

## 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:** 1524400 Ontario Inc.  
185 Horton Street East

**Public Participation Meeting on: February 8, 2021**

## Recommendation

That, on the recommendation of the Director, Development Services, with respect to the application of 1524400 Ontario Inc. relating to the property located at 185 Horton Street East, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting February 23, 2021 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** an Arterial Commercial Special Provision (AC4(11)) Zone, **TO** an Arterial Commercial Special Provision Bonus Zone (AC4(\_\_)/B\_\_) Zone;

The Bonus Zone shall be implemented through one or more agreements to facilitate the development of a high quality mixed-use commercial/residential apartment building with a maximum density of 389 units per hectare and a maximum height of 51 metres (16-storeys) which substantially implements the Site Plan and Elevations attached as Schedule "1" to the amending by-law in return for the following facilities, services and matters:

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

### Building Design

- i) High quality architectural design (building/landscaping) including a common design theme for residential and commercial elements; and provision of structured parking facilities and screening for surface parking areas.

### Underground Parking

- i) Underground Parking Structure parking provided to reduce surface parking areas (a minimum of 27 subsurface spaces provided).

### Outdoor Amenity and Landscaping

- i) Common outdoor amenity area to be provided in the northeast quadrant of the site; and rooftop terraces above the 7<sup>th</sup>, 12<sup>th</sup> and 16<sup>th</sup> floors.
- ii) Landscape enhancements beyond City design standards, including theme lighting.
- iii) Landscape plans for common outdoor amenity areas to incorporate hard landscape elements and drought resistant landscaping to reduce water consumption.

### Sustainability

- i) Provides a pedestrian-oriented environment along Horton Street East, which facilitates passive surveillance of the streetscape and, ultimately, safer streets.

- ii) Fosters social interaction and facilitates active transportation and community connectivity with Downtown.
- iii) The subject lands are close to public open space and parkland in the area, particularly Thames Park, Charles Hunt Park, and the Thames River Pathway system, which provides recreational opportunities for residents (passive and active).

## Executive Summary

### Summary of Request

The applicant requested an amendment to the Zoning By-law Z.-1 to change the zoning from one that permits apartment buildings to one that facilitates the development of a residential/dormitory use at 185 Horton Street. The intended outcome is to construct a 16 storey dormitory.

The applicant is also requesting a new definition for a “Dormitory” which means a building or structure where residents have exclusive use of a bedroom but common facilities such as washrooms, kitchens, and common areas, and where each resident individually compensates the owner for providing the accommodation. The dormitory definition is only intended to apply to the subject lands and to only be used by students attending the London International Academy.

### Purpose and the Effect of Recommended Action

The recommended zoning will permit a stand-alone building with 209 dormitory rooms and 296 beds. The subject lands are currently occupied by a 3-storey low-rise apartment building (Ivey Hall) at the front of the site that is used by London International Academy to house a portion of their student population. A vacant 2-storey industrial type building is located to the rear of the subject lands. As part of this proposed development the existing low-rise apartment building is to be retained, and the vacant building to the rear will be demolished.

The recommended amendment modifies the applicant’s requested definition such that it is proposed to read as follows:

*“Dormitory” - meaning a residential building in association with and ancillary to an educational institution where residents have exclusive use of a bedroom with a separate entrance from a common hall and share common facilities such as washrooms, kitchens, lounges, recreation rooms and study facilities.*

### Rationale of Recommended Action

1. The recommended amendment to Zoning By-law Z.-1 is consistent with the 2020 Provincial Policy Statement (PPS) which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents present and future.
2. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions, Homelessness Prevention and Housing policies, and City Design policies. The subject lands represent an appropriate location for residential intensification, along a higher-order street at the fringe of the downtown area, and the recommended amendment would permit development at a magnitude that is suitable for the site adding a connection between the downtown and abutting neighbourhood.
3. The recommended amendment conforms to the in-force policies of the 1989 Official Plan including, but not limited to the Policies for the Main Street Commercial Corridor designation. The recommended amendment would permit development at an intensity that is at the upper range of the maximum density for

residential intensification within the Main Street Commercial Corridor designation but still ensures the nature of development is suitable for the site and the immediate neighbourhood. The recommended amendment would help to reach the objective of supplying additional institutional housing choices and options for students attending educational institutions in the downtown.

4. The recommended Zoning By-law amendment is consistent with the SoHo (South of Horton Street) Community Improvement Plan with the redevelopment of the Mixed Use Mainstreet District along Horton Street by facilitating development that complements the Mainstreet District on Horton Street E one block east of the subject site.
5. The subject lands represent an appropriate location for institutional and residential intensification, along Horton Street and the recommended amendment would permit an apartment/dormitory development at an intensity that is appropriate for the site and the surrounding neighbourhood.

## **Linkage to the Corporate Strategic Plan**

Building a Sustainable City - London's growth and development is well planned and sustainable over the long term.

## **Analysis**

### **1.0 Background Information**

#### **1.1 Previous Reports Related to this Matter**

**May 12, 2003** – Planning Committee (OZ-6971) – Application by 1625987 Ontario Inc. (Anthony F. Steele) regarding the property located at 185 Horton Street to Plan to add a specific area policy to amend the Zoning By-law Arterial Commercial Special Provision AC4(11) to permit a residential apartment building up to a maximum density of 160 units per hectare.

#### **1.2 Planning History**

The building at 185 Horton Street East was formerly owned and occupied by the Salvation Army Men's Mission. The Salvation Army operated a mission shelter and thrift store at this location for many years. They recently sold the property and have since moved to their new facility at the corner of Bathurst Street and Wellington Street. The proposed dormitory would allow the London International Academy to house their entire student population at one single location rather than dispersed throughout multiple buildings within the Downtown Area. The existing apartment building is located south of the CN railway line which is the border that separates the Downtown area from the South of Horton Street neighbourhood (SoHo). In June of 2011 Council adopted the SoHo Community Improvement Plan.

There has been application activity in the surrounding area in the past few years. An application was made by Responsible Community Living London Non-Profit Corporation (Planning Division file Z-6255) to amend the zoning on the property to the east at 191 Horton Street, as well as the rear portion of 202 Simcoe Street. In August 2002, Municipal Council approved an amendment to the Zoning By-law to change the zoning from an Arterial Commercial AC4 Zone and a Residential R3 (R3-1) Zone to a Residential R7/Residential R9/Arterial Commercial (R7•D100•H13/R9-3•H13/AC4) Zone to permit residential uses serving populations with special needs including senior citizen apartment buildings, nursing homes, continuum of care facilities, apartment buildings, and emergency care establishments at a maximum density of 100 units per hectare (40 unit/acre), and maximum height of 13 metres (42.6 ft.); in addition to the uses permitted under the AC4 Zone.

The zoning that was approved for 191 Horton Street and the rear portion of 202 Simcoe Street was the same zoning previously approved for the properties immediately to the

east at 205 Horton Street. In September 2001, Responsible Community Living London Non-Profit Corporation applied for a zoning by-law amendment (Planning Division file # Z-6160) for the lands at 195-205 Horton Street and 223-225 Clarence Street to permit a long term care facility and transitional housing for women. This amendment was subsequently passed by Council in January 2002.

In November 2005, Municipal Council approved an amendment to the Official Plan (file OZ-6971), to add a specific area policy in Chapter 10 of the Official Plan for the City of London to permit a residential apartment building with a maximum density of 160 units per hectare (64 units per acre). An amendment to the Zoning By-law was also approved by Municipal Council to change the zoning from an Arterial Commercial AC4 Zone to an Arterial Commercial Special Provision AC4(11) Zone to permit the conversion of the existing building (former Salvation Army shelter) to an apartment building; including a new rear addition and demolition of the existing warehouse/storage buildings. On August 26, 2005, Minor Variance application (A.166/05) was also applied for concurrently to the Committee of Adjustment for minor variances with respect to the request to permit a lot coverage 41% whereas 40% is the maximum, permit 36 parking spaces whereas 40 parking spaces are required, a gross floor area maximum of 3,730.0m<sup>2</sup> (40,150.6 sq. ft.) whereas 800.0m<sup>2</sup> (8,611.4 sq. ft.) maximum is permitted and a building height of 10.5m whereas 10.0m maximum is permitted, to allow 0.0m (0.0') front yard setback from the ultimate road allowance of Horton Street East to the parking area whereas 3.0m (9.8') is required. These variances were subsequently passed by the Committee of Adjustment on November 14, 2005.

## **1.2 Property Description**

The subject property is located on the south side of Horton Street East, west of Clarence Street and east of Richmond Street. The site is currently occupied by a 3-storey low-rise apartment building (Ivey Hall) that is used by the London International Academy (LIA) to provide residential accommodations to a portion of their student population. A vacant 2-storey industrial-type building is located to the rear of the subject lands. As part of this proposed development the existing low-rise apartment building is to be retained, and the vacant industrial type building will be demolished to accommodate the proposed dormitory use on the site.

A range of uses and built forms surround the subject site with varying building heights from 1-storey to 3-storeys. The most notable of these buildings consist of Memorial Boys and Girls Club, Pathways Skill Development, R.G. Huxley Jeweller's plaza, Labatt Brewery, York Development offices, in addition to a small group of single detached and multi-unit dwellings along Simcoe Street. Both Richmond Street and Clarence Street have a comparable street character, uses, and building forms as those along Horton Street East. The Richmond Street underpass leading to downtown London provides a pause in the street character along this section of street in the area.

## View of 185 Horton Street looking south



### 1.1 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation – Main Street Commercial Corridor
- The London Plan Place Type – Urban Corridor
- Existing Zoning – Arterial Commercial Special Provision (AC4(11)) Zone

### 1.2 Site Characteristics

- Current Land Use – 3-storey low-rise apartment building
- Frontage – approximately 42.3 metres (139 feet)
- Depth – approximately 60.23 metres (197.61 feet)
- Area – approximately 2,547.5 square metres (27,421.06 square feet)
- Shape – rectangular

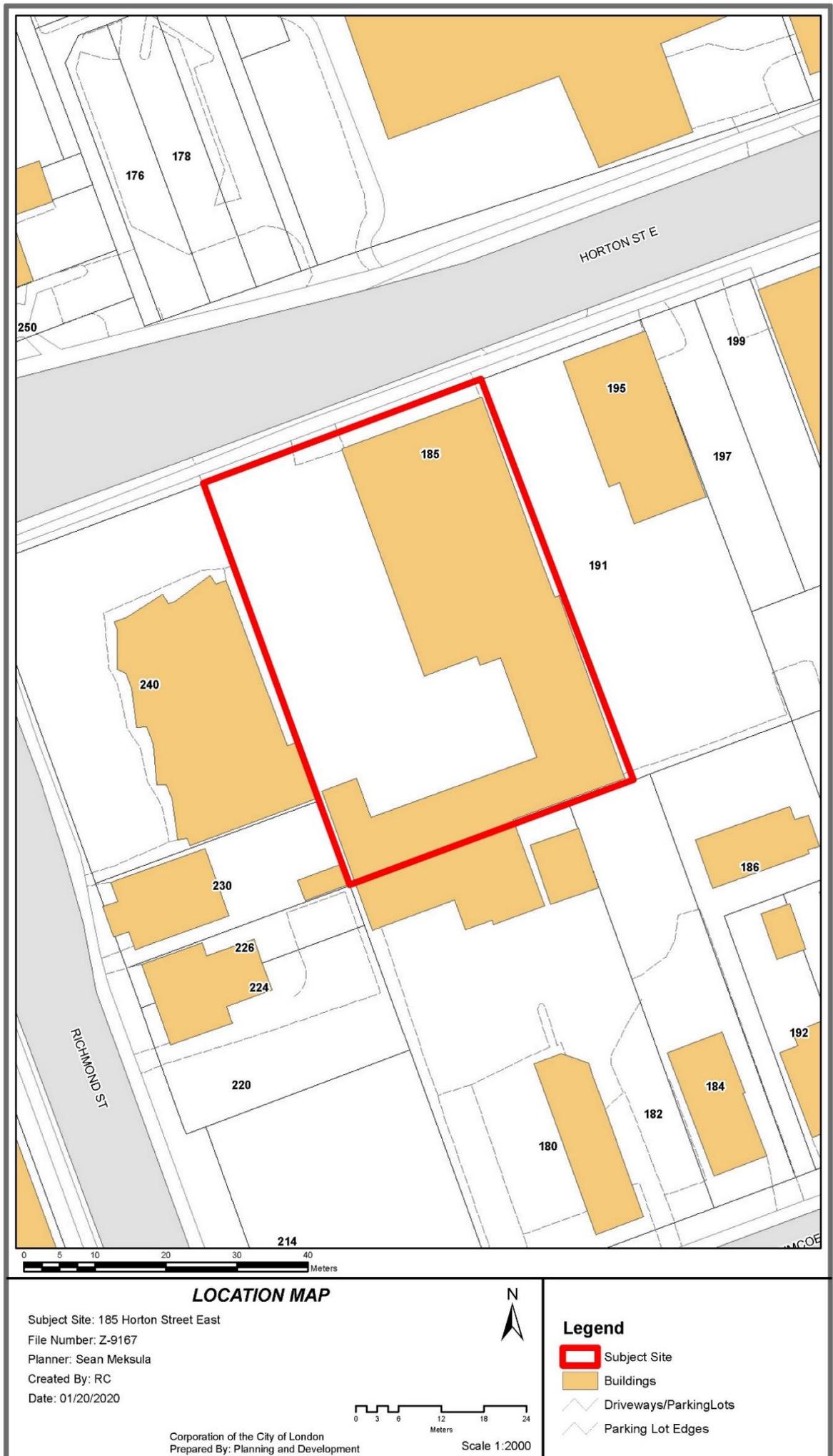
### 1.3 Surrounding Land Uses

- North – commercial recreation establishment
- East – office use with training facilities
- South – single detached dwellings, converted dwellings
- West – commercial plaza with small scale retail, office, personal services, single detached dwellings and converted dwellings

### 1.5 Intensification

- The recommended zoning will permit a stand-alone dormitory building which will have 156 dormitory units, with a total of 191 beds, in addition to the existing 3-storey apartment building which will remain and contain 53 dormitory units, with 105 beds.
- In total the subject lands will have 209 dormitory units, and 296 beds.
- As per the recommended zoning by-law amendment the density of the requested use will be based on a 3:1 ratio of 3 beds equals 1 dwelling unit. As a result, the proposed 296 beds converts to a density of 389 units per hectare.
- This development represents intensification inside the Built-Area Boundary and within the Primary Transit Area.

## 1.6 LOCATION MAP



## 2.0 Discussion and Considerations

### 2.1 Development Proposal

The applicant intends to develop the site in conjunction with the existing 3-storey low-rise apartment building (Ivey Hall) that is used by LIA to house a portion of their current student population. The existing building contains 53 dormitory units, with 105 beds. The Zoning By-law amendment application under consideration is to permit a dormitory use and the proposed 16 storey apartment building and underground parking structure. The proposed building will have 156 units with a total of 191 beds. In total the subject lands will have 209 units, and 296 beds and density of 389 units per hectare. The term 'Dormitory' will also be added to the definition section of the Zoning By-law, as this use is not currently defined but is proposed as follows:

*“Dormitory” - meaning a residential building in association with and ancillary to an educational institution where residents have exclusive use of a bedroom with a separate entrance from a common hall and share common facilities such as washrooms, kitchens, lounges, recreation rooms and study facilities.*

The vacant industrial-type building at the rear of the lot will be demolished to accommodate the proposed dormitory use on the site.

#### **Revised elevations (submitted October 19, 2020)**

On October 19, 2020 the applicant submitted revised elevations with changes to address concerns related to the amount of transparent openings versus spandrel panels on the west façade of the new building. Key changes to the proposal include:

- The applicant has agreed to implement a fire suppressant system that will permit additional transparency on the west elevation.
- On the west elevation the applicant was able to increase the amount of window openings from 13.5% to 23.5%, with the locations of most of the previous spandrel panels becoming transparent.
- The included night rendering reflects the amount of transparent openings versus spandrel panels on the west façade. This is a significant change from the original elevations, which are in line with the request of the City's Urban Design requirements.

**Figure 1 – Site Concept**

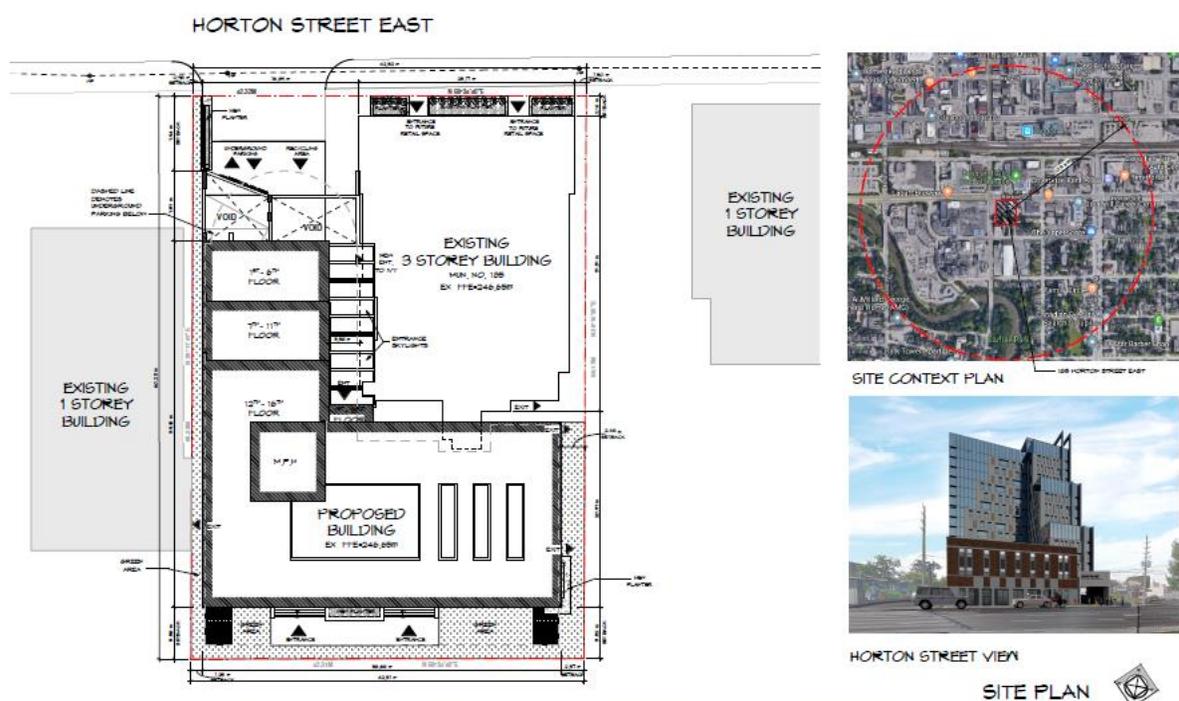


Figure 2 – Elevations - Street View



NORTHEAST PERSPECTIVE



NORTHWEST PERSPECTIVE

Figure 3 - Original Renderings (January 2020) – North and South Views



Figure 4 - Original Renderings (January 2020) – East and West Views



Figure 5 - Revised Renderings (November 2020) – North and South Views



Figure 6 - Revised Renderings (November 2020) – East and West Views

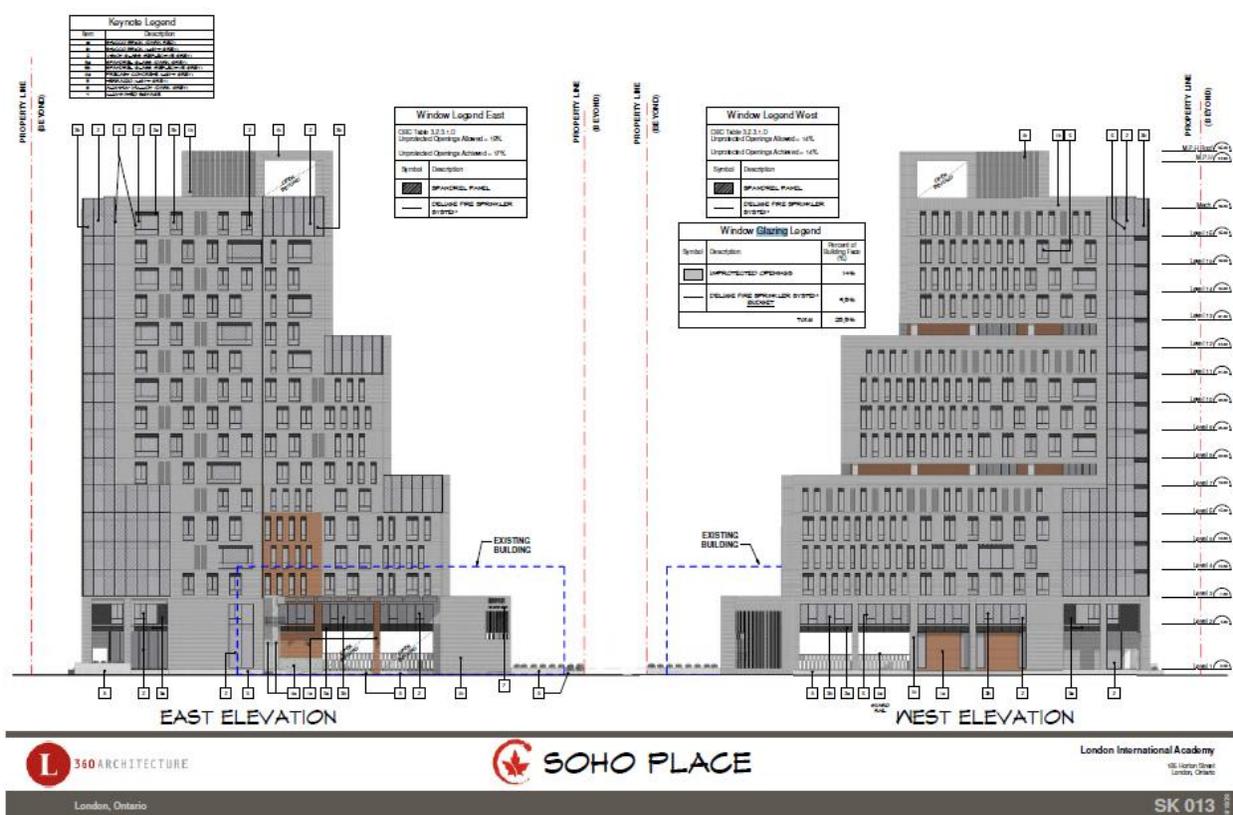
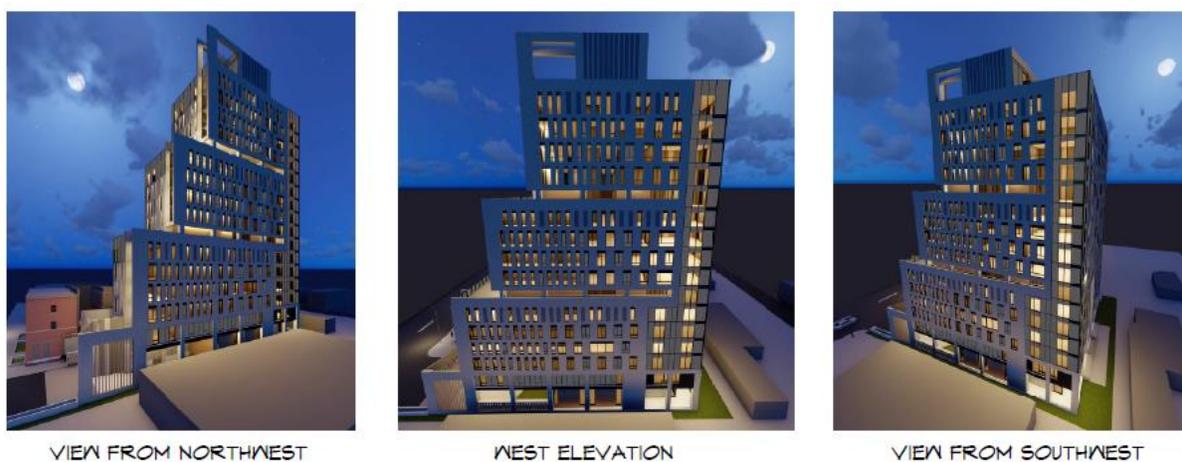


Figure 7 - Night Renderings (November 2020)



### 3.0 Financial Impact/Consideration

There are no direct municipal financial expenditures associated with this application.

### 4.0 Key Issues and Considerations

#### 4.1 Requested Amendment

An amendment to Zoning By-law Z.-1 has been requested to change the zoning from an Arterial Commercial Special Provision (AC4(11)) Zone to an Arterial Commercial Special Provision Bonus Zone (AC4(\_\_)/B\_\_) Zone to permit a dormitory with 209 units and 296

beds with a density of 389 units per hectare. New definition of “Dormitory”, which was drafted by the applicant and requested to be added to the list of uses, means a building or structure where residents have exclusive use of a bedroom but common facilities such as washrooms, kitchens, and common areas, and where each resident individually compensates the owner for providing the accommodation. Special provisions are requested to establish a maximum building height to 50.4m, a minimum rear yard setback of 5.5m, minimum east interior side yard setback of 2.37m, minimum west interior side yard setback of 0.98m, a maximum lot coverage of 51% and a reduction of parking to 27 spaces.

The bonus zone would permit a residential density of 389 units per hectare (209 units) and maximum height of 50.4 metres in return for eligible facilities, services and matters outlined in Section 19.4.4 of the Official Plan. Other provisions such as interior/exterior side yard setbacks and lot coverage may also be considered through the re-zoning process as part of the bonus zone.

The City may also consider additional special provisions and a holding provision to address compatibility between abutting land uses.

#### **4.2 Community Engagement (see more detail in Appendix B)**

A Notice of Application was sent to property owners within a 120 metre radius of the subject site on February 13, 2020 and was published in *The Londoner* on February 14, 2020. One “Possible Land Use Change” sign was placed in the subject buildings front window, fronting onto Horton Street East. Written replies were received from four (4) individuals requesting information on the status of the application as well as support for the application.

The public’s comments generally included:

- support for mixed-use development,
- improvement of area generally and to pedestrian traffic which may lead to business development in plaza close by with high turnover of store-front businesses.
- increases in pedestrian activity level in the area, making it safer for everyone.
- set back from the property line on the east and west sides of their building; during and post construction;
- traffic will be an issue,
- risk of damage to surrounding properties during and after construction,
- safety of neighbourhood and people in the neighbourhood once this is built,
- concern about population density growth, noise issues
- this does not solve the problem of the homelessness,
- snow storage and garbage buildup along property boundary,
- access by animals and or homeless taking shelter,
- sufficient lighting from dusk until dawn in this narrow space,
- 16 stories is too high and will cast a lot of shade.

#### **4.3 Policy Context (see more detail in Appendix C)**

The Provincial Policy Statement (PPS), 2020 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 affordable and market-based range and mix of residential types, employment and institutional uses to meet long-term needs (1.1.1b.). The PPS also directs planning authorities to identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, (1.1.3.3).

The policies of the PPS also direct planning authorities to identify appropriate locations and promote opportunities for residential intensification (Policy 1.1.3.3) 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 that long-term economic prosperity should be supported by optimizing the long-term availability and use of land, resources, infrastructure and public service facilities while maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets (Policy 1.6.7.4). 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.

The London Plan implements a strategy through the implementation of Key Directions. Relevant to this is key Direction #5 to build a mixed-use compact city by:

- Planning to achieve a compact, contiguous pattern of growth – looking “inward and upward”;
- Sustain, enhance, and revitalize 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;
- Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place. (Key Direction #5, Directions 2, 4 and 5). The London Plan also provides direction to build strong, healthy and attractive neighbourhoods for everyone;
- Manage outward growth through the use of an Urban Growth Boundary and by supporting infill and intensification in meaningful ways:

The subject site is located in the Urban Corridor Place Type on \*Map 1 – Place Types in The London Plan, with frontage on a Civic Boulevard (Horton Street East). Permitted Uses in a Civic Boulevard Place Type contemplate a broad of residential, retail, service, office, cultural, recreational, and institutional uses for the subject lands and mixed-use buildings are encouraged (\*837\_). The London Plan uses height as a measure of intensity in the Urban Corridor Place Type. In accordance with \*Table 9 – Maximum Height in the Rapid Transit and Urban Corridor Place Types, a minimum height of 2-storeys is required and a maximum height of 12-storeys, and up to 16-storeys through Bonus Zoning is contemplated. The London Plan provides opportunities for residential intensification and redevelopment within the Urban Corridor Place Type where it is appropriately located and a good fit with the surrounding neighbourhood.

## **1989 Official Plan**

The 1989 Official Plan contains policies that guide the use and development of land within the City of London and is consistent with the policy direction set out in the PPS.

The subject lands on the south side of Horton Street East, between Richmond Street and Wellington Street, are designated Main Street Commercial Corridor (MSCC) in the City of London 1989 Official Plan. This designation applies to the subject property at 185 Horton Street East.

The Main Street Commercial Corridor designation is normally applied to long established, pedestrian-oriented shopping areas in the older parts of the City. This designation may also be applied to new commercial areas provided that a mixed use, street oriented form of development is proposed. Proposals for the creation of new Main Street Commercial Corridors shall be supported by a comprehensive design concept and design guidelines. These areas typically consist of small, separately-owned and managed commercial properties that meet the frequent shopping and service the needs of nearby residents or provide specialty shopping for customers from a much larger area.

The 1989 Official Plan uses density and height as measures of intensity for residential uses. Residential densities within mixed-use buildings in a Main Street Commercial Corridor designation should be consistent with densities allowed in the Multi-Family, High Density and Medium Density Residential designations according to the provisions of Section 3.4.2 i). of the Official Plan. Development of the site or area for high density residential uses shall take into account surrounding land uses in terms of height, scale and setback and shall not adversely impact the amenities and character of the surrounding area. Net residential densities in the Multi-Family, High Density Residential designation will vary by location and will be directed by the policies in this Plan. Excluding provisions for bonusing, net residential densities will normally be less than 350 units per hectare (140 units per acre) in the Downtown Area, 250 units per hectare (100 units per acre) 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), and 150 units per hectare (60 units per acre) outside of Central London.

### **SoHo (South of Horton Street)**

The SoHo Community Improvement Plan vision states: *“Our SoHo will be a vibrant and healthy urban neighbourhood that celebrates its rich sense of community and heritage. With its unique links to the Downtown and Thames River, SoHo will be a great place to live, work, shop and play!”*

The proposed amendment allows for an existing apartment building and proposed addition to continue to be used as a dormitory for the London International Academy students, and will help implement the SoHo Community Improvement Plan’s Vision Statement by providing for neighbourhood redevelopment with a continued link to the downtown.

## **4.4 Use**

### **Provincial Policy Statement, (PPS), 2020**

The Provincial Policy Statement (PPS), 2020 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. The PPS encourages intensification and redevelopment where it can be accommodated, which takes into account the existing building stock and the suitability of existing or planned infrastructure (1.1.3 PPS). The proposal will add 156 dormitory units with a total of 191 beds to a site that has already been zoned to permit the construction of an apartment building and has full access to municipal services within an existing residential neighbourhood. Land use within settlement areas shall be based on densities that efficiently use land and resources, and are appropriate for and efficiently use the infrastructure and public service facilities that are planned or available and support active transportation (1.1.3.2.a) & 1.4.3.d)). The additional 156 dormitory units will efficiently utilize public services within an existing residential neighbourhood. Further, the additional 156 dormitory units will assist in achieving an established intensification target for built up areas, in accordance with the PPS (1.1.3.5).

## **The London Plan**

The subject lands are located within the Urban Corridor Place Type with frontage on a Civic Boulevard in The London Plan. The range of uses permitted within the Urban Corridor Place Type is directly related to the classification of street onto which a property has frontage Section (\*837\_ - Range of Permitted Uses in the Urban Corridor Place Type). While The London Plan contemplates a broader range of uses along higher-order streets within the Urban Corridor Place Type (\*837\_ 1 & 4), residential, retail, service, office, institutional and a mix of uses within an individual building will be encouraged to front the street at grade.

The recommended mixed-use dormitory building will provide for the development of an underutilized site with a similar land use that is currently permitted and compatible with the surrounding lands, at an intensity and height that is suitable for its location near the interface with the downtown area. This development at this location is considered appropriate as the mixed-use institutional/commercial building will take advantage of the surrounding resources, infrastructure and public service facilities, and will be pedestrian and transit-supportive. The recommended zoning will permit a stand-alone, mixed dormitory building with 209 dormitory units and 296 beds in association with institutional uses.

## **1989 Official Plan**

The 1989 Official Plan supports the provision of a choice of dwelling types so that a broad range of housing requirements are satisfied (Section 3.1.1 ii)). Main Street Commercial Corridor (MSCC) areas are “normally applied to long established, pedestrian-oriented shopping areas in the older parts of the City”. Permitted uses within the MSCC include, small-scale retail uses, service and repair establishments, food stores, financial institutions, community facilities, correctional and supervised residences, and residential uses. The preferred location for MSCC include lands primarily along arterial corridors in older parts of the City that often consist of small, pedestrian-oriented commercial uses, but can include a mix of residential, light industrial uses, and community facilities. Zoning on the lands will not permit the full range of uses mentioned.

Residential development within the MSCC designation is to be consistent with the density permission of the medium and high density residential policies as mentioned in Section 3.4.3 of the OP. The subject lands are within Central London, and as such are permitted up to 250 units per hectare (“uph”) of density. Council may consider increasing density above 250 uph. In 2005, a site specific policy was added to Chapter 10 of the Official Plan that would permit an apartment building on the subject lands with a density of 160 units per hectare. This policy was added prior to the Main Street Commercial Corridor designation being applied which now contemplates additional density permission. As such, when the MSCC designation was introduced, the previous site specific policy which permits up to 160 uph resulted in a more restrictive policy framework than the general policy cap of 250 uph contemplated by the current Main Street Commercial Corridor designation.

The objectives of these corridors are intended to provide for the redevelopment of vacant, underutilized or dilapidated properties for one or more of a broad range of permitted uses at a scale which is compatible with adjacent development while maintaining a similar setback and character to the existing uses. The proposed development provides for the rehabilitation and renewal of the lands, with a distinctive functional use for the area. The redevelopment of the lands also provides for an enhanced pedestrian nature of the Main Street Commercial Corridor, which is accessible with walkable sidewalks and proper lighting, creating a strong identity of place, and supporting public transit. The proposed dormitory use is considered a type of commercial/institutional use which is permitted under the Main Street Commercial Corridor designation.

## **SoHo (South of Horton Street)**

The proposed dormitory development implements the mixed use zoning and an expanded range of permitted uses for residential dwellings along the Hamilton Road East corridor

which allows for increased uses to assist with the redevelopment of this area of the SoHo neighbourhood. The enlargement of the existing building improves, enhances and revitalizes the existing streetscape of Horton Street East. That will promote a pedestrian-oriented environment along Horton Street East. The property was previously used for a specialized residential facility for many years and there is no history of land use compatibility problems or adverse impact on surrounding uses. The proposed dormitory conversion and addition is considered to be compatible with surrounding uses.

#### **4.5 Intensity**

##### **Provincial Policy Statement, (PPS), 2020**

The PPS directs growth to settlement areas and encourages their regeneration (Policy 1.1.3.1). Policies also require that land use patterns be based on densities and mix of uses that efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available; minimize negative impacts on the environment; promote energy efficiency; support active transportation; and are transit supportive where transit is planned, exists or may be developed (Section 1.1.3.2). Planning authorities are to identify appropriate locations and promote opportunities for intensification and redevelopment where it can be accommodated considering matters such as existing building stock, brownfield sites, and suitable existing or planned infrastructure and public service facilities. (Policy 1.1.3.3). The PPS is supportive of development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4). The proposed development provides for intensification in conformity with the PPS

##### **The London Plan**

The London Plan encourages growing “inward and upward” to achieve compact forms of development (Policy 59\_ 2, Policy 79\_). The London Plan accommodates opportunities for infill and intensification of various types and forms (Policy 59\_ 4). To manage outward growth, The London Plan encourages supporting infill and intensification in meaningful ways (Policy 59\_ 8). Table 9 shows the minimum height, maximum height, and maximum height with bonus zoning that may be permitted in the Rapid Transit and Urban Corridor Place Types (\*Policy 839\_).

Within the Urban Corridor Place Type, built form is intended between a minimum of 2 storeys or 8m, and a maximum standard height of 6 storeys, with the potential to bonus up to 8 storeys (\*Table 9). Buildings in these three Main Street segments will be a maximum of 12 storeys in height. Type 2 Bonus Zoning beyond this limit, up to 16 storeys, may be permitted in conformity with the Our Tools part of this Plan (Policy 847\_2). The London Plan uses height as a measure of intensity in the Urban Corridor Place Type. While The London Plan does not limit densities within the policy context it does include standards for the development of more intensive land uses. Buildings in Urban Corridor Place Types are to be sensitive to adjacent land uses and employ such methods as transitioning building heights or providing sufficient buffers to ensure compatibility.

The Urban Corridor Main Street segment policies apply to SoHo - Wellington Street from the CN tracks to the south branch of the Thames River and Horton Street from Colborne Street to lands just west of Richmond Street (Policy 844\_ 3). The site is also located near the Main Street segment near Wellington Street that has been developed, historically, for pedestrian oriented shopping or commercial activity in the older neighbourhoods of the city. In an effort to provide local shopping and commercial options so that residents can walk to meet their daily needs The London Plan supports a linear configuration and street-oriented forms of development, meaning that buildings will be close to the street with parking generally located to the rear of the site, underground, or integrated into the mass of the building. A broad range of uses at a walkable neighbourhood scale will be permitted within these areas (Policy 845\_).

The London Plan contemplates intensification where appropriately located and provided in a way that is sensitive to and a good fit with existing neighbourhoods (\*Policy 83\_, \*Policy 86\_, \*Policy 839\_, \*Policy 840\_, Policy 844\_ 3, Policy 845\_, \*Policy 937\_, \*Policy

939\_ 3, 5 and 5, and \*Policy 953\_ 1.). The London Plan directs that intensification may occur in all place types that allow for residential uses (Policy 84\_).

The proposed 16-storey building has been designed in a manner which will fit within the existing and planned scale/character of the surrounding streetscape. The location of the site itself and the placement of the building close to the property lines are consistent with other developments in the area. While the proposed building is 16-storeys in height the proposed setbacks move the built form away from the property lines reducing potential impacts on the abutting lands. It is recognized that the development is one of the first mixed use re-developments within in this area and provides a different built form than what currently exists. The development, however, implements the planned vision of the Urban Corridor Place Type helping establish an appropriate form and scale of development while complementing the character of the area. This proposal is considered to represent an appropriate intensity of development. While the applicable policies of the Urban Corridor Place Type are under appeal, and the Place Types Map has not been approved by the Local Planning Appeal Tribunal.

### **1989 Official Plan**

Redevelopment or infilling of commercial uses within a Main Street Commercial Corridor designation shall form a continuous, pedestrian-oriented shopping area and shall maintain a setback and storefront orientation that is consistent with adjacent uses. Residential densities within mixed-use buildings in a Main Street Commercial Corridor designation should be consistent with densities allowed in the Multi-Family, High Density and Medium Density Residential designations according to the provisions of Section 3.4.3. Scale of Development. Under these provisions net residential densities will normally be less than 150 units per hectare outside of Central London.

Policy 3.4.3. of the Multi-Family, High Density Residential policies of the Plan which governs net residential densities for high density residential development in various locations in the City, including the Downtown Area. While the policy permits a maximum density of 350 units per hectare. This density is less than the required density 389 units per hectare to accommodate the retention of the existing units on the subject property, and the proposed new dormitory building.

Policy 3.4.3. ii) refers to applications for proposals to allow higher densities than would normally be permitted. This policy requires a site to be located at the intersection of two arterial roads or an arterial road and a primary collector road, and well served by public transit; the development must contribute unique attributes that have a public benefit such as enhanced open space, recreational facilities, or innovative forms of housing and architectural design features; parking facilities designed to reduce visual impact; conformity with urban design principles in Section 11.1. Council may consider proposals to allow higher densities than would normally be permitted through density bonusing. Under Section 3.4.3.(iv) and Section 19.4.4. In such cases, Council may allow an increase in the density above the limit otherwise permitted by the Zoning By-law in return for the provision of certain public facilities, amenities or design features.

While the subject property is not located at the intersection of two major roads, it is one property removed from the intersection of two arterial roads (Richmond Street and Horton Street East) that are serviced by public transit. The existing building does contribute a unique attribute to the community having public benefit. At grade parking facilities are not being proposed for the subject proposal and as such visual impact does not apply. In view of these criteria, the subject property is considered to meet the general intent of this policy. As such, a bonus zoning of 389 units per hectare is recommended for the subject property.

### **SoHo (South of Horton Street)**

Neighbourhood Places is a component of the SoHo Community Improvement Plan (CIP) that identifies key initiatives for creating better places to socialize. Improved opportunities for retail/commercial and greater connections to public transit are promoted. Vibrant neighbourhood places form the heart of every community. Through the design of these

places opportunities exist to improve mental, social and economic health of the community, which provides a better overall quality of life.

The proposed dormitory use helps to implement the SoHo CIP by enhancing economic activity, promoting mixed use development and reinvesting in the existing infrastructure along the Huron Street East corridor. The intensification and revitalization of these lands also provides greater exposure for retail/commercial uses Downtown and a greater connection to public transit for the future students.

## **Analysis**

The subject lands are an appropriate site and location for the intensity that is proposed as they are located adjacent to a range of commercial land uses to the north, east and west, as well as low density residential land uses to the south. The lands are also located on an arterial road with access to public transit which is within walking distance to Downtown London, and approximately 7 transit routes (with (2) two located adjacent to the subject lands). The site is appropriately sized to accommodate the proposed number of dormitory units with parking facilities, amenity area, and appropriate building setbacks.

The requested density of the proposed dormitory use is 389 units per hectare for the entire site. The densities and building height of 16-storeys are in keeping with newer developments within downtown and the surrounding area. This proposal represents a form of intensification and infilling of a site that fronts along a Main Street with opportunities for a higher intensity development in the rear. The proposed development is of a density and compactness that will make full use of municipal services, minimizing consumption of land and servicing costs.

The applicant has indicated that the proposed intensity and height can be implemented in a sensitive and compatible manner in relation to adjacent uses. The Planning Justification Report indicates there are sufficient separations and buffers between the proposed building and the surrounding low profile residential uses. The adjacent properties to the east and south are occupied by parking and landscaped open space, with existing vegetation and mature trees along the property boundary to screen the proposed development. The west side of the building abuts the rear portion of an existing commercial building where there will be an approximately 1 metre of separation distance between the buildings. Since there are no windows on the rear of the commercial building this should minimize privacy concerns between the future residents and the existing residential dwellings and tenants of the commercial use to the west. Overall, the level of intensity as proposed is considered appropriate for the site, size, and location; contributes to efficient use of public infrastructure, services, and facilities; encourages compact, cost-effective development; and supports active transportation and public transit.

In regards to The London Plan, the Main Street segment of the Urban Corridor Place Type has additional height permissions for up to 12-storeys with the availability to bonus up to 16-storeys with Type 2 Bonusing. The recommended amendment and requested form of development is within the range of intensity envisioned in The London Plan.

## **4.6 Form**

### **Provincial Policy Statement, (PPS), 2020**

The PPS promotes development standards which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety (Policy 1.1.3.4). The PPS also supports the goal of achieving long term economic prosperity through land use planning and development by, maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets and among other matters, encouraging a sense of place by promoting a well-designed built form (Policy 1.7.1(d & e)).

## **The London Plan**

The London Plan requires that all planning and development applications conform to the City Design policies and the Urban Corridor Place Type policies provide guidance on the appropriate forms of development. The London Plan encourages compact forms of development as a means of planning and managing for growth (Policy 7\_, Policy 66\_). A high standard of urban design will be applied in the review of municipal projects and planning and development applications to enhance and protect residential amenity in the Primary Transit Area. All planning and development applications will conform to the City Design policies of The London Plan (Policy \*92\_7).

The Urban Corridor Place Type requires that buildings be sited close to the front lot line, and be of sufficient height, to create a strong street wall along Corridors and to create separation distance between new development and properties that are adjacent to the rear lot line. Buildings and the public realm will be designed to be pedestrian, cycling and transit-supportive through building orientation, location of entrances, clearly marked pedestrian pathways, widened sidewalks, cycling infrastructure and general site layout that reinforces pedestrian safety and easy navigation.

Lots within the Urban Corridors will be of sufficient size and configuration to accommodate the proposed development and to help mitigate planning impacts on adjacent uses (\*840.4). Even though no surface parking is provided for this addition, the site is able to provide 27 underground parking spaces which is in keeping with the Form Policies of the Urban Corridor Plan Type (Policy \*841\_). The site is large enough to accommodate the building while still providing adequate space to mitigate any impacts

## **1989 Official Plan**

The Main Street Commercial Corridor (MSCC) designation is generally applied to established, pedestrian-oriented shopping areas in the older parts of the City. Main Street Commercial Corridors are pedestrian-oriented and the Zoning By-law may allow new structures to be developed with zero front and side yards to promote a pedestrian streetscape.

The intent of these corridors is to provide for the redevelopment of vacant, underused or derelict properties for one or more of a broad range of permitted uses at a scale which is compatible with adjacent development by maintaining a comparable scale, setback and character to the existing uses. (Policy 4.4.1.1). To make sure these objectives of character, compatibility and scale are attained the MSCC has specific Urban Design Objectives (4.4.1.2) to provide guidance in evolution of these corridors appropriately. These objectives encourage the rehabilitation and renewal of Main Street Commercial Corridors and the enhancement of any distinctive functional or visual characteristics. In order to provide for and enhance the pedestrian nature of the Main Street Commercial Corridor, the provision of high quality façade design, accessible and walkable sidewalks, street furniture and proper lighting, creating a strong identity of place, and supporting public transit is encouraged.

The Multi-Family, High Density Residential designation is intended to accommodate large-scale, multiple-unit forms of residential development. A transition in scale shall be encouraged, where appropriate, to avoid extremes in building height and bulk between the new development and the existing built fabric of adjacent properties. Specific heights and densities are not established by the Official Plan policies, but policies addressing large sites outside of the Downtown and Central London area provide some guidance by indicating high-rise structures shall be oriented, where possible, closest to activity nodes (shopping and employment centres) and points of high accessibility (arterial roads, transit service) with densities and building heights decreasing as the distance from an activity node increases. Massive, at-grade or above-grade parking areas shall not dominate the site. Pedestrian circulation and access to transit services should be facilitated through site design and building orientation (Section 3.4.3.)

Main Street Commercial Areas should ensure that urban design provides continuity of the

urban fabric; provides incentives and flexibility for redevelopment opportunities; and, provides appropriate building massing and height provisions to ensure main streets define the public spaces in front of and in between buildings (Section 4.4.1.9.) Residential uses combined with commercial uses or free-standing residential uses will be encouraged in the Main Street Commercial Corridors to promote active street life and movement in those areas beyond the work-day hours. Residential development above existing commercial development should provide maximum privacy between private living spaces as well as adequate separation from commercial activity. Underground parking will be located in the building limiting visual impacts of the parking lot on the main street.

The proposed development is able to integrate with the existing less intensive development on Horton Street, while setting a positive quality of development within SoHo as future development/redevelopment occurs. The proposed building is located adjacent to the front property line creating a strong street wall and setting the context for a comfortable pedestrian environment. The proposal conforms to the 1989 Official Plan and the recommended intensification of the subject lands will optimize the use of land and public investment in infrastructure in the area. The redevelopment of the underutilized subject lands provides an opportunity for a cost-effective and compact built form that is compatible with abutting uses, maintains privacy, and will contribute to achieving more compact form of growth for this neighbourhood.

## **Analysis**

The building has been situated with minimal setbacks from the Horton Street right-of-way to maintain the established street edge and develop a comfortable pedestrian environment. The front entrance is directly connected to the public sidewalk and to an internal pathway system that leads to secondary entrances on the east side and rear of the building, and to underground parking, the recycling room and amenity area. The location and orientation of the building accommodates sufficient space between existing uses to the east and west along Horton Street, and extensive use of glass, glazing, combination of materials, and positioning of the building close to the street and sidewalk while providing step backs maintains the intent of the Main Street Segment of the Urban Corridor Place Type. The applicant's Planning Justification Report notes: "that the proposed development will redevelop an underutilized parcel of land that is proximate to a range of residential and commercial uses, which will provide an attractive, compatible, and complementary addition to the Horton Street East streetscape. The proposed development will contribute to the planned function of the area and provide a visually attractive building." Main streets can be planned to create a strong neighbourhood character and distinct sense of place, and the proposed apartment/dormitory use and building orientation to the street contributes to this planned vision.

As part of a complete application the applicant provided an Urban Design Brief, and attended the Urban Design Peer Review Panel to identify how the above-mentioned policies have been achieved through the building design and form. Both the Urban Design Peer Review Panel and Staff originally expressed concerns about the height and the constraints posed by the irregular site dimensions, the need to accommodate a significant student population and the desire to maintain the existing building. Further development of the west building elevation was recommended to ensure a positive contribution to the skyline by introducing additional fenestration to allow for light penetration and lighten the visual appearance of the building mass. The use of step-backs at various elevations was supported in order to provide interest and break up the massing of the building.

The revised plan will implement a fire suppressant system that will permit additional transparency on the west elevation. With this change the applicant was able to increase the amount of openings from 13.5% to 23.5%, allowing for most of the previous spandrel panels to become transparent. The development will provide an active and continuous street wall along Horton Street and will create an appropriate scale and rhythm through the use of step-backs, a variety of materials and fenestration. The proposal will create a form of development at an appropriate scale and remain compatible with the surrounding streetscape by incorporating underground parking and providing ground floor commercial

space with transparent glazing and principal entrances facing the street to create an active edge.

#### **4.7 Dormitory Definition and Density**

Dormitory uses are not a common term used outside of established post-secondary school institutions or within the current Zoning By-law No. Z.-1 Section 2- Definitions. Nevertheless the growing student population of downtown post-secondary institutions and the growing population of the London International Academy (LIA) has placed mounting pressure on their existing residence building and student rentals within the downtown. Student housing is a growing requirement for post-secondary institutions and private schools as educational admissions and enrolment from domestic and international students continue to increase from year to year within the City of London.

Currently students compete for housing with the general population which has removed residential units from the downtown market supply. The proposed dormitory would provide a safe and secure lodging solution for LIA and its students while freeing additional rental units for the general population in the downtown core.

The term 'Dormitory' will be added to the definition section of the Zoning By-law No. Z.-1 Section 2- Definitions, as this use is not currently defined. The proposed definition of Dormitory by the applicant is as follows:

*“Dormitory” – Means a building or structure where residents have exclusive use of a bedroom but common facilities such as washrooms, kitchens, and common areas, and where each resident individually compensates the owner for providing the accommodation.*

The recommended amendment slightly modifies the applicant's requested definition of dormitory such that it is proposed to read as follows:

*“Dormitory” - Means a residential building in association with and ancillary to an educational institution where residents have exclusive use of a bedroom with a separate entrance from a common hall and share common facilities such as washrooms, kitchens, lounges, recreation rooms and study facilities.*

The modifications to the definition of dormitory is intended to provide a more encompassing use where residents have limited shared cooking facilities within buildings that primarily provide sleeping and residential quarters for large numbers of people often attending boarding school, college or university. This inclusive community for the students provides a social environment, with safe and exclusive access to the building and resources in the building.

The proposed development requires less amenity space, parking, and is more suitable for the Central London area and neighbouring downtown as students are more likely to self-segregate within their own populations. In the future if the dormitory use was not used be required by the LIA and the building were to be sold, a Zoning By-law amendment would be required to permit an Apartment Building use on the lands. At that time, bonusing provisions such as affordable housing, transit contributions, and/or public art could be considered. The floors and units have been designed so that they can be easily converted to apartment units at some point in the future.

#### **4.8 Bonusing**

The proposed development seeks an increase in density and height, along with other special regulations through Bonus Zoning in exchange for public benefits. The 1989 Official Plan policies permit Bonus Zoning as a means to achieve public benefits that cannot be achieved through the normal development process in return for permitting increased building height and/or density. The Planning Act currently allows municipalities to permit the increase in height and density where a City has included bonusing provisions in their Official Plan. In return, the “facilities, services, and matters” offered as a public benefit are to be set out in the Zoning By-law.

The London Plan allows for the application of Type 2 Bonus Zoning in return for such matters as “Exceptional site and building design”. As it relates to the subject site, the applicant has included the use of an advanced fire suppression system to facilitate a significant amount of windows on the west side. Without the inclusion of this fire suppression system, the building code would have required a larger proportion of solid walls to be constructed to provide for fire separation from abutting properties. Additional design considerations include the provision within the development of rooftop terraces, underground parking, enhanced landscaping, innovative/sensitive design, sustainable development, walkable areas and transit-supportive design. A future site plan application will review whether the commensurate public benefits for the additional density meets the criteria for Bonus Zoning in the Official Plan. These features are outlined in detail in the Staff recommendation.

The application of a bonus zone requires that the potential impacts of intensification be considered through a planning impact analysis as described in Section 3.3.3 and 3.7.3 of the Official Plan. Through the preparation of this analysis, Staff have reviewed these criteria and believe that the proposed development demonstrates it is compatible in scale and intensity including building orientation, setbacks, transition of height variation from the street, a stepped style of development and pedestrian orientation to the streetscape.

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

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

Bonus Zoning is implemented through one or more agreements with the City that are registered on title to the lands. The agreements secure public benefit and elements of the development that merit the additional density. Through the site plan approval process, the proposed development will be reviewed to ensure that all facilities, services, and matters that have warranted bonus zoning have been incorporated into the agreements. Building and site features are highlighted in the recommendation and the amending by-law attached as Schedule “1” to Appendix D of this report.

## **Conclusion**

The requested zoning amendment, which includes bonusing for density, is considered consistent with Council's objectives to redevelop underutilized sites and to encourage new residential development in the SoHo neighbourhood. Developing new high density residential uses just outside the Downtown area, provides more opportunities for a larger resident population in close proximity to the commercial core of the Downtown. The recommended zoning amendment is consistent with that intent recognizing that the subject property is within walking distance to the commercial core of the Downtown.

The recommended amendments conform to the City of London Official Plan policies and Urban Corridor Place Type policies of The London Plan. The bonusing of the subject site ensures the building form and design will fit within the surrounding area while providing a high quality design standard. The revised development proposal for a dormitory is an appropriate land use, intensity, and form, which represents compatibility and fit within its context. For those reasons this proposal represents good planning.

### **Prepared by:**

**Sean Meksula, MCIP, RPP  
Senior Planner, 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**

Y:\Shared\DEVELOPMENT SERVICES\11 - Current Planning\DEVELOPMENT APPS\2020 Applications 9165 to\9167Z - 185 Horton Street East (SM)\PEC Report and Decision\Z9167 - 185 Horton Street East\_PEC-Report-.docx

cc: Michael Tomazincic, Manager, Development Services (Current Planning)  
cc: Michael Pease, Manager, Development Services (Site Plan)

## Appendix A

Bill No. (number to be inserted by Clerk's Office)  
2021

By-law No. C.P.-1284-  
A by-law to amend the Official Plan for  
the City of London, 1989 relating to 185  
Horton Street East.

WHEREAS 1524400 Ontario Inc. applied to rezone an area of land located at 185 Horton Street East, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 185 Horton Street East as shown on the attached map comprising part of Key Map No. A.107, from an Arterial Commercial Special Provision (AC4(11)) Zone, to an Arterial Commercial Special Provision Bonus Zone (AC4(\_\_)/B\_\_) Zone;

- 2) Section Number 25.4 of the Business District Commercial (BDC) zone is amended by adding the following Special Provision:

AC4(\_\_) 185 Horton Street East

- a) Additional Permitted Use:
  - i) Dormitory building

- 3) Section 2.0, Definitions, to By-law No. Z.-1 is amended by adding the following definition:

"Dormitory" - Means a residential building in association with and ancillary to an educational institution where residents have exclusive use of a bedroom with a separate entrance from a common hall and share common facilities such as washrooms, kitchens, lounges, recreation rooms and study facilities.

- 4) Section Number 4.3 of the General Provision in Zoning By-law Z.-1 is amended by adding the following new Bonus Zone:

4.3) B(\_\_) 185 Horton Street East

The Bonus Zone shall be implemented through one or more agreements to facilitate the development of a high quality mixed-use commercial/dormitory apartment building with a maximum density of 389 units per hectare and a maximum height of 51 metres (16-storeys) which substantially implements the Site Plan and Elevations attached as Schedule "1" to the amending by-law in return for the following facilities, services and matters:

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

#### Building Design

- i) High quality architectural design (building/landscaping) including a common design theme for residential and commercial elements; and

provision of structure parking facilities and screening for surface parking areas.

#### Underground Parking

- i) Underground Parking Structure parking provided to reduce surface parking areas (a minimum of 27 subsurface spaces provided).

#### Outdoor Amenity and Landscaping

- i) Common outdoor amenity area to be provided in the northeast quadrant of the site; and rooftop terraces above the 7<sup>th</sup>, 12<sup>th</sup> and 16<sup>th</sup> floors.
- ii) Landscape enhancements beyond City design standards, including theme lighting.
- iii) Landscape plans for common outdoor amenity areas to incorporate hard landscape elements and drought resistant landscaping to reduce water consumption.

#### Sustainability

- i) Provides a pedestrian-oriented environment along Horton Street East, which facilitates passive surveillance of the streetscape and, ultimately, safer streets.
- ii) Fosters social interaction and facilitates active transportation and community connectivity with Downtown.
- iii) The subject lands are close to public open space and parkland in the area, particularly Thames Park, Charles Hunt Park, and the Thames River Pathway system, which provides recreational opportunities for residents (passive and active).

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

a) Regulations:

i)	Density (maximum)	389 uph 3:1 ratio of 3 beds equals 1 dwelling unit, 296 beds converts to a density of 389 units per hectare
ii)	Height (maximum)	51 metres
iii)	Off Street Parking (minimum)	27 spaces
iv)	West Interior Side Yard Depth (maximum)	0.98m (3.2 ft)
v)	East Interior Side Yard Depth (maximum)	1.3m (4.3 ft)
vi)	Rear Yard Depth (maximum)	5.5m (18.0 ft)
vii)	Lot Coverage (maximum)	51%

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any

discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on February 23, 2021

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – February 23, 2021  
Second Reading – February 23, 2021  
Third Reading – February 23, 2021

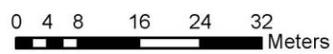
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: Z-9167  
Planner: SM  
Date Prepared: 2020/06/09  
Technician: RC  
By-Law No: Z.-1-

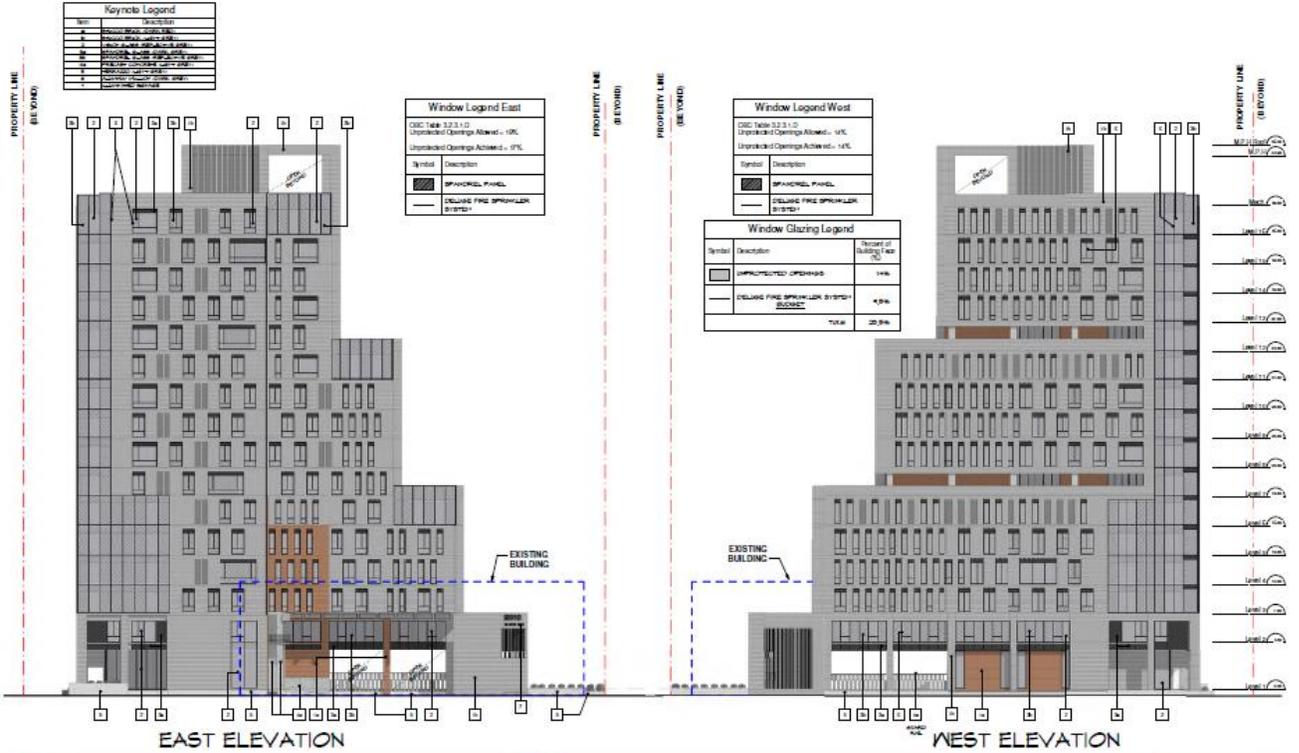
SUBJECT SITE 

1:800

 Meters







VIEW FROM NORTHEAST



VIEW FROM NORTHWEST



VIEW FROM NORTHEAST



VIEW FROM NORTHWEST

## Appendix B – Public Engagement

### Community Engagement

On February 13, 2020, Notice of Application was sent to 28 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on February 14, 2020. One “Planning Application” sign was also posted on the site.

4 replies were received.

### Nature of Liaison:

The notice advised of a possible change to Zoning By-law **FROM** an Arterial Commercial Special Provision (AC4(11)) Zone, **TO** an Arterial Commercial Special Provision Bonus Zone (AC4(\_\_)/B\_\_) Zone

**Special Provision(s):** New definition of “Dormitory” applying only to the subject property reading means a building or structure where residents have exclusive use of a bedroom but common facilities such as washrooms, kitchens, and common areas, and where each resident individually compensates the owner for providing the accommodation. Increase maximum building height to 50.4m, a minimum rear yard setback of 5.50m, minimum east interior side yard setback of 2.37m, minimum west interior side yard setback of 0.98m, a maximum lot coverage of 51% and a reduction of parking to 27 spaces.

**Residential Density:** 389 units per hectare

**Height:** 50.4m

**Bonus Zone:** The bonus zone would permit a residential density of 389 units per hectare (209 units) and maximum height of 50.4 metres in return for eligible facilities, services and matters outlined in Section 19.4.4 of the Official Plan. Other provisions such as interior/exterior side yard setbacks, lot coverage may also be considered through the re-zoning process as part of the bonus zone.

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

### Concern for:

- support for mixed-use development,
- improvement of area generally and to pedestrian traffic which may lead to business development in plaza close by with high turnover of shop front businesses.
- increases pedestrian activity level in the area, making it safer for everyone.
- set back from the property line on the east and west sides of their building; during and post construction;
- traffic will be an issue,
- risk of damage to surrounding properties during and after construction,
- safety of neighbourhood and people in the neighborhood once this is built,
- concern about population density growth, noise issues
- this does not solve the problem of the homelessness,
- snow storage and garbage buildup along property boundary,
- access by animals and or homeless taking shelter,
- sufficient lighting from dusk until dawn in this narrow space,
- 16 stories is too high and will cast a lot of shade.

Telephone	Written
	Paul Hubert Pathways Skill Development 2015 Horton Street E. London, ON N6B 1K7
	Bonnie Moes 186 Simcoe St London, ON N6B 1H9
	Scott Turner President Performaxx Properties 6 Old Mill Crt London ON, N6K 4H6
	Patricia Taft Sough Street Soho

**Received:** Thu 2/13/2020 12:36 PM  
**From:** Trish Taft  
**To:** Meksula, Sean <smeksula@London.ca>  
**Subject:** [EXTERNAL] Zoning Amendment - International Academy

Excellent use of this space along Horton Street. Adds to improvement of area generally and to pedestrian traffic which may lead to business development in plaza close by with high turnover of shopfront businesses. Would like to see storefront grocery go in there to support students and small Soho pocket of smaller houses behind GoodWill all the way to South and Wellington.

Adds to activity level in the area, making it safer for everyone.

Patricia Taft  
Soho

.....

**Received:** Sun 2/23/2020 7:16 PM  
**From:** b moes  
**To:** Meksula, Sean <smeksula@London.ca>; Kayabaga, Arielle <akayabaga@london.ca>; Development Services <DevelopmentServices@london.ca>; Planning [Planning@london.ca](mailto:Planning@london.ca)  
**Cc:** City of London, Mayor <mayor@london.ca>  
**Subject:** [EXTERNAL] 185 Horton Street - File # Z-9167 - APPLICANT 1524400 Ontario Inc.

I JUST RECEIVED THIS IN THE MAIL ON FRIDAY FEB 21, 2020. I would like to be inform of all plans in regards to this project. With my current job hrs I am unable to attend the public meetings to participate/voice my concerns in this matter. By looking at your website and the building this is not affordable housing. Please correct me if I am wrong. We have more than enough buildings currently for high income people and NEED TO WORK ON A PLAN FOR AFFORDABLE INCOME FOR LOW - MIDDLE CLASS INCOME.

This is my outlook on what is proposed for the above said property as a homeowner with this property in my back yard. As a hard-working single female. My house may not be a 400,000 dollar house but it is my home. I FEEL SAVE NOW IN MY NEIGHBORHOOD BUT.....

1. I do not like the idea of the single beds in this unit. This is just putting good monies into bad

2. This does not solve the problem of the homelessness. It is only a band-aid once again.
3. These people are humans just like yourself with a story WHY.
4. These people need to know they have a place they know they can call HOME!
5. People do not want to have to sleep with one eye open to protect themselves or what belongings they have.
6. The single bed units should stay currently where they are and no new ones added to the city and more headaches for the City of LONDON POLICE
7. You currently have over 600 units around the city that need to be fixed and filled according to the London News a few months ago. What is the status with these at the present.
8. YOU CURRENT CITY PROPERTIES FOR LOW INCOME THAT A SUB-CONTRACTED OUT NEED TO BE MAINTAINED. I CURRENTLY KNOW FIRST HAND THEY ARE NOT. MONIES ARE DEFINITELY BEING MISUSED. Ground rules are not being implemented nor is the city doing regular inspections on the properties they own to ensure this!
9. If you are going to build this unit it would be best for bachelor and one bedroom units ONLY.
10. What does the city plan on doing on assuring the safety of myself/and my home, as well as our neighborhood once this is built.
10. I do have quite a few suggestions that would definitely help and would look forward to discussing them further.

Regards,

Bonnie Moes

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**Received:** Fri 3/27/2020 4:00 PM  
**From:** Peformaxx Properties  
**To:** Meksula, Sean <smeksula@London.ca>  
**Subject:** Planning Application Z-9167 - Comments and Concerns

Dear Sir/Madam,

I received the Notice of Planning Application on February 21st and note that the deadline for response was February 21st. I spoke to Mr. Sean Meksula on the phone and he indicated this was a typo and I should not be concerned about the timing of a submission.

I own the property at 240 Richmond Street, contiguous on the west side of the subject property. I have a number of concerns and questions regarding this application:

My concerns, and those of several of my tenants who have asked me to consolidate the issues into one email, center around the set back from the property line on the west side of their building; during and post construction.

If I read the Notice of Planning Application correctly, the building is to have a setback of .98m. It is also to be 50.4m tall. This is a significant structure extremely close to the property line. Unfortunately, my building appears to be built right on the property line in the south east corner. That means the total gap is only .98m along that corridor.

Given this tight access to the rear of my, and their building, I am concerned about the build up of garbage, access by animals and or the homeless taking shelter, and potentially snow build up in the winter. I am very concerned about increased snow load on my roof given the close proximity of the new structure.

I am concerned about easier access to my roof by unauthorized people and thieves. I have recently had the copper stolen from one of my roof top units destroying the unit costing \$6k to replace.

Given the narrow corridor, I suspect there will be poor access for fire protection, and less access for future construction or repairs of my building. My redevelopment opportunity is likely more restricted now.

During construction, I have the above concerns but also have the risk of damage to my property from careless contractors. We have some concerns about noise, but no one lives in our building. I am concerned about dust and debris in close proximity to my hvac units and the required inflow of clean air. I am also concerned about the excavation plan. What is their plan for cranes? What direction and management will they have regarding their contractors and coverage for liability in the event of damage?

After completion, will there be sufficient lighting from dusk until dawn in this narrow space? Are they planning to install cameras? What fence are they planning to install post construction? What is their plan for immediately south and east of my building? Will that be a thoroughfare?

Thank you for giving consideration to my concerns and those of my tenants.

Scott Turner  
President  
Performaxx Properties

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**Received:** Fri 2/28/2020 8:32 AM  
**From:** Paul Hubert  
**To:** Meksula, Sean <smeksula@London.ca>  
**Cc:** Kayabaga, Arielle <akayabaga@london.ca>; Ali Soufan; Casey Kulchycki  
**Subject:** [EXTERNAL] File Z-9167 185 Horton Street East



Sean Meksula  
Development Services  
City of London  
London, ON

Re: File Z-9167 185 Horton Street East  
Sean

Thank you for providing an opportunity for input on this file. I write in my Role as CEO for Pathways Skill Development. We are the anchor tenant at 205 Horton St and the Owner/ Operator of the London Community Woodshop, which is adjacent to the site at 195 Horton St.

The design and concept presented by London International Academy seems innovative and positive contribution to the community. On the whole we are supportive. However, there are a number of questions raised that we feel Council and Administration should turn their minds to.

1. The need for the definition of "Dormitory" requires increased detail and explanation and clarity as to how it would inform the official plan.
2. The report does not detail what the specific public good is that would be attributed to the public by bonusing. The intensity of use proposed should have a greater benefit than below ground parking. This would have to occur regardless as there is nowhere else for it to go.
3. The amount of exterior amenity space is not detailed and seems very limited.. Given the age of the target population, this is an important consideration. In the context of universities, where the dormitory use is prevalent, there is access to other amenities, including open space, recreation facilities and common areas.
4. The traffic study does not comment or contemplate the impact of nearly 300 students utilizing the Richmond/Horton intersection at peak hours. It depends on

the pedestrian nature of the residents to justify the lower parking demand but does not extend that to impacts on traffic flow.

5. Planning Policy Analysis indicates that the proposal contributes to the range of residential uses to meet housing demands. The concern might be of future use for the building should the LiA no longer require it. What are the potential second generation uses and would the zoning/site plan be adequate to accommodate them?
6. Side yard set back cites the existing condition on the eastern side. It seeks relief for setbacks due to the historical non-conforming nature. However, the existing building has a variety of lines for the site. While this is understood, we would request discussion at the site plan stage as to maintenance and the setback and fencing.
7. Given the location of the building, the makeup of the residents, Community Safety by Design standards should be undertaken in site plan and in consultation with neighbouring owners.

We would ask for a robust discussion with ILA as to siteplan and construction impacts as their plans progress. We were disappointed that the owners of LIA and their planners did not engage us in dialogue prior to us learning of it through the media. We are deeply vested in the development of the community and would like to assist in anyway possible to enhance wellbeing of the community.

Best regards



Paul Hubert  
Chief Executive Officer  
Pathways Skill Development

Cc Casey Kulchycki, Zelinka PRiamo  
Arielle Kayabaga, Councillor Ward 13  
Ali Soufan, York Developments

## **Appendix C – Policy Context**

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, by-laws, and legislation are identified as follows:

### **2020 PPS**

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

1.1.1 a, b, e

#### 1.1.3 Settlement Areas

1.1.3.1, 1.1.3.2, 1.1.3.3, 1.1.3.4

#### 1.4 Housing

1.4.1

#### 1.6.7 Transportation Systems

1.6.7.4

#### 1.7.1 Long-term Economic Prosperity

### **Official Plan**

#### 3.4. Multi-Family, High Density Residential

##### 3.4.3. Scale of Development

#### 3.5. Policies for Specific Residential Areas

##### 4.4.1 Main Street Commercial Corridor

###### 4.4.1.3. Function

###### 4.4.1.1. Planning Objectives

###### 4.4.1.2. Urban Design Objectives

###### 4.4.1.4. Permitted Uses

###### 4.4.1.7. Scale of Development

###### 4.4.1.9. Urban Design

###### 4.4.1.13.4. Hyde Park Specific Policy

### **London Plan**

54\_ Key Directions

55\_ Direction #1 – Plan Strategically for a Prosperous City

59\_ Direction #5 – Build a Mixed-use Compact City

Urban Corridor Place Type

Permitted Uses – 908

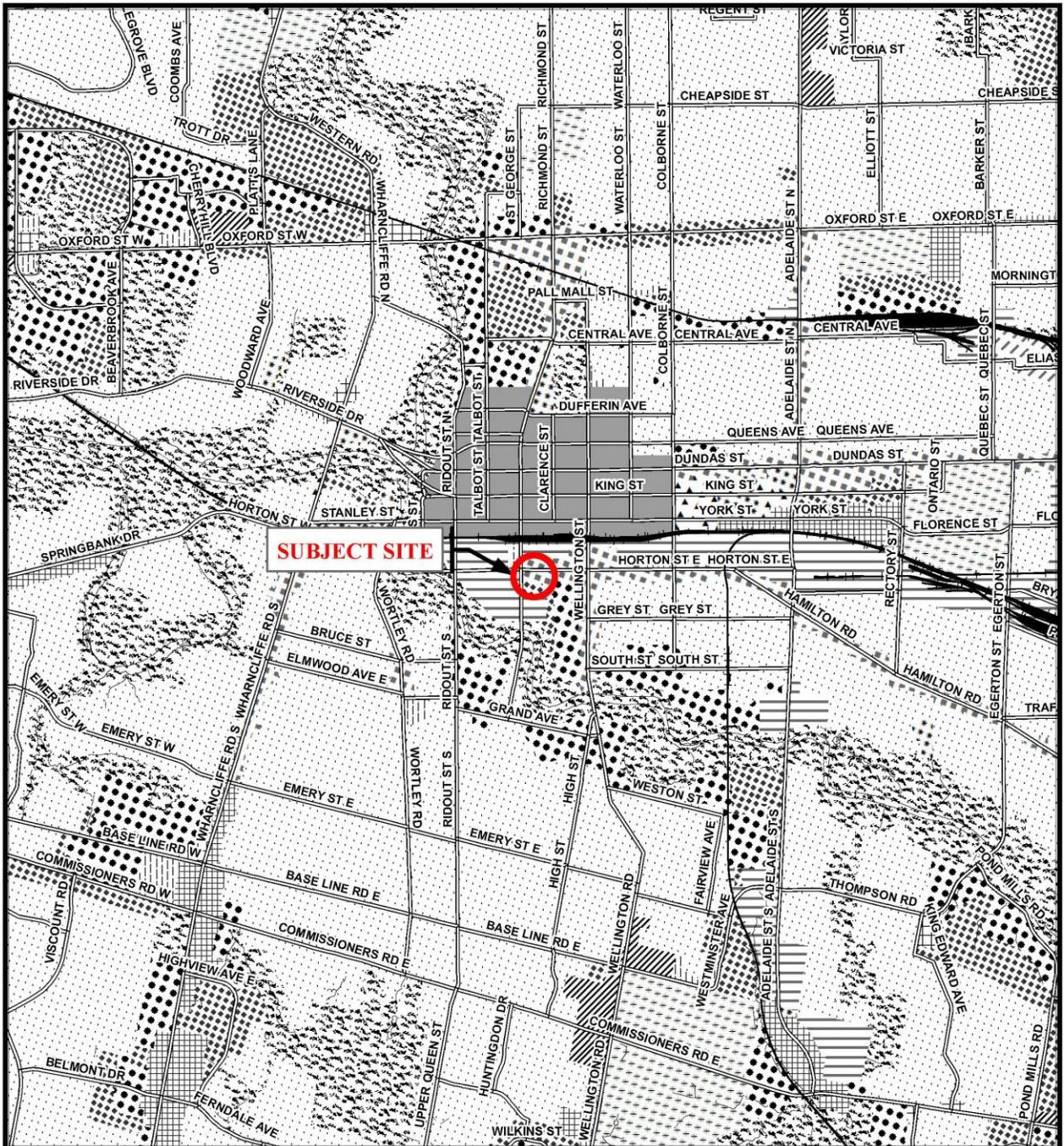
Intensity – 910

Form – 911

### **SoHo CIP**

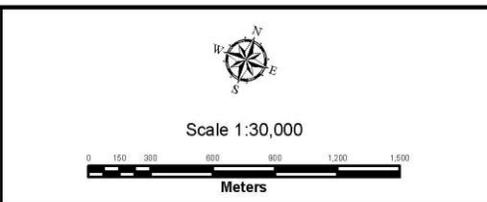


# 1989 Official Plan Schedule A – Land Use



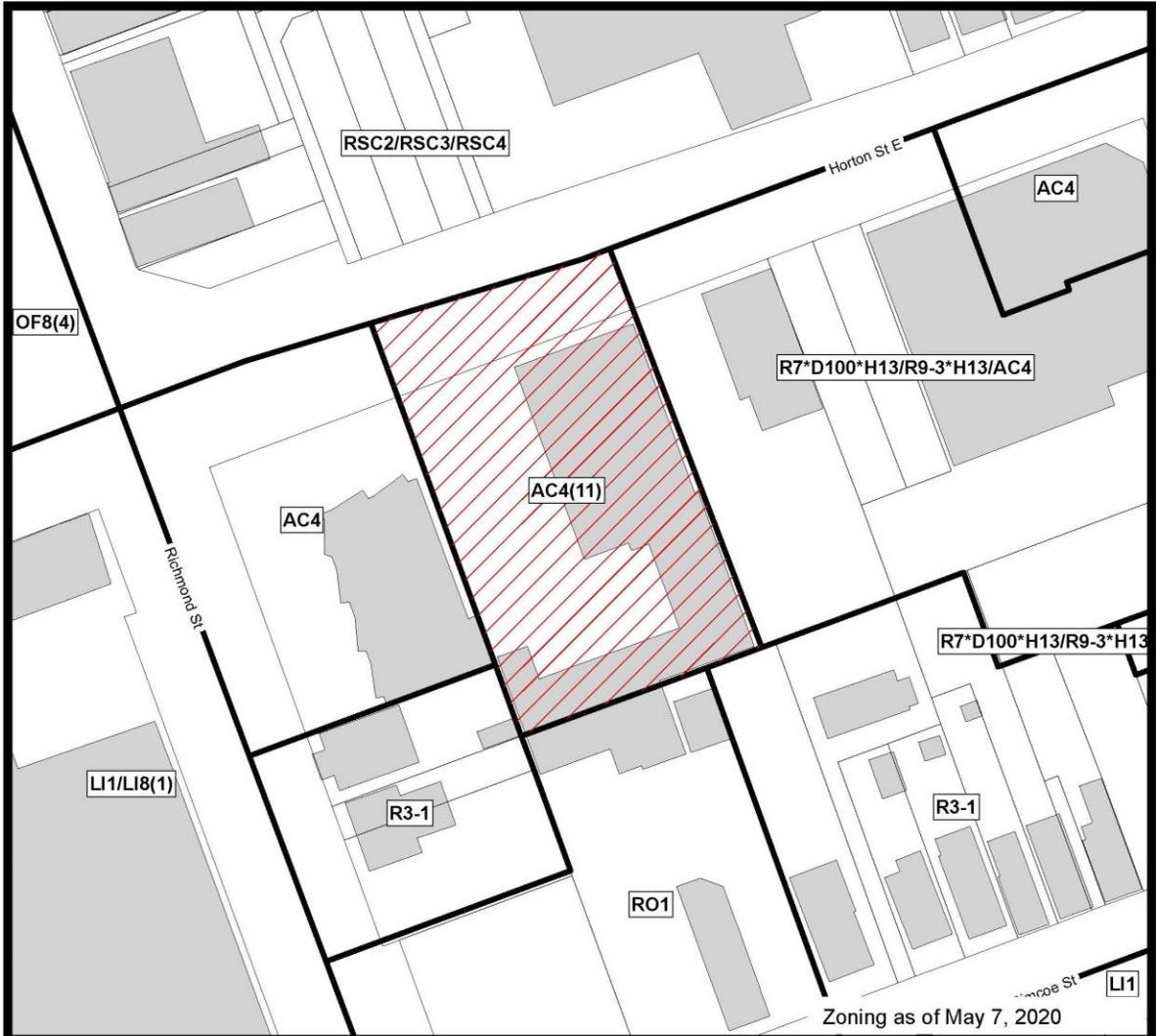
Legend			
	Downtown		Office Business Park
	Enclosed Regional Commercial Node		General Industrial
	New Format Regional Commercial Node		Light Industrial
	Community Commercial Node		Regional Facility
	Neighbourhood Commercial Node		Community Facility
	Main Street Commercial Corridor		Open Space
	Auto-Oriented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

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



FILE NUMBER: Z-9167  
 PLANNER: SM  
 TECHNICIAN: RC  
 DATE: 2020/06/09

# Zoning By-law Z-1



## COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: LI1

### 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



FILE NO:

Z-9167

SM

MAP PREPARED:

2020/06/09

RC

1:1,000

0 5 10 20 30 40 Meters

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

## Appendix E – Applicant’s Reply to UDPRP Comments

### Comment:

The Panel recognizes the constraints posed by the irregular site dimensions, the need to accommodate a significant student population and the desire to maintain the existing building.

### Applicant Response: July 8<sup>th</sup> 2020

It must be mentioned that the design of the facility has focused on the safety and well-being of the students first and foremost. Areas such as the roof top terraces will NOT be available to the students but are fully able to be used for future Owners as amenity spaces should the LIA choose to sell the building.

### Comment:

The Horton Street frontage is dominated by the proposed vehicular access to the interior parking structure. Further development of the design treatment along the Horton Street frontage is needed to reduce the prevalence of the vehicle entrance/access and provide a more people-focused relationship with the street.

- Explore opportunities to relocate, reduce or eliminate the vehicular site access. Given the nature of the intended use, the elimination of vehicle parking altogether could help to provide a basis for such design changes.
- Consider further “softening” of the concrete entranceway/arch feature through changes in materiality and landscape treatment.
- Consider further development of the street level façade of the existing building. The overall site design could benefit from a greater understanding of how these two separate buildings could be designed comprehensively and work in a coordinated fashion to achieve the design goals for the Horton Street frontage.
- Consider further development of existing landscaping in front of the existing building. Landscape treatment that allows flexibility of ground floor programming to help animate the street and provide a more urban experience is encouraged

### Applicant Response: July 8<sup>th</sup> 2020, Revised Sept. 13 2020

Future softening of the concrete entrance way has been softened to make it more pleasing from Horton Street however, the parking remains as designed to maintain student safety. Consideration to further develop existing landscaping in front of the existing building will be carried out through the use of shrubs in large pots however the ability to animate the street and provide a more urban experience sacrifices the safety of the students thus no public space will be created.

### Comment:

Further development of the west building elevation is needed to ensure a positive contribution to the skyline.

- Introduce additional fenestration to allow for light penetration and lighten the visual appearance of the building mass.
- Introduce variations in the vertical plane of the façade to break down the massing similar to the stepped design treatment that’s been implemented on the horizontal plane (e.g. appear as 4-5 volumes vs one plane)
- Further optimize the rhythm of materiality on the west façade with a critical lens towards the effectiveness of the proposed spandrel panels.

### Applicant Response: July 8<sup>th</sup> 2020, Revised Sept. 13 2020

All comments have been considered in the revised West Elevation that successfully removes the single plane aspect of the previous design. Two focused “voids” have been introduced by use of green space terraces and a shifting of the hallway on the floors to which they occur. These voids will provide the relief from the plane through manipulation of the sun and shadows cast on it during the day, while at night the upper floor levels and the “voided areas” will be illuminated to provide further support to this aesthetic.

**Comment:**

Introduce a more logical flow to the proposed site plan and landscape treatment whereby residents are more intuitively directed toward Horton Street

**Applicant Response: July 8<sup>th</sup> 2020, Revised Sept. 13 2020**

The layout dictates the site plan as well as does the organization of traffic flow with student flow. The landscape treatment will be achieved through large potted greenery that will not compromise the safety of the students nor hinder their access to and from Horton Street.

The residence in this matter must clearly be understood that they are children under the age of 17 and not "residence" of public apartment buildings where adults will reside. Safety is a Key focus here.

**Comment:**

The introduction of more usable on-site amenity space with appropriate access to sunlight and enough size to accommodate programming would be beneficial. Such amenity space should seek to foster a greater relationship with Horton Street.

**Applicant Response: July 8<sup>th</sup> 2020, Revised Sept. 13 2020**

Due to the safety of the students, it is the intent of the Owners to separate any possible interaction with their students and that of Horton Street. There is a two storey amenity space located on the south side of the site which provides the students a quiet but safe area to escape the daily rigors of studying, yet protects them from the public..

The roof top terraces are designed to be used for any future Owners should the building be sold. At this time the students will not have access to this area unless the Owners can guarantee safety to the students and to the public passing on the streets below.