

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development

Subject: St. George and Ann Block Limited
84-86 St. George Street and 175-197 Ann Street
Public Participation Meeting

Date: June 20, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, 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 request to amend *The London Plan* to **CHANGE** the Specific Area Policy in the Neighbourhoods Place Type applicable to the subject lands to permit a maximum building height of 23 storeys, and to permit a maximum overall floor area of 500 square metres for retail, service and office uses within the podium base **BE REFUSED** for the following reasons:
- i) It is not consistent with the Provincial Policy Statement, 2020 (PPS) as the level of intensification proposed on the subject site does not result in a sense of place by promoting well-designed built form and cultural planning by conserving heritage features that help define the character of the area.
 - ii) It does not conform to the policies of *The London Plan*, including but not limited to:
 - i. The Key Directions relating to the protection of built and cultural heritage, building a mixed-use compact city, and ensuring new development that is a good fit within existing neighbourhoods.
 - ii. The design criteria contained in the City Design chapter for site layout and high-rise buildings.
 - iii. The Talbot Mixed-Use policies for lands fronting on St. George Street and the south side of Ann Street.
 - iv. The site-specific policy for 84-86 St. George Street and 175-197 Ann Street.
 - v. The Evaluation Criteria for Planning and Development Applications in the Our Tools chapter of *The London Plan*.
 - vi. The Bonusing policies.
 - vii. The Near-Campus Neighbourhoods policies.
 - viii. The Neighbourhoods Place Type policies for the location and gross floor area of commercial uses.
- (b) the request to amend Zoning By-law No. Z.-1 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*R10-5/CC4()*B-) Zone, **BE REFUSED** for the following reasons:
- i) The reasons noted in Clause a) above.
 - ii) A rezoning to permit the requested site-specific uses, residential density and height does not conform to the policies of *The London Plan*.
 - iii) A rezoning to permit convenience commercial and additional non-residential uses within the proposed apartment building does not conform

to the location policies of *The London Plan* that contemplate commercial uses.

- iv) The requested amendment does not establish a well-designed built form that would warrant consideration for height and density bonusing.
- v) Insufficient development regulations are provided for in the requested Residential R10 (R10-5) Zone to control the form of development with respect to: a transition of building height from lower heights along the St. George Street frontage to taller heights at the east property boundary; podium heights and stepping back provisions; and, general building configuration and the floor plate area of tower components to minimize shadowing and loss of sunlight.

Executive Summary

Summary of Request

The applicant proposes to construct a high-rise apartment building with a maximum of 216 residential units. The building is generally configured in an “H” shape, consisting of massing with 23 storeys at the east end of the property, 19 storeys in the centre, and 6 storeys along St. George Street. The proposal includes a variety of indoor and outdoor amenity areas intended to serve residents of the building. The proposed outdoor amenity areas are located on the rooftops of the first storey, 6th storey, and 19th storeys. The proposal also includes a range of convenience commercial uses with the additional uses of craft brewery and restaurant with a total gross floor area of 500 square metres on the ground floor. Parking is proposed to be provided in a multi-level parking structure with a request to provide 180 parking spaces for all uses, with bicycle storage and internal driveways accessed from St. George Street.

Municipal Council Direction

A public participation meeting was held at the Planning and Environment Committee on April 25, 2022 for the proposed development. At the following Municipal Council meeting on May 3, 2022, the application was referred back to civic administration to be brought to the June meeting of the Planning and Environment Committee with an aim that staff and the applicant could address certain outstanding issues.

Following the Municipal Council meeting, planning and design staff have met with the applicant with an aim to resolve the various issues identified in the resolution. Several positive steps towards achieving a better design outcome have occurred, though it is staff's opinion that further refinement is required for the built form to achieve the intent of the City Design and *The London Plan* policies to be supported.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended refusal is to maintain the existing specific policy within *The London Plan* and the existing Residential R9 (R9-3*H12) Zone on the property. The existing permissions allow apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped persons apartment buildings and continuum-of-care facilities with a maximum density of 100 units per hectare and a maximum height of 12 metres (3 – 4 storeys).

Rationale of Recommended Action

It is recommended that this application be refused for the following reasons:

1. The proposed development is not consistent with the Provincial Policy Statement, 2020, which promotes intensification and redevelopment in appropriate locations, while conserving significant heritage resources.
2. The proposed development does not conform to *The London Plan* policies as it does not meet the intent of the site-specific policy to provide a significant building step-back along St. George Street, does not conform to the policies of the Talbot

Mixed-Use Area, the Near Campus Neighbourhood Area, and the Evaluation Criteria for Planning and Development Applications; and

3. The proposed development does not conserve significant cultural heritage resources.

Linkage to the Corporate Strategic Plan

The Strategic Plan provides direction for development through Building a Sustainable City and Strengthening Our Community. Building a Sustainable City includes growth and development that is well planned and directed to strategic locations. The subject site is within a location that contemplates growth and intensification, but that requires thoughtful design and a compatible built form. Strengthening our Community in the Strategic Plan includes achieving a strong character and sense of place by ensuring that new development fits within and enhances its surrounding community, and that London's heritage properties continue to be conserved.

Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. Through this declaration, the City is committed to reducing and mitigating climate change by encouraging intensification and growth at appropriate locations. This includes intensification and efficient use of existing urban lands and infrastructure within strategic locations such as the downtown, transit villages and corridors. The site is centrally located and has proximity to transit services, and high-rise development on this site would support the response to the Climate Emergency.

Analysis

1.0 Items from Municipal Council Direction

Following the Planning and Environment Committee meeting on April 25, 2022, Municipal Council referred the proposed Official Plan and Zoning By-law amendment application back to staff, through the following resolution:

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

a) the application BE REFERRED back to the Civic Administration in order to meet with the Applicant/Agent with an aim to address potential rail safety concerns and opportunities for traffic mitigation measures and buffering, and to resolve outstanding issues regarding intensity, form and required background studies, and to allow for the Civic Administration to report back at the June 20, 2022 Planning and Environment Committee meeting; and,

b) the Civic Administration BE REQUESTED, in the report back, to include a bonus zone that provides for the following:

- *a minimum of thirteen (13) affordable residential rental units, including one (1) studio unit, one (1) one-bedroom unit, five (5) two-bedroom units, and six (6) three-bedroom units (reflective of the unit mix proposed in the building);*
- *rents not exceeding 80% of the Average Market Rent (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy;*
- *the duration of affordability shall be set at 50 years from the point of initial occupancy of all affordable units; and,*
- *alignment of the bonus to a defined municipal priority – the owner shall be required to enter into a Tenant Placement Agreement with the City;*

Following the Municipal Council meeting, Planning and Design staff met with the applicant with an aim to resolve the various issues identified in the resolution. Although some positive steps towards achieving a better design outcome have occurred, it is staff's opinion that further refinement is required for the built form to achieve the intent of the City Design and *The London Plan* policies to be supported. This report has been structured to respond to the items raised by Municipal Council, and identifies options that could be considered to align with Council's direction.

1.1 April 2022 Proposed Development – Superseded Version

At the time of the April 25, 2022 Planning and Environment Committee, the proposed development was for a mixed-use, high-rise building of 22 storeys with 214 residential units and a maximum density of 585uph. The building was generally in the configuration of an 'H' shape and comprised of a 22 storey component along the east boundary, which steps down to a 19 storey portion parallel to Ann Street, and then a 9 storey and 4 storey portion along St. George Street. This version of the development was revised from the initial proposal for 28 storeys.



Figure 1: Northwest Rendering of April, 2022 Proposal (left) and May, 2022 (right)

1.2 May 2022 Proposed Development – Current (Revised) Version

Following the Municipal Council meeting and resolution for referral back, the proposed development was revised for a mixed-use, high-rise building of 23 storeys with 216 residential units and a maximum density of 603uph. The building is also in the configuration of an 'H' shape and comprised of a 23 storey component along the east boundary, which steps down to a 19 storey portion parallel to Ann Street, and then a 6 storey portion along St. George Street. There is 500sqm of convenience commercial uses proposed in the base, and a total of 180 parking spaces for all uses.



Figure 2: Proposed West (left) and North (right) Elevations



Figure 3: Proposed South (left) and East (right) Elevations

2.0 Issue Analysis

2.1 Built Form, Buffering and Intensity

Issue Summary: The proposed development in both the April 2022 version and the revised May 2022 version have some significant deficiencies with regards to meeting the City Design policies in *The London Plan*. *The London Plan* requires that high-rise buildings have a podium at the building base to reduce the apparent height and mass of the building on the pedestrian environment and mitigate sunlight and wind impacts. High-rise buildings are also intended to be in the form of slender towers and not be designed with long axes where they create an overwhelming building mass. The proposed built form has retained its overall design and building configuration with two notable changes where the 9 storey portion along St. George Street has been reduced to 6 storeys, and the 22 storey portion along the east has increased to 23 storeys. The proposed built form does not minimize the massing as it presents two long axes of building that are not in a point tower or slender tower form which results in greater impacts on shadowing and access to sunlight. Additionally, the lack of a podium at the base does not provide a human-scale environment at street level. The built form evaluation on the detailed design issues is still relevant and available in Appendix E, section 4.1 of the appended April 25, 2022 planning report.

In addition to the City Design policies in *The London Plan*, there is also a site-specific policy that identifies the need for the provision of a “significant setback” along the St. George Street frontage to provide a low-rise character that is consistent with the streetscape. The revised version of the proposed development reduced the built form along St. George Street from 9 storeys to 6 storeys. In both the April and May designs, the intent to provide a low-rise character along St. George Street is not met as both a 6 storey form and 9 storey form are reflective of a mid-rise form. Heights up to four (4) storeys could be considered as low-rise.

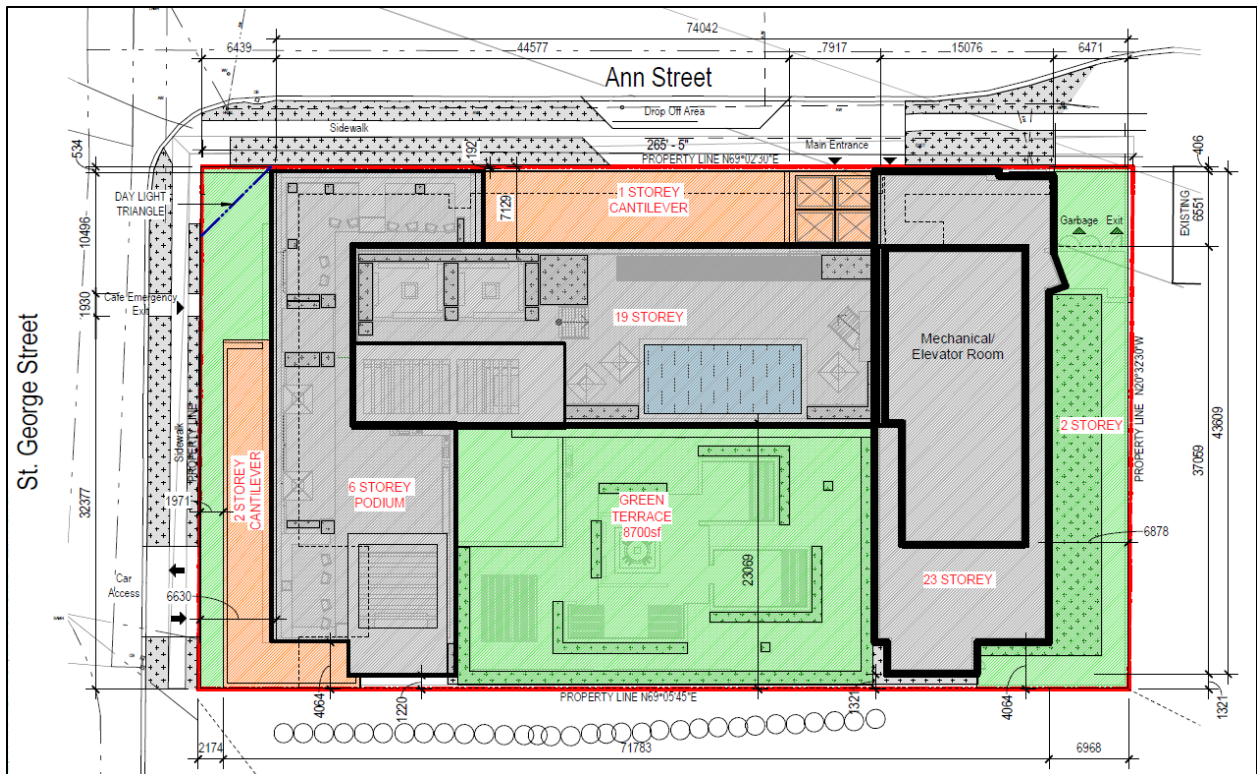


Figure 4: Proposed Site Concept Plan – May 2022

A good example of what is intended by this policy is found on the property to the south where there is a high-rise form at 180 Mill Street that transitions to a low-rise, elevated 2 storey townhouses along the St. George Street frontage. The combination of built forms provides effective transitioning to minimize the high-rise massing and present a compatible form of development to the existing residential neighbourhood. The specific policy requirement to provide a ‘significant setback’ along St. George Street provides flexibility, which could be either as a separate built form (like the Mill Street townhouses), or as a component of an integrated development, like a low-rise podium along the street edge with the mid/high rise portions of the building provided at a generous distance back to achieve the same outcome. The revised building design provides a two-storey architectural feature along a portion of the St. George Street frontage which does not act like a podium and does not achieve the intent of the policy to present a low-rise residential character along the street edge.



Figure 5: Built Form Transition at 180 Mill Street

The issue with intensity relates to the overall built form and how the total number of units (density) and height are manifested on site. Changes to the built form could have impacts on the overall intensity, though it is possible to maintain the total number of units in a different built form that achieves the design objectives set out in the City Building policies. Incorporating building setbacks along the base will increase landscaped open space and decrease lot coverage. The setbacks at grade will also shift the entire building back, and combined with building setbacks, can provide better separation to the high-rise developments to the south and east to improve privacy and minimize shadowing. It is Staff’s opinion that these changes will help distribute the

intensity of the development in a more appropriate and compatible form than currently proposed.

Outcome: This issue is on-going and unresolved. Further refinement is required of the proposed design to better manage massing, provide a pedestrian-scale environment at street level, and achieve the intent of providing a low-rise character along the St. George Street frontage

Mitigation: Should Council choose to proceed with the proposed development, incorporating the following zoning regulations can achieve a positive design outcome and mitigate the impacts of the built form:

- 1) A minimum building setback of 3m for the front yard, exterior side yard, interior side yard and rear yard to provide the minimum required space for landscaping and buffering, and to contain functional elements such as door swings and canopies within the subject site and not as encroachments on the municipal boulevard. The setback at street level also provides some building setback from the existing high-rise residential uses to provide more separation distance to minimize shadows, provide access to sunlight and enhance privacy.
- 2) Provision of a building setback of a minimum of 5m along the St. George Street frontage for the mid/high-rise portion(s) of the building beyond the podium (third storey). The setback regulation along St. George Street shifts the mid/high-rise portion(s) of the building away from the base which minimizes the building massing and retains a low-rise character of at the street edge.
- 3) Provision of a maximum tower floorplate for the high-rise (tower portion) above the mid-rise portion of 1,000sqm. The maximum tower floorplate will mitigate the impacts associated with the building massing, as well as shadow impacts.
- 4) Provision of a maximum tower ratio for the high-rise (tower portion) above the mid-rise portion which will ensure that the tower form is expressed as a point tower rather than a slab style building that will minimize the massing of the building and mitigate shadow impacts.

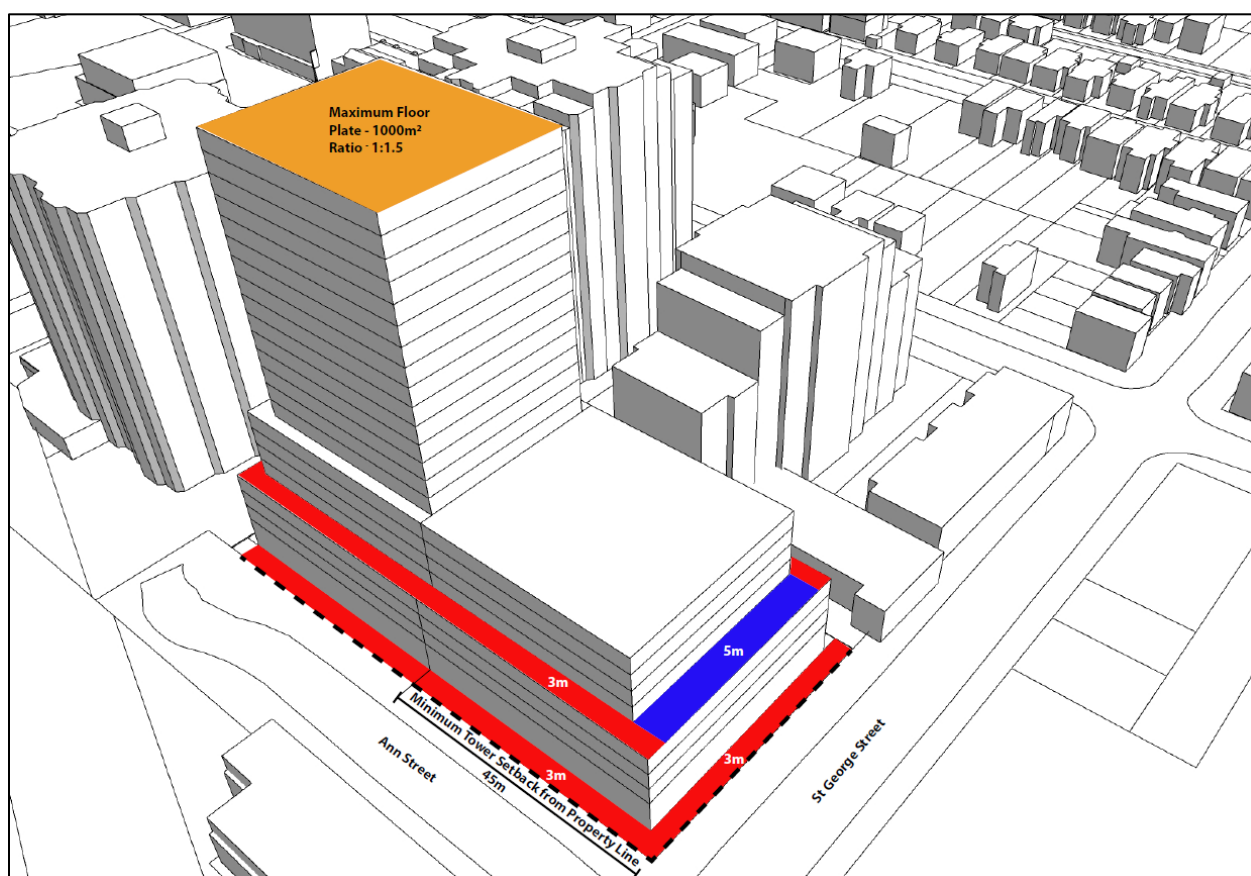


Figure 6: Graphic Illustration of alternative by-law zoning regulations and built form

2.2 Rail Safety

Issue Summary: The site has proximity to the CP rail corridor to the north which requires mitigation measures to be implemented to protect against possible train derailment. Typically for a property within 30m of a rail corridor, mitigation is comprised of a combination of an earthen berm and separation distance. In this case of the subject site, a crash wall would need to be integrated into the design, as well as a separation distance measured horizontally and vertically from sensitive uses.

The applicant has proposed a portion of the building to be reinforced with a crash wall at the northeast corner. The crash wall is a height of 7m from the ground with low occupancy uses located behind. At this time the crash wall details are conceptual and are required to be stamped and sealed by a professional engineer to be acceptable. If the proposal were to proceed a holding provision should be applied to ensure the crash wall and associated impacts on building design are managed appropriately. The location of the crash wall is also where the existing heritage building of 197 Ann Street is located.

Outcome: Progress has been made with regards to a concept and some modelling for the development of a crash wall to mitigate impacts of a possible train derailment. Further work is required to ensure the design along Ann Street is acceptable, that impacts to heritage buildings have been evaluated, and that the crash wall itself can be stamped and sealed by a professional engineer.

Mitigation: Should Council choose to proceed with the proposed development, the incorporation of a holding provision is recommended to ensure the crash wall is appropriately developed and there are no adverse impacts on the building design and heritage conservation.

2.3 Heritage Designation

Issue Summary: The buildings located at 183 and 197 Ann Street were assessed for heritage significance and Municipal Council resolved to designate the built resources at its meeting on May 3, 2022. The heritage designation facilitates more consideration for the retention and/or integration of the built resources into the proposed development and allows Council to attach conditions through the Heritage Alteration Permit process.

The proposed development will result in the demolition of the built heritage resources and the intent is to reuse reclaimed materials in a portion of the new building at the base associated with the craft brewery use. A formal request for demolition has not been received by the City, and Council approval through a Heritage Alteration Permit would be required to demolish a heritage designated building. The applicant was previously considering relocating the buildings to an off-site location, though is no longer pursuing that outcome.

There are a number of acceptable options to conserve the built heritage resources which can include relocating the buildings elsewhere on-site. One positive outcome would be to relocate the designated buildings along the St. George Street frontage which would provide a low-rise character along the street edge; either as a podium with the buildings integrated into the new development, or as stand-alone buildings that allow for the rear portion of the site to develop.

If Municipal Council wishes to approve the development, a holding provision to address the heritage significance of the buildings should be included to ensure their conservation. The h-41 can be used for this purpose:

h-41 Purpose: To ensure that buildings and structures that have been identified by the City as historically significant and that are being actively pursued for a designation under the Ontario Heritage Act are not negatively impacted by development or redevelopment of the site or buildings, and to ensure that the development or redevelopment is in a form compatible with the heritage buildings, the following conditions must be satisfied prior to the removal of the holding provision:

a) *The site and/or building and/or portions thereof must be designated under the Ontario Heritage Act by the City of London; and*

b) *The affected lands will be subject to Site Plan Control under Section 41 of the Planning Act, R.S.O. 1990 c. P.13, and a development agreement must be entered into by the owner of the subject lands and the City of London.*

Permitted Interim Uses: Only within existing buildings.

Outcome: This issue is on-going and unresolved. Further refinement is required of the proposed design to conserve the heritage significant designated buildings.

Mitigation: Should Council choose to proceed with the proposed development, the incorporation of a holding provision is recommended to ensure the heritage designated buildings can be conserved.

2.4 Traffic Mitigation

Issue Summary: Impacts on the transportation and traffic in the area were identified as a concern during the discussion at the Planning and Environment Committee. A Transportation Impact Assessment was submitted to evaluate the impacts of the development on the mobility network based on the initial design which had more units (274 units), height (28 storeys) and vehicle movements (209 parking spaces). Transportation staff have reviewed and accepted the TIA, and the revised proposal and have confirmed there wouldn't be any traffic issues.

Outcome: Issue resolved

Mitigation: None required

2.5 Impacts on Groundwater

Issue Summary: Through the public consultation process, there were concerns about the interruption to ground water levels as some nearby properties rely on the ground water for heating and cooling purposes. A Geotechnical Assessment was completed by EXP on March 4, 2022 regarding the proposed development and the impacts on groundwater. It was noted that a standard geotechnical investigation will not determine all the groundwater parameters, and that a detailed hydrogeological assessment may be required to estimate the quantity of water to be removed.

Supplemental information was provided on May 25, 2022 through a memo from Exp Services Inc. The memo described that the temporary construction dewatering would have minimal impact on the neighbouring geothermal open loop systems, and that no significant long term impact is anticipated. While a hydrogeological study was not identified as required at the time of the Official Plan/Zoning By-law Amendment stage, a detailed groundwater study will be recommended for the construction dewatering process. A holding provision should be applied to ensure that the hydrogeological assessment is carried out prior to Site Plan Approval.

Outcome: A detailed groundwater (hydrogeological) study will be required.

Mitigation: Should Council choose to proceed with the proposed development, the incorporation of a holding provision is recommended to ensure staff have the chance to review the hydrogeological study.

2.6 Convenience Commercial Uses

Issue Summary: The requested convenience commercial uses are not in a location that contemplates commercial uses in *The London Plan*. Within the Neighbourhoods Place Type, a limited amount of secondary uses are contemplated at locations which are at the intersection of higher order roads to ensure the interior residential character is not disturbed. For sites at the intersection of two Neighbourhood Connectors a total of 200sqm of gross floor area may be permitted, and at the intersection of two Civic

Boulevards or Urban Thoroughfares a total of 2,000sqm of gross floor area may be permitted. The site has frontage on two Neighbourhood Streets which do not contemplate any commercial uses.

The Talbot Mixed-Use Area policies do contemplate a limited range of office and small-scale commercial and convenience uses, though they are restricted to the adaptive reuse within existing buildings to preserve the low-rise character of the area while providing options for reuse. In keeping with the spirit and intent of the Talbot Mixed-Use Area policies, a limited range of convenience commercial uses could be contemplated for the interior of the existing buildings with heritage significance to provide more flexibility and viability for their reuse.

Outcome: This issue is on-going and unresolved. Convenience commercial uses are not permitted uses in this location.

Mitigation: Should Council choose to proceed with the proposed development, the convenience commercial uses could be permitted within existing buildings to allow for the adaptive reuse and continued viability of the heritage designated buildings.

2.7 Bonus Zone

Issue Summary: The initial bonusing package proposed was for a maximum building height of 22 storeys with 214 residential units and a maximum density of 585 units per hectare, and included a number of provisions that were ineligible, unachievable or a lower priority for the public benefit. As part of the Council resolution, civic administration was requested to include a bonus zone for affordable housing in the report back that provides for the following:

- a minimum of thirteen (13) affordable residential rental units, including one (1) studio unit, one (1) one-bedroom unit, five (5) two-bedroom units, and six (6) three-bedroom units (reflective of the unit mix proposed in the building);
- rents not exceeding 80% of the Average Market Rent (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy;
- the duration of affordability shall be set at 50 years from the point of initial occupancy of all affordable units; and,
- alignment of the bonus to a defined municipal priority – the owner shall be required to enter into a Tenant Placement Agreement with the City.

The consideration for additional height and density for all bonus zones begins with an appropriate built form. Staff are of the opinion that further refinement is required to the built form to align with policy before bonusing can be considered. The proposed development has had moderate revisions which now includes a maximum height of 23 storeys with 216 residential units and a maximum density of 603 units per hectare. If Council wishes to approve the development, an alternative by-law has been prepared that mitigates the impacts and improves the built form. The associated and implementing official plan amendment to *The London Plan* has also been prepared. The alternative bonus zone by-law prepared includes regulations that result in enhancements to the built form through the following:

- a) Building setbacks: a minimum of 3m is required from the building to the municipal boulevard to allow a minimum amount of space for landscaping and tree planting (this will have to be applied to the underground parking as well)
- b) Building setbacks: along the St George Street frontage and Ann Street, minimum building setbacks are required to shift the massing of the mid and high-rise portions from the street edge to mitigate the impacts from the building massing and provide a human-scale environment at the street edge
- c) Maximum tower floor plate: A maximum tower floor plate ensures a slender tower that minimizes massing, shadowing, visual impact and the obstruction of views.

- d) Tower ratio: To minimize the impact and extent of the high-rise component, a maximum tower ratio is proposed to create a slender tower that does not result in a long axes(es) that creates an overwhelming building mass.

The additional regulations will result in a built form that is more sensitive to the existing neighbourhood, minimizes the massing of the tower, and better achieves the intent of the City Design policies. The proposed regulations will require modification to the design of the built form which is preferred over 'locking in' the proposed design which has been the common practice and approach associated with bonusing.

2.8 1989 Official Plan Status

On May 25, 2022, the Ontario Land Tribunal ordered that the 1989 Official Plan be repealed in its entirety. At the time the application was made, there were amendments requested and considered to the 1989 Official Plan designation and special policy, which are no longer required. Any Official Plan amendments required will be exclusively to the City's Official Plan which is now *The London Plan*.

Conclusion

The proposed development is within a central part of the City and has a policy framework that contemplates development at a greater height and intensity than currently exists. While it is acknowledged that efforts have been made to refine the built form and design from the initial proposal, and April 2022 version, the proposed development in its current form is not appropriate, nor compatible with the context of the existing neighbourhood. In order to achieve greater heights contemplated, an appropriately designed building and site that is sensitive and compatible with the surrounding area is required.

The proposed development is not consistent with the Provincial Policy Statement, 2020, which promotes intensification and redevelopment in appropriate locations and retention of cultural heritage resources. The proposed development does not conform to *The London Plan*, including, but not limited to, the Key Directions, City Design, the Near Campus Neighbourhoods policies, the HDR overlay policies, the Talbot Mixed-Use Area policies, the Evaluation Criteria for Planning Applications and the site-specific policy 1038C for the site. If Council wishes to approve the development, an alternative by-law has been prepared to mitigate the impacts and improve the built form. While not recommended by staff, a proposed amendment to *The London Plan* has been prepared that would be required to facilitate a Zoning By-law Amendment and the development of the lands.

Prepared by: Sonia Wise, MCIP, RPP
Senior Planner, Site Plans

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

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

Submitted by: Scott Mathers, MPA, P.Eng
Deputy City Manager, Planning and Economic
Development

Appendix A – Required Amendment to The London Plan

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

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

A by-law to amend *The London Plan* for the City of London, 2016 relating to 84-86 St. George 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 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 July 5, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – July 5, 2022
Second Reading – July 5, 2022
Third Reading – July 5, 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 change the existing Specific Policy within the Neighbourhoods Place Type and add the subject lands to Map 7 – Specific Policy Areas – of the City of London to permit a mixed-use development with a maximum building height of 23 storeys with a maximum floor area of 500 square metres for retail, service and office uses within the podium base.

B. LOCATION OF THIS AMENDMENT

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

C. BASIS OF THE AMENDMENT

The amendment to the Official Plan will allow for a mixed-use development within a central area that will provide local convenience commercial uses at a neighbourhood scale.

D. THE AMENDMENT

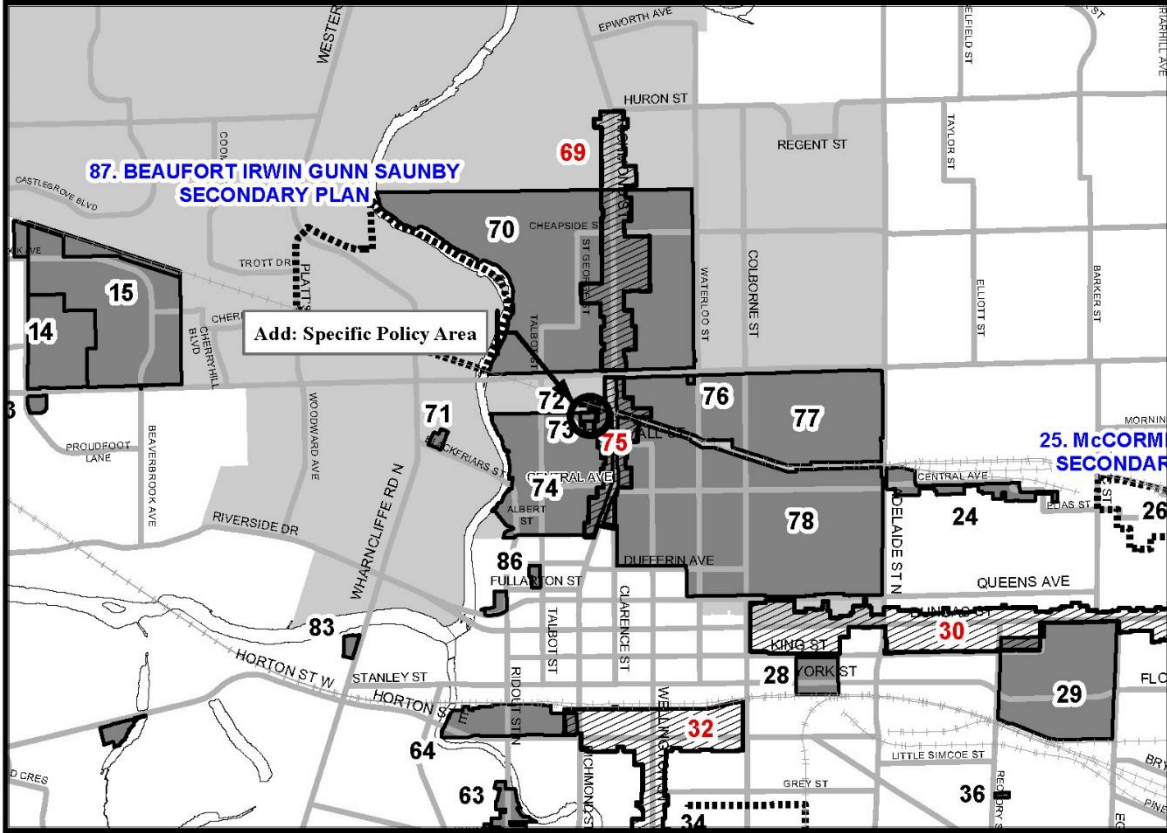
The London Plan for the City of London is hereby amended as follows:

1. Specific Policies for the Neighbourhoods Place Type of *The London Plan* for the City of London is amended by deleting and replacing policy 1038C with the following:

84-86 St. George and 175-197 Ann Street in the City of London

In the Neighbourhoods Place Type at 175-197 Ann Street and 84-86 St. George Street, a mixed-use development with a maximum height of 23 storeys may be permitted, and a maximum floor area of 500 square metres may be permitted for retail, service, and office uses within the podium base.

2. Map 7 – Specific Policy Areas, to *The London Plan* for the City of London Planning Area is amended by adding a Specific Policy Area for the lands located at 84-86 St. George and 175-197 Ann Street in the City of London, as indicated on “Schedule 1” attached hereto.



LEGEND	BASE MAP FEATURES
Specific Policies	Streets (See Map 3)
Rapid Transit and Urban Corridor Specific-Segment Policies	Railways
Near Campus Neighbourhood	Urban Growth Boundary
Secondary Plans	Water Courses/Ponds

This is an excerpt from the Planning Division's working consolidation of Map 7 - Special Policy Areas of the London Plan, with added notations.

<p>SCHEDULE 1 TO THE LONDON PLAN</p> <p>AMENDMENT NO. _____</p> <p>PREPARED BY: Planning Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: OZ-9127</p> <p>PLANNER: SW</p> <p>TECHNICIAN: RC</p> <p>DATE: 3/29/2022</p>
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Appendix B – Alternative By-law from Planning and Development

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

By-law No. Z.-1-22_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 84-86 St. George 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 and 175-197 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 and 175-197 Ann Street, as shown on the attached map comprising part of Key Map No. A107, from a Residential R9 (R9-3*H12) Zone to a holding Residential R9/Convenience Commercial Special Provision Bonus (h-41*h-183*h-___*R9-3/CC4(____)*H12*B-(____)) Zone.
- 2) Section Number 3.8 2) (Holding "h" Zones/Holding Zone Provisions) is amended by adding the following new holding zone:

h-(____) Purpose: To ensure there are no land use conflicts between the Canadian Pacific Rail corridor and the proposed residential and/or sensitive uses, mitigation measures for safety from possible derailments are required, that effectively integrate into the urban design and heritage resources, as acceptable to the City of London.

Permitted Interim Uses: Existing uses within existing buildings

- 3) Section Number 4.3 of the General Provisions is amended by adding the following Special Provision:

4.3.4 (____) B-(____) 84-86 St. George and 175-197 Ann Street

The Bonus Zone shall be implemented through one or more agreements to facilitate a high-quality development comprised of a mixed-use apartment building with a maximum height of 23 storeys (84m), and a maximum density of 603 units per hectare that incorporates affordable housing.

- i) The provision of affordable housing shall consist of:
 - A total of thirteen (13) affordable residential rental units, including one (1) studio unit, one (1) one-bedroom unit, five (5) two-bedroom units, and six (6) three-bedroom units.
 - Rents not exceeding 80% of the Average Market Rent (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy;
 - The duration of affordability shall be set at 50 years from the point of initial occupancy of all affordable units.
 - Alignment of the bonus to a defined municipal priority – the owner shall be required to enter into a Tenant Placement Agreement with the City.

The following special regulations apply within the bonus zone:

a)	Regulations	
i)	Front and Exterior Side Yard Depth (Minimum)	3m (9.8 ft)
ii)	Rear and Interior Side Yard Depth (Minimum)	3m (9.8 ft)
iii)	Building setback above 4 th storey (or 15m whichever is less) for west façade along St. George Street frontage (Minimum)	5m (16.4 ft)
iv)	Building setback above 4 th storey (or 15m whichever is less) for north façade along Ann Street frontage (Minimum)	3m (9.8 ft)
v)	Height within 30m of St. George Street frontage (Maximum)	8 storeys (or 27m (89ft) whichever is less)
vi)	Tower setback above 8 th storey from St. George Street frontage (Minimum)	45m (147ft)
vii)	Height (Maximum)	23 storeys (or 84m (276ft) whichever is less)
viii)	Tower length to width ratio above the 8 th storey (Maximum)	1.5 : 1
ix)	Tower floor plate above the 8 th storey (Maximum)	1,000m ² (10,764 sq ft)
x)	Landscape Open Space (Minimum)	10%
xi)	Lot Coverage (Maximum)	90%
xii)	Density (Maximum)	603 Units Per Hectare
xiii)	Parking Spaces for all uses (Minimum)	180

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

CC4() 84-86 St. George and 175-197 Ann Street

a) Additional Permitted Uses

- i) Craft brewery
- ii) Restaurant

b) Regulations:

i) All permitted uses within existing buildings

ii) Gross Floor Area
for any permitted use
(maximum) 500 m² (5,381sq ft)

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.

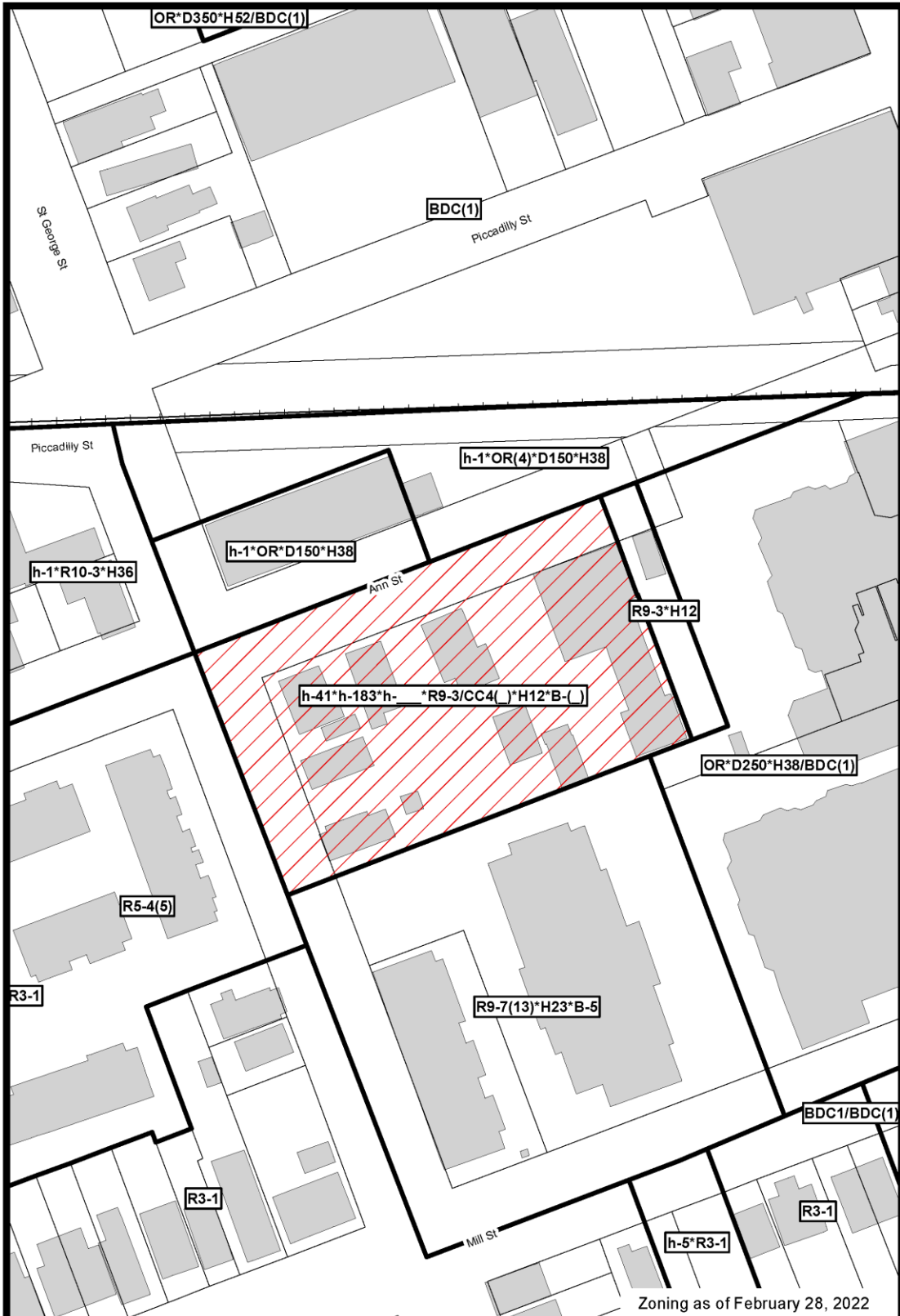
PASSED in Open Council on July 5, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – July 5, 2022
Second Reading – July 5, 2022
Third Reading – July 5, 2022

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



Zoning as of February 28, 2022

File Number: OZ-9127
 Planner: SW
 Date Prepared: 2022/03/29
 Technician: rc
 By-Law No: Z.-1-

SUBJECT SITE 

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Appendix C – By-law as Requested by Applicant

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

By-law No. Z.-1-22_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 84-86 St. George 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 and 175-197 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:

- 4) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 84-86 St. George and 175-197 Ann Street, as shown on the attached map comprising part of Key Map No. A107, from a Residential R9 (R9-3*H12) Zone to a holding Residential R10/Convenience Commercial Special Provision Bonus (h*R10-5/CC4(_)*B-(_)) Zone.
- 5) Section Number 4.3 of the General Provisions is amended by adding the following Special Provision:

4.3.4 () B-() 84-86 St. George and 175-197 Ann Street

The Bonus Zone shall be implemented through one or more agreements to facilitate a high-quality development comprised of a mixed-use apartment building with a maximum height of 23 storeys (84m), and a maximum density of 603 units per hectare, which generally implements the Site Plan and Elevations attached as Schedule "1" to the amending by-law and provides for affordable housing.

- i) The provision of affordable housing shall consist of:
 - A total of thirteen (13) affordable residential rental units, including one (1) studio unit, one (1) one-bedroom unit, five (5) two-bedroom units, and six (6) three-bedroom units.
 - Rents not exceeding 80% of the Average Market Rent (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy;
 - The duration of affordability shall be set at 50 years from the point of initial occupancy of all affordable units.
 - Alignment of the bonus to a defined municipal priority – the owner shall be required to enter into a Tenant Placement Agreement with the City.

The following special regulations apply within the bonus zone:

b)	Regulations	
i)	Front and Exterior Side Yard Depth (Minimum)	0m (0 ft)
ii)	Rear and Interior Side Yard Depth (Minimum)	0m (0 ft)
iii)	Landscape Open Space (Minimum)	0%

iv)	Lot Coverage (Maximum)	97%
v)	Height (Maximum)	23 storeys or 84m (275ft) whichever is less
vi)	Density (Maximum)	603 Units Per Hectare
vii)	Parking Spaces for all uses (Minimum)	180

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

CC4(_)	84-86 St. George and 175-197 Ann Street	
c)	Additional Permitted Uses	
	i)	Craft brewery
	ii)	Restaurant
d)	Regulations:	
	i)	Gross Floor Area for any permitted use (maximum)
		500 m ² (5,381sq ft)

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.

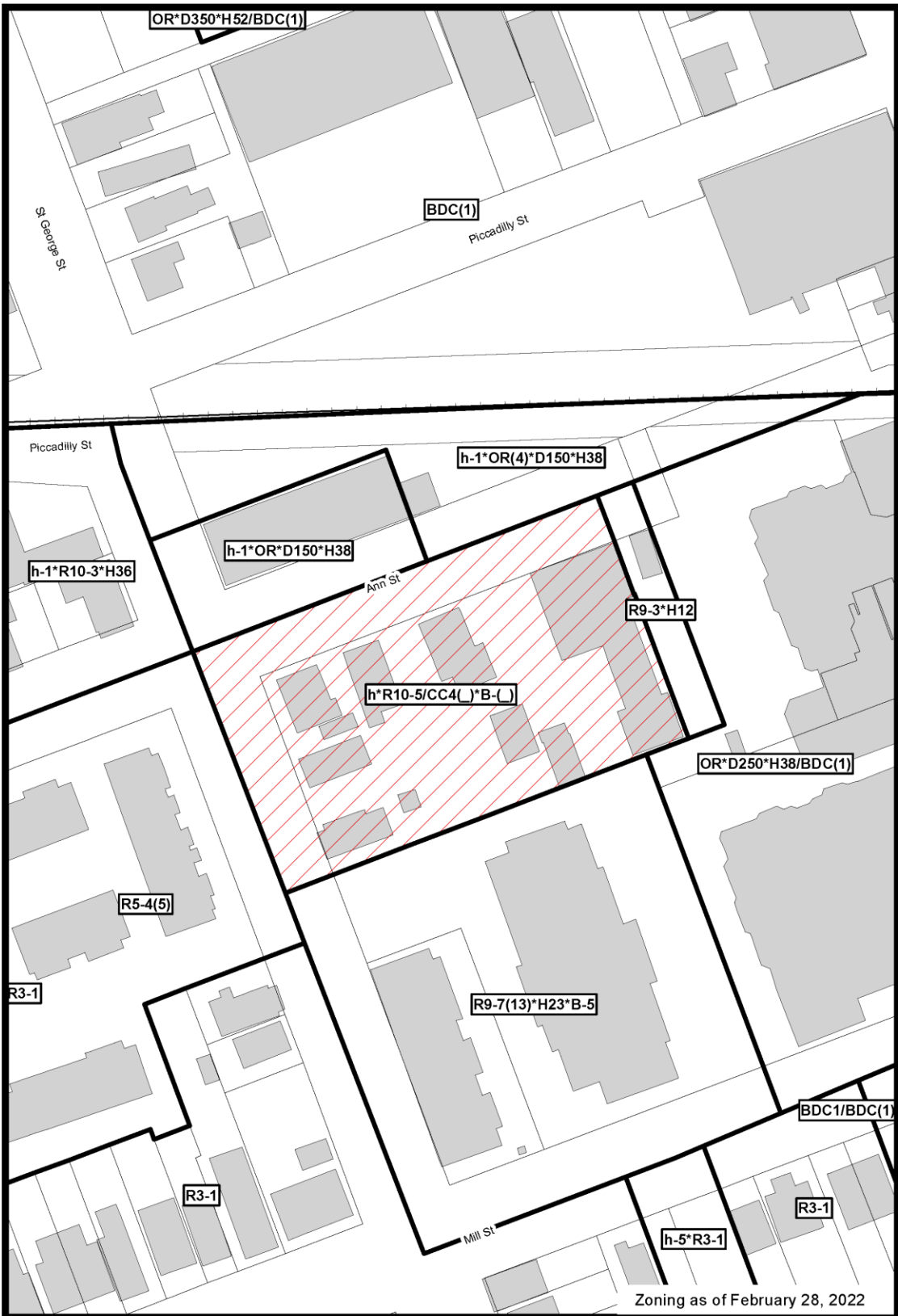
PASSED in Open Council on July 5, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – July 5, 2022
Second Reading – July 5, 2022
Third Reading – July 5, 2022

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



Zoning as of February 28, 2022

File Number: OZ-9127

Planner: SW

Date Prepared: 2022/03/29

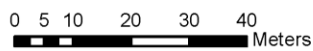
Technician: rc

By-Law No: Z.-1-

SUBJECT SITE

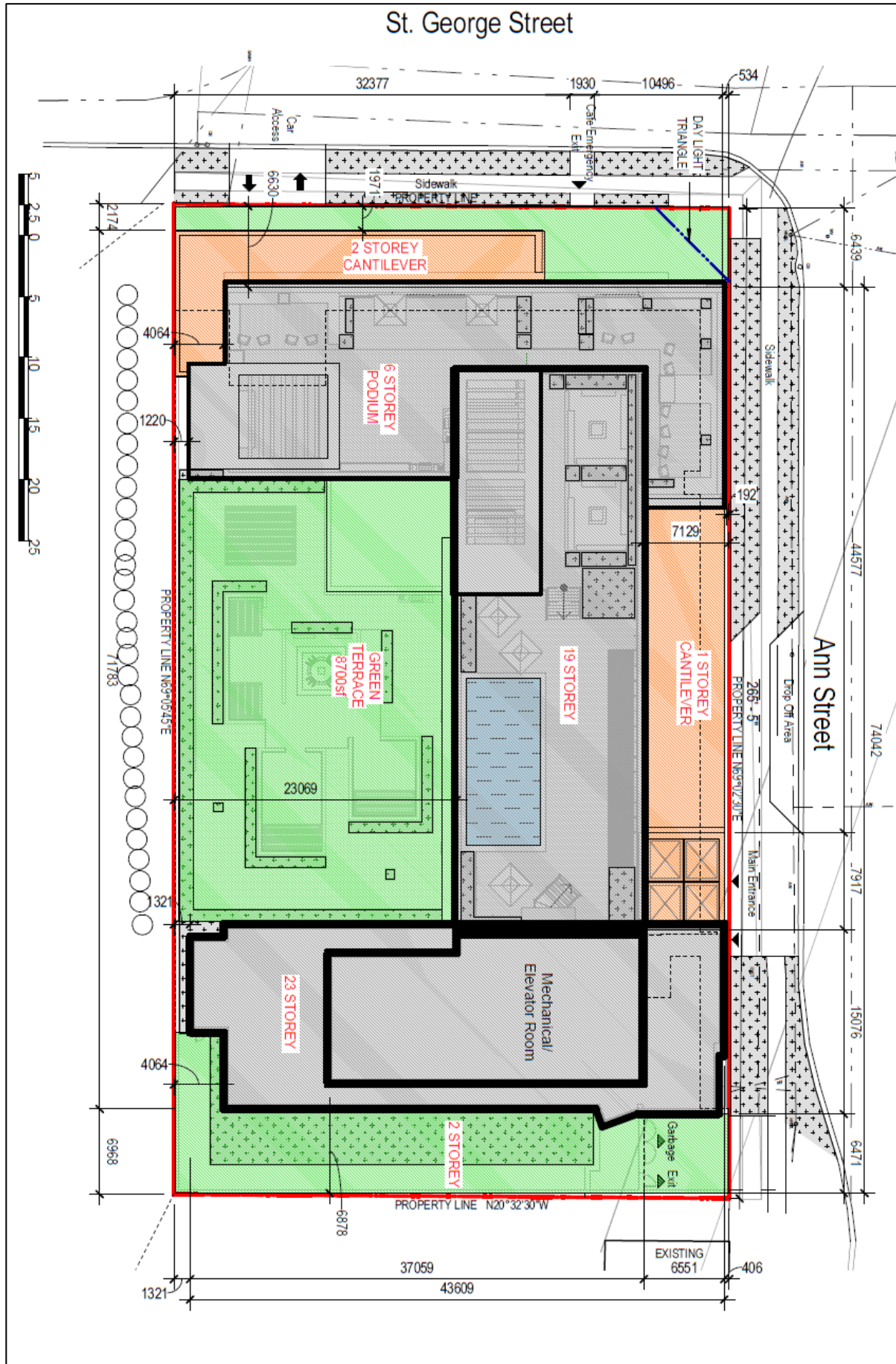


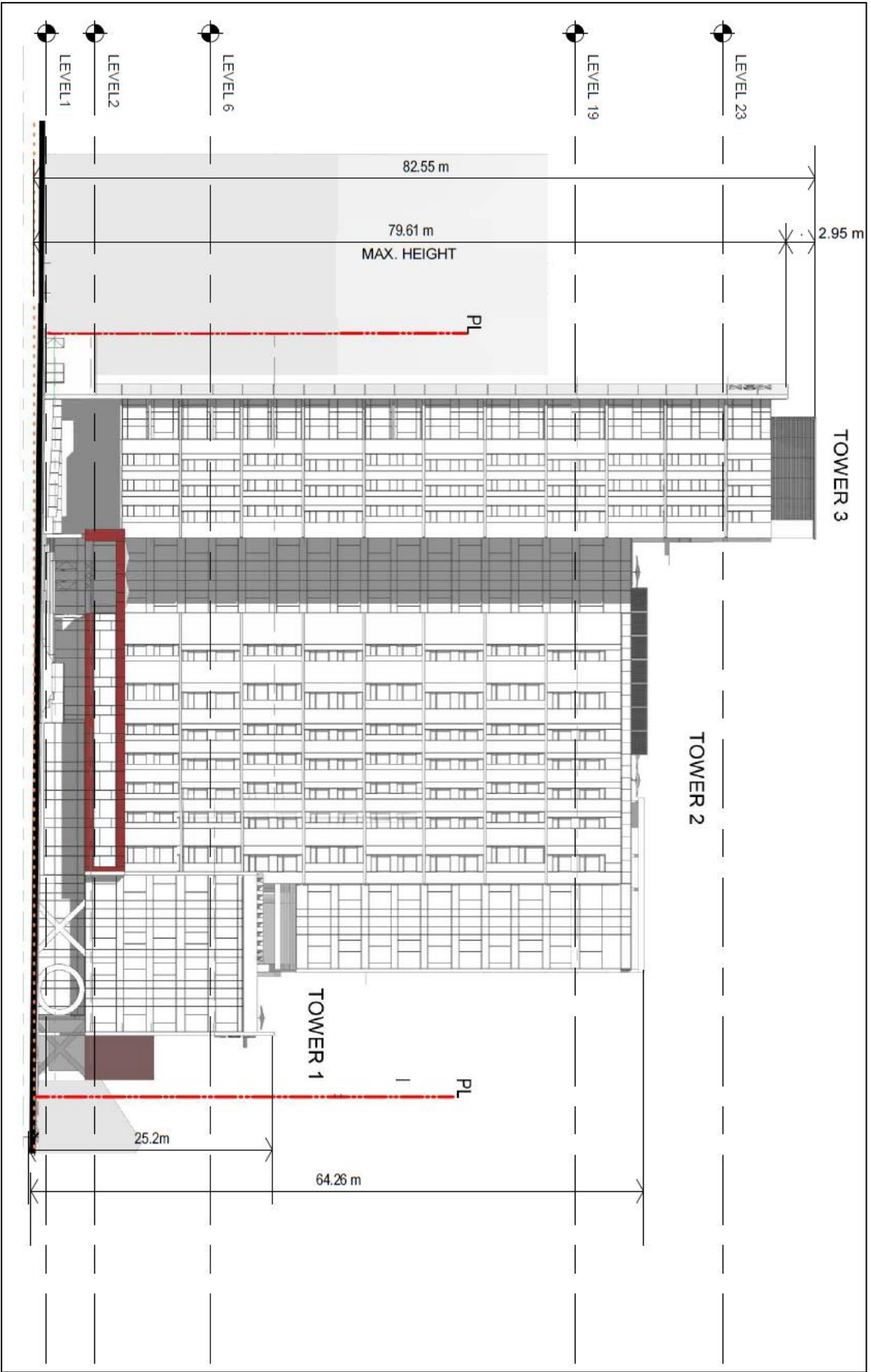
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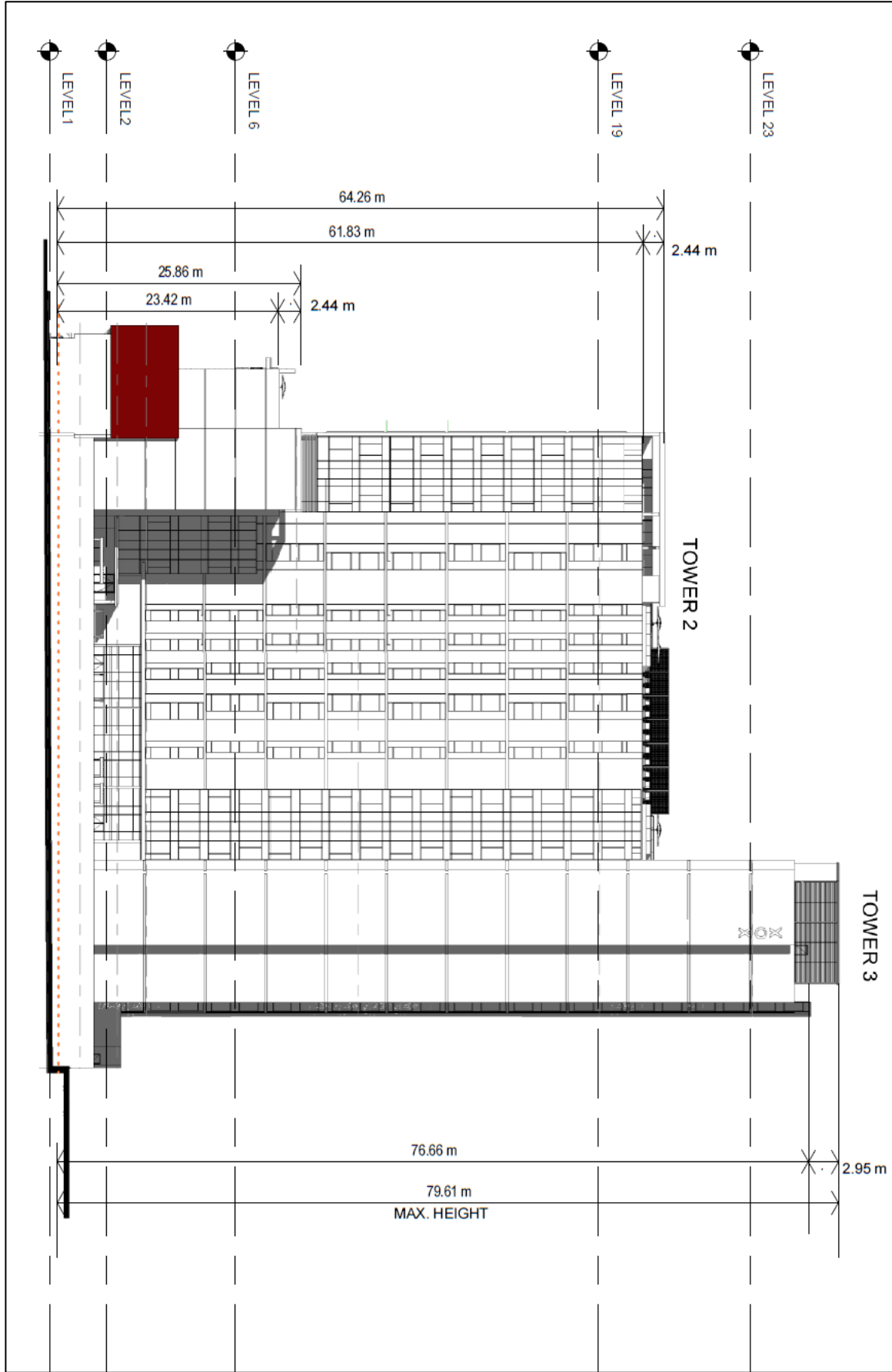
Schedule 1

Site Plan

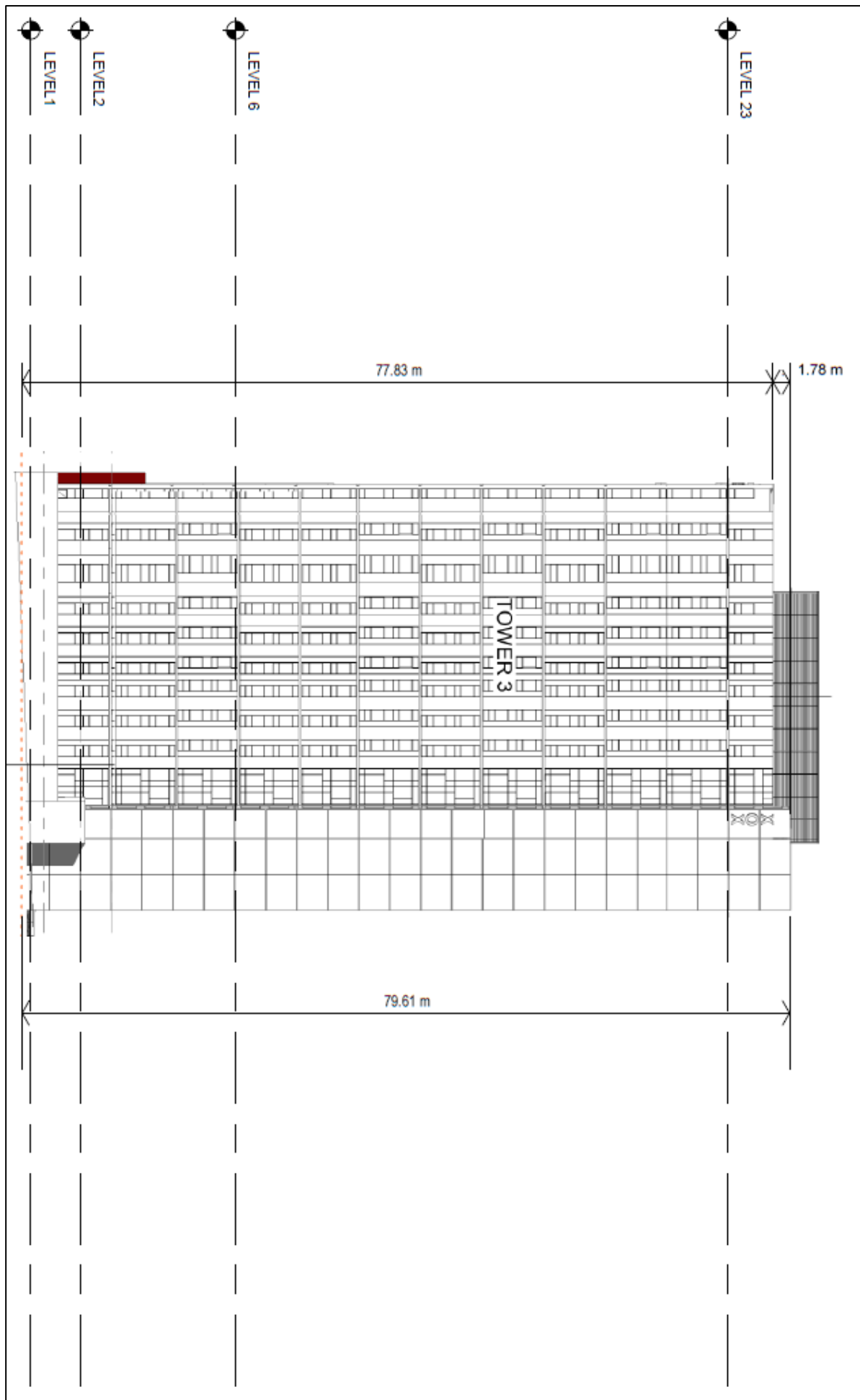




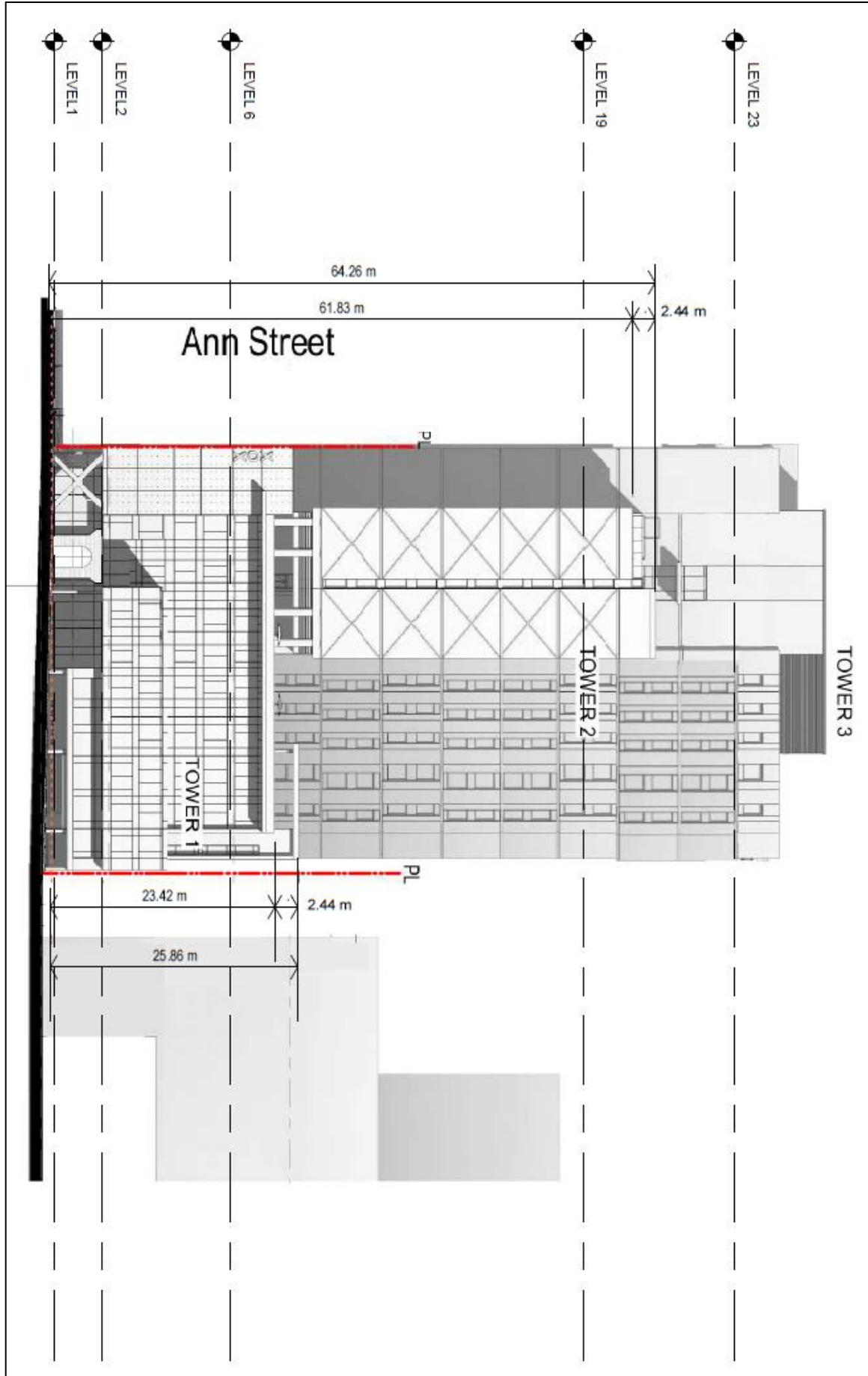
South Elevation



East Elevation



West Elevation



Appendix D

Additional Community Comments

Written AnnaMaria Valastro North Talbot Community Association 133 John Street Unit 1 London ON N6A 1N7	Written Louise White 133 Central Ave London, On N6A 1M6
Ted Mitchell	Catherine Gelin
Sara Rans	Shawn Wilton
Jennifer Helen 732 Princess Ave. London, ON. N5W 3M3	Tyrrel de Langley 601 Talbot Street London, ON, N6A-2T2

From: Tyrrel de Langley < >
Sent: Friday, June 10, 2022 6:02 PM
To: PEC <pec@london.ca>; Wise, Sonia <swise@london.ca>
Cc: Fyfe-Millar, John <jfmillar@london.ca>
Subject: [EXTERNAL] revised application OZ-9127 - Ann Street and St George Street Block - York Development Proposal.

Dear Members of the Planning and Environment Committee,

Please accept my comments in support of the revised application OZ-9127 - Ann Street and St George Street Block - York Development Proposal.

As a resident of North Talbot and Ward 13, I am passionate about the revitalization of our neighbourhood. There cannot be revitalization without investment and the reality is that by far the most significant investment and development comes from developers such as York, Old Oak, Drulo, etc. - and not from individuals such as me committed to renovating their single family homes. Ultimately what reignites a devitalized neighbourhood is people moving in and living their lives with their families here. While it is a wonderful dream, it is wishful thinking to expect a significant uptick in owner-driven renovations of homes and return of student boarding houses and frats to single family homes. The spark that can ignite this is, in my opinion, more people living in Ward 13, achieving a critical mass of residents out and about in the neighbourhood, which in turn drives the demand for more of everything: cafes, shops, grocery, restaurants, etc. And the reality is that only the developers can, through their investments in building in our Ward, create sufficient new living spaces that lead to that critical mass necessary to generate that spark.

As a City, and specifically in this instance as a neighbourhood that has deteriorated significantly during my time living in it, we are best served by engaging positively with these developers and negotiating the best possible outcomes - negotiate for mixed living - *not just students* and even novel strategies such as are common in Scandinavia <<https://scandinaviantraveler.com/en/lifestyle/living-in-the-future>>, negotiate for parks, green space, children's play areas, and off leash dog park, negotiate to maximize visual aesthetics and curb appeal and include physical heritage components into their new construction, and in the case of the Kent Brewery site something that commemorates the history of the brewery (as opposed to the dilapidated auto body shop currently there), negotiate for development of low density dwellings on other properties they may hold in the neighbourhood - single family homes or condominiums.

This is an opportunity to engage with York, we know what they want and we need to convey what we want - and negotiate a win-win solution. I am in support of this proposal with the hope that the City will negotiate in the best interests of the residents.

Sincerely

Tyrrel de Langley
DVM, MRCVS, CIM, PMgr, CMgr
601 Talbot Street
London, ON, N6A-2T2

From: Jennifer Helen < >
Sent: Thursday, June 9, 2022 12:22 PM
To: Wise, Sonia <swise@london.ca>
Subject: [EXTERNAL]

Dear Members of the Planning and Environment Committee,

I do not support the demolition of the Kent Brewery or the homes of the Hamilton Family for the proposed York development. I think any development that occurs on this site needs to respect London's history by preserving these historical buildings as they are and find a creative architectural approach to respectfully incorporate them in any new development.

Many of us travel to places to explore the cultural histories of other cities/countries. I would appreciate the opportunity to explore our history right here in London.

Thank You
Jennifer
Name /Address
Jennifer Helen
732 Princess Ave.
London, ON.
N5W 3M3

From: Shawn Wilton < >
Sent: Thursday, June 9, 2022 11:46 AM
To: Wise, Sonia <swise@london.ca>; Fyfe-Millar, John <jfmillar@london.ca>
Subject: [EXTERNAL] QZ-9127 | St. George and Ann Block Limited (23 storey apartment)

Good morning,

I moved into a unit at 695 Richmond in July, looking for a little more sunlight to brighten up my home office and my living space. I've just received notice that a building may potentially be built right outside my window, blocking out the sun entirely.

Is this a meeting to inform us of the build, or to provide an avenue to appeal? I am wholeheartedly against the construction of a condo that will block 90% of my view. COVID pushed my company to permanent work from home, and because of this I rarely leave the house. This build will severely impact my physical and mental health..

What action can I take to voice my opinion, and is there any shred of hope that the tenants of the surrounding buildings can stop this from happening? If there's no hope, are steps or programs going to be put in place to assist those of us who wish to move instead of deal with months of construction, theft of privacy, and lack of sunlight?

Thanks,

Shawn

From: Sara Rans < >
Sent: Thursday, June 9, 2022 11:07 AM
To: PEC <pec@london.ca>; Wise, Sonia <swise@london.ca>; Fyfe-Millar, John <jfmillar@london.ca>
Subject: [EXTERNAL] Ann Street and St. George Block - York Development Proposal

These are my comments regarding the revised application OZ-9127 - Ann Street and St George Street Block - York Development Proposal

I do not support this proposal.

At the last Planning and Environment Committee meeting, Council arbitrarily decided that the approval of this development is dependent on a minimum of thirteen (13) affordable

residential rental units, including one (1) studio unit, one (1) one-bedroom unit, five (5) two-bedroom units, and six (6) three-bedroom units (reflective of the unit mix proposed in the building).

This approach to housing affordability will not replace the affordability of the currently existing units on site. What are your plans there?

Council will be evicting individuals that currently have housing they can afford. Many working individuals and families cannot afford new housing because they cannot afford the first and last month's rent. They may have to live in shelters, sometimes with their families separated until they have accumulated enough wealth to secure housing. This approach evicts people from their homes, without properly considering what those people's fate will be.

For onlookers, Council seems to be acting in self-interest without really understanding if these actions are hurting people or making the problem worse.

It will be no surprise to anyone that forcing an unrealistic deadline of June 20th to resolve serious flaws in this development seems never to have intended to achieve a different outcome. Council was simply sending a message that the 13 affordable units were enough to win Council support.

This is the same approach used to approve the development at 560-562 Wellington Street, which also broke good planning principles, had little public support and resulted in an Appeal. I guess this will happen again, with legal costs that no doubt further delay the development of affordable housing in the core and beyond.

So this letter contains a complaint that should be considered and a question that needs answering. I expect more than a response of receipt.

From: Catherine Paula Gelinis <>

Sent: Thursday, June 9, 2022 9:00 AM

To: PEC <pec@london.ca>; Wise, Sonia <swise@london.ca>

Subject: [EXTERNAL] Revised application OZ-9127 - Ann Street and St George Street Block - York Development Proposal

To: Members of the Planning and Environment Committee,

This note is in regards to the revised application OZ-9127 - Ann Street and St George Street Block - York Development Proposal.

York Development is clear and concise that this development would be exclusive student housing. The development was rejected, in part, by city planners because it did not comply with the intent of the NCNS. The affected community has also stated that temporary housing (i.e student rentals) is over represented in the neighbourhood and is seeking relief from the negative consequences of having rows of empty houses and streets for almost half a year, each year. The neighbourhood is losing diversity in housing and people, and this is not healthy or safe for any community.

The purpose-built housing by the private sector is considered illegal in Ontario unless it is supportive housing such as retirement homes or homes for individuals with physical challenges.

In the North Talbot Neighbourhood, landlords, before showing an apartment to a prospective tenant, ask first and foremost whether the person is a student. If the answer is no, they are turned away and are not shown the apartment. Students, as a group, are not a protected code in Ontario. Even though the developer has informed Council that the housing will be exclusive and planning staff have raised this issue in their report, Council has refused to acknowledge it and therefore appear to be 'people zoning' by intent and design.

The complaint also raises the 'right of an individual to the peaceful enjoyment of their property' which is embedded in Ontario's Human Rights Code. Neighbourhoods dominated by temporary student rentals tend to be overwhelmed by student behaviour that is oblivious to the remaining community because they are present for only a short time. The NCNS is intended to balance diversity in housing and people to achieve a full spectrum of

residents. It is not intended to be exclusionary but inclusive. The NCNS also states that development is to respect the quality and character of these neighbourhoods.

--

Catherine Gelin
B.A. (Hons), [M.H.R.Sc.](#)

From: < >

Sent: Thursday, June 9, 2022 8:29 AM

To: PEC <pec@london.ca>; Wise, Sonia <swise@london.ca>

Subject: [EXTERNAL] OZ-9127 - 84-86 St. George Street and 175-197 Ann Street

Dear Members of the Planning and Environment Committee,

I do not support the demolition of the Kent Brewery or the homes of the Hamilton Family for the proposed York development. I think any development that occurs on this site needs to respect London's history by preserving these historical buildings as they are and find a creative architectural approach to respectfully incorporate them in any new development.

Many of us travel to explore the cultural histories of other cities/countries. I would appreciate the opportunity to explore our history right here in London.

Sincerely
Louise White
133 Central Ave
London, On
N6A 1M6

June 8, 2022

Planning and Development, City of London
300 Dufferin Avenue, 6th Floor
London, ON PO Box 5035 N6A 4L9
File OZ-9127

Attention: Sonia Wise

**Re: 84-86 St. George Street and 175-197 Ann Street
St. George and Ann Block Limited
York Development Proposal**

Dear Ms. Wise:

Please accept my comments re: the revised application OZ-9127.

First, I am concerned at the rush to approve this application.

I received this notice on June 6, 2022 with a meeting June 20, 2022 leaving little time to prepare any response.

This is the third notice I have received:

March 9, 2020: 28-storey apartment building, 274 units, underground parking, with attached 26-storey and 12-storey buildings, etc.

April 5, 2022: 22-storey building with 214 units and 180 parking spaces with attached 19 and 12 storey buildings, etc.

June 6, 2022: 23-storey building with 216 units and 180 parking spaces with an attached 19 storey building, etc.

I have a number of concerns as follows:

- 1) There is a current complaint (accepted by the Ontario Human Rights Tribunal) in process against the City of London for failing to implement the Near Campus Neighbourhood Strategy which seeks to balance long and short-term housing, particularly student rentals through planning and zoning.

I understand that York Development has informed Council that this development would be exclusive student housing.

Student leases are 12-month leases but are only occupied 6-8 months of the year with non-student rentals discouraged.

This area is already overwhelmed with students with the attendant noise, aggressive confrontations and carousing that lessens the enjoyment of long-term residents.

This development would over-intensify the area leading to wind tunnels, traffic and parking concerns and ultimately urban decay.

- 2) I understand that there are also building safety concerns with CP railway demanding that a “crash wall” be built because the site is too close to the rail line.

In addition, the Ministry of the Environment and Climate Change will not issue “water taking” permits for this development if it interferes with the geothermal heating and cooling system of neighbouring buildings (including my building).

The site also sits on a high-water table and may not be stable, which I understand is why an underpass could not be built on Richmond Street to accommodate a rapid transit line.

- 3) I am also concerned that Mayor Holder and Councillor John Fyfe-Millar have received campaign dollars from donors with interests in seeing this development go forward; if correct, they both should recuse themselves from voting thereto.

For all the above reasons, please accept the staff recommendations for refusal of this application on all points.

Sincerely,

Ted Mitchell

North Talbot Resident

From: < >

Sent: Wednesday, June 8, 2022 9:36 AM

To: Wise, Sonia <swise@london.ca>

Subject: [EXTERNAL] Comments Re: OZ-9127 - 84-86 St. George Street and 175-197 Ann Street- St. George and Ann Block Limited

Dear Ms. Wise,

Please accept my comments re: the revised application OZ-9127

Re: Ann Street and St George Street Block - York Development Proposal

At the last Planning and Environment Committee meeting, Council arbitrarily decided that the approval of this development is dependent on a minimum of thirteen (13) affordable residential rental units, including one (1) studio unit, one (1) one-bedroom unit, five (5) two-bedroom units, and six (6) three bedroom units (reflective of the unit mix proposed in the building).

This is a whimsical approach to housing affordability and will not replace the affordability of the current existing units on site.

Council will be evicting individuals that currently have housing they can afford. Many working individuals and families cannot afford new housing because they cannot afford first and last month's rent. They may have to live in shelters, sometimes with their families separated until they have accumulated enough wealth to secure housing. This approach evicts people from their homes, without properly considering what those people's fate will be.

For onlookers, Council seems to be acting in self interest without really understanding if these actions are hurting people or making the problem worse.

It will be no surprise to anyone that forcing an unrealistic deadline of June 20th to resolve serious flaws in this development was never intended to achieve a different outcome. Council was simply sending a message that the 13 affordable units was enough to win Council support. This is the same approach used to approve the development at 560-562 Wellington Street, which also broke good planning principles, had little public support and resulted in an Appeal. In that case, Councillor Josh Morgan went on a local newscast and made a proclamation about needing affordable housing for approval.

Councillor Lewis then approached Auburn Development and the 'usual suspects' approved the development. This approach is not respected.

Last year, The Ontario Human Rights Tribunal received a complaint against the City of London for failing to implement the Near Campus Neighbourhood Strategy (NCNS) - which aims to balance long and short term housing (i.e. student rentals) through planning and zoning. It also claims that the City of London ignores discriminatory housing practices.

The Ontario Human Rights Tribunal has accepted the complaint and it is moving through the process.

For example:

York Development had explicitly informed Council that this development would be exclusive student housing. The development was rejected, in part, by city planners because it did not comply with the intent of the NCNS. The affected community has also stated that temporary housing (i.e student rentals) is over represented in the neighbourhood and is seeking relief from the negative consequences of having rows of empty houses and streets for almost half a year, each year. The neighbourhood is losing diversity in housing and people, and this is not healthy or safe for any community.

Council should know that purpose-built housing by the private sector is illegal in Ontario unless it is supportive housing such as retirement homes or homes for individuals with physical challenges.

In the North Talbot Neighbourhood, landlords, before showing an apartment to a prospective tenant, ask first and foremost whether the person is a student. If the answer is no, they are turned away and are not shown the apartment. Students, as a group, are not a protected code in Ontario. Even though the developer has informed Council that the housing will be exclusive and planning staff have raised this issue in their report, Council has refused to acknowledge it and therefore appear to be 'people zoning' by intent and design.

By not acknowledging your own policy, and by not resisting a housing practice that is potentially discriminatory, you appear complicit.

The complaint also raises the 'right of an individual to the peaceful enjoyment of their property' which is embedded in Ontario's Human Rights Code. Neighbourhoods dominated by temporary student rentals tend to be overwhelmed by student behaviour that is oblivious to the remaining community because they are present for only a short time. The NCNS is intended to balance diversity in housing and people to achieve a full spectrum of residents. It is not intended to be exclusionary but inclusive. The NCNS also states that development is to respect the quality and character of these neighbourhoods.

This development does not contribute to this approach in any way.

The spirit of the Ontario Heritage Act is to designate properties of historical significance for the purpose of protecting our history in its physical built form, and its location is part of that history. The legislation is for the purpose of preserving built heritage for future generations, not only until you decide to demolish it.

This development could be completely different. It could intensify the site and preserve the historical buildings on site. It could be something really great, but instead we have an aggressive developer, not interested in community, and Councillors that want to 'save the world' through eviction notices and approving buildings but not by building communities.

Sincerely

AnnaMaria Valastro

North Talbot Resident



MEMO

To: Sonia Wise, Senior Planner

From: Laura E. Dent, Heritage Planner

Date: May 27, 2022

Re: **OZ-9127 – 197 Ann Street (revised building design and supplemental comments)**

Sonia,

I have reviewed the memo submitted by MHBC (dated May 24, 2022, from Scott Allen) on behalf of York Developments and note the following paragraphs related to heritage matters on the subject lands:

As discussed in our previous memorandum, York Developments intends to implement key recommendations of the MHBC Heritage Impact Assessment (HIA) by developing a Document Report, Salvage Plan and Interpretation Plan. These plans will establish a detailed process to guide the removal of the building complex associated with the former Kent Brewery and the removal of 175, 179 and 183 Ann Street and 84 and 86 St. George Street. In particular, the Interpretation Plan will explore the incorporation of tangible cultural heritage elements (i.e. salvaged material) and intangible elements (i.e. stories, practices, rituals such as the tradition of brewing and industrial, working-class lifestyle) into the proposed tower.

Following further evaluation and with consideration for comments received through the application review process, York Developments is no longer proposing to relocate 183 and 197 Ann Street and will not be seeking a holding provision for that purpose. Rather, heritage conservation efforts will focus on effectively implementing the mitigation measures set out in the HIA.

Heritage staff offers the following comments in response:

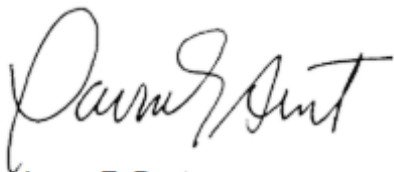
- City Council has affirmed the significance of the built resources at 183 and 197 Ann Street with its resolution (4.2/9/PEC) to issue its Notification of Intent to Designate.
- A Notice of Intent to Designate was issued on May 16, 2022 and appeared in *The Londoner* on May 19, 2022.
- The property is now treated as if it is designated, and heritage alteration permit approval is required for alterations that impact attributes identified in the Statements of Cultural Heritage Value or Interest (CHVI) for 183 and 197 Ann Street.

- Mitigation recommendations outline in the November 9, 2021, revised heritage impact assessment (MHBC, 2021) do not conserve the heritage attributes identified in the statements of CHVI, and ultimately proposed mitigation measures cannot reconcile with the action that Council has now taken to designate 183 and 197 Ann Street.
- The dismantling and re-use of salvaged materials from the heritage resources at 183 and 197 Ann Street into a brewery function on the subject lands does not conserve attributes identified in the statements of CHVI. Further “use” cannot be designated or protected as a heritage attribute under the *Ontario Heritage Act*. Stipulating the reuse of a salvaged resource under these circumstances (specifically into a brewery function) cannot be assured now and into the future; it is a mitigation measure that really cannot be fully explored.
- The incorporation of a new brewery on the site of the existing Kent Brewery is a novel and potentially an exciting concept which ties into the historical narrative of the subject lands. However, conservation under the *Ontario Heritage Act* and policies in the *PPS* pertain to built resources not past stories or functions associated with a site; a new brewery on the site is not a sufficient mitigation measure in and of itself.

Finally, it is important to remember that designation is not an end outcome – it is not fixed. Designation is a tool; it ensures that the cultural heritage value of the built resources at 183 and 197 Ann Street are conserved as part of future decision making through processes to manage change outlined in policies in the *Ontario Heritage Act* (i.e., heritage alteration permit approval). Both resources at 183 and 197 Ann Street are really a testament to how adaptable and resilient heritage building can remain. They are already exemplar examples of adaptive reuse; there are many possibilities for retention and integration of both heritage resources in the proposed development. Heritage and Planning Staff are looking forward to exploring ways in which these heritage resources can be conserved and contribute to a unique development on this site.

Please advise if you have any questions.

Sincerely,



Laura E. Dent
Heritage Planner, M.Arch, PhD, MCIP, RPP

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee
From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development
Subject: St. George and Ann Block Limited
84-86 St. George Street and 175-197 Ann Street
Public Participation Meeting
Date: April 25, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, 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:

- (d) the request to amend the *Official Plan (1989)* to change the designation of the western part of the subject lands **FROM** a Multi-Family, Medium Density Residential designation, **TO** a Multi-Family, High Density Residential designation, to identify the subject lands as a permitted location for convenience commercial uses, and to **ADD** a specific policy to allow for the proposed uses **BE REFUSED** for the following reasons:
- i) It is not consistent with the Provincial Policy Statement, 2020 (PPS) as it does not conserve significant built heritage resources;
 - ii) it is not consistent with the Provincial Policy Statement, 2020 (PPS) as the level of intensification proposed on the subject site does not provide for development at an appropriate density, and does not result in a sense of place by promoting well-designed built form and cultural planning by conserving features that help define the character of the area;
 - iii) it does not conform to the in force policies of the *Official Plan (1989)*, including but not limited to:
 - i. the Multi-Family, Medium Density Residential policies for lands fronting St. George Street;
 - ii. the evaluation criteria for consideration of the *Official Plan (1989)* and Zoning By-law amendments to permit the Multi-Family, High Density Residential designation;
 - iii. the density bonusing policies;
 - iv. the Planning Impact Analysis provisions regarding intensity and form of development;
 - v. the Urban Design policies;
 - vi. the Near-Campus Neighbourhoods policies;
 - vii. The locational and scale criteria for convenience commercial uses in neighbourhoods.
- (e) the request to amend *The London Plan* to **CHANGE** the Special Area Policy in the Neighbourhoods Place Type applicable to the subject lands to permit a maximum building height of 22 storeys, and to permit a maximum overall floor area of 500 square metres for retail, service and office uses within the podium base **BE REFUSED** for the following reasons:
- i) It is not consistent with the Provincial Policy Statement, 2020 (PPS) as it does not conserve significant built heritage resources;

- ii) it is not consistent with the Provincial Policy Statement, 2020 (PPS) as the level of intensification proposed on the subject site does not provide for development at an appropriate density, and does not result in a sense of place by promoting well-designed built form and cultural planning, and does not conserve features that help define the character of the area;
- iii) it does not conform to the in-force policies of *The London Plan*, including but not limited to:
 - i. the Key Directions relating to the protection of built and cultural heritage, building a mixed-use compact city, and ensuring new development that is a good fit within existing neighbourhoods;
 - ii. the design criteria contained in the City Design chapter;
 - iii. the Talbot Mixed-Use policies for lands fronting on St. George Street and the south side of Ann Street;
 - iv. the site specific special policy for 84-86 St. George Street and 175-197 Ann Street;
 - v. the Evaluation Criteria for Planning and Development Applications in the Our Tools chapter of *The London Plan*;
 - vi. the Bonusing policies;
 - vii. the Near-Campus Neighbourhoods policies;
 - viii. the Neighbourhoods Place Type policies for the location and gross floor area of commercial uses;
- (f) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Residential R9 (R9-3*H12) Zone **TO** a Residential R10 Special Provision/Convenience Commercial Special Provision Bonus (R10-5()/CC4()*B-___) Zone, **BE REFUSED** for the following reasons:
 - i) the reasons noted in Clauses a) and b) above;
 - ii) a rezoning to permit the requested site-specific residential density and height does not conform to the in-force policies of the *Official Plan (1989)*;
 - iii) a rezoning to permit the requested site-specific residential density and height does not conform to the in-force policies of *The London Plan*;
 - iv) the use of the standard Residential R10 (R10-5) Zone variation does not conform to the in-force policies of the *Official Plan (1989)* as it would allow for a maximum density of 350 units per hectare, in excess of the maximum 250 units per hectare permitted by the existing Multi-Family, High Density Residential designation on the east part of the property, and in excess of the maximum 75 units per hectare permitted by the existing Multi-Family, Medium Density Residential designation on the west part of the property;
 - v) the requested amendment does not establish a well-designed built form that would warrant consideration for height and density bonusing;
 - vi) Insufficient development regulations are provided for in the requested Residential R10 (R10-5) Zone to control the form of development with respect to: a transition of building height from lower heights along the St. George Street frontage to taller heights at the east property boundary; podium heights and stepping back provisions; and, general building configuration and the floor plate area of tower components to minimize shadowing and loss of sunlight.
 - vii) A rezoning to permit convenience commercial and additional non-residential uses within the proposed apartment building does not conform to the in-force policies of the *Official Plan (1989)*; and,
 - viii) A rezoning to permit convenience commercial and additional non-residential uses within the proposed apartment building does not conform to the in-force policies of *The London Plan*.

Executive Summary

Summary of Request

The applicant proposes to construct a high-rise apartment building with a maximum of 214 residential units. The building is generally configured in an “H” shape, consisting of massing with 22 storeys at the east end of the property, 19 storeys in the centre, and 9 storeys along St. George Street. The proposal includes a variety of indoor and outdoor amenity areas intended to serve residents of the building. The proposed outdoor amenity areas are located on the rooftops of the first storey, 9th storey, and 19th storeys. The proposal also includes a range of convenience commercial uses with an additional use of craft brewery with a total gross floor area of 500 square metres on the ground floor. Parking is proposed to be provided in a multi-level parking structure with a request to provide 180 parking spaces for all uses, with bicycle storage and internal loading areas accessed from St. George Street.

The removal of structures that are on a listed property in the City’s heritage inventory would be required to allow the building to be constructed as proposed.

The applicant requested an amendment to the *Official Plan (1989)* to change the designation of the western part of the property from Multi-Family, Medium Density Residential to Multi-Family, High Density Residential, and to identify the site as a permitted location for convenience commercial uses.

The applicant requested an amendment to *The London Plan* to add a Specific Area Policy in the Neighbourhoods Place Type for this site to permit a maximum building height of 22 storeys, to permit a maximum overall floor area of 500 square metres for retail, service and office uses within the podium base.

The applicant also requested an amendment to Zoning By-law Z.-1 to change the zoning from a Residential R9 (R9-3*H12) Zone to a Residential R10 Special Provision/Convenience Commercial Special Provision Bonus (R10-5()/CC4()*B-____) Zone to permit apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped apartment buildings, and continuum-of-care facilities, as well as convenience service establishments, convenience stores, financial institutions, personal service establishments, and craft breweries, all without drive through facilities, and restricted to a location within an apartment building. The requested special provisions were to permit a maximum height of 75 metres (22 storeys), a maximum density of 585 units per hectare, reduced 0 metre yard depths to all property lines, reduced minimum landscaped open space of 0 percent where 20 percent is required, increased maximum lot coverage of 97 percent where 50 percent is permitted, and reduced parking of 180 spaces where 225 spaces are required. Commercial special provisions were requested allowing one commercial use to be limited to a maximum commercial gross floor area of 500 square metres.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended refusal is to maintain the existing *Official Plan (1989)* designation, *The London Plan* Specific Policy, and the existing Residential R9 (R9-3*H12) Zone on the property. The existing permissions allow apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped persons apartment buildings and continuum-of-care facilities with a maximum density of 100 units per hectare and a maximum height of 12 metres (3 – 4 storeys).

Rationale of Recommended Action

It is recommended that this application be refused for the following reasons:

4. The proposed development is not consistent with the Provincial Policy Statement, 2020, which promotes intensification and redevelopment in appropriate locations, while conserving significant heritage resources.

5. The proposed development does not conform to the *Official Plan (1989)* as it does not meet the criteria to establish new lands as Multi-Family, High Density Residential designation and as a location for Convenience Commercial uses, does not conform to the policies of the Talbot Mixed Use Specific Residential Area, and does not conform to the Near Campus Neighbourhood Area policies.
6. The proposed development represents an over-intensification of the site and does not pass all of the criteria of the Planning Impact Analysis.
7. The proposed development does not conform to *The London Plan* policies as it does not meet the intent of the site specific policy to provide a significant building step-back along St. George Street, does not conform to the policies of the Talbot Mixed Use Specific Residential Area, and the Near Campus Neighbourhood Area;
8. The proposed development does not retain significant cultural heritage resources; and
9. The proposed development is located in proximity to a rail corridor and has not identified mitigative measures to protect against possible train derailment.

Linkage to the Corporate Strategic Plan

The Strategic Plan provides direction for development through Building a Sustainable City and Strengthening Our Community. Building a Sustainable City includes growth and development that is well planned and directed to strategic locations. The subject site is within a location that contemplates growth and intensification, but that requires thoughtful design and a compatible built form. Strengthening our Community in the Strategic Plan includes achieving a strong character and sense of place by ensuring that new development fits within and enhances its surrounding community, and that London's heritage properties continue to be conserved.

Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. Through this declaration, the City is committed to reducing and mitigating climate change by encouraging intensification and growth at appropriate locations. This includes intensification and efficient use of existing urban lands and infrastructure within strategic locations such as the downtown, transit villages and corridors. The site is centrally located and has proximity to transit services, and high-rise development on this site would support the response to the Climate Emergency.

Analysis

1.0 Site at a Glance

3 Property Description

The subject site consists of one consolidated property located at the south-east corner of St. George Street and Ann Street. There are five existing single detached dwellings housing a number of residential rental units, and one industrial/service commercial building operating as both an autobody shop and a residential rental residential unit. The property addressed as 197 Ann Street, located at the east end of the property, is listed in the City's Register of Cultural Heritage Resources, and known historically as the Old Kent Brewery. Both Ann and St. George Streets are classified as local streets. The Ann Street road allowance terminates just east of the subject lands ending in surface parking areas servicing the surrounding land uses.



Figure 1: Northwest view of property – intersection of Ann Street and St. George St

The adjacent land uses include: on the west side of St. George Street, street-oriented three-storey condominium townhouses; to the south, street-oriented two storey condominium townhouses atop a parking structure and a 12 storey condominium apartment building; to the south-east, a 17 storey condominium apartment building with commercial uses in the main floor podium; to the east, a hydro substation and an 18 storey condominium apartment building; and on the north side of Ann Street, a multi-unit industrial building. The Principal Main Line for Canadian Pacific Railway runs diagonally just north of termination of Ann Street and behind the industrial building on the north site of Ann Street.

The broader surrounding neighbourhood to the north, west and south of the subject property is characterized by a variety of land uses including a mix of low-rise housing forms ranging from single detached dwellings, semi-detached dwellings and converted dwellings, up to mid-rise apartment buildings, storage facilities, retail, service and office uses. The Richmond Street commercial area lies half a block to the east of the subject property.



Figure 2: 197 Ann Street (left) and 183 Ann Street (right)

- 4 Current Planning Information (see more detail in Appendix E)**
- *The London Plan* Place Type – Neighbourhoods Place Type: Talbot Mixed Use Area Specific Policy, and Specific Area Policy for 175-199 Ann Street and 84-86 St. George Street

- *Official Plan (1989)* – Multi-Family, High Density Residential, and Multi-Family, Medium Density Residential
- Existing Zoning – Residential R9 (R9-13*H12) Zone

5 Site Characteristics

- Current Land Use – Mixed residential and auto body shop
- Frontage – 45.3m (148.6 ft) along St. George Street
- Depth – 81.0m
- Area – 0.367ha (0.9ac)
- Shape – rectangular

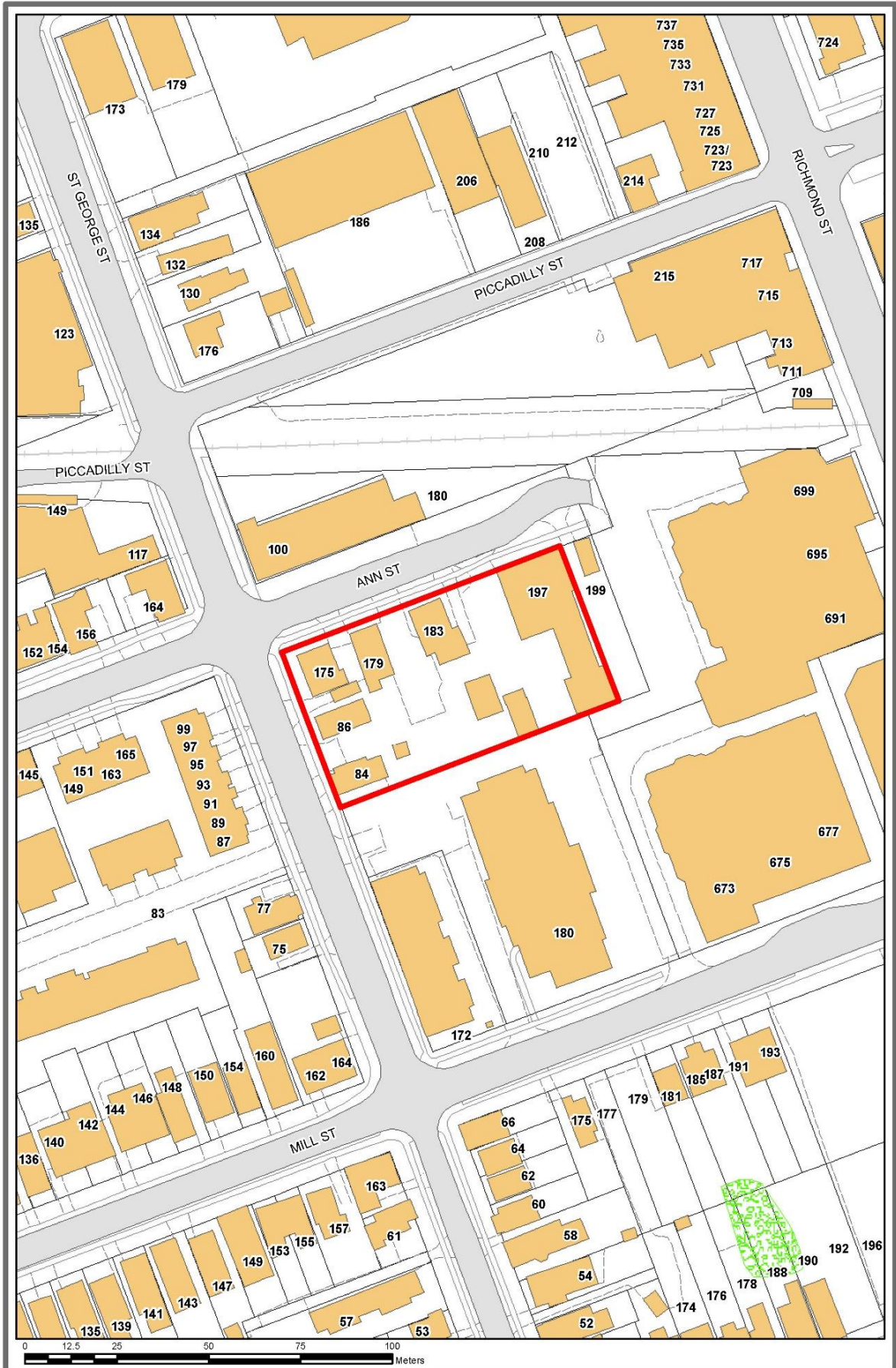
6 Surrounding Land Uses

- North – industrial and rail corridor
- East – high-rise residential and commercial
- South – low and high-rise residential
- West – low-rise and mid-rise residential

1.6 Intensification

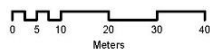
- 214 proposed residential units represents intensification within the Built-area Boundary and Primary Transit Area

7 Location Map



LOCATION MAP

Subject Site: 84 - 86 St. George Street and 175 - 197 Ann Street
 File Number: OZ-9127
 Planner: Barb Debbert
 Created By: RC
 Date: 10/02/2020



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

Scale 1:1000

Legend

- Subject Site
- Buildings
- Driveways/ParkingLots
- Parking Lot Edges
- Draft Approved Subdivisions

2.0 Discussion and Considerations

2.1 Development Proposal

The request is to amend the Official Plan and zoning for the site to permit a mixed-use, high-rise building of 22 storeys with 214 residential units and a maximum density of 585uph. The building is generally in the configuration of an 'H' shape and comprised of a 22 storey component along the east boundary, which steps down to a 19 storey portion parallel to Ann Street, and then a 9 storey and 4 storey portion along St. George Street.



Figure 3: Northwest Rendering of Proposed Development – 22 storeys

There are three levels of underground parking with some at grade parking within the building for a total of 180 spaces, all accessed from St. George Street. A limited range of convenience commercial uses are proposed on the ground floor including a craft brewery.

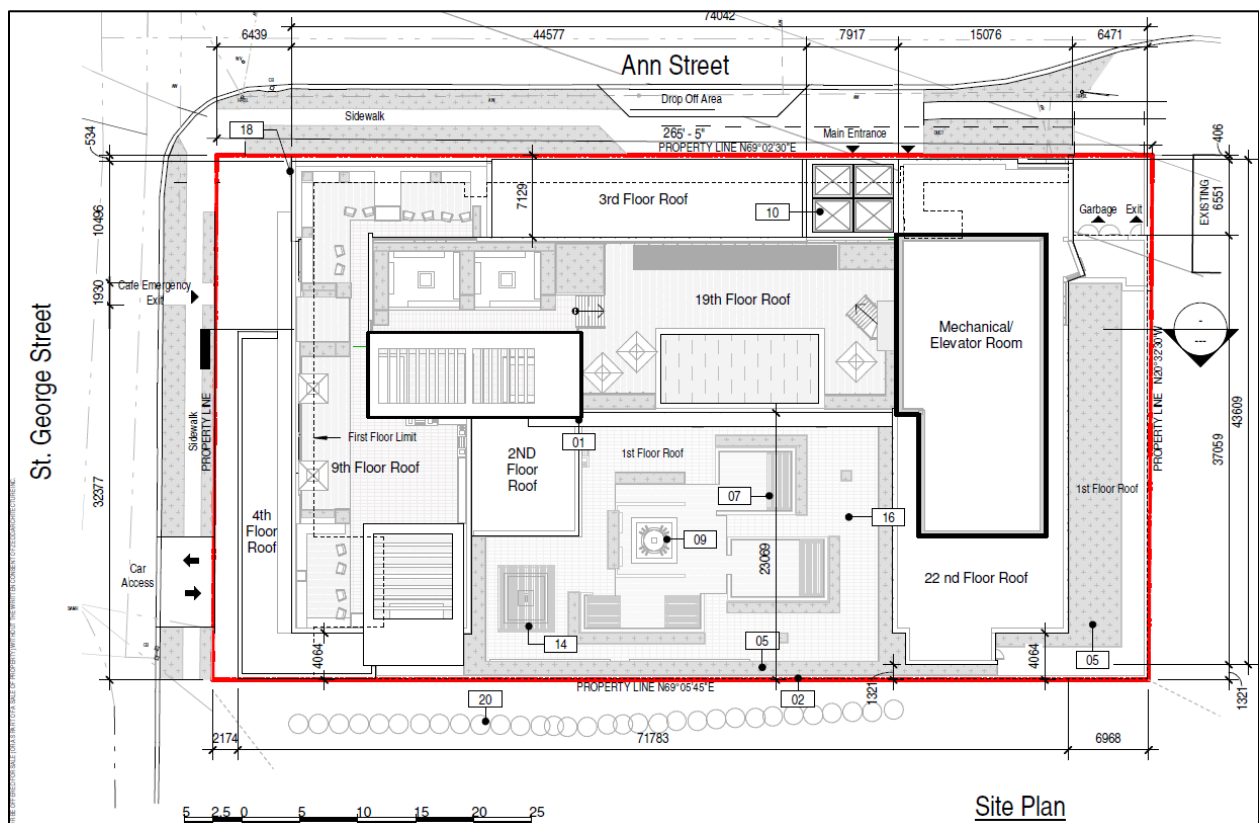


Figure 4: Site Concept Plan

2.2 Requested Amendment

An amendment to the *Official Plan (1989)* is requested to change the existing designation on the western portion of the site from a Multi-Family, Medium Density Residential designation to a Multi-Family, High Density Residential designation, and to permit convenience commercial uses on site. An amendment to *The London Plan* is requested to amend the existing specific policy to allow for the total height of 22 storeys and permit a range of local retail, commercial and office uses.

The requested Residential R10 (R10-5) Zone permits apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped apartment buildings, and continuum-of-care facilities. The requested bonus (B-____) zone permits a maximum height of 75 metres (22 storeys) where the height is to be determined on the zone map by way of a zoning review process, a maximum density of 585 units per hectare in place of 250 units per hectare, and the relief required from the regulations including: reduced yard depths of 0 metre for all property lines, reduced minimum landscaped open space of 0 percent where 20 percent is required, increased maximum lot coverage of 97 percent where 50 percent is permitted, and reduced parking of 180 spaces where 225 spaces are required.

The requested Convenience Commercial (CC4) Zone permits convenience service establishments, convenience stores, financial institutions and personal service establishments, all without drive through facilities, and restricted to a location within an apartment building. The requested special provisions were to add the craft brewery use without drive-through facilities, restricted to a location within an apartment building, as well as allowing one commercial use to occupy a maximum commercial gross floor area of 500 square metres.

2.3 Initial Proposal

The initial proposed development was for a high-rise apartment building with a maximum of 274 residential units, generally configured in an “H” shape and consisting of a building massing of 28 storeys at the east end of the property, 26 storeys in the centre, and 12 storeys along St. George Street. A range of convenience commercial uses were requested up to 1,000 square metres of gross floor area on the ground floor. The application was amended in 2020 to the 22 storey form that removed the convenience commercial uses requested.



Figure 5: Northwest Rendering of Initial Proposal

2.4 Community Engagement (see more detail in Appendix A)

Members of the public were given an opportunity to provide comments on this application in response to the notice of application given on October 10, 2019. Written and verbal replies were received from 21 individuals, with the majority opposed to the proposal.

Concern for:

- Heritage
 - Opposed to the demolition of heritage buildings
 - The whole block should be saved
- Retail/Commercial Use not appropriate for the location
- Intensity
 - Traffic volumes, noise and safety issues
 - Inadequate parking provided
 - Bonusing features are not beneficial
 - Increased number of pedestrians cutting through the area
- Form
 - Ignores the low-rise townhouse and single-family home characteristics of the neighbourhood
 - Inadequate on-site landscaped open space and inadequate parkland provision in the area – object to the use of cash-in-lieu of parkland
 - Inadequate provision of trees and boulevard space
 - Loss of sunlight, privacy and views
- Student Housing
 - Contributes to a pre-existing imbalance of student to non-student population in the neighbourhood
 - Does not meet the near campus neighbourhood policies
 - Neighbourhood is underpopulated in the summer which isolates long-term residents, creates social problems such as squatters, criminal activity, and hurts local businesses
 - Purpose-designed student housing is not diverting students from single family homes as intended
 - Allowing construction and marketing of housing geared to students is contrary to the Human Rights Code because it discriminates against protected groups
- Possible impacts on groundwater-based HVAC systems in surrounding buildings
- Possible impact on adjacent hydro transformer substation.
- Loss of property value

3.0 Relevant Background

3.1 Planning History

The property was the subject of a site-specific appeal to *The London Plan* which, in a broad sense, sought to recognize pre-existing permissions of the Multi-Family, High Density Residential (MFHDR) designation of the *Official Plan (1989)*. The MFHDR designation applies to the majority of the site with the exception of the St. George Street frontage where the designation is the Multi-Family, Medium Density Residential (MFMDR).

As a result of settlement discussions for appeals against *The London Plan*, the Local Planning Appeals Tribunal (LPAT) approved a new Special Area Policy within the Neighbourhoods Place Type for the subject site on August 27, 2018. The new policy permits heights in excess of 12 storeys through a bonus zone, where the Evaluation Criteria for Planning and Development Applications and the Bonus Zoning policies of this Plan can be met. The policies require development along the St. George Street frontage to include a significant step-back to provide a low-rise character that is

consistent with the streetscape.

The applicant requested an amendment to *The London Plan* to change the Special Area Policy in the Neighbourhoods Place Type for this site to permit the proposed development and effectively replace the Special Area Policy approved in 2018 by the LPAT.

3.2 Application History

A brief timeline for some of the key dates of the Official Plan and Zoning By-law Amendment includes the following:

- Sept 20, 2019: Application deemed complete and file opened
- October 10, 2019: A notice of application was circulated for the 28 storey form with ground floor commercial uses
- March 9, 2020: A public participation meeting and information report was submitted to PEC to receive feedback. Council directed that the heritage and planning matters should be heard together at a future meeting.
- October 7, 2020: A revised notice of application was circulated for the 22 storey form with no commercial uses proposed
- October 27, 2020: The addresses on the parcel were added to the Register of Cultural Heritage Resources, (in addition to 197 Ann Street) through the North Talbot Cultural Heritage Inventory report prepared by Timmins Martelle Heritage Consultants
- November 4, 2021: A revised Heritage Impact Assessment was submitted
- April 1, 2022: A public participation meeting notice and revised notice of application was circulated for the 22 storey form with ground floor convenience commercial uses proposed.
- March 9, 2022: LACH reviewed the revised Heritage Impact Assessment
- April 13, 2022: LACH reviewed the Intent to Designate

3.2 Policy Framework

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) 2020, provides policy direction on matters of provincial interest related to land use planning and development. The PPS encourages settlement areas (1.1.3) to be the main focus of growth and development. Appropriate land use patterns within settlement areas are established by the Official Plan policies that designate areas of growth and development, and areas of preservation like the subject site. The PPS encourages healthy, livable and safe communities which are sustained by promoting efficient development and land use patterns (1.1.1.a.). The proposed development represents a high-rise and built form intensity that is inconsistent with the established land use pattern and nearby low-rise residential land use pattern.

The policies of the PPS also direct planning authorities to identify appropriate locations and promote opportunities for residential intensification and redevelopment (1.1.3.2.b) and 1.1.3.3) where this can be accommodated, while promoting appropriate development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4). The proposed development is located in a central area near the downtown and commercial corridor of Richmond Row, and is within an area that contemplates intensification. The proposed scale of development and commercial uses however, are directed towards and would be most beneficial along the corridor to enhance the vitality of the main street.

The PPS states that long-term economic prosperity should be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources (1.7.1.e). The built form requires further revision and refinement to result in a well-designed built form, and requires the demolition of a built heritage resource to facilitate the development.

Further, the PPS identifies that significant built heritage resources “shall be conserved” (2.6.1). The site is a heritage listed property which is being proposed to be a designated property. The proposed development would result in the demolition of the proposed designated structure, which the PPS directs to be conserved and retained, instead of removed.

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.

Key Directions

The London Plan provides Key Directions (54_) that must be considered to help the City effectively achieve its vision. These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as a foundation to the policies of the plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below:

In order to achieve the vision of an ‘exciting, exceptional and connected’ city, the following include the relevant key directions:

- Direction #3 – Celebrate and support London as a culturally rich, creative and diverse City
- Direction #5 – Build a mixed-use compact city
- Direction #7 – Build strong, healthy and attractive neighbourhoods for everyone
- Direction #8 – Make wise planning decisions

The London Plan direction to celebrate and support London as a culturally rich, creative, and diverse city by:

- Protecting our built and cultural heritage to promote our unique identity... (Direction #3, 57_7);

The London Plan provides direction to build a mixed-use compact city by:

- Planning to achieve a compact, contiguous pattern of growth – looking “inward and upward”;
- Sustaining, enhancing and revitalizing our downtown, main streets, and urban neighbourhoods;
- Planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward;
- Mixing stores, restaurants, clean industry, live-work arrangements and services in ways that respect the character of neighbourhoods, while enhancing walkability and generating pedestrian activity (Direction #5, 59_2, 3, 4 and 6);

The London Plan direction to build strong, healthy and attractive neighbourhoods for everyone by:

- Implementing “placemaking” by promoting neighbourhood design that creates safe, diverse, walkable, healthy and connected communities, creating a sense of place and character;
- Protect what we cherish by recognizing and enhancing our cultural identity, cultural heritage resources, and neighbourhood character... (Direction #7, 61_3, 5)

The London Plan direction to make wise planning decisions by:

- Ensuring new development is a good fit within the context of an existing neighbourhood (Key Direction #8, 62_9).

City Structure Plan

The growth framework of the City Structure Plan 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_*).

Neighbourhoods Place Type

The subject site is located in the Neighbourhoods Place Type on *Map 1 – Place Types in *The London Plan*. Neighbourhoods are envisioned to be vibrant, exciting places to live, that include a diversity of housing choices and easy access to daily goods, services and employment opportunities within walking distance (Policy 916_*). Residential uses including single detached, duplex, townhouse and apartment dwellings are permitted in the Neighbourhoods Place Type, generally up to a maximum of 4-6 storeys in select locations with bonusing. Mixed-use developments, and a limited range of stand-alone retail, service and offices uses are permitted as secondary uses at intersections of main roads (*Table 10 and 11).

High Density Residential Overlay (From 1989 Official Plan)

The London Plan directs high rise apartments to the Downtown, Transit Villages, and Rapid Transit Corridors to link land use and mobility planning. The plan also recognizes some High Density Residential areas that were designated in the previous Official Plan for greater development potential where not include in a targeted place type. Development consistent with the underlying place type is encouraged, however the height and intensity policies contemplating up to 12 storeys may be permitted in the overlay within the Primary Transit Area.

Near Campus Neighbourhoods Areas

The site is located within the Near-Campus Neighbourhoods Specific Area Policy which provides a policy context for development in neighbourhoods that are in proximity to Western University and Fanshawe College (Policy 962_*). Near-Campus Neighbourhoods will be planned to enhance their livability, diversity, vibrancy, culture, sense of place, and quality of housing options for all residents (Policy 964_*).

Talbot Mixed-Use Area Specific Policy Area

The site is within the Talbot Mixed-Use Area Specific Policy Area which is bounded by the Richmond Row commercial district to the east, the Downtown to the south, the Thames River to the west and Ann Street to the north. The policy anticipates proposals for conversion and redevelopment of lands for multi-family residential uses, commercial and office uses. It acknowledges that portions of this area are appropriate for conversion or redevelopment, though the scale and form of any change or redevelopment should not adversely impact the amenities and character of the surrounding area (1025).

The Talbot Mixed-Use Area policies recognize the High Density Residential Overlay, which may be considered for high and medium forms of development as determined through the zoning by-law amendment process, for sites that involve substantial land assembly and provide a high standard of site and building design (1027). The site is an amalgamation of individually held properties that could warrant greater development potential.

Mill, Hyman, John, Ann and Talbot Streets

Within the Talbot Mixed-Use Area, there is a sub-precinct which includes the subject site, where lands fronting onto “St. George Street and the south side of Ann Street shall retain their predominantly low-rise residential character” (1031). Additional permissions for these streets contemplate the creation of offices and a broader range of home occupations in existing buildings with at least one residential unit and minimal alteration to the external residential character.

1038C - 175-199 Ann Street and 84-86 St. George Street

In the Neighbourhoods Place Type at 175-199 Ann Street and 84-86 St. George Street, the lands located within the High Density Residential Overlay (from the 1989 Official Plan) are appropriate for a greater intensity of development. Heights in excess of 12 storeys may be permitted on these lands through a bonus zone, where the Evaluation Criteria for Planning and Development Applications and the Bonus Zoning policies of this Plan can be met. Development along the St. George Street frontage will include a significant step-back to provide a low-rise character that is consistent with the streetscape (1038C_).

Official Plan (1989)

Multi-Family, High Density Residential Designation

The Multi-Family, High Density Residential (MFHDR) designation permits a variety of residential housing forms, including low and high rise apartment buildings, as the main uses. The preferred locations for the Multi-Family, High Density Residential designation includes areas near the periphery of the Downtown that are appropriate for redevelopment, and lands abutting or having easy access to an arterial or primary collector road.

The subject site is located in Central London (the area bounded by Oxford Street on the north, the Thames River on the south and west, and Adelaide Street on the east. Excluding provisions for density bonusing (Section 3.4.3 iv), net residential densities in the Multi-Family, High Density Residential designation will normally be less than 250 units per hectare in Central London (Section 3.4.3). In addition to the ability to bonus to provide facilities, services and matters in return for greater height or density, the *Official Plan (1989)* contains criteria for increasing density on Multi-Family, High Density Residential lands, provided all of a series of criteria are met (Section 3.4.3 ii). The determination of appropriate height and density limitations for individual sites may be based on a concept plan showing how the area will be developed and integrated with surrounding land uses.

Multi-Family, Medium Density Residential Designation

Most of the subject site is within the Multi-Family, High Density Residential (MFHDR) designation, with the exception of the portion of the site fronting on and adjacent to St. George Street, which is in the Multi-Family, Medium Density Residential (MFMDR) designation. The Multi-Family, Medium Density Residential designation adjacent to St. George Street permits a variety of housing forms, including low-rise apartment buildings as the main uses, and may serve as a suitable transition between Low Density Residential areas and more intense forms of land use (Sections 3.3 and 3.3.1.).

Near Campus Neighbourhoods Areas

The site is located within the Near-Campus Neighbourhoods Specific Area Policy which provides a policy context for development in neighbourhoods that are in proximity to Western University and Fanshawe College (3.5.19.1). Near-Campus Neighbourhoods will be planned to enhance their livability, diversity, vibrancy, culture, sense of place, and quality of housing options for all residents (Policy 3.5.19.2).

Talbot Mixed-Use Area

The subject site is located within the Talbot Mixed-Use Area which encompasses lands bounded by the Richmond Row Commercial District on the east, the Downtown on the south, the Thames River on the west and Ann Street on the north. The policies recognize that there will be proposals for the conversion of existing dwellings to commercial and office use and for the redevelopment of lands for multi-family residential uses. The scale and form of any redevelopment or change in land use shall not adversely impact the amenities and character of the surrounding area. Proposals for the rezoning and/or redesignation of lands to permit a change in use shall be evaluated on the basis of a Planning Impact Analysis in addition to specific criteria based on the land use designation and/or geographic areas or street frontages.

Mill, Hyman, John, Ann and Talbot Streets

Within the Talbot Mixed-Use Area, there is a sub-precinct which includes the subject site, where lands in the Multi-Family, Medium Density Residential lands fronting onto “St. George Street and the south side of Ann Street...shall retain their predominantly low-rise residential character” (3.5.1.v). Additional permissions for these streets contemplate the creation of offices and a broader range of home occupations in existing buildings with at least one residential unit and minimal alteration to the external residential character.

4.0 Key Issues and Considerations

The proposed development is within a central part of the City, and has a policy framework that contemplates development at a greater height and intensity than currently exists. In order to achieve the greater heights contemplated, an appropriately designed building and site that is sensitive and compatible with the surrounding area is required. There are a number of deficiencies and departures from the planning policies that do not support the proposed development in its current form, including:

- 1) Built Form
- 2) Intensity and Bonusing
- 3) Convenience Commercial Uses
- 4) Heritage
- 5) Proximity to Rail Corridor

This report will focus on these main issues which form the basis for the recommendation of refusal.

4.1. Key Issue and Consideration #1 – Built Form

The PPS is supportive of development standards which facilitate intensification, redevelopment and compact form (Policy 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 (Policy 1.7.1(e)). Intensification projects are assessed by how well they address matters such as height, scale and massing, building design, provision of landscaped open space, parking and access to determine whether it is an appropriate and well-designed built form. While the proposed development represents an intensification project within a settlement area and a compact form, it must also be appropriately designed to encourage a sense of place to be consistent with the PPS.

Ann Street and St. George Street

There is consistent policy direction within both the Official Plans to ensure any high-rise development of the subject site is designed to provide a compatible and sympathetic interface with the existing residential neighbourhood. There are three storey townhouses located along the west side of St. George Street, and two-storey townhouses to the south of the subject site. Though there are high-rise forms to the east and south of the site, it is the interface with the low-rise residential built form and character to the west that is the most sensitive.



Figure 6: West Side of St. George St (left) and East Side of St. George St (right)

The specific policy in *The London Plan* for the site contemplates an increase in height above 12 storeys, through a bonus zone, and where the evaluation criteria can be met. The policy also specifically states that “*Development along the St. George Street frontage will include a significant step-back to provide a low-rise character that is consistent with the streetscape*” (1038C). A building step-back refers to the tower portion or ‘middle’ of the building being setback from the edge of the podium or base to minimize the bulk and mass of the taller part of the building and ensure there is a pedestrian scale at street level. The portion of the building along St. George Street is provided at 9 storeys with a minimal four storey feature that does not extend the full length of the face, and does not meet the intent of the policy to maintain the low-rise residential character and streetscape in this area.



Figure 7: Rendering of St. George Street Façade at Base

Further, the policies of the subprecinct for Mill, Hyman, John, Ann and Talbot Streets within the Talbot Mixed-Use Area direct that “*the lands fronting onto Mill Street, Hyman Street, John Street, St. George Street, the south side of Ann Street, and the east side of Talbot Street, shall retain their predominantly low-rise residential character*” (1031). The

site is located within this subprecinct with frontage on St. George Street and the south side of Ann Street. The proposed development provides a 19 storey component with minimal setback along Ann Street connecting the 9 storey and 22 storey components at the ends of the block, neither of which provide a setback to Ann Street. The proposed design and lack of a significant setbacks do not achieve the retention of a “low-rise residential character” required by policy.

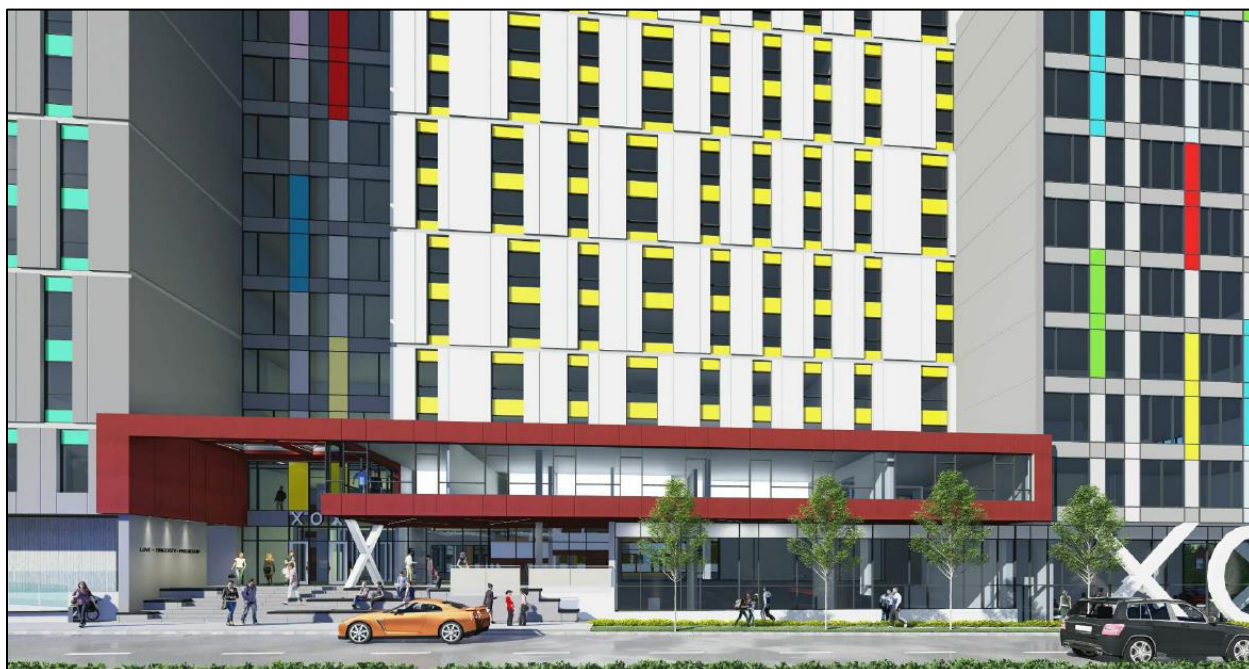


Figure 8: Rendering of Ann Street Façade at Base

Ann Street and St. George Street Summary

The massing proposed does not provide a significant step-back along St. George Street, as required by policy 1038C, and does not retain the predominantly low-rise residential character along the south side of Ann Street and St. George Street as required by policy 1031. The built form includes sheer walls along the 9 and 22 storeys which is the full extent of the building height directly to the street, without step-backs to provide relief. The sympathetic fit and compatibility of infill and intensification projects is paramount for established residential neighbourhoods, and without a sensitive transition in height and massing, nor the retention of a low-rise residential character, this is not achieved.

Criteria to change the designation to Multi-Family, High Density Residential

The majority of the subject site is within the Multi-Family, High Density Residential (MFHDR) designation, there is a portion along the St. George Street that is within the Multi-Family, Medium Density Residential (MFMDR) designation that is requested to be redesignated to MFHDR. Development in the MFMDR normally does not exceed 4 storeys, and serves as an appropriate transitional area from the high to mid heights that could occur on site and should be retained. The request to change the designation from the MFMDR designation to the MFHDR is based on the following criteria: i) compatibility, ii) municipal services, iii) traffic, iv) buffering and v) proximity to transit and service facilities.

- i) **Compatibility:** Development of the site or area for high density residential uses shall take into account surrounding land uses in terms of height, scale and setback and shall not adversely impact the amenities and character of the surrounding area.

The compatibility requirement in the *Official Plan (1989)* identifies that height, scale, and setbacks shall be compatible with the surrounding area, and must not detract from the character of the neighbourhood. The specific policies for the site require a ‘significant’ step-back along St. George Street, and retaining the low-rise residential character along Ann Street and St. George Street,

which would provide a sympathetic transition in building height and preserve the character of the surrounding area. The proposed development is not in keeping with the established character, scale or intensity of the area, will result in greater shadowing than a building with significant step-backs and does not satisfy the compatibility criteria of this policy.

- ii) Municipal Services: Adequate municipal services can be provided to meet the needs of potential development.

A Servicing Feasibility Study was required for the initial proposal and identifies there is sufficient water, wastewater and stormwater infrastructure available for the site. This criteria is not an issue.

- iii) Traffic: Traffic to and from the location should not have a significant impact on stable low density residential areas.

A Transportation Impact Assessment was submitted with the initial proposal evaluating the anticipated traffic to be generated by the development. Transportation Planning and Design staff have reviewed the proposed development and have no concerns. Detailed comments regarding access design and location would be made through a possible future planning application for Site Plan. This criteria is not an issue.

- iv) Buffering: The site or area is of suitable shape and size to accommodate high density housing and provide for adequate buffering measures to protect any adjacent low density residential uses.

Buffering relates to the transition from low to high density built forms and can include on-site measures or intervening land uses. The proposed development form has a requested lot coverage of 97% and does not provide opportunity for on-site buffering. The 4 storey component along St. George Street does not extend the length of the façade, there is very little step-back from the 4 storey base to the 9 storey portion along St. George Street, minimal setbacks to the 19 storey portion along Ann Street, and no setbacks to the 9 and 22 storey portions along Ann Street. The lack of podium or step-backs creates a sheer wall in these locations, no relief of the massing of the tower to the low density residential neighbourhood, and results in an abrupt change in height. Further, there is no landscaped open space provided on-site as the requested relief is to 0% where 20% minimum would be required, which could serve to provide at grade setbacks and softening to the nearby low-rise residential neighbourhoods from the bulk of the built form. The proposed development does not satisfy the buffering criteria.

- v) Proximity to Transit and Service Facilities: Public transit service, convenience shopping facilities and public open space should be available within a convenient walking distance.

The site is within a central location with convenient pedestrian access to quality public transit, commercial and retail along Richmond Row, and open spaces, however, it should be noted that there is no direct pedestrian or vehicular access to Richmond Street from Ann Street. Pedestrian movement would be to St. George Street to provide access to Oxford Street or to Piccadilly or Mill Street to provide access to Richmond Street. This criteria is not an issue.

Criteria to Change the Designation to MFHDR Summary

The proposed development meets a number of the criteria to redesignate part of the site to the Multi-Family, High Density Residential designation; but not all. The proposed development does not represent a compatible development form or provide sufficient buffering to the low density residential neighbourhood. One of the overall objectives for the Multi-Family, High Density Residential designation to promote the design of high

density residential developments that are sensitive to the scale and character of adjacent land uses, which is not being achieved (3.1.4.iii).

The *Official Plan (1989)* policies currently provide an intervening land use designation along the St. George Street frontage through the Multi-Family, Medium Density Residential (MFMDR) designation. The MFMDR designation serves as a suitable transition between Low Density Residential areas and more intense forms of land use such as the Multi-Family, High Density Residential designated lands (3.3). This would provide a mid-rise development form as a transition from high-rise building heights to low density residential areas through intervening land uses or building step-back. Amending the designation from the MFMDR to MFHDR allows greater height and building massing along St. George Street without an adequate step-back from the high-rise portion to the property boundary, and is not supported.

It is recommended that the Multi-Family, Medium Density Residential designation be maintained along the St. George Street frontage to provide an appropriate massing form to the adjacent Multi-Family, High Density Residential designation.

Bonusing and Form – City Design

The requested amendment to facilitate the greater height of 22 storeys above the 12 storeys maximum and density of 585uph above the contemplated 250uph is through a bonus zone. The bonus zoning will only be permitted where it is demonstrated that the resulting intensity and form of the proposed development represents good planning within its context (1653*).

The City Design policies of *The London Plan* provide direction on the design elements of a development and including the following:

199_ All planning and development proposals within existing and new neighbourhoods will be required to articulate the neighbourhood's character and demonstrate how the proposal has been designed to fit within that context.

The lands to the west and south have a low-rise residential character, and the Talbot Mixed-Use area directs that the scale and form of any redevelopment shall not adversely impact the amenities and character of the surrounding area (1025). The proposed development does not provide sufficient transition in building massing to the low-rise neighbourhood and has not been designed to fit within the local context. The tower floorplate needs to be minimized and setback further from the base to provide a more sensitive fit with the low-rise residential context.



Figure 9: Rendering – Corner Perspective of St. George and Ann St

235_Landscaping should be used to define spaces, highlight prominent features and landmarks, add visual interest, define pedestrian areas, delineate public and private spaces, add comfort and improve health, offer visual screening, and improve the aesthetic quality of neighbourhoods.

The standard minimum landscaped open space is for 20% for the requested R10-5 zone, and 30% in the existing R9-3 zone, and the request has been made to provide 0%. With 0% landscaped open space provided, there is no ability to add visual interest, add comfort through shade, offer visual screening or improve the aesthetic quality of neighbourhoods. Any landscaped space that occurs above grade on the rooftops of the building provide enhancement for the residents only and is expressly exempted by the definition of landscaped open space in the Z.-1 Zoning by-law. No private landscaping is permitted on City-owned boulevards as there are on-going maintenance costs and potential conflicts with infrastructure and utilities.

256_Buildings should be sited so that they maintain and reinforce the prevailing street wall or street line of existing buildings.

The lands to the south and west have low-rise forms as the prevailing street wall. Consistent with the specific policy direction, policy 256 requires buildings maintain and reinforce this low-rise street wall and associated character. There is a way to achieve both a high-rise form on-site that steps down to a low-rise form along the street frontages, though this has not been satisfied with the proposed built form.

293_High-rise building should be designed to minimize massing, shadowing, visual impact, and the obstruction of views from the street, public spaces, and neighbouring properties. To achieve these objectives, high rise buildings should take the form of slender towers. High rise buildings should not be designed with long axes where they create an overwhelming building mass.

An alternative design for the tower portion of the building is required in order to avoid a large and long floorplate slab building. The form as proposed impacts the view corridors to and from the site, access to sunlight for the proposed suites as well as neighboring developments and contributes to consistent shadow impacts to surrounding context. Any portion of the tower above eight storeys should be a point tower (up to approximately 1000m² within a 1.5:1 length: width ratio) in order to reduce the overall massing and consistent shadowing impacts and to ensure that shadows and loss of privacy on neighbouring properties are minimized.



Figure 10: Rendering – Southeast View

289_High and mid-rise buildings should be designed to express three defined components: a base, middle and top.

The base of a building should establish a human-scale façade which is often achieved through the provision of a podium that provides a lower built form at the street edge while having the taller portions of the building stepped back. While there are lower portions of the building along Ann Street and St. George Street, they do not provide a meaningful or discernable building base, and parts of the high-rise portions of the building extend directly to the street edge without providing any relief and resulting in a sheer wall at the corner of Ann Street and St. George and at the eastern portion of the building. There is little distinction as to the three components of the building, and the 19 storey portion of the building is comprised of a large and long expanse in an east-west orientation which results in a 'slab' floorplate rather than a point tower.

298_Design measures relating to building height, scale and massing should be used to provide a transition between development of significantly different intensities, considering the existing and planned context.

To ensure that the proposed building responds to its context in terms of height and massing, any portion of the building proposed along Ann Street and St. George Street should retain the predominantly low-rise character to respond to the low-rise residential character on the west side of the street, as well as the townhouses to the south, with a step down from the higher portions of the building. The angular plane shown in figure x, shows a 45° plane and the building massing proposed. To mitigate impacts on the street level and nearby residential neighbourhood, tower step-backs that fit within the angular plane are preferred, where the taller a building mass is, the further it will be setback from the street.

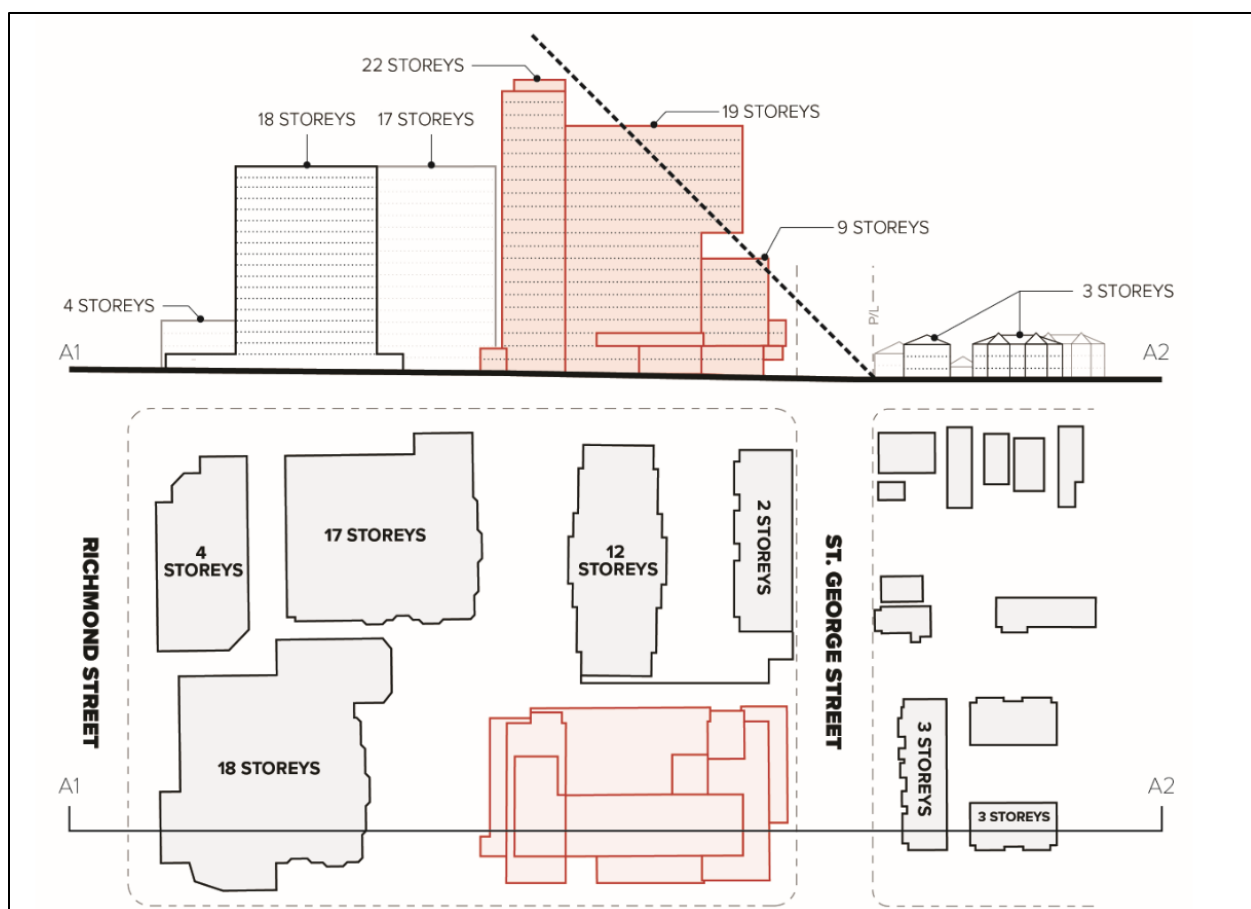


Figure 11: Angular Plane

Bonusing and Form – City Design Summary

While the building provides a built edge along both Ann Street and St. George Street, there is not enough of a setback to provide a pedestrian-scale base, minimize the massing and shadows or provide space for landscaping and buffering. The City Design policies are intended to facilitate well-designed built forms that respect the context and provide a sensitive fit. In staff's opinion these have not been satisfied through the proposed development. More refinement and revision to the design is required to address the City Building policies and create a more appropriate built form. As has also been previously noted, the proposed design does not satisfy the Specific Area policies for these lands which were developed to provide specific direction on appropriate development forms in this location.

Bonusing and Chapter 11 Urban Design Principles

In the *Official Plan (1989)*, height and density bonuses received “*should not result in a scale of development that is incompatible with adjacent uses*” (19.4.4.i). Bonusing will be used to support the City's urban design principles as contained in Chapter 11 and include:

- v) *Architectural Continuity: The massing and conceptual design of new development should provide for continuity and harmony in architectural style with adjacent uses which have a distinctive and attractive visual identity or which are recognized as being of cultural heritage value or interest.*

The proposed development represents a departure from the architectural style of adjacent uses. The area to the south and west is largely characterized by existing low density residential uses, save and except the existing high density apartment building to the east of the site, which is located along a transit corridor where greater heights are encouraged. The proposed development however fails to provide continuity and harmony with the existing residential neighbourhood and does not incorporate an appropriate base that provides a harmonious fit with the existing uses.

- viii) *Pedestrian Traffic Areas: In pedestrian traffic areas, new development should include street-oriented features that provide for the enhancement of the pedestrian environment, such as canopies, awnings, landscaped setbacks and sitting areas.*

The site is located on two local roads, in a central part of the City near the Oxford Street corridor to the north, Richmond Row to the east and the Downtown to the south. Though the area is predominantly residential in nature, it is a higher pedestrian traffic area given the location. The base of the building has made an effort to provide a pedestrian-scale environment, however Urban Design staff recommend greater tower setbacks from the edge of the podium be provided to assist in minimizing the building mass from the street level. The proposed building coverage of 97% and the 0% landscaped open space proposed results in minimal to no opportunity for landscaping at grade.

- ix) *Access to Sunlight: The design and positioning of new buildings should have regard for the impact of the proposed development on year-round sunlight conditions on adjacent properties and streets. In reviewing proposed developments, access to sunlight for adjacent properties should be maximized to enhance the potential for energy conservation and the amenity of residential areas and open space areas, such as parkettes and outdoor plazas.*

A Shadow Study was submitted as part of the complete application, demonstrating minor shadowing impacts on the low rise residential neighbourhood to the south throughout the year. However, shadows are cast on the adjacent high density residential property to the east, and on the low-rise residential uses to the west. The shadowing could be improved by the use of increased building setbacks, step-backs and a reduced mass. Images from the shadow modelling are contained in Appendix D.

- x) *Landscaping: Landscaping should be used to conserve energy and water, enhance the appearance of building setback and yard areas, contribute to the blending of new and existing development and screen parking, loading, garbage and service facilities from adjacent properties and streets.*

Limited to no landscaping is provided at grade with a requested reduction of 0%, which provides no ability to buffer the proposed development from adjacent sites, no enhancement of the building appearance and does not contribute to blending the new development in with its context.

- xiv) *Privacy: To the extent feasible, the design and positioning of new buildings should minimize the loss of privacy for adjacent residential properties.*

The form as proposed impacts neighbouring developments, and the overall massing should be reduced to help ensure that any loss of privacy on neighbouring properties is minimized. A separation distance of 25m should be considered between the high-rise portions of the proposed building and the adjacent high-rise developments to the east and south.

Bonusing and Chapter 11 Urban Design Principles - Summary

While it is acknowledged that efforts have been made to refine the built form and design from the initial proposal, the built form proposed is not appropriate in its current form, nor compatible within the context of the existing neighbourhood. Urban Design staff have provided several recommendations for design refinements to address the form-based concerns, which have not been incorporated into the design to date. In accordance with Policy 3.7, a Planning Impact Analysis is to be used to evaluate applications for an Official Plan amendment and/or zone change to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any

adverse impacts on surrounding uses. The Planning Impact Analysis is contained in Appendix D and addresses matters of both form and intensity.

Near Campus Neighbourhoods

Development within neighbourhoods that are located within proximity to Western University and Fanshawe College are subject to the near-campus neighbourhood policies. *The London Plan* and the *Official Plan (1989)* establish a number of planning goals in an effort to support this vision for these neighbourhoods, and several are to ensure the compatibility of design and fit within the character of the neighbourhood, including:

9. Utilizing zoning to allow for residential intensification which is appropriate in form, size, scale, mass, density, and intensity (965_9; 3.5.19.4.vii);
10. Ensuring that residential intensification projects incorporate urban design qualities that enhance streetscapes and contribute to the character of the neighbourhood while respecting the residential amenity of nearby properties (965_10; 3.5.19.4.xi); and,
13. Ensure intensification is located and designed to respect the residential amenity of nearby properties (965_13; 3.5.19.4.xiv).

The proposed development is seeking to maximize the zoning for the site which requires relief from many regulations related to built form and site layout including, front yard, exterior side yard, interior side yard and rear yard setbacks, height, density, landscaped open space and building coverage. Urban design qualities are to be incorporated into the design to ensure intensification projects contribute to the character of the neighbourhood while respecting the residential amenity of nearby properties. There is significant concern with the built form as it does not enhance the streetscape, contribute to, or respect, the character of the neighbourhood, requires significant relief from the zoning regulations and results in an over-intensification of the site.

Residential intensification within near-campus neighbourhoods may be permitted only where it has been demonstrated that the criteria in policy 968 and 3.5.19.9 have been met. In Staff's opinion there are two notable deficiencies for the proposed development:

6. Mitigation measures are incorporated into the proposed building(s) and site design which ensure that the amenity of surrounding residential land uses is not negatively impacted.

The proposed development does not adequately mitigate the impacts of the bulk and massing on the surrounding residential land uses, and the built form as proposed will have more impactful shadowing than a more slender tower that is setback from the street edge. There are a number of recommended refinements required to provide a better fit for the building within the residential neighbourhood context, including:

- Provide an alternative design for the tower portion of the building in order to avoid a large and long, slab-style floorplate.
- Any portion of the tower above eight storeys should be a point tower (up to approximately 1,000 square metres, within a 1.5:1 length: width ratio).
- A separation distance of 25m should be considered between the high-rise portions of the proposed building and the adjacent high-rise developments.
- Any portion of the building proposed along Ann Street and St. George Street should retain the predominantly low-rise character by responding to the low-rise residential built form to the west and south, while the east half of the building should respond to the high-rise buildings on the east and south, with a step down between both portions of the building.
- Provide a setback (a minimum of 5m is the standard requirement) above the 3rd or 4th storeys to provide a low-rise character.
- Reduce the building mass above the 3rd or 4th storey to a mid-rise form (up to 8 storeys) to create a comfortable pedestrian scale and character along St. George Street.

7. Significant heritage resources are protected and conserved where appropriate and

necessary according to the Cultural Heritage policies of this Plan.

The site is an existing listed property on the heritage inventory and the proposed development would result in the demolition of a heritage listed building which is being considered for designation. More information regarding heritage matters is provided in section 4.4 of this report, however the proposed development is predicated on the demolition of the heritage resource which is not in keeping with the intent to protect and conserve resources.

Near-Campus Neighbourhood Policies Summary

The near-campus neighbourhood policies provide additional direction and consideration for the fit and compatibility of new developments within areas located in proximity to the Western University and Fanshawe College campuses. The intent of the policies is to enhance the livability, diversity, vibrancy, culture, sense of place, and quality of housing options for all residents which is achieved through encouraging appropriate forms of intensification. The proposed development does not represent an appropriate form, size, scale, mass, or density and does not contribute to the character of the neighbourhood.

Key Issue and Consideration #1 Overall Built Form Summary

There are significant concerns associated with the built form for the proposed development associated with the volume, massing, height, setbacks and step-backs. The proposed development fails to provide a significant step-back along the St. George Street frontage, and does not retain the low-rise residential character of St. George or Ann Streets.

The proposed development meets a number of the criteria to redesignate part of the site to the Multi-Family, High Density Residential designation; but not all. It is recommended that the Multi-Family, Medium Density Residential designation be maintained along the St. George Street frontage to provide an intervening massing form to the Multi-Family, High Density Residential designation. The principles of Urban Design in Chapter 11 of the Official Plan (1989), the City Design policies in The London Plan, and the Near Campus Neighbourhood policies have not been satisfied. The discussion for bonusing begins with a well-designed building and as this element is not satisfied, no additional consideration can be given to facilitate a building with a height and density that is not appropriate, or compatible with the surrounding area.

4.2 Key Issue and Consideration #2: Intensity

The *Official Plan (1989)* intensity for the Multi-Family, High Density Residential designation includes heights that exceed those in the Multi-Family, Medium Density Residential designation, and density up to 250 units per hectare for lands within central London. Within *The London Plan*, the High Density Residential Overlay contemplates intensity up to 12 storeys in height within the Primary Transit Areas (958_1*). The Talbot Mixed-Use Special Policy area policies are found in both the *Official Plan (1989)* and *The London Plan*, and acknowledge that there will be demand for high-rise development forms in the area, including the subject site.

The MFHDR policies of the *Official Plan (1989)* contemplates bonusing for greater height and density above the specified maximums, and the specific policy for the site in *The London Plan* contemplates a greater intensity of development, and heights in excess of 12 storeys may be permitted through a bonus zone, where the evaluation criteria for planning and development applications and the bonus zoning policies of this plan can be met (1038_C). A specific area policy to Chapter 10 was initially requested, which is not required as the bonus zone and CC zone achieve the requested outcome.

Zoning

The requested amendment requires significant relief from a number of regulations which represents an over-intensification of the site. The requested R10-5 zone allows for a

greater density (350uph) than contemplated in Central London (250uph) and would allow greater development potential as of right instead of utilizing a bonus zone as the policies require.

Special Provisions requested to facilitate the development include:

- A reduced minimum front yard depth of 0m, whereas 7m-9m is required;
- A reduced minimum exterior side yard depth of 0m, whereas 9m-13m is required;
- A reduced minimum interior side yard depth of 0m, whereas 5m-30m is required;
- A reduced minimum rear yard depth of 0m, whereas 30m is required;
- A reduced minimum landscaped open space of 0% whereas 20% is required;
- An increased maximum lot coverage of 97%, whereas up to 50% is permitted;
- A reduced number of parking spaces of 180 spaces, whereas 225 is required.

Zoning Summary

The proposed development requires significant relief from the zoning regulations, which is indicative of a development zone that would be found in a Downtown or Main Street Commercial Corridor setting, and not the interior of a residential neighbourhood. The requested zoning does not provide adequate setbacks to adjacent apartment buildings, no on-site landscaping, buffering or at grade amenity space, and an increased lot coverage of almost double the established maximum for the R10-5 zone. While staff have supported some relief from the regulations for front yard and exterior side yard relief for infill projects to promote development near the street, the requested special provisions cumulatively represent an over-intensification of the site and a built form that is not appropriate for the neighbourhood context.

Bonusing and Intensity

The bonusing policies of *The London Plan* allow Council to pass a by-law to authorize increases in the height and density of development beyond what is otherwise permitted in return for the provision of such facilities, services or matters as are set out in the bonus zone (1638*). Bonus zoning may permit increases to the height and density in return for the provision of such facilities, services or matters. The bonus zoning will only be permitted where it is demonstrated that the resulting intensity and form of the proposed development represents good planning within its context (1653*).

There are significant concerns with the proposed building form which is intended to form the basis of all bonus zones. While the policies allow for the contemplation of greater height and density, the built form has an overall volume, massing and height that is not sensitive and compatible with the surrounding context and residential neighbourhood. As such, there is no starting point to consider bonusing as the built form does not represent good planning and results in an over-intensification of the site.

It is the recommendation of planning staff that this application be refused for the reasons contained within this report, and the following section provides a review of the applicant's proposed bonusing facilities, services and matters as follows:

b) Common Open Space

- A common amenity area (exterior terrace) to be provided above the first floor
- Rooftop terraces proposed above the 9th, 19th and 22nd floors

Response: The provision of common open spaces for residents is a standard minimum requirement in *The London Plan* (295), and the Site Plan Control Area By-law, and not considered eligible for bonusing. Publicly-accessible common open spaces could potentially be considered for bonusing, though would likely be provided at grade where it is clear they could access and use the spaces, instead of being located on the top of the building where secure access would be required. The amenity spaces proposed may result in a positive design feature for residents, though is not acceptable or eligible

for the purpose of bonusing.

c) Underground Parking

- Structured parking provided to reduce surface parking areas (204 subsurface spaces provided)

Response: Underground parking formerly qualified as a bonusable element through the *Official Plan (1989)*, though *The London Plan* no longer considers underground parking as an eligible bonusable feature. Underground parking is transitioning from a design feature that was considered above and beyond the normal development process to a requirement that forms part of the standard development process. Underground parking is an eligible bonusable feature given the appeal status of *The London Plan* policies, though staff would recommend alternative matters such as the provision of affordable housing instead.

d) Enhanced landscaped Open Space

- Landscape enhancements would be provided above City design standards, including theme lighting and public seating at strategic locations

Response: The proposed development has requested a reduction of landscaped open space to 0% from the 20% minimum required. Landscaping provided above the grade on rooftop areas is not supported and expressly excluded in the Zoning By-law as it would not provide any beneficial screening, buffering or pedestrian amenity or enhancement at street level. All landscaping proposed must be provided on private lands and cannot include any of the City boulevard in order to ensure the City does not incur any unanticipated maintenance costs and obligations, and that there are no conflicts with above or below ground infrastructure and utilities. Enhanced landscaped open space where the provision of landscaped open space is 0% is not acceptable or eligible for the purpose of bonusing.

h) Innovative/Sensitive Design

- Four electric vehicle charging stations within the publicly accessible surface parking area, as well as 16 charging stations within the parking garage
- Provision of four publicly accessible bicycle share facilities at a convenient location along the Ann Street frontage

Response: It is uncertain how the public would be able to gain access or how clear it would be to utilize the vehicle charging stations or bicycle share facilities. These items would likely become only positive features of the building for the residents without any clear or continued public access or benefit. The bicycle share facilities could be considered as supporting active transportation and alternative mobility options, though staff would recommend alternative matters such as the provision of affordable housing be considered for any bonus zone instead.

j) Provide for Universal Accessibility

- 20% accessible dwelling units (above the 15% minimum accessible units required by the Ontario Building Code).

Response: the OBC sets out the minimum amount of accessible units required, and additional provision of accessible units could be considered as a bonusable feature, though staff would recommend alternative matters such as the provision of affordable housing be considered for any bonus zone instead.

a) Affordable Housing

- 5% affordable housing units (rounded to the nearest unit provided at 85% of CMHC average market rent for a duration of 10 years from the point of initial occupancy. Affordable units would be established by agreement with the City of London and would target students (as permitted).

Response: the provision of affordable housing units through bonusing is a preferred feature and a recent priority identified by Municipal Council to address the housing crisis. As part of the Roadmap to 3,000 Report, an immediate next step was identified to *“double the current rate at which affordable units are obtained through bonusing”* (p.11). This direction establishes the provision of affordable housing units above other potentially eligible bonusable features and should be the main component of the requested bonus zone if Municipal Council decides to approve the development.

The Housing Development Corporation has reviewed the proposed affordable housing bonus and provided the following parameters based on past bonusing approvals:

- 13 units with a unit bedroom mix representative of the bedroom mix of the overall development at a rate of 80% of the CMHC’s Average Market Rent for the affordable unit bedroom type at the time of initial occupancy. This represents 10% of the “lift”, or increase in the number of units requested beyond what would normally be permitted.
- An affordability period of 50 years from the date of the initial occupancy
- A requirement to enter into a Tenant Placement Agreement with the City

The HDC also noted that the proposed development would require the demolition of existing buildings known municipally as 197 Ann Street, 175 Ann Street and 84 St. George Street. City Map shows that there are a number of Active Residential Rental Licenses associated with these properties. While the “affordability” of these units is unknown to HDC, HDC would assume that the rent currently being charged for the existing units is more affordable than the rent that will ultimately be charged for the new units that will replace them in the new development. Recognizing the importance of maintaining our existing affordable housing stock, HDC would encourage the City and the owner to explore opportunities wherein the existing rental units that are to be demolished to make way for the current proposal be provided for in the new development (in addition to those affordable units to be secured through the affordable housing bonus zone identified).

1. Exceptional site and Building Design

- High quality architectural design (building/landscaping) including a common design theme for podium (streetscape) elements
- Provision of structure parking facilities

Response: there are significant concerns with the built form and 0% landscaped open space proposed. Planning and Urban Design staff do not concur that the building as proposed represents exceptional site and building design, and do not accept this element as an eligible bonusable element. Also, as has been previously noted in this report, the proposed development is not consistent with the Specific Area policies related to design that apply to these lands.

8. Sustainable development forms

- Landscape plans for common outdoor amenity areas to incorporate sustainable design elements, including hard landscape elements and drought resistant landscaping to reduce water consumption

Response: As per above, the provision of 0% landscaped open space makes this criterion unachievable and ineligible.

9. Contribution to transit facilities

- Contribution to \$10,000 towards constructing transit shelters in close proximity to Richmond Street/Mill Street intersection to promote bus ridership. Again, as previously noted in this report, there is no direct pedestrian connection from this site to either Richmond Street or Oxford Street.

Response: It is unclear whether the LTC has had the opportunity to review this proposal and whether they have plans to upgrade to shelters and if \$10,000 would be a

meaningful contribution. Staff would recommend alternative matters such as the provision of affordable housing be considered for any bonus zone instead.

10. Large quantities of secure bicycle parking and cycling infrastructure

- Dedicated areas for bicycle parking along the Ann Street and St. George frontages (with convenient access to building entrances)
- Secure bicycle storage within the structure parking facility

Response: The Z.-1 Zoning By-law sets out minimum bicycle parking standards which are being met, as well as the location of secure parking for apartment buildings. This criteria is ineligible for bonusing as it is simply meeting the minimum standards.

15. Extraordinary Tree Planting

- Large caliper boulevard trees planted with a minimum 100mm caliper and a minimum distance of 10m between tree planting for the extent of the St. George and Ann Street frontages (where practical)

Response: As per above, the provision of 0% landscaped open space makes this criteria unachievable and ineligible. All landscaping proposed must be provided on private lands and cannot include any of the City boulevard in order to ensure the City does not incur any unanticipated maintenance costs and obligations, and that there are no conflicts with above or below ground infrastructure and utilities.

Key Issue and Consideration #2 – Bonusing and Intensity Summary

The proposed development has requested to support the increased in height and density with a bonus zone. Staff have significant concerns with the proposed building form which is intended to form the basis of all bonus zones. While the policies allow for the contemplation of greater height and density, the way the intensity manifests on the site does not result in a well-designed built form, and results in an over-intensification of the site. Further, staff is of the opinion that some of the facilities, services, and matters proposed in return for the requested increased intensity are ineligible and not commensurate for the requested increase in intensity. If Municipal Council wishes to consider the proposed development, staff recommend that any bonus zone associated with the proposed development be comprised of an affordable housing component commensurate to the increase in height and density requested to implement recent Council direction and ensure tangible benefits are provided in exchange for the greater height and density.

4.3 Key Issue and Consideration #3 – Convenience Commercial Use

The apartment building use proposed is a permitted use under the existing zoning, *Official Plan (1989)* designations, and *The London Plan High Density Overlay*. There is also a request for a range of convenience commercial uses under the CC4 zone, including convenience service establishments, convenience stores, financial institutions, personal service establishments and an additional craft brewery use.

The Talbot Mixed-Use Policy area contemplates a broader range of uses, including commercial and office uses, and more intensive home occupation type uses in the Mill, Hyman, John, Ann and Talbot area. These uses are generally more compatible with the residential use and character of the area. There is no policy basis or permissions that contemplate commercial uses under *The London Plan* in this location, though the *Official Plan (1989)* allows for a limited amount of convenience commercial uses within the Residential designations through consideration of policy 3.6.5.

The *Official Plan (1989)* contemplates the establishment of new Convenience Commercial uses through an Official Plan amendment and the policies of 3.6.5 based on: i) Function, ii) Permitted Uses, iii) Location, iv) Scale of Development, and v) Form of Development.

The preferred locations for convenience commercial uses is within the various commercial land use designations. The site is in proximity to the prominent Richmond Row commercial corridor which is where commercial uses should be located and concentrated to add to the vitality of the main street. While some of the policies of 3.6.5 are able to be satisfied, such as the range of permitted uses, two key aspects of the policies related to 'function' and 'location' have not been satisfied.

- i) *Function: Convenience Commercial uses and Service Stations should be designed to function at a neighbourhood scale while providing services to surrounding residential areas and the travelling public.*

The site is in proximity to the Richmond Row commercial corridor which provides a wide range of commercial, retail and service uses to the neighbourhood and travelling public. New commercial uses should be directed to Richmond Row to ensure the continued viability and vitality of that corridor, and to avoid a dilution and sprawl of commercial uses. The site is located within the interior of a neighbourhood which would not serve the travelling public as described in more detail under the location criteria in item iii). While the site would provide commercial uses to the surrounding residential area, it would likely function more as a destination point attracting patrons city-wide, in the same way as the Richmond Row commercial uses would.

- iii) *Convenience commercial uses and service stations will be located on arterial or primary collector roads where it can be demonstrated that such uses are compatible with surrounding land uses and will not have a serious adverse impact on the traffic-carrying capacity of roads in the area. the preferred locations for convenience commercial uses and service stations are at the intersections of major roads.*

St. George Street and Ann Street are both identified as local/neighbourhood streets, with St. George Street transitioning into a secondary collector north of Ann Street. The site is at the intersection of two local roads in both the *Official Plan (1989)* and *The London Plan*, and the intent of new convenience commercial uses is to be located along major roads including a primary collector or arterial, to preserve the interior of neighbourhoods, orient secondary permitted uses to the exterior parts of neighbourhoods, and cater to the travelling public.

Key Issue and Consideration #3 – Convenience Commercial Use Summary

The proposed craft brewery and other convenience commercial uses do not meet the criteria for Function or Location in the policies of 3.6.5 for establishing new Convenience Commercial Uses. While the Talbot Mixed-Use neighbourhood policies contemplate a broader range of uses, they are generally located within existing buildings to retain the existing character of the area. New commercial uses should be directed to the nearby Richmond Row corridor to concentrate the commercial presence and ensure the continued vitality of that Main Street and reduce traffic impacts within the community.

4.4 Key Issue and Consideration #4 – Heritage

The subject property is a heritage listed property, included on the City's *Register of Cultural Heritage Resources*. The parcel contains multiple built resources that have been identified as having potential cultural heritage value or interest that requires further research and evaluation prior to removal. The proposed development is predicated on the removal of all existing built resources on the subject property. At its meeting held on November 24, 2020, Municipal Council referred Civic Administration to report back regarding potential designation specifically of 183 and 197 Ann Street.

Both built resources have direct associations with the former Kent Brewery – one of the first breweries in London – and the Hamilton brewing family, notably John Hamilton (who ran the brewery from 1861– 1887), and his son, Joseph Hamilton (who ran the brewery from 1887–1917). The former Kent Brewery is one of the oldest existing brewery buildings in Canada and a rare example of an early brewery site where the brewery building remains (197 Ann Street), and the brewer's house (183 Ann Street) is also

intact.

As contemplated by the Provincial Policy Statement, 2020, the *Ontario Heritage Act*, and *The London Plan*, heritage resources are to be conserved and the impacts of development on these resources is to be evaluated. In policy 565 of The London Plan, an evaluation is required to determine if the built resources retain cultural heritage value or interest (CHVI) and to assess potential impacts of development. For CHVI evaluation purposes, a heritage impact assessment (HIA) was submitted by the applicant in 2021 as part of a revised complete application. The HIA determined that all built resources on the subject property have cultural heritage value, but that retention is not economically viable.

The London Advisory Committee on Heritage (LACH) provided comments regarding heritage impact assessments required as part of the planning application (OZ-9127), and in compliance with Section 29(2) of the Ontario Heritage Act, was consulted at its meeting on April 13, 2022, regarding potential designation of the built resources at 183 and 197 Ann Street.

A condition assessment of the built resource at 197 Ann Street was also prepared (2020) and concluded that although in fair condition and requiring attention expected for a building of this age, the condition and modifications made have not compromised the heritage value and integrity of the former brewery complex. Heritage staff's evaluation (using Ontario Heritage Act, O.Reg.9/06 criteria) of built resources at 183 Ann Street (Brewer's House) and 197 Ann Street (former Kent Brewery) found that they are significant cultural heritage resources that meet the criteria for designation under Section 29 the Ontario Heritage Act.

4.5 Key Issue and Consideration #5 – CP Rail Corridor

The site is located in close proximity to the Canadian Pacific (CP) rail corridor with the closest portion of the property at 197 Ann Street located approximately 23m from the CP rail property boundary, and approximately 30m from the centre of the tracks. The rail corridor is a Principal Main line in this location, and CP Rail notes that they are not in favour of residential developments adjacent or near the rail corridor as the land use is not compatible with rail operations. However, to ensure the safety and comfort of residents, and to mitigate as much as possible the inherent adverse environmental factors, the CP Standard Requirements are requested to be considered as part of the review.

An Environmental Noise Assessment Report and Vibration Study were prepared and reviewed by CP Rail, who supports the recommendations and requests the inclusion as conditions of approval.

Both The London Plan and the Official Plan (1989) direct that the development of sensitive lands uses on lands in close proximity to rail lines will have regard for potential impacts from noise, vibration and/or safety concerns and, where a proposed development does not comply with provincial guidelines, or where there is a concern over safety, mitigation measures may be required (1766 & 19.9.5). The proximity of the site to the rail corridor within a 30m setback requires a berm or alternative safety and protection measure. The applicant has identified that a crash wall is anticipated to be integrated into the building design and that a mitigation strategy is being prepared.

At the time of this report, there were no details provided in terms of what the crash wall would be comprised of, the extent of the wall, the integration with the building and/or the impacts on design. More information is required in order to determine the details of the proposed safety measures, how they would impact the built design and ground floor uses. A holding provision should be applied to ensure mitigation measures proposed are satisfactory to the City of London.

4.6 Key Issue and Consideration #6 – Ground Water

Through the public consultation process, there were concerns about the interruption to ground water levels as some nearby properties rely on the ground water for heating and cooling purposes. This issue was raised with the Ministry, who reviewed the Permits To Take Water (PTTW) as well as the properties that qualified as part of the residential 'domestic use' exemption.

A Geotechnical Assessment was completed by EXP on March 4, 2022 regarding the proposed development and the impacts on groundwater. It was noted that a standard geotechnical investigation will not determine all the groundwater parameters, and that a detailed hydrogeological assessment may be required to estimate the quantity of water to be removed. A holding provision should be applied to ensure that the hydrogeological assessment is carried out prior to Site Plan Approval.

Summary and Recommendation

While it is acknowledged that the proposed development has undertaken revisions from the initial design, it is not currently in a form that satisfies the policies related to built form, intensity and bonusing, convenience commercial uses, and the near-campus neighbourhoods.

The proposed development is not supported and is recommended for refusal for the following reasons:

- There is no significant step-back provided along the St. George Street frontage, and no retention of the low-rise residential character along Ann Street or St. George Streets, which does not achieve the site specific policy of 1038C, or the subprecinct policies for Mill, Hyman, John, Ann and Talbot.
- The proposed development does not provide a compatible transition to the low-rise residential neighbourhood and has a large floorplate and massing that requires refinement through setbacks, step-backs and buffering.
- Bonusing discussions cannot begin without a starting point of good planning and design, and the bonusing proposed is not acceptable and is not consistent with recent Municipal Council decisions regarding the provision of affordable housing through bonusing.
- The proposed development does not meet all of the criteria to redesignate part of the site to the Multi-Family, High Density Residential designation, and the existing Multi-Family, Medium Density Residential designation should be maintained along the St. George Street frontage.
- The proposed craft brewery and other convenience commercial uses do not meet the criteria for Function or Location in the policies of 3.6.5 for establishing new Convenience Commercial Uses, and should be directed to the nearby Richmond Row corridor instead.
- The proposed development does not meet all of the policies of the Near-Campus Neighbourhood area which allow for intensification only when it is appropriate in form, size, scale, mass, density and intensity.
- There are unresolved issues related to the mitigation measures for safety associated with the CP rail corridor, and potential impacts to the ground water.
- The proposal results in the demolition of heritage resources.

In addition to the above, the following matters have not been addressed through the proposed development:

Built Form and Design

- Any portion of the tower above eight (8) storeys should be a point tower or other acceptable design response that provides for a smaller floorplate (typically up to 1,000sqm, with a 1.5:1 length to width ratio)
- Provide a minimum setback of at least 5m above the 3rd or 4th storeys along St. George and Ann Streets
- Reduce the building mass above the 3rd or 4th storey to a mid-rise form (up to 8 storeys maximum)

Bonusing

The provision of affordable housing is prioritized above the other items submitted for consideration of bonusing and should consist of the following, which would typically be expected for the requested height and density, based on 10% of the lift:

- A minimum of thirteen (13) affordable residential rental units, including one (1) studio unit, one (1) one-bedroom unit, five (5) two-bedroom units, and six (6) three bedroom units (reflective of the unit mix proposed in the building).
- Rents not exceeding 80% of the Average Market Rent (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy;
- The duration of affordability shall be set at 50 years from the point of initial occupancy of all affordable units.
- Alignment of the bonus to a defined municipal priority – the owner shall be required to enter into a Tenant Placement Agreement with the City.

Zoning

To address the safety concerns associated with the proximity to the CP rail tracks, and the potential disturbance to ground water, two holding provisions would be required to be incorporated:

h-183: Purpose: To ensure that development will not have any negative impacts on the groundwater in the area, with specific attention given to any negative impacts on existing wells, a Hydrogeological Study shall be prepared by a qualified professional and submitted to the City to evaluate the potential impact of the proposed development to area private wells and provide recommendations for monitoring post construction impacts and possible mitigation measures to the satisfaction of the City Engineer prior to the removal of the h-183 symbol. Any recommendations contained therein shall be incorporated into the development agreement to the satisfaction of the City of London.

h-() Purpose: To ensure there are no land use conflicts between the Canadian Pacific Rail corridor and the proposed residential and/or sensitive uses, mitigation measures for safety from possible derailments are required, as acceptable to the City of London.

Conclusion

The proposed development is within a central part of the City and has a policy framework that contemplates development at a greater height and intensity than currently exists. While it is acknowledged that efforts have been made to refine the built form and design from the initial proposal, the proposed development in its current form is not appropriate, nor compatible with the context of the existing neighbourhood. In order to achieve greater heights contemplated, an appropriately designed building and site that is sensitive and compatible with the surrounding area is required.

The proposed development is not consistent with the Provincial Policy Statement, 2020, which promotes intensification and redevelopment in appropriate locations and retention of cultural heritage resources.

The proposed development does not conform to *The London Plan (2016)*, including, but not limited to, the Key Directions, City Design, the Near Campus Neighbourhoods policies, the HDR overlay policies, the Talbot Mixed-use policies, and the site-specific policy 1038C for the site. The proposed development does not conform to the *Official Plan (1989)*, including, but not limited to, the Permitted Uses, Density and Scale, of the Multi-Family, Medium and High Density Residential designation, Bonusing, Urban Design, Heritage, and Policies for Near Campus Neighbourhoods.

The proposed development and requested zoning represents an over-intensification of the site, does not satisfy the criteria of the Planning Impact Analysis, and the bonus zone and associated facilities, services, and matters proposed through the bonus zone are not acceptable for the requested height and density. Lastly, the proposed development would result in the removal of heritage resources. As such, it is

recommended the requested amendments be refused.

**Prepared by: Sonia Wise, MCIP, RPP
Senior Planner, Site Plans**

**Reviewed by: Michael Corby, MCIP, RPP
Manager, Planning Implementation**

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

**Submitted by: Scott Mathers, MPA, P.Eng
Deputy City Manager, Planning and Economic
Development**

Appendix A - Community Engagement

Public liaison: On October 10, 2019, Notice of Application was sent to 732 property owners and tenants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 10, 2019. A Revised Notice of Application was provided on October 7, 2020, and a Revised Notice of Application and Invitation to attend the Public Participation Meeting was provided on April 1, 2022. Two “Planning Application” signs were also posted on the site.

Replies from 21 submitters were received

Nature of Liaison (initial):

The purpose and intent of this application is to allow a 28 storey apartment building with 274 residential units, commercial uses such as retail, personal services, administration offices and restaurants on the main floor, and underground parking. The building height steps down toward St. George Street to 26 and 12 storeys.

The applicant requested an amendment to the *Official Plan (1989)* to change the designation of the western part of the property from Multi-family, Medium Density Residential to Multi-family, High Density Residential, to identify the site as a permitted location for convenience commercial uses, and to add a Specific Policy Area to permit a maximum residential density of 764 units per hectare within the Multi-family, High Density Residential designation for this site.

The applicant requested an amendment to *The London Plan* to add a Special Area Policy in the Neighbourhoods Place Type for this site to permit a maximum building height of 28 storeys, and to permit a maximum overall floor area of 1,000 square metres for retail, service and office uses within the podium base.

The applicant also requested an amendment to Zoning By-law Z.-1 to change the zoning from a Residential R9 (R9-3*H12) Zone to a Residential R10 Special Provision/Convenience Commercial Special Provision (R10-5()*D764*H93/CC4()) Zone.

The requested Residential R10 (R10-5) Zone permits apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped apartment buildings, and continuum-of-care facilities. The requested special provisions were to permit a maximum height of 93 metres (28 storeys) where the height is to be determined on the zone map, a maximum density of 764 units per hectare in place of 350 units per hectare, reduced 0 metre yard depths to all property lines, reduced minimum landscaped open space of 0 percent where 20 percent is required, increased maximum lot coverage of 97 percent where 50 percent is permitted, and reduced parking of 209 spaces where 310 spaces are required.

The requested Convenience Commercial Zone permits convenience service establishments, convenience stores, financial institutions and personal service establishments, all without drive through facilities, and restricted to a location within an apartment building. The requested special provisions were to add food stores, take-out and eat-in restaurants, and brewing on premises establishments without drive-through facilities and restricted to a location within an apartment building, as well as allowing one commercial use to be limited to a maximum commercial gross floor area of 1,000 square metres where food stores are limited to a maximum of 500 square metres, take-out restaurants are limited to a maximum of 150 square metres and all other permitted uses are limited to a maximum of 300 square metres, and the maximum total commercial gross floor area is 1,000 square metres.

The notice also included the possibility that the City may also consider special provisions in Zoning By-law Z.-1 regulating the height transition of the proposed building, and the use of a less intensive base zone with bonus provisions to allow the requested height and density in return for certain facilities, services or matters.

Nature of Liaison (revised):

The purpose and effect of this Official Plan and zoning change is to permit the redevelopment of the subject site for a mixed-use, high-rise tower, with a maximum height of 22 storeys (75m) and a maximum density of 585 units per hectare.

Possible amendment to the 1989 Official Plan for the western portion of the property from the Multi-family, Medium Density Residential Designation to the Multi-family, High Density Residential Designation, to identify the site as a permitted location for convenience commercial uses, and to add a Specific Area Policy to permit a mixed-use building with a maximum density of 585uph implemented by way of a bonus zone.

Possible change to The London Plan to change the Special Area Policy in the Neighbourhoods Place Type for this site to permit a mixed-use development with a maximum building height of 22 storeys, and 500 square metres of gross floor area permitted for retail, service and office use within the podium base. Possible change to Zoning By-law Z.-1 from a Residential R9 (R9-3*H12) Zone to a Residential R10 Special Provision/Convenience Commercial Special Provision Bonus (R10-5(_)/CC4(_)*B-_) Zone.

Requested special provisions To permit a maximum height of 22 storeys (75 metres) where the height is to be determined on the zone map; to permit a maximum density of 585 units per hectare, whereas 350 units per hectare maximum is permitted; to permit a reduced front and exterior side yard depth of 0m whereas 15m is required; to permit a reduced rear and interior yard depth of 0m whereas 37.2m is required; to permit a reduced landscaped open space of 0% whereas 30% is required; to permit an increase lot coverage of 97% whereas 50% maximum is permitted; to permit a minimum of 180 parking spaces whereas 225 spaces are required; and to permit a maximum commercial gross floor area of up to 500sqm for all commercial uses, and as well as for an individual commercial use.

The City may also consider the use of holding provisions for the purpose of assessing hydrogeological conditions, and ensuring safety mitigation measures are implemented due to the proximity of the rail corridor. A bonus zone is requested for the increased height and density in return for certain facilities, services or matters.

Responses: One response was supportive of the proposed development, and the majority were opposed. A summary of the various comments received include the following:

Concern for:

- Heritage
 - Opposed to the demolition of heritage buildings
 - The whole block should be saved
- Retail/Commercial Use not appropriate for the location
- Intensity
 - Traffic volumes, noise and safety issues
 - Inadequate parking provided
 - Bonusing features are not beneficial
 - Increased number of pedestrians cutting through the area
- Form
 - Ignores the low-rise townhouse and single-family home characteristics of the neighbourhood
 - Inadequate on-site landscaped open space and inadequate parkland provision in the area – object to the use of cash-in-lieu of parkland
 - Inadequate provision of trees and boulevard space
 - Loss of sunlight, privacy and views
- Student Housing
 - Contributes to a pre-existing imbalance of student to non-student population in the neighbourhood

- Does not meet the near campus neighbourhood policies
 - Neighbourhood is underpopulated in the summer which isolates long-term residents, creates social problems such as squatters, criminal activity, and hurts local businesses
 - Purpose-designed student housing is not diverting students from single family homes as intended
 - Allowing construction and marketing of housing geared to students is contrary to the Human Rights Code because it discriminates against protected groups
- Possible impacts on groundwater-based HVAC systems in surrounding buildings
 - Possible impact on adjacent hydro transformer substation.
 - Loss of property value

Responses to Public Liaison Letter and Publication in “The Londoner”

Written Patrick John Ambrogio 1011 – 695 Richmond Street London ON N6A 5M8	Written Lydia Li and Brett Butchart 1804 – 695 Richmond Street London ON N6A 5M8
AnnaMaria Valastro North Talbot Community Association 133 John Street Unit 1 London ON N6A 1N7	Ken Owen St. George Grosvenor Neighbourhood Association 139 St. James Street London ON N6A 1W6
Ben Benedict 188 John Street London ON N6A 1P1	Jackie Farquahar 383 St. George Street London ON N6A 3A9
David Hallam & Catherine Ross 166 John Street London ON N6A 1P1	Dave Morrice 191 Hyman Street London ON N6A 1N4
Dalwinder Deol 18 Coastal Trail Nobleton ON L7B 0A5	Don Dickenson Dickenson Management for Condo Corp. No. 134, 695 Richmond Street PMB 133 – 611 Wonderland Road North London ON N6H 5N7
Eugene DiTrollo 14 St. George Street London ON N6A 2Z3	Mike Specht
Andrew Kent 3700 Kempt Road, Suite 100 Halifax, NS, B3K 4X8	Art Blumas 140 Ann Street
Sarah L. Kirshin-Neilans 295 Central Ave London ON N6B 2C9	Alice Martin
Rod McDowell	Noll Stevens
Louise White 133 Central Ave London ON	Steve Olivastri 141 Central Ave London
David Hallam	John Fooks 706-520 Talbot Street LONDON ON N6A6K4

From: Ben Benedict

Sent: Thursday, October 10, 2019 11:31 AM

To: Debbert, Barb <bdebbert@London.ca>

Cc:

Subject: [EXTERNAL] RE: Please read: Notice of Application - 84-86 St George St and 175-197 Ann St (WARD 13) - OZ-9127 Barb Debbert

Dear Barb Debbert

Can you explain what happens to the hydro substation for our community that is located within this development boundary?

Ben Benedict

Benedict Creative Communications

188 John Street, London, ON, N6A 1P1

.....
From: [<mailto:>]

Sent: Wednesday, October 07, 2020 11:46 AM

To: Debbert, Barb <bdebbert@London.ca>

Cc: Barrios, Catalina <cbarrios@london.ca>; Parker, Charles <CParker@London.ca>; City of London, Mayor <mayor@london.ca>

Subject: [EXTERNAL] RE: OZ-9127- Notice of Planning Application - 84-86 St. George Street and 175-197 Ann Street - St. George and Ann Block Limited (WARD 13) -

Planner: Barb Debbert

Importance: High

Dear Barb Debbert, Senior Planner:

I am opposed as per the application – it violates the official plan. Second, from 100 to 585 units per hectare is clearly over intensification for that ‘postage stamp’ sized area. Third, it sits on a subterranean water source with a building already abutting its banks, where in the world would this be allowed to happen, two buildings abutting a river? – This is an environmental nightmare waiting to happen, under YOUR watch!!! How is this different than the first application other than it provides further disrespect to local residents and our community overall! And why the change of planners half way through the processes, what quasi-illegal move is this that the city is coordinating with the developer at the communities expense? I wonder?

Thank you for the opportunity to comment though I doubt it will have any effect given London’s extensive and unethical history of giving developers whatever they want in spite of the repercussions on neighbours! Please keep me in the loop, this should never be allowed to reach this point!

Ben Benedict, MA Comm.

Benedict Creative Communications

188 John Street, London, ON, N6A 1P1

.....
From: Lydia Li

Sent: Thursday, October 24, 2019 4:13 PM

To: Debbert, Barb <bdebbert@London.ca>

Cc: Lydia Li Brett Butchart

Subject: [EXTERNAL] Appeal Letter: File OZ-9127

Lydia Li and Brett Butchart

1804-695 Richmond Street

London, ON N6A 5M8

October 24, 2019

City Planning and Environment Committee

**Re: Official and Zoning By-law Amendments,
84-86 St. George Street and 175-197 Ann Street,
File: OZ-9127**

I am writing to oppose the Official Plan and Zoning Amendments of allowing 28 Storey apartment building/student housing built on the above mentioned address. We want to make sure that the Committee considers the issues of parking and traffic, safety and noise level, and value of the properties in the area before it makes the decision.

There are a few apartment buildings within the area mentioned above: 695 and 675 Richmond Street, 172 and 180 Mill Street, MARQ at 83 St. George Street and other apartments and houses in surrounding area. If you approve this proposal we worry that there will be significant increases in the traffic on the peaceful street. Also because of the railroad, many commuters choose to drive to the busy Talbot Street to go either north or west side of the city. Having a 28 storey building built in this area the neighbors will get the overflow of vehicles onto the already busy street. Residents in the new building will take the short cut by walking through the parking lot of Richmond 695 in order to get to the Richmond Street which potentially increases the unnecessary traffic and garbage disposal, and create safety and security issues as well.

We have concerns about the noise level that this new building will create in the neighbourhood. As you know, it can get quite hot here in the summer and I can't afford air conditioning, so I keep my windows open most of the time. We are worried that the new building will make it very noisy and make it impossible to keep windows open during the summer. We also worry the safety of this area when the density of population increases dramatically in such small block.

We are also concerned that the value of our property, and the value of neighbours' properties, will be significantly reduced as a result of this development. We are not real estate appraiser, but we are certain a 28-storey student residency building which blocks the sunshine and light and the view of our apartment is going to dissuade prospective purchasers who would have otherwise been interested in our condo.

We hope that you will consider our perspective and the pitfalls of approving this proposal during the planning process. Thank you.

Sincerely,

Yan Lydia Li

Brett Butchart

-----Original Message-----

From: Catherine Louise Ross <>
Sent: Thursday, October 31, 2019 5:47 PM
To: Debbert, Barb <bdebbert@London.ca>
Subject: [EXTERNAL] File OZ-9127

Dear Barb Debbert,

Since 1973, I have been a resident and home owner in the neighbourhood of concern, formerly at 66 St George St. and currently at 166 John St. Therefore I have an interest in creating a strong community in this area, where high density is balanced with green space. Therefore I am writing to express my concern

about certain aspects of the requested special zoning provisions being requested for St. George and Ann Block Limited.

Specifically it seems from the Notice of Planning Application that the proposers want, among other things, to weaken the city's official requirements for yard depths and landscaped open space and instead they wish to build a building with a larger footprint. This would be a mistake, I think, given that it is crucial for vibrant cities to preserve green space. Once the building is built, it is too late to realize that we should have provided more trees and more green natural areas for people where people can enjoy the natural world and sunshine without driving somewhere else (especially important given the asked for reduced parking that has been requested). The London core needs a balance, so that we have both high density housing but also public access for tenants to green space.

Many research studies have confirmed that cities that provide for public green spaces end up with healthier neighbourhoods and healthier citizens. So unless the plan is to provide the proposed apartment building with a green roof that include trees and plants, I urge the Planning and Environment Committee to reject this request to weaken existing requirements for landscaped open space.

Best wishes

Catherine Ross

166 John St., London

.....
From: David Hallam < >
Sent: Thursday, October 31, 2019 6:49 PM
To: Debbert, Barb <bdebbert@London.ca>
Subject: [EXTERNAL] File OZ-9127

Dear Ms Debbert:

I wish you to make note of my protest in respect of this application. In such a confined space, there can be no competent reason for reducing requirements for parking or green space. These two factors are absolutely essential to urban life and any site that cannot accommodate them is ill-advised in the first place and should not be considered.

respectfully

david hallam

Poverty exists not because we can't feed the poor, but because we can't satisfy the rich.
- *Jeremy Ashton*

.....
March 4, 2020

Ms. Barb Debbert
Development Services, City of London
300 Dufferin Avenue, 6th floor
London ON
PO box 5035 N6A 4L9

Dear B. Debbert

Update to Comments on

Notice of Planning Application for 84 -86 St. George Street and 175 – 197 Ann Street

The purpose of this letter is to provide comments on the notice of planning application

The purpose of this letter is to provide an update to the comments on the notice of planning application for official plan and zoning By-law amendments related to 84 – 86 St. George Street and 175 – 197 Ann Street that were previously submitted on October 31, 2019. Please replace the previous letter with this letter.

The application for the zoning by-law amendments is to allow:

- 28 storey apartment building with 274 residential units, commercial uses on the main floor, and underground parking,
- Building height steps down toward St. George Street to 26 and 12 storeys,
- Includes such commercial uses as retail, personal service, administration offices and restaurants,
- Special zoning provisions are requested for reduced yard depths, reduced landscaped open space, reduced parking, and increased lot coverage.

Alone either the apartment building or the commercial use would be a lot for the site together they are too much. My concerns with the proposal are:

- 1) Inadequate parking for the residents of the 759 bedrooms in the apartment portion of the building.
- 2) Inadequate parking for the commercial portion of the building.
- 3) Inadequate loading and unloading zones for the apartment portion of the building.
- 4) Inadequate loading and unloading zones for the commercial portion of the building.
- 5) The 175 Ann Street Transportation Impact Statement failed to address a number of issues.
- 6) Inadequate setbacks
- 7) Excessive residential density
- 8) Excessive height for the residential area.

The applicant is proposing to reduce the total number parking spaces for the residents of the 759 bedrooms in the apartment portion and the commercial portion to only 209 when the city requires a minimum of 310 spaces. After subtracting the number of spaces required for the commercial use, this leaves less than 1 parking space for every 4 residents. Because of the large number of bedrooms per apartment the number of available parking spaces should be greater than the minimum not less. In addition to support the city of London initiative in reducing carbon and the switch to electric vehicles that is occurring in Canada all of the parking spaces should be capable of charging electric vehicles.

As per the sketches included in the package the small drop of area on Ann street would be insufficient to allow a vehicle to clear the traffic on Ann street. The length and the depth of the drop off area, needs to be increased substantially. This area needs to be able to accommodate multiply vehicles (including moving trucks) at the same time and to allow those vehicles to completely clear Ann street. There also needs to be a drop off area on St. George Street for the vehicles servicing the commercial portion of the building.

The 175 Ann Street Transportation Impact Statement failed to address the effects of delivery vehicles, moving trucks, garbage pickup, the limited amount of parking, the fact that this part of Ann street requires vehicles to enter and exit via St. George Street and that there is no place for vehicles (e.g. trucks) to turn around without blocking the road or entering private property. In addition the Transportation Impact Statement failed to account for the construction period and the impacts and frustrations it will have on the residents in the area.

The setbacks for the building should be increased to allow for adequate drop off areas on both Ann Street and St. George Street. In addition the width of the sidewalks should be increased for the increase pedestrian traffic and to allow for the city to put garbage containers on the street outside the commercial area so that garbage is not spread through the residential area.

A maximum density of 764 units per hectare in place of 350 units per hectare is unreasonable. A maximum density of 350 units per hectare (125 units) should not be exceeded.

A reduction to zero metre yard depths to all property lines is unreasonable. Yard depths to all property lines should be maintained or increased due the building size, the density of the units, and the introduction of commercial space. The yard depths should be such that it will allow for larger sidewalks and space for garbage's on the sidewalks as would be typically for comparable nearby commercial spaces e.g., Richmond Street or Oxford Street. The yard depths are also required to provide proper separation between the new building and the neighbouring buildings.

The increase in the maximum lot coverage to 97 percent where 50 percent is permitted is unreasonable. The maximum lot coverage should not exceed the 50 percent limit. This would help to address the required yard depths for proper sidewalks, areas for vehicles to pull off, areas for moving vehicles, areas for delivery vehicles and to provide proper separation between the new building and the neighbouring buildings.

Sincerely

Mike Specht

.....
From: Ken Owen
Sent: Thursday, November 14, 2019 12:44 PM
To: Debbert, Barb <bdebbert@London.ca>
Subject: [EXTERNAL] file OZ-9127

Good afternoon Barb
Would it be possible for me to be included on notifications of public meetings associated with the 84-86 St George Street and 175-197 Ann Street project - your file #OZ-9127?

Ken Owen
On behalf of the St. George Grosvenor Neighbourhood Association.
139 St. James Street
London N6A 1W6

.....
From: jackie farquhar
Sent: Thursday, November 14, 2019 4:05 PM
To: Debbert, Barb <bdebbert@London.ca>
Subject: [EXTERNAL] Appliction # OZ-9127 York Developments - St. Geoge/Ann St. Block Ltd.

Hello Ms Debbert....please add my name to the list of persons interested in attending any public hearing on this development by York Developments.

I find it outrageous that York is applying to build 764 units per hectare in a 28 storey building with 100 fewer parking spots than required when the London Plan calls for 100 units per hectare and 4 storeys high. I implore the City to insist that the developer build in keeping with the City's plan.

Thank you Jackie Farquhar

--
Jackie Farquhar
383 St. George Street
London, ON. N6A 3A9

.....
From: jackie farquhar <>
Sent: Monday, October 26, 2020 9:34 PM
To: Debbert, Barb <bdebbert@London.ca>
Subject: [EXTERNAL] York Developments project - 183 197 Ann Street.

Hello Barbara...please put on record that I support the designation of the above historic buildings on Ann Street.

I implore City Planners to ensure that York Developments, if given permission to develop, retains aspects of these historic buildings. .

Thanks for your attention to my request. Jackie

--

Jackie Farquhar

.....

From: AnnaMaria Valastro
Sent: Thursday, November 21, 2019 7:37 AM
To: Dent, Laura <ldent@london.ca>; Fleming, John M. <JmFlemin@london.ca>; Bunn, Jerri-Joanne <jbunn@London.ca>; Saunders, Cathy <csaunder@london.ca>;
Subject: [EXTERNAL] Corrected : Request for designation for 197 Ann Street
Importance: High



North Talbot Neighbourhood Assoc.

Dear Dr. Dent,

We live in the North Talbot Community, the oldest and most historically significant community in London. Many of us have been waiting patiently to have our community recognized as a Heritage Conservation District only to have it bypassed for heritage designation over and over again.

While we wait, we lose more and more buildings of historical value undermining its very history. We are once again fighting to preserve some of the most significant heritage buildings that define not only this neighbourhood but London's history as a significant industrial area.

We support the heritage designation of 197 Ann St. the site of the last remaining brewery in North Talbot - Kent Brewery. We also support the heritage designation of 179 and 183 Ann St. - the homes of John Hamilton (183 Ann St.) and his son Joseph Hamilton (179 Ann St.) - owners of Kent Brewery.

This end of North Talbot was home to Carling Brewery and Kent Brewery as well as a host of other mills along Carling Creek. The creek and adjacent pond provided both a source of energy, water and waste disposal for these industries - hence the street Mill St.

Just south and west of this area were the mansions of these entrepreneurs and south of this site were the homes of the many employees of these industries.

The entire area tells a complete story and we no longer support preserving a tiny remnant of history here and there. Instead we want complete histories preserved so people can place faces to places and spark a true appreciation for the history of the city. We want the whole story told and preserved.

It is unique that the Hamilton Family lived next door to their business, whereas many other entrepreneurs chose to live in more affluent neighbourhoods. It is noteworthy that the "History of the County of Middlesex" first published in 1889 by Goodspeed states:

W. A. & C. L. GOODSPEED, PUBLISHERS.

p. 373

says of Kent Brewery

"The premises form one of the oldest landmarks in the city, and are located on Ann Street."

That comment was made in 1889. Therefore in 1889 Kent Brewery was already considered a historical landmark.

https://archive.org/stream/historyofcountyo00torouoft/historyofcountyo00torouoft_djvu.txt

Residents of North Talbot want the history of the community preserved as a whole. Time is running out.

Sincerely,

Eugene DiTrolio
14 St George St.
London ON N6A 2Z3

AnnaMaria Valastro
133 John St. Unit 1
London Ontario N6A 1N7

CC: Council, John Fleming, LACH, North Talbot Residents

.....
From: Dave Morrice

Sent: Thursday, November 21, 2019 5:38 AM

To: Dent, Laura <ldent@london.ca>

Cc: Fleming, John M. <JmFlemin@london.ca>; Bunn, Jerri-Joanne <jbunn@London.ca>; Saunders, Cathy <csaunder@london.ca>

Subject: [EXTERNAL] Fwd: Urgent: Please Read: Request for designation for 197 Ann Street

Good Morning I can't stress enough the importance of recognizing these sites. Our area has been inundated with developments that are starting a trend toward unsightly, "strictly for profit" buildings. We HAVE to save our heritage.

Dave Morrice
191 Hyman St

.....
From: Don Dickenson - Dickenson Management

Sent: Tuesday, December 10, 2019 10:51 AM

To: Debbert, Barb <bdebbert@London.ca>

Cc: Patrick John Ambrogio, P.Eng.

'Sarah Kirshin

Subject: [EXTERNAL] File OZ-9127

Dear Ms. Debbert

I am the property manager of Middlesex Condominium Corp. 134, located at 695 Richmond Street, London which is adjacent to 175 and 197 Ann Street and 84-86 George Street. The Board of Directors has asked me to contact you regarding the above Planning Application because their property is going to be impacted by the development plans for these properties. Please add the condo corp to your mailing list for any notices related to this application.

Don Dickenson
Dickenson Management

Phone:
Fax:

Please note our new mailing address:
PMB 133- 611 Wonderland Rd N
London, ON N6H 5N7

.....

From: Patrick John Ambrogio, P.Eng.
Sent: Tuesday, December 10, 2019 1:05 PM
To: Debbert, Barb <bdebbert@London.ca>
Subject: [EXTERNAL] RE: File OZ-9127

If you are compiling specific concerns, I am happy to detail several to you.

These will include (but are not limited to):

- Interference with our building's critical underground aquifer geothermal heating & cooling system, for which we have Ministry permits to take water
- Excessive density for the already congested site
- Excessive height/scale for the existing site and the adjacent neighbouring buildings
- Proximity/privacy/sunlight blocking
- Commercial use should be denied as it fronts on minor & dead-end side streets, interior and removed from the main commercial artery
- Traffic congestion
- And much, much, more

Thank you.

695 Richmond Street
Suite 1011
London ON N6A 5M8
Patrick

(added on Dec 10, 2019) The volatility of the critical underground aquifer is enormously concerning as the entire site is dynamic, and in flux, as is the natural environment. Geothermal HVAC reliability and performance is fundamental to our existing site and residential/commercial occupants.

.....

From: (AnnaMaria Valastro)
Sent: Tuesday, January 14, 2020 7:30 AM
To:
Cc: Blazak, Gary <gblazak@london.ca>; Saunders, Cathy <csaunder@london.ca>; Campbell, Melissa <mecampbe@london.ca>; Tomazincic, Michael <mtomazin@London.ca>; Debbert, Barb <bdebbert@London.ca>; Page, Bruce <BPAGE@London.ca>; Barrett, Gregg <GBarrett@London.ca>; Craven, Ryan <rcraven@london.ca>; ; ; Katolyk, Orest <OKatolyk@London.ca>
Subject: [EXTERNAL] Re: correction - letter to council

Dear Ms Saunders,

In the letter below, I reference a February 20 2019 meeting of the Civic Works Committee. This should be corrected to the Community and Protective Services Committee. Both meetings were scheduled on February 20, 2019. The video que remains the same.

Even though I do not anticipate any councillor or staff person to review this information, it remains important that the error be corrected. I would appreciate if councillors were made aware of this correction.

Thank You

AnnaMaria Valastro

On 2020-01-02 02:17, [North Talbot](#) wrote:

Dear Ms Saunders,

Can you please forward to Members of Council including the Mayor's office?

Thank You

AnnaMaria

Re: Planning in North Talbot

Dear Members of Council,

This letter is to share our concerns with the proposed development by York Development at 197 through to 179 Ann Street and 86 and 84 St. George St in the neighbourhood of North Talbot.

The development being proposed by York Development makes no effort to integrate into the community. It is a bloated building which ignores the low rise townhouse and single family home characteristics of the neighbourhood and under values the heritage qualities of the site. It pays no attention to the residents of the adjacent tall building whose sunlight and privacy would be blocked by the oversized York development. It will be student housing which is over represented in the North Talbot neighbourhood and possibly violates the Human Rights Code by discriminating against protected groups.

Students as a 'group' are not protected or analogues to protected groups (1 and 2), and while the Ontario Human Rights Commission (OHRC) is 'generally' supportive of student housing, it warns landlords against discriminating against protected groups by refusing applicants who are not students.

1. Fodor v North Bay (City), 2018 ONSC 3722 at para 26.
2. London Property Management Association v City of London, 2011 ONSC 4710 at para 69-73

Other cities look at housing 'types' and make decisions on housing type "needs" including student housing. The city of London has the authority to develop a student housing strategy. It CAN discuss openly the impacts of too much student housing concentrated on one area. The city CAN ensure landlords do not discriminate against protected groups if they advertise exclusively to students without approval from the OHR Tribunal.

This can be done through enforcement of Rental Licensing and design of units to ensure a diversity of unit 'type' is being planned.

By ignoring the isolation of long term residents within a concentrated student housing area, the city risks destabilizing near campus neighbourhoods. Students are, for the most part, temporary residents who live in neighbourhoods for part of the year. In areas where student housing dominates such as Ann St., Mill St and John St, entire streets are empty for months at a time leaving long term residents vulnerable to squatters, criminal activity and a loss of community.

The London Plan does not allow for this proposed density on this site, and there is growing cynicism that the London Plan is not a serious document if every single development proposal is permitted to build outside the Plan. **We also wish to remind Council that North Talbot already has several student oriented high rises with another one being built by Drewlo on Talbot St. None have diverted students from single family homes.**

There is a strong sense from North Talbot residents that a thread of bias and discrimination persist in matters of planning as it relates to the North Talbot Community. *We need an open and honest dialogue* of what we see as a discriminatory approach to policy as it relates to lower income communities. Whether this is intended to be discriminatory or not, that is certainly how it plays out.

I offer the following examples:

1. On December 23, 2019 the London Free Press published an article describing the proposed York Development on the Ann St. and St. George St block. Councillor Maureen Cassidy was quoted as stating that the York development “would be a 'gamechanger' for THAT neighbourhood”.

Councillor Cassidy has no unilateral authority deciding what is good for this community without first hearing from us. Similar comments were also credited to Councillor Phil Squire who suggested that a student highrise in North Talbot would alleviate student pressure from North London.

These comments become doubly offensive when this development proposes to tear down a significant landmark heritage site, which in turn would remove any chances of North Talbot being recognized as a Heritage Conservation District. Even before we have an opportunity to assess the community heritage qualities, councilors are undercutting the opportunity to do so with unabashed swiftness.

It can't be more disrespectful not just to dedicated residents of North Talbot but also to students. Students like any other person will rent the housing type that suits them best. For those that like to entertain often and loud, single family homes are the preferred housing.

2) In February 20, 2019 Orest Katolyk publicly stated at a Civic Works Public Participation Meeting (PPM) that establishments applying for patio amplified sound permits would be evaluated on a case by case basis. He reassured committee members that patios surrounded by single family homes will likely get a lower range in which to amplify sound than other residential areas.

Neither Committee Chair Maureen Cassidy or any other committee member including **Mayor Ed Holder** reprimanded the Chief By-law Officer for using demographics and economics in deciding the conditions under which a permit to release amplified sound on a patio would be issued. The Chief By-law Officer is making decisions on assumptions as to who lives in single family homes and why they would deserve greater protection from amplified sound than another person or a family that may not have the financial resources to afford a single family home. The 'law' is being applied prejudicially. CWC Video Queued at: 1.08

3) Planning applications for the downtown area are being approved without the required 'parkland' allocation and landscaping requirements. Instead 'cash-in-lieu' is being swapped out for green space.

The practice of completely removing a green space requirement (both parkland and landscape) at each new development is creating a downtown desert and depriving downtown residents of green streetscapes and private green amenities. We understand that land value, taxes and density are concerns for developers and politicians but not for the residents that have to live with these decisions. Quality of life should not be

sacrificed. We are as deserving of parkland, dog parks and playfields as anyone else living in this city.

The residents of North Talbot have taken notice of what we see as a persistent discriminatory approach to planning as it relates to North Talbot and we have taken offense.

We are asking for a formal apology from Councillor Squire and Councillor Cassidy for their disparaging comments about our community.

Sincerely,

David Hallam
166 John Street

Ben Benedict
188 John Street

AnnaMaria Valastro
133 John Street

CC: Orest Katolyk, Chief By-law Officer, Gary Blazak, Senior Advisor Mayor's Office, Barb Debbert, Senior Planner, Melissa Campbell, Manager Current Planning, Michael Tomarzincic Manager Current Planning, Bruce Page, Parks Planning, Ryan Craven, Neighbourhood Development and Support, Gregg Barrett, Long Range Planning

North Talbot Residents, Norman De Bono, Postmedia, Megan Stacey, Postmedia, Core Neighbourhood Associations

Ontario Ombudsman - File # 372995-001

Contact for the North Talbot Community: T.

.....
From: Dalwinder Deol
Sent: Friday, December 27, 2019 11:46 AM
To: Debbert, Barb <bdebbert@London.ca>
Subject: [EXTERNAL] Ann Street Housing

Hi Barb,

I received a notice of planning application for file OZ-9127. Just wanted to know what the status of this file is and when is the proposed completion date of the construction for this proposed apartment building.

Thanks in advance for your help!

.....
From: AnnaMaria Valastro
Sent: Wednesday, February 19, 2020 3:43 PM
To: Giesen, Andrew <agiesen@london.ca>
Cc: Debbert, Barb <bdebbert@London.ca>; Dales, Garfield <gdales@london.ca>; Tomazincic, Michael <mtomazin@London.ca>
Subject: [EXTERNAL] Re: Discussion of proposed development at 84-86 St George Street, and 175-197 Ann Street

<http://www.london.ca/business/Planning-Development/land-use-applications/Documents/Development-Services/OZ-9127/OZ-9127-Noise-Assess-Rpt.pdf>

Hello Andrew,

The above link is to the Noise Report submitted by York development. The report states that this development will ensure INDOOR noise levels meet municipal and provincial because OUTDOOR noise DID NOT meet these standards in part because of anticipated increased traffic.

Noise has been a longstanding issue in this neighbourhood and we have been screaming to have this issue addressed through by-law enforcement, we fought the amplified sound by-law for the same reason. We met with your department recently to discuss traffic noise and have an ongoing discussion with London Police. None of this was reviewed by your department and I am so tired, as is everyone, to have to raise this issues each time. They should be automatically reviewed by any staff that is listening. I resent having to raise these issues over and over again.

But here we go again.

Thank You for meeting with me and I hope to bring along one or two neighbours.

AnnaMaria

.....
From: AnnaMariaValastro
Sent: Saturday, February 22, 2020 11:59 AM
To: Saunders, Cathy <csaunder@london.ca>; Debbert, Barb <bdebbert@London.ca>; Tomazincic, Michael <mtomazin@London.ca>
Subject: [EXTERNAL] letter to council re: student high rise housing

Dear Ms. Saunders,

I would appreciate if this letter could be forwarded to Members of Council.

Thank You

AnnaMaria Valastro

Feb. 21, 2020

Re: Student High Rise Housing and the Human Rights Code

Dear Members of Council;

Council promotes more high rise student housing because it believes it will redirect students away from single family homes and into closed, controlled buildings, freeing single family homes for 'families'. **This is a false premise that has only concentrated more students into small neighbourhoods tipping the balance of demographic diversity.**

Groups of highly socialized students desire single family homes because they have an absentee landlord, and can entertain loud and often without supervision. If the neighbourhood has a reputation as a 'student' neighbourhood, it is presumed this activity is accepted and even expected – a stereotype portrayal of students by students. Without stating it explicitly, council believes that removing students from single family homes will reduce noise, upgrade property standards, and diversify demographics. Articulating such a goal openly would be discriminatory as students have the right to live where they choose.

North Talbot has a disproportionate representation of student housing both in family homes and high rises. The presence of high rises has only 'weeded' out those students that prefer to entertain loud and often. In the North Talbot neighbourhood the majority of single family homes are now 'party houses' almost exclusively and that has intensified noise throughout the neighbourhood and large gatherings at those single family homes.

A high student population dominating a neighbourhood is also problematic because students, for the most part, are temporary residents. While they may live in the same apartment/ house for their entire student career, they are not present year round leaving entire streets empty for many months consecutively during the spring and summer.

In the North Talbot Neighbourhood, Central Ave., John, Mill, and St George streets are primarily student housing and the majority of houses sit empty from April to September. This would also be true for student high rises, as it is true for university student residences.

London Police interactive crime map

<https://communitycrimemap.com/?address=London,ON> shows that residential crime rates are the highest in university neighbourhoods such as North Talbot and the university gates area off Richmond St. in North London. While the map is a new tool and only as accurate as the crimes reported to police, it does show that home invasions can be higher in the summer months on streets such as Mill and St George because houses are empty but furnished. It also shows that car theft is rampant in the large parking lots behind student housing year round. In speaking with London Police, they acknowledge that the emptiness of streets likely contributes to an increase in theft because there are no 'eyes and ears'.

Empty houses also attract squatters. Squatters themselves may not be a problem as they tend to be quiet choosing not to attract attention. However, there are many individuals that wander into the neighbourhood anticipating its vacancy and trespass not realizing the house is occupied. For residents this can be very frightening.

There is a profound loss of community when a neighbourhood is dominated by temporary housing which is what student housing is for the most part and adding more of the same housing will not improve the emptiness and isolation of long term residents.

Finally, building housing ONLY for, or advertising only to, students could also violate the Human Rights Act as the Act outlaws exclusive housing except for protected codes and then only if the housing offers special services for that protect code such as 'group homes' or 'assisted living'. Students as a 'group' are NOT a protected code nor are they analogous to a protected code and do not need 'special' housing. This has been well established by the Human Rights Tribunal.

Fodor v North Bay (City), 2018 ONSC 3722 at para 26. **HEARD at Toronto: May 17, 2018**

26] Student status is not a protected ground under the [Code](#).

[27] The applicant argues that, while student status is not enumerated, it is analogous to the [Code](#) grounds. The applicant says that student status is a proxy for age, marital status and family status because students tend to be young, single, non-parents. On this basis, she argues that discrimination against students is discrimination on the basis of age, as well as marital and family status. The OHRC has endorsed this position, but it has yet to be adopted by the courts. This position was rejected in *London Property Management Association v. City of London*, [2011 ONSC 4710](#), at para. [93](#). Similarly, I find in this case that the applicant's argument does not withstand scrutiny.

The city is being negligent when promoting one type of housing to one type of group while restraining other housing to other groups such as boarding houses. The City of

London limits boarding houses through zoning – the ONLY housing type for the lowest income earners. It can't be a more hypocritical and discriminatory policy than if the city bused low income earners to the city limits with a one way ticket to no where.

Student housing is NOT in short supply in North Talbot or across the city. It is a lucrative unchecked business that has grown exponentially marketing to Toronto and overseas residents and pushing rents to Toronto rates. This has shut out opportunities for other user groups, such as older individuals and has isolated non-student residents and as such, likely violates the Human Rights Act by decidedly promoting exclusive housing to a non-protected group and shutting people out.

Sincerely,

AnnaMaria Valastro

133 John Street, Unit 1

London Ontario N6A 1N7

CC: Glenn Matthews, Western's Off-Campus Housing Service

Residents of North Talbot and area Neighbourhood Associations

Barb Debbert and Michael Tomazincic, Current Planning

.....
From: AnnaMaria Valastro
Sent: Monday, February 24, 2020 4:36 AM
To: Debbert, Barb <bdebbert@London.ca>; Tomazincic, Michael <mtomazin@London.ca>
Subject: [EXTERNAL] Lack of Green Space in New Developments - 197 Ann Street

Re: Lack of green space in new developments. 197 Ann Street to 84 St. George St Block - proposed York Development

Dear Ms. Debbert,

It has become the new 'norm' for developers to no longer include the legislated landscaping and/or parkette requirements in new developments. They just assume that city planners will accept cash-in-lieu for building designs that build to the outer boundary of a lot without any space of trees or landscaping. This appears to be unique to downtown spaces to maximizes profit in smaller lots.

I know that planners and councillors, at least in this city, 'roll their eyes' or grimace when residents claim this approach is discriminatory to downtown residents. They just don't want to confront the possibility that their policy could be hurting people. Green space is universally acknowledged as an vital component to human and mental health and every development should carry their fair share of the load to ensure the downtown remains green.

The absence of canopy trees creates a desert effect in urban environments increasing heat and accelerating wind speeds. There is no relief for residents when adequate green space is bypassed and disastrous when this practice accumulates across an entire district. The city has the power to require that green space be incorporated, as legislated at a minimum, in all new developments. It doesn't because it is easier to ignore residents' desire for more parks and green space than defend them.

The practice of cash-in-lieu has only contributed to the desertification of the downtown core. This practice of taking money from developers 'in-lieu' of the legislated requirement for green space has not be equally distributed. And I would go further and

state that there is a stereotyping of personalities in this practice where it is assumed that downtown residents don't want green space and prefer sleek vistas.

The situation is so bad that the Trees and Forestry Committee is revisiting the city's Urban Forestry Strategy to see if the *'strategy' does not apply to the downtown.*

Please find a link to a recent news story from the CBC dated Feb. 14 2020 that looks at Urban Design and its impact of mental health.

https://www.cbc.ca/radio/thesundayedition/the-sunday-edition-for-february-16-2020-1.5459411/how-urban-design-affects-mental-health-1.5462455?fbclid=IwAR3PxIE6qTe8Fx2grKVkKaVs-OCC7OrUivj1wSPnA_zEg63s9vFdVN7GtK

I have also attached photographs of an older development in the downtown (Colborne and King streets), a recent development (Renaissance Place) in the downtown and a recent development on Riverside Drive, just west of Wonderland Rd.

I have also attached a photograph of a corner parkette at Richmond and Horton streets installed with cash-in-lieu funds diverted from new developments. While admittedly debatable, I think it is reasonable to say that this small space fails as a parkette. There is no bench for elderly or weary walkers to rest and realistically no one would sit in the middle of traffic. It is not a people place. A similar but better space was built at the corner of Sarnia Rd. and Wonderland with benches but again, it is not a people space as no one would, or does, sit in the middle of traffic. The city is using cash-in-lieu to 'beautify' streets corners rather than creating usable green space for people - which is what people need.

This small space would have been better served if attached to landscaped areas where people actually lived.

Thank You

AnnaMaria Valastr0

133 John Street, Unit 1

London, Ontario N6A 1N7







From: Andrew Kent
Sent: March 9, 2020 2:02 PM
To: bdebbert@london.ca
Cc: akayabaga@london.ca
Subject: 84-86 George Street / 175-197 Ann Street

Good afternoon,

Our company – Killam Apartments – owns 180 Mill Street – the neighboring property to 84-86 George Street / 175-197 Ann Street. As such we are likely to be impacted the most by the proposed development. As property developers ourselves we are supportive of intensification and believe it is an important component of addressing affordability.

There are several components of this proposal we would like your team to consider carefully:

- Is there an opportunity to encourage the developer to target a mix of demographics? We believe the concentration of students into student housing does not meet the intent of policies aimed at diverse, integrated communities.
- Does the scale of the proposal reflect your existing design policies regarding tall buildings? If those policies aren't in place does it meet the requirements of nearby municipalities like Kitchener or Waterloo?
- Are there requirements that can ensure a more careful transition to neighboring buildings, including setbacks, step backs, transition in height and elimination of blank walls?
- Is bike parking – and more importantly bike infrastructure to the University – adequate to support active transportation?

We appreciate the opportunity to provide feedback and look forward to reviewing a revised proposal.

Regards,
Andrew

From: art blumas [<mailto:>]

Sent: Thursday, August 20, 2020 2:11 PM

To: Debbert, Barb <bdebbert@London.ca>; Peloza, Elizabeth <epeloza@london.ca>; Squire, Phil <psquire@london.ca>; Cassidy, Maureen <mcassidy@london.ca>; Morgan, Josh <joshmorgan@london.ca>; pvanmeerberg@london.ca; Lehman, Steve <slehman@london.ca>; Kayabaga, Arielle <akayabaga@london.ca>; City of London, Mayor <mayor@london.ca>; Lewis, Shawn <slewis@london.ca>; Helmer, Jesse <jhelmer@london.ca>; van Holst, Michael <mvanholst@london.ca>
Subject: [EXTERNAL] File :L OZ-9127 St George and Ann Block Limited

Hi Barb,

I am the owner of 140 Ann St, a commercial building with multiple tenants. The proposed build of 28 stories at Ann St and St. George St by York Developments looks wonderful and would be a great asset to this area. The existing building are not of any special interest and the Williams Auto building is in bad shape. This is a area that needs more quality developments such as this to bring more people living in the City core.

Respectfully Yours
Arthur Blumas
Blucor Group Inc

-----Original Message-----

From: < >

Sent: Thursday, October 29, 2020 1:13 PM

To: Sarah Kirshin-Neilans < >

Cc: Debbert, Barb <bdebbert@London.ca>; Don Dickenson < >; Chris D < >; Laura C. Howard < >; Patrick John Ambrogio, P.Eng. < >

Subject: RE: [EXTERNAL] Proposed Development - File OZ-9127

Thanks Sarah.

> Good afternoon Ms. Debbert,
>
> In response to the city?s call for comments on this project, the
> Board of MCC 134 would like to voice the following concerns:
> · Interference with our building's critical underground
> aquifer geothermal heating & cooling system, for which we have
> Ministry permits to take water
> · Excessive density and commercial use in this area will cause
> further traffic congestion
> We have engaged an engineering consultant to comment on some of the
> technical aspects of these issues, please see the attached email
> from Rebecca Walker.
> In addition to the above, we have also heard from over 25% of our
> condo owners who are very concerned about the excessive height/scale
> of the proposed building, as it will impact on their view/natural
> light and privacy.
> The Board of MCC 134 would like the committee to take these issues
> into consideration in further discussions of this project. Please
> contact us if you require further information.
> Thanks,
> Sarah Kirshin-Neilans
> President, MCC 134 Board of Directors
>

From: Sarah Kirshin-Neilans < >

Sent: Tuesday, October 27, 2020 4:57 PM

To: Debbert, Barb <bdebbert@London.ca>

Cc: Don Dickenson <>; Chris D <>; Laura C. Howard <>; Ozzie Buhrmann <>; Patrick John Ambrogio, P.Eng. <>
Subject: RE: [EXTERNAL] Proposed Development - File OZ-9127

Good afternoon Ms. Debbert,

In response to the city's call for comments on this project, the Board of MCC 134 would like to voice the following concerns:

- Interference with our building's critical underground aquifer geothermal heating & cooling system, for which we have Ministry permits to take water
- Excessive density and commercial use in this area will cause further traffic congestion

We have engaged an engineering consultant to comment on some of the technical aspects of these issues, please see the attached email from Rebecca Walker.

In addition to the above, we have also heard from over 25% of our condo owners who are very concerned about the excessive height/scale of the proposed building, as it will impact on their view/natural light and privacy.

The Board of MCC 134 would like the committee to take these issues into consideration in further discussions of this project. Please contact us if you require further information.

Thanks,
Sarah Kirshin-Neilans
President, MCC 134 Board of Directors

.....
From: Alice Martin <>
Sent: Thursday, April 7, 2022 5:53 PM
To: Schulthess, Michael <mschulth@London.ca>
Cc: Wise, Sonia <swise@london.ca>
Subject: [EXTERNAL] Kent Brewery

Please note my objection to York Development requesting demolition of yet another heritage site in London, Kent Brewery. It's really disgraceful to eliminate one by one the architectural heritage buildings located in the core of London in order to facilitate building which is aesthetically detrimental and fails to follow the London Plan. It seems the City works to evade London Plan restrictions while touting the Plan to the public whenever it's politically expedient.

.....
From: J F <>
Sent: Monday, April 11, 2022 8:00 AM
To: Wise, Sonia <swise@london.ca>; Fyfe-Millar, John <jfmillar@london.ca>
Subject: [EXTERNAL] Historic properties

It is with some sadness that I've discovered York Development is planning to tear down three historic properties on Ann Street, despite LACH recommending heritage distinction for these properties.

After witnessing the destruction of Camden Terrace, it is all the more surprising that some parties are eager to demolish other heritage properties in favour of graceless and nondescript high rises.

These properties represent an invaluable link to London's past and should be protected from reckless development.

John Fooks
706-520 Talbot Street
LONDON ON N6A6K4
m +

.....
From: <[NorthTalbot](#)>
Date: Mon, Apr 11, 2022 at 11:48 AM
Subject: Kent Brewery sign -on letter
To:

Dear Neighbours,

Below is a sign-on letter regarding the proposed development at the Kent Brewery site on Ann and St. George streets in the North Talbot Community. People are exasperated by this on/off again proposal but it is worth signing on and showing support for heritage preservation and the North Talbot Community, even if you have already sent in your own letter. The letter below also addresses planning matters.

This letter has already been submitted to the Planning and Environment Committee and the City Planner. All you need to do is forward the letter below to: pec@london.ca; swise@london.ca

and state that you wish to sign onto the letter submitted by AnnaMaria Valastro, North Talbot Community with your name.

This development will be Appealed but it remains important that the public voice is heard and 'on the record'.

Thank you and have a beautiful day.

From: <>
Sent: Monday, April 11, 2022 10:06 PM
To: PEC <pec@london.ca>; Wise, Sonia <swise@london.ca>
Subject: [EXTERNAL] revised: File: OZ9127 84-86 St. George St. and 175-197 Ann St.

There are typos in the original letter which have been corrected below. And revisions. Please use this letter to be placed on the public record.

Thank You

AnnaMaria Valastro

Dear Council Members,

City Council delayed heritage designation of the Kent Brewery and the homes of its brewmasters, John and Joseph Hamilton, as recommended by the London Advisory Committee on Heritage, because they wanted to see what 'bonus offerings' York Development would bring to the table in exchange for demolishing a distinguished Heritage Site.

Is this development worth the demolition of the Kent Brewery and the homes of John and Joseph Hamilton?

With the demolition of the Kent Brewery, a larger area of London's industrial history will also be lost as the Kent Brewery is part of a cluster of repurposed heritage buildings along Richmond St and the CP Rail Tracks. This area was a 19th century industrial hub along Carling Creek and the railroad. Please see attached photo.

The number of active Ontario Land Tribunal Appeals alone should signal to Council that people are disapproving of Council decisions that ignore London's heritage.

The Kent Brewery and the homes of its brewmasters, John Hamilton and his son Joseph Hamilton, are a perfect example of 19th century craft brewery where the owners lived alongside the brewery itself. The Kent Brewery is only one of two examples left in Canada, the other being Alexander Keith's in Halifax, and yet we have a Council that is willing to 'horse trade' this history for a bus shelter and giant Xs and Os on the street that mean nothing to nobody.

Bike racks and electric vehicle charging stations are just practical and planning ahead and all new development should have these additions. Planting drought tolerant plants instead of native plants on a small strip along a new building is not a climate action item.

Are these 'bonusable' offerings enough to justify the demolition of our heritage?

Kent Brewery and the Hamilton Family homes deserve to be protected because they are special and they are the last ones standing. All three buildings tell the story – not just one. And as an ensemble tell an even larger story of the village.

But history doesn't matter if it is up against a large tax base. That's the bottom line. And these buildings suffer from deep rooted aesthetics bias. These buildings are beautiful – inside and out - in good condition (Laura Dent research) and currently are homes to many people and the homes on St. George St are homes to families with children.

This Council could raise the bar and uphold the intent of the London Plan as Londoners requested when they were asked to 'help shape' London's direction for the next 20 years. Council could reject this proposal and ask that new development maintain the integrity of the buildings and design a new development that '**shows off**' the history as the London Plan intended when it went through extensive public engagement.

Attached are before and after photos of heritage designated 93-95 Dufferin St. Council sacrificed Camden Terrace and the history of Talbot St. Banker's Row in exchange for high density towers. In return they designated 93-95 Dufferin St.

The fate of 93-95 Dufferin St. can no longer be the standard for heritage horse trading. As you can see from the photos, 93-95 Dufferin St. has been butchered and there is little left of these once grand homes by architect Samuel L. Peters.

Is this acceptable to you? If not, ask for more. If you ask for more, will you get more.

[Near Campus Neighbourhood Policy](#)

This development is an over intensification of the land. This specific site was chosen for marketing purposes because it will be marketed as temporary student housing and the North Talbot Neighbourhood is already over-intensified with this sort of housing.

Near Campus Neighbourhood Policy recognizes saturation of student housing and aims to balance a diversity in housing so to invite a diversity of people. Therefore this development cannot be reviewed in isolation of the whole North Talbot neighbourhood.

The London Plan pages 263 - 265 and 273 - 275

This neighbourhood is losing housing diversity at an alarming rate primarily because intensification has focused exclusively on temporary housing. It is important to understand how these decisions contribute to the growing problem of exclusionary housing and unintentionally 'people zoning'. Recently, city staff recommended refusal of a Minor Variance in the same neighbourhood to increase density beyond the allowable zoning limit citing the neighbourhood had been over-intensified and offended provisions in the Near Campus Neighbourhood Policy. While this development likely argues that it is part of a transit corridor, ALL traffic will move through the neighbourhood because it has no direct access to a transit corridor, therefore the impacts on the neighbourhood are real.

The neighbourhood cannot be ignored because the neighbourhood will carry the brunt of what is being proposed. Local city traffic studies show that the North Talbot neighbourhood experiences greater through traffic than local traffic because of its proximity to Richmond

Street and the CP rail tracks. Traffic from this new development can only move through the neighbourhood and therefore cannot be said to be on a main transit corridor for traffic flow.

Also, The Near Campus Neighbourhood Policies are dominate over all overlaying policies in the London Plan.

In the London Plan, under Place Type Polices, section Near Campus Neighbourhood:

It states in Section 965 pg. 262.

3) Do not allow for incremental changes in use, density, intensity, and lot size through zoning amendments, minor variances and consents to sever that cumulatively lead to undesirable changes in the character and amenity of streetscapes and neighbourhoods.

5) In pursuit of balanced neighbourhoods, recognize areas that have already absorbed a significant amount of residential intensification and residential intensity and direct proposals for additional intensification away from such areas.

13) Ensure intensification is located and designed to respect the residential amenity of nearby properties.

It states in Section 969 pg. 265

969_ For lands in the Neighbourhoods Place Type that are located within Near-Campus Neighbourhoods, the following forms of intensity and increased residential intensity will not be permitted:

- Development within neighbourhoods that have already absorbed significant amounts of residential intensification and/or residential intensity and are experiencing cumulative impacts that undermine the vision and planning goals for Near-Campus Neighbourhoods.

This neighbourhood has already experienced negative cumulative impacts from exclusionary housing intensification and wishes to seek relief. For example:

- For approximately 4-6 months, many of the rental units are empty because the tenants have moved back to their permanent residences. This has created dead zones of the neighbourhood – empty houses and streets that make permanent residents vulnerable to crime and reduces a sense of place and neighbourhood for those residents. The guidelines for Near Campus Neighbourhoods are intended to balance diversity in housing to invite a diversity of people. This neighbourhood is no longer balanced. It is now a dead zone which is a symptom of over-intensification of one housing type.
- Intensification has resulted in the denuding of trees and backyards to accommodate increased parking. The vast majority of new rentals are rooms within units but unlike a 'rooming house' whose occupants may not have cars, students – the primary market for rentals in this neighbourhood - arrive with their own personal vehicle as they travel between residences. Despite limits on parking space, investors tend to remove Landscape Open Space to accommodate tenant parking.
- This new development is reducing- not enhancing – Landscape Open Space

This neighbourhood needs housing for families to balance the intended policy direction of the Near Campus Neighbourhood.

The development will remove several **existing family affordable** units and they will not be replaced because the formula used by the City to calculate affordability is out of touch with the reality of people that cannot find housing and the percentage of units being offered applies only on the bonus areas being requested. The Unity Project has Appealed the City's approach on affordable unit swapping for bonusing. They appealed so a hard look can be had on whether the city 'swapping' isn't driven by a dense tax base rather than affordable housing that actually helps people in need.

And the converted single family homes in North Talbot are desirable by students that like to entertain because they often have an entire house with a lot of parking and an absentee landlord. Therefore this new highrise will NOT free up older

family homes that are now student housing. Single family homes are preferred by students.

[Trees](#)

Boulevard Trees cannot grow into shade trees because they do not have the soil or moisture to support them and are susceptible to road pollution. Unless the boulevard is setback enough to allow for full root expansion, shade trees cannot be realized and will not contribute to the overall tree canopy goals of the Urban Forest Strategy in the London Plan.

The City of London is struggling to meet its obligation under the Urban Forest Strategy and Climate Emergency Action Plan because of competing policies within the London Plan specific to intensification and planning designs. Intensification is removing private land for tree planting through reduced setbacks and open space requirements and the City Forestry Staff has concluded that there is no more public land for tree planting. These spaces have been exhausted and competing policies prevent or reduce private land to meet its tree canopy goals. Therefore, it becomes increasingly important that interior blocks contribute to the city's canopy goals.

9th Meeting of the Trees and Forests Advisory Committee

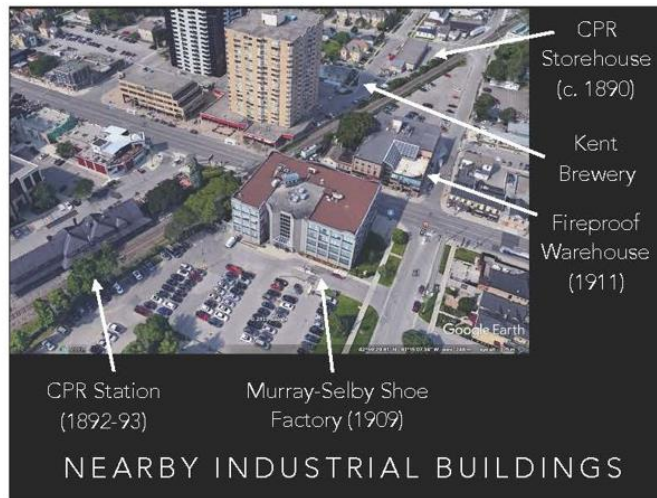
November 24, 2021, 12:15 PM

- 1. On-going Loss of Street Tree Planting Spaces The city is running out of vacant sites for trees on existing streets. Street trees are very important as they define community character. In addition to all their environmental benefits, street trees provide shade to pedestrians and can extend the lifespan of the asphalt roads. The city has planted most of the planting spaces identified through a recently completed tree inventory. In the process of creating annual planting plans, the city notifies residents via letter of the upcoming tree planting. Residents have the option to "opt out" and reject a street tree outside their home, even if one was there before. Over the past few years, this trend is increasing to as much as a 20% of the total tree planting numbers annually and has a cumulative impact. Private Land Approximately, 90% of tree planting opportunities are located on private lands. Encouraging tree planting on private land has the greatest impact to affect tree canopy cover goals.**

[Terraces](#)

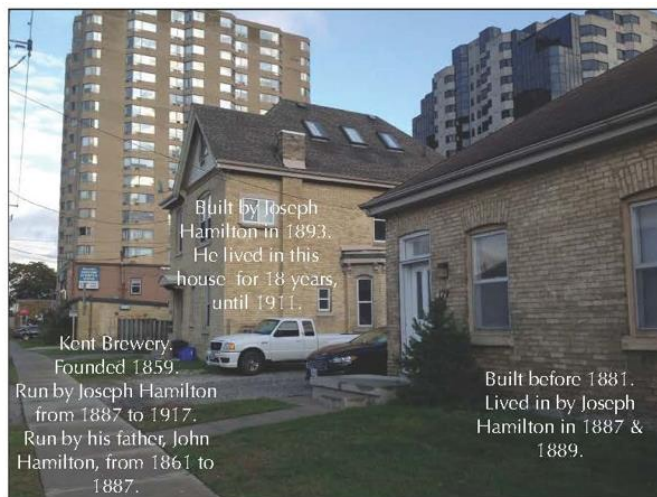
Large open terraces do not contribute to the Landscaped Open Space By-law but will increase noise in a neighbourhood that already has a noise issue. This building is brazen and is designed with no consideration of the neighbourhood – ***at all***. It completely ignores the fact that the neighbourhood already has an abundance of highrises, its traffic patterns will move through the small residential streets to get to a main streets, and ignores the impacts of a 'late night' commercial strip encroaching on a residential neighbourhood.

York Development already challenged the site zoning for this parcel of land in the London Plan which was zoned Neighbourhood Type Place in an effort to protect 'neighbourhoods'. The City then settled in 2018 and it reverted back to the 1989 Official Plan. York Development is back again, pushing harder still with zoning amendments that break all rules. Either the London Plan matters or it is irrelevant.



Three late 19th and early 20th century industrial buildings remain in near proximity, and are visible from the front door of the brewery building: the CPR instruction office/CPR storehouse (c. 1890), the Fireproof Warehouse building (1911), and the Murray-Selby Shoe Factory building (1909).

The presence of the 1892-1893 CPR train station is also notable, as a symbol of the railroad that enhanced the industrial potential of the area.



The brewers, John Hamilton, and his son, Joseph Hamilton, lived next to the brewery. The Labatts and the Carlings had once lived next to their breweries, however those houses are long gone. The brewery and the two residences associated with it are an example of how built assets can be contextually related. Additional research is needed to determine how unusual it is within Canada to have an intact brewers house next to a 19th century brewery building.

This property can be thought of as a small brewery district within the Carling's Creek industrial district, within the larger prospective Talbot North Heritage Conservation District.



Sincerely,
 AnnaMaria Valastro
 North Talbot Community – resident

Additional Signatories

+Louise White

+Noll Stevens

+Rod McDowell

+Steve Olivastri

+David Hallam

From: <>

Sent: Monday, April 11, 2022 1:57 PM

To: PEC <pec@london.ca>; Wise, Sonia <swise@london.ca>

Subject: [EXTERNAL] sign on to letter regarding Kent Breweries

Please add my name in agreement to letter from North Talbot Community Asss. addressing Kent Brewery and lack of heritage designation

Louise White,

Resident

133 Central Ave., London

Ontario

From: Noll Stevens <>

Sent: Monday, April 11, 2022 1:36 PM

To: Wise, Sonia <swise@london.ca>

Subject: [EXTERNAL] Kent

I wish to sign onto the letter submitted by AnnaMaria Valastro, North Talbot Community

Thank you, Noll Stevens

From: Rod McDowell <>

Sent: Monday, April 11, 2022 1:34 PM

To: PEC <pec@london.ca>; Wise, Sonia <swise@london.ca>

Subject: [EXTERNAL] Fwd: Kent Brewery sign -on letter

Please accept this forwarded attachment as my support for the preservation of the Kent Brewery and adjacent home(s).

Thank you,

RodMcDowell

From: David Hallam <>

Sent: Monday, April 11, 2022 5:28 PM

To: PEC <pec@london.ca>; Wise, Sonia <swise@london.ca>

Subject: [EXTERNAL] Fwd: Kent Brewery sign -on letter

Please add me to the attached petition.

David Hallam

From: Steve.O < >
Sent: Monday, April 11, 2022 4:44 PM
To: PEC <pec@london.ca>; Wise, Sonia <swise@london.ca>
Cc: AnnaMaria Valastro < >; Louise White < >
Subject: [EXTERNAL] Fwd: Kent Brewery

I wish to sign on to the letter submitted by AnnaMaria Valastro, North Talbot Community.

Steve Olivastri
141 Central Ave
London

Appendix B - Agency/Departmental Comments

Heritage (January 20, 2020)

DS-heritage planning staff has reviewed the Heritage Impact Assessment (MHBC Planning Ltd, July 2019) for the Official Plan + Zoning By-law Amendment (OZ-9127) at the above noted address, and provides the following comments. These comments are consistent with the *Provincial Policy Statement (PPS)*, the *Ontario Heritage Act (OHA)* and *Ontario Regulation 9/06*, and London's *Official Plan/The London Plan*.

1. Overview + Scope of Work

The subject lands of this official plan/zoning by-law amendment (OZ-9127) are located on the southeast corner of the St. George Street/Ann Street intersection and include six parcels measuring approximately 3,674 m² (39,547 ft²) in total area: 175, 179, 183, 197 Ann, and 84 and 86 St. George Streets. Buildings on the subject lands comprise low-rise residential buildings, several outbuildings, and a commercial building. The surrounding area is dominated primarily by residential uses at varying densities including high-rise apartment buildings to the immediate east and south and low-rise forms fronting the west side of St. George Street. A multi-unit industrial building fronts the north side of Ann Street with the Canadian Pacific Railway line also running very close to the north.

The subject lands are located within the area colloquially known as 'North Talbot' which is associated with very early urban development in London following its annexation in 1840. Over time, this area has transitioned to accommodate many of London's prominent business enterprises, often within historic buildings. Today, North Talbot still retains a predominantly residential character, clearly bordered by commercial main streets, and with a strong presence of the natural landscape.

This application is for development of a 28-storey apartment building with 274 residential units, with three 'massing components' that step down in building height toward St. George Street from 26 and 12-storeys. Commercial uses on the main floor, and underground parking are also included as part of the development proposal. Commercial uses could include retail, personal service, administration offices and/or restaurants. A heritage impact assessment (HIA) was submitted by MHBC Planning Ltd. (report date July 5, 2019) – on behalf York Developments – as a requirement of the *Official Plan-1989* (13.2.3.1) and *The London Plan* (Policy 586), and to satisfy requirements of a complete OP/ZBA application.

2. Heritage Status and Adjacencies

The subject lands are located within the North Talbot which is identified in *Heritage Places 2.0* (2019) as a prime area of interest for potential, future heritage conservation district designation. The heritage status of the subject lands includes one property (197 Ann Street) that is LISTED on the City's *Register* (2019) – *Inventory of Heritage Resources*. 197 Ann Street (c1883) is the last remnant of the Old Kent Brewery and exhibits Italianate styling.

3. Policies + Requirements

Heritage resources are to be conserved and impacts evaluated as/per fundamental policies in the *PPS-2014*, the *Ontario Heritage Act*, the *London OP-1989* and *The London Plan*. For evaluation purposes, a heritage impact assessment (HIA) was submitted to evaluate the potential cultural heritage value or interest of the cultural heritage resource on the subject lands and identify heritage attributes of interest, assess the impacts of the proposed development on that resource, and to make recommendations to mitigate any adverse impacts that may arise.¹

Under Section 27(3) of the *Ontario Heritage Act*, demolition of LISTED properties on the City's *Register* requires consultation with the London Advisory Committee on Heritage (LACH) and Municipal Council approval. The proposed development is predicated on the demolition of 197 Ann Street, and as such a cultural heritage evaluation report (CHER) is required to determine if the property retains cultural heritage value or

interest. A CHER has been prepared as part of the heritage impact assessment submitted by MHBC Planning Ltd. (p33)

4. Development Services – Heritage Planning Comments

DS-heritage planning staff has reviewed the heritage impact assessment (HIA) and provides the following comments; these comments are pertinent to conclusions reached in the HIA:

- There are many errors and omissions in content throughout the HIA.
- Reference to historical sources are limited and key sources have not been cited.
- There is limited reference to North Talbot's significance to London's evolution.
- The contextual and historical significance of the subject site was not fully addressed.
- The context of adjacent buildings, related to the historic brewery-use at 197 Ann Street, is not acknowledged.
- The HIA notes significant building damage, and a compromised structure, with no conditions assessment being completed.
- The HIA doesn't recognize any physical design value and overlooks that this is an Italianate commercial building, which is unique in the City.
- The 9/06 evaluation was not comprehensive and was not presented in the standard chart format.

Note as well that the HIA did not assess impacts or suggest mitigation methods, because conclusions reached did not find the property at 197 Ann Street to have Cultural Heritage Value or Interest (CHVI). Consequently, the HIA also did not explore the potential of retention and integration of buildings on the property into the development proposal.

5. Additional Comments – London Advisory Committee on Heritage (LACH)

The Notice of Application, dated October 10, 2019, from B. Debbert, Senior Planner, with respect to Official Plan and Zoning By-law Amendments OZ-9127 was circulated to the London Advisory Committee on Heritage (LACH) and LACH is not satisfied with the research, assessment and conclusion of the Heritage Impact Assessment (HIA) for the property located at 197 Ann Street; it being noted that the LACH submitted the following comments with respect to the HIA (PEC – Nov 26, 2019 (e)):

- the HIA gives inadequate weight to the historical, associative and contextual values of the landmark brewery located at 197 Ann Street;
- the HIA contains errors and omissions within the historic research of the property and brewing history in London, e.g. incorrect derivation of the brewery name, date of building, reference to Westminster Township and evidence for the fire damage in the 19th Century;
- the properties located at 175, 179, 183 and 197 Ann Street and 84 and 86 St. George Street are recommended to be subject to 9/06 evaluation by the HIA because of strong associations with the Kent Brewery;
- the condition of the building has not been supported by an engineer's report;
- the LACH is opposed to the demolition of the property located at 197 Ann Street based on the current information available; and,
- the LACH encourages incorporating the built heritage resources associated with the historic Kent Brewery into any future developments.

At its meeting on December 11, 2019, the LACH referred further research and evaluation of 197 Ann Street along with properties located at 175, 179 and 183 Ann Street and 84 and 86 St. George Street to the Stewardship Sub-Committee for possible heritage designation.

6. Summary

In summary, DS-heritage planning staff finds the HIA insufficient primarily due to its lack of thoroughness and detail in its evaluation of cultural heritage value or interest (CHVI) of 197 Ann Street. Because of this, conclusions reached and recommendations made are not adequately substantiated by the research. Particularly, heritage planning staff does not support findings of the HIA determining: 1) that the subject property does not have significant cultural heritage value and interest; and therefore, 2) does not warrant

designation under the *Ontario Heritage Act*; and, 3) that the City approve demolition of the buildings at 197 Ann Street; and, 4) deem this report as sufficient documentation of the building for the archival record; and finally, 5) that this report be included in the archival record for this property for future research purposes. (pp4; 33). To reconcile contradictory opinions regarding the potential CHVI of the subject site (as expressed in statements made by the applicant's consultant, members of the LACH, and local heritage historians), DS-heritage planning staff will be preparing its own CHER evaluating the entirety of the subject site. Results from this report will inform recommendations in file planner's report to Council for this application.

Heritage (February 24, 2020)

A full copy of the heritage planning staff's CHER as noted above is contained in Appendix B.

London Advisory Committee on Heritage (Council Resolution November 27, 2019)

That the following actions be taken with respect to the 11th Report of the London Advisory Committee on Heritage, from its meeting held on November 13, 2019:

e) B. Debbert, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage (LACH) is not satisfied with the research, assessment and conclusion of the Heritage Impact Assessment (HIA) for the property located at 197 Ann Street, as it relates to the Notice of Application, dated October 10, 2019, from B. Debbert, Senior Planner, with respect to Official Plan and Zoning By-law Amendments for the properties located at 84 – 86 St. George Street and 175 – 197 Ann Street; it being noted that the LACH submits the following comments with respect to the HIA:

- the HIA gives inadequate weight to the historical, associative and contextual values of the landmark brewery located at 197 Ann Street;
- the HIA contains errors and omissions within the historic research of the property and brewing history in London; e.g. incorrect derivation of the brewery name, date of building, reference to Westminster Township and evidence for the fire damage in the 19th century;
- the properties located at 175, 179, 183 and 197 Ann Street and 84 and 86 St. George Street are recommended to be subject to 9/06 evaluation by the HIA because of strong associations with the Kent Brewery;
- the condition of the building has not been supported by an engineer's report;
- the LACH is opposed to the demolition of the property located at 197 Ann Street based on the current information available; and,
- the LACH encourages incorporating the built heritage resources associated with the historic Kent Brewery into any future developments;

it being noted that the presentation appended to the 11th Report of the London Advisory Committee on Heritage from M. Tovey, with respect to this matter, was received.

London Advisory Committee on Heritage (Council Resolution January 15, 2020)

That the following actions be taken with respect to the 1st Report of the London Advisory Committee on Heritage, from its meeting held on December 11, 2019:

e) the following actions be taken with respect to the requests for delegation from A. Valastro and M. Tovey related to the properties located at 197, 183 and 179 Ann Street:

- i) the properties located at 175, 179, 183 and 197 Ann Street and 84 and 86 St. George Street BE REFERRED to the Stewardship Sub-Committee for research and evaluation for a possible heritage designation; it being noted that a verbal delegation by A. Valastro, with respect to this matter, was received; and,

- ii) the request for delegation by M. Tovey BE APPROVED for the February 2020 meeting of the London Advisory Committee on Heritage;

Urban Design Peer Review Panel (December 17, 2019) and applicant responses

Considering that the submission pertains to a Zoning By-law Amendment application and that there are other factors to be addressed, including a building of heritage interest and proximity to the CP Rail line, the Panel provided comments at a high level with respect to the proposed scale, siting and massing of the proposed development. The Panel provides the following comments on the submission:

- The applicant is commended for the siting of the buildings to frame the public realm along St George Street and Ann Street, and the provision of below-grade structured parking.

Applicant response: agreed.

- The panel supports efforts to animate and bring activity to the streetscape and framing the at grade outdoor amenity area. Measures such as high degree of transparency at grade are supported.

Applicant response: agreed.

- The panel has concerns with the overall scale of the development, considering that the proposed height and scale would be out of context in the neighbourhood and could have negative impacts. Further refinement of the massing is needed to strike a better balance with the context and mitigate potential impacts to the localized and broader neighbourhood. Lower building heights should be considered.

Applicant Response: The 3 components of the building were originally designed with 28 floors | 26 floors | 12 floors – this has been modified to 22 floors | 19 floors | 9 floors | with a significant building setback above the 4th floor. The building has been setback from the west property line 3m and significantly at the northwest corner 6 meters. All of the above assist in reducing the mass – increasing the quality of the streetscape and integrating with the existing context at the street for a reduced building scale. We note the surrounding existing buildings are 12 – 16 – 19 storeys as indicated in the drawing package.

- The panel acknowledges the applicant's attempt to break down the overall mass of the development into three separate but connected slender tall tower forms. However, the panel flagged that the long joining tower is of particular concern because it has the potential to impact view corridors to and around the site, adds volume to the development, limits solar access to the site and suites within the proposed towers and contributes to shadow impacts to surrounding areas. Separation between the massing of the development is encouraged.

Applicant Response: In principle the subject building cannot be separated from the existing block that it is proposed to sit within that currently contains 3 large and bulky square or rectangular apartment buildings with very little articulation nor interest in their facades and that more or less fill their sites

The joining tower or 2nd volume noted by the panel - when viewed in plan is of a shorter length than any side of the existing 3 apartment building faces currently on the block. Sk-63 clearly highlights that the existing buildings are much larger in volume in square or rectangular form as was acknowledged by the panel when this drawing was shown at the meeting. The proposed building takes the form of 3 narrow shapes joined together creating building form setbacks and open space and courtyards between the buildings 3 volumes. The existing buildings on the block on the other hand take their entire sites with a single massive volume. The volume 2 in question is to the north side of the block and is separated from the other 3 apartment buildings on site a greater distance than the existing buildings are from each other. Given this volume is to the north of the block it is not a cause of shadow casting to these other buildings which currently cast shadows

limiting solar access to the subject site. The height in turn allows for suites to have solar access from the east and west and views to the south, while the rooftop amenities, a key component and amenity of the development, have access to solar gain through the building rising above their neighboring apartment buildings on the subject site. It should be noted that the depth of the 3 volumes that form the building are very narrow as the unit depths are 20' whereas the typical unit depth is 35' or more. This allows for a better quality interior environment for the inhabitants with more exterior wall glazing by 30% than a typical apartment building resulting in the 3 narrow stepped massing components making up the building form.

- The panel acknowledges the architectural detailing (fenestration, coloured/patterning) to break down the long sides of the buildings, however encourages the applicant to provide breaks in the massing and greater building articulation as well.

Applicant Response: The building massing is currently broken down into 3 narrow stepping elements creating street setbacks, open space courtyards, rooftop amenities and recessed covered walkways at grade. As noted the architectural detailing or articulation is significant with varying materials, colors, textures, patterning, signage, lighting day and night - that distinguishes the 3 building elements. At grade over the first 3 storeys significant glazing and activities within contribute to the street scape and provide transparency through the building and where there is a concentrated focus on building articulation, color and form at the eye level. The level of existing articulation and that proposed in the re-design now under consideration far exceeds any building in this category currently in the city, in particular in response to immediate neighbors. We would not wish to consider any additional articulation to this building.

- The panel expressed concerns with the 12 storey massing on the St. George Street edge of the site as an abrupt transition to the low rise neighbourhood to the west and being imposing in relation to human scale proportions along the sidewalk. The panel encouraged the applicant to provide a stepping down of built form from the interior of the site to at most a four storey height along the St. George Street edge of the site, as a more compatible interface with the established low rise residential form of development on the west side of St. George Street and as a more human scale proportion with the sidewalk.

Applicant Response: The proposed building fills the 4th quadrant of a mid-high rise block fronted by Richmond street – Mill Street – St. George and Ann Street that currently house 3 apartment buildings ranging in height from 12 – 16 – 19 storeys. The lower third volume of the proposed development facing St. George is 11 storeys in order to align with the buildings currently erected within the noted block and in doing so provides an appropriate frontage at a lower or aligning scale to the existing context.

- The panel expressed concerns about the usability of the interior at grade courtyard considering that it would be entirely in shade by the buildings of the proposed development.

Applicant Response: There was a comment from the panel pertaining to the usability of the southerly courtyard due to the existing buildings on the block that would put the courtyard in shadow for extended periods of the day. The courtyard would not be *entirely* in shadow noting that the courtyard would serve many functional requirements including escape from the direct sun as a cooler sanctuary with water features that would allow spilling out of students from the 2 storey café adjacent to the courtyard, especially in the summer months. There are several alternative outdoor spaces for various activities noting the courtyard is an bonus feature to the development and not the prime outdoor space. There are two other rooftop terraces, one, an outdoor lounge and one with a pool - that would invite all day sun exposure for those seeking this experience.

Concluding comments:

- The Panel recognizes that the site is planned for high density development, however has some concerns with the expression of the form of high density in this development concept. The scale and heights of the proposed buildings are out of proportion for their context and could have negative impacts on both the local neighbourhood and broader area, given their scale. The Panel provided several suggestions on how best to refine the massing and scale of the proposed development to provide more sensitive transition to existing built form in the area and response to human scale proportions. The panel offered support for the measures incorporated in the design that provide for animation of St. George Street and Ann Street streetscapes, particularly the siting of the buildings near the street lines, provision of active uses at grade and high degree of transparency along the street facing elevations. As the application advances, further consideration of the panel's suggestions, together with any recommendations arising from other technical studies/reports (including noise and heritage impact assessments) is recommended.

Site Plan

The following comments apply for the review of 175-197 Ann Street & 84-86 St George Street:

- Site Plan approval is required for the proposed development; prior to site plan application, the applicant is to submit the site and elevation plans for site plan consultation.
- A tree preservation report will be required as part of a complete site plan application.
- Reminder to include the retail GFA as part of the overall density calculation within the site data table.
- Include planting details of the roof tops and perimeter plantings on the site plan.

Detailed comments will be provided through site plan consultation.

Parks Planning & Design

There is nothing significant from a Park's perspective. Parkland dedication will be required as a condition of site plan approval. If still in existence, the application would be subject to the cash-in-lieu requirements of By-law CP-9.

Development Services Review of Noise Study

- The report assesses predicted noise levels resulting from road traffic (Richmond Street, Oxford Street East, and St. George Street), and railway traffic (Canadian Pacific Railway).
- Section 3.3 Projected Noise Levels provides a bullet point summary of the assumptions made for the noise prediction calculations. In reviewing the report I noticed a minor oversight in the third bullet point which indicates "Road gradient for Sunningdale Road East and Richmond Street North is 0%". Please have the consultant provide a corrected replacement page, and request that they re-confirm their assumptions for the purposes of this noise assessment.
- Section 4 - Recommendations in the last two sentences of the third bullet point states:
"Additionally, acoustic screening at the OLA is required. Examples of such are glass railing, high solid parapets, fencing etc."
- Please request the consultant to provide information as to the appropriate length and height of the acoustic screening for the rooftop outdoor living areas. The site plan and elevations submitted with the application show outdoor common areas on both the 12th and 26th floors that would be exposed to potential road/rail noise.

- Also, under Section 4 - Recommendations in the third bullet point is a summary of the building components required to maintain indoor living areas to acceptable sound levels. Prior to issuance of building permits the acoustical consultant shall review and verify the wall, window and door recommendations noted in the report have been included in the building design, and that the indoor sound levels will comply with the MECP noise criteria.
- Please ensure the specific noise warning clauses (Warning Clauses: Types “B” and “D”, Canadian Pacific Railway, and City of London) as outlined in Section 4 – Recommendations, and identified on the Noise Study Plan (SBM-17-1297), are included within the Development Agreement for this site.
- I would also recommend that the noise assessment report be forwarded to CP Rail for their review.

Engineering (December 13, 2019)

The City of London’s Environmental and Engineering Services Department offers the following comments with respect to the aforementioned zoning application:

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

Transportation:

- Transportation has reviewed and accepted the TIA prepared in support of this application.
- 6.0m x 6.0m daylight triangle is required.
- Access to be located on Ann Street (*transportation staff will accept an access from St. George Street)
- Detailed comments regarding access design and location will be made through the site plan process.

Sewers:

- The sanitary sewer available for the subject lands is the 750mm trunk sanitary sewer on St. George St. just south of Ann Street.
- As part of a future site plan application the Owner engineering consultant is to ensure adequate size of the PDC connection per City of London specifications & standards. The proposed development requires a sanitary inspection maintenance hole which should be located wholly on private lands but as close to streetline as possible or in a location to the satisfaction of the City Engineer.
- In addition the applicant’s Consulting Engineer is to provide a report with an inventory of the existing buildings being demolished and lots including:
 - All existing sanitary and storm outlets.
 - All existing connections to the 250mm diameter combined sewer, including but not limited to weeping tile connections, roof water leaders, catchbasins, reverse grade driveway, etc. In the case of uncertain connections, dye testing may be required to verify if the discharge is directed to the sanitary or storm sewer. In the report the applicant is to provide possible mitigating measures which would allow the zoning amendment and subsequent development to proceed.
 - No storm connections are permitted to the sanitary sewer.
 - All connections no longer in use are to be properly abandoned.

Water:

- All of the existing buildings on these properties would be demolished under this plan. Their existing services will need to be fully decommissioned to city standards.
- We anticipate that two new water services will be required under the OBC. OBC and city standards for separation between these services will apply.

- Water is currently available from the 300mm DI watermain on St. George Street and the 100mm PVC watermain on Anne Street
- We anticipate that the 100mm main on Anne Street is insufficient in size for utilization by this plan. In order to service off of Ann Street this main will need to be upsized.
- If the Ann Street main is not utilized for servicing this plan it would then create a water quality issue. This is because the removal of multiple existing services (current condition for these properties) from this main would leave only a single remaining service to a property on the north side of the road. This service and its anticipated usage would be insufficient to maintain turnover within the main.
- ****Therefore, the main on Ann Street must be either be upsized and utilized for servicing this plan, or, abandoned and replaced with a smaller main that can continue to provide water to the sole remaining service.**

Stormwater:

- No storm sewers are currently established for the proposed site on Ann St. All storm servicing should be directed to St. George St. As per as-con 18324, only a portion of the proposed sites was designed tributary to the existing 375mm storm sewer at a C = 0.75. With the remainder of the site being directed to St. George St., the consultant would need to confirm capacity in the existing sewers and calculate any required storage.
- The proposed land use of a 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 in the Central Thames Subwatershed. The Developer shall be required to provide a Storm/drainage Servicing Report demonstrating that the proper SWM practices will be applied to ensure the maximum permissible storm run-off discharge from the subject site will not exceed the peak discharge of storm run-off under pre-development conditions.
- 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 shall be prepared to the specification and satisfaction of the City Engineer and shall be in accordance with City of London and MECP (formerly MOECC) standards and requirements. 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.

Housing Development Corporation, March 28, 2022

Elements for the City's Consideration in an Affordable Housing Bonus Zone:

- Affordable Units to be secured through the bonus (based on a defined lift provided by the City of 122 units) - 13 units;
- Affordable Unit Bedroom Mix (bachelor, one-, two-, three-bedroom, etc.) - should be representative of the bedroom mix of the overall development;
- Delivery of the Affordable Units - the affordable units should be in the first phase of the development;
- Affordability Period for the Affordable Units - 50 years from the date of initial occupancy;

- Rent for the Affordable Units – 80% of CMHC’s Average Market Rent for the London Census Metropolitan Area for the affordable unit bedroom type at the time of initial occupancy; and,
- Alignment of the bonus to a defined municipal priority – the owner shall be required to enter into a Tenant Placement Agreement with the City of London.

For Further Consideration Beyond the Bonus:

HDC would also note that the proposed development would require the demolition of existing buildings known municipally as 197 Ann Street, 175 Ann Street and 84 St. George Street. City Map shows that there are a number of Active Residential Rental Licenses associated with these properties. While the “affordability” of these units is unknown to HDC, HDC would assume that the rent currently being charged for the existing units is more affordable than the rent that will ultimately be charged for the new units that will replace them in the new development. Recognizing the importance of maintaining our existing affordable housing stock, HDC would encourage the City and the owner to explore opportunities wherein the existing rental units that are to be demolished to make way for the current proposal be provided for in the new development (in addition to those affordable units to be secured through the affordable housing bonus zone identified above). These units could be secured by the City in a manner similar to units secured through a bonus zone agreement in the DA and subject to elements similar to those defined above.

Ministry of the Environment, Conservation and Parks

This email is a response to your email of earlier today and per our telephone conversation, I have added additional information which we agreed would be helpful in your communications regarding the project before you. I have also attached a few links for your reference.

- <https://www.ontario.ca/environment-and-energy/map-permits-take-water>
- <http://www.ontla.on.ca/library/repository/mon/10000/251921.pdf>
- <https://www.ontario.ca/page/guide-permit-take-water-application-form>

The review and approval of water takings are governed by section 34 of the Ontario Water Resources Act (OWRA). Based on this legislation, water taking is regulated through a permit system to achieve environmental objectives. The program is also designed to minimize water supply and water quality interference problems and to provide for the settlement of interference complaints if they do occur. The Ministry recognizes that there are limits to the amount of water that can be taken without causing unacceptable adverse impacts. Permits will be controlled or not issued if current science standards indicate that additional or current takings will adversely impact existing users or the environment.

SUMMARY

- Within the block bounded by Richmond Street, Ann Street, St. George Street and Mill Street, the building located at 695 Richmond Street has an open loop geothermal HVAC systems that uses groundwater. In consultation with the Ministry of the Environment, Conservation and Parks staff, it is noted that PTTWs were also issued, in the past, for open loop geothermal systems at 685 Richmond Street and 180 Mill Street. It is likely that these buildings still have open loop geothermal systems despite not having a PTTW as ‘domestic use’ is now exempted from PTTWs.
- Documents in support of applications for PTTWs and ECAs is available as public information. Such information can be obtained through Freedom of Information or by consulting documents in person at the MECP Office in London.

For your information, here is a brief highlight of the available information:

- 695 Mill Street
 - Has an ECA and a PTTW from the Ministry of the Environment, Conservation and Parks for water taking and the operation of an open loop geothermal system.

- Water is taken from 2 wells and returned via a third well.
- The system was constructed in the 1980's and takes ~2 million litres/day.
- The wells are 7.6 m (25 ft), 9.75 m (32 ft) and 12.2 m (40 ft) deep, and are screened or completed in gravel overburden.
- The Permit to Take Water for this building was recently renewed and an observation well was scheduled to be installed in late 2019. This observation well could be used to measure changes in water levels.
- 675 and 685 Richmond Street
 - Used to have an PTTW (92-P-0081) but likely no longer exists because of the residential ("domestic use") exemption
 - At the time of the original PTTW, these two properties were serviced by an open loop system with 5 wells.
- 180 Mill Street
 - In 2008, the Ministry received an application for PTTW for an open loop geothermal system.
 - Water was taken from 2 wells and returned via a third well.
 - The wells were reported to be screened to a depth of 8.2 m (27 ft) and 7.9 m (26 ft).
 - The PTTW was issued for ~3.2 million litres/day. The PTTW was cancelled in 2013.
 - No construction dewatering permits records were found, after a cursory review, for the construction at 180 Mill Street.

The water table in the area is approximately 2.5 to 4 metres below the surface.

A permit for construction dewatering will be triggered and required by the proposed development if they take more than 50,000 litres of water per day. As part of the approval process, the proponent will need to assess the potential for impacts on the groundwater resources and other water users and provide a plan for mitigating impacts both over the short and long term. In addition, post-construction, if continual pumping of water is required in order to maintain dry conditions in the proposed underground parking facility, there could be a permanent impact on the water levels and the impact on the open loop geothermal HVAC systems for 675, 685 and 695 Richmond Street and 180 Mill Street. This impact, if any, would have to be assessed and be part of the application.

I hope this is helpful to you. Please let me know if you have any questions.

Have a good weekend.

Helene

Hélène Piérard, P.Geo | Hydrogeologist | Technical Support Section – Southwest Region | Ministry of the Environment, Conservation and Parks | Tel: (519) 873-5034 (**no voicemail**) | Fax: (519) 873-5020 | Email: Helene.Pierard@ontario.ca

London Hydro (October 22, 2019)

- Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense. Above-grade transformation is 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. Any new or relocation of the existing service will be at the expense of the owner.

Canadian Pacific Railway

CP has reviewed the noted circulation. The proposed development is located in close proximity to our Windsor Subdivision, which is classified as a Principal Main line. Canadian Pacific Railway is not in favour of residential developments adjacent to

or near our right-of-way as this land use is not compatible with railway operations. The health, safety and welfare of future residents could be adversely affected by railway activities.

However, to ensure the safety and comfort of adjacent residents and to mitigate as much as possible the inherent adverse environmental factors, we request that CP's standard requirements are considered as part of the review. The attached requirements are based on a collaborative project by the Federation of Canadian Municipalities and the Railway Association of Canada entitled, the Guidelines for New Development in Proximity to Railway Operations (<http://www.proximityissues.ca>). Some of the requirements/comments may be premature for the current application, but we would appreciate the opportunity to review the site plan for this development when available.

Specifically:

1. CP has reviewed the Environmental Noise Assessment Report prepared by SBM Ltd. and note that certain recommendations have been made to mitigate the noise. CP supports the recommendations and requests the inclusion of these recommendations as conditions of approval.
2. CP has reviewed the Vibration study and notes that the levels are above CP requirements and that mitigation measures are required. The inclusion of these measures should be included as conditions of approval.
3. Please note that CP's setback of 30 metres includes a requirement for a berm or alternative safety measure. Although the noted development does provide for the setback, the applicant is requested to provide further information on how the berm or alternative safety measure will be achieved.

Regards,



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Canadian Pacific Railway – Supplementary Comments April 11, 2022

RE: Comments on OZ-9127, 84 – 86 St. George Street and 175 – 197 Ann Street, London, ON, within 500m of CP Rail line

Thank you for the recent notice respecting the captioned development proposal in the vicinity of Canadian Pacific Railway Company. The safety and welfare of residents can be adversely affected by rail operations and CP is not in favour of residential uses that are not compatible with rail operations. CP freight trains operate 24/7 and schedules/volumes are subject to change. CP's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. The 2013 Proximity Guidelines can be found at the following website address: <http://www.proximityissues.ca/>.

CP recommends that the below condition be inserted in all property and tenancy agreements and offers of purchase and sale for all dwelling units in the proposed building(s):

“Canadian Pacific Railway and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the

living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, Canadian Pacific Railway will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard.”

Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.

Thank you,

CP Proximity Ontario



CP Proximity Ontario
CP Proximity-Ontario@cpr.ca
7550 Ogden Dale Road SE, Building 1
Calgary AB T2C 4X9

Urban Design – March 28, 2022

Urban Design Comments for OP/ZBA Application related to **84-86 St George Street, 175-197 Ann Street.**

- The applicant is commended for providing a building design that incorporates the following design features; a building that provides a built edge along both fronting streets, active ground floor uses, design elements that addresses the corner location, all parking underground/within the building.
- The overall volume, massing and height of the proposed building is not sensitive and compatible with the context and beyond the policy framework of The London Plan and shall be redesigned with reduced massing, volume and adequate setbacks and separation distances. Consistent with the previous staff and panel comments, the following needs to be incorporated as part of the zoning application.
- As this development will require a bonus zone to access any height above 12 storey [**TLP 1038_C**], the proposed building should demonstrate compatibility by responding to the context in terms of height, scale, massing, tower and building design, relationship to existing neighbourhood, adjacent streets and buildings [**TLP 1578_6,7**].
 - Provide an alternative design for the tower portion of the building in order to avoid a large and long floorplate slab building resulting from the three tall connected tower forms. The form as proposed impacts the view corridors to and from the site, access to sunlight for the proposed suites as well as neighboring developments and contributes to consistent shadow impacts to surrounding context.
 - Any portion of the tower above eight storeys should be a point tower (up to approximately 1000m² within a 1.5:1 length: width ratio) in order to reduce the overall massing and consistent shadowing impacts and to ensure that shadows and loss of privacy on neighbouring properties are minimized.
 - A separation distance of minimum 25m should be considered between the high rise portions within the proposed building and the adjacent high-rise developments.
 - Ensure the proposed building responds to its context in terms of height and massing along adjacent properties, St George Street and Ann Street.
 - Any portion of the building proposed along Ann Street and St George should retain the predominantly low-rise character by responding to the low-rise residential on the west side of the street [**TLP 1038_C**], as well as the existing townhomes to the south, while the east half of the building should respond to the high

rise buildings to the east and south with a step down between both portions of the building.

- Provide a step-back (a minimum of 5m) above 3rd or 4th stories to provide a low-rise character that is consistent with the streetscape along St. George and Ann Street
- Reduce the building mass above 3rd or 4th storey to a mid-rise (up to 8 stories) to create a comfortable pedestrian scale and character along St George Street.
- Please find attached the shadow studies and angular plan analysis to support the arguments regarding massing and consistent shadowing of adjacent streets and properties from the proposed building.

Appendix C – Policy Context

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

Provincial Policy Statement, 2020

- 1.1.3 – settlement areas
- 1.1.1.a) – efficient development and land use patterns
- 1.1.13.2.b) – promote residential intensification
- 1.1.3.4 – appropriate development standards
- 1.7.1 e) – well-designed built form
- 2.6.1 – conserve heritage resources

Official Plan (1989)

- 3.3 Multi-Family, Medium Density Residential
- 3.4. Multi-Family, High Density Residential
- 3.5.1 Talbot Mixed-Use Area
- 3.5.19 Policies for Near-Campus Neighbourhoods
- 3.7 Planning Impact Analysis
- 11 Urban Design
- 13 Heritage Resources
- 19.4 Bonus Zoning

The London Plan (TLP)

- 54 – Key directions
- 91 – Built-area boundary
- 92_2 – Primary transit area
- 189 City Design Policies
- 586
- 916 Neighbourhoods Place Type
- 954 High Density Residential Overlay
- 962 Near-Campus Neighbourhoods
- 1025 Talbot Mixed-Use Area
- 1038C Site Specific Policy for 175-199 Ann St and 84-86 St. George St
- 1578 Evaluation Criteria for Planning and Development Applications
- 1645-1655* Bonus Zoning

Appendix D – Planning Impact Analysis and Evaluation of Our Tools

Planning Impact Analysis (3.7) and Evaluation of Our Tools Planning and Development Applications (1578)

Criteria	Response
3.7.a) 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 is contemplated in the current MFHDR designation and HDR overlay, however is of a scale and intensity that does not provide relief through building setbacks or stepbacks to the existing high-rise residential uses, impacting privacy, and the large tower floorplate can exacerbate shadowing on the neighbouring low-rise residential neighbourhood.
b) 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 is of an adequate size and shape to accommodate higher densities, however the proposed development requires significant relief from a number of regulations which is an indicator of over-intensification. The special provisions needed to accommodate the proposed development include reduced yard setbacks of 0 metres to all yards, a building coverage of 97%, and a landscaped open space of 0%, which does not provide on-site landscaping or outdoor at grade amenity areas.
c) The supply of vacant land in the area which is already designated and/or zoned for the proposed use;	There are vacant lands in the form of surface parking lots along Richmond Row and the Downtown which are appropriate and encouraged locations for the intensity proposed.
d) 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 has convenient access to public open space, recreational, community facilities, transit services, commercial and shopping areas due to the proximity to Richmond Row and the Downtown.
e) 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 a need identified City-wide, and any bonusing of development on the site should provide for affordable housing units within the parameters provided by the HDC.
f) The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses; 1578_6) g) privacy 1578_6) h) shadowing 1578_6) i) visual impact 1578_7) f) height 1578_7) g) density 1578_7) h) massing	Staff have major concerns with the height and massing of the proposed building as there is an inadequate stepdown of the massing to the low-rise residential neighbourhood to the west along St. George Street and no retention of the low-rise residential character along Ann Street. A more sympathetic transition is required for the proposed building to the low rise residential neighbourhood and provide additional separation to nearby existing high-rise buildings.

<p>1578_7) i) scale 1578_7) j) placement of buildings 1578_7) k) setback and step-back 1578_7) l) relationship to adjacent buildings</p>	<p>The proposed development does not adequately mitigate the impacts of the bulk and massing on the surrounding residential land uses, and the existing form will have more impactful shadowing than a more slender tower that is setback from the street edge.</p>
<p>g) 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; 1578_6) m) natural heritage features and areas 1578_6) k) trees and canopy cover 1578_6) n) natural resources 1578_7) p) landscaping and trees</p>	<p>A Tree Preservation Plan will be required as part of Site Plan Approval, though the proposed development will occupy almost the entire site which would not facilitate the retention of any trees or vegetation. There are no natural features, resources or significant vegetation that have been identified during the application review for this site.</p> <p>There is also 0% landscaped open space proposed, which provides no on-site space allocated for landscaped open space and no ability to provide tree planting or canopy cover. It is not permitted or desirable to have planting on city boulevard due to potential conflicts with utilities and infrastructure, and the maintenance required.</p>
<p>h) 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; 1578_6) a) traffic and access management 1578_7) q) coordination of access points and connections</p>	<p>Vehicular access is proposed from St. George Street. A Transportation Impact Assessment (TIA) was provided as part of the application submission. Transportation Planning and Design prefer the access from Ann Street, though are satisfied with the driveway location from St. George Street, and that the detailed access arrangement can be addressed at the site plan approval stage.</p>
<p>i) 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; 1578_7) c) neighbourhood character 1578_7) d) streetscape character 1578_7) e) street wall 1578_7) m) proposed architectural attributes such as windows, doors and rooflines</p>	<p>The proposed development does not provide sufficient transition in building massing to the low-rise neighbourhood and has not been designed to fit within the local context. The tower floorplate needs to be minimized and setback further from the base to provide a more sensitive fit with the low-rise residential context.</p> <p>There are a number of recommended refinements required to provide a better fit for the building within the residential neighbourhood context, including:</p> <ul style="list-style-type: none"> • Provide an alternative design for the tower portion of the building in order to avoid a large and long, slab-style floorplate • Any portion of the tower above eight storeys should be a point tower (up to approximately 1,000 square metres, within a 1.5:1 length: width ratio)

	<ul style="list-style-type: none"> • A separation distance of 25m should be considered between the high-rise portions of the proposed building and the adjacent high-rise developments • Any portion of the building proposed along Ann Street and St. George Street should retain the predominantly low-rise character by responding to the low-rise residential neighbourhood to the west and south, while the east half of the building should response to the high-rise buildings on the east and south, with a step down between both portions of the building. • Provide a setback (a minimum of 5m is the standard approach) above the 3rd or 4th storeys to provide a low-rise character • Reduce the building mass above the 3rd or 4th storey to a mid-rise form (up to 8 storeys) to create a comfortable pedestrian scale and character along St. George Street.
<p>j) The potential impact of the development on surrounding natural features and heritage resources; 1578_6) l) cultural heritage resources 1578_7) o) relationship to cultural heritage resources on the site and adjacent to it</p>	<p>The site is a listed property with two heritage resources at 197 Ann Street and 183 Ann Street, which have been identified by heritage staff for future designation. The proposed development would demolish these resources and redevelop the site in their place.</p>
<p>k) 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; 1578_6) b) Noise 1578_6) d) emissions generated by the use such as odour, dust or other airborne emissions</p>	<p>There is a nearby CP rail corridor to the north which has noise, vibration and safety implications for the development in the event of a derailment. Noise and vibration mitigation measures are acceptable, though the safety mitigation measures such as a berm or crash wall have not been determined or detailed at this time, and more information is required.</p> <p>The proposed craft brewery use may result in the generation of odours due to on-site production, however are not anticipated to be significant.</p>
<p>l) Compliance of the proposed development with the provisions of the City's <i>Official Plan (1989)</i>, Zoning By-law, Site Plan Control By-law, and Sign Control By-law; 1578_6) e) lighting 1578_6) f) garbage generated by the use</p>	<p>The requested amendment does not conform to the policies of the <i>Official Plan (1989)</i> or <i>The London Plan</i>. A number of special provisions to the proposed R10-5 Zone are required to facilitate the proposed development, with respect to setbacks, parking, building coverage, landscaped open space, height, and density. The proposed setback reductions and 0% landscape open space do not provide for permitter plantings or buffering and is not in keeping with the Site Plan Control By-law. Detailed functional aspects of lighting and garbage would be</p>

	encompassed as part of standard site plan review.
<p>M) 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;</p>	<p>While some aspects of the built form have been revised such as the overall height and density, the proposal is still not acceptable in its current form. Additional refinement is required to the massing, building height, setbacks and step-backs to mitigate impacts and provide a more sensitive interface with the surrounding residential neighbourhood.</p> <p>Mitigation measures associated with the proximity to the CP rail corridor or ground water are not known at this time and require further detail and review.</p>
<p>3.7) n) Impacts of the proposed change on the transportation system, including transit 1578_6) c) Parking on streets or adjacent properties</p>	<p>The residential intensification of the subject lands is in a central location which facilitates a transit-oriented development. There is a requested parking reduction, though no major impacts on the transportation system or transit are anticipated.</p>

Shadow Analysis



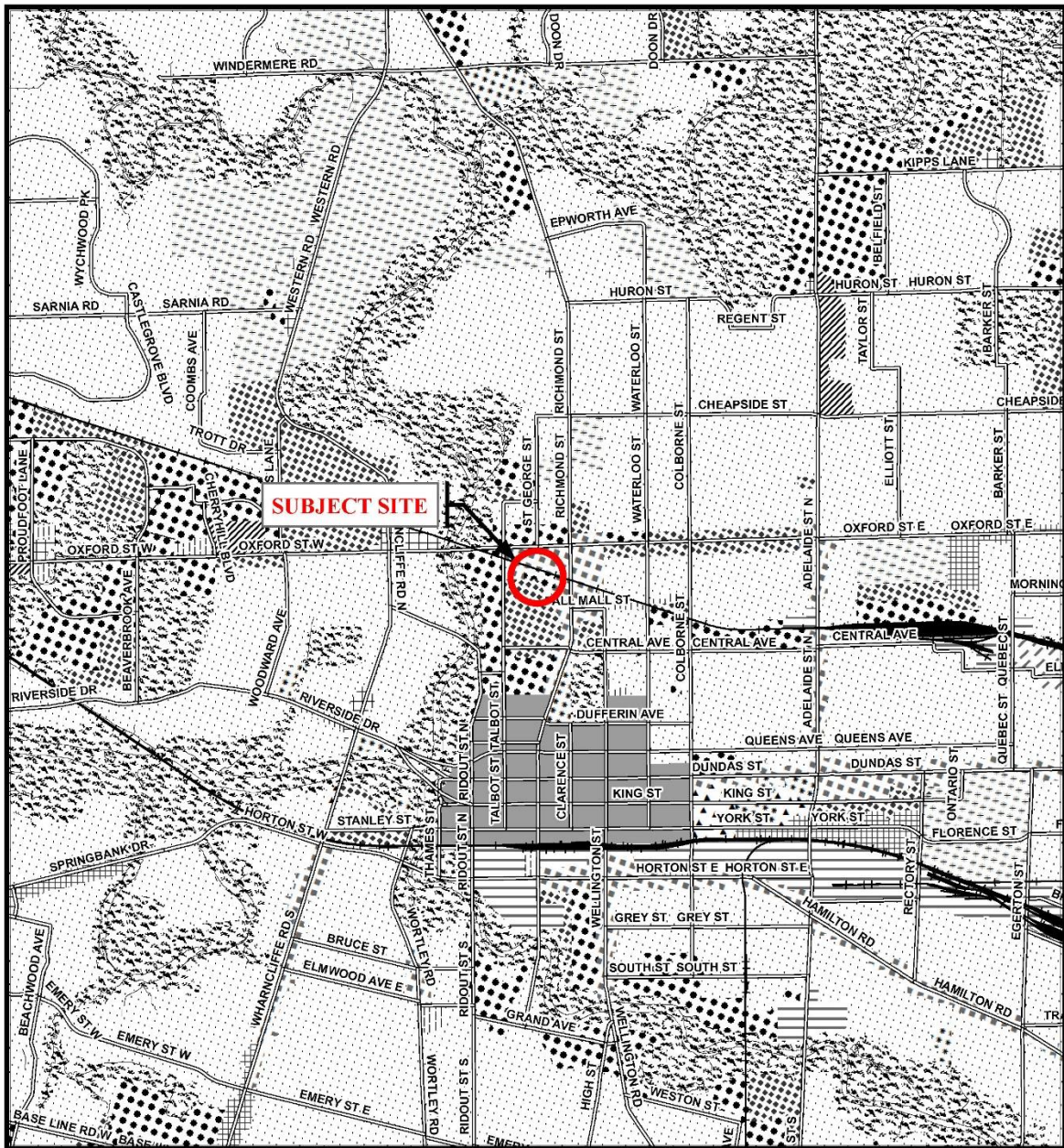
JUNE 21



SEPTEMBER 21

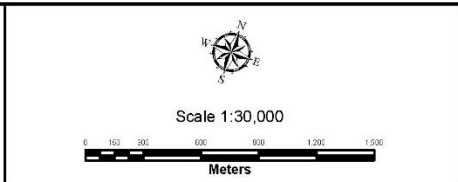


Appendix E – Additional Maps

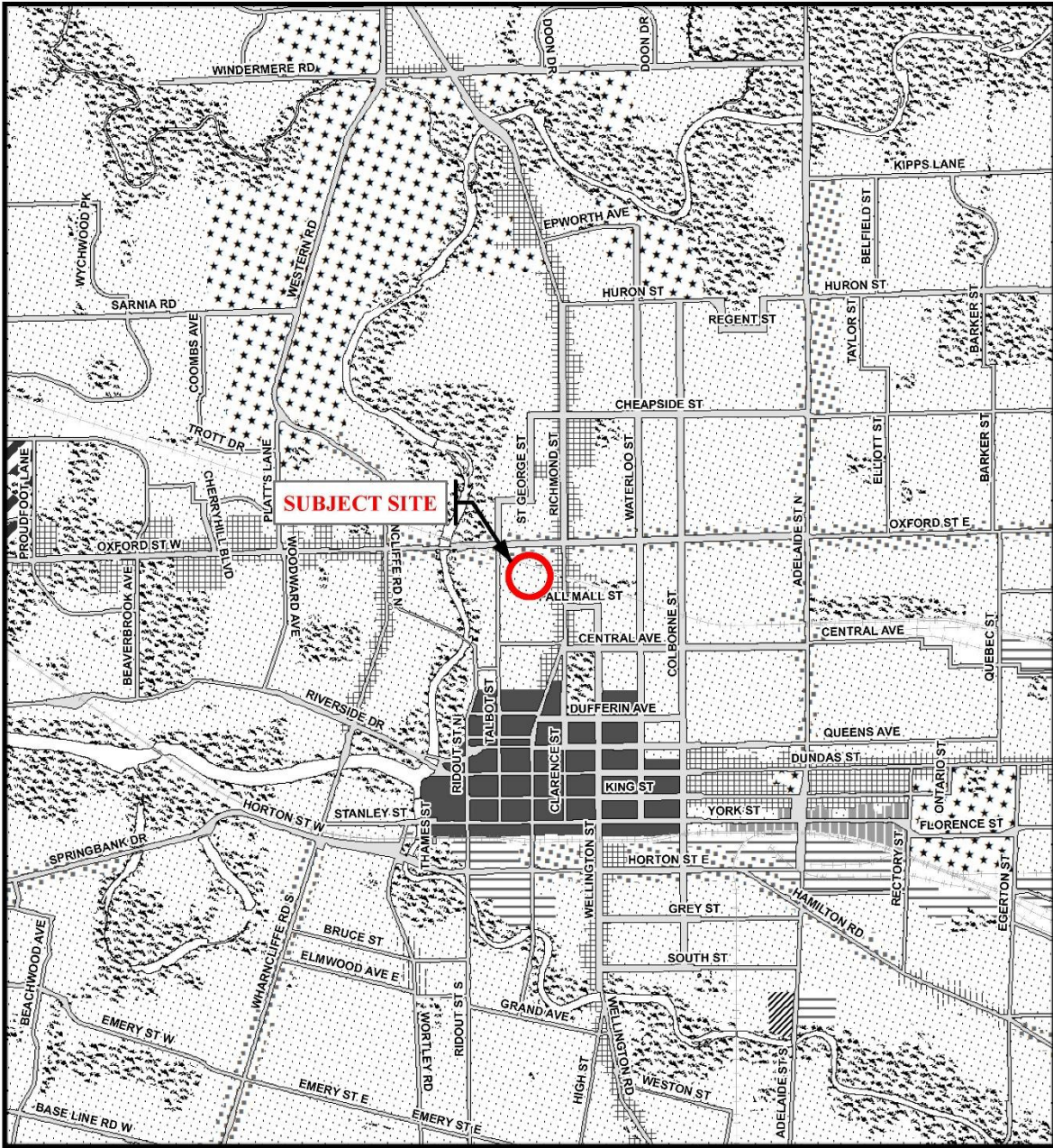


Legend	
	Downtown
	Enterprise
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	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

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



FILE NUMBER: OZ-9127
 PLANNER: BD
 TECHNICIAN: RC
 DATE: 10/02/2020



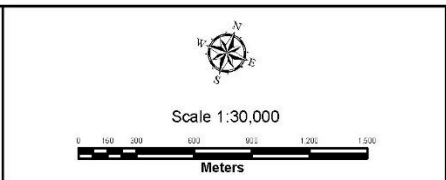
Legend

- | | | |
|------------------------|--------------------------|---|
| 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 | |

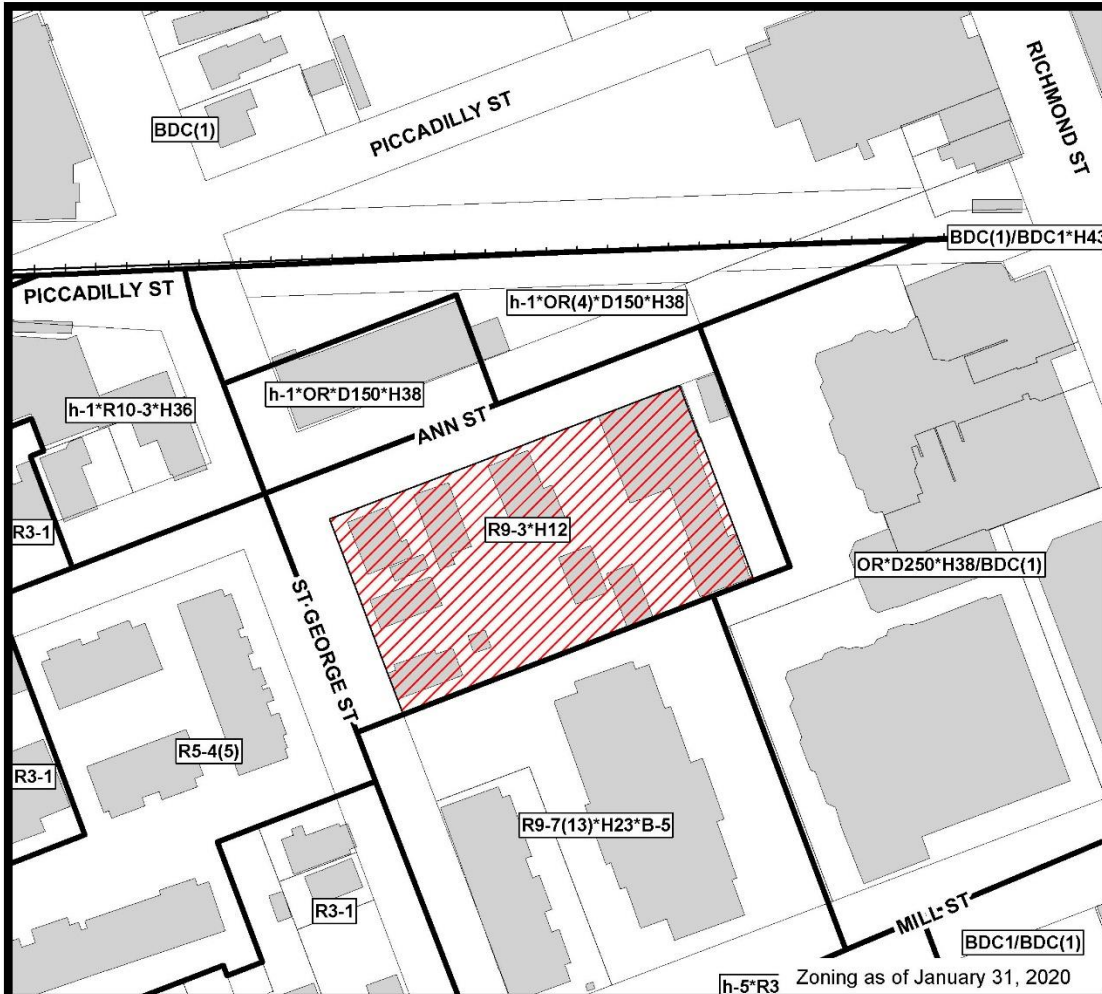
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

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



File Number: OZ-9127
Planner: BD
Technician: RC
Date: February 10, 2020



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 | OS - OPEN SPACE |
| R7 - SENIOR'S HOUSING | CR - COMMERCIAL RECREATION |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | ER - ENVIRONMENTAL REVIEW |
| R9 - MEDIUM TO HIGH DENSITY APTS. | |
| R10 - HIGH DENSITY APARTMENTS | OB - OFFICE BUSINESS PARK |
| R11 - LODGING HOUSE | 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**



FILE NO:

OZ-9127

BD

MAP PREPARED:

2020/02/07

RC

1:1,250

0 5 10 20 30 40
Meters

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