Report to Planning and Environment Committee

To: Chair and Members

Planning & Environment Committee

From: Scott Mathers, MPA, P. Eng.,

Deputy City Manager, Planning and Economic Development

Subject: Old Oak Properties Inc.

595 Proudfoot Lane
City File: Z-9591 Ward 13
Public Participation Moetin

Public Participation Meeting

Date: May 1, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Old Oak Properties Inc. relating to the property located at 595 Proudfoot Lane the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on May 16, 2023 to amend Zoning By-law No. Z-1, in conformity with The London Plan for the City of London, to change the zoning of the subject property **FROM** a Residential R9/Convenience Commercial (R9-7*H42/CC4) Zone to a Residential R9/Convenience Commercial/Day Care Special Provision (R9-7*H42/CC4/DC(_)) Zone.

Executive Summary

Summary of Request

The applicant is requesting to rezone the subject site to permit a day care centre in a portion of the ground floor of the existing apartment building totalling 185.0 square metres (1,991 square feet).

Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to rezone the subject site to permit a day care centre within the existing apartment building. No exterior alterations are proposed as part of this rezoning application.

Rationale of Recommended Action

- 1. The recommended amendment is consistent with the Provincial Policy Statement, 2020;
- 2. The recommended amendment conforms to the in-force polices of The London Plan, including but not limited to the Key Directions and Neighbourhoods Place Type;
- 3. The recommended amendment would permit a new use that is appropriate within the surrounding context;
- 4. The recommended amendment would provide access to a day care centre in a convenient and accessible location to meet the daily needs of neighbourhood residents.

Linkage to the Corporate Strategic Plan

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

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.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None.

1.2 Planning History

In December of 2013, the Approval Authority for the City of London approved a Plan of Condominium for 575,585, 595 and 605 Proudfoot Lane. The plan of condominium shows four residential apartment buildings to be registered as four standard condominiums, having a total of 998 residential units and 2 commercial units under file number 39CD-13511.

1.3 Property Description

The subject site is located on the south side of Proudfoot Lane, approximately 700 metres southwest of the Oxford Street West and Beaverbrook Avenue intersection, in the West London Planning district. The subject building is part of an apartment building complex comprised of 575, 585, 595, and 605 Proudfoot Lane, also known as Forest Hill. The entire property is approximately 12.0 hectares in size with approximately 245-metres of frontage along Proudfoot Lane. 595 Proudfoot Lane is a 14-storey apartment building with a footprint of approximately 2,000 square metres and the future location of the day care use. The site encompasses a community garden, tennis courts, outdoor swimming pool, a series of pedestrian pathways with connections to trails, parks, public transit routes, bike trails, other high density residential dwelling such as apartment buildings and commercial plazas in the surrounding area.



Figure 1: Image of 595 Proudfoot Lane, facing north (Google Image, October 2020)



Figure 2: Image of secondary access to 595 Proudfoot Lane (Previous Senior Centre) and planned outdoor play space (Google Image June 2020)

1.3 Current Planning Information

- The London Plan Place Type Neighbourhoods and Green Space Place Types fronting a Neighbourhood Connector (Proudfoot Lane)
- Special Planning Area Policies Primary Transit Area
- Existing Zoning Residential/Convenience Commercial (R9-7*H42/CC4)

1.4 Site Characteristics

- Current Land Use Senior Centre within an apartment building
- Frontage 137.0 metres
- Depth Approximately 400.0 metres
- Area 6.92 hectares
- Shape Irregular

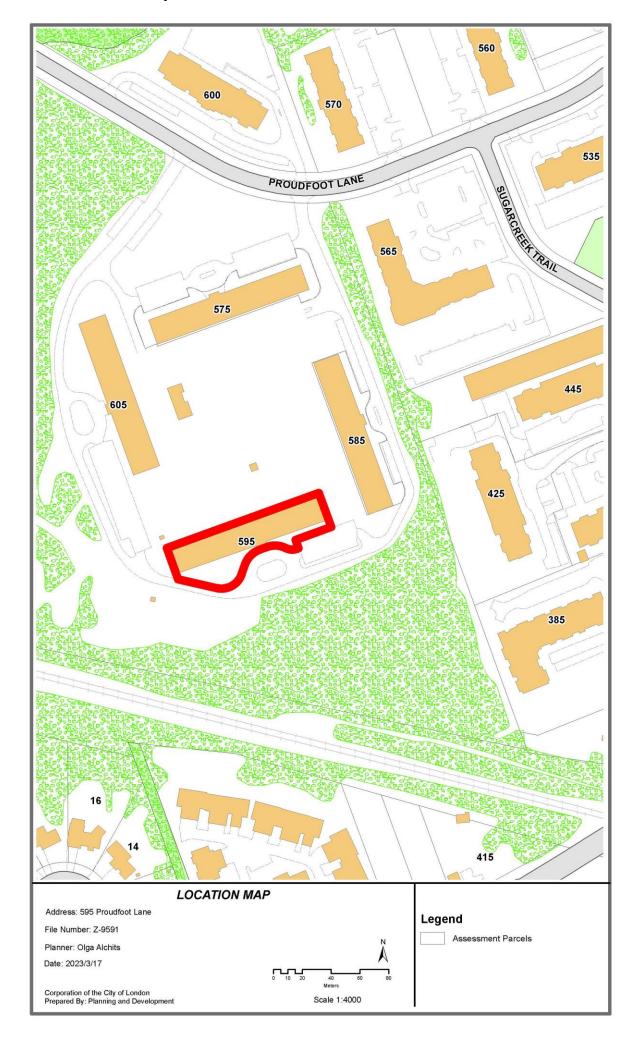
1.5 Surrounding Land Uses

- North High density residential/ high rise apartment building/ open space/ wooded area along Mud Creek
- East High density residential/ high rise apartment buildings/ medium density residential/ low-rise apartment buildings/ Sugarcreek Trail
- South CN railway corridor
- West Open Space/ wooded area/ Mud Creek pathway

1.6 Intensification

- The proposed development does not represent residential intensification within the Built-Area Boundary.
- The proposed development does not represent residential intensification within the Primary Transit Area.

1.7 Location Map



2.0 Discussion and Considerations

2.1 Development Proposal

In January of 2023, the City of London accepted a complete application that proposed to rezone the subject site to a Residential/Convenience Commercial/Day Care Special Provision (R9-7*H42/CC4/DC(_)) Zone to permit a day care centre in a portion of the ground floor of the existing apartment building totalling 185.0 square metres. Any modifications required to accommodate the day care centre are limited to the interior of the existing building, in the previously occupied senior centre. No changes are proposed to the exterior of the building or subject site. The proposed development provides for sufficient parking spaces (4) in the surface lot of the subject site that is marked as unassigned, open spaces. An outdoor space is connected to the proposed space through a private doorway/vestibule that previously functioned as amenity space for the former senior centre. The space is capable of being used to accommodate an outdoor play space for children attending the daycare. The site concept plan is shown in Figure 3 and an image of the outdoor play space in Figure 4.

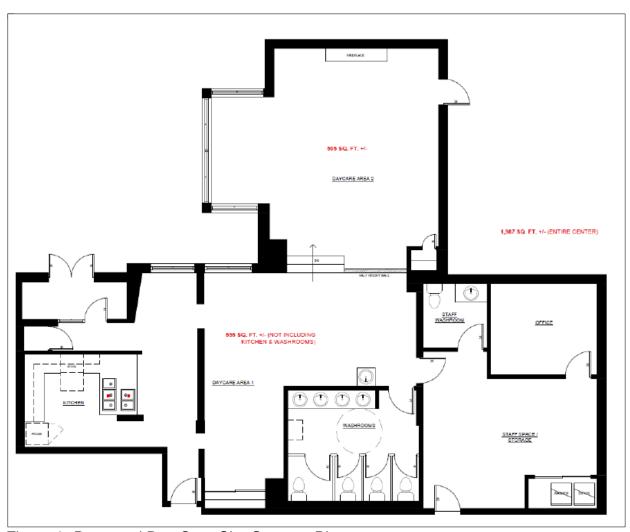


Figure 3: Proposed Day Care Site Concept Plan



Figure 4: Image of Outdoor Play Space

2.2 Requested Amendment

The applicant is requesting a Residential/Convenience Commercial/Day Care Special Provision (R9-7*H42/CC4/DC(_)) Zone to permit a day care centre in a portion of the ground floor of the existing apartment building totalling 185.0 square metres. No additional special provisions are being requested.

2.3 Community Engagement (see more detail in Appendix B)

Members of the public were given an opportunity to provide comments on this application in response to the notice of application given on February 8, 2023.

No comments were received.

3.0 Financial Impact/Considerations

There are no direct municipal financial expenditures associated with this application.

4.0 Key Issues and Considerations

4.1 Issue and Consideration #1: Provincial Policy Statement, 2020 (PPS)

Provincial Policy Statement, 2020

The Provincial Policy Statement 2020 provides policy direction on matters of provincial interest related to land use and development. The PPS promotes the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1(e)).

Settlement areas are directed to be the focus of growth and development. Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently used land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (1.1.3.2).

Planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed used to meet long-term needs (1.3.1). A land use pattern, density, and a mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation (1.6.7.4). Further, the PPS encourages long-term economic prosperity to be supported by promoting opportunities for economic development and community investment-readiness (1.7.1.(a)).

The PPS gives direction to consider the use of existing infrastructure and public facilities should be optimized and opportunities for adaptive re-use should be considered before consideration is given to developing new infrastructure and public service facilities (1.6.3). Lastly, public service facilities should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and active transportation (1.6.5).

The recommended amendment is in keeping with the PPS 2020 as it facilitates the introduction of a new use that is suitable within the existing site context. The proposed day care would be located within the existing building, making use of the existing building stock and efficiently using existing infrastructure and services. The recommended amendment contributes to an appropriate range and mix of uses to meet short and long term needs of the residents within this community. Lastly, the proposed rezoning would provide a use or service to residents in the immediate area, thereby reducing the length and number of vehicle trips in conformity with the Provincial Policy Statement.

4.2 Issues and Consideration #2: The London Plan Key Directions

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

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

- Planning to achieve a compact, contiguous pattern of growth looking "inward and upward"
- 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(Key
 Direction #5, Directions 2, 4, 5 and 7).

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

- Design complete neighbourhoods by meeting the needs of people of all ages, incomes and abilities, allowing for aging in place and accessibility to amenities, facilities and services
- Create social gathering places where neighbours can come together, such as urban parks and public spaces, community centres, family centres, community gardens, cafes, restaurants and other small commercial services integrated within neighbourhoods
- Support recreation and social programming which encourages interaction, cohesiveness and community building (Key Direction #7, Direction 2,4 and 12).

The rezoning supports these Key Directions by proposing a convenient service to Londoners in the urban area of the city. The proposed day care use takes advantage of the existing services, enabling residents to easily access local amenities without the need to utilize a vehicle. Further, the amendment is in line with the Key Directions by creating a space where neighbours, specifically children can come together, form connections and build a cohesive supportive community.

4.3 Issue and Consideration #3: Use

The subject site is located within the Neighbourhoods and Green Space Place Types in the London Plan. The portion of the property that is the subject of the zoning application is wholly within the Neighbourhoods Place Type, therefore will be interpreted under those polices.

The Neighbourhoods Place Type, fronting a Civic Boulevard (Proudfoot Lane) permits a range of residential uses and small-scale community facilities. The proposed daycare is a contemplated use in the Neighbourhoods Place Type as a small-scale community facility (Table 10).

The London Plan identifies that smaller institutional uses are to be embedded within Neighbourhoods and a variety of other place types throughout the city. Schools, places of worship, facilities for community groups and faith-based organizations, and small health care services are examples of use that are integrated into our communities (1083_). The proposed day care in the existing apartment building would be embedded within a community where there is a strong need for childcare centres thereby providing a much needed services for residents within walking distance.

4.4 Issue and Consideration #4: Intensity & Form

The existing 14-storey apartment building is within the intensity contemplated in the London Plan and Zoning By-law which permits a height of 42.0 metres. The proposed amendment is not seeking any changes to the intensity of the apartments on the subject site. As part of the staff recommendation, a special provision is being used to limit the day care centre use to 185.0 square metres (1,991 square feet) being the same location of the former senior centre.

Given no new development, no exterior changes and no changes to the site layout are part of this proposal, staff are satisfied that the subject site continues to be an appropriate shape and size to accommodate the existing and proposed new use. The day care centre is not anticipated to have any negative impacts on the neighbouring residential neighbourhood.

4.5 Issues and Consideration #5: Zoning

The applicant has requested to rezone the site to a Residential/Convenience Commercial/Day Care Special Provision (R9-7*H42/CC4/DC(_)) Zone to add day care centre as a permitted use within the existing building, totalling 185.0 square metres. The site is in conformity with all zoning regulations such as appropriate coverage, setbacks, parking and amenity space, and as such does not require any additional special provisions.

Conclusion

The recommended amendment is 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 and Neighbourhoods Place Type. The recommended amendment would facilitate the reuse of the existing building with a use that is appropriate and compatible with the surrounding context.

Prepared by: Olga Alchits

Planner I, Planning Implementation

Reviewed 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

Copy:

Britt O'Hagan, Manager, Current Development Michaella Hynes, Planner 1 Planning Implementation

Appendix A

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

By-law No. Z.-1-23_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 595 Proudfoot Lane.

WHEREAS Old Oaks Property Inc. has applied to rezone an area of land located at 595 Proudfoot Lane, 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 595 Proudfoot Lane, as shown on the attached map comprising part of Key Map No. A106, from a Residential/Convenience Commercial (R9-7*H42/CC4) Zone to a Residential/Convenience Commercial/Special Provision Day Care (R9-7*H42/CC4/DC(_)) Zone.
- 2) Section Number 35.4 of the Day Care (DC) Zone is amended by adding the following Special Provision:
 -) DC(_) 595 Proudfoot Lane
 - a) Regulations
 - i) Gross Floor Area For Day Care Centre (Maximum)

185.00 square metres (1,991.32 square feet)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act*, *R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

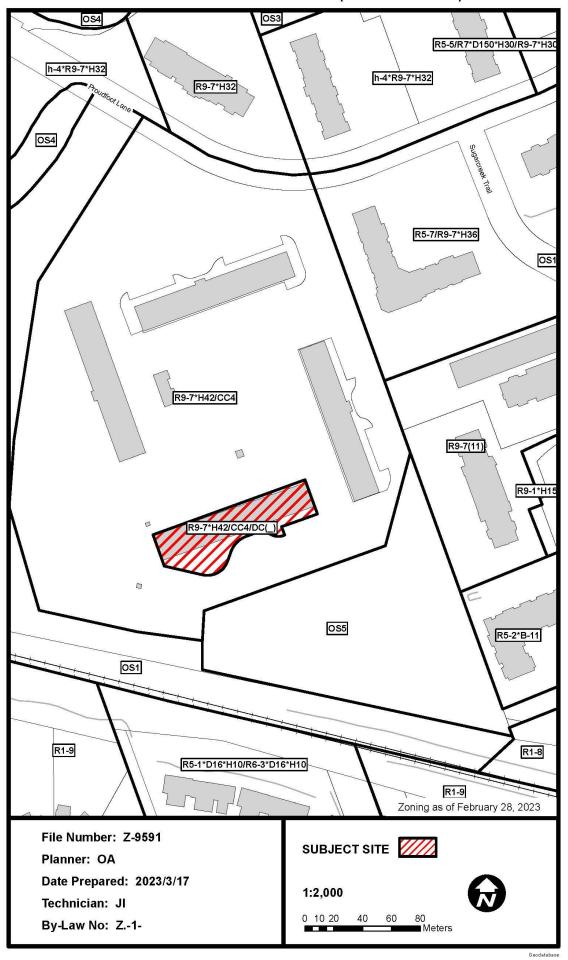
PASSED in Open Council on May 16, 2023.

Josh Morgan Mayor

Michael Schulthess City Clerk

First Reading – May 16, 2023 Second Reading – May 16, 2023 Third Reading – May 16, 2023

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



Appendix B - Public Engagement

Community Engagement

Notice of Application:

Public liaison: On February 8, 2023, Notice of Application was sent to surrounding property owners and tenants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on February 9, 2023. A "Planning Application" sign was also posted on the site.

No replies were received.

Nature of Liaison:

595 Proudfoot Lane – The purpose and effect of this zoning change is to permit a day care centre in a portion of the ground floor of the existing apartment building. No exterior changes to the building are proposed. Possible change to Zoning By-law Z.-1 **FROM** Residential R9-7*H42, Convenience Commercial CC4 Zones **TO** Residential R9-7*H42, Convenience Commercial CC4 and Day Care Special Provision DC(*) Zones. The city may consider special provisions for this site. File: Z-9591 Planner: O. Alchits.

Departmental and Agency Comments

Site Plan (February 27, 2023)

The applicant is encouraged to provide appropriate outdoor amenity space for the day care centre in proximity to the building and utilize the existing play structure located to the southwest of the buildings if it is suitable and planned for continued use. Safe pedestrian access/crossing from the building to the play structure should be planned for.

Heritage Planning (March 14, 2023)

Cultural Heritage Context

Archaeological potential at 595 Proudfoot Lane is identified on the City's Archaeological Mapping. Note though that *Stage 1 Archaeological Assessment – Mud Creek Subwatershed Class EA* (Dec 2015) indicates that no archaeological potential remains on the portion of the property surrounding 595 Proudfoot Lane due to the area being disturbed. [See attached mapping]. The proposed scope of work will <u>NOT</u> result in soil disturbance and is limited to the expansion of uses in the existing building to include a day care centre.

<u>Conditions – complete application (re: heritage planning)</u> NONE

Notes:

- Archaeological potential remains on the larger property (as noted on attached mapping), and future development may require an archaeological assessment.
- It is an offence under Section 48 and 69 of the *Ontario Heritage Act* for any party other than a consultant archaeologist to make alterations to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from an archaeological site.
- Should previously undocumented (i.e. unknown or deeply buried) archaeological resources be discovered, they may be a new archaeological site and therefore be subject to Section 48(1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48(1) of the *Ontario Heritage Act*. Archaeological sites recommended for further archaeological fieldwork or protection remain subject to Section 48(1) of the *Ontario Heritage Act* and may not be altered, or have artifacts removed from them, except by a person holding an archaeological license.

 If human remains/or a grave site is discovered, the proponent or person discovering the human remains and/or grave site must cease alteration of the site immediately. The *Funerals, Burials and Cremation Services Act* requires that any person discovering human remains must immediately notify the police or coroner and the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, Ontario Ministry of Government and Consumer Services.

Regarding the possible play space:

- Although soil disturbance is reasonably anticipated with paving and construction
 equipment for a potential outdoor play space, an archaeological assessment is
 not likely to be required. Based on mapping from the Mud Creek EA (Tile-C), the
 location of the outdoor play space noted in the proposal does not appear to
 overlap with an area of archaeological potential. [See attached]. However, a
 scaled drawing/sketch outlining the boundaries of the outdoor play space should
 be submitted for review if construction of the play space is undertaken.
- Note that archaeological potential remains on portions of the whole of the property at 595 Proudfoot Lane. Future development resulting in soil disturbance may require an archaeological assessment(s).

Ecology (March 1, 2023)

This memo is to confirm that there are currently no ecological planning issues related to this property and/or associated study requirements.

Major issues identified

 No 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.

Ecology – complete application requirements

None.

Notes

None.

Engineering (February 28, 2023)

As there is no proposed re-development, Engineering has no comments on this application.

Urban Design (February 16, 2023)

No Urban Design comments.

Landscape Architect (February 13, 2023)

There are no exterior modifications to the address with the application at 595 Proudfoot Lane, as such there are no comments.

Parks and Planning (March 8, 2023)

Parkland dedication is not required, and Parks has no comment. It

London Hydro (February 9, 2023):

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

Canadian National Railway (February 14, 2023):

The proposed daycare use is deemed sensitive in proximity to railway operations. Should the City deem that the land use is compatible, the following should be implemented as conditions of approval, at a minimum:

- Provision for air-conditioning, allowing occupants to close windows during the warmer months;
- Exterior cladding facing the railway achieving a minimum STC rating of 54 or equivalent, e.g. masonry;
- Acoustically upgraded windows facing the railway with appropriate specifications;
- Locating noise sensitive rooms away from the railway side;
- Noise barrier and fencing for outdoor play areas.

Furthermore, the daycare operators must advise all parents/guardians of the railway's presence, through inclusion of the following warning clause in official documentation, such as the registration form:

"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the business and its building(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."

Lastly, CN requires that the registration of an environmental easement for operational noise and vibration emissions, in favor of CN.

Appendix C – Climate Emergency Impact Summary

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change. The following are characteristics of the proposed application related to the City's climate action objectives:

Infill and Intensification

Located within the Built Area Boundary: Yes Located within the Primary Transit Area: Yes

Net density change: N/A

Net change in affordable housing units: 0

Complete Communities

New use added to the local community: Yes, day care centre

Proximity to the nearest public open space: 1 metre

Proximity to the nearest commercial area/use: 490 metres

Proximity to the nearest food store: 500 metres

Proximity to nearest primary school: Bonaventure Victoria Public School / 3.8 km Proximity to nearest community/recreation amenity: Springbank Gardens Community

Centre/ 3.3 km

Net change in functional on-site outdoor amenity areas: no change

Reduce Auto-dependence

Proximity to the nearest London Transit stop: 233.0 metres

Completes gaps in the public sidewalk network: No Connection from the site to a public sidewalk: Yes Connection from the site to a multi-use pathway: Yes Site layout contributes to a walkable environment: Yes Proximity to nearest dedicated cycling infrastructure: 1.4 km

Secured bike parking spaces: 125 spaces

Secured bike parking ratio: 3+.03 spaces per 100m² day care GFA=5

New electric vehicles charging stations: N/A

Vehicle parking ratio: 1 space per 50 m2 day care GFA =4

Environmental Impacts

Net change in permeable surfaces: N/A Net change in the number of trees: 0

Tree Protection Area: No

Landscape Plan considers and includes native and pollinator species: Yes

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

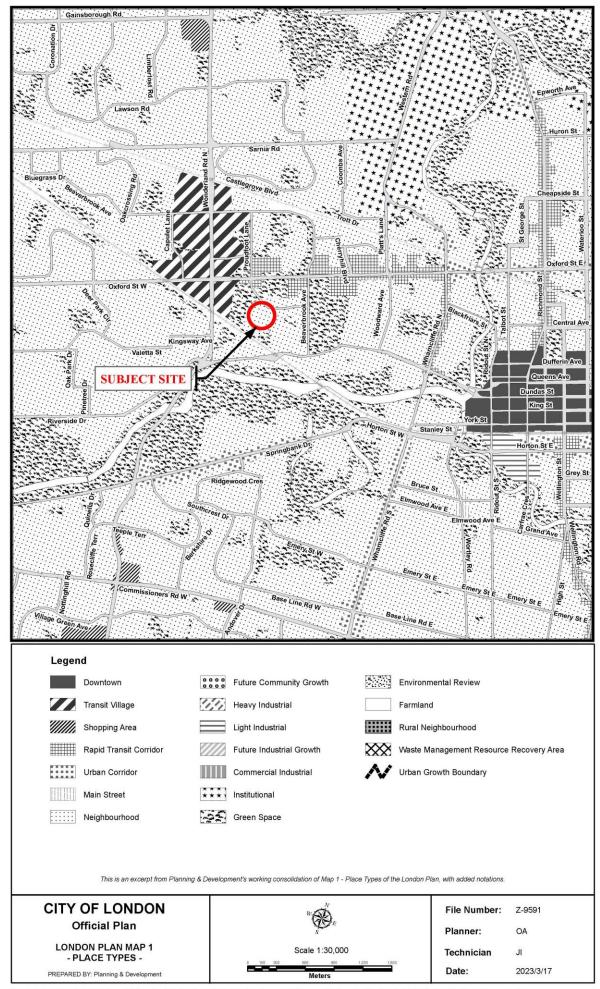
Existing structures on site: Yes, apartment building Existing structures repurposed/adaptively reused: Yes

Green building features: N/A

District energy system connection: N/A

Appendix D – Relevant Background

The London Plan - Map 1 - Place Types



Zoning By-law Z.-1 - Zoning Excerpt

