

PUBLIC PARTICIPATION MEETING COMMENTS

3.3 PUBLIC PARTICIPATION MEETING – Protected Major Transit Station Areas (PMTSAs) (O-9208)

- Councillor Cassidy: Thank you Mr Adema. Are there technical questions?
Councillor Hopkins.
- Councillor Hopkins: Thank you and through you, Mr. Adema, thank you for the presentation and I'd like to just get a little bit more clarification on inclusionary zoning and what we're doing today so or the bonusing that we do today. So it's good to know that doing the PMTSA's we will allow for inclusion in, inclusionary zoning. Sorry about that, I'm kind of tongue tied here a little bit. So I am trying to understand once this is brought forward to the Ministry then we will no longer be doing bonusing in these areas and how further ahead will we be in supporting affordable housing or are we just adding another tool to the kit? Just want a, a little bit more what we're taking away and not getting by doing this.
- Councillor Cassidy: Mr. Adema?
- Justin Adema, Manager, Planning Policy: Through the Chair, it's a good question and there's a few different things going on so it can get a bit confusing but one of the things that Bill 108 did was remove bonus zoning from Section 37 of the *Act*. So that, that Section is gone. Bonusing will not exist as an option going forward; however, we have a two-year transition window to prepare new policies or delete our bonusing policies from the Official Plan. So that window started last September or maybe October. Anyways it just recently began and we have a two-year window to change those policies. Another thing that Bill 108 did was restrict inclusionary zoning. So inclusionary zoning had existed in the *Planning Act* before Bill 108 but Bill 108 restricted its application only to areas that are identified as a PMTSA or subject to a planning permit system. So this amendment will allow for the future application of inclusionary zoning and that review is being completed as a completely separate project. So nothing in the in the *Planning Act* that permits or include requirements for PMTSA's mentions or includes any requirements about inclusionary zoning; however, in the Section that gives direction for inclusionary zoning it identifies that inclusionary zoning is only permitted within the PMTSA.
- Councillor Hopkins: Thank you for that and so would that mean inclusionary zoning that would be part of an agreement between the City and the developer just like we sort of do bonusing now?
- Justin Adema, Manager, Planning Policy: Through the Chair, it wouldn't be the same as bonusing which is subject, you know, is determined based on the application and again there's going to be a whole study about inclusionary zoning conducted over the next year or so. I don't want to assume what the outcome of that study will be but my understanding and the approaches I've seen identified the rate and requirements for inclusionary zoning ahead of time so it removes some of that ability to negotiate with the rate, rate is; however, that will all be explored in significant detail over the next year and I can also just add that our, our objective is to complete the inclusionary zoning review over the next year. That's where it's identified on our Work Plan as well as on the Strategic Plan and hopefully that will coincide with the requirement to remove bonus zoning from the plan so at least for these areas we'll be able to swap one tool for another in order to ensure affordable housing is attainable through the development process.
- Councillor Hopkins: Thank you. That was very helpful.

- Councillor Cassidy: I did see Mr. Barretts' hand up and then it disappeared. I wonder if you wanted to comment Mr Barrett?
- Gregg Barrett, Director, City Planning and City Planner: Through the Chair, just, just very quickly, just to build on what Mr Adema just said and just to perhaps help clarify for the members of the Committee. As Mr. Adema said, the, the, what's before you this evening, the Protected Major Transit Station Area Review and the recommended policies deal specifically with those provisions that, that we're adding and that we're bringing forward tonight as it relates to the requirements for Protected Major Transit Station Areas the only link to the inclusionary zoning again as Mr Adema said which is in another Section of the *Planning Act* where it says that if inclusionary zoning is to be considered the new restrictions that came through Bill 108 are only in two instances. One of those instances would be within a Protected Major Transit Station Area or in the lands that would be subject to a community planning system or where GPS. So all this does is puts a, a set of policies and a place type in place that would allow that future consideration but that whole process for inclusionary zoning including all of the types of questions that the Councillor is raising about what might it look like, how might it replace the tools that we're losing through bonusing, what might be the extent as to the depth or the level of inclusionary zoning will all be dealt with through that process. It's really not part of this process at all so we're just trying to try to it to make it clear that's two separate processes. The other one has a lot of work and we will be back probably many times to go through that process, all this process does it says once you've got a Protected Major Transit Station Area in place that is where you could use that tool of inclusionary zoning.
- Councillor Cassidy: Okay. I'll go to Councillor Turner now.
- Councillor Turner: I thank you Madam Chair and thank Mr. Barrett that answers certainly one of the questions that I had in mind but brings up another. So I mean by, by its nature its Protected Major Transit Station Areas so that that confers a protection on these corridors in, in such that what, what ends up not being allowed then, I guess. So you designate the corridors which means it's protecting it from something is that, that when that these, these sites maintain as corridors rather than being cut off in some way or reassembled or redirected. Does it mean that, that where development opportunities come forward that they need to be done in such a way that promotes density and it's, it's not consistent with a lower density or, or another use that's, that might be incompatible with, with that densification along those protected corridors. How, how do those, those protections get conferred and, and what specifically are the protections that are conferred by it being a Protected Major Transit Station Area?
- Councillor Cassidy: Mr Adema?
- Justin Adema, Manager, Planning Policy: Through the Chair, the term Protected Major Transit Station Area is different terminology of the *Act* so we're using the provincial language to ensure that it's clear that we are providing policies that are subject to those requirements. In regards to what's being protected, as I described the, the objective or at least the apparent objective behind these policies is very much in line with what The London Plan includes where the goal is to facilitate and promote intensification and transit oriented development around rapid transit corridors and stations. Some of the opportunities that I think protect the corridors for those include some of the policies for minimum densities as well as the targeted jobs and people per hectare so there's a requirement there on the municipality to provide for, you know, or to implement policies that will achieve that objective. So as we move through this and, and monitor the policies we'll be ensuring that, that that objective is being achieved. In addition, I think some of the, the protection or comes through the, the fact that these

policies are not subject to appeal so it gives Council greater control over the policy approach and, and vision for these areas to ensure that it does support rapid transit investments.

- Councillor Turner: Through you Madam Chair. Thank you Mr. Adema. That's helpful. Back to Mr. Barrett's point that these are two separate things and I recognize the attention ends up coming around in inclusionary zoning quite a bit though every time we talk about PMSTA's or TSA's the question that I guess that comes from that is if we're only allowed to do IZ in Protected Major Transit Station Areas then what is to say that we wouldn't maximize the amount of area designated under that, that policy regime in order to take advantage of the opportunity, greatest opportunities, to, to provide inclusionary zoning development at Council's discretion to be able to accomplish what we've lost through bonusing? What we've designated here is kind of two axis, an East-West and North-South axis where there was access where those are, are prioritized but there are other core transit corridors within the city that, that possibly could be considered for higher density and use of inclusionary zoning policies. I'm conscious and I'm, and I'm trying not to conflate these two but, but if this is our only policy tool in order to accomplish that until we get a community permit to planning system in place why wouldn't we take a greater advantage of that?
- Councillor Cassidy: Is that Mr. Barrett or Mr. Adema?
- Justin Adema, Manager, Planning Policy: Through the Chair, I'm happy to take a first attempt and Mr. Barrett feel free to jump in. Our thinking was that the, the goals of the provisions of the *Act* where to support intensification and transit oriented development around rapid transit or higher order transit stations and, and to us that, that was very much in line with The London Plan approach and could be implemented quickly without any significant changes to the, to the approach or to the overall policies of The London Plan. It may be that, in the future, we consider expanding these; however, that would require further changes to any policies that would be within those areas so projecting or a targeted number of jobs and people per hectare as well as establishing minimum densities for development within those areas. This felt like a bigger shift in terms of the planning approach from the way The London Plan is set up so for this first go at PMTSA policies we limited it to the areas that are already planned to support higher order transit and again the future expansions or applications to other areas could be done but would be, would require a broader planning review than what was conducted as part of this analysis.
- Councillor Cassidy: And I did see Mr. Barrett's hand.
- Gregg Barrett, Director, City Planning and City Planner: Yes, and through the Chair, building on, on Mr. Adema's comments, it's important to note that, in fact, the, the Protected Major Transit Station Area through the overall enabling legislation the *Planning Act* is to align with higher order transit and so Council's decisions that are reflected in The London Plan identified the rapid transit corridors, the transit villages and the downtown is the focus and as the spines of the higher order transit system so that is the system that exists right now and so these PMTSA policies would align with those place types and with that approved higher order transit system. I would suggest to you that, that to expand those areas would be first driven by a consideration as to what other potential future higher order transit corridors might be and then the, they would meet that test of the Protected Major Transit Station Areas so right now what the land area and the areas that have been identified coincide with those place types that in The London Plan identify the focus of intensity and development as Mr. Adema said along the areas of the planned higher order transit system and it aligns with the

system as has been approved through the EA process to date. So what you have in front of you now does align four square with those areas have been identified for that higher order intensity of development. The connection that that then makes through IZ is that it gives Council the potential additional tool after we go through that process to build on that intensity along those corridors and within those nodes, the transit villages in the downtown. Through the use of inclusionary zoning to add as a component of that intensity affordable housing so that's how they, they would marry but the land area right now is tied to what aligns with the identified higher order transit areas and the, and the place types associated with that higher order transit system.

- Councillor Turner: Through you Madam Chair, thanks to you both. A lot of logic in that and I appreciate it. It makes sense to me.
- Councillor Cassidy: We are still on technical questions. Are there Council, or Mr. Mayor.
- Mayor Holder: Thanks very much. I'd like to, to move to the issue of density which you've spoken of some length and I'm trying to get a sense what the proposed impacts will have on the, the impact will be on these proposed amendments. I'm thinking in terms of what the potential for increased density in the transit corridors. I'm thinking specifically Richmond Street. Any impact that you anticipate?
- Councillor Cassidy: Mr. Adema?
- Justin Adema, Manager, Planning Policy: Through the Chair, it depends on what segment of Richmond Street we're referring to so there is an existing set of policies for the Richmond Street corridor between Oxford and Huron Street which are identified as the preservation corridor and those, those policies recognize the heritage character of that area and, and change or reduce some of the intensity of development that could be achieved in that area. So the policies are very clear and if you look at the, the policy specific to the rapid transit corridor place type, the last policy identifies that other policies of the plan will apply and it specifically points out specific corridor segment policies which includes that preservation corridor. So for that segment those policies will continue to apply and prioritize the heritage character of the area. For other areas, the, the minimum density policies are minimums so they don't include maximum densities that may be implemented through zoning but will be part of a, you know, a more in-depth review but the plan itself doesn't include maximum densities and, and we're not proposing to add through this process either.
- Mayor Holder: Thank you and so ensure so what's the distance from Richmond Street as being that corridor? What's the distance from Richmond Street where the rapid transit corridor policies would permit intensification? Trying to get a sense of what that distance would be up on either side. How far does that go?
- Justin Adema, Manager, Planning Policy: Through the Chair, I don't have that, that measurement at hand. If you give me a minute we can look it up.
- Councillor Cassidy: Mr Barrett's hand is up so I'll go to him while you're looking that up Mr Adema.
- Gregg Barrett, Director, City Planning and City Planner: Through the Chair, while Mr. Adema's looking that up, generally, the, the corridor place type aligns with the properties that are just fronting on the corridor so the, the place type as it, as it exists now on The London Plan would be the same area that would be designated as the Protected Major Transit Station Area and in most instances

that extends to the lot depth of the existing frontage along those corridors, there are some places where it's a little bit different and there are policies that speak to how, how that, that is interpreted but in general it is the depth of the existing parcel fabric as you go along the corridor that, that is the depth and this, this amendment doesn't change that. This amendment would lay over those existing place types so it's not proposing a higher level of intensity within the areas adjacent to the rapid transit corridors than already exists nor is it extending the policies that would provide for additional or those minimum intensities or those minimum jobs and persons per hectare to lands beyond the existing already identified rapid transit corridors so it doesn't spill into the adjacent neighborhood place types. It's limited to the depth of those existing corridors.

- Mayor Holder: But you could have, thank you for that, so, Chair, you could then you could actually have different depths of property side by each just because that happens to be the nature of the of that actual property and I find that kind of interesting but you're saying it's basically a property length whatever that might be. Any difference with the, there are the PMTSA's as far as, I mean those are, I mean that's the actual station itself or the, that very specific area. How do you define that as a distance? Let's say, again, let's use Richmond and Fanshawe, for example.
- Gregg Barrett, Director, City Planning and City Planner: Again, through the Chair, those policies already exist and those depths already exist within the plan so this doesn't change that so, so where those existing lot fabric is generally that's the way it works and that's the way it's been working along corridors not only within the transit areas but the other, I'll call them corridor type policies, that we have in the plan. There are then specific policies that speak about development within the distance of a transit stop in existing policy but again that only applies to that distance from the transit stop within the place type so doesn't extend into the next place type so if it's one hundred and twenty meters away from the transit area it would be or transit stop, it would be one hundred and twenty meters up and down the length of the corridor but not depth into a different place type if it makes sense.
- Mayor Holder: Yep, that actually does make sense Mr. Barrett. No, that's helpful. Thanks very much. So this amendment then proposed won't have an impact on our current policies is what you're saying then.
- Gregg Barrett, Director, City Planning and City Planner: You know, again, and through the Chair, as Mr. Adema said, that there, there's fundamentally three things that, that this amendment does. It describes this minimum intensity with respect to jobs and persons per hectare, it establishes the minimum levels of density within the corridors and it establishes that these lands are within the Protected Major Transit Station Area so that's, that's what this does. Your other policies as Mr. Adema has indicated remain in place and then we've got just the belt and suspenders, we've got that other policy that says just to remind everybody that all those other policies that would relate to the place type also apply so things like preservation, corridor segment policies or whatever would still apply because they're within the base policies of, of the rapid transit corridor place type and so those still would apply.
- Mayor Holder: Thank you and thanks Chair.
- Councillor Cassidy: Thank you. Any other technical questions? Okay. Seeing no more technical questions I'll go to the public to see and I see Mr. Wallace coming to the microphone. So go ahead, sir, you know that you have five minutes.

- Thank you Madam Chair and thank you members of PEC for having me here tonight. I am Mike Wallace. I'm representing the London Development Institute. We have lots to say tonight so hopefully I get through it in five minutes. First of all, I want to thank staff for their meeting with us as an organization. We had a working group and we had a number of concerns that we brought forward and to be frank staff listened very well and incorporated quite a bit of what we had to, in terms of recommendations within this report and we do appreciate that. We didn't agree on everything but that's no problem. Frankly, we really do not take any issue with the proposed densities or heights that's in this OPA as it relates to the place types that are in The London Plan but our big but which you will hear much more about as we go is we need to know and understand what the future Inclusive Zoning By-law will look like for these areas which we know will come into existence. Just to kind of follow up I'm sure where the Mayor was going with this but as an aside we thought that maybe the Council should look at whether the five to eight hundred meter, meters, reach should be distance criteria should be reviewed, that maybe it should be a bit wider a little more consistent because when you look at the map by some of our members who are confused about where the actual lines were and it might be a bit simpler but that's a different day, a different story. At the end of the day we're going to ask, at the end of this discussion that we believe that this OPA I know has to go to the Minister but is pretty mature prior to us seeing what the inclusive zoning is going to look like. We agree that the OPA has to be in place before inclusive zoning can be included. We understand the process, we understand that this is somewhat of a placeholder in for inclusive IZ in this policy but we don't have any clue and I think Councillors asked very, very, very good questions tonight about what inclusive zoning could look like. We have no idea and as the developers, the builders, the ones who are spending the money and actually going to build these locations they need to know what the inclusive zoning is going to look like and what that influence will have on the cost of providing the housing that would come through that process. IZ, as you know, is not mentioned anywhere in The London Plan. There's no policies on IZ in The London Plan, there's no mention of it and it's not, not follow the people who developed The London Plan just didn't, they didn't make the plan. So we were, we think we need to have the, the staff has said take a year to do that process, they're saying there's two processes we, we're saying that yes we don't disagree there's two processes but one should move ahead of the other and that, for us, it's premature to have this go to the Minister prior to us at least understanding what the IZ by-law is going to look like here in London as developers and builders of residential commercial facilities. The PMSTAs will not proceed unless our industry is satisfied they understand what the cost will be, the heights and densities if they don't match their performance, is there going to be flexibility if and how is the impact of this housing going to affect the cost of them being able to actually deliver high density housing in the transit areas? The report states that IZ is replacing bonusing provisions that were previously available but here is a major difference, bonusing isn't something that is something that the developer pursues. They don't have to go with bonusing, they don't have to do more development, higher buildings, that's their choice, it's based on, on the economics of whether that's a good decision on their behalf. We think IZ will not be, it will be much more prescriptive of what a builder and a developer needs to do and so there's a significant difference there and we need to understand what those requirements will be. Just give you some simple questions, I think that Councillor Hopkins mentioned a few of them that we have like, do the building heights in the OPA include units required by IZ or will IZ units be in addition to these sites? You know the staff mentioned that the, the height that's included in this OPA is the max including bonusing.
- Councillor Cassidy: You have twenty seconds left.
- Mike Wallace, London Development Institute: How much?

- Councillor Cassidy: Twenty.
- Mike Wallace, London Development Institute: I'll get there. Thank you Madam Chair. We don't, we don't know about the flexibility of the IZ zoning, we don't know anything, we don't even know about ownership. What if you build a condominium that has ownership that's different than a building that is rental, how does IZ apply? All those issues. At the end of the day Madam Chair, we think this is premature, it has to go to the Minister, it's not here for approval, we think you should defer I don't, I don't know what wording you want to use on it. Let us work with the City on the IZ by-law.
- Councillor Cassidy: Okay, you're well beyond your five minutes.
- Mike Wallace, London Development Institute: Move this forward and the by-law at virtually the same time so we all understand where we're working from.
- Councillor Cassidy: You are well past your five minutes now Mr. Wallace.
- Mike Wallace, London Development Institute: I am happy to answer any questions to give myself more time. Thank you.
- Councillor Cassidy: Thank you. Are there any other members of the public in the committee rooms who would like to speak to this issue? One more chance. Anybody left in those committee rooms who would like to address the Committee and talk about the issue of Protected Major Transit Areas? None. Okay. I will look for a motion to close the public participation meeting.