



303 Richmond St., Suite 201
London, ON N6B 2H8

April 29, 2022

By email:

Mayor Ed Holder; Members of City of London Council
City of London
300 Dufferin Avenue
PO Box 5035
London, ON N6A 4L9

Dear Mayor Holder and Councillors:

**Re: Official Plan Amendment and Zoning By-law Amendment Applications (OZ-9127);
Ontario Heritage Act Designation Proposal (183 Ann Street; 197 Ann Street)
Planning and Environment Committee (9th Meeting, 2022; Agenda Items 3.3 and 4.2)
84-86 St. George Street and 175-197 Ann Street
St. George and Ann Block Limited (c/o York Developments)**

York Developments has reviewed the referral recommendation of the Planning and Environment Committee relating to our planning applications for 84-86 St. George Street and 175-197 Ann Street. As discussed at the Committee's April 25, 2022 public meeting, we understand the intent of this recommendation is to establish a 'path forward' for redeveloping our lands. Respectfully, we see no reason to refer our applications back to Civic Administration as the matters set out in the recommendation are effectively satisfied in our project design and implementation strategy. Additionally, as our project includes several measures to commemorate the historical value of properties located on the property, we request that City Council not designate 183 and 197 Ann Street under Part IV of the Ontario Heritage Act.

We offer the following comments respecting both of our requests.

Referral Recommendation (Application OZ-9127)

The referral recommendation identifies three specific matters that Committee members considered to be outstanding: rail safety concerns, traffic mitigation measures and bonusing for affordable housing. We are confident that each of the referenced items can be fully addressed without the need for any further consultation with Civic Administration. The following is our approach to each of these matters.

1. Rail Safety

CP Rail has advised that within a 30 m setback from its corridor, protection measures are required (i.e., berm or alternative safety measure). It is important for Council to recognize that the setback encroachment of this project is limited and that there are several intervening land uses between our property and the rail corridor, including industrial buildings at 100 and 180 Ann Street, the high-rise tower at 695 Richmond Street and the Ann Street road allowance. Notwithstanding, a mitigation strategy is being prepared to address the setback condition. As part of this strategy, it is anticipated that a crash wall would be integrated into the building design for the portion of the structure encroaching into the setback area. No residential area would be situated immediately behind the crash wall.

Given that the complexity of incorporating a crash well into a high-rise design, this component of the project should be addressed as part of the detailed design phase, rather than at the rezoning stage. The preliminary layout of the crash wall can also be reviewed, at a high-level, with City staff as part of the Site Plan Approval (SPA) process. We have added the holding provision ('h') to the proposed zoning to ensure that, if required, rail safety measures are evaluated in conjunction with the City's SPA process.

2. Traffic Mitigation

BT Engineering (BTE) completed a Transportation Impact Assessment (TIA) for the original project design, concluding in its April 2019 study report that,

“The traffic projections which were based on ITE trip generation rates for High Rise Apartments are considered to represent a worst case scenario, and the analysis confirmed that the worst case scenario can be suitably accommodated by the existing road network. As a development that is designed and will be marketed as a student residence, it is anticipated that the actual volume of vehicle traffic generated during the peak hours will be significantly lower.”

The original design proposed 274 student rental units; our revised design proposes 214 student rental units. The traffic-related impacts of this project are therefore further reduced under our revised plan and given BTE's study findings, no additional assessment is warranted to mitigate or buffer traffic levels generated from our project.

3. Affordable Housing Component

Our bonusing program has been revised to include the items requested in conjunction with the referral recommendation. The requested modifications are reflected in the proposed Zoning By-law Amendment enclosed with our letter.

Additionally, in response to comments received at the Committee meeting regarding the massing and intensity of this project, we wish to advise Council of the following key considerations:

- As illustrated in renderings provided to the Committee, our building design integrates several pronounced setbacks from major building elements to reduce the overall mass of the structure, as well as a low-level podium element integrating extensive glazing to help activate the adjacent street edges. The design results in only 55% of the potential building volume being utilized, whereas conventional high-rise towers often utilize closer to 100% of the potential building volume (please refer to the attached Zedd Architecture rendering).

- Our revised design transitions tower height from 22 storeys near the Richmond Street corridor to 9 storeys near St. George Street. Two- and three-storey podium components are also provided along street frontages to step down height at the pedestrian level and to reflect the low-rise forms located along the Ann Street and St. George Street frontages.

In light of these considerations, we are satisfied that the Committee's outstanding concerns with our planning applications have been sufficiently addressed and referral back to Civic Administration is not necessary to progress this project.

Part IV Heritage Act Designation Recommendation (183 and 197 Ann Street)

In our view the Designation Bylaw is not needed.

As part of our requested Zoning By-law Amendment, the following provisions are proposed to address heritage considerations:

- A Holding Provision (h-_) requiring that, at City Council's discretion, 183 and 197 Ann Street be relocated to a separate property prior to development of this project.
- A requirement under our Bonus Zone program that the proposed commercial (brewery) space include architectural elements to commemorate the historical affiliation of the property with the former Kent Brewery and other buildings historically on the premises.

As discussed at the Committee meeting, a key component of our heritage strategy is to establish a craft brewery within the tower podium and to integrate remaining design components of the former Kent Brewery into that space (as well as other commemorative elements relating to the historical value of properties located on the project site).

The proposed brewery will provide an open, diverse venue to educate and aware the community of the important historical/associative value of the site which otherwise may not be easily accessible or provided to the greater public if both the Kent Brewery and Brewer's House are retained and continue to operate as private property.

We are satisfied that the mitigation program planned for this project effectively, and appropriately, commemorates the heritage attributes of 183 and 197 Ann Street. We therefore request that Council not designate these structures under Part IV of the Heritage Act.

Alternative Recommendation

In summary, we wish to request that City Council approve our applications and refuse the Committee recommendation to designate 183 and 197 Ann Street as heritage structures.

We have enclosed a revised recommendation of approval for our applications to amend the 1989 Official Plan, The London Plan and the Zoning By-law, and we have included draft Amendments.

Our team is available to assist in any way to address any questions you may have regarding the matters discussed. I may be contacted at 519-640-8968.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'AS', with a long horizontal stroke extending to the right.

Ali Soufan
President, York Developments

Cc: S. Wise, C. Saunders; City of London

Enclosures:

1. Building volume rendering (Zedd Architecture)
2. Draft Council Recommendation, Official Plan Amendments and Zoning By-law Amendment

Recommendation

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

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on May 3, 2022 to amend the Official Plan by **ADDING** 84-86 St. George Street and 175-197 Ann Street to the list of Locations of Convenience Commercial and Service Station uses in Section 3.6.5. vi); by adding the subject site to Section 10.1.3 – Policies for Specific Areas; and to change the designation on Schedule “A”, Land Use, on the western portion of these lands **FROM** Multi-Family, Medium Density Residential **TO** Multi-Family, High Density Residential;
- (b) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on May 3, 2022 to amend The London Plan by **REPLACING** Policy 1038A to permit an intensive, mixed-use development having a maximum building height of 22 storeys, exclusive of the mechanical penthouse, and a maximum floor area of 500 m² for retail, service and office uses with the podium base, and by **ADDING** the subject lands to Map 7 – Specific Area Policies - of The London Plan;
- (c) The proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on May 3, 2022 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** a Residential R9 (R9-3* H12) Zone **TO** a holding Residential R10/Convenience Commercial Special Provision/Bonus (h*h-())*R10-5/CC4()*B-()) Zone;

The Bonus Zone shall be implemented through one or more agreements to facilitate development of a high quality, mixed-use apartment building with a maximum density of 595 units per hectare and a maximum height of 75 metres, which substantively implements the Site Plan and Elevations attached as Schedule “1” to the amending by-law and in return for the facilities, services and matters set out in the amending by-law.

Appendix A

Bill No. (number to be inserted by Clerk's Office)
2022

By-law No. C.P.-XXXX-____

A by-law to amend the Official Plan for the City of London, 1989 relating to 84-86 St. George Street and 175-197 Ann Street.

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. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on May 3, 2022.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – May 3, 2022
Second Reading – May 3, 2022
Third Reading – May 3, 2022

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

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to: re-designate the western portion of the subject lands from “Multi-Family, Medium Density Residential” to “Multi-Family, High Density Residential” on Schedule “A”, Land Use, to the Official Plan for the City of London; and to add a Specific Area policy to Section 10.1.3 of the Official Plan for the City of London to permit a maximum residential density of 595 units per hectare on the subject lands.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 84-86 St. George Street and 175-197 Ann Street in the City of London.

C. BASIS OF THE AMENDMENT

The amendment to the Official Plan will allow for the redevelopment of the subject lands for a mixed-use, high-rise tower that will provide an increased density to support appropriate intensification and additional housing choice, including affordable housing opportunities.

D. THE AMENDMENT

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

1. Schedule “A”, Land Use, to the Official Plan for the City of London is amended by designating those lands located at 84-86 St. George Street and 175-197 Ann Street, “Multi-Family, High Density Residential”.
2. Section 3.6.5 vi) – Locations of Convenience Commercial and Service Stations Uses is amended by adding the following location:

84-86 St. George Street and 175-197 Ann Street - convenience commercial uses.
3. Section 10, Policies for Specific Areas, of the Official Plan for the City of London is amended by adding a new Specific Area policy to Subsection 10.1.3 to read as follows:

84-86 St. George Street and 175-197 Ann Street

- (*) In the Multi-Family, High Density Residential designation at 84-86 St. George Street and 175-197 Ann Street, a maximum density of 595 units per hectare may be permitted.

Appendix B

Bill No. (number to be inserted by Clerk's Office)
2022

By-law No. C.P.-XXXX-____

A by-law to amend the Official Plan for the City of London, 1989 relating to 84-86 St. George Street and 175-197 Ann Street.

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 London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on May 3, 2022.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – May 3, 2022
Second Reading – May 3, 2022
Third Reading – May 3, 2022

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

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to replace Section 1038A_ of The London Plan pertaining to 84-86 St. George Street and 175-199 Ann Street to permit a high-density, mixed-use development on the property.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 84-86 St. George Street and 175-197 Ann Street in the City of London.

C. BASIS OF THE AMENDMENT

The amendment to The London Plan will amend the existing Specific Area policy for the “Neighbourhoods” Place Type applying to the property. The amendment to the Official Plan will allow for the redevelopment of the subject lands for a mixed-use, high-rise tower that will provide an increased building height to support appropriate intensification and additional housing choice, including affordable housing opportunities.

D. THE AMENDMENT

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

1. Policy 1038A_, “175-199 ANN STREET AND 84-86 ST. GEORGE STREET”, is replaced in its entirety with the following policy:

175-199 ANN STREET AND 84-86 ST. GEORGE STREET

1038A_ In the Neighbourhoods Place Type at 175-199 Ann Street and 84-86 St. George Street, the lands are appropriate for an intensive, mixed-use development. A maximum building height of 22 storeys may be permitted, exclusive of the mechanical penthouse, and a maximum floor area of 500 m² may be permitted for retail, service and office uses with the podium base.

2. Map 7 (Specific Policy Areas) is amended by identifying 84-86 St. George Street and 175-199 Ann Street as the subject of this Specific Area policy.

Appendix C

Bill No. (number to be inserted by Clerk's Office)
(2022)

By-law No. Z.-1-20 _____

A by-law to amend the Official Plan for the City of London, 1989 relating to 84-86 St. George Street and 175-197 Ann Street.

WHEREAS St. George and Ann Block Limited has applied to rezone an area of land located at 84-86 St. George Street and 175-199 Ann Street, 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 84-86 St. George Street and 175-199 Ann Street, as shown on the attached map, from a Residential R9 (R9-3* H12) Zone to a holding Residential R10/Convenience Commercial Special Provision/Bonus (h*h()*R10-5/CC4()*B-()) Zone.
- 2) Section Number 3.8.2) of the Holding "h" Zones in By-law No Z.-1 is amended by adding the following Holding Provision:

) h-__

Purpose: To encourage the preservation of heritage resources, the "h-()" symbol shall not be removed until City Council has determined if the buildings addressed as 183 and 197 Ann Street are to be relocated to a separate property for reconstruction prior to future development of the site and to the satisfaction of the City of London.

- 3) Section Number 4.3 of the General Provisions is amended by adding the following new Bonus Zone:

B-__ 84-86 St. George Street and 175-199 Ann Street

The Bonus Zone shall be enabled through a development agreement to facilitate the development of a high quality, mixed-use building with a maximum of 22 storeys, exclusive of the mechanical penthouse, a maximum of 214 dwelling units and a maximum residential density of 595 units per hectare, which substantively implements the Site Plan and Elevations attached as Schedule "1" to the amending by-law and:

- 1) Provision of Affordable Housing
 - i) A total of 13 units comprised of a mix of one (1) studio unit, one (1) one-bedroom unit, five (5) two-bedroom units and six (6) three-bedroom units allocated towards the purpose of affordable housing;
 - ii) Rents not exceeding 80% of CMHC Average Market Rent (AMR) for the London Census Metropolitan Area as determined by the Canadian Mortgage and Housing Corporation at the time of building occupancy;
 - iii) The period of affordability for all identified affordable units be set at 50 years from the point of initial occupancy;
 - iv) The proponent is to enter into a Tenant Placement Agreement with the Corporation of the City of London to align the affordable units with priority populations.

- 2) Provision of four electric vehicle charging stations within the visitor parking area, as well as 16 changing stations within the parking garage;
- 3) Construction of four (4) publicly accessible bicycle share facilities/spaces;
- 4) Provision of 20% accessible apartment units;
- 5) The financial contribution of funding towards construction of transit shelters, or similar facilities, in close proximity to the Richmond Street/Mill Street intersection in the amount of \$10,000 to promote bus ridership;
- 6) Common amenity area (exterior terrace) provided above the first floor; rooftop terraces proposed above the 9th and 19th floors;
- 7) High quality architectural design (building/landscaping) including the use of design elements within the permitted commercial space to commemorate the historical affiliation of the property with the former Kent Brewery and other buildings historically on the premises;
- 8) Dedicated areas for bicycle parking along the Ann Street and St. George frontages (with convenient access to building entrances). Secure bicycle storage within the structured parking facility;
- 9) Underground parking facilities to reduce surface parking areas.

The following special regulations apply within the bonus zone:

a) Regulations:

- | | |
|--|---|
| i) Number of Dwelling Units (Maximum): | 214 |
| ii) Density (Maximum): | 595 units per hectare
(241 units per acre) |
| iii) Height (Maximum): | 75 metres (246 feet) |
| iv) Front Yard Setback (Minimum): | 0.0 metres (0.0 feet) |
| v) Interior Side Yard (Minimum): | 0.0 metres (0.0 feet) |
| vi) Exterior Side Yard (Minimum): | 0.0 metres (0.0 feet) |
| vii) Rear Yard (Minimum): | 0.0 metres (0.0 feet) |
| viii) Landscaped Open Space (Minimum): | 0% |
| ix) Lot Coverage (Maximum): | 97% |
| x) Off-Street Parking (Minimum): | 180 Parking Spaces |

- 4) Section 29.4 of the Convenience Commercial (CC) Zone is amended by adding the following Special Provision:

CC4() 84-86 St. George Street and 175-199 Ann Street

a) Additional Permitted Uses:

- i) Craft Brewery

b) Regulations:

- i) Gross Floor Area for permitted commercial uses
(Maximum): 500 m² (5,382 ft²)
- ii) Gross Floor Area for individual commercial uses
(Maximum): 500 m² (5,382 ft²)

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 May 3, 2022.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – May 3, 2022
Second Reading – May 3, 2022
Third Reading – May 3, 2022