

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas P. Eng.,
Deputy City Manager, Planning and Economic Development

Subject: One Commissioners Road Inc.
1 Commissioners Road East
Public Participation Meeting

Date: October 18, 2021

Recommendation

That, on the recommendation of the Director, Planning & Development, the following actions be taken with respect to the application of One Commissioners Road Inc. relating to the property located at 1 Commissioners Road East:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 26, 2021 to amend the Official Plan for the City of London (1989) to **ADD** a policy to Section 10.1.3 – "Policies for Specific Areas" to permit two, 8-storey mixed-use buildings with a total of 157 residential units and 826m² of commercial space resulting in a maximum density of 233 uph on site to align the 1989 Official Plan policies with the Urban Corridor Place Type policies of The London Plan;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on October 26, 2021 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the subject property **FROM** an Office Special Provision (OF5(2)) Zone **TO** a Business District Commercial Special Provision Bonus (BDC()*B-()) Zone;

The Bonus Zone shall be implemented through one or more agreements to facilitate the development of two high quality mixed-use commercial/residential buildings with a maximum density of 233 units per hectare and a maximum height of 30.5 metres (8-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:

1. Exceptional Building Design

The building design shown in the various illustrations contained in Schedule "1" of the amending by-law is being bonused for features which serve to support the City's objectives of promoting a high standard of design.

- i. The inclusion of a height element at the corner of Commissioners Road W and Wharncliffe Road S, along with providing a well-defined built edge at street level along both Commissioners Road W and Wharncliffe Road South;
- ii. Well-defined principal entrances to all of the commercial and residential units along Commissioners Road W;
- iii. A variety of building materials and articulation break up the massing of the buildings; and
- v. Purpose-designed amenity space on top of the roof of the structured/covered parking entrance approximately 112.0m²(1,200 sq. ft.)

2. Underground parking
3. Provision of Affordable Housing

The provision of 7 affordable housing units which will include 4, one-bedroom units and 3, two bedroom units all within the first 8-storey mixed-use building to be constructed. The affordable housing units shall be established by agreement at 80% of average market rent for a period of 50 years. An agreement shall be entered into with The Corporation of The City of London, to secure those units for this 50 year term and the term of the contribution agreement will begin upon the initial occupancy of the last subject bonused affordable unit on the subject site.

Executive Summary

Summary of Request

The applicant requested a Zoning By-law amendment to allow two, 8-storey mixed-use buildings with a total of 157 residential units and 826m² of commercial space resulting in a maximum density of 233 uph on site. Special provisions include identifying the Commissioners Road East frontage as the front lot line; permit a minimum interior side yard setback of 0.8 metres; permit a minimum rear yard depth of 4.0 metres; a minimum parking rate of 1 space per residential unit; and a minimum parking rate of 1 space per 20 square metres of non-residential gross floor area.

The City also initiated an Official Plan amendment to add a Specific Policy Area in Chapter 10 of the 1989 Official Plan to permit a maximum density of 233 units per hectare to align the 1989 Official Plan policies with the Urban Corridor Place Type policies of The London Plan.

Purpose and the Effect of Recommended Action

The purpose and effect of the requested amendments would permit two 8-storey mixed-use commercial/residential buildings with a maximum of 157 residential units, 233 units per hectare, and 826m² of commercial floor area. The proposal includes a variety of indoor and outdoor amenity areas intended to serve residents of the building. 50 surface parking spots are proposed to be provided, as well as underground parking accommodating 158 underground stalls, indoor bicycle storage and internal loading areas.

The bonus zone shall be implemented through one or more agreements to facilitate the requested development in return for the provision of exceptional building design, underground parking and affordable housing. The bonus zone shall be implemented through a development agreement to facilitate the development illustrated in Schedule "1" of the amending by-law.

Rationale of Recommended Action

1. The recommended amendment is consistent with the PPS, 2020, which encourages the regeneration of settlement areas and land use patterns 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 is consistent with the in-force policies of The London Plan including, but not limited to, the Urban Corridor Place Type policies. It also conforms with the in-force policies but not limited to the Key Directions, Homelessness Prevention and Housing policies, and City Design policies.
3. The recommended amendment facilitates the development of an underutilized property and encourages an appropriate form of development.

4. The proposal for a mixed-use development with 826m² of commercial and 157 residential units is consistent with the planned function of the Urban Corridor Place Type.
5. The recommended amendment meets the criteria for specific area policies in the 1989 Official Plan.
6. The recommended amendment facilitates the development of affordable housing units that will help in addressing the growing need for affordable housing in London. The recommended amendment is in alignment with the Housing Stability Action Plan 2019-2024 and Strategic Area of Focus 2: Create More Housing Stock.
7. The recommended bonus zone for the subject site will provide public benefits that include affordable housing units, barrier-free and accessible design, transit supportive development, underground parking and a quality design standard to be implemented through a subsequent site plan application.

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 Property Description

The subject site is located on the south side of Commissioners Road, on the southeast corner of Wharncliffe Road S. The lands are currently occupied with an office building with a lot frontage of approximately 60 metres and a lot area of approximately 0.71 ha. The subject lands are located within the urban growth boundary and abut high density residential to the east, commercial to the south and across Commissioners Road to the north and a park to the west. There are no significant vegetation or natural features on the lands.

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

- Official Plan Designation – Auto Oriented Commercial Node
- The London Plan Place Type – Urban Corridor Place Type
- Existing Zoning – Office Special Provision (OF5(2))

1.3 Site Characteristics

- Current Land Use – Commercial
- Frontage – 60.0 meters
- Depth – N/A
- Area – 0.71
- Shape – Rectangular

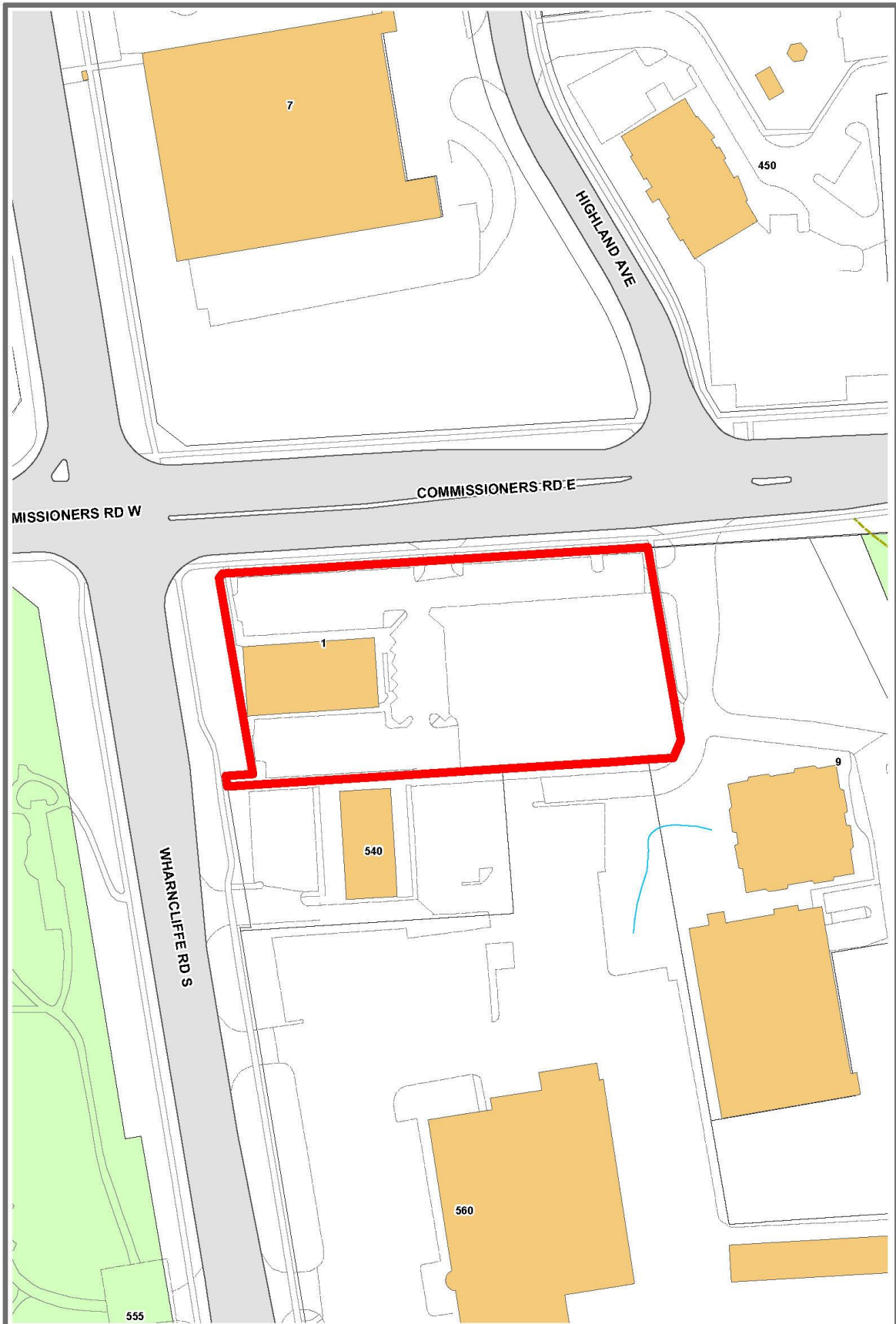
1.4 Surrounding Land Uses

- North – Commercial
- East – Residential
- South – Office
- West – Park

1.6 Intensification (157 residential units)

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

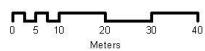
1.7 Location Map



LOCATION MAP

Subject Site: 1 Commissioners Road East
 File Number: O-9339/Z-9340
 Planner: Alanna Riley
 Date: 31/03/2021





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



Scale 1:1250



Legend

-  Subject Site
-  Buildings
-  Parks
-  Submitted Under Review Subdivisions
-  Driveways/Parking Lots

2.0 Discussion and Considerations

2.1 Development Proposal

The proposal would redevelop the lands with two, 8-storey mixed-use buildings with a total of 157 residential units and 826m² of commercial space resulting in a maximum density of 233 uph on site. The building design positions and orients the building mass toward Commissioners Road E. The parking consists of surface parking at the rear of the site along with underground parking and bicycle parking.

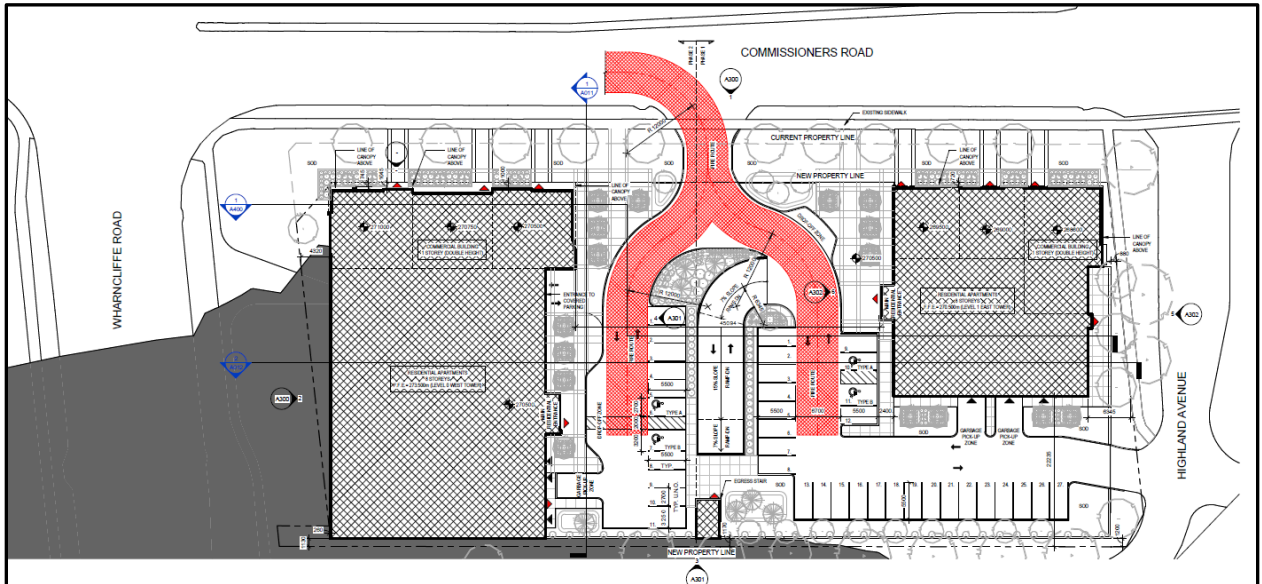


Figure 1: Site Concept Plan



Figure 2: Rendering looking southwest from Commissioners Road East



Figure 3: Rendering from looking southeast from Commissioners Road E

2.2 Proposed Amendments

The applicant has requested to change the zoning on the subject site from an Office Special Provision (OF5(2)) Zone to a Business District Commercial Special Provision Bonus (BDC()*B-()) Zone to two, 8-storey mixed-use buildings with a total of 157 residential units and 826m² of commercial space resulting in a maximum density of 233 uph on site. Special zoning provisions have been requested for:

- identify the Commissioners Road East frontage as the front lot line;
- permit a minimum interior side yard setback of 0.8 metres;
- permit a minimum rear yard depth of 4.0 metres;
- a minimum parking rate of 1 space per residential unit; and
- a minimum parking rate of 1 space per 20 square metres of non-residential gross floor area.

2.3 Community Engagement (see more detail in Appendix C)

Members of the public were given an opportunity to provide comments on this application in response to the notice of application. Written comments were received from 2 individuals.

The public's concerns generally dealt with the following matters:

- Scale and height
- Too many units
- Parking reduction
- Traffic volume and safety
- Privacy/Overlook
- Light/Noise

2.4 Policy Context (see more detail in Appendix D)

The subject site is located in the Auto Oriented Commercial Node designation in the 1989 Official Plan. The site is located in the Urban Corridor Place Type. Note that certain London Plan maps and policies are under appeal before the Local Planning Appeal Tribunal (LPAT).

Provincial Policy Statement, 2020

The *Provincial Policy Statement, 2020* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS is more than

a set of individual policies. It is intended to be read in its entirety and the relevant policies are to be applied to each situation.

In accordance with section 3 of the Planning Act, all planning decisions shall be consistent with the Provincial Policy Statement (PPS).

The Provincial Policy Statement 2020 provides policy direction on matters of provincial interest related to land use and development. Section 1.1 “Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns” of the PPS encourages healthy, livable, and safe communities over the long-term. These communities must be sustained through a number of measures, including: accommodating an appropriate range and mix of affordable and market-based types of residential land uses, as well as employment, institutional, recreation and open space land uses (s. 1.1.1.b); promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (s. 1.1.1.e).

The PPS encourages areas inside the urban growth boundary (i.e. “settlement areas” per s. 1.1.3 Settlement Areas) to be the main focus of growth and development, including opportunities for intensification and redevelopment. Appropriate land use patterns within urban growth boundaries are established by providing appropriate densities and mix of land uses that efficiently use land and resources along with the surrounding infrastructure, public services facilities and are also transit-supportive (s.1.1.3.2).

Municipalities are required to identify and promote opportunities for intensification and redevelopment, taking into consideration an area’s existing building stock (s. 1.1.3.3), accommodating a significant supply and range of housing options, including various housing types, densities, and a variety of affordable and market-based housing arrangements (s. 1.1.3.3), promoting development standards which facilitate intensification, redevelopment and compact form (s. 1.1.3.4).

The PPS 2020 promotes economic development and competitiveness by providing for an appropriate mix and range of employment uses. (s. 1.3)

The PPS 2020 also requires that municipalities provide an appropriate range and mix of affordable and market-based housing options and densities to meet projected requirements of current and future residents (s. 1.4.1). It directs planning authorities to permit and facilitate growth through lands available for residential intensification and redevelopment within the existing built-up areas.

The PPS also encourages the range and mix of affordable and market-based housing to be built at densities that meet projected needs, by establishing targets for affordable housing (s. 1.4.3.a). Planning authorities are also required to permit and facilitate all housing options and all types of residential intensification.

Also, the PPS 2020 requires Planning authorities to support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns. This directs to promote compact form and structure of nodes and corridors, along with promoting the use of active transportation and transit in and between residential, employment (including commercial and industrial), and to focus major employment, commercial on sites which are well serviced by existing and planned transit. (s.1.8.1)

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 site is in the Urban Corridor Place Type on a Civic Boulevard, as identified on *Map 1 – Place Types and Map 3 – Street Classifications. Permitted uses within this Place Type include range of residential, retail, service, office, cultural, recreational, and institutional uses. Mixed-use buildings are encouraged while large floor plate, single use buildings will be discouraged. (Permitted Uses *837).

The London Plan uses height as a measure of intensity. The minimum height within the “Urban Corridor” Place Type is 2-storeys (or 8-metres). The maximum height is 6-storeys (or 8-storeys with Type II Bonusing). The proposed 8-storey buildings are permitted with bonusing

The London Plan is organized into nine parts. The “Our Strategy” part of the Plan establishes eight key directions that serve as the foundation for the policies and place types of the Plan (London Plan, s. 54). Under each key direction a number of planning strategies are identified. Relevant Key Directions are outlined below:

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

- Revitalize our urban neighbourhoods and business areas (s. 55_, Direction 1.4);
- Invest in, and promote, affordable housing to revitalize neighbourhoods and ensure housing for all Londoners (s. 55_, Direction 1.13);

The London Plan provides direction to build a mixed-use compact city by: plan to achieve a compact, contiguous pattern of growth – looking “inward and upward” (s. 59, Key Direction 5.2); sustain, enhance, and revitalize our downtown, main streets, and urban neighbourhoods (s. 59_, Key Direction 5.3); plan for infill and intensification of various types and forms to take advantage of existing services and facilitate and to reduce our need to grow outward (s. 59_) Key Direction 5.4); ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place (s. 59_, Key Direction 5.5); and manage outward growth through the use of an Urban Growth Boundary and by supporting infill and intensification in meaningful ways (Key Direction 5.8).

The London Plan provides direction to place a new emphasis on creating attractive mobility choices by link land use and transportation plans to ensure they are integrated and mutually supportive (s. 60_, Key Direction 6.4); and dependent on context, require, promote, and encourage transit-oriented development forms (s. 60_, Key Direction 6.6).

The London Plan provides direction to build strong, healthy and attractive neighbourhoods for everyone by design complete neighbourhoods by meeting the needs of people of all ages, incomes and abilities, allowing for aging in place and accessibility to amenities, facilities and services (s. 61_ Key Direction 7.2).

The London Plan provides direction to make wise planning decisions by ensure that all planning decisions and municipal projects conform with The London Plan and are consistent with the Provincial Policy Statement (s. 62_, Key Direction 8.1); and ensure new development is a good fit within the context of an existing neighbourhood (s. 62_, Key Direction 8.9).

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

On housing, the Plan provides policy in terms of what elements should be included in development intended to meet affordable goals. It speaks to encouraging developments similar to the one under consideration through this application, specifically residential developments that offer innovative design features, construction techniques or tenure arrangements that will also broaden the range of available housing alternatives. (Policy 513_) This policy indicates that when considering affordable housing arrangements context should not be interpreted simply as a matching of existing neighbourhood and that new arrangements should be expected.

The policy context also includes those policies which speak more specifically to the siting of development and relationships of scale and form within a neighbourhood context. The intensities for development within the Urban Corridor Place Type are guided by Table 8*.

Official Plan 1989

The City's *Official Plan (1989)* contains Council's objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses. While objectives and policies in the Official Plan primarily relate to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

The lands are within the Auto Oriented Commercial Corridor land use designation of the 1989 Official Plan. This designation is intended to accommodate commercial uses that cater to the needs of the travelling public, generally applied to areas along arterial roads where high traffic volumes are present and where services can be concentrated and supported. Examples of permitted uses include hotels, automotive uses and services, restaurants, and building supply outlets/hardware stores. Commercial buildings in the "*Auto-Oriented Commercial Corridor*" designation are to be of low-rise form to provide for a scale that will minimize impact on, and can be integrated with, surrounding uses.

3.0 Financial Impact/Considerations

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

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1 - Use

Provincial Policy Statement, 2014 (PPS)

The proposed development is in keeping with the PPS as it contributes to the range and mix of residential uses and promotes a cost-effective development pattern helping reduce servicing cost and land consumption. The subject lands can be considered underutilized as there is currently a single storey office building, and surface parking on the site [1.1.1]. The proposed development is within a settlement area helping establish an appropriate land use pattern that contributes to the density and mix of land uses in the area. The development will both benefit and support the existing resources, surrounding infrastructure and public service facilities in the area (1.1.3 Settlement Areas). The subject site is located in close proximity to community commercial nodes and an auto oriented commercial corridor which provide convenient amenities, employment and shopping destinations to the area. The site is also considered to be transit supportive as it is located at the corner of two arterial roads, both with frequent transit service (1.1.3.2) contributing to a healthy, livable and safe community.

The PPS also promotes an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents (1.4 Housing). It directs planning authorities to permit and facilitate all forms of housing required to meet the social, health and wellbeing requirements of current and future residents, and direct the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and

projected needs. The proposed development is in keeping with the PPS as it contributes to the existing mix of housing in the area and will provide 7 affordable housing units which are to be split between the two mixed-use buildings helping meet the social, health and wellbeing requirements of current and future residents. The development also takes advantage of the existing infrastructure and public service facilities that exist and will be available to support current and projected needs.

The London Plan

The subject site is located within an Urban Corridor Place Type. which permits a broad range of retail, service, office, entertainment, recreational, educational, institutional, and residential uses and encourages mixed-use buildings. The proposed mixed use development is in keeping with the permitted uses of the Urban Corridor Place Type (Permitted Uses, *837_).

1989 Official Plan

The proposed residential component of the development is not contemplated within the *Auto-Oriented Commercial Corridor* land use designation in the 1989 Official Plan. Since this designation does not allow for residential uses, an amendment to the 1989 Official Plan is required to align the 1989 Official Plan policy framework with the Urban Corridor Place Type of The London Plan. Therefore, staff's recommendation includes a site-specific policy to permit this mixed-use development within the 1989 Official Plan. Further analysis of this is below in Section 4.2 – Intensity.

4.2 Issue and Consideration #2: Intensity

Provincial Policy Statement, 2020

The policies of the PPS direct 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, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs (1.1.3.3). The PPS is supportive of development standards which facilitate intensification, redevelopment and compact form (1.1.3.4). Planning authorities are further directed to permit and facilitate all housing options required to meet the social, health, economic and well-being requirements of current and future residents as well as all types of residential intensification, including additional residential units and redevelopment (1.4.3b)). Densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed, are promoted by the PPS (1.4.3d)).

The City of London has identified appropriate locations and promoted opportunities for intensification and redevelopment through The London Plan. The Plan establishes a hierarchy of where intensification should occur and what levels of intensity are considered appropriate within the Urban Growth Boundary. The Urban Corridor Place Type is one of those areas where intensification is promoted through the use of mixed-use buildings and bonusing in order to achieve greater levels of intensity. The subject site is also located within the urban area (within Urban Growth Boundary and Built Area) and within the Primary Transit Area (PTA) of The London Plan.

The recommended amendment facilitates the redevelopment of an underutilized site within a settlement area. The proposed Mixed-Use development is in an appropriate location and provides an ideal form of development to promote intensification. It is located along an arterial road, having access to existing bus routes, and nearby amenities. The surrounding building stock is predominately apartment buildings varying in scale and commercial which provide a similar built form and intensity as the proposed development. The proposed intensity of the development can be accommodated on the subject site and within the surrounding context with minimal impacts. The proposed

development supports the Province's goal to achieve a more compact, higher density form of development, consistent with the PPS.

The London Plan

The London Plan uses height as a measure of intensity in the Urban Corridor Place Type. A minimum height of 2 storeys and a maximum height 6 storeys, with bonusing up to 8 storeys is contemplated within the Urban Corridor Place Type where a property has frontage on a Civic Boulevard (*Table 9). The proposed 8-storey mixed use buildings are considered appropriate and being recommended for approval. The applicant has presented a number of facilities, services, and matters for the recommended bonus zone, commensurate for the requested increased intensity in conformity with The London Plan criteria for Type 2 Bonus Zoning. These facilities, services, and matters are addressed in section 4.5 in this report in greater detail. The proposal will help to implement the vision of the Urban Corridor Place Type along with the Transitional policies of The London Plan with respect to creating additional intensity in these areas.

As noted, this property is also subject to the Transitional policies within the Urban Corridor Place Type. The purpose of this segment is to maintain, at minimum, the existing intensity, while supporting the movement toward more intense forms and uses of land (Policy 854). The proposed development is consistent with the desired development pattern of a compact and transit-oriented mixed-use corridor (Policy 855). The development is sensitive to the adjacent land uses through the building orientation, landscaping, and parking are. This creates a compatible development with human scale along both Commissioners Road East and Wharncliffe Road South resulting in a comfortable pedestrian environment.

The subject lands have frontage on Commissioners Road East which is a higher-order street, to which higher-intensity uses are directed. The subject lands have immediate access to a wide range of commercial uses along Wharncliffe Road South., limited range of office uses, public and Catholic elementary schools, and several parks within walking distance. The property is also situated in an area with a mix of various housing forms ranging from single detached dwellings to mid- and high-rise apartment buildings.

Furthermore, the subject site is of sufficient size and configuration which can accommodate the proposed use and allow for the creation of a comprehensive development. The development provides a coordinated parking facility through structured/underground parking in the rear of the development and some surface parking which is internal to the site (Intensity, *840_). The increased intensity of development on the site will make use of existing transit services, nearby passive recreation opportunities, and public service opportunities.

The policies of the Urban Corridor also speak to the careful management of the interface between the subject lands and any adjacent lands within less intense neighbourhoods. The subject lands do not abut and any low-density residential uses. The closest low density residential is over 100m away from the subject lands and buffered by an existing woodlot zoned for open space uses. Also, proposed building 'A' as shown below abuts the interior side yard of an existing office building at 540 Wharncliffe Road South. In consultation with Urban Design Staff it has been determined the recommended 4 metre setback is suitable from any future redevelopment of these lands. Also, it should be noted that the Business District Commercial Zone in the Zoning By-law requires a 0.0m rear yard setback for yards that abut non-residential uses to implement the policies of the Urban Corridor Place Type. This is discussed further in the Form Section below.

1989 Official Plan

As mentioned, the Official Plan identifies that the subject lands are designated as Auto Oriented Commercial Corridor. This designation is intended to accommodate commercial uses that cater to the needs of the travelling public, generally applied to areas along arterial roads where high traffic volumes are present and where services

can be concentrated and supported (Section 4.4.2.4; Section 4.4.2.5). The proposed residential component of the development is not contemplated within this designation.

While the proposal complies with the maximum standard height through bonusing in the London Plan, the requested use with a density of 233 uph is not permitted by the 1989 Official Plan. It has become a matter of practice for City staff to recommend Policies for Specific Areas in the 1989 Official Plan where a proposed development advances Council's direction as stated in The London Plan. Therefore, a specific policy is recommended to allow for a mixed-use development with a height of 8-storeys and density of 233 uph for this development to align the policy framework with the Urban Corridor Place type. A Planning Impact Analysis has been provided in Appendix 'D' to address impacts of the proposed use and density on surrounding lands. Additionally measures addressing the impacts of the proposed intensity on surrounding lands have also been reviewed through the above analysis of the Urban Corridor Place Type policies. The requested of development contemplated is recommended on the lands.

The proposed buildings have been positioned and oriented on the subject lands to minimize the impact on surrounding land uses. There are no notable land uses proximate to the subject lands that will present any significant land use conflicts with the proposed development.

Adequate levels of landscaping and/or tree plantings will screen surface parking areas from the public realm, enhancing the pedestrian environment around the subject lands. The proposed development is located at a key intersection, where it is anticipated that many of the land uses to the south along Wharncliffe Road South will transition to similar mixes of land uses along the corridor, replacing many auto-oriented commercial corridors uses. The subject lands represent a location that provides convenient access along arterial roads and is proximate to many commercial amenities and institutional services. The proposed development provides a mix of uses and a needed level of housing for all demographics.

Staff is satisfied that the provision of affordable housing along with exceptional building and design, and underground parking is commensurate for the requested residential use and density. As such, staff have recommended a special policy to align with the London Plan for the proposed intensity and scale of development.

Form

Provincial Policy Statement, 2020

The PPS is supportive of appropriate development standards which facilitate intensification, redevelopment and compact form (1.1.3.4). The PPS also identifies that long term economic prosperity should be supported by encouraging a sense of place by promoting a well-designed built form (1.7.1e)).

Consistent with the PPS, the recommended intensification of the subject property would optimize the use of land and public investment in infrastructure in the area. Located within a developed area of the City, the redevelopment and intensification of the subject lands would contribute to achieving more compact forms of growth. The proposed mixed-use buildings represent a more compact form of development than the office building that currently occupies the site.

The London Plan

The London Plan encourages compact forms of development as a means of planning and managing for growth (7_, 66_). The London Plan encourages growing "inward and upward" to achieve compact forms of development (59_ 2, 79_). The London Plan accommodates opportunities for infill and intensification of various types and forms (59_ 4). To manage outward growth, The London Plan encourages supporting infill and intensification in meaningful ways (59_8).

Within the Urban Corridor Place Type, and according to the urban design considerations, compatibility and fit will be evaluated from a form-based perspective through consideration of the following: site layout in the context of the surrounding neighbourhood; building and main entrance orientation; building line and setback from the street; height transitions with adjacent development; and massing appropriate to the scale of the surrounding neighbourhood (841_). Similar to the Planning Impact Analysis criteria within the 1989 Official Plan, the Our Tools section of The London Plan contains various considerations for the evaluation of all planning and development applications (1578_). It should be noted that the Transitional policies that apply to these lands direct review of the form under the Urban Place Type policies (858_)

The proposed buildings are oriented along and located close to the Commissioners Road E and Wharncliffe Road S streetscapes. Particular emphasis is placed on the lot's corner location, framing the intersection with a height feature the commercial/office portion being double the standard height, a rooftop terrace provided above and an enhanced height element provided at the corner.

The location and massing of the proposed building is consistent with urban design goals. As mentioned, the building is proposed to be situated close to the intersection of Commissioners Road East and Wharncliffe Road S, defining the street edge and encouraging a street-oriented design with ground floor entrances facing the streets. The preliminary building design includes building articulation, rhythm, materials, fenestration, and balconies. (Figure 4) The differing setbacks of the residential component of the buildings improves sightlines for residents and adds an appropriate architectural rhythm along the Commissioners Road East and Wharncliffe Road South streetscapes. The required front yard setback is 3.0m which has been provided. All other setbacks in the BDC Zone are 0.0m unless the yard is adjacent to a residential zone. Urban Design staff requested the inclusion of a 4.0m rear yard setback whereas one is not generally required in the proposed BDC Zone as mentioned. The recommended setback is required in order to accommodate any future redevelopment of the lands at 540 Wharncliffe Road S. (Figure 5) The east interior side yard abuts a residential zone and therefore the requirements of 3.0m plus 1.2m for each 3.0m of building height or part thereof above the first is applied totalling a requirement for a 14.0m setback. the recommended zoning includes a minimum east interior side yard depth of 0.8 metres as this yard interfaces with a driveway and a wooded area. There is no special provision for the exterior side yard setback as it is 0.0m, permitted by the zoning provision in the BDC Zone.

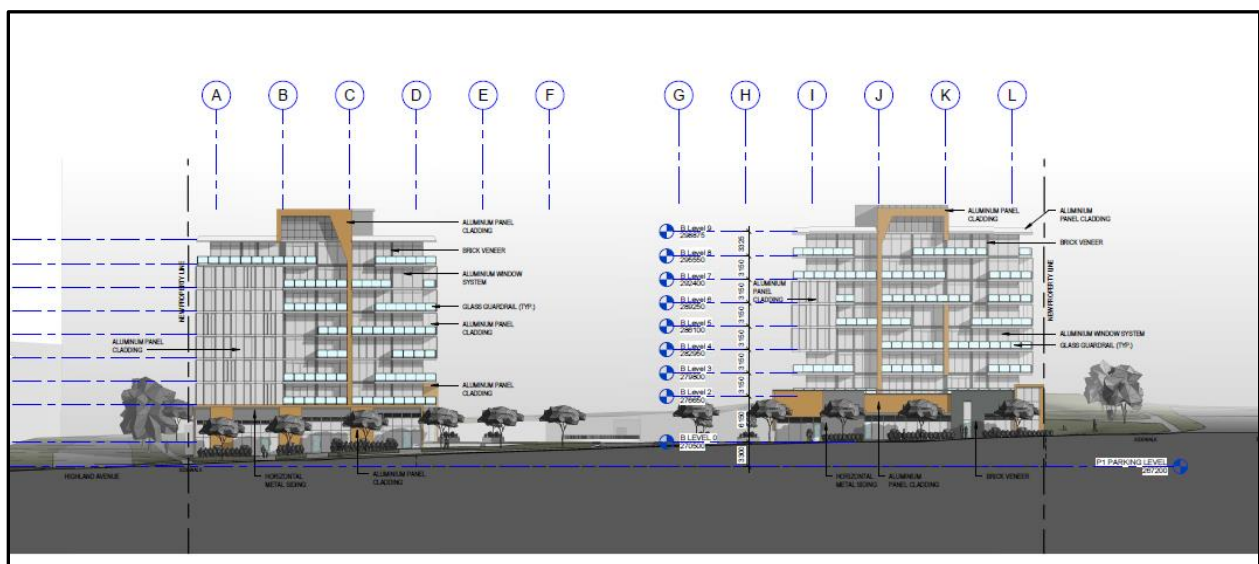


Figure 4 – Looking North

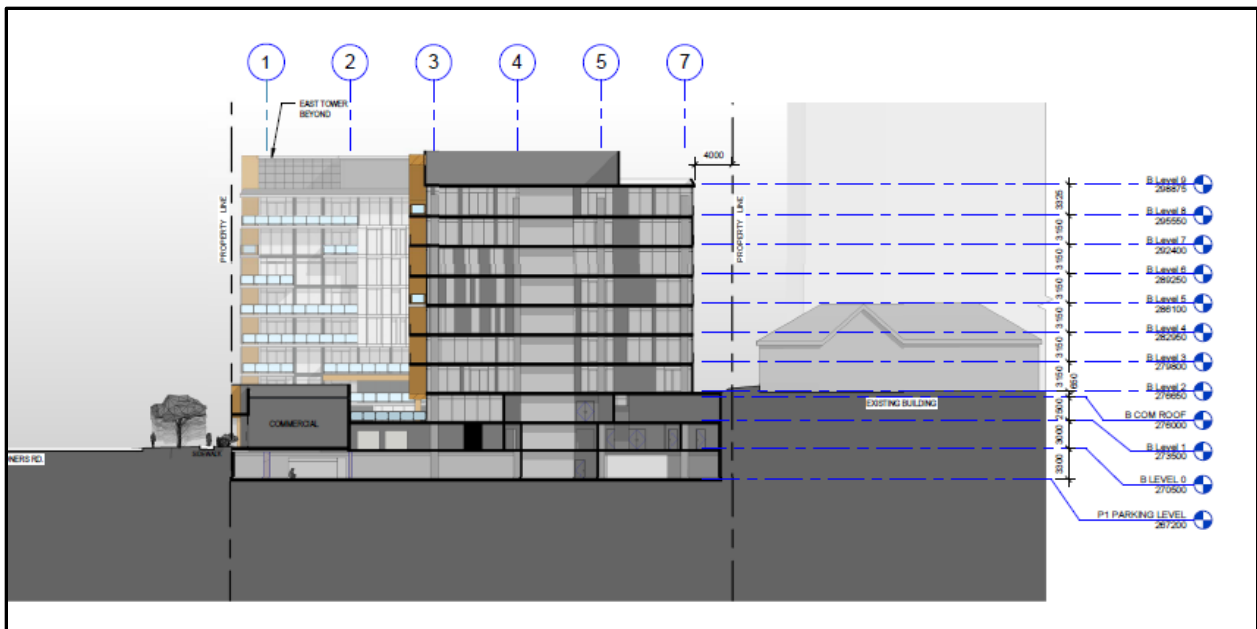


Figure 5 – Looking East

The ground level commercial/office units will have direct access to the front yard; the residential components of the building will have entrances from the interior of the subject lands. There is sufficient space between the building and the property lines, providing an opportunity for fencing, landscaping, and/or tree plantings to screen the building and afford adequate privacy levels for residents. A surface parking area is provided in the interior and rear of the property. There is sufficient space between the parking area and the property lines to provide for adequate screening, including fencing, landscaping, and/or tree plantings.

A network of pedestrian pathways on the subject lands connects the building entrances with the public sidewalks, outdoor green space, and the surface parking area.

The parking area is located behind the buildings and underground. Adequate space is provided along the sides and front of the limited surface parking lot to provide for appropriate screening of the parking from the street and adjacent to abutting properties.

As previously discussed, the proposed building placement and the existing large distance from existing residential provides for a suitable separation between the proposed development and existing homes, mitigating compatibility concerns. Space is available to provide for appropriate fencing and/or vegetative screening along the east and south property boundaries adjacent to existing development.

The proposed development is generally of a suitable form to meet high level urban design goals and will result in a development that is compatible with, and a good fit, with the existing and planned context of the area.

1989 Official Plan

The proposed form of development has made a strong effort to maintain a scale and rhythm that responds to the surrounding land uses. The development's ability to provide for an active street wall along the Commissioners Road E and Wharncliffe Rd S frontages provide a positive interface for pedestrians. The buildings provide a unique design variation while providing for appropriate scale/ rhythm/ materials/ fenestration. The main pedestrian access points for the buildings use a high level of windows and glazing helping create a prominent entrance feature clearly identifying the main entrance to the buildings. The development also positions the height and massing at appropriate locations where the impacts of the height will be limited on the abutting properties.

The Official Plan also ensures that all developments conform to the Urban Design principles in Section 11.1. 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. Staff had limited concerns with the initial submission and suggested that a height element be incorporated at the corner of Commissioners Rd E and Wharncliffe Road and that a setback from the property to the south be increased to 4.0m. The applicant was successful in meeting these two requests improving the overall development. Staff are supportive of the overall design and changes made by the applicant and believe it is in keeping with the Urban Design principles in Section 11.1

4.5 Issue and Consideration #5: Bonusing

The London Plan

In accordance with the Our Tools policies of The London Plan, Type 2 Bonus Zoning may be applied to permit greater height or density in favour of a range of facilities, services, or matters that provide significant public benefit in pursuit of the City Building goals (*1650_). Specific facilities, services, or matters contemplated under Type 2 Bonus Zoning are contained in policy *1652_. A summary of the facilities, services, and matters proposed by the applicant in return for additional height and density is provided below:

1. Exceptional Building Design

The building design shown in the various illustrations contained in Schedule "1" of the amending by-law is being bonused for features which serve to support the City's objectives of promoting a high standard of design.

- i. The inclusion of a height element at the corner of Commissioners Road W and Wharncliffe Road S, along with providing a well-defined built edge at street level along both Commissioners Road W and Wharncliffe Road South;
- ii. Well-defined principal entrances to all of the commercial and residential units along Commissioners Road W;
- iii. A variety of building materials and articulation break up the massing of the buildings; and
- v. Purpose-designed amenity space on top of the roof of the structured/covered parking entrance.

2. Underground parking

3. Provision of Affordable Housing

The provision of 7 affordable housing units which will include 4, one-bedroom units and 3, two bedroom units all within the first 8-storey mixed-use building to be constructed. The affordable housing units shall be established by agreement at 80% of average market rent for a period of 50 years. An agreement shall be entered into with The Corporation of The City of London, to secure those units for this 50 year term and the term of the contribution agreement will begin upon the initial occupancy of the last subject bonused affordable unit on the subject site.

Staff is satisfied the proposed facilities, services, and matters outlined above are commensurate to the requested increase in intensity.

1989 Official Plan

Under the provisions of Policy 19.4.4, 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 (3.4.3.iv)). Chapter 19.4.4ii) of the 1989 Official Plan establishes a number of objectives which may be achieved through Bonus Zoning. The following objectives that are included in the applicant's bonus

proposal for affordable housing;

Through discussions with the HDC, as outlined above, the applicant has agreed to provide seven (7) affordable units for the purpose of affordable housing. Also, the proposed development includes exceptional design, two levels of underground parking, in which the majority of on-site parking will be provided.

Staff is satisfied the proposed public facilities, amenities, and design features are commensurate with the requested increase in height.

Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the 1989 Official Plan policies and the in-force policies of The London Plan including the Urban Corridor Place Type policies. The proposal facilitates the development of an underutilized property and encourages an appropriate form of development. 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 subject lands are situated in a location where intensification can be accommodated given the existing municipal infrastructure, the nearby arterial streets, existing public transit, and large open space corridor with passive recreational trails in the area. The proposed development also includes the provision of affordable housing which will be mixed throughout the development.

Prepared by: Alanna Riley, MCIP, RPP
Senior Planner, Planning & Development

Reviewed by: Mike Corby, MCIP, RPP
Manager, Planning Implementation

Recommended by: Gregg Barrett, AICP
Director, Planning and Development

Submitted by: George Kotsifas, P. Eng.
Deputy City Manager,
Planning and Economic Development

Appendix A Official Plan Amendment – Policies for Specific Areas

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 1
Commissioners Road E

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

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. The Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on October 26, 2021

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 26, 2021
Second Reading – October 26, 2021
Third Reading – October 26, 2021

AMENDMENT NO.
to the
OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a Chapter 10 policy in Section 10.1.3 of the Official Plan for the City of London Planning Area – 1989 to permit two, 8-storey mixed-use buildings with a total of 157 residential units and 826m² of commercial space resulting in a maximum density of 233 uph on site, that will allow for a development that is consistent with the Urban Corridor Place Type policies of The London Plan.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 1 Commissioners Road E in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendment is consistent with the PPS and the in-force policies of the 1989 Official Plan and The London Plan. The recommendation provides the opportunity for intensification in the form of mixed-use buildings located at the intersection of two high-order roads. The recommended amendment would permit development at an intensity that is appropriate for the site and the surrounding area. The recommended amendment would help to achieve the vision of the Urban Corridor Place Type.

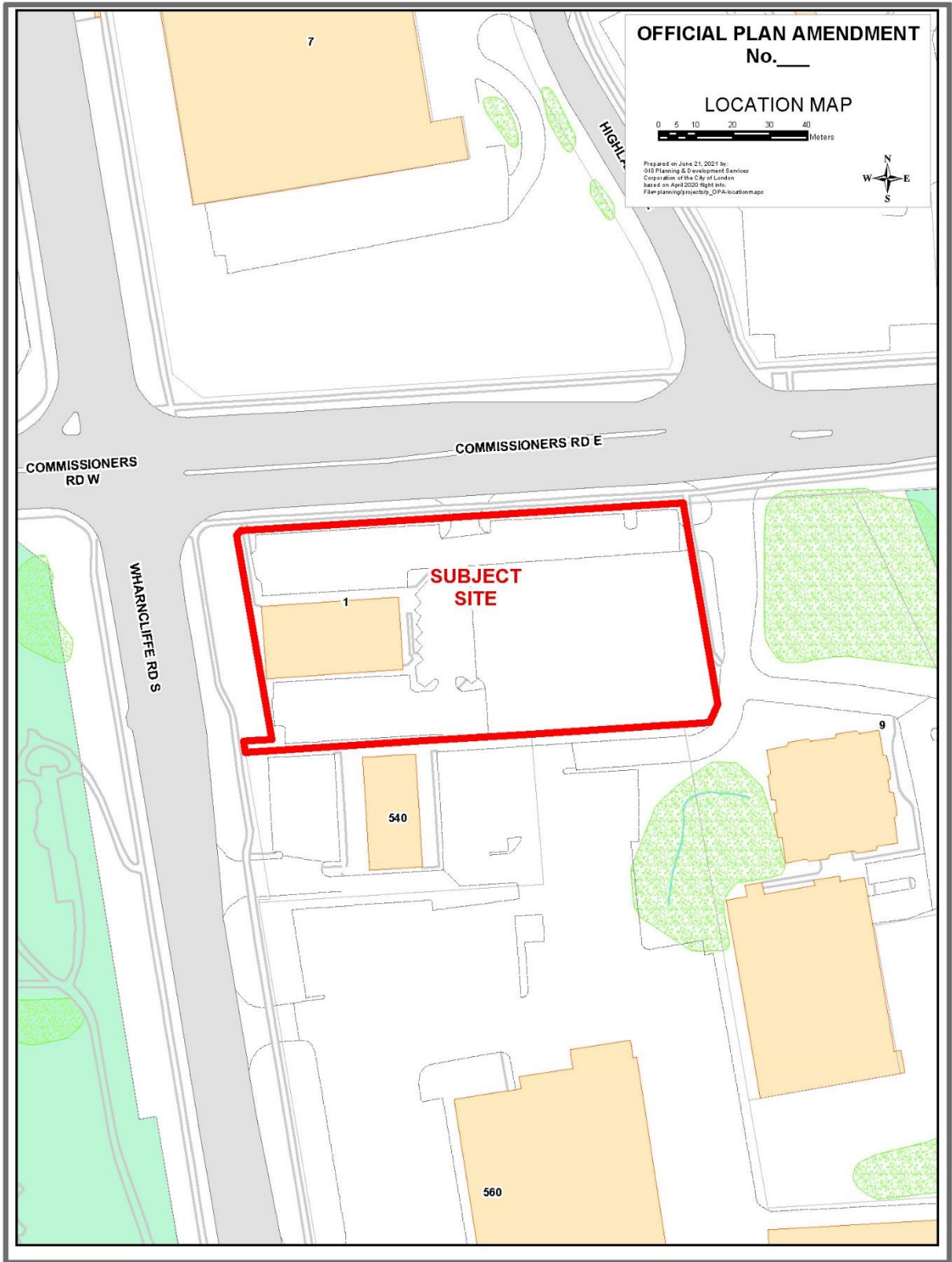
D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

1. Chapter 10 – Policies for Specific Areas of the Official Plan for the City of London is amended by modifying the following:

1 Commissioners Road East

- () At 1 Commissioners Road East, a mixed-use development may be permitted within the Auto-Oriented Commercial Corridor for two, 8-storey mixed-use buildings with a total of 157 residential units and 826m² of commercial space resulting in a maximum density of 233 uph on site. The City Design policies of The London Plan apply.



Appendix B Zoning By-law Amendment

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

By-law No. Z.-1-21_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 1
Commissioners Road East

WHEREAS One Commissioners Road Inc. has applied to rezone an area of land located at 1 Commissioners Road 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 1 Commissioners Road East, as shown on the attached map comprising part of Key Map No. A.107, from Office Special Provision (OF5(2)) Zone **to** a Business District Commercial Special Provision Bonus (BDC()*B-()) Zone;.
- 2) Section 25.4 Special Provisions of the Business District Commercial Zone is amended by adding the following Special Provision

25.4) BDC() Additional Permitted Use:
Mixed-Use Commercial/Residential Buildings
- 3) Section Number 4.3 of the General Provisions in By-law No. Z.-1 is amended by adding the following new Bonus Zone:

4.3) B-__ 1 Commissioners Road East

The Bonus Zone shall be implemented through one or more agreements to facilitate the development of two, 8-storey mixed-use apartments, with a maximum height of 8-storeys (___m) and a maximum density of 233 units per hectare, which substantively implements the Site Plan and Elevations attached as Schedule "1" to the amending by-law, in return for the following facilities, services and matters:

1. Exceptional Building Design

The building design shown in the various illustrations contained in Schedule "1" of the amending by-law is being bonused for features which serve to support the City's objectives of promoting a high standard of design.

- iii. The inclusion of a height element at the corner of Commissioners Road W and Wharncliffe Road S, along with providing a well-defined built edge at street level along both Commissioners Road W and Wharncliffe Road South;
- iv. Well-defined principal entrances to all of the commercial and

residential units along Commissioners Road W;

- iii. A variety of building materials and articulation break up the massing of the buildings; and
 - v. Purpose-designed amenity space on top of the roof of the structured/covered parking entrance approximately 112.0m²(1,200 sq. ft.)
4. Underground parking
5. Provision of Affordable Housing

The provision of 7 affordable housing units which will include 4, one-bedroom units and 3, two bedroom units all within the first 8-storey mixed-use building to be constructed. The affordable housing units shall be established by agreement at 80% of average market rent for a period of 50 years. An agreement shall be entered into with The Corporation of The City of London, to secure those units for this 50 year term and the term of the contribution agreement will begin upon the initial occupancy of the last subject bonused affordable unit on the subject site.

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

a) Regulations

- i) Commissioners Road East frontage as the front lot line
- ii) Density (Maximum) 233 units per hectare
- iii) Height (Maximum) 8-storeys (35.0 metres)
- iv) East Interior Side Yard Setback (Minimum) 0.8 metres
- v) Rear Yard Setback (Minimum) 4.0 metres
- vi) Residential Parking Rate (Minimum) 1 space per residential unit
- vii) Parking Rate of non-residential 1 space per gross floor area 20m²

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 October 26, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 26, 2021
Second Reading – October 26, 2021
Third Reading – October 26, 2021

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



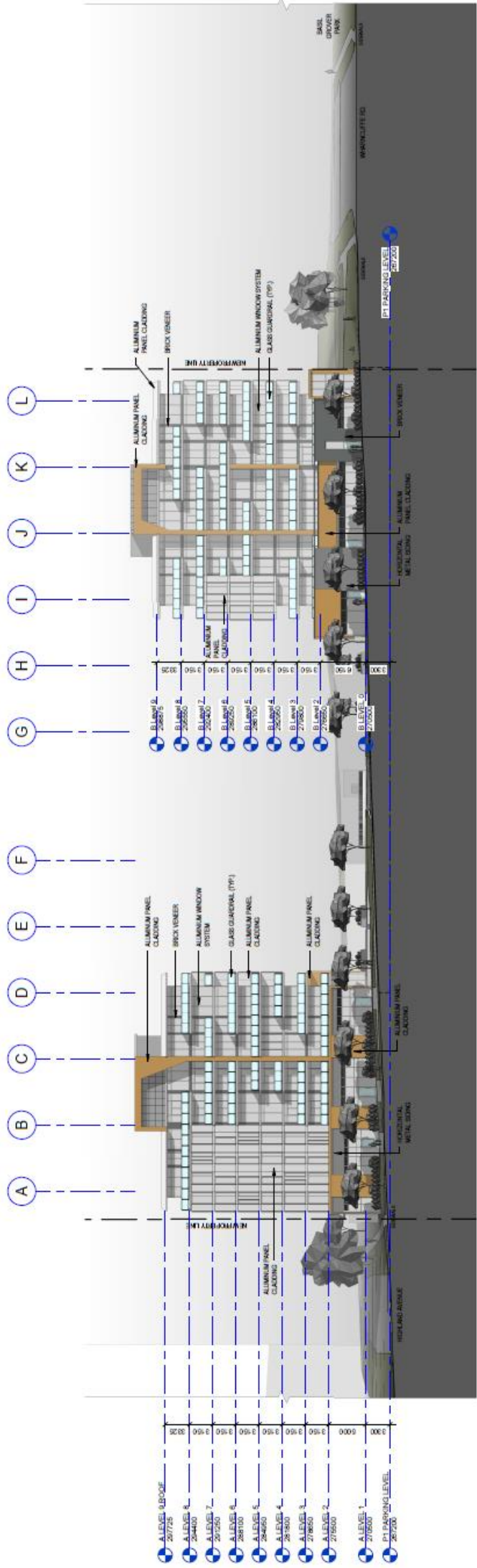
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Planner: AR
Date Prepared: 2021/10/05
Technician: rc
By-Law No: Z.-1-

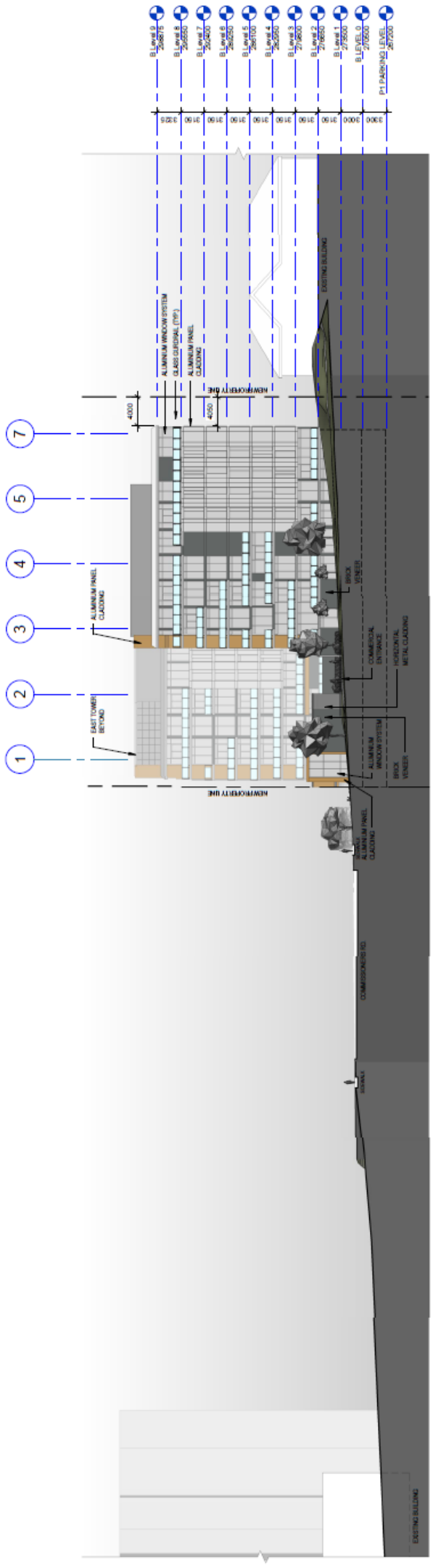
SUBJECT SITE 

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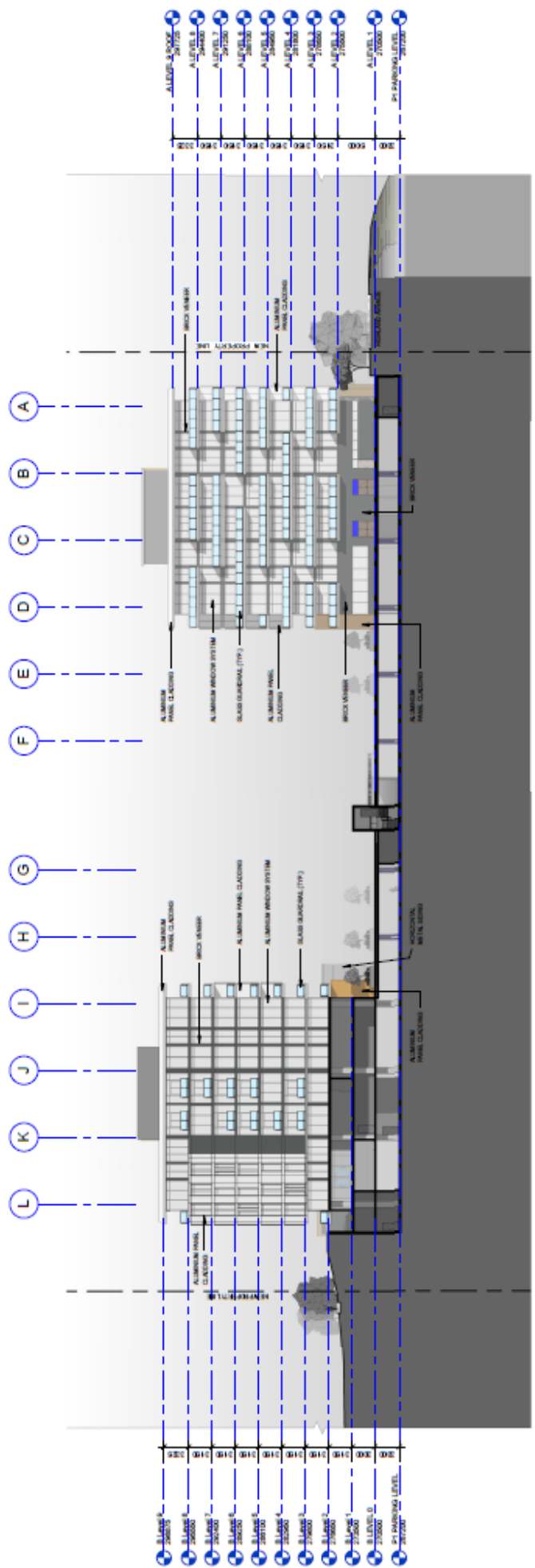
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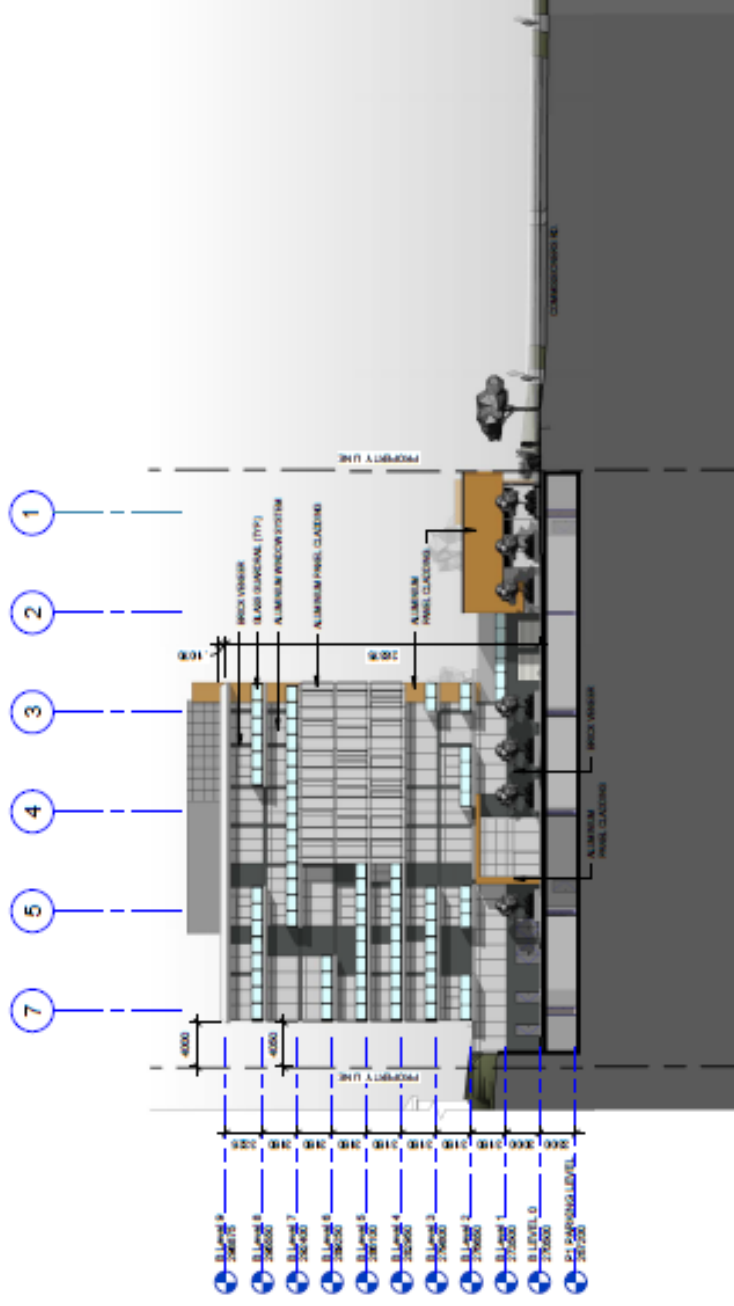




PHASE 2 - WEST ELEVATION



3 SOUTH ELEVATION



4 PHASE 2 - EAST ELEVATION

Appendix C – Public Engagement

Community Engagement

Public liaison: On April 8, 2021, Notice of Application was sent to surrounding property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on April 8, 2021. A “Planning Application” sign was also posted on the site.

2 replies were received.

Requested Amendment to the Current Official Plan

The City has initiated an Official Plan Amendment to add a Specific Policy Area to permit mixed-use apartment buildings with a maximum building height of 8-storeys and a maximum permitted density of 233 units per hectare within the Auto-Oriented Commercial Corridor designation. The intent is to align the 1989 Official Plan as it applies to these lands, with the policies of The London Plan, the new Official Plan for the City of London.

Requested Zoning By-law Amendment

To change the zoning from an Office Special Provision (OF5(2)) Zone to a Business District Commercial Special Provision Bonus (BDC(_)*B-_) Zone. Changes to the currently permitted land uses and development regulations are summarized below. The complete Zoning By-law is available at london.ca/planapps.

Current Zoning

Zone: Office Special Provision (OF5(2)) Zone

Permitted Uses: clinics; day care centres; laboratories; medical/dental offices/offices, pharmacies, restaurants eat-in, and retail.

Special Provisions: Additional Permitted Uses: Retail Stores each having a maximum gross floor area of 500 square metres (5,382 square feet) may occur on the ground floor of a building containing offices. Regulation: Gross Floor Area - Pharmacy in a stand alone (Maximum) building with a gross floor area of 1000 square metres (10,764 square feet) maximum.

Requested Zoning

Zone: Business District Commercial Special Provision Bonus (BDC(_)*B-_) Zone

Permitted Uses: Animal hospitals; apartment buildings, with any or all of the other permitted uses on the first floor; bake shops; clinics; commercial recreation establishments; commercial parking structures and/or lots; converted dwellings; day care centres; dry cleaning and laundry depots; duplicating shops; emergency care establishments; existing dwellings; financial institutions; grocery stores; laboratories; Laundromats; libraries; medical/dental offices; offices; personal service establishments; private clubs; restaurants; retail stores; service and repair establishments; studios; video rental establishments; lodging house class 2; cinemas; brewing on premise establishment; food store; animal clinic; convenience store; post office; convenience service establishments; dwelling units restricted to the rear portion of the ground floor or on the second floor or above with any or all of the other permitted uses in the front portion of the ground floor; bed and breakfast establishments; antique store; police stations; artisan workshop; craft brewery.

Special Provisions: Identify the Commissioners Road East frontage as the front lot line; permit a minimum interior side yard setback of 0.8 metres, whereas 14 metres is required; permit a minimum rear yard depth of 1.1 metres, whereas 14 metres is required; a minimum parking rate of 1 space per residential unit, whereas 1.25 spaces per unit is required; and a minimum parking rate of 1 space per 20 square metres of non-residential gross floor area, whereas 1 per 15 square metres of gross floor area is required.

Bonus Zone: A maximum building height of 8-storeys and a maximum mixed-use density of 233 units per hectare.

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

Concern for:

- Use
 - Concern with the proposed uses
- Intensity
 - Traffic
 - Density and height
- Form
 - Ignores the characteristics of the neighbourhood

Departmental and Agency Comments

Urban Design

- Urban Design staff have reviewed the re-submitted site development concept and elevations for the zoning by-law amendment application at the above noted address and provide the following urban design comments consistent with the Official Plan, applicable by-laws, guidelines, and guidance provided by the Urban Design Peer Review Panel(UDPRP);
- The applicant is commended for providing a site and building design that incorporates the following design features: provides a built form with active uses along Commissioners Road defining the street edge; locates individual commercial unit entrances along Commissioners Road with walkway access to the city sidewalk; locating the majority of the parking in an integrated structure, away from the street frontage and also internal to the site and building.
- Ensure that the design of the west residential tower has regard for the property's corner location to address the intersection, as well as providing an adequate separation and transition to the property to the south.
 - Integrate the residential tower with the commercial building at the corner to have a more vertically-integrated mixed use development that addresses the intersection. Address the corner through the architectural treatment of the building including articulation and/or height elements and active facades along both street frontages.
 - Alternatively, shift the west residential tower further to the north to provide a minimum 6m setback from the property to the south. The setback and building design should ensure adequate separation and privacy for residential units on this site, as well as not hindering the future redevelopment of mid-rise mixed use buildings on the property to the south.
- Ensure that the commercial unit(s) at the corner provide active uses with view into and out of the building along both Wharncliffe and Commissioners Road Frontage.
- Avoid blank facades of parking structure along Wharncliffe Road. Include active uses to wrap the parking garage from the street and create a human scale rhythm through façade articulation, fenestration, etc.
- Provide a minimum 1-2m building setback from the Commissioners Road frontage (property line) in order to avoid the requirement for encroachment agreements for building elements such as canopies, balconies, opening of doors, etc.
- Ensure the landscape treatment along both street frontages has an urban quality and includes adequate hardscape area for the anticipated pedestrian volumes, as well as street tree planting and landscaping.
- Provide a centrally-located and adequately sized outdoor amenity space on site for the number of units proposed. This means potential reduction and reorganisation of surface parking.

Engineering

Sewer Engineering:

- Sewer engineering is not overly concerned with the increase of 58 people to the proposed mixed used residential building however, the report did not address how the site will connect to the 200mm diameter sanitary on Commissioner Rd. As previously stated in our comments for the pre-zoning amendments, the owner shall extend the sanitary sewer to subject site and connect an adequate PDC directly on 90 degree on commissioner Rd. Shared serviced will also not be permitted. Please provide a servicing concept to illustrate this as part of the capacity report. As an FYI for a future development application, the owners engineer is to provide an area plan and design sheet for this parcel drawing to reflect the density increase.

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

Transportation:

- An Access Agreement is required with 9 Commissioners Road East;
- Road widening dedication of 24.0m from centre line required along Commissioners Road East and Wharncliffe Rd;
- A revised 6.0mx6.0m daylight triangle at Wharncliffe Road South and Commissioners Road East;
- Detailed comments regarding access design and location will be made through the site plan process.

Water Engineering:

- Water is available for the subject site via the municipal 300mm high-level watermain on Commissioners Road West.
- The existing water service is required to be decommissioned to City Standards.
- Each building will require its own independent water service in order to avoid the creation of a regulated drinking water system.
- Further comments will be provided during site plan consultation/application for the proposed development.

Solid Waste Management:

- This property is located in an area where there is / was a presence of naturally occurring methane gas, known as the Highland Place Natural Methane Site. I have not found any records of methane gas testing on the property at 1 Commissioners Road East, however our file has some records from the 1980's for the adjacent parcels that had positive methane gas readings. The applicant should be made aware of the possibility that naturally occurring methane gas may be present on the site and the Waste Management Division would recommend that a qualified consultant investigate for methane gas presence on this property and identify any mitigative measures required.

Wastewater Engineering:

- As part of future Site Plan Consultation, The owner shall extend the sewer to subject site and connect the PDC directly on 90 degree on commissioner Rd. Shared serviced will not be permitted.

Stormwater Engineering:

- As per as-constructed plan # 25205, the site at C=0.80 is tributary to the existing 300 mm storm sewer on Commissioners Road west. The applicant should be aware that any future changes to the C-value will require the applicant to demonstrate sufficient capacity in this pipe and downstream systems to service

the proposed development as well as provide on-site SWM controls. On-site SWM controls design should include, but not be limited to required storage volume calculations, flow restrictor sizing, bioswales, etc.

- The Developer shall be required to provide a Storm/Drainage Servicing Report demonstrating that the proper SWM practices will be applied to ensure on-site controls are designed to reduce/match existing peak flows from the 2 through 100 year return period storms.
- If the number of proposed/existing parking spaces exceeds 29, the owner shall be required to have a consulting Professional Engineer confirming how the water quality will be addressed to the standards of the Ministry of the Environment, Conservation and Parks (MECP) with a minimum of 70% TSS removal to the satisfaction of the City Engineer. Applicable options could include, but not be limited to the use of oil/grit separators or any LID filtration/infiltration devices.
- To manage Stormwater runoff quantity and quality, the applicant's consulting engineer may consider implementing infiltration devices in the parking area in the form of "Green Parking" zones as part of the landscaping design.
- Any proposed LID solutions should be supported by a Geotechnical Report and/or a Hydrogeological Assessment report prepared with a focus on the type(s) of soil present at the Site, measured infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high ground water elevation. Please note that the installation of monitoring wells may be required to properly evaluate seasonal groundwater fluctuations. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution. All LID proposals are to be in accordance with Section 6 Stormwater Management of the Design Specifications & Requirements manual.
- The proposed land use of a medium/high density residential, commercial will trigger the application of design requirements of Permanent Private Storm System (PPS) as approved by Council resolution on January 18, 2010.
- The subject lands are located within a Subwatershed without established targets. City of London Standards require the Owner to provide a Storm/Drainage Servicing Report demonstrating compliance with SWM criteria and environmental targets identified in the Design Specifications & Requirements Manual. This may include but not be limited to, quantity control, quality control (70% TSS), erosion, stream morphology, etc.
- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer. It shall include water balance.
- The owner is required to provide a lot grading plan for Stormwater flows and major overland flows on site and ensure that Stormwater flows are self-contained on site, up to the 100 year event and safely conveys up to the 250 year storm event, all to be designed by a Professional Engineer for review.
- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site and that will be in accordance with City of London and MECP (formerly MOECC) standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report
- Additional SWM related comments will be provided upon future review of this site.

London Hydro

- Servicing the above proposal should present no foreseeable problems, Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining safe clearances from L.H. infrastructure is mandatory. A blanket easement will be required. Note: Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability.

- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

July 9, 2021: Housing Development Corporation

August 12, 2021

TO: City of London Development Services
Attention: Michael Tomazincic, Manager, Development Services, Current Planning
Alanna Riley, Senior Planner, Development Services, Current Planning

REGARDING: Bonusing for Affordable Housing
1 Commissioners Road East ("Subject Lands")

Background:

Housing Development Corporation, London (HDC) was engaged to work with One Commissioners Road East Inc. (the "Proponent") and provide a fair recommendation to the Director, City of London Development Services in response to the Official Plan and Zoning By-law Amendment application (City of London Planning File: O-9339 and Z-9340) proposal for height and density "bonusing" in exchange for the provision of affordable housing. The application is proposing two (2) eight-storey mixed-use buildings containing 157 residential units and 826 m² of non-residential gross floor area.

This letter reflects the recommendation of HDC and is provided with the concurrence of the Proponent.

RECOMMENDATION:

It is the recommendation of the HDC that the following elements constitute the affordable housing bonus zone:

1. Seven (7) residential units (including 4 one-bedroom units and 3 two-bedroom units) be dedicated to affordable rental housing in exchange for the granting of increased height and density. All seven (7) residential units to be dedicated for affordable rental housing will be located in the first eight-storey mixed-use building to be constructed.
2. "Affordability" for the purpose of an agreement be defined as rent not exceeding 80% of the Canada Mortgage and Housing Corporation (CMHC) Average Market Rent (AMR) for units where:
 - i. AMR is defined at the one-bedroom rate and the two-bedroom rate for the London Census Metropolitan Area by CMHC at the time of building occupancy;
 - ii. the identified units will be mixed throughout and not otherwise identifiable within the building; and
 - iii. Rents for the affordable rental housing units shall only be increased to the allowable maximum, once per 12-month period in accordance to the *Residential Tenancy Act* or any successor legislation but not to exceed 80% of the CMHC AMR.
3. The duration of the affordability period be set at 50 years calculated from initial occupancy of each unit and for each month thereafter that the unit is occupied. At the conclusion of the agreement period, any sitting tenants within associated affordable unit shall retain security of tenure and rental rates until the end of their tenancy. The rights of tenancy and affordability in the dedicated units shall not be allowed to be assigned or sublet during or after the agreement.
4. The Proponent be required to enter a Tenant Placement Agreement (TPA) with the City of London. This action aligns bonus units with priority populations vetted and referred to the Proponent or their agent by the City. The owner retains final tenant selection in accordance with the *Residential Tenancy Act*, subject to the established eligibility and compliance requirements.
5. These conditions be secured through an agreement registered on title with associated compliance requirements and remedies. This recommendation ensures the retained value of each affordable rental housing unit within the Bonus Zone for the 50-year affordability period. Compliance will be monitored in a similar fashion as is conducted with other agreements and shall include conditions related to default and remedy.



520 Wellington St., Unit 7, London, ON N6A 3R2
P: 519-930-3512 www.hdcilondon.ca

The Proponent's application proactively aligned their bonus interests to the City's affordable housing priorities and the associated discussions establishing the above recommendation were achieved with their concurrence.

Rationale for Affordable Housing Bonus:

Guiding Policy: The London Plan recognizes housing affordability as one of the City's principle planning challenges. It states that planning activities will provide for a mixture of dwelling types and integrated mixtures of housing affordability. The Plan identifies bonusing as a planning tool in support of the provision of affordable rental housing within planning and development proposals.

Location and Application Considerations: The Subject Lands are on located on the southeast corner of Whamcliffe Road South and Commissioners Road East. The lands are proximate to a broad range of residential, retail, service, office, and open space/recreational opportunities. The lands are directly served by transit and are within a convenient walking distance of a neighbourhood focused retail plaza that includes a grocery store and financial institution.

Alignment to Need: The locational attributes of the site align with factors used by HDC to advance affordable rental housing. The recommendations align with housing needs and priorities defined within the *Housing Stability for All Plan* and CMHC analytics related to housing stock, affordability rates, vacancy rates, rental rates, incomes, and other market conditions.

Conclusion:

The *Planning Act* provides municipalities the ability to advance public facilities, services or matters in exchange for additional height and density above existing zoning permissions. The ability to utilize this important tool as a mechanism to advance affordable rental housing aligns with a critical need in London, noting that London is currently ranked 5th in Canada for the highest percentage of households in "Core Housing Need" in major urban centres (CMHC, July 2018).

This recommendation recognizes Council's expressed interest to seek "...options for implementing and coordinating [planning] tools to be most effective..." to "...promote the development of affordable housing in London" (4.4/12/PEC, July 25, 2018).

HDC will be available to the Planning and Environment Committee and to Civic Administration to further inform this recommendation or respond to any associated questions.

Sincerely,



Stephen Giustizia
President and CEO

- c. Brian Turcotte, Development Manager, HDC
Isabel da Rocha, Business and Program Manager, HDC

Appendix D – Policy Context

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

Provincial Policy Statement, 2020

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

1.1.1 b)

1.1.1 e)

1.1.3.1

1.1.3.2

1.1.3.3

1.1.3.4

Section 1.4 – Housing

1.4.3

Section 1.7 – Long Term Economic Prosperity

The London Plan

(Policies subject to Local Planning Appeals Tribunal, Appeal PL170100, indicated with asterisk.)

Policy 7_ Our Challenge, Planning of Change and Our Challenges Ahead, Managing the Cost of Growth

Policy 54_ Our Strategy, Key Directions

Policy 59_ 1, 2, 4, 5, and 8 Our Strategy, Key Directions, Direction #5 Build a Mixed-use Compact City

Policy 61_ 10 Our Strategy, Key Directions, Direction #7 Build Strong, Healthy and Attractive Neighbourhoods for Everyone

Policy 62_ Our Strategy, Key Directions, Direction #8 Make Wise Planning Decisions

Policy 66_ Our City, Planning for Growth and Change

Policy 79_ Our City, City Structure Plan, The Growth Framework, Intensification

Policy 83_ Our City, City Structure Plan, The Growth Framework, Intensification

Policy 84_ Our City, City Structure Plan, The Growth Framework, Intensification

Policy 256_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

*Policy 259_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

*Policy 837 Permitted Uses

*Table 9 Range of Permitted Heights

Policy 939_ Place Type Policies, Urban Place Types, Neighbourhoods, Forms of Residential Intensification

Policy 953_ Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods, Additional Urban Design Considerations for Residential Intensification

Official Plan (1989)

Auto-Oriented Commercial Corridor Policies

11.1. Urban Design Policies

19.4.4. Bonus Zoning

3.7 Planning Impact Analysis	
Criteria	Response
Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area;	The proposed land use contributes to a variety of housing forms within the neighbourhood.
The size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;	The site appears generally able to accommodate the intensity of the proposed use. Special provisions have been recommended where appropriate setbacks have been proposed.
The supply of vacant land in the area which is already designated and/or zoned for the proposed use;	There is no vacant land in the area which is already designated and/or zoned for the proposed use.
The proximity of any proposal for medium or high density residential development to public open space and recreational facilities, community facilities, and transit services, and the adequacy of these facilities and services;	The site is located close to office and commercial uses, elementary schools, numerous parks, and bus service on Commissioners Road E and Wharncliffe Road S.
The need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 – Housing;	Affordable housing is proposed.
The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;	The height, location and spacing as proposed are all considered appropriate with mitigation measures in place.
The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;	Landscaping and screening opportunities through vegetation will be considered at a future Site Plan Approval stage.
The location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties;	Transportation Division has no concerns.
The exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;	The applicant is commended for incorporating the following into the design of the site and buildings: The inclusion of a height element at the corner of Commissioners Road W and Wharncliffe Road S, along with providing a well-defined built edge at street level along both Commissioners Road W and Wharncliffe Road South; Well-defined principal entrances to all of the commercial and residential units along Commissioners Road W; A variety of building materials and articulation break up the massing of the buildings; and

	Purpose-designed amenity space on top of the roof of the structured/covered parking entrance.
The potential impact of the development on surrounding natural features and heritage resources;	Not applicable.
Constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration and rail safety may limit development;	The applicant has been made aware that there is / was a presence of naturally occurring methane gas, known as the Highland Place Natural Methane Site.
Compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law;	The requested amendment is consistent with the recommended Official Plan Amendment and the in-force policies of the Official Plan. The requirements of the Site Plan Control By-law will be considered through the design of the site to ensure functionality, including provision of amenity space, drive aisle widths, sidewalk widths, garbage storage, and long-term bicycle storage through the site plan approval process.
Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis;	Enhanced, robust tree planting and landscaping in combination with privacy fencing, and building massing treatments are expected to mitigate minor adverse impacts on the surrounding land uses.
Impacts of the proposed change on the transportation system, including transit	The intensification of the subject lands will have a negligible impact on the transportation system and provide a more transit-supportive form of development.

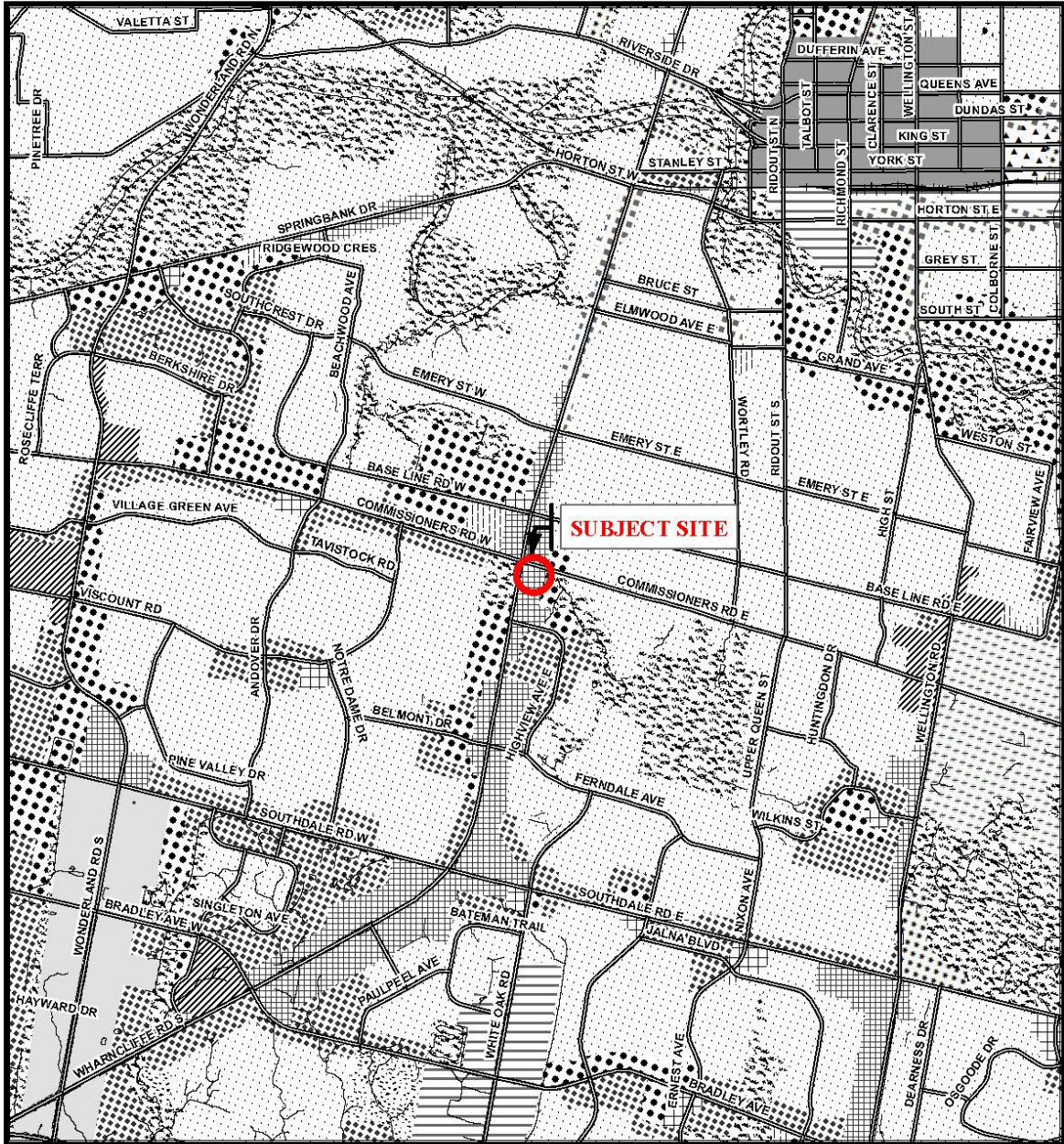
1577_ Evaluation Criteria for Planning and Development Applications	
Criteria – General Policy Conformity	Response
Consistency with the Provincial Policy Statement and in accordance with all applicable legislation.	The proposal is consistent with the Provincial Policy Statement as it provides for efficient development and land use patterns and for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area. There are no significant natural or cultural heritage resources requiring protection and no natural or man-made hazards to be considered.
Conformity with the Our City, Our Strategy, City Building, and Environmental Policies of this Plan.	The proposal provides for intensification within the Urban Growth Boundary and supports Key Directions related to the creation of a mixed-use compact City and strong, healthy and attractive neighbourhoods. The massing and scale of the proposed building can be appropriately integrated into the community through the application of the relevant City Design policies at the site plan approval stage.
Conformity with the policies of the place type in which they are located.	The proposed mixed-use development provides for the use and intensity of development contemplated within the Urban Corridor Place Type.
Consideration of applicable guideline documents that apply to the subject lands.	No additional guideline documents apply to the subject lands.
The availability of municipal services, in conformity with the Civic Infrastructure chapter of this Plan and the Growth Management/Growth Financing policies in the Our Tools part of this Plan.	The site will be fully serviced by municipal water and sanitary sewers. Additional evaluation of the capacity of the stormwater management system is to occur at the site plan approval stage.
Criteria – Impacts on Adjacent Lands	
Traffic and access management	Transportation Division has no concerns.
Noise	The proposed development is not expected to generate any unacceptable noise impacts on surrounding properties. A noise study was submitted to be reviewed at the site plan stage to address the mitigation of impacts of road noise on the new development.

Parking on streets or adjacent properties.	The proposal includes the provision of on-site parking at a reduced rate of 1 space per residential unit where 1.25 spaces are required for apartment buildings at this location. The reduced parking rate is a common and acceptable modern standard for sites located on streets that support a good level of public transportation, such as Commissioners Road E.
Emissions generated by the use such as odour, dust or other airborne emissions.	The proposed development will not generate noxious emissions.
Lighting	Lighting details will be addressed at this site plan approval stage. The applicant indicates that exterior lighting will be located near building entrances, along pedestrian walkways, and parking areas. It is a site plan standard that any lighting fixture is to minimize light spill onto abutting properties.
Garbage generated by the use.	Garbage facilities should be screened, storage inside the building is a standard requirement for apartment forms, with garbage to be placed outside on collection day.
Privacy	The proposed development situates the buildings as far from abutting residential properties as possible. An adequate separation is provided between the proposed building and the residential properties to the east. In addition to the spatial separation between the buildings and the lot lines, the provision of a combination of privacy fencing and enhanced, robust landscaping to soften the property boundaries and provide screening to neighbouring single detached lots will help screen views from the proposed building to neighbouring properties.
Shadowing	Minor shadowing may impact adjacent properties in the early morning or late afternoon, depending on the season.
Visual Impact.	Enhanced landscaping, articulated building design, and architectural details and materials to be finalized at the site plan approval stage are expected to have a positive visual impact on the area. The proposed development is consistent with the character of the area, which includes several low, mid and high-rise apartment buildings and commercial.
Loss of Views	There are no view corridors to significant features or landmarks to be affected by the proposed building.
Trees and canopy cover.	The development will result in the loss of

	<p>some trees and canopy cover in order to achieve more compact forms of development within the built-up part of the City. At the site plan stage, consideration should be given to the removal of some or all of the existing trees in favour of the provision of privacy fencing in combination with new enhanced landscaping to provide screening for neighbouring properties.</p>
Cultural heritage resources.	Not applicable.
Natural heritage resources and features.	Not applicable.
Natural resources.	Not applicable.
Other relevant matters related to use and built form.	Not applicable.

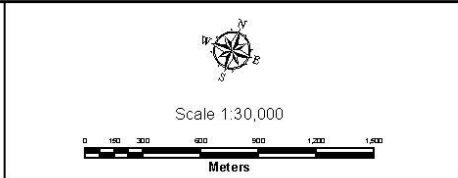
Appendix E – Relevant Background

Additional Maps

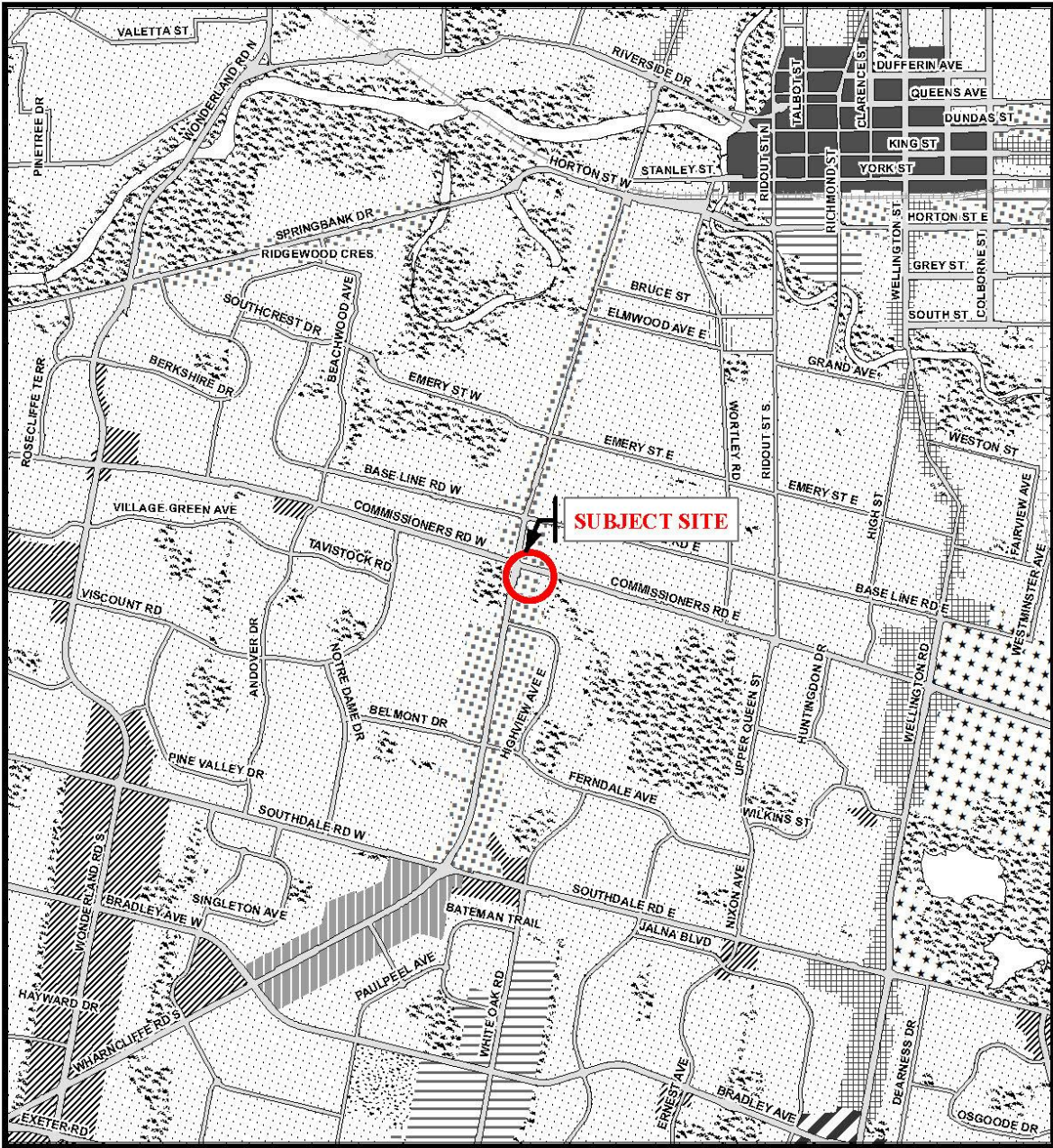


Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low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

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



FILE NUMBER: O-9339/Z-9340
 PLANNER: AR
 TECHNICIAN: RC
 DATE: 2021/03/31



Legend

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

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

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

CITY OF LONDON

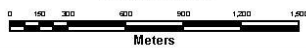
Planning Services /
Development Services

**LONDON PLAN MAP 1
- PLACE TYPES -**

PREPARED BY: Planning Services



Scale 1:30,000

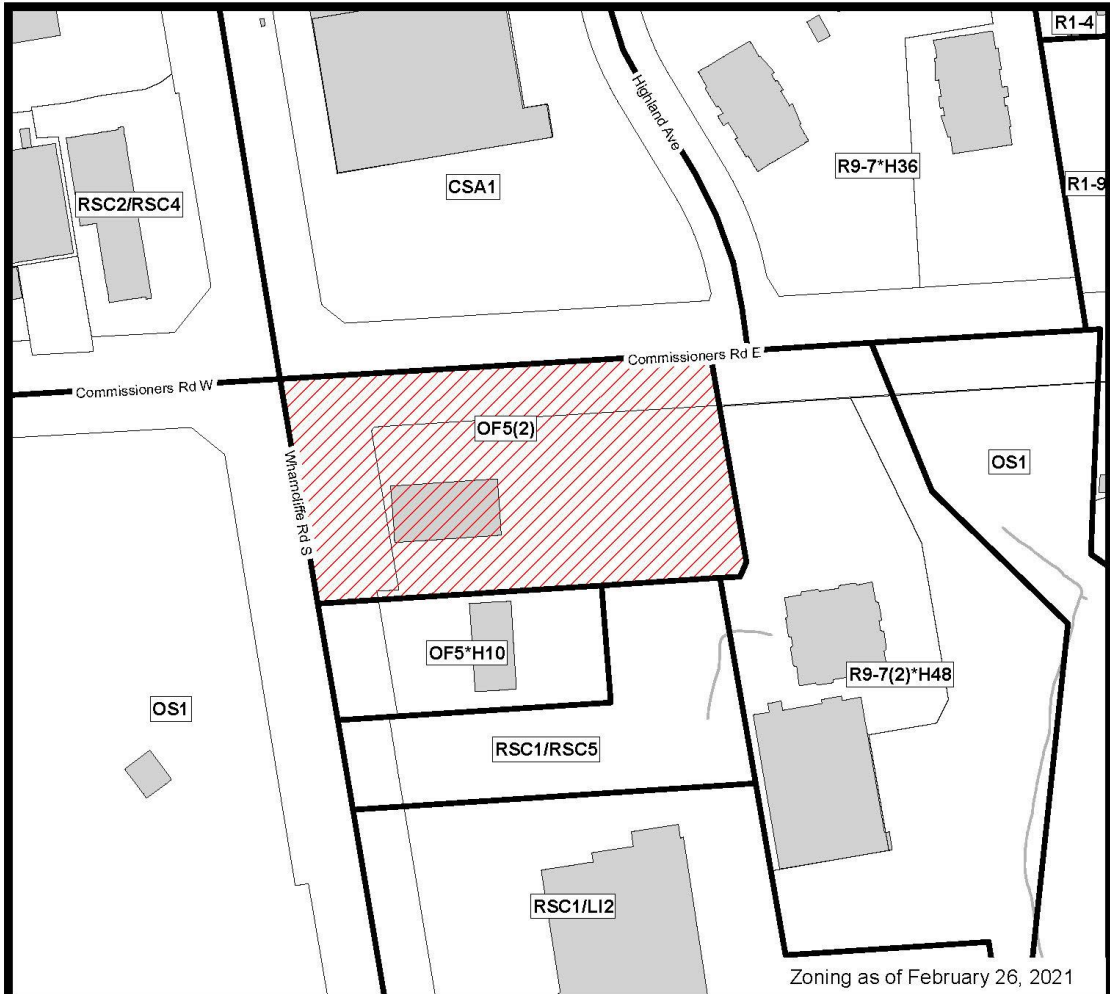


File Number: O-9339/Z-9340

Planner: AR

Technician: RC

Date: March 31, 2021



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| | LI - LIGHT INDUSTRIAL |
| DA - DOWNTOWN AREA | GI - GENERAL INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | UR - URBAN RESERVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | |
| AC - ARTERIAL COMMERCIAL | AG - AGRICULTURAL |
| HS - HIGHWAY SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| SS - AUTOMOBILE SERVICE STATION | RT - RAIL TRANSPORTATION |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

**ZONING
BY-LAW NO. Z-1
SCHEDULE A**



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

FILE NO:

O-9339/Z-9340 AR

MAP PREPARED:

2021/03/31 rc

1:2,000

0 10 20 40 60 80 Meters