaMariaValastro
Sent: Saturday, February 22, 2020 11:59 AM
To: Saunders, Cathy <csaunder@london.ca>; Debbert, Barb <bdebbert@London.ca>; Tomazincic, Michael <mtomazin@London.ca>
Subject: [EXTERNAL] letter to council re: student high rise housing

Dear Ms. Saunders,

I would appreciate if this letter could be forwarded to Members of Council.

Thank You

AnnaMaria Valastro

Feb. 21, 2020

Re: Student High Rise Housing and the Human Rights Code

Dear Members of Council;

Council promotes more high rise student housing because it believes it will redirect students away from single family homes and into closed, controlled buildings, freeing single family homes for 'families'. **This is a false premise that has only concentrated more students into small neighbourhoods tipping the balance of demographic diversity.**

Groups of highly socialized students desire single family homes because they have an absentee landlord, and can entertain loud and often without supervision. If the neighbourhood has a reputation as a 'student' neighbourhood, it is presumed this activity is accepted and even expected – a stereotype portrayal of students by students. Without stating it explicitly, council believes that removing students from single family homes will reduce noise, upgrade property standards, and diversify demographics. Articulating such a goal openly would be discriminatory as students have the right to live where they choose.

North Talbot has a disproportionate representation of student housing both in family homes and high rises. The presence of high rises has only 'weeded' out those students that prefer to entertain loud and often. In the North Talbot neighbourhood the majority of single family homes are now 'party houses' almost exclusively and that has intensified noise throughout the neighbourhood and large gatherings at those single family homes.

A high student population dominating a neighbourhood is also problematic because students, for the most part, are temporary residents. While they may live in the same apartment/ house for their entire student career, they are not present year round leaving entire streets empty for many months consecutively during the spring and summer.

In the North Talbot Neighbourhood, Central Ave., John, Mill, and St George streets are primarily student housing and the majority of houses sit empty from April to September. This would also be true for student high rises, as it is true for university student residences.

London Police interactive crime map

<https://communitycrimemap.com/?address=London,ON> shows that residential crime rates are the highest in university neighbourhoods such as North Talbot and the university gates area off Richmond St. in North London. While the map is a new tool and only as accurate as the crimes reported to police, it does show that home invasions can be higher in the summer months on streets such as Mill and St George because houses are empty but furnished. It also shows that car theft is rampant in the large parking lots behind student housing year round. In speaking with London Police, they acknowledge that the emptiness of streets likely contributes to an increase in theft because there are no 'eyes and ears'.

Empty houses also attract squatters. Squatters themselves may not be a problem as they tend to be quiet choosing not to attract attention. However, there are many individuals that wander into the neighbourhood anticipating its vacancy and trespass not realizing the house is occupied. For residents this can be very frightening.

There is a profound loss of community when a neighbourhood is dominated by temporary housing which is what student housing is for the most part and adding more of the same housing will not improve the emptiness and isolation of long term residents.

Finally, building housing ONLY for, or advertising only to, students could also violate the Human Rights Act as the Act outlaws exclusive housing except for protected codes and then only if the housing offers special services for that

protect code such as 'group homes' or 'assisted living'. Students as a 'group' are NOT a protected code nor are they analogous to a protected code and do not need 'special' housing. This has been well established by the Human Rights Tribunal.

Fodor v North Bay (City), 2018 ONSC 3722 at para 26. **HEARD at Toronto: May 17, 2018**

26] Student status is not a protected ground under the [Code](#).

[27] The applicant argues that, while student status is not enumerated, it is analogous to the [Code](#) grounds. The applicant says that student status is a proxy for age, marital status and family status because students tend to be young, single, non-parents. On this basis, she argues that discrimination against students is discrimination on the basis of age, as well as marital and family status. The OHRC has endorsed this position, but it has yet to be adopted by the courts. This position was rejected in *London Property Management Association v. City of London*, [2011 ONSC 4710](#), at para. [93](#). Similarly, I find in this case that the applicant's argument does not withstand scrutiny.

The city is being negligent when promoting one type of housing to one type of group while restraining other housing to other groups such as boarding houses. The City of London limits boarding houses through zoning – the ONLY housing type for the lowest income earners. It can't be a more hypocritical and discriminatory policy than if the city bused low income earners to the city limits with a one way ticket to no where.

Student housing is NOT in short supply in North Talbot or across the city. It is a lucrative unchecked business that has grown exponentially marketing to Toronto and overseas residents and pushing rents to Toronto rates. This has shut out opportunities for other user groups, such as older individuals and has isolated non-student residents and as such, likely violates the Human Rights Act by decidedly promoting exclusive housing to a non-protected group and shutting people out.

Sincerely,

AnnaMaria Valastro

133 John Street, Unit 1

London Ontario N6A 1N7

CC: Glenn Matthews, Western's Off-Campus Housing Service

Residents of North Talbot and area Neighbourhood Associations

Barb Debbert and Michael Tomazincic, Current Planning

From: [REDACTED] AnnaMaria Valastro

Sent: Monday, February 24, 2020 4:36 AM

To: Debbert, Barb <bdebbert@London.ca>; Tomazincic, Michael <mtomazin@London.ca>

Subject: [EXTERNAL] Lack of Green Space in New Developments - 197 Ann Street

Re: Lack of green space in new developments. 197 Ann Street to 84 St. George St Block - proposed York Development

Dear Ms. Debbert,

It has become the new 'norm' for developers to no longer include the legislated landscaping and/or parkette requirements in new developments. They just assume that city planners will accept cash-in-lieu for building designs that build to the outer boundary of a lot without any space of trees or landscaping. This appears to be unique to downtown spaces to maximize profit in smaller lots.

I know that planners and councillors, at least in this city, 'roll their eyes' or grimace when residents claim this approach is discriminatory to downtown residents. They just don't want to confront the possibility that their policy could be hurting people. Green space is universally acknowledged as a vital component to human and mental health and every development should carry their fair share of the load to ensure the downtown remains green.

The absence of canopy trees creates a desert effect in urban environments increasing heat and accelerating wind speeds. There is no relief for residents when adequate green space is bypassed and disastrous when this practice accumulates across an entire district. The city has the power to require that green space be incorporated, as legislated at a minimum, in all new developments. It doesn't because it is easier to ignore residents' desire for more parks and green space than defend them.

The practice of cash-in-lieu has only contributed to the desertification of the downtown core. This practice of taking money from developers 'in-lieu' of the legislated requirement for green space has not been equally distributed. And I would go further and state that there is a stereotyping of personalities in this practice where it is assumed that downtown residents don't want green space and prefer sleek vistas.

The situation is so bad that the Trees and Forestry Committee is revisiting the city's Urban Forestry Strategy to see if the 'strategy' does not apply to the downtown.

Please find a link to a recent news story from the CBC dated Feb. 14 2020 that looks at Urban Design and its impact of mental health.

https://www.cbc.ca/radio/thesundayedition/the-sunday-edition-for-february-16-2020-1.5459411/how-urban-design-affects-mental-health-1.5462455?fbclid=IwAR3PxIE6qTe8Fx2grKVkKaVs-OCC7OrUivj1wSPnA_zEg63s9vFdVN7Gtk

I have also attached photographs of an older development in the downtown (Colborne and King streets), a recent development (Renaissance Place) in the downtown and a recent development on Riverside Drive, just west of Wonderland Rd.

I have also attached a photograph of a corner parkette at Richmond and Horton streets installed with cash-in-lieu funds diverted from new developments. While admittedly debatable, I think it is reasonable to say that this small space fails as a parkette. There is no bench for elderly or weary walkers to rest and realistically no one would sit in the middle of traffic. It is not a people place. A similar but better space was built at the corner of Sarnia Rd. and Wonderland with benches but again, it is not a people space as no one would, or does, sit in the middle of traffic. The city is using cash-in-lieu to 'beautify' streets corners rather than creating usable green space for people - which is what people need.

This small space would have been better served if attached to landscaped areas where people actually lived.

Thank You

AnnaMaria Valastr0

133 John Street, Unit 1

London, Ontario N6A 1N7







Agency/Departmental Comments

Heritage (January 20, 2020)

DS-heritage planning staff has reviewed the Heritage Impact Assessment (MHBC Planning Ltd, July 2019) for the Official Plan + Zoning By-law Amendment (OZ-9127) at the above noted address, and provides the following comments. These comments are consistent with the *Provincial Policy Statement (PPS)*, the *Ontario Heritage Act (OHA)* and *Ontario Regulation 9/06*, and London's *Official Plan/The London Plan*.

1. Overview + Scope of Work

The subject lands of this official plan/zoning by-law amendment (OZ-9127) are located on the southeast corner of the St. George Street/Ann Street intersection and include six parcels measuring approximately 3,674 m² (39,547 ft²) in total area: 175, 179, 183, 197 Ann, and 84 and 86 St. George Streets. Buildings on the subject lands comprise low-rise residential buildings, several outbuildings, and a commercial building. The surrounding area is dominated primarily by residential uses at varying densities including high-rise apartment buildings to the immediate east and south and low-rise forms fronting the west side of St. George Street. A multi-unit industrial building fronts the north side of Ann Street with the Canadian Pacific Railway line also running very close to the north.

The subject lands are located within the area colloquially known as 'North Talbot' which is associated with very early urban development in London following its annexation in 1840. Over time, this area has transitioned to accommodate many of London's prominent business enterprises, often within historic buildings. Today, North Talbot still retains a predominantly residential character, clearly bordered by commercial main streets, and with a strong presence of the natural landscape.

This application is for development of a 28-storey apartment building with 274 residential units, with three 'massing components' that step down in building height toward St. George Street from 26 and 12-storeys. Commercial uses on the main floor, and underground parking are also included as part of the development proposal. Commercial uses could include retail, personal service, administration offices and/or restaurants. A heritage impact assessment (HIA) was submitted by MHBC Planning Ltd. (report date July 5, 2019) – on behalf York Developments – as a requirement of the *Official Plan-1989* (13.2.3.1) and *The London Plan* (Policy 586), and to satisfy requirements of a complete OP/ZBA application.

2. Heritage Status and Adjacencies

The subject lands are located within the North Talbot which is identified in *Heritage Places 2.0* (2019) as a prime area of interest for potential, future heritage conservation district designation. The heritage status of the subject lands includes one property (197 Ann Street) that is LISTED on the City's *Register* (2019) – *Inventory of Heritage Resources*. 197 Ann Street (c1883) is the last remnant of the Old Kent Brewery and exhibits Italianate styling.

3. Policies + Requirements

Heritage resources are to be conserved and impacts evaluated as/per fundamental policies in the *PPS-2014*, the *Ontario Heritage Act*, the *London OP-1989* and *The London Plan*. For evaluation purposes, a heritage impact assessment (HIA) was submitted to evaluate the potential cultural heritage value or interest of the cultural heritage resource on the subject lands and identify heritage attributes of interest, assess the impacts of the proposed development on that resource, and to make recommendations to mitigate any adverse impacts that may arise.¹

Under Section 27(3) of the *Ontario Heritage Act*, demolition of LISTED properties on the City's *Register* requires consultation with the London Advisory Committee on Heritage (LACH) and Municipal Council approval. The proposed development is predicated on the demolition of 197 Ann Street, and as such a cultural heritage evaluation report (CHER) is required to determine if the property retains cultural heritage value or

interest. A CHER has been prepared as part of the heritage impact assessment submitted by MHBC Planning Ltd. (p33)

4. Development Services – Heritage Planning Comments

DS-heritage planning staff has reviewed the heritage impact assessment (HIA) and provides the following comments; these comments are pertinent to conclusions reached in the HIA:

- There are many errors and omissions in content throughout the HIA.
- Reference to historical sources are limited and key sources have not been cited.
- There is limited reference to North Talbot's significance to London's evolution.
- The contextual and historical significance of the subject site was not fully addressed.
- The context of adjacent buildings, related to the historic brewery-use at 197 Ann Street, is not acknowledged.
- The HIA notes significant building damage, and a compromised structure, with no conditions assessment being completed.
- The HIA doesn't recognize any physical design value and overlooks that this is an Italianate commercial building, which is unique in the City.
- The 9/06 evaluation was not comprehensive and was not presented in the standard chart format.

Note as well that the HIA did not assess impacts or suggest mitigation methods, because conclusions reached did not find the property at 197 Ann Street to have Cultural Heritage Value or Interest (CHVI). Consequently, the HIA also did not explore the potential of retention and integration of buildings on the property into the development proposal.

5. Additional Comments – London Advisory Committee on Heritage (LACH)

The Notice of Application, dated October 10, 2019, from B. Debbert, Senior Planner, with respect to Official Plan and Zoning By-law Amendments OZ-9127 was circulated to the London Advisory Committee on Heritage (LACH) and LACH is not satisfied with the research, assessment and conclusion of the Heritage Impact Assessment (HIA) for the property located at 197 Ann Street; it being noted that the LACH submitted the following comments with respect to the HIA (PEC – Nov 26, 2019 (e)):

- the HIA gives inadequate weight to the historical, associative and contextual values of the landmark brewery located at 197 Ann Street;
- the HIA contains errors and omissions within the historic research of the property and brewing history in London, e.g. incorrect derivation of the brewery name, date of building, reference to Westminster Township and evidence for the fire damage in the 19th Century;
- the properties located at 175, 179, 183 and 197 Ann Street and 84 and 86 St. George Street are recommended to be subject to 9/06 evaluation by the HIA because of strong associations with the Kent Brewery;
- the condition of the building has not been supported by an engineer's report;
- the LACH is opposed to the demolition of the property located at 197 Ann Street based on the current information available; and,
- the LACH encourages incorporating the built heritage resources associated with the historic Kent Brewery into any future developments.

At its meeting on December 11, 2019, the LACH referred further research and evaluation of 197 Ann Street along with properties located at 175, 179 and 183 Ann Street and 84 and 86 St. George Street to the Stewardship Sub-Committee for possible heritage designation.

6. Summary

In summary, DS-heritage planning staff finds the HIA insufficient primarily due to its lack of thoroughness and detail in its evaluation of cultural heritage value or interest (CHVI) of 197 Ann Street. Because of this, conclusions reached and recommendations made are not adequately substantiated by the research. Particularly, heritage planning staff does not support findings of the HIA determining: 1) that the subject property does not

have significant cultural heritage value and interest; and therefore, 2) does not warrant designation under the *Ontario Heritage Act*; and, 3) that the City approve demolition of the buildings at 197 Ann Street; and, 4) deem this report as sufficient documentation of the building for the archival record; and finally, 5) that this report be included in the archival record for this property for future research purposes. (pp4; 33). To reconcile contradictory opinions regarding the potential CHVI of the subject site (as expressed in statements made by the applicant's consultant, members of the LACH, and local heritage historians), DS-heritage planning staff will be preparing its own CHER evaluating the entirety of the subject site. Results from this report will inform recommendations in file planner's report to Council for this application.

Heritage (February 24, 2020)

A full copy of the heritage planning staff's CHER as noted above is contained in Appendix B.

London Advisory Committee on Heritage (Council Resolution November 27, 2019)

That the following actions be taken with respect to the 11th Report of the London Advisory Committee on Heritage, from its meeting held on November 13, 2019:

e) B. Debbert, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage (LACH) is not satisfied with the research, assessment and conclusion of the Heritage Impact Assessment (HIA) for the property located at 197 Ann Street, as it relates to the Notice of Application, dated October 10, 2019, from B. Debbert, Senior Planner, with respect to Official Plan and Zoning By-law Amendments for the properties located at 84 – 86 St. George Street and 175 – 197 Ann Street; it being noted that the LACH submits the following comments with respect to the HIA:

- the HIA gives inadequate weight to the historical, associative and contextual values of the landmark brewery located at 197 Ann Street;
- the HIA contains errors and omissions within the historic research of the property and brewing history in London; e.g. incorrect derivation of the brewery name, date of building, reference to Westminster Township and evidence for the fire damage in the 19th century;
- the properties located at 175, 179, 183 and 197 Ann Street and 84 and 86 St. George Street are recommended to be subject to 9/06 evaluation by the HIA because of strong associations with the Kent Brewery;
- the condition of the building has not been supported by an engineer's report;
- the LACH is opposed to the demolition of the property located at 197 Ann Street based on the current information available; and,
- the LACH encourages incorporating the built heritage resources associated with the historic Kent Brewery into any future developments;

it being noted that the presentation appended to the 11th Report of the London Advisory Committee on Heritage from M. Tovey, with respect to this matter, was received.

London Advisory Committee on Heritage (Council Resolution January 15, 2020)

That the following actions be taken with respect to the 1st Report of the London Advisory Committee on Heritage, from its meeting held on December 11, 2019:

- e) the following actions be taken with respect to the requests for delegation from A. Valastro and M. Tovey related to the properties located at 197, 183 and 179 Ann Street:
- i) the properties located at 175, 179, 183 and 197 Ann Street and 84 and 86 St. George Street BE REFERRED to the Stewardship Sub-Committee for research and evaluation for a possible heritage designation; it being noted

- that a verbal delegation by A. Valastro, with respect to this matter, was received; and,
- ii) the request for delegation by M. Tovey BE APPROVED for the February 2020 meeting of the London Advisory Committee on Heritage;

Urban Design

Urban Design staff reviewed the submitted conceptual site plan and elevations for the zoning by-law amendment at the above noted address and provide the following urban design comments consistent with the Official Plan, applicable by-laws and guidelines;

- The applicant is commended for providing a building design that incorporates the following design features; a building that provides a built edge along both fronting streets, active ground floor uses, design elements that addresses the corner location, all parking underground/within the building, and the use of colour;
- Provide an alternative design for the tower portion of the building in order to avoid large a floorplate slab building. Any portion of the tower above eight storeys should be a point tower (up to approximately 1000m²) in order to reduce the overall massing and ensure that shadows and loss of privacy on neighbouring properties are minimized.
- Ensure the proposed building responds to its context in terms of height and massing. Generally, any portion of the building proposed along St George should respond to the low-rise residential on the west side of the street, as well as the existing townhomes to the south, while the east half of the building should respond to the high rise buildings to the east and south with a step down between both portions of the building.
- Provide a response to the UDPRP comments provided following the December 2019 meeting.

Urban Design Peer Review Panel (December 17, 2019)

Considering that the submission pertains to a Zoning By-law Amendment application and that there are other factors to be addressed, including a building of heritage interest and proximity to the CP Rail line, the Panel provided comments at a high level with respect to the proposed scale, siting and massing of the proposed development. The Panel provides the following comments on the submission:

- The applicant is commended for the siting of the buildings to frame the public realm along St George Street and Ann Street, and the provision of below-grade structured parking.
- The panel supports efforts to animate and bring activity to the streetscape and framing the at grade outdoor amenity area. Measures such as high degree of transparency at grade are supported.
- The panel has concerns with the overall scale of the development, considering that the proposed height and scale would be out of context in the neighbourhood and could have negative impacts. Further refinement of the massing is needed to strike a better balance with the context and mitigate potential impacts to the localized and broader neighbourhood. Lower building heights should be considered.
- The panel acknowledges the applicant's attempt to break down the overall mass of the development into three separate but connected slender tall tower forms. However, the panel flagged that the long joining tower is of particular concern because it has the potential to impact view corridors to and around the site, adds volume to the development, limits solar access to the site and suites within the proposed towers and contributes to shadow impacts to surrounding areas. Separation between the massing of the development is encouraged.
- The panel acknowledges the architectural detailing (fenestration, coloured/patterning) to break down the long sides of the buildings, however

encourages the applicant to provide breaks in the massing and greater building articulation as well.

- The panel expressed concerns with the 12 storey massing on the St. George Street edge of the site as an abrupt transition to the low rise neighbourhood to the west and being imposing in relation to human scale proportions along the sidewalk. The panel encouraged the applicant to provide a stepping down of built form from the interior of the site to at most a four storey height along the St. George Street edge of the site, as a more compatible interface with the established low rise residential form of development on the west side of St. George Street and as a more human scale proportion with the sidewalk.
- The panel expressed concerns about the usability of the interior at grade courtyard considering that it would be entirely in shade by the buildings of the proposed development.

Concluding comments:

- The Panel recognizes that the site is planned for high density development, however has some concerns with the expression of the form of high density in this development concept. The scale and heights of the proposed buildings are out of proportion for their context and could have negative impacts on both the local neighbourhood and broader area, given their scale. The Panel provided several suggestions on how best to refine the massing and scale of the proposed development to provide more sensitive transition to existing built form in the area and response to human scale proportions. The panel offered support for the measures incorporated in the design that provide for animation of St. George Street and Ann Street streetscapes, particularly the siting of the buildings near the street lines, provision of active uses at grade and high degree of transparency along the street facing elevations. As the application advances, further consideration of the panel's suggestions, together with any recommendations arising from other technical studies/reports (including noise and heritage impact assessments) is recommended.

Site Plan

The following comments apply for the review of 175-197 Ann Street & 84-86 St George Street:

- Site Plan approval is required for the proposed development; prior to site plan application, the applicant is to submit the site and elevation plans for site plan consultation.
- A tree preservation report will be required as part of a complete site plan application.
- Reminder to include the retail GFA as part of the overall density calculation within the site data table.
- Include planting details of the roof tops and perimeter plantings on the site plan.

Detailed comments will be provided through site plan consultation.

Parks Planning & Design

There is nothing significant from a Park's perspective. Parkland dedication will be required as a condition of site plan approval. If still in existence, the application would be subject to the cash-in-lieu requirements of By-law CP-9.

Development Services Review of Noise Study

- I have reviewed the Environmental Noise Assessment Report - 175 Ann Street, London, Ontario – Proposed Residential Development prepared by Strik Baldinelli Moniz Civil and Structural Engineers dated May 31, 2019 for the above-noted development.

- The report assesses predicted noise levels resulting from road traffic (Richmond Street, Oxford Street East, and St. George Street), and railway traffic (Canadian Pacific Railway).
- Section 3.3 Projected Noise Levels provides a bullet point summary of the assumptions made for the noise prediction calculations. In reviewing the report I noticed a minor oversight in the third bullet point which indicates “Road gradient for Sunningdale Road East and Richmond Street North is 0%”. Please have the consultant provide a corrected replacement page, and request that they re-confirm their assumptions for the purposes of this noise assessment.
- Section 4 - Recommendations in the last two sentences of the third bullet point states:
 “Additionally, acoustic screening at the OLA is required. Examples of such are glass railing, high solid parapets, fencing etc.”
- Please request the consultant to provide information as to the appropriate length and height of the acoustic screening for the rooftop outdoor living areas. The site plan and elevations submitted with the application show outdoor common areas on both the 12th and 26th floors that would be exposed to potential road/rail noise.
- Also, under Section 4 - Recommendations in the third bullet point is a summary of the building components required to maintain indoor living areas to acceptable sound levels. Prior to issuance of building permits the acoustical consultant shall review and verify the wall, window and door recommendations noted in the report have been included in the building design, and that the indoor sound levels will comply with the MECP noise criteria.
- Please ensure the specific noise warning clauses (Warning Clauses: Types “B” and “D”, Canadian Pacific Railway, and City of London) as outlined in Section 4 – Recommendations, and identified on the Noise Study Plan (SBM-17-1297), are included within the Development Agreement for this site.
- I would also recommend that the noise assessment report be forwarded to CP Rail for their review.

Engineering (December 13, 2019)

The City of London’s Environmental and Engineering Services Department offers the following comments with respect to the aforementioned zoning application:

The following items are to be considered during the development application approval stage:

Transportation:

- Transportation has reviewed and accepted the TIA prepared in support of this application.
- 6.0m x 6.0m daylight triangle is required.
- Access to be located on Ann Street.
- Detailed comments regarding access design and location will be made through the site plan process.

Sewers:

- The sanitary sewer available for the subject lands is the 750mm trunk sanitary sewer on St. George St. just south of Ann Street.
- As part of a future site plan application the Owner engineering consultant is to ensure adequate size of the PDC connection per City of London specifications & standards. The proposed development requires a sanitary inspection maintenance hole which should be located wholly on private lands but as close to streetline as possible or in a location to the satisfaction of the City Engineer.

- In addition the applicant's Consulting Engineer is to provide a report with an inventory of the existing buildings being demolished and lots including:
 - All existing sanitary and storm outlets.
 - All existing connections to the 250mm diameter combined sewer, including but not limited to weeping tile connections, roof water leaders, catchbasins, reverse grade driveway, etc. In the case of uncertain connections, dye testing may be required to verify if the discharge is directed to the sanitary or storm sewer. In the report the applicant is to provide possible mitigating measures which would allow the zoning amendment and subsequent development to proceed.
 - No storm connections are permitted to the sanitary sewer.
 - All connections no longer in use are to be properly abandoned.

Water:

- All of the existing buildings on these properties would be demolished under this plan. Their existing services will need to be fully decommissioned to city standards.
- We anticipate that two new water services will be required under the OBC. OBC and city standards for separation between these services will apply.
- Water is currently available from the 300mm DI watermain on St. George Street and the 100mm PVC watermain on Anne Street
- We anticipate that the 100mm main on Anne Street is insufficient in size for utilization by this plan. In order to service off of Ann Street this main will need to be upsized.
- If the Ann Street main is not utilized for servicing this plan it would then create a water quality issue. This is because the removal of multiple existing services (current condition for these properties) from this main would leave only a single remaining service to a property on the north side of the road. This service and its anticipated usage would be insufficient to maintain turnover within the main.
- ****Therefore, the main on Ann Street must be either be upsized and utilized for servicing this plan, or, abandoned and replaced with a smaller main that can continue to provide water to the sole remaining service.**

Stormwater:

- No storm sewers are currently established for the proposed site on Ann St. All storm servicing should be directed to St. George St. As per as-con 18324, only a portion of the proposed sites was designed tributary to the existing 375mm storm sewer at a $C = 0.75$. With the remainder of the site being directed to St. George St., the consultant would need to confirm capacity in the existing sewers and calculate any required storage.
- The proposed land use of a high density residential/commercial will trigger the application of design requirements of Permanent Private Storm System (PPS) as approved by Council resolution on January 18, 2010.
- The subject lands are located in the Central Thames Subwatershed. The Developer shall be required to provide a Storm/drainage Servicing Report demonstrating that the proper SWM practices will be applied to ensure the maximum permissible storm run-off discharge from the subject site will not exceed the peak discharge of storm run-off under pre-development conditions.
- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer. It shall include water balance.
- The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100 year event and safely conveys up to the 250 year storm event, all to be designed by a Professional Engineer for review.

- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site shall be prepared to the specification and satisfaction of the City Engineer and shall be in accordance with City of London and MECP (formerly MOECC) standards and requirements. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.

Housing Development Corporation

It would appear that, at minimum, the six separate and distinct buildings to be demolished contain a total of 11 dwelling units:

- 197 Ann (1 dwelling unit);
- 183 Ann Street (5 dwelling units);
- 179 Ann Street (1 dwelling unit);
- 175 Ann Street (1 dwelling unit);
- 86 St. George Street (2 dwelling units); and,
- 84 St. George Street (1 dwelling unit).

The policies of the London Plan seek opportunities to address the reduction in the City's affordable housing stock (512_). The policies of the Plan further contemplate the use of Bonusing for the purpose of housing affordability.

HDC London is prepared to assist the City in the negotiation of an affordable housing element to the requested bonus for this development. I would point out that, like the application at the southeast corner of Oxford Street and Beaverbrook Avenue, there may be an opportunity to advance a discussion of an off-site bonus with the applicant.

Ministry of the Environment, Conservation and Parks

This email is a response to your email of earlier today and per our telephone conversation, I have added additional information which we agreed would be helpful in your communications regarding the project before you. I have also attached a few links for your reference.

<https://www.ontario.ca/environment-and-energy/map-permits-take-water>
<http://www.ontla.on.ca/library/repository/mon/10000/251921.pdf>
<https://www.ontario.ca/page/guide-permit-take-water-application-form>

The review and approval of water takings are governed by section 34 of the Ontario Water Resources Act (OWRA). Based on this legislation, water taking is regulated through a permit system to achieve environmental objectives. The program is also designed to minimize water supply and water quality interference problems and to provide for the settlement of interference complaints if they do occur. The Ministry recognizes that there are limits to the amount of water that can be taken without causing unacceptable adverse impacts. Permits will be controlled or not issued if current science standards indicate that additional or current takings will adversely impact existing users or the environment.

SUMMARY

- Within the block bounded by Richmond Street, Ann Street, St. George Street and Mill Street, the building located at 695 Richmond Street has an open loop geothermal HVAC systems that uses groundwater. In consultation with the Ministry of the Environment, Conservation and Parks staff, it is noted that PTTWs were also issued, in the past, for open loop geothermal systems at 685

Richmond Street and 180 Mill Street. It is likely that these buildings still have open loop geothermal systems despite not having a PTTW as 'domestic use' is now exempted from PTTWs.

- Documents in support of applications for PTTWs and ECAs is available as public information. Such information can be obtained through Freedom of Information or by consulting documents in person at the MECP Office in London.

For your information, here is a brief highlight of the available information:

- 695 Mill Street
 - Has an ECA and a PTTW from the Ministry of the Environment, Conservation and Parks for water taking and the operation of an open loop geothermal system.
 - Water is taken from 2 wells and returned via a third well.
 - The system was constructed in the 1980's and takes ~2 million litres/day.
 - The wells are 7.6 m (25 ft), 9.75 m (32 ft) and 12.2 m (40 ft) deep, and are screened or completed in gravel overburden.
 - The Permit to Take Water for this building was recently renewed and an observation well was scheduled to be installed in late 2019. This observation well could be used to measure changes in water levels.
- 675 and 685 Richmond Street
 - Used to have an PTTW (92-P-0081) but likely no longer exists because of the residential ("domestic use") exemption
 - At the time of the original PTTW, these two properties were serviced by an open loop system with 5 wells.
- 180 Mill Street
 - In 2008, the Ministry received an application for PTTW for an open loop geothermal system.
 - Water was taken from 2 wells and returned via a third well.
 - The wells were reported to be screened to a depth of 8.2 m (27 ft) and 7.9 m (26 ft).
 - The PTTW was issued for ~3.2 million litres/day. The PTTW was cancelled in 2013.
 - No construction dewatering permits records were found, after a cursory review, for the construction at 180 Mill Street.

•
The water table in the area is approximately 2.5 to 4 metres below the surface.

A permit for construction dewatering will be triggered and required by the proposed development if they take more than 50,000 litres of water per day. As part of the approval process, the proponent will need to assess the potential for impacts on the groundwater resources and other water users and provide a plan for mitigating impacts both over the short and long term. In addition, post-construction, if continual pumping of water is required in order to maintain dry conditions in the proposed underground parking facility, there could be a permanent impact on the water levels and the impact on the open loop geothermal HVAC systems for 675, 685 and 695 Richmond Street and 180 Mill Street. This impact, if any, would have to be assessed and be part of the application.

I hope this is helpful to you. Please let me know if you have any questions.

Have a good weekend.

Helene

Hélène Piérard, P.Geo | Hydrogeologist | Technical Support Section – Southwest Region | Ministry of the Environment, Conservation and Parks | Tel: (519) 873-5034 (**no voicemail**) | Fax: (519) 873-5020 | Email: Helene.Pierard@ontario.ca

London Hydro (October 22, 2019)

- Servicing the above proposal should present no foreseeable problems. 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.

Canadian Pacific Railway

CP has reviewed the noted circulation. The proposed development is located in close proximity to our Windsor Subdivision, which is classified as a Principal Main line. Canadian Pacific Railway is not in favour of residential developments adjacent to or near our right-of-way as this land use is not compatible with railway operations. The health, safety and welfare of future residents could be adversely affected by railway activities.

However, to ensure the safety and comfort of adjacent residents and to mitigate as much as possible the inherent adverse environmental factors, we request that CP's standard requirements are considered as part of the review. The attached requirements are based on a collaborative project by the Federation of Canadian Municipalities and the Railway Association of Canada entitled, the Guidelines for New Development in Proximity to Railway Operations (<http://www.proximityissues.ca>). Some of the requirements/comments may be premature for the current application, but we would appreciate the opportunity to review the site plan for this development when available.

Specifically:

1. CP has reviewed the Environmental Noise Assessment Report prepared by SBM Ltd. and note that certain recommendations have been made to mitigate the noise. CP supports the recommendations and requests the inclusion of these recommendations as conditions of approval.
2. CP has reviewed the Vibration study and notes that the levels are above CP requirements and that mitigation measures are required. The inclusion of these measures should be included as conditions of approval.
3. Please note that CP's setback of 30 metres includes a requirement for a berm or alternative safety measure. Although the noted development does provide for the setback, the applicant is requested to provide further information on how the berm or alternative safety measure will be achieved.

Regards,



Josie Tomei SR/WA
Specialist Real Estate Sales &
Acquisitions
905-803-3429
800-1290 Central Parkway West
Mississauga, ON L5C 4R3

Appendix B – 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

The London Plan

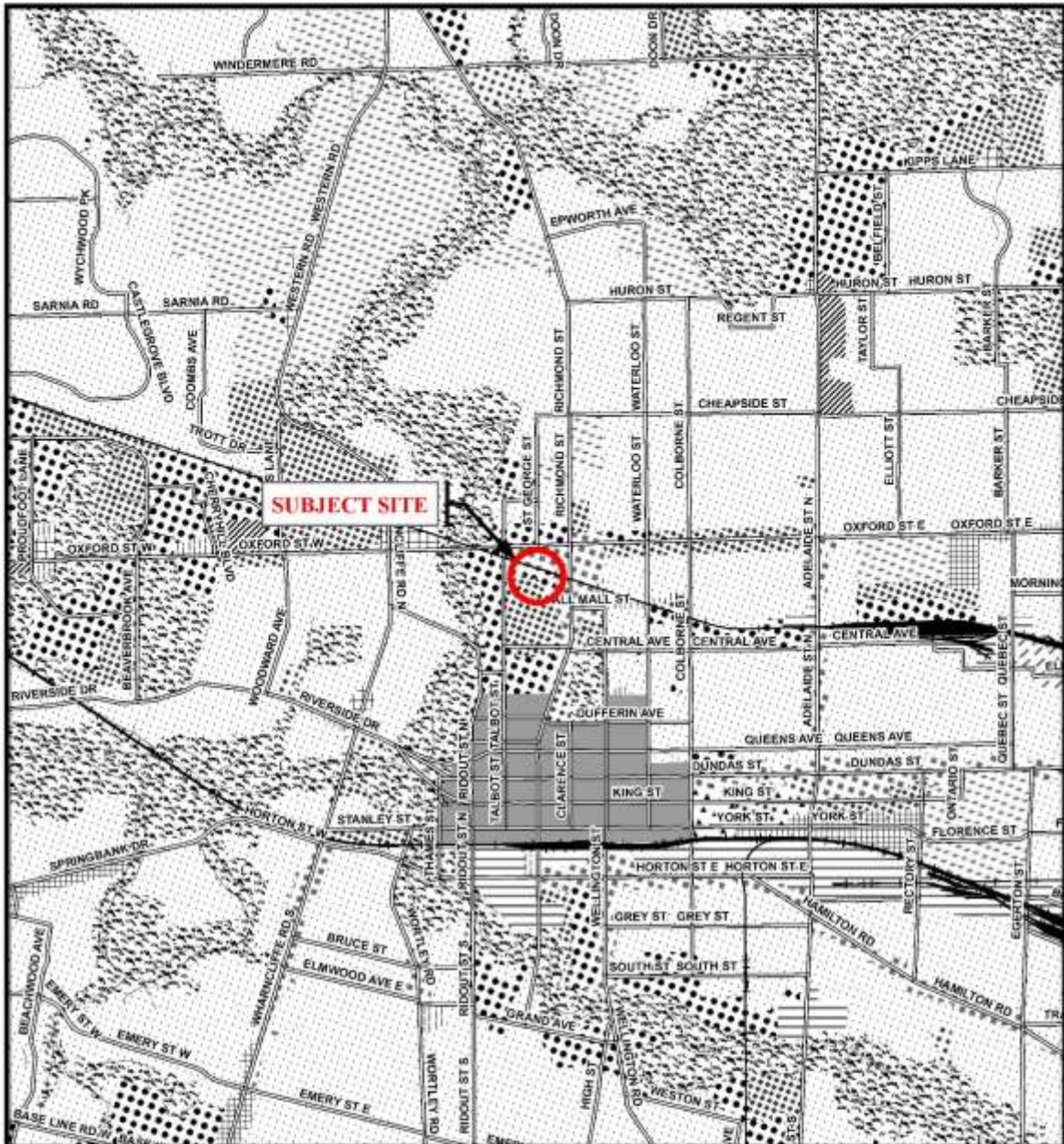
City of London Official Plan

Z.-1 Zoning By-law

Site Plan Control Area By-law

Appendix C – Relevant Background

Additional Maps 1989 Official Plan Schedule A – Land Use



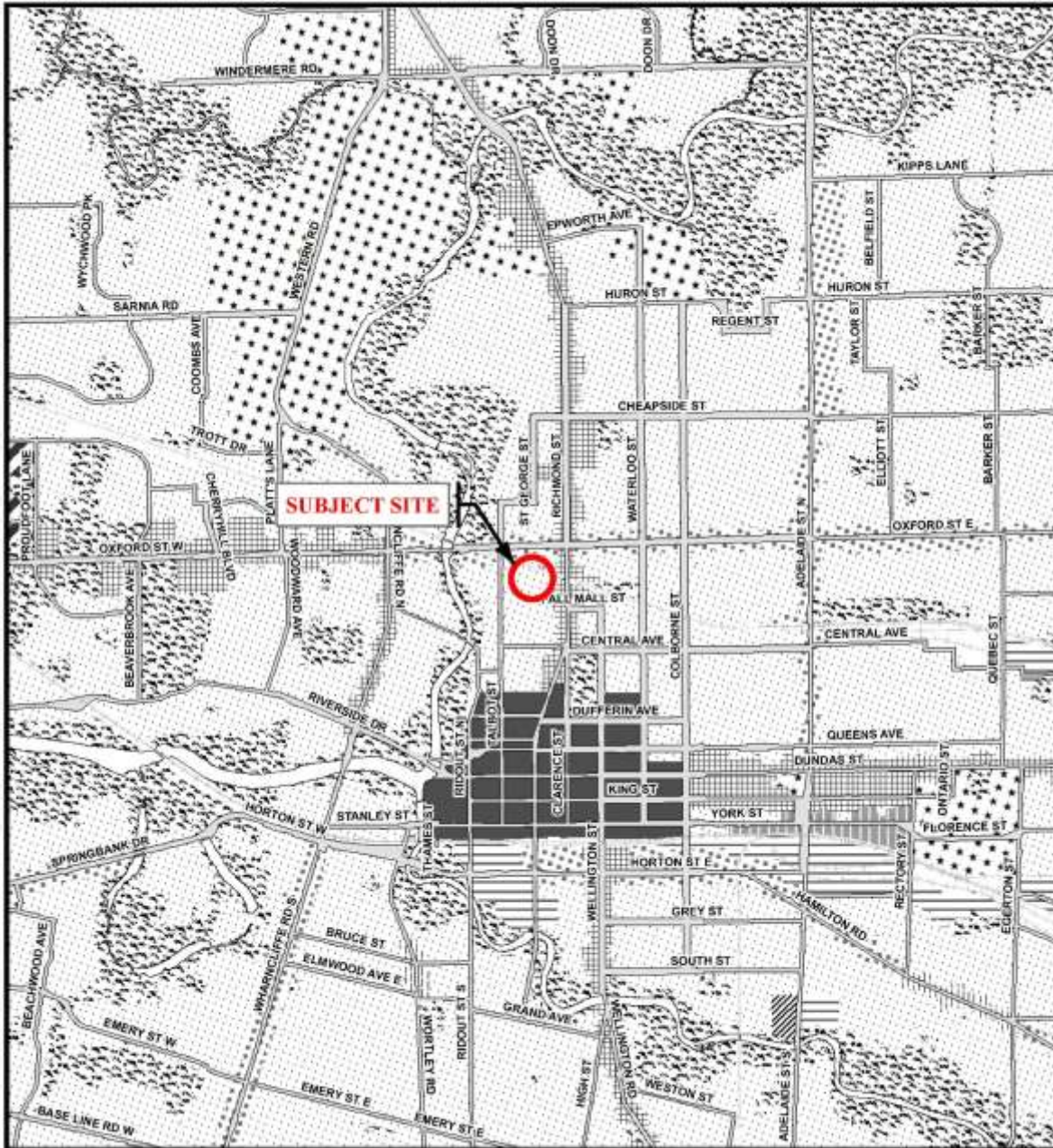
Legend	
	Downtown
	Enterprise
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential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

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



FILE NUMBER: OZ-9127
 PLANNER: BD
 TECHNICIAN: RC
 DATE: 10/02/2020

The London Plan Map 1 – Place Types



Legend

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

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

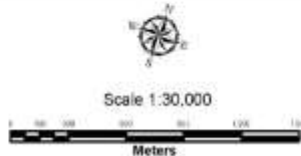
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services /
Development Services

LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



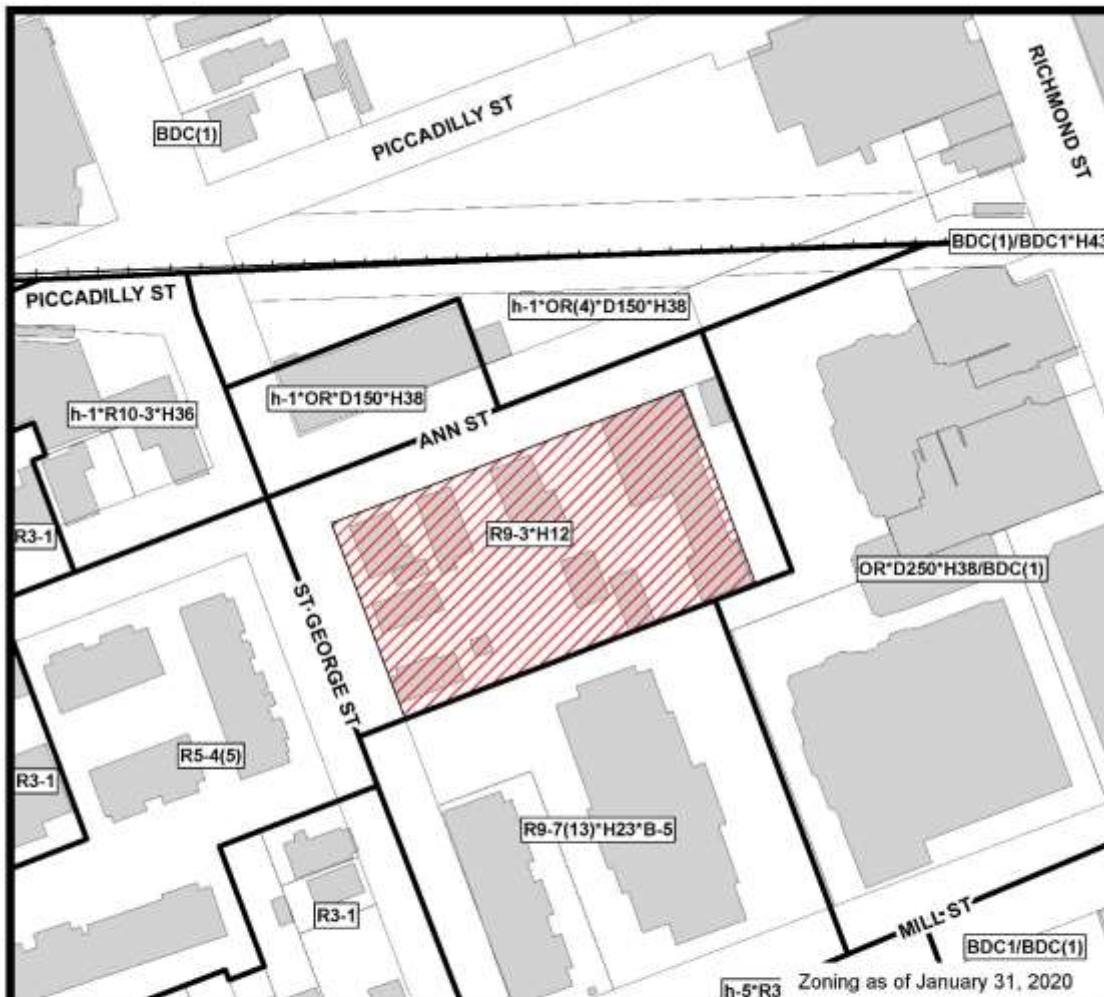
File Number: OZ-9127

Planner: BD

Technician: RC

Date: February 10, 2020

Zoning By-law Z-1



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

- "H" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "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:

OZ-9127

BD

MAP PREPARED:

2020/02/07

RC

1:1,250

0 5 10 20 30 40
Meters