

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, Deputy City Manager, Planning and Economic Development

Subject: 2833257 Ontario Inc. (c/o Siv-ik Planning and Design Inc.)
955 Commissioners Road East
City File No. Z-9572 Ward: 14

Date: Public Participation Meeting
April 4, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of 2833257 Ontario Inc. (c/o Siv-ik Planning and Design Inc.) relating to the property located at 955 Commissioners Road East:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on April 4, 2023, to amend Zoning By-law No. Z.-1, in conformity with The London Plan, to change the zoning of the subject lands **FROM** a Residential R9 (R9-7*H43) Zone **TO** a Residential R9 Special Provision (R9-7()*H46) Zone and an Open Space (OS5) Zone;
- (b) the Site Plan Approval Authority **BE REQUESTED** to consider the following design matters for 955 Commissioners Road East through the site plan review process:
- i) A variety of amenities in the outdoor open space to serve various populations;
 - ii) Additional tree plantings on site;
 - iii) Incorporate low walls, railings and/or landscaping to delineate private amenity areas from common outdoor spaces;
 - iv) Consideration of no fencing between the building and public pathways to maintain sightlines;
 - v) Consider including green infrastructure such as electric vehicle charging stations, green or cool roofs and/or solar panels;
 - vi) Consultation with the Ministry of Environment Conservation and Parks regarding development on lands previously used for waste disposal, and
 - vii) Incorporate mitigative measures for methane gas venting & control mechanisms.

Executive Summary

Summary of Request

The applicant has requested a Zoning By-law amendment to facilitate the development of a high-rise apartment building up to 14 storeys in height with a total of 188 units. The requested Residential R9 Special Provision (R9-7()*H46) Zone would increase the permitted height by 2-storeys as the current zoning regulations could accommodate heights of up to 12 storeys.

The requested zoning special provisions would permit a reduced lot frontage of 0.0 metres whereas 30.0 metres is required, a north interior side yard setback for the parking garage of 0.0 metres whereas 4.5 metres is required, a minimum south interior side yard setback for the parking garage of 0.0 metres whereas 4.5 metres is required, a west interior side yard setback for the main building of 3.0 metres whereas 18.4 metres is required, a minimum south interior side yard setback of 0.0 metres whereas 18.4 metres is required, a maximum lot coverage of 47% whereas a maximum of 30% coverage is required, a maximum lot coverage for a parking garage of 28%, whereas a

maximum lot coverage for accessory structures is 10%, a density of 270 units per hectare whereas 150 units per hectare is the maximum, and a height of 48 metres (14 storeys) whereas 41 metres (12 storeys) is permitted.

An Open Space Zone (OS5) is also being recommended to a small portion of the site, to include a 10-metre buffer to the Environmentally Significant Area (ESA).

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to permit the development of one 14-storey apartment building with a total of 188 units, with 20 surface parking spaces and 168 parking spaces within a two-storey parking garage. The special provisions will ensure the site is developed generally in accordance with the site concept plan contemplated through the Zoning By-law Amendment process.

Rationale of Recommended Action

1. The recommended amendment is consistent with the *PPS 2020*;
2. The recommended amendment conforms to the in-force policies of *The London Plan*, including, but not limited to the Neighbourhoods Place Type, the High-Density Residential Overlay (HDR) policies, City Building and Design, Our Tools, and all other applicable policies in *The London Plan*; and
3. The recommended amendment facilitates the development of an underutilized lot within the Built-Area Boundary with an appropriate form of infill development.

Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change. Refer to Appendix C for further details on the characteristics of the proposed application related to the City's climate action objectives. Further analysis can be found under Appendix C of this report.

Linkage to the Corporate Strategic Plan

Building a Sustainable City – London's growth and development is well planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None.

1.2 Planning History

The project site forms part of a comprehensively planned high-density apartment development block. The northern portion of the property (Phase 1) was developed with a 14-storey apartment building in 1973. At the time, the southern portion of the lands were envisioned to be developed with a twin 14-storey apartment buildings, with the placement and orientation of the second phase essentially mirroring the form of development in Phase 1. The southern portion of the site was separated via a past (1973) planning application. Access to the subject site is enabled by a right-of-way/easement which extends along the west boundary of the site. The location of the right-of-way is shown as "Part 2" in the historic site plan drawing below. There is an existing asphalt driveway developed along the length of Part 2 as part of the Phase 1 development in 1973.

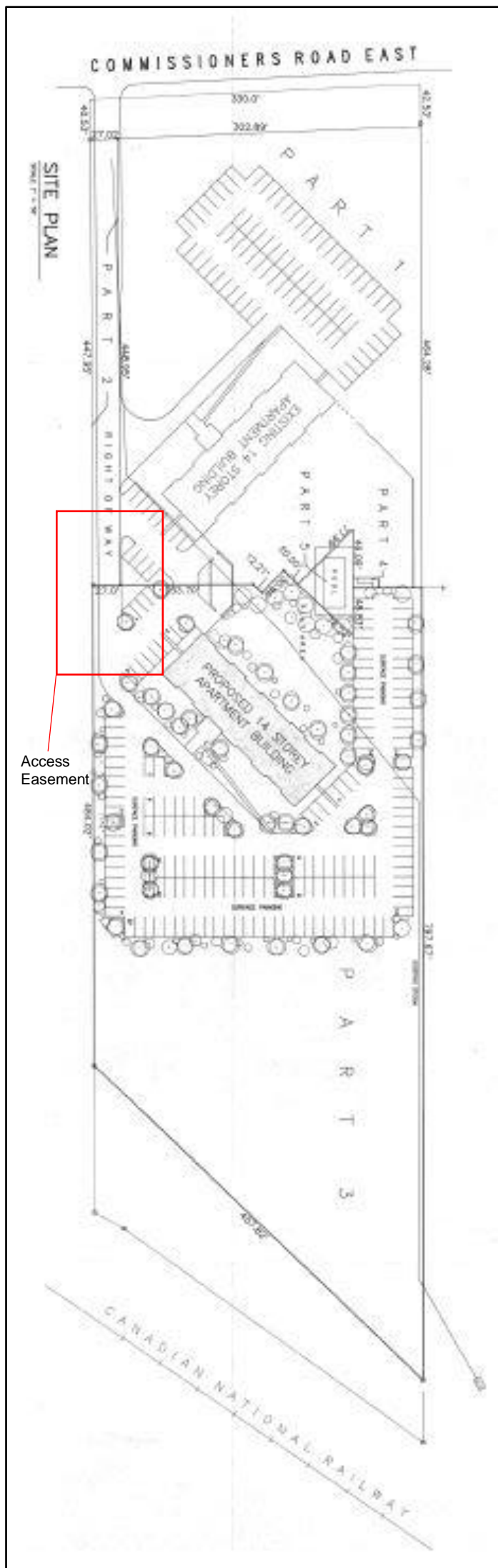


Figure 1. Original Site Plan from 1973.

1.3 Property Description

The subject lands are located on the south side of Commissioners Road East, across from Eagle Crescent, located behind an existing 14 storey apartment at 951 Commissioners Road East. The subject site is currently vacant, with zoning which provides up to 42 metres in height or approximately a 12-storey apartment building based on today's design standards. The immediate surrounding neighbourhood consists primarily of low, medium, and high-density residential, commercial, and open spaces, as well as being within 1km of the London Health Sciences Centre.

At present, there is access to the subject lands via an access easement from 951 Commissioners Road East. Commissioners Road East is a four-lane Civic Boulevard, that sees significant daily traffic volumes as it is a major arterial road within the City of London. Public sidewalks and dedicated bicycle lanes are currently available along the north and south sides of Commissioners Road East. Access to the subject site for vehicles and pedestrians will continue to be from Commissioners Road East.

The subject site is also adjacent to an Environmentally Significant Area (Westminster Ponds ESA), as identified on Map 5.



Figure 2. Aerial Photo of 955 Commissioners Road East and surrounding lands



Figure 3. Streetview of 955 Commissioners Road East (view from 951 Commissioners Road East)



Figure 4. View of the proposed entrance to 955 Commissioners Road East (Via Access Easement from 951 Commissioners Road East)

1.4 Current Planning Information (see more detail in Appendix D)

- The London Plan Place Type – Neighbourhoods Place Type fronting a Civic Boulevard; Green Space
- Special Planning Areas – Primary Transit Area
- Special Planning Areas – High Density Residential Overlay – From 1989 Official Plan
- Existing Zoning – Residential R9 (R9-7*H42)) Zone and Open Space (OS5)

1.5 Site Characteristics

- Current Land Use: Vacant (former Methane Site)
- Frontage – 0 meters
- Depth – 60 meters (196.9 ft)
- Area – 1.95 hectares (19,586 m² or 4.84 acres)
- Shape – irregular

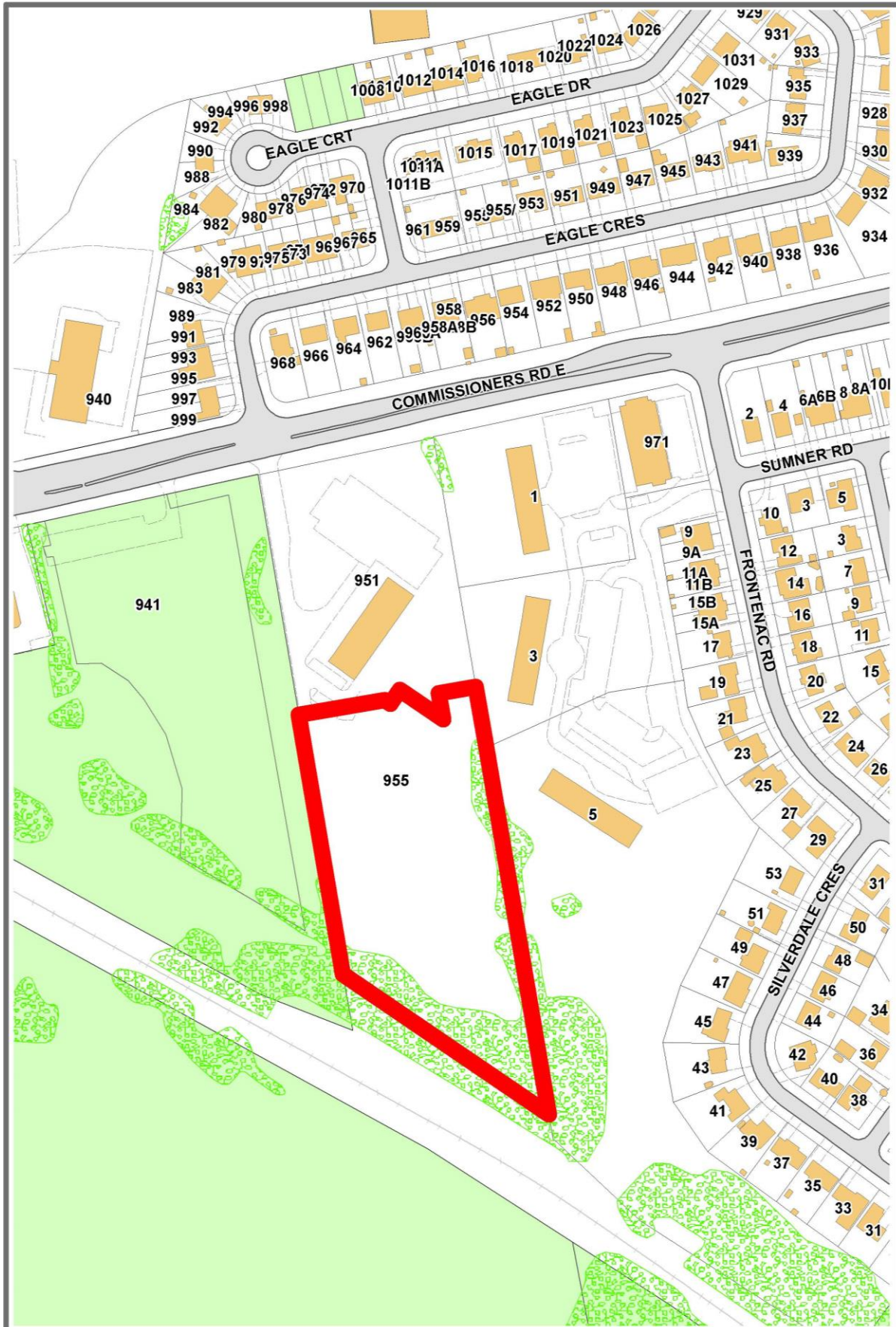
1.6 Surrounding Land Uses

- North – 12-Storey Apartment Building
- East – Three 6-Storey Residential Apartments
- South – Open Space; CN Rail Line
- West – Open Space; Off-Leash Dog Park (Caesar's Park)

1.7 Intensification

- The proposed development will represent intensification within the Built-Area Boundary.
- The proposed development will represent intensification within the Primary Transit Area.

1.8 Location Map



LOCATION MAP

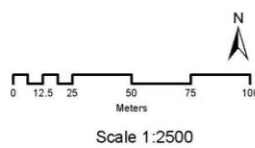
Address: 955 Commissioners Road East

File Number: Z-9572



Planner: Brent House

Date: 2023/2/21

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



Legend

-  Buildings
-  Assessment Parcels
-  Driveways/Parking Lots
-  Draft Approved Subdivisions

Description of Proposal

2.1 Development Proposal

In October 2022, the applicant submitted a zoning by-law amendment application for one (1) fourteen (14) storey apartment building with 188 residential units and a total of 270 units per hectare. As part of a complete application the applicant provided a conceptual site plan, shown below as Figure 5, and building renderings and elevations which are shown in Figures 6, 7, 8 and 9.

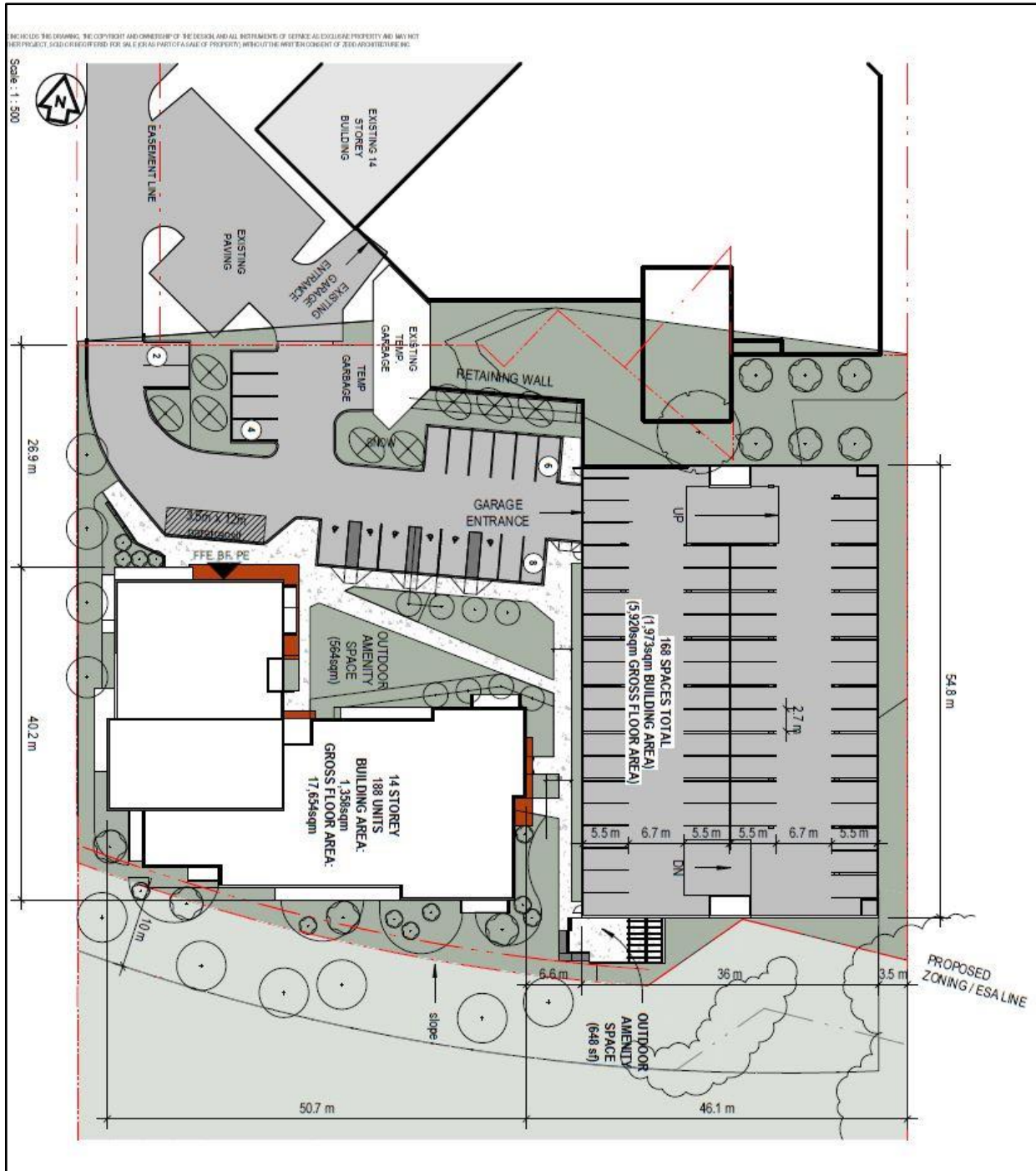


Figure 5. Conceptual Site Plan (February 2023)



Figure 6. Building Rendering (Northwest View)



Figure 7. Building Rendering (North View)



Figure 8. Building Rendering (Northeastern View)



Figure 9. Building Rendering (View Along Commissioners Road East)

2.2 Requested Amendments

The applicant has requested a Residential R9 Special Provision (R9-7(_)*H46) Zone, with special provisions as follows:

- a reduced lot frontage of 0.0 metres whereas 30.0 metres is required;
- a north interior side yard setback for the parking garage of 0.0 metres whereas 4.5 metres is required;
- a south interior side yard setback for the parking garage of 0.0 metres whereas 4.5 metres is required;
- a west interior side yard setback for the main building of 3.0 metres whereas 18.4 metres is required;
- a minimum south interior side yard setback of 0.0 metres for the main building whereas 18.4 metres is required;
- a maximum lot coverage of 47%, whereas a maximum lot coverage of 30% is required;
- a maximum lot coverage for the parking garage of 28%, whereas 10% is the maximum permitted;
- a maximum density of 270 units per hectares, whereas 150 units per hectare is the maximum permitted; and
- a height of 48 metres (or 14 storeys), whereas 41 metres (12 storeys) is permitted.

2.3 Community Engagement

On December 14, 2022, Notice of Application was sent to 27 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on Thursday December 15, 2022. A “Planning Application” sign was also placed on the site.

There was 1 public response received during the community consultation period, and these comments have been included in Appendix B.

Concerns expressed by the public relate to:

- Density
- Consistency of neighbourhood character
- Privacy
- Functionality of site.

2.4 Internal and Agency Comments

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application. Detailed comments are included in Appendix B of this report.

2.5 Key Directions (The London Plan)

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.

The London Plan provides direction for building a mixed-use compact city for London’s future by:

- 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 (Direction 4)

- Ensuring a mix of housing types within our neighbourhoods so that they are complete and support aging in place (Direction 5)

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

- Thinking “big picture” and long-term when making planning decisions – considering the implications of a short-term and/or site-specific planning decision within the context of this broader view. (Key Direction #8, Direction 3)
- Integrating affordable forms of housing in all neighbourhoods (Key Direction #7, Direction 10).
- Ensuring new development is a good fit within the context of an existing neighbourhood. (Key Direction #8, Direction 9)

3.0 Financial Impacts

There are no direct municipal financial expenditures with this application.

4.0 Key Issues and Considerations

4.1. Issue and Consideration #1 – Provincial Policy Statement, 2020

The PPS encourages an appropriate, affordable and market-based range and mix of residential types, including single-detached dwellings, additional residential units, multi-unit housing, affordable housing, and housing for older persons to meet long-term needs (1.1.1b)). A mix of housing options and densities are required to meet projected requirements of current and future residents of the regional market area (1.4.1). Section 1.1 of the PPS encourages healthy, livable, and safe communities which are sustained by promoting efficient development and land use patterns which stimulate the financial well-being of the Province and municipalities over the long term. The PPS directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of communities (1.1.3).

The PPS is supportive of development standards which facilitate intensification, redevelopment, and compact forms (1.1.3.4). Densities for new housing which efficiently use land, resources, infrastructure, and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed, are promoted by the PPS (1.4.3d)). The policies also identify that long term economic prosperity should be supported by encouraging a sense of place by promoting a well-designed built form (1.7.1e)).

The PPS protects natural features and areas for the long term (2.1.1). Development and site alteration shall not be permitted in significant wetlands or significant woodlands (2.1.4 & 2.1.5). Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with Provincial or Federal requirements (2.1.7). Development and site alteration shall not be permitted on adjacent lands to these natural heritage features and areas 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 (2.1.8).

Consistent with the PPS, the recommended amendment will facilitate the development of an underutilized site within an established residential neighbourhood and represents a form of intensification through infill development. This development will contribute to the mix of housing types in the area by providing choice and density in housing options for both current and future residents. Further, the proposed development will be located within an established area of the city, and intensification of the site would optimize the use of land and existing infrastructure, while contributing to achieving more compact forms of growth within the City. The proposed development will be located outside of a significant environmental feature and will include additional buffer within the open space zone to further protect the ESA.

4.2. Issue and Consideration #2 – Use

The London Plan

The site is within the Neighbourhoods Place Type of The London Plan fronting a Civic Boulevard. At this location, permitted uses include a range of stacked townhouses, fourplexes, low-rise apartments, emergency care establishments, rooming houses, and supervised correctional residences (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type).

The subject site is also located within the High-Density Residential Overlay of the London Plan (Map 2). High-rise apartment buildings play a significant role in supporting the fundamental goal of linking our land use plans to our mobility plans. This type of development generates significant densities which can create a high demand for transit services. While recognizing this strategy moving forward, The London Plan also recognizes High Density Residential (HDR) areas that were designated in the previous Official Plan. Map 2 identifies these lands as High-Density Residential Overlay (from 1989 Official Plan). Map 2 is an overlay that permits high-rise apartment buildings, in addition to the policies of the underlying place type (955_).

The proposed residential apartment building use is in conformity with The London Plan. The proposed development type is already located in the immediate area and will not impact adjacent uses. The site also has appropriate access to public transit, community facilities and retail uses, to support the proposed residential use and intensity. The apartment is not out of character for the neighbourhood and impacts will be minimal.

4.3. Issue and Consideration #3 – Intensity

The London Plan

The London Plan contemplates residential intensification in appropriate locations and in a way that is sensitive to and a good fit with existing neighbourhoods (83_). Intensification within existing neighbourhoods will be encouraged to help realize our vision for aging in place, diversity of built form, affordability, vibrancy, and the effective use of land in neighbourhoods (937_).

The London Plan uses height as a measure of intensity. The subject site is located within the High-Density Residential Overlay of the London Plan (Map 2). A site-specific policy within the HDR overlay is also applicable to the lands located at 955 Commissioners Road East. The policy permits a maximum height of 14 storeys and a maximum density of 150 units per hectare (1077C_3).

The subject property is of a size and configuration capable of accommodating a more intensive development than the 12-storeys that is currently permitted on the vacant lands. At 1.95 ha (19,586 m²), the property is large by comparison; however, a portion of the lands are identified as an Environmentally Significant Area (ESA) known as the Westminster Ponds - Pond Mills Environmentally Significant Area. The total developable lot area consists of 0.71 hectares, and 1.26 hectares is utilized for the ESA. The developable portion of the site (0.71 ha) is still large by comparison, and the proposed increase in density (from 150 upha to 270 upha) can be accommodated. The subject site is well suited for the development of a 14-storey apartment building, as the site is surrounded by other high and medium rise development, the subject lands have access to surrounding transit and is within walking distance to commercial and institutional uses. The subject lands are connected to Commissioners Road East via an access easement to 951 Commissioners Road East, which is considered a Civic Boulevard within The London Plan. This street classification permits higher intensity uses and can provide additional, more intensive housing options on the subject lands. As this site is currently vacant, the proposed development represents an appropriate form of intensification through infill development. The current vacant lands represent an underutilization of the lot within a developed area and the increased intensity of development on the site will make use of existing transit and public services in the area. The subject site is in an area where The London Plan directs and supports residential intensification and redevelopment within the High-Density Residential Overlay, which

permits up to 14 storeys in height. The proposal is considered to be in keeping with the intensity policies set out by The London Plan.

4.4. Issue and Consideration #3 – Form and Design

The London Plan

The London Plan encourages compact forms of development as a means of planning and managing for growth (7_, 66_). The London Plan encourages growing “inward and upward” to achieve compact forms of development (59_ 2, 79_). The London Plan accommodates opportunities for infill and intensification of various types and forms (59_ 4). To manage outward growth, The London Plan encourages supporting infill and intensification in meaningful ways (59_ 8).

The London Plan also provides guidance on compatibility and fit with regards to form (Policy 953_). The applicant has provided a development concept (Figure 4) as part of a complete application to support and justify the form of development and its relationship to the neighbourhood.

Within the Neighbourhoods Place Type, and according to the urban design considerations for residential intensification, compatibility and fit will be evaluated from a form-based perspective through consideration of the following: site layout in the context of the surrounding neighbourhood, considering such things as access points, driveways, landscaping, amenity areas, building location and parking; building and main entrance orientation; building line and setback from the street; height transitions with adjacent development; and massing appropriate to the scale of the surrounding neighbourhood (953_ 2.a. to f.). Specific City Design policies indicate that principal building entrances and transparent windows should be located to face the public right-of-way, to reinforce the public realm, establish an active frontage and provide convenient pedestrian access (291_). They also indicate that residential buildings should include outdoor amenity spaces (295_) and support reduced parking rates in place types and parts of the city that have high accessibility to transit (271_).

The proposed form of development has made a strong effort to maintain a scale and rhythm that responds to the surrounding land uses, and that the location and massing of the proposed building is consistent with urban design goals of The London Plan. The proposed development takes advantage of the topography of the site by positioning the parking structure against the east property line, thereby concealing the structure and minimizing visual impact for adjacent properties. The vehicular and pedestrian circulation network has been designed to functionally integrate with the existing phase of development to the north. The mass and volume of the proposed apartment building has been focused on the southeast corner of the site in order to provide the greatest degree of spatial separation from existing buildings and amenity spaces. The site design is sympathetic to the adjacent environmental feature as parking has been focused on a parking garage and is not large scale surface parking, and an enhanced 10 metre buffer has been provided from the existing open space and environmental feature. The building placement has been informed by a desire to create an interesting landmark/view/reveal for the limited portion of the site where the development will be visible from Commissioners Road E. The site design preserves a significant proportion of the development site as greenspace. Overall, the proposed development is in keeping with the adjacent area and will provide for a more intensive form of housing that will not detract from adjacent development.

The Our Tools section of *The London Plan* contains various form and design considerations for the evaluation of all planning and development applications (Policy 1578). Appendix D of this report includes a complete Planning Impact Analysis addressing matters of both intensity and form.

Zoning By-Law

The ‘R9’ Zone is intended to permit and regulate medium to high-density development in various forms of apartment buildings. The ‘R9-7’ Zone permits apartment buildings and special population’s accommodations, in the form of lodging house class 2, senior

citizens apartment buildings, handicapped persons apartment buildings, and continuum-of-care facilities. The subject lands currently permit 150 units per hectare, to accommodate for the HDR Overlay designated to this site in The London Plan (Policy 1077C_3). The proposed maximum density of 270 uph will allow for the implementation of the proposed 14-storey apartment building and will align with the High-Density Residential Overlay policies that have no outright restrictions on density for sites within the Primary Transit Area.

The proposed R9-7 Zone requires a minimum lot area of 1,000m² and a minimum lot frontage of 30 metres. The application satisfies the lot area requirements, but the parcel itself has no legal frontage, as it will be accessed via an access easement provided by the neighbouring 951 Commissioners Road East. This project represents Phase 2 of a previously approved high-density development block. Due to a past severance (which legally divided the two phases into individual titled parcels), the site does not have legal frontage onto a municipal street. Notwithstanding, legal access is available via a registered easement/right-of-way over the existing driveway access to Commissioners Road East.

Additional special provisions are required as follows:

Front yard setback - The site does not have legal frontage onto a municipal street. The proposed 0.0 metre recognizes the irregular shape of the severance line that is the front yard (northern) lot line of the project site. The concept plan, however, generally achieves more than 8.0 metre of setback from the northern lot line. The proposed apartment building and parking structure are set as far back from the Phase 1 building as possible, to allow for vehicle circulation, without encroaching on the OS5 lands.

Side & rear yard setbacks - The R9-7 Zone regulations generally require significant setback requirements along all interior lot lines. The parking structure is proposed to be almost even with the elevation of the neighbouring site to the east. Further reductions are needed for the main building on the west and south lot line, and for the parking garage on the north and south lot line. The reductions will not cause negative impacts given the open space adjacent to the site and will assist in providing an interesting urban backdrop to the park. Because of the split zoning and the rezoning of the 10.0 metre buffer lands to Open Space (OS5) Zone, the rear yard "depth" is technically measured as 0.0 metres to the boundary of the proposed R9-7()*H46/OS5 Zones. The remaining lands to the south will be preserved as open space in perpetuity and dedicated to the City of London (i.e., they will not be developed). The 10.0 metre buffer rezoned to OS5 will maintain the ecological function of the open space once restoration has occurred and it is fully naturalized. Due to this buffer, no negative impacts will result from the reduced setback/yard depth in this context.

Lot coverage – Due to the technical measurement of coverage and given the fact that the project seeks to modify the existing OS5 zone line to add the 10.0m buffer, the development results in an increase over the allowable lot coverage. From an overall perspective, with the preservation and potential dedication of the ESA lands to the City, as well as the restoration and dedication of the 10.0 metre buffer lands, the effective lot coverage is much less than the proposed 50% and will provide for a better built form while still providing landscape open space and amenity areas as per the by-law.

Density - The proposed maximum density provision of 270uph will allow for the implementation of the 14-storey apartment building and will align with the High-Density Residential Overlay policies that have no outright restrictions on density for sites within the Primary Transit Area.

Given the context, and the fact that this represents an existing situation, special provisions to allow for development of the lot is appropriate.

Overall, the proposed Zoning By-law amendment maintains the general intent and purpose of the City of London Zoning By-law Z.-1.

4.5. Issue and Consideration #4 – Environmentally Significant Area

Map 5 – *Natural Heritage of The London Plan* identifies the lands on the southern portion of the property as an Environmentally Significant Area (ESA), as well as a Provincially Significant Wetland. The applicant has provided a 10-metre buffer from the ESA, which Ecology Planner's from City Staff and the UTRCA have confirmed is sufficient to protect the feature. The buffer will result in the extension (rezoning) of the existing OS5 Zone north into the R9-7 zone.

A large portion of the subject lands is located within an area regulated by the Upper Thames River Conservation Authority (UTRCA) under Section 28 of the *Conservation Authorities Act*. Development and site alteration within regulated areas are subject to the approval of the UTRCA. The UTRCA has indicated general satisfaction with the proposal, as the proposed development is located outside of hazard lands and provides a sufficient setback from the PSW. The UTRCA is supportive of extending the Open Space OS5 Zone by re-zoning 10 metres of the existing R9-7 Zone to the Open Space OS5 Zone in order to establish the appropriate buffer. A permit will be required from the UTRCA at the time of site plan.

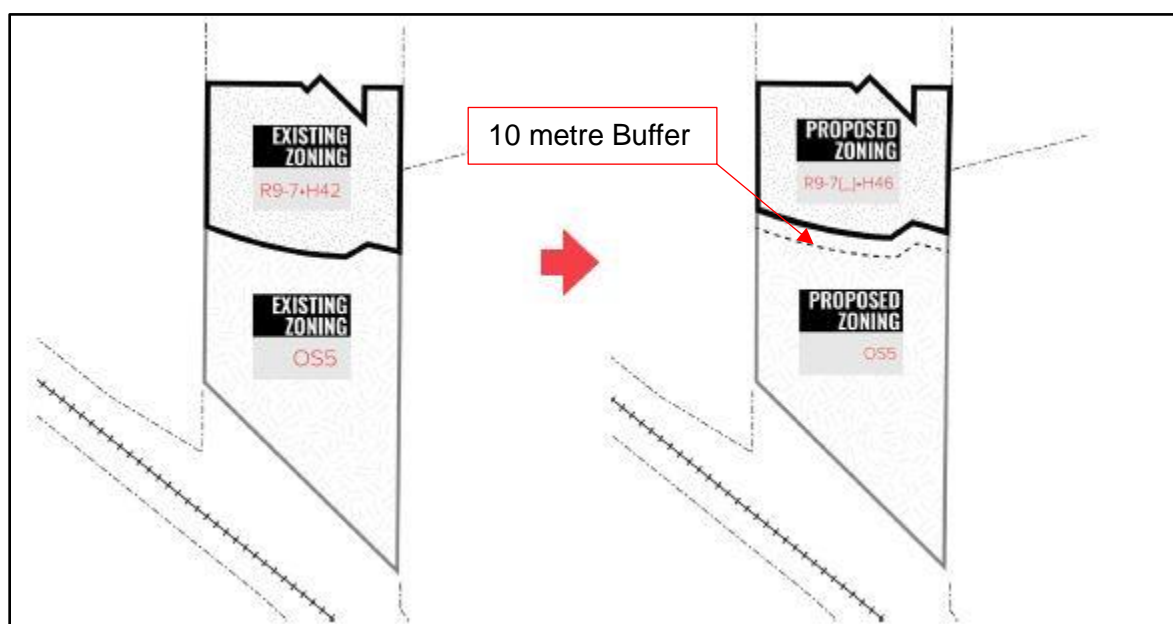


Figure 10. Image Depicting the 10-Metre Buffer From the ESA

4.6. Issue and Consideration #5 – Methane

The subject lands at 955 Commissioners Road East are located on a former landfill/methane site, known as the Glen Cairn Landfill. The applicant submitted a methane gas study, which found both methane gas and waste on the property. The applicant's consultant made recommendations that this proposed building be designed and developed without a basement to eliminate the risk of methane gas accumulation. At the site plan review stage, the City of London's Waste Management Division will require the following conditions to be included in the development agreement:

- Part V of the Environmental Protection Act deals with Waste Management. Section 46 of this part of the act deals with former waste disposal sites and does not allow for any use of land which has been used for the disposal of waste within a period of 25 years unless approval by the Ministry of the Environment, Conservation and Parks (MECP) has been obtained. In practice, the MECP has limited the use of lands where waste was disposed beyond the noted 25-year period. Clarification should be obtained from the MECP regarding whether they would allow the proposed development given the past use of the lands for waste disposal activities.
- The Owner shall remove and dispose of any surface garbage and/or contamination, and sub-surface contaminated soils as appropriate, within the context of the proposed development land use and the applicable MECP regulations governing such land use;
- Based on the known presence of a sanitary landfill on this parcel, the proposed site must be developed to include suitable methane gas venting & control

mechanisms to provide a gas migration barrier for the buildings, most importantly along the southern limits of the site;

- Internal to the buildings shall be a gas monitoring / alarm system that will provide confirmation that the ventilation system is functioning effectively.

Conclusion

The requested amendments and special provision are recommended to facilitate the rezoning of the subject lands to permit a fourteen (14) storey, 188-unit apartment building, with a maximum density of 270 units per hectare.

The recommended amendments are consistent with the Provincial Policy Statement, 2020 and conforms to the in-force policies of The London Plan, including but not limited to the Key Directions, the Neighbourhoods Place Type and the High-Density Residential Overlay. The recommended amendment will facilitate the development of new residential dwellings in an established neighbourhood, with a land use, intensity, and form that is appropriate for the site.

Prepared by: Brent House
Planner I, Planning Implementation

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

Recommended by: Heather McNeely, MCIP, RPP
Director, Planning and Development

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

Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning and Economic Development.

Cc: Britt O'Hagan, Manager, Current Development
Michael Pease, Manager, Site Plans
Ismail Abushehada, Manager, Development Engineering

Appendix A

Bill No. (number to be inserted by Clerk's Office)
2023

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

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 955
Commissioners Road East

WHEREAS 2833257 Ontario Inc. (c/o Siv-ik Planning & Design Inc.) has applied to rezone an area of land located at 955 Commissioners Road East, 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 955 Commissioners Road East, as shown on the attached map comprising part of Key Map No. A103, from a Residential R9 (R9-7*H42) Zone to a Residential R9 Special Provision (R9-7()*H46) Zone and an Open Space (OS5) Zone.
- 2) Section Number 13.4 of the Residential R9-7 Zone is amended by adding the following Special Provision:

R9-7() 955 Commissioners Road East

a) Regulations

- | | | |
|-------|---|-----------------------|
| i) | Lot Frontage
(Minimum) | 0 metres |
| ii) | West Interior Side Yard Depth
Parking Garage/Accessory Structure
(Minimum): | 0.0 metres |
| iii) | East Interior Side Yard Depth
Parking Garage/Accessory Structure
(Minimum): | 0.0 metres |
| iv) | South Interior Side Yard Depth
Main Building
(Minimum): | 0.0 metres |
| v) | West Interior Side Yard Depth
Main Building
(Minimum): | 3.0 metres |
| vi) | Lot Coverage
(Maximum): | 50% |
| vii) | Lot Coverage
Parking Garage/Accessory Structure
(Maximum): | 28% |
| viii) | Density | 270 units per hectare |

	(Maximum)	
ix)	Height Main Building (Maximum):	48 metres (14 Storeys)

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.

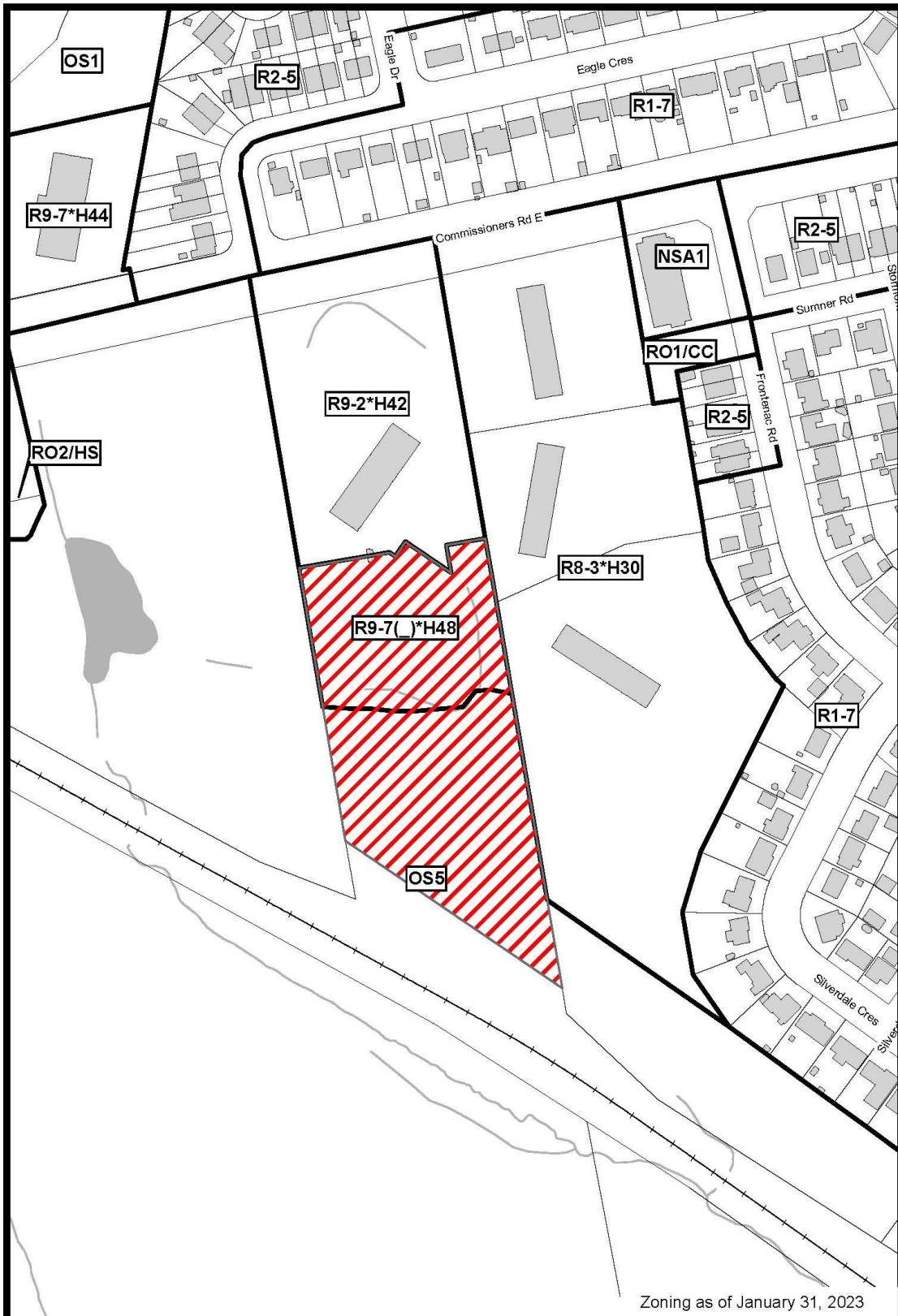
PASSED in Open Council on April 4, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – April 4, 2023
Second Reading – April 4, 2023
Third Reading – April 4, 2023

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



File Number: Z-9572
Planner: BH
Date Prepared: 2023/3/15
Technician: JI
By-Law No: Z-1-

SUBJECT SITE 

1:2,500

0 12.5 25 50 75 100 Meters



Appendix B – Public Engagement

Community Engagement

Notice of Application:

On December 14, 2022, Notice of Application was sent to prescribed agencies and City departments.

Public liaison: On December 14, 2022, Notice of Application was sent to 27 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on Thursday December 15, 2022. A “Planning Application” sign was also posted on the site.

Replies were received from 1 household.

Nature of Liaison: The purpose and effect of this zoning change is to permit the development of a high-rise apartment building (up to 14 storeys). The requested Residential R9 Special Provision (R9-7(_)*H46/OS5) Zone would permit the 14-storey apartment, as the current Zone permits up to 12 storeys in height. The requested zoning special provisions would permit a reduced lot frontage of 0.0 metres, whereas 30.0 metres is the minimum required, a front yard setback for the parking garage of 0.0 metres, whereas a minimum of 8.0 metres is the minimum required, a minimum east and west interior side yard setback of 3.0 metres, whereas 18.4 metres is the minimum required, a rear yard depth of 0.0 metres, whereas the minimum rear yard setback of 7.0 metres is required, and an increased maximum density of 270 units per hectare, whereas 150 units per hectare is the maximum permitted.

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

Telephone	Written
	Dempsey O’Connor

Dempsey O’Connor

Please do not build any more property around here. This is one of the only places in London that you see deer. The best part of my apartment building (951 commissioners) is the view on to the conservation area. Please just leave the natural beauty alone.

Agency/Departmental Comments

Site Plan (January 12, 2023)

I’ve reviewed this ZBA and while most of my general SPC comments still remain for the easements and other technical process matters that will be dealt with through the site plan process, I only have a couple site design comments (mark up drawing attached).

Zoning is a little complicated based on the nature of the property, but I’ve outlined the required special provisions below. Since it doesn’t have frontage on a public street, the property technically doesn’t have a front lot line (and therefore, no rear lot line either), so all setbacks are interior side yards. There are a couple items that still need to be confirmed and I’ve flagged them below.

Overall Site:

- Lot frontage – 0m
- Lot coverage – 47%
- Density – 265uph

Main Building:

- West interior side yard setback – 3.6m
- South interior side yard setback – 0m

- Building height – 46m* (to be confirmed to the top of parapet)

Parking Structure (accessory structure)

- Lot coverage – 28%
- Height – *To be confirmed (based on average grade)
- North interior side yard setback – 0m* (to be confirmed)
- South interior side yard setback – 0m* (to be confirmed)
- East interior side yard setback – 3.5m* (to be confirmed per building height)

London Hydro (December 16, 2022)

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

Landscape Architect (December 20, 2022)

- The applicant forwarded a Tree Assessment prepared by RKLA. There are no concerns about the methods employed or the format of the report.
- The inventory captured 4 individual trees, 2 vegetation units, and 2 shrub colonies within the subject site and within 3 meters of the legal property boundary.
- No species classified as endangered or threatened under the Ontario Endangered Species Act, 2007, S.O. 2007, c. 6 were observed during the tree inventory.
- No trees within the City ROW are associated with this site.
- There are no boundary trees associated with this site.
- Based on these findings, I have no concerns with the reduced setbacks from the east and west property lines in regards to impacts to existing trees.

Parks Planning and Design (December 16, 2022)

- Parkland dedication will be required in the form of land or cash in lieu, pursuant to By-law CP-9 and will be finalized at the time of site plan approval.
- The natural heritage lands (ESA) could potentially be accepted as parkland dedication subject to the agreement from the City's landfill department.

Ecology (January 5, 2023)

Zoning amendment to allow a high-rise apartment building up to a maximum of 14 storeys in height consisting of 188 units at 270 units per hectare

This e-mail is to confirm that there are currently ecological planning issues related to this property and/or associated study requirements.

Major issues identified

- Natural Heritage Features on, or adjacent to the site have been identified on Map 5 of the London Plan or based on current aerial photo interpretation, including, but not limited to, Environmentally Significant Area and Provincially Significant Wetland.

Ecology – complete application requirements

- None for the ZBA application. An Environmental Management Plan and Restoration Plan for the ecological buffer is required at the Site Plan application stage.

Notes

- At this time of the ZBA application, the only ecological requirement is that the buffer shall be zoned to OS5. This appears to be shown in the development proposal by the “Proposed Zoning/ESA Line”, however it is not currently clear in the concept plan or the requested zoning in the application that the buffer will be rezoned to OS5.
- Opportunities for the City to acquire the southern portion of the subject lands zoned OS5 and within the ESA should be explored. These lands would likely not be developable in the future and would strengthen linkages within the Natural Heritage System.

Engineering (January 5, 2023)

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

Comments to the Rezoning Application:

- **The subject site is landlocked from municipal servicing and requires a private servicing easement placed over 951 Commissioners Rd. We would suggest a holding provision be placed on the property until an easement is secured.**

The following items are to be considered during a future site plan application stage:

Wastewater:

- The capacity analysis as previously requested by SED for the proposed 188-unit (14-storey) residential building has confirmed there is available surplus capacity for the proposed development based off the submitted brief. The site is tributary to the top end manhole on the 200mm diameter sanitary sewer on Commissioners Road East, city drawing no. 14530 shows related information to the municipal sewer.
- Shared servicing may require joint use and maintenance agreements and easements and need for private ECA’s for any shared private sanitary sewers and shared services.

Stormwater:

Specific comments for this site:

- Currently, there is no municipal storm sewer or storm outlet to service this site.
- The Developer shall be required to provide a Functional Storm/Drainage Servicing Report demonstrating that the proper SWM practices will be applied to ensure on-site controls are designed to reduce/match existing peak flows from the 2-year through 100-year return period storms.
- The proposed land use of high density residential will trigger the application of design requirements of Permanent Private Storm System (PPS) as approved by Council resolution on January 18, 2010. A standalone Operation and Maintenance manual document for the proposed SWM system is to be included as part of the system design and submitted to the City for review.
- As per the City of London’s Design Requirements for Permanent Private Systems, the proposed application falls within the Central Subwatershed (case 4), therefore the following design criteria should be implemented:
 - a. the flow from the site must be discharged at a rate equal to or less than the existing condition flow;

- b. the discharge flow from the site must not exceed the capacity of the stormwater conveyance system;
- c. the design must account the sites unique discharge conditions (velocities and fluvial geomorphological requirements);
- d. “normal” level water quality is required as per the MOE guidelines and/or as per the EIS field information; and,
- e. shall comply with riparian right (common) law.

The consultant shall provide a servicing report and drawings including calculations, recommendations and details to address these requirements.

- Please ensure that a servicing easement in favour of 955 Commissioners Road E is provided over 951 Commissioners Road E. if the subject site is intended to be serviced by internal private storm sewers.
- The number of proposed parking spaces exceeds 29, the owner shall be required to have a consulting Professional Engineer confirm how the water quality may be addressed to the standards of the Ministry of the Environment, Conservation and Parks (MECP) as practical with a target of 70% TSS removal to the satisfaction of the City Engineer. Applicable options could include, but not be limited to the use of oil/grit separators.
- The subject site is located within the footprint of a former landfill, which may limit opportunities for infiltration. Any proposed LID solutions should be supported by a Geotechnical Report and/or a Hydrogeological Assessment report prepared with a focus on the type(s) of soil present at the Site, measured infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high groundwater elevation. Please note that the installation of monitoring wells and data loggers may be required to properly evaluate seasonal groundwater fluctuations. Furthermore, given the history of the site, soil and groundwater quality data may also be required to support any LID solutions. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution. All LID proposals are to be in accordance with Section 6 Stormwater Management of the Design Specifications & Requirements manual.
- The site is located within the UTRCA regulated area and therefore UTRCA approval/permits may be required, including confirmation as to required setbacks. The applicant is to engage as early as possible with UTRCA to confirm any requirements/approvals for this site.
- 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.
- Additional SWM related comments will be provided upon future review of this site.

General comments for sites within Central Thames Subwatershed:

- The subject lands are located within a subwatershed without established targets. City of London Standards require the Owner to provide a Storm/Drainage Servicing Report demonstrating compliance with SWM criteria and environmental targets identified in the Design Specifications & Requirements Manual. This may include but not be limited to, quantity control, quality control (70% TSS), erosion, stream morphology, etc.
- The 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 up to and including 100-year storm events.
- 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.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site and that will be in accordance with City of London and MECP (formerly MOECC) standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.

Water:

- Water is available to service the subject site via the municipal 300 mm diameter DI watermain on Commissioners Road East.
- Water servicing to the subject site will require a private easement.
- The 300 mm diameter watermain is part of the City's high-level system, which has a hydraulic grade line of 335.0 m.
- The active water service on the subject site will need to be decommissioned at the property line as per City Standards (cut and capped at the main).
- A water servicing report will be required addressing domestic water demands, fire flows and water quality.
- Water servicing to the subject site will be to City Standard 7.9.4.
- The water service pipe must be installed at right angles to the watermain and in a straight line from the watermain to the water meter.
- Water servicing shall be configured in a way to avoid the creation of a regulated drinking water system.
- Further comments to be provided during the Site Plan Application process.

Transportation:

- We completed the review of the TIA and it is accepted. Note the swept path analysis included in the TIA is a Site Plan requirement, thus comments will be provided at site plan.
- Ensure Access Agreement or Easement in place for access to Commissioners Road;
- A TMP will be required for any work in the City ROW, including servicing, restoration, external works, etc.

Heritage (January 19, 2023)

This memo is to confirm that I have reviewed the following and find the report's (analysis, conclusions, and recommendations) to be sufficient to fulfill the archaeological assessment requirements for (Z-9572):

- Lincoln Environmental Consulting Corp. *Stage 1-2 Archaeological Assessment of 955 Commissioners Road East [...]* Middlesex County, Ontario (PIF P1289-0159-2021), April 2022.

Please be advised that heritage planning staff recognizes the conclusion of the report that states that: "[n]o archaeological resources were identified during the Stage 2 archaeological assessment of the study area, and as such **no further archaeological assessment of the property is recommended.**" (p 2)

An Ontario Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTCI) archaeological assessment compliance letter has also been received (*without technical review*), dated May 9, 2022 (MHSTCI) Project Information Form Number P1289-0159-2021, MHSTCI File Number 0015425).

Archaeological conditions can be considered satisfied for this application.

Urban Design (January 5, 2023)

Please see below for the Urban Design comments related to **955 Commissioners Road**:

The proposed built form for the ZBA related to **955 Commissioners Road** must be revised to receive support from Urban Design. The following Urban Design comments must be addressed:

- 1) Parking for high-rise buildings should be provided underground or integrated into the building. Refer to the London Plan, Policy 273.
 - a. Reconfigure the site to be a more efficient use of the property and minimize the impact of the parking structure and provide more permeable green space. At a minimum partially integrate the structure into the building.
- 2) Provide an appropriate buffer between the parking garage structure and the southern border of the proposed built form.

Screen any surface parking and the parking garage structure exposed to the public street or residential units with enhanced landscaping, including low landscape walls, shrubs, and street trees. Refer to the London Plan, Policy 278.

- a. Include zoning provisions for large, enhanced setbacks to accommodate trees and buffer landscape between the parking structure and adjacent properties.
- 3) Provide direct pedestrian connections from the city sidewalk and Caesar Park to the proposed built form. Refer to the London Plan, Policy 255.
 - a. Work with the Parks Department to assess the feasibility of formalizing a pedestrian connection from the entrance of the proposed built form through Caesar Park to Commissioners Road.
- 4) As a high-rise development, reduce the impacts of the large floor plates by incorporating setbacks, step-backs, and a podium into the massing. Maximum floor plate sizes are typically 1000 square meters. Refer to the London Plan, Policy 292.
 - a. At a minimum reduce the height of one of the wings of the building to lessen the shadow impacts on any amenity areas, neighbouring properties and/or future development blocks.

The following Urban Design comment should also be addressed:

- Provide a zoning provision for the minimum area of amenity space based on the number of residents anticipated (i.e., at grade and/or rooftop). Refer to the London Plan, Policy 295.
- To reduce the heat island effect on the subject site due to the increase in impermeable surfaces, provide enhanced landscaped areas for visual amenity and to assist with stormwater management and the long-term growth of mature trees. Refer to the London Plan, Policy 282 & 224.
- As indicated by the UDPRP, the applicant should use landscaping and low-rise and/or decorative fencing to differentiate public from private space for at grade terraces. No privacy fencing should be used between buildings and the public pathway to maintain views and sightlines for safety and passive surveillance.
- Ensure that the development is “future ready”. Refer to the London Plan, Policy 729.
 - Consider including charging station for ebikes and electric vehicles within the proposed parking facilities.
 - Consider making the roof strong enough to hold solar panels and/or green roof infrastructure.

Urban Design (February 16, 2023)

Based on the meeting with the applicant, the updates satisfy the Urban Design requirements.

Please, include the following direction to the Site Plan Authority in the report.

The following items should be considered during the Site Plan review:

- A variety of amenities in the outdoor open space to serve various populations.
- Additional tree planting on site
- Low walls, railings and/or landscaping to delineate private amenity areas from common outdoor spaces
- No fencing between the building and public pathways to maintain sightlines
- Consider including green infrastructure such as electric vehicle charging stations, green or cool roofs and/or solar panels.

Appendix C – Climate Emergency

Infill and Intensification

Located within the Built Area Boundary: Yes
Located within the Primary Transit Area: Yes
Net density change: 120 Units Per Hectare (150 Units Per Hectare Existing / 270 Units Per Hectare Proposed)
Net change in affordable housing units: 0

Complete Communities

New use added to the local community: No
Proximity to the nearest public open space: 16 metres (Caesar's Park)
Proximity to the nearest commercial area/use: ~250 metres
Proximity to the nearest food store: 1,859 metres
Proximity to nearest primary school: 477.8 metres
Proximity to nearest community/recreation amenity: Pond Mills Public Library
Net change in functional on-site outdoor amenity areas: 2,765 square metres

Reduce Auto-dependence

Proximity to the nearest London Transit stop: ~272 metres.
Completes gaps in the public sidewalk network: No
Connection from the site to a public sidewalk: No
Connection from the site to a multi-use pathway: No
Site layout contributes to a walkable environment: Yes (i.e. pedestrians do not have to walk through large expanses of surfaces parking to reach the building entrance, active ground floor uses)
Proximity to nearest dedicated cycling infrastructure: 194 metres
Secured bike parking spaces: 188 spaces.
Secured bike parking ratio: 1 per unit.
New electric vehicles charging stations: 0.
Vehicle parking ratio: 1 per unit

Environmental Impacts

Net change in permeable surfaces: +/- 0.33 hectares
Net change in the number of trees: +/- 30
Tree Protection Area: No
Landscape Plan considers and includes native and pollinator species: N/A
Loss of natural heritage features: No
Species at Risk Habitat loss: No
Minimum Environmental Management Guideline buffer met (Table 5-2 EMG, 2021): Yes

Construction

Existing structures on site: No
Existing structures repurposed/adaptively reused: N/A
Green building features: No
District energy system connection: Yes

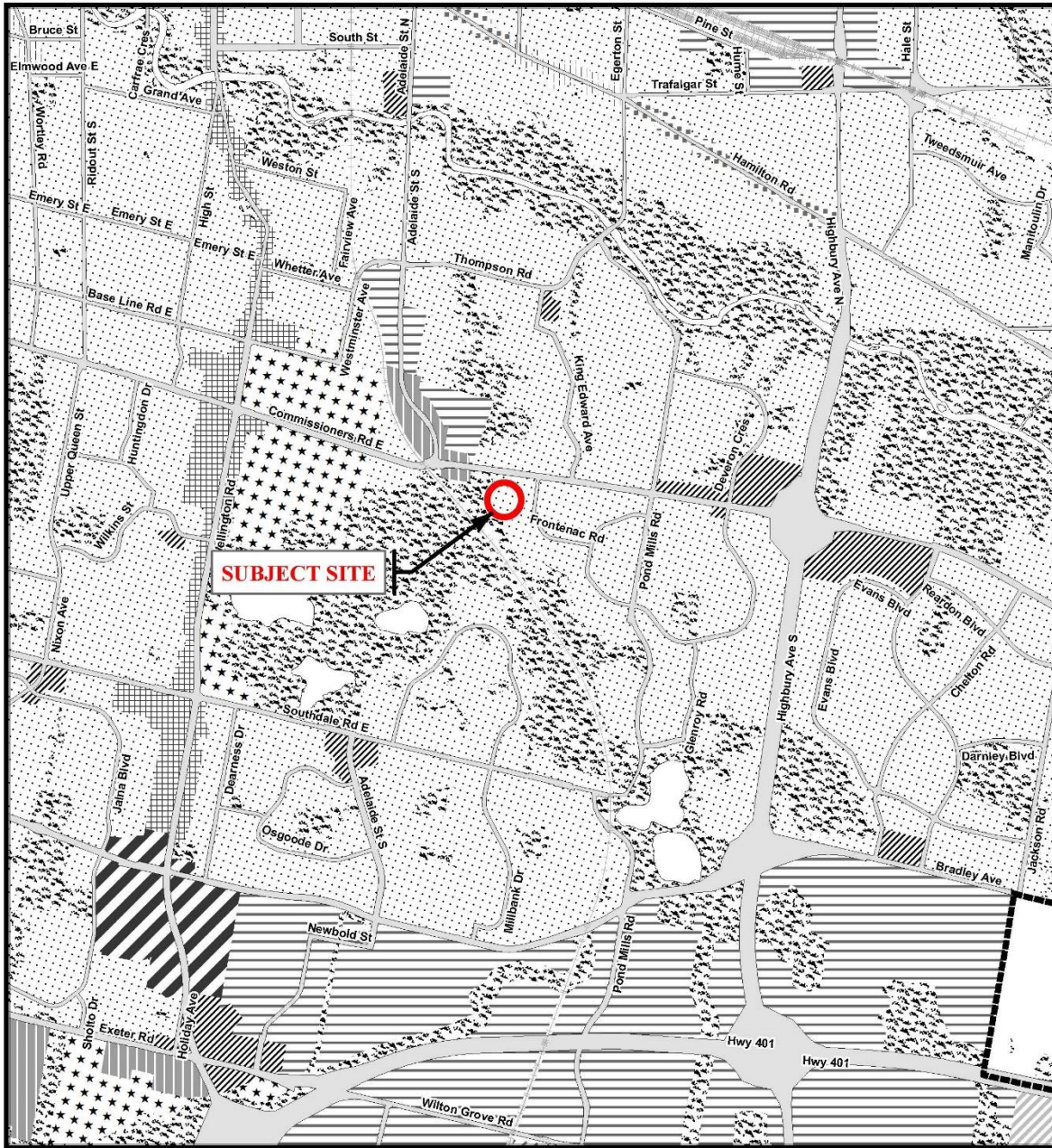
Appendix D – Evaluation Criteria for Planning and Development Applications: Policy 1577_

1577_ Evaluation Criteria for Planning and Development Applications	
Criteria – General Policy Conformity	Response
Consistency with the Provincial Policy Statement and in accordance with all applicable legislation.	The proposal is consistent with the Provincial Policy Statement as it provides for efficient development and land use patterns and for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area. There are significant natural resources requiring protection.
Conformity with the Our City, Our Strategy, City Building and Environmental Policies of this Plan.	The proposal provides for residential intensification within the Urban Growth Boundary and supports Key Directions related to building strong, healthy and attractive neighbourhoods for everyone. The massing and scale of the buildings can be appropriately integrated into the community through the application of the relevant City Design policies at the site plan approval stage.
Conformity with the policies of the place type in which they are located.	The proposed 14-storey apartment building for the use and intensity of development contemplated within the Neighbourhoods Place Type for sites fronting on both a Neighbourhood Connector and Civic Boulevard, that are within the High-Density Residential overlay.
Consideration of applicable guideline documents that apply to the subject lands.	No additional guideline documents apply to the subject lands.
The availability of municipal services, in conformity with the Civic Infrastructure chapter of this Plan and the Growth Management/Growth Financing policies in the Our Tools part of this Plan.	The site will be fully serviced by municipal water, sanitary and storm sewers, through a servicing easement.
Criteria – Impacts on Adjacent Lands	
Traffic and access management	Further consideration of traffic controls related to the proposed private driveway will occur at the Site Plan Approval Stage.
Noise	The proposed development is not expected to generate any unacceptable noise impacts on surrounding properties.
Parking on streets or adjacent properties	The proposal provides for 1 parking space for each unit, where the Zoning By-law permits 0.5 spaces/unit. It is not anticipated that overflow parking will be required on local streets.
Emissions generated by the use such as odour, dust or other airborne emissions.	The proposed development will not generate noxious emissions.
Lighting	Lighting details will be addressed at the site plan approval stage. It is a site plan

	standard that any lighting fixture is to minimize light spill onto abutting properties.
Garbage generated by the use.	Unit to unit waste collection is recommended for this site, provided the turnaround is functional.
Privacy	The subject lands do not front onto any specific road and are located below the neighbouring properties to the east. The main building is setback accordingly to the Zoning By-law, and there is a parking garage located between the adjacent property to the east and the proposed building.
Shadowing	Shadow impacts will provide users with small amount of greenspace during the day. The applicant has since revised the plan to provide amenity space that will not be in the shaded areas, to give residents a place to enjoy the sunlight.
Visual Impact	Enhanced landscaping will have a positive visual impact on the area. Architectural design details and materials will be implemented through the Site Plan Control Process.
Loss of Views	There are no view corridors to significant features or landmarks to be affected by the proposed dwellings.
Trees and canopy cover.	The development will result in the loss of some trees and canopy cover in order to achieve a more compact form of development.
Cultural heritage resources.	Not applicable.
Natural heritage resources and features.	The subject lands are located within a Conservation Authority-regulated area. The applicant has provided a sufficient 10 metre buffer that will be added to the OS5 Zone at the northern portion of the property, to accommodate for protective measures of the Environmentally Significant Area located on the subject lands.
Natural resources.	Not applicable.
Other relevant matters related to use and built form	Not applicable.

Appendix E – Map Excerpts

The London Plan



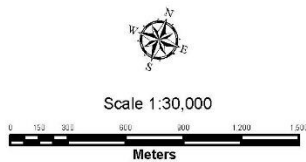
Legend

- | | | |
|------------------------|--------------------------|---|
| 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 Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

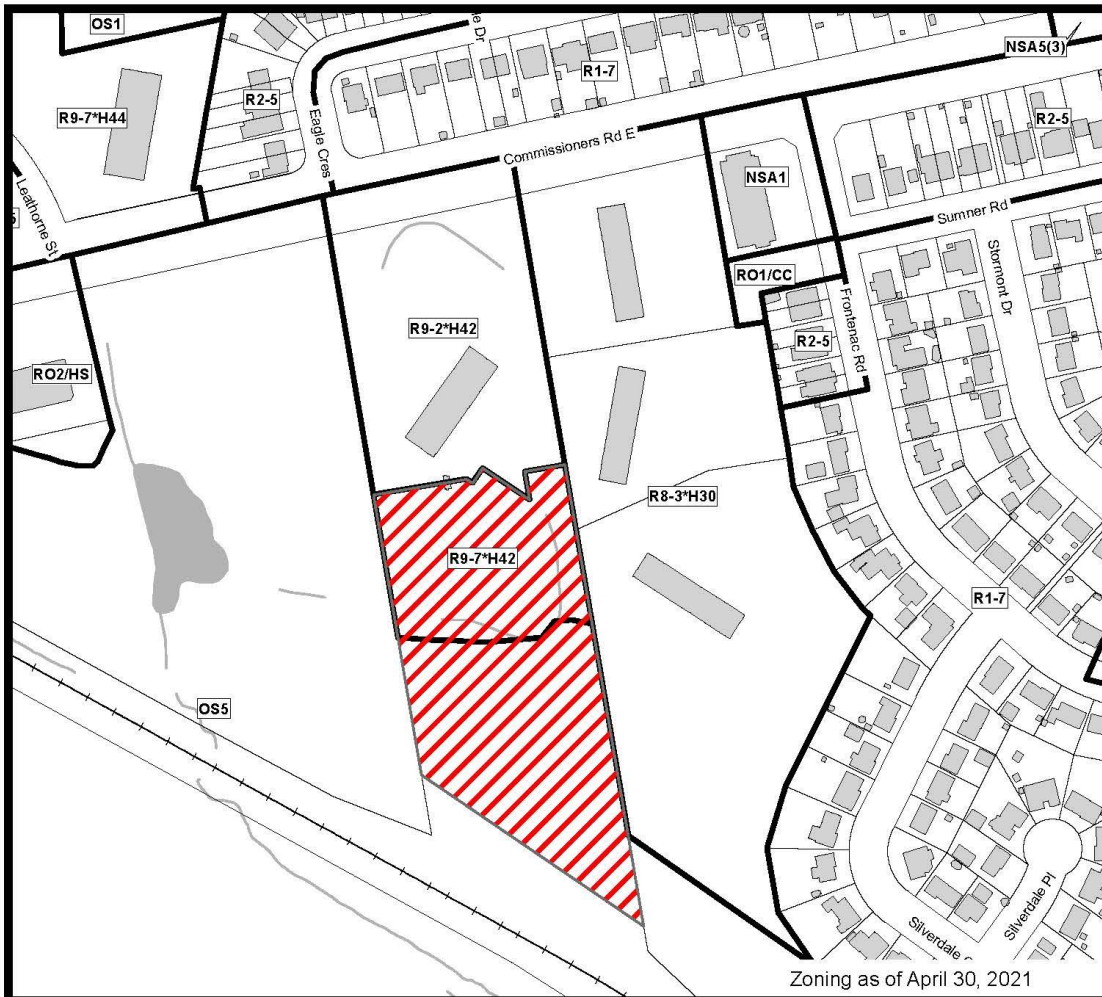
CITY OF LONDON
Official Plan
LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning & Development



File Number: Z-9572
Planner: BH
Technician: JI
Date: 2023/2/21

Zoning By-Law No. Z-1 – Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R9-7/H42, OS5

1) LEGEND FOR ZONING BY-LAW Z-1

R1 - SINGLE DETACHED DWELLINGS
 R2 - SINGLE AND TWO UNIT DWELLINGS
 R3 - SINGLE TO FOUR UNIT DWELLINGS
 R4 - STREET TOWNHOUSE
 R5 - CLUSTER TOWNHOUSE
 R6 - CLUSTER HOUSING ALL FORMS
 R7 - SENIOR'S HOUSING
 R8 - MEDIUM DENSITY/LOW RISE APTS.
 R9 - MEDIUM TO HIGH DENSITY APTS.
 R10 - HIGH DENSITY APARTMENTS
 R11 - LODGING HOUSE

DA - DOWNTOWN AREA
 RSA - REGIONAL SHOPPING AREA
 CSA - COMMUNITY SHOPPING AREA
 NSA - NEIGHBOURHOOD SHOPPING AREA
 BDC - BUSINESS DISTRICT COMMERCIAL
 AC - ARTERIAL COMMERCIAL
 HS - HIGHWAY SERVICE COMMERCIAL
 RSC - RESTRICTED SERVICE COMMERCIAL
 CC - CONVENIENCE COMMERCIAL
 SS - AUTOMOBILE SERVICE STATION
 ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

OR - OFFICE/RESIDENTIAL
 OC - OFFICE CONVERSION
 RO - RESTRICTED OFFICE
 OF - OFFICE

RF - REGIONAL FACILITY
 CF - COMMUNITY FACILITY
 NF - NEIGHBOURHOOD FACILITY
 HER - HERITAGE
 DC - DAY CARE

OS - OPEN SPACE
 CR - COMMERCIAL RECREATION
 ER - ENVIRONMENTAL REVIEW

OB - OFFICE BUSINESS PARK
 LI - LIGHT INDUSTRIAL
 GI - GENERAL INDUSTRIAL
 HI - HEAVY INDUSTRIAL
 EX - RESOURCE EXTRACTIVE
 UR - URBAN RESERVE
 AG - AGRICULTURAL
 AGC - AGRICULTURAL COMMERCIAL
 RRC - RURAL SETTLEMENT COMMERCIAL
 TGS - TEMPORARY GARDEN SUITE
 RT - RAIL TRANSPORTATION

"h" - HOLDING SYMBOL
 "D" - DENSITY SYMBOL
 "H" - HEIGHT SYMBOL
 "B" - BONUS SYMBOL
 "T" - TEMPORARY USE SYMBOL

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

ZONING BY-LAW NO. Z-1 SCHEDULE A



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

FILE NO:

Z-9572

BH

MAP PREPARED:

2023/2/21

JL

1:3,000

0 15 30 60 90 120

Meters

Appendix F – Applicant’s Reply to UDPRP Comments

Comment:
The panel commends the applicant for an appropriate solution to unusual site plan constraints and utilizing substantial elevation changes to situate the parking garage on the site.
Applicant Response:
Acknowledged, thank you.

Comment:
The panel suggests that further analysis take place regarding the orientation of the tower. Consider orientating the tower East-West rather than North-South. This will create views for residents of the existing tower to the North and future residents of this development. It will also allow for potential future intensification on site at the location of the proposed parking garage. If the current tower configuration remains, consider offsetting the tower floorplate from the West above the 7th floor to differentiate the volumes and create a contiguous 7 storey expression.
Applicant Response:
The proposed building orientation and massing strategy has been significantly informed by the surrounding context and functional requirements of the site. The current placement and orientation of the building optimizes opportunities for integration with the existing circulation network, provides for significant tower separation from the existing phase of development, allows for strategic placement of the parking garage on the east edge of the site where it can leverage the natural topography and respects the 10m environmental setback/buffer.

Comment:
The Panel notes that the North side of the site places undue priority on surface parking and vehicular circulation. Consider expanding the current parking deck to accommodate the surface parking stalls and giving this area to the outdoor amenity.
Applicant Response:
The project team supports reducing the amount of paved surface, where possible and has sought to minimize the at-grade space devoted to vehicle circulation while still maintain the required functional elements for the development. The current surface parking is preferred in this design, as it allows for barrier-free access to the accessible parking spaces. It also allows separates the visitor parking spaces from the resident spaces inside the parking structure. This separation provides the opportunity for the installation of security measures (gates or locked doors) on the parking structure if needed. We will examine alternatives for vehicular circulation however, we believe the current design will be the least impactful for garbage pick-up and it connects seamlessly with the existing driveways at 951 Commissioners Road East.

Comment:
The panel notes that the Garbage Room and Bike Storage Room are currently located in prominent locations on the ground floor. Consider relocating these functions to the east end of the building and relocate the displaced two-bedroom units to the Bike Storage Room and services adjacent to the main lobby. This will provide the residents with a view to the open green space to the West.
Applicant Response:
Zedd Architecture has prepared an updated conceptual design package for the project dated October 25, 2022. A revised ground floor plan is included in the package. The garbage room

has been relocated to the east side of the building as per the panel's recommendation. The Bike Room has also been relocated to provide easy access to the site's circulation network. The location of the previous bike storage room is now devoted to interior amenity space which will assist in activating the main building entrance.

Comment:

The panel notes a considerable distance exists between the primary residential entrance and the parking structure and recommends an additional entrance be provided along the east wing of the building to improve walkability. Consider shifting the exit stair at this location further east to provide an entrance from the North with adequate lobby space and glazing to the forecourt.

Applicant Response:

Zedd Architecture has prepared an updated conceptual design package for the project dated October 25, 2022. A revised ground floor plan is included in the package. The secondary entrance has been shifted to the east side of the building to provide a shorter route/more direct pedestrian access to the interior of the building from the parking garage.

Comment:

The panel notes that the landscape plan does not match the architectural site plan. The North-East corner of the building illustrates discrepancies in the layout of the pedestrian walkway. The panel notes that further programming and detailing of outdoor amenity spaces should be provided.

Applicant Response:

Acknowledged, thank you. We will work closely with the architect and landscape architect for this project to ensure that the plans match for the Site Plan Application submission. We will work with the landscape architect to come up with programming and detailing of the outdoor amenity space.

Comment:

The panel recommends incorporating enhanced landscaping and/or an architectural façade treatment along the East side of the parking structure to screen the views into the parking from the pedestrian realm at grade. The parking deck should incorporate planter boxes and/or landscaping features to improve the view from the residential towers.

Applicant Response:

We will be looking at further opportunities to enhance the façade treatment of the parking structure and add opportunities for landscape screening, as we refine the design through the Site Plan Application process.

Comment:

The panel recommends extending the outdoor amenity on the North side of the building to create a connection between the parking garage and the residential building, and outdoor amenity to the South of the site. Provide benches and landscaping along this connection. The panel suggests further analysis take place to determine if a direct access to the existing dog park to the west of the site can be achieved.

Applicant Response:

The updated (October 25, 2022) conceptual design package includes enhancements to the surface treatments and landscape design between the building, northern amenity area and the parking garage. These enhancements result in a more logical and cohesive structure to outdoor space/programming. Additional details regarding seating and surface treatments will be made available through the Site Plan Control process. The project team is open to discussing opportunities for connections to Caesar's Park with the City of London, noting that there are challenges with grading differentials and fencing requirements for City Parks.

Comment:

The panel notes that where there are private terraces at grade, provide an appropriate buffer where they border on outdoor amenity areas. In addition, the programming of the outdoor amenity along these areas should be sensitive to this private/public condition.

Applicant Response:

We will work closely with the landscape architect for this project to ensure that appropriate buffers are included for private terraces that border outdoor amenity areas and that the programming of these areas is sensitive to the private/public condition. Such solutions would likely include a combination of masonry privacy walls and planters.

Comment:

The panel notes that the 7th Storey roof will be highly visible to the residential units above. Consider programming this space as outdoor amenity and/or as green roof.

Applicant Response:

The 7-storey portion of the building is now 14-storeys in the updated building design for the Zoning By-law Amendment. Therefore, there is no longer an overlook from residential units above. The specific building/architectural design features will be determined in subsequent stages of the development process.

Comment:

The panel notes a lack of material and colour logic as it applies to the podium and tower. Consider a simplification of colour and materiality to contrast or blend the two forms. If the intent is to create a contrast between elements, consider using contrasting colours and materials to ensure this reads adequately.

Applicant Response:

Noted. The project team will work with Urban Design Staff through the future site plan control application process on the exterior design detail of the building.

Comment:

Consider extending the dark, vertical stripes on the North and South elevations to the parapet cap to break up the white mass of the tower. The panel notes that the white concrete reveal/indents are superfluous and offer no great architectural value.

Applicant Response:

Noted. The project team will work with Urban Design Staff through the future site plan control application process on the exterior design detail of the building.