



May 5, 2022

Project No: 11054

City of London
300 Dufferin Avenue
London, Ontario
P.O. Box 5035
N6A 4L9

Attention: Councillor A. Hopkins (Chair) and PEC members
City Clerk

**Re: Victoria Park Secondary Plan – May 2022
Official Plan Amendment – City File O-8978
560 and 562 Wellington Street, London**

GSP Group (“GSP”) acts as planning consultant for 560 Wellington Holdings Inc. (the “Owners”), owners of 560 and 562 Wellington Street (the “Site”), which is located within the study area for the Victoria Park Secondary Plan (“Secondary Plan”).

These comments are being submitted in relation to the Secondary Plan and the public meeting under the Planning Act related to the Secondary Plan being held on May 9, 2022 (Item 3.6 on the PEC agenda).

In summary, we request that the staff revisit the permitted heights set out in the Secondary Plan for the East Policy Area given:

- the approved planned context in Parts B, C, and D of the East Policy Area;
- and the Protected Major Transit Station Areas (PMTSA) designation on a portion of Part E.

1. Background

The Secondary Plan specifically arose in response to the proposed Official Plan and Zoning applications for the Site (“Applications” - City File OZ-8462) through the May 8, 2018 consideration of the Applications by the Planning and Environment Committee (“PEC”) at

which Council directed the “*review of the existing plans, policies, and guidelines applying to the properties surrounding Victoria Park and to consider a comprehensive plan for the properties surrounding the Park*”. The Applications are currently under appeal to the Ontario Land Tribunal (“OLT”) by third parties and is discussed further below.

We would note that our Applications were filed in 2014 and therefore the proposed Secondary Plan is not applicable to our Site or our Applications. However, for over 3 years, GSP together with the Owners have participated Secondary Plan process since the commencement in late 2018. Both ourselves and our client have attended the engagement sessions and public participation meetings and have provided written and delegation comments to City Staff and the PEC. Height and intensity of development is the crux of the Secondary Plan and garnered most of the attention through the planning process.

As noted above we have submitted detail comments and recommendations, but these have not been incorporated in the Secondary Plan to date.

Further, we would note that both PEC and Council approved the development of a 17-storey mixed-use apartment building on the Site in November 2021. The draft Secondary Plan does not recognize the approval of Council on the matter in relation to policy or mapping, but rather defers the outcome of decision on height to the OLT process. We believe that the Secondary Plan should acknowledge this local approval and therefore we have provided recommendations below which we would appreciate being considered by PEC and City staff.

2. Comments of Secondary Plan

The Draft Victoria Park Secondary Plan was received by the PEC at their March 7, 2022 meeting and was circulated for public comment. As noted in the Recommendation section of the staff report:

***IT BEING NOTED** that feedback received will inform a revised Secondary Plan and implementing Official Plan Amendment that will be prepared for the consideration and approval of Municipal Council at a future participation meeting of the Planning and Environment Committee.*

The May 9, 2022 PEC staff report (“Staff Report”) is entitled “Revised Victoria Park Secondary Plan”. The Victoria Park Secondary Plan, May 2022 is attached to the May Staff Report.

The purpose of this letter is to respond to specific concerns related to planning approvals for the Site related to heights. Other comments and concerns still remain based on comments previously submitted by GSP and the Owner.

Under Section 4.2 (Heights and Angular Planes) of the Staff Report it states:

An additional change to the permitted heights is for the 560-562 Wellington property. An appeal has been received in relation to the site-specific development proposal and the permitted height for the property will be determined by a future decision of the Ontario Land Tribunal. Once a final decision is rendered and in-force, the Secondary Plan will be updated to reflect the permitted heights.

Also, under Section 4.10 (Planning and Development Approvals) of the Staff Report it states:

A Public Participation Meeting was held before the Planning and Environment Committee on November 1, 2021 in regards to the Official Plan and Zoning By-law amendment for 560 and 562 Wellington Street.

This property was designated Low Density Residential in the Official Plan (1989) and Neighbourhood Place Type in The London Plan. The existing zoning on the site is Office (OF1). The planning application was to amend the 1989 Official Plan to Multi-Family, High Density Residential designation, and add a Specific Area Policy in Chapter 10, as well as change the zoning to a holding Residential R10 Special Provision zone.

Development proposal summary:

- *17 storey, mixed use residential/commercial apartment building containing 173 residential apartments and 1 commercial unit.*
- *Reductions to yard depths for all sides between the building and property lines.*
- *Maximum height of 61m and lot coverage of 95%,*
- *Minimum landscaped open space of 20% including roof-top areas.*
- *Minimum 0 meter parking area setback from the road.*

The proposal was approved by Council and subsequently appealed to the Ontario Land Tribunal and is awaiting a hearing.

As this proposal is currently subject to an appeal, the permitted heights for this site have been left out of the Secondary Plan and will be determined based on the

decision of the Ontario Land Tribunal. Once a final decision is rendered and in-force, the Victoria Park Secondary Plan will be updated to reflect the permitted heights.

Further it states in Section 5.0 (Revisions to the draft Victoria Park Secondary Plan) and specifically under Section 5.1 (Major Revisions to the Secondary Plan) of the Staff Report as follows:

Since the Secondary Plan was tabled in March, 2022 no changes have been made and no new issue identified through the circulation of the Plan. As reported on the March 7, 2022 PEC report, the following substantive changes have been incorporated into the draft Victoria Park Secondary Plan since the February 2020 version:

Section 3.7 Heights

The permitted heights have been revised for the East Policy Area to reflect the recent decision and appeal for the 560-562 Wellington Street, and the existing height and density zoning permissions for 556 Wellington Street. More information about these approvals can be found in section 4.2 Heights and Angular Plan and section 4.10 Planning and Development Approvals of this report.

As noted above, the planning applications (OZ-8462) for 560 and 562 Wellington Street are currently under appeal to the OLT. Separate appeals were filed by a neighbouring landowner and the Woodfield Community Association. The OLT File No. is OLT-21-001824.

Given the approval of the planning applications (OZ-8462) for the Site by City of London Council on November 16, 2021, we would request the Secondary Plan be changed as follows:

1. 3.7.2 East Policy Area (page 25) it states:
 - iii) *The maximum permitted height for the south half of the Central Avenue to Wolfe Street block, identified as Part B, will be determined based on the decision of the Ontario Land Tribunal in the proceeding originally opened as File No. OLT-21-00184. Once a final decision is rendered and in-force, this plan will be updated to reflect the permitted heights.*

Requested change:

Reword Section 3.7.2 East Policy Area as follows:

“iii) The maximum permitted height for the south half of the Central Avenue to Wolfe Street block, identified as Part B, is 17 storeys. Part B is currently subject to an Ontario Land Tribunal proceeding (File No. OLT-21-0001824).”

2. Schedule 4 – Permitted Heights (page 47)

Schedule 4 currently indicates for Part B that in the legend that it is “Determined by OLT”) and a note on Schedule 4 that indicates, “*To be determined by decision of the Ontario Land Tribunal in the proceeding originally opened as File No. OLT-21-0001824.”*

Requested change:

- Replace to be “Determined by OLT*”) in the legend on Schedule 4 and replace with “Maximum 17 storeys*.”
- Replace “*To be determined by decision of the Ontario Land Tribunal in the proceeding originally opened as File No. OLT-21-0001824.” with “*Subject to an Ontario Land Tribunal proceeding (*File No. OLT-21-0001824*).”

3. Schedule 5: Table 1: Permitted Heights (page 48)

Under East Policy Area in Table 1 it states, “*determined by Ontario Land Tribunal**”) and then at the bottom of the Table 1 it further states, “*To be determined by decision of the Ontario Land Tribunal in the proceeding originally opened as File No. OLT-21-0001824.”

Requested change:

- Replace “determined by Ontario Land Tribunal*”) with “17 storeys*”) under Maximum Height in Table 1.
- Replace the note under Table 1 “*To be determined by decision of the Ontario Land Tribunal in the proceeding originally opened as File No. OLT-21-0001824.” with “*Subject to an Ontario Land Tribunal proceeding (*File No. OLT-21-0001824*).”

4. Section 4.8 of the Staff Report deals Affordable Housing. It states in part under Protected Major Transit Station Areas (PMTSAs) that:

Municipal Council approved the designations of the PMTSAs in the city of London on December 8, 2020 which align with the Downtown and Rapid

Corridor Place Types within the Secondary Plan area. The PMTSA policies and designations in The London Plan will continue to apply to lands within the Secondary Plan area.

Policy 803C of the London Plan states:

Within the Downtown Protected Major Transit Station Area, the minimum building height is three storeys or nine metres and the maximum building height is 35 storeys. (LPA 30)

Under the Section 3.2 (London Plan) of the Staff Report it states:

The London Plan permits standard maximum heights of up to 20 storeys. Heights of up to 35 storeys are permitted using bonus zoning.

We further note that under Section 4.8 of the Staff Report it states that:

Recent changes under Bill 108 to the Planning Act removed section 37 Bonusing and the tool will not be available beyond September 2022. Bonusing therefore is not included in the Secondary Plan.

With that in mind and given Policy 803A above we would request staff further review and re-examine the overall heights in the East Policy Area.

More specifically, Part E in the East Policy Area on Schedule 4 – Building Heights (page 47) proposes to permit a maximum of 30 storeys. Part E is within the PMTSA and therefore permits up to 35 storeys as per The London Plan. This 35 storey height is proposed on Part A in the South Policy Area and we believe that it would be more appropriate to consider 35 storeys in Part E given its location within the PMTSA.

Given the context of 35 storeys in Part E of the East Policy Area pursuant to the PMTSA designation in the London Plan and the permitted heights approved by the City of London in respect of the Site (17 storeys) and the property located at 556 Wellington (18 storeys), we request that City staff review the permitted heights on Schedule 4 for Parts C and D the East Policy Area. Section 4.2 of the Staff Report states:

The most significant change to permitted heights is for the 556 Wellington Street property. To acknowledge the existing height and density permissions in the Zoning By-law and development agreement, the heights of this property have been revised from a maximum height on the north portion based on

angular plane and 30 storeys on the south portion, to 16 storeys and 25 storeys respectively.

We have raised the issues of height and contextual characteristics previously in relation to various areas surrounding Victoria Park. We believe it is important to re-examine the heights with respect to implementing the PMSTA and to encourage transition between different Parts within Policy Areas (including specific heights in the East Policy Area) to determine what is appropriate for this prominently located area within London's structure.

We would request that the above-noted requested changes to the Secondary Plan be referred back to City Staff for further review and consideration. We would also appreciate staff review of our previous comments on the Secondary Plan.

Should you wish to discuss our comments in the meantime, please do not hesitate to contact me in our Kitchener office at 226-243-7296 or by email at hhandy@gspgroup.ca.

We would also appreciate being added to the mailing/email list for further notification with respect to the Secondary Plan (City File O-8978) and being notified of any decision related to the matter.

Yours truly,
GSP Group Inc.

A handwritten signature in blue ink that reads "Hugh Handy". The signature is fluid and cursive, with a period at the end.

Hugh Handy MCIP, RPP
Vice President

cc Steve Stapleton, Vice President, Auburn Developments Inc.
Piper Morley, Partner, Borden Ladner Gervais LLP
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