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: 2425293 Ontario Inc. – Zoning By-law Amendment for 801 Sarnia Road

Public Participation Meeting information

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 2425293 Ontario Inc. relating to the property located at 801 Sarnia Road:

(a) the proposed by-law <u>attached</u> hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on July 5, 2022, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the subject property **FROM** a Residential R8 Bonus (R8-4*B40) Zone and Rail Transportation Zone, **TO** a Holding Residential R8 Special Provision Bonus (h*R8-4(_)*B(_)) Zone and Open Space (OS1) Zone;

The Bonus Zone shall be implemented through one or more agreements to facilitate the development of a high-quality apartment building with a maximum height of 20 meters, and a maximum density of 124 units per hectare (100 units), which substantively implements the Site Plan, Renderings, Elevations and Views attached in Schedule "1". The development shall specifically incorporate the following services, facilities, and matters:

- 1. Provision of Affordable Housing
 - A total of 4 one-bedroom residential units will be provided for affordable housing;
 - ii. Rents not exceeding 80% of the Average Market Rents (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy;
 - iii. The duration of affordability set at 50 years from the point of initial occupancy;
 - iv. The proponent shall enter into a Tenant Placement Agreement (TPA) with the City of London to align the affordable units with priority populations; and,
 - v. These conditions to be secured through an agreement registered on title with associated compliance requirements and remedies.

2. Design Principles

- i. A mid-rise (6 storey) built form located along the Sarnia Road that establishes a built edge with primary building entrance, street oriented residential units and active uses along these frontages.
- ii. Direct walkway connections from primary building entrance and ground floor residential unit entrances to the City sidewalk along Sarnia Road.
- iii. Articulated facades including recesses, projections, balconies, and terraces to provide depth and variation in the built form to enhance the pedestrian environment.
- iv. A variety of materials, textures, and articulation along building façade(s) to highlight different architectural elements and provide interest and human-scale rhythm along the street frontages.
- v. Common outdoor amenity space at ground level along with the entrance to future City Pathway.

vi. Locates majority of the parking behind the building and away from the street while screening the exposed parking with a combination of landscape and masonry walls.

Notwithstanding anything in the By-law to the contrary, the following regulations shall apply:

i) Front Yard Depth to 4.0 meters (13.1) feet Arterial Road (minimum) Rear Yard Setback to 13 meters (42.6 feet) ii) Open Space (minimum) Height 20 meters (65.6 feet) iii) (maximum) iv) **Parking** 1 space per unit (minimum) Parking for v) 0.33 space per unit Affordable Units (minimum) vi) Density 124 units per hectare (maximum) (100 dwelling units)

- (b) Section 4.3 iv) Site Specific Bonus Provisions is amended by deleting the current bonus zone (B-40) and replacing it with the new Bonus Zone outlined above in recommendation (a)
- (c) Pursuant to Section 34(17) of the *Planning Act*, as determined by the Municipal Council, no further notice **BE GIVEN** in respect of the proposed by-law as the change in parking is minor in nature, the existing conditions plan circulated in the Notice of Application and Notice of Revised Application and Notice of Public Meeting accurately reflect the existing condition of the site, and no development or site alteration is proposed.

Executive Summary

Summary of Request

The request is for a Zoning By-law Amendment to change the zoning from a Residential R8 Bonus (R8-4*B40) Zone and Rail Transportation (RT) Zone, to a Holding Residential R8 Special Provision Bonus (h*R8-4(_)*B(_)) Zone and Open Space (OS1) Zone, to facilitate the development of a six (6) storey apartment building and public pathway. Zoning special provisions were requested for: a minimum front yard setback from an arterial road of 4 meters, whereas 8 meters minimum is required; a minimum rear yard setback to the Open Space Zone of 13 meters; a maximum building height of 20 meters, whereas 13 meters is the maximum permitted; a maximum density of 124 units per hectare, whereas 75 units per hectare is permitted; a reduced minimum parking requirement of 0.97 parking spaces per unit.

Staff are recommending a Holding Residential R8 Special Provision Bonus Zone (h*R8- $4(_)*B(_)$), in place of the R8-4 Zone. The recommended base R8-4 Special Provision would permit the Bonus Zone (B-40) previously approved for the subject lands, which is recommended to be repealed. This Bonus Zone permitted apartment buildings, handicapped persons apartment buildings, lodging house class 2, stacked townhousing, senior citizens apartment buildings, continuum-of-care facilities, and emergency care establishments, with a maximum height 16 meters or 5 storeys, a maximum density of 96 units per hectare, a reduced minimum front yard setback of 4.0 meters, and reduced

rear yard setback from the Open Space Zone of 13 meters, and a reduced minimum parking requirement of one space per unit.

The Applicant requested the use of Bonus provisions to allow the increase in density and height whereas the applicable policies of the Multi-Family, Medium Density Residential designation would allow residential intensification up to a maximum of 100 units per hectare. The facilities, services and matters proposed by the Applicant and recommended by Staff to support the Bonus Zoning include the building design and affordable housing.

Purpose and Effect of the Recommended Action

The purpose and effect of the recommended action are to approve the recommended City-Initiated Official Plan Amendment and requested Zoning By-law Amendments. The recommended zoning, Holding Residential R8 Special Provision Bonus (R8-4(_)*B(_)) Zone and Open Space (OS1) Zone, provides for:

- A base special provisions zone that would apply in the event that development occurs without the use of the Bonus Zone, to allow a five (5) storey (16 meters) apartment building at a maximum of 96 units per hectare, with a reduced front yard setback from an arterial road of four (4) meters minimum, where as eight (8) meters is required, reduced rear yard setback from the Open Space Zone of 13 meters, and a reduced minimum parking requirement of one space per unit, whereas 1.25 spaces per unit is required.
- A Bonus Zone to facilitate the development of the subject lands with a six (6) storey apartment building with a maximum density of 124 units per hectare (100 units) and the following: a minimum front yard setback from an arterial road of 4 meters, whereas 8 meters minimum is required; a minimum rear yard setback to the Open Space Zone of 13 meters; a maximum building height of 20 meters, whereas 13 meters is the maximum permitted; a maximum density of 124 units per hectare, where as 75 units per hectare is permitted; a reduced minimum parking requirement of 0.97 parking spaces per unit.
- An Open Space (OS1) Zone to permit the development of a public pathway.

Rationale for the Recommended Action

- 1. The recommended Zoning By-law Amendment is consistent with the Provincial Policy Statement, 2020, which encourages development to occur within settlement areas and land use patterns that provide for a range of uses and opportunities that will meet the needs of current and future residents;
- 2. The recommended zoning conforms to the in-force policies of *The London Plan*, including, but not limited to, the Neighbourhood Place Type, City Building and Design, Our Tools, and all other applicable *London Plan* policies;
- 3. The recommended amendment secures units for affordable housing through the Bonus Zone.

Linkage to the Corporate Strategic Plan

This application supports the Building a Sustainable City area of focus in the Corporate *Strategic Plan* by ensuring that the City of London's growth and development are well planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

December 12, 2016 – Report to Planning and Environment Committee regarding a Vacant Land Condominium, Site Plan Approval Application and Zoning By-law Amendments (39CD-15516/ Z-8549/SP15-036).

April 24, 2017 – Report to Planning and Environment Committee for Removal of Holding Provisions (H-8736).

1.2 Planning History

The subject lands are located within the Hyde Park Community Planning Area, which was adopted alongside the associated Official Plan Amendments by Council in January of 2000. This Planning Area is bounded by the Fanshawe Park Road West to the north, Aldersbrook Road to the East, the Urban Growth Boundary to the west, and the CN railroad right of way to the south.

In 2015 and 2016, applications were submitted to permit the development of townhouses and a five (5) storey apartment building on the lands located at 801 Sarnia Road. An application for a Vacant Land Condominium (VLC), consisting of 57 townhouse units, was submitted for the westerly portion of the lands at 801 Sarnia Road This application was accepted as complete on November 9, 2015.

The Zoning By-law Amendment which was submitted to facilitate the above noted developments applied to all the lands at 801 Sarnia Road and requested to change the zoning from an Urban Reserve (UR1) Zone to an Open Space (OS1), Holding Residential R6 Special Provision (h*h-34*h-65*R6-5(_)) and Holding Residential R8 Bonus (h*h-34*h-65*R8-4*B(40)) Zone. The Holding Residential R6 Special Provision Zone was to permit the 57-townhouse unit condominium development, and the Holding Residential R8 Bonus Zone was to permit the five (5) storey apartment. A public pathway corridor was also proposed as a part of the application and was proposed to be zoned Open Space (OS1). The Site Specific Bonus Zone was requested in order to permit a height of 16 meters and 72 units (96 units per hectare), and was contingent upon the provision of the following services:

Building

- a building design which, with minor variations at the discretion of the Managing Director, Planning and City Planner, matches the site concept and elevation drawings shown in Schedule "1";
- The building includes a differentiated base, middle and top;
- Individual entrances to the apartments are located on the ground floor of the apartment building adjacent to Sarnia Road and function as front doors rather than patio doors
- Ground floor amenity spaces are to be designed as open courtyards extending wider than the balconies above and into the front setback;

<u>Site</u>

- Provide glass or metal railings, or masonry walls to delineate the individual courtyards from the public realm.
- Railings are not to exceed 1m in height and masonry walls are not to exceed 0.9m in height in order to maintain visibility.
- Incorporate low landscaping to frame amenity areas.
- Direct walkway access from the front doors to the public sidewalk will be provided.

- Enhanced landscaping within the future public pathway corridor which includes additional plantings and public sitting areas;
- Enhanced entrance feature along Sarnia Road which includes the use of differencing paving materials, vegetation and public sitting areas: and
- All parking is to be located behind the building or enhanced screening

The current application was accepted as complete on February 25, 2022 and is being processed concurrently with an application for Site Plan Approval (SPA22-033).

1.3 Property Description

The subject lands are located in the northwest quadrant of the City and are a part of the Hyde Park Community Planning Area. Located on the north side of Sarnia Road, the lands are approximately 0.813 hectares is size with 227 meters of frontage and are described as Part Lots 4 and 13 on Registered Plan 48. The lands are bounded by the Canadian Pacific Railway Line to the north and east. Prior to the zoning by-law amendment in 2016, the lands were used for agricultural purposes and a single detached dwelling. There are single-detached dwellings to the north and east of the abutting rail line; a four (4) storey retirement home and three (3) storey long-term care facility to the south; and, a recently completed townhouse development to the west.

1.4 Current Planning Information

- The London Plan Place Type Neighbourhoods
- (1989) Official Plan Designation Multi-Family, Medium Density Residential
- Existing Zoning Residential R8 Bonus Zone and Trail Transportation Zone (R8-4*B40/RT)

1.5 Site Characteristics

- Current Land Use Residential
- Frontage 227 meters on Sarnia Road
- Depth 80.8 meters
- Area approximately 0.813 hectares (2 acres)
- Shape Triangular

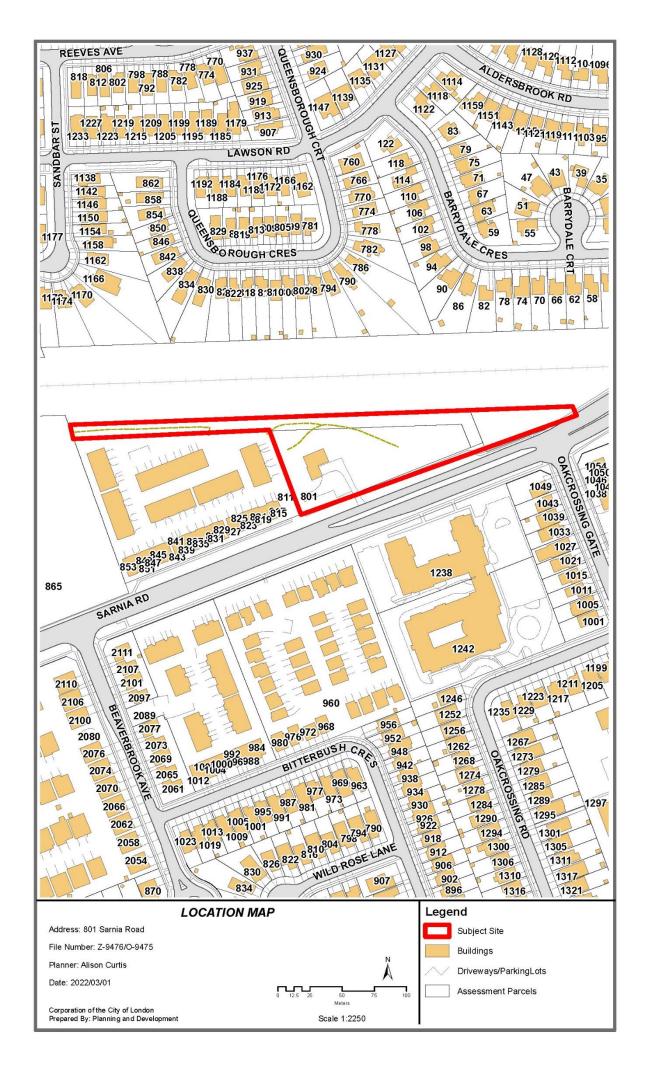
1.6 Surrounding Land Uses

- North Low Density Residential, Single-detached dwellings and the CPR Railway
- East Low Density Residential, Single-detached dwellings
- South Multi-Family, Medium Density Residential, Retirement Home and Long-Term Care Facility
- West Multi-Family, Medium Density Residential Development, Townhouse dwellings

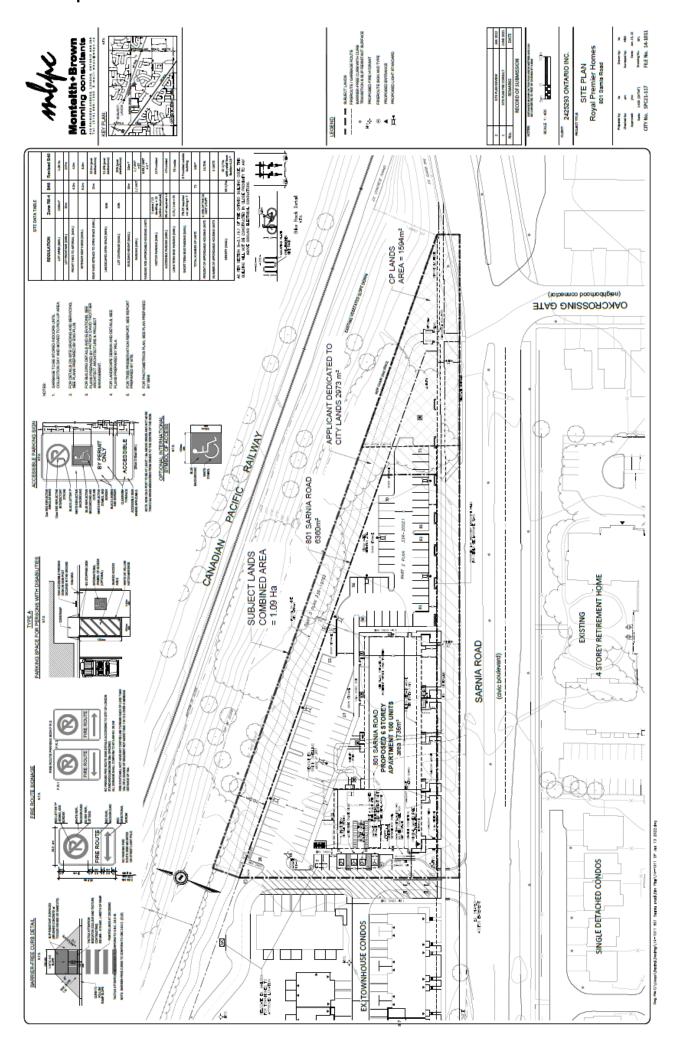
1.7 Intensification

 The proposed 100-unit apartment building is outside of the Primary Transit Area and the Built Area Boundary.

1.8 Location Map



1.9 Proposed Site Plan



2.0 Discussion and Considerations

2.1 Development Proposal

As noted, previous applications for Zoning By-law Amendments and Site Plan Approval were received and processed by the City of London (Z-8549 and SPA15-036107). These applications were submitted in order to facilitate the development of a five (5) storey apartment building and public pathway. Figure 1, seen below, shows the previously approved Site Plan and entrance to the public pathway on Sarnia Road. Following the passing of the Zoning By-law amendment and issuance of Site Plan approval, the applicant entered discussions with Canadian Pacific Railway (CPR) to purchase the lands directly to the east with the intent that they would be included as developable land for this site.

On February 25, 2022, this application was accepted as complete by the City, and include the lands to be purchased from Canadian Pacific. The application proposes a six (6) storey, mid-rise residential apartment building, to be registered as a condominium, and the extension of the public pathway. The apartment building would contain 100 units, four (4) of which would be affordable units set at 80% of the Average Market Rents (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy for an affordability period of 50 years. The "L" shaped building is proposed to be in the southwestern potion of the subject lands, with a height of 19.9 meters, and have a building footprint of 1,719 meters square, which is approximately 15.7% of the subject lands. Vehicular and pedestrian accesses is proposed at the southwestern corner of the lands, while Site Plan may require a second access from Sarnia Road at the eastern extent of the subject lands. There will be two peripheral pedestrian access points to link the lands to the east and west. Amenity space will be offered on the northerly and easterly portion of the lands, which will be enhanced by landscaping.

There are a total of 97 parking spots proposed. Parking facilities are proposed to the north and the east of the apartment building. The parking adjacent to Sarnia Road will be screened by a landscape wall to contribute to an attractive public realm and pedestrian scale development. In addition to vehicular parking, eight (8) short-term bicycle parking space are located to the north of the proposed building and 75 long-term spaces are provided inside the building. This will help to promote active transportation. Figures 2, 3 and 4, seen below, show the proposed site plan and building renderings. The proposed public pathway will be extended and will provide an entrance at the new eastern extent of the lands. Parks Planning and Development is supportive of this new proposed entrance and extension.

Figure 1: Previously Approved Site Plan

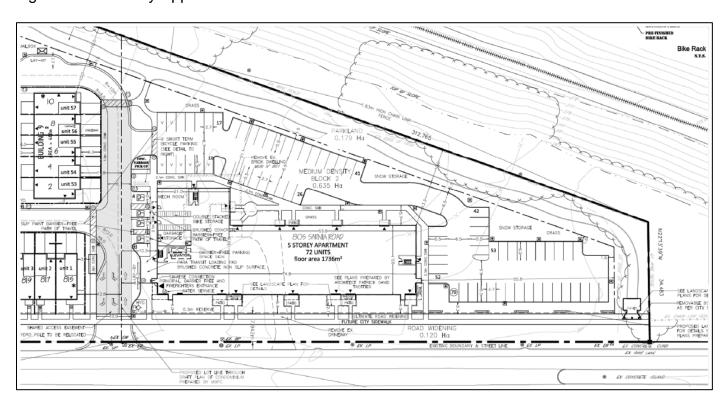


Figure 2: Current Proposed Site Plan

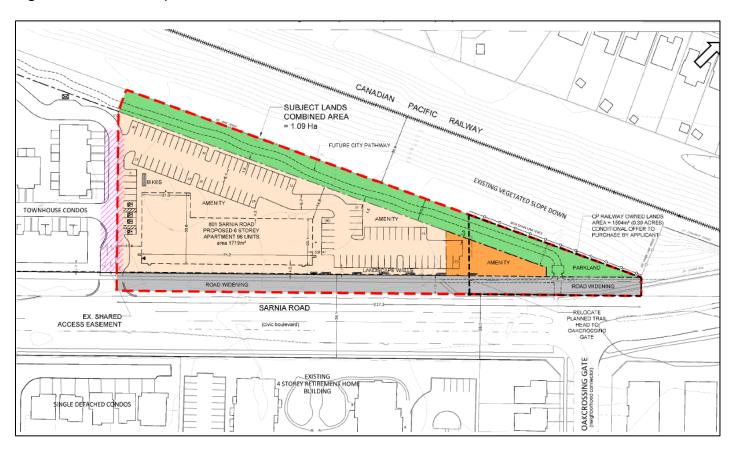


Figure 3: Proposed Building as seen looking north from Sarnia Road



Figure 4: Proposed building as seen looking northeast from Sarnia Road



2.2 Requested Amendments

Z.-1 Zoning By-law Amendments

The Applicant has requested consideration of a zoning by-law amendment to rezone the lands from a Residential R8 Bonus (R8-4*B40) Zone and Rail Transportation Zone, to a Holding Residential R8 Special Provision Bonus (h*R8-4(_)*B(_)) Zone and Open Space (OS1) Zone. This amendment has been requested to facilitate the development of a six (6) storey apartment building, containing 100 units, and a public pathway.

The requested Bonus Zone would permit:

- a 20-metre height, whereas a maximum of 16 metres is permitted;
- 100 dwelling units, whereas a maximum of 72 is permitted;
- relief from the parking requirements to permit 0.97 spaces per unit for a total of 97 spaces; and,
- provide relief from section 4.14 of the Zoning by-law in association with the density.

The public pathway will also be rezoned to Open Space (OS1) as a part of this Application. This Zone permits: conservation lands and works; cultivation of land for agriculture/horticulture; golf courses; private parks; public parks; recreational golf courses, recreational buildings associated with conservation lands and public parks; campgrounds; and, managed forests.

Staff are recommending that the previous Bonus Zone be repealed in favour of a base special provision zone based on the previous permissions, and a new bonus zone to facilitate the six (6) storey apartment building.

These zones and their regulations are as follows:

The Bonus Zone shall be implemented through one or more agreements to facilitate the development of a high-quality apartment building with a maximum height of 20 meters, and a maximum density of 124 units per hectare (100 units), which substantively implements the Site Plan, Renderings, Elevations and Views attached in Schedule "1". The development shall specifically incorporate the following services, facilities, and matters:

Provision of Affordable Housing

- A total of 4 one-bedroom residential units will be provided for affordable housing;
- Rents not exceeding 80% of the Average Market Rents (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy;
- iii. The duration of affordability set at 50 years from the point of initial occupancy;
- iv. The proponent shall enter into a Tenant Placement Agreement (TPA) with the City of London to align the affordable units with priority populations; and,
- v. These conditions to be secured through an agreement registered on title with associated compliance requirements and remedies.

4. Design Principles

- i. A mid-rise (6 storey) built form located along the Sarnia Road that establishes a built edge with primary building entrance, street oriented residential units and active uses along these frontages.
- ii. Direct walkway connections from primary building entrance and ground floor residential unit entrances to the City sidewalk along Sarnia Road.

- iii. Articulated facades including recesses, projections, balconies, and terraces to provide depth and variation in the built form to enhance the pedestrian environment.
- iv. A variety of materials, textures, and articulation along building façade(s) to highlight different architectural elements and provide interest and human-scale rhythm along the street frontages.
- v. Common outdoor amenity space at ground level along with the entrance to future City Pathway.
- vi. Locates majority of the parking behind the building and away from the street while screening the exposed parking with a combination of landscape and masonry walls.

Notwithstanding anything in the By-law to the contrary, the following regulations shall apply:

vii)	Front Yard Depth to Arterial Road (minimum)	4.0 meters (13.1) feet
viii)	Rear Yard Setback to Open Space (minimum)	13 meters (42.6 feet)
ix)	Height (maximum)	20 meters (65.6 feet)
x)	Parking (minimum)	1 space per unit
xi)	Parking for Affordable Units (minimum)	0.33 space per unit
xii)	Density (maximum)	124 units per hectare (100 dwelling units)

The Residential R8 Special Provision (R8-4(_)) Zone includes the following regulations:

a) i)	Re	egulations Front Yard Depth to Arterial Road (minimum)	4.0 meters (13.1) feet
	ii)	Rear Yard Setback to Open Space (minimum)	13 meters (42.6 feet)
	iii)	Height (maximum)	16 meters (52.4 feet)
	iv)	Parking (minimum)	1 space per unit
	v)	Density (maximum)	96 units per hectare (72 dwelling units)

1989 Official Plan Amendment

On May 25, 2022, the Ontario Land Tribunal ordered that the 1989 Official Plan be repealed in its entirety and *The London Plan* came into full force and effect. At the time

the application was made, the City initiated an amendment to the 1989 Official Plan change the designation of the property to add a Chapter 10 Specific Area policy to permit a six (6) storey, 100-unit apartment building, with Bonus Zoning, at a maximum residential density of 124 units per hectare. The intent of this amendment was to align the 1989 Official Plan policies with those of The London Plan that apply to the site. The City Initiated Amendment to the 1989 Official Plan is no longer required to support the proposed development, and any Official Plan amendment required will be exclusively to The London Plan.

2.3 Community Engagement

Information regarding the requested Zoning By-law Amendment Application and opportunities to provide comments were provided to the public as follows:

- Notice of Application was sent to property owners within 120 meters of the subject property on <u>March 27th, 2022</u>.
- Notice of Application was published in the Public Notices and Bidding Opportunities section of The Londoner on <u>March 27th</u>, <u>2022</u>.
- Information about the Application were posted on the website on <u>March 27th</u>, 2022.
- Notice of Public Participation Meeting was sent to property owners within 120 meters of the subject property and interested parties on <u>June 2nd</u>, <u>2022</u>.
- Notice of Public Participation Meeting was published in Public Notices and Bidding Opportunities section of The Londoner on <u>June 2nd</u>, <u>2022</u>.

Comments from members of the public and commenting agencies are included in Appendices C and D. Two emails were received from members of the public. Their concerns included:

- Reduction in property value
- Reduced privacy
- View obstruction
- Increased noise, traffic, and crime
- Reduced safety

2.4 Policy Context (see more detail in Appendices E and F)

Provincial Policy Statement, 2020

The *Provincial Policy Statement (PPS)* provides policy direction on matters of provincial interest as identified in Section 2 of the *Planning Act*. In accordance with Section 3 of the *Planning Act*, all planning decision shall be consistent with the *PPS* and the land use planning policies: Building Strong Healthy Communities; Wise Use and Management of Resources; and, Protecting Public Health and Safety. The *PPS* is to be read in its entirety.

The subject site is in the settlement area, and the requested amendment would help to facilitate the development of a six (6) storey apartment building containing 100 units. There is a mix of residential and open space, adjacent to the property, and there are commercial uses within walking distance. This requested Zoning By-law Amendment is consistent with several *PPS* policies, which are outlined in Appendix F.

Important policy objectives to highlight are those within Sections 1.1, 1.4 and 1.6. These policies require land uses within settlement areas to effectively use the land and resources through appropriate densities, range of uses and the efficient use of infrastructure. Directing new housing development to areas where there are, or will be, appropriate levels of infrastructure and public service facilities will ensure that land and infrastructure are used efficiently and can meet current and future needs. Promoting appropriate densities and mix of housing will also help to ensure current and future housing needs can efficiently be met, as well as supporting the use of active transportation and transit facilities. The requested amendment has been reviewed for consistency with the *PPS*, and the analysis can be found in Appendix F.

The London Plan

At the time this Application was submitted, *The London Plan* was subject to an appeal to the *Local Planning Appeals Tribunal* (LPAT) (PL170700). The *Plan* was Council adopted and approved by the Ministry with modifications, and the majority was in force and effect. Policies that were under appeal were indicated with an asterisk (*) throughout reports. Since that time, *The London Plan* has come into full force and effect as of May 25, 2022, following a written decision from the *Ontario Land Tribunal* (OLT). Policies under appeal at the time of submission, but now in full force and effect are indicated with an asterisk (*) throughout this report.

The subject lands are located in the Neighbourhoods Place Type along a Civic Boulevard (Sarnia Road) which permits a range of residential uses, including: single detached, semi-detached, townhouses, stacked townhouses, and low-rise apartments (Table 10). Civic Boulevards permit a minimum height of two (2) storeys and a maximum height of four (4) storeys, with a Bonus up to six (6) storeys (Table 11*). The proposal is in keeping with these policies set out in *The London Plan*.

The requested amendment has been reviewed with the applicable policies of the Our Strategy, City Building and Design, Neighbourhoods Place Type and Our Tools sections of *The London Plan*. The analysis can be found in Appendix F. An excerpt of from *The London Plan* Map 1 – Place Types* is found in Appendix G.

1989 Official Plan

The subject lands are designated as Multi-Family, Medium Density Residential (MFMDR) in the *1989 Official Plan*. The permitted uses in this residential designation include: row houses or cluster houses; low-rise apartment buildings; rooming and boarding house; emergency care facilities; converted dwellings; and, small-scale nursing homes, rest homes, and homes for the aged (3.3.1 Permitted Uses). Please refer to Appendix F for further analysis.

This application has been reviewed with the applicable policies of the 1989 Official Plan, and is keeping with its permitted uses. An excerpt from Land Use Schedule "A" can be found at Appendix G.

Hyde Park Community Plan

The subject lands are within the Hyde Park Community Planning Area and subject to the Hyde Park Community Plan and Urban Design Guidelines to guide development to create a healthy, functional, and pleasing community environment. The Urban Design Guidelines provide a means to ensure compatibility between land uses, create a pedestrian and transit-supportive form, emphasize public spaces, and the integration of the open space network into the Community. Under this plan, the lands are designated Medium Density Residential. The proposal incorporates urban design guidelines for the general streetscape and building design.

Z.-1 Zoning By-law

The appropriateness of the proposed zone change, the permitted uses and regulations have been reviewed against that regulatory requirement of Zoning By-law Z.-1. These lands are currently zoned a Residential R8 Bonus (R8-4*B40) Zone and Rail Transportation (RT) Zone. A zoning map excerpt from the Z.-1 Zoning By-law Schedule A is found in Appendix G.

3.0 Financial Impact/Considerations

Through the completion of the works associated with this application, fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

4.0 Key Issues and Considerations

Zoning Amendment applications to the City of London Zoning By-law are subject to the applicable policies in the 1989 Official Plan and The London Plan. The 1989 Official Plan sets out that the Planning Impact Analysis and its established criteria be used to evaluate Zoning By-law Amendments. In addition, The London Plan requires that applications demonstrate that the proposal is sensitive to, and compatible with, its context and consider the Use, Intensity and Form of proposed amendments.

4.1. Use

The recommended zoning would permit medium density residential development in the form of an apartment building containing 100 units (124 uph), at a maximum height of six (6) storeys (20 meters/65.6 feet) through the Bonus Zone and five (5) storeys (16 meters/52.4 feet) through the recommended Special Provision Zone. Under the 1989 Official Plan and The London Plan, medium density residential lands uses are permitted on the subject lands. Medium density development in the form of apartment buildings is currently permitted in the Residential R8 Zone, in addition to lodging houses class 2; stacked houses, senior citizen apartment buildings, emergency care facilities; and, continuum-of-care facilities. The proposed apartment development would contribute to a mix of housing choices in a compact form and is street oriented, which also contributes to an active street front along Sarnia Road, creating a safe pedestrian environment that promotes connectivity. There is also an adequate transition in land uses adjacent to the subject lands. Immediately to the west, there a two (2) and three (3) storey townhouses, and immediately to the south, there is a three (3) storey long term care facility and a four (4) storey retirement home. These adjacent uses provide a transition between the proposed medium density apartment building and the surrounding low-density, single detached residential uses. The recommended zoning is considered appropriate and provides a range of uses that is consistent with the surrounding area.

4.2 Intensity

The Multi-Family, Medium Density Residential Designation in the *1989 Official Plan* permits a maximum density of 75 units per hectare while Table 11* of *The London Plan* controls intensity *by* providing for a range of height permissions. Permissions include a minimum of two (2) storeys and a maximum of four (4) storeys, with a potential bonus up to six (6) storeys, in the Neighbourhoods Place Type along a Civic Boulevard. A maximum height of 13 meters and a maximum density of 75 units per hectare is permitted under the Residential R8-4 Zone, but the previous Zoning By-law Amendment permitted a Bonus Zone allowing a maximum height of 16 meters and a maximum density of 96 units per hectare. The requested amendments made through this application permit a maximum height of six (6) storeys (20 meters) and a maximum density of 124 units per hectare, which is contingent on the provision on affordable housing and implementation of the recommended design principles.

The requested height of six (6) storeys is in keeping with the policies of *The London Plan*, but not the permitted density identified in the *1989 Official Plan*. Although the density is greater that what is permitted, the proposed height is considered appropriate for this location with developments of a similar scale and intensity existing adjacent to the subject lands. As noted in the previous section discussing use, the intensity of the immediately adjacent developments to the west and south serve as a transition between the proposed medium density development and low-density, single-detached residential. The requested intensity is considered appropriate as the subject lands have demonstrated that they are of sufficient in size and configuration to accommodate the development of a six (6).

4.3 Form

As noted, the 1989 Official Plan, The London Plan and the Residential R8 Zone all permit medium density residential development on the subject lands. Permitted forms of medium density development include: townhouses, stacked townhouses, low-rise apartment buildings, lodging houses class 2, senior citizen apartment buildings, emergency care facilities; and, continuum-of-care facilities. The proposed development is in keeping with the permitted forms of development. A minimum lot area of 1000 square meters and a minimum lot frontage of 30 meters are required under the Residential R8-4 zone. These requirements are satisfied as the lands are approximately 8138 square meters and there are approximately 227 meters of lot frontage on Sarnia Road. The requested Bonus and Special Provision Zones consider a maximum height of six (6) and five (5) storeys, respectively, which are permitted under The London Plan. There is also a transition in form between this proposed development and the adjacent medium and low-density development, as previously discussed.

The proposed development would be located close to the road, contributing to an active street front and pedestrian scale, while also increasing the separation between the building and the CPR rail line at the rear of the property. The design principles outlined as requirements for the Bonus Zone also contribute to creating a development form that could create an active street front and pedestrian scale environment. The recommended Bonus Zoning, Special Provision Zone and holding provisions would facilitate development in an appropriate form that is generally consistent with the surrounding development.

4.4 Planning Impact Analysis

As noted, Section 3.7 of the 1989 Official Plan sets out criteria as part of the Planning Impact Analysis to evaluate the appropriateness of a change in land use to minimize potential negative impacts. The proposed Zoning By-law Amendment is consistent with this section as:

- the proposed use of the land is compatible with surrounding uses and consistent with what is permitted;
- the lot is of a sufficient size and shape to accommodate the proposed use;
- the proposed development would facilitate the creation of affordable housing units;
- the form, as proposed, will not create impacts on surrounding land uses and is safe distance from the CPR Rail Line;
- the proposed multi-family, medium density residential development is located in close proximity to a future public pathway, as well as the public transit stops on Sarnia Road; and,
- no potential impact is anticipated on surrounding natural features and heritage resources.

Conclusion

The recommended Zoning Amendment is consistent with the *Provincial Policy Statement* and conforms with the *1989 Official Plan* and *The London Plan*. The recommended Bonus Zone and Special Provision Zone will permit development of an apartment building that is considered appropriate and compatible with existing and future land uses in the surrounding area. Therefor, staff are satisfied that the proposal represents good planning in the broad public interest and recommends approval.

Prepared by: Alison Curtis, MA

Planner 1, Planning and Development

Submitted by: Mike 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

CC:

Heather McNeely, Manager, Current Development Michael Pease, Manager, Site Plans Ismail Abushehada, Manager, Development Engineering

SM/GB/MC/AC/ac

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 lands located at 801 Sarnia Road.

WHEREAS Royal Premier Homes has applied to rezone lands located at 801 Sarnia Road as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms 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 801 Sarnia Road, as shown on the attached map, FROM a Residential R8 Bonus (R8-4*B40) Zone and Rail Transportation Zone, TO a Holding Residential R8 Special Provision Bonus (h*R8-4(_)*B(_)) Zone and Open Space (OS1) Zone.
- 2) Section 4.3 iv) Site Specific Bonus Provisions is amended by deleting the current bonus zone (B-40) and replacing it with the following new Bonus Zone
 -) B-_ 801 Sarnia Road

The Bonus Zone shall be implemented through a development agreement to facilitate the development of a high quality apartment building with a maximum height of 20 meters with a total maximum of 100 units (124 units per hectare), which substantively implements the Site Plan, Renderings, Elevations and Views attached in Schedule "1". The development shall specifically incorporate the following services, facilities, and matters:

- 1. Provision of Affordable Housing
 - i. A total of four (4) one-bedroom residential units will be provided for affordable housing;
 - ii. Rents not exceeding 80% of the Average Market Rents (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy;
 - iii. The duration of affordability set at 50 years from the point of initial occupancy;
- iv. The proponent shall enter info a Tenant Placement Agreement (TPA) with the City of London to align the affordable units with priority populations; and,
- v. These conditions to be secured through an agreement registered on title with associated compliance requirements and remedies.
- 2. Design Principles
 - i. A mid-rise (6 storey) built form located along the Sarnia Road that establishes a built edge with primary building entrance, street oriented residential units and active uses along these frontages.
 - ii. Direct walkway connections from primary building entrance and ground floor residential unit entrances to the City sidewalk along Sarnia Road.

- iii. Articulated facades including recesses, projections, balconies, and terraces to provide depth and variation in the built form to enhance the pedestrian environment.
- iv. A variety of materials, textures, and articulation along building façade(s) to highlight different architectural elements and provide interest and human-scale rhythm along the street frontages.
- v. Common outdoor amenity space at ground level combined along with the entrance to future City Pathway.
- vi. Locates majority of the parking behind the building and away from the street while screening the exposed parking with a combination of landscape and masonry walls.
- vii. A step-back (a minimum of 1.5m) and/or terracing above the 5th storey for the building along Sarnia Road frontage to provide a human-scale along the street(s).

 If a setback above 5th storey is limited by the usable depth of the proposed units, explore opportunities to push the lower floors (1-5) further towards Sarnia Road to create the step back.

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

a) Regulations

i) Front Yard Depth to 4.0 meters (13.1) feet Arterial Road (minimum)

ii) Rear Yard Setback to 13 meters (42.6 feet) Open Space (minimum)

iii) Height 20 meters (65.6 feet) (maximum)

iv) Parking 1 space per unit (minimum)

v) Parking for 0.33 space per unit Affordable Units (minimum)

vi) Density 124 units per hectare (maximum) (100 dwelling units)

- 3) Section Number 12.4 of the Residential R8 Zone is amended by adding the following Special Provisions:
 -) R8-4(_)
 - a) Regulations

(minimum)

i) Front Yard Depth to 4.0 meters (13.1) feet Arterial Road (minimum)

ii) Rear Yard Setback to 13 meters (42.6 feet) Open Space

iii) Height 16 meters (52.4 feet) (maximum)

iv) Parking (minimum)

1 space per unit

v) Density (maximum)

96 units per hectare (72 dwelling units)

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

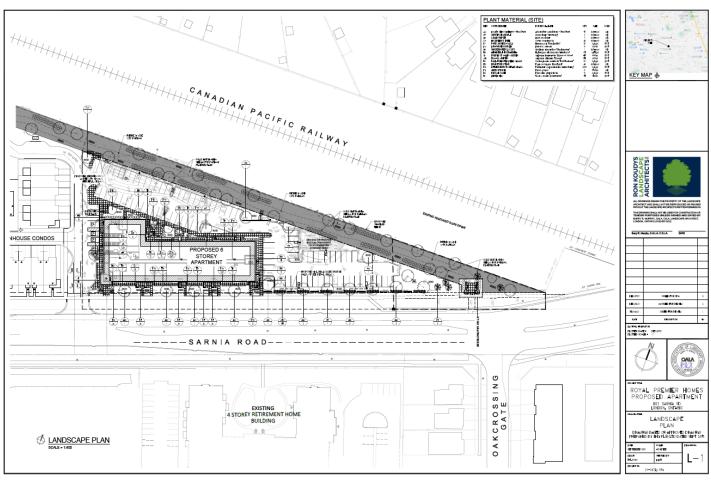
Ed Holder Mayor

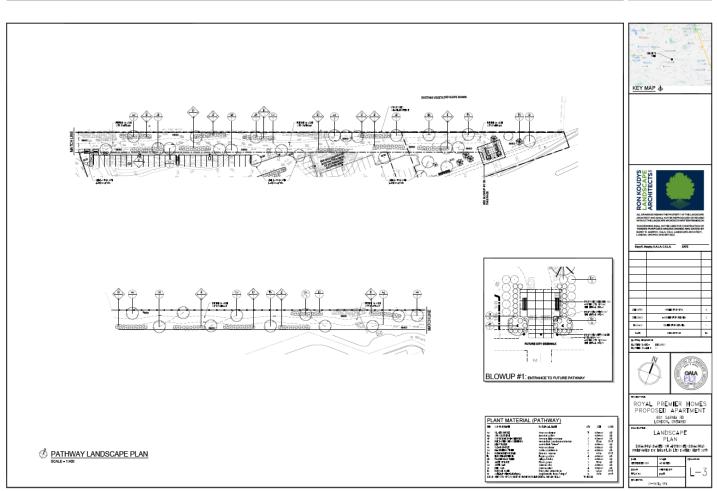
Catharine Saunders City Clerk

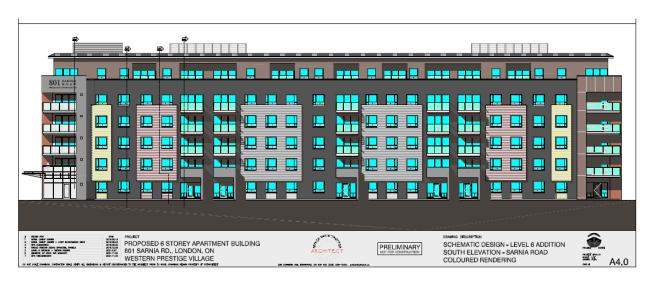
First Reading – July 5, 2022 Second Reading – July 5, 2022 Third Reading – July 5, 2022

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















Appendix B: Previously Approved Zoning

The By-law presented in this appendix was passed in Open Council on January 17th, 2017.

Bill No. (number to be inserted by Clerk's Office)
2017

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 801 Sarnia Road.

WHEREAS 2425293 Ontario Inc. c/o Farhad Noori has applied to rezone an area of land located at 801 Sarnia Road, as shown on the map attached to this bylaw, as set out below;

AND WHEREAS this rezoning conforms 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 801 Sarnia Road, as shown on the attached map, from an Urban Reserve (UR1) Zone to an Open Space (OS1) Zone, a Holding Residential R6 Special Provision (h.*h-34*h-65*R6-5(_)) Zone and a Residential R8*Bonus (h.*h-34*h-65*R8-4*B-_) Zone.
- 2) Section Number 4.3 iv) Site Specific Bonus Provisions is amended by adding the following Bonus Provision:
 -) B-__ 801 Sarnia Road

The development shall be in accordance with the site concept and elevations attached as Schedule "1" of this By-law which includes an apartment building with a maximum height of 16 metres with total maximum of 72 units (96 units per hectare). The development shall specifically incorporate the following services, facilities and matters:

<u>Building</u>

- a building design which, with minor variations at the discretion of the Managing Director, Planning and City Planner, matches the site concept and elevation drawings shown in Schedule "1";
- The building includes a differentiated base, middle and top;
- Individual entrances to the apartments are located on the ground floor of the apartment building adjacent to Sarnia Road and function as front doors rather than patio doors
- Ground floor amenity spaces are to be designed as open courtyards extending wider than the balconies above and into the front setback;

<u>Site</u>

- Provide glass or metal railings, or masonry walls to delineate the individual courtyards from the public realm.
- Railings are not to exceed 1m in height and masonry walls are not to exceed 0.9m in height in order to maintain visibility.
- Incorporate low landscaping to frame amenity areas.
- Direct walkway access from the front doors to the public sidewalk will be provided.
- Enhanced landscaping within the future public pathway corridor which includes additional plantings and public sitting areas;
- Enhanced entrance feature along Sarnia Road which includes the use of differencing paving materials, vegetation and public sitting areas: and
- All parking is to be located behind the building or enhanced screening.

Notwithstanding anything in the By-law to the contrary the following regulations shall apply:

i) Front Yard Depth 4.0 metres (13.1 feet) (minimum)

ii) Rear Yard Setback to Open Space 13 metres (42.6 feet) (OS1) Zone (minimum)

iii) Height 16 metres (52.4 feet) (maximum)

iv) Density 96 units per hectare (maximum) (72 dwelling units)

v) Parking 1 space per dwelling unit (minimum)

- 3) Section Number 10.4 of the Residential R6 (R6-5) Zone is amended by adding the following Special Provision:
 -) R6-5 (_)
 - a) Regulations:

Front Yard 4 metres (13.1 feet)
Setback
(Minimum):

ii) West Interior Side 4.6 metres (15.0 feet) Yard Setback (Minimum):

iii) Rear Yard Setback to Open Space 10 metres (13.1 feet) (OS1) Zone (Minimum):

iv) Density 39 units per hectare (Maximum)

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.

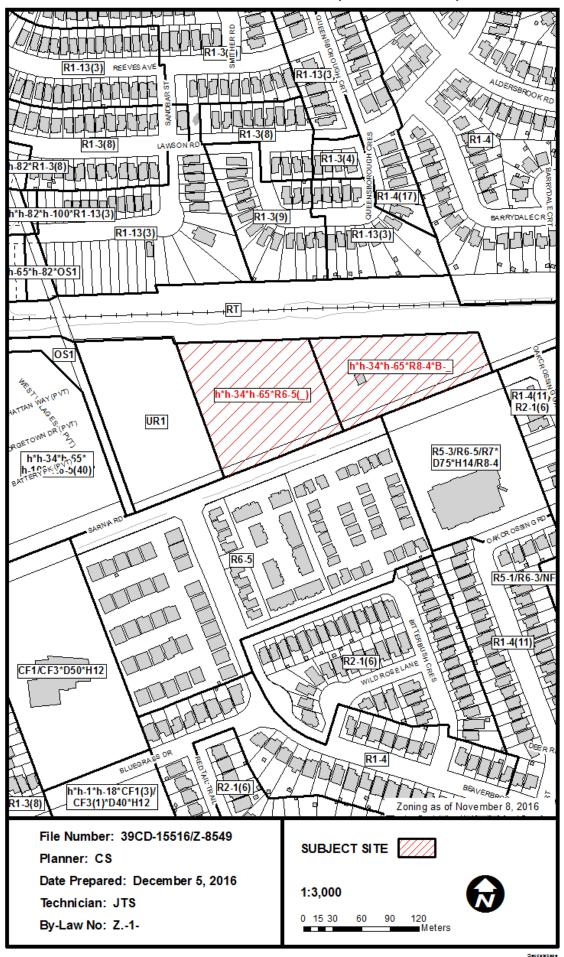
This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said subsection.

PASSED in Open Council on January 17, 2017.

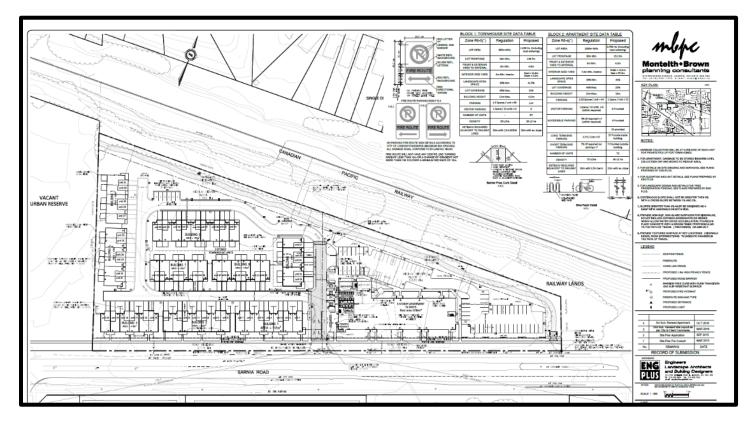
Catharine Saunders City Clerk

First Reading - January 17, 2017 Second Reading - January 17, 2017 Third Reading - January 17, 2017

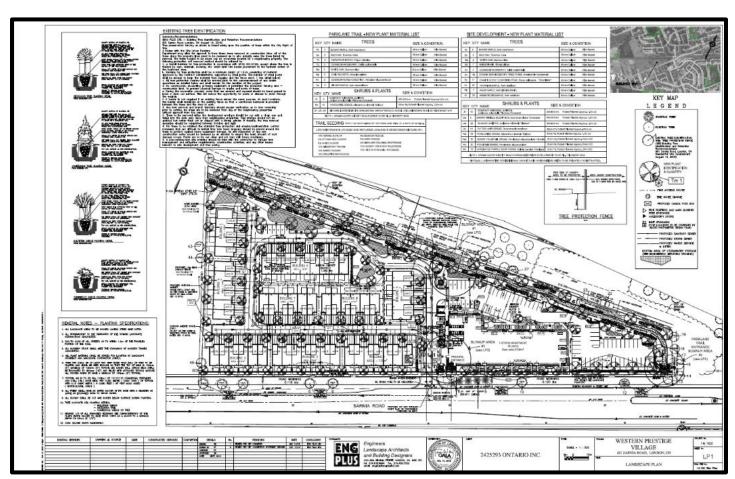
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)

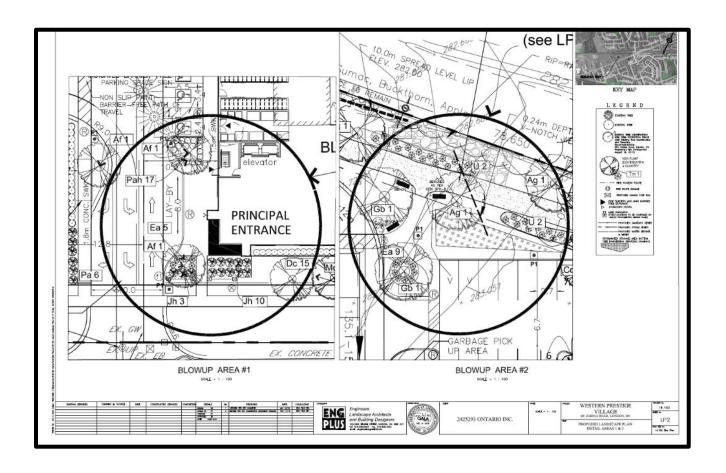


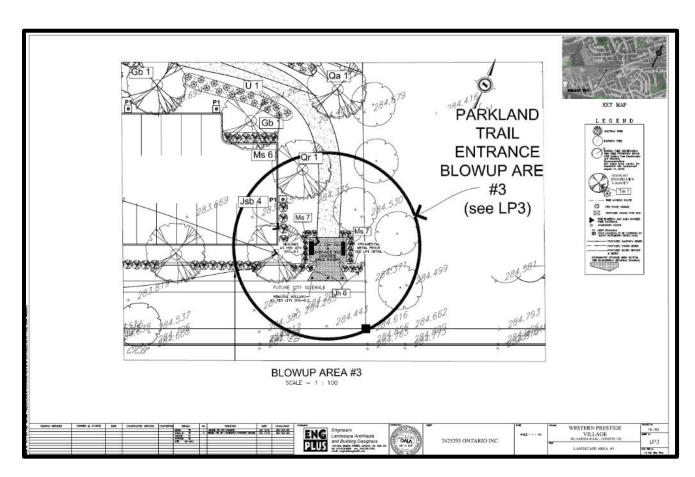
Schedule 1- Site Concept and Elevations



Landscape Plans







Elevations











Appendix C: Community Engagement

Public Liaison: Notice of Application was sent to property owners within 120 meters of the subject property and published in The Londoner on March 27th, 2022. Notice of the opportunity to participate in a Public Participation Meeting was sent to property owners within 120 meters and published in The Londoner on June 2, 2022.

Londoner Notice: 801 Sarnia Road: north of Sarnia Road; approx. 0.8138 hectares (2.01 acres) – The purpose and effect of this application is to facilitate the construction of a six (6) storey apartment building containing 100 units, three (3) of which will be affordable, with access from Sarnia Road. Consideration of an amendment to the Zoning By-law to change from a Residential R8 Bonus and Rail Transportation (R8-4*B-40/RT) Zone to a Residential R8 (R8-4*B-40) Bonus Zone, which permits medium density residential development in the form apartment buildings, and to amend the Bonus Zone 40. Amendments to the Bonus Zone 40 include permitting a minimum front yard depth of 4.0 meters, a minimum rear yard setback to the Open Space (OS1) Zone of 13 meters, a maximum height of 20 meters and a minimum of one (1) parking space per units and 0.33 spaces per affordable unit. The City may also consider applying the Open Space (OS1) Zone. An Official Plan amendment will also be considered to allow a density of 124 units per hectare with the intent to align the 1989 Official Plan designation for these lands with the policies of The London Plan, the new Official Plan for the City of London.

File: O-9475 and Z-9476 Planner. A. Curtis X.4497

A total of two (2) responses were received.

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

- Reduction in property value
- Reduced privacy
- View obstruction
- Increased noise, traffic, and crime
- Reduced safety

Responses to Notice of Application and Publication in The Londoner

Telephone	Written
	Sonia Chouritah and Jehad Alassar 1000 Bitterbush Crescent London, ON N6H 0A9
	Curtis Rydall 74 Barrydale Crescent London, ON N6G 2X4

From: jihad assar

Sent: Friday, March 18, 2022 7:19 PM **Subject:** [EXTERNAL] 801 Sarnia Road

Hello,

We have just received a notice by mail regarding 801 Sarnia Road (official plan and Zoning By-law Amendments.

The amendments will allow: Six story apartment building with 100 units and three (3) of which are to be affordable. Amendments to the Bonus Zone for height, unit count and parking requirements.

As our house is located within 120 Meters and we will be affected by these amendments. We would like to express our disagreement to the proposed plan and amendments. This type of apartment building in our neighbourhood will decrease the value of our property, add more traffic, noise, crimes. In addition to other safety reasons which will affect our family neighbourhood in general.

Thank you,

Sonia Chouritah & Jehad Alassar

1000 Bitterbush Cres

From: Curtis Rydall

Sent: Friday, March 18, 2022 4:21 PM To: Curtis, Alison; Lehman, Steve Subject: [EXTERNAL] 801 sarnia road

We would object to this proposal. This will certainly bring down the value of this home but also obstruct our view and reduce our privacy.

Curtis Rydall Sent from my iPhone

Appendix D: Agency and Departmental Comments

801 Sarnia Road - Responses to Application Circulation

Internal Department Comments

Parks Planning and Design

Parks Planning and Design staff have reviewed the submitted notice of application and offer the following comments:

- To facilitate the proposed transfer of the CP lands to 801 Sarnia Road, the applicant must obtain from the City the transfer of the easterly portion of the City's 10m park corridor (Part 3 Plan 33R19762).
- Parkland dedication will be satisfied by dedicating the lands required to extend the existing 10 metre wide City owned park block (Part 3, 33R-19762) on the lands acquired from CP Rail, easterly along the south side of the CP railway and connecting to Sarnia Road.
- Through the Site Plan Approval process, Parks Planning & Design would like to discuss options with the applicant regarding implementation of the landscaping, entrance feature, and pathway within the parkland corridor if required through the bonusing provisions. PP&D is willing to coordinate all planting and construction in exchange for compensation based on final engineering / landscape plans and associated cost estimates. The applicant would be responsible for initial tree removals and grading, but the City could then take over planting and construction with agreed upon compensation.

<u>Urban Design</u>

- The design of the site should implement the following features as part of the bonus zone as demonstrated in the submitted plans, elevations and renderings.
 - A mid-rise(6 storey) built form located along the Sarnia Road that establishes a built edge with primary building entrance, street oriented residential units and active uses along these frontage.
 - Direct walkway connections from primary building entrance and ground floor residential unit entrances to the city sidewalk along Sarnia Road.
 - Articulated facades including recesses, projections, balconies and terraces to provide depth and variation in the built form to enhance the pedestrian environment.
 - A variety of materials, textures and articulation along building façade(s) to highlight different architectural elements and provide interest and humanscale rhythm along the street frontages.
 - Common outdoor amenity space at ground level combined along with the entrance to future City Pathway.
 - Locates majority of the parking behind the building and away from the street while screening the exposed parking with a combination of landscape and masonry walls.
- As this application contemplates a bonus zone, please include the following revisions consistent with the previous staff and panel comments:
 - A step-back(a minimum of 1.5m) and/or terracing above the 5th storey for the building along Sarnia Road frontage to provide a human-scale along the street(s).
 - If a setback above 5th storey is limited by the usable depth of the proposed units, explore opportunities to push the lower floors(1-5) further towards Sarnia Road to create the step back

Ecology

There are no ecological planning issues related to this property and/or associated study requirements.

Water

The site is currently serviced by a 200mm PVC water service connecter to municipal 400mm PVC on Sarnia Road (this is a high level watermain)

Stormwater

SWED staff have no SWM related comments to the application. All necessary SWM servicing and drainage requirements/controls for this site have been provided as part of SPA22-003.

Wastewater (comments form Pre-Application Consultation)

The municipal sanitary sewer available is a 200mm diameter sanity sewer on Sarnia Road. As per the accepted drainage area for Sarnia Road improvements, the proposed lands were allocated a totally of 142 people.

Transportation (comments from Pre-Application Consultation)

- Road widening dedication of 18.0m from centre line required along Sarnia Road;
- Detailed comments regarding access design and location will be made through the site plan process.
- A Traffic Management Plan will be required for work in the City ROW to be reviewed with Site Plan submission.
- Joint access agreement with the property to the west required
- Construction of a left turn lane and a right turn taper
- Detailed comments regarding access design will be made through the site plan process

External Agency Comments

Canadian Pacific

"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.

Appendix E: Policy Context

The following regulatory documents and policies were considered in their entirety as part of the evaluation of this proposal. The most relevant policies, by-laws, and legislation are identified and analysed in the following sections.

Provincial Policy Statement, 2020

The *Provincial Policy Statement (PPS)* provides policy direction on matters of provincial interest as identified in Section 2 of the *Planning Act*. In accordance with Section 3 of the *Planning Act*, all planning decision shall be consistent with the *PPS* and the land use planning policies: Building Strong Healthy Communities; Wise Use and Management of Resources; and, Protecting Public Health and Safety. The *PPS* is to be read in its entirety.

The subject site is in the settlement area, and the requested amendment would help to facilitate the development of a six (6) storey apartment building containing 100 units. There is a mix of residential and open space, adjacent to the property, and there are commercial uses within walking distance. This requested Zoning By-law Amendment is consistent with several *PPS* policies, which are outlined below.

Building Strong Healthy Communities

This first policy section of the *PPS* outlines the polices to achieve sustainability through efficient land use and development patterns that promote strong, livable, healthy, and resilient communities. This section also seeks to avoid development and land use patterns that result in inefficient expansion of settlement areas and that the necessary infrastructure and public service facilities are, or will be, available to meet current and projected needs.

To achieve healthy, livable and safe communities, the *PPS* encourages the following: an appropriate range and mix of residential, employment, institutional, recreation and park and open space uses to meet long-term needs; avoid development or land use patterns which may cause environmental or public health and safety concerns; cost-effective development patterns and standards to minimize land consumption and servicing costs; improving accessibility for those who are differently abled and older persons; and, land use pattens that conserve biodiversity and consider the impacts of a changing climate (Section 1.1.1). The requested Zoning By-law amendment achieves this objective as it contributes to a range of housing types and densities within the settlement area to meet long-term housing needs for current and future residents.

The *PPS* encourages settlement areas to be the focus of growth and development, and that there be appropriate land use patterns within this area that provide for appropriate densities and a mix of land uses that will efficiently and effective use land resources, infrastructure, and public service facilities (Sections 1.1.3.1, 1.4.1 and 1.4.3). This development should also be transit-supportive, where these services exist or are planned, and be adjacent to existing built-up areas in a compact form for efficient land use (Sections 1.1.3.2 and 1.1.3.6). Planning authorities are directed to establish and implement phasing policies that will ensure the orderly development of land within designated growth areas, as well as the timely provision of infrastructure and public facilities, to meet current and projected needs (Section 1.1.3.7). The requested amendment would facilitate development that would provide for a mix of housing forms and densities adjacent to the existing built-up area for future and current needs, and services are available for the lands.

The *PPS* seeks to create healthy and active communities through planned public streets, spaces and facilities that are safe, foster social interaction and facilitate active transportation and community connectivity (Section 1.5.1) It also identifies that planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management (Section 1.6.1). The proposed development includes the dedication of lands to the City to accommodate a public pathway that runs

parallel to the CPR line and is intended to connect Sarnia Road to the subdivisions north of the rail line. This public pathway will help to facilitate active transportation and community connectivity.

Wise Use and Management of Resources

Section 2 of the *PPS* acknowledges that the long-term prosperity, environmental health, and social well-being of Ontario depends upon the conservation and protection of our natural heritage and agricultural resources. The policies outlined in this section serve to protect sensitive areas, natural features and water resources.

The *PPS* states that "Natural features and areas shall be protected for the long term" and that "Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions." (Sections 2.1.1 and 2.1.8). No natural features are contained with the subject lands, and as such, no negative impacts on features or ecological function are anticipated.

This section of the *PPS* also sets out policies for the protection of significant built heritage resources and significant cultural heritage landscapes to ensure they are conserved, and development or site alternation shall not be permitted adjacent to protected heritage property, except where the proposed development or site alteration has been evaluated and demonstrated that the heritage attributes of the protected property will be conserved (Sections 2.6.1 and 2.6.3). There is no significant built heritage resources or significant cultural heritage landscapes located within the subject lands, and no adverse impacts are anticipated.

Protecting Public Health and Safety

Section 3 of the *PPS* acknowledges that the long-term prosperity, environmental health, and social well-being of Ontario depends upon reducing the potential for public cost or risk to residents from natural or human-made hazards. Policies in this Section direct development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property-damage, as well as to no create new, aggravate, existing hazards. The subject lands are located adjacent to an active rail line, but are an adequate distance away and CPR does not object to the development. A noise and vibration study were carried out and identified that the vibration levels are lower then the CPR guideline and no additional mitigation is required.

The London Plan

At the time this Application was submitted, *The London Plan* was subject to an appeal to the *Local Planning Appeals Tribunal* (LPAT) (PL170700). The *Plan* was Council adopted and approved by the ministry with modifications, and the majority was in force and effect. Policies that were under appeal were indicated with an asterisk (*) throughout reports. Since that time, *The London Plan* has come into full force and effect as of May 25, 2022, following a written decision from the *Ontario Land Tribunal* (OLT). Policies under appeal at the time of submission, but now in full force and effect are indicated with an asterisk (*) throughout this report.

Our Strategy

This section of *The London Plan* outlines the values and vision that will guide our planning process to create an exciting, exceptional, and connected city. The Key Directions contained in this section outlines the planning strategies that will help to achieve the vision. Applicable Key Directions include:

Direction #1 is to *Plan strategically for a prosperous city* (55). The requested Zoning By-law Amendment helps to achieve this key direction by providing new residential growth within the Urban Growth Boundary that will be able to support adjacent commercial land uses and business.

Direction #4 is to *Become on of the greenest cities in Canada* (58). This key direction is achieved through the planned public pathway that will help to create a pedestrian link that could encourage active transportation options.

Direction #5 is to *Build a mixed-use compact city* (59). The subject lands are within the Urban Growth Boundary and within an area that is designated for growth. The proposal contributes to a mix of housing choices and densities within the surrounding context and provides for opportunities to access green space for recreational opportunities and transit services.

Direction #7 is to *Build strong, healthy and attractive neighbourhoods for everyone* (61). This key direction is achieved as the requested Zoning By-law Amendment would facilitate a development that provides a mix of housing choices that meet the needs of people of all age, incomes and abilities, and allowing for affordability and ageing in place within the community. It also helps to implement "placemaking" by promoting a neighbourhood design that promotes active living, walkability, and connectedness within and around the community.

Direction #8 is to *Make wise planning decision* (62). The proposed development and requested amendments have been assessed for conformity with Provincial and Municipal planning policies, and balances economic, environmental and societal considerations.

Our City

The policies contained in this section of *The London Plan* are designed to plan for the population and economic growth the City will experience over the next twenty (20) years. Growth and development will be in a compact form and directed to strategic locations. The required infrastructure and services to support growth will be planned in a way that is sustainable from a financial, environmental, and social perspective.

The London Plan emphasizes growth that is "inwards and upwards" to achieve compact development (79), and residential intensification plays a large role in achieving this goal (80). Residential intensification can occur in the following forms: addition of a secondary dwelling unit; expansion of existing buildings to accommodate greater residential density; adaptive re-use of existing, non-residential buildings, for resident use; infill development of vacant or underutilised lots; severance of existing lots; and, redevelopment, at higher than existing density, on developed lands (80). Although not within the Built-Area Boundary, the requested Zoning By-law Amendment would facilitate development that provides a greater density on previously development lands that were underutilized.

City Building Policies

This section of *The London Plan* provides a platform for growth the supports the *Plan's* vision and priorities, and sets out policies for the shape, character, and form of the City over the next twenty (20) years.

The layout of the proposed development facilitated by the amendment contributes to neighbourhood character and identity by orienting buildings to the street and not creating blank walls along the street edge, which contributes to an active street front (202, 229, 259, 291). This layout also helps to create a safe pedestrian environment and promotes connectivity, within the development and the surrounding neighbourhoods, which offers opportunities for active mobility (213, 255, 259, 285, 291). There is open space incorporated in the proposed development, and lands are to be dedicated to the City for a public pathway.

Neighbourhoods Place Type

The subject lands are currently designated with the Neighbourhoods Place Type along a Civic Boulevard (Sarnia Road) permitting a range of residential uses, including: single detached, semi-detached, townhouses, stacked townhouses, and low-rise apartments (Table 10). Civic Boulevards permit a minimum height of two (2) storeys and a maximum height of four (4) storeys, with a Bonus up to six (6) storeys (Table 11*). The proposal is in keeping with these policies set out in *The London Plan*.

The vision for the Neighbourhood Place Type is to ensure that neighbourhoods are vibrant and exciting places that contribute to community well-being and quality of life. This vision is supported by key elements, some of which include: strong neighbourhood character; attractive streetscapes; diverse housing choices; well-connected neighbourhoods; alternatives for mobility; employment opportunities close to where people live; and, parks and recreational opportunities. The proposal is in keeping with the vision for the Neighbourhood Place Type and its key elements. It contributes to a neighbourhood character, attractive streetscapes, and a diversity of housing choices. The proposed development is in close proximity to lands designated with the Shopping Area Place Type, providing for amenities and employment opportunities. The provision of amenity space and the lands to be dedicated for the public pathway contribute to recreational opportunities and attractive alternatives for mobility.

Our Tools

Section 34 of the *Planning Act* permits councils of local municipalities to pass zoning bylaws, and also provides for amendments of these by-laws under section (34(10). Policy 1637 of *The London Plan* reflects these policies and states that:

City Council may also consider applications for amendments to the Zoning By-law from a person or public body, consistent with the provisions of the Planning Act.

The *Planning Act* provisions, and prescribed information are required under Section 34(10.1) and outlined in Schedule 1 of Ontario Regulation 545/06. The prescribed information required under the *Act* was submitted with the application and is consistent with the provisions.

Based on Staff's review of *The London Plan* policies, the requested amendment is found to be in keeping and in conformity with the Place Type, City Building and Design, and Our Tool policies.

1989 Official Plan

The subject lands were designated as Multi-Family, Medium Density Residential (MFMDR) in the 1989 Official Plan. The permitted uses in this residential designation included: row houses or cluster houses; low-rise apartment buildings; rooming and boarding house; emergency care facilities; converted dwellings; and, small-scale nursing homes, rest homes, and homes for the aged (3.3.1 Permitted Uses). The requested Zoning By-law Amendment is in keeping with these permitted uses.

One of the preferred locations for the MFMDR designation is abutting arterial, primary collector or secondary collector streets (3.3.2 Location). Development within this designation shall be low-rise in form with a density and site-coverage that serve as a transition between low density residential areas and more intensive forms, such as commercial, industrial, or high density residential (3.3.3 Scale of Development). This proposal is in keeping with these policies as it is located adjacent to an arterial and serves as a transition between single detached dwellings and townhouse dwellings to the west and northwest to the CPR line, as well as being adjacent to three (3) and four (4) storeys buildings on the south side of Sarnia Road. The proposal is not in keeping with the permitted density of 75 units per hectare, but the City had originally initiated an amendment to the 1989 Official Plan to add a special policy to Chapter 10, Policies for Specific Area, to permit a maximum residential density of 124 units per hectare in the

form of a six (6) storey apartment building. This was done in an effort to align the policies of the 1989 Official Plan with the Neighbourhoods Place Type policies in The London Plan. Given the recent OLT decision which resolved all remaining policy appeals The London Plan is now considered fully in force. This means the 1989 Official Plan has been repealed and cannot be amended. Therefore, the City's proposed Official Plan amendment is no longer required to support the proposed amendment.

Hyde Park Community Plan

The subject lands are within the Hyde Park Community Planning Area and subject to the Hyde Park Community Plan and Urban Design Guidelines to guide development to create a healthy, functional, and pleasing community environment. The Urban Design Guidelines provide a means to ensure compatibility between land uses, create a pedestrian and transit-supportive form, emphasize public spaces, and the integration of the open space network into the Community. Under this plan, the lands are designated Medium Density Residential.

The proposal incorporates urban design principles identified in for the general streetscape and building design. Guidelines for streetscape that are reflected in the proposal include: orient buildings to the street to define the public space associated with the street; buildings and structures are located at the termination of a street and corner buildings should take advantage of the prominent location; sidewalks should be provided along one or both sides of the street; utility poles, lights, signs and other vertical elements should be located along the same planting line as street trees, where possible, to create a continuous street edge; and, landscape design should complement and unify other urban design objectives including building form, pedestrian and vehicular access points, parking location and signage.

Guidelines for building design reflected in the proposal include: buildings should be oriented to the street and located at the termination of a street; buildings on corner lots should be designed with side elevations detailing similar to the front elevation; building terminating vistas should have special attention to siting, massing and architectural detailing; a diversity in architectural expression is encouraged; building façades should be varied and articulated; and, façade design should clearly emphasize the main entrance of buildings.

Z.-1 Zoning By-law

The following provides a synopsis of the recommended zoning and permitted uses to be applied to the subject lands. Reference should be made to Zoning Amendment Map found in Appendix B of this report.

Current and Recommended Zoning

These lands are currently zoned Residential R8 Bonus (R8-4*B40) Zone and Rail Transportation (RT) Zone. The Residential R8 Bonus Zone (R8-4*B40) permits medium density development in the form of apartments. The Bonus Zone permitted: a five (5) storey (16 meters) apartment building at a maximum of 96 units per hectare; with a reduced front yard setback from an arterial road of four (4) meters minimum, where as eight (8) meters is required; reduced rear yard setback from the Open Space Zone of 13 meters; and, a reduced minimum parking requirement of one space per unit, whereas 1.25 spaces per unit is required. These site-specific regulations were contingent upon the provision of the following services:

Building

- a building design which, with minor variations at the discretion of the Managing Director, Planning and City Planner, matches the site concept and elevation drawings shown in Schedule "1";
- The building includes a differentiated base, middle and top;

- Individual entrances to the apartments are located on the ground floor of the apartment building adjacent to Sarnia Road and function as front doors rather than patio doors
- Ground floor amenity spaces are to be designed as open courtyards extending wider than the balconies above and into the front setback;

<u>Site</u>

- Provide glass or metal railings, or masonry walls to delineate the individual courtyards from the public realm.
- Railings are not to exceed 1m in height and masonry walls are not to exceed 0.9m in height in order to maintain visibility.
- Incorporate low landscaping to frame amenity areas.
- Direct walkway access from the front doors to the public sidewalk will be provided.
- Enhanced landscaping within the future public pathway corridor which includes additional plantings and public sitting areas;
- Enhanced entrance feature along Sarnia Road which includes the use of differencing paving materials, vegetation and public sitting areas: and
- All parking is to be located behind the building or enhanced screening

The Rail Transportation Zone permits railway lines and corridors which traverse the City. Railway lines and their accessory uses are the permitted uses within this Zone.

The current amendment to include a Bonus and Special Provisions zones has been requested to facilitate the development a six (6) storey apartment building containing 100 units and a planned public pathway. The Open Space (OS1) Zone is recommended for the public pathway, which permits the following uses: conservation lands and works; cultivation for lands for agricultural/horticultural purposes; golf courses; private and public parks; recreational golf courses; recreational buildings associated with conservation lands and public parks; campgrounds; and, managed forests.

The requested Bonus Zone would permit a six (6) storey apartment building with 100 units and the following: a minimum front yard setback from an arterial road of 4 meters, whereas 8 meters minimum is required; a minimum rear yard setback to the Open Space Zone of 13 meters; a maximum building height of 20 meters, whereas 13 meters is the maximum permitted; a maximum density of 124 units per hectare, where as 75 units per hectare is permitted; a reduced minimum parking requirement of 0.97 parking spaces per unit. This is contingent on the provision of affordable housing and design principles.

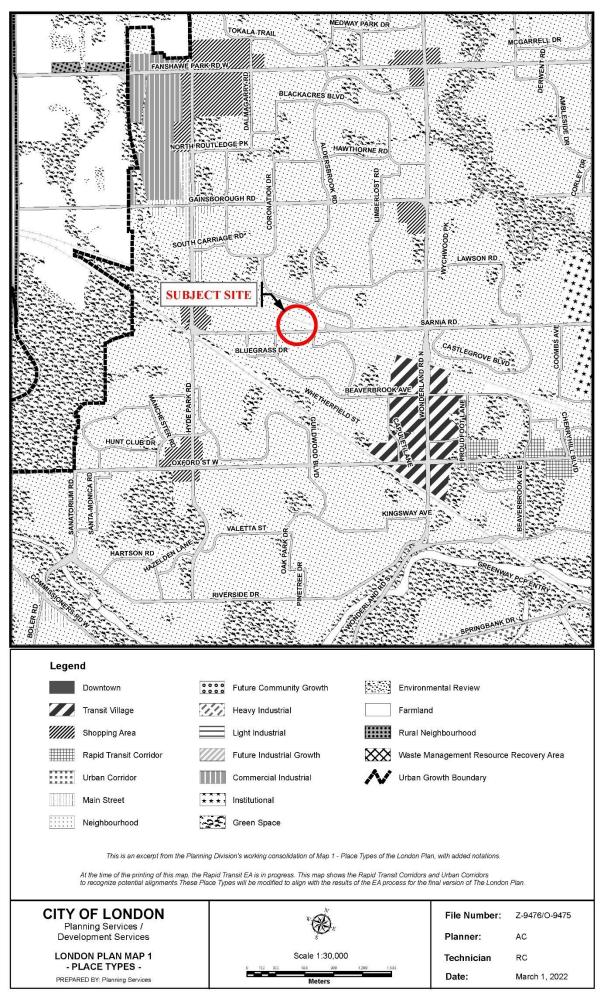
A base special provisions zone is recommended, in the event that the development occurs without the use of the Bonus Zone. This Special Provision Zone would permit a five (5) storey (16 meters) apartment building at a maximum of 96 units per hectare, with a reduced front yar setback from an arterial road of four (4) meters minimum, where as eight (8) meters is required, reduced rear yard setback from the Open Space Zone of 13 meters, and a reduced minimum parking requirement of one space per unit, whereas 1.25 spaces per unit is required.

Holding Provisions

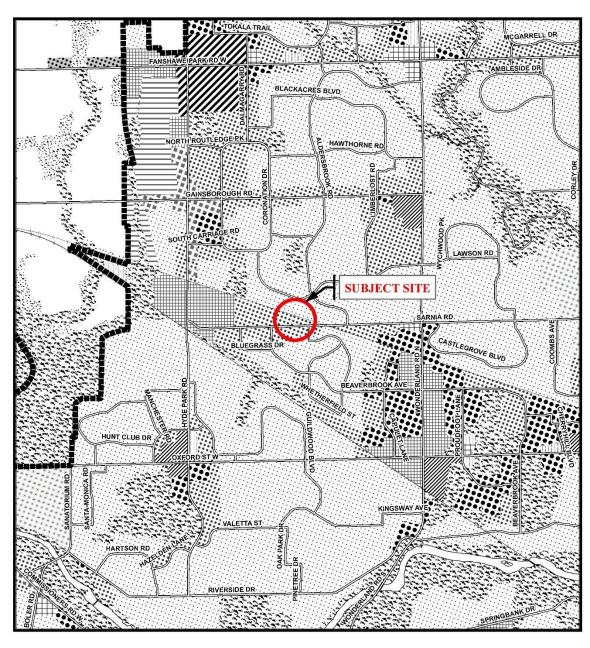
It is recommended that the standard "h" holding provisions to the subject lands to ensure the adequate provision of municipal services; that the required security has been provided; and, that a Development Agreement is executed.

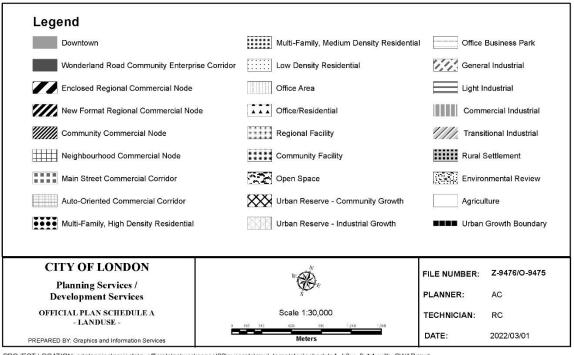
Appendix F: Policy Context - Graphics

London Plan Except



1989 Official Plan Excerpt





Z.-1 Zoning By-law Excerpt

